



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  
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Case File N° 002/19-09-2007-ECCC/TC

12 January 2016  
Trial Day 355

Before the Judges: NIL Nonn, Presiding  
Claudia FENZ  
Jean-Marc LAVERGNE  
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YOU Ottara  
Martin KAROPKIN (Reserve)  
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I N D E X

Mr. MUY Vanny (2-TCW-987)

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Mr. SAY Doeun (2-TCW-988)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYSAK	English
Mr. MUY Vanny (2-TCW-987)	Khmer
The President (NIL Nonn)	Khmer
Mr. SAY Doeun (2-TCW-988)	Khmer
Ms. SONG Chorvoin	Khmer

1

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the remaining testimony of  
6 Witness Muy Vanny, and begin hearing testimony of another witness  
7 -- that is, 2-TCW-988.

8 <The Greffier,> Ms. Chea Sivhoang, please report the attendance  
9 of the parties and other individuals to today's proceedings.

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all parties to this case  
12 are present except the National Lead Co-Lawyer for civil parties,  
13 who is absent for personal reasons.

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

17 The witness who is to conclude his testimony today -- that is,  
18 Mr. Muy Vanny, is present in the courtroom. The witness who is to  
19 testify next -- that is, 2-TCW-988, took an oath before the Iron  
20 Club Statute yesterday, and he has Counsel Moeurn Sovann as his  
21 duty counsel.

22 Thank you.

23 [09.06.17]

24 MR. PRESIDENT:

25 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the

1 request by Nuon Chea.

2 The Chamber has received a waiver from Nuon Chea, dated 12  
3 January 2016, which states that, due to his health, headache,  
4 back pain, he cannot sit or concentrate for long. And in order to  
5 effectively participate in future hearings, he requests to waive  
6 his rights to participate in and be present at the 12 January  
7 2016 hearing.

8 Having seen the medical report of Nuon Chea by the duty doctor  
9 for the Accused at ECCC, dated 12 January 2016, which notes that  
10 Nuon Chea has severe back pain when he sits for long and  
11 recommends that the Chamber grant him his request so that he can  
12 follow the proceedings remotely from the holding cell downstairs.  
13 Based on the above information and pursuant to Rule 81.5 of the  
14 ECCC Internal Rules, the Chamber grants Nuon Chea his request to  
15 follow today's proceedings remotely from the holding cell  
16 downstairs via audio-visual means.

17 [09.07.34]

18 The Chamber instructs the AV Unit personnel to link the  
19 proceedings to the room downstairs so that Nuon Chea can follow.

20 This applies to the whole day.

21 And the Chamber now hands the floor to the defence team for Khieu  
22 Samphan to continue putting further questions to this witness.

23 You may proceed.

24 QUESTIONING BY MS. GUISSÉ RESUMES:

25 Thank you, Mr. President. Good morning, <good morning> to all of

1 you.

2 Q. Good morning to you, <Mr.> MUY VANNY. I'm going to continue  
3 and take up from where we stopped yesterday.

4 I would like to remind you, however, that it's necessary for you  
5 to listen carefully to my questions and to answer these questions  
6 as precisely as possible.

7 You spoke yesterday, therefore, about your work within a mobile  
8 unit that was attached to the district, if I understood you  
9 correctly. And you told us that, back then, the people who made  
10 up this unit were young people between the ages of 20 to 30.

11 So can you tell us where you were stationed, where was your  
12 mobile unit stationed at that time?

13 [09.08.51]

14 MR. MUY VANNY:

15 A. It varied. As I was part of the district mobile unit, we were  
16 constantly mobile from one worksite to the other.

17 Q. So maybe my question wasn't sufficiently precise, so I  
18 apologize.

19 When the arrest you described yesterday <took place>, where were  
20 you stationed?

21 A. I was in Sdau commune.

22 Q. And where, exactly, in Sdau commune were you?

23 A. I was in Sdau village.

24 [09.09.59]

25 Q. You said that when you saw people standing in <a> row, who

4

1   apparently had been arrested, you said that you were returning  
2   from a place where you <had> cleared grass and that you were  
3   riding an ox cart.

4   <Can> you tell us if you were alone on that ox cart or if there  
5   were other people with you?

6   A. There were two or three ox carts at the time, and we were  
7   assigned to cut grass at a far distant place. It was in Mukh  
8   Kampul district, so we were divided into different groups, and my  
9   group arrived rather late. And halfway through our journey, I saw  
10   what happened. And when we returned to our sleeping quarters at a  
11   mobile unit, the situation was rather quiet.

12   Q. You said yesterday that, in your unit, there was a majority of  
13   Cham people. So <were> you speaking about this mobile unit or  
14   <were> you speaking about another unit<>?

15   A. I refer to my unit, and that is the unit that I was attached  
16   to. And there was a mixture of the Cham and the Khmer people. And  
17   it was a small mobile unit.

18   [09.12.08]

19   Q. So we agree, therefore, that the day when you came back from  
20   clearing on the ox cart, you were part of this unit that included  
21   <both> Cham people as well as Khmer people; is that correct?

22   A. Yes, that is correct.

23   Q. In my notes, I noted that you said that, in the small unit,  
24   there were about five Khmer people and 25 Cham people. Did I  
25   understand your testimony properly?

5

1 A. I cannot recall the exact words that I used. However, if that  
2 is what I stated previously, I stand by it. This event took place  
3 a long time ago.

4 Q. Well, in fact, I don't want to put words in your mouth. I just  
5 want you to tell us the story as best as you can remember it.  
6 <I believe that that is what you said yesterday>, as far as you  
7 remember it, can you tell us how many Cham people and how many  
8 Khmer people there were within your unit?

9 A. I did not pay much attention to that, and I only knew some of  
10 them and not all. As for the names, also I only knew some of  
11 their names. My main attention was focusing on the work assigned  
12 to me. Although <> we were in the same small unit, I did not know  
13 everyone.

14 [09.14.10]

15 Q. Is it true <to say>, therefore, that under these conditions,  
16 you did not necessarily know who was Cham and who was Khmer?

17 A. Yes. And what I can recall is that those people who were  
18 arrested were all Cham because there were not many Khmer in the  
19 unit because if everyone had to be arrested, it means the Khmer  
20 people had to be gone too; it means there would be no one left in  
21 the unit.

22 Q. Yesterday at around 10.31 in the morning, you said that when  
23 you came back on the ox cart, it was about 6 o'clock in the  
24 evening.

25 <Today, you have mentioned> that there were many other ox carts.



6

1 Who was riding these ox carts; do you remember?

2 A. <From my unit,> I was assigned alone to cut the grass.

3 However, <> members of <other units from various villages within  
4 the same commune> were assigned to <go there and collect grass as  
5 well>. And I, myself, was assigned to cut the grass, <> with the  
6 people from the kitchen unit.

7 [09.16.15]

8 Q. <Yesterday you> said, therefore, that it was around 6 o'clock  
9 in the evening. And <> that you only recognized one or two <of  
10 the> people <standing> in <a> row. So must I understand from your  
11 testimony that it was dark then?

12 A. Yes.

13 Q. Since you only recognized one or two people, how can you be  
14 sure that all of the people who were arrested were Cham?

15 A. Because in my unit, all the Cham people <had been> arrested,  
16 <so> there were only a few left. And they were all Khmer.

17 Q. But you just told me a little earlier that you did not  
18 necessarily know who was Khmer and who was Cham so, therefore,  
19 how can you assert that?

20 A. As I stated from the beginning, the people who were called to  
21 go were all Cham, and if everyone in my unit had <been> called,  
22 it means I, myself, would <not have been able to be here today>.

23 [09.18.03]

24 Q. So if I understood your testimony well, you <yourself> arrived  
25 when the people had already been gathered and were already

1 standing in a row. <So, if I understand properly your testimony  
2 from yesterday,> you <> came across these people on your way. So  
3 that is to say that you were not present when these people were  
4 called to gather? Am I correct?

5 A. Yes.

6 Q. So therefore, is it true that you do not know exactly under  
7 which conditions these arrests took place?

8 A. Yes.

9 Q. And the other people who were on other ox carts went to other  
10 villages, as far as you said.

11 So must I understand that these people belonged to another unit?

12 A. Yes, they did.

13 [09.19.18]

14 Q. And did you know these people? Did you know where these people  
15 came from?

16 A. No, I did not.

17 Q. You said yesterday as well that a certain number of Cham  
18 people in your unit came from Angkor Ban and from Sach Sou. So,  
19 had you already been to Sach Sou and to Angkor Ban?

20 A. Later on, I knew of that village. In Kang Meas district, there  
21 were about two communes where the Cham people resided.

22 Q. You're telling <me that>, later, you got to know both of these  
23 villages. But my question was, when you were in the mobile unit,  
24 had you already gone to these villages?

25 A. No, I did not.

1 [09.20.45]

2 Q. So therefore, is it true that you knew nobody from these  
3 villages and you did not know the Cham people with whom you  
4 worked within the mobile unit before working with them?

5 A. I did not know them all because our unit -- because it was a  
6 mixture, but it is my understanding that Cham people resided in  
7 two communes, Angkor Ban and <Sach Sou village of Peam Chi Kang>  
8 commune.

9 Q. Now I would like to get back to the period during which you  
10 worked at the Wat Au Trakuon pagoda for Horn. And yesterday, at  
11 10.17 in the morning, you said that you did not spend all of your  
12 time at the pagoda, but that, generally, you would stay with the  
13 commune soldiers. So I'd like you to clarify this point.

14 When you answered my colleague, Victor Koppe, yesterday, you said  
15 that you would <sometimes> spend maybe one or two nights at the  
16 pagoda and then you would spend the other nights elsewhere. So  
17 can you specify to the Chamber where these commune soldiers were  
18 stationed, the commune soldiers with whom you <say you> spent  
19 time <with,> when you were not at the pagoda?

20 [09.22.49]

21 A. At that time, we were stationed in various communes; namely  
22 Reay Pay, <and Khchau> and usually we would be stationed at the  
23 outskirts where there were forests. And part of the forces were  
24 used, for example, for various other tasks <at Takut (phonetic),  
25 to dig and carry dirt <and guarded over by soldiers>. However, I

1 did not know every single village situated within the communes. I  
2 only knew locations where I was stationed; namely, Khchau <and  
3 Reay Pay communes. Again, I do not know all the villages within  
4 the communes.>

5 Q. And do I understand <your testimony here? That means that>  
6 when you say that when you were stationed with these commune  
7 soldiers, you were accompanying Horn when he would <perform his>  
8 inspections <of> the military stations?

9 A. Yes, that is correct.

10 Q. And you say that it is with the commune soldiers that you  
11 remained. But what about the district soldiers? Did you know  
12 where they were stationed?

13 A. I think you got confused. The person was in charge of the  
14 district soldiers<, not commune soldiers>. However, allow me to  
15 clarify. Those district soldiers were stationed in various  
16 communes under that district. And they might be stationed for a  
17 week or a fortnight in a particular commune and then redeployed  
18 to be stationed elsewhere within another commune under the  
19 district.

20 [09.25.08]

21 Q. So when you said yesterday that you would generally stay with  
22 the commune soldiers, were these district soldiers, in fact, who  
23 were assigned to a specific commune, or were these other  
24 soldiers? Were you <excuse me -- were you>, referring to other  
25 soldiers?

10

1 A. The commune <> had their own soldiers, and there were  
2 different groups from the district soldiers. And Horn was in  
3 charge of district soldiers, not the commune soldiers.

4 Q. And since you were working with Horn, can you tell us why,  
5 then, you would stay with the commune soldiers?

6 [09.26.12]

7 MR. PRESIDENT:

8 I have not heard the witness refer to commune soldiers, and  
9 counsel, maybe you got confused.

10 Yesterday, the witness testified that the soldiers belonged to  
11 the district, however, they were stationed in various communes  
12 where there were issues. And they would be stationed for a  
13 specific period of time and then redeployed to other communes.  
14 And that's what the witness testified yesterday, and that's what  
15 he is testifying now. He refers to district soldiers who were  
16 stationed in various communes in Peam Chi Kang district.

17 BY MS. GUISSÉ:

18 So <I must have had a problem with> the interpretation or in my  
19 notes, <but> no problem. I will clarify this.

20 Q. So can you confirm that when you said that you were staying  
21 with soldiers, these were district soldiers?

22 MR. MUY VANNY:

23 A. Yes, they were district soldiers as clarified by the  
24 President.

25 [09.27.34]

11

1 Q. Can you confirm that Horn himself was a soldier?

2 A. As I stated from the outset, he was in charge of soldiers, and  
3 he was also in charge of the Au Trakuon security centre. And when  
4 he was on a mobile with the soldiers, he would assign his deputy  
5 to take charge of the security centre. Sometimes he would stay at  
6 the centre for a week, and then he would leave to various other  
7 locations to inspect his soldiers.

8 Q. My specific question was, was Horn a soldier? And if that was  
9 the case, did you know his rank?

10 MR. PRESIDENT:

11 The witness stated that the person was in charge of the district  
12 soldiers as well as in charge of the Au Trakuon pagoda security  
13 centre.

14 And witness, please only respond to the counsel about his  
15 military rank. What rank did he hold? Please be brief, if you  
16 know the response, and if you don't know it, you say you don't  
17 know and it is a part of your response.

18 [09.29.16]

19 MR. MUY VANNY:

20 A. He was in charge of district soldiers.

21 BY MS. GUISSÉ:

22 Q. So therefore, must I conclude from <your response> that you  
23 did not know his rank?

24 MR. MUY VANNY:

25 A. Yes, that is correct. I did not know his rank.

12

1 MR. PRESIDENT:

2 <The International> Deputy Co-Prosecutor, you have the floor.

3 MR. DE WILDE D'ESTMAEL:

4 Thank you, Mr. President.

5 <Unless I am mistaken, I don't believe> there were <> ranks of

6 <this sort under the Khmer Rouge. I could be wrong but -- a

7 person's duties could be interpreted in some way as a designation

8 of their ranking but there was no classification, there were no

9 generals or marshals etc. to my knowledge.>

10 [09.30.12]

11 BY MS. GUISSÉ:

12 I believe I heard witnesses talk about <different> units, <unit

13 chiefs, of battalions, etc>. <Therefore> I think there's

14 reference to <> ranks, but based on the witness' <response>, I

15 <won't insist further>. <There will surely be> other

16 <opportunities> to <discuss this>.

17 Q. <Mr.> Witness, let me continue with my examination. Still with

18 regard to the period during which you worked with Horn; I would

19 like to talk about the time <when -- when you were> at the

20 pagoda, you stated that you slept at a particular location in the

21 pagoda. Can you tell the Chamber where, exactly, it was located?

22 You talked of a number of buildings. Can you be more precise?

23 MR. MUY VANNY:

24 A. It was at a monk residence, and it was an old existing

25 structure of a monk residence. It was not newly built.

13

1 [09.31.32]

2 Q. Can you situate that building in relation to the entrance to  
3 the pagoda?

4 A. It was situated within the compound of the pagoda.

5 Q. I understand. <But my question> was in relation to the  
6 entrance. As regards the entrance <of the pagoda>, was it close  
7 to the entrance or was it far off from the entrance?

8 Can you tell us where, exactly, <were> the monks' <lodgings,  
9 where you stayed sometimes?>

10 A. It was behind the main hall. <And the gate was way at front.>

11 Q. So if I understand correctly, when you went into the pagoda,  
12 you <first> had the main <hall> and then you <walked along to>  
13 get to the building in which the monks were housed; is that  
14 correct?

15 A. Yes, that is correct.

16 Q. Yesterday, at 13.47, you stated that prisoners were  
17 interrogated within the premises of a school. Can you tell us  
18 where, exactly, that school was situated in relation to the  
19 pagoda?

20 A. It was adjacent to the gate of the pagoda.

21 [09.33.20]

22 Q. Was it within the premises of the pagoda or outside the  
23 premises of the pagoda?

24 A. It <> is still located in the same place. There was a building  
25 within the compound of that school.



14

1 Q. I am not sure I properly understood your answer. My question  
2 was whether the school was within the premises of the pagoda or  
3 outside of the premises of the pagoda.

4 A. It bordered along the fence, and it's still in the same  
5 location, bordering the fence of the pagoda. The location of the  
6 school is now transferred to the authority under different  
7 neighbourhood, so it border along the fence of the pagoda.

8 [09.34.43]

9 Q. When you say that it was adjacent to the pagoda, do I  
10 understand that you mean that the school was outside the pagoda?  
11 Because you said it was near the fence. But was it outside of the  
12 pagoda?

13 Are we agreed that it was outside of the pagoda?

14 A. Yes, you are right.

15 Q. You have stated that, given your age and your duties, you had  
16 nothing to do with the interrogations. Do you know who carried  
17 out those interrogations?

18 A. Perhaps it was Bot or Kuong. The two individuals were the  
19 deputies of Horn.

20 Q. You have <answered "perhaps">, but <once more,> let me draw  
21 your attention to the importance of talking only about things you  
22 <know> and things you witnessed. If you do not know <something>,  
23 <I'd prefer it if you tell> me that you do not know.

24 So let me repeat my question. Was it an assumption on your part  
25 or you truly knew who conducted the interrogations?

1 THE INTERPRETER:

2 A. The interpreter could not hear the beginning part of the  
3 statement of the witness.

4 [09.36.25]

5 BY MS. GUISSÉ:

6 Q. Mr. Witness, could you please repeat your answer? <We haven't  
7 been able to hear the interpretation>.

8 MR. MUY VANNY:

9 A. There <were> only two individuals, Bot and Kuong, who did  
10 that.

11 Q. A while ago, you said "perhaps". Are you sure of your answer  
12 now?

13 A. I am sure.

14 Q. You stated <yesterday> that you did not attend meetings  
15 involving chiefs <and that> you knew nothing regarding the work  
16 they did precisely.

17 Can we, therefore, say that you, yourself, did not know the  
18 reasons for the interrogations <nor> how they were conducted?

19 A. Yes.

20 [09.37.48]

21 MR. PRESIDENT:

22 Please hold on, Mr. Witness.

23 You have the floor now, <the International> Deputy

24 <>Co-Prosecutor.

25 MR. DE WILDE D'ESTMAEL:

16

1 I would like to object to this question because yesterday, the  
2 witness, indeed, said that when he accompanied Horn outside of  
3 the commune and so on and so forth, he did not attend meetings,  
4 and so he didn't know the contents of those meetings.

5 Now we are talking of another context, the Wat Au Trakuon pagoda.  
6 We <all> know what he told the Investigating Judges. I don't  
7 think <it's the same> situation. Yesterday <he made reference to  
8 the meetings that took place outside the pagodas>.

9 We are not talking of meetings outside of the pagoda. We are  
10 talking of functions within the pagoda. <It is not the same.> so  
11 this question <could pose some difficulties and> confuse the  
12 witness <in my opinion>, so this question should be rephrased.

13 [09.38.37]

14 BY MS. GUISSÉ:

15 No problem. I will rephrase it.

16 Q. Witness, is it correct to say that, as part of your duties,  
17 you did not play any role in <the> interrogations?

18 MR. MUY VANNY:

19 A. Yes, that is correct.

20 Q. Is it also correct to say that the two persons <you cited as  
21 being> in charge of interrogations did not discuss the contents  
22 of those interrogations with you?

23 A. Yes, that is correct.

24 Q. Is it also correct to say that you did not know the criteria  
25 on which any of the persons involved were interrogated?

1 [09.39.27]

2 MR. PRESIDENT:

3 You have the floor now, International Deputy Co-Prosecutor.

4 MR. DE WILDE D'ESTMAEL:

5 The defence counsel is asking <all negative questions>, very  
6 restrictive <questions>. The same questions <could> be posed  
7 openly. For instance, she can ask, "Do you know?" Instead of  
8 constantly looking for confirmation that the witness does not  
9 know something.> <I believe that questions should leave things a  
10 little bit more open and not seek to constantly turn them into  
11 leading, closed questions.>

12 MS. GUISSSE:

13 I find this very ironical that it is the Co-Prosecutor who is  
14 objecting to my questions. We <all> know <how he frames> his  
15 questions, <in a manner that is far from open>. I believe the  
16 questions I'm putting to the witness are <perfectly> clear and  
17 <perfectly> concise. If the witness has other information to  
18 provide to me, he can do so, because the questions I'm putting to  
19 the witness are <sufficiently> open <to allow for the witness to  
20 answer me negatively, if he so wishes.>

21 <So I request your authorisation to> continue <with> my line of  
22 questioning<>.

23 [09.40.37]

24 MR. PRESIDENT:

25 The objection of the International Deputy Co-Prosecutor is

1 correct. The last <few> questions put by counsel <were> leading  
2 ones.

3 Witness, you are instructed not to answer these questions.

4 MS. GUISSÉ:

5 I am rather surprised at the decision given the fact that I am  
6 managing my examination of the witness <in the fashion that I  
7 have done so up until now, and there was never a problem until  
8 just now, but> I take note of your decision.

9 MR. PRESIDENT:

10 The questions are leading ones, as I decided already. "Is that  
11 correct" in the question are leading ones, so sometimes I am  
12 lenient, but I cannot be lenient forever.

13 [09.41.40]

14 BY MS. GUISSÉ:

15 Q. Mr. Witness, as part of your duties and responsibilities, was  
16 it possible for you to know the reasons for which <any> one  
17 person <> was interrogated <while> another was not interrogated?

18 MR. MUY VANNY:

19 A. I am not aware of that issue. I do not know about the  
20 interrogation.

21 Q. I'll go into another line of questioning, still with regard to  
22 the Au Trakuon pagoda.

23 Yesterday, you stated that there was a group inside the pagoda  
24 known as the Long Swords Group. Can you tell the Chamber what was  
25 the difference between the district soldiers and the members of

1 the Long Swords Group?

2 A. The difference is that one group was stationed at the security  
3 guards' centre, and militiamen were to protect and deal with the  
4 chaotic situation at different communes for two, three or four  
5 days or one week. <And if there were no problems, they just  
6 stayed in their base.>

7 [09.43.26]

8 Q. And when you refer to militias, are you talking of the Long  
9 Swords Group?

10 A. Those who were on standby at Au Trakuon pagoda <or the  
11 security centre>. These people remain on duty within Au Trakuon  
12 pagoda.

13 Q. And as part of their guard duty at Au Trakuon, what were those  
14 militias of the Long Swords Group doing?

15 A. I do not know about that.

16 Q. Do you know whether there were other Long Swords Groups  
17 elsewhere throughout the <Kang Meas> commune?

18 A. I do not know about that.

19 Q. And was that Long Swords Group also under Horn's supervision?

20 A. They were under the responsibility of Horn and <his> deputies.

21 [09.45.25]

22 Q. Did you know a person by the name of Samrit Muy?

23 A. I did not know this person at the time.

24 MR. PRESIDENT:

25 Judge Lavergne, you have the floor.

1 Please wait for a second, counsel. You have the floor now, Judge  
2 Lavergne.

3 JUDGE LAVERGNE:

4 <Madam Guisse,> I am not <doubting your ability to> pronounce  
5 Khmer perfectly, but, <if you want to obtain a useful answer,> it  
6 would be good for you to give the witness a document on which  
7 that person's name is written so that the witness may be able to  
8 read it. Otherwise, perhaps you could ask your <Khmer> colleague  
9 to pronounce that name.

10 BY MS. GUISSSE:

11 I will ask my colleague, Kong Sam Onn, to pronounce that name to  
12 avoid any difficulties.

13 Q. Do you know a person by the name of Samrit Muy?

14 [09.46.38]

15 MR. KONG SAM ONN:

16 The name mentioned by the interpreters is correct. The name is <>  
17 Samrit Muy.

18 MR. PRESIDENT:

19 Mr. Witness, <> did you know the person by the name <of> Samrit  
20 Muy in the Khmer Rouge time?

21 MR. MUY VANNY:

22 <A.> I did not know this person.

23 BY MS. GUISSSE:

24 Q. I'll use the same approach for the next person.

25 Do you know a person by the name Tay Koemhun?

21

1 It appears that the pronunciation was correct, in principle.

2 Let me, therefore, repeat my question. Mr. Witness, during the  
3 period of Democratic Kampuchea, did you know a person by the name  
4 Tay Koemhun?

5 MR. MUY VANNY

6 A. I did not know this individual <during the period of  
7 Democratic Kampuchea>. However, when I came to perform my duty as  
8 a teacher in my location, I started to know this person.

9 As I said, during that regime, I did not know him.

10 Q. You specifically stated that you came not too far from the Au  
11 Trakuon pagoda as part of your duties <as a teacher>. Did you  
12 know any committee <that is currently headquartered -- that is  
13 present right now> in the Au Trakuon pagoda?

14 A. No.

15 [09.48.53]

16 Q. And Tay Koemhun, whom you say you recently <met> when you  
17 returned there as a teacher <in the area>; how did you meet that  
18 person?

19 A. I got to know him in 1985 when I was assigned to be a teacher  
20 in the location. And it was the time when he was assigned to be  
21 the committee within the school that I got to know him.

22 Once again, as I said, I did not know him during the Pol Pot  
23 regime.

24 Q. And you <did not> know him during the regime <but> do you know  
25 whether he had any particular position under the Democratic



1 Kampuchea regime?

2 A. I do not know about that.

3 Q. The same question applies to Samrit Muy. Did you also <get to>  
4 know him after the Democratic Kampuchea regime?

5 A. I did not know him during the Pol Pot regime.

6 Where was he living during the time? Could you tell me?

7 [09.50.45]

8 MR. PRESIDENT:

9 You have the floor now, Judge Lavergne.

10 JUDGE LAVERGNE:

11 For the record and to be sure that everyone is aware of what  
12 you're talking about, it appears -- <and Ms. Anta Guisse can  
13 correct me if I am wrong>, counsel -- that Samrit Muy <also goes  
14 under the pseudonym of> 2-TCW-883 and Tay Koemhun has a pseudonym  
15 which is 2-TCW-873.

16 Please correct me if I am wrong.

17 BY MS. GUISSÉ:

18 That is true because I'm talking about persons who have testified  
19 before this Chamber.

20 Q. So my question remains the same, <Mr.> Witness. I have,  
21 indeed, understood that you didn't know Samrit Muy at the time of  
22 the events during the Democratic Kampuchea regime.

23 My question is whether you <met> him subsequently, when you  
24 returned to that area.

25 MR. MUY VANNY:

1 A. I did not know him before -- within the regime, and I want  
2 your clarification where <Samrit Muy> was living during the time.

3 And perhaps I am not quite sure of the name.

4 And as of now, is he living within the same location as mine?

5 [09.52.18]

6 MR. PRESIDENT:

7 The question is whether you know a person by the name <of> Samrit  
8 Muy within your place of work.

9 After the fall of the regime, did you get to know an individual  
10 by the name <of> Samrit Muy?

11 MR. MUY VANNY:

12 Yes, I know him.

13 BY MS. GUISSSE:

14 Q. And how did you get to know him? <Do> you know whether he had  
15 any particular duties and responsibilities in that area?

16 MR. MUY VANNY:

17 A. I know him, but I do not know <as to> what responsibility he  
18 <was> performing.

19 MS. GUISSSE:

20 I am done with my examination of this witness, Mr. President, and  
21 I thank you.

22 [09.53.41]

23 MR. PRESIDENT:

24 Thank you, Counsel.

25 Thank you, Witness Muy Vanny. The hearing of your testimony as a

1 witness comes to a conclusion now. Your testimony will contribute  
2 to <ascertaining> the truth.

3 You may now be excused. You may return to your residence or to  
4 any destination you wish to go. I wish you good luck, good health  
5 and prosperity.

6 Court officers, please work with the WESU unit to send Mr. <Muy  
7 Vanny>, to the residence or to any place he wishes to go.

8 After the break, the Chamber will start to hear <the testimony of  
9 the witness> 2-TCW-988. The witness has a duty counsel, Mr.  
10 Moeurn Sovann, with him or her.

11 It is now break time. The Chamber will take a short break from  
12 now until 10 past 10.00 to resume our hearing.

13 The Court is now in recess.

14 (Court recesses from 0954H to 1012H)

15 MR. PRESIDENT:

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

17 And court officer, please escort Witness TCW-988 as well as his  
18 duty counsel, Moeurn Sovann, into the courtroom.

19 (Short pause)

20 (Witness enters the courtroom)

21 [10.14.24]

22 QUESTIONING BY THE PRESIDENT:

23 Q. Good morning, Witness. What is your name?

24 MR. SAY DOEUN:

25 A. Say Doeun.

1 Q. Thank you, Mr. Say Doeun.

2 And do you recall when you were born?

3 A. No, I do not.

4 Q. How old are you this year?

5 A. Sixty-eight.

6 Q. And where were you born?

7 A. I was born in Dambang Daek.

8 [10.15.20]

9 Q. Please be more specific with village, commune, district and  
10 province.

11 A. It was in Kaoh Roka commune, Kampong Cham province.

12 Q. Which district Kaoh Roka commune is located?

13 A. It was Kampong Siem district.

14 Q. <What> is your current address?

15 A. I lived in Dambang Daek.

16 Q. What is Dambang Daek? Is it a village?

17 A. It's Dambang Daek village.

18 Q. Which commune and district this village is located in?

19 A. It is in Kaoh Roka commune, Kampong Siem district.

20 Q. <Thank you.> What is your current occupation?

21 A. I make baskets <for sale, I tend cows, and> I farm the rice  
22 fields.

23 [10.16.52]

24 Q. What are the names of your parents?

25 A. They are Phen and Dit.

1 Q. What is the name of your mother?

2 A. Her name is Phoeun Phen.

3 Q. What is the name of your wife, and how many children do you  
4 have?

5 A. Her name is Heng Suon. We have seven children.

6 Q. Thank you, Mr. Say Doeun.

7 The greffier made an oral report yesterday that you are not  
8 related, by blood or by law, to any of the two Accused -- that  
9 is, Nuon Chea and Khieu Samphan, or to any of the civil parties  
10 admitted in this case. Is this information accurate?

11 A. I am not related to any of them.

12 Q. The greffier also made a report this morning that you took an  
13 oath before the Iron Club Statue before your appearance; is that  
14 correct?

15 A. I took an oath already.

16 [10.18.34]

17 Q. The Chamber would like to inform you of your rights and  
18 obligations as a witness.

19 Mr. Say Doeun, as a witness in the proceedings before the  
20 Chamber, you may refuse to respond to any question or to make any  
21 comment which may incriminate you. That is your right against  
22 self-incrimination. This means that you may refuse to provide  
23 your response or make any comments that could lead you to being  
24 prosecuted.

25 Now on your obligations: As a witness in the proceedings before

1 the Chamber, you must respond to any questions <> by the parties  
2 or the Bench, except where your response or comments to those  
3 questions might incriminate you, as the Chamber has just informed  
4 you of your rights as a witness. You must tell the truth that you  
5 have known, heard, seen, remembered, experienced or observed  
6 directly about an event or occurrence relevant to the questions  
7 that the Bench or parties pose to you.

8 [10.19.52]

9 And Mr. Say Doeun, thus far, have you been interviewed by  
10 investigators of the Office of the Co-Investigating Judges? If  
11 so, how many times, when and where?

12 A. It was held at Dambang Daek.

13 Q. How many times?

14 A. It was for one time.

15 Q. Before your appearance, have you reviewed, read or have it  
16 read out to you - I refer to your written record of interviews  
17 that was held at Dambang Daek -- in order to refresh your memory?

18 A. I recall parts of the written record.

19 Q. And to your best knowledge, can you tell the Chamber whether  
20 the written record of your interview that you have read it or  
21 have it read out to you is consistent with what you told the  
22 investigators at Dambang Daek?

23 A. I am ready to listen.

24 [10.21.33]

25 Q. My question to you is that, whether the written record that

1 you read it before your appearance or whether you have it read  
2 out to you by another person is consistent with what you told the  
3 investigators at Dambang Daek. I refer to the content of your  
4 written record, whether it is consistent with what you told the  
5 investigators.

6 A. My grandchild actually read it out aloud to me because I am  
7 illiterate.

8 Q. And does the content reflect what you told the investigators  
9 at Dambang Daek?

10 A. Yes, it <does>.

11 Q. Thank you.

12 And pursuant to Rule 91bis of the ECCC Internal Rules, the  
13 Chamber will give the floor first to the Co-Prosecutors, and the  
14 combined time for the Co-Prosecutors and the Lead Co-Lawyers is  
15 two sessions.

16 You may proceed, Co-Prosecutor.

17 [10.22.58]

18 QUESTIONING BY MR. LYSAK:

19 Thank you, Mr. President.

20 Q. Good morning, Mr. Witness. My name is Dale Lysak. I'm from the  
21 Office of the Co-Prosecutors, and I'll be asking you some  
22 questions this morning.

23 I wanted to start with some questions about your background. In  
24 answer number 1 of your OCIJ interview, document E319/19.3.95, in  
25 the first answer, you stated that you lived in Peam Chi Kang

1 village in 1976.

2 My question: where did you live and what did you do before that  
3 -- that is, from 1975 to 1976?

4 MR. SAY DOEUN:

5 A. I worked in the rice field and climbed palm trees at the time.

6 [10.24.15]

7 Q. My question was focused on where you lived in, let's say, 17  
8 April 1975 when the Khmer Rouge took power in this country.

9 Were you living in Peam Chi Kang at that time, or were you living  
10 somewhere else in April 1975?

11 A. It was in Sambuor Meas Ka, <> which was located in Peam Chi  
12 Kang commune, Peam Chi Kang district.

13 Q. You've indicated this morning that you were born in Kampong  
14 Siem district. When did you move from Kampong Siem to Peam Chi  
15 Kang commune in Kang Meas district?

16 A. It was in Kang Ta Noeng, which was part of Kang Ta Noeng  
17 commune, Kang Meas district. And while I was young, <and after I  
18 got married,> I <moved to> Peam Chi Kang.

19 [10.25.41]

20 Q. Do you remember what year it was that the Khmer Rouge took  
21 control of Peam Chi Kang commune?

22 A. I cannot recall that.

23 Q. And you also stated in answer number 1 that you lived in Peam  
24 Chi Kang, you indicated, from 1976 to 1978. First, just so we're  
25 clear, am I correct that you had been living in Peam Chi Kang



1 commune for a number of years before 1976, that you had lived in  
2 that commune since you were young? Is that correct?

3 A. While I was young, I lived there for three years.

4 Q. You indicate in the same answer that, in 1978, you were sent  
5 to Tuek Chha. Where was Tuek Chha, and why were you sent there in  
6 1978?

7 A. The correct pronunciation is Tuek Chha. I was relocated to  
8 Tuek Chha.

9 MR. PRESIDENT:

10 National Co-Prosecutor, please, can you verify with your  
11 colleague because the output in English and the Khmer is rather  
12 different?

13 [10.28.17]

14 MS. SONG CHORVOIN:

15 Mr. President, what is pronounced by the witness is correct, and  
16 it is consistent with his written record of interview.

17 MR. PRESIDENT:

18 Thank you. And the correct pronunciation is Tuek Chha.

19 BY MR. LYSAK:

20 Thank you. Thank you, Mr. President.

21 Q. Tuek Chha. What district and commune was it located?

22 MR. SAY OEUN:

23 A. It was in Prey Chhor district.

24 [10.28.56]

25 Q. Before I move on to my next subject, what -- why was it that

1 you were sent to Tuek Chha in 1978?

2 A. The poor people were sent there so that we could gain the land  
3 there, and <the people who did not live in a cooperative> were  
4 relocated there<>.

5 Q. Do you remember when it was in 1978 that you were relocated  
6 from Peam Chi Kang to Tuek Chha?

7 How long was it before the end of the Khmer Rouge regime; do you  
8 remember?

9 A. I went to live there for three months. Then I relocated myself  
10 to live in the Thmei Kraom village since I got malaria while I  
11 was living there.

12 Q. All right. I'd like to ask you some questions now about the  
13 events following the arrival of the cadres from the Southwest in  
14 your district, Kang Meas.

15 Can you describe for the Court what you remember about the  
16 arrival of Southwest cadres in Kang Meas district and what  
17 happened to the local cadres when the Southwest group arrived?

18 A. I cannot recall it. I forget it all.

19 [10.31.34]

20 Q. Were any of the former cadres in Kang Meas district or Peam  
21 Chi Kang commune -- were they arrested when the Southwest group  
22 arrived?

23 A. Some of them were arrested.

24 Q. Who was arrested, to the best of your memory?

25 A. I cannot recall their names.

1 Q. Do you remember when it was, what year that the cadres from  
2 the Southwest Zone arrived in your area?

3 A. It was in mid-1978.

4 [10.32.55]

5 Q. Let me read to you an excerpt from your OCIJ interview, Mr.  
6 Witness, and ask you to clarify. This is your interview,  
7 E319/19.3.95, answer number 30. You stated -- quote: "The  
8 Southwest group arrived in Peam Chi Kang in early 1977." End of  
9 quote.

10 Does that refresh your recollection, Mr. Witness? Was it early  
11 1977 when the Southwest group arrived, or was it later?

12 A. It was late 1977, early 1978.

13 Q. Do you remember who the Kang Meas district chief was before  
14 the Southwest group arrived, and was he one of the people who was  
15 arrested at that time?

16 A. I do not know.

17 Q. I'm going to try to refresh your memory on this, Mr. Witness.  
18 As you can't read, I will read from an S-21 record that records  
19 arrests of some cadres from Kang Meas district.

20 This is document E3/3861, E3/3861, an S-21 document titled "List  
21 of prisoners smashed on 8 July 1977, North Zone".

22 This document, Mr. Witness, identifies 173 prisoners from the old  
23 North Zone who were killed at S-21 that day. Number 35 on this  
24 list is Chuon Ol alias Meas, secretary of Kang Meas district, who  
25 entered S-21 on 26 February 1977.

1 Does that refresh your memory? Do you remember a cadre named Meas  
2 who was the chief of Kang Meas district before the Southwest  
3 group arrived?

4 [10.36.11]

5 A. When they came, they arrested Meas, who was the district  
6 chief. And I heard about this arrest.

7 Q. How did you hear about that arrest? Who told you?

8 A. Yes, I just remember this <after you have jogged my memory>.

9 Q. The document from S-21 records that Meas, the Kang Meas  
10 secretary, the district chief, was arrested and entered S-21 on  
11 the 26th of February 1977.

12 Does that refresh your memory, Mr. Witness? Is it possible that  
13 it was not early '78 but, rather, early 1977, and specifically  
14 February 1977, when the cadres from the Southwest arrived and the  
15 old district chief, Meas, was arrested?

16 Could it have been February 1977 when this happened, Mr. Witness?

17 A. I do not know about this.

18 [10.37.54]

19 Q. Who were the new cadres from the Southwest who took over as  
20 the Kang Meas district chief and as Peam Chi Kang commune chief?

21 A. It was Kan.

22 Q. And what position did Kan take?

23 A. He was the district chief.

24 Q. And who was the cadre or who became the chief of Peam Chi Kang  
25 commune after the Southwest group arrived?

1 A. Pheap, who was the wife of the district committee, became the  
2 new commune chief.

3 Q. And before Pheap became commune chief, was there a person  
4 named Kan who served for a period as commune chief?

5 A. <Khen (phonetic)> was replaced< and transferred> to Reay Pay.  
6 [10.39.38]

7 Q. And was it at the time that Kan was replaced that Pheap became  
8 the commune chief? Do I understand correctly?

9 A. When <Khen (phonetic)> was replaced<, and transferred> to Reay  
10 Pay and then the new person came to take his position.

11 Q. Mr. Witness, can you describe for us a little how things  
12 changed in your commune or your district after the arrival of the  
13 Southwest cadres?

14 A. What had happened was that there were arrests. They arrested  
15 people.

16 Q. What type of people were arrested after the Southwest cadres  
17 arrived?

18 A. The New People were arrested, and also the Cham.  
19 [10.41.30]

20 Q. We'll come back and talk about those arrests a little later.  
21 Kan, the Southwest cadre who took over as district chief, how  
22 often did you see him and can you tell us what kind of person or  
23 what kind of leader Kan was?

24 A. I cannot recall it. I have poor memory.

25 Q. Let me read to you, Mr. Witness, a statement you made in your

1 OCIJ interview. This is, again, E319/19.3.95, at answer number  
2 16, you gave the following testimony:

3 Question: "Did you see Kan regularly, or what?"

4 Answer: "Yes, I saw him regularly because the commune and  
5 district offices were near each other, so I saw him almost every  
6 day. Kan was a cruel man, but his wife, Pheap, was better than  
7 him." End of quote.

8 Why did you tell OCIJ -- why did you say that Kan was a cruel  
9 man?

10 A. He was a cruel man. His wife was good.

11 Q. What did Kan do that made you believe he was a cruel man?

12 A. He scolded people in the village and the commune.

13 [10.44.03]

14 Q. You said in your OCIJ interview that you saw Kan very  
15 regularly, you said, in fact, almost every day. Where was it that  
16 you would see Kan? Why did you see him so often?

17 A. I was based near him and I saw him walk around <in the  
18 district office. The commune where I resided was adjacent to  
19 his.>

20 Q. Did you ever attend any meetings that were led by district  
21 chief Kan?

22 A. I never attended any meeting with him.

23 Q. I want to ask you about a statement that was given by a person  
24 who worked in the Peam Chi Kang militia, Samrit Muy. This is in  
25 document -- his OCIJ interview, E3/9346 at Khmer ERN 00235016;

36

1 English, 00235508; French, 00283948. And this is what this  
2 witness testified -- quote:  
3 "In early 1977, they held a meeting at the Peam stadium. All the  
4 villagers had to attend. The secretary committee sector -- I'm  
5 sorry, the sector committee secretary, An, and the district  
6 committee secretary, Kan, convened the meeting and told us to  
7 work hard for Angkar. Then they said that there were enemies  
8 among the people. After the meeting, the arrests accelerated both  
9 night and day." End of quote.

10 [10.46.48]

11 Mr. Witness, does that refresh your memory? Do you remember a  
12 meeting held at Peam stadium that was presided over by Kan and  
13 the sector secretary?

14 A. I do not know about this.

15 Q. Who, Mr. Witness -- who was it that served as district  
16 security chief after the arrival of these Southwest cadres?

17 A. I do not know that person.

18 Q. Do you remember a person named Horn who served as the chief of  
19 both the Wat Au Trakuon office and was the district security  
20 chairman?

21 Do you remember Horn?

22 A. No, I cannot remember.

23 [10.48.20]

24 Q. Let me read to you another excerpt from your OCIJ interview.

25 This is document E319/19.3.95, answer number 5:

1 Question: "Who was in charge of Kang Meas district security?"

2 Answer: "I do not remember his name. I only recognize his face.

3 His office was located in Wat Au Trakuon pagoda." End of quote.

4 Is it correct that, while you don't remember the name of this

5 person, you knew the district security chief back in those years

6 and saw him at the Wat Au Trakuon pagoda?

7 A. Yes, I saw <him> in the pagoda, <> but I did not know his

8 name.

9 [10.49.40]

10 Q. Mr. Witness, after the arrival of the Southwest cadres, were

11 you assigned to work in a commune militia group that was known as

12 the Long Sword Unit?

13 A. Yes, I spent two months in the Long Sword Unit.

14 Q. Who was it that assigned you to work in the Long Sword Unit?

15 A. It was Pheap.

16 Q. And how did Pheap know you at the time she assigned you to the

17 Long Sword Unit?

18 A. Pheap was living <in the commune office that was located> near

19 my house, so she knew me.

20 Q. And where was your house? Where was that located? What

21 village?

22 A. In Kor village.

23 Q. How long was it after the arrival of Kan and Pheap that you

24 were assigned to work in the Long Sword Unit? How many months, if

25 you remember?



1 A. After they arrived for about one year, and then I was assigned  
2 to that task.

3 Q. Did the Long Sword Unit exist before the arrival of the  
4 Southwest cadres in Kang Meas, or was it only created or  
5 established after their arrival?

6 A. Only after the arrival of the Southwest group <was> this unit  
7 <> established.

8 [10.52.35]

9 Q. And what did the Long Sword Group do? What were the functions  
10 or tasks of that group?

11 A. They were tasked to patrol the paddy field and patrol the  
12 villages.

13 Q. And what -- specifically, what was the Long Sword Unit  
14 expected to do when it patrolled the villages?

15 A. We patrolled the paddy field to make sure that rice <would>  
16 not be stolen, and our unit members were <split> into <two or  
17 three smaller> groups to patrol.

18 Q. And when you were assigned to patrol villages, what were you  
19 asked to do?

20 A. I was assigned to be <a> village chief.

21 [10.54.28]

22 Q. I'm going to ask you to clarify that because I'm not sure  
23 whether the translation I got, if I understood correctly.

24 Did you say that you were asked to be village chief, or did I  
25 misunderstand your answer?

1 A. After I stopped working as a militiaman for the Long Sword  
2 Unit, and then two months later, I was assigned to be village  
3 chief.

4 Q. What village were you assigned to be a chief of?

5 A. <Antong> Sar (phonetic) village.

6 Q. And what commune was that village in?

7 A. Sambuor Meas commune.

8 Q. Was that the same as Peam Chi Kang commune? Was this the same  
9 commune that you had been living and working in?

10 A. Yes, it was the same commune.

11 Q. And who appointed -- who assigned you to be village chief?

12 A. It was Pheap.

13 [10.56.34]

14 Q. And am I correct that Pheap, at the time, was the commune  
15 chief?

16 A. Pheap was the commune committee.

17 Q. Did Pheap tell you why she was appointing you to be a village  
18 chief?

19 A. Because the old village chief <was> removed, so a new village  
20 chief needed to be appointed.

21 Q. Why were the old village chiefs -- why was the old village  
22 chief removed?

23 A. I do not know about this matter.

24 Q. I want to go back, for a moment, and focus on the period that  
25 you were in the Long Sword Group before you became a village

1 chief. And you've testified that one of the functions was to  
2 patrol the paddy fields to prevent rice from being stolen and you  
3 indicated that another function of the Long Sword Group was to  
4 patrol the villages; can you be more specific and tell us what,  
5 exactly, you did when you were patrolling the villages?

6 A. I cannot recall what I did at that time; I only remember that  
7 I <patrolled the villages>.

8 [10.58.44]

9 Q. Now, during the time you were in the Long Sword Group, was  
10 there another commune militia unit in Peam Chi Kang that was  
11 separate from the Long Sword Group?

12 A. I do not know about this.

13 Q. Who did the Long Sword Group report to; did you report to the  
14 commune chief, to the district chief or to someone else?

15 A. I reported to the commune committee.

16 Q. Do you remember who, in addition to Pheap, who you've  
17 identified as the wife of district chief Kan, who else was on the  
18 commune committee?

19 A. I cannot remember because it<> happened a long time ago and  
20 now I have poor memory.

21 [11.00.28]

22 Q. Fair enough, Mr. Witness. Was the Long Sword Group involved in  
23 arrests?

24 A. No, we did not make arrest.

25 Q. Mr. Witness, let me read to you a different answer that you

41

1 gave to this question in your OCIJ interview, answer 17 of  
2 document E319/19.3.95. You were asked by the OCIJ investigator  
3 whether you were involved in the arrests of people and this was  
4 your response - quote:

5 "Yes, sometimes, we had to arrest people in the villages or  
6 commune. The arrest orders were from the district to Kan" -- who  
7 you had identified as the first chief of Peam Chi Kang commune  
8 after the Southwest arrived -- "and Kan referred those orders to  
9 me and other Long Sword Unit members to arrest people. The names  
10 of those arrestees were written on the letters to us. We went to  
11 the villages directly in order to conduct the arrests; then we  
12 sent those arrestees to be detained in Wat Au Trakuon pagoda."  
13 End of quote.

14 Were -- when you gave this testimony to OCIJ, Mr. Witness, were  
15 you being truthful?

16 A. Yes, I <am> being truthful and I did not know about that.

17 [11.03.02]

18 Q. And did the Long Sword Unit receive arrest orders from the  
19 commune chief which the commune chief had received from the  
20 district chief?

21 A. Yes, that's how it worked. It was from the district to the  
22 commune and the commune down to the Long Sword Unit.

23 Q. And how did you know that the arrest orders had originated  
24 with the district committee or district chief?

25 A. It was from the commune.

1 Q. Yes, I understand. You -- the Long Sword Unit received the  
2 arrest orders from the commune, but you testified that the  
3 commune had received those orders from the district; how did you  
4 know that?

5 A. We were told by the commune <committee> that the orders came  
6 from the district. They made that announcement to the Long Sword  
7 Unit.

8 [11.04.48]

9 Q. Now, you indicated that the names of people to be arrested  
10 were sent to the Long Sword Group in letters. You could not read  
11 yourself; who was it that would read these letters for you?

12 A. It was the members of the unit.

13 Q. And the letters that came, were they signed by someone or did  
14 they bear the name of either the district or commune office; who  
15 -- who did the -- who were these arrest orders signed by, if you  
16 know?

17 A. It was Pheap.

18 Q. Who were the people that the Long Sword Unit was ordered to  
19 arrest by the commune chief?

20 A. I forget it all.

21 Q. Do you remember the types of people -- the types of -- the  
22 groups of people who were the subject of these arrest orders?

23 A. I cannot recall that.

24 [11.07.02]

25 Q. Let me refresh your memory again, Mr. Witness.

1 MR. PRESIDENT:

2 Witness, please hold on and Counsel Koppe, you have the floor.

3 MR. KOPPE:

4 Yes, Mr. President, an observation in relation to something that  
5 was said a little bit earlier. I waited for a while to rise, but  
6 International Prosecutor asked, at one point, whether this  
7 witness was involved in the arrests and he said, very clearly,  
8 "No." And then answer 17 was read by the Prosecution and the  
9 question was asked, at one point, "Were you truthful then giving  
10 your testimony to the OCIJ?" And he answered, "Yes."

11 That means that he was untruthful before you -- just before that  
12 and I'm not quite sure how to proceed, but if he was untruthful  
13 once and truthful the next time or the other way around, then I  
14 think we have a witness who is perjuring himself.

15 So I'm not quite sure what I'm requesting now, but at least we  
16 should have you, I think, Mr. President, urging this witness not  
17 to perjure himself.

18 [11.08.42]

19 MR. LYSAK:

20 Mr. President, I find these comments rather inappropriate.  
21 Counsel will have his opportunity to examine this witness. This  
22 is hardly the first witness who comes into this courtroom and has  
23 some reluctance to talk about difficult matters in which he was  
24 involved. This seemed to be an attempt to try to intimidate this  
25 witness and I think it's inappropriate.

1 The witness has clarified and confirmed what he told OCIJ and  
2 we're now proceeding to get some of the details of that, so I  
3 request to be allowed to proceed with my questioning.

4 MR. PRESIDENT:

5 You can proceed.

6 As for the observation by Counsel Koppe, you should not use a  
7 language to discredit a witness or to say a witness is perjuring  
8 himself. It is up to the Bench to make that assessment. If you do  
9 that, it means that you discourage the witness to testify before  
10 the Chamber.

11 And <the International> Deputy <> Co-Prosecutor, you can continue  
12 your questioning of this witness.

13 [11.10.23]

14 BY MR. LYSAK:

15 Thank you, Mr. President.

16 Q. We were talking about the types of people that the Long Sword  
17 Unit received orders to arrest. Earlier today, you identified New  
18 People and Cham as people who were subject to arrests after the  
19 arrival of the Southwest group.

20 In your OCIJ interview, E319/19.3.95, answer number 18, you gave  
21 the following testimony: Question: "What kind of people did you  
22 arrest at the time?"

23 Answer: "They were the New People, former Lon Nol soldiers, and  
24 the Cham." End of quote.

25 Is it correct, Mr. Witness, that in addition to the New People

1 and Cham who you identified earlier, that you also received  
2 orders to arrest former Lon Nol soldiers?

3 MR. SAY DOEUN:

4 A. Former Lon Nol soldiers, as well as the New People, were  
5 arrested.

6 [11.11.51]

7 Q. How did the district or commune identify which people were  
8 former Lon Nol soldiers?

9 A. I did not know how they carried out their research. <I was  
10 also newly relocated to the area.>

11 Q. The former Lon Nol soldiers that the Long Sword Unit was  
12 ordered to arrest, were these all people who were former soldiers  
13 or were they only people who had higher or held certain ranks in  
14 the Lon Nol regime?

15 A. The commune <committee> sent them to the district security.

16 [11.13.09]

17 Q. I understand that, Mr. Witness. My question: Were the former  
18 Lon Nol soldiers who were arrested, was it anyone who had served  
19 as a soldier in that regime or was it only people who held --  
20 held certain ranks -- who were higher-ranking people in the Lon  
21 Nol military?

22 A. I did not know about the details.

23 Q. You identified three groups of people who were subject to  
24 arrest: New People, former Lon Nol soldiers, and the Cham. Which  
25 of those groups were most frequently arrested while you were in



1 the Long Sword Unit?

2 A. They were sent to the security often.

3 Q. My question is: Who was the people who were arrested when you  
4 were in the Long Sword Unit; were they mostly Cham; were they  
5 mostly Lon Nol soldiers; were they mostly New People or were  
6 there equal numbers from those three groups?

7 A. They were Cham.

8 [11.15.20]

9 Q. And where did the Long Sword Unit take the people who were  
10 arrested; what was done with them after they were arrested?

11 A. They were sent to Au Trakuon pagoda.

12 Q. And what was Au Trakuon pagoda used for during the Khmer Rouge  
13 period?

14 A. They were detained there at the security centre <located in  
15 the pagoda>.

16 Q. Can you describe for the Court what happened when the Long  
17 Sword Group -- when you would arrive at Wat Au Trakuon with the  
18 people you had been instructed to arrest by the commune chief?  
19 What happened when you would arrive with these people at Wat Au  
20 Trakuon?

21 A. They came to receive those people at the road.

22 [11.16.47]

23 Q. And when you say, "They came to receive them," who -- who is  
24 the they; who is it that came to receive the people who had been  
25 arrested?

1 A. "They" <refers> to the district security <guards>.

2 Q. Do you remember the names of any of these district security  
3 cadres who had come to receive the prisoners from the Long Sword  
4 Group?

5 A. I did not know their names, although I could identify their  
6 faces.

7 Q. I want to read to you what you said in your OCIJ interview on  
8 the subject. This is answer 21 of E319/19.3.95, answer 21.

9 Question: "When you took the arrestees to Wat Au Trakuon pagoda,  
10 did you enter the compound of the pagoda?"

11 Answer: "Yes. After we entered the pagoda gate, we handed over  
12 those arrestees to the security guards and those security guards  
13 recorded those arrestees' names in a thick notebook." End of  
14 quote.

15 First, Mr. Witness, can you clarify for us, were there occasions  
16 where you brought the arrested people through the pagoda gate and  
17 they were received by the security guards there; is that correct?  
18 [11.19.18]

19 A. I only <reached> the fence of the pagoda and I handed over the  
20 people <to them>; I <dare> not enter the compound.

21 Q. And was it at the fence of the pagoda where you saw security  
22 guards recording names of the arrestees in a thick notebook?

23 A. Yes, they did it <in their office located> next to the fence.

24 Q. Can you describe for us, a little more, that notebook in which  
25 names were recorded? For example, you said it was a thick

1 notebook; how thick was it?

2 A. It was about three fingers thick.

3 Q. I asked you earlier about the district security chief, who you  
4 testified had his office at Wat Au Trakuon; did you see the  
5 district security chief at Wat Au Trakuon on occasions where the  
6 Long Sword Unit delivered prisoners there?

7 A. I only saw his subordinates<, while the chief was> working  
8 inside the compound.

9 [11.21.36]

10 Q. How did you know that the district security chief had his  
11 office at Wat Au Trakuon?

12 A. He had his deputy who, actually, was in possession of that  
13 notebook.

14 Q. Do you remember the name of that deputy?

15 A. No, I did not and he was from another location, so I did not  
16 know <his name>.

17 Q. Do you know whether there were any members of the Long Sword  
18 Unit who worked at the Wat Au Trakuon security office?

19 A. No, there was none.

20 Q. The reason I ask you is we just heard from a witness who, in  
21 1978, worked as an aide or guard to the district security chief  
22 and he testified that there were some Long Sword members who  
23 worked at Au Trakuon. Are you certain that no members of your  
24 unit worked there; were there any periods of time where they may  
25 have been temporarily assigned to assist at Wat Au Trakuon?

1 A. I cannot recall that. I forget it all.

2 [11.24.05]

3 Q. The witness I was just referring to who testified before you  
4 was named Muy Vanny and he worked as an aide or guard for the  
5 district security chief. Did you know him and did you see -- ever  
6 see Muy Vanny at Wat Au Trakuon?

7 A. No, I did not meet him.

8 Q. Did you know a person named Moeurn who worked as a security  
9 guard at Wat Au Trakuon?

10 A. I only heard of that name and I cannot recall who he was. My  
11 memory doesn't serve me well now.

12 Q. What do you remember about Moeun?

13 A. I cannot recall anything about him.

14 [11.25.42]

15 Q. In relation to arrests, were all members of the Long Sword  
16 Unit assigned, at times, to conduct arrests or was it only a  
17 specific part of the Long Sword Group who was assigned by the  
18 commune chief to conduct arrests?

19 A. All the members were assigned to do that.

20 Q. And did the Long Sword Unit only conduct arrests of people in  
21 Peam Chi Kang commune or did you receive orders to conduct  
22 arrests in other communes in Kang Meas district?

23 A. People were only arrested within that commune.

24 Q. Where was the Long Sword Unit based; did you have an office  
25 and if so, where was it located?

1 A. It was with the commune office.

2 Q. And where was the commune office located?

3 A. It was located in Sambuor Meas Ka.

4 Q. How many members were there in the Long Sword Unit?

5 A. There were 14 <people>.

6 [11.28.11]

7 Q. And were all 14 members given weapons and if so, what were  
8 those weapons?

9 A. We all were armed with swords.

10 Q. Can you describe, for us, the swords that were given to the  
11 members of your unit?

12 A. In fact, the swords were taken from houses <of the people> and  
13 then we were given a sword each.

14 Q. You said that there were 14 people in the Long Sword Group;  
15 who were the other persons who worked in that group when you were  
16 part of it?

17 A. I cannot recall them.

18 Q. Let me see if I can refresh your memory, Mr. Witness. There've  
19 been a number of other members of the Long Sword Unit who have  
20 been interviewed by OCIJ. I'd like to now ask you about some of  
21 those people.

22 With your leave, Mr. President, I'd like to provide a WRI to the  
23 witness or, I guess in this case, to his counsel. This is  
24 document E319/19.3.226. Let me repeat that, E319/19.3.226. I  
25 won't say the name of this witness and I don't want him to do

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1 that either, but I would request to provide it to him to see if  
2 he knows and can identify whether this person was part of the  
3 Long Sword Group.

4 [11.30.55]

5 MR. PRESIDENT:

6 The Chamber now hands the floor to the defence counsel. You may  
7 proceed.

8 MS. GUISSÉ:

9 Yes, Mr. President, I object to the use of this document pending,  
10 <in any case>, the Chamber's decision. This is part of the list  
11 of <> new documents corresponding to the 87.4 motion that was  
12 entered by the Co-Prosecutors on the 25th of September last. We  
13 answered this request orally in the Chamber and the Chamber has  
14 not ruled upon this <as of yet>. So pending the decision of the  
15 Chamber, we object to the use of this document.

16 Maybe for more clarification, this document was the object of  
17 87.4 motion <E319/32>.

18 [11.31.50]

19 MR. LYSAK:

20 If I may respond, Mr. President, we filed our 87 motion to admit  
21 this and others on the 25th of September 2015. I believe, on the  
22 past practice, we filed this motion a long time ago. Pending the  
23 Court's decision, we should be allowed to proceed with it so we  
24 don't have to bring back this witness and the Court will  
25 subsequently determine what use to make of this interview. But

1 this is a fellow member of the Long Sword Group and it would be  
2 extremely inefficient for us not to make use of this evidence at  
3 this time.

4 JUDGE FENZ:

5 May I perhaps ask a question? I think it was the Court's  
6 practice, in these cases, in case nobody objected -- now, I know  
7 you did object, but to allow the use in order to avoid this.  
8 So my question to you is obviously: is the objection based on --  
9 on a -- just on the procedure hasn't been honoured or is it based  
10 on, we don't want this document because?

11 [11.33.12]

12 MS. GUISSÉ:

13 We object to the tendering into evidence of this document. We  
14 responded to the Co-Prosecutor's 87.4 motion <and> we're  
15 objecting to the tendering into evidence of this document. <So,  
16 my objection is two-fold.> We maintain our position and because  
17 we stand by our position, we object to the tendering into  
18 evidence of this document.

19 MR. PRESIDENT:

20 Judge Lavergne, you have the floor.

21 JUDGE LAVERGNE:

22 Maybe to be a bit clear about this and to refresh our memories  
23 because this dates <from> a while <back>, was your objection  
24 based on the fact that the documents that were disclosed were too  
25 voluminous <and that this infringed on the rights of the

1 Defense,> or are there specific reasons leading you to object to  
2 the admissibility? Because <I don't really enjoy using the  
3 expression> "tendering into evidence"; <I rather we> focus more  
4 on the idea of admissibility.

5 [11.34.14]

6 MS. GUISSÉ:

7 Well, here <tendering and> admissibility <have> a <specific>  
8 meaning <when> we're speaking about documents coming from another  
9 investigation. We objected <in this instance> because these  
10 documents came from another <ongoing> investigation, and we're  
11 speaking here about a written testimony instead of an oral  
12 testimony <and so on and so forth.> <In brief, these can be found  
13 under the> WRIs coming from 003 and 004 and I think we explained  
14 quite clearly why we objected to this. It's not only because the  
15 documents were voluminous, but it was because there <are  
16 underlying problems>.

17 <JUDGE LAVERGNE:>

18 But to be perfectly clear about this, I think that we addressed  
19 certain number of <the> arguments <you raised and which> are the  
20 same.

21 <MS. GUISSÉ:>

22 In any case, I haven't heard any decision from the Chamber  
23 regarding this motion, so I stand by my objection.

24 [11.35.08]

25 MR. LYSAK:



1 Mr. President, if I may just add, the answer to Judge Fenz' s  
2 question, the annex in which a number of new Cham interviews was  
3 -- it was 25 interviews; that was the total numbers our annex,  
4 Annex I and at least while I -- I think that it would be  
5 extremely inefficient not to use this interview in its entirety;  
6 the Court can determine later what use it will make of it.  
7 But at the moment, all I'm trying to do is find a way to put the  
8 name of this person before the witness. At a minimal, we should  
9 be allowed to show him the name, since we can't say it aloud, to  
10 see if he knows this person and can confirm whether he was one of  
11 the members of the Long Sword Group.

12 [11.36.04]

13 MS. GUISSSE:

14 Well, if the idea is only to refer to the name, then I <suggest>  
15 to the Co-Prosecutor that it's not necessary to use this  
16 document, but if the Chamber wishes to allow the use of the  
17 documents on the basis of this only reason, which is to say to  
18 confront the witness with names; well, then it should be noted  
19 that this does not change our position <regarding the objection>  
20 because we know that in practice that when a document is used in  
21 the courtroom, the Chamber automatically considers that this <is  
22 a> document <which> has been <debated and presented as such, and  
23 that it should therefore be> tendered into evidence.  
24 If the only objective here is to list a certain number of names  
25 and <> that <it> is <only for this sole purpose that the Chamber

1 authorises> the Co-Prosecutor <to present the witness with these  
2 documents>, well, <then let it be properly noted that> the Khieu  
3 Samphan defence doesn't think that this should be <a validation  
4 of the> tendering into evidence of this document <failing a  
5 decision on the part of the Chamber on the basis of the  
6 objections that we previously made.>

7 It's simply so that if you authorize the use of this document, it  
8 shouldn't mean that the Khieu Samphan defence has accepted the  
9 use of this document in a generic way, but has accepted it only  
10 for the use of the names <that appear therein and> which, as far  
11 as I understand it, could also be written down on a sheet of  
12 paper and presented to the witness <differently>.

13 [11.37.44]

14 MR. PRESIDENT:

15 Thank you for all the statements and concerns regarding this  
16 document. So far, the Chamber hasn't ruled on the -- accepting  
17 these document, either orally or in writing; however, the request  
18 by the Deputy Co-Prosecutor is for the use of the names mentioned  
19 in that document and for that reason, the Chamber <grants> the  
20 Deputy Co-Prosecutor request to do so.

21 And Duty Counsel, you may read the names to your client, quietly,  
22 and ask him whether he <knows> those people.

23 [11.38.33]

24 BY MR. LYSAK:

25 Thank you, Mr. President. First, I'd start with the witness

1 himself, whose name and biographical information appear on the  
2 second page.

3 Q. Did you know this -- without saying his name, did you know  
4 this person and was he part of the Long Sword Group with you?

5 MR. SAY DOEUN:

6 A. Yes, I know this person named Meng Ly.

7 [11.39.25]

8 Q. Again, please do not say the full -- the full name of this  
9 individual. Was this someone who worked in the Long Sword Group  
10 at the same time as you?

11 A. No, I only knew him, but I did not work with him.

12 Q. And if counsel could refer you to answer number 1, there are  
13 three names of people that appear towards the end of that answer.  
14 Excuse me; they appear in the middle of answer 1. I believe I can  
15 read the names of these people, but Heng Pa, Yoeun, and Tay  
16 Koemhun.

17 Did you know any of these three people? They are identified as  
18 being members of the Long Sword Group; do you remember Heng Pa,  
19 Yoeun, and Tay Koemhun?

20 A. Yes, I do.

21 [11.40.53]

22 Q. And were those individuals a part of the Long Sword Group?

23 A. They <belonged> to the later group of the Long Sword.

24 MR. PRESIDENT:

25 Thank you, Deputy Co-Prosecutor. The time is appropriate for our

1 lunch break. We take a break now and resumed at 1.30 this  
2 afternoon.

3 Court officer, please assist the witness at the waiting rooms  
4 reserved for witnesses and civil parties during the lunch break  
5 and invite him, as well as his duty counsel, back into the  
6 courtroom at 1.30 this afternoon.

7 Security personnel, you're instructed to take Khieu Samphan to  
8 the waiting room downstairs and have him returned to attend the  
9 proceedings this afternoon at 1.30.

10 The Court is now in recess.

11 (Court recesses from 1142H to 1334H)

12 MR. PRESIDENT:

13 Please be seated. The Chamber is now back in session.

14 Now, the floor is given to the Co-Prosecutors to put more  
15 questions to the witness. You may now proceed.

16 [13.35.15]

17 BY MR. LYSAK:

18 Thank you, Mr. President.

19 Q. Good afternoon, Mr. Witness. We were talking about the people  
20 who were other members in the Long Sword Group with you. I would  
21 like to ask you at this point, what was your position in the Long  
22 Sword Group?

23 MR. SAY DOEUN:

24 A. I was responsible for patrolling the paddy fields and the  
25 villages.

1 Q. Mr. Witness, there are two other members of the Long Sword  
2 Group who have given some evidence about your position and  
3 indicated that at some point you were a chairman or a group  
4 chairman in the Long Sword Group; specifically, Tay Koemhun who  
5 has testified at this trial in his OCIJ interview E3/5257, Khmer  
6 ERN, 00243105; English, 00251018; French, 00342670; gave the  
7 following testimony:

8 Question: "Who was your direct superior in the militia?"

9 Answer: "Doeun."

10 [13.37.13]

11 The witness whose statement I provided to you this morning, Mr.  
12 President, has also made a statement about this witness and I  
13 think it would be appropriate for this witness also to be -- have  
14 an opportunity to respond to that. So with your leave, I would  
15 also like to ask about answers 4 and 6 in that interview at  
16 E319/19.3.226.

17 (Judges deliberate)

18 [13.38.49]

19 MR. PRESIDENT:

20 The floor is given to Judge Lavergne.

21 JUDGE LAVERGNE:

22 Yes, Co-Prosecutor, could you first remind us of the references  
23 of the document that you <intend> to use; that is to say, the  
24 WRI of the witness that you intend to use, and can you also tell  
25 <us whether,> among the other documents that are on the list or

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1 on the interface, I don't really remember the name <in French  
2 now,>, but the list on the interface, are there other documents  
3 that you intend to use in the examination of this witness which  
4 the Chamber has not yet ruled upon <either>?

5 MR. LYSAK:

6 Let me answer your last question first. This is the only document  
7 that is part of that pending Rule 87.4 motion that I intend to  
8 use with my time. And that document is the same one that was  
9 given to the witness just before lunch. So it is E319/19.3.226  
10 and specifically answers number 4 and 6 of that interview.

11 I also note, looking at the interface today, that the Nuon Chea  
12 Defence has also listed that document to be used today and I  
13 think they would -- if I don't ask this question, I think he  
14 would want to ask this question too. I see him nodding.

15 But I think that the objections of the Khieu Samphan Defence to  
16 this are primarily procedural. Whatever the Court ultimately  
17 rules on this, I think it's appropriate at this time for this  
18 witness to respond.

19 (Judges deliberate)

20 [13.45.24]

21 MR. PRESIDENT:

22 The Chamber gives the floor to Judge Lavergne to rule on a  
23 document that the International Co-Prosecutor <wishes> to use to  
24 ask the witness among the various documents he put in September  
25 2015.

1 So Judge Lavergne, the floor is yours.

2 JUDGE LAVERGNE:

3 Yes, thank you, Mr. President.

4 Well, during the lunch break the Chamber checked and, indeed, the  
5 request that was filed in September, regarding the request to  
6 have a certain number of documents admitted in September, is  
7 still pending. However, this decision is going to be ruled upon  
8 very soon. So for this reason and in order to avoid delaying the  
9 examination of this witness, the Chamber decides to admit the  
10 written record of interview, E319/19.3.206, unless it's -- is it  
11 206 or 226?

12 [13.46.58]

13 MR. LYSAK:

14 Two-two-six.

15 JUDGE LAVERGNE:

16 So, 226, therefore; and the grounds for <the Chamber's> decision  
17 will be forwarded to you in due course.

18 MR. PRESIDENT:

19 The floor is now given to Counsel for Khieu Samphan.

20 [13.47.28]

21 MS. GUISSSE:

22 Yes, thank you, Mr. President. I would like to reassure you that  
23 I am not going to comment on the decision, but simply to  
24 backtrack a little bit before the Co-Prosecutor continues with  
25 the document that has just been ruled upon.

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1 Regarding the previous question, I am sorry that I wasn't able to  
2 rise before but I needed to check this particular point <-- so>  
3 the Co-Prosecutor was speaking about a <written statement> by  
4 <witness,> Tay Koemhun. It was a written statement that was taken  
5 by the <Co-Investigating Judges>. But this witness <came to>  
6 testify before the Chamber and provided a different version of<--  
7 of the> events or, in any case, of his supposed <acquaintance  
8 with> the current witness. <And> I think that, <in all fairness,  
9 just> quoting the written statement of the witness <Tay Koemhun>  
10 without referring to his statement before the Chamber on the 16th  
11 of September 2015, in document E1/348.1 -- this was a little bit  
12 <after> 11.08.40 in the morning -- <when he had just been  
13 confronted with the excerpt that the Co-Prosecutor cited,  
14 regarding his acquaintance with Doeun.>

15 And this is what Tay Koemhun answered: "I heard people speak  
16 about Doeun, but I wouldn't be able to recognize him. I don't  
17 know what he looked like."

18 The question that was put to him afterwards was the following,  
19 "Was he your superior?" And his answer was the following, "No, my  
20 superior was someone else. In fact, I was alone at that  
21 warehouse, <in that barn.> With regard to Ta Doeun, I heard about  
22 him, he was elsewhere."

23 End of quote.

24 [13.49.25]

25 So my objection a posteriori, and I am sorry about this, well it



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1 is to say that if we have to submit these statements <from> a  
2 witness <before> the current witness here, well, in order to be  
3 fair <it's important to be able to> also submit to him the  
4 statements of the<-- of the> other witness before the Chamber.  
5 <Specifying that, if the Chamber heard this witness and he  
6 testified before this Chamber then that in itself is an important  
7 factor that should have, in principle, at least in terms of  
8 confrontation, more significance over whatever the witness said,  
9 because> he said this before the Judges. So this is my objection,  
10 <that I make saying that the statement-- the question> that is  
11 put by the Co-Prosecutor <was> valid insofar that he also refers  
12 to a <conflicting> statement that was made before the Chamber by  
13 that <same> witness.

14 [13.50.24]

15 MR. PRESIDENT:

16 The issue is that this is the debate <> and if there is any  
17 contradictory statement between his current testimony and his  
18 previous statement, then defence team should use their time to  
19 clarify that. As on the weight and value of the statement and the  
20 testimony, it is the Chamber's discretion to make that  
21 assessment.

22 &lt;The International&gt; Deputy Co-Prosecutor, you may continue.

23 BY MR. LYSAK:

24 Thank you, Mr. President.

25 Q. Mr. Witness, as I indicated, I want to give you a chance to

1 respond to some -- these two witness statements that talk about  
2 you. In E319/19.3.226 a witness who indicates he was part of the  
3 Long Sword Group gave the following testimony in answers 4 and 6  
4 of that interview.

5 Question, "Do you remember the names of the people in the Long  
6 Sword Group?"

7 Answer, "Yes, I remember some, including Doeun who was the group  
8 chairman. Presently, he is living -- probably living in Kampong  
9 Siem district. His deputy, An, went to live in Kaoh Touch  
10 village. Another member" -- correct that -- "deputy An went to  
11 work -- went to live in Kaoh Touch village. Another member was  
12 Chay who is presently living in Chamkar Leu."

13 And continuing in answer 6: "My direct chairman was Doeun and, as  
14 far as I knew, Doeun received orders from commune chairperson,  
15 Kan, who later was replaced by Pheap, the wife of district  
16 committee Kan." End of quote.

17 Mr. Witness, was there a period in which you served as a group  
18 chairman of the Long Sword Unit?

19 [13.53.14]

20 MR. SAY DOEUN:

21 (No interpretation)

22 THE INTERPRETER KHMER-ENGLISH:

23 The interpreter cannot hear what the witness said.

24 BY MR. LYSAK:

25 Q. Mr. Witness, can you repeat your answer? The interpreter

1 wasn't able to hear you.

2 MR. SAY DOEUN:

3 A. Yes, <> I was the chairman.

4 Q. And was your deputy a person named An?

5 A. Yes, An was my deputy.

6 Q. And what about the individual identified as Chay? Did you know  
7 a person name Chay who was -- Chay who was in the Long Sword  
8 Group with you?

9 A. Yes, he was with me.

10 [13.54.52]

11 Q. What about Tay Koemhun? What was his position in the Long  
12 Sword Group?

13 A. I did not know about him.

14 Q. You testified earlier today that one of the three groups of  
15 people that the Long Sword unit was ordered to arrest were Cham  
16 people. When orders were received to arrest Cham, were you  
17 ordered to arrest entire families of Cham or were you only  
18 ordered to arrest specific individuals who were accused of some  
19 wrongdoing?

20 A. I forget all about this.

21 Q. I understand, Mr. Witness, this is difficult to talk about.

22 Let me read to you another excerpt from your OCIJ interview,  
23 E319/19.3.95, answer 34 of your interview, quote. You stated, I  
24 quote,

25 "For Lon Nol soldiers and New People, only men were arrested. As

1 for the Cham people, men, women and children were arrested." End  
2 of quote.

3 Why were entire families arrested in the case of the Cham, but  
4 only individuals arrested in the case of New People or former Lon  
5 Nol soldiers?

6 [13.57.15]

7 A. I did not know the reason behind their plan. I simply followed  
8 the order to make arrest.

9 Q. And when you received orders to arrest the Cham, was the Long  
10 Sword Unit ordered to arrest entire families -- that is, men,  
11 women and children?

12 A. Yes, we arrested both parents and their children.

13 Q. And who was it that ordered the Long Sword Unit to arrest both  
14 the parents and children?

15 A. The commune chief gave the order.

16 Q. Did the commune chief say anything about why the Long Sword  
17 Unit was being ordered to arrest both the parents and children in  
18 the case of the Cham people?

19 A. He told us that the order came from the upper echelon <of the  
20 Angkar>.

21 [13.59.02]

22 Q. What was the upper echelon?

23 A. I did not know. It was simply what I heard from him.

24 MR. PRESIDENT:

25 Witness, please hold on.

66

1 The floor is now given to defence counsel, Mr. Koppe.

2 MR. KOPPE:

3 No objection, just a clarification because I hear the translation  
4 speak of "he" and "him". I know in Khmer it's difficult to  
5 determine, but I presume the witness is talking about "she" and  
6 "her" and referring to a female.

7 [13.59.57]

8 BY MR. LYSAK:

9 Let me clarify. That was going to be my next question.

10 Q. The person who told you that the order came from the upper  
11 echelon was this Pheap, Kan's wife who was commune chief for a  
12 period, or was this some other person?

13 MR. SAY DOEUN:

14 A. Yes, it was Pheap<, Kan's wife> who told us about that.

15 Q. And Mr. Witness, to your knowledge were there any Cham people  
16 left in Peam Chi Kang commune by the end of the Khmer Rouge  
17 regime?

18 A. No, there was none.

19 Q. We have heard so far in this trial from a number of witnesses  
20 from your district who have similarly testified that all the Cham  
21 were arrested and killed after the arrival of the Southwest  
22 cadres and that only one couple from Sach Sou village was able to  
23 survive. These witnesses have described and one in particular  
24 from your commune, Sen Srun have described how on one day all the  
25 remaining Cham in Peam Chi Kang commune, several hundred people

1 were arrested and taken to the gate at Wat Au Trakuon.

2 [14.02.09]

3 Your Honours, for the record, the reference to this testimony  
4 from Sen Srun is E1/346.1 at 10.47.40 to 11.02.18.

5 Similarly, we also heard from a witness from the adjoining  
6 commune, Angkor Ban commune, Seng Kuy who testified that he  
7 helped transport all the Cham people from his village to Wat Au  
8 Trakuon one night.

9 I wanted to ask you whether you remember a single day or a short  
10 period of time in which many Cham people were gathered and sent  
11 to Wat Au Trakuon in your commune, Peam Chi Kang commune.

12 [14.03.13]

13 MR. PRESIDENT:

14 Witness, please wait. And Counsel Koppe, you have the floor.

15 MR. KOPPE:

16 I object to the way this question is phrased, Mr. President.

17 Obviously, we are in a potentially important part of this  
18 witness' testimony. There is no reason why all of a sudden the  
19 Prosecution should now feed him with information from other  
20 witnesses, true or false, and instead of asking him open  
21 questions first as to what he knows about the fate of the Cham  
22 after they were arrested, all of a sudden the Prosecution is  
23 leaving the established practice of first asking open questions,  
24 because we know that in his WRI he said something to the effect  
25 that he has no knowledge whatsoever what happened to them after

1 their arrest. So feeding him this information in order to try to  
2 persuade him to give an answer that is beneficial to the  
3 Prosecution is a practice that should be disallowed.

4 [14.04.22]

5 MR. LYSAK:

6 If I may briefly respond, I think counsel misunderstands my  
7 question. My question is about arrests, not about killings. I  
8 have asked the witness open questions. We have had extensive  
9 questions about arrests. I am nearing the end of my questions and  
10 now I am giving him an opportunity to respond to some of the  
11 specific evidence we've heard on the subject I have been asking  
12 him about. So I think counsel misunderstands what I am asking the  
13 witness. I have already asked many open questions on this  
14 subject.

15 [14.04.53]

16 MR. KOPPE:

17 A very brief response. I did hear the word "killing" so I assumed  
18 he speaks about mass arrests and killing. That word is now in the  
19 mind of this witness.

20 BY MR. LYSAK:

21 If I may proceed to put the question to the witness, I think  
22 counsel's concern will be dealt with.

23 Q. My question to you is simply this, Mr. Witness. You've talked  
24 about arrests of the Cham. My question is, do you remember a  
25 period, either a day or a few days in which hundreds of Cham were

1 gathered in Peam Chi Kang commune and taken to Wat Au Trakuon?

2 [14.05.48]

3 MR. SAY DOEUN:

4 A. No, I do not recall that.

5 Q. Did you ever hear any reason, Mr. Witness, as to why the Long  
6 Sword Unit was ordered to arrest Cham families and take them to  
7 Wat Au Trakuon? Did you ever hear from the commune chief, the  
8 district chief or any members of the Long Sword Unit the reason  
9 for these arrests?

10 A. We were ordered to arrest those people and no reasons were  
11 given to us.

12 Q. Earlier in this trial we heard from a witness from Angkor Ban  
13 commune, Seng Kuy, at 10.17.48 of his testimony on the 10th of  
14 September 2015, this is document E1/345.1, this witness testified  
15 that when the Cham people were gathered and arrested in Angkor  
16 Ban, the commune security chief named Run stated, and I quote,  
17 "We will kill all the Cham people and we will not spare anyone."  
18 End of quote. Did you ever hear, Mr. Witness, of a plan to kill  
19 all the Cham people?

20 [14.07.50]

21 A. Yes, I heard of the plan that no Cham, no single Cham <were  
22 to> be spared.

23 Q. And who did you hear about that -- who did you hear from about  
24 this plan?

25 A. The commune <committee> told us about it.



1 Q. And what do you remember? What was it? When you say the  
2 commune are you referring to the commune chief, Pheap?

3 A. Yes, it was Pheap, the commune committee.

4 Q. And what do you remember Pheap saying about this plan?

5 A. I cannot recall her words.

6 MR. LYSAK:

7 Mr. Witness, thank you for answering my questions. My colleague  
8 has a few questions for you.

9 [14.09.24]

10 QUESTIONING BY MS. SONG CHORVOIN:

11 Good afternoon, Mr. President, Your Honours, and everyone in and  
12 around the courtroom. My name is Song Chorvoin, Mr. Witness, and  
13 I have a few additional questions to put to you.

14 Q. You responded to my international colleague on the arrest of  
15 Cham people. My question to you is the following: While you were  
16 in the Long Sword Unit, how many orders did you receive for the  
17 arrest of the Cham people?

18 MR. SAY DOEUN:

19 A. I made arrests of Cham people for one time only.

20 Q. So you yourself involved in the arrests of the Cham people  
21 once. Did you receive a verbal order or the order was in writing  
22 for that arrest? I refer to the list of names of people to be  
23 arrested.

24 A. It was a verbal order.

25 Q. Who gave you a verbal order for the arrest of those Cham

1 people?

2 A. It was the wife of the district committee.

3 [14.11.04]

4 Q. Are you referring to Pheap?

5 A. Yes, I refer to her.

6 Q. Can you recall the exact words when Pheap gave you that order?

7 A. She said the orders came from the upper echelon to the commune  
8 level and then she relayed those orders to us. <The order was  
9 relayed down the line.>

10 Q. Can you tell us the exact words that Pheap used when she gave  
11 you that order?

12 A. The order was to arrest all the Chams within that village.

13 Q. And upon receiving <> the order from Pheap, for the arrest all  
14 Chams in that village, did you carry out the arrest immediately  
15 on that day?

16 [14.12.13]

17 A. I cannot recall that. It happened a long time ago.

18 Q. Now I move on to another area. I refer to the names of those  
19 people to be arrested. You said that you could not read and then  
20 you asked a member of the group to read the names to you. Can you  
21 recall who actually read out the names to you?

22 A. It was the deputy.

23 Q. What is the name of the deputy who read the names to you?

24 A. It was An.

25 Q. From whom did you receive the list of names?

1 A. It came from the commune <committee>.

2 Q. And for the implementation of the arrest of those whose names  
3 appeared on the list, did you go with your deputy, An, along with  
4 your members or did you go only with your members, without An?

5 A. All the members went. There were 14 of us.

6 MS. SONG CHORVOIN:

7 Thank you, Mr. President. I don't have any more questions for  
8 this witness.

9 [14.14.04]

10 MR. PRESIDENT:

11 Thank you. The floor is now given to the <Lead> Co-Lawyers for  
12 civil parties to put questions to this witness. You may proceed.

13 MS. GUIRAUD:

14 Thank you, Mr. President. We have no questions.

15 MR. PRESIDENT:

16 Thank you. The floor will be now given to defence teams, first to  
17 the defence team for Nuon Chea to put questions to the witness.  
18 You may proceed, Counsel.

19 [14.14.40]

20 QUESTIONING BY MR. KOPPE:

21 Thank you, Mr. President. Good afternoon, Mr. Witness. I have a  
22 few questions that I would like to pose to you this afternoon.

23 Q. Is my understanding correct that earlier this morning you  
24 testified that the total period of time that you were a member or  
25 even the chairman of the Long Sword militia was two months? You

1 worked for the Long Sword Group for two months and then became a  
2 village chief; is that my understanding?

3 MR. SAY DOEUN:

4 A. Yes, that is correct.

5 Q. And is my understanding, or let me rephrase, did you only work  
6 for a short period of time, two months in the Long Sword Group  
7 because you were appointed village chief and it was no longer  
8 possible to combine the two functions?

9 A. No, I could not do that. I did not see them.

10 MR. PRESIDENT:

11 Defence Counsel, please repeat your question. It seems that the  
12 witness doesn't understand your question.

13 [14.16.42]

14 BY MR. KOPPE:

15 Yes, I will try to make my question a bit simpler.

16 Q. You were a member for two months of the Long Sword militia.  
17 Did you quit your work at the Long Sword militia because you  
18 became a village chief?

19 A. Yes, I was appointed a village chief.

20 Q. And the one-time arrest of Cham people that you referred to,  
21 took place in those two months that you worked in the Long Sword  
22 Group; is that correct?

23 A. Yes, that is correct.

24 [14.17.50]

25 Q. In those two months that you were a member of the Long Sword

1 Group, did you make other arrests than Cham people?

2 A. No, the Cham arrest <>was the only arrest <that I made>.

3 Q. Do you recall how many people in total were subject to that  
4 arrest? In other words, the one and only arrest that you made,  
5 how many people were involved? How many people were arrested?

6 A. I did not know the total number of those who were arrested.

7 Q. I understand that you don't know the total number exactly, but  
8 are you in a position to give an estimate as to how many people  
9 were arrested this one time that you were involved?

10 A. The arrest was carried out in various villages, I myself  
11 involved in the arrest in one village while other people involved  
12 in the arrest in another village.

13 Q. Let me concentrate on the arrest that you yourself were  
14 personally involved in. The arrest that you made in your village,  
15 how many people were involved?

16 A. There were chiefs, namely the group chiefs.

17 Q. Maybe you misunderstood my question. My question is how many  
18 people did you in your village personally arrest? How many people  
19 were arrested by you physically?

20 [14.20.40]

21 A. I cannot recall that.

22 Q. Again, I don't expect you to give me an exact number but you  
23 were only working for two months in the Long Sword Group. You  
24 made only one arrest. Surely you would be able to give us an  
25 estimate as to how many people you arrested.

1 A. I cannot remember it. I forget about it.

2 Q. I presume you also forgot any of their names?

3 A. Yes, I forgot it all.

4 Q. Did you know them personally; in other words, when you went  
5 into the village to physically arrest these people, did you know  
6 them beforehand? Did you know who they were?

7 A. Yes, I knew their names.

8 [14.22.38]

9 Q. Did you know them from the village?

10 A. They were in the village.

11 Q. And were they from the same village of which you later became  
12 after two months, village chief?

13 A. I was transferred to <Antong> Sar (phonetic).

14 Q. So the people that you arrested in your capacity as a Long  
15 Sword member were not from the village of which after two months  
16 you became the village chief; correct?

17 A. That is correct.

18 Q. Is it correct that after you arrested them, you then brought  
19 them to Wat Au Trakuon and you left these detainees in the hands  
20 of the security guards of Wat Au Trakuon?

21 A. I delivered them to those people at the gate.

22 Q. And once you had delivered them, you went back to that same  
23 village or to somewhere else?

24 A. I returned to my place.

25 [14.25.08]

1 Q. Have you seen or were you able to observe what the security  
2 guards subsequently did with the people you had just arrested?

3 A. No, I did not. And I was afraid and I did not dare to enter  
4 the area.

5 Q. So the last time you saw the people you had just arrested was  
6 when you gave -- when you left them in the hands of the security  
7 guards. You never saw them afterwards; is that correct?

8 A. I did not see them anymore and I did not know <> what those  
9 people did to them.

10 Q. Were you or your fellow members of the Long Sword militia in  
11 any way involved in the killing of these people?

12 A. We <just> worked together to carry out the arrest.

13 Q. I understand. But were you or any of your group members  
14 involved in the subsequent alleged killing of this group of  
15 arrestees?

16 A. I was not involved.

17 [14.27.24]

18 Q. Have you ever witnessed the killing of the group of people  
19 that you had just arrested?

20 A. No, I did not witness it.

21 Q. Have you or any members of the Long Sword Group ever been  
22 involved in any killings of other people from the commune; in  
23 other words, other people than the people you had arrested?

24 A. No, my group was not involved. However, later on the later  
25 group did involve in this matter.

1 Q. What exactly do you mean?

2 MR. PRESIDENT:

3 It seems that the witness doesn't understand your question,  
4 Counsel Koppe. Please rephrase your question and simplify it so  
5 that the witness is able to respond.

6 [14.29.10]

7 BY MR. KOPPE:

8 Well, my question was, "What exactly do you mean?" So that's five  
9 words. My question, of course, referred to something he said  
10 before. But let me backtrack a little maybe.

11 Q. My question was whether you or your group was ever involved in  
12 the killing of other people. So I'm not referring to the people  
13 you arrested but to the killing of other people. Were you ever  
14 involved in that?

15 MR. SAY DOEUN:

16 A. I did not know about that because later on I was no longer in  
17 the group and I was not involved in it, and I didn't know what  
18 happened later on.

19 Q. Let me ask you a more broader question. Have you ever  
20 witnessed with your own eyes anybody being killed, either in your  
21 village or in your commune?

22 A. No, I did not witness it.

23 [14.30.42]

24 Q. Now, you spoke a little bit earlier about the order for the  
25 arrest of that one group that you were involved in. Is it correct



1 when I say that if Pheap had indeed given such an order, she had  
2 received an order from her husband?

3 A. She <had> received the order from her husband <before she  
4 relayed it to us>.

5 Q. Were you ever present during conversations between Pheap and  
6 Kan, her husband?

7 A. I did not hear.

8 Q. Were you more specifically present when supposedly Kan gave  
9 the order to his wife, Pheap, to arrest the people that you were  
10 involved in?

11 A. Pheap instructed us to <make> arrest and <although> I was  
12 fearful, <> I simply followed the order to arrest.

13 Q. I understand, Mr. Witness, but my question is: Were you  
14 present in the room or somewhere during which Pheap got the order  
15 from her husband, Kan?

16 A. She called a meeting and told us about the arrest.

17 [14.33.24]

18 Q. I understand, Mr. Witness. That is clear to me. But when Pheap  
19 got her orders from her husband, were you then present?

20 A. Yes, I was around there because my house <was next to>  
21 theirs<, the commune office>.

22 Q. I'm not sure if you understand my question. Were you present  
23 during the conversation that Pheap presumably might have had with  
24 her husband, Kan, in relation to the arrest of people with which  
25 you were involved?

1 A. They had a meeting of their own, so I did not know about the  
2 meeting between them. Only later on that she called us to have a  
3 meeting and relayed about the order of the arrests to us that I  
4 knew.

5 Q. Have you ever seen Kan speak to people of the sector, people  
6 who presumably might be superior to him?

7 A. I did not ever see them.

8 [14.35.36]

9 Q. Were you at the time in a position to know from whom Kan  
10 received orders or instructions?

11 A. I did not know about this matter.

12 Q. So is it then fair for me to say that the only person of  
13 authority to you was Pheap and that you had no knowledge where  
14 she got the order from?

15 A. I know only that she received the order from the upper echelon  
16 and that was it.

17 Q. Fine. But you were not present when the upper echelon gave her  
18 the order; is that correct?

19 A. (Microphone not activated)

20 THE INTERPRETER:

21 The interpreter cannot hear what the witness has just said.

22 MR. PRESIDENT:

23 The witness has already given answers to this.

24 So, the witness, you don't have to repeat your answer.

25 [14.37.31]

1 MR. KOPPE:

2 I am a bit confused, Mr. President. There was no objection. I  
3 just wanted to get clarification as to his presence when, "upper  
4 echelon gave the order to Pheap". I just wanted to have that  
5 confirmed. I think that's an important issue and seeking  
6 clarification to have that confirmed, I think, is an appropriate  
7 question.

8 MR. PRESIDENT:

9 You talk about the meeting between -- at the upper level at the  
10 district and commune level. The witness already gave answer to  
11 this. You can pose question but you should avoid repeating the  
12 same questions <as they may confuse the witness himself.>

13 [14.39.48]

14 BY MR. KOPPE:

15 Fine, I will move on, Mr. President.

16 Q. Earlier this morning, Mr. Witness, you gave testimony in  
17 respect of the arrests of New People and people who were former  
18 Lon Nol military. Now, just a bit earlier you said that you were  
19 involved in the arrests of people only once, and it was of Cham  
20 people. Can you explain to me how it is that you know -- how you  
21 know about the arrests of New People or Lon Nol military? What is  
22 the source of your knowledge if you were involved in arrests only  
23 once?

24 MR. SAY DOEUN:

25 A. From the commune level they told us about that arrest.

1 Q. I understand, but you just testified that during those two  
2 months you were involved in only one arrest. How do you have  
3 knowledge when it comes to arrests of former Lon Nol military?  
4 [14.40.42]

5 MR. PRESIDENT:

6 Mr. Witness, please hold on.

7 The floor is given to the International <Deputy> Co-Prosecutor.

8 You may now proceed.

9 MR. LYSAK:

10 Thank you, Mr. President. That question is completely repetitive  
11 of the question he just asked. He got an answer that he was told  
12 about those arrests by the commune. He is entitled, obviously, to  
13 follow up on that, but I don't think he is entitled to ask the  
14 same question again that the witness already answered.

15 BY MR. KOPPE:

16 I am happy to rephrase.

17 Q. What is it that you were told by the commune in respect of the  
18 arrests of former Lon Nol military? What is it that you knew  
19 about this?

20 MR. SAY DOEUN:

21 A. I simply followed the orders <relayed by> them.

22 [14.41.55]

23 MR. PRESIDENT:

24 Thank you, Counsel.

25 It is now a convenient time for a break. The Chamber will take a

1 short break from now until 3 o'clock.

2 Court officer, please find < a proper place in the witness  
3 waiting room> for this witness <during the break> and please  
4 bring him along with his duty counsel back to the courtroom at 3  
5 o'clock.

6 The court is now in recess.

7 (Court recesses from 1442H to 1500H)

8 MR. PRESIDENT:

9 Please be seated. <The court is now back in session.>

10 The Chamber now continues the hearing of the witness, and the  
11 floor is given to defence counsel of Nuon Chea to put more  
12 questions to the witness.

13 The Chamber would also like to remind about the arrests of the  
14 people, so there may be some confusion either between the arrest  
15 of the targeted group of Cham people or the arrest of ordinary  
16 people <while the witness was acting as head of the Long Sword  
17 Unit>. So<, please be more specific, Counsel> to avoid this  
18 confusion between the arrest of the Cham people or the general  
19 arrest of people, so if parties can avoid this matter it's good,  
20 because it contributes to the ascertaining of the truth that the  
21 Chamber is doing right now.

22 MR. KOPPE:

23 Mr. President, I'm not quite sure if I follow what you were  
24 saying, but I will bear in mind when asking my--

25 [15.03.02]

1 MR. PRESIDENT:

2 I would like to clarify that there may be some confusion as  
3 regards to the response by the witness in the morning session,  
4 the talk about the arrest of the general people and that he  
5 received the order from the commune chief. And you have just  
6 asked about the one-time arrest of <the Cham - but you were also  
7 trying to> include the New People <and> Lon Nol <officials>.  
8 So I just would like you to clarify this matter. So we need to  
9 specify which types of arrest that you are referring to. And the  
10 witness told us that he implemented the arrest of only one time  
11 and then you asked about his knowledge of other arrests. So we  
12 need to be specific on this matter.

13 [15.04.25]

14 BY MR. KOPPE:

15 It is correct that, as you indicated, Mr. President, that this  
16 witness seems to be involved during his Long Sword militia period  
17 in one arrest only. But he also made some remarks on the arrests  
18 of Lon Nol people, and that's where I was moving to. He gave an  
19 answer before the break to that question. I have one last  
20 follow-up question in this respect.

21 Q. Mr. Witness, were you ever involved between 1975 and '79 in  
22 the interrogation of anyone who was ever arrested?

23 MR. SAY DOEUN:

24 A. I was not involved in the interrogation from 1975 to 1979.

25 [15.05.40]

1 Q. So is it fair then to say for me that you have no knowledge  
2 whatsoever as to why someone was arrested either in your village  
3 or commune between 1975 and 1979?

4 A. I have no knowledge about this.

5 MR. KOPPE:

6 Thank you, Mr. President.

7 MR. PRESIDENT:

8 The floor is given to Judge Fenz.

9 [15.06.25]

10 QUESTIONING BY JUDGE FENZ:

11 Q. I have about three follow-up questions on some of the things  
12 you said answering Counsel Koppe.

13 At the very beginning you mentioned that you were part of one  
14 group that made arrests. But if I heard that correctly your group  
15 was not the only one. There were other groups who made arrests in  
16 other villages. Did I understand that correctly?

17 MR. SAY DOEUN:

18 A. Yes, there were other groups.

19 Q. Can you tell me how many groups there were, your group and how  
20 many more groups make arrests at that time?

21 A. At my village there was one group and as for the security  
22 group they <had> another group <for one commune>, and we<, and  
23 members of the district security> were based close to each other.

24 [15.07.55]

25 Q. So there were two groups that made arrests, did I understand

1 that correctly, or more groups?

2 A. The security guards, they were also involved in the arrests in  
3 villages.

4 Q. And the security guards were one group or were there more  
5 groups of security guards?

6 A. I did not know.

7 Q. Do you know approximately how many villages were raided or in  
8 how many villages were arrests made?

9 A. Arrests took place in seven villages.

10 Q. So seven villages at basically the same time. But you were  
11 only involved in one raid in one village. Is this correct?

12 A. Yes, each group was responsible to arrest people in each  
13 village.

14 Q. Where the people from the other villages brought to -- the  
15 arrested people from the other villages where were they brought  
16 to, all to one place or to different places?

17 A. They were brought along the roads and sent to the same place<,  
18 the pagoda>.

19 [15.10.26]

20 Q. Okay. And who were the people arrested, Cham, Khmer or both in  
21 those seven villages?

22 A. Only the Chams were arrested.

23 Q. Can you -- did that all happen in one day or over which period  
24 of time were these seven villages -- were people arrested in  
25 these seven villages? Did this take a week or a day or longer?



1 A. It happened in one day. It all happened in one day.

2 Q. Now, you already said you didn't know how many people who you  
3 had arrested, and I am now only talking about your group and the  
4 people you arrested. I will make a last attempt. If I give you  
5 three numbers, 10, 50 or 100 people, can you make an estimate on  
6 how many people your group arrested on that day or can you not?

7 A. I cannot recall. It was probably two people who were arrested.

8 Q. Your group arrested two people?

9 A. Yes, only two people were arrested.

10 [15.12.55]

11 Q. Do you know how many people the other groups arrested, the  
12 other six, I guess?

13 A. I did not know because <> each group went to implement it  
14 separately and we did not inform each other about what we did.

15 Q. And you didn't see them? You told me they were all brought to  
16 the same place. Did you see them there?

17 A. Yes, I saw the arrested people were brought along the road and  
18 sent to that place.

19 Q. Can you tell me how many you saw again, 10 -- two, 10, 20,  
20 100?

21 A. Sometimes, <> two or three people were brought.

22 Q. What was the biggest group you ever saw, if you remember, the  
23 biggest group of arrested people?

24 A. No, I did not know how many people were arrested.

25 [15.15.04]

1 Q. Okay. I am moving to another subject. When you were questioned  
2 by counsel you said your group didn't kill any of the arrested  
3 people but later another group did. At least, that's what I wrote  
4 down. Can you tell me about this other group who killed people?

5 A. It was the security guard group.

6 Q. Okay. And the same security guard group that raided the six  
7 villages at the same time your group made the arrests, this  
8 security guard group?

9 A. They also went to villages.

10 Q. Yes, but I want to know something else. You said the group who  
11 killed, arrested people, was a security guard group. I want to  
12 know is this the -- are you referring to the same security guard  
13 group which made arrests in six other villages at the same time  
14 your group arrested people, or are you talking about another  
15 security guard group?

16 A. They went out to make arrests and after they <had> made  
17 arrests they went back into their place. <I did not know from  
18 where they received the order. And they went to a specific place  
19 just to make arrest. They did not question anything.> So it was  
20 the security guards. So when we saw them riding bicycles it means  
21 that they would make arrests of people. <I was also afraid of my  
22 own security.>

23 [15.17.36]

24 Q. Okay. And how do you know that they killed some of the  
25 arrested people? Did you see it? Did you hear it?

1 A. I heard them talking about it. I did not hear any screams  
2 because I was based far from it, but this is what I heard from  
3 those security guards.

4 Q. So these security guards told you that they had killed people  
5 or they told each other that they had killed people and you heard  
6 it? Let me make it easier. Did those security guards tell you  
7 that they killed some of the people they had arrested?

8 A. Yes, those were the ones who arrested people and killed  
9 people. Those security guard groups consisted of around 15 people  
10 and each time they went out to arrest people, five or six of them  
11 went out at each time.

12 [15.19.20]

13 Q. And you said they killed people and you heard that. You didn't  
14 see it, but you heard it. My question is: did these security  
15 guards tell you that they killed people?

16 A. <When those> security guards <> came to visit the village,  
17 they told us that. And then they went back to their place, I was  
18 afraid. I did not dare to ask them for more details.

19 Q. But you heard it from themselves?

20 A. Yes, I heard from their mouths.

21 Q. Do you know any names of those security guards?

22 A. Those people already died when the Vietnamese arrived. The  
23 <grenades> were thrown <from> their house and <they themselves  
24 were killed by the grenades. Both the son and the father died.  
25 The father was a village chief, while the son was a security

1 guard. They were killed by the grenade they threw from their  
2 house.>

3 Q. Did they say how and where they killed the arrested people? So  
4 my first question: did they say how they killed them?

5 A. I did not ask them about this.

6 [15.21.37]

7 Q. I understand you did ask. But still my second question: did  
8 they say where, in which place they killed the arrested people?

9 A. The killing took place in Au Trakuon pagoda.

10 Q. That is what they said?

11 A. They said the killing happened in Au Trakuon pagoda. <That's  
12 what I heard from them.>

13 Q. Did they say what they did with the bodies?

14 A. I did not know.

15 Q. And I'm moving to another subject, and making a last attempt  
16 following various attempts from Counsel Koppe to get the question  
17 answered. So my question, other subject now, you said that your  
18 order to arrest the Cham came from Pheap. And you also said she  
19 heard the order from her husband and the upper echelon. You said  
20 you were not there when the husband told Pheap, "Listen, this is  
21 the order. Tell them to arrest the Cham." So who told you, if  
22 anybody that Pheap got the order from her husband? Did somebody  
23 tell you?

24 [15.24.09]

25 A. No one. She told us by herself that she went to have a meeting

1 at the <district> level and she relayed the order to us.

2 Q. So it was she, herself, who said, "This is an order I got from  
3 the upper level"?

4 A. Yes, that is correct.

5 Q. And did she give a name to the upper level? Did she say who  
6 the person was who gave her the order?

7 A. No, she did not tell. She simply told us that it came from the  
8 upper level.

9 JUDGE FENZ:

10 Thank you.

11 MR. PRESIDENT:

12 Thank you. The Chamber now gives the floor to defence counsel for  
13 Khieu Samphan to put questions to the witness.

14 Counsel, now you may proceed.

15 [15.25.23]

16 QUESTIONING BY MR. KONG SAM ONN:

17 Thank you, Mr. President. Good afternoon, parties in this  
18 Chamber.

19 Q. I have only a few questions to put to you, Mr. Witness. I just  
20 heard from you related to the question put by Judge that in your  
21 commune there were seven villages and you went to one village to  
22 arrest Cham people. And you made an assumption that there were  
23 seven groups at that time that went out to implement the order  
24 because the arrests all happened in one day. And you mentioned  
25 that in your group there were <14> people and you divided into

1 three groups. I <want you> to clarify that when you <implemented>  
2 the order when your group went to <make> arrest, you went to  
3 <make> arrest in two villages or in just only one village?

4 MR. SAY DOEUN:

5 A. I said that my group had 14, around 14 people and <split into  
6 three groups when we were on duty to patrol the villages;  
7 however, we stayed> together as a <unit> when we went out to make  
8 arrests <on that day>.

9 [15.26.55]

10 Q. So you mean that your group which has 14 people, it means you  
11 went all together in one group; is that correct?

12 A. Yes, that's correct.

13 Q. <Thank you.> You said earlier that in your Long Sword Unit was  
14 created <> when the Southwest cadres arrived, and <particularly  
15 after the arrival of> Kan family who was the district committee  
16 and Pheap as the commune committee. Could you specify the time  
17 when the unit was established?

18 A. I did not know, because I could not read and write.

19 Q. <Thank you.> You also said earlier that you worked in the Long  
20 Sword Unit for only two months. Were you part of the original  
21 members of the group? <Or were there any members before you  
22 became one?> Could you answer this point?

23 A. There were no others from my village. <I was one of> the  
24 original <members> of this group.

25 [15.28.58]

1 Q. <Thank you.> Could you specify the time when your groups went  
2 out to arrest Cham people, what months and year was it?

3 A. It was in late 1978.

4 Q. Could you remember the months?

5 A. No, I could not remember the months. I only remember that it  
6 took place in late 1978.

7 Q. Did you know that the <same> Long Sword Unit also existed in  
8 other villages?

9 A. No, I only knew that there was the Long Sword Unit in my  
10 commune. I did not know whether they <existed> in other villages,  
11 other communes.

12 [15.30.13]

13 Q. Did you ever attend meetings at the district levels with  
14 members from other Long Sword Units?

15 A. No, I did not. I attended the meeting only at the commune  
16 level.

17 MR. KONG SAM ONN:

18 Thank you for your answers.

19 Mr. President, I have no more questions to put to this witness.

20 Thank you.

21 MR. PRESIDENT:

22 Thank you. The hearing of testimony of <> witness <Say Doeun> has  
23 come to a conclusion.

24 The Trial Chamber thanks you, Mr. <Say> Doeun, <for your  
25 testimony> before the Chamber for the whole day. Your testimony

1 can contribute to <> ascertaining of the truth <in> this case,  
2 and now you are excused. You can return to your residence or to  
3 your destination, and I wish you good luck and a good trip.

4 Court officer, please coordinate with the WESU for his  
5 transportation to his residence or to any other destination he  
6 wishes.

7 And Mr. Moeurn Sovann, the Chamber thanks you for your presence  
8 to help the witness.

9 We have no reserve witness for today. The hearing will resume  
10 tomorrow<, 13 January 2016,> from 9 o'clock in the morning. We  
11 will hear <2-TCW-928> and the parties are invited to attend this  
12 hearing.

13 Security personnel are instructed to bring both Nuon Chea and  
14 Khieu Samphan to the <ECCC> detention facility and bring them  
15 back to the <court room tomorrow> before 9 o'clock.

16 The Court is adjourned.

17 (Court adjourns at 1532H)

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