



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

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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**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 - REDACTED**

Case File N° 002/19-09-2007-ECCC/TC

5 October 2015

Trial Day 334

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

The Accused: NUON Chea  
 KHIEU Samphan

Lawyers for the Accused:  
 Victor KOPPE  
 LIV Sovanna  
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 Anta GUISSÉ  
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 CHEA Sivhoang  
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 PICH Ang  
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For the Office of the Co-Prosecutors:  
 Dale LYSAK  
 SONG Chorvoin

For Court Management Section:  
 UCH Arun

I N D E X

Mr. BAN Seak (2-TCW-950)

Questioning by Mr. President (NIL Nonn) ..... page 3  
Questioning by Mr. LYSAK ..... page 6  
Questioning by Mr. PICH Ang..... page 82

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BAN Seak (2-TCW-950)	Khmer
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Ms. SOK Socheata	Khmer

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Chamber hears testimony of a witness, 2-TCW-950, in  
6 relation to the treatment of the Cham group. We also have a  
7 reserve witness, 2-TCW-904. The hearing of the testimony of a  
8 witness 2-TCW-950 will take two days. One day will be allotted to  
9 the Co-Prosecutors and the Lead Co-Lawyers, while the second day  
10 is allotted to the defence teams.

11 Ms. Chea Sivhoang, please report the attendance to the Parties  
12 and other individuals at today's proceedings.

13 [09.04.40]

14 THE GREFFIER:

15 Mr. President, for today's proceedings, all Parties to this case  
16 are present. Mr. Nuon Chea is present in the holding cell  
17 downstairs. He has waived his right to be present in the  
18 courtroom. The waiver has been delivered to the greffier. A  
19 witness who is to testify today, that is 2-TCW-950, confirms that  
20 to the best of his knowledge, he has no relationship by blood or  
21 by law to any of the two Accused, that is Nuon Chea and Khieu  
22 Samphan, or to any of the civil parties admitted in this case.  
23 The witness took an oath before the Iron Club Statue this  
24 morning, and he has Mr. Duch Phary as his duty counsel and Madam  
25 Sok Socheata for the afternoon session. He is ready to be called

2

1 by the Chamber.

2 [09.05.50]

3 MR. PRESIDENT:

4 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the  
5 request by Nuon Chea. The Chamber has received a waiver from Nuon  
6 Chea, dated 5 October 2015, which states that due to his health:  
7 headache, back pain, he cannot sit or concentrate for long, and  
8 in order to effectively participate in future hearings, he  
9 requests to waive his right to participate in and be present at  
10 the 5th October 2015 hearing. He affirms that his counsel has  
11 advised him about the consequences of this waiver that it cannot  
12 in any account be construed as a waiver of his rights to be tried  
13 fairly or to challenge evidence presented to or admitted by this  
14 Court at any time during this trial. Having seen the medical  
15 report of Nuon Chea by the duty doctor for the Accused at the  
16 ECCC, dated 5th October 2015, which notes that Nuon Chea today  
17 has chronic back pain when he sits for long and recommends that  
18 the Chamber grant him his request so that he can follow the  
19 proceedings remotely from the holding cell downstairs.

20 [09.07.14]

21 Based on the above information and pursuant to Rule 81.5 of the  
22 ECCC Internal Rules, the Chamber grants Nuon Chea his request to  
23 follow today's proceedings remotely from the holding cell  
24 downstairs via audio-visual means.

25 The Chamber instructs the AV unit personnel to link the

3

1 proceedings to the room downstairs so that Nuon Chea can follow  
2 the proceedings. This applies to the whole day.

3 Court officer, please usher the witness as well as his duty  
4 counsel into the courtroom.

5 (Witness enters courtroom)

6 [09.09.30]

7 QUESTIONING BY THE PRESIDENT:

8 Good morning, Mr. Witness. What is your name?

9 MR. BAN SEAK:

10 A. My name is Ban Seak.

11 Q. Thank you, Mr. Ban Seak. And when were you born? And please  
12 observe the microphone.

13 A. I was born in 1954.

14 Q. And where were you born? Please wait for the microphone to be  
15 operational first before you speak.

16 A. I was born in Ruessei Kraok village, Mongkol Borei district,  
17 Banteay Meanchey province.

18 Q. And where do you currently live?

19 A. I live in Ou Chenchien village, Anlong Veang commune, Oddar  
20 Meanchey province.

21 Q. What is your current occupation?

22 A. I am retired and before that I was a member of the district  
23 counsel.

24 [09.11.23]

25 Q. What are the names of your parents?

4

1 A. My father is Hoeng Heang and my mother is Long Penh.

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

3 A. My wife is Hang Phon, is deceased, and we have nine children  
4 together.

5 Q. Thank you, Mr. Ban Seak. The greffier made an oral report that  
6 you are not related by law or by blood to any off the two  
7 Accused, that is Nuon Chea and Khieu Samphan, or any of the civil  
8 parties admitted in Case 002; is this information correct?

9 A. Yes, it is.

10 Q. Have you taken an oath before the Iron Club Statue?

11 A. Yes, I have.

12 [09.12.36]

13 Q. The Chamber would like now to inform you of your rights and  
14 obligations as a witness in the proceedings before this Chamber.

15 And Mr. Ban Seak, as a witness, in the proceedings before the  
16 Chamber, you may refuse to respond to any question or to make any  
17 comment which may incriminate you. That is your right against  
18 self-incrimination. This means that you may refuse to provide  
19 your response or make any comment that could lead you to being  
20 prosecuted. Now on your obligations, and Mr. Ban Seak as a  
21 witness in the proceedings before the Chamber, you must respond  
22 to any questions by the Bench or relevant Parties except where  
23 your response or comments to those questions may incriminate you,  
24 as the Chamber has just informed you of your rights as a witness.  
25 You must tell the truth that you have known, heard, seen,

5

1 remembered, experienced or observed directly about an event or  
2 occurrence relevant to the questions that the Bench or the  
3 Parties pose to you. And Mr. Ban Seak, have you been interviewed  
4 by investigators of the Office of the Co-Investigating Judges? If  
5 so, how many times, when and where?

6 A. I was interviewed twice at the district office, and three  
7 times at my home, and one time at the ECCC premise.

8 Q. Which district office are you referring to, Mr. Witness?

9 [09.14.52]

10 A. I refer to the Anlong Veang district office.

11 Q. And do you recall the dates for each interview that you have  
12 counted so far? And from my recollection, it's six times that you  
13 have been interviewed.

14 A. I cannot recall them.

15 Q. And before you appear before the Chamber, have you reviewed or  
16 read the written records of your statements with the OCIJ  
17 investigators in order to refresh your memory?

18 A. I read it last night and I also read it this morning.

19 Q. And to your best knowledge and recollection, do the written  
20 records of your interviews reflect the accuracy of your  
21 statements you provided to the OCIJ investigators?

22 A. Yes. However, in certain cases, the questions are repetitive.

23 [09.16.25]

24 Q. What I'd like to ask, whether the written records of your  
25 interviews reflect the words that you provided to the OCIJ



6

1 investigators? I mean are they consistent with what you told the  
2 investigators?

3 A. Yes, they are the same.

4 MR. PRESIDENT:

5 And Mr. Ban Seak, you have been provided with a duty counsel  
6 based on your request through the WESU. And for that reason, we  
7 have Counsel Duch Phary for the morning session and Madam Sok  
8 Socheata will be your duty counsel for the afternoon session. And  
9 pursuant to Rule 91 bis of the ECCC Internal Rules, the Chamber  
10 gives the floor first to the Co-Prosecutors to put questions to  
11 the witness. And the combined time for the Co-Prosecutors and the  
12 Lead Co-Lawyers for civil parties is one day. You may proceed.

13 QUESTIONING BY MR. LYSAK:

14 Thank you, Mr. President. Good morning, Your Honours, Counsel,  
15 Mr. Witness. My name is Dale Lysak. I'll be asking you some  
16 questions today on behalf of the Co-Prosecutor, International  
17 Co-Prosecutor.

18 Q. I want to start with a few questions about your background.

19 Earlier in this trial, we heard testimony from Sou Soeurn, the  
20 wife of a Central Zone secretary Ke Pauk. Were you related to Sou  
21 Soeurn? And if so, how were you related to her?

22 [09.18.58]

23 MR. BAN SEAK:

24 A. She is my elder in-law as she is married to my cousin.

25 Q. Let me just clarify that. Is your wife or your deceased wife,

7

1 was she a relative of Sou Soeurn?

2 A. Yes, my wife is related to her.

3 Q. And how were they related?

4 A. She's the cousin of my wife.

5 Q. When did you and your wife marry?

6 A. I cannot recall that. However, I got married when I was 18  
7 years old.

8 Q. And you've indicated you were born in March 1954. Would that  
9 mean then you were married sometime around 1972?

10 [09.20.50]

11 A. I think it is about 1970, but I cannot recall it exactly.

12 Q. When you were married, did Sou Soeurn, her husband Ke Pauk or  
13 her brother Oeun, did any of them come to your wedding?

14 A. No.

15 Q. When did you first get to meet your in-laws, Sou Soeurn and  
16 her brother Oeun, and Sou Soeurn's husband Ke Pauk? When was the  
17 first time that you met those people?

18 A. I met them when I was at the fishing lot.

19 Q. Okay, let's turn to that period. You've talked about this in  
20 your OCIJ interviews. You stated that you worked in the Sector 42  
21 fishing lots in Preaek Prasab district, Kampong Cham province  
22 from 1975 to early 1977. Do you remember, was Sou Soeurn also  
23 based in Preaek Prasab district in 1975?

24 A. I did not know about that.

25 Q. Where was it that you worked when you were in the fishing unit

8

1 in that district, were you on the Mekong -- on or near the Mekong  
2 River?

3 A. Yes, we fished along the Mekong River.

4 [09.23.24]

5 Q. And in late 1975, during the time that you were working in the  
6 sector fishing unit, were you aware of any Cham people who were  
7 moved across the river from the East Zone to Preaek Prasab  
8 district?

9 A. No, I was not.

10 Q. I want to see if I can refresh your memory perhaps on this and  
11 read to you an excerpt from a document that is in evidence in  
12 this case, document E3/154, E3/154. This is telegram from the  
13 East Zone that was sent to Pol Pot and copied to Nuon Chea on the  
14 30th of November 1975, regarding relocations of the Cham people  
15 that were taking place at that time. And the excerpt that I would  
16 like to read to you from this telegram states:

17 [09.24.53]

18 "On 30 November, both sides agreed that the handover of people by  
19 the East Zone to the North Zone should take place in Stueng Trang  
20 and in Preaek Prasab. In Preaek Prasab, the North Zone would  
21 receive those from Chhloung district, whereas Stueng Trang would  
22 receive those from Peam Chileang and Krouch Chhmar districts."

23 And continuing in the next paragraph:

24 "The meeting decided that we must not return the Cham to Kratie;  
25 the Northwest Zone and the North Zone must receive them in order

1 to separate them from the banks of the Mekong River to ease  
2 tensions."

3 Mr. Witness, does this refresh your memory at all? Do you  
4 remember anything about transfers of Cham people to Preaek Prasab  
5 and Stueng Trang from districts across the river in the East Zone  
6 in late 1975 or early 1976?

7 A. No, I was not aware of that.

8 [09.26.39]

9 Q. The next subject I'd like to ask you about today is something  
10 you talk about extensively in your interviews, which is the purge  
11 of the Central or old North Zone cadres. In your interviews, you  
12 state that in early 1977, at the time of the purge of that zone,  
13 you left Preaek Prasab district and were appointed first of the  
14 Sector 42 deputy chief of public works in charge of road repairs,  
15 and later the Sector 42 commerce chief. First, who was it that  
16 appointed you to those sector positions?

17 A. Oeun, who is my cousin-in-law took him in and in fact was  
18 appointed to be a deputy of a so-called garage. It's like a  
19 branch. And later on, appointed to be chief of the commerce unit  
20 for about three months.

21 Q. You said that Oeun was your cousin-in-law; was he the brother  
22 of Sou Soeurn?

23 A. He was the younger brother of Sou Soeurn.

24 [09.28.47]

25 Q. And what was Oeun's position at the time he made these

10

1 appointments?

2 A. He was the Sector 42 secretary.

3 Q. I want to ask you about how Oeun became the secretary of  
4 Sector 42. Can you describe for the Court what you remember about  
5 the period when cadres from the Central or old North Zone were  
6 purged and replaced by other cadres? Can you give us a general  
7 description of what you remember about that period?

8 A. From 1975, I was a combatant, but I was told that a purge was  
9 connected from the top to the bottom in the East Zone. And  
10 actually, the chief of my fishing unit was taken away together  
11 with his children and wife.

12 Q. Just to clarify something, the English translation I got said  
13 East Zone. Are you talking about the Central or old North Zone?  
14 [09.30.35]

15 A. I refer to the North Zone or the Central Zone.

16 Q. And during this purge, how many of the old North Zone cadres  
17 were arrested?

18 A. To my observation, all of them were purged. There were only  
19 two people remained, Pauk and Oeun, chiefs of party. Only two  
20 people remained, and the rest were purged.

21 Q. What do you remember about how all these cadres were arrested  
22 or how they disappeared? What can you tell us about that?

23 A. They said that these people were linked to CIA agents.

24 Q. When this purge was going on and these cadres were being  
25 arrested, did any of them try to resist or fight back?

11

1 [09.32.13]

2 A. No. All of them were called into a study session, after which  
3 they disappeared.

4 Q. And how did things change in your region when at the time that  
5 the old cadres were arrested and new cadres from the Southwest  
6 Zone arrived? Can you tell us how things changed in your region  
7 at that time?

8 A. After purges, southwest cadre came in to replace. I did not  
9 know what was going on about the reshuffle or about the change in  
10 structure.

11 [09.33.23]

12 Q. Did the southwest cadres mistreat the people in your region?

13 A. At that time, sense of fear happened in the area. And if one  
14 could not do the harvest, the short rice transplant, they were  
15 accused of being enemies. I heard from other people saying about  
16 this matter. I did not witness it.

17 Q. I want to read to you a statement that was made by Ke Pauk,  
18 the former zone secretary, in an interview he gave in 2002. This  
19 is document E3/2782, also E3/2783, ERN cites English, 00089714;  
20 Khmer, 00095552; and French, 00596212. In this interview, Ke Pauk  
21 accused the cadres who came from the southwest of, "severely  
22 mistreating the people". He gave an example of a southwest cadre  
23 assigned to Sandan district, who had burnt people to death in a  
24 brick kiln. And he made the following statement, I quote: "Evil  
25 cadres from the Southwest Zone caused a lot of trouble to my

12

1 zone." Based on what you saw during this period, do you agree  
2 with Ke Pauk's description of the southwest cadres who came to  
3 your zone?

4 [09.36.14]

5 MR. KOPPE:

6 Mr. President, good morning. Good morning, Your Honours. I object  
7 to this--

8 MR. PRESIDENT:

9 Please hold on, Mr. Witness. Please wait and listen to the  
10 objection of the defence team for Mr. Nuon Chea. Mr. Koppe,  
11 please repeat what you have just said. You may now have the  
12 floor.

13 MR. KOPPE:

14 Thank you, Mr. President. I object to this question. The witness  
15 just said that he did not witness anything himself in terms of  
16 treatment or mistreatment by Southwest Zone cadres, hence reading  
17 this particular part of Ke Pauk's statement would only lead to  
18 speculation on the part of this witness. So I object to this  
19 question.

20 [09.37.01]

21 MR. LYSAK:

22 If I may respond, Mr. President. I'm doing -- following a  
23 practice that have been followed by everyone in this Court  
24 including Defence Counsel. I asked an open-ended question, now  
25 I'm reading a piece of evidence in this case to see if that

13

1 refreshes the memory of the witness, if he has any reaction to  
2 this. This is a practice that has been followed by everyone in  
3 this courtroom.

4 (Judges deliberate)

5 [09.37.59]

6 MR. PRESIDENT:

7 The objection put by the defence team for Mr. Nuon Chea is  
8 overruled. Co-Prosecutors together with other defence counsel or  
9 other Parties, please avoid asking the witness to give opinion or  
10 to give his or her understanding, so that we may avoid any  
11 testimony that cannot be admitted by the Chamber. So please avoid  
12 asking for objective opinions from the witness. So please give  
13 your response to the last question put by the International  
14 Deputy Co-Prosecutor, if you recall it.

15 [09.38.59]

16 MR. BAN SEAK:

17 A. I do not know about the matter because I was a youth in the  
18 fishing lots at that time.

19 BY MR. LYSAK:

20 Well, I'm actually asking now, Mr. Witness, about the time period  
21 after the fishing lots, the period in 1977, when you initially  
22 were deputy chief of the sector public works and then Sector 42  
23 chairman. During that period, Mr. Witness, did you observe any  
24 mistreatment or conduct by southwest cadres similar to what Ke  
25 Pauk talked about?



14

1 MR. BAN SEAK:

2 A. I have no idea about that.

3 [09.40.06]

4 Q. To your knowledge, Mr. Witness, did Ke Pauk trust the cadres  
5 from the Southwest Zone? Did he want the old North Zone cadres to  
6 be removed and replaced by cadres from the southwest?

7 A. I do not understand the matter you have just raised.

8 Q. Let me be a little more specific. And perhaps, at this time,  
9 Mr. President, with your leave if I may provide to the witness  
10 his prior OCIJ statements. I actually have five statements. In  
11 the interest of time, with your leave, I'd like to provide all of  
12 them to him at this time. And for the record, the five statements  
13 are E3/5275, E3/375, E319/19.3.73, E319/19.3.86, and E319/28.3.1.  
14 And with your leave, may I provide these statements to the  
15 witness?

16 MR. PRESIDENT:

17 Are you referring to which witness's testimonies at this stage?

18 [09.42.17]

19 MR. LYSAK:

20 These are the OCIJ statements of this witness, Mr. Ban Seak.

21 MR. KOPPE:

22 Mr. President?

23 MR. PRESIDENT:

24 You may now proceed, Mr. Koppe.

25 MR. KOPPE:

15

1 Thank you, Mr. President. I know this has been done before, this  
2 practice, so you will probably grant the request. But it still  
3 doesn't make any sense to provide the witness with his WRIs. He  
4 has already seen them. He just testified to answering questions  
5 from you. Asking now to read along with excerpts doesn't  
6 contribute really to anything. So, although I know that the  
7 practice has been condoned, we object now in respect of this  
8 particular witness, reminding you also that we are still waiting  
9 for a decision -- anxiously waiting for a decision from the  
10 Chamber in respect of our request not to give any documents, any  
11 WRIs to the witness who has testified.

12 [09.43.30]

13 MR. LYSAK:

14 If I may, very briefly, Mr. President, this is normal practice in  
15 this Court. And it's fair for the witness that if I'm going to  
16 ask him about a specific response in his interviews, that he have  
17 the responses for him to look at himself.

18 MR. PRESIDENT:

19 The Chamber decides to overrule the objection put by defence team  
20 for Mr. Nuon Chea because there have been a practice -- existing  
21 practice so far regarding the matter. And the Chamber informed  
22 the Party last week already and the Chamber is in the process of  
23 examining and deciding the request of Mr. Defence Team -- Mr.  
24 Nuon Chea's defence team. And we will inform Parties in due  
25 course.

16

1 Court officer, you are instructed to bring all the documents and  
2 provide it to the witness.

3 [09.44.59]

4 BY MR. LYSAK:

5 Thank you, Mr. President. Mr. Witness and your counsel, the  
6 statement that I'd like you to refer to right now is the last one  
7 in that group, E319/28.3.1, answer number 3 at the very end of  
8 that answer. You made the following statement:

9 "According to what I knew of the situation during that time, Ke  
10 Pauk did not have good relationship with Son Sen and he did not  
11 trust the Southwest Zone cadres." How is it that you knew that Ke  
12 Pauk did not trust the southwest cadres?

13 MR. BAN SEAK:

14 A. I do not understand this matter either. Son Sen was more  
15 senior than Ke Pauk, he was above Ke Pauk. And I do not know  
16 about the policy of those people above.

17 Q. We're talking about the purge of your zone. Do you know who  
18 was responsible for ordering the arrests of the Central or North  
19 Zone cadres? Was that something that Ke Pauk decided to do  
20 himself?

21 A. As a youth during that time, it was not Ke Pauk, the order was  
22 not from Ke Pauk; it was from the higher level, the focal points.  
23 And cadres disappeared, perhaps it was from higher echelon. And  
24 some of them perhaps were sent to Phnom Penh not to other zone.

25 [09.47.34]

17

1 Q. Let me read a short excerpt of something you said along those  
2 lines in your interview, E319/19.3.86 at answer number 64. You  
3 said: "To my knowledge, decisions or orders to purge or kill were  
4 made by Office 870. That was not for Ke Pauk or the sectors to  
5 decide." My question is how did you know this? How did you know  
6 that orders to purge or kill came from Office 870?

7 A. At that time, cadres belonged to Ke Pauk. After we learned  
8 that Ke Pauk disappeared, we lost hope. So the order, I believe,  
9 did not come from Ke Pauk. It was from higher echelon. And cadres  
10 from other zones disappeared besides, only the Southwest Zone  
11 cadres remained.

12 Q. You stated that it was in early 1977, that Oeun became Sector  
13 42 secretary and you were assigned initially to your position in  
14 the public works sector unit. Do you remember what month in 1977,  
15 this took place?

16 A. I cannot recall it, Mr. Co-Prosecutor.

17 MR. LYSAK:

18 Mr. President, at this time, to try to refresh the memory of the  
19 witness and to establish some of the cadres who disappeared at  
20 this time, I'd like to provide to the witness E3/2956, E3/2956.  
21 And this document is an S-21 list titled, "List of Persons from  
22 the North Zone: February 1st, 1977 to 27 March 1977", which  
23 identifies a total of 94 cadres from the North Zone who were  
24 arrested and sent to S-21 during that period. And with your  
25 leave, may I provide that to the witness so that I may ask him

18

1 about some of the individuals named on that list?

2 [09.50.55]

3 MR. KOPPE:

4 Mr. President, I object on the same basis as I've always objected  
5 to this practice. He has no connection whatsoever to the  
6 particular S-21 document. He hasn't been working in S-21, he  
7 wasn't involved in the arrests of these people. Knowing of course  
8 that you will overrule the objection, but for the benefit of a  
9 possible second appeal, I object to this practice.

10 MR. LYSAK:

11 I'll be brief, Mr. President. This is something that's been ruled  
12 on before. The witness is a sector level cadre who will know some  
13 of the people on this list. And that is the foundation basis for  
14 asking him questions about the list.

15 [09.]

16 MR. PRESIDENT:

17 The objection by the defence counsel for Mr. Nuon Chea, Mr.  
18 Koppe, is overruled in relation to the document requested to  
19 present to the witness. Because I have been told already, there  
20 has been existing practice and there is no change in  
21 circumstances and also there is no decision altered to the  
22 previous practice.

23 Court officer, please take the document and present it to the  
24 witness.

25 [09.52.40]

19

1 BY MR. LYSAK:

2 Thank you, Mr. President. Mr. Witness, the document you've  
3 received, E3/2956 identifies various cadres from your zone who  
4 were arrested and sent to S-21 in February or March 1977. I want  
5 to refer you first to number 42 on the list. If you look for  
6 number 42, I've highlighted that entry, that person is Chan Mol  
7 alias Tol who is identified as the chairman of Sector 42 and who  
8 entered S-21 on the 19th of February 1977. My question, Mr.  
9 Witness, do you remember Tol, was he the Sector 42 secretary  
10 before Oeun?

11 MR. BAN SEAK:

12 A. His name was Tol. He was working and living in Bak Sna. He  
13 became the secretary prior to Oeun's tenure. I do not recall the  
14 full name, but from my recollection, it was Tol, not Thol  
15 (phonetic).

16 [09.54.26]

17 Q. Excuse my pronunciation, Mr. Witness. This document  
18 establishes that in February and March 1977, a Sector 42  
19 secretary, Tol and many other zone, sector, and district cadres  
20 were purged. My question to you: was it during this same period,  
21 that is, February to March 1977, that Oeun became the new Sector  
22 42 secretary and you were appointed to your position in public  
23 works?

24 A. Oeun was before me, long before me. He was four or five months  
25 before me. Before that time, I was a youth at the fishing lots. I

20

1 was taken to the place by Oeun and I was put to be in charge of  
2 the garage or public work. Regarding purges of cadres, I have no  
3 idea about that because I only notice that cadres kept  
4 disappearing.

5 Q. So to clarify, is it your testimony that it was a few months  
6 after Oeun became Sector 42 secretary that you were appointed to  
7 the public works unit? Do I understand correctly?

8 [09.56.28]

9 A. I did not know when he came to take the position. Before he  
10 was chief of Phnum Trong (phonetic), he was from Siem Reap. And  
11 later on, I heard he was promoted to be the secretary of the  
12 sector. Six or seven months later, he was looking for other  
13 subordinates to work with him because some cadre had disappeared  
14 -- focal points had disappeared, cadres had disappeared.

15 Q. Let me ask you about the time that you were assigned to be  
16 deputy chief of the public works and to work on road repairs.  
17 Where was the public works office located, where were you based  
18 during this time period?

19 A. It was located at the intersection, the car garage. And it was  
20 sector's office over there and opposite it, it was the garage,  
21 the car garage. I was so scary when I was sent to be in charge of  
22 that public works unit because I had a biography.

23 [09.58.24]

24 Q. Which district are you talking about when you referred to an  
25 intersection where the sector office was located?

21

1 A. It was in Chamkar Leu district, Svay Teab commune.

2 Q. And how long did you work in the public works unit before you  
3 were promoted to Sector 42 commerce chief?

4 A. I was in the position for a period of three or four months,  
5 after which I was promoted to be commerce chief.

6 Q. During the period you were the Sector 42 deputy chief for  
7 public works, do you remember who the zone public works chairman  
8 was?

9 A. Oeun was the sector's chief at the time.

10 Q. Yes. I'm asking you about who the zone public works chairman  
11 was. Do you remember who the zone public works chairman was  
12 during the period you were in the sector public works unit?

13 [10.00.38]

14 A. To my knowledge, it was Brother Chham (phonetic). He is  
15 deceased. Previously, he was a messenger of Ke Pauk. After cadres  
16 -- some cadres died, he became to be involved in the public  
17 works. Usually the public works was responsible for mixing the  
18 cement for building the dam.

19 Q. Do you remember a cadre named Sao (phonetic) who was the  
20 public works chairman before Chham (phonetic)?

21 A. No, I don't.

22 Q. Let's talk about the period now when you became the Sector 42  
23 commerce chief. Where was the sector commerce office located?

24 A. It was in a pagoda. I think it's called Cheyyou and it's in  
25 Spueu. As I said, I cannot recall the name of the pagoda



1 correctly, but it was located in that pagoda.

2 [10.02.18]

3 Q. And just so I'm clear. So the Sector 42 commerce office where  
4 you worked was located in Spueu village in Cheyyou commune; is  
5 that correct?

6 a. It was in Spueu commune. Previously, it was called Cheyyou  
7 commune. However, I am not exactly clear about the names of the  
8 commune. But it was located in Spueu in a pagoda there.

9 Q. And how far was the Sector 42 office from the sector office  
10 where Oeun worked?

11 A. Oeun office worked right at the sector office and he also  
12 resided there.

13 Q. What I'm asking you is the sector office where Oeun worked,  
14 was that in the same location as the sector commerce office, or  
15 was that at a different village or commune?

16 A. The sector office and the commerce office was far from one  
17 another. It was about two kilometres away. And they were located  
18 in a different commune. One was in Svay Teab while the other was  
19 in Cheyyou.

20 Q. Do you remember who the zone commerce chairman was during the  
21 time that you were the Sector 42 commerce chief?

22 [10.04.42]

23 A. His name was Chey.

24 Q. And do you remember what happened to Chey in 1977?

25 A. Chey was arrested and taken to Phnom Penh. Chey was actually

1 the younger in-law of Oeun.

2 MR. LYSAK:

3 And Mr. President, at this time, I'd like to provide to the  
4 witness another S-21 list. This is document E3/2957, E3/2957, and  
5 also E3/2166, E3/2166. Both of these documents are S-21 lists of  
6 prisoners from the Central Zone that include some individuals  
7 including the person that I'd like him to identify.

8 MR. PRESIDENT:

9 Yes, you may do so.

10 (Short pause)

11 [10.06.35]

12 BY MR. LYSAK:

13 Mr. Witness, if you could look at document E3/2166 first,  
14 E3/2166; number 7 on that list of Central Zone cadres is a zone  
15 commerce chairman, Pheng Sun alias Chey who was arrested on the  
16 3rd of October 1977. Is this the person that you just identified  
17 as the zone commerce chief?

18 MR. BAN SEAK:

19 A. I do not know his surname. However, Chey was the younger  
20 in-law of Ke Pauk and was in charge of the zone commerce office.  
21 Later on, he was arrested and taken to Phnom Penh. And he was  
22 also a younger in-law of Oeun.

23 Q. And to help us with the time period here, how long had you  
24 been Sector 42 commerce chief when Chey was arrested?

25 A. I was in the commerce office for a month. And then I heard

24

1 that Chey was accused of being in the CIA agent network and was  
2 arrested and sent to Phnom Penh.

3 [10.08.24]

4 Q. And do you remember how long you continued to be a Sector 42  
5 commerce chief after Chey's arrest?

6 A. I worked there for about three months. And then Oeun  
7 reassigned me to be the deputy chief of a district in Chamkar  
8 Leu.

9 Q. While we're talking about the period you had your positions in  
10 a sector public works and then sector commerce, did you know  
11 about a dam that was being built in Baray and Santuk districts  
12 called the 1st January Dam?

13 A. I knew about that, but I didn't go and work. And I knew it  
14 because it was built along Road Number 21.

15 Q. I understand you didn't work at that site. Did you ever go to  
16 visit the 1st January Dam worksite?

17 A. No.

18 Q. Did you know a pagoda in Baray district that was close to the  
19 1st January Dam called Wat Baray Choan Dek?

20 A. I knew that pagoda when I was young.

21 [10.10.27]

22 Q. And do you know what that pagoda was used for during the  
23 Democratic Kampuchea regime?

24 A. No, I did not.

25 Q. In your OCIJ interviews, Mr. Witness, and I'm going to read to

25

1 you now an excerpt from E3/375, ERNs English, 00360761; Khmer,  
2 00348802; French, 00369924; you gave the following testimony:

3 Question: "Did you know about the security centre in Baray Choan  
4 Dek pagoda?"

5 Answer: "If you want to get precise, you can ask Bong Poch who  
6 was in charge of Baray district. At least once a month he visited  
7 there; if he could not go, he would assign his subordinates to  
8 visit on his behalf. By the way, he cannot respond that he did  
9 not know about that. In a district, there were at least four or  
10 five members, one of whom was female. When an arrest was made,  
11 the district must have known about it."

12 You added in a subsequent interview, E319/19.3.86 at answer 34:  
13 "As district secretary, he had to have known about the security  
14 office in his district".

15 Can you tell us how you knew this information about Poch's  
16 responsibility for the Wat Baray Choan Dek security office? How  
17 did you know this?

18 [10.12.51]

19 A. Poch came from the Southwest, that is, after the cadres of the  
20 Central Zone had gone. So he must have known about the arrest of  
21 those cadres, or at least had knowledge about it or knew the  
22 location of it.

23 Q. During what years was Poch the secretary of Baray district?

24 MR. PRESIDENT:

25 Witness, please hold on. And Counsel Koppe, you have the floor.

1 [10.13.37]

2 MR. KOPPE:

3 Thank you, Mr. President. In itself, I don't have an objection to  
4 this particular question. However, I do like to note that we are  
5 in the middle of a segment on the treatment of the Cham. And I'm  
6 not quite sure if this particular pagoda is relevant as to what  
7 the Closing Order describes in terms of treatment of the Cham.  
8 Most of the questions I think or if not all the questions were  
9 directed at trying to establish how the structure was in Sector  
10 42. Very interesting, but nothing to do with the treatment of the  
11 Cham as such, I believe.

12 MR. LYSAK:

13 And Mr. President, as with all witnesses, we question -- we're  
14 allowed to question on the relevant subjects of the Closing Order  
15 because we're not going to call these witnesses back. I have  
16 questions for this witness which I've been covering relating to  
17 the purge of the Central Zone. We'll be getting to questions  
18 about the treatment of the Cham in that zone, but also Wat Baray  
19 Choan Dek is specifically referenced in the allegations on the  
20 1st January Dam. The individual I'm talking about is a proposed  
21 trial witness. So these questions are relevant to this trial.

22 [10.15.17]

23 MR. PRESIDENT:

24 You can move on, the Co-Prosecutor, since it is just an  
25 observation made by the defence team. And Mr. Witness, please

27

1 respond to the last question put to you by the Co-Prosecutor.

2 MR. BAN SEAK:

3 A. I forget the question.

4 MR. PRESIDENT:

5 And the Deputy Co-Prosecutor, please repeat your last question.

6 BY MR. LYSAK:

7 Yes, my question was, do you remember what years it was or what  
8 period it was that Bong Poch was the secretary of Baray district

9 MR. BAN SEAK:

10 A. I do not recall when it was, since that time, I was at the  
11 fish unit. And actually, at the time, they did not use his name  
12 as Poch. They referred to Brother A or B or C.

13 [10.16.24]

14 MR. PRESIDENT:

15 Thank you, Deputy Co-Prosecutor. It is time for us to have a  
16 short break. We have a break now and resume at 10.30.

17 Court officer, please assist the witness during the break time  
18 and invite him as well as his duty counsel back into the  
19 courtroom at 10.30.

20 The Court is now in recess.

21 (Court recesses from 1016H to 1032H)

22 MR. PRESIDENT:

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

24 Before I give the floor to the Co-Prosecutor, I would like to  
25 remind you, Mr. Witness, please do not spend time reading all the

28

1 documents provided to you. You can do so when the Co-Prosecutor  
2 or other parties who want to clarify certain matters with you,  
3 then you can read the documents and give the responses. Now, I  
4 hand over the floor to the Co-Prosecutor to resume your  
5 questioning. You may now proceed.

6 You may now have the floor, Victor Koppe.

7 [10.33.24]

8 MR. KOPPE:

9 Thank you, Mr. President. I would like to make an observation for  
10 the record. [REDACTED]

11 [REDACTED] I didn't in itself dispute the  
12 relevance of the questions, but I somehow presumed some form of  
13 advanced knowledge the Prosecution has that we don't. It now  
14 turns out after checking that the person that he referred to is  
15 indeed on the Prosecution's witness list. [REDACTED]

16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED] Now we don't know yet, because we cannot  
20 read -- or I cannot read Khmer what's -- what's in that  
21 particular WRI, but apparently, the Prosecution knows already,  
22 otherwise I don't think he would be even asking that question. [REDACTED]

23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED] They have, what it boils down to, advanced

29

1 knowledge of that particular case. We do not know why this  
2 particular person might be interesting for the Prosecution. We  
3 can make assumptions, but we don't know. Then, returning to my  
4 earlier objection, I thought we were in a segment on the Cham. If  
5 this particular witness is so important, he can come back when  
6 we're discussing the purges in the North Zone or -- or somewhere  
7 else, but now asking this particular witness questions with the  
8 advanced knowledge that we simply do not have, I find  
9 unacceptable, and actually is an -- [REDACTED]

10

11

12 [10.35.55]

13 BY MR. LYSAK:

14 Q. Let me be brief, Mr. President, I want to get back to  
15 questioning this witness. That assertion is completely false. I  
16 myself also do not know what is in this new statement from this  
17 witness. I haven't read it. What I have read are the numerous  
18 other prior interviews of this witness, including ones that he  
19 gave during the Case 002 investigation. That is how we knew his  
20 role in Baray district, based on Case 002 interviews. That is why  
21 I asked the questions. So, the assertion that somehow I have an  
22 advantage or know something Counsel doesn't have access to is  
23 simply incorrect.

24 If -- if I may proceed, Mr. President. Mr. Witness, I wanted to  
25 ask you next if you remembered a visit by a Chinese delegation, a



30

1 delegation that was led by Chen Yonggui, that came to your region  
2 in December 1977; do you remember that Chinese delegation?

3 MR. BAN SEAK:

4 A. I have no idea about Chinese delegation.

5 [10.37.28]

6 Q. Do you remember a ceremony at which the 1st January Dam was  
7 inaugurated in December 1977, and were you present at that  
8 ceremony?

9 A. No.

10 Q. Let us now move on to the period that you were the deputy  
11 secretary of Chamkar Leu district. I asked you earlier about how  
12 long you were in the sector commerce chief position. You said  
13 three months. You also indicated that when I showed you the date  
14 of arrest of the zone commerce chief Chai, that you had been  
15 there for about a month when he was arrested on -- at the start  
16 of October 1977. You've testified that it was in late 1977, that  
17 you went to Chamkar Leu -- became the Chamkar Leu district deputy  
18 secretary. Is it correct then, that it would be either in late  
19 November or December 1977, that you took on this new position as  
20 the deputy secretary of Chamkar Leu district?

21 [10.39.10]

22 A. In 1977, perhaps in late 1977, I came to take the position of  
23 the secretary at Chamkar Leu.

24 Q. And who was the secretary of Chamkar Leu district when you  
25 were deputy secretary?

1 A. It was Brother Sou Soeurn.

2 Q. And you're referring here to the wife of Ke Pauk. Is that  
3 correct?

4 A. Yes, it was her.

5 Q. I want to ask you about something that Sou Soeurn said during  
6 her trial testimony in this Court on the 5th June 2015. For the  
7 record, I'm referring to E1/311.1, trial transcript for that date  
8 at around 09.42.40. At this part of her testimony,  
9 notwithstanding that there were several witnesses who had  
10 identified her as district chief, including yourself, Pech Chim,  
11 and others, Sou Soeurn denied that she was Chamkar Leu district  
12 chief, and she made the following assertion about you:

13 Question: "According to you, who was the head of the Chamkar Leu  
14 district?"

15 Answer: "From my recollection, Ta Ban was the chief. I remembered  
16 that he was the chief because we were close. We were close and we  
17 were living nearby."

18 Mr. Witness, I wanted to give you an opportunity just to react to  
19 this. Do you have any knowledge as to why Sou Soeurn denied that  
20 she was Chamkar Leu district secretary and claimed that you were  
21 the district chief?

22 [10.41.48]

23 A. I was the deputy secretary, not the secretary. She was  
24 actually the secretary.

25 Q. And where was the Chamkar Leu district office located, where

1 you worked?

2 A. It was about 500 metres away from sector's office.

3 Q. And what village and commune was the district office in?

4 A. It was in Svay Teab commune. As for village, I could not  
5 recall the name.

6 Q. Do you remember a cadre named Tieng? Tieng, who was the  
7 Chamkar Leu district secretary before Sou Soeurn?

8 A. No, I do not know this person.

9 [10.43.22]

10 Q. One of the documents I gave you earlier today, Mr. Witness, if  
11 you could look at document E3/2957. It's one of the S-21 lists  
12 that I gave you. The third list titled, "Central Zone". And I  
13 want to refer you to a few people on that list. Number 6 on -- in  
14 E3/2957, there's a cadre named Kev Chhorn, alias Rorn, identified  
15 as the chief of the Chamkar Leu district security centre, who  
16 entered S-21 on the 19th November 1977. Number 21, is a person  
17 identified as a member of the Chamkar Leu district committee, who  
18 entered on the 14th November 1977. Number 1 on the list is the  
19 Sector 42 security chief, Meas Sok, alias Sao. And there are a  
20 number of other Sector 42 cadres if you look at numbers 13 - 15,  
21 18 - 26. All of whom -- all of these cadres from your sector who  
22 were arrested and sent to S-21 on either the 14th or 19th of  
23 November 1977. Do you remember the arrests or purge of a number  
24 of cadres from your sector in mid-November 1977, and do you  
25 remember what it was that brought about the arrests of those

1 cadres?

2 [10.45.24]

3 A. Upon my arrival, the purges were already done. Security  
4 personnel had already been purged and it was not long before the  
5 entry of the Vietnamese troop. And when I was there, I had -- I  
6 had no idea who had been arrested.

7 Q. So it was after these cadres had been purged and removed that  
8 you were put into your position as deputy secretary of the  
9 district. Do I understand correctly?

10 A. Yes. I became the deputy chief of the public works unit. The  
11 purges had already -- already been done and I have no idea about  
12 purges.

13 [10.46.31]

14 Q. Okay, we're talking now about the period in late 1977, when  
15 you became the deputy secretary of Chamkar Leu district. One more  
16 question on this: did you ever hear, did anyone ever explain why  
17 these cadres from Sector 42 had been arrested in November 1977?  
18 Did you ever hear anything about that?

19 A. No, I did not hear anything.

20 Q. I want to ask you a few questions now about the Cham  
21 population in Chamkar Leu district. Were there a Cham people in  
22 Chamkar Leu? And what part of the district did they live in?

23 A. I do not know where they were living. I was responsible for  
24 Lvea village and Chamkar Andoung village. And other villages were  
25 independent and were under responsibility of other chiefs. I was

34

1 a newcomer, so I had no clear understanding at that time.

2 [10.48.13]

3 Q. Do I understand correctly though that you had been living in  
4 Chamkar Leu district ever since you had become the sector deputy  
5 chief for public works, that the public works office and the  
6 commerce office where you worked before becoming deputy secretary  
7 of Chamkar Leu were also in that same district? Do I understand  
8 correctly?

9 THE INTERPRETER:

10 Microphone was not activated.

11 MR. BAN SEAK:

12 A. Yes.

13 BY MR. LYSAK:

14 Q. And you stated -- you stated in your OCIJ interview that you  
15 had responsibility for two communes. You just identified those:  
16 Lvea and Chamkar Andoung. Were there any Cham families in those  
17 communes?

18 [10.49.24]

19 MR. BAN SEAK:

20 A. No, there were none of them.

21 Q. You stated that during the three month period you were sector  
22 commerce -- commerce chief, you worked in a location in Spueu or  
23 Cheyyou. Was that -- were you aware that Spueu village in Cheyyou  
24 area, that that was the home of many Cham families?

25 A. When I was working at the place, the commerce office was

1 located in the site of the pagoda. I had no knowledge of Cham  
2 population in Spueu or Cheyyou.

3 Q. Let me see if I can refresh your memory on this, Mr. Witness.  
4 OCIJ interviewed a Cham "oknha" from that village, Spueu village.  
5 This is 2-TCW-827. I won't refer to his name. The interview is  
6 E3/5216. English ERN, 00225496; Khmer, 00223891; the French,  
7 00234569. And this witness testified that there were over 1,100  
8 Cham families from Spueu -- Spueu village, though the Khmer Rouge  
9 had moved most of those Cham families and spread them out among  
10 the different communes in Chamkar Leu district. Does that refresh  
11 your memory, Mr. Witness? Were there -- do you remember that  
12 there were well over 1,000 Cham families in Chamkar Leu district?

13 [10.52.00]

14 A. I have no knowledge of this.

15 Q. You were aware that there were some Cham Muslims living in the  
16 cooperatives in Chamkar Leu district, weren't you?

17 A. No, I was not aware of it. People were working in the  
18 worksites, and we were not told whether we were Cham people,  
19 Khmer people, or Chinese people. The commune would have the idea  
20 who were -- who Cham people were, who Khmer people were.

21 Q. Let me read to you an excerpt from your interview E3/5275,  
22 E3/5275; at Khmer, 00282920; English, 00284492; French, 00339917.  
23 You were describing here the period when you were working,  
24 building, repairing the road in Chamkar Leu as part of public  
25 works.

36

1 "There were no 17 April people, Cham Muslims, or Sino-Khmer in  
2 the communications office. They were in the cooperatives."

3 Does that refresh your memory at all, Mr. Witness? Were you aware  
4 that there were Cham Muslims living in the cooperatives in  
5 Chamkar Leu district?

6 [10.54.10]

7 A. I believe there were Cham Muslims. Some of them perhaps were  
8 sent to live in cooperatives.

9 Q. Were the Cham people in Chamkar Leu district allowed to  
10 practise Islam, to wear their traditional clothes, to speak the  
11 -- or to speak the Cham language?

12 A. To my understanding, they were prohibited from practising  
13 their religion. Even monks -- Buddhist monks -- had been all  
14 defrocked.

15 Q. What about speaking the Cham language? Were they allowed to  
16 speak the Cham language or not allowed?

17 [10.55.21]

18 A. I do not know about this matter. Worships were not allowed.  
19 Practise religious -- religion was not allowed. Even Khmer people  
20 were not allowed to practise their religion.

21 Q. Mr. Witness, do you know how many of the Cham families in  
22 Chamkar Leu district -- how many of the over 1,000 families  
23 identified by that witness -- how many of them survived the  
24 Democratic Kampuchea regime?

25 MR. PRESIDENT:

37

1 Please hold on, Mr. Witness. You have the floor now, Mr. Koppe.

2 MR. KOPPE:

3 I object to this question. If he doesn't know there were a  
4 thousand families of Cham, then surely he cannot say as to how  
5 many people, or -- of what percentage of those Cham survived. It  
6 would be pure speculation that the Prosecution is asking for, so  
7 I object.

8 BY MR. LYSAK:

9 Q. Let me clarify my question because I'm not asking for -- I'm  
10 not asking the witness for a number. Let me rephrase my question.  
11 I'm not asking the witness for a number or a percentage. What I'm  
12 asking you for is your recollection, Mr. Witness. Did the Cham  
13 people who lived in Chamkar Leu district, did they survive the  
14 Democratic Kampuchea regime?

15 [10.57.20]

16 MR. BAN SEAK:

17 A. I do not know about that, sir.

18 Q. Let me put to you some evidence that has been collected by Ysa  
19 Osman in his book "Oukoubah". This is, Your Honour, this is  
20 document E3/1822, at English ERN, 00078568; French, 00758331; and  
21 the Khmer translation is still pending. Ysa Osman writes that of  
22 the 1,100 Cham families who lived in Spueu village before the  
23 Khmer Rouge, only 100 survived the Democratic Kampuchea regime.  
24 Mr. Witness, you were the deputy secretary of that district. You  
25 lived there for a number of months before then. I want you to



1 tell us if you have any information about what happened to the  
2 one thousand missing Cham families in Chamkar Leu district.

3 A. I do not know about that, sir.

4 [10.59.14]

5 Q. You stated that one of the areas that you had responsibilities  
6 for was Lvea commune. What were your responsibilities for Lvea  
7 commune?

8 A. I was tasked with collecting people to go to work in the  
9 field, to do the harvest, and to dig the canals.

10 Q. Was there a rubber plantation in Lvea commune called the Tapom  
11 plantation?

12 A. I do not know it, sir.

13 Q. Was there a rubber -- rubber plantation in that area, in the  
14 area of Lvea commune.

15 A. No, I did not know about that. I only knew that the rubber  
16 plantation was in Chamkar Leu district.

17 Q. Who was responsible for that rubber plantation?

18 A. It was Brother Chim who was in charge of the Chamkar Leu  
19 district rubber plantation.

20 [11.01.18]

21 Q. I want to read to you, Mr. Witness, a complaint that has been  
22 filed with this Court relating to Lvea commune. This is document  
23 E3/6979A, E3/6979A, at Khmer ERN, 00452293. The English summary  
24 of that complaint is document E3/6979B. And this is what the  
25 complainant states in this document. "In 1977, during the

1 cultivating season, the complainant was told that Khmer Rouge  
2 brought a number of Cham families to be killed at Tapom rubber  
3 plantation in Lvea Leu sub-district, Chamkar Leu district,  
4 Kampong Cham province. The complainant's daughter, named Te  
5 Aisah, and a son-in-law named San Min, and other relatives were  
6 brought to be killed at Tapom rubber plantation too." Now, Mr.  
7 Witness, were you aware of killings of Cham families at the  
8 plantation in Lvea commune?

9 A. No, I was not aware of that.

10 Q. Do you dispute the statement of this person that Cham families  
11 were killed at that location?

12 [11.03.29]

13 A. No, I do not. In Chamkar Leu district, it was not the district  
14 secretary. It is difficult because the district and the sector  
15 office worked together. And in certain events, the district level  
16 wasn't aware of what was happening on the ground.

17 Q. The rubber plantation that you described where Brother Chim  
18 worked, was that a - under the control of the district, the  
19 sector, or the zone?

20 A. It belonged to the zone.

21 Q. Where -- where was the district security office in Chamkar Leu  
22 district located?

23 A. At that time, I heard they said that it was located in Bos  
24 Khnaor commune. But I myself never went there. I only heard about  
25 people talking about this security office.

40

1 Q. Were you aware of any meetings that were held in Bos Khnaor,  
2 specifically meetings held at that location regarding a plan to  
3 eliminate the Cham people?

4 MR. PRESIDENT:

5 Witness, please hold on, and Counsel Koppe, you have the floor.

6 [11.05.45]

7 MR. KOPPE:

8 I object to this question, Mr. President, because this question  
9 and all previous questions are all related to events in Sector 42  
10 in the old North Zone, new Central Zone. The closing order that  
11 we are dealing with only describes events which are alleged to my  
12 client in either Sector 41 or Sector 21 in the East Zone. We're  
13 now moving outside, very specifically, outside of the boundaries  
14 of the closing order when it comes to treatment of the Cham. So  
15 therefore, I object because the questions are outside the scope  
16 of the closing order and therefore this Trial.

17 MR. LYSAK:

18 If I may respond, Mr. President, this is also an argument we've  
19 had many times in this Court. In addition to the crime base which  
20 Mr. Koppe is referring to, the overall policy and existence of a  
21 plan to eliminate the Cham is very much in evidence -- very much  
22 a part of the issues of this proceeding. This evidence that I'm  
23 about to ask goes to the issue of whether there was a plan to  
24 eliminate the Cham people. It's also, I would note, evidence that  
25 comes from a person that has been selected by this Court to be a

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1 trial witness, 2-TCW-827. So this evidence very much is directly  
2 in issue in these proceedings.

3 [11.07.24]

4 MR. KOPPE:

5 If I may very briefly reply, Mr. President. Of course, this is  
6 the same kind of issue that we have raised before in terms of  
7 security centres that are outside of the -- the closing order,  
8 the treatment of Khmer Republic officials. You've issued a  
9 ruling, a written ruling on this. Obviously, this is a matter of  
10 principle, so if you do overrule my objection, then I would then  
11 request this Chamber to issue a written decision saying that  
12 events outside of Sector 41 and 21 in the East Zone are also part  
13 of crimes that we are dealing with.

14 MR. LYSAK:

15 I don't wish to spend a lot of time on this point. We're not  
16 saying that these are part of the crime base. This is evidence to  
17 the policy.

18 (Judges deliberate)

19 [11.09.38]

20 MR. PRESIDENT:

21 The Chamber will hand the floor to Judge Fenz, to make an oral  
22 ruling to the objection raised by the defence team for Nuon Chea,  
23 that is, Counsel Koppe, to the last question put to the witness  
24 by the Deputy Co-Prosecutor. Judge Fenz, you have the floor.

25 JUDGE FENZ:

1 The objection is overruled. The question is not related to the  
2 crime base, but to the policy, and policies were obviously  
3 nationwide. I believe, as both Parties have recognised, we have  
4 had the same issue before.

5 BY MR. LYSAK:

6 Q. Thank you. So, Mr. Witness, my question to you; you just  
7 testified that the district security office was located at a  
8 place called Bos Khnaor. Were you aware of a meeting that was  
9 held in Bos Khnaor that concerned a plan to eliminate the Cham  
10 people?

11 [11.10.56]

12 MR. BAN SEAK:

13 A. No, I was not aware of it.

14 Q. Let me read to you some evidence that has been provided. This  
15 comes from the same Cham "Oknha" from Spueu village who I  
16 mentioned earlier. This is document E3/7690, E3/7690. I won't  
17 refer to him by name, but it is -- the source of this evidence is  
18 2-TCW-827. And he -- this document provides the following account  
19 of statements from this witness.

20 "The Khmer Rouge did not know he was a Cham, and so they  
21 appointed him to look after 400 children in Cheyyou sub-district,  
22 Chamkar Leu district. One day during 1977, he was called to a  
23 meeting in Bos Khnaor village in Chamkar Leu district. The agenda  
24 for the meeting was to specify a plan, called the plan to smash  
25 the enemy. He reported that during the meeting, he heard the

1 chairman declare, 'The enemies of the revolution are many, but  
2 our biggest enemies are the Cham. So the plan calls for the  
3 destruction of all the Cham people before 1980.'"

4 Having heard this, Mr. Witness, did you ever hear any people talk  
5 about this meeting in Bos Khnaor?

6 [11.13.05]

7 A. No, I did not.

8 Q. Do you have any reaction or response to what this witness has  
9 said regarding a plan to destroy the Cham people?

10 A. No, I did not know about that. However, at that time, the  
11 Khmer people and the Cham people were in the same boat. I lost  
12 two of my siblings. If people were accused of being a CIA agent  
13 or in an enemy network, regardless of their race, they would be  
14 arrested and killed.

15 [11.14.04]

16 Q. [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

1 MR. PRESIDENT:

2 Yes, you may do so.

3 MR. KOPPE:

4 Mr. President. I object to this question and the showing of this  
5 particular document. [REDACTED]

6 [REDACTED]

7 [REDACTED] We have been given a week  
8 to study new documents. The particular documents being showed  
9 now, and there is another statement coming our way, as we all  
10 know, still in Khmer. We're dealing right now, as we speak, with  
11 the influx of Case 004 WRIs. We've asked to stop completely  
12 proceedings in relation to the Cham when it comes to Sector 41,  
13 and we are simply continuing now as if we'd never requested this.  
14 I am not aware if you have made -- have come to a decision as to  
15 our primary request to stop with this segment as long as Case 004  
16 is still continuing. But here we have a perfect example of what  
17 we are dealing with. It is, we all agree, an important WRI, but  
18 it's coming from an investigation which is pending right now --  
19 which is happening right now. And I don't feel that you have  
20 ruled -- or you have not ruled on this -- on the request to stop  
21 dealing with events in relation to the Cham in Sector 41 and now  
22 -- or Sector 42. So, having made this observation, I again  
23 request the Chamber to stop the Prosecution from going into an  
24 area which is presently under investigation in -- in Case 004.  
25 [11.17.55]

1 MR. LYSAK:

2 Mr. President, I don't want to engage -- reargue a matter that  
3 has been argued before you already. They have made their  
4 objections on this issue. Your Honours have decided to go forward  
5 and to hear this particular witness. You announced that last  
6 week. Counsel has made plenty use himself of these interviews in  
7 these proceedings. And this is a witness who we identified in our  
8 original trial list back in June of last year, 2014, a witness  
9 whose documents were admitted by this Chamber many months ago. So  
10 this is evidence that is before the Chamber that we are entitled  
11 to use in this Court. So if I may proceed.

12 [11.18.48]

13 MR. KOPPE:

14 That is indeed --

15 MR. PRESIDENT:

16 Counsel Koppe, please be seated. And let's hear the responses  
17 from other Parties. Regarding the submission by the defence team  
18 to adjourn the hearing of the Cham witnesses due to the influx or  
19 the tsunami of the documents, disclosures in -- from Cases 003  
20 and 004 to Case 002, the Chamber wishes to hear responses and  
21 observations from all Parties if you wish to do so. If not,  
22 Counsel Koppe, you have the floor.

23 [11.19.39]

24 MS. GUIRAUD:

25 Thank you, Mr. President. I'd like to respond quickly to say that



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1 we haven't taken the position as regards the Nuon Chea team's  
2 request. We would like to do what we usually do; that is, to rely  
3 on the wisdom of the Chamber on this issue.

4 MR. PRESIDENT:

5 And the defence team for Khieu Samphan, do you wish to make  
6 observation?

7 MS. GUISSÉ:

8 Thank you, Mr. President. The Khieu Samphan defence would refer  
9 to E303; that is the memorandum on disclosures of documents from  
10 003 and 004 in regard to which, we have requested the Chamber to  
11 clarify the methods it's using as regards that particular  
12 application. We haven't received any response from the Chamber.

13 [11.20.40]

14 MR. KOPPE:

15 One point of clarification in relation -- in response to the  
16 Prosecution, we do note that our objections against the  
17 introduction of the WRIs of this particular witness has been  
18 denied. But interestingly enough, your decision which still has  
19 to come has been rendered two days before the Khmer translation  
20 was notified. And we make -- we made specific arguments as to  
21 Cambodian national law. And I was just wondering how the National  
22 Judges have been able to decide on this particular request  
23 without having read our submissions in this particular aspect.

24 (Judges deliberate)

25 [11.26.38]

1 MR. PRESIDENT:

2 The Chamber wishes to inform Counsel Koppe and other Parties,

3 that the Chamber has already informed the Parties that the -- the

4 Chamber is working on the decision, in particular on the

5 translation of our decision, and we are doing our best to issue

6 our decision. And once is organized, then we will inform the

7 Parties in due course, and that should be soon. That is on the

8 very issue that Counsel Koppe just raised. Secondly, we faced the

9 same challenges as other Parties do regarding reviewing or

10 reading the disclosure of documents from Cases 003 and 004. It's

11 not just the Parties that face this challenge. We, the Chamber,

12 face the same challenge. And the Chamber is trying to provide our

13 decision to the submission made by the defence team for Khieu

14 Samphan, and so far we have agreed on certain points regarding

15 that submission. However, we need more time to deliberate on

16 other issues we have not yet agreed in principle before a

17 decision is read to be rendered as the request or the submission

18 by Khieu Samphan also extends and covers certain issues concerned

19 and raised by other Parties. And for this reason, the Nuon Chea's

20 defence to request for the adjournment to hear the phase

21 regarding the Cham is overruled and the proceedings of hearing

22 the testimonies will proceed as scheduled, in particular those

23 witnesses and civil parties which have been scheduled. And for

24 that reason, the floor is again given to the Deputy Co-Prosecutor

25 to continue putting questions to this witness.

1 [11.29.33]

2 BY MR. LYSAK:

3 Q. Thank you, Mr. President. Mr. Witness, the statement that was  
4 provided to you, without saying the name of this person out loud,  
5 if you look at the name and biographical information on page 2,  
6 do you know this person? Is this someone you knew during the  
7 Democratic Kampuchea regime? And I'm referring here again to  
8 E319/15.3.1.

9 MR. BAN SEAK:

10 A. No, I do not know this person.

11 Q. [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]

11 [11.32.51]

12 MR. KOPPE:

13 I object, Mr. President, to this line of questioning. This is so  
14 not how you should be asking questions. He's now asking questions  
15 about Ta An having first read an enormous excerpt of his WRI of  
16 this particular witness. He has now what he wants, the  
17 Prosecution, this evidence is now spoken out in Court. This  
18 witness cannot -- cannot say anything about what happened in  
19 Sector 41 because he wasn't a member of Sector 41. It's appalling  
20 the way this Prosecutor is proceeding, and you're condoning it as  
21 always.

22 BY MR. LYSAK:

23 Q. Mr. President, I know why counsel is upset by this evidence. I  
24 want to take my questions step by step. The person who is  
25 identified in this testimony as having conveyed these orders was

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1 the secretary of Sector 41. This witness has talked about that  
2 individual. So the first thing I want to establish is whether the  
3 secretary of Sector 41 had a position on the Central Zone  
4 committee. That's my question, first question.

5 [11.34.04]

6 MR. PRESIDENT:

7 The objection raised by the defence team for Nuon Chea is  
8 overruled and Witness, please respond to the last question put to  
9 you by the Deputy Co-Prosecutor.

10 MR. BAN SEAK:

11 A. Yes, I know Ta An. Ta An was secretary of Sector 41 and he was  
12 within the standing committee member of the zone.

13 [11.34.43]

14 MR. PRESIDENT:

15 Thank you, Deputy Co-Prosecutor. It is now appropriate for us to  
16 have a lunch break. We take a break now and resume at 1.30.

17 Court officer, please assist the witness during the lunch break,  
18 and invite him, as well as his duty counsel, who will replace  
19 counsel, Duch Phary, for the afternoon session, into the  
20 courtroom at 1.30.

21 And security personnel, you are instructed to take Khieu Samphan  
22 to the waiting room downstairs and have him returned to attend  
23 the proceeding this afternoon at 1.30.

24 The Court is now in recess.

25 (Court recesses from 1135H to 1332H)

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1 MR. PRESIDENT:

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

3 Before I hand over the floor to the Prosecution to put the  
4 question to the witness, the Chamber wishes to ask Ms. Sok  
5 Socheata, the duty counsel: can you please advise the Chamber  
6 your identity and your ID number and where is your practice  
7 office?

8 MS. SOK SOCHEATA:

9 I have an ID 710 with Amrin law firm, Street 434, in Tuol Tumpung  
10 1, Phnom Penh.

11 [13.34.18]

12 MR. PRESIDENT:

13 Thank you. Now I hand over the floor to the Prosecution to put  
14 the questions to the witness. You may proceed.

15 BY MR. LYSAK:

16 Q. Thank you, Mr. President. Good afternoon, Mr. Witness, [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED] had identified,

20 indicated that you knew the sector secretary, Sector 41 secretary

21 Ta An. My question is: what was -- did Ta An have a position on

22 the zone committee, specifically was he the deputy secretary of

23 the central zone under Ke Pauk?

24 MR. BAN SEAK:

25 A. Ta An is the zone secretary and also member of the sector and

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1 he was in charge of Sector 41.

2 [13.36.00]

3 Q. The translation I got was a little unclear; can I ask you to  
4 repeat what was his position on the zone committee?

5 A. Ta An was the secretary of Sector 41 and he was the deputy  
6 secretary of the zone and also of the zone committee.

7 Q. [REDACTED]

8 [REDACTED]

9 [REDACTED], I want to get your reaction to  
10 that testimony and specifically, whether you ever heard of a  
11 similar order being given in Sector 42.

12 A. No, I have never heard of that.

13 Q. Mr. Witness, you were in Chamkar Leu district from mid-1977  
14 through into 1978, do you have any other explanation as to what  
15 happened to the missing 1,000 Cham families in that district  
16 other than that they were identified and killed?

17 MR. PRESIDENT:

18 Mr. Witness, please hold on; and Counsel Koppe, you may proceed.

19 [13.38.20]

20 MR. KOPPE:

21 I object to the way the question is framed. Prosecution presents  
22 it as undisputable evidence; it just comes from a WRI from one  
23 particular potential witness so we have no idea what the source  
24 of knowledge of this particular witness is, so the question, as  
25 it is phrased now, should be phrased differently. I think the

1 Prosecution should go back to identify again the particular  
2 source of this evidence.

3 BY MR. LYSAK:

4 Let me rephrase the question, Mr. President.

5 Q. Mr. Witness, we talked earlier about how there were a thousand  
6 Cham families in Chamkar Leu district who disappeared during the  
7 regime, do you have any explanation as to why those Cham families  
8 disappeared other than that they were killed?

9 [13.39.40]

10 MR. PRESIDENT:

11 Counsel Kong Sam Onn, you may proceed.

12 MR. KONG SAM ONN:

13 Thank you, Mr. President. I would like to register my objection  
14 to this question on two grounds. First, the Deputy International  
15 Prosecutor has requested, suggested the witness to explain an  
16 event and in his capacity as a witness he cannot give an  
17 explanation which is rather subjective. And in addition,  
18 secondly, this witness has already made it very clear that he did  
19 not know the reason for the disappearance of 1,000 Cham and he  
20 did not know whether or not they were killed and I think that  
21 this line of questioning is contradictory to what we have done in  
22 this Court before.

23 MR. LYSAK:

24 Mr. President, if the witness doesn't know he can say he doesn't  
25 know in response to my question.



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1 [13.40.50]

2 MR. PRESIDENT:

3 Importantly, I think that these questions need to be reframed;  
4 otherwise we will not allow the witness to respond to this  
5 question because if you ask the witness to explain, the witness  
6 has made mention already that he has not been aware of the  
7 disappearance of this 1,000 Cham.

8 BY MR. LYSAK:

9 Thank you, Mr. President, I'll ask a different question.

10 Q. Mr. Witness, based on your experience as a sector and district  
11 cadre, did sector and zone secretaries have authority to decide  
12 that groups of people would be purged and smashed or was that a  
13 decision that could only be made by the Party leaders in Phnom  
14 Penh? And I'm not asking you to speculate here, I am asking for  
15 what you know based on your time as a sector and district cadre.

16 [13.42.10]

17 MR. BAN SEAK:

18 A. My understanding was that the zone secretary or sector  
19 secretary did not have the right or the discretion to decide  
20 unless they received the instruction from the upper echelon and I  
21 would like to bring up an example. If the Prime Minister, for  
22 example, Samdech Techo does not allow the execution, who could  
23 carry out the executions? That was it.

24 Q. I want to turn now to some questions about Nuon Chea. Mr.  
25 Witness, what do you know about Nuon Chea's role in the regime

55

1 and specifically his role with respect to the development of an  
2 instruction on Party policies?

3 A. I only heard from other cadres who had been to study with Mr.  
4 Nuon Chea, they said that Nuon  
5 Chea actually was very firm and very strict. For example whenever  
6 he convened a meeting, he would require that everyone  
7 participated and they had to work very hard to -- what they said  
8 at the time, he was the one who actually advised the people on  
9 the policy.

10 [13.44.00]

11 Q. Who were the cadres who attended these study sessions or  
12 meetings with Nuon Chea who told you this?

13 A. That was the region cadres and it was the district committee  
14 members also, they went to attend the study sessions with Nuon  
15 Chea and then upon their return, I asked them what they studied  
16 in the study session. It was like when I went to study with Son  
17 Sen. Generally, with Son Sen, he did not ask us to convene  
18 meeting after returning back from the study sessions but Nuon  
19 Chea would do.

20 Q. When you refer to region cadres, are you referring to people  
21 on the sector committee, the Sector 42 committee, including your  
22 in-law, Oeun?

23 MR. PRESIDENT:

24 Hold on, please.

25 [13.45.35]

1 MR. BAN SEAK:

2 A. Well, at the region I refer to the sector level, the sector  
3 secretary and the district committee members.

4 BY MR. LYSAK:

5 Q. I want to read to you an excerpt from your interview

6 E319/2823.1 at Answer 10, you gave the following testimony:

7 Question: "To your knowledge, who gave the order to purge the  
8 people in the Central Zone and to kill the Cham?"

9 Answer: "I do not know exactly about this but I still remember  
10 what I heard from other people who said that under that regime,  
11 Pol Pot did not give all of those orders, he was just the person  
12 who was in the top position and behind the political scene. They  
13 said that the one who issued those orders was Nuon Chea because  
14 he was the one who developed and put into practice the policies  
15 of the Communist Party of Kampuchea." End of quote.

16 Now I just want to clarify here who it was that told you this  
17 about Nuon Chea, was it the same people you just identified, the  
18 sector and district committee?

19 [13.47.22]

20 MR. BAN SEAK:

21 A. On this issue, it was the plan of the upper echelon. From the  
22 senior cadres at the upper level, they told us that Uncle Pol Pot  
23 was on the top and he rarely -- never came to conduct the  
24 training, only Nuon Chea did it. He instructed people about the  
25 work force and other plans, so that was the responsibility of

1 Nuon Chea at the time.

2 Q. My question was the information you gave in this answer, did  
3 that come from the same people you just identified a few minutes  
4 ago -- that is, the members of the sector and district committee  
5 who attended training conducted by Nuon Chea?

6 A. On this point, I heard it from Brother Oeun when I met him, I  
7 asked why the purge was carried out and he said that it was the  
8 plan from the upper echelon, they accused them of CIA or KGB so  
9 they put it on a black note that CIA or KGB agent were subject to  
10 being smashed.

11 [13.49.03]

12 Q. And did sector secretary Oeun specifically talk to you about  
13 the role of Nuon Chea?

14 A. Yes, he did.

15 Q. I am going to turn now to some questions about the period in  
16 1978 when cadres in the East Zone were purged and you were sent  
17 to be the secretary of Krouch Chhmar district and first just to  
18 help when it was that you were sent there, can you tell us  
19 whether it was before or after the arrest of the local East Zone  
20 cadres that you were sent to Krouch Chhmar district?

21 MR. PRESIDENT:

22 Witness, please hold on; and Counsel Koppe, you may proceed.

23 MR. KOPPE:

24 I object to the phrasing of this particular question. The  
25 Prosecution is using the word "purge" and "arrests" when it comes

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1 to East Zone cadres specifically he refers to Krouch Chhmar which  
2 is in Sector 21. We all know that there weren't many arrests at  
3 that time when he was going to Krouch Chhmar, there was a full  
4 armed conflict, military battle etc., so I don't think the words  
5 "arrests" or "purge" are appropriate in this question.

6 [13.51.11]

7 BY MR. LYSAK:

8 Counsel is giving testimony here himself, I think his description  
9 is wrong. There is a record of the hundreds, many hundreds of the  
10 East Zone cadres were arrested and sent to S-21 at this time  
11 which I'm happy to reference. Let me try coming at it from a  
12 different direction with the witness here.

13 Q. Mr. Witness, were you aware of cadres from the East Zone who  
14 were either arrested or who fled to the jungle in 1978 and in  
15 terms of the time that you went to Krouch Chhmar district, was it  
16 before that happened or after the East Zone cadres had either  
17 been arrested or had fled into the jungle.

18 MR. BAN SEAK:

19 A. When I got there, Uncle Chea Sim and Heng Samrin had fled into  
20 the jungle so when I got there at the time there were -- the  
21 movement was established, the National Salvation Forces at the  
22 time, there were resistance forces which were very active then.  
23 And at that time I did not know very much because I was in charge  
24 of the fishing lot and that was the affairs of the upper echelon.

25 [13.53.04]

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1 Q. A number of the cadres from the East Zone have given the date  
2 of 25 May 1978 as the date on which many high-ranking cadres were  
3 arrested and on which others, including the people you've named,  
4 fled to the jungle. Do you remember how long it was after the  
5 25th of May 1978 that you were sent to Krouch Chhmar district?

6 MR. KOPPE:

7 Mr. President, I have an objection on the detail of the question.  
8 I don't think the word "jungle" is appropriate, they fled to  
9 Vietnam so I think that should be incorporated into the question  
10 not "jungle"; "Vietnam".

11 BY MR. LYSAK:

12 They went to the jungle first but I'm happy to incorporate into  
13 that question. They went to the jungle and some of them then went  
14 to Vietnam.

15 Q. When was it that you were sent to Krouch Chhmar district in  
16 relation to this date 25th May 1978, do you remember?

17 [13.54.29]

18 MR. BAN SEAK:

19 A. I do not recall the date, I only knew that Uncle Chea Sim and  
20 Heng Samrin defected and they fled to Vietnam and then people  
21 talked about the eastern cadres betray Angkar and they were the  
22 agent of KGB.

23 Q. I'll ask you a little bit about that later. During the time  
24 you served as Krouch Chhmar district secretary, who was the  
25 sector secretary to whom you reported and who was the zone

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1 secretary?

2 A. Sector secretary was Rin, he was military man and he was the  
3 sector secretary and Son Sen was the commander-in-chief and he  
4 was in charge of the zone, he was the zone secretary.

5 Q. Let me first ask you about Rin, where was Rin from?

6 A. Rin was originally from the Southwest Zone.

7 [13.56.07]

8 Q. Did you whether Rin was a relative of Ta Mok?

9 A. Yes, you are right. From the -- those from the Southwest Zone  
10 were connected to Ta Mok.

11 Q. Now you've identified Son Sen as the zone secretary. A number  
12 of the other witnesses have testified that it was Nuon Chea who  
13 was named East Zone secretary after So Phim's death, specifically  
14 Tboung Khmun district committee member Mat Ly. This is interview  
15 E3/390: English, 00436853; Khmer, 00-- The document number again  
16 E3/390: Khmer, ERN 00392076; English, 00436853; French, 00479788;  
17 Mat Ly made the following statement in his interview:

18 "I saw that when they announced that So Phim was gone, the zone  
19 chairman Nuon Chea and the deputy was Tan Seng Hong, but in fact  
20 it seemed that Nuon Chea's face was never seen and Seng Hong was  
21 not seen." End of quote.

22 [13.58.19]

23 And also in document E3/455: English, 00149917; Khmer, 00146678;  
24 French, 00149943; this was an interview of S-21 chairman Duch who  
25 stated: "The East Zone forces belonging to So Phim were

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1 completely smashed and forces belonging to Ta Mok put in their  
2 place, but Nuon Chea was made secretary of the east." End of  
3 quote. So my question for you is: how is that you knew that Son  
4 Sen was the zone secretary and do you have any reaction to the  
5 testimony of these witnesses that it was Nuon Chea who had been  
6 named zone secretary?

7 A. I went to attend the zone study session and Son Sen was the  
8 one who trained all of us and Rin was there as well. At the time  
9 there was no office; we were on mobile and the Vietnamese forces  
10 were advancing so we did not see Nuon Chea at that time, Son Sen  
11 conducted the training. I was at the district level at the time  
12 and I was called to attend the training with him then.

13 [14.00.15]

14 Q. I'll ask you a little bit about that training later. Did Son  
15 Sen say at this meeting that he was the new secretary of the East  
16 Zone?

17 A. Yes, at that time that's what he said, he was the zone  
18 secretary and Hong was his deputy and he was in charge of two  
19 sectors.

20 Q. Thank you. During the time that you were Krouch Chhmar  
21 district secretary, where was your office located?

22 A. There was no office. Because of the chaotic situation, a  
23 permanent office was not established and we were constantly on  
24 mobile.

25 Q. In your OCIJ statement, you described conducting district



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1 meetings, where were those meetings held?

2 A. Sometimes meetings were held in the pagoda or sometimes they  
3 were held at Krouch Chhmar. As I said there was no fixed office  
4 location and I was in that position not for long, then there was  
5 the resistance and the attack from the opponents.

6 [14.02.18]

7 Q. Okay, you identified two locations; I just want to get some  
8 more specifics. You said that meetings were sometimes held in the  
9 pagoda, what pagoda were you talking about, what village or  
10 commune, was this pagoda in?

11 MR. PRESIDENT:

12 Witness, please wait for the microphone to be operational.

13 MR. BAN SEAK:

14 A. I do not know that pagoda.

15 BY MR. LYSAK:

16 Q. And you said that sometimes the meetings were held in Krouch  
17 Chhmar; where in the district is my question, what part of the  
18 district were you referring to where these meetings were held?  
19 Can you give us any indication of that?

20 MR. BAN SEAK:

21 A. It was at the district commerce office -- that is, former  
22 commerce office.

23 [14.03.40]

24 Q. And this former commerce office, was it used at some point to  
25 detain people who had been arrested?

1 A. No, it was not.

2 Q. Let me read to you something you said in one of your OCIJ  
3 interviews E3/375: Khmer, ERN 00348802 to 803; English, 00360762;  
4 French, 00369924. This is what you stated in that interview, Mr.  
5 Witness -- quote: "One place in the commerce office in Krouch  
6 Chhmar chief town was used for detaining people before taking to  
7 smash." End of quote. Where was the office that you described in  
8 this interview, Mr. Witness, where people were taken to be  
9 detained before being smashed, where was this office located?

10 A. I cannot recall it.

11 [14.05.33]

12 Q. Let me get your reaction to some information that has been  
13 provided by another witness. For the record 2-TCW-904. This is an  
14 OCIJ interview E3/9324: Khmer, 00204457; English, 00242064;  
15 French, 00485139; this is a statement from a witness from Trea  
16 village, Trea 2 village who worked as a sub-district clerk during  
17 the regime. I quote: "Today I pointed out to the investigator of  
18 the Khmer Rouge Tribunal the 1975 site of the Khmer Rouge commune  
19 office at the Trea 2 village. In May 1978, they took that site  
20 for use as their district office instead. After that they also  
21 took the two adjacent houses for the use of the district office.  
22 They designated the area as north, and south of that office as  
23 the district security site. All the houses surrounding the  
24 district office were used to detain prisoners." End of quote. Is  
25 it correct as testified by this witness that the office you've

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1 been describing and that was converted into a district office was  
2 in Trea village?

3 A. In fact, as I stated there was no fixed office and there was  
4 no detention office as well since there was no security force.  
5 [14.07.57]

6 Q. You just told us a few minutes ago that a commerce office was  
7 used as the district office, was this commerce office located in  
8 Trea village?

9 A. Commerce office was located in Krouch Chhmar where actually  
10 boats docked.

11 Q. And the place where the ferries docked, was the name of that  
12 village Trea village in Trea commune, do you remember that, Mr.  
13 Witness?

14 A. Actually the area was called Krouch Chhmar and there was a  
15 bridge leading to a dock, it was in Krouch Chhmar not in Trea.

16 Q. Let me turn to another subject which is aliases that you used  
17 during the Democratic Kampuchea period. You've identified two  
18 names that you used in your interviews. One Hang Phos and also  
19 another alias Hang Sun Ho, which of those aliases did you  
20 normally use during the Democratic Kampuchea regime?

21 A. My native birth name is Hang Sun Ho; however, when I joined  
22 the Revolution I used Hang Phos as my alias and I am still known  
23 as Phos. And on my national identification card I used the name  
24 Ban Seak.

25 [14.10.35]

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1 Q. Do you remember, Mr. Witness, during the time when you were in  
2 Krouch Chhmar district, you used the name Hor?

3 A. No, I did not.

4 Q. Now I would like to ask you about some testimony that has been  
5 given by former cadres who identified you by the name -- former  
6 cadres from Krouch Chhmar who identified you and apparently knew  
7 you by the name Hor. First, OCIJ statement E3/5253 at Khmer,  
8 00235002; English, 00235483; French, 00250059; again this is  
9 E3/5253. Mr. Witness, this is a testimony of a local woman who  
10 worked as cook at the Krouch Chhmar office and she testified as  
11 follows:

12 [14.12.02]

13 Question: "Do you remember Comrade Hor, the district secretary  
14 who went to visit there, that office?"

15 Answer: "Yes. I used to see him coming to the commerce office  
16 because that office then was the residence of senior cadres." End  
17 of quote.

18 And another person cadre from the same area in Krouch Chhmar --  
19 2-TCW-904 -- this is a person who worked as a clerk at the Trea  
20 sub-district office. In interview E3/5288, at Khmer, 00326653 to  
21 54; English, 0036290 to 91; French, 00411588 to 89; and I would  
22 like to read to you what this witness had to say -- quote:

23 "Krouch Chhmar district committee was Hor. In 1978, Hor came to  
24 work as the district committee and appointed Meng as Trea commune  
25 committee. Hor used to go to my place, to visit my place

1 occasionally."

2 [14.13.43]

3 Continuing later, question: "When did you first meet Hor?"

4 Answer: "Approximately in June or July 1978. At that time I saw  
5 him walking back and forth on the road. I used to join in the  
6 meeting with him once in the kitchen in Trea commune office."

7 Question: "And what year was that meeting held?"

8 Answer: "Approximately, September 1978."

9 Question: "Why did you know his name was Hor?"

10 Answer: "I knew his name was Hor because the commune committee  
11 called him Hor."

12 And then a few questions later, question: "Did you know what  
13 sector he came from before he worked as district committee?"

14 Answer: "He used to work as a sector fisherman in Stueng Trang."

15 End of quote.

16 Mr. Witness, it seems that there are people who remember you and  
17 specifically identify you as former sector fisherman but who knew  
18 you by the name Hor. Is it possible that you've forgotten and  
19 that in fact during the short period you were Krouch Chhmar  
20 district chief you used the name Hor instead of the name Phos?

21 [14.15.25]

22 A. I did not use the name Hor in Krouch Chhmar, only when I was  
23 at the fishing lots, I used the word Hor and when I was moved to  
24 Sector 42, I no longer used that word.

25 Q. Return to another subject. During the time period that you

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1 were Krouch Chhmar district secretary, did you have authority  
2 yourself to make decisions on people to be executed and if not,  
3 who had authority to make such decisions?

4 A. I did not have any authority to make such a decision and as I  
5 said from the outset, authorities and orders came from the upper  
6 echelon to smash the so-called KGB or CIA agents.

7 Q. I want to now ask a few questions about an incident that's  
8 described fairly extensively in your OCIJ interviews. About one  
9 or two weeks after you arrived in Krouch Chhmar district, was  
10 there an incident in which a number of people in one commune  
11 tried to rebel or resist or fight against the Party and if so,  
12 can you describe to the Court, what those people did and what  
13 happened to them?

14 A. At that time it was not the people, it was those in the mobile  
15 unit; that's what I was told, they were pretty young, they were  
16 about 18 to 20 years old.

17 [14.17.55]

18 Q. And what was it that these young people in this mobile unit  
19 had done?

20 A. I learned it from my brother that they were separated from  
21 those in the jungle and then they gathered and engaged in the  
22 rebellion. Of course under the regime, anyone who opposed the  
23 regime -- even if your own relative -- would not be spared and  
24 that's what happened.

25 Q. So can you tell us what was done with these young people from

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1 the mobile unit who had rebelled and on whose orders?

2 A. Those people were taken to one location and they all were  
3 purged.

4 Q. By "purged", do you mean that they were killed?

5 A. Yes, that is correct.

6 [14.19.28]

7 Q. And who was it that decided that those people were to be  
8 killed and how were those orders conveyed to you?

9 A. The order came from the zone and of course the zone might  
10 receive it from the further upper level and then the order came  
11 down through the chain of command to the district and then to the  
12 soldiers.

13 Q. In your OCIJ interviews you described a written instruction  
14 that was red ink, do you remember this written order and do you  
15 remember who this was signed and issued by?

16 A. The order came from the zone then to the sector secretary.

17 Q. Where were these people detained and killed and did you  
18 yourself visit the location where those people were detained?

19 A. Yes, I went to the site and they were killed in a place that  
20 was similar to a school and after I made a quick visit, then I  
21 returned.

22 [14.21.45]

23 Q. You indicated in your interview that this place was on an  
24 island but that you don't remember the name of the island and  
25 what I would like to know now is the island that you travelled to

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1 where these people were detained, was it an island on the river  
2 on the west side of Krouch Chhmar district or was it an island  
3 that was on the north side of the district, do you remember?

4 A. No, I cannot recall that because I myself was not that  
5 familiar with the geography of Krouch Chhmar district.

6 Q. Do you know how these people were executed and who conducted  
7 the executions?

8 A. The letter was delivered to the soldiers and the soldiers  
9 there was a mixture of those from the Centre and the Krouch  
10 Chhmar district and they took part in the execution there.

11 Q. And when you refer to soldiers from the Centre, who are you  
12 referring to, whose soldiers were these and under whose command  
13 were these soldiers from the Centre?

14 A. Those soldiers were under the command of Son Sen, they were on  
15 -- the special force soldiers who were under the command of Ron.

16 [14.24.11]

17 Q. Who was Ron?

18 MR. PRESIDENT:

19 Witness, please observe the microphone.

20 MR. BAN SEAK:

21 A. Ron was also known as Kung. He was in charge of the special  
22 unit force that belonged to the Centre and belonged under the  
23 command of Khieu and they were in charge of the national security  
24 and engaged in any fight along the border.

25 BY MR. LYSAK:



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1 Q. And so that we are clear, Mr. Witness, when you refer to  
2 Khieu, who are you referring to?

3 MR. BAN SEAK:

4 A. When I refer to Khiev, I refer to Son Sen.

5 [14.25.20]

6 Q. You mentioned earlier a meeting that you attended that was led  
7 by Son Sen, can you tell us where that meeting was held, who  
8 attended and what Son Sen talked about at the meeting?

9 A. The meeting was held at the zone level. However it was on a  
10 mobile, it was not a fixed office and it was held in rubber  
11 plantation so the district chief also attended such a meeting and  
12 then they set a work plan to gather the people for the worksite  
13 and to draft people to go to the front battlefield.

14 Q. You indicated in your OCIJ interview that this meeting was  
15 held at Suong, was that where this rubber plantation was, can you  
16 tell us the rubber plantation where this meeting was held, what  
17 district and what commune was or what village was this place in?

18 A. It was in the area called Tboung Khmum in Tboung Khmum and  
19 that rubber plantation is known as Chub rubber plantation.

20 [14.27.10]

21 Q. Did -- at this meeting, Mr. Witness, did Son Sen talk about  
22 purges of enemies and if so, what did he say?

23 A. He talked about the infiltrated enemies, which means the KGB  
24 and the CIA agents. So, to recruit soldiers, we had to be very  
25 careful in order to not select those agents. However, the

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1 situation was in a dire circumstance and nothing could help it.

2 Q. I want to ask you about something you said in your interview

3 describing this meeting. This is at E3/375: Khmer, ERN 00348796

4 to 97; English, 00360756; French, 00369919; you start by

5 describing, as you just told us, a meeting held by Om Khieu about

6 the purges and then you make the following statement.

7 Question: "What kind of people were considered as bad elements?"

8 Answer: "The New People were considered as bad elements. Most

9 people who worked at working sites used to be warned by me not to

10 talk too much. Activity line is what we do, if we do something

11 out of the Party's line, we are enemy." End of quote.

12 What I wanted to clarify, Mr. Witness, did Son Sen -- was it Son

13 Sen who talked about New People being viewed as bad elements and

14 did he explain why the New People were considered as bad

15 elements?

16 [14.29.50]

17 A. During the meeting they did not refer to New People but they

18 referred to the infiltrated elements, namely the KGB and the CIA

19 agents, and in the East Zone they referred to the KGB.

20 Q. I want to ask you a few questions about Cham people in Krouch

21 Chhmar district. During the time you were there, were there many

22 Cham people in Krouch Chhmar district and did you know what

23 villages or what parts of the district the Cham people were

24 located in?

25 A. No, I cannot recall that well. Cham people were also at the

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1 worksite so it is very difficult to say from which village they  
2 came from.

3 Q. When you were assigned to be the secretary of Krouch Chhmar  
4 district, were you told about the Cham people in that district  
5 and specifically were you told about two rebellions of the Cham  
6 people that had taken place back in 1975?

7 [14.31.45]

8 A. The upper echelon did not mention anything about the Khmer --  
9 Cham at that time. At the time the situation was hot and then we  
10 needed to reunite our forces. We knew that Chea Sim and Heng  
11 Samrin had defected so we had to unite ourselves at that time.

12 Q. Mr. Witness, when you were first interviewed by the Office of  
13 the Co-Investigating Judges, your very first interview back in  
14 February 2009. This is document E3/5275: Khmer, ERN 00282921;  
15 English, 00284493; French, 00339918; in that first interview you  
16 were asked whether you had ever been the secretary of Krouch  
17 Chhmar district and this is how you responded at that time --  
18 quote:

19 "I never worked in Krouch Chhmar district, I never had the job of  
20 secretary of any district and I never visited any security  
21 offices. I never had any contact with Cham Muslims, Muslims then,  
22 I never had a conflict with anybody, I never heard about the  
23 purging of Cham Muslims. I never saw them arrest people to take  
24 them away to be killed." End of quote.

25 In the interest of fairness, Mr. Witness, in your subsequent

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1 interviews you acknowledged your position in Krouch Chhmar  
2 district and have talked about some of the things that took place  
3 there. But I would like to give you an opportunity to explain to  
4 the Court why you did not tell the truth about your position in  
5 Krouch Chhmar district in your very first interview.

6 [14.34.15]

7 A. At the time I was of the view that I worked at Krouch Chhmar  
8 district for a short period of time so I did not need to answer  
9 that question. At the time I had my personal matters and I also  
10 had some collective matters with my family.

11 Q. Mr. Witness, is one of the reasons that in your very first  
12 interview you denied that being in Krouch Chhmar that there were  
13 things that had happened in that district that you didn't really  
14 want to talk about, bad things that are not pleasant for anyone  
15 to have to revisit and talk about, is that fair to say?

16 A. For now, of course, it is not correct but at the time I worked  
17 there, I worked in this position for short period of time and  
18 there was purge and at the time my former colleagues told me that  
19 I did not have to disclose so much otherwise I would bring  
20 trouble to myself so I decided not to tell everything, every  
21 detail of that.

22 [14.36.23]

23 MR. LYSAK:

24 I want to turn now to a few questions about some of those events  
25 in Trea village. Mr. President, I can continue, I'm about to

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1 start a new subject, if this is an appropriate breaking time,  
2 otherwise I can continue.

3 MR. PRESIDENT:

4 Thank you. The time is now appropriate for a recess. Now the  
5 Chamber adjourns and resume at 15 to 3.00.

6 Court officer, please assist the witness during the recess and  
7 please have the witness and his duty counsel to come here at five  
8 to 3.00, rather.

9 (Court recesses from 1437H to 1459H)

10 MR. PRESIDENT:

11 Please be seated.

12 The Court is now back in session and again the floor is given to  
13 the Co-Prosecutors to continue putting questions to the witness.

14 You may proceed, Deputy Co-Prosecutor.

15 BY MR. LYSAK:

16 Thank you, Mr. President.

17 Q. I want to now talk about some events in Trea village, Mr.

18 Witness. Were you aware of an incident in Trea village in which  
19 many Cham people were killed?

20 MR. BAN SEAK:

21 A. No, I was not. As I said I was there for a short period of  
22 time, then I was requested to attend a training session and after  
23 I returned from the training session, I returned to worksite.

24 [15.01.22]

25 Q. Well, did you once see corpses floating in the Mekong River,

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1 some of whom had been decapitated?

2 A. Yes, I did.

3 Q. When did you see that, Mr. Witness?

4 A. It was when I was on a motorboat.

5 Q. I want to read to you what you said in your OCIJ interview

6 E3/375 at Khmer, 00348804; English, 00360763; French, 00369926:

7 Question: "While you were Krouch Chhmar district committee, did

8 you ever hear of smashing a group of women who were decapitated

9 in Trea village, Krouch Chhmar district?"

10 Answer: "I knew that such smashing was conducted in Trea village

11 but I did not know whether those people were female or male." End

12 of quote.

13 My question to you about this, Mr. Witness: how did you learn

14 about the killings in Trea village that you mentioned in this

15 part of your interview?

16 [15.03.25]

17 A. I learnt it through other comrades about the killing of these

18 people. In fact, these people, from what I learnt, involved in

19 the rebellion and I did not know how or where they were killed.

20 Q. Who was it that ordered the execution of the people in Trea

21 village?

22 MR. PRESIDENT:

23 Witness, please observe the microphone.

24 MR. BAN SEAK:

25 A. When the rebellion was about to be initiated, it was informed

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1 to the upper echelon, then the order came through the chain of  
2 command to the soldiers and those people who involved in the  
3 rebellion were accused of being CIA or KGB agents.

4 [15.04.41]

5 MR. LYSAK:

6 Q. You said a few minutes ago that you saw these corpses in the  
7 river when you were on a boat, can you explain when this was, why  
8 were you on the boat, what were you doing at the time that you  
9 saw these corpses floating in the Mekong River?

10 A. I was on a motorboat; we didn't dare to come to shore as we  
11 were concerned of being shot. Actually the militia group shot one  
12 of the deputy district committee and for that reason we didn't  
13 like to travel on road and we took a motorboat.

14 Q. I want to read to you now, Mr. Witness, something -- some  
15 testimony from Ke Pauk's son, Ke Pich Vannak. From his OCIJ  
16 statement E3/35: Khmer, 00340569 to 570; English, 00346155;  
17 French, 00367727; and in this testimony, Ke Pauk's son is  
18 describing a period when the Centre division under Son Sen  
19 arrived to purge the East Zone and his father was called to a  
20 meeting with Pol Pot. I quote:

21 [15.06.55]

22 "When my father returned, I asked him what happened; he replied  
23 there was a strange matter because Brother Pol Pot saw the  
24 floating corpses were caught up in front of his office so he  
25 ordered an immediate investigation. After my father returned

1 home, he ordered a division chairman named Chhay to lead an  
2 investigating group over these floating corpses. The  
3 investigation found that the Cham people had been arrested,  
4 placed in the boats, and then were beheaded before they were  
5 dumped into the river. That event took place in Krouch Chhmar  
6 district opposite Stueng Trang district. The intervention unit of  
7 the Centre led by Pin was involved in that killing. After  
8 receiving the result, my father made a report and sent it to  
9 Office M-87."

10 And continuing on the next page of the same interview -- quote:

11 "The zone sent the report to the upper echelon about the sweeping  
12 clean of the Islamic people in Krouch Chhmar that was why there  
13 were floating corpses." End of quote.

14 Mr. Witness, did you know about, or hear about the incident that  
15 is described in this interview by Ke Pauk's son?

16 [15.08.49]

17 A. Ke Pauk's son is also the in-law -- that is, the in-law of my  
18 cousin and he usually followed his father and I cannot inform you  
19 as to how much he knew about the event. It is his father who knew  
20 about all the events that happened within the zone and Ke Pauk  
21 was also in charge of the military in the East Zone -- that is,  
22 after Son Sen.

23 Q. In the statement I just read, Ke Pauk's son indicates that it  
24 was an intervention unit of the Centre led by Pin that was  
25 involved in these killings. Did you know a special intervention



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1 unit of the Centre commanded by a Comrade Pin?

2 A. No, I do not know the centre force of Pin, I know about the  
3 soldiers under the command of Kung (phonetic).

4 [15.10.28]

5 Q. And one other part of Ke Pauk's son's interview, this is also  
6 E3/35: Khmer, ERN 00340568; English, 00346154; French, 00367726;  
7 in this part of his interview, Ke Pauk's son identifies a number  
8 of the other commanders from this special unit -- quote:

9 "Son Sen ordered a special intervention unit led by Ta Pin and Ta  
10 Vin to come to protect them and ordered them to take full control  
11 of all divisions whose leaders had been purged. Ta Vin was a  
12 son-in-law of Ta Mok and also Ta Pin's deputy. Ta Nha was a  
13 brigade chairman under the intervention division of Ta Pin."

14 My question for you: did you know either of these other military  
15 commanders identified by Ke Pauk's son -- that is, the son-in-law  
16 of Ta Mok whose was named Ta Vin and the brigade commander Ta  
17 Nha?

18 A. I know Vin -- that is, after the separation and after the  
19 Vietnamese came to Cambodia and he was the son-in-law of Ta Mok,  
20 and I do not know the other person.

21 Q. And did you know what unit or division Ta Vin was part of in  
22 1978?

23 A. One was the deputy commander of the Centre army and Pin was  
24 his superior.

25 [15.13.21]

1 Q. The last thing I want to get your reaction to with regard to  
2 Trea village is a statement that references you that came from a  
3 person I mentioned earlier, 2-TCW-904. This was the Cham who  
4 worked as the sub-district clerk in Trea village and in interview  
5 E3/5196: Khmer, ERN 00204456; English, 00223088; French,  
6 00274740; this witness said the following -- quote:  
7 "A security office was built in the village under the supervision  
8 of Hor, a Khmer from the other side of the river, the central  
9 zone. This man was in charge of the arrest of numerous Cham  
10 people." End of quote. And on the same page he goes on to  
11 describe a two week period during which Cham people were sent to  
12 Trea village.

13 Mr. Witness, I would like to give you the opportunity to respond  
14 to what this witness has said and specifically I would like to  
15 know whether you yourself had authority to decide on the arrests  
16 of Cham people or whether that was a matter that could only be  
17 decided at the sector, zone, or centre level?

18 A. I was not aware of that issue clearly because after I joined  
19 the study session, I returned to the worksite and the Centre army  
20 organised the purges and as I said, the situation at that time  
21 was so grave. I also would like to add that I was reassigned to  
22 the North Zone and people were evacuated to Krouch Chhmar because  
23 the army could not control them and that's why it happened.

24 [15.16.30]

25 Q. Mr. Witness, I have this two other quick areas I want to ask

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1 you about. First is in regard to the treatment of Vietnamese  
2 people during the Democratic Kampuchea regime. Can you tell us  
3 what you know about the treatment of Vietnamese people, what  
4 happened to the Vietnamese during the Democratic Kampuchea  
5 regime?

6 A. I did not know about the treatment of the Vietnamese. However  
7 I heard the Vietnamese had been purged along the river and the  
8 Vietnamese people in the village were also taken away.

9 Q. And when you talk about Vietnamese people on the river and in  
10 the villages, what area are you talking about?

11 A. I was told it was at Samraong Saen -- that is, along the river  
12 where the Vietnamese people actually lived and did their fishing  
13 there.

14 [15.18.23]

15 Q. Apologies; my question wasn't specific. What district,  
16 commune, are we talking about, where was this Samraong area?

17 A. Samraong Saen was located in Kampong Chhnang province.

18 Q. How did you hear about executions of Vietnamese people in  
19 Kampong Chhnang province?

20 A. I heard it from soldiers who came from the area and who said  
21 that Vietnamese had been killed and dropped into the river.

22 [15.19.30]

23 Q. I want to read to you an excerpt from your OCIJ interview  
24 E3/375 at Khmer, ERN 00348799; English, 00360759; French,  
25 00369921; you gave the following testimony in that interview:

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1 Question: "Were there any purges of the Vietnamese?"

2 Answer: "All Vietnamese were executed. I did not know for sure if  
3 this execution was the policy from upper echelon or not; however,  
4 not only all Vietnamese were executed but also the Khmer in the  
5 north (Kampuchea Krom), who had been educated by the Yuon and  
6 returned to work as the Khmer Rouge cadres, were smashed." End of  
7 quote.

8 What I want to clarify you with, Mr. Witness, in this statement  
9 you referred to, at least in the English translation, "Khmer in  
10 the north (Kampuchea Krom)", and what I want you to clarify is,  
11 were you referring here to Khmer Krom people or were you  
12 referring to Khmer cadres in the Party who had trained in North  
13 Vietnam?

14 A. To my knowledge, at my location there were Khmer cadres who  
15 had been trained in Vietnam, they were part of Labour Party and  
16 when the Vietnamese entered Cambodia, they were part of the force  
17 to build its own force on the ground and later on they had been  
18 purged.

19 [15.22.06]

20 Q. And when was it that these cadres who had trained in Vietnam,  
21 when was it that these people were purged?

22 A. To my recollection, it was in around 1974 -- that is, it's a  
23 bit before 1975 when the Vietnamese returned, the cadres were  
24 subjected to being purged and they referred to as Khmer from the  
25 north and they were subject to be purged.

1 MR. LYSAK:

2 Thank you, Mr. Witness, for answering my questions today. We have  
3 no further questions, Mr. President.

4 MR. PRESIDENT:

5 Thank you. The floor is now given to the Lead Co-Lawyers for  
6 civil parties to put questions to this witness. You may proceed,  
7 Counsel.

8 [15.23.38]

9 QUESTIONING BY MR. PICH ANG:

10 Good afternoon, Mr. President, Your Honours. Good afternoon,  
11 Parties, and everyone in and around the courtroom, particularly  
12 the civil parties; and good afternoon, Mr. Witness. My name is  
13 Pich Ang, I am National Lead Co-Lawyer for civil parties. I have  
14 some supplementary questions to put to you.

15 Q. I refer to one of your interviews -- that is, E3/375 at Khmer,  
16 ERN 00348800; English, 00360759; and French, 00369921; you were  
17 asked a question and allow me to quote:

18 "Were the Cham people considered as the enemy to the Communist  
19 Party of Kampuchea?"

20 And your answer is: "I did not think they were the enemy to the  
21 Communist Party. However, the Muslim Chams were not allowed to  
22 pray; even the Buddhist monks were not allowed to chant. At that  
23 time, all religions were abolished, only the Communist Party of  
24 Kampuchea was to be paid respect for. The Communist Party loathe  
25 Buddhist monks and monarch the most." End of quote.

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1 In relation to the last sentence that the Communist Party loathed  
2 the Buddhist monks and the monarch the most, what is the reason  
3 for you to make that statement?

4 [15.25.39]

5 MR. PRESIDENT:

6 Witness, please hold on; and Counsel Koppe, you have the floor.

7 MR. KOPPE:

8 I think, Mr. President, we have now firmly established a practice  
9 that first questions in general should be asked and subsequently  
10 the witness can be confronted with his own WRI. However, the  
11 Civil Party Lead Co-Lawyer goes straight to his WRI and read  
12 something and asks then subsequently to confirm. I don't think  
13 this is the practice anymore here.

14 MR. PRESIDENT:

15 (No interpretation)

16 MR. KONG SAM ONN:

17 Thank you, Mr. President. I object this question as the witness  
18 is not an expert. For that reason, he cannot provide explanation  
19 as to the reasons that the Communist Party loathed Buddhist monks  
20 or the Cham people. Thank you.

21 [15.26.50]

22 MR. PICH ANG:

23 Mr. President, allow me to respond to what has been said by  
24 Counsel Koppe. In fact there are two forms that we can use in  
25 reference to an excerpt from a WRI: one is for the witness to

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1 confirm his or her statement and that is a point related to what  
2 has been raised by Counsel Koppe. However, my question is related  
3 to the second form that is to seek the reason from the witness  
4 from his own experience why he made that statement in the first  
5 place.

6 And regarding the objection raised by Counsel Kong Sam Onn, is  
7 that my question is in a form to get the experience from the  
8 witness and it is not related to his status as an expert at all.

9 MR. PRESIDENT:

10 The objections raised by the two defence teams sustained; and  
11 Witness, you do not need to respond to that question.

12 [15.28.16]

13 BY MR. PICH ANG:

14 Allow me to move on then.

15 Q. Mr. Witness, from your personal experience and your knowledge,  
16 what and how did they treat Buddhist monk and those who were  
17 related to the monarch?

18 MR. BAN SEAK:

19 A. Yes, I know little bit about that, about the monarch and the  
20 Buddhist monks who were considered enemies of the Party. As they  
21 said, the monks were lazy, did not do any labour and only begged  
22 for food and they were in a different status from the peasant who  
23 engaged in the resistance.

24 Q. Did you attend any study session where you obtained the  
25 information that is on the very topic that you spoke about?

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1 A. No, I did not. However, at that time my wife was pregnant so I  
2 went to Kampong Cham and I was told that Sihanouk and his wife  
3 were placed at Kampong Cham. And as to why the King was detained  
4 there, I was told that they loathed the monarch and they wanted  
5 the King to work in the rice field. And I had one of my relative  
6 who was chief monk and who was killed.

7 [15.30.16]

8 Q. About your relative who was killed, what was his name?

9 MR. PRESIDENT:

10 Mr. Witness, please observe the microphone.

11 MR. BAN SEAK:

12 A. His name was Hang Hong alias Ka (phonetic).

13 BY MR. PICH ANG:

14 And which year was he killed?

15 MR. BAN SEAK:

16 A. It was during the purging year -- that is, at the end of 1978.

17 He was smashed. And soon after that, Son Sen called me to attend

18 the study session and he asked me to provide my detailed

19 biography. And later on, he said that I told him a lie as one of

20 my relatives was smashed by the upper echelon. For that reason,

21 he reassigned me to go back to work for Oeun. However, he said

22 that cadres should not be concerned as the parties would not

23 smash anymore. And that's how I learned about the smashing of my

24 relative.

25 [15.31.37]



1 Q. Thank you for your explanation. And allow me to now go to the  
2 event that took place in Krouch Chhmar district. While you were  
3 in Krouch Chhmar, can you inform the Chamber of the duties and  
4 functions that you held?

5 A. In Krouch Chhmar district, upon my arrival as I testified  
6 earlier, the event of rebellion took place -- that is, concerning  
7 those who worked in the mobile unit. And after that, I was called  
8 by the upper echelon to attend a study session. And upon my  
9 return, I was assigned to gather people to work at a worksite and  
10 then to draft people to go to the front battlefield.

11 Q. Earlier you said that about the worksite, can you tell the  
12 Court the precise location of that worksite?

13 MR. PRESIDENT:

14 Witness, please look at the microphone before you speak.

15 [15.32.59]

16 MR. BAN SEAK:

17 A. It was Tuol Snuol village, it was in Chub rubber plantation.  
18 It was a plantation over there, and we grew vegetable there.

19 BY MR. PICH ANG:

20 Q. Can you tell the Court about the people you had gathered to  
21 work at that plantation, what were the representation of  
22 ethnicity? Were there any Cham ethnicity or Khmer ethnicity or  
23 Vietnamese ethnicity work there?

24 MR. BAN SEAK:

25 A. I, at that time, ask the commune committee to gather all

1 peoples regardless of their ethnicity to come to grow vegetable  
2 in order to give the supply to the frontline soldiers.

3 [15.34.13]

4 Q. Could you tell the Court how many people you gathered at the  
5 time?

6 A. Actually at that time, we gathered people from the entire  
7 district, from all sub-districts.

8 Q. So, this plantation was not -- I mean that was the only  
9 location in your locality that people were gathered; is that  
10 correct?

11 A. Yes, that is correct. In gathering the people, Son Sen  
12 instructed that once we gathered the people, we had to first of  
13 all recruit people to join the army so that they could be sent to  
14 the frontline.

15 Q. So you say that you gathered the people from all  
16 sub-districts, but you did not mention specifically as to how  
17 many. To your estimation, how many people did you gather at that  
18 time?

19 A. No, I did not know the exact number. When I was there, there  
20 was session to explain people on the growing of vegetables and  
21 food stuff. And we also inform the people of the defections of  
22 Heng Samrin and Chea Sim. And we had to unite together at the  
23 time.

24 [15.36.25]

25 Q. When you responded to the question by the prosecutor, you said

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1 that you took the motorboat and then you saw the corpse floating.  
2 Can you tell the Court whether or not it was the time when you  
3 were travelling to an island where people were in prison over  
4 there? Was it the time that you went to the island when you saw  
5 the corpse floating in the water?

6 A. No. There were two different times. That time, the situation  
7 was chaotic. At that time, the militiamen came; I did not know  
8 who was who at that time. And as for the corpse, we could not  
9 recognize them either. I did not know whether they were from the  
10 militia group or from the soldier.

11 Q. Just now you said that the 09 militiamen came down. Could you  
12 please expand on that a bit? Who was 09 militia group you were  
13 talking about?

14 A. They were the soldiers from the National Salvation Army.

15 Q. The corpse that you found when you were travelling on the  
16 motorboat at that time, was the corpse you saw was the reason  
17 corpse? In other words, if they were reasonably killed or it was  
18 -- the body was perished?

19 A. I did not know that for sure, but I only saw the corpse  
20 floating.

21 [15.38.40]

22 Q. I would like to now talk about a time when you were taking the  
23 water boat to the island where people were in prison over there.  
24 At that time, how many boats went to the island? Was there only  
25 one boat that you were taking or there were other boats going

1 together on that day?

2 A. It was not a boat, it was a motorboat.

3 Q. Yes, I know that. Were there any other motorboats going  
4 together with your boat at the time?

5 A. No, there was none.

6 Q. Thank you. When you arrived at the island which you mentioned  
7 earlier, did you see any other motorboat or marine boat of the  
8 soldiers, did you see any of them at the island?

9 A. In my observation, at the time, there were boats of the army.  
10 Of course, there were the presence of armies over there and they  
11 could not swim to the island. They came by boat.

12 [15.40.25]

13 Q. So can you tell the Court, were there many motorboats, or  
14 there are few motorboats or so? And did you know that they had a  
15 ride before you got there?

16 A. Yes, they had ride before I got to the island.

17 Q. When you and others got off your boat and you went to the  
18 island, could you tell the Court who were accompanying you from  
19 the water boat to the sub-district office or the office on the  
20 island?

21 A. All of us got out of the boat and then we went onto the  
22 island. Around 10 of us altogether.

23 Q. Can you recall the names of those who were joining the trip  
24 with you? Can you recall any of the names?

25 A. No, I do not recall all the names, but only two or three who

1 were the members of the district committee.

2 [15.42.02]

3 Q. Can you tell the Court who they are, whom you can recall?

4 A. Ao, Oeun, and Siem.

5 Q. How about the soldiers who had arrived at the island before  
6 you, to which organization did the army belong to?

7 A. They were the soldiers of the Centre. They were the special  
8 force under Om Khieu.

9 Q. Were there any soldiers from the district among them?

10 A. Yes, there were.

11 Q. Did you meet any of the representative of the army personnel  
12 at that time when you were on the island?

13 A. Yes, I met but we did not establish any connection. And I did  
14 not even ask him what they did on the island.

15 Q. But my question to you is whether or not you met the  
16 representative of the military personnel who was stationed on the  
17 island, and did you present them anything at all when you met  
18 them?

19 A. Yes, I handed over the letters from the upper echelon to the  
20 representative of the army.

21 [15.43.47]

22 Q. Who handed over the letters? Or you yourself, did you yourself  
23 hand over the letter? And what did you say to the representative  
24 of the army or stationed on the island?

25 MR. PRESIDENT:

1 Mr. Witness, please hold on.

2 MR. BAN SEAK:

3 A. At that time, a man by the name of Ao, he was holding the  
4 letter and he handed over that letter to the military personnel  
5 over there. And I only oversaw it.

6 BY MR. PICH ANG:

7 Q. So when you and your colleagues got off the boat and you went  
8 to the island, so can you tell the Court if there were any  
9 members of your delegation holding the writing pad or book or pen  
10 in order to take note the minutes of the discussion or your visit  
11 to the island?

12 [15.44.50]

13 MR. BAN SEAK:

14 A. No, none. We did not bring any book or pen with us.

15 Q. When you got to that sala (phonetic) -- you said it was like a  
16 school -- could you tell the Court of the specimen of the school,  
17 was it a multi-storey building or it was only one-storey  
18 building? Could you tell the overall structure of the building  
19 you saw?

20 A. It was only one-storey building. As for the length and the  
21 width of the building, I do not recall.

22 Q. Thank you. But can you tell the Court the approximate size of  
23 the building, how many, for example, square metres to your  
24 estimation?

25 A. No, I cannot come up with any estimation. I did not even see

1 the length of this building. It looks like a monastery or so. It  
2 was just only one-storey building.

3 Q. So you said that it was an island but you cannot recall the  
4 name of that island. So my question to you is whether or not  
5 there were houses like residential houses or trees or anything  
6 around the buildings that you went to.

7 A. When I got there, I did not see any houses. I only saw  
8 sugarcane plantation, trees, and potato plantations. But I did  
9 not see any houses there.

10 [15.47.08]

11 Q. When you talk about sugarcane, was it big plantation or only a  
12 few sugarcane trees?

13 A. On that island, there were different kinds of crops.

14 Q. So you said that it was an island, was it called an island --  
15 people over there call it an island, or you observe it by  
16 yourself because water surrounded this location?

17 A. We could see by our own eyes that it was an island.

18 Q. Is that location surrounded by water or from all over the  
19 directions or only just one side?

20 A. I only saw it from one side.

21 Q. So you only saw it from one side? As for the other side, you  
22 did not see it whether or not it is surrounded by water; is that  
23 correct?

24 A. Yes.

25 [15.48.39]

1 Q. I would like to now ask you on the people who were in the  
2 building or in that sala (phonetic). You said that you saw people  
3 in that building. Can you tell the Court whether or not they were  
4 only male or female or combination of male and female staying in  
5 that building?

6 A. There were male and females staying there together.

7 Q. As for the men who were staying there, could you tell the  
8 Court how many of them were there?

9 A. I was not sure. I did not know how many of them exactly. In my  
10 estimation, there could have been around 20 to 30 men.

11 Q. Did anyone of your delegation visited the building or the  
12 prisoners who were in prison in that building?

13 A. That I do not know.

14 Q. Can you clarify it a little further, when you got to that sala  
15 (phonetic), what did you do precisely over there?

16 A. I went to only look at it and then I came back.

17 [15.51.10]

18 Q. There was one portion of your record of interview which you  
19 said that you went there to look at the building and some of your  
20 colleagues went inside the building. And Mr. President, I would  
21 like to apologize, I do not recall the exact location in his  
22 record of interview, but I just would like him to confirm whether  
23 or not his colleagues did go inside the building.

24 A. Yes, they could have been inside, because they went there and  
25 they met with the soldiers there. And they could have been



1 inside.

2 Q. I would like to quote one civil party by the name of No Sates.  
3 She says and I quote -- in transcript 29 September 2015 at 11.12  
4 in the morning, she says -- quote: "She was asked by the district  
5 chief by the name of Hor in that room." So what is the reaction  
6 -- what is your reaction toward this statement which she said  
7 that you were inside the room and then you ask her whether or not  
8 she was Cambodian or a Cham?

9 MR. PRESIDENT:

10 Witness, please hold on. Counsel Kong Sam Onn, you may proceed.

11 [15.53.14]

12 MR. KONG SAM ONN:

13 Thank you, Mr. President. I do not object to these questions, but  
14 I would like to make it precisely clear, the name is No Sates.

15 MR. PICH ANG:

16 Thank you. Yes, the name is No Sates.

17 MR. PRESIDENT:

18 Counsel Koppe, you may proceed.

19 MR. KOPPE:

20 I might be mistaken, but I do not recall No Sates speaking about  
21 being detained on an island. I remember her speaking about being  
22 detained in Trea village rather than on an island. But correct me  
23 please if I'm wrong. So I don't see the relevance of her  
24 testimony in relation to the questions that have just been asked.

25 [15.54.00]

1 MR. PICH ANG:

2 Mr. President, just now I asked the witness about an island which  
3 the witness mentioned. Actually he said it was an island, but  
4 actually, he only saw one side of that location which was  
5 surrounded by water. And he saw trees and plantations over there.  
6 So my question was for him to react on the statement made by the  
7 civil party. So whether or not it was an island or not, it is not  
8 my main focus. I just simply would like to ask him to react to  
9 the statement by the civil party that the witness in question  
10 actually went inside the building and interview or ask one of the  
11 prisoners over there.

12 [15.55.02]

13 MR. PRESIDENT:

14 You can verify your questions because this fact needs to be  
15 verified. Was it the school building or it was the monastery? And  
16 as for the statement made by No Sates, it was on a house -- a  
17 house which was lifted above the ground, which was far from that  
18 place. So when you ask the questions directly, probably you fail  
19 to verify it with the fact because you made mention on the  
20 statement made by No Sates but it seems that it is not consistent  
21 with what No Sates said in his statement.

22 MR. PICH ANG:

23 Well, I know that there might be some discrepancy on the  
24 descriptions of the building whether or not it was a house or it  
25 was a different building. But what I would like to focus is on

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1 the name of the person, by the name of Hor who interviewed her.

2 And I'd like the witness now to react to this statement. And as

3 for the location, the house or an island, that is secondary to my

4 question, Mr. President.

5 [15.56.35]

6 MR. PRESIDENT:

7 Yes, Witness, you may now proceed to answering the question put

8 by the counsel.

9 MR. BAN SEAK:

10 A. I'm afraid I don't know any name Sates.

11 BY MR. PICH ANG:

12 Q. Mr. Witness, I am not saying that you know Madam No Sates. I

13 would like to read. At 11.12.50, she said and I quote: "Ta Hor

14 came onto the house for a brief period. I took a nap and then

15 they came and they told us that they would tie our hand up to our

16 back because it was difficult without doing so. So at that time,

17 they ask us to do that." And she said that there were people who

18 were from different places, they were Cham people. And those who

19 said they were Cham, they could go. And those who accompany them

20 were soldiers with one rifle -- AK rifle and a knife. And they

21 ask. And then once it was all -- they -- I apologize if it was

22 not very clear when I actually quoted this portion of statement.

23 But what I'd like to tell the witness that Comrade Hor went onto

24 the house. So I would like you to confirm whether or not you

25 actually went up to the house.

1 [15.58.49]

2 MR. BAN SEAK:

3 A. To the best of my recollection, I did not enter the house. And  
4 I did not ask anybody question either.

5 Q. And you said you did not know anything about that. Could you  
6 clarify it, what do you mean by that?

7 A. I did not know because I was not there. I went to oversee the  
8 worksite. I did not oversee the interrogation. And Hor was deputy  
9 chief. He was at almost parallel level with me. So he did that.  
10 And I did not recall this name either. I think that this name was  
11 the one I met when I was at the fishing lot.

12 [15.59.58]

13 Q. I do not want to ask you to confirm on the names because the  
14 prosecutor has already asked you at length on this issue. I have  
15 only two more questions for you.

16 Besides the two groups who were detained on the house, were there  
17 any other groups who were being detained in other places at the  
18 same time?

19 A. On this issue, I do not recall. What I know was that when they  
20 were put in Kaoh Phal, then I knew that incident. But after that,  
21 I was called to attend the study session. And upon my return, I  
22 pass by the place, but I went to the rubber plantation.

23 Q. So just now you mention about Kaoh Phal island; is that  
24 correct?

25 A. No, I did not mention about Kaoh Phal. During that period, the

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1 upper echelon called me to attend the study session. I actually  
2 only gather people and then recruited soldier to send to the  
3 frontlines. And I did not actually have time to focus on that  
4 issue that you are talking about.

5 [16.01.31]

6 MR. PICH ANG:

7 Well, I do not have any more questions for you, Mr. Witness. And  
8 thank you, Mr. President and Your Honours, for the opportunity to  
9 ask question to the witness.

10 [16.01.43]

11 MR. PRESIDENT:

12 The time is now appropriate for the adjournment. The Chamber  
13 shall adjourn the hearing now and resume tomorrow at 9 a.m.  
14 Tomorrow, the Chamber will resume hearing this witness, Ban Seak,  
15 and there will be one reserve witness, 2-TCW-904.

16 Mr. Ban Seak, your testimony has not yet come to an end. The  
17 Chamber wishes to invite you to come to the Court again at 9 a.m.  
18 tomorrow. And we thank you, Madam Socheata, duty counsel, for  
19 assisting the witness throughout the testimony today.

20 And Court officer is now instructed to coordinate the transport  
21 for the witness and have him back in this courtroom before 9 a.m.  
22 Security guards are instructed to bring Mr. Khieu Samphan and  
23 Nuon Chea to the detention facility, and have them back to  
24 participate in the hearing tomorrow before 9 a.m.

25 The Court is now adjourned.

1 (Court adjourns at 1602H)

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