



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
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 Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
 Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

9 December 2015

Trial Day 346

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

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 SREA Rattanak

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. PRUM Sarun (2-TCW-945)	Khmer
Mr. UM Suonn (2-TCW-949)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the remaining testimony of

6 the current witness -- that is, Mr. Prum Sarun, and begins

7 hearing testimony of another witness -- that is, 2-TCW-949.

8 Mr. Em Hoy, please report the attendance to the Parties and other

9 individuals at today's proceedings.

10 [09.02.38]

11 THE GREFFIER:

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

13 are present except Counsel Kong Sam On and Calvin Saunders who

14 will be a little bit late due to traffic congestion.

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

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

17 been delivered to the greffier.

18 The witness who is to conclude his testimony today -- that is,

19 Mr. Prum Sarun, is present in the courtroom.

20 Today, we also have a reserve witness, namely 2-TCW-949. The

21 witness confirms that to the best of his knowledge, he has no

22 relationship by blood or by law to any of the two Accused -- that

23 is, Nuon Chea and Khieu Samphan, or to any of the civil parties

24 admitted in this Case. The witness will take an oath before the

25 Iron Club Statue this morning.

2

1 Thank you.

2 [09.03.55]

3 MR. PRESIDENT:

4 Thank you, Mr. Em Hoy. The Chamber now decides on the request by
5 Nuon Chea.

6 The Chamber has received a waiver from Nuon Chea, dated 9
7 December 2015, which states that due to his health: headache,
8 back pain, he cannot sit or concentrate for long, and in order to
9 effectively participate in future hearing, he request to waive
10 his right to participate in and be present at the 9 December 2015
11 hearing.

12 Having seen the medical report of Nuon Chea by the duty doctor
13 for the Accused at the ECCC, dated 9 December 2015, which notes
14 that Nuon Chea has chronic back pain and dizziness when he sits
15 for long and recommends that the Chamber grant him his request so
16 that he can follow the proceedings remotely from the holding cell
17 downstairs.

18 [09.04.59]

19 Based on the above information and pursuant to Rule 81.5 of the
20 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
21 follow today's proceedings remotely from the holding cell
22 downstairs via audio-visual means. The Chamber instructs the AV
23 Unit personnel to link the proceedings to the room downstairs so
24 that Nuon Chea can follow. This applies to the whole day.
25 And before I hand the floor to the defence teams to put question

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1 to the witness, I first hand the floor to the Bench as some
2 Judges would like to put some questions to the witness. And Judge
3 Lavergne, you have the floor.

4 [09.05.50]

5 QUESTIONING BY JUDGE LAVERGNE:

6 Q. Yes. Thank you, Mr. President. Good morning, Witness. I would
7 like to put a few follow-up questions to you in relation to the
8 questions that were put to you yesterday. First of all, I would
9 like to revisit the different sites, the different locations
10 where executions occurred. You spoke to us yesterday about a
11 place located in Tuol Ta Trang, and you said that it was there
12 where you saw bodies -- bodies of Vietnamese people. And you also
13 spoke about a place where there was a termite mound.

14 MR. KOPPE:

15 Mr. President, excuse me for interrupting.

16 [09.06.41]

17 JUDGE LAVERGNE:

18 Counsel Koppe, I think you'll have the floor later. So if you
19 want to ask questions to confirm the answers, you will have full
20 leisure to do so. But please do not interrupt me.

21 MR. KOPPE:

22 But Mr. President, he never said he saw bodies of Vietnamese
23 people. So that's an inadequate, false summary.

24 BY JUDGE LAVERGNE:

25 Well, then we will ask him about this.

4

1 Q. So do you remember what you said, Witness, yesterday regarding
2 Tuol Ta Trang? Did you see bodies there? And if you saw bodies,
3 whose bodies were they? Who were the people who died at Tuol Ta
4 Trang?

5 [09.07.32]

6 MR. PRUM SARUN:

7 A. The bodies were of those of the children when I tended water
8 buffalos nearby. And after that, I walked past the area.

9 Q. And were these children Cambodian or Vietnamese? Who were
10 they?

11 A. I could not say because I could not recognize them. I could
12 not say whether they were Khmer or Vietnamese.

13 Q. You also spoke about a place where there was a termite mount.
14 And was that place Tuol Ta Trang or was it another place?

15 A. There was a termite mount at Tuol Ta Trang. When I tended the
16 water buffalos nearby, I saw the decomposing bodies.

17 [09.09.00]

18 Q. You said yesterday -- or rather, did you witness arrests of
19 Vietnamese people? And if so was the case, do you know where
20 these people were taken to?

21 A. I never saw the arrest. I did not know about that. I did not
22 dare to ask them about any arrest as I was only mindful of my own
23 life. I tried to work as best as I could since I was afraid of
24 being accused of being lazy. And if that is the case, I would be
25 walked up the white stairs.

1 MR. PRESIDENT:

2 Civil party witness, please listen to the question carefully and
3 respond only to the limit of what is being asked of you. And
4 there is no need for you to make any lengthy commentary to that
5 question. Please only provide a necessary response to each
6 question.

7 [09.10.50]

8 BY JUDGE LAVERGNE:

9 Q. Witness, I am going to read to you again your testimony which
10 you provided to the Co-Investigating Judges. This is document
11 E3/5187 on page 2, in French; page 2, in English; page 2, in
12 Khmer, as well.

13 [Free translation] "In 1976, the Vietnamese were sought after by
14 the Khmer Rouge. Krach, the commander of the first battalion,
15 asked me if there were Vietnamese in my group. And if there were
16 Vietnamese people in my group, I had to report this to my
17 superiors for them to take action. There were no Vietnamese in my
18 battalion. However, there were about 20 Vietnamese people in the
19 second battalion. And I saw these Vietnamese people being tied up
20 and executed at Tuol Ta Tran next to the Koy mountain. They were
21 taken there and executed by five soldiers who were all children
22 of Khmer Rouge cadres."

23 So question: "How did you know that they were being led away to
24 be executed?"

25 Answer: "I discreetly went over to the place where they were

6

1 executing Vietnamese people, and I saw the bodies of women and
2 children bearing marks of having been hit on their heads with the
3 end of a roof beam and there was blood everywhere. The skulls of
4 the children were broken like their heads had been swung into
5 tree trunks. After that, string of 'Yuon' was killed, I never saw
6 any more 'Yuon' remaining"

7 [09.12.50]

8 THE ENGLISH INTERPRETER:

9 Part of that translation was from the text.

10 BY JUDGE LAVERGNE:

11 Q. Witness, can you simply tell us -- because I note that this
12 does not correspond to what you're telling us this morning -- can
13 you tell us where the truth lies, is it what you're telling us
14 this morning or does the truth lie in what you told the
15 Co-Investigating Judges?

16 MR. PRUM SARUN:

17 A. It is a lengthy question and I cannot recall it. I am old now,
18 and I stand by my previous statement.

19 Q. So when you say that you stand by your previous statement, do
20 you stand by what you said to the OCIJ when you were questioned
21 or interviewed by them in 2008? It's true that that's quite a
22 while back. And is this what you stand by?

23 A. Yes. It happened several years ago and I cannot recall them
24 all.

25 [09.14.19]

7

1 Q. You spoke about children. Can you describe these children to
2 us? Can you tell us how old, according to you, they were -- that
3 is to say, the children who had arrested these Vietnamese people?

4 A. They were young children, they were about eight or nine years
5 old. And when they were carrying guns actually, the canon of the
6 guns touched the ground. And that's what I could say as I did not
7 dare to look at them in open. And I knew they arrested people,
8 took them away and killed. And the situation at the time was
9 pretty strict. We could not do anything liberally. We had to mind
10 our own self.

11 Q. How do you know that these children would kill people who were
12 arrested? How did you get to know that?

13 [09.15.49]

14 A. Of course, when they arrested people, they took them away and
15 killed them. Because those who were arrested did not return. Once
16 people were arrested and their hands are tied behind their back,
17 they were taken away and they never returned.

18 Q. Yesterday, another place was brought up, a place where former
19 Lon Nol servicemen were brought to apparently. And I'm going to
20 read out the name of the place, maybe I will not pronounce it
21 right, but I think it was Ou Pong Moan. And can you confirm that
22 executions took place there or that bodies were found there? And
23 where is this place located?

24 A. Ou Pong Moan was to the west of my village where soldiers were
25 sent there. They actually were brought to my village. And for the

8

1 ranking officers, they were taken away and killed at Cheung
2 Krapeu mountain. A soldier and his wife were shot dead at that
3 Phnum Krapeu or Krapeu mountain near my village. And when I
4 walked to that area, they had already died. But we had to bury
5 them because otherwise, the stench would be too strong for the
6 villagers.

7 [09.18.02]

8 Q. Counsel Pich Ang put questions to you yesterday about another
9 place which was located to the south of the Koy mountain. It's a
10 place where there was a small stream, Ou Touch (phonetic). And is
11 this a place that is different from the places we have been
12 speaking about until now? And did you go there? And did you see
13 bodies over there as well?

14 A. I only saw people who starved to death. I refer to those
15 people who were evacuated from Pailin and they did not have
16 anything to eat. And they starved to death. Many of them were
17 brought in and then they were sent to Ou Touch (phonetic).

18 Q. Yesterday and this morning as well, you spoke about the white
19 stairs. Were -- did these white stairs lead to the Wat Kirirom
20 pagoda? And was the Wat Kirimrom pagoda used as an execution
21 site? And did you ever go there?

22 A. Yes, the white stairs led to Kirirom. Actually, I only went to
23 see it after the regime fell. There was a cave there, and people
24 were killed in that cave. And the cave was half full.

25 [09.20.12]

1 Q. And during the DK period, did you see people being arrested
2 and taken away to Wat Kirirom?

3 A. No, I did not. I only saw the dead body of Ta Oeum -- that is,
4 my previous commander who was killed to the east of - rather, to
5 the north of the mountain.

6 Q. Now I would like to speak about another topic which is a
7 little bit different, that is to say, the detention centres, sir.
8 Yesterday I believe we spoke about a detention centre in Chanlaos
9 Kdaong. And apparently, there is another detention centre which
10 was close to Samnang village. Is Chanlaos Kdaong and Samnang
11 village, are these the same detention centres or are these two
12 different places?

13 A. I refer to Kdaong commune. And there was a well between the
14 two mountains, and nearby there were white stairs leading to Wat
15 Kirirom.

16 [09.22.05]

17 Q. And was there a place where people were detained in Kdaong
18 commune? Or in Samnang village; did you ever hear about a
19 detention place in Samnang village?

20 A. There was a Samnang village. However, there was no detention
21 centre. People were provisionally detained at the base of the
22 white stairs. And there were chains and cuffs remaining there.
23 And later on, they would be killed and dropped into the cave. And
24 the location where they were provisionally detained and the cave
25 was not that far.

10

1 Q. Did you ever hear about a place where people were detained
2 which was in Loui (sic) village, L-O-U-I village?

3 A. I am not familiar with Loui (sic) village. I have not heard
4 about this village.

5 [09.23.47]

6 Q. A witness who was described yesterday, Mr. Im An, who is a
7 monk spoke about a woman by the name of Ta -- Yeay Nae,
8 Grandmother Nae. So this was Im An's record of interview,
9 document E3/6737; English, ERN 00274160; French, ERN 00226156;
10 and Khmer, 00197883. And did you ever hear about a lady by the
11 name of Grandmother Nae, Yeay Nae?

12 A. No. I do not know any woman by the name of Nae.

13 Q. I have two other topics to discuss with you: First, the
14 arrival of cadres from the Southwest Zone, do you remember,
15 Witness, having seen cadres coming from the Southwest Zone --
16 cadres from the Southwest Zone coming into your area? And do you
17 remember what happened then?

18 A. I did not know any Southwest cadres. I only knew about the
19 soldiers in the company and battalion where I belonged.

20 Q. And in 1977, were people among the cadres in the commune or in
21 the sector or the district arrested? Were these cadres replaced
22 by others?

23 A. Are you referring to soldiers? I know Ta Chheng who came to
24 replace Ta Chham as a commune chief.

25 [09.26.38]

11

1 Q. Were you told why Ta Chheng had replaced Ta Chham?

2 A. They said that Ta Chham was replaced by Ta Chheng.

3 Q. I understood that of course, Witness. But did you attend
4 meetings where Ta Chham was accused or other cadres were accused
5 of being traitors?

6 A. Yes. We were called to a meeting and then the men whose name I
7 cannot recall now was accused of being traitors. And they were
8 killed with a roof beam. So all the soldiers in the battalions in
9 the area were called to attend the meeting, and these two accused
10 traitors were killed with roof beam. I recall, the name of the
11 person was Ta Daok and he's a child. We were called to a meeting
12 and that we would be witnessing the smashing of the rebellious
13 people. That's what we were told.

14 Q. Maybe I'm mistaken but it seems to me that yesterday you said
15 that Ta Daok was considered a traitor because he had been a
16 serviceman in the Lon Nol regime.

17 A. Yesterday I said that he concealed weapons and for that
18 reason, he was smashed. That's what I testified yesterday.

19 [09.29.20]

20 Q. Fine. And was this weapon the weapon he used when he was a Lon
21 Nol soldier?

22 A. I of course did not know when he concealed the weapons since
23 his house was far from mine. And they later on found out that he
24 concealed the weapons, and for that reason, he was smashed.

25 Q. Very well. Witness, do you remember whether in your village

12

1 and in your commune there were Chams living side by side with the
2 Khmer?

3 A. No, there was no Cham. However, in my battalion there were
4 some Chinese people who lived and worked with us. Here I refer to
5 the first battalion and there were no Chams.

6 JUDGE LAVERGNE:

7 Thank you very much, Witness, for all these clarifications. I
8 have no further questions for the witness.

9 MR. PRESIDENT:

10 Thank you, Judge Lavergne. I now hand the floor to the defence
11 teams, first to the co-counsel for Nuon Chea to put questions to
12 this witness. You have the floor, Counsel.

13 [09.31.14]

14 QUESTIONING BY MR. KOPPE:

15 Good morning, Mr. Witness. Let me start by asking you a few
16 follow-up questions in relation to Chham. Do you know -- what do
17 you know about him other than what you just told him? Do you know
18 anything about his functions within the Northwest Zone?

19 MR. PRUM SARUN:

20 A. At that time, he instructed us to build dam at Kamping Puoy.
21 He had a house there. Later on, he disappeared. I had knowledge
22 where he disappeared to. And then Ta Chheng came in to replace
23 him. And that's what I knew.

24 Q. Do you know whether there was any other leading cadre at
25 Kamping Puoy dam who was called Chham? Or was he the only leading

13

1 person at the dam called Ta Chham?

2 A. Ta Chham escaped and then Ta Chheng came to replace him.

3 That's what I knew.

4 [09.32.58]

5 Q. Do you know whether Ta Chham in a previous function was deputy
6 chief of economy in the Northwest Zone?

7 A. I did not know where he went to. I only knew that he
8 disappeared. I did not dare to ask people about his
9 disappearance. Because it was a dictatorial regime, so I was not
10 there to ask about this. I only just focused on my work of
11 building the dam.

12 Q. Maybe my question wasn't clear. Before he went to the dam, was
13 he the chief or deputy chief of economic affairs in the Northwest
14 Zone?

15 A. Ta Chham was the deputy secretary. And after he went away, and
16 then Ta Chheng came to replace him. I only knew that he
17 disappeared. I did not dare to ask people about his
18 disappearance.

19 Q. I understand. Do you know his full name? Or let me ask it
20 differently. Was his full name Chin Chham?

21 A. I did not know about his full name; I just know only his name
22 Chham. That's what people call him.

23 [09.35.12]

24 Q. And you talk about his disappearance and him being replaced by
25 Chheng. Do you know in what year Ta Chham was replaced by Chheng?

14

1 What year and what month?

2 A. I could not recall that.

3 Q. Could it have been January 1978?

4 A. Yes, it was about that time.

5 Q. Have you ever heard of a Sector 5 chief Ta Hun (phonetic)?

6 A. I did not know that person named Ta Hun (phonetic). I did not
7 know him.

8 Q. That's no problem, Mr. Witness. Let me now go back to some
9 questions about you. I understand that at one point in time
10 before 1975, you were a soldier in the army of the Khmer Republic
11 and that you were in Battalion 164; that's correct, isn't it?

12 A. Yes, that's correct. Battalion 164.

13 [09.37.10]

14 Q. Do you recall what year you were enlisted in the army of the
15 Khmer Republic?

16 A. I spent one year in the army, and then I was sent to Thailand
17 to study Thai language for one year. One year and then three
18 months later, I was sent to Battalion.

19 Q. When you were sent to study Thai, was that when you were still
20 a military? In other words, was it the army that sent you to go
21 study Thai?

22 A. Yes. When I came back from Thailand, I came to join my
23 Battalion 164 after three months of training.

24 Q. Well, is my understanding correct that you have been in the
25 army a year, then you were sent to study Thai for a year, then

15

1 you came back to rejoin your battalion, and was there for another
2 three months? So in total you were in the army two years and
3 three months?

4 A. Yes.

5 [09.39.10]

6 Q. And after those last three months, was the zone then
7 liberated? Was it then 17 April '75? Or did something happen
8 after those three months?

9 A. When I was in the army, I was sent to Svay (phonetic) forest
10 for -- and I was there for one year. And then it was liberated,
11 and then I changed my uniform to civilian clothes and walked into
12 the village.

13 Q. So all in all you were in the army about three and a half
14 years; is that correct?

15 A. Yes, that's correct.

16 Q. When you got enlisted in the army, you were also living in
17 Krapeu Cheung village; is that correct?

18 A. Krapeu Cheung, not Trapeang Cheung. I want to emphasize Krapeu
19 Cheung.

20 Q. Sorry for my mispronunciation. I did indeed try to say Krapeu
21 Cheung. But that's where you were when you first joined the Khmer
22 Republic army, correct?

23 A. Yes. Krapeu Cheung was my home village.

24 [09.41.25]

25 Q. Is it correct to say that in April 1975, most people in Krapeu

16

1 Cheung village knew that you had been in the Lon Nol army for
2 about three and a half years?

3 A. Yes, that's correct.

4 Q. So the cadres from "Khmer Rouge" also knew in '75 that you had
5 been in the army; is that correct?

6 A. Yes. That's correct.

7 Q. In your statement to the investigators, you said that after
8 '75, cadres were monitoring you; is that correct?

9 A. Yes, that's correct. They investigate, they follow soldiers.
10 And they kept me because I was hardworking. I worked hard both
11 daytime and night time, and never complained about the hard work.
12 And that's why they kept me alive.

13 [09.43.25]

14 Q. And you also stated in your WRI, E3/5187, on English page
15 00274179; Khmer, 00197918; French, 00274186; "They had me make a
16 biography once a year for the battalion chairman to send to upper
17 echelon." End of quote. Is that what you said?

18 A. Yes. They instructed me to make a biography once a year.
19 That's correct.

20 Q. Do you know any other members from Battalion 164 who also in
21 April '75 left the army, made their biographies and were
22 monitored just like you?

23 A. They follow only me, but they kept me to work because I was
24 good at working. Because I was so hardworking, that's why I
25 survived the regime.

17

1 Q. But do you know any other Lon Nol soldiers who, after they
2 left the army, were working in the rice fields in your district
3 or sector?

4 A. So every soldier was required to make biographies, but my unit
5 chief named Oeum was killed at Chanlaos Kdaong. But they kept me
6 alive to be used for working.

7 Q. Do you know whether in April '75, Lon Nol soldiers were
8 required to assemble at Wat Sampov?

9 A. I did not know about that because I lived far away from the
10 city.

11 [09.47.00]

12 Q. Let me read a small excerpt from someone who gave his
13 statement, and an excerpt was read yesterday by the Prosecution
14 -- that is, Mr. President, document E3/5211; Khmer, ERN 00221544
15 to 45; French, 004485979; and English, 00275399. The question,
16 Mr. Witness, that the investigators asked this person is as
17 follows: "Can you clarify what happened to the Lon Nol soldiers
18 after Ta Chham made his loudspeaker announcement?" And then this
19 witness answers: "The morning following Ta Chham's announcement,
20 I saw more than 100 of Ta Chham's soldiers disarm the Lon Nol
21 soldiers and collect all the military clothing and military
22 materials, and then ordered those 300 to 400 Lon Nol soldiers to
23 assemble at Wat Sampov. Two days later, three to four trucks of
24 all types came to transport the Lon Nol soldiers away to Ou Pong
25 Moan, Ta Kream sub-district, Banan district, to have them work

18

1 the rice fields." End of quote. Does this somehow sound familiar
2 to you, Mr. Witness, the collecting of 300 to 400 soldiers, who
3 then had to go work in the rice fields?

4 A. I did not know about that. I did not know where they were
5 transported to because I was busy working at that time.

6 [09.49.30]

7 Q. Let me ask it differently. Have you heard stories at the time
8 or do you know that Lon Nol soldiers after being disarmed were
9 sent to work in rice fields or cotton plantations or farms; those
10 things?

11 A. I did not know, because I just care about how to survive my
12 life.

13 Q. That's all right. I will move on to the next set of questions,
14 Mr. Witness. In your WRI, your statement, you refer to a speech
15 of the secretary of the Northwest Zone committee, Moul Sambath
16 also known as Ros Nhim or Ta Nhim. Do you remember saying
17 something to the investigators about hearing his speech?

18 A. I was instructed to attend the meeting at Sampov mountain to
19 listen to the speech about the cultivations. And that's what the
20 speech was about.

21 [09.51.20]

22 Q. Do you remember any other details? How long was his speech?
23 Did he say other specific things? What did Ta Nhim look like?

24 A. I did not know him because I attend the meeting only once. And
25 I did not have time to look at his face because I was far from

19

1 where he was. And there were many people attended the meeting at
2 that time. It was a big meeting and I was at the back among the
3 crowd. I heard only his voice; I did not see his face.

4 Q. Do you know any other people who were at the time in the
5 committee of the zone in the Northwest Zone committee? Who else
6 was in that position other than Moul Sambath alias Ta Nhim? Do
7 you know anybody else from the zone authorities?

8 A. I did not know anyone else. They were all in black uniform and
9 I did not know them. And I did not have time to look at them
10 because I was busy -- I spent most of my time in the rice fields
11 growing rice.

12 09.53.08]

13 Q. Have you ever heard of someone called Ta Paet?

14 A. I have not ever heard of the person called Ta Paet.

15 Q. Let me read an excerpt from a WRI of another witness. Mr.
16 President, that is E3/5185; Khmer, ERN 00197889; French,
17 00226162; and English, 00274166. The witness is asked the
18 question: "Did you ever meet Paet? And is he dead or alive?" And
19 he answers: "Paet had been the sector secretary since 1975 and
20 Paet died after the Vietnamese liberation during approximately
21 1985 or 1986. I saw Ta Paet at the Kamping Puoy dam. He came to
22 inspect the work there once a week. Kamping Puoy was a worksite
23 where people were gathered up from every district of Battambang
24 province, including the evacuees who came to Sector 3. When Ta
25 Paet came to inspect the work, he met with the people at the

20

1 Kamping Puoy worksite and made loudspeaker announcements that" --
2 and I quote: "'We must take a revolutionary stance to strive to
3 work hard both day and night'. He spoke for about an hour in
4 those meetings but I don't remember all of what he said. It was
5 the same thing over and over again."

6 [09.55.47]

7 Does that maybe somehow refresh your recollection, someone
8 speaking at the dam almost every week, someone called Ta Paet,
9 the sector secretary?

10 A. I could not recollect it. I did not know the person known by
11 the name Ta Paet.

12 Q. He was also known as Ta Kantol. Does that ring a bell?

13 A. I also never met the person with the name Ta Kantol.

14 Q. His real name was Heng Teav, and he was a high-ranking
15 government member in the People's Republic of Kampuchea
16 government between 1979 and 1985/86 until he died. He was in the
17 state council under its president Heng Samrin. So does the name
18 Heng Teav, who was also the vice president of the Trade Union
19 Association at the time ring a bell to you?

20 A. I had not known about him and had not ever heard of his name.

21 [09.57.50]

22 Q. Very well. I will move on, Mr. Witness. I'll move on now to
23 the events that you described yesterday and this morning. Let me
24 first go to the moment that you said you saw two "Yuon" being
25 arrested and taken away from where you were working. Can you

21

1 explain to me again how it was that you knew or concluded that
2 they - that those two people that you saw were in fact
3 Vietnamese?

4 A. I saw they were tied up and walked away. I did not know about
5 their ethnicity. I saw them from the distance. And I was afraid
6 to ask people about the incident.

7 Q. Just to be sure, did you even know them, those two people that
8 you saw being taken away?

9 A. I did not know them because they just arrived in my village.
10 But they were also hardworking at that time. And we could not
11 walk freely from one battalion to another at that time. So our
12 movement were very restricted at that time. So we spent most of
13 our time with transplanting rice.

14 Q. Yesterday and also this morning, I believe, you spoke about
15 Vietnamese families not in your battalion but in the other
16 battalion. Did you know any of them personally? Did you know
17 anyone by name?

18 A. No, I did not know them by names. I never asked about their
19 names.

20 [10.00.50]

21 Q. Did you ever talk to them, chitchat with them at one point in
22 time?

23 A. No, I never chitchatted with them. I focused on the work
24 assigned to me during the regime.

25 Q. Is it then correct for me to say that you had no idea whether

1 they were Vietnamese or Khmer?

2 A. I did not know whether they were Vietnamese or whether they
3 belonged to another ethnicity. I did not dare ask them about
4 that. I was only mindful of myself. At that time, it was only you
5 who could save yourself and nobody else. If somebody was taken
6 away to be killed, then that would be the end.

7 Q. Is it then also fair for me to say that your statement that
8 they might have been Vietnamese is a conclusion and based only
9 upon an earlier question asked to you by Ta Krach whether there
10 were any Vietnamese in your platoon?

11 A. I already testified that there were only Chinese and there
12 were no Vietnamese. That was my response when I was asked by Ta
13 Krach. In my battalion, there were only Chinese.

14 [10.03.02]

15 Q. I understand, Mr. Witness. But today and yesterday, you spoke
16 about people who were arrested and that might have been executed.
17 You seem to indicate that they might have been Vietnamese. But is
18 it fair for me to say that that is a conclusion and is actually
19 only based on Ta Krach's earlier question to you?

20 A. Ta Krach asked me only about the Vietnamese, and to my
21 response to him was that in my unit, there were only Chinese, and
22 there were no Vietnamese.

23 Q. Fine, Mr. Witness. Now let me go back to what I asked earlier
24 about Ta Chham being replaced by Chheng possibly arrested. And I
25 asked you whether it could be that that was in January 1978. Now

23

1 my question to you is: would you be able to recall how many
2 months Ta Krach asked this question to you before Chham
3 disappeared? Was it just before Ta Chham disappeared? Or did Ta
4 Krach ask it long time before?

5 A. Ta Krach was in charge of my battalion.

6 [10.05.15]

7 MR. PRESIDENT:

8 Interpreter, please listen to the English channel properly. The
9 counsel does not refer to Cham, but he refer to a person by the
10 name of Chham. And here, we are debating about the treatment of
11 the Vietnamese and not the treatment of Cham. So please try to
12 understand the question properly. Because the pronunciation by
13 the defence counsel is very similar between Chham and Cham.

14 BY MR. KOPPE:

15 I do apologize for my pronunciation. I do not speak at all about
16 Cham. I will always speak about the person Ta Chham.

17 Q. Let me repeat my question, Mr. Witness. We have the
18 disappearance of Ta Chham, we have the question to you of Ta
19 Krach. Do you know how much time it was between the question of
20 Ta Krach to you and Ta Chham's disappearance?

21 MR. PRUM SARUN:

22 A. The time passage was a year between when I was asked by Ta
23 Krach. In fact, the person disappeared for a year before Ta Krach
24 asked me about the Vietnamese.

25 [10.07.10]

24

1 Q. Maybe I misunderstood, but let me ask for clarification. What
2 came first, Ta Krach's question to you whether there were any
3 Vietnamese or the disappearance of Ta Chham? What came first?

4 A. It was Ta Chham's disappearance that took place first, and
5 later on, I was asked by Ta Krach.

6 Q. So is it then fair for me to say that Ta Krach's question must
7 have been somewhere in 1978, assuming Ta Chham was arrested in
8 January '78?

9 A. I don't have anything else to add to what I have just stated.

10 Q. Let me try it differently, Mr. Witness. Do you recall that in
11 September, October '77, there was a massive invasion of
12 Vietnamese troops into the territory of Democratic Kampuchea?

13 A. I do not recall the year. No, I cannot recall the year at all
14 when Vietnamese liberated Cambodia, I forget about the year.

15 [10.09.45]

16 Q. One last question, if you'll allow me, Mr. President, before
17 the break. Vietnamese troops invaded Democratic Kampuchea
18 massively at least two times: one at the end of 1978 when the
19 country was "liberated" and one time in September, October 1977.
20 Have you heard anything about that?

21 A. Yes, I heard about that and I saw they came to liberate us in
22 the village. And here I refer to the Vietnamese who came to
23 liberate us. But I cannot recall the year as I have just stated.

24 Q. My last question -- excuse me, Mr. President -- but can you
25 connect Ta Krach's question to the Vietnamese invasion in time?

25

1 A. No. By the time the invasion by the Vietnamese, Ta Krach had
2 been shot dead and buried. And Ta Chheng was wounded on his hand
3 and fled away. At that time, there was an event of a rebellion by
4 the Khmer people, by the resistant group. And only later on, the
5 Vietnamese arrived.

6 MR. PRESIDENT:

7 Thank you, Counsel. It is now convenient to have a short break,
8 and we take a break and return at half past 10.00.

9 Court officer, please assist the witness during the break time at
10 the waiting room reserved for witnesses and civil parties, and
11 invite him back into the courtroom at 10.30.

12 The Court is now in recess.

13 (Court recesses from 1012H to 1031H)

14 MR. PRESIDENT:

15 Please be seated.

16 The Court is back in session and the floor is once again is given
17 to the defence team for Mr. Nuon Chea to resume his questioning.

18 If you still have further questions to put to this witness, you
19 may proceed.

20 BY MR. KOPPE:

21 Q. Thank you, Mr. President. Good morning again, Mr. Witness.

22 Before the break we were speaking about the invasion -- two
23 invasions, rather, of Vietnamese troops. You have been in the
24 army yourself so you know, I presume, what battle or armed
25 conflict means. Have you heard in the last year of Democratic

1 Kampuchea, 1978, about massive fighting in Svay Rieng between
2 Vietnamese troops and troops of Democratic Kampuchea?

3 [10.33.27]

4 MR. PRUM SARUN:

5 A. I have never heard of that matter since I was working in my
6 location -- that is, Sampov mountain. I have never heard of the
7 massive attack.

8 Q. That's not a problem, Mr. Witness. Just to be sure, is it
9 correct when I say that the question from Ta Krach to you about
10 whether there were any Vietnamese in the battalion was posed by
11 Ta Krach after Ta Chham disappeared?

12 A. Ta Krach came to ask me whether or not there were Vietnamese
13 within my unit. I replied that there were only Chinese; no
14 Vietnamese in my unit.

15 Q. I understand that, Mr. Witness, but let me ask you
16 differently. When Ta Krach asked you that question, had Ta Chham
17 already disappeared?

18 A. Ta Chham had already disappeared and after his disappearance,
19 Ta Chheng came to replace him.

20 [10.35.20]

21 Q. My question is: would you be able to recollect how many months
22 or weeks after Ta Chham's disappearance did Ta Krach come to you
23 and ask that question about Vietnamese?

24 A. Since his disappearance, Ta Krach came to ask me about the
25 Vietnamese for the second time and actually Ta Krach asked me for

27

1 the second time about Vietnamese before the disappearance of Ta
2 Krach (sic). I cannot tell you the exact year when that happened.
3 Q. I understand, Mr. Witness; it's a very difficult question. Let
4 me move on to another topic. It's a word you also just -- before
5 the morning break you used -- the word "rebellion". But also in
6 your WRI you used on three occasion words to the effect that
7 there were people rebelling against the Revolution; that rebel
8 groups were created; and that there was rebel movement in your
9 district. When you speak about that, what does that mean, who was
10 rebelling and why?

11 [10.37.25]

12 A. Regarding the rebellion, the rebellion took place because
13 people said that there was oppression by Khmer Rouge. The
14 rebellion became known to the Khmer Rouge and consequently
15 battalions and other units were called into the meeting to try to
16 search for those who created rebellion.

17 Q. Do you recall anything about Northwest Zone forces or cadres
18 raising arms or collecting arms to start a rebellion?

19 A. I have not known about that matter, I cannot recall it; it
20 happened a long time ago, so I am forgetful and I cannot recall
21 it.

22 Q. I understand; have you ever heard whether Ta Chham or Ta Nhim,
23 also known as Moul Sambath, were part of the rebellion against
24 the Khmer Rouge?

25 A. I do not know about that matter.

1 [10.39.22]

2 Q. I have only two small questions left, Mr. Witness; one is the
3 following -- that is something another witness talked to the
4 investigators. Mr. President, that is E3/7737; English, ERN
5 00274160; Khmer, 00197883; and French, 00226156. This witness is
6 asked questions about Vietnamese and he is talking about a person
7 called Yeay Nae and he is saying that this woman was a "Yuong" who
8 had been nationalised and then he said, "Subsequently, they
9 released her". Do you know anything about people of Vietnamese
10 ethnicity who had been nationalised or had become Khmer that they
11 would be released, have you ever heard of anything like that?

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

13 MR. PICH ANG:

14 Mr. President, allow me to make a clarification. In the Khmer
15 version of the document quoted by the defence counsel, I heard
16 the name was pronounced Yeay Nae (phonetic) but in fact it was
17 Nhav (phonetic). This name was brought up by Judge Lavergne
18 before. It was Yeay Nhav (phonetic), not Nae (phonetic).

19 [10.42.12]

20 BY MR. KOPPE:

21 Thank you, Civil Party Lawyer. The question wasn't about the
22 woman, but whether the witness knows whether there was any
23 different treatment between people of Vietnamese ethnicity who
24 had -- or had not been "Nationalised", but you don't know
25 anything about that; is that correct?

1 MR. PRUM SARUN:

2 A. No, I do not know about that. I have never known the person by
3 the name Nae (phonetic) or Nhav (phonetic).

4 Q. My very last question, Mr. Witness, in your WRI you speak
5 about someone who was a singer from Phnom Penh, someone with the
6 name of Thet Sambath. Do you remember talking about him?

7 A. Yes, I do. I know the person by the name Thet Sambath. His
8 hands - his arms were tied behind his back and he was walked
9 away, since then he disappeared. We, in fact, used to be working
10 together in field in Dangkao (phonetic). He was walked away,
11 since then he disappeared. This is all I know about him.

12 [10.44.18]

13 Q. Do you know -- this is my very last question -- whether he had
14 a son who is now a journalist working in Phnom Penh?

15 A. No, I do not know his son.

16 MR. KOPPE:

17 Thank you, Mr. President.

18 MR. PRESIDENT:

19 Thank you. Now I pass the floor to the defence team for Mr. Khieu
20 Samphan to put questions to this witness, you have the floor now.

21 [10.45.05]

22 QUESTIONING BY MS. GUISSÉ:

23 Thank you, Mr. President. Good morning, and good morning, Mr.

24 Prum Sarun. My name is Anta Guissé, I am International Co-Counsel
25 for Mr. Khieu Samphan, and in this capacity, I'll put some very

30

1 brief questions to you.

2 Q. My first question is related to the two battalions you
3 referred to. You stated that you were a member of Battalion 1 and
4 that there was another battalion, Battalion 2. If I did
5 understand correctly you did not have the opportunity to talk to
6 members of Battalion 2. But did you know who the commander of
7 that second battalion was? If you do, please give us the name of
8 that person.

9 MR. PRUM SARUN:

10 A. Ta Yi (phonetic) was the chief of Battalion 2.

11 Q. I would like us to talk about Ta Krach, you did say he was the
12 commander of your battalion, do you know where he hailed from?

13 A. Ta Krach birthplace was located in Phnum Chreung (phonetic);
14 Ta Krach was shot to death and Ta Chey (phonetic) also got bullet
15 wounds.

16 [10.46.59]

17 Q. I am still interested in Ta Krach, can you tell us the names
18 of Ta Krach's direct subordinates?

19 A. There was Ta Krach and there was another person by the name
20 Boeun (phonetic); they are all deceased.

21 Q. And did you work closely or directly with Ta Boeun (phonetic)
22 or Boeun (phonetic)?

23 A. He was within another battalion. I was tasked with
24 transplanting and harvesting rice.

25 Q. You said that Boeun (phonetic) was a member of another

31

1 battalion; do I take it then that Ta Krach was in charge of
2 several different battalions in addition to Battalion 1?

3 A. Ta Krach was in charge of Battalion 1 and Ta Boeun (phonetic)
4 was under different battalion and perhaps Ta Boeun (phonetic) was
5 also in charge of another battalion.

6 [10.49.00]

7 Q. Very well. I asked you who the direct subordinates of Ta
8 Krach, as matter of fact Ta Boeun (phonetic) was not a
9 subordinate of Ta Krach, he was rather someone who was of the
10 same rank or level as Ta Krach; isn't that correct?

11 A. Yes, that is correct.

12 Q. So my question was different. I wanted to know whether you
13 recall or not, and if you don't remember that's not important.
14 Who were the people working under Ta Krach apart from yourself?

15 A. It was Ta Hong, the deputy chief. Ta Hong was the deputy chief
16 below Ta Krach. As I said, they were all deceased.

17 Q. And Ta Hong the person you said was your direct superior, is
18 that the case that he was your direct superior?

19 A. Yes, that is the case.

20 Q. I would like us to once more talk of Ta Chham. Did you often
21 see him during the period of Democratic Kampuchea before he
22 disappeared?

23 A. I only saw his face and I did not dare go close to Ta Chham,
24 he was a kind of cruel person. Whenever he assigned me to build
25 the dam, I would perform the task, I did not dare go close to

1 him.

2 [10.51.22]

3 Q. Specifically as regards Ta Chham's character, some other
4 persons have talked about his character. I would like to know
5 whether you knew a person called Un Soeun (phonetic). And for the
6 interpreters to avoid pronunciation problems, it is written as
7 follows U-N S-O-E-U-N (sic). Do you know any persons who at any
8 point in time were in charge of the unit and who were from Phnum
9 Sampov commune?

10 A. I have never known a person by the name Um Suonn.

11 Q. Did you hear of the Issarak movement?

12 A. I forget almost everything about the movement of Khmer
13 Issarak; it happened a long time ago and I cannot describe the
14 movement.

15 [10.52.57]

16 Q. No problem with that. Does the name Ta Yat ring a bell? It is
17 spelled as follows: Y-A-T, for the interpreters.

18 A. Ta Yat, I have never heard of that name.

19 Q. I would like to know whether the statement of this witness may
20 refresh your memory as regards to the Issarak movement and as far
21 as Ta Yat is concerned and the document is E3/5182, and the
22 witness in question refers to the arrest of Ta Yat and this is
23 what he states. The ERN in French is 00223092; and the ERN in
24 Khmer is 00197935; ERN in English, 00274149; and this is what
25 that witness states.

1 [Free translation] "I heard from Ta Yat that at the time of the
2 Issarak movement, there had been a conflict with Ta Chham. In my
3 view, the reaction of Ta Chham was related to personal scores and
4 not any matters related to the Khmer Rouge." End of quote.

5 In that extract, the witness talks of the arrest of Ta Yat. Does
6 that extract refresh your memory and do you recall hearing of the
7 arrest of a person by the name Ta Yat and that person's
8 involvement in the Issarak movement? Does that ring a bell to
9 you?

10 A. It does not ring a bell to me; I have never known the person
11 by the name Ta Yat, as I said. I do not know which Ta Yat you are
12 referring to.

13 [10.55.45]

14 Q. I will not insist; there is no problem with that. Generally
15 speaking, you refer to the character of Ta Chham and his cruelty.
16 Do you know whether he ever took any decisions based on personal
17 interest as opposed to other reasons, and did you hear about that
18 while you were working with him or did you hear his superiors or
19 any other persons refer to that?

20 A. No, I never approached him. I did not dare look at his face
21 directly.

22 Q. I very well understand that you were afraid of Ta Chham. My
23 question to you is as follows: was such fear based on
24 conversations you had with others with him regarding the way he
25 worked and more generally speaking since you refer to his

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1 cruelty, did you have any particular reasons to fear his
2 reactions, generally speaking?

3 A. I heard that he had killed several or many people, for this
4 reason I did not dare look at his face directly or even walked
5 past his house. I did not dare to talk to him.

6 [10.57.45]

7 Q. And who had relayed those statements to you, who told you
8 about the deaths that stemmed from decisions taken by Ta Chham?

9 A. It was a rumour from one and another and as I said I did not
10 dare look at his face directly and approach him. I would only
11 focus on my work at the dam site.

12 MS. GUISSÉ:

13 Thank you. I have no further questions for the witness, Mr.
14 President.

15 MR. PRESIDENT:

16 Thank you, Mr. Prum Sarun, the hearing of your testimony as a
17 witness has come to a conclusion now and your testimony will
18 contribute to the truth in this Case. You may be excused and
19 return to any destination or any places you wish to go. I wish
20 you good health, good luck and prosperity in your life.

21 Court officer, please work with WESU unit to send Mr. Sarun back
22 to his residence or to any destination he wishes to go and you
23 are also instructed to invite 2-TCW-949 into the witness stand
24 before the Chamber.

25 [10.59.45]

1 (Short pause)

2 (Witness 2-TCW-949 enters the courtroom)

3 [11.02.22]

4 QUESTIONING BY THE PRESIDENT:

5 Q. Good morning, Mr. Witness. What is your name? And please
6 observe the microphone, you should speak only after you see the
7 red light lit on the tip of the microphone and also it means that
8 this will give you a pause to think what to respond to the
9 question. Again, what is your name?

10 MR. UM SUONN:

11 A. When I was in Sangvaeuy commune--

12 [11.03.06]

13 Q. Witness, please listen to the question carefully and respond
14 to the limit of the question. Again, what is your name? You need
15 to wait until you see the red light on the tip of the microphone
16 so that your voice will go through the interpretation system and
17 to the audience. Your response needs to be interpreted into
18 English and French simultaneously. Again, what is your name?

19 A. My name is Um Suonn.

20 Q. Thank you, Mr. Um Suonn. And when were you born?

21 A. No, I do not remember it.

22 Q. How old are you?

23 A. I am 64 years old.

24 Q. And where is your current address?

25 A. I live in Sakda village, Trapeang Ruessei, Boeng Mealea

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1 commune, Svay Leu district, Siem Reap province.

2 [11.04.56]

3 Q. And what is your current occupation?

4 A. I am a rice farmer.

5 Q. What are the names of your parents?

6 A. My father is Lim Y and my mother is Paen.

7 Q. What is the name of your wife and how many children do you
8 have together?

9 A. We have 10 children and my wife is San Sun, and as I said we
10 have 10 children.

11 Q. Thank you, Mr. Um Suonn. The greffier made an oral report this
12 morning that you are not related by blood or by law to any of the
13 two Accused -- that is, Nuon Chea and Khieu Samphan or to any of
14 the civil parties admitted in this Case. Is that information
15 accurate?

16 A. I am not related to any of them.

17 [11.06.35]

18 Q. Thank you. And before your appearance, have you taken an oath
19 before the Iron Club Statue?

20 A. Yes, I have taken an oath before the Iron Club Statue, to be
21 faithful and I will tell only what I heard and saw.

22 Q. Thank you, Mr. Um Suonn. The Chamber would now like to inform
23 you of your rights and obligations as a witness.

24 Your rights: As a witness in the proceedings before the Chamber,
25 you may refuse to respond to any question or to make any comment

1 which may incriminate you, that is your right against
2 self-incrimination.

3 Your obligations: As a witness in the proceedings before the
4 Chamber, you must respond to any questions by the Bench or
5 relevant Parties except where your response or comments to those
6 questions may incriminate you as the Chamber has just informed
7 you of your rights as a witness. You must tell the truth that you
8 have known, heard, seen, remembered, experienced or observed
9 directly about an event or occurrence relevant to the questions
10 that the Bench or Parties pose to you.

11 And Mr. Um Suonn, have you provided an interview, if any, to the
12 investigator of the Office of the Co-Investigating Judges, if so,
13 how many times, when and where?

14 A. No, I haven't. I was not interviewed.

15 [11.08.47]

16 Q. There is a document which is a written record of your
17 interview that it happened in October in the year 2008 at
18 Trapeang Ruessei village, Boeng Mealea commune, Svay Leu
19 district, do you recall that?

20 A. Yes, I recall it. Yes, I was interviewed that year. Yes, I
21 recall that I was interviewed once.

22 Q. And before you appeared before the Chamber, have you reviewed,
23 read or had it read aloud to you -- that is, the written record
24 of your interview you provided to the investigators at your house
25 in order to refresh your memory?

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1 A. I remember part of the interview although I remember most of
2 the interview content.

3 [11.10.08]

4 Q. My question to you is that, during the past few days or even
5 yesterday or this morning, have you read, reviewed or have it
6 read aloud to you -- that is, your written record of interview?

7 A. Yes, I have read it and I remembered part of the record.

8 Q. And to your best recollection, is the written record of your
9 interview consistent with what you told the investigators in 2008
10 at your village?

11 In fact, please respond to my question whether the written record
12 of your interview consistent with what you told the investigators
13 at the time.

14 A. After I read it, yes it is consistent with what I told them.

15 MR. PRESIDENT:

16 Thank you. And pursuant to 91bis of the ECCC Internal Rules, the
17 Chamber will give the floor first to the Co-Prosecutors to
18 question this witness and the combined time for the
19 Co-Prosecutors and the Lead Co-Lawyers is two sessions. You may
20 proceed.

21 [11.12.03]

22 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

23 Good morning, Mr. President. Good morning, Your Honours. Good
24 morning to all Parties.

25 Witness, my name is Vincent De Wilde and I'm therefore going to

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1 put questions to you this morning and as well as this afternoon
2 in particular regarding the events that took place at the Khsach
3 pagoda. If you do not understand one of my questions, please say
4 so and I'll be able to rephrase it. Also, please do not add
5 things; just simply tell us what you know. If you do not know
6 something, simply tell us that you do not know.

7 Q. So, first of all, after April 1975, can you tell us which unit
8 you were assigned to during the DK regime?

9 MR. UM SUONN:

10 A. I was in a mobile unit in the village but not at a community.
11 I worked in the rice field at the time. As for the economic
12 sections, they dealt with the economics.

13 Q. And in which village, in which commune, and which district,
14 this mobile unit was working?

15 A. It was in Yeang village, Sangvaeuy commune.

16 [11.13.55]

17 Q. Thank you. You also said or you spoke about Chi Kraeng
18 commune, I heard this in the Khmer version, I did not hear this
19 in the French. How old were you in 1975? Today you said that you
20 were 64 years old, therefore in 1975 when you started working in
21 this mobile unit, how old were you, approximately?

22 A. I was about 28 years old.

23 Q. Do you know in which sector Chi Kraeng district was located
24 back then?

25 A. No, I do not know which sector it belonged to, although I know

40

1 it was in Chi Kraeng district, Siem Reap province and the village
2 was Yeang and the commune was Sangvaeuy.

3 Q. Fine. When you were in Yeang, in this village, can you tell us
4 where you would sleep with your mobile unit?

5 A. No, there was no mobile unit in the commune, however, there
6 was at the co-operative. I was an ordinary villager in the
7 co-operative in Yeang village.

8 [11.15.53]

9 Q. Fine, did you ever sleep in the Khsach pagoda in this village
10 of Yeang?

11 MR. PRESIDENT:

12 Witness, please observe the microphone.

13 MR. UM SUONN:

14 A. Because the village that I lived was next to Khsach pagoda, it
15 was about 150 metres from the pagoda. However, the area was
16 commonly known as Yeang village, located in Sangvaeuy commune,
17 Chi Kraeng district, Siem Reap province.

18 [11.16.55]

19 Q. What was the purpose of this pagoda, the Khsach pagoda between
20 '75 and '79, were there still monks there or did they still hold
21 the village ceremonies at that pagoda?

22 A. No, there was none. There were no monks because the temples
23 were dismantled and the pagoda was used to raise animals or to
24 pound rice. The temple structure remained there; however, the
25 temples, the residence and the Buddha statues were all destroyed.

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1 That year, the main temple was dismantled and most of the
2 structures in the pagoda were destroyed and only some skeleton
3 structure of monk residence remained.

4 Q. Thank you. I will get back to the location of this pagoda a
5 little later on. I am going to ask simply to answer precisely the
6 questions that I'm going to put you now. In your co-operative --
7 in your co-operative unit, did you ever know a so-named Sung or
8 Sean Song back then?

9 A. Sean Song, yes I knew Sean Song. He and I sneaked a look at
10 the event of execution which was unfolding before our eyes.

11 MR. PRESIDENT:

12 Mr. Witness, please limit your response to the question, whether
13 you know this person, Sean Song. Yes or no, that is sufficient.

14 [11.19.31]

15 BY MR. DE WILDE D'ESTMAEL:

16 Q. Yes, that's exactly that. I will get back to the execution so
17 please don't worry about that. So did Sean Song work in the same
18 unit as you, and can you tell us how old he was approximately in
19 1975?

20 MR. UM SUONN:

21 A. He was younger than me; I reached my adolescent already;
22 however, he was younger than me.

23 Q. You told us that you were 28 years old in 1975 and now you
24 said that you were in adolescence so were you already an adult
25 since you were 28 years old as you just told us?

1 A. Yes, I was more mature and older than Sean Song.

2 Q. Despite the difference in age, were you friends with each
3 other?

4 A. Yes, we were friends; I went everywhere with him, including
5 working with him.

6 [11.21.05]

7 Q. So I have questions that do not yet relate to what happened at
8 Khsach pagoda and the executions you spoke about but these are
9 questions that relate to the presence or not of people of
10 Vietnamese origin in that - in your region. And did New People
11 settle, first of all, in the villages of Sangvaeuy commune after
12 17 April 1975?

13 A. Yes, there were New People in the area at that time. There
14 were some of them, including Ta Khut and Chantha.

15 Q. We will get back to these people but were there also people of
16 Vietnamese origin who were among these people who settled in
17 Sangvaeuy commune?

18 A. Yes, there were Vietnamese living in the area. There was a
19 Vietnamese family belongs to Ta Khut and Yeay Ma and they had a
20 granddaughter named Chantha and they all had been taken away and
21 killed at Khsach pagoda and their gallbladders were removed.

22 Q. Fine. You're going faster than my questions. Aside from that
23 family, were there other Vietnamese whom you knew in this village
24 or other villages in Sangvaeuy commune?

25 A. I did not know any other families besides the two families

1 that I mentioned.

2 [11.23.40]

3 Q. You also spoke about the family of Ta Khut and of Yeay Ma and
4 of their grandchild Chantha. And how did you know that this was a
5 family of Vietnamese origin?

6 A. I knew it because the elders in the village all knew that they
7 were Vietnamese. Everybody knew that they were Vietnamese because
8 they had lived there several years -- that is, since the former
9 regimes.

10 Q. So this family was not part of the people who had been
11 evacuated in 1975 to settle in the village. So that family,
12 therefore, had been there before 1975, is that what I must
13 understand?

14 A. Yes, that is correct. They lived there much longer before 1975
15 and later on they were arrested and executed, I mean all of them.
16 It was stated that they were killed, they had lived in Cambodia
17 for a very long time and I did not know why they were arrested
18 and killed.

19 [11.25.26]

20 MR. PRESIDENT:

21 Mr. Witness, allow me to remind you again, please limit your
22 response to the extent of the question. There will be plenty more
23 questions to be put to you and you will be sitting here for the
24 rest of today's proceeding and possibly half a day tomorrow, so
25 you may even get tired. Just limit your response to what will be

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1 put to you. For that reason, please only make necessary response
2 to the question and not more than that.

3 MR. DE WILDE D'ESTMAEL:

4 Thank you. You said earlier that everyone knew that this was a
5 Vietnamese family. Did Khut and Ma, the grandparents therefore,
6 speak Khmer with a Vietnamese accent, were you able to speak to
7 them?

8 MR. UM SUONN:

9 A. They spoke Khmer language rather clearly since they lived in
10 Cambodia for so long. Since I grew up I began to know them and
11 they were good people; they never caused any trouble with the
12 villagers in the village and commune. They were kind and that's
13 from my personal experience since I saw them since I grew up
14 there.

15 [11.27.18]

16 Q. You are speaking about your childhood, had you been in contact
17 with them since your childhood or did you grow up in another
18 village in Sangvaeuy commune?

19 A. They lived in Khsach village; however, that Khsach village was
20 also known as Yeang village because they were next to the Khsach
21 pagoda and there was also a Vietnamese temple not far from the
22 Khsach pagoda. However, later on, it disappeared. There were a
23 structure remained on the hill but the Vietnamese temple was
24 gone. I lived in Boeng Mealea commune for several years.

25 Q. So you were speaking about a Vietnamese temple, if there was a

1 Vietnamese temple, does that mean there were many Vietnamese
2 people who had settled in that region and who would go to that
3 temple before 1975.

4 A. Yes. There were quite a number of Vietnamese families living
5 there at that time, however later on, I only saw the family of Ta
6 Khut and Yeay Ma together with their granddaughter Chantha. And
7 that's what I actually saw.

8 [11.29.22]

9 Q. So what happened to these many Vietnamese families, did you
10 ever hear after 1975 that these families had been forced to leave
11 Cambodia?

12 A. I only heard people talking about that but I did not know
13 whether they all had gone. The only thing I witnessed is that I
14 only saw a family remaining -- that is, the family of Ta Khut and
15 Yeay Ma together with their granddaughter Chantha. As the rest,
16 they all had gone.

17 Q. During the Democratic Kampuchea regime in 1977 and 1978, did
18 you know whether the village chief or the commune chief tried to
19 identify persons who were of Vietnamese origin in the region?

20 A. I was in the mobile unit so I did not know what happened on
21 the ground in the village. I was also assigned to cut the
22 "kantreang khet" tree leaves to make fertiliser so I was
23 constantly on mobile and had to focus on the work because I did
24 not dare to make any mistake as I was afraid I would be taken
25 away and killed.

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1 MR. PRESIDENT:

2 Thank you, Counsel; and I notice Counsel Koppe is on his floor
3 (sic), you may proceed, Counsel.

4 [11.31.16]

5 MR. KOPPE:

6 I thank you, Mr. President. Before we break, I have a request in
7 relation to this particular witness and I was hoping whether you
8 could instruct WESU to provide Parties with a copy of his
9 identification papers, his ID. I'm asking because in his WRI,
10 it's stated that he was born on 9 January 1958; later when we
11 will be examining this witness, his age and also his ability to
12 calculate will be an issue. He just said that he was 64 now,
13 which would make him being born in 1951 rather than '58; he also
14 just said that he was 28 in 1975, which would make him being born
15 in 1947. Apparently the investigators have written down the
16 specific date of 9 January 1958, so I think it would be
17 beneficial for all Parties to see a copy of his identification.

18 [11.32.36]

19 JUDGE FENZ:

20 Do you have your ID on you now?

21 MR. UM SUONN:

22 A. Yes, I do, I have it with me. I cannot recall everything.

23 JUDGE FENZ:

24 We will ask you to provide it after the break. Make -- ensure
25 that you have it on you.

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1 MR. PRESIDENT:

2 Thank you. And Counsel Koppe, I think your request is now solved.

3 Let us have a lunch break and resume at 1.30 this afternoon.

4 Court officer, please assist the witness at the waiting room

5 reserved for witnesses and civil parties during the lunch break

6 and invite him back into the courtroom at 1.30.

7 Security personnel, you are instructed to take Khieu Samphan to

8 the waiting room downstairs and have him returned to attend the

9 proceeding this afternoon before 1.30.

10 The Court is now in recess.

11 (Court recesses from 1133H to 1330H)

12 MR. PRESIDENT:

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

14 Before the Chamber gives the floor to the Deputy Co-Prosecutor --

15 okay, and now I give the floor to the Deputy Co-Prosecutor to put

16 questions to this witness.

17 BY MR. DE WILDE D'ESTMAEL:

18 Thank you, and good afternoon, Mr. President.

19 Q. Before the break, Witness, you said that, at a point in time

20 in the region, there were many Vietnamese families that lived

21 there before 1975. But you said that you did not know whether

22 they all left at some point. Do you remember during which period

23 you did not see all of those Vietnamese families in the region,

24 apart from the family of Chantha and her grand-parents?

25 MR. UM SUONN:

1 A. It was from 1975 or 1976.

2 [13.32.56]

3 Q. And while those Vietnamese families were there, how could they
4 be distinguished from Khmer families? By what criteria could you
5 determine whether they were Vietnamese families or Khmer
6 families?

7 A. You are asking about the Vietnamese and Khmer languages? In
8 fact, I saw a few families of Vietnamese, and later on I did not
9 know where they were going to.

10 Q. Is it correct to say that they had their own language, their
11 own traditions, before 1975? And I am referring to the
12 Vietnamese.

13 A. Regarding the Vietnamese traditions and customs, at that time
14 the traditions and customs of Vietnamese was quite the same as
15 those of Khmer people.

16 [13.34.28]

17 Q. Very well. A while ago you said that you were in your unit
18 working, and did not know what happened in the village, including
19 whether instructions had been given to the village chief to
20 identify Vietnamese in the region. With the leave of the Chamber,
21 I would like to show you the name of a witness in a record of
22 interview, E3/7685, and that is Witness 2-TCW-846. And what I
23 would like to do is to simply show you the name of that person,
24 and I would request you not to utter the name of that person
25 aloud if you do know that person.

1 Mr. President, can I show the witness the first page of this
2 record of interview, E3/7685?

3 MR. PRESIDENT:

4 Yes, you can provide it to the witness. But first, I would like
5 to know whether Mr. Witness can read and write. Witness, can you
6 read and write?

7 MR. UM SUONN:

8 A. Yes, I can, but not well.

9 [13.35.54]

10 MR. PRESIDENT:

11 So Mr. Co-Prosecutor, you can provide the document to the
12 witness. And Mr. Arun, please read that text to the witness.

13 BY MR. DE WILDE D'ESTMAEL:

14 Q. Witness, may I request you not to pronounce the name of that
15 person? Do you know that person? Do you know that witness, who
16 lives in Yeang village?

17 MR. UM SUONN:

18 A. Yes, I know that person. Yes, I do.

19 Q. Did you know him during the period of Democratic Kampuchea?

20 A. Yes, I did. I have known that person since the Democratic
21 Kampuchea.

22 [13.37.18]

23 Q. I would like to read an extract of this transcript, E3/7685,
24 page 2 in French; 2 in English and Khmer. And the question put to
25 the person is as follows:

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1 "Regarding the persons who are executed, do you know what their
2 nationalities were?"

3 Answer -- that is the answer by that witness: "I heard that they
4 were Vietnamese. At the time when all those people were
5 assembled, the village chief had statistics. He told them that
6 they were being sent for studies." End of quote.

7 And the next page in French, page 4; in English, page 5; and the
8 question is as follows:

9 "The village chairman, who had a statistical list of the
10 Vietnamese, did he have orders from the upper level?"

11 And the answer by the witness was: "There were orders from the
12 upper level."

13 I would like to know what the witness said regarding the
14 existence of lists and statistics concerning persons of
15 Vietnamese origin. I would like to know whether this reminds you
16 of anything, or you confirm that you never heard or saw a list
17 established for Vietnamese persons in the region.

18 [13.38.55]

19 A. I do not know on that particular point.

20 Q. Still during the same period, and before we talk about what
21 happened at the Khsach pagoda specifically, between 1975 and 1978
22 in Yeang village, in your unit of cooperatives, or within the
23 commune, did you attend any meetings with the local authorities?

24 A. No, I never attended any meetings, since at the time I was in
25 charge of economics in the cooperative. I was tasked with finding

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1 fish at the river. I did not know whether there were meetings
2 held at that time.

3 Q. Very well. Then let us talk about Khsach pagoda. In 1978, was
4 that pagoda surrounded by a fence? And if so, can you describe to
5 us that fence if it did exist?

6 A. Yes, there was a fence surrounding that pagoda.

7 Q. Was that fence in concrete or it was built with other
8 materials?

9 A. The fence was built out of "krach" (phonetic) or wood.

10 [13.41.26]

11 Q. Could anyone see through that fence? And if yes, could you see
12 the both sides of the pagodas? Or again, were there any sides of
13 the pagoda which could not be viewed if you were looking through
14 the fence?

15 A. Later on, some parts of the fence were built out of concrete.
16 In that period the fence was made out of wood. Now it is in
17 concrete.

18 Q. And since it was built in wood, could anyone within the
19 premises see buildings within the premises of that pagoda?

20 A. Yes, we could see from the outside. There were cracks, there
21 were holes that we can look through. And from outside, we could
22 see the temple within the pagoda.

23 [13.42.54]

24 Q. A while ago you said that some buildings had been destroyed -
25 or, rather, that the statues in the pagoda had been demolished.

1 You also said that all that was left was the monks' houses. Was
2 there a library housing sacred books within the pagoda?

3 A. Yes, there was a "sala haotrai" or a library hall in the
4 pagoda. And there were halls housing those sacred books.

5 Q. And what was the size or the dimensions of the building in
6 which the sacred books were kept? Can you give us an idea of the
7 dimensions of that building?

8 A. Concerning the library hall, it was seven metres long and --
9 rather, it was seven metres wide and 10 metres long. And for
10 height, it was about three to four metres.

11 Q. Was it a story building or an ordinary house without any
12 stories?

13 A. It was an ordinary house on the ground. It was not a stilt
14 house.

15 Q. Could anyone see that building from outside of the pagoda,
16 particularly the northern and eastern sides of the pagoda?

17 A. Yes, we could see from the southeast and north direction, but
18 we were not able to see at the library from the west direction,
19 since it was blocked by monks' cells or houses.

20 [13.45.54]

21 Q. A while ago, you already mentioned repeatedly that people were
22 executed at the Khsach pagoda, particularly the family of Chantha
23 and his grandparents, who are of Vietnamese origin. I would like
24 you to briefly tell the Chamber what you saw as regards those
25 executions, and during what period those executions were carried

1 out.

2 A. Regarding the matter, it took place at around 6.00 or 7.00 in
3 the evening. The executions started from 6.00 or 7 p.m., and it
4 lasted until 10 p.m.

5 Q. Do you know whether the other persons executed at the Khsach
6 pagoda, apart from Chantha's family, were also Vietnamese, or
7 not?

8 A. Yes, they were Vietnamese. The Vietnamese were killed.

9 [13.47.35]

10 Q. And how did you know that they were Vietnamese?

11 A. I know they were Vietnamese since they spoke with accents.
12 They had different speaking manners from that of Khmer.

13 Q. Did you hear them talk while the executions were being carried
14 out at the Khsach pagoda? Could you make out their accent?

15 A. I heard at the time the screaming because of the beating. And
16 because of the screaming, I was trying to look what was
17 happening, and I could see the executions taking place.

18 Q. Did you know or get to know where those Vietnamese were
19 brought from? From which cooperative, from which village, from
20 which commune were they brought?

21 A. I do not know on this point. I noticed that these Vietnamese
22 people were placed in the library hall, and I could hear them
23 talking.

24 Q. As regards the exact period of those events, do you remember
25 in what year those people were assembled in the Khsach pagoda?

1 A. It was in 1975 or 1976, '75 or '76.

2 [13.50.45]

3 Q. I would like to remind you of what you told the investigators
4 some years ago, the document E3/7768 - or, rather, 7778, and it
5 is the second answer you gave in this record of interview. And
6 this is what you said: "One day, perhaps in 1978, when I heard
7 the screaming of people, I went to stealthily see with Sung what
8 was happening and I saw the Khmer Rouge killing people on the
9 southeast side of the pagoda, outside of the fence." So you did
10 say that that was in 1978 approximately. Does this refresh your
11 memory?

12 A. It was in 1975, '76 or '77. The executions took place a few
13 times, from 1975 up to that year. I noticed there were executions
14 two times. So what can I say about that?

15 [13.52.13]

16 Q. Don't worry about that. All I'm asking of you is to give us
17 the approximate time when those executions you witnessed were
18 carried out. Perhaps it would be easier for us to go in the
19 opposite direction. Sir, please wait. Approximately how long
20 after the arrival of -- or how long before the arrival of the
21 Vietnamese in 1979 did you witness the executions at the Khsach
22 pagoda?

23 A. I saw the execution taking place in 1977 and it continued up
24 until 1978.

25 Q. I would like to read out to you another extract by a witness

1 from Yeang village, document E3/7686. And the French page is
2 00332891 up to 92; in English, 00275406 and 07; and in Khmer,
3 00221620 and 21. Now, Witness, this is a witness named Launh
4 Khun. Launh is spelt as L-A-U-N-H and Khun, K-H-U-N. That person
5 was in Yeang village. He says that the executions in Khsach
6 pagoda were carried out in August 1978. And in this record of
7 interview, she refers to the execution of her husband, called
8 Chun, C-H-U-N; and her mother-in-law, Nha, N-H-A; and her
9 brother-in-law, Kea, K-E-A; her sister-in-law, Hong; and her
10 husband, Chai, as well as their three children -- that is, Hong's
11 three children. Three little children, aged a week, and two
12 years, and three years. And she says in this record of interview
13 that all of them were led away and executed for the simple reason
14 that the in-laws of those persons were Vietnamese.

15 Do you remember these persons? A person called Launh Khun, and
16 the family, whose family name I have mentioned -- I have named?
17 [13.55.22]

18 A. Yes, I did. I knew the person by the name Launh Khun.

19 Q. That person says that the event occurred only a few months
20 before the arrival of the Vietnamese in Cambodia in January 1979.
21 And you did say that those executions were carried out in 1977
22 and 1978. In August -- that is, four to five months before the
23 arrival of the Vietnamese in 1979, would that ring a bell to you?

24 A. Yes, I can recall some things else. Vietnamese were smashed
25 and killed one after another. The executions took place twice.

1 Q. Do you know or did you learn that the members of that family
2 of Vietnamese origin, the husband Chun, Nha, sister-in-law, Chai
3 and the three children, did you hear that all those people were
4 themselves executed at the Khsach pagoda?

5 A. They were killed during the first process -- that is, the
6 first stage.

7 [13.57.15]

8 Q. I wouldn't insist, but the witness said that it was indeed in
9 August 1978 that is when the executions were carried out.

10 The family of Launh Khun, did it have any kinship ties, if ever,
11 with Chantha's family, Ta Khut and Yeah Ma?

12 A. I do not know whether they had any ties with those people. I
13 knew the person by the name Launh Khun, as I said. Once again, I
14 knew this person. I did not bother asking that person, Launh
15 Khun, in detail about his background, and personally I knew that
16 person, Launh Khun.

17 Q. You have spoken at length about the arrests and executions of
18 Chantha and his grandparents. Do you know how Chantha was led to
19 the Khsach pagoda? Was any reason given to him to convince him to
20 go to that pagoda? And did they tell him what was going to happen
21 there?

22 A. They did not tell and said anything. I heard a villager say
23 that Chantha was taken for re-education. In fact, after that,
24 Chantha disappeared. After a few days, we realized that Chantha
25 disappeared. A few days later, there were bodies remaining out of

1 the pits, since perhaps they -- the pit could not accommodate all
2 the bodies.

3 [13.59.41]

4 Q. Did you then see Chantha's body outside of the pits? Or did
5 you witness his execution?

6 A. I did not go there to see whether Chantha's body was outside
7 of the pit. I was about 30 metres away from the pit, from the
8 body, and at that time I was so scared. That left me so
9 frightened, and I ran back home.

10 Q. What I wanted to know was if you had seen Chantha or his
11 grandparents being detained or taken to Wat Khsach, and then
12 being executed there.

13 A. I saw her dead body. I was frightened and then I ran back
14 home. I was so frightened when I saw it, and I ran back home.

15 [14.01.10]

16 Q. Did you see in what state the body was in? Was there anything
17 that struck you when you saw the body, in terms of traces of
18 blows that might have been on that body?

19 A. I was so frightened after I saw that, and I did not think of
20 anything else but running toward my house. I was running very,
21 very fast to get back home after I witnessed that horrible event.

22 Q. Well, I'll get back to that later. Now, I would like -- well,
23 you said earlier, I'm sorry, that you heard cries coming from the
24 pagoda, and that that had led you to go see what was going on.

25 How long did the people who were taken to the pagoda stay on

1 site? Did they stay there for several days, or only for one day,
2 or only for one night, or for several nights?

3 A. They were brought to the pagoda in late afternoon, and they
4 were not killed at that point in time. And when I returned home,
5 I heard the screaming, so then I discretely took a look, and
6 that's when I saw the execution unfolding before my eyes. So I
7 and Sean Song then ran back home.

8 Q. Before you witnessed the executions, you said that these
9 people who had been taken there at the end of the afternoon had
10 been detained in the library, if I'm not mistaken. So, was it
11 possible for these people who had been taken to Wat Khsach to
12 escape? To escape from the building where they were locked up?
13 [14.04.17]

14 A. Because of the situation, I ran back home and in the evening I
15 heard the screaming, and I heard the sounds of beatings. So then
16 I decided to secretly have a look, and that's when I saw the
17 beating and the killing that was happening. Let me repeat: I
18 returned to have a look because of the screaming that I heard.

19 Q. Fine. The victims who were beaten up and executed, had it been
20 possible for them to escape from the pagoda to avoid the fate
21 that was awaiting them?

22 MR. PRESIDENT:

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

24 MR. KOPPE:

25 I object to this question, Mr. President. This is inviting the

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1 witness to speculate. He couldn't possibly know anything about
2 whether people who were detained had any possibility to escape,
3 yes or no. So I object.

4 [14.05.50]

5 BY MR. DE WILDE D'ESTMAEL:

6 Q. Well then I will re-phrase the question, Witness. Witness, did
7 you see if the people who were taken to be executed were escorted
8 by people who were armed?

9 MR. UM SUONN:

10 A. Those who escorted them were armed. However, those people were
11 executed with a club, a bamboo club, not with any gun. But the
12 people who escorted them to the temple had weapons, had guns.

13 Q. Now, I turn to the moment where you observed or witnessed
14 these executions. You said that you were with your friend, Sean
15 Song. So did you arrive there with him? And did you leave that
16 site with him at the same moment?

17 MR. PRESIDENT:

18 Please hold on, Witness.

19 [14.07.20]

20 MR. KOPPE:

21 Mr. President, the witness has been able in the last 25 minutes
22 to continuously contradict himself. First, he said on two
23 occasions that he didn't see executions. Now again he saw
24 executions. Then he saw people in the library. He's now making
25 the assumption that these people who were in the library and were

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1 shouting, were probably also executed. It's full of holes right
2 now. So just taking the part that Prosecution is interested in --
3 what?

4 JUDGE FENZ:

5 You're testifying, Counsel. I mean, you're summing up the
6 evidence. You can ask all the questions the Prosecution will not
7 ask.

8 MR. KOPPE:

9 Fine.

10 [14.08.35]

11 MR. PRESIDENT:

12 Deputy Co-Prosecutor, you may continue your line of questioning.
13 And Counsel Koppe, your time will come after the conclusion of
14 the session by the Co-Prosecutors and the Lead Co-Lawyers. And
15 when your turn comes, you can put all those questions for
16 clarification to the witness. And before I hand the floor to the
17 Deputy Co-Prosecutor, in fact the greffier already received a
18 photocopy of the identification card of the witness, and copies
19 will be provided to the Parties, and the original ID will be
20 handed back to the witness.

21 Deputy Co-Prosecutor, you may resume.

22 BY MR. DE WILDE D'ESTMAEL:

23 Q. Thank you, Mr. President. So I will take the previous
24 objection as an attempt to influence the witness. Of course he
25 said people had been executed. So let me get back to my question.

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1 So did you arrive there on site, at your observation station
2 where you saw these executions with Sean Song? And did you leave
3 that place with him at the same time too?

4 [14.10.01]

5 MR. UM SUONN:

6 A. The thing is that, before they were killed, they were brought
7 in late afternoon, and placed in the library hall. And that
8 happened at around 4 o'clock in the afternoon. And in the evening
9 I heard the screaming, and then I decided to go and have a look.
10 And that was the reason I went to have a look. It's the
11 screaming. And Sean Song was with me when we went there together.
12 Then we heard the screaming from the execution, and then we were
13 so frightened and we ran back home. And next morning we went to
14 see the pagoda again. And in the library hall, it was empty.
15 There was nobody there. And then we saw dead bodies fill up the
16 pit. And that's what happened. I don't know what else to tell
17 you. I can tell you only to the limit of what I saw at the time.

18 [14.11.25]

19 Q. Thank you. Witness, please listen carefully to the question. I
20 know that you described several times what you saw, but now we're
21 trying to put questions in a gradual and systematic way. So when
22 you arrived there on site, and you saw the executions, had the
23 executions already started? Was the process already on-going?

24 A. Yes. And please listen to me carefully. Those people were
25 brought in late afternoon, and in late evening, or you can say at

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1 night time, at about 6.00 or 7 p.m., they were taken out from the
2 library hall and executed. And I heard the screaming of those
3 people, so I decided to leave my house to go and have a look. And
4 yes, the execution took place. And next morning when I returned,
5 the library hall door was open, and it was empty. There was
6 nobody inside because they all had been executed.

7 [14.12.57]

8 Q. Earlier on, you said that you had watched these executions for
9 quite a while, and then that you returned back to your unit where
10 you were sleeping. So, when you left the execution site, were the
11 executions still going on? And earlier on, you said that the
12 executions had stopped only at 10 o'clock at night. So then, you
13 yourself, around what time did you leave the execution site?

14 A. To my knowledge, it was clear that the event started from 4
15 o'clock in the afternoon when they were brought in. However, the
16 execution took place at night, and it lasted till about 10 p.m.
17 And by that time I was so frightened, my body was shaking. And
18 that's when I decided to run back home.

19 Q. Can you assess with a bit more precision how long you remained
20 hiding, observing these executions? Do you know approximately how
21 much time went by?

22 A. Of course, at that time I did not wear any wristwatch, and I
23 could give you only an estimate time. At that time, although it
24 was dark, but we could recognize one another, and the execution
25 lasted till 10 p.m., when it was fully dark. And then that's when

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1 I decided to run back home. And that was the truth, and I do not
2 know what else to tell you.

3 [14.15.10]

4 Q. Fine, fine. That's what we're asking you to tell -- that is to
5 say, to tell the truth. So in your WRI, you said that you
6 remained on site for about one hour. So does that correspond to
7 your memories? Or did you stay there longer?

8 A. I could not say for sure how long it was, because it happened
9 a long time ago. But by the time I was running back home, they
10 finished executing those people. You could imagine that my body
11 was so shaking as I was so frightened of witnessing the
12 execution, and I was afraid that the executioners would spot us.
13 Of course I was afraid of losing my life as well.

14 Q. How did you manage to come close to the execution site and not
15 be spotted by the executioners, who were about 10 metres away
16 from you? How did you manage to hide?

17 MR. PRESIDENT:

18 Witness, please hold on. And Counsel for Khieu Samphan, you have
19 the floor.

20 MS. GUISSÉ:

21 I don't know if I misunderstood, but it appears to me that the
22 witness said that he was about 30 metres away. Maybe I didn't
23 understand the Co-Prosecutor's question well, but I did not hear
24 10 metres away, I heard about 30 metres away coming from the
25 witness. So, I object to the question if it relies on erroneous

1 information.

2 BY MR. DE WILDE D'ESTMAEL:

3 I think the lawyer did not understand. I said a few tens of
4 metres. So 30 metres could be a few tens of metres.

5 Q. So Witness, how did you manage to hide and not to be seen by
6 the executioners?

7 [14.17.53]

8 MR. PRESIDENT:

9 Witness, please hold on. And Deputy Co-Prosecutor, please
10 rephrase your question. The witness already testified that this
11 morning he was 30 metres away from the execution site, so the
12 distance of 30 metres and 10 metres is rather a large one.

13 BY MR. DE WILDE D'ESTMAEL:

14 Q. Mr. President, let me please be specific again. I said a few
15 tens of metres, a few dozen metres, so that could mean therefore
16 30 metres. So the question was not focussed on the distance. It
17 was focussed more on how did the witness and his friend managed
18 to come close to that place without being seen. Did they hide in
19 bushes? Did they crouch? How did they manage?

20 [14.18.59]

21 MR. UM SUONN:

22 A. When I discretely looked at what happened, actually I was
23 hiding behind a palm tree, while my friend was hiding behind a
24 tamarind tree. And we were about 30 metres away from the
25 execution site. We were frightened when we were there, discretely

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1 taking a look at what happened before our eyes. We actually
2 crawled to the site where we discretely looked at what happened.
3 We didn't simply walk there. And that's what happened and I'm
4 telling the truth.

5 Q. Was there a ditch along the pagoda wall that maybe you used to
6 come close to the execution site?

7 A. I did not go very close to the execution site. I was at about
8 30 metres away. And there was a canal along the fence of the
9 pagoda, and that's where I was watching what happened. And the
10 people were killed, and some of them were placed also in that
11 canal.

12 [14.20.54]

13 Q. So, with regard to the main entrance to Wat Khsach, can you
14 tell us where these executions took place, and where this canal
15 was located in relation to the main entrance? So, if you look at
16 the pagoda, and you look at the entrance, how far and in which
17 direction was the execution site?

18 A. It was to the east of the pagoda's fence. There was a canal
19 along the fence, and the canal was three metres wide.

20 Q. So, from the place where you were stationed, where you were
21 hiding behind the palm tree, did you have good visibility on the
22 execution site? Could you see the executioners and the victims at
23 the same time? And was the place lit?

24 A. Yes, there was. They used these gas (inaudible) to light up
25 the scene. Although I was 30 metres away, I could see it clearly.

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1 I was so frightened, and a while after, we decided to crawl back
2 and then ran back home.

3 [14.23.05]

4 Q. And could you also hear from where you were what the
5 executioners were saying? Could you also, obviously, hear the
6 cries or what the victims were saying?

7 A. Yes, I heard them cry and I heard them scream. And as I stated
8 earlier, that was the reason that drove me to have a look. We
9 crawled, we bent our heads, and we tried to see what happened.
10 And of course, I saw the executioners.

11 Q. And did these executioners ask questions to the victims before
12 executing them?

13 A. They only asked at the beginning. They accused those people of
14 a "Yuon" person. They did not use the word "Vietnamese", but they
15 used the word "Yuon". And each of them was walked by a separate
16 group, and then they were executed one by one. Although I was 30
17 metres away, I could see the event unfolding clearly.

18 [14.25.02]

19 Q. Did the executioners only accuse these people of being "Yuon"?
20 Or did they ask them if they were "Yuon"?

21 A. They did not ask many questions. They only asked a few words,
22 and then I heard the beating, and then I heard the screaming. And
23 I myself was very scared. My body was trembling. And after that,
24 I ran back home.

25 Q. So, because -- since you were trembling, and since you were so

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1 afraid, did you manage to find the strength to watch all of the
2 executions when you were hiding? Or did you somehow turn away, so
3 that you wouldn't be witnessing this horrible event?

4 A. I was there until the execution died down. Then I bent my
5 head, I crawled back and then I ran back to the cooperative. My
6 body was trembling, and that night I could not sleep till
7 morning.

8 [14.26.54]

9 Q. Do you remember having seen that all of the people who had
10 been brought to the execution site were executed? Or did you see
11 one or several of these people being separated from the people
12 who were executed, and therefore spared?

13 A. I did not see that. As I said, later on everything was quiet,
14 and nobody was let out to go anywhere. As I stated, in the
15 morning I went there again to see what happened, and the library
16 hall was empty and the door was ajar. And as I said, the day
17 before, I saw people were locked up in that library hall. I saw
18 their faces, I saw their hands. And later on that night -- I
19 refer to the previous night -- I saw the screaming and then I
20 decided to see what happened.

21 [14.27.24]

22 MR. PRESIDENT:

23 Witness, you have been reminded several times that you should
24 limit your response to the questions, rather than to provide a
25 lengthy description which was not necessary, and which would make

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1 you tired. You should prepare yourself to respond to many more
2 questions during the period of your testimony.

3 [14.28.42]

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. So when you were observing the execution site, did you hear
6 victims saying that they were Chinese and not Vietnamese?

7 MR. UM SUONN:

8 A. No, I did not hear that. I only heard the word "Yuon" used,
9 but I did not hear anything in relation to Chinese.

10 Q. Based on what you know, and after these executions at the
11 Khsach pagoda, in your village or in your commune, or even in
12 your district, Chi Kraeng, were there still people of Vietnamese
13 origin? Or had they all disappeared?

14 A. They disappeared and never returned. They were all executed.
15 No one was spared. And the names of those whom I knew never
16 returned as well. They were all killed in that pit.

17 [14.30.36]

18 Q. Does that mean that children and babies were also executed?
19 Did you see children and babies being executed? And if yes, how
20 were they executed?

21 A. I want to tell the Court that the legs -- both legs of the
22 baby or children were held, and they were held upside down, and
23 the babies and children were smashed against the coconut trees.

24 Q. How about older children? Were they also killed with bamboo
25 clubs? Or they were also killed by having them smashed against

1 coconut trees?

2 A. For some older babies or children, they would be killed by the
3 bamboo clubs. As for toddlers, they were held upside down by
4 their legs and smashed against the coconut trees. Five-year-old
5 or six-year-old children were smashed with the bamboo clubs.

6 Q. Did you ever hear in the village any soldiers, or Khmer Rouge
7 cadres, or members of your mobile unit, say that those children
8 and babies of Vietnamese origin were a threat to the authorities?

9 A. I do not know on this particular point.

10 [14.33.35]

11 Q. During the period in question, what is the name of the chief
12 of Yeang village? Do you remember that name?

13 A. I knew the name of the village chief at that time. His name
14 was Doeung (phonetic) or Kdoeung (phonetic). This village chief
15 passed away already.

16 Q. Was there another cadre called Soy or Say from Yeang village
17 in Sangvaeuy commune?

18 A. There was a person by the name Soy back then, who was the
19 deputy chief. Doeung (phonetic) was the chief of the village, and
20 Soy was the deputy chief. They are all deceased. They are all
21 deceased.

22 [14.35.08]

23 Q. Did you ever hear Doeung (phonetic) or Soy make any remarks
24 regarding instructions they may have received to assemble the
25 Vietnamese in the Khsach pagoda?

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1 A. There was a village chief at that time. I am not quite sure.
2 Everyone was aware of that matter. For me, I was instructed to go
3 this and there, and I did not know for sure what was happening,
4 but executions actually took place, as I said.

5 Q. You mentioned the manner in which people were executed, and
6 you spoke specifically of bamboo clubs used to kill particularly
7 adults and children of a certain age. They were struck with such
8 clubs. Were there any people who were disembowelled and whose
9 gall bladders were extracted? Can you provide any explanations on
10 that?

11 A. The grand-daughter of Yeay Ma's abdomen was cut open, and the
12 gall bladder was removed from her -- that is, the gall bladder of
13 Chantha. And the gall bladder was hung on the coconut tree's
14 leaf. There were quite a number of gall bladders and I did not
15 know how many people's abdomens were cut open and their gall
16 bladders were removed. Actually, the gall bladders of the
17 unmarried women were removed.

18 [14.38.06]

19 Q. In the evening of those executions, did you yourself see
20 anyone extracting gall bladders from victims who had been
21 disembowelled? Or you only saw those gall bladders the following
22 morning when you returned to the scene?

23 A. I saw the gall bladders were hung on the coconut tree's leaf
24 wall. I -- from my estimation, there were many gall bladders
25 which were removed out of a quite numbers of people.

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1 Q. My question, it was whether you saw those suspended or hung
2 gall bladders the evening following those executions? Or you saw
3 them hung on the coconut trees only the next day in the morning,
4 when you returned to the scene of those crimes?

5 A. After the execution, I went to that execution site and I could
6 see the gall bladders.

7 [14.40.06]

8 Q. Do you have an idea as to the reasons why the executioners
9 extracted the gall bladders of those victims? Did you hear
10 anything on the subject? Was there any symbolism behind such
11 practices?

12 A. I have no idea why they did such a thing. In fact, as I said,
13 I saw gall bladders. Whether the gall bladders were used for any
14 purposes, I cannot tell you.

15 MR. PRESIDENT:

16 It is now the break time, and the Chamber will take a short break
17 from now until 3 p.m.

18 Court officer, please assist the witness during the break time in
19 the waiting room, and please invite him back to the witness stand
20 in the courtroom at 3 p.m.

21 The Court is now in recess.

22 (Court recesses from 1441H to 1500H)

23 MR. PRESIDENT:

24 Please be seated.

25 The Court is now back in session and again the floor is given to

1 the Deputy Co-Prosecutor to put further questions to the witness.

2 You may proceed.

3 BY MR. DE WILDE D'ESTMAEL:

4 Q. Thank you. Witness, I will not be too long. I have a few
5 questions first regarding the executioners whom you saw execute
6 the Vietnamese. Can you tell us about how many executioners were
7 on site, that is to say including those who escorted the victims
8 towards the execution site as well as those who actually carried
9 out the executions?

10 MR. UM SUONN:

11 A. I saw a group of three, two escorted the person to the pit and
12 one was the executioner.

13 [15.02.42]

14 Q. So you mean there were only three people in total even if the
15 group was large. So each time they would come with two people
16 escorting and one person executing, so can you tell us if there
17 were several groups of three people or only one single group of
18 three executioners?

19 A. I saw people, I saw a person being walked by the two men and
20 the person who was being walked had his hands tied behind his
21 back and then the person was brought to the pit and then the
22 executioner at the pit would execute the person while the two men
23 returned to bring another person to be executed.

24 [15.03.55]

25 Q. So was it at each time the same executioner would carry out

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1 the execution or would they change, did they rotate?

2 A. They rotated. They actually took turn to execute the people.

3 The three men actually rotated to be an executioner.

4 Q. So based on what you saw, were these executioners soldiers or
5 militiamen?

6 A. They were not soldiers; they were the soldiers (sic) who based
7 themselves there. I knew two of them, Khut (phonetic) and Muoy
8 (phonetic); however, they are all dead.

9 Q. The French translation was a bit unclear. We heard that you
10 were saying that they were not soldiers, and then we heard that
11 they were soldiers and among them there were Khut (phonetic) and
12 Muoy (phonetic) so can you clarify again, can you tell us if they
13 were soldiers from the regional army or from the army or were
14 they militiamen. And I believe you said earlier that those who
15 escorted the Vietnamese were armed. So you yourself, were you
16 able to tell to which unit these executioners belonged?

17 A. At the pagoda, there was also a military unit which was based
18 there and there was also a group of militiamen based in the
19 pagoda as well.

20 [15.06.45]

21 Q. And the executioners, were they soldiers and militiamen at the
22 same time or they only belonged to one of those groups?

23 A. They were in the same unit and they were there together.

24 Q. How old were the soldiers approximately, these executioners?

25 A. From my observation, Comrade Muoy (phonetic) and Khut

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1 (phonetic) could be in their 60s in the present day or late 50s.
2 This is my rough estimate only. But the executioners are all
3 dead.

4 Q. Khut (phonetic) and Muoy (phonetic) whose names you mentioned,
5 were they part of the (inaudible) -- were they part of the
6 commune or the district?

7 A. I do not recall whether they belonged to the commune or to the
8 district. When I am not sure, or when I do not know I will say
9 that I do not know.

10 [15.09.13]

11 Q. Fine. Now regarding the number of victims, I would like to
12 make a distinction here and you will assist me in this so as to
13 say a distinction between the number of people who were executed
14 and whom you saw being executed and the global figure or the
15 global number of people who were in the library. First, can you
16 tell us during the period of time when you observed the
17 executions, how many people approximately were executed next to
18 the pit and next to the pagoda fence?

19 A. I saw several of them but I did not count how many there were.
20 However I saw the library hall full of people and my estimate of
21 those people number was about 25.

22 Q. So I'm a little bit confused here. So these 25 people, are
23 these the 25 people you saw being executed or are these the 25
24 people whom you thought were in the library?

25 A. I provided you with an estimate of the number of the people in

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1 the library hall and I cannot tell you of the number of people
2 who were killed since there were two phases of the killing.

3 [15.11.20]

4 Q. I will get back to the second phase later. When Sean Song
5 testified here, he spoke about a range of 50 to 60 people whom he
6 saw being executed and he provided higher figures before. He had
7 spoken of about 70 to 80 people, even a 100 and both of you
8 observed or witnessed the same event. So, is there anything that
9 can explain the difference in the assessment of the number of
10 people who were executed there?

11 A. As I stated I did not count, however it is my estimate that
12 there were 25 people in the library hall and later on people were
13 brought in and executed there and there were two ponds, one small
14 pond and one big pond and for the second killing there were also
15 killed at the pond that was filled and there were even bodies at
16 the rim of the pond and that was a mass killing and the bodies
17 were into hundred. However, as for the time that I saw the
18 screaming and the execution, the number of people that I saw in
19 the library hall at the time was about 25.

20 [15.13.20]

21 Q. You spoke about a pond. Was this pond located within the Wat
22 Khsach compound or outside?

23 A. It was located outside the compound of Khsach pagoda and the
24 well was also located outside the pagoda but it was located close
25 to the fence of the pagoda.

1 Q. You spoke about two episodes. So was the episodes of the
2 execution you witnessed the first time that an execution took
3 place or was the other event in which you said several hundred
4 people had been executed at the same time took place before, so
5 which event came first, the one during which you saw the
6 executions or the mass executions of the hundreds of people?

7 A. Regarding the episode where the people were executed and put
8 in the pond, I only saw dead bodies during the day time and I did
9 not witness the killing and only later on for the second episode
10 that's when I witnessed with Sean Song the execution of those
11 people together with Ta Khut and Yeay Ma and Chantha.

12 [15.15.30]

13 Q. Fine. Let me now turn back to the second event which you
14 witnessed. You said that you had gone back afterwards to that
15 site during the night of the executions. So why did you go back
16 to that place, what was the purpose and were you allowed to do
17 so?

18 A. I went to that area and I did not enter the office, I remained
19 outside the compound of the pagoda and when I looked at the
20 library hall, I saw that the door was open and the hall was empty
21 and I of course knew that the people who were brought in
22 yesterday afternoon were executed that night and also during the
23 morning the next day when I was there. I saw the dead bodies
24 filled up the pit.

25 Q. And the next day, did you see militiamen or soldiers within

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1 the pagoda compound or did they also leave the premises?

2 A. I saw them sitting in their office inside the compound of the
3 pagoda. They wore black uniform but I did not dare enter the
4 compound of the pagoda, I only walked along the fence of the
5 pagoda.

6 [15.17.38]

7 Q. So you saw gall bladders that were drying up on the fence or
8 on a tree rather, what else did you see at the place where the
9 executions had taken place, were there any other traces of the
10 executions?

11 A. Yes, I saw gall bladders hung up against the coconut tree leaf
12 wall, I saw clubs -- bamboo clubs, wooden clubs left there.

13 Q. And did you see bodies or was the pit covered up?

14 A. The pit was covered but it was not fully covered. I could see
15 limbs exposing from the earth.

16 Q. Were you able to recognise Chantha's body that day or maybe I
17 did not understand what you had said before?

18 A. They were killed and placed in the pit and of course I did not
19 look inside the pit, I only saw the pit with dirt covered.

20 Q. So let me turn back to the first episode again. You said that
21 hundreds of people had been executed. Do you have elements
22 regarding these people who were executed, were they also
23 Vietnamese like during the second episode and if that is the case
24 on which elements do you base yourself to state that?

25 A. Because I knew Ta Khut, Yeay Ma and Chantha clearly.

1 [15.20.58]

2 Q. Fine. Let me get back to my question. It wasn't properly
3 phrased. In fact you told us that there were two times when there
4 were executions at Wat Khsach. And you said that there had been
5 about 25 people who had been executed the night when you
6 witnessed the executions and you also said that before that, at
7 the Wat Khsach pagoda, there had been other executions and you
8 mentioned that there was a pond and a well and you said that
9 there were about 100 bodies that had been thrown in the pond and
10 into the well. So these people who were executed and thrown into
11 the pond or the well, were they Vietnamese or not?

12 A. I could not see it clearly. I did not know whether there were
13 all the bodies of Vietnamese or it was a mixture of Vietnamese,
14 Khmer or Cham people and I did not dare to go closer than that.

15 [15.22.28]

16 Q. Earlier I read the statements of Laun Khun who explained that
17 her husband of Vietnamese origin and her in-laws as well as her
18 children had been executed at Wat Khsach and you said that this
19 event was part of the first execution, the first mass execution
20 at the pagoda. So did I understand properly what you said, that
21 is to say that Launh Khun's family was killed at a different
22 moment from Chantha's family?

23 A. They were related to Chantha and his name was Launh Khun as he
24 was related to the Vietnamese.

25 MR. DE WILDE D'ESTMAEL:

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1 Well thanks. I think I will stop here. Thank you very much,
2 Witness, for having answered my questions. I'm now going to give
3 the floor to the civil party lawyers. Thank you very much, Mr.
4 President.

5 [15.24.05]

6 MR. PRESIDENT:

7 Thank you, Deputy Co-Prosecutor; and I would like now to hand the
8 floor to the Lead Co-Lawyers for civil parties to put questions
9 to the witness. You may proceed.

10 QUESTIONING BY MS. GUIRAUD:

11 Thank you, Mr. President. Good afternoon, Witness. My name is
12 Marie Guiraud. I represent the collective of the civil parties in
13 this Case and I have a few very short questions to put to you
14 this afternoon.

15 Q. You said earlier that two types of people had taken part in
16 the execution and in particular in the execution of Chantha.
17 There were people among them who were part of a military unit
18 that was stationed at the pagoda and there were also people who
19 were militiamen. So did I understand you correctly?

20 MR. UM SUONN:

21 A. Yes, that is correct, I agree with your statement.

22 [15.25.10]

23 Q. And this military unit that you spoke about, was it stationed
24 at the Khsach pagoda?

25 A. Yes, they stationed in the Khsach pagoda.

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1 Q. Do you remember when this military unit arrived in Khsach
2 village?

3 A. From my understanding and recollection, it started since 1975
4 and it continued through '76, '77, '78 and '79.

5 MR. PRESIDENT:

6 Witness, please hold on; there is no sound going through the
7 Khmer Channel.

8 (Short pause)

9 [15.26.41]

10 MR. PRESIDENT:

11 Lead Co-Lawyer for civil parties, please repeat your last
12 question since there was a technical glitch where the Khmer
13 channel was not heard through.

14 BY MS. GUIRAUD:

15 Q. I believe my last question was when did the military unit
16 arrive in Khsach village?

17 MR. UM SUONN:

18 A. It started since 1975 and it continued through 1979.

19 Q. So was the military unit stationed on a permanent basis in the
20 village and stationed at the pagoda, do you remember?

21 A. Yes. They were stationed permanently there in the village and
22 specifically in the pagoda.

23 [15.27.58]

24 Q. Did you know back then where this military came from, did they
25 come from the district, from the region, did you have any kind of

1 information in that regard back then?

2 A. No. I did not know from which level they came or which zone
3 they came or whether they belonged to the district or commune
4 level. I could only remember some comrades, namely Li (phonetic),
5 Seun (phonetic) and Lum (phonetic), who were in charge in that
6 location.

7 Q. What kind of duties did they perform?

8 A. They were overall in charge of the local administration,
9 including the commune and the district. This group of people were
10 overall in charge in the area.

11 [15.29.18]

12 Q. Thank you. Earlier you spoke about Khut (phonetic) and Muoy
13 (phonetic) whom you knew and who, according to your memories,
14 took part in the execution you described, can you tell us if Khut
15 and Muoy were members of the military unit or of the militia?

16 A. They were militiamen. I refer here to Khut (phonetic) and Muoy
17 (phonetic); they were militiamen belonging to the commune. Li
18 (phonetic), Lum (phonetic) and Seun (phonetic) were at higher
19 hierarchy and they were overall in charge. I did not know from
20 where Li (phonetic) came, but the other one came from Kampong
21 Cham (phonetic) province.

22 Q. And did I properly understand your testimony when you said a
23 while ago that you recognised Khut (phonetic) and Muoy (phonetic)
24 among the persons who had carried out the executions of persons
25 of Vietnamese origin, is that indeed what you said a while ago?

1 A. Yes, that's what I testified just a while ago.

2 [15.30.47]

3 Q. Did you subsequently see Khut (phonetic) and Muoy (phonetic)
4 in the village -- that is, after the execution -- that is, before
5 January 1979?

6 A. Later on, I saw them for a brief moment when the pigs were
7 slaughtered for meat in Kampong Kdei (phonetic) and I did not see
8 them from that time onwards.

9 Q. Did you hear anything said after the executions regarding what
10 had happened at Khsach pagoda and the involvement of Khut
11 (phonetic) and Muoy (phonetic) in those executions, is that
12 something that was discussed thereafter?

13 A. No, it appears not. No one had further discussion about Khut
14 (phonetic) and Muoy (phonetic) and I did not know another
15 individual mentioned by you, I did not know where he was from.

16 [15.32.48]

17 Q. To be sure that I have properly understood you, did you
18 recognise any other person other than Khut (phonetic) and Muoy
19 (phonetic) -- that is, apart from those two, were there any other
20 executioners?

21 A. No one else, I recall that they were Khut (phonetic) and Muoy
22 (phonetic). But there were three people in charge of the area:
23 Seun (phonetic), Li (phonetic), and another individual Khun
24 (phonetic).

25 Q. And as regards the other event which you described earlier

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1 when you answered questions put to you by the Co-Prosecutors --
2 that is, the massacre of hundreds of people, did you have any
3 other information regarding those massacres?

4 A. I have no idea about the lake. What I know is that there was a
5 pond; there was a small pond where the execution took place, not
6 the lake.

7 [15.34.24]

8 Q. And during that period, did you know who carried out those
9 executions?

10 A. No, I do not know.

11 MS. GUIRAUD:

12 Thank you, Witness; I have no further questions for the witness,
13 Mr. President.

14 MR. PRESIDENT:

15 Thank you. Now the Chamber gives the floor to the defence teams
16 to put questions to the witness, starting first from the defence
17 team for Mr. Nuon Chea, you have the floor now.

18 MR. KOPPE:

19 Thank you, Mr. President.

20 Mr. Witness, I shall be very, very brief today. As a matter of
21 fact I only have one question that I would like to put to you
22 because, with all due respect, I don't believe a word of your
23 story. So I am putting it to you that as a matter of fact you
24 never witnessed any executions between '75 and '79, you never saw
25 any dead bodies near Wat Khsach, you never heard any prisoners in

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1 the library of the Wat. As a matter of fact, the situation was
2 like one of the witnesses described-

3 [15.36.04]

4 MR. PRESIDENT:

5 Counsel, please do not use this forum to make your own conclusion
6 on the testimony of this witness. By doing so, you will try to
7 frighten the witness and make him lose confidence before the
8 Chamber. You are not entitled to make a conclusion on the
9 testimony of this witness. There will be time where you can make
10 your conclusion.

11 MR. KOPPE:

12 Very well, Mr. President, but I think I am allowed to ask the
13 question whether it's not true that in fact he never saw any
14 executions, he never saw any dead bodies at the pagoda, and he
15 never saw any--

16 [15.36.52]

17 MR. PRESIDENT:

18 I have heard your conclusion. I have observed that the other
19 Party on the other side of the Bench have put questions to this
20 witness and once again you please do not use the avenue to make
21 conclusion of the testimony by the witness and please do not use
22 any strategy to make the witness before the Chamber lose
23 confidence in the Chamber. You are entitled to put questions to
24 this witness and try to prove what is not true in the statement.
25 You are not entitled now to make conclusion, there will be time

85

1 at the end for you to make closing statement.

2 [15.37.51]

3 MR. KOPPE:

4 So are you saying, Mr. President, that I am not allowed to ask
5 the question whether the witness is in fact lying?

6 MR. PRESIDENT:

7 You are not allowed to put such a question.

8 MR. KOPPE:

9 Fine.

10 MR. PRESIDENT:

11 Now it is time for the defence team for Mr. Khieu Samphan, you
12 have the floor.

13 [15.38.25]

14 QUESTIONING BY MS. GUISSÉ:

15 Thank you, Mr. President. I, for my part, have a number of
16 questions to put to the witness.

17 Q. Good afternoon, Witness. My name is Anta Guissé, I am
18 International Co-Counsel for Mr. Khieu Samphan, and in this
19 capacity I will put a number of questions to you. For a start,
20 may I request you to pay particular attention to questions I will
21 put to you. I will try to ask short and precise questions to you
22 and may I also ask you to respond to those questions as concisely
23 and as precisely as possible.

24 The first question has to do with your life experiences. You said
25 that during Democratic Kampuchea regime you were a member of a

1 mobile unit; did I properly understand your testimony?

2 MR. UM SUONN:

3 A. Yes indeed, I was in a mobile unit in a cooperative in a
4 village.

5 [15.39.44]

6 Q. Can you tell the Chamber what were your duties and
7 responsibilities in that mobile unit, what were you doing in
8 concrete terms?

9 A. I was advised to cut the "kantreang khet" plants to make
10 fertiliser and I was also instructed to find fish. I had no free
11 time. Mostly I was stationed close to the river within the area
12 of my cooperative.

13 Q. Can you say whether those duties and responsibilities were
14 what you did during the Democratic Kampuchea regime from 1975 to
15 1979? Did you carry out the same duties and responsibilities
16 during that period?

17 A. I was assigned to stand guard at night time and I had night
18 shift work standing guard in the village.

19 [15.41.18]

20 Q. In what capacity did you stand guard and where? Court's
21 indulgence, may I inform you, Witness, that you should only speak
22 when your microphone is on; otherwise, no one would hear you.

23 A. No weapon, I had no weapon with me. I had the sickle and
24 sometimes knife. At the time I had no weapon with me when I stood
25 guard.

1 Q. The exact question I put to you was in what capacity did you
2 stand guard, were you a militiaman?

3 A. I was simply ordinary citizen; however, I together with other
4 citizen was assigned to stand guard in the village.

5 Q. I haven't received any interpretation in French.

6 A. We citizens had duty to be a guard at night time; for
7 instance, I would be assigned to stand guard at night time for
8 half an hour or one hour per night and this same task was done by
9 other citizen as well. During the day time I was assigned to go
10 and find fish and also to make fertiliser out of "kantreang khet"
11 plants. If I did not perform my duties, I would not be provided
12 with porridge.

13 [15.43.34]

14 Q. Witness, may I again repeat to you that I am trying to put
15 precise questions to you and I would like you to answer those
16 questions as precisely as possible. I have heard your prior
17 responses and I would like you to listen to my questions very
18 carefully. You were in charge of mounting guard or standing guard
19 and that was for the Party, was that in your capacity as a member
20 of the mobile unit or as a soldier as you referred to a while
21 ago.

22 A. The village chief or the chief of 10 families unit assigned us
23 to stand guard at night time.

24 Q. And where were you assigned to stand guard, in what part of
25 the village were you assigned to stand guard?

1 A. I was assigned to stand guard along the road in the village. I
2 was not told to stand guard in the pagoda since guards in the
3 pagoda were armed with weapons. People were allowed to walk
4 freely into the pagoda during the day time but not at night time.
5 Rather people were allowed to walk within the area of cooperative
6 or worksite; however, they were forbidden from walking into the
7 worksites.

8 [15.45.45]

9 Q. Where did you go to sleep in the evening? Or perhaps I should
10 put the question in other terms. Up to what time did you work
11 during the day, what were your working hours during the day?

12 A. Actually we had -- there was a group of us standing guard and
13 we had different shifts during the night time. After our shift,
14 we were allowed to go back home.

15 Q. You haven't answered my question as precisely as required. Let
16 me repeat my question. What were your working hours during the
17 day? You answered the question by talking about the work you had
18 done in the cooperative previously; you looked for manure as you
19 said. I'm asking for your working hours. You can talk me about
20 what you did as a guard later on. But for now, please tell me
21 what your working hours were.

22 A. No. During the day time I did not stand guard. We were
23 instructed to go to work in different work station. At night
24 time, as I said, we were assigned to stand guard on our
25 particular destination.

1 [15.47.29]

2 Q. I have indeed understood that, Witness. During the day you
3 collected manure and you went fishing, but my question is: what
4 were your working hours while you went fishing and you gathered
5 manure? That is what I expect of you to tell me for how many
6 hours you did that?

7 A. It depended on the situation. Sometimes I would leave for work
8 from the morning until late evening. So it depended on the day.

9 Q. At the very earliest at what time did you return to the
10 village? That is in general terms, I reckon you did say that
11 sometimes you ended late and other times you ended your work
12 early. When you ended your work late, when did you get back home?

13 A. The latest was 5.00 in the evening. Sometimes I would return
14 to my village before 5 p.m.

15 Q. And when you returned home earlier -- that is, to the village,
16 did you go straight to your home?

17 A. Yes, you are right. Since after I got home, it was time that I
18 was allowed to go to have the porridge; otherwise, I did not have
19 the porridge to eat.

20 MR. PRESIDENT:

21 Mr. Witness, please try to limit your answer; do not try to
22 expand your answer. Answer what you are asked.

23 [15.49.46]

24 BY MS. GUISSÉ:

25 Q. The question was: after your day's work, when you returned

1 home earlier, did you go straight to your house?

2 MR. UM SUONN:

3 A. Yes, I directly went home.

4 Q. You stated that, at a point in time you had your meals. So my
5 question is as follows: at what specific time did you have your
6 meals in the cooperative?

7 A. Sometime we had dinner at 5.00 or 6 p.m. after the bell was
8 rung and if we were late to dinner we would have nothing to eat.

9 [15.50.47]

10 Q. You talked of a bell; do I understand that everyone ate at the
11 same time?

12 A. Yes, that is right.

13 Q. Tell me, where did you sleep in the evenings and how far was
14 that place from the Khsach pagoda?

15 A. We slept in our respective houses but we had to go to the
16 dining hall eating collectively.

17 Q. I will ask the same question again, how far was the place
18 where you slept from the pagoda, I mean your home, how far was it
19 from the pagoda?

20 A. It was about 300 metres away from my house to the Khsach
21 pagoda.

22 Q. Between 1975 and 1979, did you stay at the same home
23 throughout the period?

24 A. Yes, I stayed at the same home.

25 Q. And now how far was the canteen where you ate from the pagoda?

1 A. It was quite far. It was further away compared to my house to
2 the pagoda; perhaps the distance was about 500 metres.

3 [15.53.13]

4 Q. When you ended work early, did you go directly to your home or
5 you went straight to the canteen?

6 A. After work, I went home directly and I would go to the canteen
7 or the dining hall after I heard the bell ringing. I did not want
8 to be late; otherwise, there was no meal for me.

9 Q. I would like us now to talk about your comrade, Sean Song. You
10 have stated that you were close. As regards your home to his, how
11 far was your home to his?

12 A. It was about 100 metres away. We worked together and at the
13 time he was younger than me and he was also smaller than me.

14 Q. When you say that you worked together, does that mean that he
15 also gathered manure and went fishing as you did?

16 A. He did not go to find fish with me; I went to find fish with
17 Ching (phonetic) and Mout (phonetic). Sean Song never attended
18 our group for finding fish.

19 [15.55.20]

20 Q. In that case can you explain what you mean when you say that
21 "we worked together"?

22 A. In fact he and I went to see what was happening.

23 MR. PRESIDENT:

24 Mr. Witness, please listen carefully to the question before you
25 give your answer. I have reminded you from time to time about

1 this matter.

2 BY MS. GUISSÉ:

3 Q. Let me repeat my question. When you talked of Sean Song
4 earlier, you say that we worked together and my question is: if
5 he did not work with you when you went fishing and when you
6 gathered manure, what then do you mean when you say that "we
7 worked together"?

8 MR. UM SUONN:

9 A. One day, he was with me; in fact, we were not together all the
10 time all day. We would be working in different work stations. For
11 instance on one particular day, he was with me; and mostly, we
12 were away in our different working places.

13 [15.57.04]

14 Q. And do you know in what unit he was working and what exactly
15 he did?

16 A. We were in a children's unit but had different task to
17 perform. One had to go and tend cows and cattle and the other one
18 had to go and make the fertiliser.

19 Q. I take it from your answer that he was in charge of herding
20 cattle; is that correct?

21 A. Yes, you are right. He was in the group in charge of herding
22 cattle and cows and I was assigned to work in cooperative having
23 different tasks. But sometimes we were together particularly we
24 were having meal together.

25 Q. I would like us to talk about your second job since you said

1 that you were also in charge of standing guard, guarding the
2 road, can you tell us during what hours you guarded the road? Was
3 it the same period and if yes, which period and how was that
4 organised?

5 A. We had different shifts for guarding. For instance, if there
6 was a group consisted of 10 people we would be on duty for half
7 an hour or one hour per time at a time and then the other person
8 came to replace us.

9 [15.59.15]

10 Q. And the last point before we break, you said that you were
11 often with Sean Song, so my question is: after the end of the DK
12 regime, after 1979, did you stay in touch with Sean Song, and if
13 so is the case, have you seen him recently?

14 A. I have never seen him recently. He is living in Khleang at the
15 moment and we used to live together.

16 Q. When you say we were living together, can you be more specific
17 about that?

18 A. We used to live in the same village but now we are living in
19 different villages.

20 Q. When did you see him for the last time?

21 A. We parted each other from the liberation day.

22 [16.01.05]

23 MR. PRESIDENT:

24 Thank you. It is now time for the adjournment and the hearing
25 will resume tomorrow -- rather, on 11 December 2015 at 9 a.m. On

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1 Friday, 11 December 2015, the Chamber will continue hearing the
2 testimony of Um Suonn and then the Chamber will perhaps continue
3 to hear 2-TCW-848.

4 Thank you, Mr. Witness, the hearing of your testimony as a
5 witness has not come to an end yet. You are therefore invited to
6 be here once again to testify on Friday 11 December 2015 at 9
7 a.m.

8 Court officer, please work with WESU to send Mr. Um Suonn back to
9 the place where he is staying at the moment and please invite him
10 into the courtroom at 9 a.m.

11 Security personnel are instructed to bring the two Accused, Khieu
12 Samphan and Nuon Chea back to the detention facility of the ECCC
13 and have them returned on 11 December 2015 at 9 a.m.

14 The Court is now adjourned.

15 (Court adjourns at 1602H)

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