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**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

TRANSCRIPT OF TRIAL PROCEEDINGS  
PUBLIC  
 Case File N° 002/19-09-2007-ECCC/TC

25 February 2015  
 Trial Day 250

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

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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LYSAK	English
MS. MOCH SOVANNARY	Khmer
MR. PHAN CHHEN (2-TCW-852)	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SUON VISAL	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today the Chamber will continue to hear the remainder of the

6 testimony of Mr. Chhen.

7 And before we proceed, the Chamber will like to inform the

8 Parties and the public that for today's proceedings, and possibly

9 for the next day's proceedings, Judge You Ottara will not be

10 available. And after we deliberated amongst the Judges of the

11 Bench to the Trial Chamber, the Reserve Judge, Thou Mony, is

12 assigned to take the place of Judge Ottara until the time he is

13 available to return to sit in the Bench. The decision is based on

14 Rule 79.4 of the ECCC Internal Rules.

15 And Ms. Se Kolvuthy, could you report the attendance of the

16 Parties and the individuals to today's proceedings?

17 [09.05.02]

18 THE GREFFIER:

19 Mr. President, for today's proceedings, all parties to this case

20 are present.

21 As for Nuon Chea, he is present in the holding cell downstairs as

22 he requests to waive his right to be present in the courtroom.

23 His waiver has been delivered to the greffier.

24 The witness who is to continue to testify today -- that is, Mr.

25 Phan Chhen, is present with his duty counsel, Moeurn Sovann.

2

1 We do not have a reserve witness today. Thank you.

2 [09.05.46]

3 MR. PRESIDENT:

4 Thank you.

5 And before the Chamber hands the floor to the Prosecution, the  
6 Chamber now decides on the request by Nuon Chea.

7 The Chamber has received a waiver from Nuon Chea dated 25th  
8 February 2015. He confirms that due to his poor health condition  
9 -- that is, headache and back pain and that he cannot sit for  
10 long, and in order to effectively participate in the future  
11 hearings, requests to waive his right to participate in and be  
12 present at the 25th February 2015 hearing. He has been informed  
13 by his counsel about the consequence of this waiver, that in no  
14 way it can be construed as a waiver of his right to be tried  
15 fairly or to challenge evidence presented or admitted to this  
16 Court at any time during this trial.

17 [09.06.50]

18 Having seen the medical report by the duty doctor for the Accused  
19 at the ECCC dated 25th February 2015, who notes that the health  
20 condition of Nuon Chea is that he has severe back pain and  
21 recommends that the Chamber shall grant him his request so that  
22 he can follow the proceedings remotely from a holding cell  
23 downstairs. Based on the above information and pursuant to Rule  
24 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea's  
25 request to follow the proceedings remotely from a holding cell

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1 downstairs via an audio-visual means for today's proceedings as  
2 he waives his direct presence in the courtroom.

3 The AV Unit is instructed to link the proceedings to the room  
4 downstairs, so that Nuon Chea can participate in and follow  
5 today's proceedings remotely.

6 The Chamber now hands the floor to the Co-Prosecutors to continue  
7 putting questions to the witness. You have the floor.

8 [09.08.15]

9 QUESTIONING BY MR. LYSAK RESUMES:

10 Thank you, Mr. President. Good morning, Your Honours. Good  
11 morning, Mr. Witness.

12 Q. I want to take you to a statement you made in answer 21 of  
13 what was OCIJ interview E319/8.2.1. You were asked in answer 21  
14 whether the Khmer Rouge persecuted Lon Nol's soldiers and  
15 government officers and your response was -- quote: "Yes, they  
16 did. It is not like they did not." You then explained in your  
17 next response -- answer 22, that - quote: "When they evacuated  
18 people from the city, they had places to keep those people in  
19 pagodas, for instance. Then they selected those to be sent to  
20 detention sites and those to be sent to the cooperatives."  
21 My first question for you is how was it determined which evacuees  
22 would be sent to detention sites and which to cooperatives?

23 [09.09.37]

24 MR. PHAN CHHEN:

25 A. First of all, good morning, Mr. President, Your Honours, and

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1 everyone.

2 I provided my statement to the investigator that at that -- at  
3 the time that I returned from Kampong Speu and when Takeo  
4 province failed, I was signed to provide logistics and food to  
5 the people, including the left over pork and other meat from the  
6 front battlefield. And the people from Takeo were placed in  
7 various locations including pagodas. I did not attend any  
8 meetings regarding the arrangements for those people. However, I  
9 saw them there on the ground. And I did not receive any specific  
10 instruction from the upper echelon regarding those people.

11 Q. Let me just follow up on that last statement of yours, just to  
12 be clear. At any time, did Ta Mok or any leader from Tram Kak  
13 district provide any orders regarding the treatment of Lon Nol's  
14 soldiers? And specifically, were there orders that relating to  
15 which ranks were to be sent to detention sites and whether there  
16 were others who were to be sent to cooperatives? Did you ever  
17 receive any instructions along those lines?

18 A. No, I did not, because at that time I was at a further place  
19 and I did not have any authority to receive such information.

20 [09.11.50]

21 Q. Do you know whether Wat Champa in Ta Phem commune was one of  
22 the pagodas where evacuees were gathered?

23 A. Yes, I knew about that. And actually, I, myself, entered the  
24 pagoda when I brought along the logistics from Takeo. I saw  
25 people or the evacuees there who were busy doing their own

5

1 personal things in the pagoda, cooking rice and some other were  
2 cutting hairs of other people; that's what I observed and I was  
3 there for a while and then I returned to my location.

4 Q. Can you give us an estimate or approximately how many evacuees  
5 there were at Wat Champa when you were there?

6 A. There were not many. To my estimation, there were about 50 to  
7 60 people, including male and female.

8 [09.13.15]

9 Q. Turning to a different time period now. You've testified that  
10 at some point in 1976, you returned to your home commune, Kus  
11 commune in Tram Kak district, and that you were there for about  
12 one year working at the Pong Tuek cooperative before you were  
13 eventually sent to the rubber plantation in Krang Ta Chan  
14 province. Can you tell us who was the chief of Kus commune during  
15 the 1976 to '77 time period?

16 A. That was the statement that I provided to the investigator. At  
17 that time, I was transferred to Samraong Yang to make fertiliser  
18 together with my family. I then requested to move to live in the  
19 Pong Tuek (phonetic) cooperative. Ta Mok actually made a call to  
20 people in Kampong Speu to transport me to Takeo and to live in  
21 the cooperative to work in the rice field, to plough the field  
22 together with the people there. And I was there for a year. And  
23 the commune chief was Soeun and Oeun who were in charge of that  
24 commune. And that is all.

25 [09.15.22]

6

1 Q. How long had you known Soeun? Was he someone who was on the  
2 commune committee back in 1973 when you were the commune chief?

3 A. I had known him a long time ago because previously he was the  
4 village chief in Kus commune and later on, he was promoted to be  
5 a member of the commune committee when I was transferred to  
6 Kampong Speu province.

7 Q. During the time in 1976 to 1977 when you were back in Kus  
8 commune, did you ever talk to Soeun? Did you attend any meetings  
9 that were led by him?

10 A. No, I did not have any involvement with Soeun because at that  
11 time I was an ordinary villager ploughing the field and working  
12 in the rice field together with other villagers.

13 MR. LYSAK:

14 Mr. President, with your leave, I'd like to provide the witness  
15 two reports from Kus commune at this time, both of which are in  
16 document E3/2441. With your leave, may I provide these two  
17 reports?

18 [09.17.17]

19 MR. PRESIDENT:

20 Yes, you may.

21 BY MR. LYSAK:

22 And Mr. Witness, the first document in the two that I sent you is  
23 E3/2441, at Khmer, 00270934; English, 00369464; French, 00611738.

24 And that document is a report from Soeun, which states -- quote:

25 "From 4 May 1977, those with the ranks, who have been arrested

7

1 and sent to the police are as follows:" The report then  
2 identifies a former Lon Nol first lieutenant and the second  
3 lieutenant, both of whom were from Phnom Penh, and one of whom  
4 was a Khmer Krom.

5 In the second report that I gave you, which is, E3/2441 at Khmer,  
6 pages 00270952 to 53; English, 00369480 to 81; and French,  
7 00611755 to 56. This is a 9 September 1977 report, also from  
8 Soeun. And it notes a number of people who and already been  
9 arrested on the 6th of September and identifies seven other  
10 former Lon Nol officers who had been subsequently -- who had been  
11 "subsequently found", five of whom were first lieutenant, one  
12 second lieutenant and a captain. And Soeun requests instructions  
13 on where to send those seven.

14 Q. My first question: Do you recognise the handwriting in these  
15 reports?

16 [09.19.48]

17 MR. PHAN CHHEN:

18 A. Yes, I do. However, as for the content of this letter, I am  
19 not aware of it.

20 Q. Do you have any information or knowledge as to why ranking  
21 officers of the Lon Nol military were being reported and arrested  
22 in Kus commune in 1977?

23 A. I do not have knowledge about that as I was stationed far  
24 away.

25 Q. The last sentence of the September '77 report states -- and I

8

1 quote: "The contemptible Sam Ol went to study in Thailand. End of  
2 quote.

3 Do you know who Sam Ol was?

4 A. No, that name doesn't ring a bell.

5 [09.21.08]

6 Q. And Mr. Witness, based on your experience as a commune chief,  
7 did Soeun as the Kus commune chief have authority himself to  
8 decide to arrest former Lon Nol officers or was that something  
9 that would need to be ordered by the district or sector?

10 A. I cannot respond to that question as I do not have any  
11 knowledge about that. And that is the truth as I did not know  
12 about the authority of the commune chief or anything related to  
13 the former Lon Nol soldiers. The only thing I knew was that there  
14 were about 50 to 60 people in Champa Pagoda. And later on, I was  
15 transferred to the rubber plantation and I did not know what was  
16 happening back in that commune.

17 Q. Mr. Witness, during the time that you were chief of Kus  
18 commune in 1973, did you have authority to decide to arrest  
19 people? Or was that something you needed approval from the  
20 district or sector?

21 [09.22.47]

22 A. While I was there I did not have the authority to arrest  
23 anyone. Only the district level and above had that authority; not  
24 at the commune level. And we also did not have any force for the  
25 arrest at our level. We only have a handful of the commune and

1 village militia with very limited number of weapons.

2 Q. Now, going back to the 1973 to 74 time period; in interview  
3 E35522 at answer 44, you made the following statement regarding  
4 people who had been taken away from Krang Ta Chan for execution  
5 -- and I quote: "They would have a list of those people's names  
6 already. As for me, does that mean that I did not know what was  
7 happening? No, I knew what was going on. They let me know what  
8 they were doing but I had no authority." Continuing a little  
9 later, "When they took the people away, they had their list and I  
10 examined it." End of quote.

11 Can you tell us where it was that you received and examined these  
12 lists? Was it at your commune office or was it at Krang Ta Chan?  
13 [09.24.49]

14 A. At that time, it was not in Krang Ta Chan because by '74, I  
15 was already at Kampong Speu province. But when I went to receive  
16 logistics, and as I stated previously about those evacuees from  
17 Takeo, those people registered their names and in fact I had a  
18 look at those names and that's why I learnt where they came from  
19 or where they had been and that was the statement that I made to  
20 the investigator.

21 Q. Let me read another statement that you made to the  
22 investigators, Mr. Witness. In that same interview, E35522 at  
23 answer 53, you were asked as follows:

24 "Question: Before you left the Krang Ta Chan office, how were the  
25 people that had been arrested and placed in the Krang Ta Chan

10

1 office treated?"

2 And in your response, you made the following statement -- quote:

3 "They took prisoners away from the office during night time and

4 they said that they were being taken to the second office,

5 meaning Office 204. At that time, I just believed they were

6 taking those people to Office 204. But two or three days later, I

7 investigated and I learned that they had not taken the prisoners

8 to the second office; they had killed them near the foot of the

9 mountains." End of quote.

10 My question is: How did you learn that those prisoners had in

11 fact been killed near the foot of the mountain?

12 [09.26.53]

13 A. What you read out is actually my statement but I did not know

14 the names of those people and I made that observation -- or you

15 said investigation - myself -- because I wanted to know those

16 people. That time I was still in the commune.

17 Q. And can you tell us about the investigation you did and how

18 you learned that these people had been killed at what you call

19 "the foot of the mountains"?

20 A. The base of that mountain was a forest area and it was a quiet

21 area and not many people wandering in that area and that's why

22 they did it there to avoid being heard by the villagers. And I

23 actually observe the activities by those people. And that's what

24 I observed and I made that statement to the OCIJ investigator, so

25 that you all are aware of what I stated before the investigator.

11

1 [09.28.34]

2 Q. This location that you describe as being the base of the  
3 mountain, how far was this from Krang Ta Chan?

4 A. It was very far in terms of the base of the Damrei Romeal  
5 Mountain. And that area was covered with thick forest. I refer to  
6 the forest at that time but now turned into a rice field by the  
7 villagers nearby.

8 Q. And in the statement I just read, you referred to a second  
9 office called Office 204. Could you tell us what Office 204 was?

10 A. Office 204 was the sector's office.

11 [09.29.45]

12 Q. And where was it located?

13 A. That office was located in between Damrei Romeal to the west  
14 and Dach (phonetic) mountain to the other side. So it was  
15 actually located within the valley of these two mountains and  
16 there was also a waterfall down from the mountain and that water  
17 was sourced from Kampong Speu.

18 Q. What was Office 204 used for?

19 A. I did not know what it was used for. When I was assigned to  
20 arrange the accommodation for the people and because there were  
21 not enough houses, then I had them clear the land so that we  
22 could build houses for them. And that's I learnt about that  
23 office. So we actually cleared the field to build houses and  
24 there were actually cassava plantation nearby and I encouraged  
25 the people there to use it as food.

12

1 [09.31.36]

2 Q. Turning to a different subject now, did you know a person  
3 named Dam, full name Neang Dam, who worked as a District 105  
4 police or soldier in 1973?

5 A. I knew this person before. His name was Dam. But we separated  
6 from each other. I went to live in Kampong Speu, Samraong and  
7 rubber plantation. And after that, in 1979, I went to live on  
8 Damrei Mountain and I did not know where this person was living.

9 Q. What did Dam do during the time that you were in Kus commune  
10 before you went to Kampong Speu?

11 A. Dam and An lived together. They lived in the same village.  
12 They worked together. Wherever An was, Dam would be there. That's  
13 what I knew.

14 Q. Do you know what happened to Dam in the 1973 to 1975 time  
15 period?

16 A. I did not know.

17 [09.33.40]

18 Q. I want to read to you a testimony that we've heard in this  
19 trial from Say Sen on the 5th of February 2015. This is E1/257.1  
20 at 11.33.02 - quote:

21 "Dam was a soldier at first.

22 Question: Was he a prisoner at any point in time?

23 Answer: Yes, he was there. He had a problem. He had a moral  
24 offence with a lady, so he was removed to 204 with Ta Chhen. And  
25 at Ta Chhen's area, he had a problem again, so he was sent back

1 to Krang Ta Chan."

2 And Mr. Witness, the case file also contains a report, which is  
3 document D157.64, dated July -- 21 July 1977, sent by the chief  
4 of Cheang Tong commune, Boeun, to the district. It reports how  
5 Dam -- Neang Dam -- had been criticising the Party and it made  
6 the following statement -- quote: "When I was a policeman, I saw  
7 the Party much more unjust because it personally implemented many  
8 killings under their power. He gave an example of A Yang in  
9 Trapeang village who had been loyal to the Angkar but taken to be  
10 killed."

11 Does this refresh your recollection about Dam and what happened  
12 to him? And also, did you know this person named Yang -- Yeng  
13 (phonetic), who Dam said was unjustly killed?

14 [09.35.56]

15 A. I knew very little for this question because the fact that Dam  
16 had moral offence, that was true and when it was said that Dam  
17 went to Kduoch to 204, it was not true. This Kduoch was under  
18 Kampong Speu, under Basedth, and under supervision of another  
19 person. And Dam did not go with me but actually I knew that Dam  
20 had moral offence. And as for Dam was taken anywhere by the  
21 commune, I did not know. I went with a group of 40 people. I was  
22 asked to go with my colleagues to take -- to bring the prisoners  
23 in an ox cart and I could also get a bag of rice. That is true  
24 what I said. I did not -- I am not now bragging what I am saying.  
25 I mention only the truth, and nothing but the truth because I am

14

1 practising religion. So what I know I would tell the Court. Among  
2 An group, there was a person named Cheng (phonetic) but there was  
3 no person by the name Yeng (phonetic). So once again, I knew some  
4 points and I knew very little in relation to the question put by  
5 the Party. And I am appraised to mention anything beyond the  
6 truth.

7 [09.38.01]

8 Q. Thank you, Mr. Witness. Now, you've already told us how after  
9 leaving Kus commune, you took groups of people to build houses in  
10 the Prey Kduoch area as part of your work on the evacuation  
11 committee. I want to read to you an excerpt from a report by  
12 Henri Locard on the Southwest Zone. This is E3/3232 at English,  
13 00217652; Khmer, 00741580 to 81; French, 00753656 to 57; which  
14 contains an interview of an Angk Ta Saom resident, who was  
15 evacuated to Prey Kduoch and the camp 204. And this is what that  
16 person said -- quote: "This was in operation from 1973, during  
17 the civil war and after the evacuation of Angk Ta Saom by the  
18 Khmer Rouge. It was situated in Tram Kak district near the  
19 village of Prey Kduoch. She was arrested at the end of February  
20 1973, not far from Angk Ta Saom after the area had been overrun  
21 by the Khmer Rouge and the town forcibly evacuated. Up to 3000  
22 Lon Nol soldiers were captured, their hands tied behind their  
23 backs in groups of 50 to 100. Most were massacred. The  
24 re-education camp looks like old army barracks which were already  
25 full of skinny workers. The newcomers must build temporary

15

1 shelters in the forest, each for 30 to 40 people. To the west of  
2 her shed in the barracks, there were men who had been arrested  
3 for speaking ill of Angkar. They would labour supervised by Pol  
4 Pot cadres. She saw children die around her." End of quote.

5 [09.40.18]

6 And Mr. Witness, when you testified that you were part of an  
7 evacuation committee that took people to Prey Kduoch and built  
8 shelters for them, was this the camp or was this near the camp  
9 that was known as Office 204?

10 A. I would like to tell the Chamber that I was not fully aware of  
11 all the situation and the Chamber can assess the facts. Before I  
12 went Prey Kduoch to arrange the shelter for people, Office 204  
13 was already dismantled. And after that, people from district --  
14 from commune were transferred to that place. I was part of the  
15 committee. Before I went to Prey Kduoch, I received some refugee  
16 from Tram Kak, Kiri Vong district, District 108, 109 and I sent  
17 these people to their respective commune and villages. And I was  
18 the one who tried to find food for those people. And as for  
19 children, they were thin and I tried to look for food for those  
20 children, so that they could survive. But some died. This is the  
21 fact. This is the truth. Please believe in me.

22 [09.42.28]

23 When I was -- when I arrived there, there was no Office 204. It  
24 did not exist. It was in the open field. The place was in the  
25 open field and I went there to build the village's commune for

16

1 people and there was a dam at that place. Now the dam is referred  
2 to as Ta Chen Dam (phonetic). I had a Kathina ceremony this year  
3 and we celebrated Kathina at that pagoda -- that is, Prey Kduoch  
4 Pagoda. And those who survived the periods and they remain at  
5 that place, they know me very well and they admired and  
6 congratulate what I did at that time. I did not know about people  
7 -- other people understanding about the fact but this is what I  
8 knew and what I did.

9 [09.43.40]

10 Q. I have just a couple more questions for you, Mr. Witness.  
11 Another place that you have stated that you went after you left  
12 Kus commune -- and this is from E3/5522 -- your interview,  
13 E3/5522, at answer 51. You stated -- quote: "In 1974, I had  
14 already left Krang Ta Chan. They transferred me to Boeng Srangae,  
15 in Kampong Speu province." I want to read to you a statement from  
16 the former Tram Kak district secretary, Chim. This is in E3/4626;  
17 at Khmer, 00373469; English, 00380136 through 37; and French,  
18 00426207. He provided the following testimony about what you did  
19 after Krang Ta Chan -- quote: "Chhen was transferred to another  
20 position as the chief of the Boeng Srangae Security Centre, which  
21 was located in Srangae commune, west of Trapeang Andaek. That  
22 area previously belonged to Chhuk district, but later was  
23 integrated into Tram Kak district. That centre was in the border  
24 area of Kampong Speu. He was transferred there in about  
25 mid-1975." End of quote.

17

1 Mr. Witness, what can you tell us about the Boeng Srangae  
2 Security Centre, that Chim says you were the chief of?

3 [09.45.27]

4 A. I did not know. The place that I went there was not Boeng  
5 Srangae. And I did not know about the security centre in Boeng  
6 Srangae. I did not know. I was not aware of it. There was a  
7 village and commune named Boeng Srangae, but as for Kduoch, when  
8 I was there, villages and communes were set up. Prey Kduoch was  
9 set up, and three villages were combined together to make a  
10 commune. And that commune was in Kampong Speu province. I cannot  
11 say about what you have just mentioned. I do not know whether it  
12 is true or not, so I mention what I knew only.

13 Q. I want to conclude by going back to the detailed statement you  
14 made in interview E3/5524, at answers 32 to 35. The detailed  
15 statement I read to you yesterday about the interrogation methods  
16 that were used by Phy and An at Krang Ta Chan, including the use  
17 of what you called "hot and cold" methods of interrogation.

18 And my final question for you is, whether you have any  
19 explanation to the Court, other than your involvement and  
20 knowledge of Krang Ta Chan, as to how you knew about "cold and  
21 hot" methods of interrogation that were used at Khmer Rouge  
22 prisons?

23 [09.47.40]

24 A. The investigator asked me about this. I could understand some  
25 matters in relation to this point. And I was told by someone that

18

1 two methods were used, hot and cold. Cold method is to try to  
2 encourage the prisoner to confess, and as for hot methods, they  
3 would try to use any other resorts, other means, to force the  
4 prisoners to confess. They may use torture to encourage a  
5 prisoner to confess, so I only told what I knew.

6 MR. LYSAK:

7 Thank you. Mr. President, I have no further questions.

8 MR. PRESIDENT:

9 Thank you very much, International Deputy Co-Prosecutor. Now, I  
10 hand over the floor to Lead Co-Lawyer. You have now -- you have  
11 the time now until 10 past 10.

12 [09.49.17]

13 QUESTIONING BY MS. MOCH SOVANNARY:

14 Thank you, Mr. President. Good morning, everyone. Good morning,  
15 Mr. Witness. I am Moch Sovannary, the civil party lawyer, and I  
16 am asking you on behalf of Lead Co-Lawyer -- National Lead  
17 Co-Lawyer.

18 Q. Yesterday, you told the Co-Prosecutor that you were once a  
19 commune chief. I would like to ask you as follows: while you were  
20 a commune chief, were you involved in the work of District 105?

21 MR. PHAN CHHEN:

22 A. I did not have any role in the district of Tram Kak.

23 [09.50.26]

24 Q. Thank you, Mr. Witness. My next question concerning deputy  
25 (sic) committee: I would like to ask you that when you were part

19

1 of the evacuation committee, were you aware of the tasks or  
2 duties of the committee, and how did they organize and coordinate  
3 people who were evacuated from Phnom Penh on 17 April 1975?

4 A. Allow me to tell the President and everyone in the courtroom  
5 that I was assigned to be part of the evacuation committee. The  
6 members included a monk as well. Refugees here did not refer to  
7 people from Phnom Penh, and the refugees at that place were from  
8 the villages or the places nearby. So I was engaged to find food,  
9 to arrange shelters for these people. So, it was not the refugees  
10 of war.

11 [09.51.49]

12 Q. Yesterday, you told the Co-Prosecutor that when you were  
13 working in the evacuation committee, militiamen arrested some  
14 people from communes. I would like to ask you, that when you  
15 asked those people who were arrested by militiamen, did you ask  
16 them why they had been arrested? And how did you arrange and  
17 accommodate these people?

18 A. That is my statement. I asked those people about  
19 contradictions -- about the reason why they had been arrested and  
20 brought to the place, to my place. I was walking at that time,  
21 and I asked them. They said they got problems in the matter of  
22 stealing coconuts. So, it was a minor problem they got. And  
23 because they committed such minor offences, they were arrested  
24 and sent to my place. And after asking them, these people did not  
25 commit any serious offences. The upper echelon perhaps did not

20

1 know the reason that these people were arrested, so I decided  
2 with the members -- some of the members of the committee to help  
3 some of these people, because they did not commit any serious  
4 offences. And some of them were released, and as I told the Court  
5 already about the matter yesterday.

6 [09.54.00]

7 Q. Thank you, Mr. Witness. From my understanding, you are now  
8 mentioning that militiamen from the commune arrested these  
9 people. And militiamen had authority to arrest these people who  
10 commit some offences. Is that true?

11 A. Yes, that is true.

12 Q. My next question concerns the same point. When you were part  
13 of the evacuation committee, and when people allegedly committed  
14 offences, and when they were found that they had a network or  
15 link with the enemies, were these people transferred and further  
16 sent to other security centres?

17 A. When I was in the commune, or when I stopped working as a  
18 commune chief and was part of the evacuation committee, I never  
19 transferred those people to any other places.

20 Q. Thank you very much, Mr. Witness. In relation to the fact that  
21 the district decided to use Krang Ta Chan as a re-education  
22 office, did you know why Krang Ta Chan was decided to be a  
23 re-education office? Did you know the reason why?

24 A. I did not know. I first got the instruction, and I was asked  
25 to build shelters for a meeting to avoid aerial bombings. So

21

1 villages and communes, they built halls for meetings, to avoid  
2 any danger or aerial bombings. And at my house, there were three  
3 planes landed, and arrested me when I was in my commune. So, we  
4 got instructions that we had to build shelters for our meetings  
5 and to avoid any aerial bombing, or to avoid the planes seeing us  
6 on the ground. And I believe I told the Court already about this  
7 point.

8 [09.57.00]

9 Q. Thank you, Mr. Witness. My next question is that, yesterday  
10 you mentioned to the Co-Prosecutor that you entered and exited  
11 Krang Ta Chan office to supply food. So, I would like to know  
12 from you, when you were in Krang Ta Chan to supply food, were you  
13 together with your group? How many of you among -- how many of  
14 you go there? And what did you do there?

15 A. In mid-1973, the district decided to use the Krang Ta Chan to  
16 be a prison, and I was engaged to supply food. I went there and I  
17 could see people also supplied the food for the security centre,  
18 and we had our respective duties and tasks. So the district would  
19 assign the duty, and we from the commune, or from the villages,  
20 did not have any authority to assign any duty to other people.  
21 So, I know only -- I tell the Court what I know only.

22 [09.58.36]

23 Q. Thank you very much, Mr. Witness. Yesterday, you told the  
24 Court as well that you were assigned to work in Prey Kduoch, and  
25 you returned to your place once in a while. And you met some of

1 the cadres working in Krang Ta Chan. When you met -- when you  
2 said you met some of the cadres from Krang Ta Chan, so who were  
3 they? And where did you meet them? And what did you talk to them?

4 A. When I returned home, during the time I went to the meeting, I  
5 would visit my house and I would be stopped on the way home, and  
6 I had a chit-chat. But I did not know about the prisoners, and I  
7 did not ask about how many prisoners were detained at the  
8 security office. And I did not pay attention to this matter.

9 Q. You stated that you met them and talked to them. Can you tell  
10 the Court who were they, and what were their names?

11 A. I already stated their names -- that is, the district  
12 committee, including Phy and An. And sometimes I met this person  
13 or that person of the district committee.

14 [10.00.25]

15 Q. Yesterday, you also stated that it was you who went to request  
16 for the release of Say Sen, who was a former prisoner, so that he  
17 could -- you could use him to tend the cattle and to work in the  
18 prison. Can you tell the Court who did you seek request for the  
19 release of Say Sen, so that Say Sen can work in the prison and  
20 tend the cattle?

21 A. At one time, after I returned from a district meeting -- that  
22 is, after I returned from Prey Kduoch, then I returned to my  
23 home. And in fact, I did not enter the compound. I was at the  
24 outer -- at the outer part of the compound, and I saw Say Sen.  
25 And I requested -- I made a request to the district committee,

1 and it was not actually for a full release of Say Sen, but it was  
2 just to spare him.

3 [10.01.52]

4 Q. Can you tell the Court about your relationship and the  
5 committee overseeing Krang Ta Chan prison? Were you related to  
6 any of them, or what was it?

7 A. I was not related to any of them. They were from different  
8 villages, but I knew them. So, sometimes we met and talked.

9 Q. Yesterday, in response to the Co-Prosecutor, you stated that  
10 there were two meetings held at the district level on a monthly  
11 basis, and discussed the issues of policies, economics and the  
12 military issue. On the issue of the military day-to-day, each  
13 commune raised the issue in order to learn from one another?

14 A. Those were the topics of the meetings' agenda, namely  
15 politics, military, economic, culture, et cetera. And then we  
16 would be told about the achievements in the two-week period that  
17 we made, because the meetings were held twice monthly.

18 [10.03.45]

19 Q. Can you tell the Court -- during the meetings when they raised  
20 the issue of security at each commune, can you tell the Court  
21 what kinds of security issues that were raised? Just give us an  
22 example.

23 A. The meetings were convened by the district, and the communes  
24 attended. And they did not speak about what happened at the  
25 detention centre, because when it comes to the security centre,

24

1 they had a separate meetings. So, I did not know the details  
2 about that business.

3 Q. Yesterday, you answered the Co-Prosecutor's questions about Ta  
4 Mok, and that Ta Mok was the Zone Secretary of the Southwest, and  
5 that he also oversaw the North Zone. And you knew it because you  
6 were there, and you saw it. Can you tell the Court, what were you  
7 doing and what did you see that led you to believe that Ta Mok  
8 was also governing the North Zone?

9 A. Indeed, that was what I stated to the Court yesterday. Ta Mok  
10 was an easy-going person. He was down-to-earth and he was  
11 friendly to everyone, regardless of the status or the age.

12 As for Ke Pauk, I only knew him when I was at the rubber  
13 plantation in the North Zone, and Ke Pauk was the Zone Secretary,  
14 who chairs the meetings for us workers at the estate rubber  
15 plantation, and that's how I knew him as the Zone Secretary.

16 [10.06.27]

17 Q. You responded to a series of questions by the Co-Prosecutor on  
18 Prey Kduoch. Can you tell us what kind of people were sent to  
19 Prey Kduoch, where you worked and where you had to arrange the  
20 accommodation for them? Were most of them 17 April People who  
21 were evacuated from the cities?

22 A. If you really don't understand the details, then of course it  
23 is a question that we need to clarify. Before the Office 204  
24 closed down, there were some people remaining. Those people were  
25 without their family members. Some of them had been given to me

25

1 by the district -- that is, who were sent from Krang Ta Chan, and  
2 other people were gathered from five districts -- that is, those  
3 people who had tendencies with the previous Lon Nol government.  
4 They were former Lon Nol soldiers, civil servants, teachers,  
5 professors, or commune chiefs or village chiefs. And they were  
6 all there, and I had to arrange the accommodation for them. And  
7 while I was there, making the accommodation for each family, I  
8 provided them with sufficient food, and they were all happy.  
9 However, after I was transferred to Samraong, at Tonle Bati,  
10 those people at Prey Kduoch didn't stay there. They went back to  
11 live at their village.

12 [10.08.45]

13 Q. Thank you, Mr. Witness. Please turn on (sic) your microphone.  
14 This is my last question.

15 Can we say that the cadres at the village and the commune had to  
16 report through a chain of command to the District and to the Zone  
17 Secretary? Therefore the Zone Secretary, Ta Mok, would grasp all  
18 the issues that happened within the Zone. Am I correct in making  
19 that conclusion?

20 A. I can make some comments on this issue, because I dealt with  
21 the administrative issue as well. The report was in -- through  
22 the chain of command; for example, the unit to the village, the  
23 village to the commune, the commune to the district, the district  
24 to the sector, and the sector to the zone.

25 As for me, when I made a direct contact with Ta Mok, it was not

26

1 through the regular chain of command, because that was my own  
2 personal business, and I sought his intervention in it.

3 [10.10.23]

4 MS. MOCH SOVANNARY:

5 Thank you. And thank you, Mr. President and Mr. Witness. I do not  
6 have any further questions. For the few minutes left, I'd like to  
7 cede the floor to my international counterpart.

8 QUESTIONING BY MS. GUIRAUD:

9 Thank you, Mr. President. Good morning, Witness. I am Marie  
10 Guiraud. I am one of the civil party lawyers. I only have one  
11 follow-up question to put to you, following your answer to my  
12 colleague Moch Sovannary right now.

13 [10.10.50]

14 Q. When she spoke to you about the monthly meetings at the  
15 district level, and when she asked you if security issues were  
16 discussed during these meetings, you told us that there were  
17 distinct meetings for the security centres. So, I want to make  
18 sure that I had understood properly. And if you could tell us a  
19 little bit more about these "distinct meetings" that were  
20 organized at the district level regarding security issues.

21 MR. PHAN CHHEN:

22 A. On the security issue, as I stated, at the village or commune  
23 meetings we were not allowed to know about the security issue.  
24 Only at the district level, or at the education office level of  
25 the district, they held those kinds of meetings discussing the

1 security issues, or the measures that needed to be taken. As for  
2 us, the measure for us is to provide security to the residents in  
3 our village and commune, respectively.

4 Q. So if I understood well, you tell us that you attended  
5 district level meetings during which security issues were  
6 discussed. Is that so? And if that is the case, can you give us  
7 some detail about the practical issues that were discussed during  
8 these district-level meetings?

9 A. That is correct. The district would give us instructions. And  
10 as for the meetings, there were two kinds of meetings. There were  
11 open meetings and closed meetings. Certain issues; for example,  
12 security issues were only discussed during the closed meetings at  
13 the district level.

14 [10.13.18]

15 Q. So when you speak about closed meetings, what do you mean  
16 exactly? Who were the people attending these so-called closed  
17 meetings?

18 A. It was according to their -- the committee, because there were  
19 core people, progressive people, preparatory or candidate people.  
20 Not all those groups of people were allowed to attend the  
21 meetings. Only selective people were informed about their plans,  
22 about the implementation of their plans.

23 Q. Thank you. In your previous answer, you told us that the  
24 district would give you orders. Can you give us an example of the  
25 kind of orders that the district would give you pertaining to

1 security?

2 A. What I meant was that the person who handed the 40 people to  
3 me from Krang Ta Chan, and as I was part of the evacuation  
4 committee, I was given the responsibility to take care of those  
5 40 people -- that is, to make the necessary accommodation  
6 arrangements for them.

7 [10.15.15]

8 Q. My last question. I would like to know if you personally  
9 attended closed meetings at the district level to discuss  
10 security issues. Did I understand your testimony properly?

11 A. No, I never attended any closed meetings. I was not involved  
12 in the district committee's meetings, as we also held our own  
13 committee meetings.

14 MS. GUIRAUD:

15 I'm going to stop here, Mr. President. Thank you very much.

16 MR. PRESIDENT:

17 Thank you. It is now convenient for a short break. We will take a  
18 break now, and return at half past 10.

19 And Court officer, please assist the witness during the break and  
20 invite him, including his duty counsel, to the courtroom again at  
21 half past 10.

22 The Court is now in recess.

23 (Court recesses from 1016H to 1033H)

24 MR. PRESIDENT:

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

1 Before The Chamber hands the floor to the defence teams, I would  
2 like to hand the floor now to Judge Lavergne to put some  
3 questions to this witness. Judge Lavergne, you have the floor.

4 QUESTIONING BY JUDGE LAVERGNE:

5 Thank you, Mr. President. Good morning, Mr. Phan Chhen. I have a  
6 few questions to put to you with the view to clarifying some of  
7 your answers.

8 Q. First of all, can you tell us whether in the sector in which  
9 you were, there were people of Vietnamese origin?

10 MR. PHAN CHHEN:

11 A. In my previous statement, in the commune where I lived, there  
12 were no Vietnamese. There was only one Vietnamese woman only, and  
13 no one else of that ethnicity.

14 [10.35.47]

15 Q. The commune was Kus; can you please confirm that to us? And  
16 can you tell us what became of the Vietnamese who lived in that  
17 commune?

18 A. Yes, it was the Kus commune, under the Lon Nol administration.  
19 And as I learned through the Vietnamese who came to live in Kus  
20 commune, I was told Vietnamese were put into one concrete house  
21 and they were many Vietnamese and then they were shot at and many  
22 of them killed. The persons fled to live in Kus commune. There  
23 were three girls and one boy, together with the parents who came  
24 to Kus commune, while I was the chief. So, I decided to take care  
25 of them. And as for the old Vietnamese woman, I do not recall the

1 name. She is still alive today.

2 Q. To be sure that I properly understood your testimony, you have  
3 told us that the Vietnamese were victims of killings by Lon Nol  
4 soldiers, is that, indeed, the case?

5 A. Yes, that's what it meant, because my adopted child lived with  
6 me till later on -- I married -- I arranged the marriage for him  
7 and his parents all passed away.

8 [10.38.18]

9 Q. We will try to clarify all of that. You referred to Vietnamese  
10 who were victims of killings by Lon Nol soldiers, you referred to  
11 Vietnamese who sought refuge in your commune. How many Vietnamese  
12 sought refuge in the commune that you headed?

13 A. As I stated, there was one Vietnamese family and I do not  
14 recall the name of that Vietnamese old woman, including the three  
15 children. In fact, I adopted the three children and they are  
16 still living today.

17 Q. How many biological children did you have and how many adopted  
18 children did you have?

19 A. I only have one blood child. However, I have several adopted  
20 children.

21 Q. So, among those children you adopted, is one Vietnamese child  
22 or several Vietnamese children, depending on what you said?

23 A. As for the pure blood Vietnamese adopted child, it was one  
24 child -- one daughter -- one adopted daughter. She's still living  
25 today in Takeo.

1 [10.40.21]

2 Q. Did everyone know that she was of Vietnamese origin and did  
3 she experience any problems during the Democratic Kampuchea  
4 regime?

5 A. In fact, in the whole commune, nobody criticized her or showed  
6 any discrimination against her. We all went along well at the  
7 time and it still continues to be well until today.

8 Q. Do I take it then, sir, that the fact that there were  
9 Vietnamese living in Tram Kak district during the Democratic  
10 Kampuchea regime was not a problem; everyone lived in harmony.  
11 The Khmer Rouge and the Vietnamese people loved one another, is  
12 that what you're telling us?

13 A. I can only speak of what happened in my commune.

14 [10.41.42]

15 Q. Mr. Phan Chhen, you went on tour on various occasions and you  
16 welcomed refugees from all over the country, you are aware of  
17 what happened in your commune and what happened in the districts,  
18 and even in the neighbouring regions.

19 A. Yes, once I became a member of the refugee committee, I was  
20 aware more than when I was at the commune.

21 Q. In that case, what did you hear regarding the Vietnamese?

22 A. As for the Vietnamese, during the time, there were no other  
23 Vietnamese people, except my adopted children.

24 Q. Very well, let us move on to another line of questioning.

25 I have not understood your explanations regarding the 40 people

1 who were liberated. I understood that there were two groups of 40  
2 people. One group consisting of 40 people, and that group was  
3 part of a larger group and then you had a group of refugees.  
4 These people were under your jurisdiction, since you had to find  
5 lodgings for them. I have also understood that there was another  
6 group of 40 people who were liberated from the Krang Ta Chan  
7 centre. Have I properly understood your testimony or have I not  
8 well understood what you said. Can you explain that there were  
9 indeed two groups?

10 [10.44.02]

11 A. As I have stated, those people were arrested from the  
12 cooperative, and sent to me. They were refugees, and that  
13 happened before I was transferred. And at that time I was a  
14 member of the refugee committee, and while I was transferred to  
15 the new place, I received 40 former prisoners who were released  
16 from Krang Ta Chan and I was assigned to provide necessary  
17 accommodation to them. So, I gathered them around to clear the  
18 land and to provide them with accommodation.

19 Q. Very well. Let us start by talking about the 40 people who  
20 were arrested in the cooperatives. Who decided to arrest them?

21 A. It happened at the commune and the commune sent them to me to  
22 keep them provisionally before they made a report to the  
23 district. There was no clear line of instructions, and then we  
24 held a meeting amongst our committee members and we decided to  
25 release them.

1 [10.45.59]

2 Q. Which member of the commune decided that they be arrested and  
3 that person was from which commune?

4 A. It happened in the Tram Kak district and there were several  
5 communes under the Tram Kak district. I did not know from which  
6 commune or village those people had been arrested, so they were  
7 all sent to the commune office and later on, as I said, we  
8 decided to release them.

9 Q. So, they were sent to the commune office, and was that commune  
10 office a prison?

11 A. No, it was the office, not a prison.

12 Q. In that case, why were they sent to that office? What was  
13 their normal destination? Where were they supposed to be sent?  
14 When you received those persons, where were they supposed to be  
15 sent?

16 A. I think there is a misunderstanding here, those people were  
17 sent from the cooperative and their destination was to be sent to  
18 the district. However, there was no report yet to the district,  
19 for that reason, they sent those people to us temporarily because  
20 we were part of this refugee committee, so they were sent to us  
21 because they were accused of contradiction or minor conflicts, as  
22 I stated previously. The report was not yet forwarded to the  
23 district about these 40 people, and that's why they were sent to  
24 us. And, in fact prisoners were all -- those people who were  
25 arrested -- were all not intended to be sent to any commune. It

1 was meant for the district.

2 [10.48.26]

3 Q. Very well. There are two points: either you liberated persons  
4 who were arrested or you sent the refugees where they were  
5 supposed to be sent. Now, were these persons who were arrested or  
6 ordinary refugees?

7 A. It is rather complicated. I did not have the authority to make  
8 any arrests or to release any detainees. However, as part of the  
9 refugee committee, and to me, it was unreasonable for them to be  
10 arrested, so I took my own discretion or initiative to release  
11 them, as I considered them they were displaced people, although  
12 they were sent to us temporarily before they were supposed to be  
13 sent to the district. At that time, because there was no explicit  
14 instruction, I took my decision to release them.

15 [10.50.01]

16 Q. Sir, to take such a decision, I suppose that you must have  
17 spent a lot of time in questioning those people to find out what  
18 they did and what they were charged with. Regarding all the  
19 persons who were arrested, were all of them liberated or only  
20 some of them were liberated? Those that you considered to have  
21 committed minor errors, how did you go about that?

22 A. Once again, let me reiterate it. Those people were accused by  
23 the cooperative and they were sent to the commune and at our  
24 commune we did not have any detention place. They were placed  
25 into one location. And let me tell you, if those people had been

1 sent to the detention centre, then I would not have any authority  
2 to release them, despite the fact that I pitied them I would not  
3 be able to do so. However, they were not anywhere near the  
4 detention place.

5 [10.51.43]

6 Q. How much time did you spend in interrogating those persons to  
7 know what they were accused of?

8 A. There were three of us, and we worked as a group. In fact, we  
9 did not question them, we just asked them for the reasons that  
10 they were sent to that location and they told us, and I already  
11 stated before the Court that they were accused of minor  
12 conflicts, of conflicts about private ownership, et cetera. And  
13 this issue of private ownership was rather complicated.

14 Q. Mr. Phan Chhen, you, therefore, thought you had sufficient  
15 authority not to comply with instructions that were given you  
16 from the district. Is that the case?

17 A. It was my understanding that in my capacity as member of a  
18 refugee committee, I did not have that authority. I knew it. And  
19 of course, I did not want to step over somebody else's toe. As I  
20 said repeatedly, my pity -- my pitiness (sic) toward them took  
21 over and for that reason I decided to do what I did. But I did  
22 not have any factual or legal authority over this matter -- that  
23 is, on the release of those people. My capacity and my authority  
24 was only to make arrangements for them to stay in and to provide  
25 them with food. Those refugees were not supposed to be sent to

1 the detention centre, no they were not.

2 [10.54.45]

3 And about this group of people, they were sent to us and for  
4 those people who were sent to the detention centre by the  
5 district or by any other level, that's beyond my capacity. And  
6 because they were sent to us and we did not have enough housing  
7 for them, we placed them temporarily in a pagoda. And, of course,  
8 they were not accused of any serious offence as they were sent to  
9 us with their own belongings, with their own cattle, ox carts, et  
10 cetera. And that's all, Your Honour.

11 Q. Well, sir, I believe you were moved to pity when you saw those  
12 people. Did you feel the same pity when you saw Say Sen?

13 A. Yes, that is true. I pitied him.

14 [10.56.06]

15 Q. Why did you pity him?

16 A. I stated yesterday that while I was at Kus commune, he was a  
17 young boy and he lives not far from me. For that reason, I pitied  
18 him. He was just an innocent young boy and that's why I requested  
19 to have him.

20 Q. And what risk did he run?

21 A. You mean about those people that I released? And if that is  
22 the case, I already stated before the Court, the district and the  
23 sector were not happy with what I did and they wanted to have me  
24 killed.

25 Q. I am not talking of you, yourself, sir. I'm talking of Say

1 Sen. What risk would he have incurred, what would have happened  
2 to him, otherwise?

3 A. I came from Prey Kduoch – that is, from Kampong Speu province  
4 to my house. He was there, near the detention place, and I did  
5 not know why he was sent to the detention place, and I took  
6 particular notice of him because I had known him before.

7 [10.58.30]

8 Q. Mr. Witness, you have not answered my question. What risk did  
9 Say Sen run? What risk was he exposed to?

10 A. If I were not to request for him while he was at the detention  
11 centre, and because he was young and if he did not receive enough  
12 food, he might fall sick and it might be the end of his life.

13 Q. Were there many people dying at Krang Ta Chan?

14 A. I was not aware of that.

15 Q. So, why were you afraid with regard to Say Sen if you didn't  
16 know what was happening?

17 A. Because he was a young boy and with insufficient food or if he  
18 misbehaved, you could imagine what could happen to him. He could  
19 risk his life and that was my personal understanding.

20 [10.59.57]

21 Q. When you were questioned by the investigators of the OCIJ, you  
22 said that you arrived between '75 and '79 -- or correction --  
23 that sometimes you would visit the Krang Ta Chan centre between  
24 '75 and '79, and you said that you went to visit friends. Can you  
25 confirm that you would go visit friends when you would stop at

1 Krang Ta Chan?

2 A. When I went to my house, I spent a short visit to Krang Ta  
3 Chan, just to say hello. It was kind of a routine, when I rode my  
4 bicycle to visit my house, then I would drop by. And that's what  
5 I said in my previous statement, but I did not pay particular  
6 attention to the centre itself, or to know the details of what  
7 was happening in the centre. I was not based in my village, as I  
8 stated previously.

9 [11.01.42]

10 Q. You also said that you would go there to know who was detained  
11 and who was working at Krang Ta Chan. Can you confirm this?

12 A. No, that is not correct.

13 Q. Do you know if people died at Krang Ta Chan?

14 A. I did not know.

15 Q. You explained that there were different classes in the eyes of  
16 the Communist Party of Kampuchea, and that you did not  
17 necessarily belong to the class that would allow you to reach the  
18 highest positions. Can you explain to us why?

19 A. Yes, I said that. I answered this to the Investigator so that  
20 he or she understands and also I mentioned this to the Court. The  
21 Democratic Kampuchea, they classified people and they would  
22 consider a type of people who could be trusted by them. There  
23 were labourers, worker class, petty bourgeoisie, and those who  
24 had connection with the old regimes. I was a monk at that time  
25 and I had some work in the previous regime so I was not trusted

1 and I was not assigned big tasks to do.

2 [11.04.02]

3 Q. I have a last question to put to you. You said that there was  
4 certain Phy who was heading Krang Ta Chan. Can you tell us a  
5 little bit more about this Phy, and was he somebody who was  
6 suffering from some kind of disability in his legs?

7 A. Yes. That is correct. He is handicapped and since he was born,  
8 one of his eyes had a problem and he could not see.

9 Q. How long did he remain at the head of Krang Ta Chan?

10 A. He was there until the liberation, until the Vietnamese  
11 entered the country and after the Vietnamese entered the country,  
12 there was an order to take him and kill at the base of the  
13 mountain. I was away at that time. I was at the rubber  
14 plantation.

15 Q. Did Phy have another name?

16 A. No, he has no other name.

17 JUDGE LAVERGNE:

18 Fine, I have no further questions to put to this witness, sir.

19 [11.06.05]

20 MR. PRESIDENT:

21 Thank you very much, Judge Lavergne. Now I hand over the floor to  
22 defence counsel first. You may now proceed, defence counsel for  
23 Mr. Nuon Chea.

24 QUESTIONING BY MR. SUON VISAL:

25 Thank you, Mr. President. Good morning everyone. I am Suon Visal,

40

1 I am the defence counsel for Mr. Nuon Chea. Good morning, Mr.  
2 Witness.

3 Q. First I would like to ask you about your background in  
4 relation to the time you entered the Revolution. You said you  
5 entered the Revolution in 1970, why did you enter the Revolution?

6 MR. PHAN CHHEN:

7 A. There was someone introducing me into the Revolution.

8 [11.07.07]

9 Q. When you were introduced or inducted into the Revolution, did  
10 you find that the Party had good policy? That's why you entered  
11 the Revolution?

12 A. I did not know well whether the Revolution was good or bad.

13 Almost everyone joined the Revolution, so I was inspired by those  
14 people and I did not know whether the Revolution was good or bad.

15 Q. Thank you very much. My second question is: After you entered  
16 the Revolution, what were you assigned to do, what was your role?

17 A. After entering the Revolution, I became the chief of Pong Tuek  
18 Tboung village and after two years I became a member of the  
19 commune in charge of culture and education.

20 Q. Thank you very much. How long were you working as the member  
21 of the commune?

22 A. I was part of the commune until 1973, mid-1973, and I left the  
23 commune in early 1974, and I was away from the commune from 1974  
24 to 1979.

25 [11.09.14]

1 Q. When you were the commune chief, what were your main duties?

2 A. My main duties were to convene meetings of teacher and student  
3 and I was engaged in teaching -- when I was in charge of  
4 education and culture, I was asked to teach people.

5 Q. When you left your commune, did you set any policies to lead  
6 your commune?

7 A. The main policies were to increase rice production, to  
8 increase livelihood for each and every one. The policy was also  
9 to eliminate poverty and if we had insufficient food, our policy  
10 was to grow vegetables, such as beans, such as rice, et cetera.

11 Q. Concerning the policies you have just mentioned, were you  
12 ordered by the upper echelon to set such policy or did you decide  
13 by yourself to set such policy?

14 A. I set up those policies based on the orders of the echelons.

15 Q. So what was the condition under your leadership?

16 A. As per livelihood, it was not worst at that time. There were  
17 refugees coming into our commune.

18 [11.11.30]

19 Q. Concerning labour, what kind of work did people in your  
20 co-operative or in your commune do?

21 A. There were groups. There were mobile units for youth and for  
22 women and also there were mobile unit for married women. Those  
23 mobile units were tasked to dig canal, build dam, do farming and  
24 they were tasked to increase and to use agricultural products.  
25 They were also engaged in making fertilisers.

1 Q. When people under your supervision or under your leadership  
2 were sick, how did you cope with their sickness?

3 A. There were clinics; there was a medical clinic near one of the  
4 pagoda.

5 MR. PRESIDENT:

6 I heard that you asked many questions, but your questions appear  
7 not to relate to the facts between 1975 to January 1976. So I'm  
8 afraid you waste much of your time to ask the question in  
9 relation to the fact beyond the temporal jurisdiction of the  
10 Court.

11 [11.13.48]

12 BY MR. SUON VISAL:

13 Thank you very much, Mr. President. I would continue putting  
14 related questions to this witness. Thank you, Mr. Witness. I have  
15 other questions for you.

16 Q. After you were transferred to Prey Kduoch, how long were you  
17 there?

18 MR. PHAN CHHEN:

19 A. I was there from 1974 to 1975.

20 Q. Thank you very much. What about the period from 1975, where  
21 were you?

22 A. In late 1975, there was internal conflict in that commune. I  
23 was transferred to Samraong to make fertilisers.

24 [11.15.02]

25 Q. When you were transferred to Samraong or Chambork to make

1 fertilisers, what were the condition of people there?

2 A. So the food ration in the co-operatives were becoming worse.

3 Q. Upon your arrival at Chambork, what did you do there, what was  
4 your assignment?

5 A. I was asked to carry dirt from the bottom of the empty pond  
6 and to make fertiliser.

7 Q. Why were you transferred from Prey Kduoch to a new place?

8 A. It was the personal reason. Because I was criticised, I dare  
9 to raise moral offences of the new members or the new commune  
10 chief and the district sided with the new commune chief and after  
11 that I was transferred. This was the reason that I was  
12 transferred to a new place.

13 Q. At Samraong, how many people were there in your co-operative?

14 A. I was the newcomer. I was there for a short period of time so  
15 I did not know how many people were there in the co-operative. I  
16 was to make fertilisers so I could not be aware of the  
17 information.

18 [11.17.28]

19 Q. Were there any Vietnamese living in your co-operative?

20 A. I do not know. I do not know about this.

21 Q. Were there any Cham ethnicity in your co-operative?

22 A. (Microphone not activated)

23 Q. When people wanted to get married so how could they do?

24 A. When I was transferred to Samraong to make fertiliser, I had  
25 no idea about the marriage and I did not know what the

1 arrangement was concerning the marriage. I was at Samraong for a  
2 short while and I did not see people being married.

3 Q. Thank you very much. After you left Samraong to rubber  
4 plantation, when was that?

5 MR. PRESIDENT:

6 Please hold on, Mr. Witness. Wait until microphone is activated.

7 [11.19.21]

8 MR. PHAN CHHEN:

9 A. I went to rubber plantation at Chamkar Andoung in 1977.

10 BY MR. SUON VISAL:

11 Q. Why were you transferred to rubber plantation in Chamkar  
12 Andoung?

13 MR. PHAN CHHEN:

14 A. I mentioned this already in my statement. Because I was aware  
15 of how to treat, how to grow rubber trees, for this reason I was  
16 careful in growing, in treating rubber trees, I was transferred  
17 to the rubber plantation.

18 Q. When you were at the rubber plantation, were you the manager  
19 there or were you working as a labourer?

20 A. I was the chief of Svay Meas village.

21 [11.20.52]

22 Q. Thank you. As a chief of Svay Meas village, how would you  
23 organise the people working in the rubber plantation?

24 A. There were specific programmes. During the time that we were  
25 working in the rubber plantation, there were techniques how to

1 treat, how to grow rubber trees. So we used our talent and skills  
2 in our task. During the meeting, we would train -- people would  
3 be trained how to do to get more rubbers and how to do with the  
4 rubber trees to avoid getting disease on the trees and how to  
5 avoid -- we were taught how to avoid a kind of disease at the  
6 root of the trees.

7 Q. What about food there?

8 A. The livelihood was better so for the New Year, we had New Year  
9 at that time, there were three meals per day and after three  
10 days, we would have desserts. We would also have pancakes and  
11 Khmer noodles -- that is, Nom Banh Chok (phonetic), and as for  
12 the blanket that we used to cover at night, we would be left for  
13 other to do the washing.

14 [11.23.10]

15 MR. PRESIDENT:

16 Counsel, you are instructed to put your question in relation to  
17 Krang Ta Chan Security Centre. Krang Ta Chan Security Centre is  
18 the fact in our hearing and if you ask the questions which are  
19 beyond this fact -- that is Krang Ta Chan Security Centre, it is  
20 not for the interest of justice.

21 BY MR. SUON VISAL:

22 Mr. President, I understand that this question are beyond the  
23 relevant facts but it can reflect -- the answers from the witness  
24 can reflect as policies of the regime. But I thank you very much  
25 and I will move to another topic.

1 Q. Mr. Witness, during the time that you were working in  
2 Democratic Kampuchea, you said, you were one of the leaders. Did  
3 you receive any orders from your upper echelon to eliminate Cham,  
4 Vietnamese, or other ethnicities?

5 MR. PHAN CHHEN:

6 A. Through the broadcast I heard such instruction and order but  
7 for our practice I never received any order or instruction to do  
8 such task, but I believe there was broadcasting how to eliminate  
9 ethnicities.

10 [11.25.10]

11 MR. SUON VISAL:

12 I finished the line of questioning Mr. President. You may now  
13 proceed Mr. Koppe.

14 QUESTIONING BY MR. KOPPE:

15 Good morning, Mr. Witness. I have a follow up question. Two  
16 questions of Judge Lavergne half hour ago, Mr. Witness. That is a  
17 question about the handicap of Phy

18 Q. Is it your memory that, in fact, his right leg was amputated?

19 MR. PHAN CHHEN:

20 A. Actually, he was not really amputated but he could not walk  
21 very well. Perhaps he had such disability since he was born.

22 [11.26.18]

23 Q. Mr. Witness, in one of your statement to the OCIJ, E3/5522 in  
24 answer 44, you said - and I quote: "This is why Phy in 1979 or  
25 1980 was taken away and killed at the site where Phy had killed

1 others because Phy was the person responsible for taking the  
2 people away to be killed."

3 And I think I believe I also heard you say that he was executed  
4 at the base of the mountain, at the foot of the mountain. Would  
5 you be able to tell us how you know that Phy was executed in 1979  
6 or 1980?

7 A. I knew about this execution from villagers. So villagers would  
8 say and would talk about the killings of people and  
9 disappearance.

10 [11.27.45]

11 Q. Do you know or have you heard that he was the only person  
12 being executed in 1979 or 1980 or was he executed with others?

13 A. I heard from others. He was killed separately from others. He  
14 was killed in a separate place. Phy was killed at the base of the  
15 mountain, the place that Phy killed others. Cheng (phonetic) was  
16 killed in the field -- open field at the intersection of Kus. And  
17 as for An, he escaped with other refugees. However, he was  
18 spotted by the public because he was well known of doing bad  
19 actions so he was killed on the spot.

20 Q. What you say is the base of the mountain or the foot of the  
21 mountain. If you are standing inside Krang Ta Chan on the  
22 compound of Krang Ta Chan itself, and right now you can see  
23 stupa, and behind the stupa you can see a mountain range; is that  
24 the mountain range that you are talking about when you speak  
25 about the foot of the mountain or is the foot of the mountain on

1 the other side of the mountain that you can see?

2 [11.29.53]

3 A. As for the base of the mountain or the foot of the mountain,  
4 we could not see the base of the mountain from Krang Ta Chan  
5 office; it was on the north side of the security centre. The  
6 place where Phy was killed, it was a place at the base of the  
7 mountain to the north.

8 Q. Just to make sure I understand, when you are standing at Krang  
9 Ta Chan mountain, you see a mountain range on the west going to  
10 north. The base of the mountain, is that the closer side of the  
11 mountain or is that behind the mountain range that you can see  
12 from Krang Ta Chan?

13 A. Actually there was a name for the base of the mountain. Now it  
14 has become an open field. We can no longer recognise that base of  
15 the mountain because it has already become a field. It was at the  
16 Damrei Romeal mountain base and there were waterfalls nearby and  
17 as for the killing place, I did not know that place exactly or  
18 where it was located exactly.

19 [11.32.19]

20 Q. And when you spoke earlier about a quiet forest, that is what  
21 you mean when you were speaking about the foot of the mountain -  
22 the quiet forest which is not there now anymore; is that correct?

23 A. No. There were no forces at the base of the mountain.

24 Q. Forests, you were talking about a quiet forest earlier this  
25 morning. Not forces, forest. Would that quiet forest be on the

1 base of the Damrei Romeal mountain; is that correct?

2 A. I did not state that. Actually the meeting place that we  
3 attended were located in the long tall trees forest because  
4 during that time there were aerial bombings that is why we  
5 received instructions to find a proper place, quiet place to  
6 convene our meeting and the meeting place were in the forest  
7 which consisted of tall trees.

8 Q. Mr. Witness would you be able to tell us at that time how long  
9 the walk was between Krang Ta Chan and the place that you believe  
10 was an execution site at the foot of the mountain. How long did  
11 it take on foot to arrive there?

12 A. I could not give my estimate. I could not say how long we  
13 spent from that centre to the mountain range or to the mountain.  
14 [11.35.02]

15 Q. One last question on this topic Mr. President: Would you agree  
16 with me that the distance between Krang Ta Chan and the foot of  
17 the mountain range on the east side would be about five  
18 kilometres?

19 A. Actually, it is not to the east; it is to the west and I did  
20 not know. I could not give my estimate. The mountain was -- used  
21 at the border of the Kampot province.

22 Q. I know the mountain range is on the west but my question was:  
23 How far is it to the east of the mountain range which is lying on  
24 the west, how many kilometres? Would that be five kilometres?

25 A. Perhaps yes, perhaps it was about the distance you just

50

1 described.

2 MR. PRESIDENT:

3 Thank you, counsel. It is now convenient time for lunch break.

4 The Court is now adjourned from now until 1.30 p.m.

5 Court officer, please find a proper place for this witness during

6 lunch break and have him returned together with his duty council

7 before 1.30 p.m.

8 Security personnel, you are instructed to bring Mr. Khieu Samphan

9 to the waiting room downstairs and have him returned in the

10 afternoon before 1.30 p.m.

11 The Court is now adjourned.

12 (Court adjourns from 1137H to 1331H)

13 MR. PRESIDENT:

14 Please be seated. The Court is now in session for this afternoon

15 and I would like now to hand the floor to the defence counsel for

16 Nuon Chea to put questions to the witness.

17 Counsel Koppe, you may proceed with your line of questioning.

18 BY MR. KOPPE:

19 Thank you, Mr. President.

20 Q. Mr. Witness, good afternoon. I would like to revisit again the

21 site that you said Phy was executed in 1979 or 1980, and the site

22 of which you said Phy executed prisoners from Krang Ta Chan. I'm

23 trying to see if I can get a more exact location from you. I

24 think you said before the lunch break that there were waterfalls

25 close by.

1 Would it be possible that there's also a dam close by this site?

2 A dam called Rumlech Dam?

3 MR. PHAN CHHEN:

4 A. Mr. President, Your Honours, regarding the specific location,

5 I have no idea about the specific or the exact site of that

6 execution.

7 [13.33.50]

8 Q. Very well, then I'll move on, Mr. Witness.

9 I would like to take you to your statement before the

10 Investigating Judges. First, E3/5522, answer 27. You're being

11 asked by the Investigators the following question:

12 "Before the Krang Ta Chan office belonged to the district, what  
13 were its dimensions?"

14 And then you answer: "Before, the Krang Ta Chan office belonged

15 to the district, there were two long buildings for holding

16 prisoners, and those buildings were in the forest for secrecy

17 purposes so they could not be seen."

18 [13.34.36]

19 In E3/5524, question and answer 24, I read in your statement as

20 follows:

21 "You told us that the district that you helped watch over the

22 Krang Ta Chan office and that is why you could enter and leave

23 the office. What was your intention in entering and leaving?"

24 And you answer: "Just to forbid the people from entering and

25 leaving the detention site because it was their secret location.

1 They did not want anyone to know about it."

2 So in both answers you use the word "secret" and "secrecy". Could  
3 you expand a little bit on this? Was the purpose of Krang Ta Chan  
4 to have it hidden from villagers, to keep the prison secret? Is  
5 that how I have to understand your answer?

6 A. The term "secrecy" referred to the condition that it should  
7 not be known to any other people, and also to hide the activities  
8 inside that centre.

9 Q. Would that also be the reason why this execution site that you  
10 were speaking about was in a quiet forest away from the centre?  
11 Or has that no relation to each other?

12 A. I simply knew about it briefly, not very exact. So when you  
13 are talking about the relation from one place to another, I  
14 cannot tell you about that. So I just asked other people where  
15 were those prisoners taken to. And other people may have seen  
16 other people were taken to other places, much better than me.

17 [13.37.08]

18 Q. Would you be able to tell, based on your knowledge from that  
19 period and your conversations with other people, both during the  
20 DK period and after the DK period, that alleged executions did  
21 not in fact take place at the Krang Ta Chan compound but rather  
22 at the execution site that we have just been discussing?

23 A. At the commune area, there was no location in which people  
24 were arrested, but you asked me that it was under the control of  
25 the commune. But when the people were taken away from the

1 commune, the commune had no authority so the small house for  
2 conducting the meeting was built for the purpose of hiding from  
3 other attack. But it was not for re-education or to punish any  
4 people. So the location that we organised for the meeting for  
5 that purpose, not to punish or to detain any prisoners.

6 Q. Maybe you didn't understand my question well. I apologise for  
7 not phrasing it well. But what I'm trying to ask whether you know  
8 that, in fact, no executions took place at Krang Ta Chan  
9 compound, that people, if executed, were executed at the base of  
10 the mountain.

11 A. As far as I know, I saw like that. This is my words; I told to  
12 the investigator.

13 [13.39.22]

14 Q. The reason I am asking you is that the person that we have  
15 been discussing, also quite extensively, Say Sen, is saying that  
16 executions did in fact take place at Krang Ta Chan prison. Do you  
17 know -- on the basis of your knowledge -- whether that is correct  
18 or not correct?

19 A. To my knowledge, because this has happened a long time ago, I  
20 don't know whether people were executed so I didn't know what  
21 happened after my departure for another place.

22 Q. I would like to move on to another subject, Mr. Witness. In  
23 your statement before the OCIJ, E3/72, in your answers A15 and  
24 A16 and A17, you speak briefly about Nuon Chea. And in your  
25 answer in A30 in the same document, you answer as follows after

1 the following question:

2 "Did you ever hear the alias Nuon Chea, such as Brother Number  
3 Two, Buor or Om Nuon?"

4 And then you answer: "I used to hear he was called Ta Nuon Chea  
5 and Om Nuon."

6 Was that -- do you remember giving that answer?

7 A. Yes, I remember that I respond -- that I gave this answer to  
8 the Investigator.

9 [13.41.25]

10 Q. In the same document, Mr. Witness, you are asked a question in  
11 A77, and I read as follows:

12 Question: "When you read the documents, what do you learn from  
13 them? What position did Nuon Chea hold?"

14 And you answer: "When the war was over, the books were produced  
15 on how to build canals and water irrigation gates and  
16 agricultural sector was dominantly discussed. At that time, the  
17 leaders were numbered, such as Brother 1, Brother 2, Brother 3,  
18 and Ta Mok was number Ta 15. When he signed he wrote his name as  
19 Ta 15. People, sometimes, like from the east, did not know Ta  
20 15."

21 The next question is: "Based on your knowledge and understanding,  
22 can you recall the names of upper echelon people from numbers one  
23 to five?"

24 And then you answer in 78: "I only know number one and number  
25 two."

1 Question: "Who are they?"

2 And you answer: "Number 1 is Pol Pot, and Number 2 is Ta Mok. I  
3 knew this after 1979." And last question: "From '72 to '75, can  
4 you recall?"

5 And then you say: "It was So Phim, and after that it was Ta Mok  
6 in the second number."

7 Can you tell the Chamber how you came to that knowledge?

8 A. I know this when I attend the education session and there were  
9 announcements of those people who were the leaders during that  
10 time.

11 [13.43.30]

12 Q. Do you remember concretely who said to you, or how did you  
13 come to know that So Phim before 1975 was the number two?

14 A. This has been long time ago; I forget many things. I cannot  
15 assure you the person who was actually holding that position. But  
16 this is based on what I heard from other people.

17 Q. And the same goes for Ta Mok being the number two?

18 A. This based on the instruction material for the study session.  
19 It indicated this name like this.

20 Q. In your statement to the OCIJ, you are answering questions  
21 whether you ever saw Nuon Chea visiting the area. Do you remember  
22 what you said about that?

23 A. No, I don't remember.

24 Q. A23 in this document -- E372 -- might help you little further.  
25 You answered to the question: "I used to see the picture of Khieu

1 Samphan, but never saw Nuon Chea's." Do you remember saying that?

2 A. Yes, I said like that.

3 [13.45.41]

4 Q. So the first time that you saw Nuon Chea's face was after  
5 1979; is that correct?

6 A. Yes.

7 Q. You also testified that you are sure that you never saw -- or  
8 that you are sure that Ta Mok never visited Krang Ta Chan. I  
9 would like to revisit that topic. How can you be so sure that Ta  
10 Mok never visited Krang Ta Chan?

11 A. Because I was working during the regime -- regarding the place  
12 which is not very important for him to visit as a senior leader,  
13 I don't think he would visit. It was only Phy, Chuon (phonetic),  
14 Ping (phonetic) who would visit that place. This is based on what  
15 I saw during the regime.

16 [13.47.02]

17 Q. Mr. Witness, I would like to now turn to another topic and I  
18 would like to read a passage from a statement of a Southwest Zone  
19 cadre.

20 Mr. President, this is document E127/7.1.8. It's the same  
21 document I referred to earlier with another witness, ERN 00901567  
22 up until 69; Khmer, 00893274 until 77; and French, 00978646 until  
23 649.

24 Mr. Witness, this Southwest Zone cadre speaks about meetings in  
25 the forest before 1975. And I would like to read a passage, or

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1 two passages from his statement to you, and I would like to ask  
2 if you remember anything similar.

3 Answer in A5, Mr. President: "With this regard, Grandfather Mok  
4 issued an order that the commune, district and sector levels did  
5 not have the authority to make arrests or kill people."

6 The next page in A9, question: "When did Grandfather Mok make  
7 this announcement?"

8 Answer of this cadre: "Grandfather Mok made this announcement  
9 prior to 1975 during a wrap up meeting held annually in forest,  
10 participated by the commune, district and provincial committees  
11 and the regiments. After 1975, there was another meeting in the  
12 provincial town of Takeo, in the presence of Grandfather Mok, and  
13 Saom, who was in the Sector 13 committee. They announced that  
14 soldiers with the ranks from Second Lieutenant to Colonel were  
15 not to be harmed."

16 Question in 10: "You meant that soldiers from the ranks of Second  
17 Lieutenant to Colonel were not arrested?"

18 Answer: "I did not know because the implementation was varied  
19 from sector to sector."

20 My question: Do you remember anything of meetings held annually  
21 in the forest where Ta Mok spoke about what to do with soldiers  
22 with the ranks from Second Lieutenant up to Colonel -- that they  
23 were not to be harmed?

24 A. I have never heard or seen this, so I don't remember.

25 [13.50.20]

1 Q. Very well. Mr. Witness, I would like now to show you another  
2 document.

3 Mr. President, I would like to show the witness document E3/4095.  
4 That is English ERN 00747236, and it's a document of about 43  
5 pages, but I would like to show the witness only two specific  
6 pages from this document. With your permission, I would like to  
7 -- it's a notebook -- I'd like to give the witness the actual  
8 notebook and separately the two pages that are relevant. So with  
9 your permission, I would like to hand that document to the  
10 witness.

11 MR. PRESIDENT:

12 Could you repeat again the ERN in Khmer language? So you gave  
13 only the ERN in English.

14 MR. KOPPE:

15 Yes, I apologise, Mr. President. It's Khmer ERN 00271089 and  
16 00271118. And as a matter of fact, it's also the top page of that  
17 document and that is ERN 00271089.

18 MR. PRESIDENT:

19 Your request is granted.

20 (Short pause)

21 [13.52.45]

22 MR. KOPPE:

23 Mr. President, we are also able to show it on the screen.

24 Mr. Witness, I would like you to have a look at the whole  
25 document, maybe starting with the first page. You can see it's a

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1 school manual, on the top it says "5th confession", and then it  
2 says -- which is most likely a post 1979 annotation --  
3 "Contemptible traitors Pol Pot and Ieng Sary".

4 And now if you would move to the page with the yellow tab, page  
5 00271118, and the page 00271124.

6 (Short pause)

7 [13.55.13]

8 MR. PRESIDENT:

9 Mr. Deputy International Co-Prosecutor, you may proceed.

10 MR. LYSAK:

11 Thank you, Mr. President. While the witness is looking at the  
12 document, could counsel provide us with the specific ERN page in  
13 English, so that we can see what part of this document the  
14 witness is reviewing?

15 MR. KOPPE:

16 Yes, of course. ERN 00747287; and French, 00721261; and the other  
17 page, English, 00747279; and French, 00721252.

18 BY MR. KOPPE:

19 Q. Mr. Witness, a first general question. Do you recognise this  
20 notebook?

21 MR. PHAN CHHEN:

22 A. I have never seen this before.

23 [13.56.46]

24 Q. I'll guide you a little bit through this document, Mr.

25 Witness. This seems to be a notebook from Krang Ta Chan, possibly

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1 -- probably in the period 1976, consisting of short confessions  
2 of 108 individuals, a lot of them possibly with the rank Lon Nol  
3 soldiers or ranking Lon Nol officers. The two particular pages  
4 that I am referring you to -- and especially the sentence that is  
5 underlined on both pages -- these are the two only prisoners  
6 which seem to have -- the only two of the 108 prisoners -- which  
7 seem to have endured something that we have discussed earlier  
8 with you, the so-called hot methods, or the hot method.  
9 Specifically, Mr. President, on the top of -- on the bottom of  
10 English, page 00747287, it says: "This person was interrogated  
11 with some hot methods to dig up his network but he refused to  
12 confess." And the second page, it says on the bottom, English:  
13 "He was beaten during the interrogation but he did not confess."  
14 So Mr. Witness, it seems that of 108 possible prisoners, two  
15 people were enduring something called the hot method. Would you  
16 be able to give a comment on that?

17 [13.59.12]

18 MR. PRESIDENT:

19 Witness, please wait. Deputy International Co-Prosecutor, you may  
20 proceed.

21 MR. LYSAK:

22 Thank you, Mr. President. This is an improper question. Counsel  
23 is now testifying himself about whether there are, or how many  
24 references there are in this document. It's not proper for  
25 counsel to give evidence himself. He needs to ask questions that

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1 this witness can answer rather than try to give evidence himself  
2 about the contents of this document.

3 MR. KOPPE:

4 I agree with the Prosecution that of course the proper method  
5 would be to ask the witness to read the whole document, however,  
6 I have very limited time, so I was guiding him through the  
7 confessions on those pages, those 108 confessions, and I have  
8 been able to determine that only in relation to two of 108  
9 prisoners, reference is made to something that we discussed  
10 earlier with this witness, that is the hot method. So my question  
11 is whether he would be able to give any comment on that. In other  
12 words, does he know from his conversations with An or Phy whether  
13 they would write only on specific circumstances that hot methods  
14 were used, if so, if that's not the case, why would they bother  
15 writing down that hot methods were used? So it's a very condensed  
16 question I understand, but because of the time limits I'm trying  
17 to phrase it like this.

18 [14.00.57]

19 JUDGE FENZ:

20 Sorry Counsel, what exactly is the question, not even I get it.

21 MR. KOPPE:

22 Well, the question is as follows: There's a notebook, the  
23 notebook that we discussed -- the confessions of 108 prisoners.  
24 I'm asking if he is able to say anything about the use of the hot  
25 methods, and the description of the fact that the hot method is

1 being used during the interrogations.

2 [14.01.19]

3 BY MR. KOPPE:

4 Q. Mr. Witness, can you say anything about, maybe because of your  
5 conversations with An or Phy, if hot methods were used, was that  
6 written down in the summary of the confession?

7 MR. PHAN CHHEN:

8 A. I did not know about this and so that I cannot respond to your  
9 question. I did not know anything about 108 confessions, or  
10 something of this nature, or what happened in 1976.

11 Q. I understand that, Mr. Witness. But I would like now to refer  
12 back to your own statement, E3/5524, questions 32 to 35. And the  
13 Prosecution has asked you questions about that as well. And there  
14 you described that you were present once during an interrogation  
15 by Phy who was the interrogator and An who was the recorder. And  
16 I read, you said as follows:

17 "Phy was the interrogator and An was the recorder. When Phy  
18 questioned and the prisoner did not respond, Phy was the person  
19 who used hot or cold methods to get the responses. Phy was the  
20 person who received the instructions to interrogate the  
21 prisoners."

22 So my question is: When you were there once and either the hot or  
23 the cold method was used to make the prisoner speak, was that  
24 written down in notebooks like the ones I just showed you?

25 [14.03.33]

1 A. What I stated in my previous statement, it happened that they  
2 were in the middle of the investigation, and it did not mean that  
3 I participated in the investigation process. And that's what I  
4 stated clearly. And in the statement -- and yesterday I also made  
5 it clear before this Chamber.

6 Q. But to summarise, you are not able to say anything about the  
7 fact whether the description of the hot method with two of these  
8 108 prisoners was something which happened often or rarely, or  
9 what the practice was in respect of writing down which methods  
10 were used?

11 A. I cannot respond to that because I did not know about the  
12 methods of whatever you ask. If I saw it, and if I recalled it,  
13 then I would tell you, but I did not know about this at all.

14 [14.04.50]

15 Q. Thank you, Mr. Witness. I would like now to take you to your  
16 statement before the Investigating Judges, E319822 (sic), more  
17 specifically to your answer in question A125. You were briefly  
18 asked about this by my national colleague and I would like to  
19 read the question to you -- that was asked to you, your answer  
20 and the follow up question.

21 Question is as follows -- I quote: "You have said that you served  
22 as the chief of the commune and you arranged marriages. Were the  
23 marriages voluntary or coerced?"

24 Your answer: "They were voluntary. As for the marriages at the  
25 rubber plantation, couples who had already committed moral

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1 offences were imprisoned. Thus I asked them if they would love  
2 each other for the rest of their lives, then I arranged marriages  
3 for them."

4 Question: "To your knowledge were marriages during the Khmer  
5 Rouge regime forced?"

6 Your answer: "I saw many marriages and it appeared that they were  
7 not forced. I heard that they asked each spouse if they agreed to  
8 get married with a particular person in a particular team or a  
9 person of such and such complexion. Some couples remained  
10 together, others separated."

11 Last question: "Did anyone refuse to get married?"

12 "Yes, there were people who refused to stay married forever."

13 One more question: "What was the punishment for those who refused  
14 to get married?"

15 "They just scolded them."

16 [14.06.54]

17 Mr. Witness, do you remember giving this answer to the  
18 investigators of the Investigating Judge?

19 A. Yes, that's my statement. I thought about the time period that  
20 I was at the rubber plantation and I can recall that well. For  
21 those who committed moral misconduct, there were two of them who  
22 worked at the hospital. And I asked them whether they loved each  
23 other for life. If that was the case then they should invite  
24 their parents and then we would arrange the marriage and we would  
25 provide food for the ceremony. And that was a giving that I

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1 offered them, otherwise in other places they would be punished.

2 And that happened around '77 or '78 at the rubber plantation.

3 Q. Taking you back to Tram Kak district, what specifically can  
4 you say about marriages in Tram Kak district? Were they also  
5 voluntary or were they forced?

6 A. While I was at Tram Kak district, there was no marriage  
7 ceremony yet. It was only the beginning of the regime as the war  
8 just ended and we were building the society. And marriages only  
9 took place after we gained full victory and not at a busy stage  
10 of building the society.

11 [14.09.10]

12 Q. Mr. Witness, I would like to take you now to an answer that  
13 you gave in your statement E3/5522, answer 821.

14 The question is as follows: "For what use did the district take  
15 the Kram Ta Chan office?"

16 And you answered: "They used to re-educate the people who were  
17 arrested and taken there."

18 In another statement to the Investigating Judges Investigators  
19 you say roughly the same thing. Was the purpose of Krang Ta Chan  
20 to re-educate people?

21 A. Yes, that was for re-education purpose.

22 Q. What exactly does that mean, "re-education purpose"?

23 A. It means for them to understand the offences that they made  
24 individually and that was against the leadership line.

25 Q. Is it your testimony that people who were sent to Krang Ta

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1 Chan were sent there to be re-educated?

2 A. Yes, as far as I know, they were sent there for re-education,  
3 and after that they would be reintegrated into the base. However,  
4 later on, I was not aware of what happened there, because I was  
5 transferred to be stationed far away from that centre.

6 [14.11.27]

7 Q. Last question, Mr. Witness. Krang Ta Chan was called  
8 Re-education Centre 105. Do you remember whether it was ever also  
9 called M-105?

10 A. I cannot recall it, and I'm not aware that it was named that  
11 way. However, I only know that it was called Krang Ta Chan  
12 because that's where they stored the remains of Ta Chan, and the  
13 person was buried there. And later on, if they changed it to  
14 M-105 or something, it was beyond my knowledge.

15 Q. But to summarize your answer, you've never actually seen any  
16 document referring to Krang Ta Chan using the letter and figures  
17 M-105; is that correct?

18 A. Yes, that is correct.

19 Q. One very final question that is about topography. Rather  
20 again, Mr. Witness, in your answer -- in document E3/5522, answer  
21 12, you said that Kus commune counted 33 villages. Is that  
22 correct?

23 A. Kus commune comprised of 33 villages during the time that I  
24 was in charge -- that is, around 1970 or '71. However, later on,  
25 it was split into separate commune, and then my commune, the

1 original name was Pong Tuek, and then it was changed to Pong Tuek  
2 Kang Cheung Tbound (phonetic), and then there was another called  
3 Pong Tuek Kang Cheung (phonetic). In Khmer, it literally means  
4 the south Pong Tuek and the northern part of Pong Tuek commune.

5 [14.14.03]

6 Q. It's a different question, I realize, but would you be able to  
7 estimate roughly how many villages there were in the total of  
8 Tram Kak district, so District 105? How many villages were there?  
9 Hundreds? Would it be possible for you to make an estimation?

10 A. I cannot provide you a correct estimation of villages, because  
11 there were several. As in my village itself, I do not know the  
12 exact number of the population, because sometimes people who were  
13 fearful of living there moved to another village without a proper  
14 record. And for that reason, we do not know for sure the total  
15 number of people living in one village. And it would be more  
16 difficult to make a proper estimation for the entire district.

17 [14.15.13]

18 Q. And the number of around 80,000 people living in Tram Kak  
19 district in 1979, would that be a correct estimate or would it be  
20 not possible for you to say anything on that?

21 A. I cannot say for certainty, but probably that would be a  
22 proper estimate.

23 MR. KOPPE:

24 Thank you, Mr. President.

25 MR. PRESIDENT:

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1 Thank you, and the Chamber would now like to cede the floor to  
2 the defence team for Khieu Samphan.

3 QUESTIONING BY MR. KONG SAM ONN:

4 Thank you, Mr. President; and good afternoon, Mr. Phan Chhen. I  
5 have some questions for you. First, I'd like to get clarification  
6 from you in relation of your connection with Krang Ta Chan office  
7 after 17 April 1975 to 6 January 1979.

8 [14.16.33]

9 Q. Can you briefly respond to my question whether you have any  
10 relationship, in term of your work or your position, with this  
11 office within this period?

12 MR. PHANN CHHEN:

13 A. No, I did not at all.

14 Q. Also, during this time period -- that is, 17 April 1975 to 6  
15 January 1979, did you ever go to visit or to meet any friend of  
16 yours at that location?

17 A. I stated already this morning that is after the victory in  
18 1975, I was assigned to bring logistics to the people who were  
19 evacuated from other locations, including from the provincial  
20 town. I met some people there and we spoke a little bit, and  
21 after that I returned to my base in Kampong Speu province. We did  
22 not discuss in details on the nature of work, or on the people  
23 movement, or the kinds of people who were being evacuated, not at  
24 all.

25 [14.18.10]

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1 Q. When you brought the logistics to Krang Ta Chan office, how  
2 many time did you do that and can you specify the time period  
3 that you took the logistics to that office?

4 A. I assisted in food offering or food supply while I was in Kus  
5 commune, and by '74 when I left Kus commune, a replacement took  
6 over and dealt with this food logistics and I was transferred far  
7 away and I did not have any relationship with that office any  
8 more.

9 Q. Due to the discrepancies in your statement, that is the reason  
10 I asked you about the time period between 17 April 1975 to 6  
11 January 1979, that is not about the time, what happened in 1974.  
12 You stated that you left Kus commune in around 1974. Does it mean  
13 that during the period of the Democratic Kampuchea regime, you  
14 did not have any role to play or any relationship at all with the  
15 Krang Ta Chan office either officially or unofficially?

16 A. Once I was transferred to go away - to be stationed far away,  
17 I never returned to that centre. And only when I came to visit my  
18 village, when I rode my bicycle, then I would just drop by at the  
19 gate of the centre. I did not have any relationship in terms of  
20 my role or work nature with that centre at all.

21 [14.20.42]

22 Q. Let me clarify with you. When you went to Krang Ta Chan  
23 office, was it during 1974 or 1975 -- that is, after the  
24 liberation? I refer to the 17 April 1975 liberation.

25 A. I just stated when I brought the logistics there, I met people

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1 there, then we talked a little bit. And I went to where the  
2 refugees from Takeo were gathered and we brought food supplies to  
3 those people, including the meat. And I did not spend time in  
4 that office.

5 Q. What I want to know is the year or the time period that you  
6 brought logistics. Was it before or after 17 April 1975? Do you  
7 understand my question?

8 A. Yes, I do. After I left the commune, I did not return. So that  
9 was from 1974, '75 up to 1979. I was engaged with the work that I  
10 did at my station and I did not have time to return to that  
11 office.

12 [14.22.43]

13 Q. Can you inform the Court that at any time that you went to  
14 visit your village, did you have any contact with people working  
15 at the Krang Ta Chan office -- that is, for the period between  
16 1975 to 1979?

17 A. No, I did not. I sometimes met those people at a meeting  
18 place, but I did not go to that office.

19 Q. This morning, you stated about a member of the Party Centre --  
20 that is, Ta Mok, who was also a Zone Secretary. Through your  
21 experience in relation to member of the Party Centre, you already  
22 explained what the Centre meant, that it was the core part and it  
23 was related to other sections around it. But my question to you  
24 is for you to give us your understanding of a member of the Party  
25 Centre. Can you do that?

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1 A. I provided already my personal explanation of what the Centre  
2 means, and as for the structure of the Centre, in fact, I learned  
3 about it from the Court documents -- that is, documents from this  
4 ECCC document. And I have that document at home. It was a thick  
5 kind of document, and in that document, there were photos of Ta  
6 Mok, of So Phim, and of other people.

7 [14.25.54]

8 Q. As for your personal experience, what is your understanding of  
9 being a member of the Party Centre, namely Ta Mok, as you stated?

10 A. My observation was based on the presentation made by those  
11 trainers, by those speakers. They spoke about certain individuals  
12 with certain responsibilities and I obtained such information  
13 through the study sessions that I attended. And personally, I  
14 would not be in a position to define who a member of the Party  
15 Centre was. I only learned through the study sessions.

16 Q. During that time period, do you know whether anybody else was  
17 member of the Party Centre, besides Ta Mok?

18 A. No, I did not.

19 Q. Please repeat your question (sic), since part of your answer  
20 is interrupted.

21 A. I cannot understand the details about the structure.

22 [14.27.44]

23 Q. Since there was no translation, could you please repeat your  
24 response to my question as to who else you might know members of  
25 the Party Centre besides Ta Mo?

1 A. As far as I know, and I already stated in my previous  
2 statements, and I provided the names of those people at the Zone  
3 level. Because there were several zones throughout the country,  
4 and Zone Secretaries fell within that hierarchy.

5 Q. What do you know about the duties and responsibilities of the  
6 Centre Committee?

7 A. No, I would not have that kind of knowledge, either the Centre  
8 Committee or the Standing Committee. I would not know.

9 [14.29.21]

10 Q. This morning you spoke about the district meetings that you  
11 attended. My question to you is the following: Did you attend the  
12 meetings held at the district level frequently?

13 A. Within the framework of the commune, yes I did, because all  
14 the communes had to attend such meetings at the district level.  
15 We were given a schedule for certain meetings and we had to be  
16 present during those meetings. And if we could not attend, then  
17 we had to inform them in advance. But as a common practice, we  
18 had to be present at the district meetings.

19 Q. And you said during those district meetings there were two  
20 kinds, open meetings and closed meetings. Can you tell us the  
21 distinction of the two kinds of meetings? Why there were closed  
22 meetings and why there were open meetings, for instance? And were  
23 you present in only one specific kind of meeting or in both kinds  
24 of meetings?

25 A. The two monthly meetings were open meetings. As for the

1 extraordinary meetings without a set schedule, were closed  
2 meetings and we did not know about the content of those meetings;  
3 we only knew that closed meetings were held at the district  
4 level, but we did not know what were discussed during those  
5 closed meetings.

6 [14.31.42]

7 Q. Did you yourself ever attend the so-called closed meetings?

8 A. I could only attend the open meetings, and we talked and  
9 discussed about the labour, about working in the rice fields, et  
10 cetera.

11 Q. In your statement E3/72, in question/answer 72 -- 77, rather,  
12 you talked about attending a study session of a textbook about  
13 dam and canal construction. My question to you is the following:  
14 Did you attend any study sessions in term of political study  
15 session in Phnom Penh or elsewhere?

16 A. During the longer period that I performed my duty with them,  
17 and if you refer to major meetings at Takeo provincial town or in  
18 Phnom Penh or at the secret place along the Dang Rek mountain  
19 range, I did not attend those kinds of meetings. I only attended  
20 the meetings held at the districts to receive the plan, and we  
21 had to implement those plans from the district at the commune  
22 level. And we only knew what we were given by the district level,  
23 and whether those instructions from the district were from the  
24 upper level or from the district itself, we did not know.

25 [14.33.53]

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1 Q. This could be my last question regarding your role at the  
2 commune. I'm still unclear whether you were the so-called Commune  
3 Committee, Commune Secretary, or just a member of the commune.  
4 Did you work at that commune for one phase only or there were two  
5 or three separate phases where you engaged in the commune work?

6 A. I was responsible for two communes. While I was at Kus  
7 commune, I was in charge of social affairs and culture, and the  
8 other person was Soeun. And when I moved to another commune, I  
9 was the deputy of Lorn (phonetic), Lon (phonetic) was the Commune  
10 Secretary.

11 MR KONG SAM ONN:

12 Thank you, Mr. President, and I'd like to hand the floor now to  
13 my international counsel.

14 MR. PRESIDENT:

15 Thank you. Yes, you may proceed, Counsel Guissé.

16 [14.35.16]

17 QUESTIONING BY MS. GUISSÉ:

18 Thank you, Mr. President. Good afternoon, Mr. Phan Chhen. My name  
19 is Anta Guissé. I am International Co-Counsel for Mr. Khieu  
20 Samphan. I would like to put a few questions to you for purposes  
21 of clarification of your testimony.

22 Q. My first question is a follow-up to an answer you gave to Mr.  
23 Sam Onn. You said you learned a number of things regarding the  
24 structure of the CPK through documents that you read. Can you  
25 tell us when you saw those documents and at what time you saw

1 them?

2 MR. PHAN CHHEN:

3 A. I have just told the Court earlier, it was just written in a  
4 book with black cover. On the cover, there was a photo of train  
5 with the senior leaders in that train. That's all I can remember.

6 [14.36.33]

7 Q. And when did you have access to that book? That is the thrust  
8 of my question.

9 A. It was when I attended the meeting with other organizations  
10 who discussed about the past history of Pol Pot and I received  
11 the books. It is a booklet featured by photos, and I kept them  
12 for reading -- to read further. I attend several meetings by the  
13 organizations, including LICADHO and other NGOs - other  
14 organizations. I often attended those meeting discussion. Some  
15 organizations would show video of the security centre, including  
16 Krang Ta Chan, and I saw the photo and also the footage as a kind  
17 of re-enactment of what was happening during the Khmer Rouge.  
18 These are the materials, and even that I get the knowledge of  
19 that.

20 Q. In what year was that?

21 A. It happened more often in 2013 and 2014. And in 2015, there  
22 was no organization held any meeting in my area.

23 [14.38.48]

24 Q. I will now move into another line of questioning. But before  
25 we do so, please clarify something you said in answer to a

1 question put to you by my learned colleague of the Nuon Chea team  
2 regarding the Cham. That answer you gave wasn't translated into  
3 French, so I'll put the question to you again. Between 1970 and  
4 1975, do you know whether there were Cham living in Takeo?

5 A. I don't know about that. I don't know about that, especially  
6 since the old regime and also during the DK regime.

7 Q. Did you see any of them personally?

8 A. No, I never saw any Cham.

9 Q. In your statement E319.1.20, at answer number 2, you stated  
10 that there were no Cham in Takeo, and that you were in the  
11 Northern Zone where there were Cham, but that they were not  
12 victims of any violence. Do you confirm this statement?

13 A. I can confirm this for you. More Cham people were living in  
14 the North Zone and the East Zone. When I was working in the  
15 rubber plantation, there were many Chams in many villages all  
16 over there, including Tep Nimitt village, Trapeang Ruessei  
17 village, Kbal Ou village, Cheung Kout village, et cetera. Houses  
18 were built for them. I didn't see any Cham in Takeo province.

19 [14.41.22]

20 Q. On another matter, you referred to problems of moral  
21 misconduct on several occasions that occurred during Democratic  
22 Kampuchea, and you even stated that those problems were at the  
23 root of the problems you had with the commune chief. My first  
24 question is as follows: Do you remember whether, as part of  
25 training sessions you attended, whether you're talking of your

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1 own revolutionary training or training given to members of the  
2 commune, do you remember the 12 revolutionary commandments or the  
3 12 revolutionary principles?

4 A. I cannot remember all, but I just realized that committing  
5 this offence is wrong based on the commandment; for example,  
6 immoral conduct with a woman. This is one of the offences. That's  
7 all I know.

8 [14.42.35]

9 Q. When you talk of anti-moral conduct, can you be more specific?

10 A. Are you expecting the simple word for moral -- or immoral  
11 offence?

12 MR. PRESIDENT:

13 (No interpretation -- Technical problem)

14 (Court recesses from 1444H to 1503H)

15 MR. PRESIDENT:

16 Please be seated. The Court is now back in session, and again we  
17 hand the floor to the International Counsel for Khieu Samphan.  
18 You have the floor.

19 BY MS. GUISSÉ:

20 Thank you, Mr. President.

21 Q. Witness, I'm going to reformulate my question. Do you agree  
22 that being a chief and taking advantage of one's position in  
23 order to have relations with women was considered moral  
24 misconduct?

25 MR. PHAN CHHEN:

1 A. Please rephrase your question.

2 [15.05.05]

3 Q. Maybe the third time will be the right one. Do you agree that  
4 it was forbidden to take advantage of one's position to force  
5 women to have intimate relations with you?

6 A. Yes, I agree with that.

7 Q. And during the training or during the discussions you had,  
8 were these topics that were discussed -- was it said that it was  
9 necessary to have proper moral conduct when one had some kind of  
10 position?

11 A. Yes we were told that during the meetings, and that the lower  
12 level had to respect the upper level, so on and so forth.

13 [15.06.28]

14 Q. My question was a bit more specific. What I was saying is that  
15 when one was a chief, such as a commune chief, was it necessary  
16 to have good moral conduct and not to use your position to put  
17 pressure on underlings, in particular to have intimate relations?

18 A. Yes, that is correct.

19 Q. Often during your interview you spoke about Say Sen and I  
20 understood that you met him in your commune. That he was a young  
21 boy you felt sorry for and who helped you, however -- and that's  
22 my question -- I don't understand exactly where you met him or if  
23 when you met him he was detained at Krang Ta Chan or if he was  
24 simply a neighbour of yours?

25 A. At that time I just returned from Prey Kduoch on my motorbike

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1 -- on my bicycle and I was told that Say Sen was a boy belonging  
2 to the soldier and that he was at the detention centre. And later  
3 on I made a request as I stated previously -- made a request to  
4 the committee because he was too young to know anything and I was  
5 afraid that if he was -- he continued to be in detention, he  
6 would be in larger risking situation.

7 [15.08.30]

8 Q. And when you said that -- this happened when you returned to  
9 your commune on your bicycle and was this after the 17th April  
10 1975?

11 A. Once I was in detention, it was not in 1975. However, I cannot  
12 recall it precisely but it was not -- for sure -- in 1975 when I  
13 met him.

14 Q. So we agree that this happened before?

15 A. Yes.

16 Q. And after 1979, did you see him again?

17 A. Did I see who? You talk about seeing Say Sen?

18 Q. Yes, indeed.

19 A. When I went to live at Anlong Veang, he was into this sawmill  
20 business. He cut wood and he went to Anlong Veang so I asked him  
21 to cut some wood for me to build a house and I met him rather  
22 frequently. And when I was interviewed, Say Sen came to my house  
23 too. So in short, I have met him rather frequently. And there was  
24 nothing to hide.

25 [15.10.50]

1 Q. Now I would like to speak about Pech Chim, whom you speak  
2 about before the Co-Investigating Judges and I would like to ask  
3 for some clarification with regard to what you said during these  
4 interviews. My first question: In your interview, E3/72, at  
5 answer 62 -- I'll read the question. [Free translation]  
6 "What did Chim do then?"  
7 And your answer: "Chim was the district chief."  
8 "Who was working -- who was working in the district committee  
9 under Chim?"  
10 "He was in charge of security. Chim did not know the Krang Ta  
11 Chan centre very well and he left the district in 1976." End of  
12 quote.  
13 Can you tell the Chamber what you meant by "Chim did not know the  
14 Krang Ta Chan centre very well"? What does that mean exactly?  
15 [15.12.08]  
16 A. That's what I learnt through my conversation with Chim. Chim  
17 was at the district level and before him, Nhev was the District  
18 Secretary, but he died in a battlefield in Takeo and then Chim  
19 rose to become the Secretary. And in 1976, Chim was not in Tram  
20 Kak district. He was at the rubber plantation at Chamkar Andoung  
21 and then he went to another rubber plantation in Chhub  
22 (phonetic), near Kraek and near Memot. And I think I already  
23 stated in my statement regarding what you just wrote.  
24 Q. Thank you for this clarification and I'll get back to that. My  
25 question was more specific. What makes you say that Chim did not

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1 know the Krang Ta Chan centre well? What do you mean by that? Why  
2 did you say that? He didn't know how the centre operated? Can you  
3 be a little bit more specific about that?

4 A. In the district meeting, he said that he was not familiar with  
5 that centre, however, in fact, the district had the direct  
6 supervision of that office and all members of the district  
7 committee had to know about it, though some people would have to  
8 deal with it directly, while others dealt with it indirectly. The  
9 district committee had to know about what happened there. They  
10 had a role in it so they had to know about it.

11 [15.14.36]

12 Q. So it is because Chim told you that he did not know the centre  
13 that you said this? You said this in relation to what he told you  
14 during that meeting? Is that the case?

15 A. Yes.

16 Q. And do you remember when this meeting happened? Was it in '75  
17 or in '76 before he left?

18 A. When I attended the meetings at District 105 -- that is, Tram  
19 Kak district -- my participation ended by 1974, because by that  
20 time I was transferred to Kampong Speu. I did not have anything  
21 to do any more with Tram Kak district and that happened in 1974.

22 Q. So if I understand your testimony, Chim left in 1976. You said  
23 he went to a rubber plantation. Is it the same rubber plantation  
24 where you worked later on?

25 A. I went to the rubber plantation. As for him, he went to

1 another rubber plantation in Chhub (phonetic), so we were in  
2 different locations.

3 [15.16.35]

4 Q. At answer 63 of the same interview, you say that it is -- that  
5 Chim was replaced by Kit so that Kit remained at the head of the  
6 district until 1979 -- until the arrival of the Vietnamese.

7 A. Pich Kit was the elder brother of Pech Chim and he became the  
8 chief. However, I did not know when that happened and later on,  
9 when he died, I learned that he died.

10 Q. So you don't know if he replaced his brother immediately after  
11 Chim's departure?

12 A. I knew that in 1976, Kit came to take control of the district.  
13 I was at the cooperative and when he went there, then I was asked  
14 by the cadre to make coconut juice or to prepare coconut juice  
15 for him and then I learnt that he was the one in charge of the  
16 district.

17 Q. And do you know Ta San?

18 A. I don't know which San you are referring to.

19 [15.18.52]

20 Q. San who apparently held the position in the region, either at  
21 the district level or at the commune level. Does that ring a  
22 bell?

23 A. No, that doesn't ring a bell.

24 Q. Let me get back to Chim. In your interview E35522 -- E3/5522,  
25 at answer 47 and you say the following: "As I, Ta Chim had no

1 chance of getting a high position because he was a former  
2 official, which means that he did not entirely trust the  
3 Revolution." End of quote. [Free translation]

4 When you say that he had no chance of obtaining any kind of high  
5 position -- would being a district chief, wasn't that a high  
6 position in itself?

7 A. I refer to the trust or the confidence by the Revolution. I  
8 said so because Chim was a former teacher and that he was  
9 considered a petty bourgeoisie and in that category. And that he  
10 would not be used to represent or to be the right-hand man of the  
11 Revolution. He would only be used for other non-essential task.  
12 For instance, in ploughing the field or in working the rice  
13 field. Although he was working at the district level he was not  
14 fully trusted by the Revolution.

15 [15.21.10]

16 Q. So I understand from what you are saying that this was the  
17 case for you as well? Yes or no?

18 A. Yes. That is correct because we were connected to the previous  
19 job or profession that we held.

20 Q. And this will be the last point I will focus on. When you  
21 speak about Phy, who was in charge of Krang Ta Chan, can you tell  
22 me when he started working at Krang Ta Chan? When did he take  
23 charge of the centre? You say that he stayed there until 1979 but  
24 I don't exactly remember when he started?

25 A. When I was transferred, that location was not yet a detention

1 centre, it was still part of the commune and then when it turned  
2 into the detention centre, he was appointed to take charge and  
3 then that belongs to the district. And there was another person  
4 by the name of Duch who was also working with us or working  
5 there. So he was in that position until the end of the regime --  
6 that is, after that office was transferred under -- to the  
7 control of the district. And nobody would dare to interfere with  
8 the centre when it was -- or when it already belonged to the  
9 district.

10 [15.23.28]

11 Q. My question was: When did Phy take charge of the Krang Ta Chan  
12 centre? In which year, if you remember?

13 A. It was in mid-1973, so it was from the mid-1973 onwards. And  
14 it happened when the area was taken from the commune to be under  
15 the supervision of the district.

16 Q. But we agreed that Chim, who had not earned the trust of the  
17 Revolution, had no kind of supervisory functions at Krang Ta  
18 Chan. Is that what you want to say?

19 A. No. I did not mean that. Krang Ta Chan was a separate matter  
20 but when you talk about the promotion for Chim -- that was  
21 another matter because at that time the plan was to promote  
22 people into the assembly and for those people who had tendencies  
23 -- would not be considered. And that's because of these so-called  
24 tainted background. And that's what I meant and I did not refer  
25 to the Krang Ta Chan centre. As for Krang Ta Chan, those people

1 who controlled had to know everything, as the number of prisoners  
2 who were sent in and those who were sent out, for instance.

3 [15.25.52]

4 Q. Then when you speaking about those who were controlling the  
5 centre, are you speaking about Phy, An, and Duch, or are you also  
6 speaking about Chim?

7 A. What I want to say was that they were in supervisory role,  
8 however, some of them were in direct supervision, while others  
9 were indirect. But in short, they all had to know about what  
10 happened in the centre.

11 MS. GUISSÉ:

12 Thank you, Mr. President. I have no further questions for the  
13 Witness.

14 [15.26.47]

15 QUESTIONING BY THE PRESIDENT RESUMES:

16 Thank you. Mr. Phan Chhen, I have a few questions that I'd like  
17 to get clarification from you. You responded to one of the  
18 questions by the defence counsel that you never saw Ta Mok to  
19 come and inspect Krang Ta Chan security centre.

20 Q. Did you refer to the time period that you were working in the  
21 Kus commune committee -- that is, prior to 1975 -- or do you also  
22 refer to the time period of the Democratic Kampuchea regime --  
23 that is, from 17 April 1975 to the 6 January 1979?

24 MR. PHAN CHHEN:

25 A. I refer to the time period prior to 1975 -- that is, when I

1 was with the Commune Committee and that I was part of the Refugee  
2 Committee. And I knew about Ta Mok, that's why I could say about  
3 that.

4 [15.28.21]

5 Q. Thank you. That is clear now.

6 And this morning, the National Counsel for Nuon Chea asked you a  
7 question that during the time that you were during the Democratic  
8 Kampuchea regime in your leadership role, did you ever receive an  
9 instruction from the upper echelon to smash Cham or Vietnamese  
10 minority, including the brief period that you were in a  
11 leadership role. And you responded that you learnt of the  
12 information through the announcement but you yourself did not  
13 know anything about that because you were stationed at one  
14 location. But the information was disseminated to people to  
15 understand. Am I correct in saying that?

16 A. Yes, that is correct, Mr. President.

17 Q. My next question is the following: Should information that you  
18 said you learned through the announcement, what kind or what  
19 means of announcement that you learned such information?

20 A. The announcement was made through the various meetings at the  
21 units or at the commune or district levels. And that was -- that  
22 kind of information was open.

23 [15.30.10]

24 Q. And did you know who actually made that policy towards the  
25 Cham, the Vietnamese or the Kampuchea Krom people?

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1 A. Yes, I recall them. I knew them. I knew their names but they  
2 all disappeared.

3 Q. Can you tell the Chamber the names and their positions at the  
4 time?

5 A. It was District Secretary, Nhev. He was the first secretary.

6 Q. And that announcement policy against the Cham, Vietnamese and  
7 Kampuchea Krom people, was it announced frequently by the  
8 District Secretary?

9 A. I only heard about it once.

10 MR. PRESIDENT:

11 Thank you. And the hearing today comes to a conclusion.

12 I noticed that Counsel Kong Sam Onn is on his feet. You may  
13 proceed.

14 [15.31.42]

15 QUESTIONING BY MR. KONG SAM ONN RESUMES:

16 Mr. President, in relation to your question that you just asked  
17 the witness, I'd like to put a question or two to the witness.

18 Q. I would like you to confirm more clearly about the meetings,  
19 that you said the meeting was about the policy -- politics  
20 towards the Vietnamese and the Cham people. Was that policy  
21 reflect the hatred toward the Cham or the Vietnamese? Which of  
22 the two? Could you please confirm for the Court?

23 MR. PHAN CHHEN:

24 A. I can tell you briefly about just the announcement I heard.  
25 The purpose was to have that policy followed by the lower level

1 cadres.

2 Q. Was it a policy toward any hatred for Vietnamese people or for  
3 the Cham people? Which of the two?

4 A. I heard only the policies towards the Vietnamese people.

5 [15.33.18]

6 Q. Thank you. Based on that announcement, was it toward the  
7 Vietnamese troop or generally to the Vietnamese people?

8 A. I'm not sure and I don't know whether it targeted at the  
9 Vietnamese troops or the Vietnamese people but it was generally  
10 toward Vietnam.

11 Q. When was it that you heard that announcement?

12 A. I heard this announcement during 1975 and I did hear it before  
13 1975 because -- as I told the Trial Chamber earlier, and also to  
14 the investigator from the OCIJ, and I indicated the enemies of  
15 the Revolution, including CIA agent, KGB agent, the Khmer -- Red  
16 Khmer and White Khmer, and White Khmer referred to the Vietnamese  
17 people. The announcement was done a long time ago but what I  
18 refer a while ago was happening in 1975. It was not only in Tram  
19 Kak but it was also announced in other districts of the province  
20 so this is what I heard during the meeting.

21 [15.35.15]

22 Q. Could you be more detailed? You said that the White Khmer  
23 referred to the Vietnamese people. How did you know that? Can you  
24 elaborate a bit further?

25 A. It was printed in the educational materials so that's what I

1 read from. So I don't understand the detail of that.

2 Q. You said they educated people so who when you refer to "they"?

3 A. The upper echelon, the Angkar. It was the only Angkar in the  
4 upper echelon.

5 Q. Could you be more specific whether the village chief is Angkar  
6 or the commune committee? So could you also indicate or tell the  
7 name in case you remember as to whether they die or they still  
8 alive?

9 A. At Tram Kak district, I heard from Nhev. At Kampong Speu, I  
10 heard the announcement made by another person. I heard that,  
11 including in the meeting of the district and also the provincial  
12 level meeting.

13 [15.37.00]

14 Q. Could you confirm again about the DK policies during the  
15 regime towards the Vietnam people? Was it targeted at the  
16 Vietnamese troops or mainly the politics toward the ordinary  
17 Vietnamese people? The main focus or who were the main target of  
18 that policy that you heard it was announced?

19 MR. PRESIDENT:

20 These questions seems to be repetitive, counsel. I think your  
21 question is repetitive.

22 Mr. Witness, please do not respond to this question.

23 MR. KONG SAM ONN:

24 Mr. President, because the witness failed to mention clearly to  
25 us so that's why I asked again the term "people, politics and

1 Vietnamese, and troop".

2 MR. PRESIDENT:

3 The witness should not answer this question because it is  
4 repetitive.

5 [15.38.21]

6 BY MR. KONG SAM ONN:

7 Q. I have another question. This morning I heard that you refer  
8 to your adopted daughter, who is a Vietnamese. My question is as  
9 follows: When you receive policies targeted at Vietnamese, what  
10 was understanding towards your adopted daughters -- daughter?

11 MR. PHAN CHHEN:

12 A. I would like to divide it into two types. The instruction was  
13 to hate the Vietnamese, but personally I have sympathy toward an  
14 orphan. If I fail to do that, no one would do that. The person  
15 will die so based on my sympathy and pity on her, I adopted her  
16 so I was waiting for any criticism but there was none and then I  
17 could adopt her and she could survive and she had nine children  
18 and she is still living in Takeo province.

19 [15.39.44]

20 Q. Thank you. This morning you said about the conduct of the  
21 people in your area -- in your village towards your adopted  
22 daughter -- that they don't feel unhappy or hate her. My question  
23 is like this: How about the leadership or the cadre in your  
24 commune or village? What were their feelings towards your  
25 adoption of a Vietnamese daughter?

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1 A. As I told you a while ago, I already mentioned this. Based on  
2 the objective understanding toward me, I didn't hear anything  
3 criticising me for doing that. And she could survive and she is  
4 still living until today. And another family of the Vietnamese,  
5 who could survive also, is a seamstress and she is also survived  
6 the regime and there was no discrimination against her. She is a  
7 real Vietnamese but this is -- that's all I can tell you.

8 MR. KONG SAM ONN:

9 Thank you, Mr. President. I have no further questions to put for  
10 this question (sic).

11 [15.41.22]

12 MR. PRESIDENT:

13 It is now time for adjourn the hearing for today and the hearing  
14 will resume on the afternoon of the 3rd of March 2015, and it  
15 will start from 1.30 in the afternoon. And the Trial Chamber will  
16 hear the witness 2-TCW-847 and the Parties are invited to attend  
17 the hearing on that day.

18 The Chamber thanks you, Mr. Phan Chhen, who came to testify  
19 before the Chamber for one day and a half. Your testimony is  
20 contributing to ascertaining the truth. Your testimony has come  
21 to a conclusion and the Chamber excuse you and you can go to your  
22 residence and to your chosen destination and please have a safe  
23 trip back.

24 And thank you for duty counsel.

25 Court Officer is instructed to work with the Witness Support

*Extraordinary Chambers in the Courts of Cambodia*  
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1 Section to facilitate Mr. Phan Chhen's transport home or to any  
2 other destination he would like to go.

3 Security personnel are now instructed to bring the Accused, Nuon  
4 Chea and Khieu Samphan, back to the detention facility and bring  
5 them back to the courtroom on Tuesday the 3rd of March 2015,  
6 before 1.30 in the afternoon.

7 The Court is adjourned.

8 (Court adjourns at 1543H)

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