



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា  
Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

11 January 2016  
Trial Day 354

Before the Judges: NIL Nonn, Presiding  
Claudia FENZ  
Jean-Marc LAVERGNE  
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YOU Ottara  
Martin KAROPKIN (Reserve)  
THOU Mony (Reserve)

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KHIEU Samphan

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SENG Leang

For Court Management Section:  
UCH Arun

I N D E X

Mr. MUY Vanny (2-TCW-987)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
The GREFFIER	Khmer
Ms. GUISSÉ	French
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. MUY Vanny (2-TCW-987)	Khmer
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer

1

1 P R O C E E D I N G S

2 (Court opens at 0908H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now in session.

5 Today, the Chamber will hear <the> testimony of a witness, that

6 is, 2-TCW-987.

7 Greffier, Mr. Em Hoy, please report the attendance of the parties

8 and other individuals at today's proceedings.

9 THE GREFFIER:

10 Mr. President, for today's proceedings, all Parties to this case

11 are present.

12 Mr. Nuon Chea is present in the holding cell downstairs. He has

13 waived his right --

14 MR. PRESIDENT:

15 Please hold on. There is a problem with the French channel.

16 Court officer, could you please check it?

17 (Short pause)

18 [09.10.17]

19 MR. PRESIDENT:

20 Mr. Em Hoy, please proceed with the report on the attendance of

21 the Parties and individuals.

22 THE GREFFIER:

23 Mr. Nuon Chea is present in the holding cell downstairs. He has

24 waived his right to be present in the courtroom. The waiver has

25 been delivered to the greffier.

2

1 The witness who is to testify today, that is, 2-TCW-987, confirms  
2 that, to the best of his knowledge, he has no relationship, by  
3 blood or by law, to any of the two accused, that is, Nuon Chea  
4 and Khieu Samphan.

5 MR. PRESIDENT:

6 Greffier, please wait. Again there is no French output.  
7 Court officer, please check with the AV Unit.

8 (Technical problem)

9 [09.15.11]

10 MR. PRESIDENT:

11 Greffier, please repeat the last part of your report concerning  
12 the upcoming witness.

13 THE GREFFIER:

14 Yes, Mr. President, I'll do that.

15 The witness confirms that, to the best of his knowledge, he has  
16 no relationship, by blood or by law, to any of the two Accused,  
17 that is, Nuon Chea and Khieu Samphan, or to any of the civil  
18 parties admitted in this case. The witness took an oath.

19 MR. PRESIDENT:

20 Please wait. We need to get confirmation from the AV unit whether  
21 the French output is heard.

22 (Technical problem)

23 [09.19.50]

24 MR. PRESIDENT:

25 Due to technical difficulties, the AV unit requests to take 10 to

3

1 15 minutes to resolve the issues. And for that reason, the  
2 Chamber will take a rest -- a short rest, between 15 to 20  
3 minutes, until the technical issues are resolved by the AV unit.

4 Let me say take 20 minutes break now.

5 (Court recesses from 0920H to 0943H)

6 MR. PRESIDENT:

7 Please be seated. The Court is now in session.

8 Mr. Em Hoy, please make the report again concerning the witness  
9 to come and testify before the Chamber.

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all Parties to this case  
12 are present.

13 Mr. Nuon Chea is present in the holding cell downstairs. He has  
14 waived his rights to be present in the courtroom. The waiver has  
15 been delivered to the greffier.

16 The witness who is testifying today, 2-TCW-987, confirms that, to  
17 the best of his knowledge, he has no relationship, by blood or by  
18 law, to any of the two Accused, Nuon Chea and Khieu Samphan, or  
19 to any of the civil parties admitted in this case.

20 [09.44.25]

21 The witness took an oath before the Iron Club Statue this  
22 morning, and the witness has a duty counsel, Duch Phary, with  
23 him, but Duch Phary is absent due to his personal reason.

24 The witness is already in the waiting room waiting to be called  
25 by the Chamber.

4

1 And there is a reserve witness, 2-TCW-988. To the best of that  
2 witness, the witness has no relationship, by blood or by law, to  
3 any of the two Accused, Nuon Chea and Khieu Samphan, or to any of  
4 the civil parties admitted in this case. The reserve witness will  
5 take an oath before the Iron Club Statute this morning.

6 Thank you, Mr. President.

7 [09.45.16]

8 MR. PRESIDENT:

9 Thank you. The Chamber now decides on the request by Nuon Chea.  
10 The Chamber has received a waiver from Nuon Chea, dated 11  
11 January 2016, which states that, due to his health, headache,  
12 back pain, he cannot sit or <concentrate> for long. And in order  
13 to effectively participate in future hearings, he requests to  
14 waive his right to participate in and be present at the 11  
15 January 2016 hearing.

16 His counsel has advised him about the consequences of this waiver  
17 and that it cannot, in any count -- any account be construed as a  
18 waiver of his right to be tried fairly or to challenge evidence  
19 presented to or admitted by this Court at any time during this  
20 trial.

21 Having seen the medical report of Nuon Chea by the duty doctor  
22 for the Accused at the ECCC dated 11 January 2016, which notes  
23 that Nuon Chea today has back pain and -- when he sits for long  
24 and recommends that the Chamber grant him his request so that he  
25 can follow the proceedings remotely from the holding cell

5

1 downstairs, based on the above information and pursuant to Rule  
2 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea his  
3 request to follow today's proceedings remotely from the holding  
4 cell downstairs via audio-visual means.

5 AV Unit personnel are instructed to link the proceedings to the  
6 room downstairs so that he can follow the proceeding. This  
7 applies to the whole day.

8 Next, Court officer is instructed to bring in <witness>  
9 2-TCW-987, into the witness stand before the Chamber.

10 (Witness enters the courtroom)

11 [09.48.36]

12 QUESTIONING BY THE PRESIDENT:

13 Q. Good morning, Mr. Witness. What is your name?

14 MR. MUY VANNY:

15 A. My name is Muy Vanny.

16 Q. When were you born, Mr. Muy Vanny?

17 Please observe the microphone before you give your answer. You  
18 can answer only after the tip on the microphone <becomes> red. At  
19 that time, the voice or your statement will go through the  
20 interpretation system and the interpreters can interpret into  
21 French and English, so please wait before you speak. Do you  
22 recall when you were born?

23 [09.49.32]

24 A. I was born on 7 June 1967.

25 Q. Thank you, Mr. Vanny. And where were you born?



6

1 A. I was born in Anlong Ak village, Sour Kong commune, Kang Meas  
2 district, Kampong Cham province.

3 Q. Where is your -- what is your current address?

4 A. I am living in Sambuor Meas Ka village, Peam Chi Kang commune,  
5 Kang Meas district, Kampong Cham province.

6 Q. Thank you. And what is your current occupation?

7 A. I am a teacher in the primary school.

8 Q. What are your parents' names?

9 A. <My father's name is> Eng Ly, and my mother's name is Klock  
10 Heang.

11 Q. What is your wife's name, and how many children do you have?

12 [09.50.50]

13 A. My wife's name is Kheng Sopheap. She is deceased. And I have  
14 one <daughter>.

15 Q. Mr. Muy Vanny, based on the greffier report, to the best of  
16 your knowledge, you have no relationship, by blood or by law, to  
17 any of the two Accused, Nuon Chea and Khieu Samphan, or to any of  
18 the civil parties admitted in this case. Is the report correct?

19 A. Yes, that is correct.

20 Q. Before you are here, have you already taken an oath before the  
21 Iron Club Statute to the east on this courtroom?

22 A. Yes, I have.

23 [09.51.53]

24 Q. I am now telling your rights and obligations <as a witness>  
25 before the Chamber. Your rights as a witness in the proceedings

7

1 before the Chamber, you may refuse to respond to any question or  
2 to make any comment which may incriminate you, right against  
3 self-incrimination. This means that you may refuse to provide  
4 your response or to make any comment that could lead you to being  
5 prosecuted.

6 Your obligations<:> As a witness in the proceedings before the  
7 Chamber, you must respond to any questions by the bench or  
8 relevant parties except where your response or comments to those  
9 questions may incriminate you, as the Chamber has just informed  
10 you of your rights as a witness.

11 As a witness, you must also tell the truth that you have known,  
12 heard, seen, remembered, experienced or observed directly about  
13 an event or occurrence relevant to the questions that the <Bench>  
14 or Parties pose to you.

15 Mr. Muy Vanny, have you ever been interviewed <by> or provided  
16 the statements to the investigator of the OCIJ of the ECCC? If  
17 they happened, how many times did they take place <and where did  
18 they take place>?

19 A. I have been interviewed twice. Once <at> the Tribunal and  
20 another time was at my location.

21 Q. Before your appearance, have you reviewed or read the  
22 statements you provided two times to the investigator of the OCIJ  
23 to refresh your memory?

24 [09.54.12]

25 A. I can recall some points.

1 Q. To your best knowledge, do the statements that you read to  
2 refresh your memory correspond to the answers you provided to the  
3 investigator two times?

4 A. I do not know how to say about it. I am waiting for the  
5 questions before I can say something about it since the  
6 interviews happened long time ago.

7 Q. I want to know whether the statements within your written  
8 records of interview correspond to what you have told the  
9 investigator of the OCIJ.

10 I understand that you provided your testimony four or five years  
11 ago, but do they correspond to what you answered at the time?

12 [09.55.25]

13 A. Maybe they correspond to my statements.

14 Q. The WESU has provided a duty counsel <Duch Phary> to accompany  
15 you during the time you are testifying, particularly when it  
16 comes to the rights that you have and also the obligation that  
17 you have to adhere to. Unfortunately, the duty counsel, Duch  
18 Phary, is not able to be here before the Chamber with you  
19 <because of the change of the hearing schedule>.

20 Now, the Chamber wants to ask you, Mr. Muy Vanny, did you meet  
21 the duty counsel a few days ago before you are here, the duty  
22 counsel that WESU provided to you?

23 A. Yes.

24 Q. Did you consult with your duty counsel, Duch Phary? Did you  
25 meet with your duty counsel, Duch Phary, to discuss the issue a

1 few days ago? Did you meet him?

2 A. Yes, I met him.

3 Q. Have you consulted with your duty counsel about the answers  
4 that you will provide to the Chamber?

5 A. I have consulted with my duty counsel, and I was advised by  
6 him that I may answer only what I know and what I can recall.

7 [09.58.24]

8 Q. Thank you, Mr. Muy Vanny. Do you understand the rights that I  
9 have just informed you, the rights against self-incrimination? Do  
10 you understand the term "right against self-incrimination", and  
11 have you consulted it with your duty counsel?

12 A. I was explained by my duty counsel.

13 Q. Do you understand the term clearly after you were explained by  
14 him?

15 A. I understand it, but not to all its meaning.

16 Q. Now, I inform you again, you may refuse to respond to any  
17 question or to make any comment which incriminates you, for  
18 example, when a question asks about your personal participation  
19 in the crimes committed in the <regime or about your involvement  
20 with other people or about your personal engagement in committing  
21 any evil acts that happened in that period>.

22 [09.59.55]

23 You may be asked about the killings, the arrest of people in the  
24 period. Such questions may incriminate you. <These> acts <are  
25 despised> by the society, so when you are asked such questions,

10

1 it is your right to respond or not to respond to that -- those  
2 questions. And if you feel that you don't want to respond to the  
3 question, you can do so.

4 And if you are not quite sure whether the questions may  
5 incriminate you, the Chamber <allows> you to make a phone call to  
6 your duty counsel to consult with him. After then, the Chamber  
7 may defer the question to a later stage after you agree to give  
8 your answer after the consultation with your duty counsel.

9 And the Chamber will consider on case-by-case basis the questions  
10 that may be asked -- may be put to you <or any comments that may  
11 be made, then, the Chamber will decide whether we will allow you  
12 to respond or not. So,> it depends on the nature of question  
13 posed <or comments made> by Parties.

14 Do you understand what I have just explained you since you are --  
15 you are a teacher?

16 A. Yes, I can understand it, Mr. President.

17 Q. Thank you, Mr. Muy Vanny. During <the examination and  
18 cross-examination in> the proceeding <pursuant to the> Internal  
19 Rule 91bis of the ECCC, the floor is given to the Co-Prosecutors  
20 before other Parties. The Co-Prosecutors and Lead Co-Lawyers for  
21 civil party have two sessions to put question to this witness.  
22 You have the floor now.

23 [10.02.22]

24 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

25 Good morning, Mr. President, Your Honours. Good morning to all

11

1 the Parties, and to you, Witness.

2 My name is Vincent de Wilde. I will put some questions to you on  
3 behalf of the Office of the Co-Prosecutors this morning and part  
4 of this afternoon.

5 May I request you to carefully listen to the questions. If you do  
6 not understand any question, let me know, and do not invent  
7 anything with regard to what you saw and heard.

8 Q. You said earlier that you were born on the 7th of June 1967  
9 (sic). That is what you also stated in your <records> of  
10 interview. Can you clarify that that is the correct and precise  
11 date of your birth, or is that date mentioned on your identity  
12 card?

13 [10.03.29]

14 MR. MUY VANNY:

15 A. That is the date of birth on my ID card.

16 Q. Is your real date of birth same as the one on your identity  
17 card, or may there be a <slight> difference between the two  
18 dates?

19 THE INTERPRETER:

20 Interpreter cannot hear the statement from the witness.

21 MR. MUY VANNY:

22 It is the record on my identity card.

23 BY MR. DE WILDE D'ESTMAEL:

24 Q. Witness, may I request you to speak louder because we do not  
25 hear your testimony very well. As regards your age, I would like

12

1 to proceed in another manner. Do you remember your age when you  
2 worked at the Au Trakuon pagoda?

3 [10.04.46]

4 MR. MUY VANNY:

5 A. I cannot recall my real age at the time. However, I was pretty  
6 young back then.

7 Q. As a matter of fact, Witness, you gave two dates that are  
8 slightly different, but they are within the same age brackets.

9 Let me remind you of what you said in your second record of  
10 interview, E319/19.3.93, and it is answer number 3. And this is  
11 what you stated therein, and I quote:

12 "As far as I remember, at that time, I was about 12 years old  
13 when they sent me from the village to Au Trakuon pagoda."

14 [10.05.49]

15 And in another record of interview, the first <dated> 27th of  
16 August 2011, this is what you stated in answer to question number  
17 1 in E319/19.3.219. And this is what you stated:

18 "At the time, I was sent to live in the Au Trakuon pagoda. I was  
19 a security guard, and I was about 14 years old. I <regularly>  
20 accompanied my boss on his <visits> to military bases."

21 If I <reckon> on the basis of the date on your identity card, you  
22 were aged approximately 11 in 1978. You made mention of 12 years  
23 and 14 years in the two records of interview. Do you really  
24 remember those dates, or you were just giving an estimate of  
25 between 11 and 14? And I'm still referring to the period of 1978.

13

1 A. I didn't pay much attention to my age. However, the age range  
2 that I gave during my interviews is my personal estimation only.  
3 Back then, I was around 11 or 12 years old.

4 Q. Very well. Before we deal with <more> specific facts, I would  
5 like us to go through your life experience, the places where you  
6 lived and the different jobs you did during that period from 1975  
7 to 1979.

8 You said you were born in Anlong Ak village, <Sour> Kang commune,  
9 Kang Meas district in Kampong Cham. Do you remember approximately  
10 in what year your village was occupied by the revolutionary  
11 forces? Was that well before 1975, for instance?

12 [10.08.30]

13 A. I did not know about that. When you refer to a year during the  
14 regime, I could not tell you at all.

15 Q. Very well. Precisely, during the regime, you were quite young.  
16 Where did you live successively? You were first of all in the  
17 village, and where did you go after <leaving> Anlong Ak village?

18 A. I lived in a children mobile unit in the village, and there  
19 were actually problems while I was there, as I took rice <and  
20 food> from the children unit to my home. And then the unit chief  
21 actually <punished me by asking me to dig the earth and then>  
22 reassigned me from the children unit to a mobile unit for adults  
23 to work there. <At that time, I was quite young.>

24 [10.09.51]

25 Q. When you said you were redeployed to a unit for adults, do you



14

1 mean that there were adolescents or there were, indeed, adults?

2 What was the age range of the persons working in that mobile unit

3 <after you were re>deployed?

4 A. The age range was between 20 to 30 years old.

5 Q.<So> you were the youngest person in that unit<; is that

6 correct?>?

7 A. Yes, that is correct. I was the youngest member.

8 Q. Did that unit move about a lot in Peam Chi Kang district, or

9 it was stationed at a specific location in a specific commune?

10 Could you please give us the names <or> the places where you

11 worked?

12 A. Yes, I can do that.

13 Initially, I was assigned to a mobile unit in the commune. Later

14 on, I was redeployed to the district mobile unit, that is, to

15 work within the areas under the district.

16 Q. Did you ever work in Sdau commune? I'm pronouncing, perhaps,

17 not correctly. It is S-d-a-o (sic).

18 A. Yes, I did work <in a mobile unit> at Sdau commune.

19 [10.12.09]

20 Q. And for how many months or years? And I know that <it's>

21 complicated <for you to give a time estimation but, roughly, for

22 how many months or > years did you work in that mobile unit at

23 the level of district?

24 A. I cannot recall how many months I worked at the district

25 mobile unit. In short, I cannot recall how many months<, year> or

15

1 when I actually worked at the district mobile unit.

2 Q. Do you recall approximately how many months before the arrival  
3 of the Vietnamese you were transferred to Au Trakuon pagoda.

4 A. I worked there for a little bit over two years.

5 Q. Are you sure of what you are saying, that you worked for  
6 slightly more than two years at the Au Trakuon pagoda? Was that  
7 the time when you were working for Horn? Let me pronounce the  
8 word again. It is H-â-n, or H-o-r-n.

9 [10.14.17]

10 A. Yes, I worked for Horn, and you can say that I worked as a  
11 bodyguard for him. I usually accompanied him<, my superior,> when  
12 he went to visit the soldiers within the district.

13 Q. Very well. I will return to that person called Horn.

14 In your record of interview E319/19.3.93, this is what you stated  
15 in answer to question number 38, and I quote: "I worked with Horn  
16 for five <or> six months <before> the Khmer Rouge regime  
17 collapsed."

18 So here, you are telling the investigators that it was five to  
19 six months before the fall of the regime, and now you are talking  
20 of two years.

21 Can you clarify the duration of that period? Was it over a number  
22 of months or over a number of years?

23 A. Maybe I misunderstood your previous question. I actually  
24 worked in the mobile unit for quite a long time, then I was  
25 called to work for him for <three or four> month<s>.

16

1 Q. Very well. So I do understand now that when you did say that  
2 you worked for more than two years, that was in the district  
3 mobile unit and, thereafter, at Au Trakuon pagoda <with Horn>,  
4 you worked for a number of months. Is that correct?

5 A. Yes, that is correct.

6 [10.16.38]

7 Q. Very well. When you were working with Horn, did you spend the  
8 night at the Au Trakuon pagoda every <evening?>, or you only  
9 stayed there occasionally, that is, from time to time?

10 A. I did not spend much time staying at Au Trakuon. Usually, I  
11 would stay with the soldiers.

12 Q. And when you said that, in general, you stayed with the  
13 soldiers, do you mean that the district soldiers were stationed  
14 at different locations in Kang Meas district, or you are  
15 referring to the group of soldiers at the Au Trakuon pagoda?

16 A. I refer to a group of soldiers at the commune level. And I did  
17 not refer to soldiers who were stationed at Au Trakuon pagoda.

18 [10.18.05]

19 Q. We'll talk about the role of Horn shortly. Can you tell us,  
20 for the time being, where Horn's office was and what were his  
21 duties and responsibilities at the level of the district?

22 A. Please repeat your question.

23 Q. I will split into two parts. Did Horn have an office at Au  
24 Trakuon pagoda?

25 A. Yes, he did. He had his office in Au Trakuon pagoda, and Au

1 Trakuon pagoda was a security centre. And he also used it as his  
2 office.

3 Q. And what was the position of Horn at the Wat Au Trakuon  
4 security centre?

5 A. Horn was chief of security of Kang Meas district.

6 Q. And in that capacity as district security chief at Kang Meas,  
7 was he also the chief of <the security centre> at the Au Trakuon  
8 pagoda?

9 A. Yes, he was chief of security and he was also chief of  
10 <military> at the district level.

11 Q. I would like us to talk about the period when you worked for  
12 <at least> two years in the district mobile unit. Were there any  
13 youngsters who came from the villages in your commune, and were  
14 there other youths who came from all the communes in Kang Meas  
15 district and who worked in that mobile unit?

16 [10.20.43]

17 A. Yes, it was mixed within the communes. The forces for the  
18 district mobile unit composed of those forces from communes under  
19 the district. <Some commune had a few mobile units while others  
20 had many mobile units.>

21 Q. And who was the leader of that mobile unit?

22 A. I cannot recall the name right now. No, I cannot recall it.

23 Q. I will remind you of the name you gave the OCIJ investigators.  
24 You said in answer number 73 of your second record of interview,  
25 E319/19.3.93, and this is what you stated:

18

1 "The head of that mobile unit was called Chhun, C-h-h-u-n, and he  
2 was, by the way, from the district level."

3 Does that refresh your memory?

4 [10.22.02]

5 A. Yes, it refreshes my memory now. The chief was Chhun.

6 Q. How many <young men> worked in your mobile unit? It was  
7 <perhaps> not the big unit at the level of the district. I am  
8 referring to the unit to which you belonged.

9 A. There were about 30 members in my mobile unit.

10 Q. Were there any Cham working with you in that mobile unit and,  
11 if yes, how many?

12 A. There were some Cham people in my unit, but I cannot tell you  
13 how many there were.

14 Q. In the same answer from which I've just quoted an excerpt, you  
15 stated as follows:

16 "My unit consisted of 30 persons, including 25 Cham."

17 Does that refresh your memory as regards the large proportion of  
18 Cham working in <your> unit?

19 A. Yes, that is about right. I cannot tell you the exact numbers  
20 of Cham in my unit.

21 Q. But if I did understand your testimony correctly, you would  
22 agree that there was a large proportion of Cham in <your> unit,  
23 wouldn't you?

24 [10.24.20]

25 A. Yes.

1 Q. And how did you know or how did you get to know that they were  
2 Cham? How were you able to identify them as Cham?

3 A. Sometimes we could identify them the way they spoke, the  
4 language. <I asked about their health and where they were from.>

5 Q. Were you also able to make them out from their names, <their  
6 first names>, which were different from the Khmer names?

7 A. Yes, we could.

8 Q. As regards their physical appearance, were there any  
9 differences, <according to you>, between people of Khmer  
10 ethnicity and people of Cham ethnicity?

11 [10.25.37]

12 A. Since we worked closely with one another, then we asked about  
13 their backgrounds. And later on, the Cham people, all of them,  
14 were taken away. And by that time, we knew the Cham were targeted  
15 and taken away to be killed. And the Khmer people were not taken  
16 away.

17 Q. We'll return to that <as well>. Do you know their villages of  
18 origin in Kang Meas district? And to be more specific, were there  
19 any villages whose population was mainly Cham at the time <in  
20 your district>, that is, <of course>, before the mobile units  
21 were organized?

22 A. The majority of them lived in Angkor Ban, and that is in Peam  
23 Chi Kang commune. <They lived in both Angkor Ban and Peam Chi  
24 Kang commune.> And there were some living in Sach Sou.

25 Q. In the district mobile unit where those young Cham were

1 working, were they entitled to speak the Cham language, or <did>  
2 they have to speak Khmer like everyone else?

3 A. They actually spoke only Khmer, although they spoke the Khmer  
4 language with accent.

5 They did not dare speak their Cham language.

6 Q. Did they still have the right to wear their distinct clothing  
7 and to respect their traditions as well as the Muslim faith?

8 [10.28.18]

9 A. At that time, no, and that applied to both the Khmer and the  
10 Cham ethnicities. Religion was prohibited, and that applied to  
11 the Cham and to the Khmer people.

12 Q. And who forbade them to speak the Cham language or to wear  
13 Cham traditional attire or, again, to practise the Muslim  
14 religion? Did you hear any Khmer Rouge cadres talk about that?

15 A. I did not. However, everyone spoke the Khmer language at the  
16 time.

17 Q. Did you ever hear Khmer Rouge <cadres>, during that period,  
18 say that there were no longer any minorities in Democratic  
19 Kampuchea, whether they were referring to the Cham or the  
20 Vietnamese, <but> that there was only one people and one nation?

21 A. I did not pay attention to that. However, amongst us, nobody  
22 spoke any other language besides the Khmer language.

23 [10.30.22]

24 Q. <Could you please> tell the Chamber what happened to the Cham  
25 who were in your unit, in your district mobile unit?

21

1 A. Yes, I can do that. At that time, I was with the members of my  
2 unit, and I was assigned to <cut> grass far from our sleeping  
3 quarter. And I only returned at nighttime. I saw them being tied  
4 up and walked away while I was returning to my sleeping quarter  
5 on an ox cart. And because of the darkness, I could only identify  
6 a few of those people who were being walked in a file.

7 And when I returned to the sleeping quarter, it was rather quiet,  
8 and there were no Cham members of the unit left. There were only  
9 the Khmer people there.

10 So it's my understanding that they already knew who the Cham  
11 people <were> and who the Khmer people <were>, and they took away  
12 only the Cham people.

13 Q. In which village and in which commune were you when these  
14 arrests of your Cham colleagues took place?

15 A. It was in Sdau commune.

16 [10.32.11]

17 Q. When you returned to your dormitory, how many <people were  
18 remaining,> Khmer were remaining on site?

19 A. Khmer people were remaining at the site, but no other ethnic  
20 <was> there.

21 Q. Yes, but do you remember how many Khmer were remaining? Were  
22 you able to count them?

23 A. I did not count them. I knew at the time all Cham people <in  
24 my mobile unit> had been gathered up <and taken away>, and at  
25 that time, I was scared and I did not count how many of us were



1 remaining. <Only> Khmer <people were left behind> after the  
2 gathering.

3 Q. Do you know what happened to the <parents> of these young Cham  
4 men who were arrested on that day or that evening? The <parents  
5 or> the family of these members of your mobile unit, what  
6 happened to them?

7 [10.33.54]

8 A. I did not know at the time. We had been together before the  
9 gathering up. I did not know at that time whether the parents had  
10 been sent away first or after the arrest of children, or they  
11 were arrested at the same time. I did not know about that.

12 Q. Did you learn something in that regard later on, or even after  
13 1979?

14 A. No, I did not. I knew only the fact that Cham people had been  
15 gathered up. Later on, I did not know what happened to them. In  
16 fact, we were living in different houses far away from each other  
17 and, at that time, I did not know what happened to those Cham  
18 <people or their parents>.

19 Q. And during the weeks or days that preceded the arrest of your  
20 Cham work colleagues, did you manage to get to know if they were  
21 afraid of being arrested, or were they surprised when they were  
22 arrested that evening? I'm simply asking you to tell me what you  
23 know. If you don't know, that's not a problem <just say so.>

24 A. I did not know whether there had been other arrests before  
25 that. I learned only the arrest at the time of Cham men. <They

1 were suddenly herded and taken away.>

2 Q. So you told us that you <were returning> to your dormitory  
3 <when you saw> that Cham people were being arrested and were  
4 standing in a row. So did some of them try to escape or to resist  
5 the arrest?

6 [10.36.38]

7 A. I witnessed the -- these people on the midway while I was on  
8 an ox cart. And after -- after I returned home, the village was  
9 quiet and I <asked some people and> was told that Cham people had  
10 already been arrested <and taken away>. I did not know or witness  
11 the resistance of Cham people. <I did not know what had happened  
12 to them because I was working in a different worksite target. I  
13 was assigned to cut grasses at that time.>

14 I was coming back from clearing out the grass when I noticed that  
15 Cham people had been walked away. <That was at night after I had  
16 eaten gruel. I did not know how they had been arrested.>

17 Q. And can you tell us who walked them away? Who arrested them?

18 A. I did not know those guys. I did not know where they were  
19 from. I did not dare to poke into their business or to dig deep  
20 in their business.

21 [10.38.01]

22 Q. However, do you know if, as you said in answer 73 <of your WRI  
23 that I already cited>, <it was> security agents or militiamen who  
24 carried out these arrests?

25 A. To my assumption, they may have been the <village or commune>

1 security guards or militiamen. I <> was not interested in their  
2 origin at the time. I was concerning of -- I concerned <about> my  
3 life at the time.

4 Q. Fine. But later on, you worked at Wat Au Trakuon. And then  
5 would you have been able to recognize among these security agents  
6 people that you saw later on working either at the Au Trakuon  
7 pagoda or in the villages and communes as militia men?

8 Were you able to see their faces and, if that was the case, were  
9 you able, later on, to see some again or to recognize some of  
10 them?

11 A. At the time I saw those people we parted each other long time  
12 ago, but I can still recognize one person. <He is deceased>. The  
13 name is <Haon> (phonetic).

14 Q. And this Phuon (phonetic) whom you identified, which unit did  
15 he belong to? Was he working at the commune or district level, or  
16 was he working simply at <the> Au Trakuon <pagoda>?

17 A. He worked in Au Trakuon pagoda itself.

18 [10.40.33]

19 Q. At answer 73 of your WRI, E319/19.3.93, you said the  
20 following, and I quote:

21 "At about 8 p.m. or 9 p.m. There was a group of security guards  
22 <that arrived at> Sdau village, Sdau commune, Kang Meas <district  
23 where I was stationed>. They ordered the <chief> of the unit to  
24 <call> all the Cham people <to meet> at a house.

25 After that, all the Cham were tied up and sent out from that

1 place. The <chief> of the mobile unit, Chhun, was<, by the way,  
2 at the district level." End of quote.

3 <Did> you see these Cham people being tied up, or is this  
4 something that other people told you about?

5 A. I did not see the actual act personally. I was on midway home.  
6 I could recognize one or two of them who were tied up in lines  
7 <>. I did not dare to look straight into their faces.

8 I was <hurried> up to eat the gruel at the time after my work,  
9 and I was told that the Cham people had been all arrested.

10 [10.42.23]

11 Q. But you just said that you saw them standing in a row and tied  
12 up, and you recognized one or two of them. So do you remember the  
13 names of these Cham people you recognized that evening?

14 A. I saw them midway while they were being walked away. I was on  
15 an ox cart carrying grass from work. It happened at around 6 or 7  
16 p.m. in the evening.

17 Q. So my question remains the same. You said that you saw that,  
18 but when you saw them, <were their hands tied?> Were they tied  
19 up?

20 A. They were being walked away. <> I knew that <>they had been  
21 tied up. They had been walked away quite a few kilometres away  
22 from their locations, and <> I met them midway from work.

23 Q. Fine. So if I understood well, you were going to the village  
24 and you saw them on the same path being taken away from that  
25 <same> village. So this means that they had already been arrested

1 and that they were walking away. Is that correct?

2 [10.44.39]

3 A. As I said, those people had been arrested. I <spotted> them  
4 midway, and I did not know what <had> happened before they were  
5 being walked away.

6 Q. Fine. You said earlier that it was quite easy to recognize who  
7 was Cham and who wasn't, in particular because of their accent  
8 when they spoke Khmer and because of their names.

9 So, did you ever learn that there were lists of Cham that had  
10 been drawn up within your mobile unit within the communes and the  
11 districts?

12 A. I did not know about that when they were walked away. I was  
13 not in charge of the data or statistics at the time. It was the  
14 unit's chief who would have known the matter.

15 [10.46.02]

16 Q. Did you learn where these young Cham men were taken to, and do  
17 you know what kind of fate was meted out to them?

18 A. A few days later, I heard from one another that those people  
19 had been killed, but I did not know where they had been killed.

20 Some people said they were killed at the Sdau pagoda.

21 At that time, I was so terrified since the arrest happened  
22 already and I was afraid that I would be one among them as well.

23 <We all were very worried.>

24 Q. You said at answer 71 of the same WRI I quoted from,

25 E319/19.3.93; you said the following:

1 "The Khmer Rouge gathered all of the young Cham of my unit and  
2 slaughtered them in the Au Trakuon pagoda. At that time,  
3 <however> nothing happened to the Khmer male or female youths."  
4 So later on, did you obtain any kind of information that these  
5 Cham people were <killed> at the Au Trakuon pagoda, as you said  
6 here in the WRI?

7 A. It appears that I did not know about this matter.

8 [10.48.14]

9 Q. In the same answer in which you were very specific, that is to  
10 say, at answer 73, you answered the following question:

11 "<Do you know> how they arrest<ed> the Cham children?"

12 And, <I'll skip a passage that I already read.> <You> said, "The  
13 next day, we were informed that all of the Cham children were  
14 sent to Au Trakuon pagoda." End of quote.

15 So back then, you seemed to be sure that they had been sent to  
16 Wat Au Trakuon. Now, <are you telling> us that you know that they  
17 were arrested, but that you're not sure that they were sent to  
18 that pagoda?

19 A. I was not able to know where those people had been sent to.

20 For three or four days later, people whispered to one another  
21 that these Cham people had been sent away and killed, but <> as I  
22 said, I did not know where they were killed.

23 People whispered <> to one another that these people may have  
24 been killed at Sdau village. I was residing and working in Sdau  
25 village, and <we had been in the mobile unit together, and> at

1 that time, I heard the whispering from one another and I was also  
2 concerned of the matter.

3 [10.50.16]

4 Q. I understand <well, is it that?>

5 MR. PRESIDENT:

6 Thank you, Mr. Deputy International Co-Prosecutor. I think it is  
7 now a proper -- the appropriate time to take a short break. We  
8 may take a short break from now until 11 a.m.

9 Court officer, please assist the witness <by giving him a place  
10 to rest in the waiting room for witnesses> during the break<>,  
11 and please invite him back into the courtroom at 11 a.m.

12 The Court is now in recess.

13 (Court recesses from 1051H to 1104H)

14 MR. PRESIDENT:

15 Please be seated. The Court is now back in session.

16 Again the floor is given to the Deputy International

17 Co-Prosecutor to continue putting questions to this witness. You  
18 may proceed.

19 BY MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President.

21 Q. We were talking about the arrest of all the Cham members <of>  
22 your mobile unit. Did you ever see them thereafter, or they  
23 simply disappeared?

24 [11.05.16]

25 MR. MUY VANNY:

1 A. At that time, they disappeared.

2 Q. Did you also learn that other <Cham> children or other  
3 youngsters, boys and girls included, were arrested in other  
4 children's units or mobile units in the same district, but in  
5 other locations?

6 A. No, I did not know about that, as I was assigned to remain in  
7 one place, and I could not walk freely, so I did not know whether  
8 the arrests existed elsewhere.

9 However, from my understanding, people would be arrested at a  
10 location in various communes, although, I, myself, did not have  
11 access to all those communes.

12 [11.06.28]

13 Q. Were you able to gather such information later, after 1979  
14 <while speaking with other people? I must understand that at the  
15 time, you didn't know anything.>

16 Did you get to know anything subsequently regarding the arrest of  
17 other young Cham in the <same> district?

18 A. No, I did not.

19 Q. <On the whole,> between 1975 and 1979, in <the> Kang Meas  
20 district, did any Cham survive the Democratic Kampuchea regime?

21 MR. PRESIDENT:

22 Witness, please hold on.

23 And Defence Counsel Koppe, you have the floor.

24 MR. KOPPE:

25 I object to this question, Mr. President. This witness is in no



30

1 position whatsoever to answer that question. He can say something  
2 about Cham members in his mobile unit, both on the commune level  
3 and the district level, but that's it. That is his knowledge, I  
4 think.

5 And we shouldn't -- we shouldn't forget, also, the fact that, at  
6 the time, he was only 10 years old, 11 years old.

7 [11.08.03]

8 MR. DE WILDE D'ESTMAEL:

9 Mr. President, I'm only asking the witness to tell the Chamber  
10 what he knows. I'm not asking him to speculate. < I simply want  
11 to know >whether he knows of the survival of any Cham during that  
12 period in his district. This is a very legitimate question, and  
13 the witness can tell us what he knows.

14 MR. PRESIDENT:

15 The objection by the Defence Counsel for Nuon Chea is overruled.  
16 And witness, you can respond to the last question put to you by  
17 the Deputy Co-Prosecutor, if you still recall it.

18 [11.08.46]

19 MR. MUY VANNY:

20 A. Yes, there are two survivors, that is a husband and a wife,  
21 who actually went to <> hide <themselves> in a <lake> in <the>  
22 forest. <They both lived secretly on eating snails and crabs in  
23 the lake.> And only after the fall of the regime, I learned of  
24 their survival. <They are still alive at present.>

25 MR. DE WILDE D'ESTMAEL:

1 Q. Do you know what were the villages of origin of those two  
2 survivors and what their names were?

3 A. They were from Sach Sou. That is in Peam Chi Kang commune.

4 Q. And apart from those two survivors, you didn't hear about the  
5 survival of any other persons from Kang Meas district?

6 A. Yes, that is correct. After the fall of the regime, I only  
7 learned of these two survivors, that is, a husband and a wife.

8 Q. Let us now talk of Wat Au Trakuon. At the time when you were  
9 transferred to work there, you were the bodyguard of Horn at the  
10 time, and Horn was the chief of the security centre. He was also  
11 head of the security of the district, as you stated earlier.

12 What level <was> the Au Trakuon pagoda <part of>? Was it part of  
13 the <Peam Chi Kang> commune or <of a higher> level?

14 [11.11.07]

15 A. At that time, Au Trakuon security centre was part of the  
16 district security.

17 Q. Was that pagoda geographically close to the Kang Meas'  
18 district committee office?

19 A. Yes, <> it was not that far; it was about 2 kilometres away  
20 from the district office.

21 Q. I am not sure you said in which village that pagoda was. You  
22 said that it was in Peam Chi Kang commune, but you didn't tell us  
23 the village; can you now tell us what village it was situated in  
24 <and is it still situated there now>?

25 (Microphone not activated)

1 [11.12.34]

2 MR. PRESIDENT:

3 Deputy Co-Prosecutor, please repeat your last question. Actually,  
4 he responded to your question when the microphone was not yet  
5 operational.

6 BY MR. DE WILDE D'ESTMAEL:

7 Q. My question was: In which village was the Au Trakuon pagoda  
8 situated?

9 MR. MUY VANNY:

10 A. It was located in Sambuor Meas Ka village.

11 Q. How come you were chosen to work at the Au Trakuon pagoda; can  
12 you tell us how you were selected for that assignment?

13 A. I did not know about the selection. I was assigned to work in  
14 a mobile unit, however, due to the lack of rice to eat, then I  
15 <voluntarily> went to <serve in> the <army. I was asked about my  
16 background, how many siblings I had and where I lived. Then,  
17 everything went quiet and I was not interested in what was  
18 happening, either.> I did not know about the details of the  
19 arrangement and, later on, my unit chief was called by his elder  
20 brother <who told him to bring me> to stay at Au Trakuon pagoda  
21 and I was rather shocked to learn that because we heard that Au  
22 Trakuon pagoda was a killing site. <But, I decided to go.>

23 [11.14.31]

24 Q. When you arrived at the Au Trakuon pagoda, at the security  
25 site where people were executed, can you tell us whether there

1 were other security officers older than you? In other words, were  
2 you still the youngest person working there?

3 A. Yes, they were much older than me. Some of them were more than  
4 30 years old or 40 years old and I was the youngest member.

5 Q. Were there also any adolescents aged 16 to 18, for instance,  
6 and I mean the young security guards?

7 A. No, there was none. I was on a rotational basis with another  
8 guard to accompany the chief when he went for inspection at where  
9 soldiers were stationed. <We were riding a motorbike behind him.>

10 [11.15.58]

11 Q. So if I understand you correctly, you accompanied Horn when he  
12 went to inspect the place where the soldiers were stationed, but  
13 you didn't do so every day and you <alternated with another>  
14 guard?

15 A. It varied. Sometimes, I remained with the soldiers while  
16 another guard accompanied him during his inspection trip and  
17 sometimes, the chief called me to go with him; however, it was at  
18 his own discretion either to call me or to call another guard to  
19 accompany him.

20 Q. You stated that you were Horn's bodyguard. Does being a  
21 bodyguard also involve being a messenger; did you double up as  
22 bodyguard and messenger?

23 A. Yes.

24 Q. Did it happen that Horn or another cadre from the Au Trakuon  
25 pagoda entrust<ed> you with envelopes or letters to be delivered

1 within the district or other communes of the Kang Meas district?

2 A. No, that never happened.

3 Q. I would like you to explain to the Chamber what your role as a  
4 messenger or bodyguard consisted in <if it was the same thing>.

5 When you talk of being a messenger that would entail transporting  
6 <messages>; did <you ever do that>?

7 [11.18.18]

8 A. When you refer to a messenger during the regime, you also  
9 referred to his role as a bodyguard<, not a person who delivered  
10 letters. We had only messengers who had to deliver> letters  
11 concerning the redeployment of soldiers from one commune to  
12 another commune; however, personally, I never delivered letters  
13 to the district.

14 Q. And who gave those letters to you for delivery in certain  
15 communes; was it your chief or other persons who <entrusted those  
16 letters to you>?

17 A. It was Horn who did that.

18 [11.19.20]

19 Q. For purposes of clarification, I would like to read out to you  
20 what a witness said regarding you. I will not give that person's  
21 name.

22 It is in the interview notes of the OCP, E3/7827, and suffice to  
23 say that that person was a former monk at Wat Au Trakuon. This is  
24 what he stated on page 3 in English, page 2 in French, and page 4  
25 in Khmer and I quote:

1 "A security guard from the prison is still alive. He is a  
2 teacher. His name is Muy Vanny. He was a messenger from the  
3 security office. He was <aged> 16 or 17 at the time. He teaches  
4 at the Sambuor Meas School.

5 First point, this witness says that you were a messenger at the  
6 security office; were you the messenger of Horn, himself, or you  
7 were a messenger of the security office as well? What I mean is  
8 were <you> able to deliver letters when Horn was not stationed at  
9 that particular location or office at the time; can you clarify  
10 this point?

11 A. Yes, that is correct. I only deliver<ed> the <letters only>  
12 when I was assigned <to do so> and at some other times, <we all>  
13 would accompany the chief when <he went somewhere. Sometimes,  
14 when he did not want to travel> he would send <us to pull out>  
15 soldiers <from certain location> to be redeployed <in the  
16 district or commune. Sometimes>, <we all> would accompany him  
17 when he went to do that task.

18 [11.21.38]

19 Q. This witness says you were aged 16 or 17, so let me put the  
20 question to you again. You said that you were <aged> 11 or 12  
21 when you were at Wat Au Trakuon; is this witness, therefore,  
22 wrong <as regards your age>?

23 A. Maybe he was confused. Maybe he only knew me, but not that  
24 well and, of course, I was rather young at the time and I,  
25 myself, I did not know this person and maybe he identified me

1 when I was on <the> motorcycle with the chief. <So, he made that  
2 assumption.>

3 Q. I <also> haven't given you that witness' name, so it is normal  
4 that you wouldn't know very much about him. <I would like to know  
5 now simply> do you know from which region of Cambodia your  
6 leader, Horn, hailed?

7 [11.23.01]

8 A. At that time, I did not know where he came from; however,  
9 people said he came from the Southwest Zone; although,  
10 personally, I did not know where the Southwest Zone was.

11 Q. During that period, did you happen to accompany Horn during  
12 his travels outside of the Kang Meas district, for instance, if  
13 he had to go and attend meetings at the level of the sector or  
14 the zone?

15 A. No, I did not.

16 Q. As a bodyguard, were you armed and, what weapon were you  
17 carrying?

18 A. Yes, I was given <> an AK rifle and, later on, because it <was  
19 too> heavy <when I carried it on the motorcycle I complained.  
20 Actually>, when I was carrying the AK rifle, <my> shoulder <was  
21 swollen> and <it was not comfortable>, for that <reason>, I <had>  
22 it changed to a carbine rifle<, which was lighter>.

23 Q. How about the other guards at the Au Trakuon pagoda; were they  
24 also armed and if yes, what type of weapons were they bearing?

25 A. Yes, they were armed; however, we <shared the same> rifles.

1 <When> they had to go with the chief, they would take <those  
2 rifles along with them. Then, I was unarmed. As I did not have to  
3 go anywhere, I did not need to be armed.>

4 Q. So, if I understand correctly, within the pagoda, everyone was  
5 armed with a shotgun or an AK weapon; were there any long swords  
6 in the pagoda?

7 [11.25.36]

8 A. Yes, there were; however, <they were> actually <in a different  
9 unit. It was under the supervision of someone else.> I did not  
10 <have any role in it. I only performed my duty.> I would go and  
11 <accompany> my chief <wherever he went>.

12 Q. And when you talk of this other Long Swords Group, was that  
13 group based outside of the pagoda in the commune or these members  
14 of the Long Sword Group were stationed within the pagoda?

15 A. They were stationed within the premise of the pagoda.

16 Q. Can you tell me who was the assistant or <who were> the  
17 assistants of Horn at Wat Au Trakuon; in other words, who was in  
18 charge of the security-guard corps when Horn wasn't there?

19 A. There was Kuong and, later on, when Kuong was executed, he was  
20 replaced by another person named Bot<. Actually, Bot <was before  
21 Kuong. But, Bot had died and was replaced by Kuong.> So when Horn  
22 was not <> at the base, then, Kuong would be in charge.

23 [11.27.25]

24 Q. I believe there is a slight error somewhere because <in answer  
25 to question> 59 in <your WRI> E319/19.3.93 this is what you



1 stated. "<After> Bot died, Kuong became Horn's assistant."

2 Is it Bot who preceded Koung or the other way around?

3 A. Yes, you are correct; Bot preceded another person.

4 Q. You were Horn's bodyguard assigned to that pagoda; could you  
5 move about <freely> within the Au Trakuon pagoda premises?

6 A. Yes, I could; however, because I was rather young so I was  
7 rather afraid to move around within the premises of the pagoda.

8 Q. You stated that you were not with Horn all the time and that  
9 he travelled around sometimes with another bodyguard. When you  
10 did not have to accompany him, did you have to discharge certain  
11 duties within the Au Trakuon pagoda; for instance, standing  
12 guard, taking food to prisoners, helping out in the kitchen,  
13 growing vegetables, for instance? <These are merely examples, I'm  
14 not saying that is what you did.> Can you clarify what your daily  
15 duties were when you did not have to accompany Horn outside of  
16 the pagoda?

17 [11.29.33]

18 A. No, I did not engage in any other duties. Sometimes, when I  
19 was not assigned to accompany him, I would rest at the premises  
20 of the pagoda; sometimes, I stayed and chatted with the light  
21 prisoners<. I visited them> there; sometimes, I would <ask them  
22 to> pick some <milk fruits for me to eat. They also ate the  
23 fruits with me. The light prisoners could climb the milk> fruit  
24 trees grown within the premises of the pagoda<, so they could  
25 pick the fruits. They could even get the fruits from the

1 fruit-pickers. Then, I collected the fruits to share with them.>

2 Q. Did you have the opportunity, at one point in time, of  
3 entering the buildings <of the> pagoda <itself> and, therefore,  
4 <saw> under which conditions the prisoners were detained?

5 A. I did have a look because I was the <newcomer and the  
6 youngest> there, so I was rather curious to see what was  
7 happening on the ground<. Initially, sometimes, I secretly stood  
8 on my toes to see them> and I would also go to <ask them about  
9 their health. Since my boss was not around I had to take the  
10 opportunity to see them.>

11 [11.31.02]

12 Q. Very briefly speaking because this is not necessarily the  
13 point of today's hearing, can you describe to us what you saw  
14 within the building where the prisoners were detained?

15 A. I saw people being chained -- shackled in the main temple.  
16 Their ankles were shackled.

17 Q. And what about the detention conditions, in general, in terms  
18 of hygiene, in terms of food; do you know how the prisoners were  
19 treated in that regard?

20 A. Yes, I knew about the treatment. They were given gruel made  
21 with morning glory or mixed with <cassava>.

22 Q. Was this a sufficient diet for the prisoners to remain  
23 healthy?

24 A. Actually, they were given only a coconut<-bowl> of plain gruel  
25 <each>.

40

1 Q. Who was Horn's direct superior at the <Kang Meas> commune's  
2 district level? Do you know who was the chief of Kang Meas  
3 district?

4 A. At that time, <>the person was known as the district chief and  
5 his name was Kan.

6 Q. Do you know if Kan came from the Southwest just as Horn?  
7 [11.33.40]

8 A. Yes, I heard they were the Southwest group who came to work in  
9 the area and people also said that the district chief and the  
10 commune chiefs were all Southwest people.

11 MR. PRESIDENT:

12 Thank you, Deputy Co-Prosecutor. The time is appropriate for our  
13 lunch break. We'll take a break now and resume at 1.30 this  
14 afternoon.

15 Court officer, please assist the witness during the lunch break  
16 at the waiting room reserved for witnesses and invite him back  
17 into the courtroom at 1.30 this afternoon.

18 Security personnel, you are instructed to take Khieu Samphan to  
19 the waiting room downstairs and have him returned to attend the  
20 proceedings this afternoon before 1.30.

21 The Court is now in recess.

22 (Court recesses from 1134H to 1332H)

23 MR. PRESIDENT:

24 (No interpretation)

25 INTERPRETER:

41

1 The interpreter could not hear from the President.

2 (Technical problem)

3 [13.33.41]

4 MR. PRESIDENT:

5 (No interpretation)

6 (Technical problem)

7 [13.34.29]

8 MR. PRESIDENT:

9 The Court is now in session. The floor is given to the  
10 Co-Prosecutors to resume their questioning. <The Co-Prosecutors  
11 and the Co-Lead Lawyers> still have 40 more minutes to put  
12 questions to this witness. <>

13 BY MR. DE WILDE D'ESTMAEL:

14 Thank you, Mr. President. I believe we started at around 10  
15 o'clock this morning. So I am going to try to finish in 40  
16 minutes together with the civil parties. Maybe <it will> be 50,  
17 however, we will see quite soon if I will be able to finish  
18 within the allotted time.

19 Q. Witness, this morning you told us that your chief at the Au  
20 Trakuon pagoda was Horn and that the district chief Kan was  
21 Horn's superior. And when Horn took decisions within the security  
22 centre at the Wat Au Trakuon<,> did he report to Kan and also did  
23 he receive orders from Kan? Since you accompanied him often, do  
24 you know what kind of relations there were between Kan and Horn?

25 [13.36.08]

1 MR. MUY VANNY:

2 A. I was not aware of that issue.

3 Q. You said that the pagoda was <about> two kilometres away from  
4 the <Kang Meas> district office and because of this proximity did  
5 Kan, the district chief, come to the pagoda to visit or to hold  
6 meetings?

7 A. I never saw him.

8 Q. Earlier you spoke about the fact that there were certain  
9 guards who were stationed at Wat Au Trakuon who bore swords or  
10 sabres. Was there also a group of militia men with long swords at  
11 Peam Chi Kang commune?

12 A. I did not know about that issue. I was only aware of what was  
13 going on around within my location. <I could not move freely.>

14 Q. And you spoke about guards precisely at Wat Au Trakuon. Did  
15 these security guards belong to the district army? Since you told  
16 us earlier that this security centre was part of the Kang Meas  
17 district?

18 [13.38.09]

19 A. Only their colleagues could enter into that place. Other  
20 people were not allowed to go into that location.

21 Q. Well, in fact, I was asking you which level the guards <at>  
22 the Wat Au Trakuon <were part of>. <Were they part of> the  
23 commune level? <Were they part of> the district level?

24 A. I used to see that Kan was the district chief. Concerning  
25 those who were within Au Trakuon pagoda, I did not notice the

1 presence of any security guards but there were <only> people  
2 working in that pagoda. <They had to perform their roles. They  
3 were staying there as though we were living in our houses as  
4 usual. I did not find two or three> levels of security <guards>  
5 at the place.

6 [13.39.35]

7 Q. Fine, I understand. And the people who were working at the  
8 pagoda under Horn's leadership and under the leadership of his  
9 deputy Kuong, did these people carry out arrests in the different  
10 communes of Kang Meas?

11 A. I was in that location for a brief period of time. <I did not  
12 witness the arrests.> I only noticed that people were transported  
13 into that pagoda. I did not know <where these people had been  
14 arrested and sent from. I only saw them being brought in. And, I  
15 did not know> whether these people <had been> arrested by the  
16 security guards <or not>.

17 Q. Now, I would like to quote what you said at answer 18 of your  
18 WRI, E319/19.3.93. It's dated 3rd July 2014. And you said the  
19 following -- well, the question that was put to you is the  
20 following, first. I quote, "Do you <still> remember the <names>  
21 of a few people of the 'Dav Veng' group, that is to say, the  
22 group of the Long Swords?"

23 And you answered <as follows>, "Yes, I remember a few people from  
24 that group. That is to say, Kuong, K-U-O-N-G, Moeun, M-O-E-U-N  
25 and Hun, H-U-N. These people hailed from <the> Kang Meas district

1 and they did not come from the Southwest Zone."

2 So can you confirm that these three people, Kuong, Hun and Moeun,  
3 were indeed people who were working <within the security centre  
4 at> Wat Au Trakuon pagoda?

5 [13.41.59]

6 A. That is true. <But, these> people were <only> tasked with  
7 taking care of the centre. <I only took care of the> people <sent  
8 in> from <other places. They did not go anywhere. However, I did  
9 not know much because I did not pay attention to that>.

10 Q. <And what happened when> people were sent to the security  
11 centre? Who would take them to the security centre? Were these  
12 people from the outside, militia men who would escort them there  
13 or was it the people working at the pagoda who would go look for  
14 them outside?

15 A. Sometimes, militiamen within the village, together with the  
16 unit chiefs were responsible for transport<ing> those people into  
17 the pagoda by ox cart. <They diverted our attention by saying  
18 they would bring those people to this or that place. But,  
19 actually, those people were brought into Wat Au Trakuon.> That is  
20 what I noticed. <Upon arrival at the pagoda,> I would see a group  
21 of two or three people <already inside> that security centre or  
22 Wat, but I did not know where these two or three people <had been  
23 sent> from.

24 Q. And the militia men who would escort these two to three  
25 people, were they entitled or not to go inside the pagoda or

1 would they just bring the people who were arrested to the guards  
2 at the pagoda?

3 [13.43.48]

4 A. They were the ones who brought <the arrested people> in the  
5 security or the Wat and they would hand over them at the <>  
6 compound of the pagoda. <The arrested people were received right  
7 there in the security center.>

8 Q. You said that you accompanied Horn, <I think,> pretty much  
9 everywhere throughout Kang Meas district because he would go  
10 check the places where soldiers were stationed. And when you  
11 accompanied him, did you ever have the opportunity of <witnessing  
12 the> arrests of people, of villagers in the different communes  
13 within that district?

14 A. I never saw it. I did not know <because I never witnessed the  
15 arrests of people>. Sometimes<, when I was free> I would  
16 <accidentally> see people within the Au Trakuon pagoda and I did  
17 not know how they were arrested and because of what they were  
18 arrested. Horn himself never went out to make the arrests. I  
19 never noticed such a happening.

20 Q. Well, then I would like to ask you to react to what is  
21 indicated in your WRI, E319/19.3.93. It's question and answer 17.  
22 And the question that's put to you is the following:

23 "Did you ever <witness> firsthand the arrest of prisoners or  
24 people in the village?"

25 And you answered: "Yes, I <witnessed> some <scenes of> arrests in



1 the district. As I knew Horn received from the commune <lists of  
2 persons who had> to be arrested. So sometimes he himself went  
3 directly to cooperate with the security guards of the Long Sword  
4 Group and travelled to the commune to <carry out> arrests. But  
5 sometimes, they used <a> trick to <ask those presumed guilty> to  
6 come to the security office by themselves."

7 So in this excerpt it appears that you said to the investigators  
8 that you saw yourself, people being arrested. So can you confirm  
9 this?

10 [13.47.03]

11 A. I <>never saw it. Usually the senior people did not make the  
12 arrest by themselves but I did not know whether the order was  
13 made by them. Perhaps these people went out to meet their  
14 <soldiers in other places>, but I was not aware and did not <see  
15 my superior making any arrests at all>.

16 Q. Well, did you see when you were working with Horn at the Wat  
17 Au Trakuon pagoda that Cham people were <brought or> sent to the  
18 pagoda?

19 A. Yes. Those who took the Cham people to the place were  
20 different group of us and there were different people,  
21 responsible for receiving those arrestees. They were security  
22 guards and the senior or supervisors <inside, who had learned  
23 different techniques. I did not know about that because I just  
24 played a simple role as a bodyguard for my boss> and whether <>  
25 there were any plans, I was not aware of such plans. <They did

1 not let me know about those plans.>

2 [13.48.54]

3 Q. When you saw those <Cham people being brought to the pagoda,  
4 were you inside the pagoda at that time?>

5 A. I was <inside> the compound of the pagoda looking from afar.

6 <As I have told you,> I had no responsibilities other than

7 <accompanying> the superior or my supervisor. <However, I did not

8 escort him all the time. Sometimes, I stayed home as we stayed in

9 our house as usual> and during the time I was quite young and I

10 did not dare to walk around freely. <I was frightened, too.>

11 BY MR. DE WILDE D'ESTMAEL:

12 Q. So you were with your superior. Can you tell us how this

13 person who arrived at the pagoda was brought there? Did these

14 people arrive on foot or did these people arrive by ox cart or

15 did these people arrive by boat?

16 [13.50.03]

17 MUY VANNY:

18 A. They mostly came by carts, ox carts.

19 Q. Did you ever hear about the fact that boats transporting Cham

20 apparently <docked> very close to the pagoda along the Mekong?

21 A. Yes, I used to see it. I knew that they came by the river.

22 Perhaps they may have come by river on <motor> boats and, as I

23 said, I saw them coming into the pagoda. <I saw them right at my

24 place after they had arrived in the pagoda.>

25 Q. And the people who came by boat, were they part of a big

1 group, a big group of people or were they part of small groups?

2 MR. PRESIDENT:

3 Please observe your microphone before you speak.

4 [13.51.32]

5 MR. MUY VANNY:

6 A. Sometimes there were many of them but on some other occasions  
7 there were a few of them.

8 BY MR. DE WILDE D'ESTMAEL:

9 Q. And when there were many of them can you give us an idea of  
10 how many people were brought at the same time into the pagoda?  
11 Was it several dozens? More? Less?

12 A. If they came by <motor>boat, 50 people or 100 people  
13 <arrived> at a time by boat.

14 Q. And among these people who arrived at the pagoda, how did you  
15 learn that some of them were Cham? Earlier you saw that Cham were  
16 taken to the pagoda. So did you see that yourself or did you  
17 learn about that from other people <that those people were Cham>?

18 A. I heard people say that there was a plan to <round up> the  
19 Cham people<. I heard people spreading that word>.

20 Q. Were the Cham a majority or were the Cham a minority among the  
21 Wat Au Trakuon prisoners?

22 [13.53.30]

23 A. They were a majority. There were not so many Khmer people and  
24 perhaps, at that time, <Khmer> people <might have made a little  
25 mistake. So, people in the cooperative were unhappy with that,

1 but they perhaps did not want to make other people surprised -  
2 so, those Khmer> people <could> have <been> taken in at a later  
3 stage<>.

4 Q. Can you repeat your last answer because apparently the  
5 interpreter did not follow? <Thank you.>

6 A. Cham people would come by <motor> boat if there were many of  
7 them and since Khmer people sometimes <were fewer> they would be  
8 transported by carts, ox carts. They were not brought together at  
9 <a> time. <I did not know how they worked on that. I was not  
10 aware of their plans for making the arrests.>

11 Q. When they arrived at the pagoda, did the guards check, one way  
12 or the other, that these people were indeed Cham <-- when it had  
13 to do with Cham people, of course>. For example, would they ask  
14 them questions in order to try to understand where they came from  
15 in order to listen to their accent?

16 [13.55.17]

17 A. I was not aware of that issue. As I said, I noticed people  
18 coming in <and that they were Cham>. Whether Cham people were  
19 asked initial questions, it was not for -- it did not fall within  
20 my responsibility.< It was not my position to interfere with the  
21 work of those who had been assigned to perform their roles.> And  
22 when I had no assignment, I would stay in my location. <I did not  
23 do anything else.> As I said, <I only saw those> people <being>  
24 brought into the pagoda. <Sometimes, I was not able to see them  
25 until> the <next> morning <when I found the pagoda <fully crowded

1 with people. As I was rather young, I liked taking a lot of  
2 sleeps.> And sometimes I slept at my location when I had no  
3 assignments to do.

4 Q. Fine. Now, regarding the Khmer prisoners who were taken to the  
5 pagoda, <as regards those who> were accused of committing serious  
6 offences, were they interrogated?

7 A. I saw <them going> to do the interrogation. <But, I did not  
8 know what they were asking about. For instance, today, they took  
9 people out for questioning. So, I saw them going to the school.  
10 In my area, there was a school at that time. Now, the> school< is  
11 still functioning and students are studying there every day, and  
12 I am teaching my students in the very classroom which was> used  
13 for interrogation< during that period. But, I only saw prisoners  
14 being walked to that place.> As I said, <if we did not have any  
15 role to play we could not go to that place. It was a one-on-one  
16 interrogation session. However, it was impossible for me to have  
17 an idea about how it was going>.

18 [13.57.19]

19 Q. Now, in contrast to the Khmer <who you said were  
20 interrogated>, were the Cham also interrogated, <were they  
21 subjected to interrogations> at the Au Trakuon pagoda or not?

22 A. No.

23 MR. PRESIDENT:

24 Please hold on, Mr. Witness. Mr. Koppe, you have the floor now.

25 MR. KOPPE:

51

1 Yes, I object to the question. It is a leading question. By using  
2 the words "in contrast" he is already asking the witness to  
3 confirm the contrast between the interrogation of the Cham and  
4 the Khmer. He should have just asked an open question: What  
5 happened in terms of interrogation of the Cham people? So I  
6 object to the leading nature of the question.

7 [13.58.13]

8 BY MR. DE WILDE D'ESTMAEL:

9 I will remove the beginning of the sentence.

10 Q. And I will ask the witness if the Cham were also interrogated  
11 at Wat Au Trakuon?

12 MR. MUY VANNY:

13 A. They did not interrogate Cham people, unless there was an  
14 issue with the arrestee. <This is my assumption only. They> would  
15 <not even> interrogate <two or three hundred people>. Sometimes  
16 it happened that one or two people went out to conduct the  
17 interrogation. I did not know at the time what made them go out  
18 to do the interrogation. <I did not know at that time how the  
19 prisoners were handled>.

20 Q. You answered quite clearly in answer 79 of your WRI,  
21 E319/19.3.93 ,and the question that was put to you was the  
22 following.

23 "Were the Cham prisoners interrogated after they arrived at the  
24 security centre?" And you answered, "No, they were not  
25 interrogated but executed three <or> four days later."

1 Do you know why the Au Trakuon guards did not <go to> the trouble  
2 <of interrogating> the Cham or, in any case, in most cases as you  
3 said?

4 [13.59.56]

5 A. I did not know the reason. My responsibility was that I was  
6 not tasked with asking such questions.

7 MR. PRESIDENT:

8 You have the floor now, Defence Counsel for Mr. Khieu Samphan.

9 MS. GUISSÉ:

10 Yes, thank you, Mr. President. I am coming in after the  
11 exchanges, but I object to the manner in which the question is  
12 being put <by> the Co-Prosecutor. <I object based on the previous  
13 answer given by the witness, as the answer differed from the one  
14 found in the WRI.>. <It would be good if that difference could be  
15 explained before asking him another question that only arises  
16 from the WRI>. <That seems more logical to me and it is,  
17 furthermore, in line with the procedure used in this trial  
18 because the witness said something different from what is in the  
19 record of interview. <We cannot act as though he did not say that  
20 before the Chamber.>

21 [14.00.58]

22 BY MR. DE WILDE D'ESTMAEL:

23 Q. In that case let me ask another question. In your <WRI> you  
24 <said> the Cham were not interrogated. That is not very clear.  
25 Can you clarify that matter? Were the Cham interrogated by the

1 guards at the Au Trakuon pagoda or the group that was in charge  
2 of interrogations?

3 MR. MUY VANNY:

4 A. They were not interrogated.

5 Q. <Were all> the Cham who arrived at the pagoda executed?

6 A. Yes, it's true.

7 Q. Do you know where they were executed in relation to the  
8 entrance to the pagoda? Was there a particular location where the  
9 Cham were executed and was that place different from the place  
10 where Khmer were executed?

11 A. Actually, <> it was not different. They were <taken out and>  
12 executed<. That meant in the next> morning<, the main temple of  
13 the> pagoda <was emptied> because they were sent to be killed  
14 during the nighttime<, but I did not know what time of the night  
15 they were taken out to be executed because> I was very young. <As  
16 I just said, young people liked sleeping.> So I did not <know>  
17 what time those people were <taken out and> killed.

18 But <in the following> morning -- during the morning I did not  
19 see anyone<. They all> disappeared. And then they were killed not  
20 far away from the pagoda in Chamkar <or orchards belong to other  
21 people. That area has been completely filled. Orange and banana  
22 trees are planted there>. It's about 100 metres from the pagoda  
23 to the place where the people were killed, based on my  
24 estimation.

25 [14.03.36]



1 Q. In the extract I read a while ago you stated, that is, in the  
2 record of your interview, that they were not interrogated but  
3 that they were executed <three or four days later>. Did it happen  
4 that Cham arriving at the pagoda were executed directly and not  
5 even imprisoned before they were executed?

6 A. Actually, I did not know about that.

7 Q. Did you <witness> such executions yourself at the pagoda or  
8 around the Au Trakuon pagoda?

9 [14.04.30]

10 A. Actually, I saw some <because> sometimes the senior <official  
11 asked> me to <fetch> the water <and/or other things>. But I was  
12 terrified and I almost cried when I saw that situation. It was  
13 terrifying. <I was overwhelmed with great sadness.> Even my  
14 friend <died there> and <he> called <out> my name. At the time I  
15 was <so> terrified <and dispirited.> You know, actually, I was <a  
16 gentle> young <man>.

17 Q. And how many times did you witness those scenes of executions?  
18 You said sometimes which is not very clear. What did you mean  
19 when you <said> sometimes?

20 MR. PRESIDENT:

21 <Witness, hold on.> Mr. Koppe. Yes, you have the floor.

22 MR. KOPPE:

23 I haven't actually heard the witness say that he witnessed an  
24 execution. The question was asked and then he said it was  
25 terrifying but he hasn't actually said today in Court that he

1 witnessed an execution, so unless I heard something different in  
2 the translation.

3 MS. GUISSÉ:

4 Let me buttress the objection of my colleague. In French I heard  
5 that "sometimes I was asked to go and fetch water." That is what  
6 I heard.

7 [14.06.20]

8 BY MR. DE WILDE D'ESTMAEL:

9 I heard "sometimes yes, and we were asked to go and fetch water."

10 Q. Let me put the question to you again, witness. Did you  
11 witness, even from a distance, scenes of executions around the Au  
12 Trakuon pagoda?

13 MR. MUY VANNA:

14 A. I was <asked to do that>, yes, but I did not <arrive  
15 personally at> the spot or >at> that site. I just brought some  
16 water and then I came back. But <I took a quick look and found it  
17 very cruel> because <hundreds of> people I <had seen suddenly>  
18 disappeared <in the next morning> and I did know <how they were  
19 treated or> what happened to them.

20 [14.07.05]

21 Q. When you went to fetch water, on your way to <the water  
22 source, or> pond or wherever you fetched water, could you see  
23 what was happening at the site of the execution from where you  
24 were on your way to fetch water? That is not very clear.

25 A. I did not see clearly. I was in the middle of that <way> and

1 then I was asked to turn back.

2 MR. PRESIDENT:

3 Please, Mr. Koppe, you have the floor.

4 MR. KOPPE:

5 I would really ask -- like to ask the Chambers to implore this  
6 prosecutor to stop putting words in his mouth. "Execution sites"  
7 or "witnessing executions", he didn't say that. He says: People  
8 came in and then they were gone. That was terrifying. I  
9 collected water.

10 But he doesn't actually speak about execution sites nor about  
11 witnessing executions. So it is leading all along, all the way.

12 BY MR. DE WILDE D'ESTMAEL:

13 Mr. President, I don't think I am leading the witness. I'm trying  
14 to <clarify things here as they are not very clear and that is  
15 what I said to the> witness. For purposes of clarification  
16 <again>, Witness, I will read out to you what he told the  
17 Co-Investigating Judges' investigators at answer 35, still  
18 <E319/19.3.93.>

19 This is what you stated, "Yes, I saw killings, two or three times  
20 <only>. The prisoners were sent to be killed in groups of about  
21 10 people. Each prisoner's hands were tied to their back and  
22 their face was covered. Then the Khmer Rouge sent them to the  
23 front of the pagoda which was about 200 metres away. There was an  
24 already dug pit <ready for use>. <They killed the prisoners by  
25 bludgeoning them with metal axles> and dropped the bodies into

1 that pit. The prisoners were men, women and children<, without  
2 distinction>. Before dying the prisoners shouted for help.  
3 Initially, I heard that the Khmer Rouge had used megaphones in  
4 order to cover up the prisoners' screams. But <at the execution  
5 scenes that I attended> there was no megaphone because the number  
6 of people to be killed was small."

7 Q. Does that refresh your memory, as regards the fact that you  
8 witnessed scenes of executions? In that extract <we are> talking  
9 of having seen <or> having <attended> scenes of executions.

10 [14.10.13]

11 MR. PRESIDENT:

12 <Witness, hold on.> So please, Counsel Koppe, you have the floor.

13 MR. KOPPE:

14 Again, Mr. President, I object to the very leading nature of this  
15 question. Anybody can observe that whatever answer he is going to  
16 give now is completely worthless because he has been completely  
17 led into all kinds of details of his own answer. So leading but  
18 it's already -- the damage has been done already.

19 MR. DE WILDE D'ESTMAEL:

20 Mr. President, I am trying to clarify the situation. I only read  
21 out the statement of the witness himself. I haven't invented  
22 anything and that is why I am asking the witness to tell the  
23 Chamber as he told the Co-Investigating Judges' investigators  
24 that he <saw or> witnessed scenes of executions <just as he  
25 described them to the investigators>. That is all.

1 [14.11.08]

2 MR. PRESIDENT:

3 So we deny the comments raised by Counsel of Mr. Nuon Chea. So  
4 the witness needs to answer to the question <if> you remember the  
5 question<. If you do not remember it, you can ask the>  
6 International Prosecutor <to repeat the question>.

7 MR. MUY VANNY:

8 A. So please kindly repeat the question.

9 BY MR. DE WILDE D'ESTMAEL:

10 Q. I have read out to you a long excerpt of the record of your  
11 interview before the investigators. You said in answer number 35  
12 that you witnessed scenes of executions <only two or three times>  
13 and then you described how those executions were carried out and  
14 you concluded by saying: <"but during the executions that I  
15 witnessed, they> didn't use megaphones because the number of  
16 people to be killed <was> small". Does this refresh your memory  
17 regarding the <fact> that you witnessed scenes of executions?

18 [14.12.48]

19 A. I did not see. As I mentioned earlier -- during the morning I  
20 did not <see> those people, I did not know what happened. I just  
21 only brought the water to those people. Then I returned.

22 And during the morning it was quiet. <I did not see any person.  
23 So, I> assumed that those people were <taken out> to be killed,  
24 not <> sent to anywhere else.

25 Q. Very well. In the extract I have just read out you give a lot

1 of details. You said prisoners were executed in groups of about  
2 10 people, that each prisoner's hands were tied to their back and  
3 their face was covered and they were <struck with metal axes>  
4 and that <those to be killed> were <a mixture of> men, women and  
5 children. If you didn't see all that with your own eyes, did  
6 someone talk about it such that you were able to provide all  
7 these details?

8 MR. PRESIDENT:

9 <Hold on, Witness.> So please, Counsel Koppe.

10 [14.13.52]

11 MR. KOPPE:

12 Objection will be overruled, surely, but he is leading him again,  
13 putting on a platter the answer that maybe somebody told him.  
14 This Prosecution -- prosecutor really should stop leading this  
15 witness. It's unbelievable.

16 MR. DE WILDE D'ESTMAEL:

17 Mr. President, all I am trying to do is to resolve a  
18 contradiction between the witness' statement before the  
19 Co-Investigating Judges with all the details the witness provides  
20 and the witness' statement before this Chamber.  
21 <The only> question I put to the witness before was whether he  
22 had witnessed scenes of executions. Now, I am asking him whether  
23 he knows all these details because someone told him about it. If  
24 that is not the case, let the witness tell us so.

25 [14.14.45]

1 MR. PRESIDENT:

2 So the objection is overruled once again and the Chamber also  
3 needs to hear <this witness> in order to match their records to  
4 testify so that the Chamber can use as a basis for the <other>  
5 cases as well as the answers for <this> testimony, so we can  
6 distinguish -- we can identify what <>the differences <are> and  
7 <how credible the evidence obtained this examination is and> then  
8 we can also know whether it is acceptable in order to make the  
9 judgement on that case.

10 BY MR. DE WILDE D'ESTMAEL:

11 Q. So my question to you, Witness, was as follows: How did you  
12 obtain all these details you gave the Co-Investigating Judges'  
13 investigators? Did you obtain those details from someone else  
14 during that period?

15 MR. MUY VANNY:

16 A. I know based -- actually, I was wondering where the people  
17 were sent and <in the morning> I asked other people. Then I asked  
18 where the people were sent and then they told me that the people  
19 were <all> sent to be killed. And in terms of how those people  
20 were killed<,> that was very scary to me.

21 [14.16.20]

22 Q. While you were at the Au Trakuon pagoda, I know it is hard for  
23 you to make an assessment <but> <you said> you <continued to  
24 work> for Horn for <roughly> five to six months. How many people  
25 did you see enter the pagoda during that period? You said

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1 <earlier that> at times there were small groups and at times  
2 there were bigger groups of 50 to 100 people. Are you able to  
3 give us an estimate of the number of people who entered the  
4 pagoda during the period when you were stationed there?

5 A. I did not know about that because I was not doing the  
6 statistics. I did not know how many people. <But, it was said and  
7 documented at that time that> there was <over> 30,000 <>dead  
8 bodies <in that area. This number is written on> a stupa <built  
9 to keep their remains>.

10 [14.17.45]

11 Q. Precisely, and this will be my last line of questioning. Did  
12 you ever return to the vicinity of the pagoda after the 7th of  
13 January 1979, that is, after the arrival of the Vietnamese; that  
14 is, to the place where, from what you said, undoubtedly there  
15 were pits. Did you see pits with your own eyes after January 1979  
16 or you never returned to that location?

17 A. No, I have not returned to that location. There is no point  
18 for me to go there and, besides, I <live> far away <> from the  
19 location. <There were many pits.> However, at present <the area  
20 is filled. It is not preserved. In other places, such a site is  
21 kept as evidence.> Here I refer to the site since it <has> been  
22 covered with earth and <>turned into a plantation <immediately  
23 after the fall of the regime. Crops are still grown in that area  
24 at the moment.>

25 MR. DE WILDE D'ESTMAEL:



1 Thank you, Mr. President. I have come to the end of my  
2 examination of the witness. My colleague has no questions for the  
3 witness. Perhaps the civil parties have some questions for him,  
4 Mr. President.

5 MR. PRESIDENT:

6 I would like now to hand the floor to the Lead Co-Lawyers for  
7 civil parties if you wish to put questions to the witness.

8 [14.19.28]

9 QUESTIONING BY MR. PICH ANG:

10 Good afternoon, Mr. President, Your Honours, Parties and everyone  
11 in and around the courtroom. I only have five or six questions to  
12 put to the witness.

13 Q. Good afternoon, Mr. Witness. My name is Pich Ang and I am  
14 National Lead Co-Lawyer for civil parties. And I have my  
15 International counterpart, Marie Guiraud, who is beside me. And I  
16 would like to put supplementary questions to you in addition to  
17 those questions that were asked to you by the Co-Prosecutor.

18 You said that when you took the water to them you paid a glance  
19 at the event. Can you be more specific?

20 [14.20.20]

21 MR. MUY VANNY:

22 A. I saw people being tied up and walked away. They were  
23 blindfolded. Then <they were tied up with their hands behind  
24 their back> and they were put into a file and walked away. I  
25 myself returned after I witnessed that.

1 Q. Those whom you saw being tied up with their hands behind  
2 their back<? How> many of them did you see?

3 MR. PRESIDENT:

4 Witness, please observe the microphone.

5 MR. MUY VANNY:

6 A. I did not know how many people actually tied those prisoners  
7 up.

8 BY MR. PICH ANG:

9 Q. <Perhaps, my question was not clear. Actually, my> question is  
10 about those detainees. How many of them?

11 A. No, there were not <>many of them.

12 Q. Can you tell us the number then, maybe an approximate number?

13 MR. PRESIDENT:

14 Witness, you are reminded to observe the microphone.

15 [14.21.55]

16 MR. MUY VANNY:

17 A. I cannot tell you for sure the exact number of those detainees  
18 since I did not see it clearly.

19 BY MR. PICH ANG:

20 Q. I am confused now. You said you saw them. You saw them being  
21 tied up <and walked away>. It means their hands were tied up  
22 behind their backs. How many of those who were being tied up that  
23 you saw? Can you tell us the number of those people who were  
24 being tied up?

25 A. There were a few of those who tied them up and sent them away

1 to be executed.

2 Q. Maybe you still don't get my question. I refer to those people  
3 who were tied up and then walked away. How many of them?

4 [14.23.06]

5 A. There were between two to three.

6 Q. So there were only two or three victims who were tied up and  
7 sent away. Is that your answer?

8 A. I don't understand your question. In fact, I saw about 10 of  
9 those who were sent to be executed and I understood your question  
10 was about the number of those who tied them up. In fact, each  
11 time there were about 10 of them who were being tied up and led  
12 away.

13 Q. So this means that you did not only witness this <only> once.  
14 It means that you witnessed several of these events since you  
15 said at the time there were about 10 people who were being tied  
16 up <each time>. <How many times did you witness such incident?>

17 A. Actually, I witnessed only one time <by accident> when I was  
18 asked to get the water to them to where they would lead those  
19 people out. They were tied up in a file and <> after I witnessed  
20 that I returned.

21 Q. When they let those 10, about 10 or so people out, did you  
22 witness any other detainees who were there and who were not yet  
23 sent out at that time <in the main temple>?

24 [14.25.06]

25 A. I did not know about that. As I said, the next morning there

1 was no one left. <I did not know what happened to them after  
2 that.>

3 Q. You said that <the> next morning there was no one left and my  
4 question to you is that when did you witness or when did you  
5 learn that people were brought into the main <temple> and how  
6 many of them were detained in that main <temple>?

7 A. I cannot tell you that. I only saw that the main <temple> was  
8 full of people. And of course I was <only a teenager and> not  
9 responsible for that area so I could not tell you the exact  
10 number. However, I could <only> say there were many people there.

11 [14.26.04]

12 Q. You said that the main <temple> was full of people. How big  
13 was that <temple>? Maybe you can tell us the dimensions of that  
14 main <temple>?

15 A. It is difficult for me to tell you the dimension of that main  
16 <temple. I don't know now how long or how wide it is. I don't  
17 know how big a standard temple is.>

18 Q. Let me put it this way. Was it a standard size for a main  
19 <temple> in a pagoda?

20 A. Yes, it is. It was a standard main <temple>.

21 Q. Regarding those people who were placed in the main <temple>,  
22 and you said that the main <temple> was full, were they Khmer  
23 people or were they Cham people?

24 A. The majority of them were Cham people<. There were very few  
25 Khmer people. >As I said a while ago, people said there was a

1 plan to exterminate all the Cham people. And I heard <that in  
2 Kang Meas district, only two people, a man and his wife,  
3 survived. I heard people talking about them only > after the fall  
4 of the regime. <They are still alive at present.>

5 Q. I will ask you later about that alleged plan. How did you know  
6 that the majority of those detainees <in the main temple> were  
7 Cham people? Did you happen to speak to them so that you learned  
8 of their ethnicity or did <other people> tell you that they were  
9 Cham? Can you be more specific?

10 A. I did not ask them any questions. However, I asked <the cook  
11 and> those people who were in the kitchen hall whether they were  
12 Khmer people or not. Of course, those <prisoners> were detained  
13 in the <main temple> and we could not peek through the window.  
14 <We learned through some prisoners. The light inmates were  
15 allowed to come out and do a small piece of work under security  
16 guards' supervision. They had different roles. That actually  
17 caught my eyes.>

18 [14.28.50]

19 Q. Thank you. Regarding those people who worked in the security  
20 centre in that pagoda, while you were there, can you tell us how  
21 many people were working in that pagoda and what were their  
22 functions and roles?

23 A. I did not know the individual role of those workers. <But,> I  
24 <only knew when> Horn was <away, the responsibility fell under>  
25 Kuong and Bot. But as I said a while ago, Bot was later on killed

1 and replaced by Kuong.

2 Q. You stated that the Cham were brought in and the main <temple>  
3 was full. At that time, under whose authority the pagoda was? Was  
4 it under Kuong<or Bot> or under Horn?

5 [14.30.15]

6 A. It was under Kuong's.

7 Q. And besides Kuong, do you recall names of other workers in the  
8 pagoda? <How many people worked there?>

9 A. No. <There> was a deputy <> in charge <of that place> at the  
10 time.

11 Q. Here, I don't refer to the people in charge. I refer to the  
12 subordinates who were working there. How many workers <were>  
13 there when <you saw> those people <> being led out?

14 A. There were about 10 workers working in the premises of the  
15 pagoda.

16 Q. Can you recall some of their names?

17 A. Yes, I do, but I do not know where they are living now.

18 Q. If you can recall, please tell us some names.

19 A. There were Moeun and other names that I cannot recall right  
20 now.

21 Q. I want to clarify one thing <with> you. You said that your  
22 friend asked you for help. Did you make this statement when you  
23 responded to the question by the <International> Co-Prosecutor?

24 A. It was by chance when I heard that. That was when I was asked  
25 to bring the water. At that time he <was called to be> tied up.

1 [14.32.30]

2 Q. Did your friend ask you for help or did he just shout for help  
3 <as though we shouted for help from other people in general> or  
4 did he see you and ask for help?

5 A. He saw me and he knew me well.

6 Q. What was his name?

7 A. I cannot recall his name.

8 Q. This is my last question on this topic. Could you tell us the  
9 ethnicity of your friend?

10 A. He was Khmer.

11 Q. Thank you. I have another question for you. You heard about  
12 the plan to gather up the Cham people. Who actually spoke about  
13 this plan or from whom did you hear <saying> that <there was a  
14 plan to round up the Cham people>?

15 [14.33.51]

16 A. I heard from those people who were working in the pagoda<. He>  
17 was there quite a long time<, longer than me>. And I <secretly>  
18 asked him the question and he told me that.

19 Q. And did the person give you the reason or the motive for the  
20 gathering of the Cham people?

21 A. No.

22 Q. This is my last question to you. When you brought them the  
23 water, can you tell us the time? Was it during the night time,  
24 the afternoon or the morning time?

25 A. It was around 7 o'clock.

1 Q. Was it 7 a.m.?

2 A. No, it was 7 p.m.

3 MR. PICH ANG:

4 Thank you for answering my questions.

5 Mr. President, I don't have any further questions for this  
6 witness.

7 MR. PRESIDENT:

8 Thank you. It is now appropriate for us to take a short break and  
9 we will return at 10 to 3.00.

10 Court officer, please assist the witness during the break<> and  
11 invite him back into the courtroom at 10 to 3.00.

12 I notice that the Counsel is on her feet. You may proceed.

13 [14.35.38]

14 MS. GUISSSE:

15 Yes, Mr. President, <Court's indulgence,> but in French I didn't  
16 hear the last answer from the witness<:> <whether it> was at 7  
17 o'clock in the morning or in the evening. I don't know if I am  
18 the only one who didn't hear the answer <in French>, but  
19 apparently we did not get the answer.

20 [14.35.50]

21 BY MR. PICH ANG:

22 Q. Mr. Witness, please repeat your last response. Did you say  
23 detainees were being walked at 7 o'clock in the morning or in the  
24 evening?

25 A. It was 7 o'clock in the evening.



1 MR. PRESIDENT:

2 Thank you. Let us take a recess now.

3 (Court recesses from 1436H to 1452H)

4 MR. PRESIDENT:

5 Please be seated. The Court is now back in session.

6 And the Bench would also like to put some questions to the

7 witness. First, I would like to hand the floor to Judge Lavergne

8 to put questions to the witness before the floor is given to the

9 defence teams.

10 Judge Lavergne, you have the floor.

11 [14.53.04]

12 QUESTIONING BY JUDGE LAVERGNE:

13 Thank you, Mr. President. Good evening, Witness. I have a few

14 questions to put to you to try to clarify certain points in your

15 testimony.

16 Q. First of all, can you tell us exactly until when you were

17 working at Wat Au Trakuon.

18 MR. MUY VANNY:

19 A. I do not know which month of year I was there because I was

20 pretty much a young boy back then and I cannot remember which

21 month or which year I remained in the pagoda.

22 Q. But can you tell us when your duties stopped? Was it a long

23 time before the fall of the Khmer Rouge regime or was it just

24 before?

25 [14.54.31]

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1 A. I remained there till the fall of the Khmer Rouge regime. That  
2 is when the Vietnamese troops entered the area.

3 Q. When you left were there still prisoners in the centre?

4 A. I did not know about that. When the Vietnamese troops arrived,  
5 I went back to my home.

6 Q. When you were at Wat Au Trakuon, did you have the possibility  
7 of travelling to the different places that made up the security  
8 centre? Were you able to visit the different buildings, the  
9 different locations <at> the security centre?

10 [14.55.50]

11 A. No, there were not many offices. In fact, all those people  
12 were put into the main <temple of the pagoda> and there were no  
13 people living in the monk quarters, and <all prisoners were kept  
14 in the main temple. So, they could not go anywhere.>

15 Q. And you spoke about the interrogations. Were you able to see  
16 the place where people were interrogated?

17 A. I only knew the location where people were interrogated. I  
18 knew that interrogation location but I did not know about the  
19 interrogation itself.

20 Q. Fine. So did you know where the executions took place?

21 A. They executed the people outside the compound of the pagoda.

22 Q. Did you know where specifically these executions took place?

23 A. At present, if you decide to go visit the location I can tell  
24 you where it is. And actually, <I know how far it is from the  
25 pagoda and> the skeletal remains are stored in a stupa in the

1 pagoda.

2 [14.58.05]

3 Q. Well, fine. What I would like to know is what you could do and  
4 what you knew when you were working at <Wat> Au Trakuon back  
5 then. Did you know, <at the time>, where the executions took  
6 place?

7 A. As I stated, the executions were carried out in front of the  
8 compound of the Au Trakuon pagoda.

9 Q. How <do> you know that?

10 A. Because at the present I am still -- I am living nearby the  
11 vicinity <and I know and see the place> where the executions were  
12 carried out. I did not see <the site> during the regime, but I  
13 know it <in> the present time and I also know that some people  
14 who lost their family members go there to pay respects to their  
15 lost souls. <They guess that the> location <> near the pond <in  
16 front of the pagoda was the execution site>.

17 [14.59.45]

18 Q. Witness, I must confess that I don't really understand very  
19 well what you are saying. You said, I believe earlier, that you  
20 had never gone back to Wat Au Trakuon after having left that  
21 place where you were a guard. So I don't understand how you  
22 obtained that knowledge after you left. So there is some kind of  
23 contradiction here.

24 But especially I would like to read out to you an excerpt from  
25 your WRI, document E319/19.3.93. And we are speaking here about

1 question and answer 77.

2 And the following question is put to you.

3 "Why was it possible for you to <witness> the interrogations and  
4 the executions of the prisoners? By which means were you able to  
5 <witness> these <scenes>?"

6 Answer: "I could travel throughout all of the locations at the  
7 centre. Each time I would go to the execution site or to the  
8 interrogation site, I always went there with my chief."

9 Q. So this seems to be <a> relatively clear testimony. So today,  
10 do you remember having <given> this testimony<,> <and> is this  
11 testimony true?

12 [15.01.38]

13 A. I do not have anything else to add to my previous statement. I  
14 was not in a position to visit the location. <I only knew> that  
15 people were detained there for a few days and they disappeared.  
16 And when I asked the people, I was told that they were taken away  
17 and executed. <That's what I know.> But personally, I did not  
18 walk to that place. I was a young boy and I was scared to go  
19 there. And <to be honest,> I was also afraid of ghosts.

20 Q. You stated a while ago that you were asked to take water to  
21 the prisoners. Where exactly did you take the water to?

22 [15.02.59]

23 A. The place where I brought the water to was not far from where  
24 I stayed. In fact, I was asked to take the water to my chief's  
25 place. It was just from one monk's <quarters> to another monk's

1 <quarters. It was about 10 metres away from the main temple.> In  
2 fact, the monk's <quarters> was located behind the main <temple>.  
3 So I can say that the distance between the main <temple> and the  
4 monk's <quarters> was not that far.

5 [15.03.38]

6 Q. Who did you give the water to<?> <To> your chief or to the  
7 prisoners?

8 A. I was asked to bring the water to the deputy chief because the  
9 chief was not there. However, <>I was <accidentally> in the  
10 chief's house <that moment, so> I was called to fetch the water  
11 for the deputy and after I left the water there, then I returned  
12 <as I was not authorized to be there>. And usually when the chief  
13 was not <around>, I would stay and watch his residence.

14 Q. When you brought the water to that person, did you see any  
15 prisoners?

16 A. Yes, I stated from the outset when I took the water there it  
17 was the time that the prisoners were tied up and led out. <It was  
18 a coincidence.>

19 Q. And where were the prisoners <exactly>? Were they where the  
20 deputy chief was, or where the chief was? Were they in the main  
21 hall? Where exactly were they?

22 A. The deputy chief was in charge of the prisoners and it was him  
23 who would issue instructions to the executioners. And I, myself,  
24 did not know anything about these instructions as I mainly stayed  
25 with the chief and when the chief was not in then I would stay at

1 his house to guard his house, or I would go <>to <stay at> the  
2 military base< in the village>. There were soldiers standing by  
3 in villages. So, sometimes, I would spend for one week with  
4 them>.

5 [15.06.38]

6 Q. Mr. Witness, please answer my questions precisely. When you  
7 brought the water, where were the prisoners? Did you see any  
8 prisoners and if "yes", where?

9 A. Prisoners were in the main <temple>.

10 Q. So you saw them in the main hall. Did you get inside the main  
11 hall?

12 A. I was not allowed to enter the main <temple.> I needed to have  
13 <an> authorization from the deputy if I were to enter the main  
14 <temple>, although I was working for the chief.

15 Q. I do not understand you, Mr. Witness. Did you see the  
16 prisoners through the wall? How can you tell us that you saw  
17 prisoners and those prisoners were in the main hall if you ,were>  
18 not able to enter the main hall?

19 [15.08.24]

20 A. I was standing outside the main <temple>. In fact, they put a  
21 partition in the main <temple, which was divided into two  
22 sections. Female prisoners> were detained at one side <where we  
23 could see them through windows. They did not receive as much  
24 attention as male prisoners. A barrier was set up behind the  
25 Buddha's statue throne where> female prisoners were detained<.

1 One section was used to keep female prisoners> while the male  
2 prisoners were detained at the other side of the partition. <>I  
3 could see them <through the spikes of the door>.

4 Q. Very well. You saw them through the window. You also said that  
5 <although you> did not <witness> the executions you said that you  
6 observed the next day <that> <these> people had disappeared. They  
7 disappeared from the main hall? Did you go back, pass in front of  
8 the main hall such as to see that people had disappeared <at>  
9 that time?

10 A. No, I did not see them because after that the situation was  
11 <very> quiet and so there was a reduction of gruel for prisoners.  
12 Usually they would cook the gruel in a large pot but when the  
13 prisoners disappeared they only cook<ed> it <half> a <> pot. And  
14 I< knew it in my mind> that they were sent away and executed.  
15 [15.10.24]

16 Q. Very well. <We've spoken> about the main hall. If I understood  
17 correctly, there was a part in which men were detained and  
18 another section in which women were detained. Can you tell the  
19 Chamber approximately how many detainees there were in that main  
20 hall?

21 A. It is my estimation that there were a lot of detainees, but I  
22 <was not in a position to count them, so I> cannot tell you  
23 exactly how many there were as I did not have any role to be  
24 there.

25 Q. Mr. Witness, did you ever see any bodies at the Au Trakuon

1 pagoda?

2 A. No, I did not. And only after the fall of the regime, people  
3 went to the graves to search for gold. <When the regime ended,  
4 people were in abject poverty. So, they rushed to look for gold  
5 by unearthing the graves in that area.> But by that time I had  
6 not moved to live near the area. <I did not join the government  
7 yet.> But I heard people telling one another that they dug up the  
8 grave pits and found some gold <in human> remains there and that  
9 the skeletal remains were dug up and stored <as evidence>.

10 [15.12.33]

11 Q. It appears that a while ago you also made mention of 30,000  
12 victims. Did I properly understand your testimony?

13 A. I am not sure whether the exact number was 30,000. However at  
14 the stupa where they store the skeletal remains, there is a  
15 writing <on the stupa> that the skeletal remains <are> more than  
16 30,000 bodies. I did not know how they arrived at <the> number <or>  
17 whether through statistics or through counting of the skeletal  
18 remains.

19 Q. Very well. A while ago you also made mention of a mango  
20 plantation. You said that mango trees had been planted where  
21 bodies had been <buried>. Do you know <when> the mango trees were  
22 planted and who planted them?

23 A. The area was transformed into mango plantation by the owner of  
24 the land there. <After the end of the regime, they> planted  
25 various <various crops> including bananas and lime trees because



1 the land previously <belonged> to the landowners there. <Now, the  
2 land is occupied. Its owners do not allow anyone to unearth it  
3 anymore.>

4 Q. Very well. In any case that plantation wasn't there at the  
5 time when you were working at the Au Trakuon pagoda, was it?

6 [15.15.06]

7 A. When I saw it from a distance there were some trees there from  
8 a long time ago, including banana trees and areca trees and  
9 <sapodilla trees from the old generation>.

10 Q. I would like you to tell the Chamber whether you know  
11 Angkor Ban commune?>

12 A. Yes, I do.

13 Q. During the period of Democratic Kampuchea, did you know the  
14 cadres who were in charge of security at Angkor Ban?

15 A. Yes, I did. But at present I do not know where he is. During  
16 the regime it was Angkor Ban commune. However, I do not know  
17 where he went after the fall of the Pol Pot regime.

18 [15.16.35]

19 Q. Do you remember his name?

20 A. Yes, I do. As I said, his name is Kuong.

21 Q. On the 14th of September 2015, a witness testified before this  
22 Chamber,

23 Sen Srun, but I do not recall his pseudonym. That witness talked  
24 of a person called Run who was chief of security at Angkor Ban.

25 Does that ring a bell to you?

1 A. No, that name doesn't ring a bell to me. And as I said, during  
2 the regime I spent my time with the chief and if there was  
3 communication between <chiefs and chiefs>, they would do it  
4 amongst themselves and I would not know the content of their  
5 meetings. And of course I did not know who <> the chief of the  
6 commune military <was>, for instance.

7 Q. Did you attend meetings supposedly chaired by Kan and Horn?

8 A. I have answered that <> question already. In fact, I did not  
9 witness their meetings. I mean the meetings amongst the chiefs. I  
10 <only accompanied my chief> but I did not attend any meeting.

11 [15.18.56]

12 Q. I am not talking of a meeting bringing together chiefs. I am  
13 talking of a meeting organized <for> members of cooperatives, the  
14 public and the district. Did you attend a big meeting chaired by  
15 Kan, the <district chief>?

16 A. No, I did not.

17 Q. Very well. Thank you, Mr. Witness. I have no further questions  
18 for you.

19 MR. PRESIDENT:

20 Thank you, Judge Lavergne.

21 The Chambers now would like to hand the floor to the defence  
22 teams. First, to the defence team for Nuon Chea to put the  
23 questions to this witness. You may proceed, Counsel.

24 [15.20.11]

25 QUESTIONING BY MR. KOPPE:

1 Thank you, Mr. President. Good afternoon, Mr. Witness. I only  
2 have a few questions, not very many this afternoon.

3 Q. My first question is about your date of birth. I noted down --  
4 had written down that your date of birth, at least what you said  
5 today ,is the 7th June -- 7th of June 1967. Is that correct?

6 MR. MUY VANNY:

7 A. Yes, that is correct.

8 Q. Have you ever heard -- have your parents ever told you that  
9 your date of birth was another day than the 7th of June 1967?

10 A. In fact, that date of birth was given to me by my teacher when  
11 I wanted to enrol <in a school >, and for that reason, I <have>  
12 maintained that date of birth <ever> since.

13 Q. And do you know how your teacher -- on which documents or  
14 which sources your teacher based himself when he gave you that  
15 date of birth? Is there any source that he used, do you know?

16 [15.22.16]

17 A. I did not know because usually when my parents took me to  
18 enrol in a school, I believe it was my parents who told the  
19 teacher of my year of birth, of date of birth.

20 Q. So am I to conclude, there is no misunderstanding, you were  
21 born on the 7th of June, 1967; correct?

22 A. Yes, that is correct.

23 Q. Let me move on to the next topic, the moment that you started  
24 doing things for Horn. You, if I understand correctly, brought  
25 messages from him to other people. You did small jobs for him as

81

1 I understand. But you also called yourself his bodyguard. Was  
2 your job to protect him, to protect him from danger if somebody,  
3 for instance, would attack him? Was that also part of your  
4 instruction or were you just somebody who did small jobs for him  
5 such as bringing messages?

6 [15.24.20]

7 A. Of course it was up to the chief to use me for any kind of  
8 work, and I myself did not know for which task that I would be  
9 used by my chief.

10 Q. I understand, Mr. Witness, but maybe it's a problem with the  
11 way the word that you used was translated. But to me, and I  
12 presume to many people who do not speak Khmer, the word bodyguard  
13 would seem to imply that you had to protect Horn from anything  
14 that might happen to him, that you were, for instance, to protect  
15 him against attacks, etc.

16 Did that -- let me ask you differently. Did that ever happen? Was  
17 he ever attacked and that you had to do something to protect him?

18 A. No, that never happened.

19 Q. Did you ever have any military training?

20 A. No.

21 Q. You were also not a very junior member or junior cadre of the  
22 CPK, the Community Party of Kampuchea; correct?

23 A. Yes.

24 Q. You did say that you sometimes carried an AK 47. Who taught  
25 you how to use this weapon?

1 [15.26.45]

2 A. At that time we were not trained how to use a gun. For  
3 example, when I was asked to accompany him I will be told to get  
4 on the motorbike with him and to bring along the gun. And only at  
5 a later stage we were trained how to use the weapon, although I  
6 myself never fired a single shot.

7 Q. Would it be fair for me to say that you weren't really his  
8 bodyguard in the sense that you had to protect him, but that you  
9 were just a young boy who did jobs for him?

10 A. Yes, that is correct.

11 Q. Now, let me go to the beginning that you started doing jobs  
12 for Horn. You said that you stopped doing jobs for him at the end  
13 of the Democratic Kampuchea regime when the Vietnamese came. Can  
14 you be more -- a little bit more exact, as to how long you did  
15 jobs for him? I wrote down that you said it was a "brief period  
16 of time". Would that be a few months or maybe six months? Could  
17 you be a little more specific or try to remember exactly how long  
18 it was that you did those jobs for Horn?

19 [15.28.56]

20 A. In fact, as I stated a while ago, I could not know the entire  
21 duration, although I was with him for a short period of time and  
22 I remained with him until the fall of the Pol Pot regime. At that  
23 time, Pol Pot <was ousted. Then, >we were fleeing <> back to my  
24 house <through Kampong Cham province. We escaped to our houses,  
25 respectively. We had been separated and dispersed.>

1 Q. I understand, Mr. Witness, that it's a long time ago and it is  
2 difficult for you to tell exactly how long you did those jobs for  
3 Horn. A short period, but is it maybe two months, maybe three  
4 months, maybe a few weeks? Can you give me any indication or is  
5 it really not possible for you to be more specific?

6 A. I believe that the period was between five and six months.

7 Q. Thank you, Mr. Witness. Is it also correct for me to say that  
8 doing jobs, small jobs, a messenger's jobs for Horn was your only  
9 job? You were not officially or formally or whatever you would  
10 like to call it, working at Au Trakuon security centre -- Au  
11 Trakuon pagoda; is that correct? You were only there because  
12 sometimes Horn was there? Am I stating you -- your evidence  
13 correctly?

14 [15.31.16]

15 A. Yes. When he went to Au Trakuon, then, I would accompany him  
16 and if he <stayed> at the military station or base, then, I  
17 <would> be with him there.

18 Q. Now, would you be able to recall how many nights in those five  
19 or six months you actually spent the night in Wat Au Trakuon? You  
20 were there sleeping at night maybe while Horn -- Horn was there  
21 at the same time; do you remember how many nights in total you  
22 slept at Wat Au Trakuon?

23 A. Sometimes, I took a rest. I <>rest<ed> there for two nights or  
24 three nights and they <went> to the work site during the daytime  
25 for a brief moment before they returned to their sleeping

1 quarter.

2 [15.32.51]

3 Q. But when you said, just now, you slept there for two or three  
4 nights, would that be in a larger period of a -- of a week or a  
5 month? Can you give an indication; how many nights per month  
6 would you sleep the night at Wat Au Trakuon?

7 A. Sometimes, one night and on some other occasion, two nights;  
8 <> it depended on my supervisor or my superior, but we rarely  
9 slept within the location of Au Trakuon pagoda.

10 Q. Did -- excuse me, did Horn sleep mostly at his own home in  
11 those five or six months that you worked for him?

12 A. Could you repeat your question once again?

13 Q. My question is trying to -- to figure out how many nights per  
14 month you slept. Let me try to -- to ask a different question.

15 Did you sleep at Wat Au Trakuon sometimes in the night in a month  
16 because your boss, Horn, slept there; was that the reason you  
17 slept at Wat Au Trakuon?

18 A. <Sometimes>, I spent a night <> there or two nights there. As  
19 I said a while ago, when <> my superior was tired, he came back  
20 to take a rest for one night or two nights after which he went to  
21 the military base.

22 Q. And did your -- your boss, Horn, sleep most of the nights  
23 either at the military centre or at his home; is that correct?

24 [15.35.51]

25 A. After he returned to Au Trakuon pagoda, he would sleep at his

1 own<> home. He had a different house and <sometimes>, I slept, as  
2 well, at his house.

3 Q. Earlier this afternoon, you described that at one point at  
4 night, you saw a prisoner tied. When you saw that, was that one  
5 of those few nights that you were at Wat Au Trakuon; is that --  
6 is that a fair understanding?

7 A. It was the first time that I saw it and it was so scary for me  
8 for the first time that I saw it.

9 Q. Let me move on to a -- another subject now, Mr. Witness. You  
10 were asked the question earlier about the difference between, on  
11 the one hand, so-called light offenders and, on the other hand,  
12 so-called serious offenders; do you remember talking about this?  
13 [15.37.50]

14 A. Concerning the light offences, they may have been the offence  
15 of stealing sweet potato or some food to eat. My younger brother  
16 was about to be arrested during the time <because> the pig he  
17 raised was scrubbing the <earth> and the sweet potato came out of  
18 the ground. <He picked and ate it.> So<, his unit chief put him  
19 in trouble. That was his offense. He was forgiven maybe because  
20 they thought he was a young man. If an adult person made the same  
21 mistake, the chance for him/her to survive could be smaller.>

22 Q. But the distinction that you made, just now, and also in your  
23 statement to the investigators is that something that you heard  
24 in relation to the incident of your brother or is it a  
25 distinction between serious and light offenders something that



1 you heard from people at Wat Au Trakuon?

2 A. I was not so aware of the so-called light and serious offences  
3 for younger people. They <could be forgiven because they were  
4 local people. For the adults, I saw them being refashioned.> And  
5 <> we were warned not to try to pick up bananas from the tree.  
6 The vegetable <and other crops> that we <grew> at home, sometimes  
7 we're not allowed to pick up to eat, so <> you can imagine<> what  
8 will -- what would happen if we got and pick<ed> up all those  
9 vegetables to eat.

10 [15.40.20]

11 Q. I understand. Your answer is clear to me, Mr. Witness, but the  
12 matter of serious offences versus light offences is something you  
13 knew notwithstanding your knowledge of -- of Wat Au Trakuon; is  
14 that correct? It's a difficult question, sorry.

15 A. I did not know, at that time, what kind of offences made those  
16 people sent to Au Trakuon pagoda <because I was not the one who  
17 wrote the record or who was in charge of that. I did not know  
18 what kind of offences they had committed or what kind of thefts  
19 they had been involved in. >To my knowledge, the mobile unit took  
20 those people into the <> pagoda and people would be placed in  
21 that pagoda for about one week and some people would have been  
22 placed within the centre for one, two or three weeks due to the  
23 facts of picking up jackfruits and other fruits.  
24 And I secretly asked the people who were aware of the situation  
25 and I was told that the offenders stole jackfruits and other

1 fruits to eat; that's why they were arrested<, punished> and  
2 placed in the centre. <Women from mobile units were also kept in  
3 Au Trakuon prison. I secretly asked them why they had been  
4 arrested and brought in there. They told me that they had stolen  
5 jackfruits to eat in a group. The jackfruits had gone missing.  
6 They tried to trace who took them away and found out that those  
7 women had stolen them. So, they just sent them to the pagoda.>

8 [15.42.24]

9 Q. Thank you, Mr. Witness. Now, to me, it's -- it's crystal clear  
10 that you never actually witnessed any execution in the vicinity  
11 of Wat Au Trakuon. Have you ever heard before 7 January 1979, or  
12 after, who of the security people at Wat -- Wat Au Trakoun, might  
13 have been involved in the execution of people? Did you ever hear  
14 names of guards that you probably saw at Wat Au Trakuon who might  
15 have been involved in alleged executions?

16 A. It's a lengthy question. I could not get a gist of it.

17 Q. I apologize, Mr. Witness. Have you ever heard names of people  
18 who worked at Wat Au Trakuon who might have been involved in  
19 possible executions? Do you know any -- have you ever heard names  
20 of people?

21 A. I have heard people <> mention of <the> names of those who  
22 killed people; however, the killers <> were all deceased now.

23 Q. And was this something that you heard after 1979?

24 [15.44.36]

25 A. It was after the fall of the regime that I heard, for

1 instance, that Horn died already. <Nowadays>, I know that some of  
2 those people are deceased<. I am originally from other village>  
3 and I am assigned to teach students at Au Trakuon pagoda or in  
4 the neighbourhood and I know that those people are all deceased.

5 Q. Then another question, Mr. Witness. You were asked, at one  
6 point in time, a question about how you possibly might know that  
7 the prisoners were Cham and then you said that you did not see  
8 them or hear them being asked questions about background. But you  
9 did say that you asked people working in the kitchen; can you  
10 explain to me how people in the kitchen could possibly know the  
11 background of the prisoners?

12 [15.46.16]

13 A. In fact, I did not know when they were there. I was quite  
14 young, at the time, and I sometimes chitchatted with other< young  
15 people> at that location. <Only hearing about that place, it made  
16 me terrified already. I secretly asked them and revealed it to  
17 me. I dared not speak much about it as I was still a teenager at  
18 that time.>

19 Q. Thank you, Mr. Witness. My last question: Do you recall having  
20 said something about a possible sexual offence of someone within  
21 Wat Au Trakuon called Bot?

22 A. I learned about it from the <cook> within the kitchen house.  
23 The <> cook for Long Sword Group that, in fact, <the female cook  
24 was a deputy and> Bot was the <security> deputy chief under Horn  
25 and <-Bot held the keys to the kitchen and> fell in love with the

1 female cook, <> and <another> female <cook> went to confide in  
2 the <chief> female cook<, who,> later on, <reported on it to>  
3 Horn<. Then, Horn arrested> Bot <together the woman and executed  
4 both of them that night. I heard my boss saying that he would  
5 take care of that person soon. However, that female cook was  
6 innocent. In fact, the> deputy chief <Bot> raped the female <cook  
7 that> I have just mentioned and <another> female confided in the  
8 female cook<, who>, later on, <came to report on it to my boss,>  
9 Horn<. So, he assigned his people to arrest > Bot, together with  
10 the female <cook. Then, they both> were taken away and executed.

11 Q. I presume that you haven't actually witnessed this execution  
12 of Bot and the female prisoner; correct?

13 A. There was a female <prisoner. >

14 Q. I understand, Mr. Witness, but you -- you said that both Bot  
15 and the female prisoner were taken away and killed. My question  
16 to you was: You haven't actually seen the killing of Bot and the  
17 -- and the prisoner; is that correct?

18 [15.49.58]

19 A. I did not witness it myself, but I learned that Bot had been  
20 arrested and I no longer saw Bot after that time. It was presumed  
21 that someone died after the arrest. <When someone was arrested at  
22 that place, it was very rare that they could survive.>

23 MR. KOPPE:

24 Thank you very much, Mr. Witness. Thank you, Mr. President.

25 MR. PRESIDENT:

1 Thank you. The floor is now given to the defence counsel for Mr.  
2 Khieu Samphan to put question to this witness. You have the floor  
3 now, Counsel.

4 QUESTIONING BY MS. GUISSÉ:

5 Thank you, Mr. President. Good afternoon, Witness. My name is  
6 Anta Guisse. I am the <International> Co-counsel of Khieu Samphan  
7 and it is in this capacity that I'm going to put a few  
8 complimentary questions to you.

9 First of all, I would like to try to find a few <time points>. I  
10 know that the facts date back quite far and I know that you don't  
11 remember the dates <anymore>, but I'm going to try to put  
12 questions to you <to see if> you can <re-situate the events  
13 differently.>

14 You hail from Anlong Ak, I understood. I apologize for the  
15 pronunciation. So that is your native village; am I right?

16 MR. MUY VANNY:

17 A. Yes, that is correct.

18 Q. Earlier, you said that just before the Vietnamese arrived, you  
19 fled back to your home village. Did you flee, therefore, to  
20 Anlong Ak when you were informed of the arrival of the  
21 Vietnamese?

22 A. Yes, I fled to my home village.

23 Q. So my question, therefore, is<:> <Just> before you fled to  
24 your home village, where were you stationed and what were your  
25 duties just before you fled; were you still at the Au Trakuon

1 pagoda or were you elsewhere?

2 [15.52.41]

3 A. I fled to my birth village after the arrival of the Vietnamese  
4 troops, so everyone were on their own way to their locations  
5 after we learned that the Vietnamese came into the country. After  
6 we learned about that information that the Vietnamese came to  
7 help us, we went back home <because we had separated from our  
8 family and parents. It was difficult to see them during the  
9 regime> and everyone fled to different directions. <Everyone just  
10 headed back to our houses, respectively. No one remained in the  
11 area. But, I did not know where they had gone.>

12 Q. I had understood that witness, but that was not my question.  
13 My question was: When you learnt that the Vietnamese were  
14 arriving, where were <you? Before> you went back to your home  
15 village. When you learned that news, where were you exactly?

16 [15.53.45]

17 A. I fled from <the area in> Peam Chi Kang <>, the place where I  
18 learned that Vietnamese <had already entered>. Everyone persuaded  
19 each other to go back home after we learned that information.  
20 <So, we had to go back home.> I did not go anywhere else with  
21 other people. I was missing my house and, <particularly>, my  
22 <parents> at the time.

23 Q. Please really pay attention to what I'm saying. I'm trying to  
24 put very specific questions to you.

25 You said that you were at Peam Chi Kang, so my specific question

1 is now: Were you at the Au Trakuon pagoda when you heard that the  
2 Vietnamese were arriving? Were you still assigned to the pagoda?

3 A. At that time, I was not stationed at Au Trakuon pagoda since  
4 Horn ordered the troop to be <sent to Peam Chi Kang> to  
5 counterattack with the Vietnamese troops, but it was in vain and  
6 the soldiers ran -- dispersed into different direction and, at  
7 that time, not so many soldier could resist the Vietnamese.

8 So we decided to return to our respective houses and <I did not  
9 know where my boss had gone, either>, and everyone pretended that  
10 they wanted to go and relieve themselves but, actually, we <were>  
11 trying to flee<. We made sure that our boss did not see or know  
12 us escaping. Luckily, the Vietnamese troops won the victory. So,  
13 we have survived up to now.>

14 [15.56.00]

15 Q. So I don't know if there was a problem in the translation  
16 because you were speaking about a person that I would have spoken  
17 about and in my question, I did not speak about anybody, so can  
18 you tell me if you're speaking about Hong (phonetic) -- Horn, was  
19 it Horn who also fled?

20 A. At the time, we fled all together, but to different  
21 directions. Everyone said that they wanted to go and relieve  
22 themselves but, actually, they wanted to separate from their  
23 superiors and fled to other places they wished to go. <My boss  
24 went to the front. I did not go with him. I kept on covering my  
25 trails to avoid my boss and ran off toward my home village.>

1 Q. So must I, therefore, understand that when you <heard about  
2 the imminent arrival of the> Vietnamese, you were still working  
3 for Horn?

4 [15.57.15]

5 A. Yes, I was working still with Horn for <>two <or three> days  
6 before I fled. Perhaps, I was working for him for the last two  
7 <days> and the situation became intensified and, at the time, the  
8 soldiers of the Khmer Rouge were becoming smaller<. So, they were  
9 defeated. They only fought back to let their fellows to flee. My  
10 boss escaped as well.>

11 Q. Fine, so, therefore, getting back to the question of the  
12 period we're speaking about, when you answered, <first>, the  
13 Co-Prosecutor and when you <responded to> my colleague, Victor  
14 Koppe, and you said that you worked for Horn for about five to  
15 six months, can we agree that those five to six months were  
16 before the end of the Democratic Kampuchea regime? So are we okay  
17 to situate this period just before the end of the regime?

18 A. Yes, that was before the end of the regime.

19 Q. Now, I would like to get back to another period. When you  
20 answered the Co-Prosecutor, you spoke about two assignments; the  
21 first in a children's mobile unit and the second in a mobile unit  
22 that was attached to the district in which the people were  
23 generally aged between 20 and 30. So do you remember having  
24 spoken about both of these units to the Co-Prosecutor?

25 [15.59.25]



1 A. The children units were stationed within the commune and later  
2 on, there was an issue with that children unit and people within  
3 that unit <>hated <me>, so I was assigned and removed to <the  
4 district mobile unit. I was assigned to carry the earth with two  
5 adults>.

6 And when I was assigned to the children unit within the commune,  
7 the work was not so comparably <> hard. <But, it was a bit easier  
8 because I was not asked to carry the earth. They only had me make  
9 fertilizers> and find rats and also to do some light works;  
10 namely,<building dikes or ditches to retain water in the rice  
11 fields in the commune. But, when I assigned to work in the  
12 district mobile unit, the work was intensive. We were called  
13 combatants. But, I was just a tenderfoot.>

14 Q. <Excuse me.> Mr. Witness, I know we are coming to the end of  
15 the day, but I would like you to pay particular attention to the  
16 questions I'm putting to you. My questions are very concise <and  
17 do not necessarily require a long answer>. Sometimes, I have the  
18 impression that you do not quite understand my questions.  
19 I do understand from your answer that you did talk of the two  
20 units when you answered questions put to you by the  
21 Co-Prosecutor. <Firstly,> I am particularly interested in the  
22 first unit; the unit <for> children. Do you remember the unit for  
23 children in the commune and do you remember in what year you  
24 started working in that unit, if you do remember?

25 [16.01.12]

1 A. I do not remember when I worked in -- I started to work in  
2 that children unit within the commune. I cannot recall when<, in  
3 what year,> I was assigned to be part of that unit within the  
4 commune.

5 Q. In answer to a question put to you by the Co-Prosecutor, you  
6 made mention <of> <an> arrest of Cham people in the unit. I  
7 didn't understand whether that arrest was carried out while you  
8 were in the children's unit or whether you were in the district  
9 mobile unit in which persons aged 20 to 30 were detained. Can you  
10 clarify this point and tell us in what unit the <arrest of the>  
11 Cham <took place>?

12 A. It happened when I was part of the district mobile unit.

13 Q. And I'm putting this last question to you, <this will be my  
14 last question Mr President>, because I see that we are almost at  
15 the end of today's hearings.

16 When the Co-Prosecutor <spoke of arrests, he spoke of the arrests  
17 of children>, you talked of persons aged between 20 and 30 who  
18 <were> arrested; should I understand that that is what you meant  
19 <in your testimony>; were> persons aged between 20 and 30  
20 arrested?

21 [16.03.16]

22 A. They were youth. And I cannot tell you why <>we <were>  
23 considered <as> youth. <During that time, I did not know what it  
24 was and they called it mobile unit. So, I just followed them> and  
25 <I did not even know how> old <> they <were> to be considered as

1 <>youth.

2 Q. But we do agree that these were not members of the children's  
3 unit?

4 A. They were not children.

5 MS. GUISSÉ:

6 Mr. President, I have no further questions for today.

7 [16.04.07]

8 MR. PRESIDENT:

9 Thank you. It is now time for the adjournment and the hearing  
10 will resume tomorrow on Tuesday, 12 January 2016, at 9 a.m.  
11 Tomorrow, the Chamber will <conclude the> hearing Witness Muy  
12 Vanny, and then start to hear 2-TCW-988. Please be informed and  
13 <come to attend it as scheduled>.

14 Thank you, Mr. Muy Vanny. The hearing of your testimony as a  
15 witness has not come to a conclusion yet. You are, therefore,  
16 invited to come here and testify once again at 9 a.m.

17 Court officer, please work with WESU to send Mr. Muy Vanny  
18 ,together with the reserve witness, 2-TCW-988, to the place where  
19 they are staying now and please invite them back into the  
20 courtroom <tomorrow> at 9 a.m.

21 Security personnel are instructed to bring Mr. Khieu Samphan and  
22 Nuon Chea back to the ECCC detention facility and have them  
23 returned to the courtroom tomorrow before 9 a.m.

24 The Court is now adjourned.

25 (Court adjourns at 1605H)