



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
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

17 February 2015

Trial Day 245

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

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KHIEU Samphan

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Vincent DE WILDE D'ESTMAEL
Travis FARR

For Court Management Section:
UCH Arun
SOUR Sotheavy

I N D E X

MR. PHNEU YAV (2-TCW-934)

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MR. SAO HAN (2-TCW-807)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. DE WILDE D'ESTMAEL	French
MR. TRAVIS FARR	English
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSE	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. LOR CHUNTHY	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PHNEU YAV (2-TCW-934)	Khmer
MR. SAO HAN (2-TCW-807)	Khmer
MR. SUON VISAL	Khmer

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

4 Please be seated.

5 The Court is now in session. Today the Chamber will hear the
6 testimony of witness, Phneu Yav.

7 And Greffier, could you report the attendance of the Parties and
8 individuals to today's proceedings?

9 THE GREFFIER:

10 Mr. President, for today's proceedings, all Parties to this case
11 are present. As for Nuon Chea he is present in the holding cell
12 downstairs as he requests to waive his direct presence in the
13 courtroom. His waiver has been delivered to the greffier and the
14 witness to testify today -- that is, Mr. Phneu Yav, is already
15 present in the courtroom. As for the reserve witness -- that is,
16 2-TCW-807, confirms that to his ability he has no relationship by
17 blood or by law to any of the two Accused, namely Khieu Samphan
18 and Nuon Chea, nor to any of the civil parties admitted in this
19 case.

20 The Witness will take an oath before the iron club -- statute
21 this morning at 10 a.m.

22 [09.05.25]

23 MR. PRESIDENT:

24 Thank you, Mrs. Se Kulvuthy.

25 The Chamber now decides on the request by Nuon Chea. The Chamber

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1 has received the waiver of Mr. Nuon Chea, dated 17th February
2 2015, who states that he has health condition. That he cannot sit
3 for long, he has backache, and in order to anticipate future
4 effective participation he requests to be present in the
5 courtroom for today's proceedings -- that is, 17 February 2015.

6 [09.06.09]

7 Nuon Chea has been informed by his Counsel about the consequences
8 of this waiver that in no way it can be construed as a waiver of
9 his right to be tried fairly or to challenge evidence presented
10 or admitted to this Court at any time during his trial. Having
11 seen the medical record of the duty doctor for the Accused at the
12 Extraordinary Chambers in the Courts of Cambodia, dated 17th
13 February 2015, who notes that the health condition of Nuon Chea
14 is that he has backache and he will feel dizzy if he sits for
15 long and recommends that the Chamber so allow him to follow the
16 proceedings from a holding cell downstairs. Based on this
17 information and pursuant to Rule 81.5 of the ECCC Internal Rules,
18 the Chamber grants Nuon Chea's request to follow the proceedings
19 remotely from a holding cell downstairs and that applies for
20 today's proceedings.

21 As Nuon Chea waives his direct presence in the Courtroom, the AV
22 unit, you are instructed to link the proceedings to the holding
23 cell downstairs so that Nuon Chea can follow it remotely.

24 [09.07.35]

25 The Chamber will now hand the floor to the Co-Prosecutor to put

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1 questions to the witness, Phneu Yav, before other Parties. That
2 is in pursuant to Rule 91bis, the combined time for the
3 Prosecution and for the Lead Co-Lawyers for Civil Parties is for
4 this entire morning session until lunch break. You may now
5 proceed.

6 [09.08.18]

7 QUESTIONING BY MR. D'ESTMAEL:

8 Thank you and good morning, Mr. President. Good morning, Your
9 Honours. Good morning to all Parties and to the public attending.
10 Good morning, Mr. Witness. My name is Vincent de Wilde. I will be
11 asking you some questions on behalf of the Office of the
12 Co-Prosecutors up until approximately 11 a.m. when the lawyers
13 from the civil parties consolidated group will take their turn to
14 ask you a few questions.
15 First of all, I would like to address a few questions concerning
16 your past before 17th of April 1975.

17 [09.09.00]

18 Q. Up until which age did you attend school and did you ever
19 graduate or attain a diploma?

20 MR. PHNEU YAV:

21 A. I studied in year 9 in the old education system.

22 Q. In Grade 9 how old were you? When did you leave school to
23 begin farming?

24 A. When I quit schooling, I ordained as a monk.

25 [09.10.03]

4

1 Q. Could you please specify how old were you approximately?

2 A. I became a monk when I was 18 years old.

3 Q. Very well. You stated that you participated in the
4 revolutionary movement. At which point in time did you
5 participate?

6 A. I joined the revolutionary movement in 1970.

7 Q. Thank you. In your witness record of interview before the
8 Co-Investigating Judges, there is a document E3/5515 and in
9 response number 2, you stated that the village chief called Ta
10 Sith was taken for execution for 1972 or 1973. And then you went
11 on to state that the chief of the commune, the old Khem was
12 executed in 1979. Can you please tell us why Ta Sith, the village
13 chief, was taken for execution for 1972 or 1973?

14 A. Ta Sith had an issue with the commandos as far as I know.

15 Q. Do you mean by that there was a problem of discipline or
16 something else?

17 A. At that time commandos came to stay at his house and of course
18 he was the village chief and I don't know, maybe for that reason
19 that he was taken and killed.

20 Q. Very well. Before April 1975, were the village co-operatives
21 in operation? Do you know at which point in time they started to
22 operate?

23 A. The co-operative started operation in 1975.

24 [09.13.18]

25 Q. You talked about the co-operative in your village of Paen Meas

5

1 in the province of Takeo, is that exact?

2 A. Yes, I referred to the co-operative for my Paen Meas village
3 it started operational -- its operations in 1975.

4 Q. Very well. I want to move on to the ensuing period between 17
5 April 1975 and 1976. In 1976, you stated that there was a
6 division within Samraong commune. There were three separate
7 units. And I want to talk about the period April 1975 up until
8 the co-operatives were split in three. As of when did you start
9 to take your meals communally in a collective dining hall at the
10 co-operative.

11 A. Communal dining started in 1975 and it continued until 1978.

12 Q. Did it begin before the takeover of Phnom Penh or after?

13 A. It started after Phnom Penh had been liberated.

14 [09.15.23]

15 Q. How did the Base People from your village, from Samraong, how
16 did they react when they were told that the meals would be taken
17 collectively, was there agreement?

18 A. If we did not agree then we might be taken away and killed and
19 for that reason nobody dared to make any protest.

20 Q. In 1975, did you exercise the right to continue living in your
21 house?

22 A. Yes. At that time we could live at our own house. We were not
23 yet assigned to various units.

24 Q. And at that time, were you allowed to farm vegetables or fruit
25 in the area surrounding your house?

6

1 A. As for fruit, we could not pick them. For example, coconut
2 trees was considered for communal use including cooking utilities
3 or the cattle that we owned.

4 [09.17.14]

5 Q. You mentioned 1975 as the year at which you started taking
6 your meals collectively. Was it also at that same point in time
7 when private property had to be handed over to the community?

8 A. It was in 1975 when everything that we owned were gathered and
9 put for communal use. There was no longer private ownership.

10 Q. Did anyone dare protest the measure of taking their meals
11 collectively or did anyone come out and say that it was not a
12 good idea?

13 A. No. Nobody dared to protest. Because if we dared to protest,
14 it means we would disappear.

15 [09.18.26]

16 Q. Aside from collective meals and abolition of private property,
17 were there other changes that affected your living conditions
18 during this period comparatively speaking to the previous period,
19 for example with respect to discipline were there certain things
20 that you had to do and certain things that were totally
21 forbidden?

22 A. After Phnom Penh fell and every private ownership became
23 communal, we were not allowed to do anything on our own. For
24 example, to go and find frog or to go fishing and if we were to
25 do that, then whatever we caught would have to put for communal

1 consumption.

2 [09.19.30]

3 Q. And from that point in time, was the denouncing of all
4 offences committed in the village, something that was fostered
5 and encouraged by the Khmer Rouge?

6 A. No, there was no encouragement to make any report.

7 Q. What were you afraid of, in the event that orders were not
8 obeyed or if discipline was not respected. You said earlier that
9 people were taken for execution. What was the basis for the fear?

10 A. We lived in fear during that regime. We were afraid that we
11 would make a mistake because if we made a mistake then we would
12 be taken away and killed.

13 [09.20.43]

14 Q. Did you ever see anyone being taken away or anyone disappear
15 for failing to respect discipline at that time?

16 A. At the location where I lived, it rarely happened or probably
17 I didn't see them. I was ordered to plough the field or to carry
18 earth or to engage in growing vegetables and I didn't see many of
19 these things.

20 Q. I would like to talk to you about the evacuation of villages
21 in your commune, in Samraong. In response number 5 in the written
22 record of witness interview E3/5515, you said that "people were
23 taken from Phnom Penh and that the evacuated people reached the
24 village and the families placed in schools" and then answer 6,
25 you stated that, "soon after the New People arrived, they had

8

1 them live in handicraft workshops or schools". Can you please
2 tell us if the evacuees of Phnom Penh were -- constituted a very
3 large population? Do you know exactly approximately how many
4 families there were?

5 A. In my village there were not many families of those people,
6 there were about only ten families who were evacuated from Phnom
7 Penh. Those people had been placed in various other villages
8 within the commune.

9 [09.22.48]

10 Q. Were there also evacuees who came from Takeo?

11 A. Yes, there were some people who were evacuated from Takeo and
12 my neighbours in the village also had their relatives evacuated
13 from Takeo.

14 Q. Can you tell us what physical condition they arrived in, the
15 evacuees from Phnom Penh or Takeo? In what kind of state were
16 they in?

17 A. When they arrived, they were in normal health condition and
18 they were instructed to build a dam called Dong Sap (phonetic)
19 dam.

20 [09.23.59]

21 Q. You stated that there were members from the village whose
22 family members had been evacuated from Takeo, how were the
23 evacuees from Phnom Penh and the evacuees from Takeo considered?
24 Were they natives of your village, were they considered Base
25 People or were they considered New People or were they considered

1 April 17 People?

2 A. They were considered New People and they were also considered
3 depositees.

4 Q. Thank you. What happened to their personal belongings, what
5 happened to the personal belongings of the April 17 People or the
6 New People, were those goods placed for the use of the commune in
7 the community?

8 A. The belongings of those people, including jewellery, to me, it
9 seems that were not taken from them.

10 [09.25.31]

11 Q. But all of your own belongings, all of your property had been
12 confiscated, was that not the case for April 17 People or was it
13 just not that the case immediately?

14 A. I didn't know about that because I was busy working in the
15 rice fields.

16 Q. Thank you. Now during that same period, and you stated in your
17 PV, E3/5515, in response number 9, that children had to collect
18 cow dung and apart from collecting cow dung they had them study
19 two or three hours per day and after class they tended cows until
20 5 p.m., until they were given a meal. And in question number 10,
21 "What did they have young children study?", and in your response
22 you stated that, "they had children study Khmer alphabet and
23 taught how to spell". Can you please tell us as of when you were
24 given the responsibility to teach young children the alphabet and
25 how to spell?

10

1 A. It happened in 1976 that when I was transferred to live at Ang
2 Ponnareay and that was the time that I was asked to teach
3 children.

4 [09.27.33]

5 Q. So when you talk about children, you are referring to children
6 who were Base People, or does that also include April 17
7 children?

8 A. The children whom I taught were children of all the Base
9 People and they were not the children of the New People.

10 Q. And during that period, what qualified you to teach, did you
11 have any training or credentials to teach children to read the
12 alphabet and teach them how to spell?

13 A. I was asked to teach the children -- that is, the Khmer
14 alphabet and to teach them how to spell and I was given a
15 instruction book or guide book to assist me in teaching them.

16 Q. Just to return to the topic of families evacuated from Phnom
17 Penh and Takeo when they arrived at the village, you stated that
18 they were placed in a school. Were those families forced to build
19 their own dwellings and accommodation or were they given housing?

20 A. They didn't build any new houses for them. Those New People
21 were then divided into a -- they were put into a group called the
22 "third unit", or "kong bei" (phonetic) in Khmer.

23 [09.29.40]

24 Q. We will get back to this third unit later on. When they
25 arrived, do you know if the New People families were obliged to

11

1 write their biographies?

2 A. No biography were taken at the beginning. They were sent to
3 the village and the village chief knew about that. But they
4 didn't start any biography recording at the beginning.

5 Q. And you say at the beginning, does that mean that later on
6 they were questioned about their past?

7 A. Yes. I don't know whether the village chief asked them for
8 biography but they were sent to a school, a primary school
9 building in the middle of the village.

10 [09.31.06]

11 Q. Do you know if the cadres in the village or in the commune
12 were looking for former service men of the Lon Nol regime as well
13 as officials from the Lon Nol regime from the April 17 People?

14 A. Mr. President, could you advise the Counsel to ask the
15 question again because I don't understand his question.

16 Q. No problem. I was asking you, if you knew, if back then, the
17 village or commune cadres were looking for former service men or
18 former officials of the Lon Nol regime among the April 17 People
19 in the village? Were they looking for people who had worked in
20 the cities under the Lon Nol regime?

21 A. Yes. I would like to tell you that, no questions asked, they
22 were put there. And ten family of people put at the village and
23 later they were sent to Unit 3 and after the unit was formed they
24 were all sent to that Unit 3.

25 [09.33.00]

12

1 Q. Thank you. We will get back to the different units 1, 2 and 3
2 a bit later on. Simply to get to finish with this period between
3 April '75 and 1976, you said or you started -- you said that you
4 started teaching children how to read as of 1976 and that before
5 that you had done -- performed physical labour that you had carry
6 to earth in particular. So, did you have to fulfil a quota per
7 day? How many cubic meters were you obliged to transport per day
8 of earth?

9 A. There was no specific quota for that but the work would start
10 from 6 a.m. and we would have lunch break at 11.30, that we need
11 to go back to the communal kitchen for lunch.

12 [09.34.08]

13 Q. And in the afternoon, you would work up until which time? And
14 sometimes did you work in the evenings or at night?

15 A. We would start from two until 5 p.m. in the afternoon. Evening
16 work was not very often. So, some other people in the unit were
17 also assigned for evening labour.

18 [09.34.57]

19 Q. Back then, when you performed that kind of labour, were you
20 allowed to talk about the orders, were you allowed to complain?
21 Were you allowed to discuss the instructions you were receiving?

22 A. We cannot make any complaint because the chief was -- our
23 chief was supervising us. If anyone complained, he or she was
24 called to give the warning or blame for that.

25 Q. Fine. Now I will turn to the following period. I have, maybe I

13

1 am a little -- I have -- maybe a bit ahead of time with regard to
2 this line of questioning but this -- now we are going to be
3 speaking about the co-operative units -- that is to say, Units 1,
4 2 and 3 that were set up in Samraong commune. And as an
5 introduction I'm going to read out what you said regarding this
6 in your written record in at answer 12. This is E3/5515. This is
7 what you said, "In 1976, they divided people to live in the
8 co-operatives. In Samraong commune, there were three
9 co-operatives. The division of the co-operatives referred to Type
10 1 People -- the first category was called Unit 1. These were Base
11 People. The Old People who enjoyed full rights, they were based
12 in Angk Ponnareay. Type 2 people or Unit 2 people were also Base
13 People, candidate people, but they had relatives who were linked
14 or had tendencies with the enemy. It was located in Paen Meas
15 village. As for Type Three or Unit 3, they were people evacuated
16 from Phnom Penh, they were also called 17th April People. They
17 were located in the village of Ta Saom." And you told us that
18 this happened in 1976. Do you remember if it was at the beginning
19 of the year or in the middle of 1976 or towards the end of 1976?
20 A. The evacuation of the people to Angk Ponnareay in early 1976.
21 [09.38.24]

22 Q. Did you learn or were you told who had decided to divide the
23 people in Samraong commune into three distinct categories and if
24 so, on the basis of which criteria?

25 A. I don't know about that but on that day, you should go to stay

14

1 in Angk Ponnareay in Unit 1 and other people should be in Unit 2
2 so there's kind of exchange of people from one unit to another. I
3 don't know who made the decision for that.

4 Q. So if I understood well, you had to leave your village of Paen
5 Meas because you were working in Unit 2 and you went to Angk
6 Ponnareay village. Where did you stay in Angk Ponnareay?

7 A. I was living to the west of the pagoda; I was staying with
8 childrens Unit 1.

9 [09.40.12]

10 Q. If I understood well, you were staying there because you were
11 a teacher not because you were a child, is that correct?

12 A. At that time I was -- I was assigned to take care the
13 children, advise them to collect cow dung and also teach them
14 alphabet and vowel and to supervise those children when they are
15 tendering cattle and so on.

16 Q. And you said with regard to the second category -- that is to
17 say, Unit 2, that these were Base People, but Base People who had
18 relatives who were on the enemy side or who had affinities with
19 the enemy. Who was the enemy back then? Was this an outside enemy
20 or was this an enemy from within? Did people speak to you about
21 this enemy during meetings or were you able to talk about this
22 with cadres?

23 A. They are not talking about the internal or external enemies
24 but their selection into a unit for doing labour. Those who were
25 in Unit 1 were considered to be strong people who can work fast

15

1 and people who were in Unit 2 who were not very strong in doing
2 work and the same is true for Unit 3. And Unit 3 comprising of
3 people evacuated from Phnom Penh, they were called 17 April
4 People and the people in the middle was assigned into Unit 2.
5 This is not based on any affiliation to enemy or any reasons like
6 that.

7 Q. Do you know if this division into three categories of people
8 within Samraong commune existed in the other surrounding communes
9 in Tram Kak district such as Kus commune, Trapeang commune,
10 Trapeang Thum commune, Srae Ronoung or Cheang Tong communes? Did
11 you find out if there was a similar system in those communes?

12 [09.43.41]

13 A. The division of two categories, I don't know about that,
14 because everyone had to stay in his or her place. Freedom of
15 movement is prohibited. I was always in Angk Ponnareay and to
16 supervise children collecting cow dung, and doing other labour.
17 Anyone who violated the rule would be punished, including the
18 Base People.

19 Q. And back then, did you hear the Khmer Rouge or cadres of the
20 village, or the cooperative of Unit 1, speak about pure people
21 and people who were sullied? Are these concepts that you heard?

22 A. I heard about that; pure people. Anyone who was considered
23 wealthy was sent to the southern part. And others, who is not
24 wealthy, was sent to Paen Meas village. Anyone who was considered
25 rather wealthy and good conduct was sent, or included, into a

16

1 candidate people's unit.

2 Q. I didn't understand your distinction between pure and impure
3 very well. You said that you heard about this concept. Were the
4 people in Unit 1, to which you belonged -- that is to say, the
5 full rights Base People, were considered as pure people or rather
6 as impure people?

7 A. The full rights people were selected from those who were
8 correct, who were right for their standard, and then sent to a
9 unit in which they belonged.

10 [09.46.38]

11 Q. Were you told what the expression 'full rights Old People'
12 means, in contrast with 'candidate'? What was the distinction
13 made between both categories?

14 A. There was an explanation for that. Those who were candidate
15 people, they allowed them time to be checked, and later they can
16 be, or they may be, full rights people for that purpose.

17 Q. Based on what you learnt, what was the category considered the
18 best, or the purest, among the three? Which unit, because that
19 was the best, or the purest, since we are speaking about Units 1,
20 2 and 3?

21 A. As far as I know, the selection of people to be in Unit 1.
22 Unit 1 is the purest. Unit 2 is the purer, and Unit 3 is the
23 lowest in category of people.

24 [09.48.36]

25 Q. Did it ever happen that people in Unit 1, who were working in

17

1 Angk Ponnareay with you, were taken out of Unit 1 and sent to
2 Unit 2 in Paen Meas?

3 A. No, this did not happen because they were selected from the
4 beginning for sending into those units, so they would keep those
5 people in those units, within their category.

6 Q. Do you know if there was a distinction between the discipline
7 within Unit 1, which was considered the purest, and within Unit
8 2, which was considered less pure? For example, were the working
9 conditions or was the discipline harsher in Unit 2 than in Unit
10 1?

11 A. In fact, the disciplines are -- were the same. But talking
12 about doing work, Unit 1 worked more efficient, for example, and
13 they could finish labour or quota faster than Unit 2.

14 Q. Fine. Did it ever happen during this period that someone
15 belonging to Unit 3 -- that is to say, a member -- a New Person,
16 was promoted thanks to his work to Unit 2 or to Unit 1?

17 A. There was no one sent from Unit 3 to Unit 2 or Unit 1, but
18 there was a kind of preparation for that purpose. But as far as I
19 saw, there was no case happened in that respect.

20 Q. You're speaking about Units 1, 2 and 3, and in Khmer, did they
21 speak about K1, K2, K3, or I am completely mistaken?

22 A. Yes, they were called in Khmer; "kong muay", "kong pi", "kong
23 bei", in Khmer, but unit 1, unit 2, unit 3. Another term used was
24 "the full rights unit", "the candidate unit people" and "the
25 depositee unit people".

18

1 [09.52.21]

2 Q. Now, with regard to the living and working conditions in Unit
3 1, I'm simply going to read out to you an excerpt from your
4 written record, E3/5515. At answer 15, you said that each
5 cooperative is made up of different units -- that is to say, a
6 special unit, a ploughing unit - men, a canal-digging unit, a
7 seedling-transplanting unit - women, a cart unit, a sawing unit,
8 a children's unit - boys and girls, and a unit of grouped
9 children. At answer 16, you say, "After harvesting paddy, it was
10 taken to place in the commune office. Every morning, someone from
11 the kitchen unit would go to the commune to take the rice ration
12 as well as to take the dried fish, fresh fish, salt for the daily
13 meals." End of quote. Free translation.

14 Do you know if all of the threshed rice in Samraong commune was
15 shared among the three units, or if part of the rice sent to the
16 higher echelon?

17 [09.54.03]

18 A. Paddies, after harvesting, were kept for Samraong commune, and
19 some were sent to the upper echelon. Rice paddies were stored for
20 the consumption of Unit 1, 2 and 3. The surplus would be sent to
21 the upper echelon.

22 Q. I'm a little bit surprised. When I read your answer, answer
23 16, you said that everything was shared among all the communes.
24 You mention, or you say, that there was rice, vegetables, salted
25 fish, fresh fish, meats, salt. Do you know exactly what the

1 people in Units 2 and 3 ate?

2 A. Unit 2 and Unit 3 received the rice from the commune office,
3 and they would come every morning to collect rice for their
4 meals.

5 Q. With the regard to the workers in Unit 1, did they have enough
6 to eat between '76 and 1979, in -- with respect to the work that
7 was required from the Base People?

8 A. The people in Unit 1 would receive a plateful of rice and a
9 large bowl of soup for eight people, per meal.

10 Q. So, if I understood well, you did not speak about meat or
11 fresh fish. Did you eat meat or did you eat fresh fish every day,
12 on a regular basis, or rarely?

13 A. There was some fresh fish with the morning glory soup, and
14 people were assigned to work in the fishing unit. They can
15 collect fish for our soup.

16 [09.57.14]

17 Q. I'm going to read out what you said in answer 22, in your
18 written record of interview: "They gave us two meals a day, in
19 the morning and the afternoon. Food was not enough to eat, both
20 for the others and me. They gave us a plate of rice, and there
21 was a large dish of morning glory soup placed in the middle. In
22 the period of ten days, they allowed us -- they would slaughter
23 an ox for us to eat." So, here you say that you did not have
24 enough to eat. However, you told us that you were part of the
25 best unit, the purest unit, that you were Base People, enjoying

20

1 full rights. So therefore, why didn't you get enough to eat?

2 [09.58.11]

3 A. Talking about meals, it was similar for the three units, Unit
4 1, Unit 2 and Unit 3. So, people in Unit 1 were assigned to do
5 urgent work, fast work, but they received a certain amount of
6 food which is greater than other people in Unit 2 and Unit 3.

7 Q. And with regard to Units 2 and 3 therefore, who were located
8 in other communes -- Paen Meas and Ta Saom -- did you have the
9 opportunity to travel to the eateries in these units, in order to
10 see what they were eating?

11 A. I never went to their dining place, so I would always stay at
12 Angk Ponnareay. I have never been to Angk Ta Saom, because
13 movement was prohibited during the regime.

14 Q. When you're speaking about what you ate, in fact you did not
15 have enough to eat, in fact -- in fact, you're really referring
16 to Unit 1 in particular. And you were not really aware of what
17 was happening in Units 2 and 3. Is that -- is that correct?

18 A. Yes, it is correct. I don't know what they had in unit 2 and
19 3, because I have never witnessed their meals, or the dining
20 hall, when they were eating.

21 [10.00.34]

22 Q. Very well. Mr. Witness, if you don't know something, I would
23 kindly ask that you just state that you do not know. Now, in Unit
24 1 did people ever complain about the lack of food?

25 A. Yes, sometimes we complained, but we complained without

21

1 letting the unit chief knew that we complained. If he knew, he
2 would re-educate us, although he would not send us to be killed.

3 Q. I'd like to read out what you said in respect to Ta Vin, in
4 response number 21 of your written record of witness interview,
5 E3/5515. You stated as follows: "In my unit, a person named Ta
6 Vin, from the cart unit, was arrested and taken to Krang Ta Chan
7 office. He was accused of having an argument about not having
8 enough to eat. When he talked about it, someone reported to the
9 upper echelon, and eventually he was arrested. The chairman of
10 the cart unit, named Lak Toeng, was in Saut Thmei village." Do
11 you recall that episode? Do you recall the episode when Ta Vin
12 was arrested and taken to Krang Ta Chan, because he was
13 complaining about not having enough to eat?

14 [10.02.36]

15 A. I cannot recall the details, but I can recall that he, Ta Vin,
16 was taken to Krang Ta Chan after he had been arrested.

17 Q. At the time, did you know what Krang Ta Chan was being used
18 for? What did you hear about Krang Ta Chan?

19 A. We were not allowed to know what happened at Krang Ta Chan. We
20 only heard that it was a detention centre, and we were not
21 allowed about whether people had been killed at Krang Ta Chan.

22 Q. How did you learn that Ta Vin was specifically taken to Krang
23 Ta Chan, and not somewhere else? Who told you that?

24 A. I was told that Ta Vin was sent to Krang Ta Chan, and the
25 person who told me was a member of the cart unit. That was the

22

1 only place that they usually sent people to.

2 Q. In your PV, you also talk about Krang Ta Chan on another
3 occasion, in relation to what you said about marriage. In
4 response number 32, you said: "If a couple did not get on well,
5 it was known by the hierarchy and the next morning they would be
6 called to be re-educated. The couple would be threatened to be
7 taken to a place, for example, such as Krang Ta Chan." You stated
8 that you only knew that Krang Ta Chan was a detention centre, but
9 here, people -- you talk about people being threatened to be sent
10 to Krang Ta Chan. You never heard from the cadres directly, or
11 other colleagues, exactly what happened at Krang Ta Chan?

12 [10.05.31]

13 A. They also talked about Krang Ta Chan as a detention centre,
14 but personally I was not aware whether people had been killed at
15 Krang Ta Chan.

16 Q. To return to the topic of Ta Vin and when he was arrested. Do
17 you recall in which year, and during which part of the year, he
18 was arrested?

19 A. Ta Vin was arrested in mid-1976, or rather, it was in late
20 1976. As I recall, I began teaching children in late 1976, and I
21 met him during that time. Also I met Ta Thum (phonetic).

22 [10.06.50]

23 Q. Mr. Witness, I would like to read a segment from a document,
24 from document E3/4084. The copy in Khmer is not a very good
25 quality one. This is a summary of a committee meeting of Ta Phem,

1 from 13 May 1977. It reads as follows, and I quote:

2 "Ta Phem commune, Tram Kak district, summary. A report to
3 respected Angkar. On 7 May 1977, a man named But Vin, a new
4 person who was a combatant in Srae Chumrov village, Samraong
5 sub-district, propagandized people from Kampuchea Krom, who were
6 living in Samraong village, residing in Ta Phem sub-district."

7 So, propagandizing people from Kampuchea Krom who were living in
8 Samraong village.

9 "Angkar did not need people from Kampuchea Krom who live in Ta
10 Phem sub-district."

11 And on the case file, there's another document, D156.55, a
12 document that was also produced on the 7th of May 1977, from a
13 comrade in the commune of Chamraeun, who wrote: "I would ask that
14 you arrest But Vin, and report him to the police, pursuant to the
15 present letter."

16 Mr. Witness, this is a document that you've never laid eyes on,
17 concerning a person who was arrested. The person is called But
18 Vin. The person was arrested on the 13th of May 1977. Was this
19 But Vin, who was referred to in the document, is or could he be
20 the same person as Ta Vin? Or do you think these are two
21 different individuals?

22 [10.09.48]

23 A. I only know Ta Vin, but I am not familiar with another person
24 with the name that you just read out to me.

25 Q. Very well. Within Unit 1 where you worked, did you ever have

24

1 to attend self-criticism or criticism meetings, and if so, what
2 exactly occurred?

3 A. In Unit 1 we seldom attended -- or I seldom attended the
4 meetings, as I was given the responsibility to take charge or
5 take care of the children. For other sub-units, for example the
6 ploughing unit, or the transplanting unit, or the kitchen unit,
7 usually they held their meetings rather frequently.

8 [10.11.06]

9 Q. Nevertheless, you said that, in answer number 29, that you
10 actually participated in meetings, and that it was the commune
11 chief who presided over the meetings. During these large
12 meetings, held under the stewardship of the chief, Ta Khem, were
13 the April 17 People invited to those meetings?

14 A. No, they were not, because the meetings were held in the
15 cooperative in our respective units. For example, at Unit 1, the
16 meeting was held exclusively for members of Unit 1, and that
17 applies to Unit 2 and Unit 3 respectively.

18 Q. And during those large meetings, chaired by the commune chief,
19 was there ever any discussion regarding enemies? Did you ever
20 hear about increased fighting at the Vietnamese border? Did you
21 ever hear about the Yuon enemies?

22 A. At that time, they did not speak about this matter or told the
23 people about these matters. Some of us heard about it, but we did
24 not dare to talk about it, as we were afraid we would be taken
25 away and killed. And our unit chief also did not tell us about

25

1 that. The meeting mainly focused on the work that we were
2 assigned to do, for example, to work faster or to transplant rice
3 seedlings faster. They did not talk anything about the "Yuon".

4 MR. PRESIDENT:

5 Thank you, the Deputy Co-Prosecutor. The time is appropriate for
6 a short break. We will take a break now and return at 10.30.

7 Court officer, please assist the witness during the break, and
8 have him return to the courtroom at 10.30. The Court is now in
9 recess.

10 (Court recesses from 1013H to 1033H)

11 MR. PRESIDENT:

12 Please be seated. The Trial Chamber is back in session.

13 And the floor is now given to the Co-Prosecutor to continue his
14 line of questioning. Yes, you may proceed.

15 [10.34.15]

16 BY MR. D'ESTMAEL:

17 Thank you, Mr. President.

18 Q. In the coming half hour, I am going to put a few questions to
19 you, Witness, regarding the organisation of your commune, the
20 revolutionary marriages, and the treatment of the Buddhists, and
21 the treatment of people coming from Kampuchea Krom.

22 But before that I would like to finish with my line of
23 questioning with regard to the working and living conditions in
24 Samraong commune, and readouts and excerpts of your written
25 record, E3/5515 at answer 13 you said the following: "With regard

26

1 to the head of Unit 3, I only remember the name of one of them,
2 Nhor, who is deceased".

3 [10.35.08]

4 At Answer 14 you said, "They assigned people in Unit 1 or Unit 2
5 to control people in Unit 3. I knew that Nhor was assigned to
6 control Unit 3, because he was stricked with his work"

7 So how did you learn that that Nhor had been appointed head of
8 the cooperative, where the 17 April People working specifically
9 because he was harsh, who told you this?

10 MR. PHNEU YAV:

11 A. I knew that Ta Nhor took his assignment, and he was a strict
12 person to do his job. That's all I know.

13 Q. It may -- it might have been obvious back then, but did you
14 learn why there were no cooperative leaders belonging to the 17
15 April People?

16 A. The cooperative chief was not a position for the 17 April
17 People because they were the evacuee. This position is for Base
18 People only.

19 [10.36.58]

20 Q. Fine. In your written record at answer 23, you said the
21 following:

22 "In the children unit -- that is to say, Unit 1, there were no
23 arrests. But they stole things such as cooked rice, salt,
24 coconuts and palm juice, but they were tolerated because those
25 children were the children of Base People."

1 Did you ever find out what happened to 17 April children if they
2 stole food?

3 A. The children of the 17 April People who stole anything, they
4 were brought for reprimand for days or two and then they did not
5 do it again. Sometime they were threatened for their mistake.

6 [10.38.16]

7 Q. How did you learn that? Who told you that?

8 A. I witness children who stole coconut, they were from Unit 3
9 and the unit chief called them and told them to stop, and if you
10 try to do that again, you will be taken for execution, and then
11 the children stopped doing that again.

12 Q. Fine. Now regarding the organisation of your commune and of
13 your cooperative, and of the higher echelons, you mentioned a few
14 cooperative leader names. And at answer 13, this is what you said
15 and I will quote. It is the same document E3/5515, and you said
16 that, "The leaders of these three units were appointed by receive
17 orders from the commune chief named Ta Khem. The commune
18 committee received orders from the district committee named Ta
19 Chim, who is deceased. I do not recall the name of the sector
20 committee, but the zone committee was called Ta Mok. Tram Kak
21 district was District 105, located in sector 13." End of quote.

22 Can you tell us if Ta Khem remained commune leader until the
23 arrival of the Vietnamese?

24 A. Yes. He was always a commune chief until the arrival of the
25 Vietnamese troop. And then he left to the mountain and then he

1 returned and accidentally he was killed by the villager in
2 revenge.

3 Q. Back then, between '75 and '79, do you know if Ta Khem would
4 produce reports for the higher echelons? And if that is the case,
5 how were these reports forwarded to the higher echelons -- that
6 is say, to the district level?

7 A. The reports were sent through messenger in -- in form of
8 letter to the district office, so it was a kind of reporting
9 system like that.

10 [10.41.25]

11 Q. How did you know that this is how the reports were forwarded?
12 Did you know these messengers? Did you play any kind of role in
13 this process?

14 A. I don't remember messengers because it has been long time ago.

15 Q. And you spoke about the certain Ta Chim as a district leader.
16 Did you know one or several district leaders at Tram Kak in
17 District 105 between '75 and 1979, or you only knew Ta Chim?

18 A. I don't know other members. I know only Ta Chim because he was
19 from Samraong, and I asked him, and I knew that he was the
20 district chief of Tram Kak.

21 [10.42.54]

22 Q. If you asked him the question, does that mean that Ta Chim
23 would come visit your unit or cooperative when he was district --
24 a district leader?

25 A. Yes. He would often come to different communes to supervise

1 the work site and he would meet with the commune chief and so on.

2 Q. Did -- was Ta Chim sometimes accompanied by Ta Mok or by other
3 people when he would come visit say, for example, chief of region
4 13, or possibly foreigners?

5 A. No. There was not so many foreigner visiting. They were only
6 cadre who were Cambodian. When the district chief came, he would
7 escorted or accompanied by messengers to the place where we were.

8 Q. So you confirm that you never saw Ta Mok, for example, come
9 visit your unit, your commune?

10 A. I did not know him. I heard only his name.

11 Q. Fine. Now I'm going to turn to questions regarding
12 revolutionary marriages. And in order to expedite things a bit, I
13 am going to read out what you said to the Investigating Judge,
14 and I will put questions to you with regard to the details of
15 what you said. So, this is document E3/5515. This is answer 32,
16 question and answer 32. "In Pol Pot Regime, were there weddings?"
17 -- question, and this is your answer. "I also joined at Angk
18 Ponnareay. I saw the wedding of 20 couples, some of them had
19 known each other, but some had not. After the wedding, the
20 militiamen eavesdropped at the houses at night to know -- to know
21 if they got on well or not. At that time, no couple dared to not
22 get on well because they were afraid of death. If any couple did
23 not get on well, and it was known by the militiamen, they would
24 report to the upper echelon. Next morning, they were called to be
25 advised. They were threatened that they would be taken to some

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1 places, such as being taken to Krang Ta Chan. At that time, they
2 did not use the word wedding. They said about making a
3 commitment. If any couple loved each other, it didn't matter if
4 they were widows or married men or women. If they like each
5 other, they could propose to the upper level. At that time, the
6 unit chief called and asked them if they like each other, their
7 wedding would be arranged. The wedding was mostly held at nights,
8 with the participation of the commune committee, the chairman of
9 the cooperatives and units."

10 First of all, you said in this excerpt that you attended weddings
11 at Angk Ponnareay, and you also told us that it was at Angk
12 Ponnareay that the cooperative of Unit 1 was located.

13 Does this mean that you attended marriages only within Unit 1?

14 A. Yes, I attended in that marriage, but I just to have a look. I
15 have no role to play in that marriage.

16 [10.47.54]

17 Q. Fine. But this wedding, do you confirm that this was a wedding
18 within Unit 1 that did not involve at all people from Units 1 --
19 2 and 3? Is that correct?

20 [10.48.20]

21 A. All wedding of people were prepared or performed at Angk
22 Ponnareay, so whether they are from Unit 1 or 2 or 3, they were
23 also married in the same place at Angk Ponnareay.

24 Q. And were the people in Unit 1 sometimes married to people in
25 Unit 2 or in Unit 3?

1 A. People in Unit 1 can be married to people in Unit 2, but not
2 with anyone in Unit 3.

3 Q. And you said that weddings were very often held in the
4 evening. When you say very often, does this mean that there was
5 several marriages? How many times did you attend wedding
6 ceremony?

7 A. I attended into wedding ceremony, the first one was 20 couples
8 and another one 10 couples for the marriage. And people were
9 instructed to make the resolution saying that "I commit to love
10 my wife or my husband for the rest of my life", something like
11 that.

12 Q. Then you spoke about the attendance of the commune chief, the
13 cooperative chief and the heads of the units, and at both wedding
14 ceremonies that you attended, was it always Ta Khem who would
15 organise these ceremonies, who would preside over these
16 ceremonies, the commune chief?

17 A. Ta Khem, the commune chief also presided over the ceremony and
18 also the village chief tried to help with the ceremony.

19 [10.51.10]

20 Q. And during these ceremonies where couples would make
21 commitments, would Ta Khem speak? And what would he say to the
22 people who were getting married? Whether these people knew each
23 other or not beforehand?

24 A. He made a brief remark in that ceremony. He said that, "When
25 you made the resolution or commitment, you cannot separate from

1 each other later and the unit chief could you call the couples to
2 make the resolution?" And after that ceremony, everyone returned
3 to their place.

4 [10.52.08]

5 Q. And did Ta Khem speak about directions coming from the higher
6 echelons with regard to these marriages in the words he would say
7 to the future spouses?

8 A. There was no instruction, other than for those couple to love
9 each other and to live together, and then they were told to go
10 back to their units and after they spend 10 day and they need to
11 meet with each other again. That's all I heard and remember.

12 Q. And you said that some -- some people knew each other
13 beforehand, and some didn't. So what happened concretely during
14 the ceremonies for people who did not know each other, were they
15 -- were they given numbers or would they speak out their names?
16 How did they managed to know who was going to get married with
17 whom?

18 A. Name were told, that the man is match, or is a groom for that
19 bride. There is some kind of introduction like that.

20 Q. And the people who did not know each other who were told that
21 they were -- that they had to get married, did they have the
22 choice of deciding not to marry the other person?

23 A. There are some cases like that when anyone refuse, but nothing
24 happened to them based on their -- their mind, so a woman say
25 that I don't like that man, I like another one and people can say

1 that during the wedding ceremony.

2 [10.54.51]

3 Q. And you said that after the weddings, secret agents would hide
4 to listen to the young couples close to their homes during the
5 night in order to know if the couples got along or not. How did
6 you know that the secret agents, these chlop, these spies, were
7 hiding at night to listen to the young couples?

8 A. After the marriage, the unit chief send the chlop or the
9 militiamen to -- to listen to them at night and they assign two
10 militiamen per house of a couple to -- to listen to the couple.

11 [10.55.51]

12 Q. How old were the chlop, the militiamen, in your cooperative,
13 in your commune? Were they young boys?

14 A. The chlop or militiamen who were assigned for that were in the
15 15 or 20 years. Some were married, some were single and they were
16 peasant. They were the Samraong commune militiamen.

17 Q. And you said that it was -- that chlop had to listen at night
18 to see the couples got along or not. What do you mean by getting
19 along or not? What do you mean? Was it important for the couples
20 to consummate the marriage or was it something else?

21 A. They wanted to know whether the couple consummate their
22 marriage, and if they did not do that, they were called for
23 reprimand or for education. Any couple who get along or
24 consummated the marriage are fine and they can go to work as
25 usual.

34

1 Q. And you said that with regard to those who did not get along
2 -- that is to say, who did not consume the marriage, they were
3 summoned to be re-educated that the couple was threatened to be
4 sent somewhere, such as a Krang Ta Chan Security Centre. And you
5 told us earlier that people refused to get married with other
6 people and that nothing happened to them.

7 So apparently there is a contradiction. On the one hand, couples
8 did not want to consummate the marriage and then they were sent to
9 be re-educated and threatened to be sent to Krang Ta Chan, and on
10 the other hand, you said that people had refused to get married
11 and that nothing happened to them. So can you provide us with the
12 detail about these people who refuse to get married with other
13 people?

14 A. Those who refused to the marriage because they don't love
15 another partner and the -- he or she wait for another partner for
16 the next marriage.

17 [10.59.11]

18 Q. Fine. But this still doesn't explain the fact that certain
19 couples did not get along and that they were threatened. If all
20 of these couples loved each other and agreed logically, they were
21 supposed to get along. So why, based on what you have learned,
22 why did certain couples not get along?

23 MR. PRESIDENT:

24 Mr. Kong Sam Onn, you may proceed.

25 [10.59.53]

1 MR. KONG:

2 Thank you, Mr. President. I would like to object the question
3 posed by the International Co-Prosecutor. In fact, the witness
4 confirmed clearly to the question in relation to the decision of
5 a person to choose anyone to be husband or to be a wife during
6 that time, but the response of the witness may not be satisfy the
7 Co-Prosecutor, and then the Co-Prosecutor tried to insist from
8 the witness. This kind of questioning is not appropriate and
9 acceptable for our propose, because a witness cannot be insisted
10 to respond to what the Co-Prosecutor would like to be in
11 evidence. Thank you.

12 MR. D'ESTMAEL:

13 Mr. President, if I may respond, I am simply trying to resolve a
14 contradiction which appears rather significant to me. The witness
15 is saying on the one hand that people did not know each other
16 before they were married. Therefore I think one can deduce that
17 people did not know each other and that they did not love each
18 other. On the other hand, the witness has also stated that no
19 couple ever put themselves in a position of disagreement or
20 refused to consummate because they were frightened of death or
21 they were threatened to be sent to Krang Ta Chan. And he also
22 says that some people refused their chosen spouses. I am
23 therefore just trying to resolve the apparent contradictions that
24 have been presented by the witness.

25 [11.01.58]

36

1 MR. PRESIDENT:

2 Your interpretation seems to mean that you tried the witness to
3 respond according to what that you want. So, for the reason the
4 Co-Prosecutor please rephrase your question rather than to
5 interpret or make a conclusion of the response by the witness,
6 and if that is the case then it is wrong.

7 [11.02.36]

8 BY MR. D'ESTMAEL:

9 Mr. Witness, you stated that no couple ever dared to disagree
10 with one another because people were afraid of being sent to
11 their death. Why were people so scared of dying if they refused
12 to consummate their marriage? Did you ever have the opportunity
13 to speak to the newly married couples or talk about this subject?

14 MR. PHNEU YAV:

15 A. I heard about that instruction. They didn't dare not to
16 consummate the marriage and what I said was just in case that
17 they did not consummate their marriage, and if they were spotted
18 or monitored that they were -- they did not consummate the
19 marriage, then they would be in that situation.

20 [11.03.54]

21 Q. Very well, I'll move on to the next topic. As far as Buddhists
22 were concerned, before the arrival of the Khmer Rouge, there were
23 many pagodas and monasteries in the Samraong commune. Was this
24 the case?

25 A. At that time, we had Tuek Chrum (phonetic), Angk Ponnareay

1 pagodas in my area, so there were only two pagodas.

2 [11.04.35]

3 Q. In between 17 April 1975 and January 1979, how did the Khmer
4 Rouge use these pagodas?

5 A. From 1975, the monks were ordered to disrobe, and the pagodas
6 were transformed into a fertilizer warehouse or meetings were
7 also held at the pagodas.

8 Q. What happened to statues of Buddha during this period? Who was
9 responsible for what happened to the statues of the Buddha?

10 A. At Tuek Chrum (phonetic) pagoda the Buddha statues were thrown
11 in to a pond. They did not maintain those statues in the temples
12 anymore.

13 Q. How did the Base People feel following the attack perpetrated
14 by the Khmer Rouge soldiers against members of the religious
15 monks against the Buddhist monks?

16 MR. PRESIDENT:

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

18 MR. KOPPE:

19 Thank you, Mr. President. I object to this question. The witness
20 can only answer to what he saw himself. He cannot answer
21 questions as to what the Base People felt about what happened.

22 BY MR. D'ESTMAEL:

23 I'll rephrase my question.

24 [11.06.42]

25 Q. How did you yourself react to the fact that the monks were

1 defrocked, and the pagodas were being used for other purposes
2 than the original intents and purposes that prevailed previously?

3 MR. PHNEU YAV:

4 A. My feeling was that I really felt sorry for Buddhism and for
5 the Buddha statue, but what could I do? That's how the -- the
6 country was turned into, so we all just kept silent and we just
7 did according to the instructions of our unit chief.

8 Q. You stated that in your commune, under answer number 3 and
9 answer Number 35, you stated that aside from the Base People and
10 the 17 April People, there were no ethnic minorities such as the
11 Vietnamese or the Cham. Between 17 April 1975, and the end of
12 1978, did you ever see or hear about Khmers from Kampuchea Krom,
13 speaking with their distinctive accent, arriving at the Tram Kak
14 District and arriving at Samraong commune?

15 A. No, I did not see any of them in my commune. I mean, I did not
16 see any of them at all in my commune. And only people in Unit 1,
17 2 and 3 were in my commune.

18 [11.08.59]

19 Q. Very well, but you stated that you were far away from Units 2
20 and 3, but are you absolutely certain that Unit 3 only had
21 evacuees from Phnom Penh, and evacuees from Takeo, or is it
22 possible that you are unsure of this?

23 A. To my knowledge, there was no mixture of these people in our
24 commune, and as for Unit 3, there were only those people
25 evacuated from Phnom Penh. And I can only recall one man, but not

1 a woman.

2 [11.09.50]

3 Q. Very well, given the hour Mr. President, I will now close my
4 line of questioning. I wish to thank the witness for answering
5 all of my questions.

6 [11.10.00]

7 MR. PRESIDENT:

8 Thank you. And the Chamber cedes the floor now to the Lead
9 Co-Lawyer for Civil Parties. You have the floor.

10 QUESTIONING BY MR. LOR CHUNTHY:

11 Good morning, Mr. President, Your Honours, and good morning
12 everyone in and around the courtroom. And for those who follow
13 the trials through various other means. My name is Lor Chunthy
14 from Legal Aid of Cambodia and I represent civil parties in this
15 case.

16 Q. And good morning, Mr. Phneu Yav, and thank you for being here
17 to provide your testimony. And of course your testimony is in
18 relation to events that took place in Tram Kak and Krang Ta Chan,
19 my first line of questions is related to your statement -- that
20 is, document E3/5515. Through which person that Ta Norn and Ta
21 Chea returned from Hanoi?

22 MR. PHNEU YAV:

23 A. I knew that Ta Chea returned from Hanoi together with Ta Norn.
24 It's because the unit chief in my district talked about this. He
25 said that these two individuals actually left Cambodia to Hanoi,

40

1 in what year that I cannot recall, and later on they returned.

2 [11.12.30]

3 Q. Were the two men your -- were they your native villagers?

4 A. Ta Norn came from Chan Teab village in Samraong district. As
5 for Ta Chea, I didn't know which village he came from. I only
6 learnt that he returned from Hanoi.

7 Q. Again, in your statement, you said that Ta Chea arrested your
8 female cousin from Angk Ta Saom and she was beaten up. Can you
9 tell the Court what was your female cousin doing in Angk Ta Saom?
10 And what was the reason for her arrest?

11 A. She was -- in fact her husband was a teacher in Angk Ta Saom
12 but when soldiers came to National Road Number 3, in fact she
13 followed them and then the Khmer Rouge attacked the soldiers and
14 she could not flee on time. Then she was arrested by the Khmer
15 Rouge soldiers.

16 [11.14.28]

17 Q. Now, I move on to another topic. You stated that in each
18 village, villagers were categorised into different units. Can you
19 tell the Court whether the food supplies or other necessities
20 given to the unit were from the same village or were from
21 elsewhere?

22 A. As for the supply, it was locally distributed to the villagers
23 and it was not supplemented from elsewhere.

24 Q. Does it mean that for food supply, it had to be taken from the
25 village or commune cooperative or how did it work?

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1 A. In the morning, we had to go to transport them from Angk
2 Ponnareay, for example, for Paen Meas cooperative. For example,
3 the amount of rice and the amount of the vegetable that were
4 given to each respective unit. Then we would transport them in a
5 cart to the unit.

6 [11.16.24]

7 Q. You have stated about private ownership was abolished and that
8 private properties were gathered for common use. Can you tell the
9 Court who actually made the announcement that private properties
10 would be used -- would be put for common use?

11 A. Regarding the collection of private properties for common use,
12 it was the unit chief who actually gathered those properties and
13 belongings, namely cooking utilities. And the unit chief would do
14 that and if we keep something to ourselves, then we would be
15 questioned by the unit chief. For example, if we were to keep a
16 spoon, then we would be questioned for why.

17 Q. After the private properties were gathered, were they being
18 distributed for the consumption at the various units namely, Unit
19 1, 2 and 3? Or how were those properties or utilities distributed
20 among the various units?

21 A. It was used based on the village kitchen. As for the other
22 units, usually each unit would have its own kitchen and it was
23 the kitchen unit that maintained the utilities.

24 [11.18.30]

25 Q. You also stated that you were in charge of teaching children.

1 Who actually ordered you to teach children? Were you told
2 explicitly to teach only alphabets or to teach any policies of
3 the Khmer Rouge or of the revolution?

4 A. I was designated by the unit chief to teach children -- that
5 is, to teach them the alphabet, to teach them how to tend cows
6 and to gather the cow dungs.

7 Q. Did you teach children to call Angkar as their mother or
8 father? Was there such a case?

9 A. No, I was not instructed to do so because those children have
10 their respective mothers and fathers. And their mothers and
11 fathers were working at the dam construction site. I only taught
12 them the alphabet based on the text books that I was given.

13 [11.20.36]

14 Q. Now, I move on to another topic. You were asked by the
15 International Co-Prosecutor concerning the categorisation of the
16 people. Can you tell the Court who actually imposed the criteria
17 for the categorisation of the people?

18 A. On the categorisation of people into three categories was done
19 or was decided by the commune level.

20 Q. So, it was the commune level who made that decision on the
21 selection process. It means that people were selected to be part
22 of Unit 1, Unit 2 and Unit 3, etc. And what were the actual
23 criteria for such a selection process? And after they had been
24 selected for each respective unit, what was the nature of work
25 imposed upon them?

1 A. As for the selection process, I was not that familiar with. I
2 only knew that I was told to go and join Unit 1. And some people
3 from Unit 1 had to be sent to be placed in Unit 2 etc. So there
4 -- there had been some -- there was some exchanges of people from
5 Unit 1 to Unit 2, for example.

6 Q. You stated that those who worked hard were given more food.
7 And as for Unit 1, Unit 1 was the main labour force and then more
8 food was given to Unit 1. What do you mean by that? I mean, were
9 they the main force in building dams for example, and other units
10 only deal with transplanting rice seedlings?

11 [11.23.44]

12 A. When I refer to the main force, for example, for transplanting
13 rice seedlings, the ten of them had to finish the work within one
14 morning session. And if they could complete that kind of quota,
15 they were considered the main force.

16 Q. So does it mean that regardless of which unit they were in, as
17 long as they could finish that set quota, then they would
18 reconsider part of the main force?

19 A. Yes, that is correct. Then they would be referred --
20 considered as the special force group or unit.

21 Q. Can you tell the Court what you meant by "special unit" and
22 how the members of the special unit were selected?

23 A. Special unit means they did more work and they finished their
24 work earlier than the other units; for example, in terms of
25 ploughing the field or transplanting rice seedlings. So usually

1 they had to finish their work earlier than the other units.

2 [11.25.25]

3 Q. Let me now turn into the food regime. How was food
4 distributed? For example, in Unit 1, there were 1,000 people. How
5 was the rice distributed to this Unit 1 with 100 (sic) people?
6 For example, was each unit member given a can of rice or can of
7 rice was for ten people?

8 A. As for the food distribution, ten people were given three cans
9 of rice. However while I was at Angk Ponnareay, each of us would
10 be given half a can of rice.

11 Q. When you received your food regime, for example -- it means
12 did you receive like raw rice or was it in a cooked form like
13 cooked rice or cooked gruel?

14 A. While I was at Thbei (phonetic) Meas, ten of us were given
15 three cans of rice in a form of gruel but when we were at Angk
16 Ponnareay, it was cooked rice. Although we received half a can
17 each, it was not sufficient.

18 [11.27.27]

19 Q. I'd like to move on to another topic. Also in your written
20 record of a statement and in question-answer number 13, you
21 talked about the commune committee, district committee, so on and
22 so forth, up to the zone committee and they were part of a chain
23 of command. My question to you is the following. How did you know
24 about this structure or this chain of command?

25 A. I knew there was a chain of command because I was rather close

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1 to the unit chief and I learnt that information from him. But I
2 myself was not a unit chief; I just work close to the unit chief.
3 And he said about the instruction relaying from the district to
4 the commune, etc.

5 Q. Thank you. And in the interest of time, I will conclude my
6 question with two more remaining questions.

7 In terms of Buddhist religion, while you were in that area prior
8 to 1975, and you stated just then were two pagodas in your area,
9 were there many Buddhist monks in the two pagodas prior to 1975?
10 [11.29.24]

11 A. For Angk Ponnareay Pagoda, there were only about 30 monks. As
12 for Tuek Chrum (phonetic) pagoda, nearby my village, there were
13 more than 100 monks residing in that pagoda.

14 Q. And after 17 April 1975, where did those monks go? Did they
15 remain at the pagodas?

16 A. They remained at the pagodas until after 17 April '75, when
17 they began to disrobe and later on there was no longer any monk
18 in the pagodas.

19 Q. After all the monks left the monkhood and if somebody died
20 within your unit or within the village, how did they go about
21 finding a monk for ritual or for the funeral?

22 A. If somebody died or if somebody gets sick, that person would
23 be sent to a hospital. And if that person then died at the
24 hospital, he or she would be buried at that hospital without any
25 funeral ritual held.

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1 [11.31.20]

2 MR. LOR CHUNTHY:

3 Thank you very much for your answers, Mr. Witness. And Mr.
4 President, I don't have any further question.

5 MR. PRESIDENT:

6 Thank you. We will now adjourn for our lunch break and we will
7 resume at 1.30 this afternoon. Court officer, please assist the
8 witness during the lunch break and have him return to the
9 courtroom this afternoon at 1.30.

10 And security guards, you are instructed to take Khieu Samphan to
11 the waiting room downstairs and have him return to this courtroom
12 this afternoon before 1.30. The Court is now in recess.

13 (Court recesses from 1132H to 1336H)

14 MR. PRESIDENT:

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

16 Next I hand over the floor to the Defence Counsel for the
17 Accused. First, start from counsel for Mr. Nuon Chea. You have
18 the floor now to put questions for this witness.

19 [13.36.37]

20 MR. KOPPE:

21 Thank you, Mr. President. Good afternoon, Your Honours. Before we
22 would like to start questioning the witness, I would like to make
23 a remark that we have just again been served with a big binder
24 with two statements. From Case 004, statements from witnesses in
25 Case 004, one statement seems to be a very important statement

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1 for our case. It contains, as we briefly saw, 128 pages.
2 Yesterday, we were able to glance through the statements quickly
3 to see if there was any relevance in relation to this witness.
4 Obviously, when we were served now, it's only five minutes or ten
5 minutes ago, we were not able to have a proper look at these
6 statements. So, I think right now, we have reached the moment
7 that the only proper way to proceed is to postpone our
8 questioning or postpone the hearings until the moment that we
9 have been able to at least have a first glance at the new
10 statements. So, yesterday we said we could continue with this
11 witness but I think we have now, like I said, reached a moment
12 that we might not be able to continue with this witness. So now I
13 think officially we ask again for postponement of the hearings.
14 [13.38.15]

15 MR. PRESIDENT:

16 You may now proceed, International Deputy Co-Prosecutor.

17 MR. D'ESTMAEL:

18 Thank you, Mr. President. Good afternoon. Yes, indeed we have
19 provided to the Parties here present today the two written
20 records that are part of the 89 written records that we spoke
21 about yesterday. These two written records concern this
22 particular segment, Tram Kak and Krang Ta Chan, and it is our
23 concern to forward these written records expeditiously so that
24 they, the Parties, can read them as soon as possible. So this is
25 why we did so.

1 [13.39.06]

2 It's not to corner people, no. It's not to catch people by
3 surprise. Indeed there is a written record that is quite long.
4 However, among the eight written records that were forwarded
5 yesterday and among the two that were forwarded today -- that is
6 to say, ten which concern this particular segment, we can say
7 that among these ten written records, there are only some that
8 describe one single witness, a witness to come 2-TCW-809, if I'm
9 not mistaken. Among these ten written records, there is no other
10 mention of a witness who would come soon. And I don't believe
11 that the fact that we have notified at 12, in order to expedite
12 things, the fact that there are two new written records, that
13 this will impeded the examination of Mr. Yav this afternoon. And
14 it is also not proven that this will have an impact on the
15 person's testimony tomorrow. These are not people who are
16 necessarily directly involved or concerned by the other written
17 records that were notified to the Parties. So, if I were to
18 provide details regarding the contents of these ten written
19 records, a colleague will be in a position to provide you with
20 this detail in the coming minutes if the Chamber wishes so.

21 [13.40.59]

22 MS. GUISSÉ:

23 Thank you, Mr. President. Once again, I think that we are dealing
24 here with a problem of methodology and a problem of what we may
25 understand as useful when confronting testimonies. We're not

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1 saying, first of all to make things clear, that the OCP is laying
2 traps. Of course we understand the problems of disclosure with
3 regard to documents coming from the OCIJ, but however the
4 Prosecutor stands up together and tells you about -- and tells
5 you that the contents of the statements does not have an impact
6 on the testimony of such and such a witness. But we cannot say
7 anything because we haven't read these statements. So there's a
8 bias here.

9 [13.41.49]

10 The second point, and this is what I was saying yesterday, that
11 it is not because we have not -- we're not presented with a
12 witness who is going to -- who is mentioned in the statements
13 that the statements are not relevant. It's not because the names
14 do not appear that the facts or the elements described with
15 regard to Krang Ta Chan are useless. So we -- maybe the
16 Prosecution should have maybe a broader vision of what the
17 defence understands by confronting testimonies. So these are the
18 two clarifications I wish to provide and to tell you that indeed
19 for the moment, we're kind of in the dark because we do not have
20 the elements that the prosecutors have and we're simply asking
21 the Chamber to have the chance to be -- to stand on an equal
22 footing.

23 [13.42.54]

24 MR. PRESIDENT:

25 You may now proceed.

1 [13.42.58]

2 MS. GUIRAUD:

3 Thank you, Mr. President. And in order to share our position with
4 you, we reminded to you yesterday how important it is for the
5 civil parties that this trial move ahead. But we're dealing here
6 with a situation which is rather problematic and unusual
7 including for us. And we have just received a very thick loose
8 folder with documents that we were not able to read yet. So this
9 indeed is a problem for us, so we would like to rely on the
10 Chamber's wisdom with regard to this issue. And once again, we
11 understand the concerns of the defence counsels because we are
12 exactly in the same situation.

13 [13.43.41]

14 MR. D'ESTMAEL:

15 Thank you. I will be brief, Mr. President, but I simply want to
16 react to this comment on not being on an equal footing. Yes, in
17 reality, yes, because we cannot use these written records as long
18 as they haven't been forwarded to all of the Parties; as long as
19 we don't have the clearance from the OCIJ so we cannot use them
20 here in the courtroom. I just wanted this to be clear.

21 MS. GUISSÉ:

22 Mr. President, one clarification that I forgot to make is that,
23 also, from a purely technical standpoint, in the latest folders
24 that were given to us, we do not have the link with -- or the
25 references that we could use in the Public Hearing, so, even if

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1 we want to use the statements, that we haven't yet read, we
2 wouldn't be able to do so, in any case, in these circumstances
3 that were set by the Prosecutors. And, of course, to answer the
4 Co-Prosecutor, I understand perfectly well that they cannot use
5 the statements as long as they haven't received clearance from
6 the OCIJ, but, however, they have read these statements.

7 [13.45.08]

8 (Judges deliberate)

9 [13.47.48]

10 MR. PRESIDENT:

11 Judge Fenz, you now have the floor to respond and address to the
12 matter raised by Parties. You have the floor now, Judge Fenz.

13 JUDGE FENZ:

14 Well, everybody, hopefully, agrees that this is not about
15 assigning blame, but about managing a difficult situation in a
16 way that ensures a fair and expeditious trial. The Chamber has
17 given this whole situation some thought, from yesterday onwards,
18 or even before, and an email will go out to the Parties today,
19 which outlines how the Chamber envisages the near future. I don't
20 want to go into the details here because it would be too
21 confusing, but we will give time to the Parties to familiarize
22 themselves with the documents. However, we think that as far as
23 today's and tomorrow's witnesses are concerned, the best way to
24 go ahead is go ahead on the basis of currently available
25 documents. Should there be a need to recall these witnesses after

1 all of us have had time to familiarize ourselves with the
2 contents of the newly released documents, requests will be made,
3 and the Chamber will make a decision on that.

4 [13.49.40]

5 MR. PRESIDENT:

6 Thank you, Judge Fenz. Now, the Chamber gives the floor to the
7 counsel for Mr. Noun Chea to put questions for this witness.

8 QUESTIONING BY MR. SUON VISAL:

9 Thank you, Mr. President. Good afternoon, Mr. Witness. Mr.
10 Witness, you answered some questions already, particularly,
11 questions put by the Co-Prosecutor and the Lead Co-Lawyer. I need
12 some clarifications from you, in light of your answers.

13 Q. I would like to know about the work that you did in your
14 cooperative. You stated that while you were working units were
15 divided -- three units were divided. What about the working
16 conditions? Were they the same in all the units or were they
17 different in each unit?

18 [13.50.51]

19 MR. PHNEU YAV:

20 A. Mr. President, the workload in all the three units were
21 different. Unit 1 was much progressive, and the third unit was
22 not really progressive. That is why units were divided into
23 three.

24 Q. While you were working in your unit, were you allowed to take
25 leave if you were sick?

1 A. If we were sick, we were allowed to be hospitalized.

2 Q. When you were admitted into a hospital or clinic, could you
3 have relatives taking care of you at the hospital or clinic?

4 [13.52.09]

5 A. No, we had no relatives with us. We were on our own. We were
6 alone. There were medics. Even if our relatives wanted to visit
7 us, they would not be allowed to go and visit us because they
8 were told that they were not medics.

9 Q. During your time -- during the time that you were working, did
10 you have time to relax?

11 A. While we were on duty, we could not rest. We started our work
12 for example, from 2 p.m. until 5 p.m., and after that we took a
13 bath and went to sleep.

14 Q. During the time that you were working, was there any
15 regulation stating that you could relax or have leave once or
16 twice a month?

17 A. We do not have time to relax or to have time to take leave,
18 and we have no weekends - we had no weekends - to relax. But we
19 could come to visit our family once in every 10 days.

20 Q. So, you could go to visit your family in every 10 days, is
21 that correct?

22 A. Yes, I could go to visit my family who were in, also, mobile
23 units. So, as for husband and wife they could visit each other,
24 and the day after they would have to return back to work.

25 [13.54.14]

1 Q. Thank you, I now move to another topic. In relation to your
2 work in the children's unit, while you were in the children's
3 unit -- while you were working in the children's unit you taught
4 the alphabet to the children, did you teach any other subject to
5 the children?

6 A. No, children were not taught of any other contents or other
7 subject matter. They were taught about alphabets and arithmetic.

8 Q. Based on your answer, you said that there was a guidebook for
9 you to teach the children, so, what was the guidebook about?

10 A. As for the guidebook, there were pictures, and there were
11 alphabets and vowels, in the book. The guidebook was for teaching
12 children.

13 [13.55.39]

14 Q. Thank you very much. After you taught the children, were the
15 children under your own supervision at night-time, or were they
16 allowed to go back to their parents?

17 A. Those children were under my supervision and after 10 days,
18 they could have time to visit their parents.

19 Q. In relation to food regimes, what was the food ration for
20 those children?

21 A. Children had the same meal as those who were in the mobile
22 units. So, they got a pot of rice, cooked rice, for a group of
23 eight or 10 children. And, as for children, they would pack the
24 rice in their krama and took it to somewhere they could have fish
25 with the rice.

1 Q. You said that the children could have rice with the grilled
2 fish, were children allowed to find and search for fish to eat?

3 A. During the time that the children went to tend cows and
4 cattle, they would find a chance to look for fish, so they could
5 have fish.

6 Q. Were there any other unit chiefs above you, since you were
7 already supervising those children?

8 [13.57.55]

9 A. I was below others, there were other chiefs above me. If the
10 children made any trouble, I would be blamed; I mean my chief
11 would blame me.

12 Q. Thank you very much. This is my last question: in your
13 community, were there any Cham ethnicity?

14 A. No. There were no Cham. Only Khmer was in my community and
15 there were no Chinese as well.

16 MR. SUON VISAL:

17 Thank you, Mr. President. That concludes the line of my
18 questioning.

19 MR. PRESIDENT:

20 Thank you very much, Counsel. You may now proceed, Mr. Victor
21 Koppe.

22 QUESTIONING BY MR. KOPPE:

23 Good afternoon, Mr. Witness. I have a few more questions, not
24 many. My first question to you is about an answer that you gave
25 in your statement to the investigators of the Investigating

1 Judges. It's answer 24, of E3/5515. You were asked a question
2 about sick people and you answered to the investigator something
3 about your wife being sent to the hospital for having post-natal
4 depression. Would you be able to tell us a little bit more, how
5 long your wife was sick and when was she sent to the hospital?

6 [13.59.45]

7 MR. PHNEU YAV:

8 A. Yes, she had a post-natal depression, and that's prior to
9 1975. At the time we were in the village cooperative, she only
10 delivered our baby for seven days and then she was ordered to
11 carry earth, and she said she could not do it, but they said it
12 should be okay for her, and then she went, and then she became
13 sick. Then we asked for a traditional medicine mixed wine, but
14 they refused to give it to her. This happened when we were in
15 Angk Ponnareay.

16 Q. And which year was that? Was that before '75 or after 1975?

17 A. It happened before 1975. It happened about two or three months
18 prior to 1975. That's when we were ordered to carry earth along
19 the ponds to use it.

20 [14.01.28]

21 Q. Thank you, Mr. Witness. Another topic, you spoke earlier about
22 three types of cooperative members: full rights type, candidate
23 members and depositee members. Do you know if between 1975 and
24 1979, there was a moment that all categories were abolished? It
25 was one sort of community or cooperative member, that there were

1 no more distinctions between the three groups? Do you remember
2 this?

3 A. As for the candidate, the candidate was about to be upgraded
4 to the full rights group, but then the Vietnamese troops arrived.

5 Q. But is it correct that in July 1978, all three categories
6 merged into one category?

7 [14.02.46]

8 A. Yes, I remember some, but it only happened for the Unit 1 and
9 Unit 2, it was not applicable for Unit 3.

10 Q. Thank you, Mr. Witness. I move on to another topic, you said
11 earlier this morning that when collective meals were introduced,
12 that if people did not agree with this they might be taken away
13 and killed and that for that reason nobody dared to make any
14 protest against these collective meals. Could you give us any
15 example of anybody who actually protested and was sent to Krang
16 Ta Chan or to anywhere else?

17 A. At my work, or where I lived to the North, it didn't happen.
18 But to the South part, it happened to one man that was Ta Vin, he
19 was taken away at that time.

20 Q. I wanted to ask you some questions more about Ta Vin, I'll do
21 that now, since you mentioned his name. You said that you heard
22 from a member of your cart unit what the reason was of his
23 arrest, and that he was in fact sent to Krang Ta Chan. Would you
24 be able to tell us why or how the member of the cart unit knew
25 this about Ta Vin? What was his knowledge for the reasons of his

1 arrest and the fact that he was sent to Krang Ta Chan?

2 [14.04.48]

3 A. I knew Ta Vin because I used to ride an ox cart with him. One
4 day he left the kitchen hall after he had his fill and he said
5 that the food was insufficient and probably somebody overheard
6 that statement that he made, and then he was taken away.

7 Q. But would it be fair to say that you are speculating as to the
8 reason of his arrest? That that could be a reason but that you
9 don't know for sure?

10 A. He was arrested while I was there, because we slept together.
11 As I said, we rode a cart together.

12 Q. But did the people who come to arrest him, tell him the reason
13 why he was arrested? I'm still not sure how you know what the
14 reason for his arrest was.

15 A. No, they did not state the reason for his arrest. They said
16 that he would be taken for re-education. And, in fact, in my unit
17 -- that is, amongst the 40 members of the unit, he was the one
18 who was taken away for re-education.

19 [14.06.39]

20 Q. I'll try one more time, the last time, Mr. Witness. What makes
21 you say that you know the reason for his arrest? What is your --
22 what's the basis of your knowledge for the reason -- regarding
23 the reasons of his arrest?

24 A. I knew because people whispered to one another for his arrest.
25 After his arrest, then I asked other people and they all said he

1 was taken for re-education.

2 Q. Mr. Witness, this morning you also said that people lived in
3 fear during the regime, that people were afraid to make a
4 mistake, because if they made a mistake they would be taken away
5 and killed. Could you give us one example of somebody who made a
6 mistake and was taken away and then killed?

7 A. I don't know what example I can give you. We were part of the
8 Base People group, so it did not really happen among our group,
9 but for other groups, it did happen.

10 Q. But are you speaking about things that you heard, that people
11 were gossiping about, or do you have actual knowledge about this?

12 [17.08.44]

13 A. What I said was what I heard from other people. We talked --
14 for example, when we were having meals, about the disappearance
15 of someone.

16 Q. But, Mr. Witness, would it be fair to say that if you were
17 speaking about somebody who disappeared, that when you were
18 talking about it you were in fact speculating as to the reason
19 for this person's arrest?

20 A. No, I did not speculate. I said what I knew, at the time.

21 Q. Mr. Witness, it's important for us to establish if you say
22 things, what the sources of your knowledge is, how you know
23 things. If people talk about things, it doesn't mean that they
24 know. So, I'm trying to figure out - trying to find out from your
25 answers what source of your knowledge is. Do you understand what

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1 I mean?

2 [14.10.01]

3 A. Yes, I understand your question. I knew. I knew about the
4 disappearance of someone, for example in my cart unit, one member
5 disappeared, then I asked other members, and then I learned that
6 he was taken away last evening. That's how I knew about his
7 disappearance.

8 Q. But the answer you are giving is only about the fact that
9 somebody disappeared, but not for the reasons why this person
10 disappeared. Do you understand the difference? The fact that
11 somebody was taken away is different as to the reasons for
12 somebody's arrest.

13 A. I didn't know much about that, what I knew was that he was
14 working in my unit and then he disappeared. And after an inquiry
15 I knew that -- or I learned that he was taken away and
16 disappeared.

17 Q. Mr. Witness, this morning you also said that -- you said
18 something about children from Unit 3 stealing coconuts and that
19 they were told that if they tried to do it again, they would be
20 taken away for execution. Do you know of any real example of a
21 child stealing a coconut or another fruit that was actually taken
22 away to Krang Ta Chan?

23 [14.44.49]

24 A. As for children, no children were arrested. However, if they
25 stole rice or a coconut or fruit, then they would be warned not

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1 to do that again, but they were not punished, they were very
2 young children, their age was about 12.

3 Q. But this morning you said that they were told that if they
4 would steal again they would be taken for execution. Is that
5 something that you are not saying now anymore or am I
6 misunderstanding your answer?

7 A. This morning, I said that they would be taken to be killed,
8 but it was just a threat and, in fact, they -- because after they
9 threaten the children like that, the children stopped stealing
10 anymore.

11 Q. I have the same question, but this time in respect of couples
12 who were just married. Do you know of any example of couples who
13 were actually sent for re-education or actually sent to Krang Ta
14 Chan for not consummating their marriage? Do you have any
15 concrete example, or is it just a fear of something?

16 [14.13.25]

17 A. As for the newlywed couples, no, they were not sent anywhere,
18 but people would come to eavesdrop their living together and they
19 would be advised to consummate their marriage.

20 Q. Mr. Witness, would it be fair to say that you are more
21 describing, maybe, a general fear of possible measures, but that
22 in reality no one was actually sent to re-education centres or
23 Krang Ta Chan for violations like stealing coconuts or not
24 consummating marriages. Would that be a fair summary of me?

25 A. Yes, that is correct.

1 Q. Last set of questions, Mr. Witness. You said earlier this
2 morning that you saw that Buddhist statues were thrown into the
3 water. Could you give us some more details? When exactly did this
4 happen, and where? I think you said where, but where and by whom?
5 Who were the perpetrators of this?

6 [14.14.54]

7 A. The Buddhist statues at Tuek Chrum (phonetic) pagoda were
8 thrown into the water by the villagers, and those villagers were
9 instructed to do so by the unit chief, and in fact the Buddha
10 statue was dropped into a pond just in front of the Buddhist
11 temple.

12 Q. So, it was done by the villagers at the instruction of the
13 village chief. When exactly did this happen? Do you remember?

14 A. It happened in 1975, after Phnom Penh fell. And that was the
15 time the monks were defrocked, and the Buddha statues were
16 dropped into the pond and the cooperatives were established.

17 Q. Do you know if this village chief who instructed the villagers
18 was punished for his deeds -- punished by the Khmer Rouge for his
19 deeds?

20 [14.16.29]

21 A. No, he was not punished because they were one and the same. He
22 was also instructed from the upper level, probably from the
23 commune chief, and then the villagers had -- carried the Buddha
24 statue and dropped it into the pond.

25 Q. Do you know this, or are you speculating that he was

1 instructed from the upper echelon?

2 A. I knew it for certainty because my cousin actually went there
3 but he didn't dare to break the Buddha statue. So, then he went
4 down, and then other people went up to disassemble the Buddha
5 statue, and carry it and pass it in a pond. And, actually, the
6 statue is still there currently.

7 Q. Do you know of any other examples of destruction of Buddhist
8 statues or was this the only time that you saw this or heard
9 about it?

10 A. That's all I knew about destruction of a Buddha statue. They
11 disassembled the statue apart and then they threw it into the
12 pond.

13 MR. KOPPE:

14 Thank you very much, Mr. Witness, for your answers. Thank you,
15 Mr. President.

16 [14.18.26]

17 MR. PRESIDENT:

18 Thank you. The Defence Counsels for Khieu Samphan, you have the
19 floor.

20 QUESTIONING BY MS. GUISSÉ:

21 Thank you, President. Good afternoon, Mr. Witness. My name is
22 Anta Guissé, I am International Co-Lawyer for Khieu Samphan. I
23 have a few very brief questions to put to you in order to gather
24 some clarifications on your testimony.

25 Q. In my notes, I have written that this morning you wrote that

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1 Unit 1 was the main labour force, and that within Unit 2, they
2 were people that were not as strong. Is that a correct
3 interpretation of your testimony? That in Unit 1 there were
4 strong members or stronger members, than those who constituted
5 Unit 2, is that exact?

6 A. In Unit 1, members were recruited based on their strength and
7 their age. As for the elder people, they were placed in another
8 unit, and, yes, unit 2's force was less -- was not as strong as
9 Unit 1. And they also were divided into sub-groups, for example a
10 mobile unit for women and for those women with children. And,
11 also, there would be the ploughing unit, which was a part of the
12 strong unit.

13 [14.20.18]

14 Q. In your statement before the Co-Investigating Judges, under
15 E3/5515, under question number 9, you talked about the division
16 of labour, and you said, and I quote: "Work was divided amongst
17 those who could, for example, construct large structures, as well
18 as those who could gather all sorts of things. We were told --
19 those who were not of age were told to farm tobacco, for
20 instance, vegetables. And elderly women would have to look over
21 children on average five to ten children per woman. The women
22 would have to gather cow dung and then they would also be ordered
23 to teach reading and writing for two or three hours a day, and
24 after the classes they would be told to tend the cows before
25 their meals." Is what you told me earlier -- that is, within Unit

1 1 there were several groups and were the groups divided according
2 to age, and they were members of Unit 1?

3 A. As for the women unit, they were placed into one group for
4 transplanting rice and for men, they were also placed into a unit
5 responsible for carrying earth, and children were placed into
6 another unit, and elder women were placed in a unit to look after
7 the children, and elder men were placed into a unit for growing
8 vegetables.

9 [14.22.31]

10 Q. In addition, this morning, you referred to the fishing unit.
11 Was the fishing unit a part of Unit 1?

12 A. It existed in all the Units, 1 and 2 and 3. So, there was a
13 unit responsible for fishing and for gardening vegetables for the
14 kitchen. And some members of the unit were also responsible for
15 planting vegetables.

16 Q. So if I understand correctly, each unit had its own ploughing
17 unit and its own fishing unit which would be responsible for
18 supplying provisions to each unit. Is that correct?

19 A. Yes, that's what I meant. For Unit 3, for example, they have
20 their own unit responsible for the food supplied to their
21 respective unit and then there is a fishing unit. And all these
22 sub-units existed across the three units and no unit -- or no
23 sub-unit in Unit 1 can provide food supply to Unit 2 or Unit 3.
24 They had to supply their own unit.

25 Q. Alright. Speaking of the fishing unit, you described that you

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1 were served soup during the meals. Was the soup made of fish that
2 was captured by the fishing unit and if so, how often?

3 [14.24.48]

4 A. As for a fish soup, we had it almost every day and usually,
5 for example -- or every tenth day, we would be given beef, in
6 addition to our regular vegetables. As for fish, we -- we had a
7 unit to go fishing and we would have fish every day, despite the
8 varied amount of fish that we had.

9 MS. GUISSÉ:

10 Thank you Mr. Witness. I have no further questions, Mr.
11 President. I would like to hand the floor over to my colleague.

12 MR. PRESIDENT:

13 Yes, and Counsel Kong Sam Onn, you have the floor.

14 QUESTIONING BY MR. KONG SAM ONN:

15 Thank you Mr. President. And good afternoon Mr. Phneu Yav. My
16 name is Kong Sam Onn and I have some questions to put to you in
17 relation to your role during the Democratic Kampuchea regime.

18 Q. You stated that you joined the revolution in 1970 and later
19 on, you became a teacher for children. And I'd like to clarify
20 the timeline of your various duties and that you also was in a
21 cart unit. So after 17 April 1975, what was your first job that
22 you were assigned to do?

23 [14.26.39]

24 MR. PHNEU YAV:

25 A. Initially I worked in the rice fields in Unit 2 to the

1 northern part.

2 Q. How long did you work there?

3 A. I worked in the rice fields in the northern part from 1975
4 until I was evacuated -- transferred to Unit 1 to the southern
5 part and that happened in 1976.

6 Q. Can you recall which month in 1976?

7 A. I cannot recall the month. It has been more than 30 years now.
8 I can only recall that I was transferred there to ride the cart.
9 And at that time I was not yet instructed to teach.

10 [14.27.50]

11 Q. So you were transferred into Unit 1 to be part of the sub-unit
12 -- that is, the cart unit. And how long did you work there in the
13 cart unit?

14 A. I worked in the cart unit to transport rocks for bridge
15 building. I worked there for eight months so it was almost a year
16 and that -- that spanned almost entire 1976 and later on I was
17 transferred to look after the children to tend cows.

18 Q. Yes, you did state that this morning that you looked after the
19 children and that you also tended cows. In addition, you stated
20 that there were about 100 children and 100 cows. Can you tell the
21 Court that within your cow tending group, how many workers were
22 in it?

23 [14.29.07]

24 A. Initially I was alone, by myself. But by 1978 there was a
25 young teacher who came to assist me so initially I was alone

1 looking after these 100 children.

2 Q. When you were by yourself looking after 100 children and 100
3 cows, what was actually your function?

4 A. My function was to teach children and after the teaching
5 session, then the children were sent to tend the cows and I
6 remained studying at the school. And by 5 o'clock in the
7 afternoon they would bring the cows back and then they would have
8 meal.

9 Q. I asked you about your function or your status while you were
10 taking care of the children. Were you referred to as a team
11 leader, a group leader or a unit chief while you were looking
12 after 100 children and 100 cows?

13 [14.30.40]

14 A. I was a -- I was designated as a teacher while at the same
15 time looking after the children.

16 Q. Can you tell the Court that in your capacity as this teacher,
17 or in Khmer you say "krou pra mol padom", what does it mean?

18 A. That designated teacher, or "krou pra mol padom", was for
19 specific parts of the cooperative. For example, for the village
20 or for the kitchen, but not for the mobile units because in the
21 mobile units, the children there were older, for example, 15, 16
22 year-old children were in the mobile units.

23 [14.31.52]

24 Q. In your document -- that is, E3/5515, in question-answer 15,
25 you spoke about the children unit, that there were male children

1 and female children and concentration children. My question to
2 you is in regard to the concentration children unit. Was it a
3 sub-unit of the children unit or was it a stand-alone unit?

4 A. There were no -- there was no female unit because for the
5 female children they were looked after by a woman. I looked after
6 the male children.

7 Q. Here I refer to your statement, question-answer 15, as you
8 refer to the children unit which comprise of male and female
9 children and, in addition, you stated that there was also a
10 concentration children unit. Can you respond to that?

11 [14.33.27]

12 A. That's what I stated to the Co-Investigating Judge. I looked
13 after the male children or I referred to as the concentration
14 children unit. Concentration children unit referred to younger
15 children because for older taught by other people. And they were
16 actually at Thmei pagoda -- that is, those elder children and in
17 fact those elder children, they were part of a mobile unit. But
18 the children that I looked after -- they were quite young.

19 Q. In order to clarify this issue for all, can you tell the Court
20 whether there was any female child in your children unit?

21 A. No, there was no female child. There were only male children.
22 As for the female children, they were placed to the east --
23 eastern part of where I worked.

24 [14.34.48]

25 Q. So, can we say that children unit, in fact, was divided into

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1 two -- that is those who range -- whose age range from 8 to 12,
2 and then they were further divided into male children unit and
3 female children unit? And you supervised the male children unit,
4 while another person supervised the female children unit? Am I
5 correct in stating so?

6 A. Yes, that is correct.

7 Q. Since this morning, upon listening to your testimony on the
8 issue of teaching the children, you stated that you taught them
9 how write and how to spell and how to do numeracy and no other
10 subject matters were taught. Did you yourself receive any
11 training from the upper institution on teaching -- on the
12 teaching subject matter?

13 A. No, I did not receive any teacher training. I was simply
14 assigned to teach the children because they said that I was
15 literate so that I should teach those children.

16 [14.36.37]

17 Q. What about at the cooperative or at the commune level -- did
18 they give you instruction on what subject matters to teach?

19 A. Yes. We were -- I was instructed to teach children for three
20 hours per day from 11 to 12, and then a lunch break, and then we
21 continued until 1.30, then they were let go to tend the cows.

22 Q. The three-hour teaching programme that you stated -- was it a
23 daily routine?

24 [14.37.32]

25 A. I engaged in teaching the children two -- two and a half hours

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1 to three hours every day because sometimes the unit chief would
2 walk by and see and if I did not teach the children then I was
3 blamed.

4 Q. How frequent was the unit chief coming to see how you taught
5 those children?

6 A. Sometimes he came, for example, today and not the next day but
7 the day after.

8 Q. Did any other people coming to visit you or to inspect the
9 place where you teach -- where you taught?

10 [14.38.40]

11 A. No, nobody else. I was alone teaching the children and when
12 the session was over the children just ran down to tend the cows.
13 Then I was by myself in the school.

14 Q. While you were teaching or looking after the children did any
15 of the parents of the children come in to visit their children?
16 Or did any of them come to request to bring their children along?

17 A. While I was teaching the children, no parent ever came because
18 they were engaged in working and in the evening, if any of the
19 children wanted to go to see their parents, they would come to
20 ask me, then I would let him or her go.

21 [14.39.57]

22 Q. While you were teaching, did you make any assessment on the
23 children's progress? For example, was there a test or examination
24 in order to assess the knowledge absorbed by those children that
25 you taught?

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1 A. No, I rarely did that. And in fact, some of those children are
2 still living today and yes, they actually knew how to read.

3 Q. From the time that you worked as a teacher until the time the
4 regime fell, what was your observation on the progress of those
5 children?

6 A. On this matter, most of them knew about the alphabet but they
7 were not really familiar or were not well-versed in numeracy. I
8 taught them, for example, just the numbers, for example, one to
9 one hundred, but on multiplication or division they did not know
10 well.

11 [14.41.38]

12 Q. Now, I'd like to discuss with you on the issue of labour. You
13 stated that the children had to engage in labour, namely tending
14 the cows after they concluded their study lesson with you. How
15 did you divide the work for those children?

16 A. I divided the work for those children in tending the cows in
17 the following way: one children -- one child needed to tend one
18 cow and then that child needed to bring the cow back in late
19 afternoon. And as for the cow dung collection, they needed to
20 each get a basket full of cow dung.

21 MR. PRESIDENT:

22 The time is appropriate for a short break and we will take a
23 break now and return at 3 o'clock.

24 Court officer, please assist the witness during the break and
25 have him return to the Court again at 3 o'clock this afternoon.

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1 The Court is now in recess.

2 (Court recesses from 1443H to 1506H)

3 MR. PRESIDENT:

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

5 And again, the floor is given to the defence team for Khieu

6 Samphan to continue putting further questions to this witness.

7 You may proceed.

8 BY MR. KONG SAM ONN:

9 Thank you Mr. President. And again, good afternoon, Mr. Phneu

10 Yav. Allow me to put further questions to you.

11 Q. Before we broke, I asked you about the work assignment that

12 you gave to the children -- that is, one child to tend one cow

13 and after they returned they had to gather a basket full of cow

14 dung and press it in a pit. Besides this work that each one child

15 to tend one cow and to gather basket full of cow dung, what else

16 did you assign to the children?

17 MR. PHNEU YAV:

18 A. No, that was all. So they mainly worked with tending the cow,

19 gathering cow dung and attending the class.

20 Q. Did they involve in this kind of work until the arrival of the

21 Vietnamese troops?

22 A. Yes, that is correct.

23 [15.07.56]

24 Q. Regarding the sleeping quarter, where did they sleep under

25 your care?

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1 A. They lived in a long building where I was there. They did not
2 actually return to their parents' houses. They only went to visit
3 their parents on the 10th or 20th of each month.

4 Q. May I put further questions to you civil -- Mr. Witness?

5 A. Yes.

6 Q. In term of hygiene or the use of the bathroom or toilet, what
7 was the arrangement in your school?

8 A. There was no bathroom, nor toilet in the bathroom, in the
9 school. In fact, the children relieved themselves while they went
10 out to the field or to the forest to tend the cows.

11 Q. While you were looking after the children, was there any case
12 that one of them get -- got sick and had to send to a hospital?

13 [15.09.45]

14 A. Yes, some children got sick and if they were sick then I would
15 not allow them to go out and tend the cows. Then I would send
16 them to their parents and the parents would take them to a nearby
17 hospital because we were not far from the hospital in Angk
18 Ponnareay.

19 Q. How did you notify the respective parents of the sick
20 children?

21 [15.10.21]

22 A. I went to tell their mothers, for example, and then I told the
23 parents or the mothers to come and fetch the children and take
24 them to the hospital. And sometimes they did not actually take
25 their children to the hospital. They only do coining and then the

1 children became better.

2 Q. Where did you inform the parents -- at the worksite or at
3 their houses?

4 A. I went to notify the parents at their houses and their houses
5 were just adjacent to one another and the school itself was not
6 far from their houses. It was only about 200 metres away.

7 (Short pause)

8 [15.11.34]

9 Q. There was no French translation of your response to my last
10 question and let me put it again to you. When the children were
11 sick you notified the parents and my question to you were, where
12 did you notify them and you replied that you went to their houses
13 because the houses were not far from the school. And let me
14 continue. In relation to the food regime, earlier you stated
15 about the food ration for the children. And can you further tell
16 the Court the actual food ration for the children?

17 [15.12.17]

18 A. Their food ration was as same as the ration for the adults.

19 Q. The -- in response to the previous defence counsel, you stated
20 that children could bring rice to their houses and eat the rice
21 there and you said that there was also fish that the children
22 could eat. And can you tell the Court a little bit further how
23 did the children go back to their house? Did they go there and
24 remain -- stay there or they returned to sleep at the school?

25 A. They, in fact, brought the food from the dining hall to the

1 school or the building and consumed it there. They did not take
2 the food home.

3 Q. As for those children who did not obey the disciplines, for
4 example they stole coconut and you stated that they were not
5 punished, they were only reprimanded not to steal again. Who
6 actually reprimanded them?

7 [15.14.10]

8 A. It was the unit chief who imposed the sanction, who
9 reprimanded the children. I myself did not involve in this
10 process. And despite being reprimanded, sometimes the children
11 still stole, for example coconut, because they were young.

12 Q. As for you yourself, did you ever impose any sanction or
13 reprimand any of the children?

14 A. Yes, I did. Sometimes the children fought one another and I
15 scolded them and reprimanded them not to do it again and then
16 they listened to me. So I advised them not to engage in fighting
17 or arguing with one another and later on they did not do it
18 again.

19 [15.15.21]

20 Q. If the unit chief -- rather, how did the unit chief was aware
21 of the children engaging in these violations of the disciplines?

22 A. For example, if the children stole fruit or coconut then the
23 -- in fact, the women in the women's unit informed their unit
24 chief and that's how the unit chief was aware of the incident.

25 Q. My next question is in relation to the cooperative. In your

1 written record of interview, E3/5515 in question-answer 15, you
2 stated that Samraong commune comprised three cooperatives and you
3 also mentioned the three units, namely Unit 1, 2 and 3. Can you
4 enlighten the Court whether -- the distinction between the
5 cooperative and the unit?

6 [15.16.47]

7 A. No, a cooperative was not the same as a unit. The unit was on
8 mobile running through a village or other places in their work,
9 for example in digging canal. At the dining hall, although we
10 used the word unit, it was a different kind of unit. And in term
11 of having meal, the concentration unit would consume -- would
12 dine within their group and other units would also eat within
13 their own respective groups or units.

14 Q. My question is about the cooperative, not about the dining
15 hall. In your question-answer 12, and let me read it to you,
16 quote: "In 1976 they divided people to live in the cooperatives.
17 In Samraong commune there were three cooperatives. The division
18 of the cooperatives referred to Type 1 people called Unit 1, who
19 were Base People -- that is all full-rights people and it was
20 located in Angk Ponnareay. Type 2 people or Unit 2 were also Base
21 People, candidate people, but they had relatives who were linked
22 or had tendencies with enemies. It was located in Paen Meas
23 village. As for Type 3 people or Unit 3, they were people
24 evacuated from Phnom Penh. They were also called 17 April
25 People," and in bracket "depositees", "[...] it was located in Ta

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1 Saom village." I'd like you to explain to the Court the term
2 cooperatives that you use and the three kinds of units that you
3 refer to in this statement.

4 [15.19.36]

5 A. The dining hall refers to one cooperative or vice versa, it
6 means one cooperative had one dining hall. And there was a
7 cooperative called Unit 1 there and then there was a Unit 2 at
8 Paen Meas and there was another dining hall for another
9 cooperative for Unit 3. So in my understanding, the dining hall
10 and the cooperative term is exchangeable.

11 Q. What about the term 'unit' that you use? You use the word Unit
12 1, Unit 2 and Unit 3 respectively. Does the word 'Unit' also
13 refer or reflect the dining hall?

14 A. As for the unit, the unit also referred to a part of the
15 dining hall. For example, we can say -- we can also say dining
16 hall for Unit 1, dining hall for Unit 2, etc.

17 [15.21.10]

18 MR. PRESIDENT:

19 Mr. Witness, you used the word "kusin" (phonetic) -- "kusin"
20 (phonetic). If you meant dining hall please say -- use the Khmer
21 word. Don't use the word "kusin" (phonetic) or cuisine in
22 English. When you use the word "kusin" (phonetic) in Khmer, you
23 refer to the dining hall or do you know the word dining hall in
24 Khmer -- "rong bay" (phonetic)?

25 MR. PHNEU YAV:

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1 Of course I know the word "rong bay" (phonetic) but during the
2 time, it referred -- they used the word "kusin bay" (phonetic) or
3 in English, it's dining hall. So usually the dining hall during
4 the Khmer Rouge was known as "kusin" (phonetic) or "kusin bay"
5 (phonetic) or cooperative. So the word cooperative, dining hall
6 and kusin bay (phonetic) refer to one same thing.

7 [15.22.18]

8 BY MR. KONG SAM ONN:

9 Q. Thank you. In order to clarify this issue further, does the
10 chief of the cooperative or the chief of the kusin bay or the
11 chief of the dining hall refer to the same individual?

12 MR. PHNEU YAV:

13 A. The -- for example if there were five people committee for the
14 dining hall, it refer to the same thing because usually people
15 responsible for a dining hall comprise of five individuals
16 including the cook.

17 [15.23.18]

18 Q. When you refer to the chief or the kusin bay (phonetic) or
19 dining hall do you only refer to the committee for that section
20 or do you also include the chef?

21 A. At the place that I were, they used both terms, kusin bay
22 (phonetic) or dining hall, or they also referred to it as a
23 cooperative and as I said, these three terms refer to the same
24 thing.

25 Q. Yes, I partly understand your response but when you talk about

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1 the committee -- the five member committee, I am lost. As for the
2 cooperative and the dining hall, was the committee to oversee the
3 dining hall or the cooperative one and the same, or were they
4 different groups?

5 A. In -- for one dining hall there would be a chief, a deputy
6 chief and a member and then there were two general members and
7 then there would be five others responsible for collecting
8 vegetable and then five more members for go fishing or gathering
9 food supplies for the dining hall.

10 [15.25.22]

11 Q. Also in your written record of interview, question-answer 15,
12 you specify about the various sub-units, namely special unit,
13 ploughing unit, transport -- transporting unit, and female unit,
14 etc. As for these sub-units, were they formed to deal with a
15 specific task or for each main unit there were always sub-units?
16 And whether for example, in one ploughing unit, there were also
17 sub-ploughing units within the ploughing unit?

18 [15.26.30]

19 A. In each cooperative there were more than one unit. There were
20 up to five to six units, for example, one ploughing unit would be
21 sent to plough a field in one location while another ploughing
22 unit was sent to plough another field in another location.

23 Q. For each sub-unit that you just described, was there a chief
24 for each sub-unit or how those sub-units were organised and
25 coordinated?

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1 A. As for the sub-units, there were also a committee for each
2 sub-unit respectively and they either comprised of chief, deputy
3 and a member. However, the chief or the deputy also engage in the
4 same work as members of that unit, for example, for ploughing
5 unit, the unit chief also had to plough the field. However, for
6 the main unit, the unit chief did not involved in physical work.
7 They monitored the activities of the members and the sub-unit
8 chiefs and to make sure that the work quota was completed by the
9 set time. For example, they had to complete a set quota in
10 transplanting the rice seedlings from 6 a.m. to 11 a.m. in the
11 morning.

12 [15.28.42]

13 Q. Also in the same document, in question-answer 22, you stated
14 about the meals. This morning you were asked by the Prosecutors
15 about insufficient food and that is consistent with your response
16 -- with your Answer 22 in that document. And Mr. President, I'll
17 seek your leave to include the audio transcript, document
18 D232/62R. So let me repeat the audio transcript -- that is,
19 D232/62R, at time marker 01:05:41 and it continued to 01:06:57.
20 In order to make it clear on this issue, I'd like to ask you, Mr.
21 Witness, in relation to the food ration while you were in Unit 2,
22 and later on you were responsible for the children in the
23 children unit. Can you tell the Court the difference, if any, of
24 the food ration you received?

25 [15.31.43]

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1 A. While I was in Unit 2, I was given gruel. But then, when I was
2 transferred, then I was given cooked rice.

3 Q. You also stated before this Court about the soup with the
4 fresh fish and the beef that was given to you every tenth day.
5 Can you tell the Court, were you given this kind of food that you
6 described while you were with the children's unit?

7 A. Yes, that food was given to me while I was with the children's
8 unit when I was actually transferred to the southern part. And
9 every tenth day we were given either a piece of beef or pork.

10 Q. Can you tell the Court whether the children received the same
11 food ration as you did?

12 A. The children received the same food ration as adults. There
13 was no lack of food for the children.

14 BY MR. KONG SAM ONN:

15 Mr. President, thank you. I don't have any further questions for
16 this witness. And thank you, Mr. Witness.

17 [15.33.50]

18 MR. PRESIDENT:

19 Mr. Phneu Yav, the Chamber is grateful for your valuable time to
20 testify as a witness during this one day proceedings. Your
21 testimony will contribute to ascertaining the truth in this case,
22 and your testimony has now come to a conclusion and you may be
23 excused from the courtroom and return to wherever you wish to. We
24 wish you a safe journey.

25 Court officer, in cooperation with staff from the WESU section,

1 please make the necessary arrangements to transport Mr. Phneu Yav
2 to his place of residence. He may now be excused.

3 [15.34.45]

4 (Witness exits courtroom)

5 And the Chamber would like now to call the reserve witness, that
6 is, 2-TCW-807, into the courtroom.

7 (Witness enters courtroom)

8 [15.36.26]

9 QUESTIONING BY THE PRESIDENT:

10 Good afternoon, Mr. Witness. What is your name?

11 MR. SAO HAN:

12 A. Mr. President, my name is Sao Han.

13 Q. Thank you, Mr. Sao Han. Could you tell the Court when you were
14 born?

15 A. I was born in 1947.

16 Q. Thank you. Where was your birth place?

17 A. I was born at Trapeang Rumpeak village, Tram Kak commune, Tram
18 Kak district, Takeo province.

19 Q. What is your current address?

20 A. I am living in Trapeang Rumpeak village, Tram Kak commune,
21 Tram Kak district, Takeo province.

22 Q. What is your occupation?

23 A. I am a rice farmer.

24 Q. Could you tell the Court your father's and mother's names?

25 A. My father's name is Sao Lorn, and my mother's name is Chuon

1 Kean.

2 [15.38.04]

3 Q. Thank you. And what is your wife's name and how many children
4 do you have?

5 A. My wife's name is Kul Kim Seng. I have eight children.

6 Q. Thank you, Mr. Sao Han. Could you inform the Chamber that
7 during the Democratic Kampuchea -- that is, from 17 April 1975 to
8 6 January 1979, where were you and what did you do?

9 A. I lived in Trapeang Rumpeak village, Tram Kak commune, Tram
10 Kak district, Takeo province. I was a rice farmer.

11 [15.38.56]

12 Q. Thank you, Mr. Sao Han. According to the report of the
13 greffier, to your best knowledge, you do not have any parents,
14 ancestors or descendants who are admitted to be civil parties in
15 this case. Is that true?

16 A. Yes, that is true.

17 Q. Before you entered the courtroom, have you already taken an
18 oath before the iron statue to the east of the courtroom already?

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

20 Q. Now, the Chamber would like to inform you of your rights and
21 obligations as a witness before the Chamber. Mr. Sao Han, as a
22 witness before the Chamber, you may refuse to respond to any
23 question that would incriminate you yourself or you may refuse to
24 make any statement which would incriminate you yourself. This
25 means that you may refuse to make such statement or to answer in

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1 case that it would lead to prosecution against you. As a witness
2 before this Chamber, you have to respond to any questions put by
3 the Parties and by the Bench, unless the question relates to the
4 case that it would incriminate you yourself. As I have already
5 informed you about the rights and I hope you are fully informed
6 of this. And, as a witness, you have to respond to the question
7 and you have to answer in relation to your experience you have
8 heard, you have seen and you have experienced.

9 Mr. Sao Han, have you ever given an interview to an investigator
10 of the OCIJ, and if you have given interviews, how many times did
11 you give that interview and where did it take place?

12 [15.41.47]

13 A. I gave an interview once in Tram Kak commune.

14 Q. When was that? When did it take place?

15 A. I forgot it.

16 Q. Thank you very much, Mr. Witness. Before you are here, have
17 you already reviewed or read the statement you gave to the
18 investigator in Tram Kak commune already?

19 A. Yes, I have reviewed it.

20 Q. Thank you very much. To your best knowledge, could you tell
21 the Court that the statement you have just read reflects the
22 statement you gave to the investigators in commune district -- in
23 Tram Kak commune?

24 A. Yes, it reflects my statement.

25 [15.43.13]

1 MR. PRESIDENT:

2 During the questioning of this witness, the Chamber will first
3 give the floor to the Co-Prosecutors before the other Parties.
4 You may now proceed, Co-Prosecutor.

5 QUESTIONING BY MR. FARR:

6 Thank you, Mr. President. Good afternoon to Mr. President, and
7 Your Honours. Good afternoon to you also Mr. Sao Han. Today, I'm
8 going to be asking you a number questions about events that
9 happened quite a long time ago and, of course, you should answer
10 these questions as well as you're able, but if there's something
11 you don't remember, please tell the Court that you don't remember
12 and don't try to guess. Also, if you find any of my questions or
13 confusing or unclear, please let me know, and I will ask the
14 question in a different way. And the last thing I would ask is
15 that in each of my questions, I will have a very specific focus,
16 so I would ask you to focus on the question that I ask and try to
17 answer it as precisely as possible. And to orient you generally,
18 I will start by asking you just a few questions about the period
19 before 1975 and then a number of more detailed questions about
20 the period from 1975 to 1979.

21 [15.44.53]

22 So, I'd like to start in 1970, and ask you about the arrival of
23 the Khmer Rouge in your area. In your statement to the OCIJ,
24 which is E3/5518, at answers 4 through 6, you said that in 1970,
25 the Khmer Rouge came out of the forest to organize the villages

1 and sub-district and create village and sub-district militias to
2 govern.

3 Q. So, focusing first on the militias, can you tell the Court how
4 these militias were set up and what their responsibilities were?

5 [15.45.51]

6 MR. SAO HAN:

7 A. Militia was created in 1970 or 1971 to control and supervise
8 the commune and villages.

9 Q. And what about organizing villages and sub-districts? Can you
10 tell us how the Khmer Rouge organized the villages and
11 sub-districts?

12 A. Khmer Rouge created commune -- created villages and communes.
13 First, they created villages.

14 Q. And can you tell us in a bit more detail what you mean when
15 you say they created villages and communes?

16 A. First, Khmer Rouge came to select the village chiefs, the
17 deputies and members of the committee, and after that they
18 organized groups, the solidarity group.

19 Q. Can you describe for us briefly, what these solidarity groups
20 were and how they were different from communes?

21 A. Villages were different from communes at the outset. First,
22 Khmer Rouge organized villages and after that, they organized
23 communes. And I do not know where they organized those villages
24 and communes. I only knew that they first organized villages
25 before they went to organize communes.

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1 Q. In answer 14 of your interview, you said the following, quote:

2 "The village chairmen set out the plans to create solidarity
3 groups from the people right there in the village. The plans had
4 originated from Angkar." End quote. What did you mean when you
5 said the plans had originated from Angkar and what did you
6 understand Angkar to be?

7 [15.49.07]

8 A. The plan came from Angkar. Actually, I do not know where
9 Angkar was. I only heard the people refer "Angkar Leu", "Angkar
10 Leu".

11 Q. Did anyone ever explain to you what Angkar was?

12 A. No one explained it to me.

13 Q. In answer 16 of your OCIJ interview, you said that after the
14 Khmer Rouge arrived in your area, there were no schools, there
15 were no teachers, there were no hospitals, no doctors, nothing.
16 Can you describe for us how these things disappeared? How the
17 schools, hospitals and doctors disappeared?

18 [15.50.20]

19 A. There were no hospitals, there were no schools, since teachers
20 and doctor were all gone.

21 Q. In answer 18 of your OCIJ interview, you talk about people who
22 were arrested and told they were being sent away to study and you
23 said that these were people who were accused of being wealthy or
24 having lots of paddy land or large houses. Were you told why
25 these wealthy people needed to be sent away to study?

1 A. The wealthy people, their property would be deprived of and
2 their ownership would be demolished, eliminated.

3 Q. And did anyone ever explain to you the reason that that was
4 happening?

5 A. No, I got no explanation.

6 [15.51.53]

7 Q. Okay, I would now like to move to focus on the period from
8 1975 to 1979, and specifically the period after Phnom Penh fell.
9 At answer 20 of your OCIJ interview, you describe people,
10 evacuated from the cities, arriving in your area. Can you tell
11 the Court how many of these people you saw arriving in Tram Kak
12 district?

13 A. Yes, I could tell the Court. When people were evacuated from
14 Phnom Penh, I observed that some people, they pushed the carts,
15 and I could see cars and people were walking with only little
16 belongings. Some did not have relatives in the place where I was
17 and they built a small makeshift hall to stay.

18 Q. Are you able to estimate how many of these people you
19 personally saw arriving?

20 A. I could not tell you how many of them arriving.

21 [15.53.38]

22 Q. In answer 34 of your OCIJ statement, you discuss the way
23 people were divided up into different categories. And this is
24 what you said, quote: "The people were divided as follows: the
25 full-rights people, the candidates and the depositees. Angkar

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1 made these distinctions. The full-rights people were the Base
2 Area People who had good biographies and who had children and
3 grandchildren in the struggle. The candidates people were also
4 Base Area People, but they had brothers or sisters or relatives
5 with enemy, meaning Lon Nol and Sihanouk, inclinations. The
6 depositees were the 17 April People who had been evacuated from
7 the cities." End quote. Can you tell the Court what category you
8 were placed in and why?

9 A. I was in the candidate group or category, because I had
10 relatives working with Lon Nol period.

11 Q. And one of the things you said in the answer I just read was
12 Angkar made these distinctions. How did you know that it was
13 Angkar that was making the distinctions between these three
14 categories?

15 MR. PRESIDENT:

16 Please hold on, Mr. Witness. You have to wait for the microphone
17 operation.

18 MR. SAO HAN:

19 A. I heard full-rights people and unit chief mention about this,
20 that there were candidates group, there were depositees group and
21 there were full-rights people.

22 Q. Do you remember the name of the unit chief or unit chiefs who
23 explained this to you?

24 A. Yes, I recall: achar Neang, Ek.

25 Q. And do you remember anyone else who was explaining to you the

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1 differences among these three categories of people?

2 [15.56.54]

3 A. I forgot those people's names.

4 Q. Can you tell us whether the treatment of people in these three
5 groups was different? In other words, were members of one group
6 treated better or worse than members of other groups?

7 A. The three categories, the full-rights people enjoys a better
8 condition than the others.

9 Q. And can you give us a little bit more detail about the
10 conditions you're speaking of? Are you talking about food? Are
11 you talking shelter? Are you talking about working hours? In what
12 ways specifically was the treatment of the full-rights people
13 better?

14 [15.58.20]

15 A. As for the conditions -- actually, I could not catch up with
16 your question. Could you repeat your question?

17 MR. PRESIDENT:

18 Deputy International Co-Prosecutor, you should put your question
19 short, otherwise the witness has no ability to respond to your
20 question.

21 BY MR. FARR:

22 Thank you, Mr. President.

23 Q. Mr. Sao Han, could you tell us how the food that the
24 full-rights people received compared to the food received by
25 other groups?

1 MR. SAO HAN:

2 A. As for food ration, actually, we were in the same cooperative,
3 so we received the same food ration.

4 Q. And what about working hours or working conditions? How did
5 the working hours and working conditions of full-rights people
6 compare to other groups?

7 A. In terms of working conditions, usually I observed that
8 full-rights people were working as chief or group, chief of
9 units. So, they supervised us.

10 Q. I'd now like to turn to the issues of biographies of the New
11 People arriving from the cities. In answer 22 of your interview,
12 you were asked this question: "Immediately when those people
13 arrived, did they make biographies or were their biographies
14 screened?" And this was your answer. You said: "Yes, they did
15 that. They went around researching to discover who had been
16 teachers or soldiers or workers. Those discovered to have been
17 soldiers or teachers were arrested and taken away and never
18 reappeared." Can you tell us who you were referring to when you
19 said "they" went around researching to discover who had been
20 teachers or soldiers?

21 [16.01.30]

22 A. I could witness this incident, because one of my elder brother
23 or elder sister, when he arrived home, the village chief or the
24 group chief, they came around and searched to discover who we
25 were. And after that, they went back.

1 Q. Do you remember the name of this village chief or group chief
2 who was doing this research?

3 A. Yes.

4 Q. Can you tell us what the name was?

5 [16.02.34]

6 MR. PRESIDENT:

7 Please hold on, Mr. Witness. Please wait for the microphone.

8 A. Ta Ek and achar Neang.

9 Q. In your next answer, answer 23, you talk about the arrest and
10 disappearance of your brother Luon Ham, who was a soldier. Can
11 you tell us when your brother was arrested?

12 A. Yes. After the arrival of my older brother Luon Ham, the
13 village chief came to do the research at my house for three or
14 four days, and after that, the militia men came to take my
15 brother away.

16 Q. Do you remember the names of any of the militia men who came
17 to take your brother?

18 A. He was Pang (phonetic), his name was Pang (phonetic), and he
19 was the group chief, and Ek was the name of another person. Ek
20 was also the group chief and Ta Lonya (phonetic) was the group
21 chief.

22 MR. PRESIDENT:

23 Thank you, Mr. Deputy International Co-Prosecutor. It is now a
24 convenient time for the adjournment. The hearing will resume
25 tomorrow starting from 9 a.m. Tomorrow, the Chamber will hear

1 this testimony of witness Sao Han. Please be informed and please
2 be present in the courtroom.

3 Thank you, Mr. Sao Han. The hearing of your testimony as a
4 witness does not conclude yet. The Chamber is inviting you to be
5 here once again tomorrow starting from 9 a.m. And now you may be
6 excused to your residence or the place where you are staying.

7 Court officer, you are instructed to coordinate with the WESU to
8 send the witness to his place and have him returned in the
9 courtroom tomorrow before 9 a.m.

10 Security personnel, you are instructed to bring the two Accused,
11 Mr. Khieu Samphan and Nuon Chea, to the detention facility and
12 have them returned in the courtroom before 9 a.m. tomorrow.

13 The Court is now adjourned.

14 (Court adjourned at 1605H)

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