



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 03-May-2017, 10:30
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

2 March 2016

Trial Day 376

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

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SONG Chorvoin

For Court Management Section:
SOUR Sotheavy
UCH Arun

I N D E X

Mr. UCH Sunlay (2-TCCP-1014)

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List of Speakers:

Language used unless specified otherwise in the transcript

| Speaker | Language |
|------------------------------|----------|
| Mr. BOYLE | English |
| Mr. FARR | English |
| The GREFFIER | Khmer |
| Mr. KOPPE | English |
| Mr. KONG Sam Onn | Khmer |
| Judge LAVERGNE | French |
| The President (NIL Nonn) | Khmer |
| Mr. PICH Ang | Khmer |
| Mr. PHON Thol (2-TCW-933) | Khmer |
| Mr. SON Arun | Khmer |
| Ms. TY Srinna | Khmer |
| Mr. UCH Sunlay (2-TCCP-1014) | Khmer |

1

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will continue hearing the statement of victim

6 impacts of civil party Uch Sunlay, and then the Chamber will

7 start to hear a witness, 2-TCW-933, in relation to Au Kanseng

8 security centre.

9 And today, there is a TPO staff, Bun Lemhuor, sitting next to the
10 civil party to provide physical and mental assistance.

11 <Greffier> Em Hoy, please report the attendance of the parties

12 and other individuals to today's proceedings.

13 [09.03.40]

14 THE GREFFIER:

15 Mr. President, for today's proceedings, all parties to this case
16 are present.

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

20 The civil party, who is here today to <conclude> a victim impact
21 statement, is Uch Sunlay.

22 During the proceedings, there is a TPO staff, Bun Lemhuor,
23 sitting close to him. The civil party and TPO staff are already
24 in this courtroom.

25 Today, there is a reserve witness, 2-TCW-933. The witness

2

1 confirms that, to his or her best knowledge, he or she has no
2 relationship, by blood or by law, to any of the two accused, Nuon
3 Chea and Khieu Samphan, or to any of the civil parties admitted
4 in this case.

5 The witness took an oath before the Iron Club Statute this
6 morning.

7 Thank you, Mr. President.

8 MR. PRESIDENT:

9 Thank you. First the Chamber decides on the request by Nuon Chea.
10 The Chamber has received a waiver from Nuon Chea, dated 2nd March
11 2016, which states that, due to his health, headache, back pain,
12 he cannot sit or concentrate for long. And in order to
13 effectively participate in future hearings, he requests to waive
14 his right to be present at the 2nd March 2016 hearing.

15 [09.05.44]

16 Having seen the medical report of Nuon Chea by the duty doctor
17 for the Accused at the ECCC, dated 2nd March 2016, which notes
18 that Nuon Chea has back pain and dizziness when he sits for long
19 and recommends that the Chamber shall grant him his request so
20 that he can follow the proceedings remotely from the holding cell
21 downstairs, based on the above information and pursuant to Rule
22 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea his
23 request to follow today's proceedings remotely from the <>
24 holding cell downstairs via an audio-visual means.

25 The Chamber instructs the AV Unit personnel to link the

3

1 proceedings to the room downstairs so that Nuon Chea can follow.

2 That applies for the whole day.

3 And now the floor is given to the International Deputy

4 Co-Prosecutor to resume his questioning.

5 You may now proceed.

6 [09.06.55]

7 QUESTIONING BY MR. BOYLE RESUMES:

8 Thank you, Mr. President. Good morning, Your Honours. Good

9 morning, counsel.

10 And good morning, Mr. Uch Sunlay. Thank you for coming back again

11 today. I have a few more questions for you on behalf of the

12 Co-Prosecutors.

13 Q. When we left off yesterday, you had just confirmed that one of

14 the villagers who had informed you about the execution of your

15 wife and children and the other women and children was an

16 individual named Thol who had personally witnessed these

17 killings.

18 You also stated yesterday that one of the villagers who informed

19 you of these killings had described some of the children

20 attempting to run away when they were about to be executed.

21 Is the individual who told you about the children trying to run

22 away Duch (phonetic) Thol, who you said personally witnessed

23 these crimes?

24 [09.08.14]

25 MR. UCH SUNLAY:

4

1 A. Thank you for the question. Good morning, Mr. President, Your
2 Honours.

3 The <> villager's name <> was Thol. He was the one who <used an
4 ox cart to transport> the Vietnamese descendent to the killing --
5 the execution place. He said his secretly looked at the incident
6 <and he was shaking with fear. Uk> Tang Hin<, chief of the
7 militia>, chased him away when he and other militiamen saw that
8 he was observing the incident.

9 The children, small babies were chased by the Khmer Rouge at that
10 time so that those children could be caught and smashed <against
11 a> tree. <They were eventually buried under a Kdol (phonetic)
12 tree at the edge of Kaoh Trong, Kaoh Trong commune, Kracheh
13 district, Kratie province. The island is located right in front
14 of the provincial town of Kratie>.

15 That is the information I have received from Thol.

16 [09.09.23]

17 Q. And you just referred to the children as "small babies". Can
18 you tell us, what was the age of your children at the time that
19 they were killed?

20 A. <Thank you.> Children and small babies were killed. And among
21 them, <> three children <were mine: two sons, one> daughter. <My
22 first child was> Sothira <who> was born in <1970, so he was 8
23 years old when he was killed>. My <second> child was Sothireak,
24 <> born in 1975, and the <youngest> child was Sothida, <our baby
25 girl> who was about one <year> old.

1 THE INTERPRETER KHMER-ENGLISH:

2 The first son was -- the first child was born in 1973 (sic),
3 correction from interpreter.

4 BY MR. BOYLE:

5 Q. And do you know why your wife and children were targeted for
6 execution?

7 MR. UCH SUNLAY:

8 A. Thank you. I <knew> that my wife and children were <the main
9 targets for execution in the Pol Pot regime>. They <were> among
10 the targeted groups contemplated by the Khmer Rouge.

11 My <wife's> mother<, Nguyen Thi Be, half> Vietnamese <and half
12 Khmer, had been taken away a long time already, so my wife and
13 children were considered Vietnamese grandchildren; and for that
14 reason,> they could not avoid the arrest and execution by those
15 executioners. And another reason is that our background was well
16 known by those Khmer Rouge <in the village>. And they knew that I
17 was a former teacher in the previous regime and <that I was a
18 Khmer man, but got> married <to a half> Vietnamese <and half
19 Khmer> wife. <That's what I knew.>

20 Q. Do you know why, in addition to your wife, your children were
21 also taken to be executed?

22 [09.12.02]

23 A. Thank you. I knew about this long time ago, but I had no means
24 or no choice to help them. And I was not able to flee anywhere
25 else besides staying in my location. <The chief of> the

6

1 cooperative <was> observing our activities every day <and night>,
2 so I was so terrified I could do nothing but cry to relieve my
3 pain and suffering. <They knew clearly who was who throughout the
4 village.>

5 <My> suffering was like people was cutting and removing my
6 internal organs, so this was the misery and <> the tragedy <that
7 happened> to me and my family. <I can hardly describe the pain I
8 had to endure. I could not tell anyone about it or ask anyone for
9 help. I only took everything to myself. Over time, I tried to
10 accept the reality of what happened to my beloved wife and
11 children.>

12 I have lost my <beloved and respected> father. I have lost him.
13 <As for me, the co-operative chief even asked> me to be careful
14 <as> my name <appeared on> the list <as Nguyen Yang Lay>

15 (phonetic) <who was allegedly a KGB network spying in the K2
16 Cooperative. So my depression and sorrow kept accumulating>.

17 After <> I had lost my father, my mother-in-law and my wife as
18 well as my children, <it was certain> that I would die one day.

19 <The voice whispering my name kept haunting me.>

20 On 2nd December 1978, I could hear the sound of explosion <from
21 afar>. And at the time, I was hoping that I would be rescued from
22 the brutal regime. And at the time, I said to myself that <> I
23 wanted <to welcome them with respect and gratitude> to come and
24 help me right away.

25 [09.14.44]

7

1 Q. Mr. Uch Sunlay, you explained that you believe your wife was
2 targeted for execution because she had Vietnamese background. Do
3 you know why your children that you had with your wife were also
4 targeted for execution?

5 A. Thank you. I know it clearly. My wife was half-blooded
6 Vietnamese, and my children <were> considered Vietnamese
7 <grandchildren>. It was known by the Khmer Rouge. And the
8 <saying> and policy of the Khmer Rouge was <fully known by the
9 grassroots> that, <"To dig up grass, one must dig up the
10 roots.">. So <when> the Vietnamese <mother and children were
11 taken, their grandchildren and great grandchildren> were
12 considered <Vietnamese,> KGB agents, <and they would be taken as
13 well. I knew this clearly because I witnessed it and I observed
14 it myself. I learned about this by observing the characters and
15 behaviors of those cadres in charge of K-1 through K-5
16 cooperatives>.

17 Q. You just mentioned a policy -- you just mentioned a policy
18 that you heard that when cutting the grass, you had to dig up the
19 roots of the grass. Can you explain what that policy meant?

20 A. Thank you. I was not a politician, and now I am not also a
21 politician. The politics mean the trick.
22 <To my understanding of the> slogan that <> when <one digs up>
23 the grass, <you> had to <make sure that you dig> up <all> the
24 <roots> of the grass <regardless of where they might be>, so they
25 had to eradicate everything. It <> was my understanding at the

8

1 time <of its figurative meaning. So I knew it for sure> that I
2 could not flee anywhere else and I could not <stay away from the
3 surveillance of the Khmer Rouge's militiamen>.

4 [09.18.00]

5 Q. You mentioned earlier this morning one of the perpetrators of
6 the execution was a man named Uk Tang Hin. Do you remember the
7 names of any of the other individuals that participated in the
8 killings of the women and children that you have described?

9 A. Thank you. <I know those> perpetrators <and executioners
10 because they also lived> in <the same> village. And at the time,
11 they <became> militiamen for co-operatives<, and they were armed.
12 To my recollection, those who became the> genocidal perpetrators
13 <were> Uk Tang Hin, the chief, <his current whereabouts is> in
14 <Akreiy> Ksatr; Number 2, <> Dam (phonetic), <who> was <short and
15 thin> -- he had curly hair <. Number 3 was Mong> Heang <who was
16 tall but thin with big eyes. Number 4 was Sruoch, and Number>
17 Five <was> Chhoeung.

18 [09.19.28]

19 As far as the Chamber is concerned, the senior leaders of the
20 Democratic Kampuchea and <the most> responsible <persons> for
21 the Democratic Kampuchea <are put on trial, while the rest are
22 not, in pursuant to> the national reconciliation, <so> only two
23 groups of these people were subject to -- subject to the trial.
24 <However, I remember those> people, the direct perpetrators,
25 <clearly because I saw them around when they came to spy on us

1 day and night and monitor us while working> in the cooperative
2 <>.

3 Q. Do you know if the individuals who you just mentioned, Dam,
4 Chhoeung, Uk Tang Hin, if they received orders from elsewhere, or
5 did they decide to perpetrate these killings on their own?

6 A. <Thank you.> They <did> not <do> those acts on their own
7 initiative. It was a secret plan communicated to them. <Those
8 militiamen worked day and night. They were sons of poor farmers
9 of the low class and were assigned to do those tasks.>
10 <And>, Uk Tang Hin <himself> was <initially a palm juice
11 collector. He was the militia chief, and assigned to secretly spy
12 on people day and night> in the cooperative.

13 He did not act on his own initiative. There was a secret order
14 from the upper echelon, and that secret order went down the line.
15 [09.21.44]

16 Q. Yesterday, in your testimony, in addition to the killing of
17 your wife and children, you mentioned some other members of your
18 family who were killed during the period of Democratic Kampuchea.
19 Specifically, you mentioned Nguyen Thi Be, your mother-in-law, Sa
20 Kim Na, your sister-in-law, and Chay Chan Visal. Can you first
21 clarify for us what was your wife's relation to Chay Chan Visal?

22 A. <Thank you.> My wife's name was Sa Kim Ni, and Sa Kim Na was
23 her sibling. They knew <clearly> that my wife and her younger
24 sibling were the children of Chay Kim Eng <alias deputy commune
25 chief Y> and <Nguyen> Thi Be, so Khmer Rouge knew very well that

10

1 they were the children of Vietnamese<. So they linked my own
2 children to being the grandchildren of Vietnamese grandparents.>
3 It was unfortunate that <none of them spoke a word in Vietnamese.
4 And they held Buddhist rituals like the Khmer people. They> spoke
5 only Khmer. And at one time, when there was an argument <within a
6 Vietnamese family> in the village, I asked my wife what was going
7 on since they were arguing in Vietnamese, but she said she did
8 not know because she did not understand the language. <She
9 studied Khmer and finished secondary school. So the accusation
10 against her was groundless.>

11 [09.23.44]

12 I <somehow> felt <relieved that> the Vietnamese <> had gone to
13 Vietnam three or four months before that incident happened. And
14 at the time, I <was thinking to myself that since I was a Khmer
15 man, my children would not be targeted. Instead, they killed
16 everyone including small babies. Through my observation, the
17 Khmer Rouge were collecting very in-depth and thorough
18 investigation. And> they were extreme. The Khmer Rouge was
19 extreme.

20 Q. I'd like to ask you specifically about your mother-in-law. Do
21 you have any additional information about when she died or how
22 she died?

23 A. Thank you. Regarding my mother-in-law, <Nguyen> Thi Be, <only>
24 three months or four months later, after the 7 January, <did> I
25 <know> that Vietnamese people <had been> invited to <gather at a

11

1 pagoda and forced to> board a truck <to be executed at Phnum
2 Prech (phonetic) located along the way from Kratie to Lok Ninh
3 (phonetic),> Vietnam. I did not know <as to> how the execution
4 <was carried out. I just knew that> they <were> executed <there>.
5 I learned this information <later on> from <a> driver <by the
6 name of Ang> (phonetic). He told me that my mother-in-law was
7 among the group <that was sent there. According to him, upon
8 arrival at the location, they were forced to get off the truck,
9 and that immediately, soldiers of> the Democratic Kampuchea
10 <pointed their rifles at> the driver to come back. <And after
11 that, those people were walked up Phnum Prech (phonetic), but he
12 did not know what happened next.> That <> is what I learned from
13 him <after the liberation>.

14 [09.26.15]

15 Q. Mr. Civil Party, I'd like to read to you an excerpt from your
16 supplemental information form to see if that refreshes your
17 memory in any way in regards to what you know about what happened
18 to your mother-in-law. This is at E3/4845. English ERN 01057867,
19 French 009 --

20 MR. PRESIDENT:

21 Please slow down. International Deputy Co-Prosecutor, please read
22 a bit slower so that interpreter could catch up.

23 [09.27.00]

24 BY MR. BOYLE:

25 Thank you, Mr. President. My apologies. I'll begin again.

12

1 Q. It's English ERN, 01057867; French, 00923036; and Khmer,
2 00613037.

3 Mr. Uch Sunlay, this is what you stated there, quote:

4 "In late 1978, my mother-in-law, Nguyen Thi Be, who was an ethnic
5 Vietnamese, was asked by Khmer Rouge militiamen to get on a truck
6 at Krakor pagoda located in Krakor commune, <Kracheh> district,
7 Kratie province. She was supposed to be deported to Vietnam.
8 However, I learned later that she and other Vietnamese had never
9 been deported to Vietnam. They were taken away for execution
10 along with -- along the way to Mountain 5000 located in Snuol
11 district, Kratie province." Close quote.

12 Mr. Civil Party, does this accord with your recollection that you
13 just described to us?

14 MR. UCH SUNLAY:

15 A. Thank you. It accorded with my statement. <The militiamen of
16 the> Pol Pot clique invited all of them to <gather and> get on a
17 truck <> at Krakor pagoda <>, and <they were transported from the
18 pagoda, and headed for the direction of Vietnam. In fact, there
19 was> road <that stretched from Kratie passing by Lok Ninh
20 (phonetic)> to Vietnam. <The road still exists to these days>.
21 And I did not know about the method of the execution.
22 And as I said earlier, I learned the information from the driver
23 of the truck, who later on came to tell me.

24 [09.29.10]

25 Q. You stated and described yesterday the forced marriage of your

13

1 father-in-law following the execution of your mother-in-law. Did
2 your father-in-law survive the Democratic Kampuchea period?

3 A. My father-in-law's name was Chay Kim Eng, alias Smien <Y>. He
4 was a clerk in <Kratie commune,> Kratie province. He was forcibly
5 asked <the cooperative chief> to marry <Aunty> Len. <He> was, at
6 the time, about 60 years old. They were the 11 <couples>. The
7 <11th> couple was <of> Chay Kim Eng <and Aunty> Len, and the two
8 people -- these two people, my father-in-law and his wife, his
9 later wife, were then killed. <I do not know what actually
10 happened.>

11 [09.30.32]

12 I knew that my father-in-law at the time during the marriage was
13 wearing the krama on his head, and the same happened to the later
14 wife of him. They were crying <until their eyes were swollen>.

15 And I knew that they did not love each other and <> didn't want
16 to get married. <His late wife got killed around the month of
17 either October or November, and he was forced to get re-married
18 in December. He was forced or pressured to get re-married.>

19 I did not know <as to> how he <was executed>, but I heard that
20 Smien <Y had been taken away and> killed at <Kbal Tonsaong Dam on
21 the east> of Krakor <commune>, Kracheh district, Kratie province.

22 I did not know <as to where exactly he was killed>.

23 <So it is impossible for me to> find the remains of their bones
24 so that I could gather and hold the rituals, the Buddhist ritual
25 for them, but it was in vain. I could not find all those remains.

14

1 Q. Do you know why your father-in-law was killed?

2 A. To my knowledge, he was killed for the following reasons.

3 First, he was a former official <in> the Lon Nol regime and the

4 previous regime, that is, Sihanouk regime. And they also knew

5 that he was a clerk of <Kratie commune, in> the Kratie provincial

6 town.

7 Second, he was accused of being an agent for KGB or Vietnamese

8 spy, as he married a Vietnamese woman and his <children> were

9 considered half Vietnamese <and half Khmer>.

10 These were the two <main> reasons. <In addition, he also claimed

11 himself that it was hard for him to live since his> wife and

12 children <had all been> killed, and he felt so upset and

13 saddened<. He had no one else with whom he could live. He> was

14 <not happy to be> forced to marry another woman who was in a

15 third category.

16 The first category, that is, the full rights people, and the

17 second category was the <> group of <reserved people>. And the

18 third group were the depositees. And <these depositees> were

19 <easy> targets of being disposed of by the Khmer Rouge. <They

20 could be taken away at any given moment.>

21 And these are the reasons that I concluded he was the target of

22 being arrested and killed by the Democratic Kampuchea regime.

23 [09.33.38]

24 Q. Mr. Civil Party, this will be my last question to you, but you

25 have also mentioned a number of brothers and sisters of your late

15

1 wife and their children, who passed away during the period of
2 Democratic Kampuchea.

3 And I would like to invite you to tell us if you know any of the
4 circumstances of their deaths, of your brother-in-law --
5 brothers-in-law and sisters-in-law, when they were killed, how
6 they were killed and why they were killed, if you know?

7 A. The arrest and the execution by the militia group of the
8 Democratic Kampuchea was done secretly, and <> they <said they
9 did not> need <to> use bullets to kill those people. For example,
10 the <husbands were> sent to cut <bamboo> far away <for making
11 ladders to climb palm trees,> while their children and wives were
12 sent to Kaoh Trong. That is an island in the middle of the
13 river<, the location which was hard for one to have access to.>
14 And <> the other side of the river <located> the Central Zone,
15 while the other side <where Kratie province located> was <in>
16 Sector 505.

17 And of course, <according to the regulation of the Democratic
18 Kampuchea, people> were prohibited from crossing from one sector
19 to another, so it was easier for them to execute those people on
20 the island in the middle of the river.

21 Besides my wife and children, there were also my in-laws, that
22 is, Sa Kim Na, the younger sister of my wife<, and the husband of
23 Sa Kim Na was> Chin Sa Im was also killed. They were all killed
24 <for having associated with> Vietnamese <by marriage> and <for
25 allegedly> agents for KGB. Sarin and Sarak <who were the children

16

1 of Sa Kim Na and Chin Sa Im> were also executed, and that was
2 based on their slogan that <goes, "To dig up grass, one must dig
3 up the roots.">
4 [09.36.08]
5 So <not> only the mothers were killed, but <> the children were
6 <also> killed together <with their mothers. As a result, none of
7 my children from that period survived the regime.> And that was
8 painful for those who survived <the regime>. And these
9 <executions took place just a few months before> the regime fell.
10 <So I have suffered great pain. My family could not survive the
11 regime, while many other families could.>
12 <> I lost all my relatives, my children, my wife. They <were>
13 killed <by those black-uniformed soldiers> without any mercy. And
14 that is the reason I want to ask the senior leaders of the
15 Democratic Kampuchea regime <as to> why they had a policy <> to
16 kill <even babies> and <> infants. Is it because <you could>
17 become immortal <gods on this earth>?

18 [09.37.07]

19 MR. PRESIDENT:

20 Civil Party, you will have an opportunity toward the end of your
21 statement to put the questions to the Accused. And the questions
22 shall be put through me, the President of the Chamber.
23 Right now, you need to concentrate to respond to the question put
24 to you by the Deputy International Co-Prosecutor. <It seems like
25 you have taken a lot of time already, the International Deputy

17

1 Co-Prosecutor.>

2 MR. BOYLE:

3 Thank you, Mr. President. I actually have no further questions.

4 Thank you, Mr. Civil Party, for being with us here today. I
5 understand that these are difficult issues to discuss, and I
6 appreciate it.

7 MR. PRESIDENT:

8 Judge Lavergne, you have the floor.

9 QUESTIONING BY JUDGE LAVERGNE:

10 Yes. Thank you, Mr. President. Good morning to all of you, and
11 good morning, Civil Party.

12 Q. I have a question to put to you. You said that you were living
13 in Region 505. So do you have any information or what can you
14 tell us about <what you know concerning> the organization of that
15 Region, 505?

16 [09.38.38]

17 MR. UCH SUNLAY:

18 A. Thank you, Your Honour. I lived in Sector 505. That was in
19 Kratie province, and it was an autonomous sector, which means it
20 was not under the administration of <any> zone. This is to my
21 understanding.

22 The chief of Sector 505 used to study at <Kossamak> (phonetic)
23 <High School> together with me. His name was Boun <Nan>
24 (phonetic). However, later on, he was also executed by the East
25 Zone Committee.

18

1 That's all I can say about this autonomous sector. And I had no
2 knowledge about the <organizational structure> of the sector.

3 Q. Fine. So what you're telling us is that this autonomous sector
4 was not part of the zone.

5 So do you know who he had to report to? Was there someone -- was
6 there some kind of organization above Sector 505<? And> who was
7 above Sector 505?

8 [09.40.16]

9 A. <Thank you.> I did not know the detailed structures of the
10 Sector Committee or the Zone Committee. What I knew unofficially,
11 the area was under the leadership of a Sector Committee, and that
12 was separate from the Zone Committee management.

13 Only later on <after> the Sector 505 Committee <had been> accused
14 of betraying the Angkar <did I know that cadres> from the
15 Northeast Zone <came in for their replacement>. And later on,
16 <all> the <committee members> from the <Northeast Zone were
17 arrested for allegedly being traitors and> replaced by those from
18 the East Zone and, later on, <those from the East Zone were
19 accused of being traitors, and replaced by those> from the
20 Southwest Zone.

21 And that's all I knew about the subsequent replacements of
22 various committees within the sector.

23 Q. So if I understood well what you said, you witnessed a series
24 of successive purges among the leaders of Sector 505. So can you
25 tell us, if you remember, who was at the head of Sector 505 when

19

1 your wife and <> your in-laws were executed? Was it the original
2 cadres, or was it cadres from the Northeast Zone or from the East
3 Zone or from the Southwest Zone or <other cadres>? If you
4 remember.

5 [09.42.22]

6 A. <Thank you.> Allow me to clarify the matter, Your Honour. The
7 <> former teachers of the previous regime, <like> myself, <had>
8 fled to the forest<, and refashioned>. And some of them were
9 later on promoted to become <chief> of Sector 505 Committee, <for
10 example,> Boun <Nan> (phonetic), and his <revolutionary> alias
11 was Comrade Yi (phonetic), who was in charge of Sector 505. And
12 then there was teacher Sim Son (phonetic), who changed his name
13 to Comrade <Yaem> (phonetic) later on. He was subsequently sent
14 <as an ambassador to> Korea.

15 Some other teachers who used to criticize me <for not joining the
16 revolution> later on killed because <> Sector 505 <committee had
17 been accused of betraying the revolution>. So <> all <of them
18 were purged>, and replaced by those cadres from the Northeast
19 Zone. And <several months> later, those northeast cadres were
20 accused of being traitors, and they were purged and replaced by
21 cadres from the East Zone.

22 Subsequently, the East Zone cadres were accused of betraying the
23 revolution, and <mistreating people,> they were purged and
24 replaced by those cadres from the Southwest Zone. That's all I
25 know.

20

1 [09.44.04]

2 Q. Thank you for this clarification.

3 What I would like to know now is, when your wife and your
4 children, when your in-laws were executed, as far as you
5 remember, who was leading Sector 505? Who were the cadres
6 <stationed there at that time?> Were these cadres from the
7 Northeast Zone, from the East Zone or cadres from the Southwest
8 Zone? If <> you don't remember, just simply tell me that you
9 don't remember.

10 A. <Thank you.> I was not familiar with the upper level
11 administration structure. I only knew that the Sector 505
12 Committee was accused of betraying the revolution, and then they
13 were replaced by the northeast cadres. And subsequently, those
14 northeast cadres were accused of <> betrayal, and replaced by the
15 East Zone cadres. And later on, those East Zone cadres were
16 replaced by cadres from the Southwest Zone. And I did not know
17 those cadres' names.

18 [09.45.57]

19 Q. My question did not relate to the names of the cadres, but to
20 the dates.

21 You said, unless I'm mistaken, that your wife and your children
22 were executed in September 1978, <I believe>. So in September
23 1978, were the <> cadres <who were stationed there> from the East
24 Zone, from the Northeast Zone or from the Southwest Zone?
25 Do you understand my question? It's in relation to the dates <>

21

1 and in relation to who was <stationed in> the sector at that
2 time. Of course, I understood the succession of events. I
3 understood that some people were accused of treason. But my
4 question is<: Do> you know -- in September 1978, when your wife
5 was executed, who was <in charge or indeed who was managing the
6 structure of the region -- of > Sector 505?

7 [09.47.12]

8 A. Thank you. And I do understand your question. <Between>
9 September <and> December, Comrade Boeun (phonetic) was the <last>
10 one who was in charge, and Boeun (phonetic) came from the
11 Southwest Zone.

12 JUDGE LAVERGNE:

13 Thank you very much, Mr. Civil Party, for these clarifications.
14 I have no further questions to put to the civil party.

15 MR. PRESIDENT:

16 Thank you, Judge.

17 And I'd like to hand the floor now to the defence teams, first to
18 the defence team for Nuon Chea, to put <questions> to this civil
19 party, if you have any.

20 MR. SON ARUN:

21 The defence team for Nuon Chea do not have questions for this
22 civil party. Thank you.

23 MR. PRESIDENT:

24 Thank you.

25 And finally, I'd like to hand the floor to the defence team for

22

1 Khieu Samphan to put questions to the civil party, if you have
2 any.

3 [09.48.40]

4 QUESTIONING BY MR. KONG SAM ONN:

5 Thank you, Mr. President. Good morning, Your Honours. And good
6 morning, Mr. Civil Party. My name is Kong Sam Onn. I am the
7 co-counsel for Mr. Khieu Samphan, and I have some questions to
8 put to you.

9 Q. My first question is in relation to where you lived in Kratie
10 province. Can you tell the Chamber <as to when> the liberation
11 force of the Khmer Rouge came to your area?

12 [09.49.23]

13 MR. UCH SUNLAY:

14 A. Thank you, and again good morning, Mr. President, Your
15 Honours. And good morning, Defence Counsel.
16 <Comparing to other places throughout the country,> Kratie <was
17 the first> province <> liberated <by> the United <Front for the
18 National Salvation of Kampuchea. It was on 23 March when King
19 Sihanouk made his appeal from Peking, and that was after the coup
20 that took place on 18 March 1970>. In fact, <Kratie> was <the
21 first province> liberated on the 5th of March 1970, before any
22 other provinces <throughout the country>.
23 At that time, the revolutionary force was so strong, all youths,
24 male and female, joined the revolution <and so did teachers and
25 professors>.

1 I <lived> in Krakor village, Kratie commune, <Kracheh> district
2 in Kratie province.

3 Q. <Thank you.> Yesterday, you stated about the exchange of
4 conversation between you and other teachers that you didn't join
5 the revolution with them. Can you tell the Chamber, when <> those
6 teachers, that is, your colleagues who actually went to the
7 forest to join the revolution?

8 A. <Thank you.> My teacher colleagues went to join the revolution
9 since 1968, that is, prior to 1970. They were senior teachers and
10 professors at <Kossamak High School>, and they tried to track
11 down other teachers from the same group in order to join the
12 force. And among us, I was the only one who refused to join the
13 revolution for the following reasons.

14 First, <> I was from a poor peasant class. When I said so, they
15 said that was the class that the revolution wanted and that I
16 should know that the sun would rise from the east and if the
17 rooster did not sing, the sun would still rise. <And the
18 revolution could not just be half done, it had to be seen through
19 to the end; however, people went to bed at midnight, and ate half
20 full.>

21 Although we may not have enough food to eat, but we had to enter
22 and to complete our movement in the revolution.

23 [09.52.30]

24 Q. Thank you, Civil Party. I heard that yesterday, so there is no
25 need for repetition. And allow me to move on to another date, and

24

1 that is in relation to the transfer of your mother-in-law, as
2 well as the date that your father-in-law died. Can you tell the
3 Chamber when your mother-in-law was sent to Vietnam and as you
4 said, later on she was killed while en route?

5 A. <Thank you.> My mother-in-law was arrested in 1978.

6 Q. Do you recall the month of her arrest?

7 A. It happened between October <and> November of 1978.

8 [09.53.53]

9 Q. <Thank you.> Yesterday, you also testified that your
10 father-in-law was forced to marry another woman, and you made
11 mention of this event again this morning.

12 Can you tell us <as to how many months> he was arranged to marry
13 another woman, that is, after the loss of your mother-in-law?

14 A. <Thank you.> I conclude that my mother-in-law was transferred
15 in October 1978, and my father-in-law was forced to marry another
16 woman <> around November of 1978. Although after he remarried, he
17 was monitored by the militia whether he consummated with his wife
18 or whether they said anything else while they were together. And
19 as a result, Smien Ie, that is, my father-in-law, was taken away
20 and killed.

21 Q. From whom did you know that your father-in-law was monitored
22 by the militia after he remarried? <Or how did you know it?>

23 [09.55.38]

24 A. The militia had to monitor those targeted individuals at
25 nighttime. I heard dogs barking at night, and I knew that they

25

1 were deployed to monitor those people. And that's how I learned
2 about this.

3 I, myself, was the subject to be monitored at night by the
4 militia group, what I did, whom I spoke to, whether I quietly <>
5 wept.

6 We were in a situation that we were under constant monitoring by
7 the militia group.

8 Q. <Thank you.> A while ago, you stated that those militiamen
9 were children of the villagers who were in the proletarian class
10 at the base. Can you tell the Chamber whether you know some names
11 of those militiamen who monitored your activity or other people's
12 activities?

13 [09.57.05]

14 A. I know all those militiamen because they <patrolled> in the
15 area, and the chief was Uk Tang Hin. Then Dam, Mong Heang, Sruoch
16 and Chhoeung. And these were the cruel men of the militia.

17 They monitored the activities of the 17 April People at night,
18 and next morning, they would be sent for re-education and they
19 would disappear <forever>.

20 Q. The names of those militiamen that you have just described,
21 did they monitor the activity of your father-in-law after he
22 remarried?

23 A. Yes, that is correct.

24 Q. Does this mean these militiamen whose names you described
25 actually worked as militiamen from the 1970s through to <1978 or>

1 1979?

2 A. Yes, that is correct. Those militiamen started working since
3 1970 through 1975 and continued their militiamen activities to
4 1979. And after that, they dispersed.

5 Q. Can you tell the Chamber the leadership structure in the
6 cooperative, <the commune,> in the district or at the sector,
7 that is, were there changes within the leadership structure in
8 your area?

9 And this is partly answered by you in response to Judge
10 Lavergne's question. You made mention of four successions <of
11 leadership structure> in the autonomous Sector 505.

12 [09.59.30]

13 A. <Thank you.> I learned of the successions through the
14 announcement made by the cooperative chief. On every 10th, 20th
15 and 30th day of each month, there would be a meeting held and the
16 announcement would be made. Then they made mention of the names
17 of these people, including <Chhuk (phonetic), Doeun, Sreng> and
18 Chakrey <from the East Zone, were actually> traitors. And the
19 Party, through its activity, <> those people were replaced by
20 other cadres from the Southwest Zone.

21 Q. Allow me to reconfirm your statement. You made mention that
22 the cooperative chief, who was in the position since 1970, was
23 the same person in this position from the 1970 through to '79?

24 [10.00.34]

25 A. <Thank you.> It seems there was no change of the cooperative

1 leadership. The person was in the position till the end of the
2 regime.

3 Q. What about the commune committee? Were you aware of any
4 successive changes within the commune committee?

5 A. It seems that the commune committee was not change. I only saw
6 the same people at the cooperative and the community leadership.

7 Q. What about the district committee? Did you know any person
8 from the district committee, for example, through meetings?

9 A. From the meetings that I attended and, be more specific, in
10 1973, that is, during the 200 days and nights of aerial
11 bombardment, Professor <Tiv> Ol (phonetic) came to open a
12 conference there. And all former teachers were invited to attend
13 that conference.

14 And the conference was labeled the conference for the
15 intellectuals. And that was the major meeting that I attended.
16 And besides, I attended meetings organized by the cooperative
17 chief.

18 Q. My previous question was about the district committee. Did you
19 know some of them, and did you personally know them, in
20 particular?

21 A. <Thank you.> In the Pol Pot's time, Boeun (phonetic) was part
22 of the district committee. He was the outstanding one. And I
23 could recall that name until now. <That's all I can tell you.>

24 [10.03.18]

25 Q. Was he the chief of the <Krakor> district <(sic)> until the

1 end of the regime, or was he replaced by someone else later on?

2 A. <Thank you.> Boeun (phonetic) was assigned to be in charge of
3 a cooperative in the district at the time, and there was no
4 reshuffle. No one came to replace him. And he was in that
5 position until the liberation of the Front.

6 Q. <Thank you.> Regarding Region 505, it was an autonomous
7 sector, as you said. Do you recall the structure of that Sector
8 505? <Were> there any impact on the base areas in that sector
9 <each time there was a reshuffle in> the structure<>?

10 [10.04.51]

11 A. Every time the district committees were replaced, I could
12 recall that <eventually Comrade> Chaet (phonetic) <> was part of
13 the district committee later on. He <> was the teacher <of>
14 chemistry <and physics>.

15 He <committed moral offences> with dozens of <female> cadres. And
16 later on, he was accused of betraying Angkar and he was sent away
17 and replaced by someone else <from the Southwest Zone as I have
18 mentioned ealier>.

19 Q. <Thank you.> In relation to your father-in-law, why did he
20 die?

21 A. <Thank you.> I told the Court already, my father was a former
22 clerk in <Kratie> commune. He was a former <> civil servant in
23 Sihanouk's regime <and the Lon Nol's>. And the reason number 2,
24 he <was linked to a KGB network for having> married <a half>
25 Vietnamese <and half Khmer woman, Nguyen> Thi Be. These were the

1 reasons leading to the execution of him.

2 Q. Do you recall the location where he was executed? Did you
3 learn about his execution later on?

4 A. Militiamen took him to be killed. I told <the Chamber>
5 already. I told the Court already, he was killed at Tumnup Kbal
6 Tonsaong (phonetic), <east> of Krakor commune, <Kracheh>
7 district, Kratie province.

8 I cannot tell the Court the exact location where he was killed.

9 Q. You told the Court about the time when he was forcibly asked
10 to get married and, later on, he was monitored after the
11 marriage. Can you tell the Court when <last> you knew <about his
12 death or disappearance>?

13 [10.07.44]

14 A. He was forced to get married. And later on, as I said, he
15 died. <The two events took place> in 1978.

16 And during the times, couples were immediately arranged to be in
17 the marriage. As you know, in 1978, the <2 December> front was
18 established in Cheung <Khlu commune>, Snuol, Kratie province. And
19 that was the time when the liberation troops came to rescue us.

20 <He was among the last batch of people to be taken away and>
21 killed at Tumnup <Kbal Tonsaong> (phonetic) <as I mentioned
22 earlier>.

23 MR. KONG SAM ONN:

24 Mr. President, I am done.

25 MR. PRESIDENT:

30

1 Thank you.

2 Mr. Uch Sunlay, now <> you can make the victim impact statement,
3 if any, or you may put questions to the accused through me, the
4 President of the Chamber. You have the floor now.

5 [10.09.08]

6 MR. UCH SUNLAY:

7 Good morning once again, Mr. President of the Chamber. I have two
8 questions through you, Mr. President, to put to the two Accused
9 who are present in this courtroom and in the room downstairs.

10 My first question, why did Khmer Rouge have a policy <> to gather
11 up <the innocent> small babies and children as well to be killed?

12 My second question is, why the Democratic Kampuchea took those
13 who practised Buddhist religion, including my father, who was a
14 <clergyman>, to be killed and why were they accused <of being
15 undercover enemies burrowing from within>? Did Khmer Rouge <>
16 themselves <>want> to be <immortal> gods <on this earth or the
17 enlightened Buddha>? My father was killed <for having> burned
18 <dead plants> to pay respect <and pray> to Buddha.

19 These are my two questions to be put to the Accused. <I want them
20 to answer these two questions to both the national and
21 international communities. This is the last voice of mine as a
22 survivor of the regime.>

23 And I am surviving -- I survived the regime. And this is the last
24 chance that I can address the Chamber and tell the world that the
25 <> genocidal acts were committed by those who were <parts> of the

31

1 Democratic Kampuchea or Khmer Rouge time. And these people were
2 <the senior leaders and those considered the most> responsible
3 for those crimes and acts.

4 [10.11.12]

5 So I am done now, Mr. President. Please direct my <questions> to
6 the Accused.

7 MR. PRESIDENT:

8 Thank you. The Chamber wishes to inform you, Mr. Uch Sunlay,
9 pursuant to Internal Rule 21.1(d) of the ECCC which states <> at
10 all stages of the proceedings, the Chamber shall inform you of
11 the right of the accused to remain silent. On 8 January 2015, in
12 response to the question of the Chamber, the co-Accused
13 reaffirmed their position to exercise their right to remain
14 silent.

15 [10.11.58]

16 During that hearing, the Chamber also notes that <> the
17 co-Accused maintained their position to remain silent unless and
18 until such time the Chamber is informed otherwise by the
19 co-Accused or their counsels. On that day of the hearing, the
20 Chamber instructed the co-Accused and/or their counsels to inform
21 the Chamber in a timely and efficient manner should the Accused
22 resolve to waive their rights to remain silent and be willing to
23 respond to questions by the Bench or relevant parties at any
24 stage of the proceedings.

25 As of today, the Chamber is not informed that the co-Accused have

1 changed their position and thus agreed to provide their responses
2 to questions.

3 Under the criminal procedural codes, national legislation and
4 international laws, the Chamber cannot compel the Accused to
5 respond to the question as long as they do not agree to it while
6 exercising their rights to remain silent. Please be informed, Mr.
7 Uch Sunlay.

8 I am grateful to you, Mr. Uch Sunlay. The hearing of victim
9 impact statement of you as a civil party which you stated that
10 you went through that bad experience has come to an end now. Your
11 statement can contribute to the ascertainment of the truth.

12 You may be excused. You may <return> to your residence or to any
13 places you wish to go.

14 I wish you good luck, good health and prosperity in your life.

15 [10.13.50]

16 Thank you, Mr. Bun Lemhuor, TPO staff. As far as you are
17 concerned, the hearing of the statement by Uch Sunlay in relation
18 to the treatment of Cham, Vietnamese and former <officials> in
19 the Khmer Republic has come to an end now. You may be excused as
20 well.

21 Court officer, please work with the WESU to send Mr. Uch Sunlay
22 to the place where he wishes to go and his residence.

23 And after the break, the Chamber will start to hear 2-TCW-933, in
24 relation to Au Kanseng security centre.

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

33

1 take the break now until 10.30 a.m., from which the Chamber will
2 resume its hearing.

3 (Court recesses from 1014H to 1033H)

4 MR. PRESIDENT:

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

6 Court officers, please bring in Witness 2-TCW-933 into the
7 courtroom.

8 (Witness enters the courtroom)

9 [10.34.54]

10 QUESTIONING BY THE PRESIDENT:

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

12 MR. PHON THOL:

13 A. My name is Phon Thol.

14 Q. What is your date of birth?

15 A. I was born on the 16th of June 1950.

16 Q. <Where> is your place of birth?

17 A. It's in <L'eun> (phonetic) <commune>, Svay Rieng district,
18 Svay Rieng province.

19 Q. What about your current address?

20 [10.35.48]

21 A. In Prumpir Makara, Labansiek district, Ban Lung district and
22 Ratanakiri province.

23 Q. What about your current occupation?

24 A. I am <a> district council member.

25 Q. What are the names of your parents?

1 A. My father's name is Mei Phon and my mother's name is Kev Sum.

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

4 A. My wife's name is Saom Chanthou. We have five children. Two of
5 them passed away.

6 [10.36.49]

7 Q. Mr. Witness, based on the greffier report, you have no
8 relationship to the two Accused, that is, Mr. Nuon Chea and <Mr.>
9 Khieu Samphan, and parties <admitted> to this proceeding. Is that
10 report correct?

11 A. Yes, that is correct.

12 Q. Have you already taken an oath before the Iron Club Statue
13 located to the east of this courtroom?

14 A. Yes, I have already taken an oath.

15 Q. <Thank you.> Now we would like to inform you of your rights
16 and obligation as a witness.

17 Your rights. As a witness in the proceeding before the Chamber,
18 you may refuse to respond to any question or to make any comment
19 which may incriminate you. That is your right against
20 self-incrimination.

21 About your obligations. As a witness in the proceedings before
22 the Chamber, you must respond to any questions by the Bench or
23 relevant parties except where your response or comment to those
24 <questions> may incriminate you as the Chamber has just informed
25 you of your right as a witness.

1 You must tell the truth that you have known, heard, seen,
2 remembered, experienced or observed directly about an event or
3 occurrence relevant to the questions that the bench or parties
4 pose to you.

5 Mr. Witness, have you ever given your statement or interview to
6 the OCIJ interviewers and, if you have given interviews, how many
7 times it took place and where it took place?

8 [10.39.00]

9 A. The first time<, it> took place at the re-education school of
10 the Khmer Rouge. And the second <one> took place at my home.

11 Q. So when did the two interviews take place?

12 A. <> I do not remember the dates because it took place long time
13 ago and I did not keep the record of the <interviews>.

14 Q. Before you came to testify today, have you already read or
15 reviewed the statements that you provided during the interviews
16 that you mentioned happened twice <to refresh your memory>?

17 [10.39.55]

18 A. Yes, I reviewed them already.

19 Q. Thank you. Based on your recollections of your review, can you
20 tell us whether the statements in the report correspond or are
21 consistent with what you provided during the interviews with the
22 interviewers that you said that it took place twice, once at the
23 <re-education> school and another one at your home?

24 A. Yes, they were consistent.

25 MR. PRESIDENT:

36

1 Thank you. Based on Rule 91 bis of the ECCC, the Chamber gives
2 the floor to the Co-Prosecutors to put questions to this
3 <witness> before other parties. And the Co-Prosecutors and the
4 Lead Co-Lawyer have <a> combined <time> of two sessions <to put
5 questions to this witness>.

6 So the Co-Prosecutors, you may now proceed.

7 [10.41.07]

8 QUESTIONING BY MR. FARR:

9 Thank you, Mr. President. Good morning, Your Honours. Good
10 morning, counsel, and good morning to you, Mr. Phon Thol.

11 Q. I want to start by asking you about your work at the rubber
12 plantation that you mentioned in your statements to the OCIJ
13 investigators. Can you tell us when you started working at that
14 rubber plantation?

15 MR. PHON THOL:

16 A. I <became> a worker at the rubber plantation <in> 1962.

17 Q. And can you tell us the name of the plantation and where it
18 was located?

19 A. The rubber plantation was located in Ratanakiri province.

20 [10.42.08]

21 Q. You mentioned that you started working there in 1962.

22 Following the -- following 17 April 1975, when Phnom Penh was
23 captured by the Khmer Rouge, did you continue working at the
24 rubber plantation after that date?

25 A. After 17 April 1975, the <> workers at the rubber plantation

1 were <> dispersed.

2 Q. I want to ask you about something in your OCIJ statement. This
3 is document E3/5172. The English ERN is, 00272585; Khmer,
4 00189251; and French 00272592.

5 And what you say on that page is:

6 "During 1975 to 1976, I worked as a rubber plantation worker
7 again under the supervision of the Khmer Rouge."

8 Is that correct? Did you continue to work at the rubber
9 plantation in 1975 and '76 under the supervision of the Khmer
10 Rouge?

11 A. Yes, that is correct. In late 1975, they <re-established> a
12 union for workers to tap the rubber trees. <I continued to work
13 there from 1975 up until 1976.>

14 Q. And during that period, during the Khmer Rouge period when you
15 were working there, who supervised that rubber plantation?

16 [10.44.23]

17 A. The supervisor of the rubber plantation was Tum. He was the
18 union chief in charge of supervising the rubber plantation.

19 Q. You just mentioned that he was the union chief supervising the
20 rubber plantation. Did he have any other positions that you're
21 aware of at that time?

22 A. I did not know whether he held any other positions. I only
23 <saw him> supervise <workers under> the union <of which he was>
24 in charge <>.

25 [10.45.13]

1 Q. I want to go back again to your statement to the OCIJ
2 investigators, and this is on the same page I just cited a moment
3 ago.

4 And what you said there was, quote:

5 "The rubber plantation was supervised by Tum, a member of the
6 Zone Committee who was supervisor of the rubber plantation unit
7 -- union."

8 Does that refresh your memory? Did Tum have a position on the
9 Zone Committee as well?

10 A. I did not know <of> any other position he held, but when I
11 <was working> in the rubber plantation, I saw him <come> to
12 distribute clothes and rice to the <union> workers in the
13 plantation.

14 Q. Okay. And just so we're clear, in 1976, did he have any
15 position in Division 801 or any other military formation that
16 you're aware of?

17 A. <Regarding> this point that you are talking about, I don't
18 know. I have no idea <of what else he did>.

19 Q. Okay. Thank you. I want to move to another topic now. I want
20 to ask you about your marriage at that time. Can you tell us
21 whether you were married when you were working at the rubber
22 plantation?

23 A. I did not marry in the rubber plantation. My <> marriage took
24 place in the Trapeang Chres cooperative in 1972.

25 Q. But is correct that you were still married at the time you

1 were working in the rubber plantation in 1975 and 1976? Were you
2 still married at that time?

3 [10.47.43]

4 A. <I did not remarry. My> marriage took place only once. That
5 was in Trapeang Chres <commune, Lumphat district, Ratanakiri
6 province,> in 1972.

7 Q. Maybe I'm not asking the question correctly. Did you -- I'm
8 not talking about a wedding ceremony, but did you still have a
9 wife in 1975 and 1976? Was your wife working with you at the
10 rubber plantation during that time?

11 A. When I worked at the rubber plantation, <> I was still married
12 <to> my wife <with whom I got married back then>.

13 Q. And can you tell us what that wife's name was?

14 A. My wife's name is Moeung Chandy (phonetic).

15 [10.48.52]

16 Q. And did you have any children or was she pregnant at the time
17 that you were both working at the rubber plantation?

18 A. When I worked at the rubber plantation, I did not have <any>
19 children yet, but in late 1976, I had one child. And later on,
20 the child died <at the health centre>.

21 Q. Okay. Are you still married to Moeung Chandy?

22 A. After the liberation day, we got divorced and I got married to
23 another woman named Chanthou.

24 Q. And when was the last time that you spoke to Moeung Chandy?

25 A. In 1986.

40

1 Q. Okay. I want to turn now to the day of your arrest and
2 transportation to Au Kanseng prison.

3 Can you describe the events of your arrest and your
4 transportation to Au Kanseng prison for the Court in general
5 terms?

6 A. On 16 June 1977, at around 7 o'clock in the morning, when I
7 left for my work in the rubber plantation, the union chief called
8 me at my work site and he told me that I had to prepare my
9 luggage to go to study at the <re-education> school at Angkar
10 location.

11 I told my wife also about this, so I prepared my luggage,
12 including clothes and blankets and mosquito nets. And I embarked
13 on the truck. And I had no idea at that time where the truck took
14 me to, but Angkar told me that I was sent to the <re-education>
15 school.

16 [10.51.34]

17 MR. PRESIDENT:

18 Mr. Phon Thol, please speak slower than this because <> your
19 testimony is going through the interpretation into <two other
20 languages, that is French and English> so please speak slower so
21 that the interpreter can catch up with the speed of your
22 speaking.

23 Thank you. So now you may continue.

24 [10.52.08]

25 BY MR. FARR:

41

1 Q. Maybe I'll just jump in at this point. You mentioned that the
2 union chief called you. Now, is that Tum, the union chief that
3 you just told us about a minute ago? Is he the one who told you
4 that you had to go to the re-education school?

5 MR. PHON THOL:

6 A. No, it was not him. In each village, there was a village
7 chief. Tum was in charge of supervising all the villages within
8 the rubber plantation. <All the villages within the rubber
9 plantation made up a union.>

10 Q. Okay. And you also just mentioned that the date of your arrest
11 was 16 June 1977, if I heard correctly. Can you tell us how
12 you're able to remember that date with such precision?

13 A. When I was arrested, I was sure about the exact date <because
14 I was also undertaking medical treatment then. So I was certain
15 that I was called to get> on the truck <on> 16 June 1977 at 7
16 o'clock in the morning. I was sure about this exact date, and I
17 can still remember until now.

18 Q. Okay. Do you know who ordered your arrest and your being sent
19 to Au Kanseng re-education school?

20 A. At that time, they did not tell us about who ordered us to be
21 sent away. They used only one word. That was, Angkar <required>
22 us to go to be educated.

23 [10.55.21]

24 Q. And did you know then or did you ever find out the reason that
25 you had been arrested, what your -- what your alleged crime or

1 misdeed was, if any?

2 A. When I was arrested, I did not know what -- whether I had
3 <committed> any wrongdoing. Only when I arrive at Pol Pot's
4 prison, <and was> interrogated <was I> told <> that I had
5 <committed> a specific wrongdoing. That's why I was arrested and
6 taken to the prison.

7 Q. And can you tell the Court what your specific wrongdoing was,
8 according to what you were told?

9 [10.55.13]

10 A. <As> I said, when I was arrested, I had no idea what I did
11 wrong, but when I was interrogated, <> they asked me whether I
12 knew of what I had committed <> that I was brought to the prison.
13 I told the interrogator that I did not do anything wrong and I
14 did not do anything against the <Party>.

15 The interrogator asked me several times and then, finally, they
16 told me the reason that I was arrested and brought to the
17 re-education school was because I belonged to the upper class and
18 I used <aircraft> techniques to treat the rubber <trees of> the
19 feudalist class, and <they were> not the techniques <needed> by
20 the farmer's class <to work in the rubber plantation.>

21 [10.56.18]

22 Q. And you just mentioned something called the -- you said the
23 "aircraft techniques" and the "techniques of the feudalist
24 class". Can you tell us specifically how the way you were
25 treating the rubber plants was wrong in the view of Angkar as

1 they explained it to you there?

2 A. They did not say that I used the airplane, but they alleged me
3 that I <applied the techniques of> the feudalist class <>. That
4 was the modern technique. <They said that the technique was only
5 for those who travelled by aeroplane.> They said that the
6 technique <applied> by the farmer class <was> different.

7 And they also asked me that -- they also asked me to elaborate on
8 <the technique of> the <> feudalist class <> that I <applied>. I
9 <then> told them <what I had studied and was capable of doing. I
10 told them> that when <a> rubber tree <contracted corticium>
11 disease, <> we <would apply either> grease and (unintelligible)
12 that imported from foreign country <on the infected tree to stop
13 the spread of the disease to other trees. Having heard the
14 technique I had acquired from the French, I was told that the
15 technique was for those who travelled by aeroplane.>

16 [10.57.44]

17 And they told me that this kind of technique <belonged> to the
18 <high class of the feudalists>, and this kind of technique <was
19 not applicable for them>. And that's why they sent me to be
20 re-educated so that the <technique> would be no longer <spread to
21 other people>.

22 Q. Okay. Were there any other people arrested along with you on
23 that day?

24 A. At the same time, on the same day on, the same truck, I did
25 not remember the specific number, but there were around 10 people

1 who were transported by the Chinese GAZ truck <and dropped at
2 Boeng Kanseng (phonetic)>.

3 Q. And who were those other people who were -- who were
4 transported? Not necessarily names, but their position or their
5 job.

6 [10.58.47]

7 A. They were all workers in the union.

8 Q. And on the day that you were arrested, were you a soldier?
9 Were you a member of Division 801 or were you a member of any
10 other military division?

11 A. I was a worker in the union.

12 Q. Okay. Did anything happen to your wife, Moeung Chandy, at the
13 time of your arrest?

14 A. <> Nothing happened. After I disembarked the truck, they
15 instructed me to walk straight, not to <turn anywhere or flee in
16 the forest>. Otherwise, we would be shot dead. And we walked
17 straight into the <detention> building, and <upon arrival,> they
18 put women in one building and the men in another building.

19 Q. And was your wife one of the women <> who was arrested along
20 with you?

21 A. Yes, we were arrested on the same day, <at> the same time.

22 Q. Now, in your OCIJ statement, E3/5172 at English page 02 --
23 sorry, 00272586; Khmer, 00189252 through 53; and French,
24 00272593; you say that your wife was pregnant at the time of her
25 arrest and that your daughter was born in prison before 1979. Is

1 that correct?

2 [11.01.06]

3 A. Yes, that's correct. But when we were arrested, <> she was
4 only one <or two months> pregnant. And she delivered the baby in
5 the prison.

6 Q. And did the baby survive in the prison until the end of the
7 Khmer Rouge regime?

8 A. The baby survived the regime. Her name is <Thol Dina>
9 (phonetic), and her husband is working in the agricultural
10 <department>. And <they> are living in a nearby house in the same
11 village.

12 Q. Okay. Can you tell us now about the -- where you were put?

13 What -- describe the building you were put into, tell us about
14 whether you were shackled, you were tied.

15 What were the initial conditions of your detention when you first
16 arrived at Au Kanseng?

17 [11.02.17]

18 A. After I had been arrested, <> at the time, I was asked to
19 disembark the truck. Women and men were asked to go to different
20 places, and we were put in a house with <thatch> roof and
21 <bamboo> wall. <Beds were also made from bamboo.>

22 And when we arrived in the prison, the security guards took the
23 chain and locked us in rows. And we were told to sleep quietly.

24 Q. How many other prisoners were in the same room or the same
25 building with you?

1 A. I do not remember how many of them. We were sleeping
2 foot-to-foot and there were two rows of prisoners in that room
3 <with an aisle in between. There were two lines of chain. Again,
4 I do not remember the figure.>

5 Q. Okay, you mentioned, a moment ago, that the men and women were
6 separated; do you know where your pregnant wife was taken and
7 what the conditions of her detention were when she first arrived
8 at the prison?

9 A. We could see the buildings or houses <> from one side to
10 another, but I, at that time, did not receive any news from her.

11 Q. Okay. I want to ask you now -- I'll come back to many of the
12 events that happened while you were there, but I want to ask you,
13 now, about the leadership structure and the organization of the
14 prison. And can you start by telling us the formal, official
15 name of what we're calling the Au Kanseng Security Centre? What
16 -- what was its official name?

17 [11.04.40]

18 A. The official name was the re-education school.

19 Q. Do you know what unit or what organization was in charge of
20 the Au Kanseng Re-education School?

21 A. It was supervised by Division 801 located in Veun Sai
22 District.

23 Q. During your time there, did you learn who the commanding
24 officer of Division 801 was?

25 A. I did not see the facial feature of that unit chief and

1 Saroeun was the commander of Division 801.

2 Q. And what about the -- the name of the chairman of the Au
3 Kanseng Re-education School, do you remember the name of the
4 chairman?

5 [11.06.20]

6 A. I do not recall that person's surname. Se was the supervisor
7 of that security centre and below him was Chhang and then Tim.

8 Q. There's been evidence, in this case, that Se's surname was
9 Chhaom; does that refresh your memory, in any way? Could his name
10 have been Chhaom Se?

11 A. I do not recall his surname. I heard people call them Bong Se,
12 Bong Chhang, and Bong Tim.

13 Q. I -- I asked you, a bit earlier, whether you were a member of
14 Division 801 and you said that you were a rubber plantation union
15 worker; do you know why you, as someone who were not, at that
16 time, a -- a member of Division 801, was sent to that security
17 centre?

18 A. I was a member of a union, not member of <Division> 801. I was
19 sent to that re-education school under the command of Division
20 801.

21 Prisoners in that school of Division 801 were from different
22 places. They were in different categories; namely, ordinary
23 people, soldiers, and <union members>.

24 Q. Right and I guess my question is: Do you know why civilians,
25 non-soldiers, were being imprisoned in this centre that was under

1 Division 801?

2 [11.08.33]

3 A. It was a decision <> of Angkar; I have no idea why. I did not
4 know why that they had been sent to that security centre and what
5 mistakes they <had> committed <in their respective villages>. It
6 was the initiative of the Angkar. <I just noticed that a> few --
7 and several <ordinary> people <were also> detained at that
8 re-education school.

9 Q. A moment ago, I think you mentioned that there were rubber
10 union workers, members of Division 801, and then what you
11 described as ordinary people; can you tell us what you meant by
12 ordinary people?

13 A. Ordinary people were those who were <taken> from villages and
14 <communes>; this is what I meant. And soldiers were brought in
15 from the border. Those ordinary people were from <the districts
16 of> Lumphat and Veun Sai.

17 [11.09.51]

18 Q. Do you have any way of estimating how many prisoners there
19 were detained at Au Kanseng, at the time you initially arrived
20 there?

21 A. Regarding number of prisoners, I have no idea since I was not
22 allowed to walk freely -- to move freely and at that time, my
23 ankle was shackled.

24 Q. Okay, I want to turn to another topic now, an incident you
25 described in your statement in which some Jarai tribes people

1 were -- were brought to the Au Kanseng Security Centre. Can you
2 describe, for the Court, what you remember about that event?

3 A. I do not know about that. <I just knew that truckloads of>
4 Jarai <people> were dropped off in front of the house where I was
5 locked in and <they were tied before they> were <taken> to other
6 places.

7 Q. And are you able to estimate how many of them, in total, were
8 brought into the Au Kanseng Security Centre or re-education
9 school?

10 A. I do not know about the number. I was not allowed to go close
11 to their duty stations and on some <occasions>, I was not allowed
12 to go close to other houses where <prisoners> were detained. I
13 was only allowed to move in and out of the house where I was
14 locked in.

15 Q. How were you able to see these prisoners, these Jarai who were
16 dropped off, as you said, in front of the house where you were
17 staying? How were you able to see them?

18 [11.12.37]

19 A. Houses where <prisoners> were detained were made from bamboo
20 -- the wall, I mean. We <> were not allowed to get out of that
21 house, but <> the hole or the cracks of the bamboo wall, we
22 could, you know, put our hand out and we could see what <> was
23 going on <> outside. <But we could not physically go out of the
24 house.>

25 Q. Okay, I want to -- I want to take you, again, to the statement

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1 you made to the OCIJ investigators and this is from English page,
2 00272587; Khmer, 00189253; and French, 00272594.

3 And what you said about this was:

4 "These newly-arrived prisoners were all Jarai tribesmen from
5 along the border who had been arrested and brought in. There were
6 about 100 of these prisoners."

7 Do you recall why you indicated that the number was approximately
8 100?

9 [11.14.10]

10 A. It is my estimate; it is not the exact number that I could
11 recall, at that time.

12 Q. And can you give us an idea of the composition of this group
13 in terms of men, women, and children; were there only men; were
14 there only women; was it a mix of men and women; were there
15 children as well?

16 A. There <was a mix of them>.

17 Q. And what about children, do you recall any children being part
18 of the group?

19 A. There were toddlers and there were small babies.

20 Q. What about pregnant women?

21 A. Yes, there were also pregnant women.

22 Q. How were these people dressed; what were they wearing?

23 A. They did not dress their traditional clothes; they wore old
24 clothes with patches.

25 Q. And the -- the old clothes they wore with patches, can -- can

1 you describe what they looked like?

2 A. The clothes were dirty, with patches, and <> those clothes
3 were usually worn by the poor.

4 [11.16.13]

5 Q. You've described this group of people as belonging to the
6 Jarai ethnic group; how did you know that? How did you know they
7 were Jarai?

8 A. The security guards <talked> about that.

9 Q. Do you remember -- I mean, can -- can you just tell us, as --
10 as closely as you can recall, what the security guards told you
11 about this group of people; not just their ethnicity, but
12 anything else they told you?

13 A. I overheard <them talk among themselves> that, the night
14 before, they walked Jarai ethnic people, <dozens> of them, and
15 they took those Jarai <people> out of two trucks and those
16 security <guards> even said that they did not sleep well <that>
17 night and they were so sleepy <as they had to guard over those
18 Jarai people>.

19 [11.17.25]

20 Q. And when you say they didn't sleep well, you're -- you're
21 referring to the security guards who didn't sleep well because
22 they were busy transporting these people; is -- is that the
23 correct understanding of what you've just said?

24 A. Yes, those security guards, they were guarding <over>
25 prisoners. <That night>, the prisoners -- <since> there were too

1 many <of them, those Jarai> prisoners <had to sit in the open>.

2 Q. Do you know who brought the -- the prisoners to the Au Kanseng
3 Re-education Centre?

4 A. I do not know about that. I saw those prisoners coming out of
5 the trucks and the security guards were sitting, watching and
6 guarding <over them in the open>.

7 Q. Do you recall how long this group of Jarai prisoners remained
8 at Au Kanseng Re-education Centre?

9 A. I cannot recall the date. They were detained, at that
10 location, for a brief period and later on, I didn't <know exactly
11 when> -- I no longer saw them, so I cannot tell you how long they
12 were detained at the place. <Later on, they just disappeared.>

13 Q. Can you give us an estimate as whether it was a matter of
14 hours, days, weeks?

15 A. Less than one week.

16 [11.19.25]

17 Q. And when they -- when they finally left or were taken away,
18 did you see that; did you see them leaving or being taken away?

19 A. I watched <them> leaving through the cracks of the wall. They
20 <> were tied up in lines with the nylon <ropes> and then they
21 were <> being walked away.

22 Q. Who was it that was walking them away?

23 A. I do not recall their names. <They were the> security guards,
24 <and> the defence unit members <worked> at the Au Kanseng
25 Security Centre.

1 [11.20.17]

2 Q. Did you learn what happened to this group of Jarai prisoners
3 after they were taken away?

4 A. I do not know about that.

5 Q. In your -- in your OCIJ statement, you say that a few days
6 after the -- the prisoners were taken away, you were working in
7 the jackfruit plantation nearby and you saw something; do you
8 recall that and can you describe that for the Court?

9 A. Later on, two days <after they had disappeared>, I was
10 assigned to work in <a> jackfruit plantation and at that
11 location, I saw a <pit left by bombing next to> the palm trees. I
12 saw blood. <And the pit was cracking. I also saw some clothes,>
13 shoes, sandals <and flash lights> and I suspected that Jarai
14 minority people <could have> been killed, at that place, and <>
15 the <pit> there was <cracking>.

16 Q. And can you tell us what -- what it was, in particular, that
17 made you assume that it was the Jarai who had been killed in that
18 particular place?

19 A. I could recognize their clothing -- <the> clothing <they wore
20 when they were being taken>. The clothing remained at the grave
21 <was the same clothes they wore when they were being taken away>.

22 Q. And just to be clear, are you saying that you saw the same
23 kind of clothing at the gravesite that you had seen the Jarai
24 wearing a few days before in front of the -- the place where you
25 were detained?

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1 [11.22.47]

2 MR. PRESIDENT:

3 Please <> hold on, Mr. Witness.

4 You have the floor now, <Counsel> Koppe.

5 MR. KOPPE:

6 Thank you, Mr. President. I object to this question. It's leading
7 the witness into saying something that he cannot confirm because
8 he just said that the alleged Jarai, who were walked in, had just
9 old clothes. He just saw through the crack in the walls that they
10 were wearing old clothes usually worn by poor people.

11 And now putting the suggestion that these are the same clothes is
12 first of all, unfounded, and secondly, asking the witness to
13 speculate, so I object to this question.

14 [11.23.31]

15 BY MR. FARR:

16 Mr. President, I'll -- I'll reformulate the question.

17 Q. You -- you've just mentioned that there was something about
18 the clothes that you saw in the jackfruit plantation that made
19 you believe that these were -- that it was Jarai people that were
20 buried there; what was it about the clothes that you saw at the
21 jackfruit plantation that created this link with the Jarai
22 prisoners in your mind?

23 MR. PHON THOL:

24 A. The <> clothes <they wore> were in blue and in red and the
25 clothes were tattered and I assumed that <the clothes I saw were

1 the> same clothes <> worn by those Jarai <when they were being>
2 walked out.

3 [11.24.35]

4 Q. I want to ask you about another thing that you said in your
5 OCIJ statement; this is at English page 00272587; Khmer, 00189253
6 to 54; and French, 00272594.

7 And what you said was, "Near that crater, I saw blood, backpacks,
8 native clothing, torches, and shoes. From those materials, I
9 concluded that the bodies were Jarai."

10 Can you tell us anything about these other things that you saw,
11 the backpacks, torches, shoes, that led you to conclude that the
12 bodies were Jarai?

13 A. The group whom had been -- whom had been taken away by the
14 security guards were with <bags and> backpacks <of clothes>.

15 [11.25.48]

16 Q. Okay, you've told us some of the things we see; did you -- did
17 you see any bodies at that location -- any -- any actual dead
18 bodies?

19 A. At the rim of the grave, I did not see the dead body, but
20 clothes <stained> with blood.

21 Q. And again, I'll -- I'll just go back to your OCIJ statement.

22 This is English page -- well, it's the page I just cited a moment
23 ago.

24 So right after you say, from those materials, I concluded the
25 bodies were Jarai and that they had been brought there to be

1 killed, after that you say, quote, "I saw corpses bloated and
2 split open."

3 Does that refresh your memory about seeing bodies, in that
4 location, as well as these possessions?

5 [11.26.57]

6 A. Upon my arrival, I saw <the cracking pit, and I> -- I smelled
7 the <stench, and I concluded that the stench was of the
8 decomposing> bodies in that grave <> which was not fully covered,
9 so I -- it made me to believe that those people were killed and
10 they died.

11 Q. And can you tell us, how far was that grave location from the
12 -- the house that you were normally imprisoned in; what was the
13 distance?

14 A. It was about one kilometre away.

15 Q. And was that within the bounds of the Au Kanseng Re-education
16 Centre or was it outside the re-education centre?

17 [11.28.08]

18 A. It was outside the compound of the Au Kanseng Security Centre.
19 Currently, that location <has been> turned into blocks of brick
20 houses and we cannot know for sure <of> the exact location where
21 the execution took place. That <place> was cleared and <> turned
22 into blocks of brick houses.

23 Q. Okay, I'd like to move to another topic now. This, again,
24 relates to the jackfruit location. You've told us about your
25 experiences with the Jarai victims there; do you recall ever

1 seeing anyone else killed in the jackfruit plantation and if so,
2 can you describe the incident for us?

3 A. I am telling the truth now; I witnessed that. I was assigned
4 to guard the jackfruits and not to allow people to get into that
5 jackfruit plantation. While I was <on duty, I would climb and
6 sit> on the jackfruit -- on a jackfruit tree from where I could
7 see the actual killings <being unfolded>.

8 [11.29.47]

9 Q. And can you describe the killings that you witnessed from that
10 position?

11 A. Regarding that killing <that I witnessed in the jackfruit
12 plantation>, most of those people were killed with the back of
13 the hoes and then they were thrown into the trenches dug by
14 former Lon Nol soldiers.

15 Q. You said most of the people; can you estimate how many people
16 you saw being killed with hoes, in that location?

17 A. While I was sitting on a jackfruit <tree>, I could see three
18 or four <being> killed. Some people <> could not even walk; they
19 were carried to that execution site and then they were smashed
20 and killed and buried <there>.

21 Q. And who were the perpetrators; who was it that was carrying
22 out these killings that you saw?

23 A. Security guards at that security -- that <re-education
24 school>.

25 Q. Do you know who the -- the victims were, either by name, but

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1 if not by name, what category of prisoner they were?

2 A. I cannot recall the names. I was chained and locked in <a
3 separate> house. We could not communicate with one another and I,
4 at that time, did not know where the prisoner -- the inmates were
5 from and what <> they <did> before.

6 [11.32.07]

7 MR. FARR:

8 Okay, thank you for that. Mr. President, I'm moving to a new
9 topic now, so I don't know if it's a good time for the break or
10 not.

11 MR. PRESIDENT:

12 Thank you. It is now convenient time for lunch break. The Chamber
13 will take lunch break from now until 1.30 p.m.

14 Court officer, please assist the witness during the lunch break
15 and please invite him back into the courtroom at 1.30 p.m.

16 Security personnel are instructed to bring Khieu Samphan to the
17 waiting room downstairs and have him returned into the courtroom
18 before 1.30 p.m.

19 The Court is now in recess.

20 (Court recesses from 1133H to 1332H)

21 MR. PRESIDENT:

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

23 And I'd like to hand the floor to the Co-Prosecutors to put
24 questions to the witness.

25 And <> the remaining combined time for both the Co-Prosecutors

1 and the Lead Co-Lawyers is one session <in this afternoon>.

2 You may proceed.

3 BY MR. FARR:

4 Thank you, Mr. President.

5 Q. Mr. Witness, I want to move now to another incident that you
6 discuss in your OCIJ statement and this has to do with a guard
7 named Tin, do you remember a guard by that name?

8 MR. <PHON THOL:>

9 A. Yes, I recall his name.

10 [13.33.14]

11 Q. Did you ever see him kill anyone and if so, could you describe
12 that incident for us?

13 A. No.

14 Q. Do you recall an occasion on which he asked you to bury a
15 body?

16 A. Yes.

17 Q. Can you describe that situation for us?

18 A. There two persons, Tin and Tum, and Tin was the security guard
19 at that re-education school. The detainees were of ethnic
20 minority and <> one person fled at night time. Then they checked
21 and they <placed> a checkpoint on the road and at 2 a.m., <> that
22 person returned. That is, he came across Tin and Tin used AK-47
23 rifle to kill and shot that escaped detainee dead.

24 [13.34.52]

25 Q. Did you actually see Tin shoot this detainee?

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1 A. Yes, I <witnessed> it with my own eyes.

2 Q. And do you know -- do you know why the -- this ethnic detainee
3 was shot?

4 A. I did not know of his real ethnicity, either Jarai or <Tumpoun
5 or Kavaet (phonetic)>. He fled from the area to go for a meal at
6 the village and <on his way back to the re-education school>, he
7 came across this security personnel group and he was shot dead.

8 Q. Now, you -- you said he returned; was he on his way back to
9 the security centre at the time that he was killed? What do you
10 mean when you say he -- he returned?

11 A. Yes, <when> he <was returning> to the re-education place <> he
12 was shot dead.

13 Q. And where did you bury him?

14 A. It was <a bit farther away from> the kitchen hall on the way
15 to a plantation field and the area is now a cashew plantation.
16 <It is hard to locate the place anymore>

17 Q. I want to move to another incident now; this one involves a
18 woman whose gallbladder was removed. Do you recall that incident
19 and if so, can you describe that for us?

20 [13.37.04]

21 A. Yes, I recall that, though I cannot recall her name. And the
22 person who killed her named Nhok, who was a security guard at the
23 re-education centre. He hacked her back opened and removed her
24 gallbladder and <hanged> it at the kitchen hall. <I saw the
25 gallbladder.>

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1 I did not witness the execution, itself, but I saw the
2 gallbladder, <and his hands> stained with blood, when he <hanged>
3 it <to dry> at the kitchen.

4 Q. And how did you learn that it was Nhok, in fact, who had taken
5 this woman's gallbladder?

6 A. He, himself, told the people <working> at the kitchen that he
7 was the one who hacked open her back and removed the gallbladder.

8 [13.38.10]

9 Q. And do you know why he had done that to this woman, in
10 particular?

11 A. I did not know the reason he did it. What I saw is that that
12 guard came to the kitchen with the blood-stained gallbladder. <I
13 did not know of what wrongdoing she had committed that she was
14 killed.>

15 Q. I want to just go back to your OCIJ interview and ask you
16 about something you said about this event. This is ERN 00272587,
17 in English; in Khmer, 00189254; and in French, 00272594 to 95.

18 And you discuss this event and you say, much of what you've just
19 told us now, that Nhok was the one who was talking about it and
20 that it had been hung in the kitchen to frighten the other
21 prisoners.

22 But then you saw the following about the -- the reason. You say,
23 quote:

24 "The woman had been with a rubber plantation union worker who had
25 been sexually immoral with a man. I can't remember her name, but

1 her husband's name was San; he's still alive today in Stung
2 Treng."

3 Does that refresh your memory as to what might have been the
4 reason that Nhok cut out this woman's gallbladder?

5 A. Yes, I recall that she was accused of having a <moral offence>
6 with a man and her husband, named <Saun (phonetic), from> Stung
7 Treng, although I do not know whether he's living now.

8 [13.40.18]

9 Q. Okay, and again, I'm moving on to another topic now. Do you
10 recall an occasion on which a number of Vietnamese prisoners,
11 five or six, were brought to the Au Kanseng Re-education Centre?

12 A. No, I do not recall anything in relation to Vietnamese
13 detainees.

14 Q. I want to read you something that was said by Chhaom Se, the
15 Chairman of Au Kanseng Security Centre, when he was interviewed
16 with the -- by the Office of the Co-Investigating Judges and this
17 is document E3/405 at answer 12. And this is what he says, quote:

18 "Shortly before 1979, before the strong Vietnamese attacks in
19 1979, I saw that a group of six Vietnamese civilians had been
20 taken prisoner on the Au Ya Dav village battlefield, along the
21 border, because those people had come to do reconnaissance along
22 Route 19, along which the Vietnamese were attempting to attack.
23 After their interrogations were completed, upper echelon decided
24 to finish off those persons in accordance with the orders of the
25 Division 801 commander, who made the decision to finish them

1 off."

2 Having heard Chhaom Se's account of that incident, does that
3 refresh your memory; do you -- do you know anything about this
4 incident or not?

5 [13.42.19]

6 A. No, I did not know about a group of these Vietnamese<, or the
7 account of Chhaom Se>.

8 Q. Okay, thank you for that answer. I -- I want to turn now to
9 the -- the topics of interrogation and torture and can I just
10 start by asking you whether you were aware of torture ever being
11 used during the interrogation process at Au Kanseng?

12 A. Personally, my hands were tied and my feet were shackled when
13 I was being interrogated; however, I was not tortured.

14 For other detainees, when they were interrogated, they were
15 beaten and electrocuted with the power from a manual phone.

16 Q. And how did you know that other detainees were beaten and
17 electrocuted during their interrogations?

18 [13.43.39]

19 A. The interrogation <> was carried out in a long house; however,
20 personally, I was interrogated at a <small and> separate place
21 which was about 50 metres from where I was detained. Those people
22 were interrogated and tortured in that long building.

23 Q. And how did you know that? How did you -- how did you learn
24 that?

25 A. I <witnessed> it personally.

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1 Q. And can you tell us how it is that you were able to witness
2 the torture during interrogation of other detainees; in other
3 words, where were you that you were able to see it or hear it?

4 A. As I have just stated, the re-education centre's buildings
5 were built out of bamboo trees -- bamboo tree <walls>, so that
6 you could actually see through, and the main purpose of the
7 centre was to prevent us from escaping, but not to prevent us
8 from seeing through.

9 [13.45.12]

10 Q. Do you know who it was that carried out the torture during the
11 course of interrogations?

12 A. I do not recall their names; however, they were the security
13 guards of the re-education centre.

14 Q. And who was it who carried out your interrogation in which, as
15 you said, you were not tortured?

16 A. Tin was the interrogator.

17 Q. Now, there's a specific incident you mention in your OCIJ
18 statement about a prisoner from -- a division prisoner from a
19 place called Bar Keo , if I'm saying that correctly; do you
20 remember anything about a division prisoner from there being
21 tortured during interrogation?

22 A. Yes, I recall that. Those prisoners, who were brought in, they
23 were ordered to rush their biographies, while they were in bed,
24 and when <> they thought that the biographies were not consistent
25 with what they had, then they used a plier to <pinch their

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1 thighs> until they became unconscious.

2 Q. Did this happen to one prisoner or was -- was there more than
3 one prisoner in the group?

4 A. <There> was only one prisoner <whose thigh> was <pinched with
5 a plier> that way.

6 [13.47.25]

7 Q. And do you know what happened to him following his
8 interrogation and torture?

9 A. And by next morning, the person disappeared. I did not know
10 where he was taken to.

11 Q. And in your own interrogation, do you recall what kinds of
12 questions you were asked?

13 A. As I testified this morning, I was asked what kind of offence
14 that I made; that's <> I was brought to the centre, and I replied
15 that I never <> made any mistake <before or do anything wrong
16 against> the Party.

17 And then I was <told that I had allegedly been applying> the
18 capitalist techniques, <> that's the reason I was accused. <I was
19 allegedly applying the techniques of those travelled by
20 aeroplanes, not those who went around on foot. I already
21 mentioned this.>

22 Q. Was anything ever mentioned about the KGB or the CIA during
23 the course of your interrogation?

24 [13.48.50]

25 A. No, I was only asked about the technique.

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1 Q. I want to ask you about another quote from your -- the
2 statement you gave to the OCIJ investigators and this is English,
3 page 00272585; Khmer, 00189252; and French, 00272593.

4 Now, this quote, you're -- you're not talking about
5 interrogation, at this point; you're talking about the prisoners
6 being in the cells.

7 And what you say is, quote:

8 "Prisoners could talk with one another normally, such as asking
9 about one another's family histories and exchanging normal
10 greetings, but they did not dare talk politics for fear of being
11 accused of being KGB and CIA."

12 Can you tell us: Why were you afraid of being accused of being
13 KGB or CIA?

14 A. In the re-education centre, detainees, who were shackled
15 together, could <only> speak about our being -- our well-being or
16 about the family members, but <not> about anything else<; or> we
17 would be accused of being a -- an KGB or CIA agent. Usually
18 people who were accused -- who were taken away and killed because
19 they were accused of being agents for <either> KGB or CIA.

20 Q. So were you aware of actual situations in which prisoners at
21 Au Kanseng had been accused of being KGB or CIA agents?

22 [13.51.02]

23 A. No, I <was> not. I only heard <> the guards speaking about the
24 agents and of course, upon hearing that, we were terrified.

25 Q. And what did you hear the guards saying about KGB or CIA

1 agents?

2 A. The guards said most of the people who <had been> killed were
3 the secret agents of KGB or CIA.

4 Q. Did the guards say that to you, the prisoners, or is that
5 something you heard them saying to each other?

6 A. Of course, they never said that to the detainees; they spoke
7 to each other in a loud voice so we could overhear it.

8 [13.52.01]

9 Q. Okay. I want to talk a little bit more about the -- the
10 conditions of detention. Can you tell us how many buildings
11 prisoners were kept in, if you know? How many -- how many
12 separate building there were?

13 A. If my recollection <> is not wrong, there were three long
14 buildings where detainees were housed.

15 Q. And can you describe for us the way in which prisoners were
16 shackled and tell us for what portion of the day the prisoners
17 were shackled?

18 A. I did not know the duration. However, there were three types
19 of shackles and cuffs. One was that they were chained and locked
20 and, second, we were shackled with a metal bar and, thirdly, they
21 were shackled with a wood bar.

22 Q. And do you know whether all prisoners were shackled or was it
23 just some prisoners who were shackled?

24 A. Any detainees who arrived, they would be placed in a wooden
25 press shackle.

1 [13.53.54]

2 Q. And can you tell the Court what you would do if you had to use
3 the toilet when you were shackled inside the building or inside
4 the cell?

5 A. At the re-education centre there was no bathroom. If we needed
6 to urinate we had to relieve ourselves in a bamboo tube and then
7 we had to empty it by ourselves when we were let out.

8 Q. Okay, thank you. Can you tell us what happened to prisoners
9 who broke the rules at Au Kanseng Re-education Centre?

10 A. The regulations were that, first, do not attempt to flee;
11 second, do not steal.

12 [13.55.03]

13 Q. Are you aware of any -- well, you've told us about one
14 prisoner who tried to flee and who was shot -- are you aware of
15 any other prisoners who violated rules and were punished as a
16 result?

17 <A. There> was another detainee. He did not flee and he was
18 detained in the building. However, when he was let out to go and
19 pull the grass, he stole a durian seed which was being planted
20 and he actually burned that durian seed. At night-time he was
21 taken away and killed.

22 Q. And other than that prisoner were you aware of any other
23 prisoners who disappeared?

24 A. No, I did not. However, what I knew is that we were detained
25 in that detention building and whenever a guard called a detainee

1 out at night or detainees out at night we were terrified because
2 those who were called out at night never returned.

3 Q. Okay. I want to turn to the topic of health and hygiene and
4 medical care now. Can you tell us whether you are aware of any
5 prisoners getting sick and dying at the Au Kanseng Re-education
6 Centre?

7 A. Yes, there were.

8 Q. Can you describe those situations for us, tell us maybe what
9 diseases they had, what treatment they received, if any, and what
10 happened?

11 A. What I observed is that there was a detainee named <Ngoeun>
12 who was also a rubber plantation union worker. <He was from
13 Kampuchea Krom.> He had <dysentery> and died. And then there was
14 another case of a detainee who also had dysentery and died while
15 he was still being chained in the room. <I witnessed the
16 incidents myself.>

17 [13.57.56]

18 Q. Did either of those men receive any medical attention for
19 their illnesses?

20 A. I did not know about the treatment. It's up to those who
21 <were> in charge of the re-education centre.

22 Q. And what about your wife who you have told us was pregnant at
23 the time. Do you know whether she received any medical attention
24 during her pregnancy?

25 A. <After delivery, I noticed that> the medic who was on site

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1 <came> to see her every day. However, I did not know what kind of
2 medicine that was given to her, whether it was a modern form of
3 medicine or a traditional medicine<, or she was given any
4 injection.>

5 [13.59.05]

6 Q. Okay. I want to ask you now about work. Can you tell us what
7 kind of work the prisoners at Au Kanseng were required to do?

8 A. The work in the re-education centre was that, number one, to
9 plant potatoes and, number two, to plant vegetables.

10 Q. And I think in your OCIJ statement you also mention something
11 about carrying wood. Can you tell us about that, if you recall
12 that?

13 A. Wood carrying happened only occasionally when detainees were
14 sent to cut wood in the forest and carried it to build a house
15 for the commander there to reside.

16 Q. Was the work that the detainees were required to do physically
17 demanding?

18 A. The work there was to pull the grass with <our> bare hands and
19 we were not given any tool to dig it. We <planted> vegetables,
20 for instance, only with human fertilizer, that is our faeces, and
21 everything <was> manual.

22 Q. Was there a certain amount of work that each prisoner was
23 required to complete? Was there any sort of measured quota of
24 work to be done?

25 [14.01.16]

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1 A. No, there was no work quota and wherever we were headed to
2 work we would work as a group except those who worked in the
3 kitchen. Usually we would work as a group when we were tasked to
4 remove the grass <and plant vegetable>.

5 Q. Can you tell us what your working hours were?

6 A. No specific working hours. We would work in the morning and
7 then lunch break, meal break and resume work. After the evening
8 we were allowed to go to sleep. We were not allowed to move
9 freely.

10 [14.02.05]

11 Q. In your OCIJ statements, and the ERN for this is English,
12 00272586; Khmer, 00189253; and French, 00272594; you said that
13 prisoners worked from 6 until 11 a.m., then rested for lunch,
14 went back to work from 1 until 6 p.m. and then rested and ate in
15 a dining hall and then were sent back to detention, locked in
16 from the outside with guards posted. Does that match your memory?
17 Were those the working hours or was it, in fact, not a set
18 working hour as you have just told us now?

19 A. That statement is correct. However, as I said, we depended on
20 the biological clock or the sun, so it's based on our assumption
21 when we were assigned to work and we were from the morning <at
22 6.00 until 11.00 or 12.00>. So it was based on our assumption and
23 based on the biological clock that is the sun.

24 Q. Okay. Can I ask you now about food? Can you describe what kind
25 of food you received in the Au Kanseng prison?

1 A. At re-education school of Au Kanseng they mixed rice with corn
2 and <cassava>.

3 Q. And was the food sufficient for the work that you were
4 expected to do and for living? Did you have enough food?

5 A. We received a bowl of <food>. The bowl was small and a bowl of
6 soup was for four people at the time.

7 Q. Did you lose weight? Did you become thinner while you were
8 working at the Au Kanseng re-education school?

9 [14.05.00]

10 A. It was not the place that we were given supplementary food or
11 enjoyed sufficient food to eat. <It was a place where people were
12 brought for punishment.> So I was so skinny. <> I never weighed
13 myself but, you know, the trousers that I <had brought along>
14 that I <could not wear them anymore as they were too> loose.

15 Q. Okay. And now, before I finish I just want to briefly go back
16 to something you said at the beginning of your testimony today.
17 You were asked how many times you had given statements or been
18 interviewed. And what I understood you to say that there were two
19 occasions, the first one was in the Khmer Rouge re-education
20 centre and the second one was at your house. Did I understand
21 that correctly?

22 A. <The first one> happened at the <location of the> re-education
23 school <where> I was detained. <And the second one was done at my
24 house.>

25 [14.06.22]

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1 Q. But when you were discussing those two statements those were
2 both things that happened at the Au Kanseng Security Centre; is
3 that correct?

4 A. That is correct.

5 Q. Okay. And that's separate then from the time that you were
6 interviewed by officials at this Court; correct?

7 A. I could recall that the first time a foreigner came to
8 interview me at the old re-education school and for the second
9 time the Khmer interviewer came to my house to interview me. I at
10 the time did not know their positions.

11 MR. FARR:

12 Okay, thank you for those answers. Mr. President, I have no
13 further questions.

14 [14.07.34]

15 THE PRESIDENT:

16 Thank you. Now, the floor is given to Lead Co-Lawyers for civil
17 parties to put questions to this witness. You have the floor now.

18 MR. PICH ANG:

19 Good afternoon, Mr. President. I would like to cede the floor for
20 Lawyer Ty Srinna <to put questions to the witness>.

21 THE PRESIDENT:

22 Yes<, your request is granted.>

23 (Short pause)

24 [14.08.25]

25 QUESTIONING BY MS. TY SRINNA:

1 First of all, very good afternoon, Mr. President, Your Honours,
2 everyone in and around the courtroom. My name is Ty Srinna. I am
3 <a lawyer> for civil parties. I have several questions to seek
4 <for> your clarification <on certain things that you experienced
5 at> Au Kanseng Security Centre.

6 Q. First, I need you to clarify a few points for me. You answered
7 the question by the <Co-Prosecutors> about a person by the name
8 <of> Saroeun and you stated that he was the Commander of Division
9 801. Is that correct?

10 [14.09.24]

11 MR. PHON THOL:

12 A. Yes, his name was Saroeun. It's correct, that is the statement
13 I gave to the <Co-Prosecutors>.

14 Q. Besides Saroeun, do you know other individuals else besides
15 that person? And also please describe the function and position
16 of those who were part of Division 801.

17 A. I was not part of the division and, as I said, during that
18 time I was not allowed to move freely far away from my location.
19 I knew only <this name from> the security guards at Au Kanseng
20 Security Centre and they told me that the Commander of the
21 Division was Saroeun. I knew no one else besides Saroeun.

22 Q. You made mention that you were detained in the security
23 centre. So my question has something to do with the treatment of
24 detainees and I am focussing now on the discipline and the
25 process at the re-education school. So how were detainees

1 <treated> at the place?

2 [14.11.08]

3 A. As I said, at the beginning there were regulations in that
4 education, re-education school. Those detainees in Au Kanseng
5 Security Centre, <were told not> to <escape> and <not to> steal.
6 And when we were questioned or interrogated we had to give
7 answers. And I did not know <> what happened to those who did not
8 give answers. Perhaps they <were not truthful with the answers
9 that's why they> were tortured.

10 Q. <Thank you.> Perhaps my question <was> not clear to you. I
11 have a different question in fact instead. You were detained in
12 Au Kanseng Security Centre. Based on your experience, what were
13 the working methods of security guards? So the security guards
14 <adhered> to the practices and regulations applied at that
15 security centre?

16 [14.12.29]

17 A. <Whether those security> guards <at the centre adhered> to the
18 regulations <from their commander> or they created their own
19 rules I do not have any idea. I do not know whether the
20 regulations were established by the security guards themselves or
21 they received those regulations from upper echelon.

22 Q. Now, I am asking you about the arrests. You were arrested and
23 detained in Au Kanseng Security Centre. When you first arrived in
24 that centre how many prisoners or detainees were there when you
25 arrived? Were there many of them?

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1 A. Upon my entry, <by> the time I <walked past> a building I did
2 not dare to look straight into that building<, I just> had a
3 glance through the cracks of the wall and I <noticed about 10>
4 detainees lying on the ground locked into the metal bar or
5 shackles.

6 Q. Thank you. So you did not look around at different places
7 inside the security centre; is that correct?

8 A. <The building that I walked past> was along the road <> and I
9 was guarded by four or five security guards armed with AK rifles.
10 So I did not dare to do anything but <kept walking> and following
11 them.

12 Q. Thank you. So how long were you detained in that security
13 centre?

14 A. I told the Court in the morning already. I was a union worker.
15 I was arrested on 16 June 1977, and I was detained up until
16 December 1978. At that time there were <offensive> attacks <> by
17 the Vietnamese troops and I took the chance to escape from that
18 security centre <together> with others.

19 [14.15.19]

20 Q. <Thank you.> So you were detained at that centre for quite
21 some time. Did you see that new prisoners coming in and were old
22 detainees replaced by new detainees? And how many times did that
23 take place?

24 A. To my knowledge the detainees in that centre were not
25 transferred to any other places. At night-time the security

1 guards <would> call out <three> or four of them <from> the
2 building, <and the following morning, three or four new prisoners
3 would be brought in. It was more likely that prisoners at that
4 centre were not transferred anywhere else>.

5 Q. So from my understanding, three or four detainees were taken
6 out at night and then a new batch, three or four <> detainees,
7 would be <brought in; were they the same prisoners>?

8 [14.16.45]

9 A. I told the Court already about this point. At night time if I
10 <heard> the sound of a door opening and <names were being called
11 out to attend a study session at the Angkar place, it was certain
12 that those persons would disappear. Anyway, prisoners were not
13 brought in every day.> Sometimes one or two <prisoners> were
14 <brought in every four or five days. So it was not the case that
15 five prisoners were taken out, and replaced by five new
16 prisoners>.

17 Q. <Thank you.> Were prisoners <brought> in and taken out of the
18 building quite often <during the whole period that you were
19 detained at> that centre? <And how often were the prisoners
20 brought in, through your observation?>

21 A. It did not happen very often.

22 Q. I have a follow-up question for you in relation to this point.
23 When was the time that many prisoners were detained at that
24 centre?

25 A. I told the Court already in the morning <that the only> time

1 <that> I saw <the largest> group of <prisoners at the centre was
2 when the> Jarai <people> were <brought in>.

3 Q. Thank you. Now, I am asking you about the detention. Earlier
4 you have stated about the detention, but your answers are not
5 clear to me so I need you to clarify those points particularly
6 the conditions of detention. How about the living conditions of
7 the detainees <including yourself>?

8 A. Regarding living conditions of detainees at Au Kanseng
9 Security Centre, we were assigned to work <during the> daytime
10 and at night time we would be sent back into the building and
11 locked. We were required to be quiet at night time.

12 [14.19.44]

13 Q. Thank you. Now, I am interested in interrogation. Regarding
14 interrogation of detainees, were all of <the prisoners at the
15 centre> interrogated after they had been sent into that centre?

16 A. I do not know about that point. I do not know for sure whether
17 all of them <or only some of them were> interrogated <>.

18 Q. Thank you. My next question is about the distance from your
19 room to the <interrogation> room. So how far was it between your
20 room and the detention room, rather, interrogation room?

21 *****A. It was about 50 metres away from <each other>, as I told
22 the Court already. <Anyway, there were bushes of Kamplea
23 (phonetic) trees between> the detention <building and> the
24 interrogation <building>.

25 [14.21.25]

1 Q. <Thank you.> You stated that the distance was about 50 metres
2 away from the detention <building>. Could you be able to hear the
3 interrogation sounds?

4 A. I did not hear the contents of the interrogation. The
5 interrogation <> did not make much sounds. They asked and
6 interrogated detainees very softly, but on some occasions I could
7 hear the screaming from that <interrogation> place.

8 Q. I want you to tell the Court about the screaming from the
9 interrogation room. So how many times did you hear those
10 screaming?

11 A. I do not remember that. I could hear the screaming but not
12 very often. I cannot tell <exactly as to> how many times I heard
13 those screaming.

14 Q. Thank you. You <spoke of prisoners being> taken out <at
15 night>. Did you happen to hear that the music was <being played>
16 over the loudspeaker during the time that the execution happened?
17 <Or did this case occur at the security centre?>

18 THE PRESIDENT:

19 Please hold on, Mr. Witness. You have the floor now, Koppe.

20 [14.23.32]

21 MR. KOPPE:

22 Thank you, Mr. President. I have no idea where this question is
23 coming from.

24 I don't think he spoke about execution of the people who were
25 taken out at night. He said or he testified that he heard about

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1 them being removed and never returning. So there is no evidence
2 at all given by this witness about executions. And music being
3 played, I am not quite sure where that comes from.
4 So I object to this question on those two grounds. There is no
5 basis in the evidence for this question.

6 [14.24.15]

7 BY MS. TY SRINNA:

8 I would like to respond to the observations. The witness
9 testified that the prisoners or detainees had been taken out at
10 night and the witness testified that detainees disappeared at
11 night time so everyone was terrified.

12 Regarding the music over the loudspeakers I would like to
13 reformulate my question, Mr. President.

14 Q. I am now moving to another question. After detainees had been
15 interrogated were they released?

16 MR. PHON THOL:

17 A. After the interrogation no one <at the Au Kanseng>
18 re-education school <> was <released>.

19 Q. Thank you. Concerning your answer to the question by the
20 Co-Prosecutor about the cutting open of the back of a woman to
21 remove <her> gallbladder, you stated that Ta Nhok took that
22 gallbladder and hung it in the kitchen hall. So were many people
23 there when he took that gallbladder and hung in the kitchen hall?

24 A. It is my estimate and assumption the time that happened at
25 around 9 o'clock, at that time some detainees had already been

1 sent out to work and only <two or three> people in the kitchen
2 could see that happening.

3 [14.27.03]

4 Q. Thank you. What about you? You stated that you witnessed the
5 incident <with> your own eyes. So how did you feel at the time
6 when you saw the gallbladder <being> hung in the kitchen hall?
7 <Were> other detainees aware of that incident?

8 A. <The incident was not well kept.> Everyone <at the
9 re-education school> later knew about that because women <who
10 worked> in the kitchen <kept telling other people about it>
11 afterwards.

12 Q. Thank you. After that incident was widely known to others, how
13 did detainees in that centre feel since they started to know that
14 a woman was cut open in her back to remove the gallbladder?

15 A. From their facial expressions, particularly those who went to
16 have <meal> and those who worked in the kitchen hall, they <felt
17 hurt and horrified>.

18 [14.28.32]

19 Q. Thank you. I am now asking about the grave. You <spoke of> the
20 grave, the B-52 crater. So did you happen to see <any other
21 graves besides the> B-52 crater <you mentioned earlier>?

22 A. I happened to see only one crater. And for the dead bodies,
23 most of them were buried in the trenches dug during the wartime.

24 Q. Thank you. Regarding the trenches which were dug during the
25 wartime, so how many trenches did you see at that time?

1 A. Actually, that place was the <former headquarters, so-called
2 the P.C.O,> of <the> Lon Nol soldiers. So <there were> trenches
3 <around> each <guard post within that> headquarters and most of
4 the dead people were buried in those trenches.

5 Q. Regarding women and children, did you happen to know <whether>
6 women and children detained <at> Au Kanseng Security Centre <were
7 mistreated>?

8 A. I do not know whether <> women and children <were mistreated>.
9 I told the Court earlier <that> I saw women, pregnant women and
10 children were being walked.

11 Q. <Thank you.> Maybe this is my last question to you. When the
12 Vietnamese forces arrived or a bit prior to that, can you tell
13 the Chamber how many prisoners remained at the Au Kanseng
14 Security Centre?

15 [14.31.31]

16 A. I did not know how many there were. I did not know how many
17 prisoners were detained in each building. For the buildings where
18 the door was opened I saw four or five prisoners but I could not
19 see how many prisoners were detained in the buildings where the
20 doors were closed and I, myself, just tried to flee.

21 Q. For those who could flee like in your case, how many of them
22 altogether?

23 A. The chief of the re-education centre ordered us to leave
24 through one same exit and there were <between> 20 <and 30> of us.

25 Q. So <were they the only> 20 <or> 30 <prisoners> who left

1 through that exit <at that time? Or were there any other groups
2 of prisoners who left that place on different> occasions as well
3 <when the Vietnamese troops arrived or just prior to their
4 arrival>?

5 [14.32.54]

6 A. We <left that place at the same time as a group. All of us
7 left at that time>.

8 Q. And when you left Au Kanseng did anything happen to you and to
9 them?

10 A. When we left Au Kanseng, while we were en route to the border
11 demarcation of Stung Treng Province, we encountered some
12 problems. Some prisoners who could not walk and who were ill were
13 not allowed to move on.

14 Q. <Thank you.> Those prisoners who could not walk and were not
15 allowed to continue were there any measures taken against them or
16 were they just left behind?

17 A. Some of those people were purged while en route.

18 Q. What <do> you mean when you said they were purged?

19 A. Those who could not walk were left in one place and others
20 were smashed. And those who could not walk, that is those who had
21 swollen arms or legs and who could not walk they would -- they
22 were placed in one location<. They did not wait for them to catch
23 up. When> the Vietnamese troops reached Ratanakiri province
24 everybody <> was <in a panic,> so they would not wait for them to
25 continue the journey.

1 Q. And did anything happen to those who were asked to continue
2 the journey?

3 A. When we reached the <Sesan> (phonetic) river bank, rather
4 Sekong river bank, <we were told that> the Vietnamese troops came
5 from Stung Treng province from the other side <to ambush us>. So
6 the soldiers and the forces from re-education centre were fleeing
7 the area while we, the detainees, were also fleeing separately.
8 <Everyone just ran for their lives.> So that was <at the Sesan
9 (phonetic) river> where we separated from the security force.

10 [14.36.10]

11 MS. TY SRINNA:

12 Thank you, Mr. Civil Party. And Mr. President, I conclude my
13 questions.

14 THE PRESIDENT:

15 It is now convenient for a short break. We will take a break now
16 and resume at five to 3.00 to continue our proceedings.

17 Court officer, please assist the witness at the waiting room for
18 witnesses and civil parties and invited him back into the
19 courtroom at five to 3.00.

20 The Court is now in recess.

21 (Court recesses from 1436H to 1456H)

22 THE PRESIDENT:

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

24 And the Chamber gives the floor to the Defence Counsel. And first
25 the floor is given to the Defence Counsel for Nuon Chea to put

1 questions to the witness.

2 You may now proceed, Counsel.

3 QUESTIONING BY MR. KOPPE:

4 Thank you, Mr. President.

5 Q. Good afternoon, Mr. Witness.

6 I would like to start with following up something that you said
7 this morning about the day of your arrest. You said that it was
8 16 June 1977, and that you were very certain of that particular
9 date.

10 The Prosecutor asked you a question to elaborate why you were so
11 certain. I would like to try again. Why are you very certain that
12 it was the 16th of June 1977?

13 [14.58.14]

14 MR. PHON THOL:

15 A. I worked in the union and I remember the <dates well
16 especially what they did to me>. I can still remember it until
17 now.

18 Q. If I am correct, it is also exactly one day after your
19 birthday. Is that maybe a reason that you remembered it so
20 clearly or is there another reason that you remember it so
21 clearly?

22 A. No, it is nothing to do with that. The date is in my mind so I
23 remember it clearly.

24 Q. Thank you, Mr. Witness. You were brought in on the 16th of
25 June '77. When -- after how many days or hours were you

1 interviewed, interrogated? Do you remember?

2 [14.59.45]

3 A. They interrogated me once and it lasted about 30 minutes.

4 Q. And did it happen the next day, 17 June or 18 June '77, do you
5 remember?

6 A. Immediately when I arrived they did not interrogate me. They
7 simply shackled me and two or three days later that they
8 interrogated me.

9 Q. And after asking questions for about half an hour they were
10 done and then you were sent back to your cell; is that correct?

11 A. Yes, that is correct.

12 Q. What about your wife? Do you know whether she was interrogated
13 the same day as you were?

14 A. Your questions seem to be repetitious as I told you that my
15 wife and I could not know about what happened to each other
16 because we were placed separately.

17 Q. I understand, but maybe your wife at the time told you
18 afterwards when she was interrogated. So that is why I was asking
19 that question. But your answer is that you do not really know;
20 correct?

21 A. No, I did not know.

22 Q. Once you have been interviewed, interrogated, what happened
23 next? Were you put to work immediately or were you detained for a
24 while first?

25 [15.02.13]

1 A. After the interrogation I was not sent to work immediately. I
2 was put <in> the original place and stayed there for a while.

3 Q. Let me read to you what you told the investigators of the
4 Investigating Judge at E3/5172, English ERN, 00272588; Khmer,
5 00189255; and French, 00272595. You told the investigators the
6 following: "As for me, while I was imprisoned there during the
7 two years I never broke the rules. After they had interrogated
8 me, I had been imprisoned for about a month when they put me in
9 chains in the cell and did not let me out to pull grass outside.
10 Two or three months later they stopped keeping me in chains and
11 let me sleep normally because I had not carried out any
12 activities.

13 [15.03.39]

14 Is that what you recall now as well, you were imprisoned for a
15 month and then two or three months later they stopped keeping you
16 in chains; is that correct?

17 A. The re-education school's discipline was that they banned us
18 from fleeing<, stealing> and from doing anything against the
19 instruction. For me, I never did anything against the <internal
20 regulations of the school. And only later on was I released to
21 work outside like other inmates who had been brought in before
22 me>.

23 Q. Let me ask you differently. When were you instructed to start
24 working on the compound of Au Kanseng re-education school? When
25 were you officially out of the chains?

1 A. I did not remember the exact date but what I remembered was
2 that after I was interrogated, I was placed to stay for a while.
3 And then a while later, which I did not know how many months
4 later, I was sent to grow vegetables and <cassava> during daytime
5 and at night time I was sent back to the detention cell.

6 Q. Did you have roughly the same schedule as your wife? In other
7 words, was she released from the chains about the same time as
8 you were?

9 A. For the women's group <> they were not placed at the Au
10 Kanseng detention. Only the men's group who were placed there and
11 women were placed in a different building from men. And the men
12 all were chained <and shackled>.

13 [15.06.23]

14 Q. I understand but at one point in time you were instructed to
15 work to plant potatoes, etc., within the compound. When you
16 started working within the compound was that about the same time
17 as your wife started working in the compound?

18 A. For the women's group they received more leniency than the
19 men's group because the women's group were not chained and
20 shackled. They were <released> to remove grass within the
21 compounds of the prison <a few days after they were brought in>.

22 [15.07.27]

23 Q. Now, I will get back to asking you some more questions about
24 working, etc., at the compound, but let me now turn to the time
25 that you said you saw those Jarai people through the cracks of

1 your -- of the house where you were detained.

2 How many months into your detention -- how many months or how
3 many weeks or days did you see those Jarai after 16 June '77? In
4 other words you arrived 16 June '77, when was it that you saw
5 those Jarai?

6 A. I did not think about the exact date and time at that time,
7 and I did not know how many days after I arrived at the prison
8 that the Jarai people were <brought in> to the prison<, and
9 dropped off right in front of the building where I was chained>.

10 Q. I understand that it's difficult to remember how many days
11 exactly, but was it about the same day or one day later that you
12 had arrived or was it much, much later, many months later that
13 you saw them? Do you understand my question?

14 A. Yes, I understand. It was about one month later that the Jarai
15 tribesmen were sent to my prison.

16 Q. I will return to the Jarai shortly. Let me first go back to
17 your questioning. You told the Prosecution that you were asked
18 questions about certain methods used at plantations -- at the
19 plantation. Were you also asked questions about any activities of
20 "Yuon" within the plantation?

21 A. My answer is still the same. They did not ask me any other
22 questions. They simply accused me of using the feudal class
23 techniques, not the techniques from the farmer's class, and
24 that's why I was brought into the re-education <> school.

25 [15.10.42]

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1 Q. Your former wife also gave testimony and she also spoke to the
2 investigators of the Investigating Judge; that is, E3/9357 in
3 question and answer 4. She said the following, and I will read it
4 to you: "They called me or us to be interrogated one by one. They
5 questioned me, 'Where is your birth village?' and they pressed me
6 on whether I had communicated with the 'Yuon'. I still answer the
7 same things that I had not communicated with the 'Yuon'."

8 Did your wife, did your former wife at the time tell you that she
9 was asked questions about communication with "Yuon"?

10 A. No, she did not. I did not know about what kind of questions
11 they interrogated her, and I never asked her about those matters
12 either.

13 [15.12.15]

14 Q. But just to be sure, having read this excerpt from her
15 statement, it doesn't ring a bell with you that you were asked
16 questions about communications with "Yuon" as well; correct?

17 A. As I told you, your question is repetitious. They did not ask
18 me about the "Yuon" <or Chinese>. They simply asked me about the
19 technique <that> I <used> for the treatment of the rubber tree.

20 MR. KOPPE:

21 Thank you, Mr. Witness. Mr. President, I would like to show the
22 witness a document, a document that he doesn't know but has --
23 contains some names in it, that's why I would like to show it to
24 him.

25 It is document E3/240. It's only two pages. The Khmer pages are

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1 00001266 to 67; and French 0028255051; and English, 00897667 and
2 8.

3 MR. PRESIDENT:

4 The Chamber gives the floor to Judge Lavergne.

5 JUDGE LAVERGNE:

6 Yes, thank you, Mr. President. For purposes of clarification, can
7 you tell us whether this is an S-21 confession?

8 [15.14.11]

9 MR. KOPPE:

10 No. No, Judge Lavergne, it's a telegram sent on 15 June 1977, by
11 Vy. It is unclear to whom the telegram was sent, but it is
12 partially about a group of Jarai being arrested in the Northeast
13 Zone.

14 So, that's the document that I would like to show to the witness.

15 MR. FARR:

16 Mr. President, we have no objection to the document being shown
17 to the witness but just with respect to Counsel's comment that
18 it's not clear who it's addressed to, it is copied, amongst
19 others, to Uncle Nuon, Brother Vorn and Brother Khieu. Just for
20 the record.

21 [15.15.16]

22 MR. KOPPE:

23 I have no objection to that remark.

24 So, Mr. President, am I allowed to show that document?

25 MR. PRESIDENT:

1 Yes, your request is granted.

2 (Short pause)

3 [15.17.17]

4 BY MR. KOPPE:

5 Q. Mr. Witness, if you had a chance to have a first glance at
6 this document, I would actually like to ask you a question about
7 something which I believe is on the last -- on the second page
8 under point two. I will read it to you in English and then you
9 can read the Khmer version at the same time.

10 It says the following:

11 "It is decided that comrade Thi take secret measures to take out
12 the contemptible persons borrowing within rubber and cotton
13 plantations as well as mobile units who had been taken from the
14 military since 1974. The network include: (1) Certain networks of
15 contemptibles. Sona, who is in contact with the contemptible
16 Cheng Heng and In Tam. (2) Those from Stung Treng. (3) Network of
17 Lang who is in contact with the contemptible Keo from Hanoi. (4)
18 Network of the contemptible Thay. (5) Networks implicated by the
19 contemptible Lou from 107."

20 My question, Mr. Witness, is particularly directed at Point (3),
21 the "Network of Lang who is in contact with the contemptible Keo
22 from Hanoi". Does the name "Lang" mean anything to you?

23 [15.19.10]

24 MR. PHON THOL:

25 A. What you just read is not understood to me because I was not

1 involved at all in this.

2 Q. I understand perfectly well that you have no knowledge of this
3 particular document, but my question was whether you ever heard
4 of the person named Lang under three -- under paragraph 3?

5 A. No, I was not familiar with <a person by the> name of <> Lang.
6 [15.19.59]

7 Q. And the second name in that third line, Keo from Hanoi; have
8 you ever heard the name Keo from Hanoi?

9 A. I never heard <a person by the> name of <> Keo either. <I was
10 not interested in those who came from Hanoi.> I never heard the
11 <names> of <> Lang and Keo.

12 Q. Did you know at the time, in 1976/76, who the leader of the
13 Northeast Zone was?

14 A. I did not think about the structure at the regional and
15 sectoral and zone level at that time because I was just thinking
16 about my work.

17 Q. Have you ever heard of the name Ya, Comrade Ya, or his real
18 name, Ney Sarann?

19 A. Yes, I heard the name <of> Ya, but I never met him. <I never
20 heard of Ney Sarann.> I <> only <heard the> name <of Ya,> but I
21 did not know where that Ya stayed at the time.

22 Q. Thank you, Mr. Witness. Let me now return to what you just
23 said.

24 You believe it was about a month after your arrest that you saw
25 the group of Jarai in the compound of Au Kanseng. Is that

1 correct?

2 [15.22.23]

3 A. Yes, that is correct.

4 Q. And when was it exactly that you saw in the jackfruit
5 plantation pits with decomposing bodies and belongings or clothes
6 which might have been belonging to the Jarai. When was that?

7 A. I saw them when I worked in the jackfruit plantation.

8 Q. But when was it that you started working at the jackfruit
9 plantation?

10 A. When I was allowed to work outside the prison compound, after
11 I removed the grass in the prison compound I was sent to the
12 jackfruit plantation to guard the jackfruit plantation <to make
13 sure that no one was trespassing on to> the plantation.

14 [15.24.02]

15 Q. Let me ask you a different question. How long after you saw
16 the Jarai on the compound of Au Kanseng did you see decomposing
17 bodies in the jackfruit plantation? What was the time difference
18 between you seeing the Jarai at Au Kanseng and you seeing
19 decomposing bodies in the jackfruit plantation?

20 A. Based on my estimate it was about one week from each other.

21 Q. Can you explain to me how that would be possible in light of
22 your answer that you had been in prison for about a month, in
23 chains, and then they stopped keeping you in chains for two or
24 three months? And a little bit later in that same answer that
25 only near liberation in '79, "They let me sleep outside the

1 detention cell unchained and not locked in from the outside"?

2 I'm not quite sure if I understand how it's possible that you saw
3 those decomposing bodies already a month and a week after your
4 arrest. Can you explain that to me?

5 A. When I witnessed the Jarai disembarking from the truck and
6 sent away four or five days later and about one week later I went
7 to the jackfruit plantation and I saw <the cracking pit>.

8 [15.26.42]

9 Q. The document that I showed you, although I realize you have no
10 knowledge of that document, states that a group of roughly 209
11 Vietnamese soldiers, including a lot of Jarai, were arrested at
12 around June 14. I'm not sure if it's correct, but it could have
13 been the same group of Jarai that you are speaking about. If that
14 is correct, I'm not sure if I understand how it was possible for
15 you to see them so quickly after your arrest because you were
16 still in chains?

17 A. I think <your> question is repetitive <>. I told you <already>
18 that I saw <the incident> from the gaps <or cracks on the wall>.
19 The <buildings> in Au Kanseng Prison were not made from concrete,
20 but <> they were made from bamboo, and we could see <each other>
21 in the compound through the gaps <or cracks in the> wall<, but we
22 simply dared not talk to each other. Again, we could see what was
23 happening around us in the compound.>

24 [15.28.12]

25 Q. Let me ask you differently. Is it possible that you saw

1 decomposing bodies in the jackfruit plantation much, much later,
2 maybe even at the end of 1978?

3 A. I did not remember the exact year, but <I just remember> that
4 <it was about one week> after the Jarai was disembarked from the
5 truck<, all of them were gone>. And when I was sent to work at
6 the jackfruit plantation, I saw <the cracking pit, and next to it
7 lay> clothes<, sandals, flash lights> and bags stained with
8 blood.

9 Q. Did you ever hear guards speak about guns and rifles and
10 pistols and grenades being found among those Jarai who you saw?

11 A. No, I did not <>.

12 Q. Let me now turn to another subject. You at one point being, as
13 you said, trusted by the people in Au Kanseng, when exactly was
14 it that you were trusted by the Au Kanseng security people? When
15 did they tell that to you?

16 A. <Kindly be informed that they> did not tell me<. I overheard
17 them myself>. As I told you, they trusted me because I did not do
18 anything against what <I was instructed not to do. If I had done
19 anything against the school's regulations, I would not have
20 stayed alive today>.

21 Q. I understand outside the cell, but still within the compound
22 of Au Kanseng. Is that correct?

23 [15.31.10]

24 A. Au Kanseng is a name and the detention <was located in the> Au
25 Kanseng compound.

1 Q. Is my understanding correct that the Au Kanseng compound was
2 about 200 metres by 200 metres? About, let's say, two football
3 fields, two-and-a-half football fields?

4 A. I did not know the size <in metres>. The fence was made from
5 bamboo trees, but I would not be in a position to tell you the
6 dimension of the compound.

7 Q. At one point you were not shackled anymore, you were allowed
8 to work on the compound, how long did you work on the compound
9 before you were allowed to work two kilometres outside the
10 compound at the jackfruit plantation?

11 [15.32.38]

12 A. I did not know <as to> how long after I was unchained I was
13 allowed to work inside the compound for a while and after that I
14 was allowed to work outside the compound, that is, to plant
15 <cassava> and <corn and> to guard the jackfruit plantation.

16 Q. When exactly was that? When -- or roughly when was it that you
17 were allowed to work outside the compound?

18 A. I cannot recall the date after I was allowed to work within
19 the compound and I gained trust from them <by observing that I
20 was following the school's regulations well>, then they allowed
21 me to work outside the compound.

22 Q. What kind of work did you do outside the compound?

23 A. Your question is rather repetitive, I just said I <removed>
24 the grass <grown along the corn and cassava> with my bare
25 <hands>.

1 Q. Did your work also involve guarding of the plantation?

2 A. After I removed the grass at the <cassava> plantation and then
3 they planted corn in the field, then after that I was assigned to
4 guard the jackfruit plantation.

5 Q. I'm interested in this specific task, the guarding of the
6 jackfruit plantation. How many months after your arrest did that
7 happen, did that start?

8 [15.34.55]

9 A. I did not know <as to> how many months <afterwards>. That was
10 when the jackfruit was about to get ripe. I was placed to guard
11 there in order to prevent people from going into the plantation
12 <>.

13 Q. When does the jackfruit <ripen>, do you know, Mr. Witness? In
14 Ratanakiri, when does the jackfruit <ripen>?

15 A. I'm sorry <to> laugh at your question <as to when> jackfruits
16 <ripened. Jackfruits ripened after they were mature enough>
17 during the dry season.

18 Q. I thank you. When exactly in the dry season; what, February,
19 March, April?

20 [15.36.23]

21 A. The jackfruits <ripened> in February and March.

22 Q. So was it then that you saw for the first time decomposing
23 bodies?

24 A. I cannot tell you exactly when, however, it happened at a time
25 that the jackfruits became rather solid and almost <ripe>, and

1 that's when I saw the dirt <over the bomb crater was cracking>
2 open<>.

3 Q. So would that be around Khmer New Year?

4 A. The Khmer New Year did not fall in February or March, it
5 actually <falls> on the 13th of April of the year.

6 Q. I know, Mr. Witness. So you said the jackfruit was really ripe
7 when you saw those decomposing bodies. Would that have been
8 around 15-16 April '78, around Khmer New Year?

9 A. I cannot recall exactly <as to> when. <I just knew> that when
10 I was assigned to guard the jackfruit plantation, <I saw> the
11 <cracking> dirt on top the crater <> and I <could smell the
12 stench so I> concluded that the bodies were buried underneath.

13 Q. Would it be fair for me to conclude that you saw decomposing
14 bodies about seven or eight months after your arrest, maybe nine?
15 [15.39.08]

16 A. No, not seven or eight months after my arrest. As I testified
17 earlier, about a month after my detention, those people were
18 <brought in> and about a week later they were taken away.
19 And later on when I was assigned to guard the jackfruit
20 plantation, I saw the dirt cracked <open>.

21 Q. Now, let's stay at the jackfruit plantation. This morning, you
22 said you saw some people being killed while you were guarding the
23 jackfruit plantation. Is that correct?

24 A. Yes, I did see that <before my very eyes>.

25 Q. Now, how many did you see? How many people were killed at the

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1 jackfruit plantation?

2 A. There were two.

3 [15.40.20]

4 Q. I'm asking you this question because in your WRI on Khmer
5 page, 00189254; English, 00272587; and French, 00272595; you say:
6 "I personally saw one division prisoner being carried away by two
7 guards and then being struck with a hoe, splitting open his
8 skull."

9 So is it one or is it two people being -- that you saw being
10 killed?

11 A. Two people were carried away. One was dead and the other one
12 was alive, and this later one was later on killed with a hoe
13 <before being buried in the trench.>

14 Q. But in your original statement you don't speak about a second
15 person, you only speak about one division prisoner. I'm not quite
16 sure if I understand.

17 Is it two people, of which one was already dead, and that the
18 second person you saw being killed, or that only one person that
19 you saw being killed?

20 A. One person was being killed, that is the one who was still
21 alive.

22 Q. How did you know that the person that was being carried away
23 and then struck with a hoe was a division prisoner?

24 A. From the look, that is, the <trousers> that he wore, I
25 realized that he was a <soldier>.

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1 Q. Can you explain that to me? Was he wearing a military uniform?

2 A. No, it was not a uniform. In fact, the <person> that I saw was
3 half-naked <and his body was swelling> as he only wore his pants
4 and he was shirtless.

5 [15.43.25]

6 Q. That is, I think, the second person that you speak about. But
7 you said you also saw someone being killed and you seem to have
8 said that this was a division prisoner.

9 When this person was being killed, was he wearing something like
10 a military uniform?

11 A. The <prisoners> wore only shorts. In fact, the two prisoners
12 were carried <to that place> at the time.

13 Q. My question is why you testified to the investigators that you
14 saw a division prisoner being killed? What made you conclude that
15 it was a division prisoner who was killed in front of your eyes?

16 A. I do not understand your question about a division soldier or
17 something. <In fact, I did not say I witnessed this specific
18 execution.> This morning, I testified that the person who was
19 asked to make a biography <at his bed> and later on because the
20 biography was not consistent, he was <pinched> with a plier on
21 his thigh. <This man was also a soldier, and the next morning, he
22 just disappeared. I did not know as to where he was taken.>

23 [15.45.13]

24 Q. I'm not sure if we're not mixing up things, so let me step
25 back a little bit. Mr. Witness, this morning, in answering

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1 questions from the Prosecution you spoke about multiple persons
2 being killed at the jackfruit plantation. I asked you how many,
3 you said two.

4 Then I confronted you with your statement in which you speak
5 about the killing of only one person, but this person in your
6 statement you described as a division prisoner being carried away
7 by two guards and then struck with a hoe, splitting open his
8 skull. He was stuffed into a trench in the jackfruit plantation.
9 Now, my question to you is, what made you conclude at the time,
10 or now, that that person you described in your WRI was a division
11 prisoner?

12 A. I made the conclusion that the person was a division prisoner
13 because he wore <military shorts. Military shorts were different
14 from those of ordinary people>. Although I did not know where he
15 actually came from, I made my own conclusion that he was <more
16 likely> a division prisoner.

17 [15.47.03]

18 Q. Why a prisoner? What made you conclude that he was a prisoner?

19 A. You <are> asking me <as to> why I concluded that <the> person
20 was a prisoner<. It was> because all the people who were detained
21 at the security centre, or the re-education centre, were all
22 prisoners or detainees, and the two people were actually carried
23 out <of the buildings where people were chained>.

24 Q. But the jackfruit plantation was about two kilometres away
25 from Au Kanseng. Maybe it was -- maybe you saw him before and

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1 maybe you had seen him in one of the houses being shackled or
2 something, or maybe you saw him working at Au Kanseng, but you
3 don't seem to be saying this.

4 So I'm trying to find out why you're saying that he is -- that he
5 was an Au Kanseng prisoner?

6 [15.48.36]

7 A. The security guards who carried the prisoners <worked for> the
8 Au Kanseng Security Centre, so there was no doubt that they were
9 <carrying> the Au Kanseng prisoners.

10 Q. And the fact that it was a division person was only based on
11 his shorts. Is that correct?

12 A. Yes. The shorts were military shorts.

13 Q. And what were the names of the security people from Au Kanseng
14 who were involved in this?

15 A. I do not recall their names. I cannot recall the names of
16 those guards, in particular the names of the guards who carried
17 the prisoners.

18 Q. But it wasn't Tin or Nhok. Is that correct?

19 A. No. If it was them then I knew.

20 Q. Are these the only two names of security guards at Au Kanseng
21 that you knew or that you remember?

22 A. Yes.

23 Q. Can you explain to me again how you knew that the people who
24 were involved in this killing were also security guards at Au
25 Kanseng?

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1 A. Because I recognized their faces as they guarded <inside and
2 outside> the compound.

3 Q. What about the other person who you said was already dead, was
4 he also a division prisoner according to your conclusion?

5 [15.51.42]

6 A. Yes, both of them were carried away by the guards.

7 Q. But my question was whether he was also a division prisoner.
8 In other words, did he have the same clothes as the person that
9 you saw being killed?

10 A. There was one person who wore shorts.

11 Q. What did the other one wear?

12 A. The other person <> carried <there was> naked.

13 Q. But then how did you conclude that that other person must have
14 been a division prisoner as well?

15 [15.52.54]

16 A. I made my own conclusion that they were division prisoners
17 because <> that house <was the detention building for> the former
18 division soldiers and they were sent there, that is, to the
19 re-education centre.

20 Q. But I'm not still -- not quite sure, Mr. Witness. Had you seen
21 either of them, either one of them, in the prison before or were
22 they unknown to you?

23 A. <By the time I got> to the compound, the two had already been
24 shackled there and parts of their bodies were swollen.

25 Q. But when was that that you saw that then?

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1 A. I saw them when I was taken into the centre and shackled.
2 However, they were housed in a separate building, that is, they
3 were housed in a building to the east while I was being held in a
4 building to west. However, I could see <them through> gaps in the
5 walls.

6 Q. Maybe I will revisit this topic tomorrow, Mr. Witness. Let me
7 now go to the incident of Tin. You didn't see Tin kill the
8 person, but he asked you to bury a person. Is that correct?

9 A. Yes.

10 Q. How did you know that he was an "ethnic tribesman who had
11 snuck away to find food to eat from a villager's house"? How did
12 you know? Who told you this?

13 A. I knew through people that I met.

14 [15.55.38]

15 Q. And who are they?

16 A. They were the villagers.

17 Q. When did the villagers tell you this?

18 A. The villagers did not tell me, but if they were union workers
19 then I would know them because I knew union workers. However, the
20 person was a villager from the village.

21 Q. But he was detained at Au Kanseng; correct?

22 A. Yes, he was detained at Au Kanseng and when he was allowed to
23 work outside the compound he ran away to find food from a nearby
24 village.

25 [15.57.00]

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1 Q. And when was it that Tin saw this person?

2 A. They didn't see him running away, but after they did their
3 head-counting, one person was missing. So then they deployed
4 their forces to surround the re-education centre and by about
5 noon-time, <when he was walking> back into the centre and that's
6 when he was fatally shot.

7 Q. Do you know why he would walk back into the security centre?

8 A. I did not ask that question, but I knew that he was running
9 back to the security centre when he was fatally shot.

10 Q. And why was it that Tin asked you to bury the body?

11 A. After he was shot dead, Tin called me to go to help bury the
12 body.

13 Q. And did Tin tell you why he shot this person?

14 A. Of course, the security guards did not have to report to the
15 prisoners<. Anyone who was not following the order, he or she was
16 certainly be> killed.

17 Q. What was Tin's authority within Au Kanseng, do you know?

18 A. Tin was a security guard.

19 [15.59.34]

20 Q. And who instructed Tin to shoot this person and who instructed
21 Tin to ask you to bury this prisoner or do you know?

22 A. I did not know about that or about any order for Tin to shoot
23 or for him to ask me to bury the body, and I only knew that Tin
24 gave me the order to help bury the dead body. <I just followed
25 his order. We then buried the body so that we would not smell the

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1 stench from the body.>

2 Q. And what about those unknown Au Kanseng people who shot those
3 two -- or killed those two division prisoners, do you know if
4 they got their instructions from someone?

5 A. That is the internal arrangement of the re-education centre
6 and I would have no clue about it.

7 Q. I was moving to the gall bladder situation but I will do that
8 tomorrow, with your leave, Mr. President?

9 [16.01.00]

10 MR. PRESIDENT:

11 Thank you, Counsel. It is now a convenient time for the
12 adjournment.

13 The Chamber will resume its Hearing tomorrow, that is, Thursday
14 3rd March 2016, starting at 9 a.m.

15 Tomorrow the Chamber continues to hear <the remaining> testimony
16 of Phon Thol and begins hearing another witness, that is,
17 2-TCW-867.

18 Mr. Phon Thol, the hearing of your testimony as a witness has not
19 yet concluded, and you are therefore invited to come back
20 tomorrow at 9 o'clock in the morning.

21 Court Officer, in collaboration with WESU, please make necessary
22 transport arrangement to send the witness to where he is staying
23 and invite him back to the courtroom tomorrow at 9 o'clock in the
24 morning.

25 Security personnel are instructed to bring Khieu Samphan and Nuon

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1 Chea back to the <ECCC> detention facility and have them returned
2 to the courtroom tomorrow morning before 9 o'clock.

3 The Court is now adjourned.

4 (Court adjourns at 1602H)

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