



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

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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**Sann Rada**  
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**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**

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

**អង្គជំនុំជម្រះសាលាដំបូង**  
 Trial Chamber  
 Chambre de première instance

**TRANSCRIPT OF TRIAL PROCEEDINGS**

**PUBLIC**

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  
 YA Sokhan  
 YOU Ottara  
 Martin KAROPKIN (Reserve)  
 THOU Mony (Reserve)

The Accused: NUON Chea  
 KHIEU Samphan

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 UCH Arun

I N D E X

Mr. MUY Vanny (2-TCW-987)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

| Speaker                   | Language |
|---------------------------|----------|
| Mr. DE WILDE D'ESTMAEL    | French   |
| 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 Ms. Chea Sivhoang, please report the attendance of the parties

9 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

2

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 to all of you.

3

1 Q. Good morning to you, Witness Muy Vanny. I'm going to continue  
2 and take up from where we stopped yesterday.

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

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

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

12 [09.08.51]

13 MR. MUY VANNY:

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

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

18 So when you witnessed the arrest you described yesterday, where  
19 were you stationed?

20 A. I was in Sdau commune.

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

22 A. I was in Sdau village.

23 [09.09.59]

24 Q. You said that when you saw people standing in row who  
25 apparently had been arrested, you said that you were returning

4

1 from a place where you cleared grass and that you were riding an  
2 ox cart.

3 So can you tell us if you were alone on that ox cart or if there  
4 were other people with you?

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

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

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

17 [09.12.08]

18 Q. So we agree, therefore, that the day when you came back from  
19 clearing on the ox cart, you were part of this unit that included  
20 Cham people as whereas -- as well as Khmer people; is that  
21 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 -- you remember  
6 it.

7 So as far as you remember it, can you tell us how many Cham  
8 people and how many 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 -- we were in the same small unit, I did  
13 not know everyone.

14 [09.14.10]

15 Q. Is it true, therefore, that under these conditions, you did  
16 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. And today, you're telling us that there were many other  
25 ox carts.



6

1 So who was riding these ox carts; do you remember?

2 A. I was assigned alone to cut the grass. However, other members  
3 of the unit were assigned to various villages within the commune  
4 to perform different tasks. And I, myself, was assigned to cut  
5 the grass, which the village -- with the people from the kitchen  
6 unit.

7 [09.16.15]

8 Q. You said, therefore, that it was around 6 o'clock in the  
9 evening. And yesterday, you said that you only recognized one or  
10 two people in the row. So must I understand from your testimony  
11 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 were arrested, and  
16 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 were you able to -- 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 to be called, it  
22 means I, myself, would have been called too.

23 [09.18.03]

24 Q. So if I understood your testimony well, you arrived when the  
25 people had already been gathered and were already standing in a

7

1 row, so you already came across these people on your way. So that  
2 is to say that you were not present when these people were called  
3 to gather? Am I correct?

4 A. Yes.

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

7 A. Yes.

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

10 So must I understand that these people belong to another unit?

11 A. Yes, they did.

12 [09.19.18]

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

15 A. No, I did not.

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

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

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

24 A. No, I did not.

25 [09.20.45]

8

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

4 A. I did not know them all because our unit -- because it was a  
5 mixture, but it is my understanding that Cham people resided in  
6 two communes, Angkor Ban and another commune. However, Sach Sou  
7 was a village within that commune.

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

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

19 [09.22.49]

20 A. At that time, we were stationed in various communes; namely  
21 Reay Pay, and usually we would be stationed at the outskirts where  
22 there were forests. And part of the forces were used, for  
23 example, for various other tasks, to dig and carry dirt. However,  
24 I did not know every single village situated within the communes.  
25 I only knew locations where I was stationed; namely, Khchau

1 (phonetic) village.

2 Q. And do I understand you properly when you say that when you  
3 were stationed with these commune soldiers, you were accompanying  
4 Horn when he would come to inspect the military stations?

5 A. Yes, that is correct.

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

9 A. I think you got confused. The person was in charge of the  
10 district soldiers. However, allow me to clarify. Those district  
11 soldiers were stationed in various communes under that district.  
12 And they might be stationed for a week or a fortnight in a  
13 particular commune and then redeployed to be stationed elsewhere  
14 within another commune under the district.

15 [09.25.08]

16 Q. So when you said yesterday that you would generally stay with  
17 the commune soldiers, were these district soldiers, in fact, who  
18 were assigned to a specific commune, or were these other  
19 soldiers? Were you referring to other soldiers?

20 A. The commune -- the communes had their own soldiers, and there  
21 were different groups from the district soldiers. And Horn was in  
22 charge of district soldiers, not the commune soldiers.

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

25 [09.26.12]

10

1 MR. PRESIDENT:

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

4 Yesterday, the witness testified that the soldiers belonged to  
5 the district, however, they were stationed in various communes  
6 where there were issues. And they would be stationed for a  
7 specific period of time and then redeployed to other communes.

8 And that's what the witness testified yesterday, and that's what  
9 he is testifying now. He refers to district soldiers who were  
10 stationed in various communes in Peam Chi Kang district.

11 BY MS. GUISSÉ:

12 So there might have been a problem in the interpretation or in my  
13 notes, so no problem. I will clarify this.

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

16 MR. MUY VANNY:

17 A. Yes, they were district soldiers as clarified by the  
18 President.

19 [09.27.34]

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

21 A. As I stated from the outset, he was in charge of soldiers, and  
22 he was also in charge of the Au Trakuon security centre. And when  
23 he was on a mobile with the soldiers, he would assign his deputy  
24 to take charge of the security centre. Sometimes he would stay at  
25 the centre for a week, and then he would leave to various other

11

1 locations to inspect his soldiers.

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

4 MR. PRESIDENT:

5 The witness stated that the person was in charge of the district  
6 soldiers as well as in charge of the Au Trakuon pagoda security  
7 centre.

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

12 [09.29.16]

13 MR. MUY VANNY:

14 A. He was in charge of district soldiers.

15 BY MS. GUISSSE:

16 Q. So therefore, must I conclude from this that you did not know  
17 his rank?

18 MR. MUY VANNY:

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

20 MR. PRESIDENT:

21 Deputy Co-Prosecutor, you have the floor.

22 MR. DE WILDE D'ESTMAEL:

23 Thank you, Mr. President.

24 If there was an error on my part, I don't think it was a very  
25 serious error on my part. There were no ranks of generals and so

12

1    forth.

2    [09.30.12]

3    BY MS. GUISSÉ:

4    I believe I heard the witness talk about several units,  
5    battalions. I think there's reference to grades or ranks, but  
6    based on the witness' testimony, I cannot discuss this matter. I  
7    will have another opportunity to do so.

8    Q. Witness, let me continue with my examination still with regard  
9    to the period during which you worked with Horn. I would like to  
10   talk about the time when, at the pagoda, you stated that you  
11   slept at a particular location in the pagoda. Can you tell the  
12   Chamber where, exactly, it was located?

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

14   MR. MUY VANNY:

15   A. It was at a monk residence, and it was an old existing  
16   structure of a monk residence. It was not newly built.

17   [09.31.32]

18   Q. Can you situate that building in relation to the entrance to  
19   the pagoda?

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

21   Q. I did understand that it was in relation to the entrance. As  
22   regards the entrance, was it close to the entrance or was it far  
23   off from the entrance?

24   Can you tell us where, exactly, the monks were staying as you  
25   pointed out?

1 A. It was behind the main hall.

2 Q. So if I understand correctly, when you went into the pagoda,  
3 you had the main building and then you passed that building and  
4 you get to the building in which the monks were housed; is that  
5 correct?

6 A. Yes, that is correct.

7 Q. Yesterday, at 13.47, you stated that prisoners were  
8 interrogated within the premises of a school. Can you tell us  
9 where, exactly, that school was situated in relation to the  
10 pagoda?

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

12 [09.33.20]

13 Q. Was it within the premises of the pagoda or outside the  
14 premises of the pagoda?

15 A. It is -- it's still -- it is still located in the same place.  
16 There was a building within the compound of that school.

17 Q. I am not sure I properly understood your answer. My question  
18 was whether the school was within the premises of the pagoda or  
19 outside of the premises of the pagoda.

20 A. It bordered along the fence, and it's still in the same  
21 location, bordering the fence of the pagoda. The location of the  
22 school is now transferred to the authority under different  
23 neighbourhood, so it border along the fence of the pagoda.

24 [09.34.43]

25 Q. When you say that it was adjacent to the pagoda, do I



14

1 understand that you mean that the school was outside the pagoda?  
2 Because you said it was near the fence. But was it outside of the  
3 pagoda?

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

5 A. Yes, you are right.

6 Q. You have stated that, given your age and your duties, you had  
7 nothing to do with the interrogations. Do you know whether those  
8 interrogations -- or who carried out those interrogations? Do you  
9 remember who conducted those interrogations?

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

12 Q. You have perhaps tried to answer the question, but let me draw  
13 your attention to the importance of talking only about things you  
14 knew and things you witnessed. If you do not know anything, tell  
15 me that you do not know.

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

18 THE INTERPRETER:

19 A. The interpreter could not hear the beginning part of the  
20 statement of the witness.

21 [09.36.25]

22 BY MS. GUISSÉ:

23 Q. Mr. Witness, could you please repeat your answer? The  
24 interpreters didn't hear it.

25 MR. MUY VANNY:

15

1 A. There was only two individuals, Bot and Kuong, who did that.

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

4 A. I am sure.

5 Q. You stated that you did not attend meetings involving chiefs.  
6 That is what you said yesterday, and so you said you knew nothing  
7 regarding the work they did precisely.

8 Can we, therefore, say that you, yourself, did not know the  
9 reasons for the interrogations and how they were conducted?

10 A. Yes.

11 [09.37.48]

12 MR. PRESIDENT:

13 Please hold on, Mr. Witness.

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

15 MR. DE WILDE D'ESTMAEL:

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

20 Now we are talking of another context, the Wat Au Trakuon pagoda.

21 We know what he told the Investigating Judges. I don't think the  
22 situation is the same as yesterday.

23 We are not talking of meetings outside of the pagoda. We are  
24 talking of functions within -- or meetings within the pagoda, so  
25 this question is designed to confuse the witness, so this

16

1 question should be rephrased.

2 [09.38.37]

3 BY MS. GUISSÉ:

4 No problem. I will rephrase it.

5 Q. Witness, is it correct to say that, as part of your duties,  
6 you did not play any role in investigations or interrogations?

7 MR. MUY VANNY:

8 A. Yes, that is correct.

9 Q. Is it also correct to say that the two persons you left were  
10 in charge of interrogations did not discuss the contents of those  
11 interrogations with you?

12 A. Yes, that is correct.

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

15 [09.39.27]

16 MR. PRESIDENT:

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

18 MR. DE WILDE D'ESTMAEL:

19 The defence counsel is asking very restrictive, even negative  
20 questions. The same questions should be posed openly. For  
21 instance, she can ask, do you know? And if he doesn't know, he  
22 can say he doesn't know. So the questions should be open, and not  
23 closed.

24 MS. GUISSÉ:

25 I find this very ironical that it is the Co-Prosecutor who is

17

1 objecting to my questions. We know that his questions are always  
2 closed and leading. I believe the questions I'm putting to the  
3 witness are very clear and concise. If the witness has other  
4 information to provide to me, he can do so because the questions  
5 I'm putting to the witness are very open because if the question  
6 can be answered with a no, he can do so.

7 May I continue my line of questioning, Mr. President?

8 [09.40.37]

9 MR. PRESIDENT:

10 The objection of the International Deputy Co-Prosecutor is  
11 correct. The last set of questions put by counsel are leading  
12 ones.

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

14 MS. GUISSÉ:

15 I am rather surprised at the decision given the fact that I am  
16 managing my examination of the witness in a very clear manner,  
17 and I take note of your decision.

18 MR. PRESIDENT:

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

22 [09.41.40]

23 BY MS. GUISSÉ:

24 Q. Mr. Witness, as part of your duties and responsibilities, was  
25 it possible for you to know the reasons for which one person or

18

1 the other was interrogated and another was not interrogated?

2 MR. MUY VANNY:

3 A. I am not aware of that issue. I do not know about the  
4 interrogation.

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

7 Yesterday, you stated that there was a group inside the pagoda  
8 known as the Long Swords Group. Can you tell the Chamber what was  
9 the difference between the district soldiers and the members of  
10 the Long Swords Group?

11 A. The difference is that one group was stationed at the security  
12 guards' centre, and militiamen were to protect and deal with the  
13 chaotic situation at different communes for two, three or four  
14 days or one week.

15 [09.43.26]

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

18 A. Those who were on standby at Au Trakuon pagoda. These people  
19 remain on duty within Au Trakuon pagoda.

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

22 A. I do not know about that.

23 Q. Do you know whether there were other Long Swords Groups  
24 elsewhere in the commune -- throughout that commune?

25 A. I do not know about that.

19

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

2 A. They were under the responsibility of Horn and the deputies.

3 [09.45.25]

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

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

6 MR. PRESIDENT:

7 Judge Lavergne, you have the floor.

8 Please wait for a second, counsel. You have the floor now, Judge

9 Lavergne.

10 JUDGE LAVERGNE:

11 I am not in a position to pronounce Khmer perfectly, but it would

12 be good for you to give the witness a document on which that

13 person's name is written so that the witness may be able to read

14 it. Otherwise, perhaps you could ask your colleague who speaks

15 Khmer to pronounce that name.

16 BY MS. GUISSÉ:

17 I will ask my colleague, Kong Sam Onn, to pronounce that name to

18 avoid any difficulties.

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

20 [09.46.38]

21 MR. KONG SAM ONN:

22 The name mentioned by the interpreters is correct. The name is

23 Muy. Samrit Muy.

24 MR. PRESIDENT:

25 Mr. Witness, do you happen to -- did you know the person by the

20

1 name Samrit Muy in the Khmer Rouge time?

2 MR. MUY VANNY:

3 I did not know this person.

4 BY MS. GUISSÉ:

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

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

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

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

11 MR. MUY VANNY

12 A. I did not know this individual at the time. However, when I  
13 came to perform my duty as a teacher in my location, I started to  
14 know this person.

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

16 Q. You specifically stated that you came not too far from the Au  
17 Trakuon pagoda as part of your duties. Did you know any committee  
18 in the Au Trakuon pagoda?

19 A. No.

20 [09.48.53]

21 Q. And Tay Koemhun, whom you say you recently knew or got to know  
22 when you returned there as a teacher, how did you get to know  
23 that person? How did you meet that person?

24 A. I got to know him in 1985 when I was assigned to be a teacher  
25 in the location. And it was the time when he was assigned to be

21

1 the committee within the school that I got to know him.

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

4 Q. And even though you may not have known him during the regime,  
5 do you know whether he had any particular position under the  
6 Democratic Kampuchea regime?

7 A. I do not know about that.

8 Q. The same question applies to Samrit Muy. Did you also know him  
9 after the Democratic Kampuchea regime?

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

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

12 [09.50.45]

13 MR. PRESIDENT:

14 You have the floor now, Judge Lavergne.

15 JUDGE LAVERGNE:

16 For the record and to be sure that everyone is aware of what  
17 you're talking about, it appears, counsel, that Samrit Muy is  
18 2-TCW-883 and Tay Koemhun has a pseudonym which is 2-TCW-873.  
19 Please correct me if I am wrong.

20 BY MS. GUISSÉ:

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

23 Q. So my question remains the same, witness. I have, indeed,  
24 understood that you didn't know Samrit Muy at the time of the  
25 events during the Democratic Kampuchea regime.



1 My question is whether you knew him subsequently when you  
2 returned to that area.

3 MR. MUY VANNY:

4 A. I did not know him before -- within the regime, and I want  
5 your clarification where he was living during the time. And  
6 perhaps I am not quite sure of the name.

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

8 [09.52.18]

9 MR. PRESIDENT:

10 The question is whether you know a person by the name Samrit Muy  
11 within your place of work.

12 After the fall of the regime, did you get to know an individual  
13 by the name Samrit Muy?

14 MR. MUY VANNY:

15 Yes, I know him.

16 BY MS. GUISSÉ:

17 Q. And how did you get to know him? Did you know whether he had  
18 any particular duties and responsibilities in that area?

19 MR. MUY VANNY:

20 A. I know him, but I do not know what responsibility he is  
21 performing.

22 MS. GUISSÉ:

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

25 [09.53.41]

1 MR. PRESIDENT:

2 Thank you, Counsel.

3 Thank you, Witness Muy Vanny. The hearing of your testimony as a  
4 witness comes to a conclusion now. Your testimony will contribute  
5 to the truth.

6 You may now be excused. You may return to your residence or to  
7 any destination you wish to go. I wish you good luck, good health  
8 and prosperity.

9 Court officers, please work with the WESU unit to send Mr. Samrit  
10 Muy, to the residence or to any place he wishes to go.

11 After the break, the Chamber will start to hear 2-TCW-988. The  
12 witness has a duty counsel, Mr. Moeurn Sovann, with him or her.

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

15 The Court is now in recess.

16 (Court recesses from 0954H to 1012H)

17 MR. PRESIDENT:

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

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

21 (Short pause)

22 (Witness enters the courtroom)

23 [10.14.24]

24 QUESTIONING BY THE PRESIDENT:

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

24

1 MR. SAY DOEUN:

2 A. Say Doeun.

3 Q. Thank you, Mr. Say Doeun.

4 And do you recall when you were born?

5 A. No, I do not.

6 Q. How old are you this year?

7 A. Sixty-eight.

8 Q. And where were you born?

9 A. I was born in Dambang Daek.

10 [10.15.20]

11 Q. Please be more specific with village, commune, district and  
12 province.

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

14 Q. Which district Kaoh Roka commune is located?

15 A. It was Kampong Siem district.

16 Q. Where is your current address?

17 A. I lived in Dambang Daek.

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

19 A. It's Dambang Daek village.

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

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

22 Q. What is your current occupation?

23 A. I make baskets, I farm the rice fields.

24 [10.16.52]

25 Q. What are the names of your parents?

1 A. They are Phen and Dit.

2 Q. What is the name of your mother?

3 A. Her name is Phoeun Phen.

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

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

7 Q. Thank you, Mr. Say Doeun.

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

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

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

16 A. I took an oath already.

17 [10.18.34]

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

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

26

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

9 [10.19.52]

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

13 A. It was held at Dambang Daek.

14 Q. How many times?

15 A. It was for one time.

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

19 A. I recall parts of the written record.

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

24 A. I am ready to listen.

25 [10.21.33]

27

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

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

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

11 A. Yes, it is.

12 Q. Thank you.

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

17 You may proceed, Co-Prosecutor.

18 [10.22.58]

19 QUESTIONING BY MR. LYSAK:

20 Thank you, Mr. President.

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

24 I wanted to start with some questions about your background. In  
25 answer number 1 of your OCIJ interview, document E319/19.3.95, in

1 the first answer, you stated that you lived in Peam Chi Kang  
2 village in 1976.

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

5 MR. SAY DOEUN:

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

7 [10.24.15]

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

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

12 A. It was in Sambuor Meas Ka, which is -- which was located in  
13 Peam Chi Kang commune, Peam Chi Kang district.

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

17 A. It was in Kang Ta Noeng, which was part of Kang Ta Noeng  
18 commune, Kang Meas district. And while I was young, I was in Peam  
19 Chi Kang.

20 [10.25.41]

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

23 A. I cannot recall that.

24 Q. And you also stated in answer number 1 that you lived in Peam  
25 Chi Kang, you indicated, from 1976 to 1978. First, just so we're

29

1 clear, am I correct that you had been living in Peam Chi Kang  
2 commune for a number of years before 1976, that you had lived in  
3 that commune since you were young? Is that correct?

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

5 Q. You indicate in the same answer that, in 1978, you were sent  
6 to Tuek Chha. Where was Tuek Chha, and why were you sent there in  
7 1978?

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

10 MR. PRESIDENT:

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

14 [10.28.17]

15 MS. SONG CHORVOIN:

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

18 MR. PRESIDENT:

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

20 BY MR. LYSAK:

21 Thank you. Thank you, Mr. President.

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

23 MR. SAY OEUN:

24 A. It was in Prey Chhor district.

25 [10.28.56]



30

1 Q. Before I move on to my next subject, what -- why was it that  
2 you were sent to Tuek Chha in 1978?

3 A. The poor people were sent there so that we could gain the land  
4 there, and we were relocated there to live in a cooperative.

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.

31

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 remembered this.

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. Kan was replaced 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 Kan was replaced to Reay Pay and then the new person came  
10 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.

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

20 A. I never attended any meeting with him.

21 Q. I want to ask you about a statement that was given by a person  
22 who worked in the Peam Chi Kang militia, Samrit Muy. This is in  
23 document -- his OCIJ interview, E3/9346 at Khmer ERN 00235016;  
24 English, 00235508; French, 00283948. And this is what this  
25 witness testified -- quote:

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

8 [10.46.48]

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

12 A. I do not know about this.

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

15 A. I do not know that person.

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

19 Do you remember Horn?

20 A. No, I cannot remember.

21 [10.48.20]

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

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

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

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

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

2 Is it correct that, while you don't remember the name of this  
3 person, you knew the district security chief back in those years  
4 and saw him at the Wat Au Trakuon pagoda?

5 A. Yes, I saw in the pagoda, but I did not know him -- but I did  
6 not know his name.

7 [10.49.40]

8 Q. Mr. Witness, after the arrival of the Southwest cadres, were  
9 you assigned to work in a commune militia group that was known as  
10 the Long Sword Unit?

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

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

13 A. It was Pheap.

14 Q. And how did Pheap know you at the time she assigned you to the  
15 Long Sword Unit?

16 A. Pheap was living near my house, so she knew me.

17 Q. And where was your house? Where was that located? What  
18 village?

19 A. In Kor village.

20 Q. How long was it after the arrival of Kan and Pheap that you  
21 were assigned to work in the Long Sword Unit? How many months, if  
22 you remember?

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

25 Q. Did the Long Sword Unit exist before the arrival of the

1 Southwest cadres in Kang Meas, or was it only created or  
2 established after their arrival?

3 A. Only after the arrival of the Southwest group that this unit  
4 was established.

5 [10.52.35]

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

8 A. They were tasked to patrol the paddy field and patrol the  
9 villages.

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

12 A. We patrolled the paddy field to make sure that rice will not  
13 be stolen, and our unit members were assigned into groups to  
14 patrol.

15 Q. And when you were assigned to patrol villages, what were you  
16 asked to do?

17 A. I was assigned to be the village chief.

18 [10.54.28]

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

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

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



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

2 A. Andoung Sar (phonetic) village.

3 Q. And what commune was that village in?

4 A. Sambuor Meas commune.

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

7 A. Yes, it was the same commune.

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

9 A. It was Pheap.

10 [10.56.34]

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

13 A. Pheap was the commune committee.

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

16 A. Because the old village chief were removed, so a new village  
17 chief needed to be appointed.

18 Q. Why were the old village chiefs -- why was the old village  
19 chief removed?

20 A. I do not know about this matter.

21 Q. I want to go back, for a moment, and focus on the period that  
22 you were in the Long Sword Group before you became a village  
23 chief. And you've testified that one of the functions was to  
24 patrol the paddy fields to prevent rice from being stolen and you  
25 indicated that another function of the Long Sword Group was to

1 patrol the villages; can you be more specific and tell us what,  
2 exactly, you did when you were patrolling the villages?

3 A. I cannot recall what I did at that time; I only remember that  
4 I walked in the village.

5 [10.58.44]

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

9 A. I do not know about this.

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

12 A. I reported to the commune committee.

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

16 A. I cannot remember because it -- it's happened a long time ago  
17 and now I have poor memory.

18 [11.00.28]

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

21 A. No, we did not make arrest.

22 Q. Mr. Witness, let me read to you a different answer that you  
23 gave to this question in your OCIJ interview, answer 17 of  
24 document E319/19.3.95. You were asked by the OCIJ investigator  
25 whether you were involved in the arrests of people and this was

40

1 your response - quote:

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

10 End of quote.

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

13 A. Yes, I was being truthful and I did not know about that.

14 [11.03.02]

15 Q. And did the Long Sword Unit receive arrest orders from the  
16 commune chief which the commune chief had received from the  
17 district chief?

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

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

22 A. It was from the commune.

23 Q. Yes, I understand. You -- the Long Sword Unit received the  
24 arrest orders from the commune, but you testified that the  
25 commune had received those orders from the district; how did you

1 know that?

2 A. We were told by the commune that the orders came from the  
3 district. They made that announcement to the Long Sword Unit.

4 [11.04.48]

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

8 A. It was the members of the unit.

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

13 A. It was Pheap.

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

16 A. I forget it all.

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

19 A. I cannot recall that.

20 [11.07.02]

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

22 MR. PRESIDENT:

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

24 MR. KOPPE:

25 Yes, Mr. President, an observation in relation to something that

42

1 was said a little bit earlier. I waited for a while to rise, but  
2 International Prosecutor asked, at one point, whether this  
3 witness was involved in the arrests and he said, very clearly,  
4 "No." And then answer 17 was read by the Prosecution and the  
5 question was asked, at one point, "Were you truthful then giving  
6 your testimony to the OCIJ?" And he answered, "Yes."  
7 That means that he was untruthful before you -- just before that  
8 and I'm not quite sure how to proceed, but if he was untruthful  
9 once and truthful the next time or the other way around, then I  
10 think we have a witness who is perjuring himself.  
11 So I'm not quite sure what I'm requesting now, but at least we  
12 should have you, I think, Mr. President, urging this witness not  
13 to perjure himself.

14 [11.08.42]

15 MR. LYSAK:

16 Mr. President, I find these comments rather inappropriate.  
17 Counsel will have his opportunity to examine this witness. This  
18 is hardly the first witness who comes into this courtroom and has  
19 some reluctance to talk about difficult matters in which he was  
20 involved. This seemed to be an attempt to try to intimidate this  
21 witness and I think it's inappropriate.  
22 The witness has clarified and confirmed what he told OCIJ and  
23 we're now proceeding to get some of the details of that, so I  
24 request to be allowed to proceed with my questioning.

25 MR. PRESIDENT:

1 You can proceed.

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

7 And Deputy International Co-Prosecutor, you can continue your  
8 questioning of this witness.

9 [11.10.23]

10 BY MR. LYSAK:

11 Thank you, Mr. President.

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

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

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

21 Is it correct, Mr. Witness, that in addition to the New People  
22 and Cham who you identified earlier, that you also received  
23 orders to arrest former Lon Nol soldiers?

24 MR. SAY DOEUN:

25 A. Former Lon Nol soldiers, as well as the New People, were

1 arrested.

2 [11.11.51]

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

5 A. I did not know how they carried out their research.

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

10 A. The commune sent them to the district security.

11 [11.13.09]

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

17 A. I did not know about the details.

18 Q. You identified three groups of people who were subject to  
19 arrest: New People, former Lon Nol soldiers, and the Cham. Which  
20 of those groups were most frequently arrested while you were in  
21 the Long Sword Unit?

22 A. They were sent to the security often.

23 Q. My question is: Who was the people who were arrested when you  
24 were in the Long Sword Unit; were they mostly Cham; were they  
25 mostly Lon Nol soldiers; were they mostly New People or were

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1 there equal numbers from those three groups?

2 A. They were Cham.

3 [11.15.20]

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

6 A. They were sent to Au Trakuon pagoda.

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

9 A. They were detained there at the security centre.

10 Q. Can you describe for the Court what happened when the Long  
11 Sword Group -- when you would arrive at Wat Au Trakuon with the  
12 people you had been instructed to arrest by the commune chief?  
13 What happened when you would arrive with these people at Wat Au  
14 Trakuon?

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

16 [11.16.47]

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

20 A. "They" belongs to the district security.

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

24 A. I did not know their names, although I could identify their  
25 faces.



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

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

5 Answer: "Yes. After we entered the pagoda gate, we handed over  
6 those arrestees to the security guards and those security guards  
7 recorded those arrestees' names in a thick notebook." End of  
8 quote.

9 First, Mr. Witness, can you clarify for us, were there occasions  
10 where you brought the arrested people through the pagoda gate and  
11 they were received by the security guards there; is that correct?

12 [11.19.18]

13 A. I only reach the fence of the pagoda and I handed over the  
14 people; I did not enter the compound.

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

17 A. Yes, they did it next to the fence.

18 Q. Can you describe for us, a little more, that notebook in which  
19 names were recorded? For example, you said it was a thick  
20 notebook; how thick was it?

21 A. It was about three fingers thick.

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

1 A. I only saw his subordinates. They were working inside the  
2 compound.

3 [11.21.36]

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

6 A. He had his deputy who, actually, was in possession of that  
7 notebook.

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

9 A. No, I did not and he was from another location, so I did not  
10 know him.

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

13 A. No, there was none.

14 Q. The reason I ask you is we just heard from a witness who, in  
15 1978, worked as an aide or guard to the district security chief  
16 and he testified that there were some Long Sword members who  
17 worked at Au Trakuon. Are you certain that no members of your  
18 unit worked there; were there any periods of time where they may  
19 have been temporarily assigned to assist at Wat Au Trakuon?

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

21 [11.24.05]

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

1 A. No, I did not meet him.

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

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

6 Q. What do you remember about Moeun?

7 A. I cannot recall anything about him.

8 [11.25.42]

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

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

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

17 A. People were only arrested within that commune.

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

20 A. It was with the commune office.

21 Q. And where was the commune office located?

22 A. It was located in Sambuor Meas Ka.

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

24 A. There were 14.

25 [11.28.11]

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

3 A. We all were armed with swords.

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

6 A. In fact, the swords were taken from houses and then we were  
7 given a sword each.

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

11 A. I cannot recall them.

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

16 With your leave, Mr. President, I'd like to provide a WRI to the  
17 witness or, I guess in this case, to his counsel. This is  
18 document E319/19.3.226. Let me repeat that, E319/19.3.226. I  
19 won't say the name of this witness and I don't want him to do  
20 that either, but I would request to provide it to him to see if  
21 he knows and can identify whether this person was part of the  
22 Long Sword Group.

23 [11.30.55]

24 MR. PRESIDENT:

25 The Chamber now hands the floor to the defence counsel. You may

1 proceed.

2 MS. GUISSÉ:

3 Yes, Mr. President, I object to the use of this document pending  
4 the Chamber's decision. This is part of the list of the new  
5 documents corresponding to the 87.4 motion that was entered by  
6 the Co-Prosecutors on the 27th of September last and we answered  
7 this request orally in the Chamber and the Chamber has not ruled  
8 upon this. So pending the decision of the Chamber, we object to  
9 the use of this document.

10 Maybe for more clarification, this document was the object of  
11 87.4 motion E79.3.2 (sic).

12 [11.31.50]

13 MR. LYSAK:

14 If I may respond, Mr. President, we filed our 87 motion to admit  
15 this and others on the 25th of September 2015. I believe, on the  
16 past practice, we filed this motion a long time ago. Pending the  
17 Court's decision, we should be allowed to proceed with it so we  
18 don't have to bring back this witness and the Court will  
19 subsequently determine what use to make of this interview. But  
20 this is a fellow member of the Long Sword Group and it would be  
21 extremely inefficient for us not to make use of this evidence at  
22 this time.

23 JUDGE FENZ:

24 May I perhaps ask a question? I think it was the Court's  
25 practice, in these cases, in case nobody objected -- now, I know

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1 you did object, but to allow the use in order to avoid this.

2 So my question to you is obviously: is the objection based on --

3 on a -- just on the procedure hasn't been honoured or is it based

4 on, we don't want this document because?

5 [11.33.12]

6 MS. GUISSÉ:

7 We objected to the tendering into evidence of this document and

8 we addressed -- we responded to the Co-Prosecutor's 87.4 motion,

9 so we're objecting to the tendering into evidence of this

10 document and our -- and we maintain our position and because we

11 maintain our -- we stand by our position, we object to the

12 tendering into evidence of this document.

13 MR. PRESIDENT:

14 Judge Lavergne, you have the floor.

15 JUDGE LAVERGNE:

16 Maybe to be a bit clear about this and to refresh our memories

17 because this date backs a while, was your objection based on the

18 fact that the documents that were disclosed were too voluminous

19 or are there specific reasons leading you to object to the

20 admissibility because we don't really use the word "tendering

21 into evidence"; we would like to focus more on the idea of

22 admissibility?

23 [11.34.14]

24 MS. GUISSÉ:

25 Well, here admissibility has a meaning because we're speaking

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1 about documents coming from another investigation. We objected to  
2 this because these documents came from another investigation and  
3 we're speaking here about a written testimony instead of an oral  
4 testimony regarding WRIs coming from 003 and 004 and I think we  
5 explained quite clearly why we objected to this. It's not only  
6 because they -- the documents were voluminous, but it was because  
7 there were problems of substance. But to be perfectly clear about  
8 this, I think that we addressed certain number of your arguments  
9 that are the same.

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

12 [11.35.08]

13 MR. LYSAK:

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

25 [11.36.04]

1 MS. GUISSÉ:

2 Well, if the idea is only to refer to the name, then I could say  
3 to the Co-Prosecutor that it's not necessary to use this  
4 document, but if the Chamber wishes to allow the use of the  
5 documents on the basis of this only reason, which is to say to  
6 confront the witness with names; well, then it should be noted  
7 that this does not change our position because we know that in  
8 practice that when a document is used in the courtroom, the  
9 Chamber automatically considers that this document has been  
10 tendered into evidence.

11 If the only objective here is to list a certain number of names  
12 and it's -- and that is the simple idea and if the Chamber  
13 authorizes the Co-Prosecutor to use this document on that basis,  
14 well, the Khieu Samphan defence doesn't think that this should be  
15 something supporting the tendering into evidence of this  
16 document. It's simply so that if you authorize the use of this  
17 document, it shouldn't mean that the Khieu Samphan defence has  
18 accepted the use of this document in a generic way, but has  
19 accepted it only for the use of the names which, as far as I  
20 understand it, could also be written down on a sheet of paper and  
21 presented to the witness otherwise.

22 [11.37.44]

23 MR. PRESIDENT:

24 Thank you for all the statements and concerns regarding this  
25 document. So far, the Chamber hasn't ruled on the -- accepting



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1 these document, either orally or in writing; however, the request  
2 by the Deputy Co-Prosecutor is for the use of the names mentioned  
3 in that document and for that reason, the Chamber grant the  
4 Deputy Co-Prosecutor request to do so.

5 And Duty Counsel, you may read the names to your client, quietly,  
6 and ask him whether he know those people.

7 [11.38.33]

8 BY MR. LYSAK:

9 Thank you, Mr. President. First, I'd start with the witness  
10 himself, whose name and biographical information appear on the  
11 second page.

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

14 MR. SAY DOEUN:

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

16 [11.39.25]

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

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

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

55

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

4 A. Yes, I do.

5 [11.40.53]

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

7 A. They belong to the later group of the Long Sword.

8 MR. PRESIDENT:

9 Thank you, Deputy Co-Prosecutor. The time is appropriate for our  
10 lunch break. We take a break now and resumed at 1.30 this  
11 afternoon.

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

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

19 The Court is now in recess.

20 (Court recesses from 1142H to 1334H)

21 MR. PRESIDENT:

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

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

25 [13.35.15]

1 BY MR. LYSAK:

2 Thank you, Mr. President.

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

7 MR. SAY DOEUN:

8 A. I was responsible for patrolling the paddy fields and the  
9 villages.

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

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

18 Answer: "Doeun."

19 [13.37.13]

20 The witness whose statement I provided to you this morning, Mr.  
21 President, has also made a statement about this witness and I  
22 think it would be appropriate for this witness also to be -- have  
23 an opportunity to respond to that. So with your leave, I would  
24 also like to ask about answers 4 and 6 in that interview at  
25 E319/19.3.226.

1 (Judges deliberate)

2 [13.38.49]

3 MR. PRESIDENT:

4 The floor is given to Judge Lavergne.

5 JUDGE LAVERGNE:

6 Yes, Co-Prosecutor, could you first remind us of the references  
7 of the document that you would like to use; that is to say, the  
8 WRI of the witness that you intend to use, and can you also tell  
9 me that if among the other documents that are on the list or on  
10 the interface, I don't really remember the name, but the list of  
11 the interface, are there other documents that you intend to use  
12 in the examination of this witness which the Chamber has not yet  
13 ruled upon?

14 MR. LYSAK:

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

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

24 But I think that the objections of the Khieu Samphan Defence to  
25 this are primarily procedural. Whatever the Court ultimately

1 rules on this, I think it's appropriate at this time for this  
2 witness to respond.

3 (Judges deliberate)

4 [13.45.24]

5 MR. PRESIDENT:

6 The Chambers gives the floor to Judge Lavergne to rule on a  
7 document that the International Co-Prosecutor wish to use to ask  
8 the witness among the various documents he put in September 2015.  
9 So Judge Lavergne, the floor is yours.

10 JUDGE LAVERGNE:

11 Yes, thank you, Mr. President.

12 Well, during the lunch break the Chamber checked and, indeed, the  
13 request that was filed in September, regarding the request to  
14 have a certain number of documents admitted in September, is  
15 still pending. However, this decision is going to be ruled upon  
16 very soon. So for this reason and in order to avoid delaying the  
17 examination of this witness, the Chambers decides to admit the  
18 written record of interview, E319/19.3.206, unless it's -- is it  
19 206 or 226?

20 [13.46.58]

21 MR. LYSAK:

22 Two-two-six.

23 JUDGE LAVERGNE:

24 So, 226, therefore; and the grounds for this decision will be  
25 forwarded to you in due course.

1 MR. PRESIDENT:

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

3 [13.47.28]

4 MS. GUISSÉ:

5 Yes, thank you, Mr. President. I would like to reassure you that

6 I am not going to comment on the decision, but simply to

7 backtrack a little bit before the Co-Prosecutor continues with

8 the document that has just been ruled upon.

9 Regarding the previous question, I am sorry that I wasn't able to

10 rise before but I needed to check this particular point I am

11 going to present now.

12 So the Co-Prosecutor was speaking about a WRI by Tay Koemhun. It

13 was a written statement that was taken by the investigators. But

14 this witness already testified before the Chamber and provided a

15 different version of the events or, in any case, of his supposed

16 knowledge of this current witness. So I think that quoting the

17 written statement of the witness without referring to his

18 statement before the Chamber on the 16th of September 2015, in

19 document E1/348.1 -- this was a little bit before 11.08 in the

20 morning and 40 seconds and, in fact, yes, indeed, he was

21 confronted with the portion that the Co-Prosecutor mentioned

22 regarding his knowledge of Doeun.

23 And this is what Tay Koemhun answered, "I heard people speak

24 about Doeun, but I do not know and I wouldn't be able, I'm sorry,

25 to recognize him. I don't know what he looked like."

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1 So the question that was put to him afterwards was the following,  
2 "Was he your superior?" And his answer was the following, "No, my  
3 superior was someone else. In fact, I was alone at that  
4 warehouse, and with regard to Ta Doeun I heard about him and he  
5 was elsewhere." End of quote.

6 [13.49.25]

7 So my objection a posteriori, and I am sorry about this, well it  
8 is to say that if we have to submit these statements of a witness  
9 to the current witness here, well, in order to be fair I think we  
10 should also submit to him the statements of the other witness  
11 before the Chamber especially since the Chamber heard this  
12 witness. And, therefore, his statement is important in any case  
13 for the confrontation and it has more value with regard to what  
14 the witness said because he said this before the Judges. So this  
15 is my objection.

16 So the question that is put by the Co-Prosecutor is valid insofar  
17 that he also refers to a contrary statement that was made before  
18 the Chamber by that witness.

19 [13.50.24]

20 MR. PRESIDENT:

21 The issue is that this is the debate and -- and if there is any  
22 contradictory statement between his current testimony and his  
23 previous statement, then defence team should use their time to  
24 clarify that. As on the weight and value of the statement and the  
25 testimony, it is the Chamber's discretion to make that

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1 assessment.

2 Deputy Co-Prosecutor, you may continue.

3 BY MR. LYSAK:

4 Thank you, Mr. President.

5 Q. Mr. Witness, as I indicated, I want to give you a chance to  
6 respond to some -- these two witness statements that talk about  
7 you. In E319/19.3.226 a witness who indicates he was part of the  
8 Long Sword Group gave the following testimony in answers 4 and 6  
9 of that interview.

10 Question, "Do you remember the names of the people in the Long  
11 Sword Group?"

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

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

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

24 [13.53.14]

25 MR. SAY DOEUN:



1 (No interpretation)

2 THE INTERPRETER KHMER-ENGLISH:

3 The interpreter cannot hear what the witness said.

4 BY MR. LYSAK:

5 Q. Mr. Witness, can you repeat your answer? The interpreter  
6 wasn't able to hear you.

7 MR. SAY DOEUN:

8 A. Yes, I was -- I was the chairman.

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

10 A. Yes, An was my deputy.

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

14 A. Yes, he was with me.

15 [13.54.52]

16 Q. What about Tay Koemhun? What was his position in the Long  
17 Sword Group?

18 A. I did not know about him.

19 Q. You testified earlier today that one of the three groups of  
20 people that the Long Sword unit was ordered to arrest were Cham  
21 people. When orders were received to arrest Cham, were you  
22 ordered to arrest entire families of Cham or were you only  
23 ordered to arrest specific individuals who were accused of some  
24 wrongdoing?

25 A. I forget all about this.

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

2 Let me read to you another excerpt from your OCIJ interview,

3 E319/19.3.95, answer 34 of your interview, quote. You stated, I

4 quote,

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

6 for the Cham people, men, women and children were arrested." End

7 of quote.

8 Why were entire families arrested in the case of the Cham, but

9 only individuals arrested in the case of New People or former Lon

10 Nol soldiers?

11 [13.57.15]

12 A. I did not know the reason behind their plan. I simply followed

13 the order to make arrest.

14 Q. And when you received orders to arrest the Cham, was the Long

15 Sword Unit ordered to arrest entire families -- that is, men,

16 women and children?

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

18 Q. And who was it that ordered the Long Sword Unit to arrest both

19 the parents and children?

20 A. The commune chief gave the order.

21 Q. Did the commune chief say anything about why the Long Sword

22 Unit was being ordered to arrest both the parents and children in

23 the case of the Cham people?

24 A. He told us that the order came from the upper echelon.

25 [13.59.02]

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1 Q. What was the upper echelon?

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

3 MR. PRESIDENT:

4 Witness, please hold on.

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

6 MR. KOPPE:

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

11 [13.59.57]

12 BY MR. LYSAK:

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

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

17 MR. SAY DOEUN:

18 A. Yes, it was Pheap who told us about that.

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

22 A. No, there was none.

23 Q. We have heard so far in this trial from a number of witnesses  
24 from your district who have similarly testified that all the Cham  
25 were arrested and killed after the arrival of the Southwest

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1 cadres and that only one couple from Sach Sou village was able to  
2 survive. These witnesses have described and one in particular  
3 from your commune, Sen Srun have described how on one day all the  
4 remaining Cham in Peam Chi Kang commune, several hundred people  
5 were arrested and taken to the gate at Wat Au Trakuon.

6 [14.02.09]

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

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

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

16 [14.03.13]

17 MR. PRESIDENT:

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

19 MR. KOPPE:

20 I object to the way this question is phrased, Mr. President.  
21 Obviously, we are in a potentially important part of this  
22 witness' testimony. There is no reason why all of a sudden the  
23 Prosecution should now feed him with information from other  
24 witnesses, true or false, and instead of asking him open  
25 questions first as to what he knows about the fate of the Cham

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1 after they were arrested, all of a sudden the Prosecution is  
2 leaving the established practice of first asking open questions,  
3 because we know that in his WRI he said something to the effect  
4 that he has no knowledge whatsoever what happened to them after  
5 their arrest. So feeding him this information in order to try to  
6 persuade him to give an answer that is beneficial to the  
7 Prosecution is a practice that should be disallowed.

8 [14.04.22]

9 MR. LYSAK:

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

19 [14.04.53]

20 MR. KOPPE:

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

24 BY MR. LYSAK:

25 If I may proceed to put the question to the witness, I think

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1 counsel's concern will be dealt with.

2 Q. My question to you is simply this, Mr. Witness. You've talked  
3 about arrests of the Cham. My question is, do you remember a  
4 period, either a day or a few days in which hundreds of Cham were  
5 gathered in Peam Chi Kang commune and taken to Wat Au Trakuon?

6 [14.05.48]

7 MR. SAY DOEUN:

8 A. No, I do not recall that.

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

14 A. We were ordered to arrest those people and no reasons were  
15 given to us.

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

24 [14.07.50]

25 A. Yes, I heard of the plan that no Cham, no single Cham shall be

1    spared.

2    Q. And who did you hear about that -- who did you hear from about  
3    this plan?

4    A. The commune told us about it.

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

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

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

9    A. I cannot recall her words.

10   MR. LYSAK:

11   Mr. Witness, thank you for answering my questions. My colleague  
12   has a few questions for you.

13   [14.09.24]

14   QUESTIONING BY MS. SONG CHORVOIN:

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

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

22   MR. SAY DOEUN:

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

24   Q. So you yourself involved in the arrests of the Cham people  
25   once. Did you receive a verbal order or the order was in writing

1 for that arrest? I refer to the list of names of people to be  
2 arrested.

3 A. It was a verbal order.

4 Q. Who gave you a verbal order for the arrest of those Cham  
5 people?

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

7 [14.11.04]

8 Q. Are you referring to Pheap?

9 A. Yes, I refer to her.

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

11 A. She said the orders came from the upper echelon to the commune  
12 level and then she relayed those orders to us.

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

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

16 Q. And upon receiving order -- the order from Pheap, for the  
17 arrest all Chams in that village, did you carry out the arrest  
18 immediately on that day?

19 [14.12.13]

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

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

25 A. It was the deputy.



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

2 A. It was An.

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

4 A. It came from the commune.

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

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

9 MS. SONG CHORVOIN:

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

12 [14.14.04]

13 MR. PRESIDENT:

14 Thank you. The floor is now given to the Co-Lawyers for civil  
15 parties to put questions to this witness. You may proceed.

16 MS. GUIRAUD:

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

18 MR. PRESIDENT:

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

22 [14.14.40]

23 QUESTIONING BY MR. KOPPE:

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

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1 Q. Is my understanding correct that earlier this morning you  
2 testified that the total period of time that you were a member or  
3 even the chairman of the Long Sword militia was two months? You  
4 worked for the Long Sword Group for two months and then became a  
5 village chief; is that my understanding?

6 MR. SAY DOEUN:

7 A. Yes, that is correct.

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

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

13 MR. PRESIDENT:

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

16 [14.16.42]

17 BY MR. KOPPE:

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

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

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

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

1 A. Yes, that is correct.

2 [14.17.50]

3 Q. In those two months that you were a member of the Long Sword  
4 Group, did you make other arrests than Cham people?

5 A. No, the Cham arrest that was the only arrest.

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

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

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

13 A. The arrest was carried out in various villages, I myself  
14 involved in the arrest in one village while other people involved  
15 in the arrest in another village.

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

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

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

23 [14.20.40]

24 A. I cannot recall that.

25 Q. Again, I don't expect you to give me an exact number but you

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1 were only working for two months in the Long Sword Group. You  
2 made only one arrest. Surely you would be able to give us an  
3 estimate as to how many people you arrested.

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

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

6 A. Yes, I forgot it all.

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

10 A. Yes, I knew their names.

11 [14.22.38]

12 Q. Did you know them from the village?

13 A. They were in the village.

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

16 A. I was transferred to Andoung Sar (phonetic).

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

20 A. That is correct.

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

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

25 Q. And once you had delivered them, you went back to that same

1 village or to somewhere else?

2 A. I returned to my place.

3 [14.25.08]

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

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

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

11 A. I did not see them anymore and I did not know what they were  
12 -- what those people did to them.

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

15 A. We worked together to carry out the arrest.

16 Q. I understand. But were you or any of your group members  
17 involved in the subsequent alleged killing of this group of  
18 arrestees?

19 A. I was not involved.

20 [14.27.24]

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

23 A. No, I did not witness it.

24 Q. Have you or any members of the Long Sword Group ever been  
25 involved in any killings of other people from the commune; in

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1 other words, other people than the people you had arrested?

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

4 Q. What exactly do you mean?

5 MR. PRESIDENT:

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

9 [14.29.10]

10 BY MR. KOPPE:

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

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

18 MR. SAY DOEUN:

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

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

25 A. No, I did not witness it.

1 [14.30.42]

2 Q. Now, you spoke a little bit earlier about the order for the  
3 arrest of that one group that you were involved in. Is it correct  
4 when I say that if Pheap had indeed given such an order, she had  
5 received an order from her husband?

6 A. She received the order from her husband.

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

9 A. I did not hear.

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

13 A. Pheap instructed us to arrest and I was fearful, so I simply  
14 followed the order to arrest.

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

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

19 [14.33.24]

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

22 A. Yes, I was around there because my house is near theirs.

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

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1 you were involved?

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

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

8 A. I did not ever see them.

9 [14.35.36]

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

12 A. I did not know about this matter.

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

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

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

20 A. (Microphone not activated)

21 THE INTERPRETER:

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

23 MR. PRESIDENT:

24 The witness has already given answers to this.

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



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1 [14.37.31]

2 MR. KOPPE:

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

9 MR. PRESIDENT:

10 You talk about the meeting between -- at the upper level at the  
11 district and commune level. The witness already gave answer to  
12 this. You can pose question but you should avoid repeating the  
13 same questions.

14 [14.39.48]

15 BY MR. KOPPE:

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

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

25 MR. SAY DOEUN:

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

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

5 [14.40.42]

6 MR. PRESIDENT:

7 Mr. Witness, please hold on.

8 The floor is given to the International Co-Prosecutor. You may  
9 now proceed.

10 MR. LYSAK:

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

16 BY MR. KOPPE:

17 I am happy to rephrase.

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

21 MR. SAY DOEUN:

22 A. I simply followed the orders from them.

23 [14.41.55]

24 MR. PRESIDENT:

25 Thank you, Counsel.

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1 It is now a convenient time for a break. The Chamber will take a  
2 short break from now until 3 o'clock.

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

6 The court is now in recess.

7 (Court recesses from 1442H to 1500H)

8 MR. PRESIDENT:

9 Please be seated.

10 The Chambers 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. So to avoid this confusion between the arrest of the Cham  
17 people or the general arrest of people, so if parties can avoid  
18 this matter it's good, because it contributes to the ascertaining  
19 of the truth that the Chamber is doing right now.

20 MR. KOPPE:

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

23 [15.03.02]

24 MR. PRESIDENT:

25 I would like to clarify that there may be some confusion as

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1 regards to the response by the witness in the morning session,  
2 the talk about the arrest of the general people and that he  
3 received the order from the commune chief. And you have just  
4 asked about the one-time arrest of -- that include the New People  
5 or Lon Nol people.

6 So I just would like you to clarify this matter. So we need to  
7 specify which types of arrest that you are referring to. And the  
8 witness told us that he implemented the arrest of only one time  
9 and then you asked about his knowledge of other arrests. So we  
10 need to be specific on this matter.

11 [15.04.25]

12 BY MR. KOPPE:

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

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

21 MR. SAY DOEUN:

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

23 [15.05.40]

24 Q. So is it fair then to say for me that you have no knowledge  
25 whatsoever as to why someone was arrested either in your village

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1 or commune between 1975 and 1979?

2 A. I have no knowledge about this.

3 MR. KOPPE:

4 Thank you, Mr. President.

5 MR. PRESIDENT:

6 The floor is given to Judge Fenz.

7 [15.06.25]

8 QUESTIONING BY JUDGE FENZ:

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

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

15 MR. SAY DOEUN:

16 A. Yes, there were other groups.

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

19 A. At my village there was one group and as for the security  
20 group they have another group, and we were based close to each  
21 other.

22 [15.07.55]

23 Q. So there were two groups that made arrests, did I understand  
24 that correctly, or more groups?

25 A. The security guards, they were also involved in the arrests in

1 villages.

2 Q. And the security guards were one group or were there more  
3 groups of security guards?

4 A. I did not know.

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

7 A. Arrests took place in seven villages.

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

10 A. Yes, each group was responsible to arrest people in each  
11 village.

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

15 A. They were brought along the roads and sent to the same place.

16 [15.10.26]

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

19 A. Only the Chams were arrested.

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

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

24 Q. Now, you already said you didn't know how many people who you  
25 had arrested, and I am now only talking about your group and the

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1 people you arrested. I will make a last attempt. If I give you  
2 three numbers, 10, 50 or 100 people, can you make an estimate on  
3 how many people your group arrested on that day or can you not?

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

5 Q. Your group arrested two people?

6 A. Yes, only two people were arrested.

7 [15.12.55]

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

10 A. I did not know because we were -- each group went to implement  
11 it separately and we did not inform each other about what we did.

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

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

16 Q. Can you tell me how many you saw again, 10 -- two, 10, 20,  
17 100?

18 A. Sometimes, at times two or three people were brought.

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

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

22 [15.15.04]

23 Q. Okay. I am moving to another subject. When you were questioned  
24 by counsel you said your group didn't kill any of the arrested  
25 people but later another group did. At least, that's what I wrote

1 down. Can you tell me about this other group who killed people?

2 A. It was the security guard group.

3 Q. Okay. And the same security guard group that raided the six  
4 villages at the same time your group made the arrests, this  
5 security guard group?

6 A. They also went to villages.

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

13 A. They went out to make arrests and after they have made arrests  
14 they went back into their place. So it was the security guards.  
15 So when we saw them riding bicycles it means that they would make  
16 arrests of people.

17 [15.17.36]

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

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

23 Q. So these security guards told you that they had killed people  
24 or they told each other that they had killed people and you heard  
25 it? Let me make it easier. Did those security guards tell you



1 that they killed some of the people they had arrested?

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

6 [15.19.20]

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

10 A. Those security guards when they came to visit the village,  
11 they told us that. And then they went back to their place, I was  
12 afraid. I did not dare to ask them for more details.

13 Q. But you heard it from themselves?

14 A. Yes, I heard from their mouths.

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

16 A. Those people already died when the Vietnamese arrived. The  
17 bombs were thrown onto their houses and the bombs killed them.

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

20 A. I did not ask them about this.

21 [15.21.37]

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

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

25 Q. That is what they said?

1 A. They said the killing happened in Au Trakuon pagoda.

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

3 A. I did not know.

4 Q. And I'm moving to another subject, and making a last attempt  
5 following various attempts from Counsel Koppe to get the question  
6 answered. So my question, other subject now, you said that your  
7 order to arrest the Cham came from Pheap. And you also said she  
8 heard the order from her husband and the upper echelon. You said  
9 you were not there when the husband told Pheap, "Listen, this is  
10 the order. Tell them to arrest the Cham." So who told you, if  
11 anybody that Pheap got the order from her husband? Did somebody  
12 tell you?

13 [15.24.09]

14 A. No one. She told us by herself that she went to have a meeting  
15 at the upper level and she relayed the order to us.

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

18 A. Yes, that is correct.

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

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

23 JUDGE FENZ:

24 Thank you.

25 MR. PRESIDENT:

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1 Thank you. The Chamber now gives the floor to defence counsel for  
2 Khieu Samphan to put questions to the witness.  
3 Counsel, now you may proceed.

4 [15.25.23]

5 QUESTIONING BY MR. KONG SAM ONN:

6 Thank you, Mr. President. Good afternoon, parties in this  
7 Chamber.

8 Q. I have only a few questions to put to you, Mr. Witness. I just  
9 heard from you related to the question put by Judge that in your  
10 commune there were seven villages and you went to one village to  
11 arrest Cham people. And you made an assumption that there were  
12 seven groups at that time that went out to implement the order  
13 because the arrests all happened in one day. And you mentioned  
14 that in your group there were six people and you divided into  
15 three groups. I wanted to clarify that when you implement the  
16 order when your group went to arrest, you went to arrest in two  
17 villages or in just only one village?

18 MR. SAY DOEUN:

19 A. I said that my group had 14, around 14 people and we stay  
20 together as a group when we went out to make arrests.

21 [15.26.55]

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

24 A. Yes, that's correct.

25 Q. You said earlier that in your Long Sword Unit was created --

1 your Long Sword Unit was created when the Southwest cadres  
2 arrived, and in Kan family who was the district committee and  
3 Pheap as the commune committee. Could you specify the time when  
4 the unit was established?

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

6 Q. You also said earlier that you worked in the Long Sword Unit  
7 for only two months. Were you part of the original members of the  
8 group? Could you answer this point?

9 A. There were no others from my village. It was me who was the  
10 original member of this group.

11 [15.28.58]

12 Q. Could you specify the time when your groups went out to arrest  
13 Cham people, what months and year was it?

14 A. It was in late 1978.

15 Q. Could you remember the months?

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

18 Q. Did you know that the Long Sword Unit also existed in other  
19 villages?

20 A. No, I only knew that there was the Long Sword Unit in my  
21 commune. I did not know whether they were in other villages,  
22 other communes.

23 [15.30.13]

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

1 A. No, I did not. I attended the meeting only at the commune  
2 level.

3 MR. KONG SAM ONN:

4 Thank you for your answers.

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

6 Thank you.

7 MR. PRESIDENT:

8 Thank you. The hearing of testimony of this witness has come to a  
9 conclusion.

10 The Trial Chambers thanks you, Mr. Doeun, to testify before the  
11 Chambers for the whole day. Your testimony can contribute to the  
12 ascertaining of the truth of this case, and now you are excused.  
13 You can return to your residence or to your destination, and I  
14 wish you good luck and a good trip.

15 Court officer, please coordinate with the WESU for his  
16 transportation to his residence or to any other destination he  
17 wishes.

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

20 We have no reserve witness for today. The hearing will resume  
21 tomorrow from 9 o'clock in the morning. We will hear TCW-928 and  
22 the parties are invited to attend this hearing.

23 Security personnel are instructed to bring both Nuon Chea and  
24 Khieu Samphan to the detention facility and bring them back to  
25 the hearing before 9 o'clock.

1 The Court is adjourned.  
2 (Court adjourns at 1532H)  
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