



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

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 10-Apr-2015, 08:20  
CMS/CFO: Sann Rada

**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**

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

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

2 February 2015

Trial Day 236

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

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:  
Victor KOPPE  
SUON Visal  
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:  
SE Kolvuthy  
Maddalena GHEZZI

Lawyers for the Civil Parties:  
PICH Ang  
Marie GUIRAUD  
LOR Chunthy  
CHET Vanly  
VEN Pov

For the Office of the Co-Prosecutors:  
SENG Bunkheang  
SONG Chorvoin  
Dale LYSAK  
Travis FARR

For Court Management Section:  
UCH Arun  
SOUR Sotheavy

I N D E X

MS. CHEANG SREIMOM (2-TCW-834)

Questioning by Mr. Koppe resumes .....page 3

Questioning by Mr. Kong Sam Onn.....page 12

MR. KEV CHANDARA (2-TCW-964)

Questioning by the President .....page 24

Questioning by Mr. Farr.....page 28

Questioning by Ms. Guiraud.....page 64

Questioning by Mr. Suon Visal .....page 68

Questioning by Mr. Koppe.....page 75

Questioning by Mr. Kong Sam Onn.....page 98

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MS. CHEANG SREIMOM (2-TCW-834)	Khmer
MR. FARR	English
MS. GUIRAUD	French
MR. KEV CHANDARA (2-TCW-964)	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. SONG CHOIRVOIN	Khmer
MR. SUON VISAL	Khmer

1 PROCEEDINGS

2 (Court opens at 0905H)

3 MR. PRESIDENT:

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

5 Today we will hear the remaining testimony of the civil party,  
6 Cheang Sreimom, and we will commence to hear the testimony of a  
7 witness, 2-TCW-964.

8 The greffier, Ms. Se Kolvuthy, could you report the attendance of  
9 Parties and individuals to today's proceedings.

10 [09.06.26]

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all parties to this case  
13 are present, except for Mr. Vercken --Vercken. The Khieu Samphan  
14 counsel is absent due to his health and Mr. Nuon Chea is in the  
15 holding cell downstairs as he waives his presence in the main  
16 courtroom. The waiver has been delivered to the greffier.  
17 And the witness, Cheang Sreimom, is ready and is in the courtroom  
18 and the upcoming witness -- that is, 2-TCW-964, confirms, to his  
19 knowledge, he has no relationship by blood or by law to any of  
20 the two Accused -- that is, Nuon Chea and Khieu Samphan, or to  
21 any of the civil parties admitted in this case. This witness  
22 already took an oath before the Iron Statue this morning and is  
23 waiting to be called by the Chamber in the waiting room. Thank  
24 you.

25 [09.07.48]

1 MR. PRESIDENT:

2 Thank you.

3 The Chamber now decides on the request by Nuon Chea. The Chamber  
4 received the waiver by Nuon Chea, dated 2nd February 2015, which  
5 states that due to his health -- that is, headache, backache and  
6 cannot sit for long or concentrate for long -- and in order to  
7 avail himself for effective participation in the future hearings,  
8 he waives his direct presence in this main courtroom on the 2nd  
9 February 2015, and he advised that his counsel advised him about  
10 this waiver and this waiver does not mean he waives his right to  
11 a fair and just trial or objection to any of the evidence  
12 presented before this Court.

13 [09.08.55]

14 And the Chamber also received the medical report of Nuon Chea by  
15 the duty doctor, dated 2nd February 2015, who notes that the  
16 health condition of Nuon Chea today is that he has a constant  
17 backache and cannot sit for long and recommends that the Chamber  
18 shall allow him to follow the proceedings remotely from a holding  
19 cell downstairs.

20 And based on the aforementioned, and in pursuant to Rule 81.5,  
21 the Chamber grants Nuon Chea's request to follow the proceedings  
22 from a holding cell downstairs through a remote means for today's  
23 proceedings.

24 And as he also waives his right to be present in this courtroom,  
25 the Chamber instructs the AV Unit to link the proceedings to the

3

1 holding cell downstairs so that Nuon Chea can follow the  
2 proceedings. And that applies for the whole day proceeding today.  
3 [09.10.10]

4 And the Chamber advises the Parties that WESU's current practice  
5 is to brief witnesses prior to their attendance in Court, at  
6 which time they also explained about protective measures. Any  
7 matters which arise during this initial briefing are referred to  
8 the Trial Chamber. Given the enhanced likelihood in Case 002/02  
9 of encountering witnesses who require special measures, including  
10 closed session due to the nature of the alleged offences, in  
11 particular sexual violence, the Trial Chamber has instructed WESU  
12 to specifically inform witnesses and civil parties who may have  
13 such concerns, that measures may be available, pursuant to the  
14 ECCC internal rules and Article 316 of the Cambodian Code of  
15 Criminal Procedure, including closed session where warranted. The  
16 Trial Chamber invites the Parties to alert WESU to any potential  
17 concerns in this regard prior to the hearing of the relevant  
18 witness or civil party.

19 And we now hand the floor to Khieu Samphan's defence to put  
20 questions to this witness, Cheang Sreimom. You may proceed and  
21 for the combined defence teams, you will have the time this  
22 morning until we rest for break.

23 [09.12.30]

24 QUESTIONING BY MR. KOPPE:

25 Thank you, Mr. President. Good morning, Your Honours. The Khieu

4

1 Samphan team was kind enough to grant us an extra 50 minutes,  
2 taking from their time so I will continue asking questions to the  
3 Witness.

4 Madam Witness, I would like to show you a document on the screen.  
5 For the Parties, I'm referring to E3/1398; English, ERN 00814500;  
6 and Khmer, 00065933. So it's the first page of the document.

7 Q. Do you see anything on the screen, Madam Witness, or not yet?

8 Madam Witness, do you see something on the screen?

9 MRS. CHEANG SREIMOM:

10 A. Yes, I do.

11 Q. Do you recognise this document?

12 A. I recognise this document but I cannot recall it well.

13 (Short pause)

14 [09.15.08]

15 MR. PRESIDENT:

16 The Deputy International Co-Prosecutor, you may proceed.

17 MR. LYSAK:

18 Thank you Mr. President. First, we didn't -- perhaps the witness  
19 did -- we didn't see anything on the screen as to what was shown.

20 I also think that if he's going to ask -- if counsel is going to  
21 ask the witness to identify a document, he should give her a copy  
22 of it too so she can see the entire document and not just what is  
23 shown on the screen.

24 MR. KOPPE:

25 I wanted to save the environment and not print because it's a

5

1 huge copy. I'm willing to -- the prosecutor will help me.

2 MR. PRESIDENT:

3 Court officer, could you take the document from the International  
4 Co-Prosecutor for the witness examination?

5 [09.16.10]

6 MR. KOPPE:

7 Mr. President, I actually also didn't see it on the screen. Could  
8 I have your permission to have it on the screen so that everybody  
9 who is looking -- who is watching can see it on the screen?

10 MR. PRESIDENT:

11 Yes. And Court officer, could you liaise with the AV Unit so that  
12 such a presentation on screen is available on those desktops of  
13 the concerned parties?

14 BY MR. KOPPE:

15 Q. Madam Witness, I will -- while that is being done technically  
16 -- continue with my questions.

17 Did I hear you correctly saying that you recognise the document  
18 but don't remember it or maybe you could expand a little bit on  
19 your answer?

20 MS. CHEANG SREIMOM:

21 A. I apologise. In fact, I have not seen this document and this  
22 is the first time that I see it on the screen.

23 [09.17.40]

24 Q. You testified earlier that you have been a teacher, that you  
25 have been teaching children how to read and write. Do you



6

1 remember when you were teaching that you used similar documents  
2 like the one that I have shown to you?

3 A. I cannot recall it that well. While I was teaching at the  
4 time, it was not based on actual hard copy documents or books. I  
5 taught some letters and alphabets.

6 Q. So you didn't actually use textbooks provided by the  
7 authorities; is that correct?

8 A. There were no real textbooks at the time.

9 Q. Would you be able to give us some more exact dates as to when  
10 you were teaching? Which years, starting 17 April '75, have you  
11 been teaching children?

12 A. I cannot recall the exact date. However, I recall that I  
13 taught during 1975 and 1976. It was not a full-time teaching. I  
14 looked after the children and fed them food and led them to  
15 engage in labour and I only did the teaching when the actual  
16 teachers were absent or went somewhere, so I actually only  
17 assisted in teaching only when the teachers were not there.

18 [09.20.30]

19 Q. Did you ever hear the teachers teach the children? Could you  
20 understand what they were teaching the children?

21 A. They taught younger children how to spell and pronounce words  
22 and to teach them songs and to add and to lead them to engage in  
23 labour.

24 Q. Did you ever hear the teachers teach on the subject of the  
25 Kampuchean nation? What consists of the Kampuchean nation in '75

7

1 and '76? Which people belong to the Kampuchean nation?

2 A. Could you please repeat your question? I am not really  
3 understanding it well.

4 Q. I'll rephrase my question to make it more concrete, also  
5 considering the time, Madam Witness.

6 Did you ever hear the teachers teach the children that the  
7 Kampuchean people referred to people of all ethnic origins,  
8 including all the Khmer and other ethnic minorities?

9 A. As for those teachers, while they were teaching, in fact, they  
10 taught at a different location and I did not listen to the  
11 subject matters being taught by those teachers.

12 [09.22.59]

13 Q. Alright, Madam Witness. I'll move on to my last topic, also  
14 considering the time. That is about your marriage.

15 Do you remember whether you ever heard -- maybe during education  
16 sessions or meetings -- guidelines from Angkar in relation to the  
17 matter of family building?

18 A. During the time that I married, I didn't get such advice or  
19 instruction from the leaders. They didn't tell me anything about  
20 that.

21 Q. So there were never meetings or any other means of  
22 communication to you, how to choose a spouse?

23 A. Before I got married, during those meetings, we were told that  
24 we gave ourselves to Angkar -- or sacrificed for Angkar -- and  
25 whenever Angkar - or, whatever position or assignment Angkar

8

1 assigned us to. For example, to be a soldier or to go the battle  
2 field, we should not oppose such assignment as we had given  
3 ourselves to Angkar. And that's what I can recall during those  
4 meetings before I got married. There were other contents of the  
5 meetings but the meetings happened so long ago, I cannot recall  
6 them all.

7 [09.25.18]

8 Q. Did you hear Angkar say, for instance, during meetings or  
9 whenever, don't choose recklessly all over the place, do not go  
10 helter-skelter in a rush and that it is imperative to choose  
11 someone who has a solid revolutionary stance. In other words, did  
12 you hear things from Angkar about choosing a future spouse?

13 A. On choosing a spouse, I did not receive any instruction. For  
14 women and men we married, it was solely organised by the upper  
15 Angkar and we only knew during that wedding ceremony that it was  
16 announced that which woman to be married to which man. As in my  
17 case, we were not told when that we were to be married or whether  
18 we were allowed to choose our future spouse. It was Angkar who  
19 made the entire organisational arrangement. And even on that  
20 wedding day, we were only called to attend that meeting and we  
21 were not even aware that it was our wedding. And only then we  
22 were informed that we were chosen to be married.

23 [09.27.16]

24 Q. My last question, Madam Witness, and maybe I simply don't  
25 understand it because I come from another culture, but as you've

9

1 testified before you stayed married after 1979, you had two  
2 children with your husband after 1979, you're still together with  
3 him happily married, as you testified. Can you explain that to me  
4 in the light of the fact that you didn't choose your husband,  
5 that your husband was forced upon you?

6 A. I'd like to say that for my husband, he did not force upon me,  
7 but we decided to get along, to be together. Whoever selected by  
8 Angkar to marry, we could not oppose it. We had to decide to  
9 follow and to agree and to be together regardless whether there  
10 was love in between the couple. Although we physically stayed  
11 together as a husband and wife, but inside, our feeling was  
12 different. But because of the fear, we decided to follow the  
13 instruction of Angkar; otherwise we would be in danger -- that  
14 is, fatal danger. And that's also due to the implication of my  
15 family background. There was a saying at the time that to dig out  
16 the grass, we have to dig out its root too. So because my father  
17 was killed, I was a subject to be monitored and for that reason I  
18 could be the next person to be killed.

19 [09.29.40]

20 MR. KOPPE:

21 Thank you, Madam Witness.

22 MR. PRESIDENT:

23 Counsel Kong Sam Onn, please wait a little bit, and Judge  
24 Lavergne, you may proceed.

25 JUDGE LAVERGNE:

10

1 Thank you, Mr. President.

2 For the record, for the purposes of today's transcript, the civil  
3 party was produced a document, E3/388 by Counsel Koppe and this  
4 document was produced for the first time in 1977. Is that  
5 correct, Counsel Koppe?

6 [09.30.48]

7 MR. KOPPE:

8 I'm not sure if I got the translation of the E3 -- it is E3/1398.  
9 It says on the cover "Ministry of Education, Democratic  
10 Kampuchea, second grade, first edition 1977", it seems.

11 JUDGE LAVERGNE:

12 Thank you. That's all I wanted to make note of. I just wanted to  
13 make sure that it was properly recorded in today's transcript.

14 MR. KOPPE:

15 In fact, Mr. President, the questions that I asked about the  
16 possibility of choosing were relating from a document which was  
17 not on the interface but which is on the case file -- that is,  
18 E3/775.

19 MR. PRESIDENT:

20 The Co-Prosecutor, you may proceed.

21 [09.32.01]

22 MR. LYSAK:

23 And just to make sure the record is clear, the document counsel  
24 just identified, to my understanding, was a -- came from a  
25 "Revolutionary Flag" or "Revolutionary Youth" issue which is

11

1 something that would only be provided to Party members or cadres.

2 MR. PRESIDENT:

3 Thank you.

4 MR. KOPPE:

5 Excuse me. I am not quite sure what the relevance of that remark  
6 is. It's pleading. It's evidence. I'm not sure. How does he know?

7 MR. LYSAK:

8 Mr. President, it's well established by--

9 [09.32.51]

10 MR. PRESIDENT:

11 Please hold on. Now, please make it clear so that the Chamber can  
12 take your submission so that we can save our time. The Chamber  
13 wishes to hear the remark by the party and one party should take  
14 only one occasion to address the Court, so if we keep exchanging  
15 from one to another we may spend more time, so we would like to  
16 finish this witness this morning and maybe we cannot finish the  
17 next witness for today or tomorrow. So, could you please  
18 understand and mindful with this arrangement. So, if you were a  
19 witness yourself, so you may feel uncomfortable so please make it  
20 clear for the Court so we can have a proper ground to rule or to  
21 respond, so please.

22 MR. LYSAK:

23 Thank you, Mr. President. I simply wanted to respond to the issue  
24 he raised. My point would be that if you're going to submit  
25 evidence to a witness from a document, I would -- believe you

12

1 should identify that ahead of time. To submit evidence from a  
2 "Revolutionary Flag" issue, which we all know from testimony that  
3 has already been before this Court, was something only circulated  
4 to Party members, would not be appropriate to submit to this  
5 witness. And that is just something that I wanted to make clear,  
6 on the record, since counsel has now identified a document.

7 [09.35.05]

8 MR. PRESIDENT:

9 Thank you for your remark.

10 And Mr. Kong Sam Onn, you may now proceed your questioning.

11 QUESTIONING BY MR. KONG SAM ONN:

12 Thank you, Mr. President, Your Honours, and good morning witness  
13 Cheang Sreimom. I have a number of questions to ask you following  
14 other parties.

15 Q. I would like to know the location when you were interviewed  
16 and gave testimony to the investigator. Did you give your  
17 interview in Kamsei or in Ruessei village? Because I saw that you  
18 gave a contradictory report on the location on your statement.

19 MS. CHEANG SREIMOM:

20 A. The location of that interview was in the morning. I was  
21 interviewed in Kamsei village and later, on the last day, I was  
22 interviewed at my home in Ruessei Srok village.

23 [09.36.48]

24 Q. Thank you. And I would like to ask you your relation to your  
25 work before you made the declaration for the marriage, for your

13

1 marriage. And you said you were the teaching assistant and then  
2 you taught the children. So can you tell the Court how long did  
3 you work as an assistant, and also a teacher during that time?

4 A. I don't remember very well, but I recall that I was in  
5 children's unit in 1976. In 1977, I was married.

6 Q. Thank you. Can you indicate that your work you spent for one  
7 year, or less than one year? Is it possible for you to indicate  
8 that?

9 A. Yes, perhaps one year.

10 [09.38.26]

11 Q. Thank you. Witness, how many people were in the children's  
12 unit?

13 A. The colleagues or co-workers, there were less than 10 people  
14 altogether. I forget something because I did not take notes,  
15 because I did not anticipate that I would testify in the future,  
16 something like that.

17 Q. Thank you, Witness. Do you remember who was the unit chief?

18 A. The female unit chief --

19 Q. I am sorry; I would like to know the name of the chief of the  
20 children's unit.

21 A. The chief of the children's unit was Phorn, but I don't  
22 remember the family name.

23 Q. What was the structure of the children's unit, who was the  
24 chief and deputy chief and so on? Can you tell the Court a bit  
25 more detail?



14

1 A. I don't know the structure, I simply know that Phorn was the  
2 one who was in charge, and other people would lead children to do  
3 certain work. And Phorn was the chief who supervised everyone  
4 else.

5 [09.40.52]

6 Q. Thank you. Can you tell the Court your specific position, or  
7 your role? Or you can tell the Court what job you did during the  
8 period of perhaps one year at that time?

9 A. When I was working in the children's unit I was in charge of  
10 the economic section. I would collect vegetables and other food  
11 to cook for other people, for other members. I was working in an  
12 economic section. My main task was to collect vegetables and food  
13 for cooking. And I was also assigned to help with teaching when  
14 one of the teachers was absent. And I was in charge of a group of  
15 children, to supervise them, the members while they are doing  
16 labour.

17 Q. Thank you. Can you tell the Court who were other teachers in  
18 your group or in your unit?

19 A. I forget some of them. I remember Yat (phonetic), Keo Chea  
20 (phonetic), Phal (phonetic) and Chan Siyeon (phonetic).

21 [09.43.08]

22 Q. I would like to know whether these names you have just told  
23 the Court were all teachers. Is this correct?

24 A. (No interpretation)

25 Q. Did you know what they teach, or what they taught to those

15

1 children in the class during that time?

2 A. At that time when those teachers taught in a class, but I had  
3 a separate task because they were teaching at separate places, I  
4 did not hear their teaching, because I would spend most of my  
5 time collecting food and vegetables for the economic section.

6 Q. Thank you, Witness. And I would like now to move to the  
7 marriage, to your marriage.

8 Before you were married you heard from your unit chief and you  
9 told the Court earlier that you were told -- you went to a pagoda  
10 and you prayed before the Buddha statue. I want you to tell me  
11 the prayer you made that make Buddha help to the marriage to  
12 happen or not to happen, if it -- a good future husband, may God  
13 help it to happen. When you -- when you did that prayer, were you  
14 answered on how to make the declaration of your marriage or your  
15 commitment to marriage?

16 [09.45.45]

17 A. During the announcement of commitment for marriage, I was  
18 talking not from my mind, because Angkar told me immediately  
19 before that, I was shocked. And I was given a short time to dress  
20 up, to dress before that. So I was thinking that I am not happy  
21 with the marriage, but I have no choice but to follow the  
22 instruction. And then I took a short time to the Buddhist temple  
23 -- there was no monk. And I did that prayer. So I thought to  
24 myself I cannot oppose, so I had to follow the instructions, so I  
25 prayed to the Buddha statue. So I was saying that if my future

16

1 husband would be a bad person, please help not to make this  
2 marriage happen. I did that because I had no choice, because I  
3 know for sure that I have no other choice.

4 Q. Thank you. And I would like you to tell me what happened after  
5 your marriage. You told the Court earlier that after your  
6 marriage you went to work differently at different places than  
7 your husband. And at another point in time, you were arranged to  
8 live in the same house. So how long before you were arranged to  
9 live in the same house again after your marriage?

10 [09.48.29]

11 A. The house was arranged for us to live together; it was really  
12 a short period of time after our marriage. It was probably a  
13 week, or two weeks after the marriage. And later I was assigned  
14 to work in my unit, and my husband was assigned to work in his  
15 unit, which was in a separate place.

16 Q. Thank you. Can you tell the Court the house where you stayed  
17 with your husband, the size, the kind of house, what was it  
18 looking like, the size or the wall or the floor? Yes, can you be  
19 detail on that?

20 A. The house was built by wood and with a brick roof, about 5 by  
21 6 meters. The wall was wooden.

22 Q. What was the wall made of for that house?

23 MR. PRESIDENT:

24 (No interpretation)

25 MS. CHEANG SREIMOM:

17

1 A. I'm sorry, Mr. President.

2 The wall was built by the bamboo and the door was wooden.

3 [09.50.51]

4 BY MR. KONG SAM ONN:

5 Q. Thank you. So outside your house, were there any trees or  
6 jungle or any vegetation around that house?

7 MS. CHEANG SREIMOM:

8 A. Yes. There were mango trees and coconut trees. It was an old  
9 village over there.

10 Q. So can you tell how high was the house, and how many steps on  
11 the ladder to your house?

12 A. I don't remember how many steps on the ladder, but that house  
13 was about one metre tall from the ground to the floor. I could  
14 not tell you the specific about that because I don't pay much  
15 interest to it.

16 Q. Thank you. Do you -- did you have bedding and other furniture  
17 in your house at that time?

18 A. We had a mat and we used a bag for -- as our pillow or our  
19 cushion.

20 [09.52.42]

21 Q. Thank you. Did you have a mosquito net?

22 A. No, we had no mosquito net for that.

23 Q. Earlier you told the Court that you saw the militiaman who  
24 eavesdropped when you were in your house with your husband. Can  
25 you confirm, or can you tell me again, what time did the

18

1 militiaman came below your stilt house?

2 A. He came probably about 8.00 or 9.00 p.m. I cannot tell you the  
3 exact time because it was dark. I think it was about 8.00 or 9.00  
4 p.m. at night.

5 Q. Thank you. How long did the militiaman spend at your house  
6 during that night?

7 A. I saw him when he came and stayed below my house, but later he  
8 may hide somewhere at the house, but I don't know when he left.  
9 So I could see him when he was below my house, but I don't know  
10 when he left my house.

11 [09.54.55]

12 Q. Thank you. Do you know any militiaman in your village during  
13 the regime?

14 A. Yes, I knew. But the one who came that night I don't know who  
15 he was. I knew some of them, including Chien (phonetic), another  
16 one Dap (phonetic), and I remember only two of them.

17 Q. Thank you. After you woke up that night, did you ask anyone  
18 about the presence of the militiaman that night? Did you ask  
19 anyone regarding the spying on you?

20 A. At that time, I dare not ask anyone. I pretended to know  
21 nothing. But I dare not ask anyone to do any search because of  
22 fear.

23 Q. Thank you. And I will ask you a number of questions regarding  
24 the food and rations. And you told the Court about the food in  
25 unit, and other units, during Democratic Kampuchea. Can you tell

19

1 the Court about the communal eating at the first statement you  
2 were in the children's unit? Was it in your children's unit  
3 everyone had to join the communal eating? Or was there any other  
4 people who could eat at home or in a separate arrangement than  
5 the communal eating?

6 A. Talking about communal eating at the children's unit, each  
7 group would eat separate from another group. The children's unit  
8 chief together with the cook would prepare meals for the  
9 children. But the teachers would eat different, at a different  
10 table than the children.

11 [09.58.10]

12 Q. Thank you. And other people when you said 10 or less than 10  
13 of them, were they also eating in a communal eating, or they  
14 would eat separately from other people?

15 A. Those leaders or unit chiefs, 10 of them, would eat together  
16 among the 10 people. It was part of their communal eating

17 Q. Thank you. And when you left the children's unit, what was  
18 your food ration and the condition, or how did you eat during  
19 that time?

20 A. After I left the children's unit I stayed with other villagers  
21 in the cooperative. The meals were communal. We would eat  
22 collectively, so food was distributed equally between one member  
23 to another, and also the soup was also distributed in a group of  
24 four people when we were at the table for meals.

25 [10.00.10]

1 Q. Thank you. Can you tell the Court about the food rationed for  
2 the full-rights people and for the candidate people? Did they  
3 have meals together, these two groups of people?

4 A. For the candidate people's group, we ate together. However,  
5 for the full-rights people, they would have meals together at  
6 their own unit. And sometimes some full-rights people would come  
7 to be in charge of the cooperative for us -- that is, for the  
8 candidate people. And they would be chief, for example, of an  
9 economic section. And they did not mix with the candidate people.

10 Q. Thank you. Can you tell us in general terms, not those people  
11 who had a position at the kitchen or at the dining hall, but I  
12 refer to the general full-rights people and the candidate people,  
13 did they receive the same food rations for these two groups of  
14 people, or did they dine at a separate dining hall?

15 A. In that commune, people were divided into groups in the  
16 cooperative. For the Base - rather, for the candidate people;  
17 namely, the 17 April People, they were put in one cooperative  
18 which was different from the cooperative for the Base People, or  
19 for the full-rights people. They did not mix and they would also  
20 dine separately at different locations.

21 [10.03.15]

22 Q. To me, it's still unclear; I'd like to get a clearer answer  
23 from you. So did you mean that one cooperative was full of  
24 full-rights people and another cooperative only had the candidate  
25 people? Am I correct in saying that?

21

1 A. I cannot recall it clearly because it happened so long ago,  
2 but I can say that for the common eating, there were a number of  
3 dining halls within the commune. And I can recall that in a  
4 cooperative where there were 17 April People and some ethnic  
5 minorities, those people were put in a village, or they created a  
6 village just to house them, and it was separate from the Base  
7 People. And later on, the Base People and the candidate people's  
8 group and the 17 April People ate meals communally. They all ate  
9 together, that happened later on. But from the beginning, no, we  
10 ate separately because there were a few dining places. And as I  
11 just said, later on we all ate together, and that continued until  
12 1979, when the regime fell.

13 [10.05.25]

14 Q. Thank you. In your written record of interview there is a  
15 question, answer number 11, document D232/58. You stated that for  
16 those who ate less, the food was sufficient, but for those who  
17 ate a lot it was not enough. Can you tell the Court about the  
18 amount of food that was considered less and the amount of food  
19 that was considered more?

20 A. As for those who ate less and those who ate more, they  
21 received the same food ration. So if you were to eat a lot, it  
22 means that the food was not enough. But for those who ate less,  
23 it meant the food was sufficient.

24 Q. Thank you. As for when you were allowed to eat to your  
25 content, that happened like you said once a month. Who actually



1 made that decision?

2 A. In the commune it was set that way -- that is, on the 30th of  
3 each month we were allowed to eat until we were full. So we would  
4 be given real cooked rice for people to eat. And there was no  
5 limit on the food ration. But for the daily food ration, there  
6 was a limit. For example, for one container of rice, it was given  
7 to a group of people and we had to distribute squarely amongst  
8 the members of the group. But on the 30th, it was different. We  
9 could empty it, and we could go and get more rice to eat.

10 [10.08.18]

11 Q. Thank you. My question was as to who decided that you were  
12 allowed to eat to your full content on the 30th of each month.  
13 Who made that decision?

14 A. No, I did not. I only knew that it was a plan from the upper  
15 echelon. But I did not know who was at the upper echelon.

16 Q. Thank you. I'd like to ask you about your husband during the  
17 Democratic Kampuchea regime. After you got married, that is after  
18 you made a resolution, you started living together with your  
19 husband. Did you live together with your husband for the entire  
20 time of the regime, or at some point you were separated to  
21 another area?

22 A. After the marriage, my husband did not live together with me.  
23 He stayed at a different location although it was in the same  
24 Tram Kak district and the same, but a different commune. For  
25 example, I was at Nhaeng Nhang commune; he was at Leay Bour

1 commune.

2 [10.10.24]

3 Q. Thank you. Can you tell the Court, during the time that you  
4 lived in -- during the period that you lived under one roof, and  
5 during the period that you lived in a separate commune, did you  
6 spend more time living separately or living together?

7 A. Most of the time we lived separately at a different house, and  
8 we were allowed to meet; for example, on the 30th of every month.  
9 Then he was allowed to come and meet me, and live with me.

10 MR. PRESIDENT:

11 Counsel, you are running out of time.

12 Madam Cheang Sreimom, the Chamber is grateful for your time in  
13 testifying before this Court during the last few days. And now  
14 the hearing of your testimony as a witness comes to an end and  
15 you are excused so that you can return to your residence or  
16 wherever you wish to go to. And we wish you a safe trip.

17 And Court officer, in collaboration with WESU, please make an  
18 arrangement for the transportation of this witness. We will take  
19 a break and return at 10.30 to continue our proceeding.

20 The Court is now in recess.

21 (Court recesses from 1012H to 1033H)

22 MR. PRESIDENT:

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

24 Next, we will continue to hear witness 2-TCW-964.

25 Court officer is instructed to bring the witness to the witness

1 stand in the courtroom.

2 (Witness 2-TCW-964 enters the courtroom)

3 [10.35.40]

4 MR. PRESIDENT:

5 Good morning, witness.

6 QUESTIONING BY THE PRESIDENT:

7 Q. What is your name?

8 The witness, please hold on until the microphone is activated.

9 So, before you respond, you should wait until the red light is on

10 your microphone, so that other people, including the

11 interpretation, could hear. And we will operate on this

12 arrangement, because your testimony will be interpreted into

13 English and French also. So, could you hold on a few seconds

14 before you respond, after the question posed to you? So, we

15 cannot activate immediately after the question is finished, so

16 please remind that you look at the microphone.

17 Q. Witness, what is your name?

18 MR. KEV CHANDARA:

19 A. My name is Kev Chandara alias Yav.

20 [10.37.26]

21 Q. What is your date of birth? Do you remember it?

22 A. I remember that I was born in 1942.

23 Q. Thank you. Where is your birthplace?

24 A. I was born in my house in our village, Ta Phem commune, Tram

25 Kak district, Takeo province.

1 Q. What is your current address, witness?

2 A. My present residence was the same as I told you earlier.

3 Q. Thank you. What is your occupation now?

4 A. I was a -- I am now a retiree from policeman, from the  
5 Ministry of Interior.

6 Q. What is your parents' name?

7 A. My father is Sok Khy, deceased; and my mother, Kev Chanty,  
8 also deceased.

9 [10.38.46]

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

11 A. My wife is Kao Sokhun. I have seven children, two of them  
12 deceased.

13 Q. Thank you.

14 Mr. Kev Chandara, based on the report of the greffier this  
15 morning, to your knowledge, you have no relatives by blood or by  
16 law who were admitted as civil parties in Case 002; is this  
17 correct?

18 A. Yes, this is correct, Mr. President.

19 Q. Thank you. And you have taken an oath before you entered into  
20 the courtroom; is this correct?

21 A. Yes, I took an oath before the Iron Statue in this Court.

22 [10.40.05]

23 MR. PRESIDENT:

24 Thank you. Now the Chamber wishes to inform you of the rights and  
25 obligations as a witness.

26

1 As a witness in this proceeding, you may refuse to any question  
2 or any request to make assertion that may incriminate you. This  
3 is the right against self-incrimination. As a witness, you have a  
4 duty to give testimony in these proceedings, and you have to  
5 answer to questions posed by the Parties or any Judge from the  
6 Bench, except the questions or any assertion request that may  
7 incriminate you, as I told you earlier.

8 As a witness, you should respond, to the best of your knowledge,  
9 the truth of events you have heard, you experienced, you observed  
10 personally. Any incident in relation to the questions posed by  
11 the Parties or by the Judges from the Bench.

12 [10.41.27]

13 BY THE PRESIDENT:

14 Q. Mr. Kev Chandara, have you given any testimony or any  
15 interview to the investigator from the Office of the  
16 Co-Investigating Judges? If so, how many interviews you gave, and  
17 where are the places you gave interviews?

18 A. Yes, I gave several interviews, but I do not remember the  
19 dates. At least five or six interviews, especially the interview  
20 on the crimes, or on the events that happened during the DK  
21 regime.

22 Q. Thank you. And before you entered the courtroom, have you read  
23 your statements that you gave to the interview -- at the  
24 interview, to the investigators to refresh your memory?

25 A. Because I have given several interviews, I remember some, but

27

1 I may forget some of the contents.

2 [10.42.50]

3 Q. Have you read those statements before you entered into this  
4 courtroom?

5 A. Yes, I did. But there was one question, which was handwritten;  
6 I could not read very well. I failed to read and understand that  
7 content.

8 Q. To your memory and your knowledge, those statements and the  
9 contents are correct to that of the statements you gave to the  
10 interviews on several occasions earlier?

11 A. Yes, some are correct, others are not correct, because in a  
12 certain questions, saying that my father is Kao Chantien  
13 (phonetic). In fact, my father is Sok Khy. There was some small  
14 errors in that statement, but I can correct during my testimony  
15 here before the Chamber.

16 MR. PRESIDENT:

17 Thank you, Mr. Witness.

18 To begin with the examination of this witness, under Rule  
19 91(bis), the Chamber will hand the floor to the Co-Prosecutor to  
20 put questions to this witness. The Co-Prosecutor and the Lead  
21 Co-Lawyers will have half a day for questioning this question  
22 (sic), and you will have time from now to the lunch break, and  
23 also in the afternoon. Now, the floor is yours, Mr.  
24 Co-Prosecutor.

25 [10.44.55]

1 MR. TRAVIS FARR:

2 Thank you, Mr. President; and good morning to Mr. President, Your  
3 Honours, and everyone in and around the courtroom. Good morning  
4 to you, Mr. Kev Chandara. Today, I'm going to be asking you a  
5 number of questions about events that happened a long time ago,  
6 and, of course, you should answer to the best of your memory. But  
7 if there's something that you don't remember, please tell us that  
8 you don't remember, and don't try to guess. Also, if any of my  
9 questions are confusing or unclear, please tell me and I will ask  
10 the question in a different way.

11 [10.45.34]

12 QUESTIONING BY MR. FARR:

13 Q. I'd like to start by asking you about events in 1970. In your  
14 OCIJ interview, D25/24, you state that in 1970, you joined the  
15 maquis in the forest as a doctor, with a person named Thiounn  
16 Thioeunn. Could you tell us who Thiounn Thioeunn was, how you  
17 were introduced to the Revolution, and what you did after you  
18 joined the maquis?

19 MR. KEV CHANDARA:

20 A. The reason why I joined the movement in the maquis is because  
21 the former King, Norodom Sihanouk, appealed from Paris if any  
22 Cambodian who loved him, he or she should join the maquis to  
23 liberate the country and to help the Prince. And then I called my  
24 friends to join the movement, and went to the jungle. But before  
25 doing that, I went to my district, to Tram Kak, to meet with my

1 parents.

2 [10.46.57]

3 Q. In interview E3/5153, at page number 00172043 in Khmer,  
4 0020-5088 in English, and 0020 -- oh, okay. The ERN in Khmer is  
5 00172043; English, 00205088; and French, 00205093. In that  
6 interview, you state that you were in Kbal Ou village, in Tram  
7 Kak district, from 1970 to '71, and that from '72 to '74, you  
8 were assigned to work at Hospital 22, in Tram Kak. During that  
9 period, did you get to know any of the Khmer Rouge leaders from  
10 Tram Kak district, and if so, whom did you get to know?

11 A. When I first arrived, the Khmer Rouge leaders -- of course, I  
12 didn't know anyone. But -- and I was instructed to give up and to  
13 forget everything from the old society, because I was belong to  
14 the capitalists. And later, I was told that I was a student, a  
15 doctor, so I have to give up, to forget everything, to build  
16 myself as a revolutionary.

17 Q. I'd like to ask you about Ta Mok in particular. You state in  
18 OCIJ interview E3/5153, that you and him met frequently, and that  
19 he knew your mother. Could you tell us a little bit about how  
20 your mother knew Ta Mok, and when it was that you met Ta Mok  
21 frequently?

22 [10.49.31]

23 A. Yes. Ta Mok, who knew my mother when he was a monk, he was one  
24 of the students who studied Buddhism in the Phali (phonetic) high  
25 school at Moha Montrey Pagoda. So, his house was eight kilometres



30

1 from my house. We would travel on bicycle, and Ta Mok would come  
2 over to my house for lunch at my mother's house, and they are  
3 good friends. When I left Phnom Penh to my house in my village,  
4 the messengers of the Khmer Rouge took me from my house on the  
5 same day. I did not have enough time to talk to my parents. I was  
6 taken to Damnak Snuol village.

7 But before I arrived, I was sent to Tuol Phchek (phonetic)  
8 village. I spent there for about two hours. Another messenger  
9 took from Tuol Phchek (phonetic) to Damnak Snuol village. At each  
10 place -- so the messenger would assign from one place, and then  
11 the messenger would take me to another place. So, they did not  
12 assign one messenger to send us all the way from the first place  
13 to the third, for example.

14 So, -- and later I was sent to the sector hospital. It did not  
15 belong to the zone sector. Those who knew me because I was a  
16 doctor, they came to see me for treatment during the Sangkum  
17 Reastr Niyum. I am sorry; I will speak some French, because it is  
18 difficult for me to speak in Khmer. It was in "a la fondation  
19 Calmette". I was working in the emergency --

20 [10.52.02]

21 Q. Witness, I apologize for interrupting you. I'd like to ask you  
22 to try to focus specifically on my questions. I know we have a  
23 lot of material to go through, and you have a lot to tell us, but  
24 it will be more helpful if we can deal with it in sort of a step  
25 by step way. Is that kay? Thank you for that.

31

1 You mentioned just a moment ago that Ta Mok would have lunch at  
2 your mother's house. Can you estimate how many times, or how  
3 often, Ta Mok had lunch at your mother's house?

4 A. I did not take note, but many times. Sometimes, when I was  
5 studying at Phnom Penh -- I don't know -- especially when he  
6 would visit my mother's home. But I heard from my mother that Ta  
7 Mok would come to have lunch at her house, and his name, when he  
8 was a monk, was called Achar Ung Choeun. His family name was Ung.  
9 When he visited my house in my village, I was a student at the  
10 Faculty of Medicine in Phnom Penh.

11 [10.53.42]

12 Q. Thank you, thank you. I would now like to turn to the topic of  
13 your arrest. Can you tell us about the circumstances or events  
14 that led to your arrest in 1973 or 1974?

15 A. In 1973 or 1974, I was not arrested yet, because I was just  
16 deprived of certain rights, because they said that I belonged to  
17 the Sihanoukist movement, and because there was an appeal for  
18 them to join the movement, the resistance movement, rather.

19 MR. PRESIDENT:

20 Witness, it appears that you look at a document for responding,  
21 so the Chamber advises you that you will listen only to the  
22 question and respond. You cannot have a look at any documents to  
23 give your response.

24 [10.55.30]

25 BY MR. FARR:

1 Q. So, when you were arrested, were you ever told the reason for  
2 your arrest, or did you ever learn the reason why you were  
3 arrested?

4 MR. KEV CHANDARA:

5 A. When I was taken to the detention centre, it was in 1975. This  
6 is a small mistake, to say 1973. I was there until end of  
7 February -- until April of that year -- until March of that year.  
8 Until April 1975, so the total of my detention duration was 29  
9 days in Krang Ta Chan.

10 Q. And do you know why you were arrested? Do you know the reason  
11 for your arrest?

12 A. At the beginning, I was not told that I was under arrest. They  
13 simply came and told me that the upper Angkar would like you to  
14 collect all documents and medical equipment, so that you can go  
15 and instruct people at the upper echelon, especially to teach  
16 medical skills to other people.

17 However, when I went to the place, to the first place, the second  
18 and the third, it was rather late at night. I was ending up at  
19 Krang Ta Chan. When I was there, Krang Ta Chan detention centre,  
20 I was told that it was the re-education centre. I was not told  
21 that it was Krang Ta Chan, but at that place, I passed the gate.  
22 And when I passed the building, and then they shut down the door,  
23 and then I realized that it was a detention building. I was  
24 surprised. I was shocked. I saw many prisoners in that building.  
25 And in the morning of that day, there were more than 40

1 prisoners. About 45 or so, and men, women were also there. They  
2 were shackled to their ankles.

3 [10.58.56]

4 Q. I would actually like to go slightly back in time, before your  
5 arrival at Krang Ta Chan. In your interview, D25/24, at page  
6 number 00163457, in Khmer; 00223452, in English; and 00178091, in  
7 French; you stated -- and I quote: "They interrogated me at  
8 Krabei Prey for five days before they took me to Krang Ta Chan."  
9 End of quote.

10 Could you tell us briefly where Krabei Prey was located, and  
11 describe the place where you were interrogated there?

12 A. Krabei Prey Office was about, more than 10 kilometres from my  
13 house, and from that location to Krang Ta Chan, it was roughly  
14 about 10 kilometres. I was taken to Krabei Prey, and they only  
15 questioned me whether I received any training from the CIA or  
16 KGB, and from whom did I receive that kind of training.

17 [11.00.48]

18 Q. And who was it who interrogated you at Krabei Prey?

19 A. It was not those people at the Krabei Prey office. But when I  
20 later on arrived at the Krang Ta Chan, I saw the same individual  
21 -- that is, Ta Chan.

22 Q. So, are you saying that you saw Ta Chan at Krabei Prey, as  
23 well as Krang Ta Chan?

24 A. Probably, at that time, Ta Chan came to question me in person  
25 at Krabei Prey, and later on he had left to Krang Ta Chan. And,

34

1 five days later I was taken to Krang Ta Chan. And, I didn't know  
2 at the time that Krang Ta Chan was a prison. Only after I was  
3 pushed in and the fence closed and when I felt the barbed wires  
4 along the fence then I realised it was a prison.

5 People who were to be killed, then they would have been killed  
6 immediately at Krabei Prey without having to take them to Krang  
7 Ta Chan. And, for those who were to be interrogated in order to  
8 find those people who were implicated, then they would be sent to  
9 Krang Ta Chan for the interrogation.

10 [11.02.32]

11 Q. Just one more question about your time at Krabei Prey before  
12 we move on to Krang Ta Chan. In the same section of interview  
13 D25/24, discussing your interrogation at Krabei Prey, you said  
14 they asked you - quote: "How much I hated the Revolution and  
15 which individuals I hated?"

16 Did they tell you why they thought you hated the Revolution?

17 A. I didn't dare ask them. However, at that time, I recall that  
18 whenever I came to visit my native village, the village chief --  
19 that is, the Khmer Rouge village chief usually would ask me to go  
20 along for fishing, and sometimes I was busy so I refused. I gave  
21 them, say fishing net and a rifle for shooting birds and maybe  
22 because they didn't know how to use that kind of a gun, then they  
23 reported to their relevant people about me.

24 And, I believe the question that I was asked, it could be from  
25 the report, from Kul Rum (phonetic), Kul Sorn, who were former

1 village chief who actually died later on.

2 [11.04.23]

3 Q. So, now moving on to your time at Krang Ta Chan, my first  
4 question is: Do you know who it was that decided that you should  
5 be sent from Krabei Prey to Krang Ta Chan?

6 A. I only thought that there had to be an order from the upper  
7 echelon to transfer me from Krabei Prey to Krang Ta Chan in order  
8 to question me more. That's why I was sent to Krang Ta Chan.

9 MR. PRESIDENT:

10 Witness, you are reminded that in your response, please don't  
11 make any assumption. You only respond from what you have heard,  
12 have experienced, or have witnessed or observed or seen, and not  
13 to make any assumption and that would assist us in ascertaining  
14 the truth. Thank you.

15 BY MR. FARR:

16 Q. So, turning now to your arrival at Krang Ta Chan, when you  
17 arrived at Krang Ta Chan, what types of people were detained  
18 there with you? Who were the other prisoners?

19 MR. KEV CHANDARA:

20 A. Those who were detained were detained in a long row. And, in  
21 Krang Ta Chan, that was the difficult condition, they used a  
22 wooden plank underneath their ankles-

23 [11.06.29]

24 MR. PRESIDENT:

25 Mr. Witness, you are reminded to respond correctly and directly

1 to the question, and not to make any indirect response.

2 And, Mr. Deputy Co-Prosecutor, please ask the question again.

3 BY MR. FARR:

4 Q. Yes, Mr. President.

5 Mr. Witness, my question was: Who were the groups of people who  
6 were there with you? What kind of people were detained at Krang  
7 Ta Chan, the other prisoners?

8 MR. KEV CHANDARA:

9 A. By that time, I did not know what types of people they were. I  
10 didn't know their background nor where they came from.

11 [11.07.22]

12 Q. I'd like to read a quote to you from one of your interviews  
13 and ask you whether you remember this information or not. The  
14 interview is D25/24. The page number in English is 00223455; in  
15 French, it's 00178093; and in Khmer, it is 00163460. And this is  
16 what was said in the interview: "Question: Where did the  
17 prisoners come from?

18 "Answer: Lon Nol soldiers, Pol Pot cadres. I met the Chairman of  
19 the Military Recruiting Office. The Lon Nol soldiers were taken  
20 to Prey Kduoch, cadres were made accused of being traitors."  
21 Are you able to remember that information today?

22 A. Yes, I do. Those people who were sent to Au Kantuot, they were  
23 not only former soldiers. In fact, they were people who were  
24 involved in the battlefield, but after the regime fell, they were  
25 gathered. But, at Krang Ta Chan Office, there was a mixture of

1 everything: not only cadres or soldiers. And I only learnt that  
2 information from the prisoners themselves when we talked in the  
3 prison.

4 [11.09.28]

5 Q. So, just to be clear, it was the Lon Nol soldiers themselves  
6 who told you that they were Lon Nol soldiers; is that correct?

7 A. Besides those who lived in my nearby villages, they would not  
8 tell me whether they were former Lon Nol soldiers or teachers.  
9 And only those whom we knew at the nearby villages, then they  
10 would tell me.

11 Q. In a quote that I just read, you said the Lon Nol soldiers  
12 were taken to Prey Kduoch. Can you tell us what was located at  
13 Prey Kduoch and how did you become aware that the Lon Nol  
14 soldiers were taken there?

15 A. After the regime collapsed in 1979, I knew what it was, but  
16 not during the regime. And in fact, it was not Prey Kduoch. It  
17 actually had a number. It's called Office 204. It's called Au  
18 Kantuot, and there was a hill there. For those people who were  
19 sent there, maybe there would be only one or two who survived.  
20 The rest were killed. And the same thing as in Krang Ta Chan. And  
21 for those who were sent to fight at the front battlefield, there  
22 was hardly any survivors. And for example, at the village, those  
23 who survived, only were those who actually knew how to build  
24 houses; for example, in the village.

25 [11.11.45]



1 Q. You've just told us you learnt this after the regime fell in  
2 1979. Can you tell us how you learnt this information after the  
3 regime fell?

4 A. I was a commune chief from 1979 to 1982 -- that is, Ta Phem  
5 commune. For those who were linked to the Khmer Rouge regime,  
6 were arrested, then they were educated at Kaoh Andaet. There was  
7 a prison there at Kaoh Andaet.

8 Q. I'd like to turn now to the subject of killings at Krang Ta  
9 Chan. In your 2008 interview, which is E3/5153, page number  
10 00172045, in Khmer; page 00205091, in English; and 00205096, in  
11 French; you say the following about killings at Krang Ta Chan --  
12 quote:

13 "The killing site was about 100 metres from the prison. I was  
14 used to drag people who were nearly dead and people who had died  
15 because of beatings to the killing site along with the Khmer  
16 Rouge cadres. At the killing site, I saw the prison guards hit  
17 people with bamboo clubs, clubs, and hoes, and sometimes they cut  
18 their throats with palm frond stems. I saw them use swords to  
19 behead prisoners many times." End of quote.

20 [11.13.54]

21 Can you tell us who was it that ordered you to assist in dragging  
22 and burying those bodies?

23 A. There was a unit of militia there who used us to do it. And,  
24 the person who was in-charge there named Dam, he's still alive  
25 today but he's very elderly and fragile now. Not only Dam who

1 executed the prisoners, but there were a group of them, there  
2 were about 20 of them who actually executed the prisoners and who  
3 dug pits to bury them.

4 Q. And can you describe for us how these executions took place?

5 A. There were different ways of killing people there. Sometimes  
6 prisoners were killed immediately upon their arrival. I didn't  
7 know how they obtained the information. They executed those  
8 immediately. Let me give you one event.

9 [11.15.30]

10 One day at 5 o'clock in the afternoon, there was a woman who was  
11 with about -- three-year old child, and another one was young,  
12 maybe just newly born and the woman could not walk because of  
13 bleeding. I could see blood stains on her skirt. She was  
14 accompanied by two guards with two guns at the detention office.  
15 And one messenger went to -- probably to meet his superior, and  
16 then he returned and he stated that they would not be detained  
17 and then they walked the woman and the children to a location.  
18 First, the two militiamen walked, and then there were two more  
19 militia -- to go to a tamarind tree, and a "thnang" (phonetic)  
20 tree to the north. They snatched the baby and hit the baby  
21 against the stump of the trunk of the tree. And the same thing  
22 they did to the three-year old child and then they threw them  
23 into the pit and the mother cried and became unconscious. At that  
24 time they did not take people through a court, like in this  
25 Court. They just simply killed the people. I don't know; maybe

40

1 they made a decision somewhere before that and then only -- only  
2 then, those people were sent to be executed. I saw what happened  
3 but I didn't know the reason why they killed the women. I just  
4 made my own analysis and came to that conclusion.

5 [11.17.53]

6 Q. Are you able to estimate the number of people you saw killed  
7 during the time you were at Krang Ta Chan?

8 A. When I was detained at the Centre, I cannot make assumption.

9 There was not less than 50 victims executed a day. It's not only  
10 for the former Lon Nol officers or soldiers. The victims were  
11 also cadres from the Khmer Rouge themselves. There were more  
12 also. I know some of them who were from my village, who spent and  
13 serve the movement since 1970. They were taken for execution in  
14 that prison. And the killing was more intense in 1975.

15 [11.19.06]

16 Q. During your time at Krang Ta Chan, do you remember whether  
17 there were any loud speakers and if so, what they were used for?

18 A. Yes, they would use loudspeaker very much. Early in the  
19 morning when they play music on the loudspeaker, they use  
20 loudspeaker at four places. They play revolutionary songs and the  
21 more sound you heard from the speakers, the more victim they  
22 killed, because they would use the voice from the loudspeaker to  
23 hide something. So, when you hear loudspeaker or music on  
24 loudspeaker, there were many people killed during that time.

25 Q. Are you able to remember the names of any of the Khmer Rouge

41

1 cadres from your village whom you saw at Krang Ta Chan?

2 A. Your question, do you mean that the prisoners at Krang Ta Chan  
3 or those who were as a staff at Krang Ta Chan?

4 Q. Prisoners at Krang Ta Chan.

5 A. There were many of them but all of them died. No one survived.

6 [11.21.16]

7 Q. And are you today able to recall any of their names?

8 A. Yes. I remember some of their names: Prosecutor Suon from  
9 Takeo province from the court, and then Sok San, commune chief of  
10 Samraong commune after the liberation by the Khmer Rouge. And the  
11 Khmer Rouge took control in his province and he left to the  
12 province. And Suon, who was a former military officer -- and then  
13 the Khmer Rouge arrested him after the liberation, soon after the  
14 liberation, and other teenagers who were from Phnom Penh after  
15 the liberation by the Khmer Rouge on the 17th of April 1975. I  
16 know many of them, and I asked them and they told me that they  
17 were sent to Champa Pagoda and later they were sent to Krang Ta  
18 Chan. I told them why don't you lie to them, and they said, no,  
19 they could not lie to Khmer Rouge. And one of the victims was  
20 taken, and the Khmer Rouge asked him, "Do you know among the 10  
21 people?" And that person said, "Yes, I know". And then they sent  
22 another person back into the group and another one was taken for  
23 interrogation and then they came and take the first member. And  
24 the Khmer Rouge told him that, "You know from the second person  
25 that what you did in the old regime". So, they keep rotating this

1 method among the 10 people. And then, they took all of them for  
2 execution.

3 [11.23.46]

4 Q. Thank you. And I apologise again for interrupting you. It's  
5 just because we have a limited amount of time and a lot of  
6 information to cover.

7 I'd like to ask you now about an incident of torture that you  
8 witnessed at Krang Ta Chan. You described this in D25/24 at page  
9 00163459, in Khmer; page 00223456, in English; and page 00178094,  
10 in French. And here is what you said - quote:

11 MR. PRESIDENT:

12 Hold on Prosecution. Mr. Koppe, you may proceed.

13 MR. KOPPE:

14 Thank you, Mr. President.

15 For the record, I know what the question is going to be and I  
16 should have objected already to the earlier question on the  
17 execution. There really is no point in reading this particular  
18 statement to the witness and then asking to confirm. I know you  
19 will overrule it but I make the objection anyway. The prosecutor  
20 should ask an open question as to events that he witnessed in  
21 relation to torture. Not just read it to him and then he can say  
22 yes or no.

23 [11.25.20]

24 MR. FARR:

25 Mr. President, if I could respond. We've got an established

43

1 practice in this Trial. We understand that this is the Defence's  
2 objection but there's no reason to vary from the practice that  
3 we've established of putting witness's previous statements to him  
4 and asking him for additional information or clarification.

5 MR. KOPPE:

6 May I, for the exception, briefly respond? I remember also  
7 answering to the Prosecution if there was a decision of the Trial  
8 Chamber in relation to Tuol Po Chrey witness that when it comes  
9 to very specific contentious period of the testimony, then the  
10 questions should be open rather than closed as they are now. That  
11 was a decision issued by Judge Cartwright at that time, which was  
12 protested by the Prosecution, but there is a limit to where it  
13 should closed questions and where it should be open questions.  
14 But that, I do remember, is a ruling of your Chamber.

15 (Short pause)

16 [11.27.05]

17 MR. PRESIDENT:

18 This is a question for clarification in addition to the  
19 statement, so the objection is not sustained, so the witness  
20 should reply to the question by the Co-Prosecutor.

21 And, Prosecutor, could you reframe your question so that the  
22 witness can respond to your question correctly?

23 BY MR. FARR:

24 Yes, Mr. President.

25 Q. Mr. Witness, I'm going to read you a portion of one of your

1 interviews and then ask you a couple of questions about it. This  
2 is describing an event in Krang Ta Chan and this is what you said  
3 - quote:

4 "There were three women from Srae Ambel who they tortured. They  
5 had them take off their shirts and they used pincers to pull off  
6 their noses and earlobes, and they threw acid on them, poured  
7 water [into them], and dragged them outside naked. They fried  
8 their livers. I saw that with my own eyes." End quote.

9 [11.28.27]

10 Q. Now my question is: Can you tell us where specifically in  
11 Krang Ta Chan prison, this torture took place and where you were  
12 that you were able to observe it?

13 MR. KEV CHANDARA:

14 A. Krang Ta Chan detention centre -- the building was 4 by 20  
15 metre long. Prisoners were shackled in a row. To the West, there  
16 was a small hut with the (inaudible) wall. The prisoners were  
17 sitting on the ground and the cadres were sitting on a coconut  
18 chair -- coconut tree chair, and they -- the prisoners were  
19 called to prison there to terrorise them, to tell them the truth  
20 when they are interrogated. So, they did torture to terrorise  
21 other prisoners. And, the next morning, prisoners were called to  
22 sit. And, the woman was brought -- one of them named Siet  
23 (phonetic) -- was brought naked. She was from Ta Prem village. I  
24 forget her commune -- from Treang district -- Ta Prem village in  
25 Treang district. That lady joined the Revolution long time ago.

1 [11.30.30]  
2 Since I was working in the hospital, the Khmer Rouge told that  
3 the three women were prepared for medical training, but finally  
4 they were sent to the salt farm and about a year or so later they  
5 were brought to Krang Ta Chan. And the interrogator -- one of  
6 them -- held a pincer and another one holding a bottle of acid --  
7 maybe sulphuric acid but I'm not quite sure -- but they order  
8 that naked woman to sit on the ground. And then they used the  
9 pincer to torture her on her nose, her ear, and her cheek, and  
10 then squeeze and also her lip. And she was bleeding on her nose,  
11 and her lip, and her ear. And then another interrogator using the  
12 sulphuric acid to pour on her and she was screaming and there  
13 were about 10 prisoners who were ordered to sit and watch the  
14 torture. And then another Khmer Rouge took water and pour on  
15 those prisoners who were in coma, and then one of them was  
16 becoming conscious and the interrogator ask her, "Who led you to  
17 betray?" And the victim could not respond. And then they used the  
18 hook to hook her on her jaw and then used the string to pull her  
19 up. And then they used a knife to cut her throat, to cut her  
20 chest, and then he took the liver together with heart and also  
21 gall bladder. And then they used the liver, heart, as a part of  
22 terrorising people and to touch on our face and our head. And  
23 then they called another cadre, "Come here and take this to fry  
24 for us. And, you should cut off the liver and keep it for me." We  
25 were ordered to sit and watch there until the next morning. And



46

1 then the victim was in convulsion because her liver and heart was  
2 taken away from her chest. And in the morning, we were called to  
3 shackle in detention and --

4 [11.34.19]

5 MR. PRESIDENT:

6 Now, it is now appropriate time for lunch break.

7 And from the 17 of April 1975, this is the scope for our hearing  
8 in Case 002/02. And the Chamber would like to advise the party  
9 that you should limit your line of questioning to the scope of  
10 hearing; otherwise, you could not finish your questioning.

11 So, the Court will be in recess for lunch break and we will  
12 resume at 1.30.

13 Court officer, please work with the WESU to facilitate the  
14 witness to have the room for his break and bring him back before  
15 1.30 this afternoon.

16 And security personnel are instructed -- Mr. Khieu Samphan to the  
17 holding cell downstairs and bring him back to the courtroom  
18 before 1.30.

19 The Court is in recess.

20 [Court recesses from 1135H to 1333H]

21 MR. PRESIDENT:

22 Please be seated.

23 The Chamber will again cede the floor to the Prosecution to  
24 continue putting questions to this witness. The combined time for  
25 the Prosecution and the Lead Co-Lawyers is for one session --

1 that is, it will conclude by the short break this afternoon.

2 BY MR. TRAVIS FARR:

3 Thank you, Mr. President.

4 Q. Mr. Witness, I would now like to turn to your release from  
5 Krang Ta Chan Prison. In your Interview D25/24, at page 00163458,  
6 in Khmer; 00223453, in English; and 00178092; you gave the  
7 following description of Ta Mok releasing you from Krang Ta Chan  
8 Prison. And what you say is - quote:

9 "He went to Krang Ta Chan to get me. He went with Ta Chim; they  
10 rode a CL motorcycle [...] He did not enter, just called out for  
11 Chhen, and said, 'That doctor where is he? Feed him.' They fed  
12 me, and he went South. When he returned, he took me with him."  
13 End quote.

14 [13.35.49]

15 So my first question -- and if you could please answer as briefly  
16 as you can -- who was the person named Ta Chim who came to Krang  
17 Ta Chan with Ta Mok?

18 MR. KEV CHANDARA:

19 A. After I left Krang Ta Chan Prison, I learnt that Ta Chim was  
20 District 108 Committee. They used the number for Tram Kak at the  
21 time.

22 Q. Thank you, sir. And again, as briefly as you can, where did Ta  
23 Mok take you when he came and had you released from Krang Ta  
24 Chan?

25 A. He took me to a hospital - 22-K -- which was a Zone hospital.

48

1 Q. Thank you. And did Ta Mok ever explain to you how he was able  
2 to release you from Krang Ta Chan Prison?

3 A. I didn't know the actual reason. And Ta Mok needed me the  
4 most, that's why he went to get me because there was a machine  
5 from -- equipment from Kampong Speu, and they couldn't work on  
6 it. It's a radiography machine so he needed me to work on that  
7 medical equipment.

8 [13.37.54]

9 Q. Other than Ta Mok, did you see any other Khmer Rouge leaders  
10 during your time at Krang Ta Chan? And if so, whom did you see?

11 A. I didn't know <anyone and had not> heard of that name <too>.  
12 However, one day -- <it was> around 2 o'clock in the afternoon  
13 <,> I saw people <looking at my area, because I was sitting> near  
14 the entrance <<of the prison. They were saying, "Ta Chea!> Ta  
15 Chea<!>. However, I was about 80 metres away and I was rather  
16 young. I could <not> see that person <very well. They were saying  
17 that it was Ta Chea,> but I <had never seen him before and> did  
18 not know <that there were many people who went by the name Ta  
19 Chea.>

20 Even at the Hospital 22K, there was another person by the name of  
21 Chea who was returned from Hanoi. At that time they referred to  
22 that man as Ta Chea and the word "Ta" was used during the Khmer  
23 Rouge Regime to refer to people with senior or higher position.

24 [13.39.20]

25 Q. I think you just told us how far you were away from that

1 person when you saw him, but I didn't quite understand. Can you  
2 tell us what the distance was between you and that person when  
3 you saw him?

4 A. Ta Chea didn't come to the prison cells. They were -- he was  
5 near the office of the senior cadres, and from where I was  
6 detained to where he was standing, it was about between 70 to 80  
7 metres.

8 Q. And you also mentioned the name Ta Chea. How did you come to  
9 associate the name Ta Chea with that particular person?

10 A. One district cadre who was also detained at Krang Ta Chan said  
11 that that man was Ta Chea. So I presumed that he was a senior  
12 cadre of the Khmer Rouge. That was my own conclusion.

13 Q. In your statement at E35/153; Khmer, page 0017-2044; English,  
14 00205090; and French, 00205094; you describe a different occasion  
15 during the Democratic Kampuchea regime when you saw Nuon Chea  
16 give a speech. Can you tell us whether he was introduced by name  
17 at the time that he gave that speech?

18 [13.41.46]

19 A. Ta Chea made a speech, but it was not at Krang Ta Chan. I was  
20 detained at Krang Ta Chan in 1975, and that was around mid-March  
21 and continued till early April. And after I left Krang Ta Chan, I  
22 was not allowed to return to my house. I was further evacuated to  
23 an area about 20 kilometres away from my house. They then  
24 gathered the 18 April People, not the 17 April People from Phnom  
25 Penh. So they gathered up those people to watch a circus

1 performance in Takeo province.

2 And I'd like to elaborate a little bit further on this event. The  
3 circus performers were Chinese. There was a female performer who  
4 would step up higher with other people support on a single wheel.  
5 There were 11 of them altogether.

6 From the figure of the man who made a speech, it actually  
7 resembled Ta Chea that I saw at Krang Ta Chan. He -- what I can  
8 recall -- is that Cambodia is an agricultural country, but we  
9 will transform it. And I don't actually understand much about  
10 what he said. From -- he will transform into an agri-industrial  
11 country. I check at the word and I understood the meaning, and  
12 then I was happy. So after I was released from Krang Ta Chan,  
13 then I was happy that Cambodia will be transformed.

14 [13.44.23]

15 MR. PRESIDENT:

16 Mr. Witness, please respond only within the limit of the question  
17 that is asked to you.

18 BY MR. FARR:

19 Q. Okay. Now I would like to turn your attention to events after  
20 your release from Krang Ta Chan, shortly after your release from  
21 Krang Ta Chan. In your statement E3/5153, at page 00172044, in  
22 Khmer; 00205090, in English; and 00205095, in French; you were  
23 asked whether you saw any Khmer Rouge leaders after 17 April 1975  
24 when the evacuees from Phnom Penh were arriving in Tram Kak  
25 district, and this is what you said - quote:

51

1 "I saw Ta Mok at Wat Champa, near my house in Moha Sena village.  
2 I don't know about the others. I know that 70 per cent of the  
3 incoming evacuees at the Wat Champa centre were killed at Krang  
4 Ta Chan, Krabei Prey, Office 160, and at Office 204 called Au  
5 Kantuot." End quote.

6 So my first question, very briefly: How far was Wat Champa from  
7 your house at that time, April 1975?

8 [13.46.16]

9 MR. KEV CHANDARA:

10 A. From the pagoda fence, it was just a road dividing my house  
11 and the fence of the pagoda, so the distance is approximately 20  
12 metres.

13 Q. And can you tell the Court what the pagoda was used for when  
14 the evacuees from Phnom Penh and other cities arrived in Tram Kak  
15 district after 17 April 1975?

16 A. Wat Champa Pagoda was turned into the Khmer Rouge's office.  
17 And they raised pigs on the temple. As for the monk's residences,  
18 they housed children there. And there was a supervisor for each  
19 group of those children, and those children did not attend any  
20 schooling there.

21 Q. And do you personally see the evacuees arriving at Wat Champa?

22 A. Yes, I did.

23 [13.47.43]

24 Q. Can you give us an estimate of how many evacuees you saw  
25 arriving at Wat Champa?

1 A. When people were evacuated from Phnom Penh to Wat Champa  
2 pagoda, I was still being detained at Krang Ta Chan. It was my  
3 eleventh or twelfth day in detention, and some of those evacuees  
4 also were sent to Krang Ta Chan. And only after I was released  
5 from Krang Ta Chan to return to my house in the village, there  
6 was still some evacuees living in that Champa pagoda, and from  
7 what I saw, I could see there was still thousands of evacuees  
8 living in that pagoda.

9 Q. You mentioned that you saw Ta Mok at Wat Champa. What was he  
10 doing when you saw him there?

11 A. When I saw Ta Mok I didn't dare go into that area where the 17  
12 April People lived. I was standing from my house -- that is,  
13 outside the pagoda and I saw him making some gesture, pointing  
14 here and there, but I couldn't hear what he said. I only saw his  
15 gesture from my house.

16 [13.49.24]

17 Q. You mentioned him gesturing and speaking. Could you see who he  
18 was gesturing and speaking to?

19 <A. After all people had been evacuated, I-->

20 MR. PRESIDENT:

21 Mr. Witness, please wait. And Counsel <>, you <now> have the  
22 floor.

23 MR. KONG SAM ONN:

24 Thank you, Mr. President. <I would like to> object to this  
25 question. It is a kind of question that <leads> this witness <to

1 speculate because the witness did not> hear <directly> what Ta  
2 Mok was saying <at the time and, as he stated, he just saw Ta Mok  
3 from a distance. Asking the witness to say what was being said is  
4 to require the witness to speculate. Thank you, Mr. President.>

5 MR. PRESIDENT:

6 The objection by the defence counsel is sustained as <the  
7 question> leads <him to speculate. And his response is therefore  
8 not important and conducive to ascertaining the truth in this  
9 case.>

10 And Mr. Witness, you <> don't need to respond to <this> question.

11 [13.50.39]

12 BY MR. FARR:

13 Q. You said you didn't dare go into the area where the 17 April  
14 People were. Why didn't you dare to go into that area?

15 MR. KEV CHANDARA:

16 A. We were told by the Base People that whoever involved or had  
17 relatives living among those people, they were considered having  
18 connection with the enemy. So, they actually cut off any  
19 relationship with siblings or with family relatives. We were not  
20 allowed to have any contact with the 17 April People or the 18  
21 April People.

22 Q. In the OCIJ statement that I just quoted, you said that many  
23 of the evacuees gathered at Wat Champa were killed and you  
24 identified four sites at which these evacuees were killed: Krang  
25 Ta Chan, Krabei Prey, Office 160, and Office 204. We are familiar



54

1 with Krang Ta Chan, but I want to ask you about the other three  
2 sites you have mentioned. Can you first, very briefly, tell us  
3 where or what Krabei Prey was? And again, as briefly as you are  
4 able to.

5 A. Krabei Prey was located in Samraong commune and it was in  
6 Krabei Prey village.

7 [13.52.30]

8 Q. And what was Office 160 and where was it located?

9 MR. PRESIDENT:

10 Mr. Witness, please wait until you see the light on the tip of  
11 the microphone.

12 MR. KEV CHANDARA:

13 A. Office 160 was located at the current Prey Kduoch commune,  
14 Trapeang Kaoh (phonetic) village, and Trapeang Kranhung commune.

15 Q. And what about Office 204, where was that and where was it  
16 located?

17 A. Office 204 was located in Ou Saray commune, but I cannot  
18 recall the village name.

19 [13.53.32]

20 Q. And how do you know that evacuees were killed at those sites?

21 A. After the liberation in 1979, I became Trapeang commune chief.

22 There was no chief for Prey Kduoch, Trapeang Kranhung or Ou

23 Saray. So I had to go and work in those communes and I saw

24 skeletal remains of people who had been executed at Office 204 or

25 Office 160 or Prey Kduoch or at Krang Ta Chan. However, the only

1 difference was that the people were buried at Krang Ta Chan's  
2 office, and in fact, I participated with other people in trying  
3 to bury some of those bodies who were exposed and some of them  
4 had been eaten by wild dogs near the base of the mountain.

5 Q. Thank you, sir. I would now like to ask you about another  
6 topic from the period from 1975 to 1979. In your 2008 interview,  
7 which is E3/5153 at page 00172044, in Khmer; 00205089, in  
8 English; and 00205094, in French; you are asked about meeting Ta  
9 Mok during the period from 1975 until 1979, and this is what you  
10 said - quote:

11 "I met Ta Mok frequently. He came to the village where I lived  
12 and I also met him at the worksites and I met him in Baray too."  
13 End quote.

14 Now, I would like to ask you to focus specifically on the  
15 worksites where you saw Ta Mok. And my first question is what  
16 kind of worksites where these where you saw Ta Mok during the  
17 period from 1975 to 1979?

18 [13.56.09]

19 A. I would like to respond to your question briefly but it would  
20 be difficult for you to understand but if I respond in details it  
21 will take your time.

22 At the worksites, I was no longer allowed to be a medic. However,  
23 sometimes I was called to Takeo province to ask; for example,  
24 what that specific medical equipment was used for or which - what  
25 that medicine is used for. And, at worksites, I was instructed to

1 drive a tractor powering a water pump. And sometimes, I was used  
2 to be together with some repairmen to work on light to show -- in  
3 order to provide lighting to the worksite for people to work at  
4 night.

5 Q. You have mentioned a water pump, but can you tell us what was  
6 being done at these worksites? Were people growing rice, were  
7 they building canals, were they building dams, or were they  
8 building something else?

9 [13.57.43]

10 A. People there were having a very difficult time, and I believe  
11 everywhere in the country the situation was the same under the  
12 Khmer Rouge's control. They worked non-stop.

13 As for younger children and their parents, the parents had to  
14 work and old women were assigned to look after 10 to 15 young  
15 children each. They worked in the rice fields for all year  
16 around: dry and wet seasons.

17 As for me, I was assigned to work with the 20 youth - that is, to  
18 provide water into 20 rice fields and I had to be on mobile  
19 constantly to check which rice field needed water. So I had to  
20 irrigate those rice fields, as well as to repair any broken pump.  
21 I had skills in medicine, but you can imagine the difficulty for  
22 me to be assigned as a repairman for those water pumps.

23 Q. Now you mentioned having seen Ta Mok at some of these  
24 worksites. Can you tell me what Ta Mok was doing when you saw him  
25 at these worksites?

1 A. Thank you for asking this question. I really, in fact,  
2 impressed Ta Mok. Ta Mok was a person of great interest. He went  
3 into worksites -- canal worksite, but he dressed in a way that  
4 people didn't recognize him as Ta Mok. He actually went to ask  
5 from a unit chief -- us carrying a basket and a shoulder pole.  
6 And he also observed that the unit chief did not work so he used  
7 a pole to beat up that unit chief and asked him to work and he  
8 told the unit chief that he had to work as other workers too.

9 [14.00.26]

10 Q. When he beat this unit chief, did he then identify himself as  
11 Ta Mok at that time?

12 A. Some people recognized him although he didn't present himself  
13 as Ta Mok.

14 Q. Did you ever speak to him at any of these worksites, and if  
15 so, what was your conversation?

16 A. From the time that I was evacuated, I didn't have a one-on-one  
17 conversation with him. However, he used to advise me that I was  
18 an intellectual, a petit bourgeoisie, and that I had to get rid  
19 of that social status and put myself in the position of a poor  
20 peasant farmer status so that I could prove that I could be  
21 tempered to work with him. Otherwise, I would be sent for  
22 refashion or re-education again.

23 [14.01.48]

24 Q. Do you recall where and when Ta Mok told you these things?

25 A. Yes, I do. He told me when I arrived at Damnak Snuol office --

58

1 that is, at the sector hospital the day he left the pagoda --  
2 that is, after he dealt with the 17 April People, he came to my  
3 house. He asked about the health of my mother and he told me that  
4 we should not stay in that house and that we should stay further  
5 -- the further, the better. So after those 17 April People left  
6 the pagoda, we moved to Baray commune in District 108 -- that is  
7 to the North of the Takeo province, which is currently called  
8 Roka Krau district.

9 [14.02.58]

10 Q. Thank you, sir. The last subject I would like to address  
11 concerns the period after January 1979 when you had become the  
12 chief of Ta Phem commune and a number of graves were exhumed at  
13 the Krang Ta Chan site. In interview D25/24; at page 00163462, in  
14 Khmer; 0023457, in English; and 00178095, in French; you were  
15 asked how many bodies were exhumed and you provided the following  
16 response. You said - quote:

17 "Eight pits, 10,045 persons (from the actual count of skulls),  
18 but there were many other pits which had not yet been dug up."

19 And then continuing a bit later: "After the stupa was built, I  
20 counted again and found 10,011." End quote.

21 Now my first question relates to these eight pits. Where were  
22 these eight pits located in relation to the Krang Ta Chan prison?

23 A. Thank you for your question. I will <-answer this question and  
24 this will make me feel better as I suffered during my 29 days at  
25 Krang Ta Chan. Those who were killed there were not only 17 or 18

1 April People, the people who were the enemy, but also the peopled  
2 who joined the Khmer Rouge struggle, including members of the  
3 Royal family, monks, French and German people. Venerable Tep Phon  
4 was among the victims. As for the French, while I was in Krang Ta  
5 Chan prison, I heard about the French and was able to ask a few  
6 questions.>

7 <On 17 April, the French were taken away, but I did not know to  
8 where.>

9 [14.05.42]

10 Q. Sorry for interrupting you, but my question was actually quite  
11 specifically about the exhumations. In 1979 when you were  
12 participating in these exhumations, you mentioned the exhumation  
13 of eight pits in which there were 10,045 bodies found. And I am  
14 interested in the location of these eight pits compared to the  
15 Krang Ta Chan prison. How close to or far away from the Krang Ta  
16 Chan prison were those eight pits that you participated in the  
17 exhumation of?

18 A. Yes.

19 MR. PRESIDENT:

20 Hold on, witness.

21 Counsel, you may proceed.

22 MR. KONG SAM ONN:

23 Thank you, Mr. President. I am not objecting to the question but  
24 I note that the witness reads from his note and he also may be  
25 ticking on his papers.

60

1 MR. PRESIDENT:

2 Yes, I reviewed the paper from him this morning. It is just a  
3 blank piece of paper. It is his way of responding things. So  
4 prosecutor, you may proceed. Please, repeat your last question so  
5 that the witness can remember.

6 [14.07.13]

7 BY MR. FARR:

8 Q. My question was about, very specifically, these eight pits  
9 that you participated in the exhumation of in 1979, from which  
10 more than 10,000 bodies were recovered. And I am interested in  
11 the location of the pits. How close to or far away from Krang Ta  
12 Chan prison were they?

13 A. Yes. In Krang Ta Chan Office, it was 250 metres long and 200  
14 metres wide. Those pits were not far away from the Centre. It was  
15 on the southern part of the fence and other in the eastern area  
16 in the paddy field. We did not excavate all the pits. During the  
17 25 days when I was detained, I was ordered to dig the pits so I  
18 could identify, and I did the excavation those eight pits. And we  
19 did the actual count of skull, but there was no skull from the  
20 small children. At the time, Oxfam did not recognise it was the  
21 skull of human beings. They say, "they are not human remains".  
22 They were skull or bones from cattle. Unless we can prove -- we  
23 can show them human skull -- and then Oxfam representative  
24 recognised it was the human remains. And we would store the human  
25 remains next to the pit. We appreciate Oxfam, at that time, who

61

1 support people who did the digging with rice ration. And based on  
2 our actual count, there were 12,132 skulls. Two weeks later, when  
3 I arrived there, the human remains, the skull was scattering, and  
4 the villager told me that dogs and other animal took them away.

5 [14.10.30]

6 MR. PRESIDENT:

7 Witness, please be reminded that time is very short for you so  
8 please be brief in your response to the question.

9 BY MR. TRAVIS FARR:

10 I'm sorry; apologies for interrupting you. I just have a couple  
11 more questions.

12 Q. My first one -- the eight pits that you exhumed in 1979 -- was  
13 that the same location or a different location than where you had  
14 been ordered to take bodies when you were a prisoner at Krang Ta  
15 Chan?

16 [14.11.12]

17 MR. KEV CHANDARA:

18 A. Not all the pits. In some places, the prisoners who were  
19 detained there, and Keo Sam At, who was one of the prisoners,  
20 later told me that they were at the pits. And later we could  
21 identify the place where the pit is. And when we dug out, we  
22 could find skull and human remains and we request Oxfam for small  
23 construction, and then we did the count and we found 12,000  
24 skulls. And after that, we transferred the skull and human  
25 remains to the stupa, but the skull were not the same as the



62

1 first time we found them.

2 MR. PRESIDENT:

3 Co-Prosecutor, you may proceed.

4 [14.12.35]

5 BY MR. TRAVIS FARR:

6 Thank you, Mr. President.

7 Q. My last question. You've referred to an actual count of skulls  
8 and I think you mentioned a number of over 12,000. Can you tell  
9 me who it was that physically counted these skulls and came up  
10 with that number of something over 12,000?

11 MR. KEV CHANDARA:

12 A. Could you please repeat your question?

13 Q. Yes. I'm interested in who it was that actually counted the  
14 skulls. Who were the people that counted the skulls and came up  
15 with this number, of something in excess of 12,000?

16 MR. PRESIDENT:

17 So translation seems to be incorrect. So the number is 12,000;  
18 it's not 10,000. So please check again on the interpretation.

19 [14.13.50]

20 BY MR. TRAVIS FARR:

21 Q. Mr. Witness, could you please tell us again what was the total  
22 number of skulls that were counted in the course of these  
23 exhumations?

24 MR. PRESIDENT:

25 Witness, please hold on.

1 MR. KEV CHANDARA:

2 A. Upon our excavation, so we store the skull next to the pits.

3 So the total skull was 12,132. After removing from those pits to  
4 store in the wooden house to avoid any disturbing, and then there  
5 was only 12,012 skulls. So those skulls that lost were not taken  
6 away by dogs or pigs. But there were relatives of the victim who  
7 pray and say that "if among these victims is my husband or my  
8 daughter, if I touch any skull, it would be that skull". And then  
9 those people took away for their ritual or festival. And later,  
10 we transport it to store in the stupa, and then the skull getting  
11 lesser than this number.

12 [14.15.44]

13 Q. And my last question is: who was it who actually counted these  
14 skulls?

15 A. Those who did that -- other people, including the chief monk  
16 of Kreang Sei (phonetic) who did the counting. And I also did the  
17 counting. He also participated in the digging out. And one of the  
18 monks is still -- Reverend Khem Sok (phonetic) in Tram Kak  
19 district, who participated in the counting of the skull and  
20 storing those human remains.

21 MR. FARR:

22 Mr. Kev Chandara, thank you for answering my questions.

23 Mr. President, I have no further questions.

24 MR. PRESIDENT:

25 Mr. Prosecutor, you conclude your line of questioning and now the

1 Chamber give the floor to the Lead Co-Lawyer to put question to  
2 this witness.

3 [14.17.15]

4 QUESTIONING BY MS. GUIRAUD:

5 Thank you, Mr. President. Good afternoon, Witness. My name is  
6 Marie Guiraud. I am the International Lawyer representing the  
7 consolidated group of civil parties.

8 Q. I have just one question to put to you regarding the statement  
9 you gave this afternoon. I would like you to explain a term you  
10 used a while ago. You said that there were the people of the 17th  
11 April, or the 18th of April, or the 18th of March. Can you tell  
12 us what those categories of people consisted of? You have the  
13 17th of April, 18th of April, and the 17th of March translated  
14 differently. Can you tell us whether you were talking of the 17th  
15 of April or the 18th of March People?

16 MR. KEV CHANDARA:

17 A. Yes. The 17 April People were those who still live in Lon Nol  
18 regime: Cheng Heng (phonetic), who were created on the 17 April.  
19 But those who were called 18 April People were those who lived  
20 with the Khmer Rouge in their Liberated Zone before the 17 April  
21 liberation by the Khmer Rouge.

22 [14.18.59]

23 Q. So were the 18 April People the Base People?

24 A. The assumption by the local people - they were -- they called  
25 the 18 April People. So, all who were there with the Khmer Rouge

1 Liberated Zone were called the 18 April People. It was an idiom  
2 used by the Liberated Zone. So they were the Base People.

3 Q. In order to be absolutely sure that I properly understood your  
4 testimony, the Base People were not people from the commune in  
5 which you live, but were people who came from elsewhere; is that  
6 exactly what you're saying?

7 A. Yes. The 18 April People were those who were not living during  
8 the Lon Nol regime. So those who were liberated by the Khmer  
9 Rouge outside of the provincial town but they belong to the Khmer  
10 Rouge before the liberation by the Khmer Rouge of Phnom Penh. But  
11 those who transferred to the place after 17 April 1975 were  
12 called 17 April People.

13 [14.21.06]

14 Q. Thank you, Witness. In order to be more certain that I've  
15 properly understood you, can you explain to the Chamber whether  
16 the people of the 17th of April were treated differently from the  
17 people of the 18th of April or the April 18 People?

18 A. Counsel, please repeat your question because I did not catch  
19 your question.

20 MR. PRESIDENT:

21 Lead Co-Counsel, could you reframe your question because it seems  
22 to me that the witness is confusing with your last question.

23 Could you repeat your question and reframe it if possible?

24 BY MS. GUIRAUD:

25 Of course, Mr. President.

66

1 Q. My question, Mr. Witness, is as follows: Are the 17 April  
2 People, people who are treated differently from the 18 April  
3 People? Were they treated differently in terms of the food that  
4 they were given? The kind of work they had to do? Was there a  
5 difference between the 17 April People and the 18 April People in  
6 terms of the treatment that was meted out to them?

7 [14.22.37]

8 MR. KEV CHANDARA:

9 A. It was understood by the Khmer Rouge that they stayed, they  
10 received education with them since 1970 until some period of  
11 time. Whereas the 17 April People were those who moved to the  
12 place -- to the community after 17 April 1975 -- they didn't  
13 attend any education, any training or live with them earlier.

14 MR. PRESIDENT:

15 The question is like this: What was the treatment by the leaders  
16 or the society towards the 18 April People and the 17 April  
17 People in 1975? Was there any difference in the treatment about  
18 food ration, about work condition, and so on?

19 MR. KEV CHANDARA:

20 A. Yes. The 17 April People were perceived as knowing too little  
21 about the Liberated Zone, whereas the 18 April People were the  
22 ones who stay in those areas since 1970, more than eight years.  
23 So the 17 April spent only 3 years and 8 months only.

24 [14.24.31]

25 MR. PRESIDENT:

1 Counsel for Lead Co-Lawyer, could you make your question more  
2 simpler and shorter so that the witness can understand and  
3 respond well to your question.

4 BY MS. GUIRAUD:

5 Q. Thank you, Mr. President. I have just one last question for  
6 the witness, and I hope you would understand my question,  
7 Witness.

8 Were the 17 April People treated any differently from the 18  
9 April People? Were the 18 April People treated any more  
10 differently than those who had already been there since the very  
11 beginning?

12 MR. KEV CHANDARA:

13 A. Under the regulation, people should receive the same food, the  
14 same labour, but the trust in them was different. There was less  
15 trust in the 17 April People, because they considered them having  
16 some remnant, some ideology from Lon Nol regime. But I observed  
17 that those who were in the 18 April People would be assigned to  
18 be the group chief, unit chief. But the 17 April People did not  
19 get a chance to be appointed as group chief or unit chief at all.

20 [14.26.22]

21 MS. GUIRAUD:

22 Thank you, witness. Thank you, Mr. President. I have no further  
23 questions for the witness.

24 MR. PRESIDENT:

25 Thank you, Counsel.

68

1 Now the Chamber will give the floor to the defence counsel for  
2 Mr. Noun Chea to get an opportunity to put question to this  
3 witness. Counsel, you may proceed.

4 QUESTIONING BY MR. SUON VISAL:

5 Good afternoon, Mr. President, Your Honours, and the witness. I  
6 will ask you a number of questions.

7 Q. I would like to know which was the exact date of your arrest,  
8 witness?

9 MR. KEV CHANDARA:

10 A. When I was arrested, it was on the 20th of March, and I was  
11 released by the end of April. It was  
12 from late March and part of early April 1975.

13 [14.27.55]

14 Q. Thank you. I would like to quote from your statement. Did you  
15 give your statement to the Office of the Co-Investigating Judge  
16 on the 24th October 2007?

17 A. Could you repeat your question, Counsel?

18 Q. I want to ask you in your interview for the Co-Investigating  
19 Judge on the 24th of October 2007; did you give this interview on  
20 this date?

21 MR. PRESIDENT:

22 Witness, please hold on.

23 MR. KEV CHANDARA:

24 A. What recorded on the statement -- you can see my thumbprint or  
25 signature on them.

1 [14.29.10]

2 BY MR. SUON VISAL:

3 Q. Thank you. I would like to quote your response D25/24,  
4 00163465, English; 00222452.

5 When were you arrested? You said "between 1973, 1974, before the  
6 liberation all across the country." Is this your question to the  
7 Co-investigating Judge?

8 A. Yes, this response is not correct.

9 Q. Yes, thank you. I just would like to know the short question,  
10 because -- in the interest of time.

11 MR. PRESIDENT:

12 Please hold on.

13 MR. KEV CHANDARA:

14 A. All answers on the record with my signature and thumbprint are  
15 all correct. But it has been several years and many years, so if  
16 you compare to my response here, might be something not  
17 identical.

18 [14.30.41]

19 BY MR. SUON VISAL:

20 Q. But you said in this statement that you were arrested in 1973  
21 or 1974, before the liberation by the Khmer Rouge. Is it correct  
22 that you responded that?

23 A. I don't have the interview with me now. And, in fact, I  
24 reviewed some of my statements. And in this case, that response  
25 is not correct.



1 Q. That's all we want from you, and I'll now move to another  
2 question.

3 I'd like to ask you in regard to your detention, after you were  
4 arrested, you were sent straight away to Krang Ta Chan or were  
5 you sent elsewhere?

6 A. I was sent to Krabei Prey Office and I was detained there for  
7 five days. It was not a prison. It was an area called Krabei  
8 Prey. However, for people who were identified as committed real  
9 offences, they would be executed immediately. As for those who  
10 needed to be further interrogated, they were sent to Krang Ta  
11 Chan. I only saw one person, Achar Chhen, who was the  
12 interrogator at Krabei Prey.

13 [14.32.15]

14 Q. When you were sent to that office, was there anyone else  
15 arrested and sent along with you?

16 A. Yes. There were four of us: Yeay Tat (phonetic) from Ta Phem  
17 commune, but a different village, and Ta Phan (phonetic) from Ta  
18 Mom village, both deceased; and Yeay Hun (phonetic), who was  
19 executed at Krabei Prey.

20 Q. Thank you. How long were you detained at Krang Ta Chan office?

21 MR. PRESIDENT:

22 Mr. Witness, please observe the microphone's light.

23 MR. KEV CHANDARA:

24 A. My apology. I tend to forget that.

25 The combined time of my detention of 24 days at Krang Ta Chan and

71

1 five days at Krabei Prey amounts to 29 days in detention.

2 [14.33.41]

3 BY MR. SUON VISAL:

4 Q. Thank you.

5 When were you released from that detention office?

6 MR. KEV CHANDARA:

7 A. Please repeat your question.

8 Q. I want to know, you were detained at the detention centre and

9 when were you released?

10 A. I cannot recall the day, but it was in April - that is, after

11 the country fell. Probably 11 or 12 days after the country fell

12 in April.

13 Q. Thank you.

14 I'd like to extract your statement before the OCIJ -- that is, D

15 25/24; Khmer, ERN 00163461; English, 00223456:

16 "Question: When were you released from prison?

17 "Answer: The country almost fell in 1975."

18 Which one of the answer is correct?

19 A. No, it was not near the time the country fell.

20 [14.35.30]

21 Q. My question to you is: Was that your true response?

22 A. As I stated, all my responses would bear my signature.

23 Q. So you stand by your statements before the OCIJ?

24 A. Of course, I was never interviewed by anybody else, except

25 professional investigators from the ECCC. And before I signed on

1 those statements, I read them and checked for accuracy.

2 Q. Thank you.

3 In Krang Ta Chan Office, how many detention rooms or cells?

4 A. While I was detained there, I have -- as I stated, it was a  
5 long building, as I replied earlier. But later on, when I went to  
6 exhume the pits, I saw some solo part.

7 [14.37.12]

8 Q. Maybe you misunderstand my question. My question to you is:

9 How many detention buildings were there at Krang Ta Chan?

10 MR. PRESIDENT:

11 Mr. Witness, please try to observe the light on the tip of the  
12 microphone before you respond.

13 MR. KEV CHANDARA:

14 A. There was only one building where people were detained.

15 BY MR. SUON VISAL:

16 Q. Thank you. Please be brief, because we are running out of  
17 time. I'll move to another question.

18 After 1979, when you went to exhume the pits, how many buildings  
19 did you see within the prison compound at the time?

20 A. When I went for exhumation, there was no building left. There  
21 were forests. Even that building during the Khmer Rouge regime,  
22 it was decayed, and some villagers came to disassemble the building  
23 and use it as firewood.

24 [14.38.35]

25 Q. Thank you.

1 When you arrived at the prison compound or Krang Ta Chan Office,  
2 was it surrounded by a fence?

3 A. There was no fence at all. During the Khmer Rouge regime, it  
4 was well known as a prison without wall. As I stated, there was  
5 only one building where prisoners were detained, which was 3 by  
6 20 metres, and they used barbed wires to surround that building.

7 Q. Outside the prison compound, there was no fence at all and  
8 there were only barbed wires used along the wall of that  
9 building. What was the walls of that building made of?

10 A. The walls were made from coconut tree leaves. However, they  
11 used barbed wire to surround the building. Two or three layers of  
12 barbed wires were used.

13 Q. Was there a place where they interrogated the prisoners?

14 A. As I stated this morning, there was a small building to the  
15 west of that building, it was on the ground. It was built  
16 directly on the ground. It was roofed with thatch and also the  
17 wall was made of thatch. All prisoners who were sent to be  
18 interrogated would sit on the ground and the interrogator would  
19 sit on a wooden chair.

20 [14.40.45]

21 Q. At that interrogation place, was there like a proper door or  
22 was there no door that people could see through?

23 A. They used coconut tree leaves as walls, although we could see  
24 through parts of it. And when I went there, I could see parts of  
25 the coconut tree leaves -- were decayed. As I stated, during the

1 Khmer Rouge prisons, there was a prison without walls.

2 MR. SUON VISAL:

3 I thank you for your response. I don't have any further questions  
4 for you and I would like to cede the floor to my colleague.

5 MR. PRESIDENT:

6 Thank you, Counsel, and Mr. Witness. The time is appropriate for  
7 a short break. We will break now and return at 3.00 p.m.

8 Court officer, please assist the witness during the break and  
9 have him returned to the courtroom when the session resumes at  
10 3.00 p.m.

11 The Court is now in recess.

12 (Court recesses from 1442H to 1502H)

13 MR. PRESIDENT:

14 Please be seated. The Court is back in session, and before I hand  
15 the floor to the defence counsel to put the questions to this  
16 witness, the Chamber will make an oral ruling on the request by  
17 Noun Chea's defence regarding the practice concerning Civil Party  
18 2-TCCP-271.

19 The Trial Chamber is seized of a request by Noun Chea's defence  
20 for the reconsideration of certain practices for the examination  
21 of witnesses and civil parties. The Noun Chea defence submits  
22 that this request is urgent due to the appearance of 2-TCCP-271  
23 before the Trial Chamber on Wednesday, this week. The Trial  
24 Chamber will accordingly decide upon this request orally now,  
25 with written reasons to follow.

1 [15.04.40]

2 The Noun Chea defence objects to three identified practices:

3 1) The practice of permitting witnesses to review prior  
4 statements before testifying and then to answer questions based  
5 on those statements;

6 2) The undue restriction of the scope of defence  
7 cross-examination, and;

8 3) Unduly heavy reliance on the civil party testimony.

9 The Trial Chamber dismisses the Noun Chea request. Full written  
10 reasons will follow as soon as possible.

11 We now hand the floor to Noun Chea's defence to continue putting  
12 questions to this witness. You have the floor, if you have any  
13 more questions.

14 [15.05.49]

15 QUESTIONING BY MR. KOPPE:

16 Thank you, Mr. President. Good afternoon, Mr. Chandara. I have a  
17 few more questions to you. First, some questions about your  
18 background.

19 Q. After your study in medicine, which, I believe, you finished  
20 in Marseille, in France, you became a radiologist; is that  
21 correct?

22 MR. KEV CHANDARA:

23 A. I didn't complete my medical studies in Marseille. In fact, I  
24 went there to help my friend, Sou Nem (phonetic), to return to  
25 Cambodia. I concluded my studies in the Faculty of Medicine in

1 Cambodia, not in France.

2 Q. But did you become a radiologist in Phnom Penh after you came  
3 back from France?

4 A. In Phnom Penh, I applied for work at three hospitals: one was  
5 Calmette Hospital; and another one at Preah Ket Mealea, for the  
6 maternity section; and for Khmer-Soviet Friendship Hospital, I  
7 applied to work for the paediatric section.

8 [15.07.50]

9 Q. So, in the 60s, before the coup d'état against former Prince  
10 Sihanouk, were you or were you not a radiologist?

11 A. For the radiology, I didn't work there directly, but we could  
12 -- we were given access there to assist the films and to make  
13 some analysis of the system. We had to be familiar with that  
14 section as well because the film was not as clear as what we  
15 could see in person in that radiology section.

16 Q. But just to make sure, were you not working or were you  
17 working as a radiologist and were you using X-ray equipment in  
18 the 60s in various hospitals in Cambodia?

19 A. Please repeat your question.

20 Q. My question is very simple: Were you working as a specialist  
21 -- as a radiologist -- in various Cambodian hospitals in the 60s,  
22 used with working X-ray machines?

23 A. I already said that I specialized in general treatment, and at  
24 Calmette, actually, I applied for the ICU section; and at Preah  
25 Ket Mealea Hospital -- at that time, it was not a military

1 hospital, like what it is now -- and for that section, I -- for  
2 that hospital, I was involved in the maternity section; and I  
3 also applied at another hospital because I was allowed to work  
4 for one hour per day for each of the hospitals I mentioned. For  
5 the Khmer Soviet Friendship Hospital -

6 [15.1030]

7 Q. My question is very simple: were you or were you not a  
8 radiologist?

9 A. I was not an expert in radiology.

10 Q. Fine. Mr. Witness, you said earlier today that you were  
11 involved in the exhumation of skeletons -- remains of prisoners  
12 at Krang Ta Chan. You earlier mentioned a number of 12,000 skulls  
13 that were found. Have you -- in the last few years -- visited  
14 Krang Ta Chan? And more specifically, have you seen the stupa  
15 which contains skulls at Krang Ta Chan?

16 A. Not only I saw it, the stupa that contains the skeleton  
17 remains was the result of my appeals to some excellences, to  
18 those whose relatives died there, so that the stupa could be  
19 built with their assistance and contribution.

20 [15.12.03]

21 Q. Would you be able to tell if the 12,000 skulls that you were  
22 speaking of are roughly about the same amount as the skulls that  
23 you can see nowadays at the stupa at Krang Ta Chan? Are these the  
24 same amount, the same number?

25 A. I already stated before the Court that the skulls are -- some



1 of them -- lost from the day that we exhumed them and stored them  
2 near the pits. Initially, we stored at the house and in exchange  
3 we gave them 100 kilograms of rice, but later on some wild dogs  
4 came to eat those skulls. And when we moved it to the stupa, some  
5 got lost again. Initially there were 12,132 - skulls that we  
6 exhumed.

7 Q. Would you be able to tell us roughly how many skulls are now  
8 being held in that stupa?

9 A. The skulls stored in the stupa are less than the registered  
10 number on the list due to the reasons I mentioned earlier.  
11 Relatives of those victims prayed in the hope that they would  
12 reach out their hands to touch the right skull of their relative  
13 who could be their husband or dear dear father, or mother, or  
14 sister. So, a few skulls disappeared each day as those relatives  
15 took them to their respective home.

16 [15.14.06]

17 Q. Would you be able to tell us how many of those skulls got  
18 lost? How many skulls are there remaining now in that stupa?  
19 Would you be able to tell us?

20 A. I have not done the re-estimation and I worked with the chief  
21 monk in Tram Kak district and all the monks in the 56 pagodas in  
22 Tram Kak district, and when we counted before we placed those  
23 skulls into the stupa, the remaining skulls were 12,013.  
24 As for clothing, some were identified by the relatives; however,  
25 we did not keep those clothes because as the stench was too much.

1 And, as for the skulls of young children in -- that were exhumed  
2 from the north pit, were also there and I observed during my 29  
3 detention, I saw lots of children there. Later on, when we  
4 exhumed, we couldn't find -- or couldn't see those children's  
5 skulls.

6 Q. Mr. Witness, I'm sorry, I'm going to cut you short a little  
7 bit. By just putting to you that there are about 1500 to 2,000  
8 skulls in that stupa, would that be a fair estimate or am I  
9 completely off?

10 [15.16.12]

11 MR. PRESIDENT:

12 Please wait.

13 Deputy International Co-Prosecutor, you have the floor.

14 MR. FARR:

15 Your Honour, I object to the question on the grounds that counsel  
16 is testifying.

17 BY MR. KOPPE:

18 I'll rephrase.

19 Q. Mr. Witness, could it be true that presently the stupa  
20 contains between 1500 and 2,000 skulls?

21 MR. KEV CHANDARA:

22 A. I already responded to your question as to the amount of  
23 skulls we put in those -- the stupa. I was - and that what I said  
24 could be supported by those monks. We counted the skulls together  
25 with the monks and there were a total of 10,013 skulls. However,

80

1 I cannot say for sure how many skulls were requested and taken  
2 from the stupa by their relatives. And some of the tools that we  
3 exhumed were stolen or taken away by children.

4 [15.17.45]

5 Q. Fine, Mr. Witness.

6 Were you aware that Krang Ta Chan used to be -- let me rephrase.  
7 Do you know the location where Krang Ta Chan is situated used to  
8 be a gravesite? I mean, a graveyard, where people bury their  
9 family members.

10 MR. PRESIDENT:

11 International Co-Prosecutor, you can proceed.

12 MR. FARR:

13 Your Honour, if that fact is in evidence in this case, we'd  
14 appreciate a citation to it, and if counsel is relying on some  
15 other document, I would also appreciate a citation to that.

16 [15.18.36]

17 MR. KOPPE:

18 I would appreciate if counsel knows the case file before  
19 objecting, because I find two references in documents put on the  
20 interface where there's a reference to this place being a  
21 gravesite before.

22 MR. FARR:

23 Your Honour, one of the --

24 BY MR. KOPPE:

25 E3/2062 and D175/8.90.

81

1 So, my question, Mr. Witness: Are you aware that the location  
2 where Krang Ta Chan is situated used to be a gravesite?

3 MR. KEV CHANDARA:

4 A. At the Krang Ta Chan -- and allow me to elaborate a bit  
5 further on that word -- Krang Ta Chan refers to a plantation  
6 field owned by Ta Chan. It was not a gravesite. It was not a  
7 graveyard, as you stated, it was a plantation owned by Ta Chan.

8 [15.19.55]

9 Q. Thank you, Mr. Witness, but I am not making it up, and I refer  
10 all parties in the Trial Chamber to E3/2062 -- and I quote -- ERN  
11 in English, 00301363: "Krang Ta Chan used to be a completely  
12 quiet forest and a stupa to preserve the remains of the ancestors  
13 of the people in that base." And I'm reading from a report "A  
14 Brief History of the Krang Ta Chan Genocide Pol Pot-Ieng Sary  
15 clique". So, my question, again, is it true that Krang Ta Chan  
16 used to be a gravesite?

17 A. Please, bear in mind that usually a large forest is a quiet  
18 forest, and not only that could be a graveyard or grave site and  
19 Ta Chan to make that forest into a plantation because of the  
20 quiet area or location. It was not a graveyard. I, in fact, made  
21 an inquiry about that.

22 [15.21.32]

23 Q. The reason I'm asking, Mr. Witness, is that if it were a  
24 gravesite, or it used to be a gravesite, before 1975, or even  
25 earlier in the 60s, what would be the proceedings to make sure

82

1 that the skulls that you found were in fact skulls belonging to  
2 former prisoners? But I will move on to another question, Mr.  
3 Witness, and that is the following: When you joined the  
4 Revolution in 1970, do you remember names of fellow  
5 revolutionaries you met in that period between 1970 and 1975?  
6 A. From 1970 to 1975, and until today, we lost our friends. We  
7 were separated from one another, and for that, I made an appeal  
8 to the Chamber, to expedite the trial proceedings and not only  
9 the accused or the civil parties or witnesses getting much, much  
10 older. As for me, my real age is 80 years old --

11 MR. PRESIDENT:

12 Mr. Witness, you are obligated to respond to the question. As for  
13 other matters, the Chamber will deal with them. And it is for you  
14 to listen to the question and make an appropriate response to  
15 that question and limit your response just to the nature of the  
16 question, rather than to make detailed responses outside the  
17 nature of the question. And, please, try to recompose yourself  
18 and concentrate on the question. As the saying goes in our Khmer  
19 culture, answer what is asked of you and limit your response to  
20 the nature of the question being put to you.

21 [15.24.14]

22 BY MR. KOPPE:

23 Thank you, I'll reformulate my question to make it easier for  
24 you.

25 Q. Did you, in those years between 1970 and 1975, meet

1 revolutionaries like Hu Nim, Hou Yun, Thiounn Thioeunn? Were you  
2 together with them in that period?

3 MR. KEV CHANDARA:

4 A. I did not live with Hou Yun or Hu Nim, as for Thiounn Thioeunn  
5 -- Dr. Thiounn Thioeunn -- I met him at Damnak Snuol.

6 Q. I didn't ask whether you lived with Hu Nim or Hou Yun, but  
7 were you fellow revolutionaries? Fellow revolutionaries like with  
8 Dr. Thiounn Thioeunn, in those years.

9 A. In 1970, we all left Phnom Penh together; however, upon  
10 arrival, we were separated and put at a different location and I  
11 was put at Damnak Snuol, which is currently in Chum Kiri in the  
12 Kampot province. As for Dr. Thiounn Thioeunn, he was transferred  
13 to the North Zone and I did not know the location where he was  
14 transferred to.

15 [15.25.42]

16 Q. That question was: Did you consider yourself a revolutionary?  
17 A Khmer Rouge revolutionary in the period between 1970 and 1975?

18 [15.26.00]

19 A. I considered myself as the cheap servant of the Khmer Rouge  
20 regime -- that is, of Democratic Kampuchea regime, and not a  
21 revolutionary.

22 Q. Were you active as a doctor in the front lines, helping Khmer  
23 Rouge cadres who were wounded in battle?

24 A. In my capacity as a doctor, I did not discriminate the  
25 patients that I treated. Even for animals, we would treat any

1 animal. We, as doctors, considered ourselves not enemies to any  
2 party or anyone.

3 Q. Again, Mr. Witness, that was not my question, my question was:  
4 Were you active on the battlefield assisting, medically, Khmer  
5 Rouge cadres who were wounded in battle fighting Lon Nol  
6 soldiers?

7 A. We were there, so we had to provide our help in the treatment  
8 in the way that we could.

9 [15.27.34]

10 Q. I put it to you -- it's quite a difference whether you are a  
11 doctor in a hospital in Phnom Penh or whether you were, in fact,  
12 medical expert assisting Khmer Rouge forces in the battle against  
13 Lon Nol soldiers. So, my question is: Were you a medic or  
14 revolutionary, very instrumental in the war of liberation?

15 A. I did not consider myself instrumental to the Khmer Rouge  
16 regime. I still consider myself as a medic who would rescue and  
17 give treatment to anything or anyone, regardless of their races  
18 or background.

19 Q. Mr. Witness, please don't try to circumvent the answer. My  
20 question to you is -- you are a doctor --, my question is: Were  
21 you, in fact, helping the Khmer Rouge in their liberation  
22 struggle? Were you, in fact, helping Khmer Rouge cadres when they  
23 were wounded in battle?

24 A. Yes, I did. If I were not, what would it mean to be a doctor?

25 [15.29.15]

1 Q. Fine. Thank you, Mr. Witness. My next question is the reason  
2 of your arrest, all of a sudden. All of a sudden somewhere in  
3 March/April '75, you were arrested. Can you tell us the reasons  
4 why you think you were arrested?

5 A. I do not know the reasons. I think you have to ask the people  
6 who arrested me. I didn't know what mistakes I made. More than  
7 10,000 people who were detained at Krang Ta Chan complained that  
8 they didn't know the mistakes that they made. Regardless of that,  
9 they were arrested and tortured by the Khmer Rouge.

10 Q. Mr. Witness, I put it to you that is not correct. You were a  
11 doctor, you were a revolutionary, and all of a sudden, in  
12 April/May of 1975, you were arrested. I'm sure the people who  
13 arrested you told you why they arrested you. Didn't they? Or did  
14 they not?

15 A. You asked the same question, and I actually replied that  
16 question. I pondered that issue. I pondered why I was arrested.  
17 [15.30.48]

18 MR. PRESIDENT:

19 Mr. Witness, the question is not what you said. If you know the  
20 reason for your arrest, please say so. If not, you also should  
21 state so. Did the Khmer Rouge tell you what mistakes or offences  
22 you made that led to your arrest? I have reminded you repeatedly  
23 to listen to the questions carefully and limit your responses to  
24 the questions, rather than to make a long response and lead to  
25 confusing -- or lead to other questions to be put to you again



86

1 and again. The Chamber doesn't want that kind of response; we  
2 only want the response that gives weight to the Bench  
3 consideration.

4 BY MR. KOPPE:

5 Q. So, can you tell us some reason -- you must have heard some  
6 reason -- why they arrested you, a revolutionary, a doctor? They  
7 must have given you a reason.

8 MR. KEV CHANDARA:

9 A. I didn't know what offences I made.

10 [15.32.25]

11 Q. Fine, Mr. Witness.

12 It's not very clear exactly when you were arrested, but if I  
13 understood your testimony correctly, it was somewhere in March --  
14 maybe February -- but somewhere in March 1975. As we all know  
15 here, 17 April 1975 was a very important date.

16 Were you still detained on the day of liberation? Were you  
17 released just before the day of liberation or were you released  
18 just after the day of liberation?

19 A. I was taken out of Krang Ta Chan 14 days after the liberation.  
20 It was the liberation in 1975, it happened 14 days after that  
21 date.

22 Q. So, is your testimony now that you were released on the 1st of  
23 May 1975?

24 A. It does seem like that. The liberation was on 15 April, so I  
25 was released after the 15 of April -- I was released from Krang

1 Ta Chan -- because I saw many people who were transferred from  
2 Phnom Penh and I also saw some people who were evacuated from  
3 Phnom Penh were sent to Krang Ta Chan.

4 [15.34.31]

5 Q. I guess you are -- you must be a little confused with dates,  
6 because it's difficult for 17 April People to arrive already on  
7 the 15 of April in Krang Ta Chan. Would you agree with that?

8 MR. FARR:

9 Objection.

10 MR. PRESIDENT:

11 Prosecutor, you may proceed with your objection.

12 MR. FARR:

13 The witness didn't say that 17 April People arrived in Krang Ta  
14 Chan on 15 April; that is not what I heard.

15 [15.35.10]

16 BY MR. KOPPE:

17 I am also confused by the answer of the witness, Mr. President,  
18 so I will move on.

19 Q. Again, Mr. Witness -- because it is very important for me to  
20 understand -- how many days after the liberation you say you were  
21 still in Krang Ta Chan?

22 MR. KEV CHANDARA:

23 A. The liberation of the whole country, it was on the 17 April.  
24 After the 17 April, more than 10 days after that, I was released  
25 from Krang Ta Chan, because I saw Phnom Penh evacuees arrive in

1 Krang Ta Chan. When I arrived in the Wat Champa temple, I saw  
2 people also there and they were also sent out from that pagoda.

3 Q. Mr. Witness, you were not able to give testimony as to the  
4 reason why you were arrested, but would you be able to tell us  
5 the questions that were asked to you by your fellow Khmer Rouge  
6 cadres?

7 A. I am interested in two <points: first>, they were whispering  
8 that any <Sihanoukists would not be spared and would be sent for  
9 re-education or smashed. Second, I recall that the intellectuals  
10 and the petit bourgeoisie, which belonged to the revisionist  
11 class, were not to be spared and must be killed. That is what I  
12 heard from them. For me, I still have doubts about it.>

13 [15.37.22]

14 Q. But, Mr. Witness, you were a revolutionary. You joined the  
15 marquis; surely that's not things that they told you. You were  
16 fighting along with soldiers. You were assisting them, maybe even  
17 medically. Please, tell me exactly the questions that they asked  
18 you.

19 A. <Did you ask about Krang Ta Chan or about other centres or  
20 offices where I also worked?>

21 Q. Just give me a few -- just paraphrase a few questions that  
22 were asked to you by your fellow -- former Khmer Rouge cadres.

23 MR. PRESIDENT:

24 The Khmer translation is not <clear>. Mr. Koppe, could you repeat  
25 your question? <Please make your question concise and clear. We

1 do not understand the interpretation into Khmer. The witness is  
2 therefore unable to answer it. Both the general public and I, the  
3 President of the Chamber, do not understand it.>

4 [15.38.53]

5 BY MR. KOPPE:

6 Q. My question is, again, about the questions that were asked to  
7 you by your former fellow Khmer Rouge cadres. What particular  
8 questions, anywhere -- in Krang Ta Chan or anywhere else -- did  
9 they ask you? What was their suspicion? Why did they arrest you?  
10 Had you done something? Did they accuse you of something? Can you  
11 tell me?

12 MR. KEV CHANDARA:

13 A. In Krang Ta Chan Office, they insisted and questioned me who  
14 came to train you in CIA network or KGB networks or association.  
15 I refused, saying that "No, I don't know." I don't know what the  
16 CIA and KGB was at the time.

17 Q. Could you be a little more specific? Why did they think that  
18 you belonged to some CIA network? Did they ask for names? Did  
19 they ask for events? Did they ask you about meetings that you  
20 might have had? Anything a little more specific, please.

21 [15.40.30]

22 A. I did not know what was my mistake or offence. I could not  
23 rely those networks because I had never attended any training  
24 with CIA or KGB training. If they asked me about medical  
25 training, I could respond.

1 MR. PRESIDENT:

2 Mr. Koppe, you may continue your questions.

3 BY MR. KOPPE:

4 Q. Did they ever ask you write a confession?

5 MR. KEV CHANDARA:

6 A. No, they didn't order me to write any confession.

7 [15.41.30]

8 Q. I am puzzled, Mr. Witness, I will tell you honestly. You are a  
9 good friend of Ta Mok, as I understand. You are a true  
10 revolutionary, we are a few days before the liberation, you get  
11 arrested -- you get detained for four weeks. You don't remember  
12 any questions being asked? You were not asked to write a  
13 confession? Mr. Witness, I put it to you that you were never  
14 detained, that you were never arrested at Krang Ta Chan and other  
15 places. Is that correct?

16 A. I understand that your understanding is not correct. You said  
17 that I was not arrested, but I was arrested. I have better  
18 understanding than yours, I know myself very well, so you are not  
19 me.

20 MR. PRESIDENT:

21 It seems to me -- to The Chamber that you have no further  
22 questions to put to this question (sic). So your last question  
23 seems to be you are seeking for a conclusion and this is  
24 prohibited by the rules. So --

25 MR. KOPPE:

91

1 I just put what I think to the witness and since he is a medical  
2 doctor he would be able to answer that question by simply saying  
3 "You're wrong". I will move on to a little more specific  
4 questions to this witness.

5 [15.43.20]

6 BY MR. KOPPE:

7 Q. Mr. Witness, could you tell us some more about Keo Sam At? She  
8 was a young prisoner together with you at Krang Ta Chan; is that  
9 correct?

10 MR. KEV CHANDARA:

11 A. Madam Keo Sam At, is this the one you refer to, counsel?

12 Q. Yes. She was a fellow prisoner during those weeks with you at  
13 Krang Ta Chan; is that correct?

14 A. Yes. Keo Sam At was brought there when she was about 13 or 14  
15 years old, but she was sent there because her relatives were  
16 arrested and sent for execution in different places and she was  
17 arrested and sent there. So, what is your next question on Keo  
18 Sam At?

19 [15.44.36]

20 Q. My next question would be: Is she still alive?

21 A. After I left the place in 1979, I met her twice but it was  
22 more than 20 years now I have never met her. When I met her for  
23 the first time, she was a teacher for the preschool, but I never  
24 met her since then.

25 Q. I'm not entirely sure if I understand the question; let me

1 recapitulate.

2 You saw her, maybe in '79 or after '79 or when was the last time?

3 Maybe I'll ask you like this: When was the last time you saw her?

4 A. I did not take note the date when I saw her -- I met her. But  
5 it was not an important meeting, so I do not recall the date now.

6 Q. Was it just a few years ago maybe or was it -- is it 20 years  
7 ago, or 30 years ago?

8 A. My last meeting with her was more than 20 years now. It was in  
9 1979, and now 2015.

10 [15.46.29]

11 Q. What more can you tell us about this woman? Are you and her  
12 the sole survivors of Krang Ta Chan or are there any other  
13 survivors that you know of Krang Ta Chan?

14 A. Krang Ta Chan Office was established in 1972 and operating  
15 until the 7th January 1979. It was operating for a long period of  
16 time and my time there was only 29 days, so how could I know  
17 other survivors? It is only you or the researcher would know how  
18 many survivors from that office.

19 Q. Have you ever told anybody that you and she are the only two  
20 survivors of Krang Ta Chan?

21 A. I did not tell anyone. Here before the Court, I did not say  
22 that I was the only survivor but I can say I am the survivor from  
23 that office.

24 Q. Mr. Witness, do you know a book called "War and Genocide: A  
25 Never Ending Cycle of Human Brutality", written by a person

1 called Mr. Chanda Chhay?

2 MR. FARR:

3 Objection, Your Honour.

4 MR. KOPPE:

5 Homework, counsel.

6 [15.48.35]

7 MR. PRESIDENT:

8 Hold on, witness.

9 Co-Prosecutor, you may proceed.

10 MR. FARR:

11 To the best of my knowledge the question is based on a document

12 that hasn't been noticed for this witness. I'll be happy to be

13 corrected, if I am wrong.

14 MR. KOPPE:

15 Hence my answer, do your homework, counsel. I'm asking a question

16 --

17 MR. FARR:

18 Your Honour, that's an unacceptable answer. With all due respect,

19 the document either been noticed for this witness or it has not.

20 BY MR. KOPPE:

21 But it doesn't mean that the book doesn't exist?

22 Q. So my question again, do you know this book?

23 [15.49.19]

24 MR. PRESIDENT:

25 Witness, you don't need to respond to the last question.



1 BY MR. KOPPE:

2 Q. Mr. Witness, have you ever written an article for a magazine  
3 called "Searching for Truth"?

4 MR. LYSAK:

5 Your Honour, same objection.

6 MR. KOPPE:

7 Again, I'm asking something what the witness has done. I'm not  
8 referring to --

9 MR. PRESIDENT:

10 The Chamber would like to hear your objection. Prosecution, could  
11 you indicate your objection with the ground and your full  
12 objection. We wish to hear in a public hearing so it's difficult  
13 for the Chamber to follow if you exchange too quickly like that  
14 without the authorisation from the Chamber.

15 [15.50.23]

16 MR. FARR:

17 Yes, Your Honour. My understanding of the rule regarding  
18 questioning witnesses based on documents is that, any questions  
19 founded on a document, should be noticed to the other parties.  
20 And that if a question is founded on another document that has  
21 not been noticed to the other parties, is not admissible. The  
22 last two documents that counsel has referred to has not been  
23 noticed to the other parties, and therefore these questions are,  
24 in our submission, inadmissible.

25 MR. KOPPE:

1 Again, Mr. President, I'm not referring to a document, I'm asking  
2 a question whether this witness has written something. I know you  
3 don't like it but it's my duty, as you will, to ask this  
4 question.

5 [15.51.08]

6 MR. PRESIDENT:

7 Counsel, what is your document that you referred to <? Could you  
8 give us the title? What is the basis or fact that makes you ask  
9 about a book written by a witness?>

10 MR. KOPPE:

11 I haven't reached that stage yet. My question first, and I would  
12 like the witness to answer that general question whether he has  
13 ever written something. Either in a chapter of a book or for a  
14 magazine called "Searching for the Truth". That's all. I'm not  
15 showing him the document. It's all what my question is about and  
16 I think I'm completely entitled to ask that question, whether you  
17 like it or not.

18 MR. PRESIDENT:

19 Mr. Koppe, <you may proceed. From the interpretation, it was not  
20 as clear as you said. It was not clear and if it is an open  
21 question as you explained, then you are allowed to ask it. I  
22 would, however, remind you that you should conduct yourself  
23 properly according to the code of ethics for lawyers of this  
24 trial.>

25 [15.53.10]

1 BY MR. KOPPE:

2 I'll rephrase a little bit, Mr. President.

3 Q. Mr. Witness, did you in the first quarter of 2013, write an  
4 article about your DK experience in a magazine called "Searching  
5 for the Truth"?

6 MR. KEV CHANDARA:

7 A. I did not write any article in any book at all.

8 Q. Are you sure, Mr. Witness?

9 A. Yes. It is clear.

10 Q. Mr. Witness, who is Pen Sovan?

11 A. I don't know Pen Sovan. I just saw his face on photo or on  
12 television. Even though he was from the same province, I don't  
13 know him.

14 Q. So, Mr. Pen Sovan never intervened on your behalf when you  
15 were threatened to be arrested post '79?

16 [15.54.56]

17 MR. PRESIDENT:

18 The witness does not need to respond to the last question because  
19 the witness indicated that he doesn't know Mr. Pen Sovan.

20 Mr. Koppe, it appears that your time is over and the Chamber  
21 hands over the floor to Mr. Kong Sam Onn. So it is noted that  
22 your line of questioning, the last one seem to be -- do not help  
23 the Chamber to ascertain the truth.

24 Mr. Kong Sam Onn, you may proceed.

25 MR. KONG SAM ONN:

1 Good afternoon Mr. President, Your Honours, and other witness.  
2 Mr. President, before I put questions, I would like to ask for  
3 the Chamber's leave to use document D118/24, the document filed  
4 by the Co-Prosecutor's office and the response. I understand the  
5 practice of using this document because the witness will be the  
6 one who will respond. We need your leave to give the document to  
7 the witness.

8 [15.56.48]

9 MR. PRESIDENT:

10 Court officer is instructed to take the document to the witness  
11 for examination.

12 MR. KONG SAM ONN:

13 Because there's a problem, we could not make copies for other  
14 parties, so we would like to ask that the prosecutor, if you have  
15 a copy, should provide to other parties.

16 MR. PRESIDENT:

17 Co-Prosecutor, do you have copies of this document for the  
18 parties?

19 MR. FARR:

20 No, Your Honour. The only copy I have is extensively marked.

21 MR. LYSAK:

22 Mr. President, this document is been put on Case File 002 as  
23 E319.1.5, so I don't understand what the problem, why we have to  
24 provide a copy of this document.

25 [15.58.01]

1 MR. KONG SAM ONN:

2 Mr. President, I would like to respond to the Co-Prosecutor --

3 E319.1.2, we could not access this document on the system. Thank

4 you.

5 MR. PRESIDENT:

6 Mr. Co-Prosecutor, do you have a copy?

7 MS. SONG CHORVOIN:

8 Yes, we do have this document. We can provide this document to

9 the witness for examination.

10 MR. PRESIDENT:

11 Court officer is instructed to give this document -- to hand over

12 this document to the witness for examination.

13 QUESTIONING BY MR. KONG SAM ONN:

14 Q. Witness, could you look at page number 4, the last page which

15 bear the name Kev Chandara and tell the Court if this is your

16 name and thumb print on that document.

17 MR. KEV CHANDARA:

18 A Yes, this is my name and my thumb print was -- appears on this

19 page.

20 Q. For the Court record, this document D118/24, this is the

21 minute of the Office of the Co-Investigating Judge in February

22 20th,, 2013 at 10.05 a.m., at Moha Sena village, Ta Phem commune,

23 Tram Kak district, Takeo province.

24 Q. Witness, do you recognise that this is the minute of interview

25 that you gave to the OCIJ?

1 [16.00.33]

2 MR. PRESIDENT:

3 Witness, hold on.

4 MR. KEV CHANDARA:

5 A. Yes. This document I signed my signature on it.

6 BY MR. KONG SAM ONN:

7 Q. Could you confirm again. It was not your signature; it was  
8 your thumb print. So could you indicate this again to the Court?

9 MR. KEV CHANDARA:

10 A. Yes. This is my thumb print on the paper.

11 Q. Have you read or anyone read to you before you put your thumb  
12 print on this document?

13 A. Sometimes a person read to me and I listened and I recognise  
14 the accurate statement and certain error I do not recognise on  
15 this PV.

16 [16.01.59]

17 Q. Thank you. So could you look at -- respond to question 17 on  
18 the document in your hand, on answer 17. Let me put the question  
19 to you:

20 "Did you know about the mistreatment of the Khmer Krom?"

21 Response 17 -- let me quote: "I did not know about that. I just  
22 heard from other people that the Khmer Rouge troops attacked to  
23 take back the Kampuchea Krom territory. I was detained at Krang  
24 Ta Chan 5, and late 1974 and another -- some days in 1975, and  
25 later I was released and I was made to work as a mechanic to

100

1 repair machine."

2 So, my question for you is that: Were you detained Krang Ta Chan  
3 in late 1974 or early 1975 or you stand by your earlier response  
4 before the Court that you were detained in March or April 1975?

5 [16.03.44]

6 MR. PRESIDENT:

7 Witness, please hold on.

8 MR. KEV CHANDARA:

9 A. It is unclear from this document that detention was in 1974,  
10 but, in fact, it was in March 1975 and early April of that year,  
11 but here it is not correct. And when I read, it said 1974,  
12 because I was detained at the time on the verge of the liberation  
13 in April, so between March and April; it was a total of 29 days.

14 BY MR. KONG SAM ONN:

15 Q. Can you tell the Court the difference between the two? You  
16 indicated two different years. It was one, 1974; and another year  
17 in 1975; and the number of days of your detention was the same  
18 and now you indicated two different months: March and April, so  
19 what can you say about the difference here?

20 MR. KEV CHANDARA:

21 A. The difference of the two months, because my calculation was  
22 29 days but I am not so sure about the month. I asked my wife and  
23 my children. They said I left the family and was sent to Krang Ta  
24 Chan, it was 10 days before the liberation of Phnom Penh and also  
25 I was detained there 10 days after the liberation of Phnom Penh.

101

1 From late of March and early of April, in total I was detained 29  
2 days and another 5 days at Krabei Prey

3 Q. Thank you. So a while ago, I heard from you that --  
4 [16.06.27]

5 MR. PRESIDENT:

6 Defence Counsel, do you many more questions?

7 MR. KONG SAM ONN:

8 I have many more questions, Mr. President.

9 MR. PRESIDENT:

10 Witness, the day after tomorrow, can you come to testify to  
11 conclude your testimony before the Trial Chamber?

12 MR. KEV CHANDARA:

13 No, I cannot say now for sure because my health is precarious. I  
14 have problem with my leg, sometime I cannot walk after sitting  
15 for long. I cannot confirm.

16 [16.07.12]

17 MR. PRESIDENT:

18 Because the Chamber need you to testify for another hour to  
19 conclude, to respond to the defence counsel, so you say that you  
20 cannot predict so unless there is an emergency, so the Chamber  
21 thinks that you can come to give and conclude your testimony on  
22 Wednesday, this week, on the 4th.

23 Mr. Kev Chandara, thank you for your time. Your testimony has not  
24 come to a conclusion. The Chamber advises you to come to finish  
25 your testimony from Wednesday, 4th February 2015, and you are now



102

1 excused.

2 Court officer, please work with the Witness Support Section to  
3 facilitate the witness transport home and to bring him back on  
4 the 4th February 2015, before 9.00 a.m., in the morning.

5 [16.08.38]

6 And the Trial Chamber wishes to inform the Parties that we will  
7 adjourn for today's proceeding and the hearing will resume on  
8 Wednesday, 4th February 2015 at 9.00 a.m. and on Wednesday, the  
9 Trial Chamber after finishing the testimony of Kev Chandara, the  
10 Trial Chamber will hear the testimony of 2-TCCP-271.

11 Security personnel are instructed to bring the accused to the  
12 detention facility and bring them back to the courtroom on the  
13 4th February 2015, before 9.00 a.m. in the morning.

14 The Court is adjourned.

15 (Court adjourned at 1609H)

16

17

18

19

20

21

22

23

24

25