



**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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 CMS/CFO: Sann Rada

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

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

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

**អង្គជំនុំជម្រះសាលាដំបូង**  
 Trial Chamber  
 Chambre de première instance

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

7 May 2015  
 Trial Day 279

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

The Accused: NUON Chea  
 KHIEU Samphan

Lawyers for the Accused:  
 SON Arun  
 LIV Sovanna  
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Trial Chamber Greffiers/Legal Officers:  
 Marie-Jeanne SARDACHTI  
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 TY Srinna  
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For Court Management Section:  
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Witness and Expert Support Unit:  
 Samnang Nhem

I N D E X

MR. EK HOEUN ALIAS UL HOEUN (2-TCW-822)

Questioning by The President..... page 7

Questioning by Mr. De Wilde D'Estmael ..... page 12

Questioning by Ms. Ty Srinna..... page 88

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MR. DE WILDE D'ESTMAEL	French
MR. KONG SAM ONN	Khmer
MR. KOUMJIAN	English
JUDGE LAVERGNE	French
MR. LIV SOVANNA	Khmer
THE PRESIDENT (NIL NONN Presiding)	Khmer
MR. SAMNANG NHEM	Khmer
MS. TY SRINNA	Khmer
MR. EK HOEUN (2-TCW-822)	Khmer
MR. VEN POV	Khmer

1 PROCEEDINGS

2 (Court opens at 0905H)

3 MR. PRESIDENT:

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

5 Today the Chamber will hear the testimony of a witness,

6 2-TCW-822, by a video link from Battambang province.

7 There seems to be a technical issue with the translation system.

8 (Technical problem)

9 [09.08.11]

10 MR. PRESIDENT:

11 Let me resume. Today the Chamber will hear the testimony of a

12 witness, 2-TCW-822, by a video link from Battambang province.

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

14 other individuals at today's proceedings.

15 THE GREFFIER:

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

17 are present ,except Marie Guiraud, the International Lead

18 Co-Lawyer for civil parties, who is absent today and tomorrow due

19 to personal reasons, and Ven Pov has been assigned in her place.

20 Counsel Koppe, the defence counsel for Nuon Chea, is also absent

21 today and tomorrow for personal reasons.

22 [09.09.25]

23 Mr. Nuon Chea is present in the holding cell downstairs. He has

24 waived his right to be present in the courtroom. The waiver has

25 been delivered to the greffier.

2

1 The witness who is to testify today -- that is, 2-TCW-822, will  
2 testify via a video link from Battambang province. The witness  
3 confirms that to his best knowledge or ability he has no  
4 relationship by blood or by law to any of the two Accused -- that  
5 is, Nuon Chea and Khieu Samphan, or to any other civil parties  
6 admitted in this Case. The witness took an oath this morning and  
7 there is no duty counsel assigned to him.

8 [09.10.15]

9 MR. PRESIDENT:

10 Thank you, Ms. Se Kovulthy. The Chamber now decides on the  
11 request by Nuon Chea.

12 The Chamber has received a waiver from Nuon Chea, dated 7th May  
13 2015, which states that due to his health -- that is, headache,  
14 back pain, he cannot sit or concentrate for long and in order to  
15 effectively participate in future hearings, he requests to waive  
16 his right to participate in and be present at the 7th May 2015  
17 hearing.

18 Having seen the medical report of Nuon Chea by the duty doctor  
19 for the Accused at the ECCC, dated 7th May 2015, who notes that  
20 Nuon Chea has severe back pain and dizziness when he sits for  
21 long, and recommends that the Chamber should grant his request so  
22 that he can follow the proceedings remotely from the holding cell  
23 downstairs.

24 Based on the above information and pursuant to Rule 81.5 of the  
25 ECCC Internal Rules, the Chamber grants Nuon Chea his request to

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1 follow today's proceedings remotely from the holding cell  
2 downstairs via an audio-visual means.

3 The AV Unit personnel are instructed to link the proceedings to  
4 the room downstairs so that he can follow the proceedings  
5 remotely, and that applies for the whole day.

6 And the International Co-Prosecutor, you have the floor.

7 [09.12.09]

8 MR. KOUMJIAN:

9 Thank you, Mr. President; and good morning, Your Honours. I would  
10 like to just bring up one short matter to Your Honours before we  
11 begin with the witness. And that is that I am aware that Your  
12 Honours have indicated that you will shortly issue a written  
13 decision on the use of evidence that was obtained by torture in  
14 this trial. We think that that's an extremely important issue for  
15 this Court, for this trial, where torture is so at the centre of  
16 the activities of the Khmer Rouge, and also it's important to the  
17 international jurisprudence, international jurisprudence.

18 Although there have been some filings in the past, that was quite  
19 some time ago and we submit that the Court may benefit from  
20 hearing from the Parties on this issue now. And my preference, my  
21 suggestion would be to have an oral hearing for a half hour or an  
22 hour where the parties could be heard, or if Your Honours prefer,  
23 it could be written. But I think it's a matter of great public  
24 interest also, so I think an oral hearing would be of great  
25 interest to the public. We could do it today, but I notice that

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1 several parties are missing and perhaps don't have notice, so I  
2 suggest we do it after the Court break.

3 [09.13.33]

4 There's a couple of reasons why I think it should go forward.  
5 First of all, it's been said in Court in the last week, a couple  
6 of times by the Nuon Chea defence that they have filed as one of  
7 their grounds of appeal in Case 002/01 a motion or a request to  
8 admit torture tainted evidence. That's not correct. In their  
9 notice of appeal in the 227 grounds, they have never indicated  
10 that was a ground of appeal. They have never requested to amend  
11 their notice of appeal. It is correct that they have filed  
12 submissions in their written brief on that issue. The  
13 Co-Prosecutors did not respond because it's not one of the  
14 grounds of appeal. In the limited pages that we had, we responded  
15 to what were grounds of appeal from the notices of appeal of the  
16 Parties.

17 [09.14.35]

18 Also I note that the issue has been coming up a lot with past  
19 witnesses in the past few weeks, but I would submit that all of  
20 those questions that were asked were improper questions for other  
21 reasons; they were irrelevant. So, for example, asking a witness:  
22 "Are you familiar that Chou Chet in his S-21 confession  
23 implicated you?" is irrelevant. What does it matter whether the  
24 witness is aware of that or not? If the Defence wants to ask the  
25 witness: "Were you a CIA, KGB, 'Yuon' spy?", they can ask that

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1 question and the witness can answer. There is no reason at this  
2 time to go into the issue of these confessions which the  
3 Prosecution will -- continue to submit -- cannot be used by the  
4 Defence to prove the truth of the matter asserted, because to do  
5 so, first, they're completely unreliable; and secondly, it  
6 encourages torture when you are allowing those who are  
7 responsible for the torture to use confessions that they obtained  
8 through torture to justify their torture and other killings. So  
9 that's my request, is that we have an oral hearing after the  
10 break on this issue or, if Your Honours prefer, written  
11 submissions. Thank you.

12 (Judges deliberate)

13 [09.17.57]

14 MR. PRESIDENT:

15 Judge Jean-Marc Lavergne, you have the floor.

16 JUDGE LAVERGNE:

17 (No interpretation)

18 MR. PRESIDENT:

19 Judge Lavergne, please repeat your question as there is a  
20 technical issue with the interpretation system.

21 JUDGE LAVERGNE:

22 Yes, thank you, Mr. President. My question was for the  
23 International Co-Prosecutor. How much time will be necessary for  
24 this matter regarding the use of evidence that apparently was  
25 obtained under torture? And my second question: Are you simply



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1 considering a discussion here in the courtroom or do you also  
2 wish to have the possibility of filing written submissions? It  
3 might be important for us, especially since the issue might be a  
4 bit touchy, that we have an oral discussion as well as written  
5 submissions.

6 [09.20.18]

7 MR. KOUMJIAN:

8 Thank you. Your Honours, I envisioned an hour, or one session for  
9 the public hearing, and we would be happy if it's helpful, and I  
10 think it might be, to also file written submissions. And just to  
11 explain the complexity, it is the Co-Prosecutor's position that  
12 there are many uses of these confessions that are admissible,  
13 particularly against the torturers. And further, there's a very  
14 delicate question, I think a complex question, of when the Court  
15 would make the determination that a statement was the product of  
16 torture and we want to submit on that, what would be the  
17 sequence.

18 MR. PRESIDENT:

19 Thank you. The Chamber also deems the issue of evidence obtained  
20 by torture is of a critical nature and we actually had quite a  
21 long discussion on this issue when Counsel Koppe put a question  
22 to the witness in relation to evidence obtained by torture. And  
23 the Chamber will consider the proposal put by the International  
24 Co-Prosecutor, and we will deliberate the issue amongst ourselves  
25 and will inform the parties in due course, and we thank you for

7

1 that.

2 [09.22.12]

3 QUESTIONING BY THE PRESIDENT:

4 Good morning, Mr. Witness. Can you hear me clearly?

5 MR. EK HOEUN:

6 A. Yes, I can.

7 Q. Thank you. And what is your name?

8 A. My name is Ek Hoeun.

9 Q. Please repeat your name.

10 A. My name is Ek Hoeun.

11 Q. Is it Ek Hoeun?

12 A. Yes.

13 Q. And who is Ul Hoeun?

14 A. In fact Ul is my grandfather's name and Ek is my father's  
15 name.

16 [09.23.21]

17 Q. What is your official name, Mr. Witness?

18 A. My official name is Ek Hoeun; however, sometimes the registrar  
19 did not ask me and used Ul Hoeun for my name.

20 Q. That clears the matter. Then let us stick to your official  
21 name -- that is, Ek Hoeun.

22 And when were you born, Mr. Ek Hoeun?

23 A. No, I cannot recall my date of birth. I only recall that

24 during the time when I was born and I grew up, it was the wartime  
25 around the Issarak era.

1 Q. What is your age now?

2 A. I am 78 now.

3 Q. Thank you. Where is your place of birth?

4 A. When I was young I lived in Trapeang Prei village, Trapeang  
5 Thum Khang Tboundg commune, Tram Kak district, Takeo province.

6 [09.24.45]

7 Q. Thank you. Where is your current address?

8 A. At present I live in Ta Sanh village, Ta Sanh commune, Samlout  
9 district, Battambang province.

10 Q. Thank you. And what is your current occupation?

11 A. I am elderly; I cannot do anything. But my children work in  
12 the farm.

13 Q. Thank you. And can you tell us the names of your father and  
14 mother?

15 A. Ul Ek is my father's name and Nam Horng is my mother's name.  
16 She was Vietnamese from Krabaor, Mort Chrouk (phonetic),  
17 Kampuchea Krom.

18 Q. Thank you. And what is your wife's name and how many children  
19 do you have together?

20 A. My wife's name is Chea Chin, and we have six children  
21 together: Ek Thoun (phonetic), Ek Khun (phonetic), Ek Boeun  
22 (phonetic), Ek Huon (phonetic), Ek Nov (phonetic), and Ek Nuon  
23 (phonetic). One of them died.

24 [09.26.31]

25 Q. Thank you, Mr. Ek Hoeun. The greffier made an oral report that

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1 to your best knowledge, none of your father, mother, ascendants,  
2 children or descendants, brothers, sisters, in-laws, or wife is  
3 admitted as a civil party in Case 002. Is that information  
4 correct?

5 A. That is not true.

6 MR. SAMNANG NHEM:

7 Do you understand the Judge's question?

8 MR. EK HOEUN:

9 Mr. President, please repeat your question as it is unclear to  
10 me.

11 BY THE PRESIDENT:

12 Q. Mr. Ek Hoeun, to your best knowledge, do you know if any of  
13 your father, mother, ascendants, children or descendants,  
14 brothers, sisters, in-laws, or wife is admitted as a civil party  
15 in Case 002?

16 MR. EK HOEUN:

17 A. Yes, that is correct.

18 Q. And that you already took an oath before your testimony; is  
19 that correct?

20 A. Yes.

21 [09.28.08]

22 Q. The Chamber would like to inform you of your rights and  
23 obligations as a witness.

24 Regarding your rights, as a witness in the proceedings before the  
25 Chamber, you may refuse to respond to any question or to make any

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1 comment which may incriminate you. That is your right against  
2 self-incrimination. This means that you may refuse to provide  
3 your response or make any comments that could lead you to being  
4 prosecuted.

5 And on your obligations: As a witness in the proceedings before  
6 the Chamber, you must respond to any question by the Bench or  
7 relevant parties, except where your response or comments to those  
8 questions may incriminate you. And as a witness, you must tell  
9 the truth that you have known, heard, seen, remembered,  
10 experienced or observed directly in relation to any occurrence or  
11 event relevant to the questions the Bench or the parties pose to  
12 you.

13 And do you understand about the rights and obligations that I  
14 have just read out?

15 A. Yes, I do.

16 [09.29.40]

17 Q. Thank you. Have you been interviewed by investigators of the  
18 Office of the Co-Investigating Judges?

19 A. Yes. I have been interviewed twice, although I cannot recall  
20 the dates.

21 Q. Thank you. And before your appearance today, have you reviewed  
22 your previous interviews in order to refresh your memory?

23 A. Yes, I have read them all.

24 Q. Can you tell the Chamber whether the statements in the written  
25 record of your interviews are consistent with your words that you

11

1 gave to the investigators?

2 A. Yes, they are consistent with what I told them during the two  
3 interviews.

4 [09.31.03]

5 MR. PRESIDENT:

6 Thank you.

7 And pursuant to Rule 91bis of the ECCC Internal Rules, the  
8 Co-Prosecutors will be given the floor first to put questions to  
9 this witness. And the total time for the Co-Prosecutors and the  
10 Lead Co-Lawyers is one full day.

11 And the Chamber would like to inform the parties that Mr. Ul  
12 Hoeun has some issues concerning his health. For that reason,  
13 please try to make your questions short and precise. And the  
14 Chamber trusts that the parties will take this information and  
15 put your questions accordingly.

16 And now the Co-Prosecutors, you have the floor.

17 [09.32.10]

18 MR. DE WILDE D'ESTMAEL:

19 Thank you. Good morning, Mr. President, Your Honours, and all the  
20 parties.

21 Mr. Witness, my name is Vincent De Wilde. I will put questions to  
22 you on behalf of the Office of the Co-Prosecutor this morning and  
23 this afternoon. I would like to start by thanking you for  
24 appearing before us in spite of your ailing condition, and when I  
25 put questions to you, may I request you to tell me whether or not

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1 the questions are clear, if you do not understand the question.  
2 If you do not understand the answer to a question, please do not  
3 invent an answer or to speculate, but simply say that you do not  
4 know. I will start with a few questions regarding your family so  
5 that we may know what your origins are.

6 [09.33.13]

7 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

8 Q. You said in the background information that your mother was  
9 Vietnamese from Kampuchea Krom. If I properly understood what you  
10 told DC-Cam -- we have a document whose reference is  
11 E305/13.23.451. I'll give the ERN numbers as well. In Khmer it is  
12 00968886; in French, 01053707; and in English, 01050180. This is  
13 what you told the investigators from the Cambodian Documentation  
14 Centre. You said:

15 "My grandmother was from Vietnam; my mother was born in Cambodia.  
16 My grandfather did not speak Khmer and married my grandmother who  
17 spoke Khmer but not Vietnamese. My grandfather was a native  
18 Vietnamese. He was born in Chau Doc also known as Krabaor, Mort  
19 Chrouk (phonetic) province in Vietnam."

20 Is this correct? Does it reflect your origins on your mother's  
21 side?

22 (Short pause)

23 [09.35.10]

24 BY MR. DE WILDE D'ESTMAEL:

25 Q. Mr. Witness, can you hear me? I was asking you whether what I

13

1 had read out to you was correct -- that is, did your grandmother  
2 hail from Vietnam and was your mother -- was she born in  
3 Cambodia? And I also asked whether the father of your mother was  
4 a native Vietnamese. Is all this information correct?

5 MR. EK HOEUN:

6 A. Yes, that is correct.

7 Q. You described your mother as a Vietnamese from Kampuchea Krom.  
8 Can you assist us in enabling us to understand this? When you  
9 talk of Khmer (sic) Krom what precisely do you mean? Because  
10 sometimes there's a mix up between Vietnamese settling -- or, who  
11 settled in Kampuchea Krom, but who did not speak Khmer properly,  
12 and those who were in Kampuchea Krom and spoke Khmer. Can you  
13 tell us what is the distinction between Khmer Krom (native  
14 Vietnamese), and Vietnamese from Cambodia and so on and so forth?

15 A. It is not clear because my grandfather who was called Nang  
16 (phonetic), who came to settle in Cambodia, did not speak Khmer.  
17 I do not know whether he was Khmer Krom or Vietnamese, but he  
18 spoke Vietnamese and my grandmother spoke Vietnamese a little bit  
19 as well, and my mother -- that is, their daughter, also spoke a  
20 bit of Vietnamese. His younger brother was born in Krabaor. He  
21 spoke Vietnamese and served as an interpreter for family members.  
22 So, all I can say, quite simply, is that it is very unclear  
23 because I, myself, never went to Krabaor or Chau Doc, so I saw my  
24 family members, that is all.

25 [09.37.48]



14

1 Q. Very well. You also made some statements in your record of  
2 interview -- E3.19.1.31 -- that is your first record of  
3 interview, and you said in answer to Question 11, that is Answer  
4 11: "My father was a village chief during the Sangkum Reastr  
5 Niyum era. Because my father had been a village chief and my  
6 mother was Vietnamese. They wanted to purge." You said your  
7 family was accused of having undesirable tendencies -- that is "I  
8 joined the Revolution but my father was accused of having  
9 unpleasant tendencies", so your mother was Vietnamese and your  
10 father played a role in the previous regime and you were accused  
11 of having undesirable tendencies.

12 What do you mean by "undesirable tendencies"?

13 A. I haven't quite understood your question; please repeat it.

14 [09.39.25]

15 Q. I will simplify it. You said your father was a village chief  
16 under the Sihanouk (sic) regime -- that is, in the Sihanouk era.  
17 And you said that your mother was Vietnamese and your family was  
18 purged because they had undesirable tendencies. Did they say that  
19 your family had undesirable tendencies because of the nationality  
20 of your mother and that of your father as well?

21 A. Yes, that is indeed the case.

22 Q. You said you -- were there any family ties between your family  
23 and Ta Chim who was the district chief -- the deputy district  
24 chief?

25 A. My wife was Sino-Khmer and the mother of my wife was also

15

1 Sino-Khmer, the father was Cambodian and that is why I called  
2 them Sino Khmer.

3 Q. Let me rephrase my question because I think it was not well  
4 understood. I talked about family ties that you could have with  
5 Ta Chim, C-H-I-M, the deputy chief of Tram Kak district in 1975,  
6 also known as Pech Chim.

7 A. Ta Chim was my cousin and also my brother-in-law.

8 [09.41.40]

9 Q. Thank you. How about Saom Dorn alias Dorn from the district  
10 office, was he also your cousin?

11 A. Yes.

12 Q. Can you tell us what were the positions of two of your  
13 brothers, Heng, H-E-N-G, which -- or whom you refer to as the  
14 great Khmer Rouge army chief?

15 A. In 1976, Heng was appointed district chief and he took over  
16 from Ta Saom.

17 Q. Are you not mixing him with your elder brother Yaev, Y-A-E-V?  
18 You said that he took over directly from Ta Saom. Are you not  
19 mixing up Yaev and Heng?

20 A. I do not quite understand your question. Please repeat it.

21 Q. I will try to jog your memory with what you said. You made  
22 mention of two brothers, I believe that was before DC-Cam. You  
23 talked of a brother called Heng -- H-E-N-G -- you said he was a  
24 Khmer Rouge army chief and you said he died in 1973. You also  
25 made mention of another brother, Yaev, Y-A-E-V, who was deputy

16

1 district head at Kaoh Andaet district from 1977 to 1978. Is that  
2 correct?

3 A. That is correct.

4 [09.44.21]

5 MR. PRESIDENT:

6 Mr. Witness, wait a minute. Counsel Kong Sam Onn, you have the  
7 floor.

8 MR. KONG SAM ONN:

9 Thank you, Mr. President. May I ask the International  
10 Co-Prosecutor to specify the passage in which the names Heng and  
11 Yaev are found? That is the DC-Cam document?

12 BY MR. DE WILDE D'ESTMAEL:

13 You are right. It is E305/13.23.451. In French, the ERN is  
14 01053714; in Khmer, it is 00968891 towards the end of the page;  
15 and in English, 01050184.

16 Q. Witness, given your family ties with Ta Chim and Saom Dorn,  
17 and also given the fact that your brother had held positions in  
18 the regime, did you enjoy some protection in spite of the fact  
19 that your family had undesirable tendencies?

20 MR. EK HOEUN:

21 A. My elder brother, Heng, died in 1973, and Yaev lived far off.  
22 He could not assist me so it was only Ta Chim who could assist me  
23 -- that was my brother in law. He was able to rescue me from the  
24 claws of the Yeay Khom.

25 [09.47.04]

17

1 Q. Can you remind us of what you did between 1974 and 1975? Did  
2 you have any duties and responsibilities in the village and in  
3 your cooperative at the time?

4 A. I was appointed group leader and after the classes were  
5 established I was crushed by the wheels of history and I was  
6 dismissed from my position.

7 Q. Did Ta Chim at any point in time assist you to be reinstated  
8 at any position in Tram Kak district?

9 A. Yes. He protected me from Yeay Khom so he hid me in the  
10 district office where I was in charge of loading rice and salt  
11 trucks.

12 [09.48.28]

13 Q. Let me ask you for the exact date on which you returned to the  
14 district office. You said to DC-Cam -- and the Khmer page is  
15 00968888; in French, 01053710; and in English, 01050182. This is  
16 a question that was put to you: "Up until when were you deputy  
17 chief of the village?" And your answer was: "I was village chief  
18 until 1975 when the entire country was liberated. They then asked  
19 me to work in the district office." And a little further on you  
20 say that: "I was appointed on the very day the country was  
21 liberated." End of quote.[Free translation]

22 Did you start working in the district office as you pointed out  
23 on the very day Takeo was captured in April 1975?

24 A. After the war ended -- that is, in April, Ta Chim came and  
25 took me in order that I would guard his house. Then he assigned

1 me to work in the district office.

2 [09.50.07]

3 Q. You pointed out to the Co-Investigating Judges, if I am not  
4 mistaken, that you left the Tram Kak district office in late 1978  
5 in order to join Pech Chim in Kampong Cham. Can you tell us the  
6 exact period, the month in which you left Tram Kak district?

7 A. I was afraid of Ta Sanh; he wanted to kill me at the time. He  
8 needed 200 inhabitants in order to bring them to Kampong Cham and  
9 I requested to be allowed to go and he said no. And when the  
10 truck was going to leave I jumped into the truck. That was in  
11 August 1977. So it was on that date that I went to Kampong Cham  
12 -- that is, the East Zone.

13 Q. Are you sure that it was in 1977? Because I believe you said  
14 on several occasions 1978 in your previous statements. Was that  
15 several months before the Vietnamese arrived, or only a few  
16 months before they arrived, or more than a year before they  
17 arrived?

18 A. I left Tram Kak district in August 1977, and that was only at  
19 the end of a period of a few months in Kampong Cham that the  
20 Vietnamese entered Cambodia.

21 [09.52.25]

22 Q. Very well. The Vietnamese entered Cambodia in early January  
23 1978. Do you therefore confirm that that was a few months before  
24 you jumped into that truck to go to Kampong Cham? Let me repeat  
25 the question. I said that the Vietnamese came in early January

19

1 1979, not '78. So did you leave a few months before the  
2 Vietnamese arrived in Cambodia?

3 A. I left in August and on 31st December, the Vietnamese attacked  
4 the Chup plantation office, and from that date, I sought refuge  
5 in the forest.

6 Q. Very well. You started working in the district office shortly  
7 after Phnom Penh was captured and you left that office to go to  
8 Kampong Cham approximately three and a half years later. Can you  
9 tell us what your last position was in the Tram Kak district  
10 office? You stated that you distributed bags of salt and rice.  
11 Did you continue doing so during the entire period of more than  
12 three years, or you had other duties and responsibilities in that  
13 office?

14 A. In 1975, all I did was offload trucks of rice and salt, and at  
15 times I offloaded about 30 bags of rice. One bag was about 100  
16 kilogrammes. And when they wanted to kill me, Ta Chim hid me and  
17 I worked in the surveys department. In 1978, Ta Khim (phonetic)  
18 wanted to kill me and I fled during that period.

19 [09.55.25]

20 Q. So if I understood your testimony correctly, you worked first  
21 of all offloading bags of rice and salt up until the time when  
22 Yeay Khom left; is that correct? You told DC-Cam that you left in  
23 1976.

24 A. Yes.

25 Q. And when were you in charge of the surveys department -- that

20

1 is, the registry within that office? From what time and up until  
2 when?

3 A. I was in the registry department, all I did was to carry poles  
4 from 1976 to 1978, and thereafter, I left with Ta Chim, so I  
5 worked there for three years.

6 Q. Yes, let me read out to you what you told DC-Cam. And the  
7 Khmer page is 00968897; in French, 01053719; and in English,  
8 01050188. You stated the following -- and I quote: "I was indeed  
9 a member in charge of the registry in 1976 -- from 1976 up to  
10 1978, when I went to the Chup rubber plantations."

11 When you state that you became a member, do you mean you were an  
12 official member of the district office or quite simply someone  
13 who was working there in charge of the registry -- registers, or  
14 bookkeeping?

15 A. I was not in charge of bookkeeping. All I did was to carry  
16 stuff, so I used my hands and my strength.

17 [09.58.05]

18 Q. Were you able to find out during that period, since you were  
19 still working in the district office, what was the role of that  
20 office in terms of commerce and economic affairs?

21 A. From 1975 to 1976, China granted food aid, mainly rice, to  
22 Cambodia and I transported the food to the provinces. Ta Mok  
23 distributed the rice and other supplies everywhere in the  
24 district. Since he was the regional chief, he was in charge of  
25 distribution and the chief of the sectors asked the district

21

1 chiefs to come and fetch the bags of rice. So trucks of rice were  
2 collected and distributed to the New People and I had to load the  
3 bags of rice onto the trucks alone. That was very hard work.

4 Q. Did the district office also play any role in security  
5 affairs? Was it the district office that was in charge of the  
6 militias at the level of the district?

7 A. No. The district office had its own task and I had nothing to  
8 do with security.

9 [09.59.55]

10 Q. I'm not speaking about you. I'm not saying that you had a role  
11 in terms of security. I am only asking if at the district office  
12 there was a section -- a unit that was in charge of the district  
13 security, and in particular, in charge of the militiamen and of  
14 the district army? Are you aware of this or not?

15 A. Khom (phonetic) would receive orders from the province and he  
16 would then pass on the orders to the lower levels.

17 Q. So you are speaking here about orders in terms of security, so  
18 -- which Khom would receive from the provincial level? Is that  
19 the case?

20 A. As for the security matters, people who were arrested and as  
21 they were accused of having different political tendencies or  
22 whether they were accused as CIA spies, then they would be sent  
23 to Yeay Khom, and if Yeay Khom was not there, Ta Chim would be  
24 the representative. As for Ta Chay, Ta Chay was not dealing with  
25 this matter. So the security matters were the responsibilities of



22

1 Yeay Khom and Ta Chim, and Ta Chim had his own team of security  
2 force. And the same thing applies to Yeay Khom as he had a group  
3 of security force who would be there to receive the people who  
4 had been arrested.

5 [10.02.07]

6 Q. Fine, we will get back to this a little bit later. I have a  
7 few names to run by you, people who allegedly worked at the  
8 district office in different units. Can you first of all speak to  
9 us about the role that your cousin Saom Dorn played? What was his  
10 exact position? What would he do on a day-to-day basis?

11 A. Dorn was my cousin. He was in charge of bookkeeping. For  
12 example, if Ta Mok needed a certain number of workforces, then  
13 Dorn would go to the villages to get those people and Saom Dorn  
14 was also in charge of materials and logistics as he was in charge  
15 of overall bookkeeping.

16 Q. Was he the head of the district office? Or was he working in  
17 another office?

18 A. Saom Dorn worked in the district office on a daily basis as he  
19 had to be there to receive materials sent from the provincial  
20 office or from Ta Mok, and then he would distribute them further  
21 down. And he was the one who was there to keep the -- to do the  
22 bookkeeping or to make any request to the upper echelon for  
23 further materials or tools.

24 [10.04.08]

25 Q. And does the name Phy mean something to you? Apparently he

1 worked at the district office and he had problems walking.

2 A. Yes, I know Phy very clearly. During the 1970s, he was the  
3 messenger of Ta Chim and later on he was assigned to District  
4 107, and later on people took revenge against him and he was  
5 killed by the villagers.

6 Q. But he did he work at the Tram Kak district office, in  
7 particular in security matters?

8 A. No, he did not. He was not in charge of the district office.

9 [10.05.20]

10 Q. Fine. That was not my question. What I asked you was: did he  
11 work in the district office or in one of the offices that was  
12 nearby and did he have any position with regard to the militiamen  
13 or with regard to the security centre in the region?

14 A. He never showed himself in the district office. He was at the  
15 logistic office to the west of the pagoda as he was assigned by  
16 the sector to be in charge of that warehouse. And later on, Ta  
17 Chim assigned him to be the district chief of District 107, if my  
18 recollection is good.

19 Q. Did you know someone by the name of Luos, L-U-O-S or H (sic),  
20 who apparently was a militiaman there?

21 A. It was Ruos, Ruos was very close to Yeay Khom and he was  
22 dealing with the arrests and in 1979 when the Vietnamese entered  
23 Cambodia, he was killed by the angry villagers.

24 Q. And does the name Khorn, K-H-O-R-N, ring a bell? Did this  
25 person play a role that was similar to Ruos?

24

1 A. Can you please pronounce that name again?

2 [10.07.31]

3 Q. Yes, I will try. Khorn. My colleague says I have pronounced it  
4 pretty much right. K-H-O-R-N, Khorn.

5 A. Khorn was a man, I did not know what problems he had but he  
6 was transferred to work in the district office and he was in  
7 charge of the repairmen.

8 Q. And finally, the last person, by the name of Duch, D-U-C-H;  
9 his real name was Iep Duch. Did this person work at the district  
10 office or at the district committee?

11 A. Duch alias Saem, never worked at the district office. He  
12 worked with Ta Phy at Ta Phy's office and later on he was  
13 transferred to the East Zone.

14 Q. I'm not sure we're speaking about the same Duch. I am speaking  
15 about someone who had a position with regard to the district  
16 youth. So do you know any Duch who held responsibilities with  
17 regard to the youth?

18 A. It was Wan (phonetic) who was in charge of the youth and Wan  
19 (phonetic) is still alive. As for Duch, Duch stayed always with  
20 Phy.

21 [10.09.32]

22 Q. Fine. Do you know if these different people, and in particular  
23 Ruos, Khorn, Duch or Phy would sometimes go to Krang Ta Chan? Did  
24 you ever -- were you ever informed of this when you worked at the  
25 district office?

25

1 A. In 1978, probably in August '78, I did not know that Krang Ta  
2 Chan office existed; however, only later, maybe in the year 2000,  
3 I was told that Krang Ta Chan office existed long time ago and  
4 there were many skeletal remains there.

5 Q. Fine, maybe two last questions before the break, Witness. Was  
6 there someone at the district office who somehow was a greffier,  
7 someone who would take notes, who was in charge of archives, of  
8 the registers, of the population lists and that kind of thing?

9 A. After Saom Dorn, Ta Chim and Ta Chay had left, there was  
10 another greffier by the name of Bun Yen who finished year 12 in  
11 the previous education system and when the Vietnamese arrived he  
12 fled somewhere, but later on I met him and I believe he is still  
13 alive.

14 [10.11.46]

15 Q. In his office, this Bun Yen, would he keep lists of 17 April  
16 families and lists of Base People in order to know who was living  
17 within the district?

18 A. Bun Yen who did the secretarial work was in charge of the  
19 bookkeeping, in terms of expenditure, or the list of people who  
20 came to the area from outside or whether people -- or whether a  
21 number of forces had to be sent to other areas. He would also  
22 maintain that list.

23 MR. PRESIDENT:

24 Thank you. It is now convenient for a short break. We will take a  
25 break now and resume at 10.30.

26

1 And Mr. Ek Hoeun, we have a short break now, and we will resume  
2 at 10.30. You may also rest.

3 (Court recesses from 1013H to 1032H)

4 MR. PRESIDENT:

5 Please be seated. The Court is back in session.

6 Good morning, Mr. Ek Hoeun.

7 MR. EK HOEUN:

8 Good morning, Mr. President.

9 MR. PRESIDENT:

10 If you need something, please tell us and we will authorise you  
11 to do so without any problem.

12 The Chamber now gives the floor to the Prosecution.

13 [10.33.20]

14 BY MR. DE WILDE D'ESTMAEL:

15 Thank you, Mr. President.

16 Q. Witness, I would like to talk to you about a very precise  
17 event. It has to do with something that happened in the barracks  
18 in Takeo town shortly after the town was captured and I will  
19 quote what you stated in the record of your interview --  
20 E319.1.32 -- in answer to Question 108. It was part of the answer  
21 you gave. You stated that "At the Takeo provincial headquarters,  
22 they killed both civilians and soldiers who were in the  
23 barracks". End of quote.[Free translation] This is what you  
24 stated.

25 When you talked of the soldiers and civilians who were in the

27

1 Takeo barracks -- I'm not talking of evacuees from Phnom Penh of  
2 course -- was that on the very day Takeo was captured or the days  
3 following the capture of that town?

4 MR. PRESIDENT:

5 Please wait a minute. Counsel Kong Sam Onn you have the floor.

6 [10.35.12]

7 MR. KONG SAM ONN:

8 I object to the manner in which the Deputy Prosecutor is putting  
9 questions to the witness because what happened in Takeo doesn't  
10 fall within the scope of this trial segment regarding the  
11 execution of soldiers in Takeo. This has nothing to do with the  
12 scope of the hearing today.

13 MR. DE WILDE D'ESTMAEL:

14 I believe that, quite on the contrary, it is very relevant. We  
15 need to understand the context of the events. The events occurred  
16 not very far from there at Champa Leu Pagoda. We also need to  
17 know the nature of the enemy targeted. May I therefore continue  
18 putting this question to the witness, Mr. President? I do not  
19 have very many more questions on the subject.

20 [10.36.16]

21 MR. PRESIDENT:

22 You are allowed to ask the question. The Chamber needs to know  
23 the answer that the witness will give to this question.

24 BY MR. DE WILDE D'ESTMAEL:

25 Q. Witness, did you hear the question I asked or do I need to ask

1 it again?

2 MR. EK HOEUN:

3 A. I did not properly hear your question. Could you please repeat  
4 it?

5 Q. Mr. President, may I request the interpreters to speak a lot  
6 louder. I have the impression that the witness is not hearing my  
7 questions very well. Let me rephrase the question.

8 You told the Co-Investigating Judges that in the provincial  
9 headquarters at Takeo, both civilians and soldiers who were at  
10 the barracks were executed and I stated that here -- we are now  
11 referring to what happened with the evacuees of Phnom Penh in  
12 Champa Leu, but we're talking about what happened in Takeo town  
13 in the barracks. Regarding the fact that those soldiers and  
14 civilians at the Takeo barracks were killed, the question is: Did  
15 this happen on the very day Takeo was captured or the days  
16 following the capture of that town?

17 [10.38.05]

18 A. The inhabitants, civilians, police officers and soldiers were  
19 in the barracks in Takeo. They were brought out of the barracks.  
20 These were people who had been evacuated from other provinces  
21 such as Kampong Som and other provinces and they were assembled  
22 within the Champa Leu Pagoda.

23 Q. Very well. I will revisit that event at Champa Leu Pagoda in a  
24 while. All I want to know is whether people were killed in the  
25 military barracks in Takeo itself prior to that incident.

1 A. I don't know the exact number of people involved because it  
2 was a period when there was a lot of fighting. There were  
3 casualties. It happened not very close to where I was. I couldn't  
4 know who were killed. The evacuees had been brought from all  
5 parts of the country and assembled in Champa Leu Pagoda and they  
6 were subsequently redistributed to other cooperatives. And  
7 thereafter, we had to find out which commune needed people. How  
8 many people for Leay Bour, Trapeang Thum? How many people? So the  
9 chiefs of those communes came to pick up the people and take them  
10 to their respective communes.

11 [10.40.14]

12 Q. Very well. We will talk about the events that occurred at  
13 Champa Leu Pagoda. I will put a number of questions to you on  
14 those -- on those incidents but these questions will be very  
15 short and specific. First of all, let me read out to you what you  
16 told the Co-Investigating Judges in the record of interview,  
17 E319.1.32, and that is in answer to Question 113. You were asked  
18 to say what you knew about the massacres of Lon Nol soldiers and  
19 their families in Takeo province and your answer was as follows  
20 -- and I quote:

21 "The Khmer Rouge announced their victory. Phnom Penh is defeated.  
22 After that, people were evacuated from Phnom Penh to Wat Champa  
23 Leu Pagoda located three kilometres on the west of Angk Ta Saom,  
24 Tram Kak district. For seven days, the Khmer Rouge made  
25 propaganda that they were seeking soldiers and they registered



30

1 their names on lists. After that, they eliminated them without  
2 leaving any traces. As such, they decimated hundreds and  
3 thousands of officers until they were completely decimated. Not  
4 even second lieutenants and first lieutenants were left, only  
5 ordinary people remained. Then they allowed those people to  
6 return to their home villages." End of quote.[Free translation]

7 Have you clearly heard what I have read out to you, Witness?

8 A. Yes I was aware of that history. I was aware of what happened.

9 [10.42.40]

10 Q. Regarding what I've just read out to you regarding Champa Leu  
11 Pagoda, can you tell us in what commune it was situated?

12 A. It was in Ta Phem village to the west of Angk Ta Saom.

13 Q. So that was in Ta Phem commune. How long after the 17th of  
14 April 1975 were the evacuees from Phnom Penh and Kampong Som  
15 present at that location? How long after did they arrive there?

16 A. I cannot give you an accurate figure. There were so many  
17 people that our streets were flooded with people -- they were  
18 clogged with people and they all came to settle in the middle of  
19 Champa Leu Pagoda.

20 Q. You said that inhabitants from Takeo also went to the pagoda,  
21 is it correct to say that inhabitants of Takeo town were the  
22 first people who arrived at that Champa Leu Pagoda?

23 A. Yes, that is correct.

24 [10.44.35]

25 Q. In the record of your interview -- E319.1.32 -- the same we've

31

1 just referred to earlier, in answer to Question 104 -- 124, you  
2 said that people from all over the place were rallied by the  
3 Khmer Rouge three to four days after the liberation. What did you  
4 mean when you said that the Khmer Rouge mobilised many people for  
5 that operation? Can you specify how they went about it?

6 A. People came from Koh Kong, from Phnom Penh, from Takeo, from  
7 all over the country and they stayed there for a week. Registers  
8 were drawn up indicating how many people were present and then  
9 they were redistributed to the communes. The commune chiefs came  
10 to pick them up and take them to their respective villages. That  
11 was the procedure of that particular operation.

12 Q. Before all those evacuees arrived, shortly after the -- was  
13 that shortly after Phnom Penh was captured or shortly before?  
14 Were meetings held to prepare for the arrival of those evacuees  
15 and their redistribution?

16 A. I, myself, transported rice for the purpose of feedings  
17 evacuees at Champa Leu Pagoda and people transported rice from  
18 several villages and nothing else.

19 [10.47.11]

20 Q. Let me repeat the question. What I would like to know is  
21 whether the people arrived at Champa Leu -- a meeting was held or  
22 meetings were held -- preparatory meetings at the level of the  
23 district and the sectors in order to determine what had to be  
24 done with those people. Do you know whether meetings were held?

25 A. Meetings were held regarding how to draw up lists, how to

1 redistribute the evacuees various communes. For instance, the  
2 names of the evacuees had to be registered on the list with a  
3 view to redistributing them to the villages and communes that  
4 were to receive them.

5 Q. During those preparatory meetings, did they talk about the  
6 fate of former Lon Nol officials and civilians? Did they say how  
7 they were supposed to be separated from the other evacuees?

8 A. No. The names were registered on communal lists with a view to  
9 redistributing them to the communes and once they arrived at the  
10 cooperatives, they were separated at the base -- at the  
11 grassroots level. In fact, when they arrived at the pagodas, the  
12 work done was quite simply to redistribute them to the communes  
13 and the cooperatives and other work was done subsequently.

14 [10.49.33]

15 Q. Let me read out Answer 113 which you state that: "At Champa  
16 Leu Pagoda, officials or officers of the former regime were  
17 registered on a list for seven days and once they were registered  
18 they were eliminated and no traces were left. As such, hundreds  
19 and thousands of officers were decimated." Was that done at  
20 Champa Leu -- that is, the registration of officers of the Lon  
21 Nol regime? And who did such registration?

22 A. That is something I do not know because I did not take part in  
23 such work.

24 Q. Well, I am not saying at all that you participated in such  
25 work. All I am asking of you is whether you knew that such work

1 was done? Did they ask the officers to state whether they had  
2 been officers in the Lon Nol army in order to retrieve their  
3 positions? Did the Khmer Rouge cadres -- not yourself -- say that  
4 to the evacuees?

5 MR. PRESIDENT:

6 Witness, wait a moment. Counsel Kong Sam Onn, you have the floor.

7 [10.51.34]

8 MR. KONG SAM ONN:

9 Thank you, Mr. President. I object to this question because it is  
10 a repetitive question. The witness has said that he was not aware  
11 of that and that he did not attend such meetings so the witness'  
12 answer is very clear and there is no reason why this question  
13 should be asked again.

14 MR. DE WILDE D'ESTMAEL:

15 Mr. President, I don't think that is the case. The witness would  
16 say whether he participated or not but his answer is not clear  
17 with regard to the events and I am relying on his own statements  
18 which are also very clear -- the statements he gave the  
19 Co-Investigating Judges. I think that by insisting on this point,  
20 I am doing something that is very necessary.

21 MR. PRESIDENT:

22 The Chamber needs to hear the witness' answer in order to clarify  
23 the matter. Witness, answer the question and if you do not  
24 remember the question, you may ask the prosecution to repeat it.

25 [10.53.06]

1 MR. EK HOEUN:

2 Counsel for the Prosecution, please repeat the question. I have  
3 already forgotten it.

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. I wasn't talking about your role at all. I was just referring  
6 to the fact that if, as you said, the Khmer Rouge cadres who were  
7 at Champa Leu Pagoda asked the evacuees who had been officers in  
8 the Lon Nol army to register on a list by telling them that they  
9 would be reinstated in their functions -- is that what the Khmer  
10 Rouge cadres did?

11 MR. EK HOEUN:

12 A. I was not aware of that because I did not get anywhere close  
13 to that place. Information was bandied about by word of mouth.  
14 All we did was to receive the evacuees and to redistribute them  
15 in the respective villages.

16 [10.54.39]

17 Q. To refresh your memory I'll read out to you another part of  
18 the record of your interview, E319.1.3.2 -- E319.3.2 and it is a  
19 response to Question 117 that was put to you.

20 The question: "You learnt about this because you worked at the  
21 district office. Is this correct?"

22 Answer 117: "I went to see what was happening when the propaganda  
23 was being made in an approximate area of 10 square kilometres  
24 crowded with people. The Khmer Rouge announced that everyone  
25 would be allowed to go back to their former work." End of quote.

1 And here you state that you saw the Khmer Rouge carrying out  
2 propaganda. Do you confirm your statement?

3 A. Yes, they engaged in propaganda with a view to identifying  
4 officers.

5 Q. Were many military officers caught in the trap, so to speak,  
6 because of such propaganda? Did many officers reveal their ranks  
7 in the Lon Nol army?

8 A. The soldiers, police officers and deputy chiefs revealed their  
9 past and the Khmer Rouge registered all that information and  
10 thereafter they were led away. I do not know where exactly they  
11 were taken to.

12 [10.57.19]

13 Q. Did you yourself or other persons see those people ever again  
14 after they were taken to the locations you were not aware of?

15 A. I saw them as they were redistributed to villages and communes  
16 and I never saw them again at Champa Leu Pagoda.

17 Q. Very well. I'll read out to you again another extract of the  
18 record of your interview, E319.1.32. First of all Question 118  
19 was put to you as follows: "Who was in charge of the propaganda  
20 operation involving thousands of people?"

21 Answer: "Ta Mok was in charge."

22 Question 124 -- Answer: "Are Saom Dorn"-precisely, I was still  
23 coming to that passage.

24 Question 124 was put to you by OCIJ investigators. The question  
25 was: "When did this take place?"

1 And this was the answer you gave. Please listen carefully. "Three  
2 or four days after liberation, the Khmer Rouge collected people  
3 from all directions. Present at the operation was Saom Dorn,  
4 chief of Tram Kak district; Thuong Thim, chief of Trapeang Thum  
5 commune; and Daek Sim, deputy chairman of Trapeang Thum commune  
6 -- the person in charge. Saom Dorn was chairman of the propaganda  
7 operation for these particular people."

8 Now, you have stated in this passage that Ta Mok was in charge  
9 and that Saom Dorn led the operations, so to speak. Is that what  
10 happened?

11 [11.00.00]

12 A. Daek Sim was the superior of Saom Dorn and the evacuees were  
13 assembled at a particular location.

14 Q. Did you see Ta Mok on site at Wat Champa Leu or around Wat  
15 Champa Leu when the evacuees were there?

16 A. I did not see Ta Mok or any of the committee from the  
17 district, I only saw Saom Dorn and Sim who were there with the  
18 people who were brought to the place.

19 Q. Fine. When you said that Ta Mok would supervise this  
20 operation, can you provide clarification about that? Was it  
21 because he was the zone chief or did he indeed take part in this  
22 operation more concretely speaking?

23 A. I never saw Ta Mok come to that area. The district chief was  
24 not there as well -- I mean at the place where the refugees were  
25 gathered.

1 [11.02.07]

2 Q. Fine. When you speak about the district chief back then, was  
3 it indeed Yeay Khom -- that is to say, Meas Muth's wife?

4 A. Yeay Khom did not come to the refugees' area and as I said  
5 earlier, only Dorn and Sim were there.

6 Q. At the same time, is it right to say that you did not spend a  
7 full week observing the events at Champa Leu and that you would  
8 go back and forth with rice loads; is that correct?

9 A. No. I heard that people were gathered to that area and I went  
10 to have a look in the area. I was there for only an hour and then  
11 I returned home. And I only went there once and when I was there,  
12 the only two people that I saw were Saom Dorn and Daek Sim, as I  
13 mentioned earlier.

14 [11.03.43]

15 Q. You spoke about the fact that lists of officers of the Lon Nol  
16 army were drawn up. Was this something that you saw when you were  
17 on site or is this something that you heard about later on at the  
18 district office?

19 A. No. The lists of the people were at the villages; for example,  
20 a list of 100 people and the number of the people on the list  
21 would be sent to that particular village.

22 Q. Fine. Now I'd like to turn to another topic. We're going to be  
23 speaking about arrests -- arrests of Lon Nol officials and of  
24 servicemen but a little after the events of Champa Leu. And now I  
25 would like to base myself on a quote from your written record of



1 interview, E319.1.32. It is Answer 27 and you said: "One day I  
2 saw a whole group of people and I ended up asking the question to  
3 the people who were escorting these people. I asked them, 'Where  
4 are you going?', and they replied that they were going to meet  
5 Angkar. Only later on did I learn that those people had been  
6 arrested. I therefore never asked them again. Those arrested  
7 included teachers and former civil servants." End of quote.

8 So you said that you saw former civil servants and teachers being  
9 arrested in Tram Kak district. Do you remember when this  
10 particular event took place? Was it after 17 April 1975?

11 [11.06.24]

12 A. Regarding the arrest, it happened before the city and the  
13 entire country was liberated. I think it happened in March 1970,  
14 and people were being marched from the north to the south  
15 direction. And when I asked them where they were heading to, they  
16 said that they were going to meet Angkar so I was afraid and from  
17 that day onward I did not ask again.

18 Q. Fine. Now let me speak about another period that concerns us  
19 more. This is the period between 1975 and 1977, and I'm going to  
20 read out once again what you said before the Co-Investigating  
21 Judges -- E319.1.32 at Question 45. And the question is the  
22 following:

23 "In Tram Kak district between 1975 and 1977, what procedures were  
24 used to identify the enemy?"

25 And you answered the following: "At that time, people were

1 categorised into three classes: middle-class workers, lower-class  
2 workers and labourers. Those who did not fall in these categories  
3 were all pacifist agents and were accused of being enemies; for  
4 instance, former teachers. Vietnamese nationals were the same:  
5 they were taken away with no trace of their return." End of  
6 quote.

7 So my question is the following: who announced that the former  
8 teachers or the peacemakers should be considered enemies?

9 [11.08.47]

10 A. For those who were arrested as they were accused of enemies  
11 before the liberation of the country, they practised the notion  
12 of killing all the capitalists or reactionaries and they had to  
13 kill them all wherever they were at all levels. And that also  
14 applied to teachers and to commune chiefs or deputy chiefs, and  
15 not only the former Lon Nol soldiers, but for those who worked  
16 for the previous Sangkum Reastr Niyum, as in the case of my  
17 father, were also the subject of arrest. So they themselves were  
18 crushed by the wheel of history.

19 Q. Thank you. So my question in fact was based on '75-'77 period  
20 and I have a feeling you are speaking about the period before the  
21 1975 liberation. Well, this concept of enemy however, that is to  
22 say former teachers, officials of the Lon Nol administration, as  
23 well as the Lon Nol servicemen, were these enemies still the same  
24 after 17th April 1975, were they still being tracked down?

25 A. Yes, indeed.

1 [11.10.37]

2 Q. Fine. In the months and the years that followed their arrival  
3 at Tram Kak, were the 17 April people -- that is to say the  
4 evacuees from the cities, did they have to write up biographies  
5 on a regular basis in the communes, in the co-operatives or at  
6 any level in the district?

7 A. Yes, that is true.

8 Q. Do you know why? People wanted to know what the past were of  
9 all of these 17 April People, of all of these evacuees, what was  
10 the point, of knowing what they had done before?

11 A. They wanted to know about the people who were evacuated from  
12 Phnom Penh to rural areas in order to identify their political  
13 tendencies in the liberated zone. For example, I had lived in the  
14 liberated zone, however, I was implicated because my relatives  
15 came from Phnom Penh and then I was re-educated and this kind of  
16 policy applied across all the communes without any exception, as,  
17 at that time, the historical wheel was in full motion and the  
18 people were the targets, were arrested and the arrest took place  
19 also in the liberated zone.

20 [11.12.48]

21 Q. Can you explain this expression used often that the wheel of  
22 history was turning and would crush the opponents, I believe, as  
23 you said? Can you explain the meaning of this expression? And did  
24 you hear this expression coming from Khmer Rouge cadres?

25 A. Allow me to clarify the point. People who chaired the meeting

41

1 was Khom, the wife of Meas Muth, and who was the chief of  
2 District 105. She said all those capitalists, feudalists or  
3 reactionaries were the subjects to be smashed and after that,  
4 arrest had been made successfully in various communes.

5 Q. Do you know if this was a generic principle when Khom would  
6 say that capitalists, the feudalists and the reactionaries had to  
7 be crushed, did she receive -- had she received any instruction  
8 from the upper echelon in that regard or was this a purely  
9 personal initiative on her part?

10 A. I do not know whether she received any plan from any level but  
11 for every mass meeting she reiterated the same point and  
12 expression.

13 [11.14.43]

14 Q. Is this an expression and a policy that you heard about later  
15 when Yeay Khom left Tram Kak district and when she was replaced  
16 by other leaders as in the position of district chief, so did the  
17 other district chiefs use the same kind of expression to define  
18 the enemy?

19 A. Yeay Khom used that expression until 1976, Ta Mok came to  
20 conduct three mass meetings consecutively, then Yeay Khom fled to  
21 Koh Kong. After Yeay Khom left, nobody else talked about that  
22 expression.

23 Q. Why did Ta Mok organise consecutive mass meetings and what  
24 were the topics that were discussed in these meetings?

25 [11.15.57]

1 A. He spoke about building dams in Khpok Trabek and he asked who  
2 killed the third assistant of the district, Ta Chea? And, in  
3 fact, Yeay Khom killed Chea -- that is, her third assistant, and  
4 that Chea was a close friend of Ta Mok, and when he went to visit  
5 the worksite to build dam construction in Khpok Trabek, he held a  
6 mass meeting there and he spoke about the nature of the work  
7 there and he was trying to find out who actually killed him. And  
8 in fact, Chea was a female and that Chea was not a spy and we had  
9 to find the one who killed Ta Chea and then that person would be  
10 buried under the ground up to the neck, and after that Yeay Khom  
11 was afraid and fled to Koh Kong.

12 Q. Fine. I would like to turn now to the biographies again. Where  
13 were the biographies kept? Were they kept in the commune  
14 registers or would the communes forward the biographies to the  
15 district level?

16 A. I do not have a firm understanding on the issue of biographies  
17 as I was not allowed to know about this matter.

18 [11.18.00]

19 Q. Can you tell us if, on the basis of your observation, people  
20 with bad biographies with a bad past, such as the 17 April  
21 People, were these people particularly watched over by the  
22 commune or district militia people?

23 A. At that time, I saw people going around asking people to --  
24 actually to make a list of people and the person who did that was  
25 the chief of the district youth. And after he made a list about

43

1 the people with their political tendencies, then the list would  
2 be sent to the district office and that was also for the purpose  
3 of selecting people or youth to work for the district office.

4 Q. Now with regard to the biographies, I would like to read out  
5 what someone who testified before the Chamber said. But before  
6 that, I'm going to ask you if you know that person, Yeay Boeun.  
7 It is Yeay Boeun. Do you know -- or did you know her in the  
8 commune in Tram Kak district back then?

9 A. Please pronounce the name again and whether the person was  
10 male or female?

11 [11.19.50]

12 Q. Yes, this is a woman, Yeay Boeun -- B-O-E-U-N -- who  
13 apparently was a commune chief and a district chief.

14 A. Yes, I know Yeay Boeun. She's the wife of Ta Chorn, Ta Chorn  
15 was chief of Popel commune and she was in Kbal Ou village, Cheang  
16 Tong commune, and after I had left, she moved up to be chief of  
17 the district.

18 Q. And when you say "district chief", you mean a member of the  
19 district committee or a district secretary?

20 A. I cannot hear you clearly. Yeay Boeun became the chief of the  
21 district after Chay and Chim left. And, in fact, she was with a  
22 man there, but I was not sure who was the chief and who was the  
23 deputy chief of the district.

24 [11.21.23]

25 Q. Fine. So this week she testified as the former Cheang Tong

1 commune chief and she said this at Answer 254 and 255 of her  
2 written record of interview -- E319/12/3/2 -- and I will quote in  
3 English because we don't have a French translation of it.

4 Question 254: "When the commune chiefs began to collect  
5 biographies from the people and found someone who had been  
6 involved in the Lon Nol regime, what happened to those who were  
7 associated with the Lon Nol regime?"

8 Answer by Yeay Boeun: "Immediately when the Khmer Rouge regime  
9 began, they commenced making biographies of people who used to be  
10 teachers, policemen or civil servants in the Lon Nol regime, then  
11 they sent all of those biographies to the upper echelon. That was  
12 an order from the upper echelon."

13 Question 255: "To your knowledge, what happened to those who had  
14 been involved in the Lon Nol regime?"

15 Answer by Yeay Boeun: "After the biographies were sent to the  
16 upper echelon, they provided the names of those people to me,  
17 then I ordered the arrest of those people and sent them to the  
18 upper echelon. Some were able to return, some could not. The  
19 arrested ones were mostly soldiers and policemen, not many  
20 teachers were sent there." End of quote. This is what Yeay Boeun  
21 said about the drawing up of biographies and the arrests of  
22 former policemen, servicemen and teachers in Cheang Tong commune.

23 [11.23.55]

24 Does this testimony about this procedure correspond to what you  
25 may have heard with regard to what was happening in other

45

1 communes in Tram Kak district back then? Would things happen in  
2 that way -- that is to say drawing up biographies, sending them  
3 to the higher echelon which would send them to the commune which  
4 would then arrest people, did you hear about that happening?

5 A. I was just a simple villager so I did not know the details on  
6 this matter and only those who worked and dealt with this matter  
7 would know.

8 Q. Fine. I was speaking to you about your position at the  
9 district office. Although you were not a cadre, you probably  
10 heard what people were saying in this office from the different  
11 cadres that you were in touch with; cadres such as Ruos, Phy,  
12 Khorn, or your cousin Dorn. Did they speak about this process --  
13 that is to say identifying people and arresting them?

14 [11.25.35]

15 A. Yes, that is true. While I was at the office, soldiers who  
16 were arrested would be sent to the district Angkar. And as for  
17 their communes; for example, once they receive instructions or  
18 orders to arrest from the upper echelon for certain individuals,  
19 then the names would be circled in red ink and then the district  
20 soldiers would bring those people to the district -- that is, to  
21 Neary Khom (phonetic), and that's what I saw.

22 Q. Fine. Can you tell us where exactly, concretely speaking,  
23 people who were arrested were brought to? Were they brought to a  
24 detention centre, to a special place in order to be detained?

25 A. When people were arrested because their names were circled in



1 red ink, they would not be detained, they would be executed  
2 immediately and if the husbands were soldiers at the front  
3 battlefield and some had sexual affairs with the wives of the  
4 soldiers, those men would be arrested and re-educated. But, for  
5 those people, their names appeared in red circle -- circled in  
6 red, would not be spared, they would be killed immediately.

7 [11.27.40]

8 Q. We will get back to the blue and red circles after the break.  
9 But now, with regard to the people who you said were re-educated,  
10 were they sent to a re-education centre, were they free to move  
11 about where they wished to or were they detained in a specific  
12 place to be re-educated?

13 A. Those peoples whose names circled in red would not be sent to  
14 any re-education school, they would be sent away. And as I said,  
15 for those who had sexual affairs with the wives of the soldiers  
16 would be sent for re-education for three to six months and as I  
17 said for those whose names were circled in red would be sent away  
18 and never seen to return.

19 Q. Concretely speaking, those who were sent to be re-educated for  
20 three to six months, do you know where they were sent to? Were  
21 they sent to places where they would like regular people or were  
22 they sent to places where they were detained at night? Did you  
23 hear cadres or policemen from the district office speak about  
24 this?

25 [11.29.19]

1 A. I saw what happened with my own eyes. They were detained near  
2 the -- at the district office near Angk Roka. At night-time they  
3 were asked to carry earth and then they were detained at  
4 night-time, and depending on their work performance, some of them  
5 would be released after three months. As for others, they would  
6 be released after a period of six months.

7 Q. Now regarding the place where you worked, you just spoke about  
8 Angk Roka, so I can conclude from that that the district office  
9 was at Angk Roka. So how far was the district office from the  
10 office of the district committee, if both offices were different?  
11 Was there only one office or were there two offices?

12 A. The district committee had a house far from the district  
13 office; their place was not close to the district office. As for  
14 the re-education office, it was close to the district office as  
15 well and there was only one district office and the logistic  
16 section was also there at the district office and here I refer to  
17 where Saom Dorn worked.

18 [11.31.12]

19 Q. Well, was the district office the same as the commercial  
20 office in the district?

21 A. At that time the office was referred to as the commerce  
22 office; it means where goods and materials were distributed and  
23 the chief of the office worked there as well.

24 Q. Perhaps this would be the last question. You talked of the  
25 educational office very close to the district office at Angk

48

1 Roka, was that re-education office situated a few hundred metres  
2 to the west of the Angk Roka market?

3 A. Yes, that is correct. It was located about 300 metres away.

4 MR. DE WILDE D'ESTMAEL:

5 Thank you very much.

6 [11.32.27]

7 MR. PRESIDENT:

8 Thank you. It is now convenient to take a lunch break and the  
9 Chamber would like to inform the Co-Prosecutor and the other  
10 Parties regarding the proposal or the request by the  
11 International Co-Prosecutor for the Chamber to hear arguments  
12 from the Parties in relation to evidence obtained by torture.  
13 Detailed information will be sent by an email from the Senior  
14 Legal Officer to the Parties in a very short time.  
15 The Chamber will recess for lunch and resume at 1.30 p.m. this  
16 afternoon, and Mr. Ek Hoeun, it is now time for us to rest for  
17 lunch and please come again to the room for the testimony at 1.30  
18 this afternoon.

19 Security personnel, you are instructed to take Khieu Samphan to  
20 the waiting room downstairs and bring him back to the courtroom  
21 this afternoon before 1.30 p.m.

22 The Court is now in recess.

23 (Court recesses from 1133H to 1332H)

24 MR. PRESIDENT:

25 Please be seated. The Chamber will continue listening to the

1 testimony of the witness.

2 Good afternoon, Mr. Ek Hoeun. We will proceed with your  
3 examination so please listen to the questions by the Prosecution  
4 and respond to them.

5 Mr. Deputy Co-Prosecutor, you have the floor.

6 BY MR. DE WILDE D'ESTMAEL:

7 Thank you and good afternoon, Mr. President. Mr. Witness, I hope  
8 you've had an opportunity to rest. I will proceed with my  
9 questions and may I ask you to respond to the questions as  
10 honestly and as accurately as possible.

11 Q. Before the lunch break we talked about a re-education office  
12 that was at Angk Roka at approximately 300 meters from the  
13 district office. Do you know who was in charge of that  
14 re-education office, who was the cadre who headed that office?

15 [13.34.31]

16 A. It was Meng. I do not know whether he is still alive nor do I  
17 know where he resides because since August 1978, I have never  
18 seen him again.

19 Q. You said a while ago that Ruos who was working at the district  
20 office was a cadre of the militias in charge of arrest, did Ruos  
21 often work with Meng with regard to that re-education office?

22 A. Yes. Trucks were transporting supplies including fish sauce  
23 that had to be distributed to cooperatives, so did it with Meng.

24 Q. And as regards arrest and re-education per se, in the office  
25 very close to Ang Roka, did Ruos often go to see Meng regarding

1 such security matters, do you know about that?

2 A. I saw him with my own eyes when there were cases of misconduct  
3 in the village, the perpetrators of such offences were arrested  
4 and sent to the districts and the district would arrest those  
5 persons and send them to the office where Meng was working.

6 Q. Thank you. You said that re-education at that place lasted for  
7 three to six months. Did you ever hear people in the district  
8 office or militias say that people who were sent for re-education  
9 under Meng were transferred elsewhere or were executed; did you  
10 ever hear of that?

11 A. No, that is not true because at the end of the period of a  
12 month and half the prisoners were told that they had been  
13 properly corrected and they would be released and sent back to  
14 their villages of origin so none of the prisoners there were  
15 executed.

16 Q. Did you yourself see those prisoners again, subsequently, did  
17 you see them being sent back to their homes, after 1979 did you  
18 get in touch with any of them for instance.

19 [13.38.14]

20 A. No, I did not see them.

21 Q. Did you ever hear of Office 204 in Tram Kak district?

22 A. I never heard of Office 109, I do not know where it was found.

23 Q. Let me repeat, I talked of 204, Office 204 not 109, does the  
24 Office 204, ring a bell to you?

25 A. Yes, I knew about that office. Inhabitants who were

51

1 redistributed in the villages and cooperatives were detained in  
2 that office in that prison and they had to do work clearing and  
3 that lasted up to 1979. They didn't have much to eat there. Many  
4 people died of malnutrition. Office 204 was called Prey Kduoch.  
5 That place was very far from other cooperatives and other places.

6 Q. Yes, did you hear that in addition to dying because  
7 malnutrition, people who were detained there were killed?

8 [13.40.40]

9 A. No never. The people detained there died and no one buried  
10 them. They died like beasts, like animals.

11 Q. I am talking of the period from April to May 1977, so we can  
12 say that at the end of the dry season in 1977, do you recall  
13 whether during that period, there came a time when former  
14 officers and civil servants of the Lon Nol regime were again  
15 targeted, did they try to identify and assemble them?

16 A. No, there were not assembled at any location. Officers were  
17 identified and sent to a cadre of the district and there was a  
18 work group that welcomed them when they arrived at night and if  
19 they arrived during the day they were also welcomed during the  
20 day, they worked 24 hours round the clock.

21 [13.42.21]

22 Q. So it was a period of intense work in the district office, if  
23 I understand correctly. Why then, during that period, was there  
24 that wave of identification of officers of the Lon Nol regime,  
25 were any instructions issued to that effect?

1 A. I was not aware of that because there was a slogan to the  
2 effect that the feudalists, capitalists and revisionists had to  
3 be destroyed up until their extinction and after that slogan was  
4 bandied about, that operation was carried out.

5 Q. How was that operation conducted? Was it personnel of the  
6 office who brought people to the district or was it militias from  
7 the district who went to fetch them in the communes?

8 A. The commune officials were not aware of that. As a matter of  
9 fact, it was the district soldiers who had received lists of  
10 names of persons, and it was the district soldiers who would go  
11 and arrest those who had to be arrested and sent to the commune.

12 [13.44.12]

13 Q. You made mention of lists, so people were identified according  
14 to lists, who drew up those lists of former Lon Nol officers and  
15 civil servants?

16 A. As regards the drawing up of those lists, it was the youth  
17 leader in the district who was in charge of that. When he  
18 discovered that X was an officer, X or Y was an officer; he would  
19 send a report to the district Angkar and the district Angkar  
20 would forward such reports to the province and so on and so  
21 forth. The person's name would be marked red and then the  
22 district officer would send that name to the district soldiers  
23 who would then go to arrest the person in question.

24 Q. I would like to read out to you one or two reports sent by  
25 some communes -- some commune officials at that time. I wouldn't

1 expect you to try to read the document because it would be very  
2 complicated.

3 [13.45.53]

4 Let me take an example E3/2048. The Khmer page is 0079089; in  
5 English, 00276562 - 63; and in French it is, 00611659. This is a  
6 report by Yeay Boeun. We referred to him (sic) a while ago, he  
7 (sic) is from Cheang Tong commune, addressed on 30th April 1977,  
8 to the district Angkar in Tram Kak district. This is what the  
9 report states and I quote; "Regarding the situation of the enemy  
10 in my base, after receiving the recommendations, the successive  
11 recommendations of Angkar regarding vigilance against the enemy  
12 and the cleaning up of the enemy consisting of officers, we have  
13 monitored, examined and identified the following persons."

14 [13.47.16]

15 This report makes mention of the names and ranks of former Lon  
16 Nol soldiers. In the same document still E3/2048, two pages  
17 later, in Khmer it is, 00079091; in English, 00276564; and in  
18 French, 00611664; and that is on page 4. It is another report by  
19 some in Ta Phem commune sent during the same period 28th April  
20 1977, and he reports that the commune had, and I quote; "After  
21 having received the recommendations of the Party, examined and  
22 cleaned up enemies who were officers." End of quote.

23 I can give you many other examples of reports issued in 1977,  
24 these reports are on record. According to these reports, mention  
25 is made of recommendations of the Party, did you ever hear that



54

1 recommendations from the district were sent to the commune  
2 regarding the arrest of those officers?

3 [13.48.56]

4 MR. PRESIDENT:

5 Witness, wait awhile. Counsel Kong Sam Onn, please proceed.

6 MR. KONG SAM ONN:

7 Thank you, Mr. President. I would like to comment on the  
8 Prosecution's findings. The Prosecution says that this is a  
9 document by Yeay Boeun. Whereas Yeay Boeun testified before this  
10 Chamber and he (sic) stated that, that document was not by him  
11 (sic) and at the bottom of that document all he (sic) said was  
12 evident was a fact that his (sic) name was on it but he (sic)  
13 didn't say that he (sic) was the author of that document and that  
14 is document E3/2048. Mr. President, I thank you.

15 BY MR. DE WILDE D'ESTMAEL:

16 This has nothing to do with the status of the document. It was a  
17 report which was presumably established by Boeun from Cheang Tong  
18 commune. Yeay Boeun did not say that it was a forgery all he  
19 (sic) said was that he (sic) didn't sign that document.

20 Q. Mr. Witness, it would appear, according to these documents,  
21 that the communes were aware of that procedure of identifying and  
22 arresting Lon Nol officers. Did the communes receive  
23 recommendations from the district to that effect?

24 [13.50.46]

25 MR. EK HOEUN:

1 A. The district received instructions from the provincial Angkar  
2 and so afterwards the province would issue instructions to the  
3 district officials and the district officials would forward them  
4 to the commune. There was no top down relationship; it was from  
5 the bottom to the top.

6 Q. When you talk of province, are you referring to Sector 13?  
7 Should I understand that when you talk of province you are  
8 referring to the Southwest Zone?

9 A. Yes, I was referring to Sector number 13.

10 [13.51.51]

11 Q. Very well. Let us press on. Regarding evacuees from Phnom Penh  
12 and elsewhere who found themselves in Tram Kak district,  
13 generally speaking do you know whether discipline was stricter  
14 for these evacuees notably the former Lon Nol soldiers, compared  
15 to the Base People?

16 A. No, they were treated the same way that is the two categories  
17 of people were treated in the same way; that they enjoyed the  
18 same rights; they had to respect one another and so on and so  
19 forth.

20 Q. I do not understand what you mean by the same rights, what  
21 rights did the people have during the Khmer Rouge period, did the  
22 inhabitants whether they were New People or Base People have the  
23 right to move about freely?

24 A. We were on the same footing, we did not have the right to move  
25 freely, we had to carry earth from -- we had to plant trees, we

56

1 had to go out and work, return and have lunch, you couldn't look  
2 at one another with contempt. Quite obviously there were people  
3 who were monitoring everyone, watching everyone, but we all had  
4 to love one another.

5 [13.54.10]

6 Q. Was it not rather a question of having the same obligations as  
7 opposed to having the same rights?

8 MR. PRESIDENT:

9 Wait a moment, Witness. Counsel, Kong Sam Onn, please proceed.

10 MR. KONG SAM ONN:

11 I object to the question put to the witness by the Co-Prosecutor.  
12 It is as if he is drawing his own conclusions and testifying, so  
13 I object to such a question.

14 MR. DE WILDE D'ESTMAEL:

15 Mr. President, I ask the question on the basis of the answer the  
16 witness gave earlier. He said we had to live together and we had  
17 to be subject to the same monitoring that is why I drew to the  
18 conclusion that it was more a question of obligations than  
19 rights. Can I ask the question, Mr. President?

20 [13.55.25]

21 MR. PRESIDENT:

22 The objection is well founded, so Witness, do not answer the  
23 question. Deputy Co-Prosecutor please rephrase your question or  
24 move to another line of questioning.

25 BY MR. DE WILDE D'ESTMAEL:

1 Q. Did ordinary people under the Khmer Rouge regime in Tram Kak  
2 district have the right to speak freely, to criticise the regime,  
3 to criticise the food that was given to them and to say that they  
4 were not in agreement to the orders that were given to them?

5 MR. EK HOEUN:

6 A. You had to keep your mouth shut. The rice gruel we had was  
7 very light, sometimes it was only water and you couldn't complain  
8 about what you were given, if you complained you would be led  
9 away immediately and considered as an opponent of the  
10 cooperative.

11 [13.56.50]

12 Q. This is what Yeay Boeun said in the record of his (sic)  
13 interview, E319/12.3.2, in answer 120. I will quote what he said  
14 in English, that; "The New People were no good. They were the  
15 enemy and were not as valuable as the Old People, thus they were  
16 not allowed to marry the Old People." End of quote. Did you hear,  
17 during the period following the evacuation of towns and  
18 subsequently, that the Party mistrusted the 17th April People  
19 because they were enemies as Yeay Boeun pointed out.

20 A. I saw all that with my own eyes. The Base People kept watch  
21 over them in order to lead them away and kill them. In any case,  
22 people were treated in more or less the same way, people watched  
23 over one and another, whether they were people from Phnom Penh or  
24 the Base People so the policy was applicable to both the New  
25 People and the Base People.

1 [13.58.50]

2 Q. At any point in time in Tram Kak district, was the population  
3 split into categories? In other words were people placed under  
4 such categories as full rights persons, categories of candidates  
5 with the Base People being affiliated and the categories of the  
6 evacuees -- that is, 17th April People, did you hear of such  
7 categorisation?

8 A. I was told that I had undesirable tendencies, that my category  
9 was undesirable. As of March 1975, people were categorised into  
10 poor peasants, middle class, workers, upper middle class, all  
11 these categories were a function of the different status of the  
12 different people. The feudalist did not belong to the same  
13 category. My parents were implicated on the basis of their  
14 initial affiliation. The rich and the bourgeoisie were also  
15 viewed very negatively, very unfavourably and they were led away  
16 and executed. So in each village since there was so many  
17 executions, there wasn't even a dog left to bark at people  
18 passing.

19 [14.00.46]

20 Q. I will get back to the expression you used earlier, or that  
21 Khom used often, which means that everyone opposing the wheel of  
22 history would be crushed. So, with you I'm going to try to  
23 determine who were the opponents to the regime and what was the  
24 fate meted out to them. You said earlier on that it was  
25 impossible to criticise, to complain about the food, otherwise

1 one would be considered a dissident to the cooperative. So, could  
2 you tell me, what were the other offences that would explain that  
3 someone would be accused of being a dissident?

4 A. Let me give you an example, in 1973, there was an old woman  
5 who was a cousin to Ta Mok and Ta Mok was in Office 160 in the  
6 forest. And Yeay Khom knew that this Yeay (inaudible) was bit  
7 stingy and she went to borrow a horse cart and then she said that  
8 Yeay Khom should return within a month. But Yeay Khom failed to  
9 do that, so she went to Yeay Khom's house to locate the horse  
10 cart. Later on she was arrested and she was walked to -- walked  
11 away, about to be executed and then Ta Mok came across and said  
12 why she was arrested and to be killed and then it was told that  
13 she was an enemy, and Ta Mok said how could you arrest an enemy  
14 with your bare hand so let -- (unintelligible) her and when she  
15 was (unintelligible), Ta Mok saw his cousin there and then he  
16 blamed the people who made the arrest of his cousin. And that is  
17 a story of about being stingy and not to let go of the horse cart  
18 that she owned at the time to the cooperative.

19 [14.03.29]

20 Q. Fine. I'm going to try to get back to the period that concerns  
21 us the most, that is to say, from '75 to '79, because the example  
22 you gave me seems to be a very special example of a cousin so I  
23 would rather speak about the normal ordinary people. And maybe,  
24 lets base ourselves on what Yeay Boeun said in her written record  
25 of interview, E319/12.2.3. And she said the following at answer

60

1 91 in part and in Answer 147 and I will quote in English. Quote:  
2 Answer 91: "The upper echelon instructed us on who the enemies  
3 were and I took those instructions back to the villages. They  
4 told us to seek out the opposition."

5 Answer 147: "The ones who damaged materials walked around to  
6 entice others and impact Angkar by words or opposed Angkar, or  
7 used trickery were regarded as serious criminals." End of quote.

8 Do Yeay Boeun's statements correspond to what you noticed with  
9 regard to the definition of the opponents to the regime between  
10 1975 and 1979?

11 [14.05.23]

12 MR. PRESIDENT:

13 Witness, please wait. And Counsel Kong Sam Onn, you have the  
14 floor.

15 MR. KONG SAM ONN:

16 Thank you, Mr. President. I do not really have a strong objection  
17 to this question and Yeay Boeun already testified before the  
18 Chamber and for that reason her testimony is of a better  
19 probative value rather than to quote her previous interviews and  
20 put to this witness or rather, to refer to her previous  
21 interviews by the Office of the Co-Investigating Judges  
22 investigators. Thank you.

23 Q. Witness, then I will add an example for things to be more  
24 clear to you. Yeay Boeun said during the hearing that thieving  
25 plates or pottery belonging to the cooperative in order to bury

61

1    them was a serious offence. She said that last Monday at around  
2    3.30 in the afternoon. I also read out what she said -- that is  
3    to say, those who would destroy or damage the tools or those who  
4    would encourage others to rise up, those who would use cunning,  
5    were considered criminals, heavy criminals. Do you agree with  
6    this statement?

7    [14.07.17]

8    A. Yes, that is very true, that's what happened. And that created  
9    conflicts within the cooperatives.

10   Q. I will get back to the distinction between light and heavy  
11   offences later. There is a question I'm asking myself, because we  
12   often hear people speaking about communes bringing in people who  
13   have been arrested at the district level, so did the communes  
14   have cell to detain, on a temporary basis, people who had been  
15   arrested before transferring them to the district?

16   [14.08.19]

17   A. The communes did not have any authority to arrest and detain  
18   anyone. If there was any issue then the report would be made to  
19   the district and it was up to the district to proceed with the  
20   arrest of that individual and the individual would be arrested  
21   and detained at the re-education centre.

22   Q. Did the district sometimes ask the commune or the commune  
23   militia men to arrest people on their own and then bring these  
24   people to the district, of course so the decision was the  
25   district's remit, but the actual implementation was done by the



62

1 commune?

2 A. Yes, that's how it worked.

3 Q. Fine. I am going to try to use a document and I hope you have  
4 a certain number of documents right next to you and that there's  
5 someone who can help you find your way through the documents. The  
6 documents I'd like you to look at is document, E3/4120, E3/4120.  
7 Is there anyone next to you who can assist you in finding this  
8 document, Witness?

9 A. Yes.

10 [14.10.19]

11 MR. PRESIDENT:

12 The WESU staff, could you please assist the witness to locate the  
13 document as indicated by the Deputy Co-Prosecutor?

14 MR. SAMNANG NHEM:

15 Yes, Mr. President, I located the document and I'm now taking out  
16 for the witness examination.

17 [14.10.56]

18 MR. DE WILDE D'ESTMAEL:

19 The page you need to show him is page 00270983, it is a left hand  
20 page because there are two pages next to each other here. So,  
21 00270983; in French, 00623344; English, 00322175. Would it also  
22 be possible to display this document on the screen, Mr.  
23 President, the Khmer version of this document of course?

24 MR. PRESIDENT:

25 Yes, you can proceed with that.

1 [14.11.48]

2 BY MR. DE WILDE D'ESTMAEL:

3 Q. Fine, I'm going to summarise part of this document. So this  
4 report was sent by Khun from Srae Ronoung commune and this  
5 document describes the arrest and the sending to the police for  
6 questioning, of a New Person. This New Person had allowed ducks  
7 to go into rice fields three times and then there is a paragraph  
8 that I'm going to quote which states the following: "We would  
9 like to inform the Party that on 4th January 1977, there are  
10 other members of the New People who are opposing Angkar and the  
11 Party, thus I will arrest and send them up successively." End of  
12 quote.

13 In this document Witness, the word "sending to the police for  
14 investigation" is mentioned; this meant sending people exactly  
15 where? Was it the district police, and what did the district  
16 police exactly represent, where exactly were the people sent in  
17 order for them to be questioned?

18 [14.13.30]

19 MR. EK HOEUN:

20 A. I cannot read it.

21 Q. Did you hear the question, can you answer or do you need more  
22 time?

23 A. Please repeat your question as I was unclear on the question  
24 you put last.

25 Q. Yes. In the document Khun says that he is sending a New Person

64

1 to the police to be investigated, to be questioned. So could --  
2 can you explain what the police was in this case, was it the  
3 district office? Was it the security office at the district  
4 level, what does he mean by sending to the police exactly?

5 MR. PRESIDENT:

6 Witness, please wait. And Nuon Chea's counsel, you have the  
7 floor.

8 MR. LIV SOVANNA:

9 Thank you, Mr. President. I would like to object to this  
10 question. In the Khmer document there is no word anywhere which  
11 mentioned police.

12 [14.15.08]

13 BY MR. DE WILDE D'ESTMAEL:

14 Q. Fine. Maybe it's an issue of translation because in French and  
15 in English it is said that he was sent to the Police for  
16 examination. Mr. Witness, I will re-formulate my question, when a  
17 commune would arrest someone to whom exactly was this arrested  
18 person sent to, was this person to the district militia or to a  
19 special office?

20 MR. EK HOEUN:

21 A. That is true that when a person was arrested it would not be  
22 sent to Angkar at the district, the person would be sent to the  
23 forest. There would be no trial of that person and the person  
24 never returned.

25 [14.16.45]

1 Q. Fine. Another question with regard to this document, do you  
2 remember this Khun from Srae Ronoung commune and what were his  
3 duties?

4 A. Khun in Srae Ronoung commune, was the chief of that commune.

5 Q. Do you know if at any given moment, if he was purged?

6 A. I was in another commune which was far from the district  
7 office and I only knew sometimes he went to attend meetings at  
8 the district office.

9 [14.17.49]

10 Q. Fine. Now I am going to react to an answer you gave to the  
11 Co-Investigating Judge, document E319.1.32, questions and answers  
12 17,18 and 19, and I'm going to read out what the investigators  
13 asked you at question 17: "Did the commune chief have the power  
14 to arrest people?" Your answer; "The commune chiefs did not have  
15 that power only the district units would arrest people day and  
16 night in fact." Following question, question 18: "Did the commune  
17 level have the responsibility to report to the district level?"  
18 Answer; "Yes, they gave information to the district level for  
19 example on who had committed moral offences. However, they had  
20 not right to arrest them." Question 19: "How did the commune  
21 level and district level communicate with each other?" Answer:  
22 "They reported lists of people, if anyone's name was circled in  
23 red ink pen, district level would come to get the person, if  
24 anyone's name was circled in blue ink pen, commune level would  
25 take the person to the district level." End of quote.

1 So, in relation to what you said just before, that people who  
2 were arrested by the communes were directly sent to the forest,  
3 here you rather said that names circled in blue were arrested by  
4 the commune and the commune would then bring them to the  
5 district. Can you confirm that indeed people whose names had been  
6 circled in blue were given to the district by the communes?

7 [14.20.11]

8 A. Yes, that is correct. For those with their names circled in  
9 blue would be sent by the commune to the district and the  
10 district would get (inaudible) and his unit to send them further  
11 to the re-education office, the person would not be beaten or  
12 tortured and these are the people who probably slept with someone  
13 else's wife and they would be sent for re-education.

14 Q. Fine. What I would like to focus on is when people would have  
15 their names circled in red and when people would have their names  
16 circled in blue, at what level was that done, was it the  
17 initiative of the cooperatives, of the communes, or was it the  
18 district or the sector that would do that?

19 A. After the commune conducted an investigation into a person and  
20 whether that person had a political tendency or was a former CIA  
21 agent or a "Yuon" spy, then the commune would report it to the  
22 district, the district would then circle it in red ink and send  
23 it back to the commune and that would mean to let the commune  
24 know in the afternoon the military from the district would come  
25 down to the commune to arrest that individual or person and as I

1 said once such a person was arrested he would not be sent to any  
2 office but to the forest and killed.

3 [14.22.34]

4 Q. Fine. There is a slight contradiction that I would like to  
5 look at with you. In your last written record of interview  
6 E319/8.2.4, at answers 23 and 24, which I'm going to read out,  
7 you said the following in English -- you said, well, in Khmer but  
8 it was translated in English; "All work plans were decided at the  
9 provincial sector levels then the provincial sector sent the  
10 plans to districts and the districts relayed the plans to the  
11 communes." Question 24: "Can you explain to us whether orders  
12 related to arrest or decision to kill came from the province or  
13 sector?" And you said, Answer 24: "Yes, that's right. For  
14 instance the province sent reports with names of the peoples to  
15 be arrested annotated in red ink to districts then the districts  
16 would send the report to the communes then the communes would  
17 arrest the people whose names were annotated in red ink. Finally  
18 the arrestees would be sent to Yeay Khom." End of quote.

19 So here in your written record of interview, you added an extra  
20 level, you said that in fact it was the sector that made the  
21 decisions, so who took these decisions the sector or the district  
22 and who circled names in red ink?

23 [14.24.29]

24 A. First the commune would conduct the investigation whether the  
25 person was a former KGB or CIA spy then the name would be circled

1 in blue and sent from the commune to the district. Then the  
2 district would forward the names or the list of the names, to the  
3 sector and not for long the list would be returned to the commune  
4 and that names would be circled in red and then the district  
5 soldiers would come to the commune to arrest the person and the  
6 person would not be sent to any office but to the forest to be  
7 executed.

8 Q. Fine. Do you know in which forest people were executed, was  
9 there a special forest for that?

10 [14.25.42]

11 A. The area where they sent to Angkor Khom's house was about 200  
12 meters from Krang Ta Chan's office and the area was called Prey  
13 Kmaoch Kaun Khmeng and it was to the west of the road and to the  
14 east it was the Krang Ta Chan and next to it an area or forest  
15 called was called Prey Lang. People who were implicated due to  
16 political tendencies would be sent there to be executed -- that  
17 is, to be killed at the Prey Kmaoch Kaun Khmeng and later on the  
18 skeleton remains from the Prey Kmaoch Kaun Khmeng were gathered  
19 and stored at the Krang Ta Chan site.

20 Q. Fine. Can you tell me if you know if these people, the  
21 dissidents were questioned before being executed?

22 A. That area was not an interrogation area, there was no trial,  
23 there was no court, if people were arrested and sent there that  
24 would be the end of it.

25 [14.27.43]

1 Q. Before the Co-Investigating Judges, you said that the lists in  
2 which the names were circled in red and in blue came before you.  
3 This is at answer 26, of your written record of interview,  
4 E319/8.1.4, and you said that you had seen, or that you knew that  
5 these reports had been produced by the sector. And apparently you  
6 found such reports in baskets in the commerce office of Tram Kak  
7 district. So can you explain to us in which circumstances exactly  
8 you saw these lists with the names circled in red or in blue?

9 A. The reports that were sent from other sections to the district  
10 office, after they were read then they would be placed into the  
11 basket and people who smoked would sometimes get the paper for  
12 their tobacco and that's the case that I saw those lists or  
13 reports. And the commune would send the report to the district,  
14 the district would send it further to the province and later on  
15 it was sent back down and it was the district soldiers who would  
16 conduct the arrest.

17 [14.29.28]

18 Q. Fine, you mentioned a certain number of District 105 chiefs,  
19 you spoke about Khom, and also about Ta Chim, Ta Kit, Ta Chay and  
20 finally you spoke about Ta San. You also spoke about Teacher Ouch  
21 and when the successive chiefs of District 105 would issue orders  
22 to communes where the communes chief allowed to not obey and to  
23 not follow the instructions?

24 A. No. The person did not dare, they would accept every  
25 instruction from the upper echelon and theses people -- the



70

1 person came to take control of the district office, with Yeay  
2 Boeun in 1977 already, after Ta Chay, Ta Chim had left.

3 Q. Was the same also true of the sectors and the districts, did  
4 the district have to obey instructions regarding policies that  
5 were passed down to it from Sector 13?

6 INTERPRETER:

7 Mr. President, could the Witness start answering the question  
8 because we didn't press the right button?

9 [14.31.35]

10 BY MR. DE WILDE D'ESTMAEL:

11 Q. Did you have the opportunity to attend meetings at the level  
12 of the district, and the sector or general assembly meetings, did  
13 that happen to you?

14 MR. EK HOEUN:

15 A. Never. I was only a simple inhabitant and that assembly and  
16 meetings were to be attended by officials. When open meetings  
17 were held they only talked of objectives that had to be attained  
18 and tasks that had to be carried out immediately.

19 Q. Mention was made of serious offences and minor offences, how  
20 were the district officials or commune chiefs able to determine  
21 whether a particular conduct or offence was serious or minor, do  
22 you know whether they had criteria for determining whether an  
23 offence was minor or serious?

24 [14.33.12]

25 A. Minor offences included, for instances, the fact of throwing

71

1 crockery, that's pots and pans, into the water and people  
2 considered as opponents were members of the KGB or the CIA and  
3 for such people there was no need to interrogate them and there  
4 was no need for a decision from the sector level, the district  
5 itself would undertake to arrest such people.

6 Q. Was refusing to work considered as a minor offence or as a  
7 serious offence and how many times did you have to refuse to work  
8 in order for such an offence to be considered as a serious?

9 [14.34.20]

10 A. Regarding crafts or all such work was considered as light work  
11 and if you didn't do such work you were called a lazy person and  
12 people who committed light sentences were considered as  
13 pretenders. They did not have to treat them.

14 Q. Were people accused of being lazy or pretending deprived of  
15 food sometimes?

16 A. I do not understand your question. I didn't hear your  
17 question; could you please repeat your question?

18 Q. No problem. I was referring to persons who did not carry out  
19 their work who were accused of being lazy or people who were  
20 accused of pretending to be sick in order not to work, were such  
21 people sometimes deprived of food?

22 [14.36.04]

23 A. Those who pretended to be ill in order not to have to go out  
24 and work were people who had kinship ties with the district  
25 officials they were often group heads or unit heads and they told

1 the members of their groups and units to go and work themselves  
2 and they stayed at home, they were ill, they complained to their  
3 family members who were in a position of strength.

4 Q. Regarding the Base People or ordinary people, they dare did  
5 not say that they were ill, is that what you want to us believe,  
6 to understand?

7 A. No. However, regarding those who were ill, their parents would  
8 go and ask for permission from the canteen or the heads of the  
9 co-operatives and they were heard saying in the refectory and to  
10 the head of the canteen, that their parents were ill, and they  
11 would take their food rations back to their parents at home who  
12 were ill.

13 [14.37.52]

14 Q. I'll site a passage, E319.12.2, and answer 48, it's the record  
15 of interview of Yeay Boeun, he (sic) refers to two situations in  
16 which food was stolen. This is what he (sic) states. In English,  
17 answer 48: "Theft due to hunger was a minor crime. Secondly,  
18 frequent thefts which was more serious was reported to me by the  
19 lower level. For the second point, the perpetrators would be  
20 arrested and some of them were seen returning while others were  
21 never seen again." End of quote.

22 Do you agree with Yeay Boeun when she says that to steal once  
23 because one was hungry was a minor offence but to steal  
24 frequently became a serious offence?

25 A. No, I do not agree with her because in District 105,

73

1 perpetrators of such offences, like stealing cassava or other  
2 food stuff, were not punished. I saw everyone doing such things  
3 so I cannot agree with Boeun.

4 [14.39.57]

5 MR. DE WILDE D'ESTMAEL:

6 Mr. President, if we were to go on break I think this would be  
7 right time.

8 MR. PRESIDENT:

9 The time has come for us to take a break up to 3.00 p.m. So, we  
10 will resume at 3.00 p.m.

11 Mr. Ek Hoeun, we are taking a break now. You should be back in  
12 the courtroom at 3.00 p.m. in order for us to resume the  
13 proceedings.

14 Thank you.

15 (Court recesses from 1440H to 1501H)

16 MR. PRESIDENT:

17 Please be seated. The Chamber is now back in session. And good  
18 afternoon, Mr. Ek Hoeun.

19 MR. EK HOEUN:

20 Hello, Mr. President.

21 MR. PRESIDENT:

22 We now proceed again with your testimony. And the Chamber will  
23 hand the floor to the Co-Prosecutor, then to the Lead Co-Lawyer  
24 for Civil Parties to put questions to Mr. Ek Hoeun. You may  
25 proceed, Deputy Co-Prosecutor.

1 [15.02.22]

2 BY MR. DE WILDE D'ESTMAEL:

3 Thank you, Mr. President. I'm going to be putting questions to  
4 the witness for about another 35 or 40 minutes. And my colleague,  
5 Ty Srinna, will put her questions during the last 20 minutes of  
6 today's hearing.

7 Q. Witness, I know that the day has been rather long and that you  
8 might be tired. So I'm going to ask you please to concentrate so  
9 that we can discuss another major topic now, which is the fate of  
10 the Vietnamese who were living in Cambodia. And then the fate of  
11 Khmer people who came from Kampuchea Krom.

12 [15.03.07]

13 And I'm going to start by reading out an excerpt of your  
14 statement before the Co-Investigating Judges. It's document  
15 E319.1.32, at questions and answers 33 and 34.

16 Question 33: "Were there many Khmer Krom, that is to say Khmer  
17 from lower Cambodia which is in the south of current Vietnam, who  
18 lived in your area between 1976 and 1978? Do you know what  
19 happened to them?"

20 And you answered at answer 33: "No, there weren't any Khmer Krom  
21 who lived in my region. There were only Vietnamese. The  
22 Vietnamese born in Cambodia were accused of being '"Yuon"'. And  
23 the Vietnamese who came from Kampuchea Krom such as my mother,  
24 from the village of Trapeang Chrey, for example, were all  
25 executed."

75

1 Question 34 from the investigator: "We think that both of us are  
2 referring to the same Khmer Krom. How did they categorise  
3 particular peoples in order to take them to be killed?"

4 And you answered at answer 34: "Vietnamese with Khmer husbands  
5 were killed. Those who married Vietnamese girls were also killed.  
6 Entire villages were killed." End of quote.

7 So I have a certain number of questions to put to you in relation  
8 to what you said in these answers. And first of all, you said  
9 that the Vietnamese who were born in Cambodia were accused of  
10 being a "Yuong" under the DK regime. Can you explain what the word  
11 "Yuong" -- or why the word "Yuong" was disparaging or insulting?

12 [15.05.59]

13 MR. EK HOEUN:

14 A. For "Yuong"s" who were born in Cambodia, in Trapeang Thum  
15 Khang Tboung commune, and they were living in Trapeang Chrey  
16 village -- and "Yuong" lived in another village which was  
17 adjacent, and there were a mixture of Vietnamese wives and  
18 Cambodian husbands, or Vietnamese husbands with Khmer wives, Yeay  
19 Khom's plan was to take them to the forest. And Khem (phonetic)  
20 had a wife who was Vietnamese and he was told not to go. But he  
21 insisted that he wanted to go and attend the study session. So  
22 went -- so he went with his wife to the forest, and that was the  
23 end of his fate. In fact they were not sent to attend any study  
24 sessions but were executed.

25 [15.07.14]

1 Q. I didn't understand exactly who you were speaking about. Was  
2 this someone you knew or someone in your family?

3 A. I refer to the population in Trapeang Koh Prei (phonetic)  
4 village in Trapeang Kokho (phonetic) commune. People who eat  
5 there were at least half blood Vietnamese or "Yuon". And Yeay  
6 Khom had a plan to kill those "Yuon" people in that entire  
7 village.

8 Q. Were there also arrests of Vietnamese who were living in  
9 Cambodia? Or of Vietnamese or Khmer having come from Kampuchea  
10 Krom after Khom left Tram Kak district in 1976, did arrests and  
11 executions continue after that?

12 [15.08.41]

13 A. Yeay Khom left in March '76 to Koh Kong province. And in June  
14 of that year of '76, there was a plan to purge all the "Yuon"s"  
15 throughout the country. And I did not know from which level Ta  
16 Chay received that instruction. He convened a meeting and appoint  
17 Lorn alias Mouy to go and arrest Vietnamese living in District  
18 105 and rounded them up. First, the instructions to the commune  
19 chiefs was to gather those Vietnamese and then they would be  
20 trucked out. And three days later, a truck with long trailer was  
21 sent to pick those Vietnamese up from the various communes  
22 including Popel and Angk Ta Saom and Nhaeng Nhang. So six  
23 communes sent the Vietnamese people away in the truck. As for the  
24 rest of the communes within the district had to do it by  
25 themselves. And the Vietnamese were taken away and killed in the

1 forest.

2 [15.10.21]

3 Q. Fine. I'm going to try to order things in a chronological way  
4 a little bit now. First of all, was there a period at the start  
5 when the Vietnamese from Cambodia were exchanged against Khmer  
6 people from Kampuchea Krom? Did these exchanges take place?

7 A. Yes, there was such an exchange programme. And in 1972 when  
8 the country was under the reign of Lon Nol, some people from Kaoh  
9 Andaet fled to live in Vietnam. And after the country was  
10 liberated, Ta Mok exchanged the Vietnamese living in Cambodia  
11 with those Khmer people. And some "Yuong"s actually had  
12 conflicts within the cooperative as they destroyed some knives or  
13 cooking pots, etc. Then Ta Mok cancelled the exchange program.  
14 Because when we -- after the exchange program, those people who  
15 came from Vietnam created troubles within the cooperative.

16 Q. Were there also Khmer Krom or Vietnamese who were bought from  
17 Vietnam when the DK forces went into Vietnamese territory?

18 A. The exchange program was for the Cambodian people who fled the  
19 country in 1972. So after the country was liberated, Ta Mok made  
20 the arrangement for the exchange program for the "Yuong"s living  
21 in Cambodia, for those Khmer who had fled to Vietnam earlier.

22 Q. Fine. You said in your -- at answer 62 of your written record  
23 of interview, E319.1.32, that, "then there were no more exchanges  
24 with Vietnamese but they would simply execute the Vietnamese who  
25 were in Cambodia." End of quote. Can you tell us as of when this



1 exchange program ended and therefore when executions started?

2 [15.13.39]

3 A. Started from 1976, there was a plan of the exchange program  
4 for the Khmers living in Vietnam to the "Yuon"s" who lived in  
5 Cambodia. But later on, since it was difficult to control those  
6 Khmer who had lived in Vietnam and who were exchanged to  
7 Cambodia, the exchange program was cancelled. The Pol Pot regime  
8 killed the "Yuon"s". And before that, the Lon Nol regime also  
9 kills the "Yuon"s", as hundred thousands of "Yuon"s" were  
10 gathered and placed in Dai Pram School (phonetic) in the  
11 provincial town of Takeo. Then the soldiers would gather and  
12 surrounded that school and fired and killed all those "Yuon"s"  
13 inside the school. So the Lon Nol regime actually did more  
14 killing of the "Yuon"s" than the Pol Pot regime.

15 Q. Yes. But let's just focus only on what the Pol Pot regime did  
16 because this is what we are considering here. I have a question  
17 or request for clarification regarding the Khmer who had come  
18 from Kampuchea Krom and who had been living in Kampuchea Krom for  
19 a long time, who therefore spoke Khmer at home, maybe, according  
20 to the Khmer Rouge, were these people considered Cambodians,  
21 full-fledged Cambodians or were they assimilated to Vietnamese?

22 [15.16.05]

23 A. For Kampuchea Krom people, none of them came to live in Takeo,  
24 in particular in District 105. There were only those Vietnamese  
25 people who were born and lived in Cambodia.

1 Q. Fine. We will look at a few documents a little later in that  
2 regard. You said at answer 34, which I quoted earlier, that the  
3 Vietnamese women who were married to Khmer men had to be  
4 executed. And it was the same thing for Khmer men married to  
5 Vietnamese women. And what about the children of a mixed couple,  
6 whose parents were Vietnamese on one side and Cambodians on the  
7 other, were these children subjected to the same fate as their  
8 parents and were these children therefore executed?

9 [15.17.20]

10 A. That was normal that sometimes Vietnamese husbands (sic) or  
11 men married Cambodian husbands, and vice versa, but then the --  
12 due to the change in the circumstance and the regime, then they  
13 had been crushed by the wheel of history. And the Vietnamese then  
14 had been executed since the Lon Nol regime, and then the Pol Pot  
15 regime.

16 Q. My question specifically concerned the children of these mixed  
17 couples. Were these children faced with the same fate as their  
18 parents or not?

19 A. I don't get it and I don't understand your question.

20 Q. I will try to simplify my question then. Let's take a very  
21 simple case. Imagine the father of Vietnamese born in Cambodia  
22 but -- and the mother is Cambodian. They have four children. And  
23 you said that Vietnamese women married to Khmer men had to be  
24 executed, and Khmer men married to Vietnamese women also had to  
25 be executed. So what would happen to the four children of this

1 couple? What would Angkar do with them? Would Angkar execute them  
2 or would Angkar place them somewhere else?

3 [15.19.34]

4 A. None of them survived. The entire family members were  
5 executed, including the children or the unborn child.

6 Q. Can you tell me why and how the Khmer Rouge would justify  
7 that? Whereas, we're only speaking about children here.

8 A. I did not know the rationale behind that.

9 Q. Fine. You spoke about the fact that it was as of 1976 that a  
10 whole cleansing was carried out with the objective of erasing all  
11 Vietnamese present in Tram Kak district. It is -- this you said  
12 at answer 38 in your written record of interview, E319.1.32. Did  
13 this also happen in 1977?

14 A. No, it did not continue into 1977. Because by that time, there  
15 was a new district head and people were not mistreated as the  
16 time Yeay Boeun and Krou Ouch were there, and there was no more  
17 killing as many people had been killed already.

18 [15.21.59]

19 Q. Very well. Please let me remind you that Yeay Boeun said that  
20 she had appointed deputy district chief in October 1978, and not  
21 in 1977. Now with regard to these dates, maybe to refresh your  
22 memory, I will quote to you excerpts of the written record of  
23 interview of someone who testified here. A person called Cheang  
24 Sreimom, and the document is, E3/5832. And this witness was based  
25 in Nhaeng Nhang commune during the DK period. And she said what

81

1 follows at answer 14 of her written record of interview. And this  
2 is what she says. I quote: "Towards the end of 1976, the commune  
3 chief stated that the Vietnamese were going to be sent back to  
4 their country. Some Khmer apparently had lied and said that they  
5 were Vietnamese, because of the overall situation. These people  
6 were all slaughtered. And during the first step, during 1976, the  
7 Vietnamese were sent for sure back to their country. But during  
8 the second phase, they were all taken away to be executed." End  
9 of quote. Do you remember an announcement from the district to  
10 the different commune chiefs towards the end of 1976 regarding  
11 the Vietnamese as Cheang Sreimom speaks about?

12 [15.24.11]

13 A. No, I did not know about that. But the content of that  
14 statement is correct, because that's what actually happened in  
15 the area. In fact, they were told that they would be sent to the  
16 district, but instead they were sent to the forest.

17 Q. Earlier you spoke about a national policy. You said that this  
18 was a national decision to eliminate the Vietnamese. So where did  
19 these orders come from, these orders to suppress any Vietnamese  
20 presence? Did you know exactly where these orders came from? Did  
21 the orders come from the centre, from the Party, from the  
22 Southwest Zone, from the sector, from the district?

23 A. I do not have a full understanding about that. I only know  
24 that the district received the plan or the instructions from the  
25 province. And I did not know whether the province received it

1 from the centre. Because we were at the lower level, so we knew  
2 only up to the province. And that's all I know about the chain of  
3 command on the relaying of the plans.

4 [15.26.03]

5 Q. Fine. I'm going to read again a part of you written record of  
6 interview, E319.1.32, at answer 37 as well as answer 46. And  
7 here, you made a distinction between the communes that were  
8 entitled to arrest and execute Vietnamese, and other communes  
9 where it was the district that was in charge of this. This is  
10 what you said at answer 37: "Among the communes of Khpob Trabek,  
11 Trapeang Thum Cheung, Trapeang Thum Tboung, Samraong, and Kus,  
12 and Nhaeng Nhang, the commune chiefs mastered this task  
13 themselves, meaning the commune chiefs themselves arrested and  
14 took those "Yuon" to be killed according to district level plans.  
15 Ta Chay carried out the order to kill the "Yuon". Ta Chay  
16 received the orders from the sector." Answer 46, you said the  
17 following: "They did not need to take any biographies, meaning  
18 they knew right away who was Vietnamese. As for some of the  
19 communes I mentioned earlier, commune chiefs themselves made the  
20 arrest of Vietnamese nationals and took them to be killed. As far  
21 as for a number of other communes, Angkar went there to arrest  
22 and take Vietnamese nationals away to be killed." End of quote.  
23 You said that it was not necessary to draw up biographies,  
24 because people knew very well who was Vietnamese. But within each  
25 commune, were there lists that had been drawn up of Vietnamese or

1 of people who had come from Kampuchea Krom who were living in  
2 these communes?

3 [15.28.17]

4 A. We knew that they were Vietnamese because they spoke  
5 Vietnamese. And they would be the subject of arrest. And if they  
6 spoke Khmer, then they would not be arrested. And that happened  
7 in Khpob Trabek (phonetic) in Trapeang Thum Cheung, Trapeang Thum  
8 Tboung, and a part of Kus commune in Samraong commune and Nhaeng  
9 Nhang commune, as these communes were located near the base of  
10 the mountain. So the commune chiefs were tasked to carry out the  
11 plan by themselves. And Ta Khem did not obey the Party's  
12 instruction, and he was sanctioned to do hard labour with Ta  
13 Keav. This is just an example.

14 [15.29.23]

15 Q. So what you are suggesting here is that the Vietnamese from  
16 the communes you mentioned were executed at the foot or on Phnum  
17 Damrei Romeal; is that correct?

18 A. No, that is not correct because Phnum Damrei Romeal was very  
19 high. In fact, they killed at the base or at the foot of the  
20 mountain in the Prey Kmaoch Kaun Khmeng that I mentioned earlier.

21 Q. Regarding the Vietnamese who were not in the communes and who  
22 enjoyed some autonomy or were shielded from execution, you said  
23 in E319.1.32, the record of interview, you said the following,  
24 you referred to this earlier. This is what you stated, and I  
25 quote:

1 "The man called Lorn alias Mouy, Ta Mok's younger brother-in-law  
2 was the one who went around arresting Vietnamese nationals.  
3 Popel, Leay Bour, and Srae Ronoung, Vietnamese living in Tram Kak  
4 district are persons whose names I don't know, but I know their  
5 numbers in the four communes because Lorn said he sent vehicles  
6 to transport only 9,000 Vietnamese families from these four  
7 communes. The Lon Nol regime executed Vietnamese. Only those who  
8 were outside of the district survived the Khmer Rouge regime  
9 again drove them out."

10 When you stated that Lan arrested and executed Vietnamese, was he  
11 alone or he was assisted by militiamen and members of the  
12 district?

13 [15.32.04]

14 A. Lorn's work consisted in transporting the district chiefs and  
15 sending letters to the chiefs of the communes. They assembled  
16 inhabitants, transported them in vehicles to the districts. But  
17 in reality, they were taken to the forest on the foot of the  
18 mountain.

19 Q. You stated that Lorn was Ta Mok's junior brother-in-law. When  
20 he led the Vietnamese to the execution sites, was he acting under  
21 Ta Mok's orders?

22 A. He did not receive any instructions from Ta Mok or the sector,  
23 but from Ta Chay. Ta Chay wrote to all the communes, to all the  
24 villages, and asked them to assemble the Vietnamese at a  
25 particular location where the vehicles would pick them up, for

1 instance in Leay Bour, Popel, Srae Ronoung, Nhaeng Nhang  
2 communes. These were indeed communes under Lorn's authority.  
3 [15.33.55]

4 Q. Was Lorn also in charge of Cheang Tong or someone else was in  
5 charge of that commune?

6 A. Lorn was a member of the district office. Ta Chay was also in  
7 charge of the district. He was the one who assigned Lorn to go  
8 and transport those Vietnamese on board vehicles. He didn't work  
9 at the commune but in the district office.

10 Q. I have understood what you said. He went to look for the  
11 Vietnamese in Cheang Tong. Was that commune invested with  
12 authority to arrest and execute the Vietnamese itself?

13 A. I was not aware of that. All I knew was that Ta Chay asked  
14 Lorn to transport those Vietnamese on board vehicles. And Lorn  
15 used trucks to transport those Vietnamese.

16 [15.35.33]

17 Q. Thank you. I am almost done. I would like you to look at three  
18 lists now which you have at your disposal - which you should have  
19 before you at Battambang. They are the following list, E3/4083. I  
20 will give you other references before giving the ERNs. The second  
21 document is, E3/2615; and the third document is, E3/2281. I'll  
22 give the person assisting you -- that is, the person from Victims  
23 Support Section to help you locate the documents. This was the  
24 person who identified Khmer Krom families in Tram Kak district  
25 and in the commune. And he would specify on each occasion the



86

1 rank of the soldier which the family members had in the Lon Nol  
2 regime. The three lists date back to the same period. We'll start  
3 with the first, I don't know whether you have it before you,  
4 E3/4083, and the Khmer page that you should look at is, 00068033.  
5 And skip a page and look at page 00068035. In English it is,  
6 00323966 - 68 and 00323970 - 72; and lastly in French, 00778870 -  
7 71 and 00778873 - 74. Do you have the list before you, Witness?

8 (Short pause)

9 [15.38.53]

10 MR. DE WILDE D'ESTMAEL:

11 Mr. President, in the meantime would you allow me to place the  
12 relevant pages of this document on the screen?

13 MR. PRESIDENT:

14 Please proceed.

15 BY MR. DE WILDE D'ESTMAEL:

16 Witness, let me describe to you the contents of this document  
17 that you find on your screen. It's a list from Srae Ronoung  
18 commune dated the 27th of April 1977. And on the list, 37 Khmer  
19 Krom families are identified or former soldiers of the Lon Nol  
20 regime. The list also indicates the military ranks of these  
21 persons. If you don't have it before you -- I know it's difficult  
22 to read it on the screen. I do understand that.

23 [15.40.15]

24 MR. EK HOEUN:

25 A. I never received this kind of document. No, I never handled

1 any list of the sort. I am not aware of the existence of this  
2 list.

3 Q. Very well. For purposes of completion, two other documents are  
4 established by Kus commune, April 1977, document E3/2615. The  
5 others are established by Trapeang Thum Cheung commune,  
6 identifying 73 Khmer Krom families in 1977. You state that you  
7 never saw such lists? You also said there were no Khmer Krom in  
8 Tram Kak district. But here we find that the communes established  
9 lists of Khmer Krom. Would you like to correct what you said  
10 earlier or you stand by your statement that there were no Khmer  
11 Krom in Tram Kak district, to your knowledge?

12 [15.41.50]

13 A. I do not recall that. I do not know when I said that. Because  
14 I was seriously ill at a certain point and I've forgotten  
15 everything.

16 Q. I'm not saying that you said so, but I'm saying that there are  
17 documents on record showing that the communes established list of  
18 Khmer Krom. Are you confirming that you never saw such a list and  
19 you never saw any Khmer Krom in Tram Kak district during that  
20 period?

21 A. I was not aware of that. I never heard anyone talk about that.  
22 I never saw people drawing up list. As an inhabitant, a mere  
23 inhabitant, I could not have been informed of such things.

24 [15.43.11]

25 MR. DE WILDE D'ESTMAEL:

1 Witness, I stand by my word and I'll give the floor to the Civil  
2 Parties. I thank you for the time you've taken to answer my  
3 questions. Thank you, Mr. President.

4 MR. PRESIDENT:

5 The Chamber will now give the floor to the civil party Lawyers,  
6 to the principal lawyer.

7 MR. VEN POV:

8 Mr. President, may I ask you to allow lawyer Srinna to start by  
9 putting questions to the witness?

10 QUESTIONING BY MS. TY SRINNA:

11 Good afternoon, Mr. President, Your Honours. Good afternoon,  
12 Witness. I am Ty Srinna, civil party Lawyer. I have a number of  
13 questions to put to you.

14 Q. Good afternoon, Mr. Ek Hoeun. Can you hear me? Good afternoon,  
15 Mr. Ek Hoeun.

16 [15.44.38]

17 MR. EK HOEUN:

18 A. Yes.

19 Q. Before putting questions to you, I would like to seek some  
20 clarifications from you. In answering a question put to you by  
21 the Deputy Co-Prosecutor, you stated that inhabitants of Phnom  
22 Penh were evacuated to Champa Leu pagoda. The chiefs of villages  
23 and communes had been assigned to prepare for the reception of  
24 these evacuees. My question to you is; who assigned the chiefs of  
25 villages and communes to do so? Do you recall the names of the

1 persons who assigned the chiefs of villages and communes to do  
2 that?

3 Mr. Ek Hoeun, do you understand my question? If you don't, I can  
4 ask it again.

5 [15.46.14]

6 A. Yes, I properly understood your question. But each time I  
7 wanted to answer it, you kept talking.

8 The instructions were from the district. The district instructed  
9 the village and commune chiefs to draw up lists and -- and then  
10 the chiefs of communes and districts were also asked to prepare  
11 bags of rice for purposes of receiving those people. After the  
12 commune chiefs drew up the lists, the district chiefs were asked  
13 to receive the evacuees from Phnom Penh. The head of the district  
14 office was in charge of organising the reception of those  
15 evacuees. So it was Nyam Sim (phonetic) who was in charge of  
16 doing that.

17 [15.47.26]

18 Q. As -- apart from the reception of those evacuees and the  
19 preparations involved, did they ask the chiefs of communes and  
20 villages to do other things?

21 A. Yes, they were asked to build houses for the evacuees and to  
22 distribute food to them. So village groups were organised so all  
23 of that was provided for.

24 Q. You stated that huts and houses were placed at the disposal of  
25 those evacuees. Can you describe those houses or shelters? Were

1 they simply huts or houses or thatched houses? Did the communes  
2 and the villages have at their disposal such houses and shelters  
3 before they arrived or they built all that after they arrived?

4 [15.49.13]

5 A. As a matter of fact, the inhabitants of the liberated zones  
6 had been assigned to work far from the villages. So their houses  
7 were available, so many houses were not occupied. So those  
8 evacuees were housed in those unoccupied homes. If it was a big  
9 house, it could house two families, otherwise only one family was  
10 housed in one house because the inhabitants of the village had  
11 been assigned to work far from their homes.

12 Q. How about food rations?

13 A. I have already stated that China had donated rice for the  
14 purpose of feeding the inhabitants who had been evacuated. I had  
15 to offload those trucks loaded with rice, and the newly arrived  
16 inhabitants were supplied with rice. But since there were many  
17 Base People as well, there wasn't enough for everyone. And since  
18 there wasn't enough for everyone to eat, the excrements of the  
19 people looked like excrements of dogs. So the dogs didn't eat the  
20 dogs later.

21 [15.51.08]

22 Q. Please be brief because the time allotted to me is very short.  
23 Tell me, did China donate the rice to Cambodia throughout the  
24 regime or only after the liberation?

25 A. It was in 1975 up to May 1976. So they donated food for a year

1 and half. This donation was for the Old People and the New  
2 People. I was in charge of transporting the rice donated by  
3 China.

4 Q. Thank you. You talked of the wheel of history which crushed  
5 people. What do you mean by that?

6 A. The district secretary Yeay Khom -- at district of Yeay Khom  
7 said at each meeting that capitalist and revisionist had to be  
8 crushed by the wheel of history. And the wheel of history also  
9 crushed their regime. At the time I thought that that slogan was  
10 a reference to the former civil servants of the Sihanouk regime.

11 Q. All I was expecting of you was to say whether Yeay Khom had  
12 invented that slogan himself (sic), or that slogan was from  
13 elsewhere.

14 [15.53.12]

15 A. No. All I know is that at each meeting, he (sic) made mention  
16 of that slogan - he (sic) uttered that slogan.

17 Q. You talked of Ta Mok. You said that Ta Mok had come to conduct  
18 three meetings and that he talked about the digging of canals. So  
19 can you tell the Chamber whether he asked inhabitants of that  
20 district to dig canals?

21 A. Have you completed your question? If you have, I will answer  
22 it.

23 Q. Yes, I am done. You can answer the question.

24 [15.54.04]

25 A. All the inhabitants of Tram Kak got down to work, digging

1 canals and dykes. They organised ceremonies to plant poles and  
2 raise flags. And they said that these were offensives in the  
3 construction of dykes and canals. And we ate only at 9 p.m. And  
4 after the meal, we had to resume work up to 10 p.m. And during  
5 the day at about 10.30, we had to take our breakfast. We couldn't  
6 eat at the appointed time and it often happened that we ate at  
7 1.30 p.m. No one would dare say anything because we were afraid,  
8 and all we had to do was to do our job.

9 MR. PRESIDENT:

10 Please turn on the microphone.

11 [15.55.18]

12 BY MS. TY SRINNA:

13 It was only -- was it only the New People who were asked to dig  
14 canals or others were asked to do the same? There was no  
15 distinction between the New People and the Base People; the  
16 Chinese and the Cambodians?

17 MR. EK HOEUN:

18 A. Asked that canals be dug, no distinction was made between  
19 ethnic groups. Everyone had to work to construct the Khpob Trabek  
20 dam.

21 Q. According to what you were able to observe, when people were  
22 overworked, were people punished or tortured because they could  
23 no longer carry out their work?

24 [15.56.26]

25 A. At the time, people were not yet being maltreated. The people

1 were not being maltreated. Workers were sometimes sick, they had  
2 problems feeding themselves, they worked and sometimes they bled  
3 and died on the worksites. But no one was punished at the time.

4 Q. You state that the New People and the Base People enjoyed the  
5 same rights and to respect one another. But you also stated that  
6 many people watched everyone. Can you tell the Chamber whether  
7 those who watched others kept watch on everyone all day long.

8 A. The New People lived in my home. And in the evening, people  
9 would pass by the house to listen to what they were saying. And  
10 if they said anything that was critical of the regime, they would  
11 be arrested and they were taken away and never seen again.

12 Q. From where were those guards who kept watch on the people  
13 sent?

14 A. They were from the district. So all night, they would pass  
15 under the houses to listen to the people. And when they had  
16 obtained the information they were looking for, they would report  
17 back to the district which would then take the necessary  
18 decisions.

19 [15.58.59]

20 Q. I'll move into another line of questioning regarding the CIA  
21 and the KGB. In Tram Kak district, as regards those who were  
22 members of the CIA or KGB networks, those people were arrested.  
23 Can you give us the exact number of people who were arrested?

24 A. The KGB had to do with the Russians and the CIA was American.  
25 And once they were arrested, they were identified and sent



1 without any consultations.

2 MR. PRESIDENT:

3 Please, observe a pause between questions and answers, otherwise  
4 the interpreters cannot follow you.

5 BY MS. TY SRINNA:

6 Thanks, Mr. President.

7 Q. I would like to know whether CIA or KGB agents were arrested  
8 openly.

9 [16.00.11]

10 MR. EK HOEUN:

11 A. No. The arrests were not carried out openly. They only  
12 arrested people in the evening and at night. And in the morning,  
13 we realise that they were no longer there.

14 Q. Did everyone know that they were arrested or only some -- only  
15 some people were aware that they had been arrested?

16 A. Well, let me give you an example. If in our group somebody  
17 disappeared, we knew that that person had been arrested. And  
18 therefore we could only whisper to each other secretly. We  
19 couldn't speak about all of that openly of course.

20 Q. Thank you. Were the disappearances a source of fear for the  
21 people in Tram Kak?

22 [16.01.24]

23 A. Yes, for everyone. The district heads, the commune chiefs, the  
24 village chiefs, even they were afraid. Everyone shivered because  
25 there were so many arrests.

1 Q. Thank you. Now I would like to speak about the purges within  
2 the ranks. Were there arrests within the ranks outside of the CIA  
3 or KGB agents?

4 A. Yes. But that was done secretly. We were told -- or they were  
5 told that they were going to be educated somewhere. That's how we  
6 learnt about all of this.

7 Q. Now I would like to ask you if in Tram Kak district, there  
8 were marriages?

9 A. Yes, there were marriages, and the couple did not like each  
10 other. And because the husbands had some skin diseases, so the  
11 wife did not want to stay with him. And then she was taken to the  
12 graveyard in order to scare her off so that she would consent to  
13 consummate -- consummation of the marriage. And that's how it  
14 happened. But then the woman, she refused to stay with the  
15 husband.

16 Q. And regarding the forced marriages, were there several cases  
17 of such marriages in Tram Kak cooperative?

18 [16.03.30]

19 A. It happened in every cooperative. They were all arranged  
20 marriages. And there were many cases of disagreement between the  
21 married couples.

22 Q. Was torture inflicted on those who did not follow the  
23 instructions to marry a partner?

24 A. I just gave you an example that the woman was detained at the  
25 graveyard in order to scare her off so that she would return to

1 consummate the marriage. And this kind of practice happened  
2 elsewhere.

3 Q. My question -- my next question is related to a new topic on  
4 Buddhism. Were people allowed to practice Buddhism in Tram Kak  
5 cooperative?

6 A. At my place, Ta Chim was the deputy head of the district who  
7 said that Khieu Samphan -- Nuon Chea and Khieu Samphan held a  
8 meeting with Hou Yuon. And Hou Yuon was the one who created the  
9 reforms for the cooperatives. And there was a decision to abolish  
10 Buddhism or currency or market etc. However, Hou Yuon and Hu Nim  
11 said on the issue of the abolition of these main areas in the  
12 society, we may try to do it gradually. But it was said that Pol  
13 Pot did not agree with that and accused of Hu Nim and Hou Yuon of  
14 betrayal, and then they were executed. And later on, they fail  
15 regret. And if people were allowed to practice Buddhism, maybe  
16 the regime was not defeated in the end.

17 [16.05.48]

18 Q. Thank you. A while ago you spoke about canal digging and that  
19 monks were used to do that work. Were monks allowed to stay in  
20 robe when they were used to dig canal?

21 A. No, there was no robe. The monk had a bag with him each, and  
22 then they had to carry earth. However, they were not put to work  
23 mixing with women.

24 Q. Did you know the number of monks who were disrobed in the  
25 entire Tram Kak cooperative?

1 A. No, I would not know as gradually it happened. One or two  
2 monks would be disrobed at a time.

3 Q. I have three more questions, Mr. President. I know that the  
4 time is up. And thank you for granting me the opportunity.

5 In the case that people died, were their relatives informed so  
6 that they could follow a ritual for the dead?

7 [16.07.15]

8 A. At that time, if soldiers died in the battlefield, then the  
9 parents would be notified of their death, and that's all. As for  
10 the death of others, no one was informed.

11 Q. Thank you. My next question is in relation to Prey Kmaoch Kaun  
12 Khmeng. And a while ago, you said that many children died as a  
13 result of measles and some were sent to be killed there. From  
14 your observation, when the killing started at Prey Kmaoch Kaun  
15 Khmeng?

16 A. I'd like to bring two points to you. Before 1970, people were  
17 contracted with measles and they were buried there at that  
18 forest. At that time it was called Prey Lang. And it was about  
19 only 50 metres from Krang Ta Chan. It was on the other side of ox  
20 cart path. So, young children were buried there. And later on, it  
21 was known as Prey Kmaoch Kaun Khmeng as many children who died  
22 were buried there. And during the Pol Pot regime, people were  
23 brought in to be executed also at the same location at Prey  
24 Kmaoch Kaun Khmeng. And Khom's office was not far from there. It  
25 was about 200 metres away. And that's how I know about the

1 location. And as for the existence of Krang Ta Chan, it happened  
2 at a later stage.

3 [16.09.20]

4 Q. This is my last question. When people were taken away and  
5 executed at Prey Kmaoch Kaun Khmeng, were they instructed to dig  
6 their own pits or had pits been dug?

7 A. No pits were dug. And people were killed and then they fell  
8 onto the ground and died there. There was no pit.

9 Q. Were a lot of dead bodies scattered on the ground from your  
10 observation?

11 A. You want to know for certainty, you had to look at the big pit  
12 where they stored the skeleton remains. Because a lot of  
13 Vietnamese people too had been taken and killed there. There were  
14 many, many dead bodies. And during the Pol Pot regime only adult  
15 people were killed there.

16 [16.10.34]

17 MS. TY SRINNA:

18 Thank you for your response. And Mr. President, I don't have any  
19 further question.

20 MR. PRESIDENT:

21 And Counsel Kong Sam Onn, you have the floor.

22 MR. KONG SAM ONN:

23 Thank you, Mr. President. First, I'd like to touch up on the time  
24 allocation. And secondly, the assigned Counsel for Lead  
25 Co-Lawyers tried to elicit the conclusion from the witness.

1    However, the question did not touch upon the facts which were the  
2    base for the conclusion or observation of the witness or the  
3    specific timeframe in relation to that particular fact or event.

4    MS. TY SRINNA:

5    Mr. President, due to the time constraint, I skip some questions  
6    and as for -- on the matter of the observation, we all know that  
7    this witness went through the regime. And my question was  
8    directly related to his personal opinion. Without going through  
9    the experiences, he cannot give us his observation.

10   [16.12.58]

11   MR. PRESIDENT:

12   Thank you. The Chamber will adjourn the proceeding now and resume  
13   tomorrow, that is Friday 8 May 2015, commencing from 9 o'clock in  
14   the morning. Tomorrow the Chamber will continue to hear the  
15   testimony of the witness, Ek Hoeun, via a video link. And this  
16   information is for the Parties and the public.

17   And Mr. Ek Hoeun, the Chamber is grateful of your testimony,  
18   however, it is not yet concluded. And you are invited again to  
19   testify via video link tomorrow, commencing from 9 o'clock in the  
20   morning. So please be ready in that office before 9.00. And you  
21   may take a rest now.

22   MR. EK HOEUN:

23   Thank you.

24   [16.12.49]

25   MR. PRESIDENT:

*Extraordinary Chambers in the Courts of Cambodia*  
*Trial Chamber – Trial Day 279*  
*Case No. 002/19-09-2007-ECCC/TC*  
*07/05/2015*

100

1 Security personnel, you are instructed to take the two Accused  
2 back to the detention facility and have them return to attend the  
3 proceedings tomorrow morning before 9 o'clock. The Court is now  
4 adjourned.

5 (Court adjourns at 1613H)

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