



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King
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Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

9 March 2015

Trial Day 254

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

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INDEX

MR. NEANG OUCH ALIAS TA SAN (2-TCW-803)

Questioning by the President.....page 6

Questioning by Ms. Song Chorvoinpage 10

Questioning by Mr. Koumjian.....page 23

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE FENZ	English
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. KOUMJIAN	English
JUDGE LAVERGNE	French
MR. NEANG OUCH ALIAS TA SAN (2-TCW-803)	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. SONG CHORVOIN	Khmer
MR. VERCKEN	French

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Trial Chamber will hear a witness testimony -- that
6 is, witness 2-TCW-803. This witness was originally scheduled to
7 start testifying last Thursday, but the Nuon Chea defence
8 requested to defer his testimony to an unspecified time in the
9 future because of the ongoing disclosure of material from Cases
10 003 and 004.

11 The Trial Chamber heard oral submissions from the Parties on this
12 matter at the end of the trial session last Wednesday and during
13 a Trial Management Meeting last Thursday afternoon. The Chamber
14 considered the parties' submissions, but has rejected the request
15 to defer 2-TCW-803's testimony. The Parties were informed of this
16 decision by email on Friday afternoon, and I now briefly
17 summarize our reasons.

18 [09.04.42]

19 The Nuon Chea defence requested to defer 2-TCW-803 to an
20 unspecified time, but disclosures from Cases 003 and 004 are
21 expected to continue. It is not clear when those investigations
22 will finish. Neither the Parties nor the Trial Chamber have been
23 able to precisely identify a better time for this witness to be
24 heard.

25 2-TCW-803 lives a considerable distance from Phnom Penh, and is

2

1 elderly. WESU has informed the Trial Chamber that long travel
2 causes him stress. The application to delay 2-TCW-803's testimony
3 was made at a late stage -- that is, when 2-TCW-803 had already
4 been brought to Phnom Penh. In these circumstances, the Trial
5 Chamber decides that it is better to proceed with his testimony
6 now, rather than delay it indefinitely. In any event, should any
7 late or future disclosures demand the recall of a witness, it is
8 open to the Parties to make an appropriate application.

9 And Ms. Se Kolvuthy, could you report the attendance of the
10 Parties and individuals to today's proceedings?

11 [09.06.35]

12 THE GREFFIER:

13 Mr. President, for today's proceedings, all Parties to this case
14 are present.

15 As for Nuon Chea, he is present in the holding cell downstairs,
16 as he requests to waive his right to be present in the courtroom.
17 His waiver has been delivered to the greffier.

18 The witness who is to testify today -- that is, 2-TCW-803,
19 confirms that to his best knowledge, he has no relationship by
20 blood or by law to any of the two Accused: Nuon Chea or Khieu
21 Samphan, nor to any of the civil parties admitted in this case.
22 This witness took an oath before the iron-clad Statue on 4 March
23 2015. He has his duty counsel, Mr. Moeurn Sovann. Both of them
24 are ready to be called by the Chamber.

25 Thank you, Mr. President.

1 [09.07.44]

2 MR. PRESIDENT:

3 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the
4 request by Nuon Chea.

5 The Chamber has received a waiver from Nuon Chea, dated 9 March
6 2015. He confirms that, due to his poor health condition -- that
7 is, headache, back pain, and that he cannot sit for long, and in
8 order to effectively participate in the future hearings, he
9 requests to waive his right to participate in and be present at
10 the 9 March 2015 hearing.

11 He has been informed by his counsel about the consequences of
12 this waiver, that in no way it can be construed as a waiver of
13 his rights to be tried fairly, or to challenge evidence presented
14 or admitted to this Court at any time during this trial.

15 [09.08.44]

16 Having seen the medical report by the duty doctor for the Accused
17 Nuon Chea, at ECCC, dated 9 March 2015, who notes that the health
18 condition of Nuon Chea is that he has headache, chronic back
19 pain, and he cannot sit for long, and recommends that the Chamber
20 shall grant him his request, so that he can follow the
21 proceedings remotely from a holding cell downstairs.

22 Based on the above information, and pursuant to Rule 81.5 of the
23 ECCC Internal Rules, the Chamber grants Nuon Chea's request to
24 follow the proceedings remotely from a holding cell downstairs,
25 via an audio-visual means for today's proceedings, as he waives

4

1 his direct presence in the courtroom.

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

5 Court officer, could you usher the witness and the duty counsel
6 into the courtroom?

7 [09.10.10]

8 (No interpretation)

9 JUDGE FENZ:

10 Try again.

11 MR. KOPPE:

12 There's a buzz in the whole system. Everybody has it here.

13 There's a -- in the --

14 (Witness enters the courtroom)

15 JUDGE FENZ:

16 Is there a problem?

17 (Recording malfunction)

18 MR. KOUMJIAN:

19 We have -- we're not hearing - experiencing that. It's fine for
20 us.

21 [09.11.22]

22 MR. PRESIDENT:

23 Court officer, could you assist the Defence side, maybe to change
24 his headset?

25 MR. KOPPE:

5

1 They all have it. No, they all have it. They all have it.

2 Everybody. Everybody has the same thing.

3 MR. PRESIDENT:

4 Court officer, could you inquire from the AV Unit if there is any
5 technical issue?

6 (Short pause)

7 [09.14.00]

8 MR. PRESIDENT:

9 The Defence side, can you try again? If you still experience any
10 problems?

11 MR. KOPPE:

12 It's the same with everybody here.

13 JUDGE FENZ:

14 May I ask a question? This might help the technical people. I
15 have a broken screen. If I turn the screen on, I have the same
16 interference. If I turn it off, it's gone. I've been told my
17 screen is broken.

18 MR. KOPPE:

19 Oh, yes. We don't see anything either. Oh, there it is.

20 [09.1432]

21 JUDGE FENZ:

22 It's really, it's really bad.

23 MR. KOPPE:

24 No, it's a -- it's a crispy -- yes. Oh, now it's working.

25 JUDGE FENZ:

1 Like a -- Okay.

2 MR. PRESIDENT:

3 Judge Lavergne, you have the floor.

4 JUDGE LAVERGNE:

5 Yes, regarding the French channel, I don't think there's any
6 problem at our level. We don't hear any buzz.

7 JUDGE FENZ:

8 Is it solved now or not?

9 MR. KOPPE:

10 We can continue. It's not -- if it's going all day, then we get
11 crazy, but --

12 [09.15.52]

13 QUESTION BY THE PRESIDENT:

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

15 MR. NEANG OUCH:

16 A. My name is Neang Ouch alias San.

17 Q. Thank you, Mr. Neang Ouch. And when were you born?

18 A. I cannot recall the date of birth, but currently I am 72 years
19 old.

20 Q. Can you tell the Chamber where you were born?

21 A. I was born in Kandal province.

22 Q. Can you tell the details of the village, commune and district
23 of Kandal province that you were born?

24 A. I was born in Khpob village, Sampov Lun commune, Kaoh Thum
25 district.

7

1 [09.17.10]

2 Q. And where is your current address?

3 A. I live in Battambang province, and in Pailin province as well.

4 Q. Amongst the two provinces, where is your permanent address?

5 And please, give out the details of the village, commune and
6 district that you live in.

7 A. My permanent address is in Samlout district, Battambang
8 province. I also have a house, where my children reside in Pailin
9 province.

10 Q. What is your current occupation?

11 A. I work in the farm and I also grow some vegetables.

12 Q. What is your father's name and your mother's name?

13 A. My father is Neang Nouch, deceased; and my mother is Chey Sen.
14 She is also deceased.

15 [09.18.41]

16 Q. What is your wife's name, and how many children do you have
17 together?

18 A. My wife's name is Ung Koeun, and we have five children.

19 Q. Thank you, Mr. Neang Ouch. The greffier made an oral report
20 that to your best knowledge, none of your father, mother,
21 ascendants, children or descendants, brothers, sisters, in-laws
22 or wife is admitted as a civil party in Case 002. Is this
23 information correct?

24 A. That is correct. I am not related to any people in Case 002.

25 Q. The greffier also reported that you already took an oath

1 before you entered the courtroom. Is that correct?

2 A. Yes, that is correct.

3 [09.20.05]

4 Q. The Chamber would like to inform you now of your rights and
5 obligations as a witness. And Mr. Neang Ouch, as a witness in the
6 proceedings before the Chamber, you may refuse to respond to any
7 question or to make any comment which may incriminate you. That
8 is your right against self-incrimination. This means that you may
9 refuse to provide your response or make any comment that could
10 lead you to being prosecuted.

11 Now, on your obligations: Mr. Neang Ouch, as a witness in the
12 proceedings before the Chamber, you must respond to any questions
13 by the Bench or relevant parties, except where your response or
14 comments to those questions may incriminate you, as the Chamber
15 has just informed you of your right as a witness. Also as a
16 witness, you must tell the truth that you have known, heard,
17 seen, remembered, experienced or observed directly in relation to
18 any event or occurrence relevant to the questions that the Bench
19 or the Parties pose to you.

20 [09.21.47]

21 And Mr. Neang Ouch, have you been interviewed by Investigators of
22 the Office of the Co-Investigating Judges over the last few
23 years? If so, how many times and where?

24 A. I was invited by the Court to be interviewed on its premises
25 once, and that happened in 2014, and it lasted for two days. That

1 was 28 and 29 January 2014.

2 Q. And before that, had you been interviewed by the
3 Investigators?

4 A. No.

5 Q. Before you appear before the Chamber, have you reviewed your
6 written record of a statement that you provided to the
7 Investigators of the Office of the Co-Investigating Judges in
8 order to refresh your memory?

9 A. I have read roughly the written records of my interview --
10 that is, the two interviews. However, I cannot recall every
11 detail because, as you know, I am 72 years old.

12 [09.23.36]

13 Q. And to your best knowledge, are the written records of your
14 interviews that you have read consistent with the statements that
15 you provided to the Investigators?

16 A. Some statements made by others, and which were used as a
17 reference for my interview, are not correct.

18 Q. Thank you, Mr. Neang Ouch. And Mr. Neang Ouch, you have been
19 assisted by a duty counsel, per your request, through WESU, and
20 that is the counsel Moeurn Sovann. Have you made any discussions
21 yet with your duty counsel, Moeurn Sovann?

22 A. Yes, we met and we had some discussions.

23 [09.24.58]

24 MR. PRESIDENT:

25 Thank you.

10

1 During the hearing of the testimony of this witness, pursuant to
2 Rule 91-bis, the Chamber will hand the floor to the
3 Co-Prosecutors first, to put questions to this witness. And the
4 prosecutor and the Lead Co-Lawyers for civil parties, your
5 combined time is one full day plus an additional one session
6 tomorrow. You have the floor.

7 QUESTIONING BY MS. SONG CHORVOIN:

8 Thank you, Mr. President. Good morning, Mr. President, Your
9 Honours, and everyone in and around the courtroom. Good morning,
10 Mr. Witness. My name is Chorvoin. I am the National Deputy
11 Co-Prosecutor, and I have some questions for you. After I
12 conclude, then my international colleague will put some questions
13 to you.

14 [09.25.55]

15 Q. To start with, I have a few questions in relation to events
16 that happened prior to 1975.

17 Can you tell the Court where you lived before 1975, and what was
18 your position?

19 MR. NEANG OUCH:

20 A. In 1971 the Takeo Sector Committee transferred me to Kaoh
21 Andaet district to be an assistant to Ta Penh, who was the Takeo
22 District Secretary, and who was based in Kaoh Andaet district.

23 Q. Thank you. Did you hold any position in Tram Kak district
24 prior to 1975?

25 A. Before 1975 in Tram Kak district -- and I refer to the period

11

1 after the coup d'état to topple Prince Sihanouk -- the Democratic
2 Kampuchea side assigned me as a member of the Front or "ro nak
3 se" in Khmer, that is a member of the Front of Tram Kak district.
4 A few months later, I was sent to meet with Ta Sy at Pis
5 Mountain. Subsequently, Ta Sy assigned me as chief of the
6 provincial education for Takeo, Kampot and Kampong Speu
7 provinces. And after I returned from Pis Mountain, I contracted
8 malaria and it lasted for six months.

9 [9.28.27]

10 Q. You said you were appointed as Ta Sy to be in charge of
11 education for three provinces; namely, Kampot, Takeo and Kampong
12 Speu. And actually, can you tell the Chamber who assigned you to
13 that position, and what was the rank of the position of the
14 person who assigned you?

15 A. It is my understanding that Ta Sy was in the Southwest Zone
16 with Ta Mok.

17 Q. Was it Ta Mok or was it Ta Sy who appointed you?

18 A. The handwritten letter was signed by Ta Sy.

19 [09.29.36]

20 Q. Before Ta Sy issued that handwritten letter to you, did you
21 meet Ta Mok prior, and did he talk about the appointment?

22 A. When I met Ta Sy in Pis mountain, I did not meet with Ta Mok.

23 Q. And before you were appointed in that position -- that is, in
24 charge of education, did you receive any training in that field?

25 A. No. There was no training session.

1 Q. After the appointment made by Ta Sy, by that handwritten
2 letter, can you tell the Chamber the details about the letter,
3 and what were your duties?

4 A. It was a brief letter that I was assigned to be in charge of
5 education -- that is, to teach literacy to children in the three
6 provinces. And there was no other comments or points in that
7 short letter.

8 Q. You refer to Ta Sy several times this morning. Did you know
9 his full name?

10 A. No, I did not. I only knew him by Sy.

11 [09.31.43]

12 Q. Did you know Chou Chet?

13 A. No. I never heard of this name.

14 Q. Thank you.

15 In relation to your background, you said earlier before the
16 Chamber that your alias was San. Did you go by another name
17 besides San?

18 A. No, I did not have any other names besides San.

19 Q. You held a position in education. Had you ever been referred
20 to as "Teacher San"?

21 A. I was not addressed by the name "Teacher San".

22 Q. Thank you. I would like to refer to a document. This document
23 -- there was a witness giving testimony before the
24 Co-Investigating Judges. Document E3/400. The witness in that
25 document held a position of the Secretary of Sector 105. This

1 document, E3/400, ERN in Khmer is 00373455 to 56; ERN in English
2 is 00379168; French, ERN is 00426175.

3 Mr. President, I would like to seek your leave to provide the
4 document, E3/400, to the witness.

5 [09.34.24]

6 MR. PRESIDENT:

7 You may proceed.

8 BY MS. SONG CHORVOIN:

9 Q. Could you find the page? As I mentioned -- that is, ERN 55 at
10 the end to 56 ERN -- from 55 to 56. I would like to quote.

11 "After that, I became a teacher in primary school and I then
12 became the teacher in Chhuk, Kampot province for six month -- six
13 year. After that I -- before I went back to Takeo province to
14 teach in a school there." And below that -- I quote: "I knew Krou
15 San and Oeun. They are alive". And this witness mentioned also
16 that Teacher San was transferred to receive a training and to
17 study document, which were provided by Angkar in the Liberated
18 Zone.

19 Mr. Witness, could you find the page where I quoted?

20 MR. NEANG OUCH:

21 A. I could find it.

22 [09.36.38]

23 Q. My question is: This witness mentioned that Teacher San was
24 sent to study documents which were provided by Angkar in the
25 Liberated Zone. I understand that this statement reflects what

14

1 you just said earlier that you were in charge of education in
2 three provinces: Takeo, Kampong Speu, and Kampot. So I would like
3 to know: Did you receive this document when you were sent to
4 study at the Liberated Zone? And who gave the document to you?

5 A. I went to Pis Mountain and met Ta Sy and I did not receive any
6 training there. After that, I returned to my place. And after
7 that time, there was a letter written by Ta Sy to introduce me,
8 so I did not go there to receive any training. In the letter
9 written by Ta Sy, I was assigned to be in charge of education in
10 three provinces: Kampong Speu, Takeo and Kampot. After my return,
11 I had malaria and I could not be in the task which I was
12 assigned.

13 Q. Did you know the name Teacher Oeun -- Krou Oeun?

14 A. I did not know Krou Oeun.

15 [09.38.50]

16 Q. Thank you very much. I would like to discuss another topic --
17 that is, the period from 1975 to 1979. From 17 April 1975, where
18 did you live?

19 A. I could not hear you clearly. After 17 April 1975, I lived in
20 Kaoh Andaet district. Then in June 1977, I was transferred to
21 live in Leay Bour district -- Leay Bour commune, Tram Kak
22 district, Takeo province.

23 Q. Thank you very much, Mr. Witness. In the written record you
24 provided your answers to the Investigator of the OCIJ -- that is,
25 document E319.1.15, answer 17, you mention about the

15

1 organisational structure of Kaoh Andaet district. In answer 17, I
2 quote: "Sieng, (male), was the Kaoh Andaet District Secretary. Ta
3 Chan, (deceased), was the Deputy District Chairman, but I did not
4 know what his responsibilities were. They only had me assist them
5 at that time. I am not sure whether Ta Sieng is alive or dead."

6 You mentioned that you were asked to provide help to these
7 people, so who asked you to provide help to these people?

8 A. Ta Sieng and Ta Chan asked me to help the work in -- the task
9 in worksite in digging canal and build dams.

10 [09.41.15]

11 Q. Were you appointed officially at that time?

12 A. There was no official appointment at that time.

13 Q. You -- is that correct, Ta Sieng and Ta Chan called you and
14 assigned the task to you directly without any official
15 appointment?

16 A. They invited me to meet them and I was told that "You Comrade,
17 you had to go to do dry season farming at Angkor Borei". I was
18 told like what I said.

19 Q. Who did you report to about your tasks which you performed?

20 A. I reported to Ta Sieng and Ta Chan.

21 Q. Thank you very much. I would like to quote document E3/4628;
22 ERN in Khmer 00373386; Khmer (sic), ERN 00379303; ERN in French
23 00426193.

24 [09.43.24]

25 MS. SONG CHORVOIN:

1 Mr. President, I would like to seek your permission to give this
2 document to the witness.

3 MR. PRESIDENT:

4 You may proceed.

5 BY MS. SONG CHORVOIN:

6 Q. It is the same document that I quoted earlier. This person was
7 the Secretary of Sector 105 -- was the Secretary of District 105.
8 You said -- you mentioned about San, the member of the committee
9 in the district. San left the 105 district committee and he went
10 to work in Kaoh Andaet in 1975. The witness, as I mentioned, said
11 that you were the committee member of 105 and after that, you
12 were transferred to District 108; is that correct?

13 [09.45.14]

14 MR. NEANG OUCH:

15 A. It is not correct. I refuse that statement. I was not part of
16 the District Committee of 105, and when I was transferred to
17 District 108, I was also not part of District 108.

18 Q. Thank you very much. I would like to proceed to another topic
19 -- that is, the period from 1975 to 1979. You mentioned about
20 your roles in Leay Bour commune. Could you clarify for the
21 Chamber when were you transferred to Leay Bour commune and what
22 was your roles and position at that time?

23 A. Ta Mok removed me and put me work in Leay Bour commune in June
24 1977. I was told by Ta Mok that I needed to have the tasks in the
25 district, particularly in the work of building dam and the

1 canals.

2 [09.46.44]

3 Q. When you were removed by Ta Mok to work in Leay Bour commune
4 in 1977, what was your position?

5 A. In Leay Bour commune, I did not hold any position. There was a
6 cooperative in Leay Bour commune, so I stayed -- you know -- in
7 an area opposite to the cooperative.

8 Q. What was the name of the cooperative and where was it exactly?

9 A. The cooperative was close to the National Road between Angk Ta
10 Saom and Takeo province. So the cooperative was six kilometres
11 away from Takeo town. I did not recall the names of the village.
12 And now when you go there, you will see a factory.

13 [09.48.04]

14 Q. Thank you very much. In the statement you gave to the
15 Investigator of OCIJ, document E319.1.14, in answer 51, the
16 Investigator asked you that you knew Yeay Boeun. Did Yeay Boeun
17 -- was Yeay Boeun appointed as the District Committee of Tram
18 Kak? Your answer is that, "I did not know because I work in Leay
19 Bour. Ta Ran was the chief of Sector 13 and I was asked by him to
20 receive foreigners -- foreign guests. I met the foreign guests
21 and they were welcomed by the cadres there to visit the country.
22 I met the foreign guests and they were welcomed by the cadres
23 there to visit the country. I met a Swedish journalist and I met
24 the chief of -- I met the chairman of Ta Chay big production
25 unit. His name was Chhing Ying Kuoy".

1 [09.49.34]

2 Below that answer, answer 53, the question above that answer is -
3 quote:

4 "What did you do where -- when the foreign guest arrived at your
5 place?"

6 In your answer, 53, you said: "When foreign guests arrived, they
7 went to talk to people in Leay Bour Cooperative, near my house.
8 Cars from Phnom Penh brought the foreign guests to my place, and
9 I went to meet them. Then I took them to show them model homes
10 and model rice fields that were built for single families."

11 I have a question in relation to the visits of foreign guests.
12 The foreign guests came to Leay Bour commune as mentioned by you.
13 At that time, who appointed you to receive those foreign guests?
14 A. I was not appointed officially. Ta Ran called me and told me
15 that tomorrow there would be foreign guests coming to our place.
16 So I was asked to welcome and receive those foreign guests.

17 [09.51.23]

18 Q. What was the full name of Ta Ran? And what was his position?

19 A. I did not know his full name. He was in Takeo sector in the
20 same zone of Ta Bit.

21 Q. What was his position in the zone as you mentioned?

22 A. I did not know. I did not know the position that Ta Ran held
23 in the zone.

24 Q. You mention that Ta Ran was Sector Chairman; what did you mean
25 by this?

1 A. The statement which I gave to the Investigator of the OCIJ, I
2 could not find the answer where you just mentioned.

3 Q. Please refer to answer 51. You can read answer 51.

4 MS. SONG CHORVOIN:

5 Mr. President, I would like to seek your leave to provide
6 document E319.1.14 to the witness.

7 [09.53.32]

8 MR. PRESIDENT:

9 You may proceed.

10 BY MS. SONG CHORVOIN:

11 Can you find answer 51, Mr. Witness?

12 MR. NEANG OUCH:

13 A. Yes, I found it.

14 Q. What did you mean by stating that Ta Ran was Sector 13
15 Chairman? I would like to know what was Ta Ran's position at that
16 time.

17 A. Ta Ran was actually Sector 13 Chairman.

18 Q. Thank you very much. Who was the superior of Ta Ran?

19 A. Sam Bit was Ta Ran's superior. He was in the zone.

20 [09.55.33]

21 Q. Thank you, Mr. Witness. You said that Ta Ran was Sector 13
22 Chairman and he told you to receive foreign guests. Before the
23 arrival of foreign guests, were there any arrangements in your
24 teams concerning how to receive foreign guests?

25 A. Actually, there was no prior arrangement.

1 Q. So how could you know the arrival time of the foreign guests?

2 A. I was told by Ta Ran before that.

3 Q. Could you clarify what did Ta Ran tell you at the time in
4 relation to foreign guests? What did he talk to you?

5 A. I did not recall in detail. I was just told that foreign
6 guests would arrive and there would -- they would be accompanied
7 by a journalist as well. That's what I recall.

8 [09.57.28]

9 Q. Were you told by Ta Ran how many foreign guests arrived in
10 your place and where? And did you -- were you told also where did
11 they receive?

12 A. I was not told how many foreign guests would come to the
13 cooperative. So the foreign guest came to visit cooperatives in
14 Leay Bour commune and foreign guests also went to visit the
15 school in Leay Bour as well. There was one school in Leay Bour
16 commune.

17 Q. You were assigned to receive and to welcome foreign guests.
18 Did -- were you told exactly where you had to send -- and send
19 the foreign guests to?

20 A. Actually, I was not told in detail. When Swedish journalist
21 arrived, I accompanied them to visit the cooperative in Leay Bour
22 commune and I was with them to visit the school there. And when
23 the Chinese guests arrived at the place, I receive them and I
24 accompanied them to visit the cooperative and the school as well.
25 After that, the Chinese guests were coordinated by the other

1 people.

2 [09.59.26]

3 Q. So, was you alone who welcome and receive the foreign guests
4 or was any other person with you to assist in the receiving of
5 foreign guests?

6 A. Actually, there were people from the Ministry of Foreign
7 Affairs who were with the foreign guests.

8 Q. So, who were they from the Ministry of Foreign Affairs?

9 A. I did not recall; I did not know their names.

10 Q. Besides the Chinese guests, were there any Khmer Rouge leaders
11 coming with the foreign guests?

12 A. Actually, there were people from the Ministry of Foreign
13 Affairs.

14 Q. And how many of them and can you recall their names?

15 A. As to the number, I cannot recall, nor the names of those
16 individuals.

17 Q. When the visitors arrived, did you make a presentation to
18 introduce what's going on in your community or your cooperative?

19 A. No, I did not. It was the chief of Leay Bour Cooperative who
20 made that presentation.

21 [10.01.53]

22 Q. What about the foreign visitors, did they make any
23 presentation or did they make any speech?

24 A. As for the journalist, no, he did not. And only Ta Chay's big
25 production unit chief made a welcoming speech, that Cambodia

1 welcome them after the country had been liberated and that the
2 wide rice fields are ready to be transplanted.

3 Q. When the visitors praised what happened in Leay Bour commune,
4 can you recall the exact year of that event?

5 A. I cannot recall it clearly. However – rather, I cannot say for
6 sure.

7 Q. Did it happen immediately after your arrival in Leay Bour
8 commune or had you been there for quite some time before it
9 happened?

10 A. No, not immediately after I was sent there. In fact, I had
11 been there for quite some time before the visit took place.

12 [10.04.06]

13 Q. I'm still not sure about your position. If you did not hold
14 any position while you were assigned or designated by Ta Ran to
15 receive those visitors. Why were you assigned that specific task
16 by Ta Ran for the organising the place and Leay Bour commune to
17 welcome those visitors?

18 A. It is my understanding that he thought that I was a former
19 teacher. So I knew a little bit about receiving visitors or
20 guests.

21 MS. SONG CHORVOIN:

22 Thank you, Mr. Witness. I do not have any further question for
23 you and I'd like to cede the floor to my international colleague.

24 Thank you, Mr. President.

25 MR. PRESIDENT:

1 Thank you. And the International Co-Prosecutor, you have the
2 floor.

3 [10.05.23]

4 QUESTIONING BY MR. KOUMJIAN:

5 Q. Good morning, sir. Since you knew that Ta Ran was Sector 13
6 Chairman, why did you answer my colleague's questions a moment
7 ago and say you didn't know his position?

8 MR. NEANG OUCH:

9 A. I already stated in my written record of interview with OCIJ
10 Investigator that he was Chairman of Sector 13.

11 Q. Correct. But then you -- when my colleague asked you what his
12 position was, you said at first you didn't know. Are you afraid
13 of talking about your role during the Khmer Rouge regime?

14 A. As for my own position, no, I'm not afraid of that because I
15 was directed to lend them my hands, to assist them in working in
16 rice fields, or building the dams, engaged in the plantation.

17 [10.06.49]

18 Q. I got no translation. I don't know if anyone else did. It's
19 very unfortunate but I didn't get answer -- just one moment. I
20 apologise but I didn't hear what you said. Could you please
21 repeat your answer?

22 A. I am not afraid to tell you about my position at the time. I
23 was instructed to assist in the worksite building the dams or
24 dykes et cetera.

25 Q. Are you proud of your role during the Khmer Rouge regime?

1 MR. KOPPE:

2 I object, Mr. President. Mr. President, I object to this
3 question. There is no relevance to the effect that he was proud
4 or not proud. This witness is here to testify about what he saw,
5 what he experienced. Pride is not an issue here.

6 MR. KOUMJIAN:

7 Your Honour, credibility is an issue with every witness.

8 (Judges deliberate)

9 [10.09.38]

10 MR. PRESIDENT:

11 The Chamber rejects the objection raised by Nuon Chea's defence
12 to the question posed by the Co-Prosecutor. Of course, this
13 question lends itself to the issue of credibility of the witness.
14 And Mr. Witness, please respond to the last question.

15 And also the International Co-Prosecutor, you're reminded that
16 your question should be related to the facts being put before
17 this Court. You may proceed.

18 [10.10.20]

19 BY MR. KOUMJIAN:

20 Sir, do you want to answer that question or would you like me to
21 ask another one?

22 MR. NEANG OUCH:

23 A. Please repeat your question.

24 Q. Are you proud of what you did during the Khmer Rouge regime?

25 A. During the period of Democratic Kampuchea regime, I tried my

25

1 best to work in -- at the worksite, in building dams, and I was
2 just one of those youths working in the worksite.

3 Q. So, let me go back and talk about your life before the Khmer
4 Rouge regime; in fact, before the Lon Nol coup. At that time you
5 told us you were a teacher; is that correct?

6 A. I was a teacher for four years -- that is, from 1966 to 1970.
7 [10.11.43]

8 Q. You taught Physics and Chemistry; am I correct?

9 A. Yes, I taught Physics and Chemistry at Keo Din (phonetic)
10 College to the north of Takeo provincial town.

11 Q. Now very soon after the Lon Nol coup, and that was an area
12 that fell under the control of the Khmer Rouge; is that correct?

13 A. Yes, that is correct.

14 Q. So did you join the Party, the Communist Party of Kampuchea?

15 A. At that time, I could not go anywhere because we were under
16 the control of the force of the Democratic Kampuchea, and I was
17 at the house of my family's side.

18 [10.13.07]

19 MR. PRESIDENT:

20 Thank you, Mr. International Co-Prosecutor. It is now convenient
21 to take a short break. We take a break now and return at 10.30.

22 And Court officer, please assist the witness during the break and
23 invite him, as well as his duty counsel back into the courtroom
24 at 10.30.

25 The Court is now in recess.

1 (Court recesses from 1013H to 1032H)

2 MR. PRESIDENT:

3 Please be seated. The Court is in session and I now hand over the
4 floor to the International Co-Prosecutor to put more questions to
5 this witness. You may proceed.

6 BY MR. KOUMJIAN:

7 Sir, I heard your last response, but it didn't answer my
8 question. So please try to listen to my questions. If you don't
9 understand them then let me know. But just answer the questions
10 so that we can proceed more quickly and finish your testimony.

11 Q. My question was about when you joined the Communist Party of
12 Kampuchea. Can you tell us about that?

13 MR. NEANG OUCH:

14 A. I stated already that after the coup d'état in 1970 I could
15 not move anywhere and I went to live in the hometown of my wife.
16 After that, Democratic Kampuchea asked me to be part of the Front
17 in Tram Kak district. The Front was different from the District
18 Committee. Members of the Front role was to mobilise people to be
19 part of the Democratic Kampuchea

20 [10.34.17]

21 Q. What's your relationship with Ta Mok?

22 A. At that time I had no contact with Ta Mok, but I was the
23 brother-in-law of Ta Mok; I was the younger brother-in-law of Ta
24 Mok.

25 Q. Thank you. So you were married to Ta Mok's younger sister,

1 correct? Now when you joined the Front, were you asked to join --

2 MR. PRESIDENT:

3 The witness has not responded to your last question, Mr.

4 International Co-Prosecutor. The question is: Did you get married
5 with Ta Mok's younger sister?

6 Mr. Witness, please respond to that question.

7 MR. NEANG OUCH:

8 A. I got married with Ta Mok's younger sister in 1966, and at
9 that time I did not know Ta Mok. I never saw him physically, and
10 in my marriage ceremony he was not in attendance.

11 [10.36.35]

12 MR. KOUMJIAN:

13 Q. Sir, I'm not asking you about your marriage in 1966. I'm
14 asking you about the period after the Lon Nol coup, after 1970.
15 Did you join the Party? Being Ta Mok's brother-in-law, being in
16 the Zone as you have explained, controlled by the Khmer Rouge,
17 did you join the Party?

18 MR. NEANG OUCH:

19 A. I already stated clearly that Democratic Kampuchea assigned me
20 to be member of the Front. I was not admitted into the Party. I
21 was part of the Front in 1970 after the coup d'état. And after
22 that period, I was removed by Ta Sy to Pis Mountain. When I
23 returned from Pis Mountain, I had malaria for a month. And I
24 received a written letter signed by Sy to assign me and designate
25 other tasks, as I stated.

1 Q. Sir, very quickly, Ta Sy that you've mentioned, he was the
2 Deputy of Ta Mok, who later became the Chairman of the West Zone;
3 isn't that correct? That Ta Sy later became the Chairman of the
4 West Zone?

5 A. I did not know about this. I was at Takeo province and I
6 didn't know about this.

7 [10.38.33]

8 Q. Was Ta Sy the deputy of Ta Mok at that time?

9 A. What did you mean by "at that time"? What was the period
10 exactly in your question? After I received the written letter
11 from Ta Sy? During the time I received the written letter from Ta
12 Sy, I did not know his official position, but he was in the
13 Southwest Zone.

14 Q. Was Ta Sy, to your knowledge, ever the Deputy of Ta Mok? Yes
15 or no, Mr. Witness.

16 MR. PRESIDENT:

17 Please hold on, Mr. Witness. You may proceed, Counsel for Mr.
18 Nuon Chea.

19 MR. KOPPE:

20 Just to remind the Bench, if I were to ask questions like this to
21 a witness I would have been objected to already five times. This
22 is obviously a repetitive question; he doesn't like the answer,
23 the International Co-Prosecutor. So I object on the same grounds
24 in respect of other objections. This is a repetitive question. So
25 my argument actually would be to use the same rulings, or to

1 express the same rulings to the Prosecution as to the Defence.

2 [10.40.20]

3 MR. KOUMJIAN:

4 Your Honour, if the witness has answered the question I'd be
5 curious which answer counsel believes he's given, because he has
6 not. He's evaded the question. He hasn't answered.

7 MR. PRESIDENT:

8 The objection of the defence team is overruled.

9 Mr. Witness, you are instructed to respond to the last question
10 put by International Co-Prosecutor.

11 MR. NEANG OUCH:

12 A. Please repeat your question.

13 BY MR. KOUMJIAN:

14 Q. To your knowledge, was Ta Sy ever the Deputy of Ta Mok?

15 MR. NEANG OUCH:

16 A. I did not know.

17 [10.41.30]

18 Q. You mentioned another name -- Sam Bit -- when you were talking
19 about receiving instructions to receive foreign guests. At the
20 time that you received that instruction from Sam Bit, he was the
21 Deputy of the Southwest Zone, Deputy to Ta Mok, correct?

22 A. I gave my answer already. I received instructions from Ta Ran
23 and I just knew that Sam Bit was in the Southwest Zone, I did not
24 know whether Sam Bit was the Deputy or was the Chair of the
25 Southwest Zone. I only knew that he was in the Southwest Zone.

1 Q. Mr. Witness, there are many, many thousands, or hundreds of
2 thousands of people in the Southwest Zone. When you mentioned
3 Ran, you then mentioned Sam Bit. Is that because you knew that
4 Ran was the Sector Chairman and his boss, he would have reported
5 to the Southwest Zone Committee; is that what you knew? Is that
6 correct?

7 A. The sector reported to Zone, from what I knew.

8 [10.43.12]

9 Q. In all of the work that you did, the assignments that you were
10 given during the Khmer Rouge period, did you believe -- or did
11 they tell you that you did a good job? That you did what they
12 wanted you to do?

13 A. I performed my assignments based on what they told me. I was
14 told to work in the worksite, I was asked to build dams and dig
15 the canals, so I followed their assignments.

16 Q. Did they ever complain about how you performed your duties?
17 Did you get any complaint from Ta Mok or any Khmer Rouge DK
18 official?

19 A. I was never complained by those people.

20 Q. And is it true that in 1995, I believe you told the OCIJ, the
21 Khmer Rouge called you back to Samlaut to perform some other
22 duties? Is that correct?

23 MR. PRESIDENT:

24 Please hold on, Mr. Witness. Counsel for Mr. Khieu Samphan, you
25 may proceed.

1 [10.45.05]

2 MR. KONG:

3 Thank you, Mr. President. I would like to request the -- Mr.
4 Co-Prosecutor to present the document which he referred to.

5 BY MR. KOUMJIAN:

6 Thank you, I'll do that and come back to that in just a moment.

7 Q. Sir, Ta Mok, you said in one of your previous answers, you had
8 never seen him. I don't think you meant that you've never in your
9 life saw him. So can you explain, during the Khmer Rouge DK
10 period between 1975 and 1979, were you in contact with Ta Mok?

11 MR. NEANG OUCH:

12 A. From 1975 to 1979, I met him, but what I said earlier was in
13 the period -- was during the marriage ceremony of mine and I did
14 not meet him at that time. And from 1975 to 1979, I met him in
15 the Southwest Zone.

16 [10.46.40]

17 Q. And Your Honours, in the witness's statement, E319.1.15, that
18 would be his first statement I believe, at answer 102. Mr.

19 Witness, at answer 102 in your statement -- your first statement
20 to the OCIJ, the first day -- you said -- you were asked:

21 "You are now living in Samlaut. Do you hold any position in any
22 party or in the civil service?"

23 You answered: "No. The Khmer Rouge called me to Samlaut in 1995,
24 and I was assigned to take charge of education."

25 Is that correct?

1 A. Yes, that is correct.

2 Q. Who exactly called you to go take charge of education there?

3 A. I did not recall.

4 Q. Who did you report to? Who was your boss there?

5 MR. PRESIDENT:

6 Please hold on, Mr. Witness. You may proceed, Counsel Kong Sam
7 Onn.

8 [10.48.25]

9 MR. KONG SAM ONN:

10 Thank you very much, Mr. President. I would like to object to
11 this question because it is beyond the trial, because the
12 question relates to the period in 1996.

13 MR. KOUMJIAN:

14 The relevance of the question is simply, I certainly don't want
15 to cover the events of 1995. It relates to this witness having
16 been a loyal member of the Khmer Rouge and the inference that
17 when he performed his duties in Tram Kak, he did so in accordance
18 with the policies of the Party, because they continued to employ
19 him and give him assignments.

20 (Judges deliberate)

21 [10.49.42]

22 MR. PRESIDENT:

23 The objection of counsel for Mr. Khieu Samphan is sustained
24 because the question is beyond the facts in our trial. I would
25 like to remind the International Co-Prosecutor to focus your

1 question on the temporal jurisdiction of the Tribunal,
2 particularly concerning Krang Ta Chan Security Office.

3 BY MR. KOUMJIAN:

4 Q. Mr. Witness, in that same interview you were asked -- that's
5 319.1.15 -- in your fourth answer, you said to the Investigators:
6 "I would like you to consider that I was a teacher, one; and two,
7 all of my relatives were 17 April People. Would Pol Pot dare
8 assign me to do anything?" And I'd like you to explain that. Why
9 does the fact that you were a teacher mean that it would be
10 unlikely for Pol Pot or the Khmer Rouge to assign you to
11 anything?

12 MR. NEANG OUCH:

13 A. Could you clarify your question, please?

14 [10.51.26]

15 Q. Well, Mr. Witness, if you look at your answer in 319.1.15,
16 that's your interview, the first one, on the 28 January, and the
17 beginning of the interview in the fourth answer you gave -- I'll
18 read you the question and your answer.

19 The question the investigators asked you was: "You said that you
20 were living in the Pol Pot Zone after the 1970 coup. Did you join
21 the Pol Pot movement before 1970?"

22 You answered: "No, because I was unable to flee, I had to live in
23 the Pol Pot Zone. My mother, older brother, younger sister, and
24 all my other younger siblings were living in Phnom Penh; I was
25 living alone here. I would like you to consider that: (1) I was a

1 teacher, and (2) all of my relatives were 17 April People. Would
2 Pol Pot dare assign me to do anything?"

3 So I'd like you to explain: Why was the fact that you were a
4 teacher mean that the Khmer Rouge would not give you assignments?
5 [10.52.54]

6 A. Let me clarify. I was a teacher at that time and Democratic
7 Kampuchea categorised me as a petty bourgeoisie. My relatives, my
8 younger sister, my blood brothers and their spouses lived in
9 Phnom Penh and they were evacuated on 17 April 1975. And I was
10 assigned only to work in the worksite to dig canals and to build
11 dams. That was the assignment that I received, so I was asked to
12 hold the tasks in Kaoh Andaet and also in Tram Kak district. So
13 again, I was asked to help in the worksites.

14 Q. Mr. Witness, is what you're saying -- I heard your answer, and
15 I read what you told the Investigators. Are you saying that the
16 Khmer Rouge would not trust teachers and would distrust people
17 because their relatives had come from Phnom Penh, even if they
18 themselves were living in Khmer Rouge zones?

19 A. I refer only to my personal matters and, as I said, I was a
20 teacher, and my siblings were evacuated from Phnom Penh.

21 [10.54.56]

22 Q. So Mr. Witness, was that a policy of the Khmer Rouge? Or is
23 this something that only applied to you? That they didn't trust
24 teachers and they didn't trust people whose relatives had been
25 living in Phnom Penh?

1 A. I did not know about such a policy, but what I stated and I
2 was -- only knew that I was to be taken -- taking care of myself.

3 Q. Mr. Witness, you lived in the Khmer Rouge period in the
4 Southwest Zone, is this correct, all the way from 1975 to 1979?
5 Is that true?

6 A. I lived in the Southwest Zone from 1975 to 1979.

7 Q. And sir, are you aware of policies by the Khmer Rouge to
8 discriminate against what they called April 17 People, even to
9 discriminate against relatives of April 17 People?

10 A. I am not aware of it.

11 [10.56.37]

12 Q. Mr. Witness, let's talk about your brother-in-law, Ta Mok. Can
13 you tell us what kind of person he was in your view?

14 A. I knew and met him not quite often. To me, he was a loyal
15 person. He was not only care - he did not only care for his
16 family. I mean that he never, you know, put his interests in
17 front of others, and he never appointed his father or relatives
18 to any position. And to me, he was kind to people.

19 Q. Mr. Witness, you are saying he was loyal to those below him;
20 and was he also loyal to those above him? Did he follow the Party
21 and DK policies? Or was he an ambitious person out to gain power?

22 A. He was not ambitious.

23 Q. Now I believe I heard you just say he did not appoint
24 relatives to positions. I'd like you to think about that and tell
25 me is that your position? That Ta Mok did not appoint his

1 relatives to positions?

2 A. He did not, you know, appoint his relatives to any high
3 position. And as we may be aware, Ta Mok did not designate any
4 task, or did not appoint any position by himself, because there
5 were superiors above him.

6 [10.59.16]

7 Q. To your knowledge, Ta Mok always followed the orders of his
8 superiors, is that what you're saying?

9 A. I did not know concerning the question you asked.

10 Q. Mr. Witness, I would like to read to you a bit from a book
11 that a scholar of the Khmer Rouge period has written, Ben
12 Kiernan. And that's E3/1593, at Khmer, the ERNs are 00637488 to
13 90; at English, 00678538 to 539; and at French, 00638821 to 24.
14 And this scholar wrote:

15 "Mok carefully placed a network of family members in various
16 important positions in his zone. These included two
17 brothers-in-law, four sons, two daughters and five sons-in-law.
18 They were all promoted through the ranks, most after serving time
19 in Ta Mok's home district, Tram Kak, known as District 105 of
20 Region 13."

21 Mr. Witness, where was Ta Mok's home village?

22 A. His home village was in Trapeang Thum commune, Tram Kak
23 district.

24 [11.01.09]

25 Q. And the author goes on to say that Mok's son-in-law, Khe Muth

1 (phonetic), became the Deputy Secretary of Region 13 and in 1973
2 rose to become Secretary of the third Southwest division. He says
3 that Mok's daughter, Khom, replaced Muth as CPK Secretary of Tram
4 Kak. And another daughter, Ho, became Director of the Region 13
5 hospital. And he goes on to say -- sorry, two sons, Chhang and
6 Chay -- two sons, Cham and Chay, also served on the Tram Kak CPK
7 District Committee. And a brother-in-law, San, a former
8 schoolteacher, was a leading CPK official; a second
9 brother-in-law, Tith, was CPK Secretary of Kirivong District 109.
10 Is all this true?

11 A. As for what you raised, some is true and some is not true. Ta
12 Mok did not have any sons. He had only daughters, and Muth was
13 the member of Sector 13 in the 60s, and he became the soldier in
14 the Zone in 1973, perhaps in 1973. That's what I knew.

15 [11.03.21]

16 Q. Thank you. So do you agree then that a brother-in-law, San, a
17 former schoolteacher, was a leading CPK official?

18 A. Actually he did not have any sons to be head of school.

19 Q. It must be my pronunciation; I'm saying San, as in your name,
20 your alias. It says a second -- a brother-in-law, San, a former
21 schoolteacher, was a leading CPK official. Is that true? Were you
22 a leading CPK official?

23 A. No, I was not an important cadre. I was an assistant to the
24 district in the field of building dams, digging canals, and
25 working in the rice fields, and that was from 1975 to late 1978.

1 Q. Sir, how did the Khmer Rouge, during the DK period, treat
2 moral offences, mistreatment, sexual mistreatment of women?

3 A. I did not know.

4 [11.05.14]

5 Q. Were you accused of moral offences?

6 A. When Ta Mok was in Takeo, he called me from Kaoh Andaet to
7 Tram Kak district and he told me that I had been reported, that I
8 was playful or mischievous with my hands, and for that reason he
9 transferred me to lend assistance to those in Tram Kak, and in
10 the field of building dams, digging canals or working in rice
11 fields, in order to refashion myself.

12 Q. So let me understand. You were accused of sexual misconduct
13 with women. You never were interrogated about that, you never
14 were detained; is that correct?

15 A. Ta Mok said that I was accused of being mischievous with my
16 hands. He didn't tell me exactly what the allegation was. And for
17 that reason, he transferred me from Kaoh Andaet to Tram Kak.

18 Q. Did you understand that statement that you were accused of
19 having mischievous hands to mean you had had affairs with women?

20 A. I never involved in any sexual intercourse or relationship
21 with any woman, but I was alleged of doing that and for that
22 reason, Ta Mok said that I was accused of being mischievous with
23 my hands.

24 [11.07.28]

25 Q. So Mr. Witness, you received no punishment; is that correct?

1 A. For me, I thought the fact that I was transferred from Kaoh
2 Andaet to work in Tram Kak -- to assist those people in Tram Kak.
3 It means that I was just removed from my working position in Kaoh
4 Andaet and transferred to another working position in Tram Kak.
5 It was in the same case as I was removed by Ta Sy from being a
6 member of the Front, to be in charge of education -- that is, to
7 teach alphabets to the children in the three provinces.

8 Q. Well, let me follow up on that a bit. What were you accused
9 of, or what did you do wrong to cause this transfer by Ta Sy? You
10 said it was the same as when you were transferred by Ta Sy. Were
11 you also accused of moral offences?

12 A. No. There was no such allegation in -- in my thought, I did
13 not commit any wrongdoing and I was simply transferred.

14 [11.09.13]

15 Q. Well, let's go back for a moment, since you've brought it up,
16 to the transfer by Ta Sy, with the letter that Ta Sy gave you
17 appointing you the Head of Education for the three provinces.
18 That made you the Head of Education for the entire Southwest
19 Zone, correct?

20 A. I did not know but I was given responsibility for the
21 education from the three provinces, but in fact I did not engage
22 in that work because upon returning from Pis Mountain to my
23 village, I became ill.

24 Q. Sir, there's quite a long time between 1970 and 1975 -- that's
25 five years. What were you doing during those five years? You said

40

1 you were ill. When you weren't ill, what were you doing?

2 A. You asked me some repetitive questions, because I responded to
3 that. As I said, in 1971, Ta San sent me to Kaoh Andaet district,
4 and in fact I was ill for six months, and after I recovered,
5 that's when Ta San transferred me to Kaoh Andaet.

6 [11.11.00]

7 Q. Sir, the organisation of DK was that at each level -- commune,
8 sector, zone -- there was a committee of three persons. That was
9 the normal organisational structure, correct?

10 A. In some areas, there were two members and in others there were
11 three, so it varied.

12 Q. Who was in the committee at Kaoh Andaet when you were there,
13 who was on the committee?

14 A. Ta Sieng was the Secretary, and then there was Ta Chan. There
15 were only two.

16 Q. Who was Ta Chan?

17 A. Ta Chan passed away. What's the need of asking about Ta Chan?

18 Q. You're saying that he passed away. My question was simply who
19 was he. Do you know anything else about him you can tell us?

20 A. Ta Chan was Ta Sieng's deputy.

21 [11.13.04]

22 Q. Now, in the work that you did, you said you had some work
23 growing rice. Were you planting the rice? What actually did you
24 do?

25 A. In 1975, that is after the war ended, Ta Mok had a plan to

1 build a dam at Angkor Borei lake, and I participated in the
2 raising of that dam. And all forces were sent from the
3 surrounding communes to build that dam and after that I engaged
4 in dry season farming at that dam, and surrounding the area of
5 that lake, and subsequently I was asked to clear a plot of land
6 near Kaoh Andaet and to raise dykes for dry season rice farming
7 and to build another dam at Boeng Kork (phonetic) and a water
8 pump station in that area as well. So, that's basically the works
9 that I engaged in during that period.

10 Q. Sir, what was your role in that work? Were you doing the
11 physical labour? Were you the supervisor, supervising the
12 labourers? Were you in charge of security? What was your role?

13 A. I was not in charge of security. I was an assistant to the
14 district and I was tasked to see how the work was progressing in
15 terms of building the dyke or the dam or dig the canal. My work
16 was purely technical. For instance, in relation to the building
17 of the water pump station.

18 [11.15.40]

19 Q. Well, explain that. Were you in charge of the workers? Did you
20 give them instructions?

21 A. Mobile units were under the supervision of their respective
22 unit chiefs and we did not give them any instruction. But
23 whenever there was a work plan, we consulted amongst one another.

24 Q. And when you say "we", who do you mean? You and the other
25 members of the District Committee?

1 A. I used the word "we", I mean I myself and the mobile unit
2 chiefs, all the youth mobile unit chiefs. We held meetings to
3 discuss about the work plan and what we had to do. And this does
4 not mean I gave them instructions, but we consulted respectively
5 in terms of the work plan.

6 [11.17.03]

7 Q. So who was in charge? No one?

8 I gather you did not get the question. I'll repeat it.

9 You said that you would consult with the leaders of the mobile
10 units. My question is who then was in charge? Are you saying no
11 one was in charge? Who was in charge?

12 A. The mobile units were selected from the commune level. In that
13 regard, for logistics, including food and clothing, they were
14 supplied by their respective communes. And my role at the
15 worksite was to take consultation with the mobile unit chiefs at
16 the actual worksite on the progress of the work and on the work
17 plan.

18 Q. Sir, can you explain the chain of command for the mobile
19 units? You said there were people in charge of the mobile units.
20 Who did they report to?

21 A. At that time, in regard to the reporting regime, it was very
22 difficult to say. Sometimes when I were called - or when we were
23 called by the District Committee -- that is, Ta Sieng and Ta Chan
24 -- then the mobile unit chiefs and myself would go to meet them.

25 [11.19.45]

1 Q. So you would go and meet with the members of the District
2 Committee about these work assignments. Is that right?

3 A. The mobile unit chiefs and I, and when I refer to the mobile
4 unit chiefs I refer to the mobile unit chief, the youth mobile
5 unit chief and the female mobile unit chief, each of us would go
6 and meet with the District Committee.

7 Q. Now you talked about being assigned by Ta Mok after the
8 accusation of mischievous hands to Leay Bour. First of all, can
9 you tell us what is Leay Bour? Is it a village, is it a commune,
10 or is it both of those?

11 A. Leay Bour is a commune and there is also a village called Leay
12 Bour within the Leay Bour commune.

13 [11.21.21]

14 Q. Where did you live? Did you live in the village Leay Bour?

15 A. I had a small house just opposite Leay Bour Cooperative, and
16 that location was six kilometres from the Takeo provincial town.

17 Q. Okay. You mentioned that your house was opposite the
18 cooperative; does that mean it was inside the village called Leay
19 Bour or outside the village?

20 A. It was inside Leay Bour village.

21 Q. Was the cooperative also called Leay Bour? Or did it have
22 another name?

23 A. The location was known as Leay Bour cooperative.

24 Q. When you say -- you used the word "cooperative"-- About how
25 many people were in the cooperative at the time you arrived in

1 Leay Bour? Can you give us an estimate? Are we talking about
2 hundreds, thousands, tens of thousands?

3 A. I cannot recall the exact total number.

4 [11.23.20]

5 Q. Was the cooperative organised to do any particular work? If
6 so, can you explain what kind of work?

7 A. The cooperative engaged mainly in rice farming. And as I said,
8 that's the main duty of the cooperative to do, to engage in rice
9 farming, and besides that to engage in plantations or in building
10 dams.

11 Q. Who was in command of the cooperative?

12 A. I cannot recall the name, but as for Leay Bour commune, it was
13 Ta Kao -- Ta Khe (phonetic).

14 Q. Okay, that leads to my next question. How did the cooperative
15 chain of command work? Did the head of the cooperative, or the
16 committee that headed the cooperative, did they report to the
17 commune level, to the district level? How did that work?

18 A. The cooperative would report to the commune and subsequently
19 that commune would report to the district.

20 [11.25.23]

21 Q. What was the distance from your house to the District Office
22 for District 105, for Tram Kak?

23 A. Leay Bour was located -- Leay Bour cooperative was located to
24 the west of National Road and my house itself was located to the
25 south -- that is, the south of the cooperative and also along the

1 National Road Number 5. It was just on the other side of the
2 National Road. And from my house to the cooperative, it was about
3 50 meters. And the distance from my house to Tram Kak office,
4 which was located in Angk Roka, was about 15 kilometres, because
5 from my house to Angk Ta Saom, it was about six kilometres, and
6 from Angk Ta Saom to the District Office, it was about nine
7 kilometres.

8 Q. Was the District Office in a former pagoda at Angk Roka?

9 A. The District Office was located at the currently Angk Roka
10 market. It was located to the west of Angk Roka Pagoda.

11 Q. Was the pagoda still being used as a pagoda?

12 A. It is still a pagoda.

13 [11.27.47]

14 Q. Thank you. During the Khmer Rouge time, are you saying it was
15 used as a pagoda then?

16 Sir, when you were in Tram Kak, when you were transferred to Leay
17 Bour, was the Angk Roka Pagoda being used for Buddhist worship?

18 A. No, it was not.

19 Q. Is it true that there were no pagodas in Tram Kak district,
20 that they all were used for other purposes, were shut down during
21 the Khmer Rouge time?

22 A. There were no pagodas and there were no monks, but I did not
23 know for sure for what purpose other pagodas had been used during
24 the Khmer Rouge.

25 Q. What about that one? It was used as a prison, isn't that

1 correct, Angk Roka?

2 A. I did not know.

3 Q. Sir, what was the distance from Leay Bour to Krang Ta Chan?

4 A. Even today I don't even know which commune Krang Ta Chan is
5 located in.

6 [11.30.02]

7 Q. Sir, your brother disappeared during the Khmer Rouge regime,
8 correct?

9 A. My elder brother, Noun (phonetic), who left Phnom Penh to go
10 to Kaoh Thum district -- and I met him once -- later on he
11 disappeared and have not seen him since and I only met his wife.

12 Q. Did his wife tell you what happened to him? What happened to
13 him -- your brother?

14 A. I did not know because we lived far away from one another, as
15 she lived in Kaoh Thum district and I lived in Takeo province.

16 Q. Had your brother served in the Lon Nol army?

17 A. I lived at a far distance from my elder brother. My elder
18 brother lived in Kaoh Thum district while I lived in Takeo
19 province.

20 Q. My question, sir, was: Did he serve in the Lon Nol army; do
21 you know? Yes or no.

22 A. I did not know because he was in Phnom Penh while I was living
23 at the Zone under the Democratic Kampuchea regime control.

24 MR. PRESIDENT:

25 The time is appropriate for a lunch break, or do you have one

47

1 last question Mr. International Co-Prosecutor?

2 BY MR. KOUMJIAN:

3 Thank you, Your Honour. Just one question.

4 Q. You told us about the death of your brother. Can you tell us,

5 do you know other people that disappeared in Tram Kak district

6 when you lived there in Leay Bour?

7 MR. NEANG OUCH:

8 A. I did not know.

9 MR. PRESIDENT:

10 The time is convenient for a lunch break and we will take a break

11 now and we will resume at 1.30 in the afternoon.

12 And Court officer, please assist the witness during this lunch

13 break and invite him back into the courtroom, including his duty

14 counsel, at 1.30 this afternoon.

15 And security guards, you are instructed to take Khieu Samphan

16 into the waiting room and have him returned to the courtroom

17 before 1.30.

18 The Court is now in recess.

19 (The Court recesses from 1133H to 1331H)

20 MR. PRESIDENT:

21 Please be seated. The Court is now in session, and again, we will

22 like to hand the floor to the International Co-Prosecutor to put

23 further questions to this witness. You have the floor, the

24 Co-Prosecutor.

25 BY MR. KOUMJIAN:

1 Thank you, Mr. President. Good afternoon, Mr. Witness.

2 Q. Sir, this morning, you told us that there were no pagodas
3 operating in Tram Kak during the DK period. Was there a pagoda in
4 Leay Bour? And what was that being used for when you lived in
5 Leay Bour?

6 MR. NEANG OUCH:

7 A. No.

8 [13.32.21]

9 Q. Let me see if I can refresh your recollection. A witness
10 testified -- civil party spoke before this Court on the 27th of
11 January. And the ERN for this is -- the transcript is E1/253.1.
12 In English, it's 01060969; in Khmer, it is 010629999, and at
13 09.44 in the morning, Ms. Chou Koemlan said that, "In the DK
14 period, the pagoda in Leay Bour was turned into a place for
15 keeping children. The prisoners were also kept in that pagoda --
16 in Leay Bour pagoda", she said, "so the pagoda became the
17 prison".

18 Sir, he's told us that there were no pagodas operating in Leay
19 Bour in Tram Kak district. Why was that? Why was it that during
20 the DK period there were no pagodas in operation?

21 A. I didn't see pagoda used as a prison or as a dining hall.

22 Q. Sir, my question is -- thank you for that. My question is why
23 pagodas weren't being used as places of Buddhist worship. Why
24 weren't monks at the pagodas and ceremonies performed there? What
25 was the policy that made it so that there were no pagodas?

1 A. I did not know about that. However, when I arrived in Leay
2 Bour, there were no monks and the pagoda was not used as a place
3 for Buddhist worship at all. But it did not turn into a prison or
4 anything like that.

5 [13.34.53]

6 Q. Sir, you're a highly educated man. You told us you were given
7 assignments of responsibility, meeting foreign guests, leading
8 work projects, leading workers to work projects, why was -- what
9 was the Khmer Rouge policy towards the Buddhist religion? What
10 did you hear and observe?

11 A. I did not know anything about that.

12 Q. But sir, you attended meetings of district committees in Kaoh
13 Andaet and in Tram Kak in Sectors 108 and 105; is that correct?

14 A. I attended the meetings in my capacity as an assistant.

15 Q. Did you ever hear Khmer Rouge cadres speaking about the policy
16 towards religion?

17 A. No, I did not hear anything about it from 1975 to 1978.

18 [13.36.23]

19 Q. Now, sir -- by the way, are you a practising Buddhist?

20 A. Yes, I am a Buddhist.

21 Q. Did you practise your religion during the DK period?

22 A. During the DK period, there was no place of worship. However,
23 at my house, I actually pray. I paid my respect to Buddha statue.

24 Q. So you were allowed to keep a Buddha statue in your house; is
25 that right?

1 MR. PRESIDENT:

2 Mr. Witness, please wait until the microphone is operational.

3 MR. NEANG OUCH:

4 A. There was no Buddha statue; I just prayed.

5 [13.37.50]

6 MR. KOUMJIAN:

7 Q. Your prayers must have been answered because you survived. So
8 let me move on to a different subject.

9 Sir, you said that you led workers during the DK period in
10 various work projects. Those people that were doing the actual
11 labour, were they there voluntarily?

12 MR. NEANG OUCH:

13 A. As for male and female youth at the worksite of digging canal
14 or building dams, they worked at their own will; they were not
15 forced to do so.

16 Q. So it's your testimony that they could decline a work
17 assignment with no consequences; is that correct?

18 A. There was no male or female youth who refused to work.
19 However, there were cases where they fell ill -- that is, they
20 had fever and then they could rest without having to work. And
21 sometimes they were sent to hospital for treatment.

22 [13.39.22]

23 Q. By the way, did your wife have a position at the hospital?

24 A. No, she did not.

25 Q. During the DK period, your wife, Ta Mok's younger sister, what

1 assignments did she have?

2 A. She did not have any position. She stayed at home -- at her
3 own home to take care of her mother. And that was at Takeo
4 province. And only occasionally, I went to visit her mother --
5 that is, my mother-in-law.

6 Q. Was she a member of the Communist Party of Kampuchea, your
7 wife, Ta Mok's sister?

8 A. I did not know. But it seems that she was not a member.

9 Q. In District 105, Tram Kak, when you lived at Leay Bour, you
10 attended monthly meetings of the District Committee, where
11 members of the commune, heads of the commune reported; is that
12 correct?

13 A. In the meetings held at the district, commune chiefs had to
14 report to the District Committee.

15 [13.41.30]

16 Q. Sir, in Leay Bour -- I want to read something to you, again,
17 from the same book I read this morning, E31593; the English, ERN
18 00678587; in Khmer, 00637634; and I do not have the French. It
19 stated -- the author wrote:

20 "In 1977, new cadres took over Leay Bour and called separate
21 meetings for each category. They instructed the deportees to
22 'temper themselves': [...] Then they formed the three categories
23 into separate cooperatives. The full rights people stayed in Leay
24 Bour and were called 'kong No. 1.'" And I -- I'm skipping a bit
25 -- "Deportees and candidates were assigned to different

1 cooperatives called kong Nos. 6, 7, and 8. They were moved to
2 another area within Leay Bour subdistrict."

3 Is that correct, Mr. Witness, that people were put into different
4 cooperatives and lived in different areas in Leay Bour according
5 to categories?

6 A. Although I lived in Leay Bour, I did not know the details
7 about the various work groups of people. As I stated, I mainly
8 worked in the rice fields or at the worksite or building dams or
9 digging canals.

10 [13.43.34]

11 Q. Well, sir, were you assigned to one of these units -- these
12 kongs? Or were you at too high a position to be assigned to such
13 a unit?

14 A. I did not have any position to supervise any unit, and I did
15 not have any position that was senior than what I stated. And I
16 already informed you that Ta Mok had me transferred to Tram Kok
17 district to be an assistant to the District Committee in dealing
18 with the rice fields and with building dams and digging canals --
19 that is, in short, to assist them in the -- at the worksite.

20 Q. Excuse me. I thought you were assigned to Tram Kak to meet
21 foreign guests and that the assistant to the District Committee
22 was your assignment at Kaoh Andaet. Did you -- are you confused
23 about that? Or did I get it wrong?

24 A. No, I'm not confused. The work dealing with foreign guests
25 happened only occasionally.

1 [13.45.02]

2 Q. You said you met two delegations that you recall: a Swedish
3 delegation and a Chinese delegation. Were those the only
4 delegations you met?

5 A. Yes, they were the only two delegations that I met.

6 Q. Were you present for the visit of American journalists to Leay
7 Bour, including a woman in December 1978?

8 A. No, I did not meet them.

9 Q. Were you in Leay Bour throughout December 1978 or were you
10 somewhere else?

11 A. I was in Leay Bour until December 1978.

12 Q. Approximately when did you leave? Let me withdraw that. Let me
13 ask the question again.

14 Is it correct you stayed up until the time that the Vietnamese
15 invaded?

16 A. I stayed there until the Vietnamese entered to the territory
17 of Kampuchea.

18 [13.46.55]

19 Q. Now sir, why was it that the Khmer Rouge took these important
20 foreign delegations to Leay Bour?

21 A. I did not know.

22 Q. What exactly were your instructions about what to show or tell
23 them?

24 A. The sector gave me instruction to show them the cooperative,
25 the dining hall, in particular of Leay Bour cooperative and about

1 the school for the children to the south. And, as for the Chinese
2 delegation, I had to show the rice field to the east of the
3 cooperative.

4 Q. In your statement -- this would have been the first statement
5 you gave the first day -- E319.1.15 in answer 53, you were
6 talking about the foreign guest. You said: "Cars from Phnom Penh
7 brought the foreign guests to my place and I went to meet them.
8 Then I took them to show them model homes and model rice fields
9 that were built for single families."

10 Sir, who lived in these model homes for single families?

11 A. I cannot recall it. However, the houses were distributed to
12 the persons living in Leay Bour village. And in fact, that
13 village was call Thnong Roleung village.

14 [13.49.25]

15 Q. Sir, the house that you lived in, how did you get that house?
16 Was that assigned to you?

17 A. Yes, I -- it was given to me.

18 Q. By who?

19 A. The houses were built by the commune and then they were
20 assigned to people and I was one of the people who were assigned
21 a house. It was to the north of the cooperative and also to the
22 north of National Road Number 5.

23 Q. So you were living in one of the houses built during the DK
24 period; correct? Do I understand you correctly?

25 A. My house was not a model house because the model houses were

1 taller and they were built on poles.

2 [13.51.03]

3 Q. Now, please answer my question. Was your house built during
4 the DK period?

5 A. The house was built when I was transferred to Leay Bour and it
6 was around probably October 1977.

7 Q. Who was assigned to build your house? Do you know?

8 A. I already responded to your question. The houses were built by
9 the commune but I could not tell you which person built the
10 house.

11 Q. Let me move on. Sir, there's documents on our case file about
12 Leay Bour being a model cooperative -- a model village, including
13 the July 1977 issue of "Revolutionary Flag" -- that is, E3135.
14 First of all, sir, have you heard of this -- the "Revolutionary
15 Flag" publication? Have you seen those?

16 A. Yes, I used to see them -- that is, the "Revolutionary Flag"
17 magazines.

18 Q. Where would you see them, sir?

19 A. I saw them at the cooperative as they were distributed by the
20 commune.

21 [13.53.13]

22 Q. What kinds of people were given -- or are given access to
23 "Revolutionary Flag"? Can you tell us? Was it only the very
24 highest or was it distributed to all the cadres and all of those
25 working in the commune?

1 A. There were not many copies of the magazines. They were
2 distributed only to certain people -- that is, to those people
3 who live under the commune and they were not distributed to
4 workers or peasants.

5 Q. Were the persons in authority -- the commune chiefs, the
6 commune committees, the village committees -- have access --
7 given access to "Revolutionary Flag"?

8 A. Yes, they did.

9 Q. And what about the security personnel, did they have access to
10 "Revolutionary Flag"?

11 A. I did not know.

12 [13.54.43]

13 Q. Sir, in this July 1977 issue, the English ERN is 00406850
14 (phonetic); in Khmer, 00062794, and the following two pages; and
15 in French; 00487711, and the following three pages; there's a
16 description of an award being given to Leay Bour -- excuse me --
17 to Tram Kak as a model district. And it says in the third
18 paragraph on the next page of the ERN -- should be in English --
19 00446851. I'm skipping ahead to shorten things a bit. But in that
20 third paragraph, it says:

21 "Comrades, you are models in terms of the stance of Socialist
22 Revolution during the work of Socialist Revolution will, waging
23 class struggle mightily and profoundly, especially inside the
24 Party in all of your districts."

25 Did you -- sir, do you believe that's an accurate description of

1 Tram Kak district, the time you lived there, that it was a model
2 in terms of the Socialist Revolution and in "waging class
3 struggle mightily and profoundly"?

4 A. On this matter, I do not know. However, that assessment was
5 not at the time that I went to live in 1977. I believe that
6 assessment was made by the government of the DK in 1975 or 1976.
7 And that assessment was probably focussed on the agricultural
8 product because the land in that district was rich for
9 agricultural production. And that is my personal understanding,
10 although I could not speak for the opinion of the government at
11 the time.

12 [13.57.33]

13 Q. Just -- since you mention agriculture -- did Tram Kak district
14 -- when you were there, when you were working on -- you said
15 among other things, I believe you said it was rice growing -- did
16 Tram Kak district send rice to the Centre -- to Phnom Penh?

17 A. I cannot recall that.

18 Q. Sir, what I just read you -- there's a phrase I'd like your
19 help with, understanding. It talks about -- in that paragraph I
20 just read you -- "waging class struggle mightily and profoundly,
21 especially inside the Party". And this is -- to answer your
22 question about the timing of this -- this, again, is from July
23 1977, the month after you moved to Tram Kak, that this magazine
24 was published.

25 Can you help us, what does it mean in Tram Kak, "class struggle

1 was waged mightily inside the Party"?

2 [13.59.02]

3 A. I came to Tram Kak district in June 1977. However, upon my
4 arrival, I was injured on my left knee, so I had to be
5 hospitalised for three months. And on the issue of waging a class
6 struggle, I could not make such a comment on this issue because
7 that assessment was made by the upper echelon.

8 Q. You were in hospital for three months with a knee injury?

9 MR. PRESIDENT:

10 Please wait, Mr. Witness, until the phone is -- the microphone is
11 operational.

12 MR. NEANG OUCH:

13 A. Yes, I had a wound on my left knee and not on my ribs.

14 BY MR. KOUMJIAN:

15 Q. From playing football; correct?

16 MR. NEANG OUCH:

17 A. No. In fact, it's a -- in fact, it was volleyball. And when I
18 fell down, then I had an injury on my knee.

19 [14.00.42]

20 Q. Thank you. When you met this Chinese delegation, you said Ran
21 gave you -- if I'm correct -- gave you that assignment. Did Ran,
22 Ta Mok or other Khmer Rouge cadre discuss with you the importance
23 of the trip and China's important as the ally -- the most
24 important ally of the Khmer Rouge?

25 A. Only Ta Ran who spoke to me but he did not speak to me on the

1 matters that you just raised.

2 [14.01.40]

3 Q. I would like to read to you from a book that was just recently
4 placed on the case file. And it's E342. And in that book, the
5 author wrote:

6 "Perhaps no single" -- it's called 'Brothers in Arms: Chinese Aid
7 to the Khmer Rouge, 1975-'79'. And the author wrote that:

8 "Perhaps no single individual in China better symbolised the
9 concept of 'self-reliance' than the head of the famous Dazhai
10 model commune, Chen Yonggui."

11 My pronunciation of Chinese is as bad as my Khmer, so that's how
12 I would pronounce it.

13 "Chen's extended visit to Cambodia in December 1977 underscored
14 the legitimacy of the CPK's own rhetoric of self-sufficient
15 development. His trip was also meant to shore up evidence to
16 strengthen his position at home and was apparently perceived by
17 the Khmer Rouge leadership as a last, best, and ultimately,
18 unsuccessful chance to help strengthen the waning leftist line in
19 China that was threatened by the (re)emergence of Deng Xiaoping
20 and the reform coalition. Pol Pot" --

21 [14.03.48]

22 MR. PRESIDENT:

23 Please hold on, Mr. Co-Prosecutor.

24 Counsel, you may proceed.

25 MR. VERCKEN:

60

1 Thank you. I would like the prosecutor to tell us whether E3
2 followed by the title of the book, whether that is the name of
3 the author. And if not, let him tell us the name of the author
4 and how he authorises himself to use this document today -- in
5 what capacity he wants to authorise himself to use this document
6 today.

7 MR. KOUMJIAN:

8 Thank you. Your Honour, the title -- the author of the book is
9 Andrew Mertha -- M-e-r-t-h-a. And I don't authorise myself. This
10 was a decision from the Trial Chamber, E342, admitting this book
11 into putting it on the case file. It was just published in 2014.
12 So the -- E342 is the decision of the Bench -- of the Trial
13 Chamber.

14 [14.05.12]

15 BY MR. KOUMJIAN:

16 So, sir, I was reading that, "Pol Pot himself hosted Chen and
17 personally took him all over Cambodia, where Chinese official" --
18 excuse me - "the Chinese official met with a constellation of DK
19 officials, including zone leaders like Ke Pauk, So Phim, and Ta
20 Mok; the military commanders like Meas Muth and Thuch Rin; and a
21 number of local DK cadres". And then -- I skip a sentence --
22 "While there, the embodiment of Dazhai visited the Leay Bour
23 model commune, which boasted 9,000 families over 4,000 hectares."
24 So sir, were you aware that Pol Pot accompanied this important
25 guest from China?

1 MR. PRESIDENT:

2 Witness, please hold on.

3 Mr. Counsel, you may proceed.

4 [14.06.32]

5 MR. VERCKEN:

6 Thank you. Under the supervision of the Chamber, I believe the
7 reference, E342, corresponds to a request made by the Prosecution
8 and not to a decision rendered by this Chamber authorising them
9 to use this book. And if that is indeed the case, we object to
10 the Prosecution's use of that book.

11 MR. KOUMJIAN:

12 My understanding is that the book – to clarify things, my error.
13 (Judges deliberate)

14 [14.09.27]

15 JUDGE FENZ:

16 May I just a question to Prosecution to clarify: Is he correct
17 that this was filed today, the request? I mean I know we have
18 discussed the book but the request was filed when?

19 MR. KOUMJIAN:

20 The request was filed on the 3rd March 2015, and my understanding
21 is that the document has been given the number E342.1.

22 (Judges deliberate)

23 [14.13.18]

24 MR. PRESIDENT:

25 Judge Lavergne, you may proceed. Could you please ask the

1 Co-Prosecutor for clarification?

2 JUDGE LAVERGNE:

3 Yes, thank you, Mr. President.

4 Mr. Counsel for the Prosecution, we have crosschecked and found
5 that we are seized of a motion, E342, which was filed on the 3rd
6 of March, and on the 9th of March, we have the French version
7 thereof. The Chamber is of the view that, if you wish to use that
8 application and the document which concerns -- that is, the book
9 of Mr. Andrew Mertha, either you would have to make an oral
10 application, which will be discussed by the Parties today and
11 then we will rule on it or you proceed to another subject in your
12 examination.

13 [14.14.19]

14 BY MR. KOUMJIAN:

15 Thank you, Judge Lavergne. Because I'm short of time I'm going to
16 move on to another document, and that is E31339.

17 Q. Mr. Witness, this is a report from the Phnom Penh Domestic
18 Service. It indicates in the ERNs -- well it's only - I give the
19 ERNs: English, 001683350 to 51; in Khmer, it's 01063905 to 07;
20 and in French - I'm sorry, I don't have the French.

21 In the first sentence it indicates: "On the morning of 13
22 December, Comrade Cheng Yonggui, and other Chinese comrades,
23 accompanied by Comrades Pol Pot, Secretary of the KCP Central
24 Committee, and Prime Minister Ieng Sary, Vorn Vet, and Thiounn
25 Thioeunn, left Kampong Som town to visit the Southwest region."

1 [14.15.48]

2 Skipping to the last paragraph on that page: "On the morning of
3 14 December, Comrade Cheng Yonggui and other Chinese comrades,
4 left Takeo town for Phnom Penh, accompanied by our comrade Party
5 Secretary, and Comrades Ieng Sary, Vorn Vet, and Thiounn
6 Thioeunn. A large crowd lined the streets of Takeo." And then on
7 the next page, "On the way to Phnom Penh, the Chinese comrades
8 stopped to participate in a mass meeting at the Leay Bour
9 Cooperative."

10 So, sir, did you see the upper echelon of the Khmer Rouge: Pol
11 Pot, Ieng Sary, Vorn Vet, with the Chinese guests in this visit
12 to Leay Bour in December 1977?

13 MR. NEANG OUCH:

14 A. I saw only Chinese delegation but I didn't see Pol Pot and
15 Ieng Sary. I saw only those who accompanied them. Those who
16 accompanied them was from the Ministry of Foreign Affairs and the
17 people who are in the street to receive the delegation, I didn't
18 those people who were on the street.

19 [14.17.33]

20 Q. Sir, did -- before the guest arrived, were ordinary workers
21 given instructions or were efforts made to make the commune
22 appear particularly clean?

23 A. We were receiving Chinese delegation in a casual manner,
24 including cooking rice and soup at the cooperative kitchen for
25 them. And we did not organise any big ceremony. It was a kind of

64

1 ordinary management and cooking for them.

2 Q. Can we go back to E3/1593, page 191 and 192 of Kiernan's book?

3 In English, the ERN is 0067590 (phonetic), states that, "Around

4 the end of 1977, a group of Europeans and Chinese came to visit

5 the model cooperative in Tram Kak. Sarun's mobile unit was

6 labouring nearby. He recalls that the night before, the workers

7 were informed they would stop next day at 10.00 a.m. to get a new

8 set of clothes each, and then proceed to the communal mess hall.

9 'Anyone who fought over the food would be withdrawn', and

10 indicates the use of the Khmer word "doh cen", which, according

11 to the author, usually means "execution", 'because the foreigners

12 were coming to photograph'."

13 Sir, is that true?

14 [14.19.54]

15 MR. PRESIDENT:

16 Please hold on, Mr. Witness. Mr. Kong Sam Onn, you may proceed.

17 MR. KONG SAM ONN:

18 Thank you, Mr. President. I have no objection because the

19 Co-Prosecutor indicated ERN in English but he failed to mention

20 ERN in Khmer, please.

21 BY MR. KOUMJIAN:

22 It's fair enough and I don't have it so we'll look it up and I'll

23 move on for a moment.

24 The ERN in Khmer is 00637488 to 490.

25 Q. I'm just going on a little bit: "At 10.00 a.m., they all left

1 the worksite, washed their oxen and ploughs, and then bathed.
2 'Anyone who wasn't washed clean would be withdrawn'." It says
3 that: "Sarun has two vivid memories of this visit. For the first
4 time in years, he saw European faces: three bearded, two with
5 long hair, and the other bald. Also 'one of us ate so much he
6 fell over backwards, and was taken to hospital, and never came
7 back'."

8 [14.21.25]

9 Do you recall before the Swedes -- Swedish journalist visited,
10 that instructions -- that new clothes were handed out?

11 MR. NEANG OUCH:

12 A. There was nothing strange. They would wear the same dress, the
13 same uniform. There was no arrangement for that reception.

14 Q. Mr. Witness, in your view, was Leay Bour a typical commune in
15 Democratic Kampuchea?

16 A. I cannot make assessment on this but Ta Mok sent me to stay
17 and work there. I had to follow his instruction. It was not more
18 than other places, as I can say. There was model house, there was
19 a dining hall, there was school building in front, and the rice
20 paddy on both to the east and to the west. That's all about this
21 cooperative.

22 [14.22.55]

23 Q. And sir, what about District 105, Tram Kak? In your
24 experience, you said you were in District 108 and some other
25 places. Was Tram Kak typical of Khmer Rouge policies around the

1 country, as far as you could tell?

2 A. To my opinion, I think it was normal. But it received from the
3 upper echelon as a model district. I take it to the word of the
4 upper echelon, but to myself, I think it was a simple, ordinary
5 cooperative - district, rather.

6 Q. Sir, you've discussed the positions that you held or the fact
7 that you said you held no position in Kaoh Andaet, in Sector 108
8 -- District 108, and in Tram Kak, District 105. Just so that
9 we're absolutely clear: Were you ever on a District Committee
10 anywhere in Cambodia during the DK regime?

11 A. No, I didn't. I was simply the assistant at Kaoh Andaet
12 district and also an assistant to the committee of Tram Kak
13 District Committee.

14 [14.24.51]

15 Q. District Committee members, especially the head of the
16 District Committee would have his own or her own messengers
17 assigned; is that correct?

18 A. The District Committee assigned one messenger for them who
19 would accompany him or her to different places, especially when
20 they travel from one place to another. They would be accompanied
21 by one messenger at a time.

22 Q. Let me make sure -- perhaps you didn't understand my question.
23 So did the District Committee Chairman have messengers during the
24 DK regime in the districts you were at? Or they have one
25 messenger or more than one messenger.

1 A. There were not many. Most often, there were one or two
2 messengers who work as a bodyguard and who was called messenger.
3 [14.26. 27]

4 Q. Who did they report to? The district messengers? Who was their
5 boss?

6 A. District messengers were with the District Committee. They did
7 not report to anyone. All they had to do was to accompany the
8 District Secretary when they moved around. That's all.

9 Q. Sir, did you have messengers assigned?

10 A. No, I didn't have.

11 Q. Sir, I would like you to look at your statement from the 28th
12 of January, E319.1.15 and look at answer 30 that you gave at that
13 time. Under the section "Investigator's comments", it indicates:
14 "We showed a photograph identifying Wat Ang Serei Meali Pagoda
15 (Wat Samphli Pagoda) to the witness." And then it says you said
16 that, "you used to travel to that area once in a while during the
17 Khmer Rouge regime, but if I visited the area again, people
18 probably would not recognise me." And then, Mr. Witness, you said
19 this -- listen carefully -- you told the Investigators: "I went
20 there to look after the workplace for my messengers, the district
21 messengers, to see how they were living."

22 So sir, if you were never on a District Committee, why did you
23 have messengers, district messengers, that you called your
24 messengers?

25 [14.29.01]

68

1 A. This is my mistake in response because Ta Sieng and Ta Chan
2 assigned me to look and to supervise their messengers in terms of
3 food supplies, to see if they were adequate, so at Samphli
4 Pagoda. They were the messengers for Ta Sieng and Ta Chan. Those
5 messengers were tasked with circulating letters from the commune
6 to the district and from the district -- from Ta Chan and to Ta
7 Sieng, and to different communes. This is my mistake in giving
8 this response. In fact, they were the messengers of Ta Sieng and
9 Ta Chan.

10 Q. Sir, was it a mistake because you revealed the fact that, in
11 fact, you really did have messengers because you were the
12 District Committee Chairman in Tram Kak?

13 A. I had no messenger. I was living in my house to the south of
14 the Leay Bour Cooperative. I had no messenger at all.

15 [14.30.39]

16 Q. Sir, during the DK regime, did you make enemies? Are there
17 people who, you believe, are out to get you because of something
18 you did to them?

19 A. No. I did not have any enemy during the DK period. Also in
20 District 108, I did not have any enemies. I lived with the
21 workers at the worksite, in the rice field; I slept with them,
22 sometimes in the same mosquito net with the youth working in the
23 worksites for digging canal in Prey Kdei (phonetic). So, I can
24 say that I had no enemies at the time, and when I went to Tram
25 Kak district, I also had no enemies there.

1 Q. So there's no reason for anyone to lie about your positions in
2 Kaoh Andeat and in Tram Kak district, is that right?

3 A. I did not have any position and, as I said, I was an assistant
4 to the District Committee, dealing with the construction of
5 building dams, and canals, and working in the rice fields.

6 MR. KOUMJIAN:

7 Your Honour, this would be an appropriate time to break, if you
8 wish.

9 [14.32.25]

10 MR. PRESIDENT:

11 You may continue for a little while.

12 BY MR. KOUMJIAN:

13 Q. Very well. Sir, do you know Im Chaem?

14 MR. NEANG OUCH:

15 A. Yes, I knew her during the regime.

16 Q. Sir, any reason for her to lie about you?

17 A. I can say her recollection is not that precise.

18 Q. Okay, Mr. Witness, let's see: Im Chaem spoke to DC-Cam,
19 document E305/13.23.330; English, the ERN is 00951845, it's page
20 21 and 22; and in Khmer, it's ERN 0092987 to 78; and the
21 interviewer, Danny, asked her why she was transferred to Kaoh
22 Andaet; was the committee in Kaoh Andaet removed?

23 [14.34.02]

24 She said: "There were frequent conflicts among the committee.

25 When I arrived there, the Chairman was transferred to Kirivong",

1 then he asked her who was in charge of Kaoh Andaet at the time.

2 She gave her answer and then he said, "Was Sieng transferred to

3 Kirivong?" She said, "Yes. Then, there were three people: a male

4 member, my deputy was Ta Mok's younger brother-in-law and me."

5 And Danny asked: "Who?" She said: "Grandfather San, Ta Mok's

6 younger brother-in-law."

7 Later in that interview at two pages further on, she said, "I was

8 at the rear line focusing on rice cultivating while Uncle San, my

9 deputy, was in charge of Boeng district near the Vietnamese

10 territory".

11 Sir, you were Im Chaem's deputy in Kaoh Andaet; isn't that true?

12 A. No, I was not Yeay Chaem's deputy.

13 [14.35.36]

14 Q. And she is correct that you were in Boeng, near the Vietnamese

15 border; isn't that correct, isn't that true?

16 A. I went to work at Prek Lpov (phonetic), at Thung Lech

17 (phonetic) in Boeng (phonetic) district, which was located near

18 the Kampuchea and Vietnamese border.

19 Q. So she is correct about that? Now -- is that right, you were

20 in Boeng? I'll go on to another question.

21 Sir, my colleague earlier this morning read to you the statement

22 of another witness to come, 2-TCW-809, who was a Secretary in

23 District 105 before you and said that you were the Secretary of

24 District 108 in Kaoh Andaet -- that's E3/4628, my colleague read

25 this morning. But I want to go on to Leay Bour and talk about

1 what people have said about your time in Tram Kak district. In
2 D23286 – D232/86, English, 00424729; Khmer, 00418434 to 35;
3 French, 00436922; a man who said he was a brick maker in Leay
4 Bour said:

5 "Later on, I was sent to work at the district workshop near
6 District Committee Ta San in Leay Bour commune. I made bricks
7 which were taken by the Khmer Rouge to build model dining halls
8 in the cooperative."

9 [14.37.50]

10 And sir, let me read a few more before I ask for your comments so
11 you can respond to all of these.

12 Witness 2-TCW-815, document E3/4627; English, 00223473 to 4;
13 Khmer, 00163490 to 91; and French, 00651256 to 57, he was asked
14 where he was when Phnom Penh fell. He said, "I was here both
15 before it fell and after it fell. They called it District 105,
16 Sector 13, Southwest Zone. My position was Youth Chairman".

17 And then skipping down a few lines, he said, "Ta Keav was the
18 District Secretary and female comrade, Khom, the daughter of Ta
19 Mok. Later Khom became the wife of Ta Muth". He was asked after
20 Keav and Khom, who held the position. He answered, "After '75,
21 Khom followed her husband to Kampong Som, and Ta Chim rose to
22 replace her for a short time. Later Ta Kit rose to replace him".
23 He was asked: "In the district?" He answered: "Right here at Tram
24 Kak. And later, Ta San, the younger brother-in-law of Ta Mok,
25 came to govern all the way until it fell." Question: "Do you know

1 what year Ta San came?" Answer: "Approximately 1977, but I'm not
2 clear."

3 Mr. Witness, do you know Yeay Boeun?

4 A. Yes, I know Yeay Boeun.

5 [14.40.05]

6 Q. She was in Tram Kak the same time you were; correct?

7 A. She lived in Tram Kak district while I was there.

8 Q. Document E319/12.3.2 at answer 28, she said: "The last Tram
9 Kak District Committee was Ta San. For me, I also worked at Tram
10 Kak District Committee with Ta San in October 1978 when I was in
11 charge of the women side. Ta San had been Tram Kak District
12 Committee long before me."

13 [14.40.54]

14 And then 2-TCW-948 in document E3/19.1.7 at answer 10 -- this is
15 a witness who was the chief of the Srae Ronoung commune in 1978
16 -- and in answer number 10 and answer 31, he's identified you as
17 the District Secretary and said that he reported every month to
18 you about political work, economy, and security.

19 Do you want me to read more, Mr. Witness? Will you please tell
20 us, admit, you were the District Secretary of Tram Kak in 1977
21 and 1978? Can you save me time of reading more? Can you admit
22 that, sir?

23 A. No. I was not the District Secretary as I repeatedly told you
24 that. I dealt mainly with -- at the worksites. One dam was built
25 from Plou Lork (phonetic) to Trapeang Andaet (phonetic), which

1 was more than 10 kilometres long and another one came from Mlech
2 Sla Kou (phonetic) where the water gate was installed and then it
3 went crossing Leay Bour further down, and the length was more
4 than 30 kilometres.

5 [14.42.45]

6 MR. KOUMJIAN:

7 Your Honour – Mr. President, could you instruct the witness to
8 answer the question only. He's giving a speech unrelated.

9 MR. PRESIDENT:

10 Thank you.

11 And, Mr. Witness, please respond briefly to the question put to
12 you and don't make any unnecessary comments or make your response
13 which is not related to the question posed to you; otherwise, it
14 just leads to many many more questions for you.

15 [14.43.26]

16 And it is now convenient for a short break. We will take a break
17 now and return at 3 o'clock to resume our proceedings.

18 And Court officer, please assist the witness during this short
19 break and have him returned with his duty counsel at 3 o'clock
20 this afternoon.

21 The Court is now in recess.

22 (Court recesses from 1443H to 1505H)

23 MR. PRESIDENT:

24 Please be seated. The Court is now back in session and the
25 Chamber would like to give the floor to the International

1 Co-Prosecutor to continue his line of questioning. Prosecutor,
2 you may proceed.

3 MR. KOUMJIAN:

4 Sir, I'd like to tell you a bit about what's been said about you
5 in this trial in the last couple of months. I want you to listen
6 to this and then think about it.

7 [15.06.36]

8 On the 18th of February of this year, a witness testified --
9 2-TCW-807 -- at E1265.1, the time was 10.42 -- and he was
10 reminded that in his statement to the Office of the
11 Co-Investigating Judges, he had said that Ta San was a District
12 Secretary and asked when that was. He answered -- quote: "I don't
13 remember when he was becoming the district but I later heard that
14 he was District Chief."

15 Just last week, the last day we were in Court -- Thursday -- a
16 witness who was a guard at Krang Ta Chan prison testified that --
17 at 10.54 -- he said he used to meet you when visiting his parents
18 at Leay Bour. He was asked how did he know that Ta San was a
19 District Chief and he said he heard from the villagers. And then
20 later, he was asked at 10.56: "Who told you at Krang Ta Chan that
21 Ta San became the District Chief?" He was asked who at Krang Ta
22 Chan told him and he answered it was Ta An who said that.

23 [15.08.13]

24 Finally, sir, on 27 January 2015, E1253.1, the witness was asked
25 at 10 -- excuse me -- at 14.02: "Can you give us the names of any

75

1 other officials at the cooperative or the level of the district?"

2 And in her answer, she said: "And the District Committee was Ta
3 San." That was at -- excuse me -- that was at 09.42. But then at
4 14.02, she explained: "Ta San -- I do not know his surname -- he
5 was the District Committee. Before Lon Nol, before Khmer Rouge
6 period, he was a teacher."

7 Mr. Witness, you've already received a letter before you testify
8 and I want to reiterate something to you. You are not here to be
9 prosecuted for what happened during the Khmer Rouge period. I'm
10 the International Co-Prosecutor. My predecessors and I have said
11 -- and my national colleague has said repeatedly -- there will be
12 no new suspects admitted to the Investigating Judges. There's no
13 chance for you to be prosecuted at this Tribunal because you're
14 not one of the suspects whose name has been submitted for
15 investigation.

16 [15.09.53]

17 But I'd also, sir, tell you that you can - I'd ask the Judges to
18 tell you that in this proceeding, you're taking an oath and
19 you're subject to a penalty for perjury and I would make a motion
20 to Your Honours under Internal Rule 36 that you please allow my
21 national colleague to read to the witness Article 545 of the
22 Cambodian Criminal Code, which sets out the penalty for false
23 testimony under oath.

24 MR. PRESIDENT:

25 (No interpretation)

1 MS. SONG CHORVOIN:

2 Internal Rule 36 of the Internal Rules and the article I will
3 read is cited to Criminal Code of Procedure, Article 545.

4 MR. PRESIDENT:

5 (No interpretation)

6 [15.11.17]

7 MR. KOPPE:

8 Thank you, President. I have in front of me Rule 36 of the
9 Internal Rules and I read paragraph 1, which says: "The Chambers
10 may, on their own initiative or at the request of a Party, remind
11 a witness of their duty to tell the truth and the consequences
12 that they may result from failure to do so." So how I understand
13 this provision is you, at the request of a Party, who should
14 remind the witness to tell the truth and not one of the Parties.
15 So I, of course, have no problem if the Prosecution asks the
16 Chamber to remind the witness but that's, I think, the proper
17 proceedings.

18 MR. PRESIDENT:

19 International Co-Prosecutor, please hold on. Counsel Kong Sam
20 Onn, you may proceed.

21 [15.12.18]

22 MR. KONG SAM ONN:

23 Thank you, Mr. President. Having heard the request for
24 instruction for this witness by the International Co-Prosecutor,
25 it seems to me that there was no relation between the situation;

1 it's a kind of threat to this witness. So, when the Co-Prosecutor
2 referred to the Internal Rule or the Criminal Code of Procedure,
3 it's something like a threat to the witness who is testifying
4 before the Court.

5 MR. KOUMJIAN:

6 Your Honour, these are absolutely solemn proceedings involving
7 issues that are -- we all agree -- extremely important. Internal
8 Rule 36 allows the Court, on the motion of the Parties, to advise
9 the witness of the consequences of not telling the truth and it
10 indicates that it can be referred to the appropriate authorities
11 of the Kingdom of Cambodia. Article 545 of the Cambodian Criminal
12 Code sets out the penalty for false testimony: two to five years
13 in prison and a fine. This witness should be advised of the
14 consequences of false testimony. It also indicates, in 545, that
15 if the witness retracts testimony and speaks the truth before the
16 termination of the trial procedure, the penalty would not apply.
17 So, I think, given the circumstances of the testimony -- the
18 amount of contradictions between this witness and other witnesses
19 regarding his positions -- numerous other witnesses -- that it's
20 only fair to this witness that he be advised of the consequences
21 of false testimony.

22 (Judges deliberate)

23 [15.14.50]

24 MR. PRESIDENT:

25 The Trial Chamber agree to the International Co-Prosecutor and

1 the International Co-Prosecutor -- Co-Prosecutor may remind the
2 witness on this matter.

3 MS. SONG CHORVOIN:

4 Mr. Witness, as indicated by the International Co-Prosecutor,
5 especially the proceeding before the Trial Chamber, I will now
6 read to you one of the Articles in the Cambodian Criminal Code of
7 Procedure. This is applies equally to every Cambodian in the
8 Kingdom of Cambodia. I would like to read for you Article 545.

9 [15.15.47]

10 "The false testimony made after the oath before the Chamber or
11 before the judicial police who acted in the framework of rogatory
12 letters shall be punished for two to five years in prison and
13 shall be fined for 4 million riel to 100 million riel. And the
14 witness shall be exempt from any punishment if he will -- he or
15 she retracts his or her testimony spontaneously and only speaks
16 the truth before the decision terminating the investigating or
17 trial procedure has been made." Thank you, Mr. President.

18 MR. PRESIDENT:

19 Mr. International Co-Prosecutor, you may proceed.

20 BY MR. KOUMJIAN:

21 Q. Mr. Witness, your fellow Cambodians are in the audience
22 listening. The victims of the crimes are listening. Can you tell
23 us, were you appointed the district -- to the District Committee
24 of Tram Kak?

25 [15.17.20]

1 MR. NEANG OUCH:

2 A. I answered to you. Ta Mok, who called me from Kaoh Andaet to
3 work at Tram Kak to be the assistant to help with some activities
4 in Tram Kak. So, in Tram Kak, I was staying in Leay Bour. At that
5 time, Ta Chay was the Secretary of Tram Kak district. It was Ta
6 Chay who was Secretary of Tram Kak district and Yeay Cheat and
7 another person -- I don't recall, but I followed Ta Mok's
8 instructions to work in the dam construction, canal construction,
9 worksite, and so on. Later after that, Ta Chay was sent to
10 Battambang province and I don't know what happened to Yeay Cheat,
11 but he was no longer at the District Office. And the remaining
12 were Yeay Boeun and me and Ta Ran was the one who became
13 Secretary and in charge of Tram Kak district.
14 Ta Mok did not declare that I become the Secretary of the
15 district, so those witnesses who said earlier -- so they may
16 confuse or they may -- made a mistake to refer to me as the
17 Secretary. But, in fact, I was not officially assigned as a
18 District Secretary at all.

19 [15.19.20]

20 Q. You worked on the committee with Kit -- Ta Kit -- is that
21 correct?

22 A. At the beginning, Ta Kit was there. He was the Secretary of
23 Tram Kak district and later he went to Kandal province and then
24 Ta Chay became the Secretary of the district and Yeay Cheat,
25 including myself who was sent to help with other activities in

1 Tram Kak district.

2 Q. And you told us that in the end it was only you and Yeay Boeun
3 in the committee. Is that -- is that -- do I understand your
4 testimony correct?

5 MR. PRESIDENT:

6 Please hold on, Witness. Mr. Kong Sam Onn, you may proceed.

7 MR. KONG SAM ONN:

8 Thank you, Mr. President. I would like to object this question
9 because it is repetitive question. The witness has already
10 indicated that he was at Tram Kak as assistant and Ta Ran who was
11 from the sector who became the Secretary of that office. Thank
12 you.

13 [15.20.51]

14 MR. KOUMJIAN:

15 Well, that's a different understanding than I had, which is
16 perhaps why the question may be necessary. I recall the witness
17 saying specifically that when someone left -- Cheat -- it was he
18 and Yeay Boeun that were left. Can I clarify with the witness?

19 MR. PRESIDENT:

20 The objection by the defence counsel does not sustain.

21 Witness, please respond to the question put to you by the
22 International Co-Prosecutor because the Trial Chamber need to
23 listen to your testimony in response to this question.

24 MR. NEANG OUCH:

25 A. I was at Tram Kak district with Yeay Boeun.

1 BY MR. KOUMJIAN:

2 Q. So it was just the two of you after Cheat and Kit had left? Is
3 that right?

4 MR. NEANG OUCH:

5 A. Ta Kit left the district already.

6 [15.22.18]

7 Q. Mr. Witness, I thought you said "bat" -- you said yes before
8 the microphone went on. Is that correct? Did you say yes to the
9 question?

10 A. I responded that Ta Kit has -- had already left.

11 Q. So it was you and Yeay Boeun that were left alone at the
12 committee; is that correct? Yes or no?

13 A. I was there with Yeay Boeun at the district and Ta Ran was
14 from the sector who came and took charge over the district.

15 Q. What was your position at that time?

16 A. No one had ever announced my position.

17 Q. Did you carry out the work of the District Committee and
18 report to Sector 13?

19 A. I reported to Ta Ran and Yeay Boeun was also reporting to Ta
20 Ran.

21 [15.24.29]

22 Q. Ran was the Sector 13 Committee Chief; correct?

23 MR. PRESIDENT:

24 International Co-Prosecutor, could you please ask the question
25 again?

1 BY MR. KOUMJIAN:

2 Ran, you told us earlier, was the Sector 13 Committee Chief; is
3 that correct?

4 MR. NEANG OUCH:

5 A. I don't know whether he was the Secretary or the Deputy or the
6 Secretary, but I saw him only him at the sector and he was
7 assigned also to take charge of Tram Kak district.

8 Q. The commune chiefs sent their reports to you -- the commune
9 chiefs from District 105; correct? After the others left -- Kit
10 and others left -- and it was you and Yeay Boeun, the commune
11 chiefs reported to you; correct?

12 A. I did not receive any report but we would meet at the District
13 Office.

14 [15.26.34]

15 Q. Now, I'll move on and I'd ask to show you some documents and
16 the first one is E32424, specific --

17 MR. PRESIDENT:

18 Your request is granted, Co-Prosecutor.

19 MR. KOUMJIAN:

20 If we could show on the screen -- in English it is 00322149, and
21 it is the right hand section of the Khmer ERN 00271029.

22 Perhaps again, to clarify, the ERN I have for Khmer is 00271028
23 to 29. The portion I'm interested in is on 29, on the right hand
24 side.

25 [15.28.24]

1 MR. PRESIDENT:

2 Please look at the ERN on the document. Is it correct? E/2424
3 (phonetic), is this the correct document?

4 THE INTERPRETER:

5 Correction, Interpreter: E3/2444.

6 MR. KOUMJIAN:

7 Correct.

8 Sir, there's a note on the right hand -- it's on the left side of
9 the page that has the ERN 00271028. It's on the right side of the
10 page with the next ERN 00271029. It says:

11 "To my beloved comrade An (for your information).

12 I would like the comrade brother to communicate and take this
13 person to Srae Ronaung commune and question him to clarify for
14 his network to find out to whom he was with when he was in Srae
15 Ronaung for three months. And also who else were in his enemy
16 network. Then, send me his answer. Signed: San"

17 Do you recognise this document?

18 [15.30.20]

19 MR. PRESIDENT:

20 Counsel Kong Sam Onn, you can proceed.

21 MR. KONG SAM ONN:

22 Thank you, Mr. President. I'd like Mr. President to instruct the
23 Prosecution to clarify the document number because in document
24 E3/2424 there is nothing to the effect as stated by the
25 Co-Prosecutor.

1 MR. KOUMJIAN:

2 The document I have is E3/2444. The ERN in English is 00322149,
3 and it indicates, on that page, that it's a translation of ERN
4 00271028 to 29. This is a note that apparently was -- according
5 to the note -- it's on the right hand section of the Khmer, ERN
6 00271029.

7 [15.31.33]

8 BY MR. KOUMJIAN:

9 Q. Sir, I don't expect you to remember everything that happened
10 almost 40 years ago.

11 Do you recognise -- is that a document that you sent? A note that
12 you wrote?

13 MR. NEANG OUCH:

14 A. The only thing I can see in this document is Khun (phonetic)
15 and then on this page there is another person by the name of Khun
16 (phonetic). That is all I can see.

17 MR. KOUMJIAN:

18 I'll let my national colleague explain.

19 MS. SONG CHORVOIN:

20 Mr. Witness, you have a document in your hand. Is it E3/2444? If
21 so, at ERN with ending number 1029 and to the right of that
22 document there is a black part, it's a bit darker and that is
23 what has been read out in English by the International
24 Co-Prosecutor. Do you see it on the document that you have in
25 your hand?

1 MR. NEANG OUCH:

2 It is unclear to me as it is a little bit too dark to read out.

3 [15.33.25]

4 MS. SONG CHORVOIN:

5 Allow me to read it once again to you. And let me have a direct
6 quote:

7 "To beloved comrade An:

8 I would like the comrade to communicate and take this person in
9 Srae Ronaung commune and question him to clarify for his network
10 to find out to whom he was with when he was in Srae Ronaung for
11 three months. And also who else were in his enemy network. Then,
12 send me his answer." Signature: "San 2/2."

13 BY MR. KOUMJIAN:

14 Q. So, do you recognise this as a note you wrote?

15 MR. NEANG OUCH:

16 A. No, I do not recognise this handwriting.

17 [15.35.08]

18 MR. KOUMJIAN:

19 I'd like to give the witness E3/2453; in English, the page with
20 the ERN 00388577; and in Khmer, ERN 002707773; and the next page,
21 74. The document number again is E3/2453.

22 May I have the document given to the witness?

23 MR. PRESIDENT:

24 Yes, you may.

25 BY MR. KOUMJIAN:

1 Q. Do you have the page that ends in 773 and 774? There is a note
2 that says:

3 "Brother Kit, be advised.

4 As for Phuong Phalla and Pen Aun, I have decided to have Comrade
5 Brother Chaom send them to the District 105 Police." Signed:

6 "San". And it appears to be dated 18 October. The date just above
7 it is 18 October, '77, in the note above it.

8 First of all, Mr. Witness, you know Chaom (phonetic); is that
9 correct? He was the chief of the Angk Ta Saom commune, is that
10 right?

11 MR. NEANG OUCH:

12 A. Yes, I knew him. He was the Angk Ta Saom commune chief.

13 [15.38.28]

14 Q. Well, did you send Kit? Before Kit left Tram Kak, did you send
15 Kit this note regarding two individuals and asking that Brother
16 Chaom (phonetic) send them to the District 105 Police?

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

18 Q. In October 1977, Kit was still on the committee in Tram Kak;
19 correct? This was only about four months after you arrived. You
20 arrived in June. In October, Kit was still on the committee in
21 Tram Kak; is that correct, Mr. Witness?

22 A. When I arrived at Tram Kak, Ta Kit was still the District
23 Secretary.

24 [15.39.48]

25 MR. KOUMJIAN:

1 So, I'd like to go now to another document that's at the --
2 another page of the same document that's at the end, the very end
3 of that document, 2453 -- E3/2453, the very last pages. If those
4 can be given to the witness? Your Honour, may this be passed to
5 the witness?

6 MR. PRESIDENT:

7 Yes, you can do that.

8 BY MR. KOUMJIAN:

9 Q. You will see on the first of these pages, it's a report.
10 Beginning, it says, "Wish to respectfully report to the District
11 base area party as follows: 1. Enemy situations." I'm not going
12 to read it all, but it ends saying, "May the Party be informed
13 about the four of them" and lists four individuals "and provide
14 us information on whatever the Party decides." The four
15 individuals were listed as a pilot, a secretary of a war material
16 warehouse, a military police chief and a corporal. And then, at
17 the very end, we see a note:

18 "To comrade Brother Kit: I have decided that these four persons
19 should be arrested." Signed: "San."

20 Did you write that note to Kit? Again, the 18 of October 1977.

21 MR. NEANG OUCH:

22 A. I found that portion that you read out, but I cannot recall
23 it.

24 [15.42.28]

25 MR. KOUMJIAN:

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1 Let me keep moving, because we're running out of time. So, I'll
2 go to another document E32785 -- E3/2785. I'm interested in what
3 appears at English, ERN 00322192. May that be given to the
4 witness, please?

5 MR. PRESIDENT:

6 Mr. International Co-Prosecutor, could you please give the ERN
7 again, and please do it in the three official languages.

8 MR. KOUMJIAN:

9 In English, I have it's at 00322192 to 193; in Khmer, 000791914
10 and 15; and in French, 00753636 -- 00753636.

11 [15.44.01]

12 MR. PRESIDENT:

13 Yes, you may proceed.

14 Duty Counsel, please put aside the previous documents and please
15 review the document that has just been delivered by the Court
16 officer.

17 BY MR KOUMJIAN:

18 Q. Just to be clear, I'm interested in the second page of the two
19 I gave, so in English, ending in 93; ending in Khmer 15, the very
20 end of this. There is a note that reads:

21 "To you comrade Brother An, please be informed.

22 The above-mentioned persons were (trying) to escape to Yuon
23 (Vietnam) along with other previous contemptible (arrestees).

24 Dated: 7-3 San."

25 Sir, did you write this note?

1 [15.45.41]

2 MR. NEANG OUCH

3 A. Regarding this note which was written on the 7th of March, if
4 you look at the handwriting, it is not my handwriting.

5 Q. So what is not your handwriting? How about the signature at
6 the very end, "San", is that your handwriting?

7 A. The signature that is in the form of a name is my name.
8 However, the handwriting is not my handwriting, as I just stated.

9 MR. KOUMJIAN:

10 Mr. Witness, I'll show you another document, and that is E3/2423.
11 Your Honour, I have several documents. May I have permission to
12 keep handing these to the witness so that he may view them before
13 I ask any questions?

14 [15.46.56]

15 MR. PRESIDENT:

16 Yes, in fact, you can give the documents in batch, but you need
17 to give all the references -- that is, the ERN numbers in all
18 three official languages before you deliver them.

19 MR. KOUMJIAN:

20 Thank you. I think, with Your Honour's permission, I think I'll
21 deliver them one by one, because otherwise it may confuse me or
22 the witness. So, this one is E3/2423. At Khmer, the ERN is
23 00079128; in French, it's 00611732; and in English, it's
24 00322210; and the document reads:

25 "1. Interrogate the contemptible Hul, Second Lieutenant, and ask

1 him to find out his network. When he fled to Phnom Chruos Chrey
2 (Chruos Chrey Mountain), whether he had his network in Chamkar
3 Sieng or not? What are their names?

4 2. Concerning the name Sean, who was sent there yesterday, I
5 would like to also ask Comrade elder brother to interrogate to
6 find out his network of assignment, and ask him who else has been
7 assigned?

8 What will be the activities?

9 Elder brother, please, inquire about everything with them. San"
10 Do you recognize this note?

11 [15.49.40]

12 While you're reading that, I'd just advise Your Honours that
13 there is -- Mr. Witness, I'll also advise you that there's
14 another document in this case, a notebook, E3/4083, that has a
15 prisoner list with --

16 MR. PRESIDENT:

17 The International Co-Prosecutor, the witness has not yet
18 responded to your question. But, in fact, he responded, but the
19 microphone was not yet operational.

20 And, Mr. Witness, please respond to the last question asked by
21 the Co-Prosecutor, if you recall it. Otherwise, you may request
22 the question be put to you again.

23 [15.50.34]

24 MR. NEANG OUCH:

25 A. Yes, I can recall the question -- whether I recognize the

91

1 handwriting, and I replied that it was not my handwriting.

2 MR. KOUMJIAN:

3 Sir, time is running out today. I'm going to show you today one
4 more document, E3/4093. In English, it's 00831486; in Khmer,
5 00279786 and 87. The document number again is E3/4093, and the
6 French - French, ERN is 00729674.

7 May I have the copy given to the witness, please?

8 MR. PRESIDENT:

9 Yes, you may proceed.

10 [15.52.12]

11 BY MR. KOUMJIAN:

12 Q. Sir, first, let's look at the signature. That's your signature
13 just above the date, 7 August, correct?

14 MR. NEANG OUCH:

15 A. The name is my name, but the handwriting is not mine.

16 Q. Sir, was there any other San in District 105 in 1977, 1978, in
17 the District Committee offices?

18 A. Please, put the question again.

19 Q. You were the only San in the Tram Kak District Committee
20 offices, correct?

21 MR. PRESIDENT:

22 Mr. International Co-Prosecutor, please do not rush your
23 questions, because the French channel is not fully complete.

24 [15.54.10]

25 BY MR. KOUMJIAN:

1 Thank you. At the end of the day, I think I am rushing. I'll slow
2 down.

3 Q. Sir, you were the only San, person with the name San in the
4 Tram Kak District Committee offices. Is that true or is there
5 some other San that no one has ever mentioned?

6 MR. NEANG OUCH:

7 A. In the district, there was myself San; however, there were
8 also other men by the name of San at the commune, but I'm not
9 sure, because they were older than me, so probably they have all
10 died.

11 Q. There was no other San working in the District Committee or
12 with the District Committee, was there?

13 A. As for other men with the name of San, they were not part of
14 the District Committee, they were at the commune level.

15 [15.55.31]

16 Q. This note is addressed to Beloved Comrade Chhoeun. Who was
17 Chhoeun?

18 A. Chhoeun was Chief of the District Office. And at that time, he
19 was much older than me.

20 Q. Who was Ming (phonetic), Comrade Ming (phonetic)? Mr. Witness,
21 do you remember a Ming (phonetic) who ran a prison near Angk
22 Roka? Ming (phonetic).

23 A. No, I cannot recall that.

24 Q. Let me read this note and see if you can explain this note to
25 us:

1 "Beloved Comrade Chhoeun,

2 With regard to prisoners from Cheang Tong commune, request to
3 send any children that cannot be separated from their mothers.

4 Any bigger children that have already gone to the mobile units or
5 children's units, [request to] let them stay there and take just
6 the mothers. But if children cannot be separated from their
7 mothers, [request to] bring them in for interrogation, and after
8 everything is finished, sweep them all clean.

9 As for the widows from Trapeang Thom Khang Cheung who are
10 currently staying at the place of Comrade Meng (phonetic),
11 request to sweep them all clean."

12 Sir, you were a teacher, an educated man, working in the District
13 Office. What do the words "sweep them all clean" mean?

14 A. I cannot provide you with an explanation.

15 [15.58.44]

16 Q. What does that mean? You can't explain why this crime was
17 committed or you can't explain what the words "sweep them all
18 clean" mean? "Sweep them all clean", Mr. Witness, do you know, is
19 it correct, means to kill? It was understood during the DK regime
20 that those words were equivalent of to kill. Do you agree with me
21 or not?

22 Do you want to speak to your lawyer? Do you need time to speak to
23 your lawyer? Perhaps you could speak to him overnight. This might
24 be an appropriate time to break then.

25 Do you want to answer the question or do you want to speak to

1 your lawyer?

2 A. I'd like to consult with my counsel.

3 [16.00.13]

4 MR. KOUMJIAN:

5 Your Honour, this would be probably an appropriate time to break
6 for the day.

7 MR. PRESIDENT:

8 Will you be able to consult with your duty counsel now, Mr.

9 Witness, or you need additional time to consult with your lawyer?

10 MR. NEANG OUCH:

11 I need more time to consult with my duty counsel, and I wish to
12 respond to that question tomorrow.

13 MR. PRESIDENT:

14 Thank you. We now come to the end of today's proceedings and we
15 will resume tomorrow morning -- that is, 10th of March 2015,
16 commencing from 9 o'clock in the morning. And again, tomorrow the
17 Chamber will continue to hear the testimony of witness Neang
18 Ouch. This information is for the relevant parties and for the
19 public.

20 [16.01.34]

21 And Mr. Neang Ouch, the Chamber thanks you for your testimony;
22 however, it has not yet concluded, and for that reason, you are
23 invited to return to the Chamber tomorrow morning.

24 And Court officer, please make an arrangement with WESU for the
25 transportation of Neang Ouch to his residence and invite him to

1 return to the courtroom tomorrow morning before 9 o'clock.

2 Likewise, the duty counsel is also invited by the Chamber
3 tomorrow morning for your consultation during the testimony of
4 your client.

5 And security personnel, you are instructed to take the two
6 Accused back to the detention facility and have them returned to
7 the courtroom prior to 9 o'clock tomorrow.

8 The Court is now adjourned.

9 (Court adjourns at 1602H)

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