



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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

27 April 2015
Trial Day 274

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

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KHIEU Samphan

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For the Office of the Co-Prosecutors:
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For Court Management Section:
UCH Arun
SOUR Sotheavy

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE FENZ	English
MS. GUIRAUD	French
MR. HONG KIMSUON	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LYSAK	English
THE PRESIDENT (NIL NONN Presiding)	Khmer
MR. SENG BUNKHEANG	Khmer

1 PROCEEDINGS

2 (Court opens at 0907H)

3 MR. PRESIDENT:

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

5 Today the Trial Chamber conducts the key document presentation

6 hearings concerning Tram Kak cooperatives and Krang Ta Chan

7 security centre.

8 Ms. Se Kolvuthy, please report the attendance of the Parties and

9 other individuals at today's proceedings.

10 [09.08.27]

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all Parties to this case

13 are present except Mr. Son Arun, the National Co-Counsel is

14 absent for health reasons. Mr. Nuon Chea is present in the

15 holding cell downstairs. He has waived his right to be present in

16 the courtroom. The waiver has been delivered to the greffier.

17 [09.08.59]

18 MR. PRESIDENT:

19 Thank you, Ms. Se Kolvuthy. The Chamber now decides on a request

20 by Nuon Chea. The Chamber has received a waiver from Nuon Chea

21 dated 27 April 2015, which states that due to his health, that

22 is, headache, back pain, he cannot sit or concentrate for long,

23 and in order to effectively participate in future hearings,

24 requests to waive his right to participate in and be present at

25 the 27 April 2015 hearing. Having seen the medical report on Nuon

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1 Chea by duty doctor for the Accused at the ECCC dated 27 April
2 2015, who notes that Nuon Chea has dizziness when he sits for
3 long and recommends that the Chamber also grant him his request
4 so that he can follow the proceedings remotely from the holding
5 cell downstairs.

6 [09.10.15]

7 Based on the above information and pursuant to Rule 81.5 of the
8 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
9 follow the proceedings remotely from the holding cell downstairs
10 via an audio-visual means.

11 The Chamber instructs the AV unit personnel to link the
12 proceedings to the room downstairs so that he can follow the
13 proceedings. That applies for the whole day.

14 [09.11.03]

15 Today the Trial Chamber conducts the key document presentation
16 hearings concerning Tram Kak cooperatives and Krang Ta Chan
17 security centre, as informed via an email sent by the Senior
18 Legal Officer of the Trial Chamber on 7 April 2015. As indicated
19 in the Chamber's memorandum E315/1, dated 17 December 2014, the
20 Chamber has stated that it will continue the practice of
21 presenting key documents as previously implemented in Case 002/01
22 in order to provide Parties with an opportunity to present key
23 documents relevant to each trial topic in Case 002/02. The key
24 document presentation hearings for the first trial topic in Case
25 002/02, concern Tram Kak cooperatives and Krang Ta Chan security

1 centre. These documents also serve to ensure a greater measure of
2 public accessibility to the documentary aspect of each trial
3 topic. The Chamber has directed the Parties to select a limited
4 number of documents avoiding the selection of documents which
5 have already been discussed in detail in earlier proceedings. In
6 order to have a smooth key document presentation hearings, the
7 Chamber has instructed the Parties to circulate a list of the
8 documents they wish to present to the Chamber and other Parties
9 prior to the commencement of the hearings by 22nd April 2015.

10 [09.13.04]

11 In addition, the Chamber has also informed the Parties that
12 should any Party choose not to present key documents or comments
13 on the documents presented by other Parties, that Party is
14 invited to inform the Chamber by 24 April 2015.

15 On 10 April 2015, the Chamber sent the Parties a list of relevant
16 documents which it plans to admit in a forthcoming decision in
17 order to assist the Parties in selecting the key documents they
18 wish to present during today's hearing. A revised version of this
19 list has been sent to the Parties on 24 April 2015. The Parties
20 have sent that list of key documents to the Chamber and the other
21 Parties as set by the Chamber. And none of the Parties has
22 informed the Chamber about their intention not to comment on the
23 other Parties' documents. During this key document presentation
24 hearing, the Co-Prosecutors and the Civil Party Lead Co-Lawyers
25 will have a total amount of time of one day with the actual

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1 amount of time to be used by each subject to agreement between
2 them. Next, the Nuon Chea defence and the Khieu Samphan defence
3 will have half a day for each team to present their key
4 documents.

5 Following the key document presentation by both Defence teams,
6 the Co-Prosecutors and the Civil Party Lead Co-Lawyers will have
7 half a day to comment in response to both Defence teams'
8 documents. At the end of the hearing, both Defence teams have
9 half a day to make their final comments to the documents
10 presented by the Co-Prosecutors and the Civil Party Lead
11 Co-Lawyers.

12 [09.15.32]

13 The Chamber informs the Parties once again that the key document
14 presentation hearings are distinct from the document
15 admissibility process. Therefore, the relevant Parties should not
16 discuss the admissibility of documents during this hearing
17 because the Parties have already been given the opportunity to
18 challenge and object in writing to the documents filed for Case
19 002/02. And please refer to document E327. The Parties should
20 focus on presenting key documents and their respective contents
21 related to the facts of Tram Kak cooperative and Krang Ta Chan
22 security centre in order to assist the Chamber in assessing the
23 weight of evidence at the conclusion of Case 002/02 hearings. To
24 proceed, the Chamber would now like to give the floor to the
25 Co-Prosecutors to present your key documents. You may proceed.

5

1 [09.16.38]

2 MR. SENG BUNKHEANG:

3 Thank you, Mr. President, and good morning, Mr. President, Your
4 Honours, and good morning everyone in and around the courtroom.

5 The Co-Prosecutors will make the key document presentations in
6 relation to the first segment of Case 002/02. And the first

7 document I will present today are some excerpts from Ben

8 Kiernan's book entitled "The Book Regime", which is document

9 E3/1593, that discuss Tram Kak district and Sector 13 of the
10 Southwest Zone. And to start with, I will make a presentation on

11 the cooperatives, in particular on the lack of sufficient food

12 and discrimination against the New People.

13 The document describes how Meas Muth and Khom introduced communal

14 eating in Tram Kak district as early as May 1973, but the project

15 failed as people were reduced to eating banana leaves, sugar palm

16 roots, coconuts, and finally wheat. And the people rebelled.

17 [09.18.30]

18 And this is on the Khmer page with ERN 00637490; and in English,

19 00678539; and in French at, 00638822. The document also shows

20 that in Sector 13, Base People got better rations. And the New

21 People's rice rations depended on how hard they worked. And that

22 is on the Khmer document page, 00637629 - 32; and in English,

23 00678585 - 86; and in French, 00638930 - 32. In this particular

24 section -- and allow me to give you some points in relation the

25 communal eating which was introduced around April 1976, and

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1 children separated from their parents and assigned to mobile work
2 brigades. And another point is that fishing and foraging were
3 said to be attempts to survive individually and were prohibited,
4 that is a restriction enforced by militia. And the sick people
5 only got half rations. And people ate gruel every day. And the
6 margin of survival was slim. Bodies swelled from malnutrition.

7 [09.21.05]

8 In relation to the description of Leay Bour as a model
9 cooperative, there was a division of people into three
10 categories, namely a full rights candidate and deportees. And new
11 cadres took over Leay Bour in 1977 and put the three groups into
12 separate cooperatives. Full rights people in Kong 1 and deportees
13 and candidates in Kong 6, 7, and 8.

14 [09.21.59]

15 And that is on pages in Khmer at, 00637635 - 39; in English,
16 00678587 - 88; and in French, 00638934 - 38. And allow me to give
17 you two examples in relation to this excerpt. "1977 - '78 were
18 the worst years as people worked incessantly. At first, rations
19 comprised a spoon of rice each, but in 1977 - '78 gruel and
20 trokuon soup became norm of the food ration for people."

21 The document also shows that there had been no starvation in 1975
22 - '76, but malnutrition took a heavy toll in 1977 and '78, mostly
23 among city people. But many people starved as well. People who
24 complained were executed. 1977 and 1978 also saw the most
25 killings. Two full rights peasants from the model cooperative in

7

1 Tram Kak district corroborate this general picture. And what I
2 have said is on the Khmer page at, 00638011; and English, at
3 00678719; and in French, at 00639222.

4 [09.24.40]

5 Now on the topic of Krang Ta Chan security centre, I would like
6 to make the following presentation. Krang Ta Chan was established
7 in 1973, and one of its first victims was a Khmer returned from
8 Hanoi. And in 1975, many New People died here. And that is on the
9 Khmer page, at ERN 00637634; in English, at 00678587; and in
10 French, at 00638933 - 34. The description of Krang Ta Chan based
11 on interview of Savann, who was a former Phnom Penh student
12 deported from Kiri Vong to Tram Kak, who was accused for being a
13 Lon Nol officer and arrested in March 1978.

14 And this is on the Khmer page at, ERN 00638012; and on the
15 English page, at 00678719; and on the French page, at 00639223.

16 And on the relevant pages, I'd like to mention just some
17 examples. For example, despite sever torture, Sovann refused to
18 confess. Two others arrested with him who had served in the Lon
19 Nol army were quickly killed. And after a month of detention, he
20 was put to work, burying bodies near the prison and buried over
21 200 bodies in the next two months. And on one occasion, 60 people
22 were all brought in and killed on the spot.

23 [09.27.30]

24 My other topic is about the Khmer Krom. Ben Kiernan describes how
25 top Communist Party of Kampuchea leaders decided in early 1977,

1 to try to take back Kampuchea Krom and initiated an escalated
2 border attack, leading to irretrievable war with Vietnam. In
3 February 1978, Ta San, who was Ta Mok's son-in-law, addressed a
4 mass meeting of four communes -- that is, for those people from
5 Nhaeng Nhang, Kus, Samraong and Tram Kak communes, and proclaimed
6 that the acute aim of the revolution is to fight and take the
7 territory of Kampuchea Krom. And that is on the Khmer pages, at
8 ERN 00637907 - 14; and on the English pages, at 00678682 - 83;
9 and on the French pages, at 00639140 - 42. Local officials in
10 Tram Kak, proclaimed in late 1978, that if the Vietnamese are all
11 gone, the Khmer remained. And if the Khmer are all gone, the
12 Vietnamese remained. And the source of which, was an interview of
13 a Khmer Krom who was kidnapped by the CPK in March 1978, and sent
14 to Tram Kak district.

15 [09.29.30]

16 And this is on the Khmer page, at 00637915; and on the English
17 page, at 00678685; and on the French page, at 00639146. Also this
18 segment -- this section of the book mentions that Khmer and
19 Vietnamese had lived peacefully side by side in Vietnam in 1975.
20 And Ta Mok wanted large numbers of Khmer Krom brought to
21 Democratic Kampuchea so that there would be more forces to fight
22 Vietnam. And that is on the Khmer pages, at 00637995 - 98; on the
23 English pages, at 00678714 - 15; and on the French pages, at
24 00639211 - 14. The Southwest Zone military forces raided
25 Vietnamese villages in early 1978, kidnapping thousands of Khmer

1 Krom who were brought to Democratic Kampuchea. And Ben Kiernan
2 writes that the people who were upper Khmer namely those
3 Cambodian who had fled Takeo for Vietnam in 1972 - 74, were
4 screened out and sent to Tram Kak, while the native Khmer Krom
5 were kept in Kiri Vong.

6 [09.31.30]

7 The next document concerns the treatment of Vietnamese and Khmer
8 Krom. Your Honours, allow me to present the documents in relation
9 to the treatment of Vietnamese and Khmer Krom in Tram Kak.

10 First, there are a number of documents that contain references to
11 the deportation of Vietnamese from Tram Kak. This is the notebook
12 of Krang Ta Chan, E3/2107, at Khmer ERN, 00068048; ERN in
13 English, 00290204; and French ERN, 00655724 - 25. This document
14 contains the following notes in relation to the prisoner Duch
15 Samhoeun.

16 "In late '75, when Angkar had the "Yuong" go back to their
17 country, he made demands saying he wanted to go to Vietnam too,
18 since his wife is "Yuong", and he heard them say that in Vietnam,
19 they still had private occupations and still used money. But
20 Angkar did not let him go."

21 [09.33.12]

22 Another notebook is related to Krang Ta Chan as well -- that is,
23 D157.7. This can be found at Khmer ERN, 00270859; English ERN can
24 be found at, 00866430; and French ERN is, 00872804. The records
25 -- in the record for prisoner entry contains the following

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1 discussion of the deportation of Vietnamese from Tram Kak.
2 "In January 1976, Angkar rounded up the "Yuon", Vietnamese people
3 and sent them back to Vietnam. The "Yuon" came to receive those
4 Vietnamese families at Phnum Den, but they accepted only those of
5 pure ethnic "Yuon". They did not take the Chinese "Yuon". There
6 were four Chinese Vietnamese family who were not accepted by the
7 Vietnamese at that time. So, Angkar sent them to Amrae village,
8 Prey Ampok commune, Kiri Vong district."

9 [09.34.38]

10 The next document I will present is E3/2435, which is a 26 of
11 April 1977, letter from Angk Ta Saom commune to the district
12 office requesting instructions on the registration of lists of
13 Kampuchea Krom people. Especially, the commune sought
14 instructions on how to treat mixed Khmer Vietnamese and Khmer
15 Krom families. The letters also stated that any families that
16 were all Vietnamese would be sent to Angkar. The surviving
17 records from Tram Kak include examples from different communes of
18 the preparation of lists identifying the Khmer -- the Kampuchea
19 Krom families living in each commune, as well as those people who
20 were former Lon Nol soldiers. The first documents are E3/2049 and
21 E3/4082. These two documents together, constitute a 30th of April
22 1977, list that identified 26 Khmer Krom families living in Angk
23 Ta Saom commune.

24 [09.36.28]

25 The first part of the list numbers 1 through 8 is in, E3/2049;

11

1 and the second part of the list numbers 9 through 26 is in,
2 E3/4082. This list is dated 30th of April 1977, which is four
3 days after the letter from Angk Ta Saom, seeking instruction from
4 the district on the preparation of this list that I just read.
5 Your honour, allow me to note that the far right column for the
6 fourth family on the list -- that is, number 4, records that the
7 husband of that Khmer Krom woman was a Lon Nol captain who had
8 been smashed when he first arrived.

9 [09.37.32]

10 As for another document -- that is, E3/2281, it is a report dated
11 4th of May 1977, titled, "List of Kampuchea Krom People from
12 Trapeang Thum Cheung commune", which identifies 73 Khmer Krom
13 families living in that commune, including their former
14 occupation and the ranks of those who were former military.
15 The next document I would like to present is, E3/4083, and it is
16 at Khmer ERN, 00068033 and 00068035; ERN in English is at,
17 00323966 - 72; and French ERN is, at 00778870 - 74. It is a list
18 from Srae Ronoung commune, dated 27th of April 1977. This
19 document identifies 37 families who were Khmer Krom or former Lon
20 Nol military officials, specifying their rank and those who came
21 from Phnom Penh.

22 [09.39.12]

23 MR. PRESIDENT:

24 Please wait, International Deputy Co-Prosecutor. You may now
25 proceed, Mr. Koppe.

12

1 MR. KOPPE:

2 Thank you, Mr. President. Good morning, Your Honours. I'm not
3 quite sure if I should leave my comments or objections to
4 Wednesday when we are allowed to comment on the presentation.
5 However, I'm seeking guidance, I suppose, now because I've been
6 hearing only so far presentation and focus on possible or alleged
7 fate of Kampuchea Krom. The Trial Chamber has still not ruled on
8 our request for clarification in respect of the targeting of this
9 specific group. So, I'm not quite sure why the Prosecution spends
10 so much time on this group. Because we still maintain the
11 position that the targeting is not part of this segment of the
12 trial, not part of this trial at all.

13 [09.40.14]

14 So, I suppose I object to this presentation. If you say we should
15 leave it till Wednesday, then it's fine. I'll get back to that
16 topic. At the same time, I'm asking the Trial Chamber as well
17 when we can expect any ruling on this specific issue. So, I
18 suppose I have a few comments leading to an objection at this
19 stage against this presentation of the Prosecution.

20 [09.40.45]

21 MR. LYSAK:

22 If I may, briefly respond, Mr. President. This objection is
23 totally groundless. Whatever the broader issue is that Mr. Koppe
24 has raised about charges relating to discrimination against the
25 Khmer Krom, the allegations relating to Tram Kak and Krang Ta

13

1 Chan include -- in the closing order include, specifically
2 include the Khmer Krom. They were some of the prisoners who ended
3 up at Tram Kak. So, whatever the reason for that, is part of this
4 case. And that is why there is no doubt, absolutely no doubt,
5 this is evidence pertinent to the closing order allegations.

6 (Judges deliberate)

7 [09.43.11]

8 MR. PRESIDENT:

9 I give the floor to Judge Claudia Fenz to clarify the point
10 raised by Mr. Defence Counsel for Nuon Chea. You may now proceed,
11 Judge Fenz.

12 JUDGE FENZ:

13 The first two questions were, well, I would say organisational as
14 to whether Counsel should raise this now or on Wednesday. We
15 generally say that where it can wait, do it on Wednesday. General
16 observations like that can wait. As to the issue when the
17 decision will be issued, as soon as possible. It's on top of our
18 priority list. And for the time being and first of all, the Khmer
19 Krom issue, and I think that we have said that before, can be
20 dealt with as -- in the absence of a decision to the contrary.

21 [09.44.13]

22 Furthermore, we refer to what the Prosecutor has said, there were
23 Khmer Krom among the prisoners, so it is relevant even in the
24 absence of such a decision or should such decision be negative.
25 And thirdly, we have said that in the email, we leave, by

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1 discretion, to the Parties on how they wish to focus within the
2 time assigned to them. So, I guess that covers most of your
3 questions.

4 [09.44.51]

5 MR. PRESIDENT:

6 Thank you very much, Judge Fenz. You may now resume your
7 presentation, Mr. Co-Prosecutor.

8 MR. SENG BUNKHEANG:

9 Thank you, Mr. President. I would like to resume my presentation.
10 I will now focus on the document E3/2438. Rather I would like to
11 focus on E3/4083. This can be -- this can be found at Khmer ERN,
12 00068033 and 00068035; English ERN is at, 00323966 - 72; and
13 French ERN is, 00778870 - 74. It is a list from Srae Ronoung
14 commune dated 27 of April 1977. This document identifies 37
15 families who were Khmer Krom or former Lon Nol military or
16 officials, specifying their rank and those who came from Phnom
17 Penh.

18 Another document, that is document E3/2438, it is a report dated
19 29 of April 1977, titled "List of Kampuchea Krom People from Kus
20 Commune". This report identifies 33 Khmer Krom families who lived
21 in Kus commune, including the rank of those who were former Khmer
22 Republic military and whether they were 17 April evacuees.

23 [09.47.04]

24 As for document E3/2262, it is a partial copy of a list
25 identifying 64 Khmer Krom families living in Popel commune

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1 including their former occupation and the place from where they
2 were evacuated. Your Honours, the Chamber is already familiar
3 with the May 1977 report from Popel commune that refers to 64
4 Khmer Krom families comprising 228 people who had been received
5 in an exchange with Vietnam.

6 [09.47.59]

7 This can be found in E3/2048 at Khmer ERN, 00079090; English ERN
8 is at, 00276563 - 64; French ERN is at, 00611660. I note this
9 document again now because it explains where the 64 families in
10 the Popel commune list came from.

11 The last example of lists prepared by the commune in Tram Kak
12 identifying the Khmer Krom people is document E3/2428, which is a
13 list of 54 Khmer Krom families living in Samraong commune,
14 including the rank of those who were former Khmer Republic
15 soldiers. This document explains what happened to the Khmer Krom
16 people in Samraong after this list was prepared. This can be
17 found in document E3/4084, at Khmer ERN, 0079083; English ERN is
18 at, 00290264; and French ERN can be found at, 00795281. This
19 document is dated, 13th of May 1977. So it is a week or two weeks
20 after the time period the list of Khmer Krom families had been
21 prepared by the communes. This list also reports to Angkar about
22 a New Person who had warned a Khmer Krom woman living in Ta Phem
23 commune, that Angkar had taken away all the Khmer Krom living in
24 Samraong commune, and that Khmer Krom in Ta Phem would be taken
25 away later on by Angkar.

1 [09.51.04]

2 And the next document concerns the report of Mr. Henri Locard.

3 This report concerns Tram Kak district which was under control of

4 Khmer Krom. This report can be found in document, D313/1.2.16. If

5 we read the introduction of the report, particularly at Khmer

6 ERN, 00739029; and English ERN, 00227590; and French ERN is,

7 00743751; and Henri Locard reports that in Tram Kak, there was an

8 execution site called Krang Ta Chan. This can reflect -- this

9 could reflect the situation and the model district of Tram Kak.

10 And this is a district to show that other district has to follow

11 the Tram Kak district; and to show the stance of the district. In

12 this district, we can see the field is like a checker field. And

13 it is like what Khieu Samphan wants. In point two of the report,

14 it is about the archive of Krang Ta Chan. Notes, biographies, and

15 statistics of 477 prisoners.

16 [09.53.33]

17 This can be found at Khmer ERN, 00739047 - 46; and English ERN

18 is, 00217700 - 01; French is at -- French ERN is at, 00743759 -

19 60. Mr. Henri Locard states that the confession notebook cannot

20 be gathered fully because of the time. Mr. Henri Locard gives the

21 analysis on the 477 prisoners which are in the confession

22 notebook. Because Takeo is close to Vietnam, about 100 people

23 escaped to this country. And it is understood that the Vietnam --

24 the Vietnamese will have to liberate the country. That is why

25 people escape to Vietnam. Some people escaped to Thailand and 13

17

1 people escaped to Damrei Romeal mountain. Some people were from
2 far away area and they were arrested in Tram Kak district when
3 they were on National Road Number 3 to Vietnam. This means that
4 157 people who escaped were arrested by Khmer Rouge.

5 [09.55.48]

6 Mr. Henri Locard states also, that a large number of victims were
7 the victim by Angkar. They came from the same group of people and
8 they were among the former Khmer Republic soldiers. Among the
9 prisoners -- among 477 prisoners, some were soldiers, and one was
10 identified as Vietnamese and six others were children. If 27
11 police were added to the list, there would be 273 victims. The
12 people who were (inaudible) and now it is the time for those who
13 had ranks. Angkar arrested labourers and workers and they were
14 the petite bourgeoisie. And this includes 23 guards and four
15 medics. So, they were considered the supporters and those who
16 received benefits from Pol Pot regime. Moreover, the statistic
17 shows that the regime destroyed their own people, not only at
18 Tuol Sleng prison but all across the country.

19 [09.58.21]

20 Henri Locard also writes that 22 were identified as students in
21 Lon Nol period. And generally, these people were young. Twelve of
22 them who were interrogated were under 18 years old and the
23 youngest was 11 years old. This means that 430 prisoners were
24 those among 477 prisoners.

25 Over 300 were New People and 46 were Old People. And among these

18

1 people, there were Khmer Rouge soldiers as well. There were
2 labourers, workers, and nurse among this group as well. I would
3 like to conclude the presentation on the document now. And may I
4 ask the Chamber to give the floor to my colleague.

5 [09.59.50]

6 MR. LYSAK:

7 Good morning, Mr. President, Your Honours. The first subject I
8 will cover today are documents relating to the purges of Lon Nol
9 soldiers and officials in Tram Kak district. And I will start
10 with some excerpts from the book written by Meng-Try Ea called
11 "The Chain of Terror: The Khmer Rouge Southwest Zone Security
12 System", which is document, E3/2120. As I mentioned, this is in
13 the process of being translated, so my cites right now would be
14 just to the English pages.

15 At ERN 00416322, Meng-Try Ea starts by describing the groups who
16 were considered enemies by the CPK - and he writes, quote: "The
17 first was former policemen and soldiers of the Lon Nol regime who
18 were considered to be feudalists and capitalists."

19 [10.01.11]

20 At ERN 00416327, he writes, quote: "During the evacuations, the
21 Khmer Rouge announce that those who had been soldiers, teachers,
22 and officials of the Lon Nol regime, should gather in one place
23 so they could be sent back and put in their old positions.
24 Instead, they placed the former Lon Nol civil and military staff
25 in temporary security centres, mostly pagodas and schools. And

1 later shot them there or in a nearby forest."

2 [10.02.14]

3 At ERN 00416332, he wrote, quote: "Documents from the Tram Kak
4 district re-education centre show that almost every sub-district
5 chief in Tram Kak reported to the district committee and centre
6 chief about former Lon Nol soldiers and their families." End of
7 quote.

8 And shortly, I will turn to -- going through the documents from
9 the various communes. In Meng-Try's book at ERN 00416381 - 82, he
10 wrote as follows, quote: "The majority of those arrested in
11 mid-1975 and 1976 were Lon Nol soldiers and policemen. After
12 1976, this group expanded to encompass their families and members
13 of the general population. Several of the people interviewed for
14 the study observed the arrests and executions of Lon Nol soldiers
15 and policemen in mid-1975." He then goes on to describe a few
16 sources.

17 [10.03.31]

18 Quote: "Chhin, Bati district chief from 1970 - 1975, saw lists of
19 prisoners held at the district re-education centre. He explained
20 that those on the execution lists were listed by name and duty.
21 He observed that in early 1976, there were many more Lon Nol
22 soldiers and policemen than those in other categories. In
23 mid-1975, Toy, chief of Kampong sub-district received the
24 district Party's plan to seek out, arrest, and send Lon Nol
25 soldiers to the upper echelon. After obtaining their personal

1 histories, Toy ordered the arrest of many, and sent reports on
2 them to the Prey Kabbas district committee".

3 Your Honours, I'll note here for the record as we have heard from
4 witnesses, the chief of Prey Kabbas district was the younger
5 brother of Ta Mok, named Chong (phonetic). Continuing, on the
6 next page in Meng-Try's book, ERN 00416383.

7 [10.04.57]

8 Quote: "Former Popel sub-district cadre Teng stated that in
9 mid-1975, his sub-district chief organised the village and team
10 chiefs to obtain personal histories of the people in Popel. He
11 explained that in compiling histories, cadres obtained detailed
12 information on names, duties, spouses, children, and
13 occupations."

14 He then quotes what he was told by this cadre from Popel. "After
15 the personal histories were done, Chun sent the reports to the
16 district committee, and after that, those in Popel who had been
17 Lon Nol soldiers or policemen began regularly disappearing." End
18 of quote.

19 And at ERN 00416399, he wrote, quote: "The majority of those
20 executed in the district re-education centres were soldiers and
21 police of the Lon Nol regime. Tram Kak execution lists show that
22 of the 500 killed in 1977 and part of 1978, 252 were Lon Nol era
23 soldiers and policemen." End of quote.

24 [10.06.42]

25 I will now turn to presenting a number of the surviving records

21

1 from Tram Kak district that relate to the purges of Lon Nol
2 soldiers and officials. And I will start with one of the Krang Ta
3 Chan notebooks, document E3/4095, E3/4095. This is a Krang Ta
4 Chan interrogation notebook. It can be dated to mid-1976 -- that
5 is, from around May to July or August, based on internal
6 references in the document and to references to prisoners for
7 whom we have other documents establishing the time of their
8 arrest. Let me give you one example for you to see. In this
9 notebook, E3/4095, at Khmer ERN, 00271114; English, 00747274;
10 French, 00721246; you will find interrogation notes for two
11 people, Toan Tean a former drugstore assistant, and Lay Chhi a
12 former Lon Nol sergeant, both of whom were accused of criticising
13 the revolution and planning to flee to Thailand. We can date
14 these notes because the Tram Kak records also include a
15 confession report from Krang Ta Chan chairman An, for these two
16 prisoners based on these very notes.

17 [10.08.52]

18 And that is document E3/4098, E3/4098, at Khmer, 00271030 - 31;
19 English, 00322114 - 15; and French, 00623837 - 38. This is a
20 report from Krang Ta Chan chief An, regarding the confessions of
21 these same people, Lay Chhi and Toan Tean. And it is dated the
22 4th of August 1976, which tells us the time these confessions
23 were obtained in this notebook. In the report from An, I would
24 also note that the fate of these two prisoners is shown by a
25 handwritten note in the upper left margin of An's report which

1 states, "to be interrogated then smashed". E3/4095, the same
2 notebook, is the notebook that also contains the interrogation
3 records of the family of trial witness Meas Sokha, who were
4 arrested and taken to Krang Ta Chan in June 1976. For example,
5 the notes for Meas Sokha's father, Meas Kun and his
6 brother-in-law, Mom Boeun are at Khmer, 00271098; English,
7 00747250; and French, 00721219 - 20. We've covered these notes
8 already during the testimony, so I would not address them any
9 further in this presentation.

10 [10.11.02]

11 This same notebook at Khmer, E3/4095, records the names of at
12 least 105 people who were arrested, detained, and interrogated at
13 Krang Ta Chan. Of the 105 prisoners whose names appear on this
14 book, well over half, a total of 62 were former Lon Nol officers,
15 soldiers, officials, police, or relatives or persons connected to
16 the Lon Nol regime. In some of the records, there are specific
17 notes in regards to relatives of Lon Nol officials or soldiers,
18 that their relative had already been smashed by Angkar. For
19 example, if you look at Thach Saraen. And to be more specific,
20 the breakdown of the 105 prisoners in this document consists of
21 the following: 23 Lon Nol officers or officials at or above the
22 rank warrant officer, adjutant, including seven lieutenants, two
23 captains, five major lieutenants, five warrant officers, one
24 lieutenant colonel, one colonel, and a former district chief.
25 There were 30 other Lon Nol soldiers who appear in this Krang Ta

23

1 Chan book, mostly non-commissioned officers, meaning sergeant and
2 corporals as well as former policemen. Nine of the prisoners in
3 this list are relatives or persons who were connected to or
4 supported the Lon Nol regime.

5 [10.13.01]

6 And the remaining prisoners, 17 were New People including a
7 number of teachers. There were two Khmer Krom; 10 were purged
8 Party cadres, six of whom were all from one unit that had been
9 purged. Seven of the people in this notebook were part of the
10 group of Srae Kruo villagers who were arrested following the vote
11 to remove that village chief, this includes Meas Sokha's family.
12 And there are seven other Base People arrested for various
13 reasons.

14 MR. PRESIDENT:

15 The time is convenient for a short break. We take a break now and
16 resume at 10.30.

17 The Court is now in recess.

18 (Court recesses from to 1014H to 1031H)

19 MR. PRESIDENT:

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

21 And the Chamber now hands the floor to the International Deputy
22 Co-Prosecutor. You may now proceed.

23 MR. LYSAK:

24 Thank you, Mr. President. We were at -- discussing documents from
25 Tram Kak district relating to purges of Lon Nol soldiers and

1 officials, and I was finishing one of the Krang Ta Chan
2 notebooks, E3/4095. I would like to refer the Chamber
3 specifically to, as examples, three of the prisoners who appear
4 in that notebook. At Khmer, 00271094; English, 00747243; French,
5 00721212; it's the record for Prum Nim, a former teacher who had
6 worked to help elect In Tam, one of the seven Lon Nol "super
7 traitors". He had helped to elect him in the pre-1975 period and
8 the notes reflect that he was accused of distributing
9 anti-revolution leaflets that said and I quote: "After
10 liberation, we eat porridge, cook weeds, see ourselves separated
11 from our children, have no medicine when falling ill." I will
12 come back later and address more documents that relate to the
13 arrests of people who criticised -- who were arrested for
14 criticising the regime.
15 [10.33.48]
16 Second prisoner, I would draw your attention to in this notebook,
17 is a former Lon Nol captain named Suon Saet. His record appears
18 at Khmer, 00271100; as well as a second set of notes,
19 interrogation record at, 271103 - 04, Khmer; English, 00747253
20 and 747257 - 59; French, 00721223 - 24 and also 00721228 - 30.
21 There are two different sets of notes for this former Lon Nol
22 captain. And in those notes, he identified a group of 14
23 associates, all of whom were subsequently arrested and whose
24 interrogation notes also appear later in this very same document.
25 The third--

1 MR. PRESIDENT:

2 Please hold on, International Deputy Co-Prosecutor. You may now
3 proceed, Mr. Koppe.

4 [10.35.30]

5 MR. KOPPE:

6 Thank you, Mr. President. It just dawned on me, specifically in
7 relation to the discussion that we had in Chamber last Friday,
8 that the notes that the Prosecution are referring to are coming
9 from alleged prisoners in Krang Ta Chan. The closing order
10 alleges that prisoners in Krang Ta Chan were possibly tortured.
11 If that's true or not, I will leave that for another discussion,
12 but I do not see quite the difference in the Prosecution now
13 reading from these possibly torture tainted notes and my question
14 last Friday to a witness in relation to also possible -- possibly
15 alleged -- possible tainted torture -- torture tainted evidence,
16 I'm sorry, relating to S-21. So although I do not object to the
17 Prosecution reading from these notes, from the Krang Ta Chan
18 records, I would like the Chamber, because it's still needing to
19 make a ruling on the question from last Friday, to include in its
20 written decision, how we should deal with reading from notes from
21 Krang Ta Chan records. I think basically that is the same
22 discussion and like I said I do not see any difference between
23 reading from these notes and asking questions to witness possibly
24 basing myself upon S-21 records.

25 [10.37.14]

1 MR. LYSAK:

2 I think this is the type of comment, discussion we should have
3 later, but let me -- let me respond as there is an important
4 difference here. These records have always been used and are
5 entirely admissible to establish the identity, who the people
6 were, who were at these prisons. They have also always been used
7 to show the process that is involved. For example, the example I
8 just gave you where one prisoner will provide a list of other
9 implicated persons, those people will then be arrested.

10 The difference between what Counsel was trying to do, was that he
11 was trying to use statements obtained by torture for their truth,
12 for the truth of the truth of the content. It is an enormous
13 difference. It is a very important point that this Chamber will
14 have to consider. I'll certainly think it is something worth
15 having a debate but not at this time.

16 [10.38.21]

17 The Chamber will be able judge, to adjudicate the relevance of
18 this evidence, we could have a discussion on this when we get to
19 the stage of this presentation where Parties make comments but I
20 think at this time the evidence is being used for purposes that
21 it is been used throughout these proceedings and it is very
22 different to try and use S-21 confession for the -- torture
23 induced confessions that people were part of networks for the
24 truth of that assertion.

25 (Judges deliberate)

1 [10.45.05]

2 MR. PRESIDENT:

3 The Chamber gives the floor to Judge Lavergne to respond to the
4 objection raised by the Defence Counsel for Nuon Chea in relation
5 to the presentation by the International Deputy Co-Prosecutor.

6 You may now proceed, Judge Lavergne.

7 JUDGE LAVERGNE:

8 Thank you, Mr. President. To the extent that the objective for
9 which the notes on Krang Ta Chan are used to establish the
10 identity of persons detained at that security centre, the Chamber
11 is of the view that there is no objection to such use. The
12 Chamber is also mindful of the issue regarding the decision it
13 has to deliver regarding the objection raised by Mr. Koppe. That
14 decision will be issued subsequently.

15 [10.46.21]

16 MR. PRESIDENT:

17 You may now resume your presentation, International Deputy
18 Co-Prosecutor.

19 MR. LYSAK:

20 Thank you, Mr. President. The next document that I want to make
21 reference to is Krang Ta Chan notebook, E3/2107. The reference is
22 at Khmer, 00068054; English, 00290212; and French, 00655731; and
23 at these pages the records identify two wives of Lon Nol officers
24 who had been arrested and sent to Krang Ta Chan. First Neang
25 Kung, a 43 year old woman, whose husband held the rank of second

1 lieutenant, arrested and sent to Krang Ta Chan for refusing to
2 take cloth provided by Angkar.

3 [10.47.48]

4 The second Lang Hor, a 27 year old woman from Takeo city, whose
5 husband was in the military police a second lieutenant and who
6 Angkar arrested before she left Takeo. The reason for her
7 detention, quote: "Her child was sick and swollen up and could
8 not walk and she had the oldest child bring rice for the sick
9 child to eat." End of quote.

10 As this Chamber has seen, there are a series of key documents in
11 the April to May 1977 time period, in which different communes
12 are reporting to the district and reiterating instructions of the
13 Party to identify and purge enemy officers or those who held
14 ranking positions in the former regime. We have used a couple of
15 these documents with witnesses, so I'll briefly touch on those
16 but there are a number of others that we've not used that I will
17 present, and I will present all these together, documents from
18 the various different communes to provide a complete picture of
19 the purge of this group in Tram Kak.

20 The first commune is Ta Phem commune. The document is E3/2048,
21 E3/2048, at Khmer, 00079091; English, 00276564; French, 00611661.

22 This document is a 28 April 1977, report from Ta Phem chief Kit
23 to Angkar, stating that the commune had, and I quote: "examined
24 and purged the enemies who held ranks after having received the
25 instructions of the Party." The report continues on to say that

1 further investigation -- following further investigation, another
2 six more with officer and official ranks had been identified,
3 listing three first lieutenants and three second lieutenants.

4 [10.50.58]

5 The next commune I will cover is Cheang Tong commune. The
6 document is E3/2048, E3/2048, at Khmer, 00079089; English,
7 00276562 - 63, and French, 0061659. This is a report from Cheang
8 Tong commune chief, Boeun (sic), to Tram Kak district Angkar
9 dated the 30th of April 1977, which states, quote: "After having
10 received successive instructions from Angkar about being vigilant
11 about the enemy and purging the enemy officers, we have tracked,
12 examined and found the following persons." The report then
13 identifies two persons, a former second lieutenant and an
14 official from the Social Development Ministry, who were being
15 sent to the district police. The report also states, in regards
16 to the second officer, quote: "His father was map draughtsman in
17 Takeo, when we liberated it, he came out to Wat Champa and our
18 Angkar removed him." End of quote.

19 [10.52.39]

20 For Angk Ta Saom commune, we have document E3/2435, E3/2435,
21 which is a report to district Angkar from Angk Ta Saom, dated the
22 26th of April 1977, confirming that, quote: "for those who have
23 their ranks as first lieutenant or second lieutenant, I'm going
24 to contact with Comrade Yorn, district military, in order to take
25 them out this evening right away."

30

1 Mr. President, I've asked my colleague to have documents ready to
2 show on the screen, with your leave he will have those available
3 and if we can from time to time show the document references as I
4 -- as I mentioned them, we would like to do them, with your
5 leave.

6 MR. PRESIDENT:

7 You may do so.

8 [10.54.09]

9 MR. LYSAK:

10 Now, in relation to Angk Ta Saom commune, there is also a
11 document from the same commune later in the year on the 17th of
12 November 1977. This is document E3/4123, E3/4123, at Khmer,
13 00271044; English, 00322179; and French, 00623855. It states,
14 quote: "It is requested to inform comrade Kit and to contact with
15 comrade Aun concerning the names of the people who have high
16 ranks. Angkar has already decided." End of quote.

17 The next commune is Popel commune. The document is E3/4103,
18 E3/4103, at Khmer, 00143476; English, 00322133; French, 00612838.
19 This is a report dated the 11th of April, from the Popel commune
20 chief Chorn to the district, stating, quote, "For those people
21 who held a ranking position, we will send them to you one after
22 another."

23 One month later, in early May 1977, in document E3/2048, at
24 Khmer, 0079790, that's 0079790; English, 0027653 - 64; French,
25 0061660. The same commune chief, Popel commune chief, Chorn,

31

1 reported to the district that 106 military families, 393 people,
2 had already been smashed by Angkar or died and the commune was
3 screening more families to find out whether or not they were of
4 the military personnel.

5 [10.57.05]

6 Next, is Nhaeng Nhang commune. The document is E3/2432, which is
7 a report from that commune dated the 18th of April, that
8 identified 11 former Lon Nol officers from the commune, two
9 majors, five first lieutenants and four second lieutenants.
10 We also have another report from that same commune and it is
11 E3/2450, E3/2450, ERN references Khmer, 00270746; English,
12 00322161; and French, 00623747. This report confirmed that three
13 former Lon Nol lieutenants were being sent to Krang Ta Chan
14 chief, An, as decided by the Party because they were, quote,
15 "high ranking". The letter expressly states that no conflicts or
16 disputes had arisen with these three men but, I quote: "they were
17 arrested because they were high ranking." End of quote.

18 The next commune for which we see these types of document, Kus
19 commune, the document E3/2441, E3/2441, ERN reference is Khmer,
20 00270934; English, 00369464; French, 00611738. This is a report
21 dated 4 May 1977 from Kus commune identifying, quote, "those with
22 ranks who have been arrested and sent to the police." A first
23 lieutenant, and a second lieutenant who was also Khmer Krom, from
24 Phnom Penh.

25 Another document from this commune from the 9th of September

1 1977, shows that arrests of identified Lon Nol officers continued
2 through the year. E3/2441, E3/2441, ERN reference is Khmer,
3 00270952; English, 00369480; French, 00611755. This report from
4 Kus commune listed another seven Lon Nol officers, one captain,
5 five first lieutenants and one second lieutenant who were being
6 sent to Angkar.

7 Leay Bour commune, document E3/2423, E3/2423, ERN references
8 Khmer, 00079134; English, 00322216; French, 00611736. This is a
9 June 1978, report from Leay Bour confirming that four enemies had
10 been arrested and sent to Krang Ta Chan chief, An. The four
11 identified enemies included two Khmer Krom who were former
12 military, the owner of a transportation company and a former Lon
13 Nol second lieutenant. And the report states that the four
14 enemies were being sent pursuant to Angkar's line, "because the
15 Party has already decided to send them." End of quote.

16 [11.02.57]

17 The last commune I will cover on this subject is Khpob Trabek
18 commune, the document -- the first document E3/2050, E3/2050, ERN
19 Khmer, 000791111; English, 00276576; French, 00858041. Your
20 Honours, this document is a report to the district dated the 6th
21 of May 1977, and it is from the Khpob Trabek commune chief Cham,
22 who has identified as the brother of Ta Mok. The report states,
23 quote, "regarding those with former ranks and positions in the
24 Khpob Trabek sub-district base, their names are as follows." The
25 report then identifies a captain, first lieutenant, a second

1 lieutenant and a corporal. Your Honours, the names of the two of
2 the former Lon Nol officers in that report, Kiet Kham and Kong
3 Baurin appear in a list of Krang Ta Chan prisoners who were
4 executed two weeks later on the 22nd of May 1977. That execution
5 list is document E3/4145, E3/4145, at Khmer ERN, 00068737;
6 English, 00762845; French, 00761101. The two Lon Nol officers who
7 had been reported by Ta Mok's brother, the chief of the commune
8 are numbers 22 and 23 in that list.

9 [11.06.16]

10 While we're looking at this execution list from Krang Ta Chan,
11 number 22, I'm sorry, number 29 on the 22 May 1977, execution
12 list, was a 27 year old former Lon Nol captain named Koem Seng he
13 had been reported by Kus commune, one week earlier, in document
14 E3/2441, E3/2441, at Khmer 00270936 that's 270936; English,
15 00369466; French, 00611740. One month later in a 13 June 1977,
16 report to the district Party which is document E3/2052, E3/2052,
17 the Khpob Trabek commune chief Cham, identified 10 former
18 military from Phnom Penh, including a first lieutenant and
19 requested to hand them over to Angkar. And in response to this
20 report, district chief Kit wrote a note to Krang Ta Chan
21 chairman, An, that appears on the document, instructing as
22 follows, quote: "regarding the 10 traitors that Khpob Trabek
23 sub-district sent in yesterday, propose comrade interrogate
24 harshly and thoroughly, interrogate to find all of their
25 network." End of quote.

1 [11.08.45]

2 Your Honours, I will end the presentation on this subject with
3 document E3/4166, E3/4166, a document that shows the knowledge
4 and implementation of this policy by the Krang Ta Chan chief and
5 the Tram Kak district secretary. E3/4166, is a 25 August 1977,
6 report from prison chief An regarding the confessions of three
7 former Lon Nol officers, a first lieutenant and two warrant
8 officers. And after describing how these three former ranking
9 officers were against the co-operative, because they worked
10 restlessly and were not happy with the labour they had to
11 perform, An says the following: "Moreover these three
12 contemptible persons were ranking officers that shall, shall be
13 brought in."

14 [11.10.08]

15 And your Honours, last night I noticed there is a difference
16 between the English and French interpretation of this sentence,
17 so I've asked my colleague to read the Khmer original of the
18 sentence so that is part of the record that I hear today.

19 MR. PRESIDENT:

20 Yes, you may proceed.

21 MR. SENG BUNKHEANG:

22 Thank you, Mr. President. Allow me to read the part of the
23 document E3/4166 as follows. "In addition, the three people are
24 this ranked officials who were the subject of the Angkar
25 gathering." Thank you.

1 [11.11.04]

2 MR. LYSAK:

3 Your Honours, in response to this report from--.

4 MR. KOPPE:

5 Just request a clarification, Mr. President. I didn't quite catch
6 the difference in translation between the French and the English
7 and it was a free translation of the Khmer. So I'm a bit confused
8 as to what you're saying now that this particular sentence says.

9 MR. LYSAK:

10 Counsel, I wanted the Khmer original simply read into the record
11 so it is part of the record. We'll have to deal with the
12 translation issue later. For your reference there is a
13 difference, the difference in the French translation. Without me
14 speaking French is that it makes a reference -- specific
15 reference to the arrests being pursuant to the plan of Angkar. So
16 that is the interpretation issue with respect to the Khmer
17 original.

18 [11.25.19]

19 Your Honours, in response to this August 1977, report, from Krang
20 Ta Chan chief, An, two days later district secretary Kit,
21 conveyed the following instruction, which appears in a
22 hand-written note at the bottom of the document. Quote: "As to
23 these three traitors, the Party decided to have them smashed."
24 End of quote.

25 The next group of documents I will present today, relates to the

1 treatment and targeting New People in Tram Kak district.

2 [11.13.12]

3 First document E3/4120, E3/4120, ERN reference is Khmer, 00270982
4 - 983; English, 00322175; French, 00623344. This document is a
5 report from Srae Ronoung commune chief, Khun, dated the 4th of
6 January 1977, which is addressed to the Party's organisation of
7 District 105. And it identifies a New Person Pich Savann, who was
8 being arrested and sent to security for interrogation because he
9 had chased ducks into the rice fields to eat rice. The important
10 part of this report is at the conclusion. Where Srae Ronoung
11 commune chief, Khun, states the following, quote: "I would like
12 to make it clear to the Party that concerning the New People that
13 there are still many others who are opposing Angkar and the
14 Party, thus I will arrest them and send them up successfully."
15 End of quote.

16 [11.15.05]

17 Your Honours, this New Person who had chased ducks into the rice
18 field was arrested and sent to Krang Ta Chan and there are
19 interrogation notes for him in Krang Ta Chan notebook E3/2107,
20 E3/2107, at Khmer, 0068065; English, 00290231 - 32; and French,
21 00655746.

22 Next in Krang Ta Chan notebook, E3/4095, E3/4095, ERN references
23 Khmer, 00271106; French, 00721234; English, 00747263. There is a
24 prisoner named Keo Phoeun, a 44 year old father of two from
25 Takhmau, who previously worked as a driver transporting rice from

1 Battambang to Phnom Penh and who had been relocated to Nhaeng
2 Nhang commune in Tram Kak district.

3 [11.17.08]

4 The notes state that commune Angkar had assigned a local villager
5 named Meng to disguise as a New Person like him, and chat with
6 him. And Mr. Keo Phoeun was arrested and sent to Krang Ta Chan
7 because during that conversation he said the following, quote:
8 "I've come only with my physical appearance while my mind remains
9 in Phnom Penh. Nowadays, how come you're boasting of the
10 liberation? All of our children have died. And how come you're
11 boasting of progress? The progress is actually non-existent?" End
12 of quote.

13 [11.18.02]

14 Next in Krang Ta Chan notebook E3/2107, E3/2107, ERN references
15 Khmer, 00068064; English, 00290229; and French, 00655744 - 745.

16 These notes identify a prisoner named Sok Leang, a 17 April
17 Person who had returned from Phnom Penh to Srae Ronoung commune.

18 And the notes state, quote:

19 "Angkar assigned him to carry water to put in the rice fields in
20 December with 12 people both Old and New People among them. When
21 the water source was almost gone, they began catching the fish
22 throwing the water on to a hill and into the rice field just
23 thinking about getting the fish. Sub-district Angkar, brother
24 Khun," this is a reference to Khun who was the Srae Ronoung
25 commune chief, "saw this and asked what village they were from

1 and he said, I hate these New People. Have them carry water to
2 irrigate the rice and they throw it on to a hill instead. And
3 then he walked away."

4 The group then said, "Make a mistake and they criticise only the
5 New People, they don't say anything to the Old People. Later the
6 village Angkar held a meeting and re-educated him on the above
7 matter and he said, there is no need to re-educate me, I know it
8 already. He is dissatisfied with our revolution."

9 [11.20.48]

10 The next -- last document on New People is document E3/4164,
11 E3/4164. This is a document that is actually relevant to a number
12 of issues. It is a list of 29 prisoners titled "Brief biographies
13 of prisoners at Tram Kak district education office". The list
14 includes the prisoner's name, age, sex, village, commune and
15 district, their position or occupation, their spouse's name,
16 whether they were Base or 17 April People, the date of arrival
17 and the alleged offences.

18 Your Honours, of the 29 prisoners on this list, 21 were 17 April
19 People, six were Base People and two were cadres, two female
20 medics who have come up during this trial. Eighteen prisoners
21 were male, 11 female. The stated reasons for imprisonment
22 include, six people who were imprisoned for planning to flee to
23 Vietnam; four who criticised the revolution, refused to work or
24 failed to respect or follow the Party line; two who committed
25 adultery; seven accused of stealing; three whose offence was

1 being a cruel administrator in the former regime; two who were
2 implicated in the responses of other detainees; and a commune
3 chief from District 108 who was accused of being in the
4 organisational network of the "Youn".

5 [11.23.15]

6 And in this document, 11 of the 29 prisoners are identified as
7 former Lon Nol military and another, who is number 11 on the
8 list, was the son of a former Lon Nol captain who the list
9 expressly indicates had been smashed.

10 Your Honours, the next group of documents I will present are some
11 examples that relate to people who were arrested for opposing or
12 criticising the revolution, for opposing or criticising the Party
13 or Angkar.

14 In Krang Ta Chan notebook E3/4095, E3/4095, ERN references Khmer,
15 00271131; English, 00747298; French, 00721271 - 272; there is
16 identified a former teacher named Long Naum, who was arrested and
17 detained at Krang Ta Chan for trying to organise a group of
18 people to quote, "to demand the return of spouses and children
19 who have disappeared, to complain about food shortage and to
20 require that schools be reopened." In the same notebook at ERN
21 Khmer, 00271113; French, 00721244 - 245; English, 00747272 - 273;
22 identifies a prisoner named Khat Phea, who was part of a group
23 that wore insignia or hats bearing the portrait of Samdech Ouv,
24 King Father Sihanouk.

25 And prisoner Heng Ngorn, Heng Ngorn, at Khmer, 00271130, 271130;

1 English, 00747297; French, 00721270. Heng Ngorn was detained at
2 Krang Ta Chan because he confessed to disliking the current
3 revolution.

4 [11.27.03]

5 In notebook E3/2107, E3/2107, ERN reference Khmer, 00680062;
6 English, 00290226; French, 00655742, 655742; records the
7 detention of a 79 year old man, a 79 year old man, named Chao
8 Tit, a former officer born in Vietnam, whose alleged offence was
9 criticising the revolution. Specifically, quote: "[...] he said
10 that the revolution bragged that it was the people's land, the
11 people's state authority, but in fact it was Angkar's. When
12 re-instructed, he said they were not allowed to eat in private,
13 but in Vietnam there was land, houses and rice and they allowed
14 private work and used money, not like here." End of quote.

15 [11.28.39]

16 And in notebook D157.7, D157.7, ERN references Khmer, 00270855;
17 English, 00866424; French, 00872799; there is identified a
18 prisoner named Nov Mom, a New Person who worked in the women's
19 gathering unit who was arrested and sent to Krang Ta Chan for
20 saying the following, quote: "She cannot live in this kind of
21 dirty society where there is only water lily and pumpkin soup to
22 eat. There is no delicious food to eat. The regime does not use
23 money. People wear only one set of clothes which have a bad
24 smell. When we questioned her about what she had said, she
25 answered that she did not have a firm stance, she just did not

1 like the revolution." End of quote.

2 Next document E3/2448, E3/2448, Khmer ERN, 00079102; English,
3 00322157; French, 00588784. Your Honours, this document is a
4 report from Trapeang Thum North commune to the district Angkar,
5 dated the 9th of September 1977, and it reports two youths who
6 had been arrested for saying that the Khmer Rouge won the war
7 because the USA had ceased to drop bombs and that they had won
8 the war because of students protests in the international
9 community.

10 [11.31.35]

11 Krang Ta Chan prisoner list E3/4083, E3/4083, Khmer ERN,
12 00068036; English, 00323975; French, 00778877. This Krang Ta Chan
13 prisoner list identifies four female prisoners numbers 24 through
14 27 on the list, who were sent to Krang Ta Chan for the following
15 alleged offence. Quote: "The four traitorous women had broken
16 cooperatives spoons in order to destroy the cooperative and make
17 it become private again."

18 Mr. President, let me just end this section, before we -- I have
19 one last quote related to this subject, it is from the Henri
20 Locard report on Tram Kak that my colleague presented part of,
21 earlier this morning and that is, for the record, D313/1.2.16,
22 the Khmer reference, 00739046; English, 00217701; French,
23 00743760. And Henri Locard was writing here regarding the alleged
24 faults committed by people who were brought to Krang Ta Chan and
25 he stated, quote: "On balance, they are either trivial, the theft

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1 of food for instance, or more serious plans for poisoning, but
2 they are mostly political grudges against the regime. Most of the
3 accused had the courage to express their utter dislike of the
4 revolutionary society." And he states of the 477 records he
5 reviewed, "Only three detainees would have been taken to court in
6 a civilised society."

7 [11.34.41]

8 At this point, I would move on to another subject Mr. President.

9 MR. PRESIDENT"

10 Counsel Koppe, you have the floor.

11 MR. KOPPE:

12 Mr. President, I have a request for the Trial Chamber to consider
13 during the break and also a request that -- to which the Parties
14 in the courtroom can develop their thoughts. In light of the
15 revised schedule this week, we wonder whether it might be more
16 useful to have our comments and objections on the various
17 presentations moved to Thursday, rather than have it on
18 Wednesday, that allows us to develop arguments more profoundly
19 than that we have to do right now or basically tonight or
20 tomorrow. Because the witness is not scheduled as we all know if
21 we move comments and suggestions to Thursday we would have a
22 whole Wednesday to prepare more thoroughly for this. That would
23 be our request and maybe at one point we can have discussion on
24 this.

25 [11.36.02]

1 JUDGE FENZ:

2 Just a related question, I understand you wish to raise certain
3 issues some of them you have identified but if you first raise
4 additional ones on Thursday how are other Parties supposed to
5 prepare? Or can you identify the issues.

6 MR. KOPPE:

7 We will have our presentation tomorrow and then the other Parties
8 can react on it on Thursday, like we can on Thursday, reacting on
9 them, so we will all have one day extra basically. So, all
10 Parties would have one day extra to provide their comments on the
11 various presentations that -- that would be the idea. Because
12 obviously we have our presentation tomorrow, the Prosecution
13 wants to react on what we are saying, they will have an extra day
14 and so will the civil parties, they will have an extra day to
15 comment. That would be our suggestion.

16 [11.37.04]

17 MR. LYSAK:

18 I'll be brief. I have no preference whether we do it on Wednesday
19 or Thursday so I leave that to the Chamber discretion. We'll be
20 ready to proceed either Wednesday or Thursday as you decide.

21 [11.37.20]

22 MS. GUIRAUD:

23 Thank you, Mr. President. In principle we don't have any
24 preference for any of the days. I just want to make a little
25 application in order to properly understand how these hearings

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1 are being organised. Will the Parties be allowed to react to
2 remarks by other Parties for instance? Would we able to enlighten
3 the Chamber with regard to any information they may need, that
4 the defence may need, in order to properly organise ourselves as
5 a Party that has to respond in regard to documents presented by
6 the other Parties?

7 [11.38.11]

8 JUDGE FENZ:

9 I'm still a bit confused on what you actually want to do on
10 Thursday. You obviously -- you seem to indicate that a round of
11 replies and responses to replies or whatever which is in force
12 currently, is that correct?

13 MR. KOPPE:

14 Just whatever were're doing on Wednesday, move it to Thursday.

15 JUDGE FENZ:

16 So, you don't want to sit on Wednesday, you want to sit on
17 Thursday instead?

18 MR. KOPPE:

19 Yes.

20 [11.38.43]

21 MR. PRESIDENT:

22 Thank you. Before we take a lunch break, the Chamber would like
23 to inform the relevant Parties that you shall submit in writing
24 to the request by Khieu Samphan in relation to document E348 --
25 that is, for the confrontation between Sory Sen and Srei Than and

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1 Saut Saing, by the latest 1st of May 2015.

2 It is now convenient for our lunch break, we will take a break
3 now and resume at 1.30.

4 Security personnel, you are instructed to take Khieu Samphan to
5 the waiting room downstairs and have him return to attend the
6 proceedings before 1.30 this afternoon.

7 The Court is now in recess.

8 (Court recesses from 1139H to 1333H)

9 MR. PRESIDENT:

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

11 Before I give the floors to the International Deputy

12 Co-Prosecutor, I would like to give an oral ruling concerning the
13 request of the Defence, Nuon Chea, this morning. The Chamber
14 grants the Nuon Chea defence request to reschedule the comments
15 in response to the key document presentation hearings currently
16 scheduled for Wednesday 29th of April to Thursday 30th of April.

17 The Chamber confirms that the time and location for each party
18 remain the same. No additional time will be granted and the
19 Parties will have the opportunity to make any further replies
20 during the closing statements.

21 Now I give the floor to the International Deputy Co-Prosecutor to
22 resume the presentation on key documents. You may now proceed.

23 [13.34.34]

24 MR. LYSAK:

25 Thank you, Mr President. I'm now going to present a few documents

1 that relate to people who were arrested for complaining about the
2 lack of sufficient food, for stealing food to eat, or for
3 complaining about difficult work conditions in Tram Kak.
4 Krang Ta Chan notebook E3/4095, E3/4095, ERN Khmer, 00271123;
5 French, 00721260-261; English, 00747287; records the presence of
6 a 60 year old man named Yang Kay. He had eight children born in
7 Trapeang Thum Cheung commune. And he had been arrested and sent
8 to Krang Ta Chan because he said he sympathized with the previous
9 regime and, I quote, he said the following: "For daily food, it's
10 like we're slaves. We eat only porridge once a day, even without
11 prahok and salt. We have no strength to work." End of quote. And
12 the prison notebook, Your Honours, also records how this 60 year
13 old man was interrogated with hot methods to dig up his network,
14 but he refused to confess.

15 [13.36.44]

16 E3/2447, E3/2447, at Khmer, 00270733 - 34; English, 00355474;
17 French, 00632162; this is a report from Leay Bour commune, dated
18 the 4th of September 1977, identifying a youth who complained
19 about not having sufficient food. This youth is reported as
20 saying, quote: "He had neither sufficient rice nor cassava to
21 eat. He complained that in the old society one could eat whenever
22 you wanted, but now it is impossible to eat anything."
23 It also was reported that he said, quote: "At present, he does
24 not want to be alive. It is better to die." And this report from
25 Leay Bour commune concludes, "P.S.: This person is a "Yuon"." And

1 at the end of this report, there is a handwritten annotation from
2 district chief, Kit, written two days later on the 6th of
3 September, in which Kit instructs Krang Ta Chan prison chief, An,
4 to conduct a thorough interrogation of the youth because, I
5 quote: "He is an organized string of the CIA." End of quote.

6 [13.38.38]

7 E3/2453, next document is E3/2453, Khmer ERN, 00270780 - 781;
8 English, 00388583; French, 00611773. This is a report from Nhaeng
9 Nhang commune to the district party, dated 6th October 1977, and
10 it reports four women, two of whom were wives of soldiers, one
11 whose husband was in "Yuon" territory and the other whose husband
12 had been smashed. The reason these four women were reported is
13 because they said the following, quote: "All four of them said,
14 'Just bragging and announcing that socialism is plentiful,
15 lacking in nothing. It is very plentiful. Not a thing to eat can
16 be seen. Eating gruel morning and evening. What kind of
17 revolution is this thing of theirs? Nothing can be found to eat.
18 It's not like it was in the old society. The old society was very
19 happy. If you wanted to eat noodles or eat bread, there was
20 plenty. It was not like this so-called revolution of theirs.'
21 They also said that the old society was happy. There were plays
22 and movies and Chinese shows to go watch. It was not quiet like
23 this revolution of theirs." End of quote.

24 [13.40.47]

25 And Your Honours, briefly, Krang Ta Chan notebook E3/4083,

1 E3/4083, at Khmer, 00068036; English, 00323976; French, 00778877.
2 This is a list of 29 prisoners and number 28 on that list is a
3 person who was arrested and sent to Krang Ta Chan because he
4 complained about having to eat thin porridge. Your Honours, the
5 next group of documents I would like to present concerns people
6 who were arrested for trying to escape or flee their cooperative
7 or work unit, people who tried to escape from Democratic
8 Kampuchea and make it across the border to Thailand or Vietnam,
9 and people who moved around too freely. Krang Ta Chan prisoner
10 list, notebook E3/4083, at the same ERN pages I just mentioned;
11 Khmer, 00068036; English, 00323973 - 976; French, 00778875-77; is
12 the same list of 29 prisoners. The first 20 of those 29 prisoners
13 are described as a network of 20 traders whose offence consisted
14 of, I quote: "planning to escape to 'Yuon', Vietnam, and Siam,
15 Thailand."
16 [13.43.11]
17 In Krang Ta Chan notebook, E3/4095, E3/4095, ERN Khmer, 00271095;
18 French, 00721215 - 216; English, 00747245 - 246. These notes
19 identify a prisoner, Ngaet Phoeun, and states as follows, quote:
20 "First mistake, he was too free, leaving his unit for his elder
21 relatives' house in Popel. Second mistake, he was too free,
22 visiting the house of his wife's relative. Third mistake, he
23 walked too freely once again, contrary to the discipline, then
24 fled, as he dared not return to his unit."
25 Next is E3/2451, E3/2451, at Khmer, 00271005 - 06; English,

1 00322172; French, 00612447. This is a 6 October 1977, report from
2 District 105 chief Kit to the beloved Party. Kit is requesting a
3 decision on a female combatant who has been temporarily detained
4 for walking around without authorization and engaging in
5 unspecified inappropriate behaviour towards the commune
6 committee. Kit's report received the following handwritten
7 response from Sector 13 secretary Prak, "This female comrade must
8 be an enemy. It is requested to interrogate her immediately in
9 order to find out her network. It is requested to the police to
10 conduct an intense interrogation."

11 [13.46.06]

12 Your Honours, next E3/4164, E3/4164, a document I've mentioned
13 earlier today, a Krang Ta Chan prisoner list titled "Brief
14 Biographies of Prisoners". This is the list that has a column in
15 which the alleged offence of the prisoner is stated. And for the
16 first prisoner on this list, this is the entire reason that is
17 stated as to why he was imprisoned at Krang Ta Chan. Quote: "This
18 person was free-spirited and overjoyed, failing to respect
19 organizational discipline." End of quote.

20 And a Krang Ta Chan execution list reflects that people were
21 executed for minor offences like this. E3/4145, E3/4145, ERNs
22 Khmer, 00068737; English, 00762845 - 46; French, 00761101 - 102;
23 this is a partial part of a list of 37 prisoners, including
24 various information on them. An annotation on this list -- that
25 is, the annotation is dated the 22nd of May 1977, states: "A

1 total of 37 people, both young and old, whose names contained in
2 this list, have been purged."

3 [13.48.17]

4 Your Honours, number 35 on this execution list is a prisoner
5 named Hoem Chhun, a 37 year old from Treang district. This person
6 had been reported to Angkar on the 5th of May 1977, about two
7 weeks before his execution, and we see that report in document
8 E3/2048, E3/2048, Khmer, 00079095; English, 00276566 - 567;
9 French, 00611664.

10 And that report on the 5th of May 1977, stated that Hoem Chhun
11 was a former merchant, the owner of a rice mill, who had left
12 Popel commune to travel to see his grandmother without a travel
13 letter and had been arrested by the Leay Bour sub-district
14 militia. And as I mentioned, prisoner list E3/4145 records that
15 this person, Hoem Chhun, was executed at Krang Ta Chan two weeks
16 later on the 22nd of May 1977, two weeks after he was arrested
17 for travelling without an authorization letter.

18 [13.50.09]

19 Another Krang Ta Chan prisoner executed on the 22nd of May 1977
20 recorded in this list, this is number 33 on that execution list,
21 E3/4145, was a 29 year old named Thach Vanna. And Your Honours,
22 Mr. Thach Vanna was one of the Khmer Krom who were included in
23 the list of Kampuchea Krom people from Trapeang Thum Cheung
24 commune, dated the 4th of May 1977, that my colleague presented
25 to you earlier today, which is document E3/2281. Thach Vanna was

1 number 44 on that list of 73 Khmer Krom families from Trapeang
2 Thum Cheung, where he's identified as a 29 year old former motor
3 trailer worker. A little more than two weeks after he appeared on
4 this Khmer Krom -- list of Khmer Krom, he was executed at Krang
5 Ta Chan.

6 [13.51.31]

7 The next subject, the Chamber has already extensively seen the
8 1978 letter from district chairman Ta San conveying instructions
9 to execute young children along with their mothers, so let me
10 now, I will not go back to that, but I would like to now present
11 just a couple of examples of additional documents reflecting the
12 arrest and imprisonment of both the very young and the very
13 elderly in Tram Kak district. D157.36, D157.36, contains two
14 reports from Angk Roka prison chief Meng to Angkar, dated the
15 23rd and 24th of March 1977, regarding the arrest, interrogation
16 and confession of a 10 year old boy named Ra. The alleged offence
17 of this 10 year old was being part of a group that tried to flee.
18 And in response to the reports from Meng, on the 28th of March
19 1977, then district chief Kit, directed Krang Ta Chan Chief An,
20 to interrogate this spy in detail. In Krang Ta Chan notebook
21 E3/4095 at Khmer, 00271129; French, 00721268; English, 00747295;
22 that notebook records the interrogation of a 13 year old prisoner
23 Kok Leng, whose parents had died and who had been arrested
24 because he fled in search of his siblings.

25 [13.53.42]

1 Krang Ta Chang notebook, E3/2107 at Khmer, 00068053; English,
2 00290211; French, 00655730; records the detention and
3 interrogation of a 13 year old boy named Nget Nel, the son of a
4 Lon Nol colonel who was arrested for stealing coconuts and melons
5 to eat. And in Krang Ta Chan prisoner list in notebook, E3/4083,
6 at Khmer 00068036; English, 00323976; French, 00778877; prisoner
7 number 29 on that list, was a 73 year old man named Suong Rath,
8 who was a former village chief from Srae Ronoung commune accused
9 of stealing food.

10 [13.55.15]

11 Let me quickly touch on a few documents relating to the treatment
12 of Buddhists in Tram Kak district. Document D157.69, D157.69, is
13 a 31 August 1977, report from Office K105, which was the district
14 military office, to Angkar, reporting the decision to arrest a
15 man named Pom Oeun, and to send him to Bong Meng's place in Angk
16 Roka. The reason for his arrest was that he said the following,
17 quote: "Angkar says that it demolishes only the capitalists and
18 soldiers. However, at the moment, there is no Buddhism, monks,
19 schools, teachers, or markets. It might be better if Angkar
20 allows Buddhism, monks, schools and teachers to exist."

21 [13.56.29]

22 Notebook E3/4095, at Khmer, 00271131; French, 00721270 - 271;
23 English, 00747297 - 298; identifies two prisoners: Kim Ngil and
24 Sum Saret, who had been arrested and sent to Krang Ta Chan for
25 joining the Khmer Sar Party for religious liberation. And in a

1 reference from Meng-Try Ea's book "The Chain of Terror", E3/2120,
2 reference that is at English ERN, 00416409, in Footnote 281. At
3 this spot of his book, Meng-Try Ea references an interview he did
4 with a younger sister of Ta Mok. That younger sister of Ta Mok
5 told him, quote: "Some Buddhists believe the destruction of a
6 temple or Buddha image is a sin. Ta Mok's daughter Khom went
7 insane because she ordered the destruction of a temple and one of
8 its Buddha images." End of quote.

9 [13.58.10]

10 Now I'm going to change -- turn to my final subject, which deals
11 with authority procedures for arrests, interrogations and
12 executions. And in Henri Locard's report on Tram Kak district,
13 section 4 of that report, this is document D -- document
14 presented earlier by my colleague, D313/1.2.16, ERN references
15 Khmer, 00739070; English, 00217718; and French, 00743775 - 76;
16 Henri Locard wrote the following, quote:
17 "What is certain is that the theory of revenge killings against
18 the New People is documented neither by the archival material nor
19 by the numerous witnesses. Killings in Democratic Kampuchea were
20 centrally planned, an entire -- the entire Khmer Rouge
21 bureaucracy being involved in the purification of Khmer society.
22 As in similar regimes, the Nazi or the Stalinist varieties,
23 bureaucrats and executioners had completely surrendered their
24 free will to the Party. They considered they were merely obeying
25 orders and therefore could not be held responsible. Local cadres

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1 were essentially collecting information and exchanging it, making
2 arrests, interrogating, sending on captives. The accused was
3 submitted to first an interrogation session or sessions locally,
4 after which these reports were written, then he was sent to the
5 upper echelon." End of quote.

6 [14.00.29]

7 And Your Honours, I would now like to play a couple of clips from
8 a video that it is in evidence called "Deacon of Death". It is
9 video E3/3126R, E3/3126R. This film portrays the search for a
10 Khmer Rouge perpetrator named Karoby by a female New Person, Sok
11 Chea, who had lived in Ta Phem commune, Tram Kak district, during
12 Khmer Rouge regime, and whose family members had been killed
13 there. The perpetrator that she looks for in this film, Karoby,
14 was the security chief of Ta Phem commune, has been identified by
15 a number of interviews in the case file including a deceased
16 witness Sok Sim, who was a member of the Ta Phem commune
17 committee, at reference E3/55 -- E3/5519 at answer 5. Karoby has
18 also been identified by Kev Chandara, a trial witness, as one of
19 the cadres who arrested him.

20 [14.02.00]

21 And in the first clip that I would like to play, and for the AV
22 booth, it is the clip that is number 2, this clip is from 48
23 minutes and 12 seconds through to 49 minutes and 12 seconds of
24 the video. In this part of the film, Sok Chea comes to Wat
25 Champa, a site in Ta Phem that we have heard testimony about in

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1 this trial, and describes what she observed there during the
2 Khmer Rouge regime and you also see Wat Champa. So if the video
3 booth could please play clip number 2.

4 MR. PRESIDENT:

5 Yes, you may proceed with the video clip show on the screen.

6 [14.03.01]

7 (Audiovisual presentation)

8 (End of presentation)

9 [14.04.08]

10 MR. LYSAK:

11 And the second clip I will play, that is marked number 3 for the
12 AV booth, is from 52 minutes and 13 seconds to 57 minutes and 12
13 seconds of the film, and what you will see here is a
14 confrontation or a meeting between this survivor, Sok Chea, and
15 the former Ta Phem security chief Ta Karoby that takes place
16 inside Wat Champa. If the AV booth may now play, with your leave,
17 clip number 3.

18 MR. PRESIDENT:

19 Yes, you may proceed.

20 [14.05.01]

21 (Audiovisual presentation)

22 (End of presentation)

23 [14.10.08]

24 MR. LYSAK:

25 Your Honours, in my remaining time, I'll present just a few

1 additional documents that show the systematic procedure by which
2 people were arrested, interrogated, and executed in Tram Kak. I
3 wish to quickly note a few documents that reference and
4 demonstrate the knowledge and systematic use of torture in
5 interrogating prisoners. I've already made reference to a couple
6 of those today: talking -- notebooks that make references to hot
7 and cold methods of interrogation. An additional document
8 reflecting the use of violence during interrogations is Krang Ta
9 Chan notebook E3/4095, at Khmer, 00271117; French, 00721251 - 52;
10 and English, 00747279. In relation to a Khmer Krom prisoner named
11 Thach Uk, the document records that this prisoner was beaten
12 during the interrogation but did not confess.

13 [14.11.36]

14 The following are documents that show that commune and district
15 chiefs in Tram Kak also had knowledge of these methods of
16 interrogation and the authority to use them. Document E3/2447,
17 E3/2447, at Khmer, 00270731 - 732; English, 00355473; French,
18 00632161; is a 23rd May 1976, report from Angk Ta Saom commune
19 chief Chhaom, to the district chief regarding First Lieutenant
20 King Hin, who is described in the report as a hooligan soldier
21 with syphilis. The relevant reference from this report is near
22 the very end, where commune chief Chhaom reports the following,
23 quote: "We had the militia bring him in for interrogation by
24 using cold methods, and he refused to say anything at all. So I
25 would like to request you to try to question him because the wife

1 of this person is in the transplanting unit and has instigated
2 verbally that the district Angkar is lenient and the people can
3 go anywhere they want.

4 [14.13.23]

5 Document E3/4126, E3/4126, at Khmer, 00270931 - 32; English,
6 00366714; French, 00632501 - 02; this is a report from Krang Ta
7 Chan Chief An, dated 26th December 1977, describing the
8 interrogation of a female prisoner. I quote: "When our comrade in
9 the army interrogated her, she kept crying and her face became
10 black, which was her pretence; therefore, according to my
11 examination, only with hot interrogation would she confess.

12 Within the army workplace at Angk Ta Saom, there are no
13 confidential places to conduct interrogation at ease. Therefore,
14 it is submitted to the Party for information. Whatever the Party
15 decides, I look forward to executing the decision."

16 [14.14.56]

17 And report E3/2445, E3/2445, at English, 00363653; Khmer,
18 00270984; and French, 00612444; this document states in regards
19 to the confession of Moeung Sun, a prisoner who had been arrested
20 on 16th September 1977, quote: "We have conducted some cold and
21 hot methods of interrogation against Moeung Sun. He confessed
22 that they had been appointed by A Phuong since November 1976."
23 End of quote.

24 Your Honours, there are also documents showing how Krang Ta Chan
25 confessions were used as the basis for further arrests of persons

1 who were implicated in those confessions. I will give you just
2 one quick example, which is E3/2012, E3/2012, at Khmer, 00082726;
3 English, 00276595; and French, 00797685. This is a 11 July 1977,
4 report from prison chief An on the confession of prisoner Sin
5 Yang.

6 [14.15.58]

7 You will find in this one handwritten annotation in the upper
8 left margin which states, "to be smashed", but also near the
9 bottom of this report, in the body of the report, there are the
10 names of two other former Lon Nol officers who were identified by
11 the prisoner in his confession, a captain and a first lieutenant,
12 and next to those two names, there is another annotation that
13 states, "to be arrested". And so the process continued.

14 I've used a number of times the documents that show the sector --
15 sector annotations approving executions, so I will not cover
16 those documents again. Let me end with some examples of the
17 reporting to the district, and reporting from the zone to Phnom
18 Penh. You have seen, I believe already multiple times, the
19 November 1977 monthly report from Krang Ta Chan, which is
20 document E3/2109 at Khmer, 00068014; English, 00276555; French,
21 00290272. This document reported on the month of November 1997,
22 indicating 75 new prisoners entered, 92 prisoners were purged,
23 six died of illness, and one was removed to the sector, leaving a
24 total of 85 prisoners at the end of the month. There is another
25 example of a monthly report from Krang Ta Chan that I will

1 mention to you, identify for you now, this for the month of July
2 1977, in E3/4085, E3/4085, at Khmer, 00068017; English, 00276558;
3 and French, 00850346.

4 [14.19.46]

5 This document shows similar information being sent to the Party
6 leaders for this month, and during the month of July, it is
7 recorded that 18 new prisoners entered, 39 prisoners were purged,
8 2 died from illness, and there remained a total of 40 prisoners
9 at the end of that month.

10 And finally, Your Honours, document E3/853, E3/853. This is a
11 report from the Southwest Zone to Angkar dated 3rd June 1977.

12 This report follows the structure of other zone reports to the
13 centre that are in evidence before you, starting with the report
14 on the defence or enemy situation followed by economics, meaning
15 rice production, building of dams and canals, and concluding with
16 a report on the livelihood of the people.

17 [14.21.03]

18 The report from the Southwest Zone covers all the sectors and
19 districts in the zone, including Takeo sector, Sector 13, and
20 Tram Kak district. For example, the first section of this report
21 from the Southwest Zone on the defence situation, reported on
22 arrests of enemies and confessions obtained from their
23 interrogations, stating, I quote:
24 "According to the confession of the enemies caught in Takeo and
25 Kampot province, the enemy set up a network of messengers, laying

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1 in Kiri Vong district, Tuk Meas district, Angkor Chey district,
2 and Damrei Mountain. Enemies encouraged moving from one place to
3 another, such as moving from Sector 35 to Sector 13 or vice
4 versa, or moving to mountains. So far we have successfully
5 arrested the enemies who launched activities mentioned above."

6 [14.22.11]

7 The June 1977 report from the Southwest Zone to the centre
8 reported on rice transplanting in Leay Bour commune, as well as
9 plans for digging canals in Tram Kak district. And in regards to
10 the living standard and health of the people, at the end of this
11 report, the zone reported, quote: "Nowadays in Kampot, Kampong
12 Speu and Takeo province, the people have got cholera, and some
13 people died."

14 Your Honours, let me end at that point, and I will pass the floor
15 now to the civil parties to continue with their document
16 presentation. That completes the key documents from the
17 Co-Prosecutors on Tram Kak.

18 MR. PRESIDENT:

19 Thank you. The Chamber would like now to hand the floor to the
20 Lead Co-Lawyers for Civil Parties.

21 [14.23.23]

22 MS. GUIRAUD:

23 Thank you, Mr. President. With regard to this document hearing,
24 we have chosen to be the spokespeople of the civil parties who
25 had not had the opportunity of testifying before your Chamber.

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1 And we decided to favour the reading of five excerpts of civil
2 party applications, civil parties who were admitted because they
3 suffered from crimes that were committed in Tram Kak cooperative.
4 Beyond these five excerpts, we also have chosen to read an
5 excerpt from a written record of interview before the
6 Co-Investigating Judges, of a member from Ta Phem commune, which
7 echoes the testimony of three civil parties that you heard during
8 this segment. We're going to share our speech time. I will share
9 with Mr. Hong Kimsuon, and I will give the floor to my colleague
10 for him to start by reading the excerpts of three civil party
11 applications in Khmer, and then I will pick up from there to read
12 out a certain number of excerpts in French.
13 So now I give the floor to my colleague Hong Kimsuon. Thank you
14 very much, Mr. President.

15 [14.24.54]

16 MR. PRESIDENT:

17 Counsel Hong Kimsuon, please hold on. Defence Counsel Koppe, you
18 have the floor.

19 MR. KOPPE:

20 Thank you, Mr. President. We do not object quite yet, but we seek
21 guidance as to, I suppose, the nature of this document hearing.
22 We have understood it to be that we are here to present
23 documents, to highlight documents to the Chamber. However, having
24 had a look at the list of the civil parties, it seems that the
25 majority, the vast majority of documents to be presented are

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1 excerpts from civil party applications. I do not see that that is
2 -- that that should be the purpose of a document hearing. The
3 purpose is focusing preferably contemporaneous documents in order
4 to highlight them in the vast mass of documents that there are in
5 the case file. If you are saying that it is all right for the
6 civil parties to highlight excerpts from civil party
7 applications, I would like to hear also from you if it is all
8 right for the Defence to highlight certain portions of other
9 statements from witnesses. In other words, are we only here
10 during this document hearing to present documents, or are we also
11 allowed to refer to excerpts of civil party applications and also
12 written records of investigation?

13 [14.26.31]

14 MS. GUIRAUD:

15 May I please respond, Mr. President? It appears to me that it was
16 clear when we looked at how the Chamber operated before that we
17 could present civil party applications. I would like to remind
18 our colleague that the civil party applications are documents,
19 and these are written documents that are part of the case file.
20 Therefore we have full latitude to present these documents during
21 such hearings.

22 At no moment did we receive any kind of direction from the
23 Chamber that could lead us to believe that as of now it's no
24 longer possible to present documents that we were used to
25 presenting during the last case. It's absolutely essential for us

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1 to present these documents. The Chamber had the opportunity to
2 rule on the probative value of these documents. They're part of
3 the case file. This cannot be denied, so therefore I do not see
4 what is the reason for the objection, that was raised by our
5 colleague today. So, Mr. President, can you please allow us to do
6 what we have been doing on a regular basis in the last trial, and
7 to present to you the documents that seem to be the most relevant
8 for this segment.

9 (Judges deliberate)

10 [14.28.13]

11 MR. PRESIDENT:

12 The Chamber will allow the Lead Co-Lawyers to proceed -- that is,
13 to provide extracts from the certain civil party applications
14 which they consider are deemed relevant to the portions of the
15 key document presentation proceedings. You have the floor.

16 MR. HONG KIMSUON:

17 Thank you, Mr. President. Good afternoon, Mr. President, Your
18 Honours, and everyone in and around the courtroom. I am Hong
19 Kimsuon, a civil party Lawyer, and I'd like to read in Khmer
20 extracts of civil party applications which are part of the
21 current case file.

22 [14.29.16]

23 First, I'd like to provide you extracts from a civil party
24 application, of Chhoeng Phal, which is document E3/6143 (sic).
25 The extract that I read in Khmer is on ERN, 00552296 - 98; and in

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1 English, 01076692 - 93. Following is the extract:

2 "My name is Ms. Chhoeng Phal, currently living in Kbal Tumnob
3 village, Sangkat Boeng Tumpun, Khan Mean Chey, Phnom Penh. Before
4 1975, my husband was a Lon Nol soldier working in the
5 telecommunication unit -- that is, installing phone line. I was a
6 housewife, taking care of our daughter and son."

7 "On 17 April 1975, I and my family, along with other people, were
8 forced out of the city by the black-clad Khmer Rouge, who were
9 carrying AK-47 and shooting at rampage, while ordering us to
10 leave the city, by claiming that they needed to sweep clean the
11 city for one or two days before they could let us return. I and
12 my family left for my husband's birthplace in Tram Kak district,
13 Trapeang Roneab (phonetic) village, Takeo province. Two nights
14 after we arrived there, we were not given any work to do. They
15 gave us three cans of rice as food ration for our family. After
16 that, they assigned me to collect "mon" leaves to feed the cocoon
17 worms, and to grow vegetables in the rice field."

18 "Later on, they put me into the group of 15 persons, and we were
19 assigned to complete implanting and harvesting rice on a
20 three-hectare field each day. If we could not complete this
21 assignment, they would have a new measure for us. Other than
22 that, they sent us to dig a canal. That canal was three metres
23 wide and some kilometres long. Even the works were harsh, I was
24 still forced to endure that, because I was afraid that they would
25 kill my husband and children if I could not handle them. When

1 they spotted me sitting alone during break time, the village
2 chief, Ta Ngan, and Ngim rudely said to me, 'You sit alone away
3 from other people like this because you are not happy with the
4 revolution.' I answered to them, 'I do not sit with other people
5 because I want to avoid unwittingly saying things which might
6 offend the revolution line. But I like other people. I am happy
7 to be in the revolution.'"

8 [14.32.06]

9 "In early 1977, around February, they came to arrest me and tied
10 me up during a lunch break. There were three men coming,
11 including Ta Ngang, the village chief, Ngim, the chairperson of
12 the militiamen, and the chairperson of the youth unit. They tied
13 up my arms, bound them behind my back in the parrot wings style,
14 without telling me what my offence was. After they walked me for
15 over one kilometre, away from the work site, we arrived at a site
16 on a high ground, where there were trees and a B-52 crater. They
17 kicked me and I fell to the ground. Then they started to
18 interrogate me. They asked me questions like, first, are you a
19 spy of Lon Nol? Second, do you plot to destroy the revolution?
20 And third, do you plot to attack Angkar?"

21 [14.33.04]

22 "During the interrogation, they whipped me with a bamboo stick. I
23 told them that I was not a spy. They said that I was a mistress
24 of soldiers, and that I was a stubborn person. They beat me more,
25 and told me to confess my crimes. But I did not have anything to

1 tell them. I did not know what I had done wrong. They tried to
2 force me to make a confession by telling me that if I confessed
3 my crimes, they would release me. However, I still refused."
4 "With regard to point number 2, I asked them how I could destroy
5 the revolution? I did not know anything about that. They claimed
6 that when Angkar gave me a skirt, I did not wear it, but I used
7 the material to make a bolster and a pillow instead. I told them
8 that they could go to check about this claim further at my place.
9 I had not done anything like what they claimed. Ngim then jumped
10 on me, punching and kicking me on my chest. I fell back down to
11 the ground. Blood was coming out from my mouth. My tongue was
12 shrinking down to my throat."
13 "With regard to point number 3, I asked them how I could attack
14 Angkar, when I did not even know -- did not have anything with
15 me. They said that I told the people that Angkar did not give
16 palm juice to people to drink, but Angkar gave it to its own wife
17 and children only. I told them that no one living under the
18 revolution dared think like this. They said that I was
19 bull-headed because I was a mistress of a soldier."
20 [14.35.50]
21 "During the time they were torturing me, there was an elderly
22 man, named Vong, who was collecting rattan in the area nearby for
23 making baskets, saw this event. When they spotted that elderly
24 man, they arrested him and beat him to death, because they
25 accused him of being a spy. At that time, there was a child who

1 was in his teens, in his tens rather, coming on a bicycle to meet
2 them. Shortly after that, they said to me, 'You're lucky that
3 Angkar had decided to release you. Angkar just wants to
4 re-educate and release you, because we cannot find force to
5 replace you.' But they warned me, 'When you return home, if you
6 tell this story to your husband or children, or other people, to
7 demoralize them, we will kill you immediately.'

8 [14.37.00]

9 "After that, they sent me to work in the gathering unit, which
10 consisted of widows whose husbands had been killed. Then they
11 assigned me to collect human excrement and termite hills to make
12 them into fertiliser. After mixing and converting them into
13 fertiliser, I dried them up and stored them in storage. Even the
14 smell from these things were so bad, I bit my lips and strove to
15 endure it.

16 Later on, they ordered me to go to dig a canal at a place far
17 away from the village, where I stayed until the time the
18 Vietnamese and the Front's troops came to liberate us. At that
19 time I was sick, and hearing that they were preparing the Khmer
20 noodles, mixed with poison for the 17 April People to eat.
21 However, the Vietnamese troops arrived to save us on time, before
22 I and other people could eat the noodles."

23 "When the Vietnamese troops arrived, they fled to the mountain
24 area, and they forced the people to go along. I was discussing
25 with my husband, that if we were to follow them, we would die

1 because we did not have any food with us."

2 "And as for my father, people from Kandoeng district told me
3 that the Khmer Rouge killed him. Another person, living in Prek
4 Tauch (phonetic), who was detained together with my husband --
5 with my father, told me that my father died a miserable death, as
6 his hands were tied behind his back, and he was pushed into the
7 river and drowned twice, but he didn't die. Then they killed him
8 in another location -- that is, a temple which was turned into a
9 prison. And my father was detained there. Bed bugs annoyed him at
10 night-time, and when he tried to get rid of the bed bugs, they
11 accused him of trying to escape. Then they used an axle of an
12 ox-cart to beat him up, and next day he was killed."

13 [14.39.59]

14 In the end, the applicant requests the Court to find justice for
15 him.

16 The next document is the civil party applications of Keo Horn,
17 document E3/6457. The Khmer ERN is, 00541106 - 07; the English
18 extract is, 01069297 - 98. In the application, the applicant says
19 that on the 17th April 1975, the Khmer Rouge evacuated the family
20 to Tram Kak village, Tram Kak commune, and during the Khmer
21 Rouge, family members were killed by the Khmer Rouge people. Khut
22 Hy died from torture and starvation, and Khut Hum died from
23 torture and starvation as well.

24 [14.41.34]

25 The narrative is rather brief on the application, whose extract

1 is read as follows:

2 "On 17 April 1975, the Khmer Rouge evacuated my family and me to
3 live in Tram Kak village, Tram Kak commune, Tram Kak district,
4 Takeo province. And when we arrived there, my family and I
5 because the New People. Then the Old People ordered me to carry
6 cow dung, build dikes, dig canals, farm rice, uproot and
7 transplant rice seedlings. Then the Khmer Rouge gave me and the
8 New People rice porridge to eat, with morning glory."

9 "In 1976, the Khmer Rouge didn't evacuate my family and the
10 people from there to any other places again. They ordered us to
11 live in the same place in Tram Kak village, Tram Kak commune,
12 Tram Kak district, Takeo province."

13 [14.42.57]

14 "As for food, we still had rice porridge, with morning glory and
15 some killings took place there. During that time my husband was
16 taken to be killed by the Khmer Rouge, who used an excuse that
17 they were bringing him to farm rice. Since then, I have not heard
18 anything from him. My husband was Khut Yorn. He was 47 years old,
19 and he was a farmer. He was taken and killed. My first daughter,
20 Khut Hy, who stayed at the children's unit, died from being
21 seriously tortured. She could not bear the pain, in addition to
22 having no medicine for treatment."

23 "The killing became intensified, as for the food were given only
24 porridge without morning glory. In 1977, they evacuated me and
25 other villagers to Roliek village, Ta Ou commune, Kiri Vong

1 district, Takeo province."

2 And allow me to pause here.

3 MR. PRESIDENT:

4 Thank you, Lawyer for civil parties. Time is convenient for a
5 shorter break. We take a break now and return at 3 o'clock. The
6 Court is now in recess.

7 (Court recesses from 1445H to 1506H)

8 MR. PRESIDENT:

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

10 Before the Chamber hands the floor to the Lead Co-Lawyers for
11 Civil Parties, the Chamber would like to provide an oral decision
12 on Nuon Chea defence's motion for a site visit to Krang Ta Chan
13 security centre.

14 On 5th March 2015, the Nuon Chea defence requested that the
15 Judges and Parties make a site visit to the location of the
16 former Krang Ta Chan security centre. The Nuon Chea defence
17 argued that the importance of seeing first-hand the perimeters
18 and distances between various locations within and around the
19 security centre. The Khieu Samphan defence joined the request. On
20 12 March 2015, the Chamber reminded the Nuon Chea defence of the
21 site identification report, made by the Office of the
22 Co-Investigating Judges currently on the case file, and asked the
23 Parties for additional argument.

24 The Nuon Chea defence maintains its request, and argued that it
25 would be extremely helpful to be able to see the site instead of

1 only reviewing the report. The Nuon Chea defence also argued that
2 a site visit would show, based on the site's dimensions, that the
3 witnesses who testified to executions, torture, etc., are not
4 credible when they later state that they did not notice
5 executions and torture first-hand. The Nuon Chea defence further
6 argued that a site visit would allow the Court to independently
7 estimate the number of people who were executed or buried at the
8 site. That is transcript dated 12 March 2015, pages 87 to 89.

9 [15.09.09]

10 The Prosecution opposed the request, arguing that the site report
11 by the OCIJ is comprehensive and includes photographs. The
12 Co-Prosecutors suggested that a site visit would not add much to
13 what we already have in the site identification report.

14 Transcript of 12 March 2015, page 91.

15 The civil party objected to the request for a site visit as
16 belated, since the Nuon Chea defence could have requested a site
17 visit during investigations instead of during trial. Transcript
18 of 12 March 2015, page 91. The civil parties also asked the
19 Chamber to balance the usefulness of a site visit against the
20 inconveniences a site visit would involve. Transcript of 12 March
21 2015, page 92.

22 [15.10.31]

23 Internal Rule 87.3, states that the Chamber may reject a request
24 for evidence where it finds that it is, among others, repetitious
25 or unsuitable to prove the facts it purports to prove. The

1 Chamber notes that the OCIJ site report includes detailed
2 descriptions of the crime site, as well as maps specifying
3 distances within the crime site and its surroundings. The site
4 report also notes that structures original to the Democratic
5 Kampuchea period are mostly gone, and that new buildings have
6 been erected since.

7 [15.11.33]

8 Since the Nuon Chea defence has not specified the distances to be
9 measured during a site visit, and because the site report appears
10 to show the key distances, the Chamber, prima facie, considers a
11 site visit to be repetitious. Furthermore, the Nuon Chea defence
12 fails to sufficiently explain how a site visit would assist the
13 Chamber in assessing the number of people who were executed or
14 buried at the site, which has changed significantly since the
15 Democratic Kampuchea era. Therefore, a site visit would be
16 apparently unsuitable to prove the facts the Nuon Chea defence
17 purports to prove. Because the request does not conform to the
18 applicable rule, the Trial Chamber will not proceed to balance
19 the usefulness of a site visit against its inconvenience.

20 The Nuon Chea defence's request for a site visit to the Krang Ta
21 Chan security centre is consequently denied.

22 Now, the Chamber would like to hand the floor to the assigned
23 Counsel for civil parties on the presentation of key documents.

24 [15.13.03]

25 MR. HONG KIMSUON:

1 Thank you, Mr. President. And allow me to move on to another
2 extract from the civil party application of Khem Khon -- that is
3 document E3/4988. The extract ERN in Khmer is, 00556131 - 32; the
4 English extract is at, 01060616. The applicant states that:

5 "On 17 April 1975, I lived in Trapeang Dang Teuk village, Ou Bai
6 (phonetic) commune, Tram Kak district, Takeo province. I lived
7 there for a while with my parents. The chief of the village was
8 Ta Yan, and Ta Cham was the commune chief, and Mit was the chief
9 of the militia."

10 [15.14.36]

11 "The district chief was Ta Chay, and Ta Mok was the chairperson
12 of the sector. At that time, the chief of the village took away
13 our properties, including a pair of cows, a bicycle, and some
14 gold and money. They told us that those properties would be kept
15 as the collective ones. Later, they sent me to the children's
16 unit at Chamkar Mouy Roy Ha (phonetic). The chief of the women's
17 unit was Lay. We were forced to overwork days and nights. We were
18 not given any break time. There was not enough food and I was
19 extremely skinny. We were not provided with any medicine when we
20 were sick. Instead, we were forced to work even harder, and our
21 meal ration was reduced. When we were sick, we would be given
22 less food as the Khmer Rouge accused us of pretending to be sick.
23 For example, my brother picked a head of sweet potato to eat, and
24 was seriously beaten by the chief of the youth unit, named Lim.
25 The unit chief said that the 17 April People like him ate too

1 much, and for that reason, their bodies became bloated."
2 "From 1977 through '78 Angkar evacuated my family to Trapeang
3 Ruessei village, Tram Kak commune, Takeo province. Yan was the
4 chief of the village, and Ta Thum (phonetic) was chief -- rather
5 Ta Chim was chief of the commune, and Ta Chay was the district
6 chief. Two days after I arrived in the village, I was sent to
7 live in the children's unit in Prey Leu (phonetic) village,
8 located in Tram Kak commune. The chiefs of the units were Neary
9 Em and Neary Touch."

10 [15.18.04]

11 The unit chiefs forced us to work extremely hard. We were tasked
12 to -- we were tasked with digging canals, constructing dykes,
13 carrying soil, carrying cow dung, and carrying human excrement.
14 The chief of the boys' unit beat my younger brother up and buried
15 him mercilessly. The beater was Nget, the chief of the squad in
16 charge of family affairs. Nget took three people to be killed,
17 including my uncle. His son is now an orphan. The pain of losing
18 my family members is indescribable."

19 And I will not read the part for the collective reparations. And
20 with your permission, Mr. President, I would like to cede the
21 floor to my international colleague.

22 [15.19.35]

23 MR. PRESIDENT:

24 Yes, you can do so. And the International Lead Co-Lawyers, you
25 have the floor.

1 MS. GUIRAUD:

2 Thank you very much, Mr. President. I am therefore going to read
3 out the two excerpts of civil party applications, and then I will
4 read out an excerpt of a written record of interview of a
5 witness.

6 And I'm going to start by document E3/6222, French ERN, 00861019
7 - 21; English ERN, 00866048 -050; and Khmer, 005660523 - 25. This
8 is the civil party application of Sokh Sangvavan, who was
9 transferred from Phnom Penh to Tak Koem village, Cheang Tong
10 commune, Tram Kak district, Takeo province.

11 I'm going to start reading out the excerpts after what the civil
12 party tells us about the evacuation of Phnom Penh, and his
13 account starts as follows:

14 [15.21.27]

15 "When I woke up, the Khmer Rouge mobilised the people to send
16 them to the dyke worksites. At 12 o'clock, we noted -- we took a
17 small break. At 2 p.m. we went back to work until the evening.
18 There was no sanitation. We were exhausted. We were completely
19 drained of our strength. We were hungry. We were thirsty. We were
20 seized by fever. And the unit head, Yeah Meakh, ordered the
21 people to work even when they were ill. She would insult people
22 as if they were slaves. Almost all of the young women in her unit
23 were insulted in that way. Food was extremely scarce, and
24 consisted only in a ladleful of rice soup with water lilies.
25 There was no medicine. The Khmer Rouge would provide traditional

1 remedies to people who were ill."

2 "The Khmer Rouge taught the people to love Angkar, and to
3 endeavour to work. When someone became ill, Angkar would send him
4 to re-education by telling him to overcome his pain, and not to
5 be ill too often. One week later, Angkar summoned the people to a
6 common meeting in Prey Theat, close to a pagoda. I was separated
7 from my parents and from my younger brother. They were all
8 executed by the Khmer Rouge. The Khmer Rouge watched over me very
9 often, because they believed that I was colluding with the enemy.
10 My father was killed in 1973 when Angk Ta Saom fell."

11 [15.23.49]

12 "Food consisted in an inadequate ration of rice soup. It was
13 forbidden to speak out and to listen to the radio. Life resembled
14 the life of a slave. The Khmer Rouge forced people to work
15 without any rest, and accused them of being enemies. People had
16 to live like wild animals, without any sanitation and without any
17 housing."

18 To finish off with this excerpt, "I saw the Khmer Rouge bring
19 people away, and execute people in 1975, 1976 and 1977."

20 The second excerpt of these civil party applications I would like
21 to read out today is document E3/5069. French ERN, 00950316 -
22 317; English ERN, 00950316 - 317; Khmer ERN 00567640 - 643. This
23 is an excerpt of the civil party application of Mr. Miech Ponn.
24 Miech Ponn died. I'm going to start reading out this excerpt by a
25 segment concerning Kiri Vong district, in order for you to

1 understand how this civil party arrived in Tram Kak district.

2 This civil party says the following:

3 [15.26.13]

4 "I was deported to the south of the country. I was hoping to join
5 up with my wife and children, but it was too risky. Therefore, I
6 was separated from my family. I ended up in the village of Khvav,
7 Prey Ampok commune, Kiri Vong district, Takeo province."

8 "Right after my arrival, I was working in group 6 in Khvav
9 village. I would dig canals. I would tear out and replant rice
10 plants, and I would work from 5.30 in the morning to 11.30. We
11 would eat rice soup, and then we would get back to work from 12
12 to 5 p.m. I stayed there until 1977, and then they started
13 investigating my past, because I had been a French teacher. The
14 village chief was called Brak Ny, and I don't know if he wanted
15 to kill me, but I heard that people would be organized into
16 different categories, the feudal category for example, and
17 massacres happened in a very discreet way."

18 "When I was in Takeo I thought a lot about my wife and about my
19 children, who were in Kampong Thom. I often asked for permission
20 to go see them, but that was denied to me. I would sleep weeping
21 because I was thinking about my family."

22 [15.28.04]

23 "I'd like to specify one thing here. Before I was sent to be
24 executed, they asked me to watch over a field in the village of
25 Khvav. One evening, they said that all of the guards had to

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1 return to the village except for me. It's then that I understood
2 that they were going to kill me because there had been similar
3 cases in the past. I was very afraid, and I tried to do my best
4 to save my skin. I took a bit of food with me, and with an axe
5 and a machete, I returned to the village to say goodbye to my
6 brothers and sisters and I was lucky enough to have a nephew, Un
7 Phan who saved me. He was a group chief under the Pol Pot
8 regime."

9 "Towards the end of 1977, white flags were hoisted before the
10 village. The Khmer Rouge understood that there were resistance
11 movements, and therefore they evacuated the 17 April People from
12 the village because they were afraid that they would join up with
13 the liberation forces. I also was evacuated to Chamkar Angk
14 village, Kus commune, Tram Kak district, Takeo province. This is
15 how I was able to survive until today."

16 "Now I would like to speak about my family. Most often I learnt
17 things thanks to my sister-in-law, Suong Hao and thanks to my
18 niece, Ul Chantha, and thanks to my nephew, UL Sam. I was living
19 in Takeo province. In 1975, the Khmer Rouge evacuated my wife and
20 my children to Prey Ta Trav village, Kampong Thom commune, Baray
21 district, Kampong Thom province."

22 [15.30.10]

23 And finally, Mr. President, I wanted to read out a written record
24 of interview that echoes the testimony of three civil parties
25 that you have already heard during this segment. This is written

1 record of interview -- Sok Sim's written record of interview, who
2 was a member of the commune of Ta Phem, in charge of the kitchens
3 in the village of Ta Sou, in Tram Kak district, and therefore I'm
4 going to read out document E3/5519, French ERN, 00434593 - 595;
5 English, 00414077 - 079; and Khmer, 00408334 - 335.

6 [15.31.48]

7 Question: "Who imposed on you the plan to harvest three tonnes
8 per hectare?"

9 Answer -- and it is answer number 35 on the document. Answer: "It
10 was the chief of the co-operative, called Ta Ki."

11 Question: "Did Ta Ki have messengers?"

12 Answer: "There were messengers. However, I do not at all know how
13 many there were in all. They were the messengers of Ta Ki who
14 went to distribute letters, but I did not at all know the names
15 of all those messengers."

16 Question: "During meetings, was mention made of the system of
17 distributing food to the people?"

18 Answer: "They did not talk of that problem."

19 Question: "Who decided the ration of food for the people within
20 the cooperatives?"

21 Answer: "The decision was made by the commune committee."

22 [15.33.12]

23 Question: "From what level was the plan of the three tonnes per
24 hectare? If that harvest target wasn't met, what happened?"

25 Answer: "The plan was issued by the upper echelon. If we failed

1 to reach the target, there would be no problems. It was only that
2 if we failed to reach the target, we were fed with gruel. The
3 harvested rice was taken away. The rice was transported away by
4 the people from the upper echelon."

5 Question: "Which level do you mean by 'upper echelon'?"

6 Answer: "District or provincial level."

7 Question: "Was there enough food for people to eat?"

8 Answer: "It was not enough. People only ate gruel."

9 Question: "When the food was not sufficient for people, did
10 people fall sick, or die of starvation?"

11 Answer: "Many people were sick and died of diseases. Some people,
12 who did not have enough food to eat, tried to look for extra food
13 to eat, such as potatoes, etc."

14 [15.34.55]

15 Question: "Do you know anyone who died of starvation?"

16 Answer: "Yes, I do. They are Ta Bin, Ta Mak, Yeay Tang, and so
17 on."

18 Question: "Do you know if the sick were sent to the hospital?"

19 Answer: "Yes, they were sent to the hospital at Champa pagoda."

20 Question: "Did many people die in the hospital?"

21 Answer: "Yes, many people died."

22 Last question, Mr. President. "From 1975 to 1979, were there
23 enough medicines?"

24 Answer: "From 1970 to 1975, there were rabbit-dropping medicines.

25 From 1975 to 1979, medicines were available but I am not sure if

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1 there were enough. There were also medics, but they were not well
2 qualified."

3 [15.36.46]

4 And I would like to end, Mr. President, by reading out a document
5 we would like to emphasise, and I thank you for your kind
6 attention. We have no further documents.

7 MR. PRESIDENT:

8 Thank you very much, Lead Co-Lawyers, for presenting the key
9 documents in relation to Tram Kak cooperative and Krang Ta Chan
10 security office. And we finish early today.

11 (Judges deliberate)

12 [15.37.36]

13 MR. PRESIDENT:

14 And we still have more than 20 minutes for our today's
15 proceedings. The Chamber would like to ask the Defence Counsel
16 for the Accused, do you wish to present the key documents now?

17 MR. KOPPE:

18 Mr. President, we're still in the process of finalizing things,
19 so we would really prefer to start tomorrow.

20 MR. PRESIDENT:

21 Thank you very much. The Co-Prosecutor and Lead Co-Lawyer
22 finished the presentation on the key documents early today, so
23 the Chamber wishes to end today's proceedings now. The hearing
24 tomorrow will start at 9 a.m.

25 Security personnel are instructed to bring Mr. Khieu Samphan and

1 Nuon Chea back to the detention facility, and have them return
2 before 9 a.m. tomorrow.

3 The Court is now adjourned.

4 (Court adjourns at 1538H)

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