



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 17-Dec-2015, 15:13  
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

11 December 2015

Trial Day 347

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

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:  
Victor KOPPE  
SON Arun  
LIV Sovanna  
Anta GUISSSE

Trial Chamber Greffiers/Legal Officers:  
EM Hoy  
Roger PHILLIPS  
Evelyn CAMPOS SANCHEZ

Lawyers for the Civil Parties:  
Marie GUIRAUD  
LOR Chunthy  
PICH Ang  
TY Srinna  
VEN Pov

For the Office of the Co-Prosecutors:  
Vincent DE WILDE D'ESTMAEL  
SREA Rattanak

For Court Management Section:  
UCH Arun

I N D E X

Mr. UM Suonn (2-TCW-949)

Questioning by Ms. GUISSÉ resumes ..... page 3

Questioning by Judge FENZ ..... page 32

Ms. UNG Sam Ean (2-TCW-805)

Questioning by The President (NIL Nonn) ..... page 33

Questioning by Mr. SREA Rattanak ..... page 36

Questioning by Mr. DE WILDE D’ESTMAEL ..... page 43

Questioning by Mr. KOPPE ..... page 80

**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. SREA Rattanak	Khmer
Mr. UM Suonn (2-TCW-949)	Khmer
Ms. UNG Sam Ean (2-TCW-805)	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 Um  
6 Suonn, and begins hearing testimony of another witness -- that  
7 is, 2-TCW-805. Yesterday the legal officer of the Trial Chamber  
8 informed the Parties that the witness who was originally  
9 scheduled for today's hearing is not available due to personal  
10 matters, and he is replaced by another witness -- that is,  
11 2-TCW-805.

12 Mr. Em Hoy, please report the attendance of the Parties and other  
13 individuals at today's proceedings.

14 [09.02.41]

15 THE GREFFIER:

16 Mr. President, for today's proceedings, all Parties to this case  
17 are present except Counsel Kong Sam Onn, who is absent for  
18 personal reasons. Mr. Nuon Chea is present in the holding cell  
19 downstairs. He has waived his right to be present in the  
20 courtroom. The waiver has been delivered to the greffier. The  
21 witness who is to conclude his testimony today, Um Suonn, is  
22 present in the courtroom. We also have a reserve witness today,  
23 namely 2-TCW-805, who confirms that to her best knowledge, she's  
24 not related by blood or by law to any of the two Accused, that is  
25 Nuon Chea and Khieu Samphan, or to any of the civil parties

2

1 admitted in this case. The witness took an oath this morning.

2 Thank you.

3 [09.03.47]

4 MR. PRESIDENT:

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

7 The Chamber has received a waiver from Nuon Chea dated 11  
8 December 2015, which states that due to his health, headache,  
9 back pain, he cannot sit or concentrate for long. And in order to  
10 effectively participate in future hearings, he requests to waive  
11 his right to participate in and be present at the 11 December  
12 2015 hearing. Having seen the medical report of Nuon Chea by the  
13 duty doctor for the Accused at the ECCC dated 11 December 2015,  
14 which notes that Nuon Chea has back pain, headache and dizziness  
15 when he moves, and recommends that the Chamber grant him his  
16 request so that he can follow the proceedings remotely from the  
17 holding cell downstairs. Based on the above information and  
18 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber  
19 grants Nuon Chea his request to follow today's proceedings  
20 remotely from the holding cell downstairs via audio-visual means.  
21 The Chamber instructs the AV unit personnel to link the  
22 proceedings to the room downstairs so that Nuon Chea can follow.  
23 This applies to the whole day. And I'd like now to hand the floor  
24 to the defence team for Khieu Samphan to continue putting further  
25 questions to the witness. You may proceed, Counsel.

1 [09.05.35]

2 QUESTIONING BY MS. GUISSÉ RESUMES:

3 Thank you, Mr. President. Good morning. And good morning to you,

4 Mr. Um Suonn. I am resuming my questioning. As I told you on

5 Wednesday, may I request you to pay particular attention to the

6 questions I will put to you, to concentrate and answer my

7 questions precisely?

8 When we broke up on Wednesday, you said that in addition to your

9 work during the day, you were also responsible for guarding the

10 road. And you said that in the evening, members of the

11 cooperative were not authorized to move about on the worksite. My

12 question to you is, when did your turn to guard the road start?

13 [09.06.36]

14 MR. UM SUONN:

15 A. I was assigned to be on guard duty starting from 7 o'clock.

16 Q. And you started the patrols at 7 p.m. And when did such

17 patrols end?

18 A. It ended at 9 o'clock.

19 Q. At 9 p.m. So you patrolled from 7 to 9 p.m. and for the rest

20 of the night, there were no patrols. Is that what I should take

21 from your testimony?

22 A. No. Actually I did not guard -- I was not on guard duty

23 anymore after that hours (phonetic) because we were on a rotation

24 basis.

25 [09.07.51]

4

1 Q. Should I take it then that when you were carrying out those  
2 patrols, it was always between 7 p.m. and 9 p.m., and never  
3 thereafter?

4 A. No. I was on guard duty only between 7.00 to 9.00.

5 Q. And your friend Sean Song, was he also one of the villagers  
6 who carried out those guard patrols?

7 A. No. Sean Song was not assigned to be on guard duty. I was  
8 assigned to stand guard, but Sean Song had a different  
9 assignment. He was assigned to cut "kantreang khet" tree leaves  
10 to make fertilizer. So we had different assignments.

11 [09.09.06]

12 Q. Again, Mr. Witness, may I ask you to answer my questions as  
13 precisely as possible. This is my last question in this line of  
14 questioning. And the guard duty from 7 p.m. to 9 p.m., was that  
15 something you did every day?

16 A. Yes, I did it every day.

17 Q. I would like us now to talk about the infamous day on which  
18 you said you witnessed executions at the Khsach pagoda. I  
19 remember that you did not recall the exact date. But do you  
20 remember in what period of the year that was? Was it during the  
21 rainy season, during the dry season? Do you have any timeframe  
22 that you can remember?

23 A. At that time, the rainy season started but the rain did not  
24 yet to fall.

25 Q. Still with regard to the timeframe, do you remember after the

5

1 day on which those executions were carried out, how long after  
2 the executions did you continue working within the unit, after  
3 those executions you witnessed?

4 A. I worked in the same-- I continued to work in the same unit,  
5 that is, I returned to work at the base within the same unit.

6 [09.11.32]

7 Q. And we agree that you worked in that unit up until when the  
8 Vietnamese arrived; is that correct?

9 A. Yes, I was in the same unit until 1979.

10 Q. Can you give a rough estimate of the time when the Vietnamese  
11 arrived? That is, how long after those events did the Vietnamese  
12 arrive?

13 A. I cannot recall the passage of time in between.

14 Q. Let me try to refresh your memory by some of the means. Was it  
15 several months later that the Vietnamese arrived? Was it several  
16 weeks afterwards? Without knowing exactly the timeframe, can you  
17 tell us whether it was shortly after the events or long after the  
18 events that the Vietnamese arrived?

19 [09.13.06]

20 A. It was about a fortnight or month after the execution the  
21 Vietnamese arrived.

22 Q. So you would situate that event in late 1978 if we base  
23 ourselves on the principle that the Vietnamese arrived in early  
24 January 1979?

25 A. Yes. It was probably right. It happened in late 1978.



6

1 Q. I would like us to revisit the issue of your time schedule on  
2 the day you said you witnessed executions next to the pagoda. You  
3 explained on Wednesday between 15.47 and 15.52 what your usual  
4 routine was. I would like you to tell the Chamber whether you  
5 remember when you returned to your cooperative that day. And if  
6 you do recall what you did on that day, can you tell the Chamber  
7 what you did?

8 A. On the day that I witnessed the event, the night was not  
9 completely dark. In late afternoon, actually that is after the  
10 sun fully set, I heard screaming and I was wondering what was  
11 happening. So I decided to investigate. I decided to go there and  
12 discretely looked at what happened. And that's when I witnessed  
13 the event unfolded.

14 [09.15.43]

15 Q. We will return more precisely to what you said you saw. But my  
16 question was different. Even before you went, stealthily  
17 (phonetic) to see what had happened, what was your schedule  
18 during that day? At what time did you return to the cooperative  
19 on that day, since you said that your job was to gather manure  
20 and to go fishing, and that you would then return to the  
21 cooperative? The routine you explained was that you first went  
22 back home to eat. So my question is, what was your schedule? Do  
23 you remember at what time you returned to the cooperative? And do  
24 you remember first going back to your home before going to the  
25 cooperative?

7

1 A. I returned from fishing at around 5 p.m. I ate my gruel and I  
2 rested at home.

3 Q. You rested up to what time?

4 A. I rested till about 6 p.m. Then I heard screaming, and that  
5 was almost 7 p.m. when I heard the screaming. So I decided to go  
6 and discretely take a look.

7 [09.17.43]

8 Q. When you gave your account to the Co-Prosecutors earlier, you  
9 said that you were accompanied by Sean Song. At what time did you  
10 meet him on that day? Since you said that you witnessed the  
11 executions with him, at what time did you meet him and where  
12 exactly?

13 A. He came to visit me at my house and we both heard the  
14 screaming. That's the reason we decided to go and have a look  
15 together.

16 Q. Very well. On that day, did you go to the pagoda once or twice  
17 on that day?

18 A. I went to the pagoda twice, that is during the night and next  
19 morning after the execution took place. So I went to the pagoda  
20 twice.

21 Q. If you say that that was the following day, that means that it  
22 was on another day. So I understand from your answer that on the  
23 day of the executions, you went to the pagoda only once; is that  
24 correct?

25 A. Yes, I went there once, that is, on the night of the

1 execution.

2 Q. And if I remember your statement correctly, you said that it  
3 was on the same day that those persons who were executed were  
4 arrested; is that correct? They were arrested that same  
5 afternoon; is that correct?

6 [09.20.12]

7 A. They were arrested during the daytime and they were executed  
8 that night.

9 Q. Is it therefore accurate to say that before arriving at the  
10 pagoda that evening at about 7 p.m., you had not seen the persons  
11 who had been arrested?

12 A. No, I did not see them.

13 Q. And is it also correct to say that as you stated on Wednesday  
14 that when you returned to the vicinity of the pagoda the  
15 following morning to see what had happened, you saw that the  
16 library which you said those people were detained in was  
17 completely empty? There were no person in that library; is that  
18 correct?

19 A. Yes. For the following morning, I went again to the pagoda and  
20 the library hall was emptied. It meant all those people had been  
21 executed.

22 [09.21.48]

23 Q. Is it correct to say that you would situate the scene of the  
24 killings outside the pagoda and not within the premises of the  
25 pagoda? Did I properly understand your testimony on that point?

1 A. I was at the outside compound of the pagoda. I was next to the  
2 fence of the pagoda.

3 Q. But the scene you saw at the time of the executions, was that  
4 within the premises of the pagoda or outside the pagoda?

5 A. The execution site was next to the fence of the pagoda. It was  
6 on the outer part of the fence.

7 Q. So if I understand you correctly, it was not through the  
8 chinks in the fence that you witnessed the executions?

9 A. I discretely looked at what happened and I could clearly see  
10 through the fence.

11 Q. There is something I don't quite understand, what you could  
12 see through the fence, since you said that the executions were  
13 carried out outside of the premises, that is outside of the  
14 fence. So what were you looking at through the fence in that  
15 case?

16 [09.24.24]

17 A. What happened was in the open and I could see it clearly.

18 Q. My question remains the same. What were you looking at through  
19 the fence? Since in answer to a question put to you by the  
20 Co-Prosecutor on Wednesday saying that the fence was in wood, and  
21 it was therefore possible for you to see what was happening  
22 within the premises of the pagoda, inside the pagoda. So what  
23 were you looking at as you looked through the fence into the  
24 pagoda?

25 A. The fence was not made of concrete, it was made of wood. And I

10

1 could see through the fence the inside or the inner part of the  
2 pagoda compound.

3 Q. And at that time, you said that it was already sunset. At 7  
4 p.m. the night had fallen, even though there were lamps on the  
5 scene of the executions; is that correct?

6 [09.25.57]

7 A. At that time, they lit the scene with a gas lantern and I  
8 could see through it. However, the radiation of the light did not  
9 reach the location where I was hiding and looked.

10 Q. And can you tell the Chamber who were the persons you  
11 recognized on that day among those who were executed?

12 A. I only knew Ta Khut, Yeay Ma, and Chantha. As for the rest, I  
13 did not know them.

14 Q. Had you seen them personally on that day?

15 A. Yes, I did. I saw them.

16 Q. And when you saw them, was it through the fence or on the very  
17 scene of the executions?

18 A. I saw them through the fence because they were under the light  
19 and I was in the dark, so I could see them.

20 Q. And did you witness their executions?

21 A. Yes, I witnessed the execution with my own eyes.

22 Q. So you witnessed Chantha's execution, is that what you're  
23 saying?

24 A. Yes, I did.

25 [09.28.44]

11

1 Q. Did you also witness the executions of Ta Khut and Yeay Ma? Do  
2 you remember which of the three persons was the first to be  
3 executed?

4 A. Ta Khut was executed first and next was Yeay Ma.

5 Q. And at that point in time, you confirmed that Sean Song was  
6 also witnessing the scene.

7 A. Sean Song was there watching the scene together with me. We  
8 were so frightened.

9 Q. So I have two concerns here, Witness, with your statement, two  
10 issues. Because when you were interviewed by the OCIJ, the  
11 question of whether or not you had seen Chantha's execution, and  
12 you said no. So I'd like to refer all of the Parties to the audio  
13 recording D166/20R between minute 32 and 55 seconds and minute 33  
14 and 16 seconds. Unfortunately, we only have a Khmer transcription  
15 of this recording, and this transcription is only partial. And  
16 it's document E3/7778.1. And let me read out the question that  
17 was put to you.

18 "Question: Did you see yourself Chantha being executed?"

19 And your answer was the following: "No, I did not see that  
20 myself". So my question is and you-- I'm sure you understand  
21 Witness, is what is the truth? Did you see, yes or no, Chantha's  
22 execution?

23 [09.31.51]

24 A. During the time of the execution, each person was brought out  
25 to the execution site and executed.

1 Q. You did not answer my question, Witness. My question was,  
2 between the version you're providing today to the Chamber and the  
3 version you provided to the OCIJ, which one is the true story?

4 A. I'm not sure which one I should answer because I also have  
5 poor memory with this. I witnessed the execution on that day. It  
6 really happened.

7 Q. So then can you explain why when you were questioned by the  
8 OCIJ you said the contrary?

9 [09.33.14]

10 A. At that time, all of them were taken away to the execution  
11 site and were killed at that place.

12 Q. That was not my question. I'm sorry to interrupt you. My  
13 question was why when the OCIJ investigators asked you that very  
14 same question, why did you answer that you did not witness  
15 Chantha's execution?

16 A. I don't know how to answer to this because I have some poor  
17 memory. It was dark at that time and I was also so scared. So I  
18 could not remember everything when the incident happened at that  
19 time.

20 Q. You have just answered me that you don't remember and that it  
21 was dark, and therefore that you cannot remember everything.  
22 However, a few minutes ago when I asked you if you had seen  
23 Chantha and her grandparents being executed, you explained that  
24 you did see them because there were lanterns that allowed you to  
25 see what was happening. So can you somehow clarify this

1 difference?

2 [09.35.09]

3 A. I was too scared. It was so horrific scene. So I was not clear  
4 who was who at that time. I could not identify clearly who were  
5 the persons at that time because of the scary situation.

6 Q. So what you're telling the Chamber now is that you are no  
7 longer sure that Chantha and her grandparents had been executed  
8 that day, is that what you're telling us?

9 A. You can say it like that.

10 Q. Another point of clarification I need. You said that you went  
11 to the vicinity of the pagoda at around 7 o'clock because you  
12 heard cries. And when you were answering a question that was put  
13 to you by the Co-Prosecutor on Wednesday, you said that you  
14 stayed there until the end of the executions, which you said  
15 ended at 10 p.m. So can you confirm this?

16 MR. PRESIDENT:

17 Witness, please hold on. And the floor is to the Deputy  
18 Co-Prosecutor.

19 [09.37.17]

20 MR. DE WILDE D'ESTMAEL:

21 Thank you, Mr. President, and good morning. I'm not sure that I  
22 heard the same thing as Counsel Guissé on Wednesday because I  
23 asked the witness the question if he stayed until the end of the  
24 executions or if the executions continued after he left with Sean  
25 Song. So he said that the executions indeed had continued. So



1 maybe you should refer to precise times. Maybe other things were  
2 said, but in any case, he said that as well. So I think we have  
3 to place things back in their context.

4 [09.37.51]

5 BY MS. GUISSÉ:

6 No problem, Mr. President. I will be delighted to provide the  
7 appropriate references. So it was Wednesday, 9 December, at  
8 2.14.35 in the afternoon. And the question that was put to the  
9 witness by the Co-Prosecutor was the following: "Can you estimate  
10 with a bit of precision, I'm sure you did not have a clock-- a  
11 watch back then, but can you give us an idea of how long you  
12 remained hiding watching these executions? Do you have an idea  
13 how much time went by?"

14 And your answer, Witness, was the following: "Of course back then  
15 I did not have a watch. So therefore I can only give you an  
16 estimate of what time it was. It was dark but we could see each  
17 other. We could recognize each other. And the executions lasted  
18 until 10 o'clock in the evening. And it was dark. And it is there  
19 or it is then that I decided to flee back home. That is the truth  
20 and I do not know what I can tell you else."

21 Another reference, that was at 2.26. The question that was put to  
22 you by the Co-Prosecutor is the following: "So since you were  
23 afraid and since you were trembling, did you find the strength to  
24 watch all of the executions when you were hiding? Or did you  
25 rather look away so that you wouldn't have to witness this

15

1 horrible event?"

2 And your answer was: "I stayed there until the end of the event.

3 And then I crawled. And then I escaped to the cooperative. I was

4 trembling. And that night, I wasn't able to sleep."

5 So I think that that addresses the Co-Prosecutor's observation.

6 So my question therefore is the same.

7 Q. Witness, you said to the Co-Prosecutor that you remained there

8 until the end of the executions, which you said ended at 10 p.m.

9 So can you confirm this?

10 [09.40.19]

11 MR. UM SUONN:

12 A. Yes, I was so scared.

13 MR. PRESIDENT:

14 Witness, please listen to the question carefully. I instructed

15 from the beginning that you need to answer the question clearly.

16 BY MS. GUISSÉ:

17 So you confirm this, you confirm that you remained there until 10

18 p.m.; is that correct?

19 MR. UM SUONN:

20 A. Yes.

21 [09.41.20]

22 Q. However, when-- well, let's start trying to assess how much

23 time went by. So if you arrived at 7 p.m. and if you stayed there

24 until 10 p.m., do we agree then that you stayed there for several

25 hours? I know it's not easy to really know exactly what time it

1 was, but-- so therefore you stayed there for at least three  
2 hours. Do we agree on that?

3 A. Yes, I agree.

4 Q. And here again, this is not what you said when you were  
5 interviewed by the OCIJ. Because when you answered question 5 of  
6 document E3/7778, you said that you remained there for about one  
7 hour. So what's the true story?

8 A. At that time, I was so terrified. I did not have time to think  
9 about what time it was because it was a so scary situation. And I  
10 also could not recall much.

11 Q. Yes, but Witness, since the situation was so frightening, we  
12 may ask why did you stay there for so long? If you were so  
13 afraid, why didn't you leave earlier? You said that you stayed  
14 there from 7.00 to 10.00, that is to say for three hours. And you  
15 said that you witnessed a horrible scene. But however, you stayed  
16 there. Isn't that a bit bizarre? Can you somehow clarify this?

17 [09.43.46]

18 A. I did witness the event. And after there was no more crying of  
19 people, so I returned back to my worksite.

20 MR. PRESIDENT:

21 Mr. Witness, please listen to the question carefully and give the  
22 direct clear answers to the questions. So please listen to the  
23 question carefully. And if you don't understand them, please you  
24 can ask the lawyers to clarify the question again. Defence  
25 counsel, please repeat your question.

1 BY MS. GUISSÉ:

2 Witness, why did you stay there for so long, for three hours,  
3 according to what you said, if you were so afraid?

4 [09.44.58]

5 MR. UM SUONN:

6 A. I was too frightened. I did not know what time it was at that  
7 time. And because I was too scared, I did not have time to think  
8 about what time it was.

9 MR. PRESIDENT:

10 Mr. Witness, the question asked you -- because you were so  
11 scared, why you spend too long time to witness the event? Why did  
12 not return home quickly?

13 MR. UM SUONN:

14 A. Because it was so scary situation I also returned quickly.

15 BY MS. GUISSÉ:

16 So my question is: so did you go home quickly or did you remain  
17 on site there for three hours?

18 MR. UM SUONN:

19 A. I did not have time to think about the time. After I stopped  
20 hearing the screaming of people, then I returned home.

21 [09.46.30]

22 Q. Another point of clarification, Witness, earlier, and you  
23 confirmed this a few minutes ago as well, you said that your --  
24 you also had to stand guard and you explained to the Chamber that  
25 you would stand guard from 7 to 9 p.m., and that this happened

1 every day. So my question is the following: does this mean that  
2 that day you deliberately refused or did not show up to guard?

3 A. Yes. At that time, I did not guard. On the night of the  
4 execution, I was not on duty guard. I came back to the worksite.

5 Q. So my question is: why, when I asked you earlier, would you  
6 stand guard every day, you answered yes?

7 A. At that time, we took turn to change our guard time.

8 Q. This does not answer my question. Why, when I asked you if you  
9 stood guard from 7.00 to 9.00 every evening, why did you answer  
10 yes?

11 [09.48.54]

12 A. There was an interval time between guarding. So there was --  
13 we were taking turn to guard, and I could not remember well about  
14 this.

15 Q. Wednesday at around 1.59 in the afternoon, you said that you  
16 heard that Chantha had been sent for re-education. That's what  
17 you said earlier. And can you tell us who provided you with that  
18 information?

19 A. I only heard that the person was taken away and I did not know  
20 more than this. I also saw that the person was sent to Khsach  
21 pagoda.

22 Q. When you say that you saw that this person had been sent to  
23 the pagoda, what are you speaking about? And when did you see  
24 Chantha being taken away to the pagoda?

25 A. I saw only the person was taken away into the pagoda. That's

1 only what I witnessed.

2 Q. So my question remains the same. When therefore did you see  
3 Chantha being taken away to the pagoda?

4 [09.51.14]

5 A. It was at night time.

6 Q. During the night when exactly? You told us that when you went  
7 home, you went to the cooperative and you had your meal, and that  
8 at 7 o'clock, you went to the pagoda where the people had already  
9 arrived. So can you tell us when you saw Chantha being taken away  
10 to the pagoda?

11 A. At that time, I did not think about time, what time it was  
12 exactly.

13 Q. I'm not asking you for the exact time. I'm asking you when  
14 approximately? Can you situate when this happened in relation to  
15 your schedule? Let's start first, where did you see her first?  
16 Where -- from which place did you see her being taken away to the  
17 pagoda?

18 A. When I saw her being taken away, it was at night time, but it  
19 was not so dark yet. And I had no idea where she would be taken  
20 to. Only when I saw at the execution site that I had a knowledge  
21 that the person was taken there.

22 [09.53.23]

23 Q. And when you saw her, was Sean Song with you?

24 A. At that point of time, Sean Song was not with me.

25 Q. So and was she all by herself when she was taken away?

1 A. No. Chantha was taken away alone.

2 Q. And who took her away, according to you?

3 A. I had no idea. I did not know those who walked her. I knew  
4 only that the person who were being taken away was Chantha but I  
5 did not know who the people who took her.

6 Q. So I understand from your answer that these people were not  
7 the militiamen you described to my colleague from the civil  
8 parties on Wednesday. So we're not talking here about the  
9 militiamen who were stationed at the pagoda.

10 A. I did not recognize them. I did not know their name.

11 [09.55.45]

12 Q. Now I turn again to the moment when you say you saw the  
13 executions. And when you answered one of my questions earlier,  
14 you told me that you did not recognize other people aside from  
15 Chantha and her grandparents, even if it is possible that your  
16 testimony will change in that regard. So therefore you did not  
17 know the other people. I am therefore going to ask you a question  
18 relating to an answer that you provided on Wednesday when you  
19 were speaking about the fact that the gall bladders of the  
20 victims would be removed. And you said in that regard, this was  
21 at -- a bit before 2.30 on Wednesday's hearing, you said and I  
22 quote you: "I do not know how many people were disembowelled and  
23 how many people had their gall bladders removed. In reality, the  
24 gall bladders of the women who were not married were taken out."  
25 So my question is -- first question: did you personally witness

1 such things happening?

2 [09.57.24]

3 A. I did not see it. But it was after I returned back to the  
4 execution site in the morning that I saw the bladder. But I did  
5 not see when the committing of the cutting of bladder. I did not  
6 see it.

7 Q. So therefore why did you say that the gall bladders were  
8 apparently removed, specifically the gall bladders of the  
9 unmarried women? Where does that assertion come from?

10 A. There were children and there were adults. So it was not only  
11 the adult but also include children.

12 Q. Please, please, Witness. Please listen carefully to the  
13 questions I am asking you. My question was very precise. What  
14 makes you say -- because you said that to the Chamber and I just  
15 quoted what you said to the Chamber -- what made you say, since  
16 you did not witness the scene and since on top of that you did  
17 not know the people who were executed aside from Chantha, what  
18 made you say that the gall bladders of the unmarried women were  
19 removed?

20 A. I saw the gall bladder dry over there. So I came to my  
21 conclusion that it belonged to those dead people.

22 Q. So here you're telling us that you drew your own conclusions.  
23 But this conclusion of gall bladders that apparently were the  
24 gall bladders of unmarried women is also a supposition related to  
25 the other supposition.



1 [10.00.19]

2 A. I did not witness the scene of removing the gall bladder, but  
3 I saw only the gall bladder dried on the wall.

4 Q. I want you to make a last confirmation to be sure. Did you  
5 witness Chantha's execution with your own eyes? And did you see  
6 her gall bladder being removed?

7 A. No, I did not see them disembowel Chantha. I did not know when  
8 that happened. However, the next morning, I saw gall bladders  
9 hanged against the wall. And I did not know when those gall  
10 bladders were removed.

11 Q. And when you left the site, did you go directly back to your  
12 home?

13 A. Yes, I returned to my home.

14 [10.02.03]

15 Q. And did Sean Song also go back to his home?

16 A. At that time, the two of us were running back home.

17 Q. So you left the site at the same time and went back to your  
18 homes, to your respective homes, where the mobile unit was  
19 stationed; is that correct?

20 A. We returned to our worksite at the cooperative.

21 Q. I would like to revisit what you said a few minutes ago  
22 regarding the fact that you had seen Chantha being led away with  
23 your own eyes. This is what you said during the hearing of  
24 Wednesday the 9th of December shortly before 13.27. "I heard the  
25 villagers say that Chantha was being led away for education. In

1 fact, after that, Chantha disappeared. A few days later, you  
2 realized that Chantha had disappeared." So in light of your  
3 answer of Wednesday, we understand that not only did you not  
4 witness the arrest of Chantha, but it was only a few days later  
5 that you realized that Chantha had disappeared, whereas today,  
6 you've told the Chamber that you witnessed Chantha's arrest and  
7 saw her being led to the pagoda.

8 My question to you therefore is as follows: what is the right or  
9 the correct version? Was it a few days later that you realized  
10 that Chantha had disappeared? And the other version is that you  
11 knew on that day that she had been executed at the pagoda. What  
12 is the correct version?

13 [10.05.00]

14 A. On the night of the execution, I saw what happened. And for  
15 that reason, I have told the Court what happened that night.

16 Q. My question is somewhat more specific, Witness. Did you see  
17 Chantha on that day, yes or no? Or it was only subsequently that  
18 you realized that she had disappeared?

19 A. I cannot recall the detail since I was so frightened when I  
20 witnessed the execution. I heard screaming. However, I did not  
21 count how many there were.

22 Q. That was not my question, Witness. Let me repeat it so that  
23 you can understand it clearly. My question is whether you saw  
24 Chantha being led to that pagoda and then subsequently being  
25 executed on that day, or as you said during the hearing of the

1 9th of December, you heard that she had been sent for  
2 re-education and then you realized subsequently that she had  
3 disappeared. My question is: which is the correct version?  
4 [10.07.01]

5 A. I heard that Chantha was taken away and I witnessed the  
6 executions later, that is, when I saw a truck full of people were  
7 brought into the library hall and later on they were executed.  
8 And they were brought in at a different times.

9 MR. PRESIDENT:

10 Witness, you are reminded once again that you should respond to  
11 the question precisely. The question being put to you by the  
12 counsel is about Chantha only. And you provided two versions, and  
13 the counsel asked which version is the proper one. And you should  
14 limit your response to that.

15 [10.08.23]

16 BY MS. GUISSÉ:

17 So let me repeat my question to you for the last time so that you  
18 should understand it clearly: Witness, did you see Chantha being  
19 arrested and executed on that day? Or as you said on Wednesday,  
20 you heard villagers talk of her arrest? And you heard and later  
21 on realized that she had disappeared? What is the correct  
22 version?

23 MR. UM SUONN:

24 A. My apology. I think I got confused between the days.

25 Q. You are confused about the dates. The question doesn't have to

25

1 do with dates. My question is whether, yes or no, you witnessed  
2 the arrest and execution of Chantha? And I'm putting this  
3 question to you for the last time, regardless of the date.

4 Did you witness her arrest and execution, yes or no? Or you heard  
5 about the arrest from villagers and subsequently realized that  
6 she had disappeared? Without referring to dates, can you answer  
7 this question precisely, what is the correct version?

8 [10.10.28]

9 A. I get confused about the dates of the arrest.

10 Q. One more time before the break, Mr. President, can the witness  
11 give us the right version of the two versions?

12 A. I forget it all.

13 MS. GUISSÉ:

14 I will end this line of questioning here, Mr. President. This  
15 would be the right time for us to take the break. I thank you.

16 MR. PRESIDENT:

17 Thank you, Counsel. And thank you, Witness. The hearing of your  
18 testimony as a witness is now concluded. Your testimony may  
19 contribute to ascertaining the truth in this case. And you are  
20 excused and may return to wherever you wish to. The Chamber  
21 wishes you all the best.

22 [10.12.13]

23 MS. GUISSÉ:

24 I believe that what I said was not properly understood. I didn't  
25 say that I had ended my questions. I just said that I had ended

26

1 the line of questioning and I hope to continue after the break. I  
2 am not done yet.

3 MR. PRESIDENT:

4 I've heard that you already concluded your questions. However, if  
5 you just ended your line of questions, then that is a different  
6 matter. The time is now convenient for a short break. We take a  
7 break now and resume at 10.30. Court officer please assist the  
8 witness during the break time at the waiting room reserved for  
9 witnesses and civil parties, and invite him back into the  
10 courtroom at 10.30. The Court is now in recess.

11 (Court recesses from 1013H to 1031H)

12 MR. PRESIDENT:

13 Please be seated. The Court is back in session and the floor once  
14 again given to the International Co-Lawyer for Mr. Khieu Samphan  
15 to resume her questioning. And I would like to remind the counsel  
16 that your questions should be simple and direct since they are  
17 intended to ask the witness, sometimes they are not perhaps well  
18 educated, so please be sure on this matter.

19 BY MS. GUISSÉ:

20 Thank you Mr. President. I'll make sure that I put questions that  
21 are precise as possible.

22 Q. Witness, earlier you said that that day, that is the day when  
23 you saw the executions, it is Sean Song who met you at your home  
24 and then you left together. So did I understand your testimony  
25 properly?

1 MR. UM SUONN:

2 A. Yes, that is correct.

3 Q. And on that day, before you went to the pagoda, did you plan  
4 to go anywhere special?

5 A. I did not plan to go anywhere else beside the site where I  
6 could hear the screaming from.

7 Q. So you did not request any kind of permission to go visit your  
8 family on that day?

9 A. No, I did not file the request to visit my family.

10 [10.34.58]

11 Q. I am putting this question to you, Witness, because Sean Song  
12 testified before this Chamber and at the hearing of 28th October  
13 2015, that is document E1/358.1 at 1.44 in the afternoon, he said  
14 that apparently you made a request to go see your family and he  
15 explained that on that day he had plans to go to his family to go  
16 see -- visit his uncles and aunts in order to catch a chicken.

17 And that you yourself -- and the question that was put to him was  
18 the following, "For everything to be clear and in order for me to  
19 be sure that I understood well, your friend, and he is speaking  
20 about you then, also made the same request to go visit his family  
21 that evening, is that true?" And his answer was the following,  
22 "Yes, that's true."

23 So does this refresh your memory or can you confirm that you did  
24 not make any request to go see your family that day?

25 [10.36.19]

1 A. I may have forgotten at that point. I could not remember it.

2 Q. When you answered a question from my colleague of the civil  
3 parties on Wednesday, you said that the militia unit and the  
4 military unit that was stationed at the Khsach pagoda had been  
5 stationed there since the beginning of the regime; you spoke  
6 about this between 3.05 and 3.26 in the afternoon. And at the  
7 hearing of 28th October, it's the same document, and this was at  
8 10.29 in the morning, Sean Song said that there were no soldiers  
9 who were stationed at the pagoda. So can you tell us if you are  
10 sure that there were soldiers who had been stationed at the  
11 pagoda since 1975? Because this is not what Sean Song said.

12 A. It is true as what Sean Song said that there were no soldiers  
13 but militiamen within the pagoda.

14 Q. I believe I understood that you were speaking about a military  
15 unit, not about a unit of militiamen. So you made a distinction  
16 between a military unit and a militia unit. So today you are  
17 telling us that there were militiamen who were stationed at the  
18 pagoda?

19 A. Not militia units, but militiamen.

20 Q. So therefore you contradict what you said on Wednesday, that  
21 is to say that apparently there were no military units that were  
22 stationed at the pagoda. So you can confirm this?

23 A. Those were military unit and militiamen, and there were both  
24 of them.

25 Q. Fine. So therefore when you say that Sean Song was right,

1 well, Sean Song said that there were no military units stationed  
2 at the pagoda, so he cannot be right in that case?

3 A. I agree to what Sean Song said.

4 [10.40.08]

5 Q. Now let me move on to another point. You said, or in any case  
6 that's what I understood and please tell me if you stand by what  
7 I'm going to say, you said Chantha and her grandparents  
8 apparently were executed at the Khsach pagoda. So do you stand by  
9 that testimony?

10 [10.40.46]

11 A. I told the Court about this matter once already, so what else  
12 can I tell you? I do not know what else can I respond to your  
13 question.

14 Q. Well, therefore I will consider that your answer is yes. It  
15 appears to me that this was read out to you by the Co-Prosecutors  
16 but I want to make sure that I get your answer right. Witness,  
17 this is 2-TCW-846, in a statement, a written statement, E3/7685,  
18 at French ERN 00333930; at English ERN 00275396; and at Khmer ERN  
19 00221617. In this statement, the witness said that Ta Khut and  
20 Yeay Hay, that is to say the grandparents of Chantha, were  
21 apparently executed one day before 7 January 1979, that's before  
22 the Vietnamese liberation, and you said that the execution did  
23 not take place at the Khsach pagoda but that it took place at  
24 Damban Andong Nourn. So this witness--

25 MR. PRESIDENT:



1 Please specify or pronounce clearly the name of the location,  
2 Damban something, since the interpreter is not able to get that  
3 name.

4 MS. GUISSÉ:

5 Well, for the Khmer, it will be the ERN of the statement E3/7685;  
6 the Khmer ERN is 00221617. It's the last page. And the French ERN  
7 -- or in French it's spelled out: D-A-M-B-A-N A-N-D-O-N-G, and  
8 then further N-O-U-R-N, Andong Rourn (phonetic). So this is  
9 Damban Andong Rourn (phonetic). So I hope that the Khmer booth  
10 has been able to find the right spelling in Khmer.

11 Q. So let me put the question again to the witness. So what is  
12 your reaction in relation to this statement, that is to say the  
13 statement of the witness who says that the execution of Chantha's  
14 grandparents took place not at Khsach pagoda but at Damban Andong  
15 Nourn and the day before the arrival of the Vietnamese troops?

16 [10.45.12]

17 BY MS. GUISSÉ:

18 Q. I don't know if the question was properly translated.

19 MR. UM SUONN:

20 A. In fact, I have never known the place called Damban Andong  
21 Nourn that you said it was the killing site of those people.

22 [10.45.45]

23 Q. I'm putting this question to you witness because Sean Song,  
24 when he was heard in this courtroom on 28 October 2015 here in  
25 the courtroom, never said that Chantha's grandparents were

1 executed at the same time as she was. So when you say that you  
2 saw them being executed, he says the following, this was at  
3 1.37.07 on 28 October 2015. And he is being asked about Chantha's  
4 grandparents and the question that was put to him was the  
5 following, "What happened to her grandparents?"

6 And he answers, "I do not know."

7 And the following questions, "Were her grandparents called Ta  
8 Khut and Yeay Hay?"

9 Answer, "Yes, that's true."

10 Question, "There is a witness who states, and this document  
11 E3/7685, that Chantha's grandparents were executed one day before  
12 the arrival of the Vietnamese, that is to say 7 January 1979. Did  
13 you ever hear that yourself?"

14 And the answer -- Sean Song's answer therefore is the following,  
15 "Yes, I heard other people speak about that."

16 So Sean Song, whom you said was with you that evening, says that  
17 he does not know what happened to Chantha's grandparents and says  
18 that he heard that they had been executed the day before the  
19 Vietnamese arrived. So do you have any reactions with regard to  
20 the contradiction between your testimony and his?

21 A. I do not know on this point.

22 Q. So you know nothing regarding this but earlier, when I put  
23 questions to you and I asked you if Chantha's grandparents were  
24 with her at the pagoda, you confirmed that and you said that you  
25 saw them thanks to the lamps. So my question is: do you

1 contradict your testimony now?

2 [10.49.03]

3 A. It was not clear to see that site. I was so scared at the  
4 time.

5 Q. So under these conditions, can we say that you do not know  
6 very well who were the people at the pagoda on that day?

7 A. I did not know who or whom at that time, who did that kind of  
8 acts.

9 [10.50.07]

10 MS. GUISSÉ:

11 Mr. President, I'm done with my questions.

12 QUESTIONING BY JUDGE FENZ:

13 Q. So just one for me obvious question after your last one, at  
14 least with the translation I heard. Are you saying "I do not know  
15 who did these acts" or "I don't know who the victims were"?

16 MR. UM SUONN:

17 A. I do not know all their names.

18 Q. The names of the victims or the names of the people who  
19 killed?

20 A. Militiamen in the pagoda were known by me, I know their names;  
21 Muoy (phonetic), comrade Muoy (phonetic) and Krout (phonetic).  
22 Krout (phonetic) and Muoy (phonetic) were the militiamen.

23 Q. So when you say "I don't know their names", you mean the names  
24 of those who were killed, is that correct?

25 A. I do not know their names.

1 MR. PRESIDENT:

2 Thank you, Mr. Suonn. Your testimony has now come to an end. You  
3 may excused. You may return to your residence or to any place you  
4 wish to go.

5 Court officer, please work with the WESU unit to send Mr. Um  
6 Suonn back to his residence or to any destination he wishes to  
7 go.

8 Next, the Chamber will continue to hear 2-TCW-805. Court officer,  
9 please also usher 2-TCW-805 into the courtroom.

10 (Short pause)

11 [10.54.45]

12 QUESTIONING BY THE PRESIDENT:

13 Q. Good morning, Madam Witness. What is your name?

14 MS. UNG SAM EAN:

15 A. My name is Ung Sam Ean.

16 [10.54.56]

17 Q. Thank you, Madam Ung Sam Ean. Do you recall when you were  
18 born?

19 A. I do not remember it.

20 Q. How old are you this year?

21 A. I am 63 years old this year.

22 Q. Thank you. Madam Sam Ean, where was your birthplace?

23 A. I was born in Kraham Ka village. Kraham Ka village, Chantrei  
24 sub-district, Romeas Haek district, Svay Rieng province.

25 Q. How about your current address, where are you living now?

1 A. I am still living in the village, Kraham Ka village.

2 Q. What are your parents' names?

3 A. My father's name is Ung Dul and mother's Meas An.

4 Q. Thank you. What about your husband, what is his name and how  
5 many children do you have together?

6 A. My husband's name is Has Pheng. I have one child.

7 Q. Thank you, Madam Ung Sam Ean. Based on the report of the  
8 greffier, you are not related by blood or by law to any of the  
9 two Accused, that is Nuon Chea and Khieu Samphan, or to any of  
10 the civil parties admitted in this case. Is the report correct?

11 A. Yes, that is correct.

12 Q. Before you are here, have you already taken an oath before the  
13 Iron Club statue to the east of this courtroom?

14 A. Yes, I have already taken an oath.

15 [10.57.31]

16 Q. Madam Ung Sam Ean, as a witness in the proceedings before the  
17 Chamber you may refuse to respond to any question or to make any  
18 comment which may incriminate you, right against  
19 self-incrimination. Your obligations as a witness in the  
20 proceedings before the Chamber, you must respond to any questions  
21 by the Bench or relevant parties, except where your response or  
22 comments to those questions may incriminate you, as the Chamber  
23 has just informed you of your rights as a witness. As a witness  
24 you must tell the truth that you have known, heard, seen,  
25 remembered, experienced or observed directly about an event or

1 occurrence relevant to the questions that the Bench or parties  
2 post to you.

3 Madam Ung Sam Ean, have you ever provided interview to the  
4 investigators of the OCIJ? If so, how many times have you been  
5 provided the interviews and where did they take place?

6 A. They went to interview me at my house.

7 Q. When you were interviewed at your house, when did it happen?

8 A. I cannot recall when it happened; it happened a long time ago.

9 Q. How many times have you been interviewed?

10 A. I was interviewed once.

11 Q. Madam Ung Sam Ean, can you read and write?

12 A. No.

13 Q. Thank you. Before your appearance, have you listened to the  
14 reading of your record of interview, which you said happened at  
15 your house several years ago? Did anyone read the written record  
16 of interview out loud to you?

17 A. Yes, someone read it out loud to me.

18 Q. Thank you. To your best knowledge and to your best  
19 recollection, can you tell the Court whether or not the written  
20 record of the interview which was read to you corresponds to the  
21 answers that you provided to the investigator at your house?

22 [11.00.59]

23 A. Yes, the written of record interview corresponds to what I  
24 provided to the investigator at my house.

25 MR. PRESIDENT:

1 Thank you. On the basis of Internal Rule 91bis of the ECCC, the  
2 Chamber will give the floor first to the Co-Prosecutor before  
3 other parties. The combined time for Co-Prosecutors and the Lead  
4 Co-Lawyers is two sessions. You may now proceed.

5 [11.01.39]

6 QUESTIONING BY MR. SREA RATTANAK:

7 Good morning, Mr. President, Your Honours and everyone in and  
8 around the courtroom. Good morning, Madam Witness. My name is  
9 Srea Rattanak, I'm a National Deputy Co-Prosecutor at this Court.

10 Q. Where did you live between 1975 and 1979?

11 MS. UNG SAM EAN:

12 A. I lived in my native village that Kraham Ka village, Chantrei  
13 commune, Romeas Haek district, Svay Rieng province.

14 Q. Did you remain living there or were you at any point moved to  
15 another location?

16 A. I was relocated to Takeo.

17 Q. When did that happen?

18 A. It was in 1979.

19 Q. Which month of 1979 did it happen?

20 MR. PRESIDENT:

21 Witness, please observe the microphone.

22 MS. UNG SAM EAN:

23 A. I cannot recall the month of the year. However, I was  
24 relocated there for a week and then I was returned.

25 BY MR. SREA RATTANAK:

1 Q. You stated that you do not recall the month; can you tell us  
2 at least about the time between the time that you were sent to  
3 Takeo and between the 7 January 1979?

4 [11.04.08]

5 MS. UNG SAM EAN:

6 A. I cannot recall that. I was relocated there for a week and  
7 then it was liberated and I returned.

8 Q. If I am not mistaken you said that you lived in your village,  
9 that is Kraham Ka village, Chantrei commune, Romeas Haek  
10 district, from '79 -- until 1979, or at least a week before the  
11 liberation of the country, is that correct?

12 [11.04.47]

13 A. Yes, it is.

14 Q. In your village of Kraham Ka in Svay Rieng province, did you  
15 know if there were any Vietnamese people living in that village?

16 A. Yes, there were some Vietnamese living there.

17 Q. To your knowledge how many families of Vietnamese there were  
18 in your village?

19 A. There were three or four families, they were actually born  
20 there.

21 Q. Did you know them, for example their names?

22 A. Not really, since they were living far from me. They were  
23 living in Trapeang Run, while I lived in Kraham Ka village.

24 Q. Do you mean they lived in a separate village? And how far were  
25 they living from where you lived?



1 A. It was about a kilometre away from where I lived. However, I  
2 did not go there that often so I did not know them.

3 MR. PRESIDENT:

4 Deputy Co-Prosecutor, please ask shorter questions. You asked  
5 about a different village as well as how long it was between the  
6 two village, so please try to avoid compound questions and you  
7 should recall that she does not read or write. For that reason,  
8 please simplify your questions so that she understands and can  
9 respond to your questions. The main objective is for the witness  
10 to understand your question so that she can respond.

11 [11.07.23]

12 BY MR. SREA RATTANAK:

13 Thank you, Mr. President. I take your advice and I simplify my  
14 questions.

15 Q. Did you and those Vietnamese families live in the same village  
16 or a different village?

17 [11.07.49]

18 MS. UNG SAM EAN:

19 A. They were living in a different village.

20 Q. How did you know that they were Vietnamese?

21 A. They used to carry things to sell them in my village.

22 Q. And did you know what happened to them during the period of  
23 1975 through '79? What happened to them?

24 A. Later on they disappeared, they were chased away to return to  
25 their country.

1 Q. You said that they were chased away; and when did that happen?

2 A. I do not know which year it happened.

3 Q. Did you know that they arrested Vietnamese people and taken  
4 away?

5 A. No, I don't. I only noticed that they disappeared from the  
6 village and I did not know where they went or whether they  
7 returned to their country.

8 Q. In order to refresh your memory, in document D166/55, with  
9 Khmer ERN at 00250719; French 00282908; and English 00268645 --  
10 Let me repeat the document number, it also has E3 number, that is  
11 E3/7796, with the said ERN numbers as I just mentioned. You  
12 answered before the OCIJ investigator that in 1977, the  
13 mixed-race Vietnamese, and there were about four, five of them,  
14 with Cambodian fathers and "Yuon" mothers, were arrested and  
15 disappeared and that they had lived in Kraham Ka village for a  
16 long time. And do you recall that event, that these four, five  
17 mixed Vietnamese children were arrested?

18 A. Yes, they were arrested and taken away, I recall that.

19 Q. Did you witness the arrest?

20 A. I witnessed it, that's why I said it; if I did not see it, I  
21 would not say it.

22 [11.12.22]

23 Q. At what time did the arrest take place?

24 A. It happened in the afternoon but I do not know what time it  
25 was.

1 Q. And who actually came to make the arrest?

2 A. I did not know them.

3 [11.12.58]

4 Q. How many of them who came to make the arrest?

5 A. There were two of them.

6 Q. Were they wearing any particular uniform?

7 A. They wore the same clothes as we all did.

8 Q. What do you mean by that?

9 A. They wore the same clothes that we did, that is black clothes.

10 Q. Were they armed?

11 A. No, they were not.

12 Q. If they did not carry any gun, did they carry any knife or  
13 club?

14 A. No, they did not carry any knife or club. They came to call  
15 them and took them away.

16 Q. When they came to make the arrest, were those children subject  
17 to be arrested, were together as a group?

18 A. They were all together and they came to call them away.

19 Q. When they came or when they arrived, what did they tell those  
20 children?

21 A. They said that they were to be taken to a mobile unit.

22 Q. How long did the arrest take place?

23 A. The process of the arrest was not that long, it happened  
24 quickly as they were told to be taken to a mobile unit.

25 Q. Regarding these mixed-race children, how old were they?

1 A. They were between 10 to 15 years old and that was the age that  
2 they could join the mobile unit.

3 Q. Were these mixed-race children from different families? Allow  
4 me to simplify my question first. Did these mixed-race children  
5 come from different families?

6 [11.17.01]

7 A. They were the children of these two or three families.

8 Q. You knew that they were mixed-race children, that is half  
9 Vietnamese and half Khmer; did they speak Khmer clearly?

10 [11.17.41]

11 A. Yes, they did. They spoke Khmer; they did not speak Vietnamese  
12 or Chinese.

13 Q. And how did you know they were the mixed-race children between  
14 Vietnamese and Khmer?

15 A. They either had their fathers Khmer or Vietnamese and the wife  
16 or the mothers were another ethnicity, that is Vietnamese or  
17 Khmer.

18 Q. You said they were taken away; how were they taken away? Were  
19 they transported or were they walked away?

20 A. They were walked away, there was no transportation as a mobile  
21 unit was based not far from the village.

22 Q. Were they tied up?

23 A. No, they were not.

24 Q. And did you know where they were taken to?

25 A. They told them that they were taken to a mobile unit although

1 I did not know for sure where they were taken to.

2 Q. And from that day onward, did you see them again?

3 A. No, I did not, and of course I spent most of my time working  
4 in the rice fields.

5 Q. What about their mothers and fathers, what happened to them?

6 A. Nothing happened to them because every ethnicity were  
7 instructed to join the mobile and work in the rice fields. I  
8 refer to all the Khmer, the Chinese and the Vietnamese.

9 Q. My question is about the parents of those children who were  
10 taken away. Were they sent somewhere?

11 [11.21.04]

12 A. No, they were not. They remained living in their houses.

13 Q. You just said that they remained living in their houses.

14 However, in the same document that I quoted earlier, I want to  
15 know what happened to the parents of those mixed-race children in  
16 1977, that is what happened to them after their children were  
17 taken away. Did they remain living in their same houses or did  
18 you no longer see them?

19 [11.22.01]

20 A. I did not see them any more as I was assigned to dig a canal  
21 far from where I lived, that is to the eastern part of Svay Rieng  
22 province.

23 Q. Does it mean you did not know about the fate of the parents of  
24 those mixed-race children? Am I correct?

25 A. Yes, I did not know about their fate.

1 MR. SREA RATTANAK:

2 Mr. President, I do not have any more questions for the witness  
3 and I would like to cede the floor to my international colleague.  
4 Thank you.

5 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

6 Thank you. Good morning Mr. President, good morning Your Honours,  
7 good morning to all the Parties. Good morning to you, Madam  
8 Witness. My name is Vincent de Wilde and I will continue putting  
9 questions to you on behalf of the Office of the Prosecutors.

10 Q. I would like us to talk about the issue of Vietnamese and in a  
11 more in-depth manner, and I will proceed step by step. May I  
12 request you to answer my questions as concisely as possible, then  
13 we'll talk about what happened to your brother, Meas Sakhoeun,  
14 and also what happened to the authorities of the East Zone in  
15 your region, in the district of Romeas Haek.

16 Can you tell the Chamber in which sector the district Romeas Haek  
17 was situated? Did you know the name of that sector under the  
18 Democratic Kampuchea regime?

19 [11.24.19]

20 MS. UNG SAM EAN:

21 A. No, I do not recall which number. I knew that it was part of a  
22 sector and my younger brother worked as a soldier at the time.

23 Q. Very well, we'll talk about your brother later, but before  
24 talking about the situation of the Vietnamese. How many  
25 kilometres away from the Vietnamese border was your village,

1 Kraham Ka, located approximately?

2 A. It was several kilometres away from the border; it was pretty  
3 far.

4 Q. I will backtrack a little now and we'll talk about the  
5 Sihanouk period before Lon Nol came to power in 1970. You lived  
6 in Svay Rieng in a zone not very far from the Vietnamese border;  
7 in fact, it touched on that border. During the Sihanouk period,  
8 were there lots of commercial exchanges between the Khmer and  
9 Vietnamese on both sides of the border? For instance, did the  
10 Vietnamese enter Cambodia with merchandise?

11 [11.25.56]

12 A. I did not know about that; for that reason, I decline to  
13 respond to this question.

14 Q. A while ago, you talked about a number of families who were  
15 born either in your village or in Trapeang Mun (phonetic), if I  
16 understood you correctly. Were there other Vietnamese in the  
17 villages of the region and in your commune, Chantrei, who had  
18 settled there? Were there many Vietnamese who had settled there?

19 A. There were not many of them. From previous regime, I noticed  
20 that there were only two or three families living in the area.

21 Q. Did you yourself travel in the region or you stayed in the  
22 same village?

23 A. I was assigned to work in the rice fields or to dig a pond far  
24 from the village; I spent most of time away from the village.

25 Q. Very well. But are you talking of the Sihanouk period, since

1 we're still in that period, or you're talking of the Khmer Rouge  
2 era? Madam, wait for the microphone light to be turned on before  
3 you speak.

4 [11.27.39]

5 A. I can only respond to your question when I know the answer and  
6 if I don't, I would say so.

7 Q. Let me repeat the question because it was not clear. Under the  
8 Sihanouk regime, did you have to travel from your village to  
9 other villages and other communes and regions on account of your  
10 work or you remained permanently in Kraham Ka in the Chantrei  
11 commune?

12 [11.28.20]

13 A. I did not travel anywhere. I spent most of time in my native  
14 village of Kraham Ka since my childhood until now.

15 Q. Very well. So when you say that there were few Vietnamese, you  
16 are referring to the fact that there were indeed very few  
17 Vietnamese, but that was only in Kraham Ka village, and you are  
18 not talking of the other villages. Should I understand that as  
19 your testimony?

20 A. Yes, I spoke about those living in my village and I cannot  
21 tell you about other villages.

22 Q. Well, we'll now focus on the families in your village. Were  
23 there families consisting entirely of persons of Vietnamese  
24 origin, that is persons who are not of mixed Khmer and Vietnamese  
25 origin?



1 A. No, there was none.

2 Q. So you mean that in the Sihanouk time there were only mixed  
3 families, that is to say that one of the spouses was Khmer and  
4 the other was of Vietnamese origin, is that correct?

5 A. Yes.

6 Q. And again, during the Sihanouk era, was the cohabitation  
7 between the Khmer and mixed families good? Can you tell us if the  
8 people of Vietnamese origin were well integrated in the village?

9 A. No, they were like the Cambodian families, the three or four  
10 of them.

11 [11.30.50]

12 MR. PRESIDENT:

13 Thank you, Deputy Co-Prosecutor. It is now appropriate for us to  
14 take our lunch break. We'll take a break now and resume at 1.30  
15 this afternoon.

16 Court officer, please assist the witness at the waiting room  
17 reserved for witnesses and civil parties during the lunch break  
18 and invite her back into the courtroom at 1.30 this afternoon.

19 Security personnel, you are instructed to take Khieu Samphan to  
20 the waiting room downstairs and have him return to attend the  
21 proceeding this afternoon before 1.30.

22 The Court is now in recess.

23 (Court recesses from 1131H to 1334H)

24 MR. PRESIDENT:

25 Please be seated.

1 The Court is back in session and the floor is given to -- Deputy  
2 Co-Prosecutor to put questions to this witness. You may now  
3 proceed.

4 BY DE WILDE D'ESTMAEL:

5 Thank you, Mr. President.

6 Q. Witness, I would like to try to clarify again the status of  
7 the different families you spoke about who are of Vietnamese  
8 origin in your village or close to your village. Because what I  
9 remembered from what you said earlier, there were three or four  
10 families that were originally from the village and who were  
11 residing one kilometre away from Kraham Ka, and that the members  
12 of these families would come to your village to sell goods. So  
13 did I properly understand what you said?

14 [13.35.45]

15 MS. UNG SAM EAN:

16 A. Yes, that is correct.

17 Q. Now, regarding these families, which were mixed if I  
18 understood properly, that is to say either the husband was Khmer  
19 or the wife was Khmer, were the parents of the Vietnamese  
20 husbands or wives living with them? Were the Vietnamese parents  
21 living with their children in the village?

22 A. They were living together.

23 Q. So if I understood well, in these mixed families, there were  
24 people who were purely Vietnamese, for example grandparents, and  
25 then there were mixed members of the families, such as a child

1 married to a Khmer spouse and grandchildren. So did I properly  
2 understand your testimony?

3 [13.36.56]

4 A. Yes, you do.

5 Q. Now I would like to revisit the way it was possible to  
6 distinguish the Khmer from the Vietnamese back then in the time  
7 of Sihanouk. Was it easy to know by looking at a person or by  
8 listening to a person who was Khmer and who was of Vietnamese  
9 origin?

10 A. I do not know how to distinguish Vietnamese and Khmer people  
11 since they had quite the same complexion, I mean dark skin in  
12 complexion.

13 Q. Fine. But aside from the physical features, in these families  
14 of Vietnamese origin, did some of the family members speak  
15 Vietnamese or did they speak Khmer with a Vietnamese accent? Did  
16 you notice that?

17 A. They could speak Khmer very well; they did not speak Khmer  
18 with accent.

19 Q. Well, in these families, would they celebrate certain  
20 Vietnamese holidays, such as the Vietnamese Tet New Year in  
21 February instead of April? Did you note anything special  
22 regarding holidays in these families that were typically  
23 Vietnamese?

24 A. No, they did not celebrate their traditional celebrations  
25 since there were very few Vietnamese families in my village.

1 Q. Fine. So this means that you did not know if they would  
2 celebrate these holidays at home or not, you really didn't know  
3 anything about this?

4 A. I never visited their families, so I did not know about that.

5 Q. And in your village or in Chantrei commune, were there places  
6 of worship reserved for the Vietnamese and that had been built by  
7 Vietnamese, for example temples or even churches?

8 A. No, no, there weren't any temples or churches. There was only  
9 Khmer pagoda, Buddhist pagodas.

10 [13.40.10]

11 Q. Fine. Earlier I noted that you said, I think it was when you  
12 were answering one of my first questions, that between 1975 and  
13 1979, the Vietnamese had been chased and sent back to their  
14 country. And when my colleague asked you which year, you said  
15 that you did not remember. So I would like to revisit this. You  
16 said that Vietnamese people had been chased and sent back to  
17 their country; was it a little while or a long time after Phnom  
18 Penh fell, that is to say April 1975, or was it much later? Do  
19 you remember?

20 A. It was before that time, it was before the fall of Phnom Penh.  
21 They went somewhere else which I did not know where they were  
22 going to.

23 Q. And back then, did the revolutionary army already arrive in  
24 your region, that is to say the people known as the "Khmer  
25 Rouge"? So were the Khmer Rouge already in your village when the

1 Vietnamese were chased?

2 A. I did not see them at the time.

3 Q. So how do you know then that some Vietnamese had been chased  
4 out of the village and sent back to their country? How did you  
5 learn that? Is this something that people talked about in the  
6 village?

7 [13.42.14]

8 A. Villagers living close to my house mentioned about that.

9 Q. Fine. Well, now I would like to ask you if between 1975 and  
10 1979, you had to attend big meetings on a regular basis, that is  
11 to say that there were days when you didn't have to work but when  
12 you had to attend meetings? Did that happen?

13 A. I never attended any big meetings. In fact we held a meeting  
14 among ourselves, for ten of us in the meeting.

15 Q. So nobody from the district or from the commune, cadres from  
16 there, Khmer Rouge cadres who came to your village in order to  
17 hold a meeting with the villagers, that never happened, right?

18 A. No, no such meetings were held. We villagers would convene our  
19 own meetings within our village.

20 [13.43.50]

21 Q. Well, now I would like to get back to these three to four  
22 mixed families, that is to say couples that were Khmer and  
23 Vietnamese with mixed children too. You said earlier that you  
24 didn't remember the names because you did not know these people  
25 sufficiently well. However, you would see these people on a

1 regular basis; you told me that these people would come to your  
2 village to sell things. So how is it that you do not remember the  
3 names? Did you know the names back then and you don't remember  
4 them today or you never knew their names?

5 [13.44.44]

6 A. I did not know them, I did not know their names. I noticed  
7 that they come to my village.

8 Q. Fine. So are we speaking here about three or four families?  
9 Can you be a little bit more precise, do you know more about  
10 this? And maybe you can tell us how many of these families had a  
11 Khmer -- included a Khmer husband and a Vietnamese wife?

12 A. There were three families whom I saw.

13 Q. And among these three families or among these three mixed  
14 couples, were there Vietnamese women married to Khmer husbands,  
15 and if such was the case, how many were there?

16 A. I saw five families and I knew nothing else besides the five  
17 families.

18 Q. Earlier I heard three now I heard five, so are you drawing a  
19 distinction between these three or five families? And also  
20 yesterday - or in fact, I don't know if you understood my  
21 question or not. Can you tell me whether or not you understood my  
22 question.

23 A. I understood your question. In fact there were three families,  
24 three couples, but altogether there were perhaps five of them.  
25 Since they had been living in Cambodia for so long, they had

1 their offspring.

2 Q. I still don't understand what you mean by these five families;  
3 does this mean that within these three families there were five  
4 members? Or maybe I really missed the picture here.

5 A. You are asking me about the families of Vietnamese; first  
6 there were three families and later on there were additional  
7 families together with those three families, since they had  
8 married.

9 [13.48.00]

10 Q. Fine, so three original and then mixed marriages that  
11 followed. Well, earlier you spoke about the fact that you saw  
12 four or five teenagers aged between 15 and 17 who were mixed  
13 blood, Khmer-Vietnamese, and who came from these families in your  
14 village and who had been taken away. And they were told that they  
15 would be transferred to a mobile unit. And you said to the OCIJ  
16 investigators that they had been arrested, you used the word  
17 "arrest", and you spoke about "arrest" again this morning. So  
18 what led you to think that these people were not only transferred  
19 but were also arrested?

20 [13.49.18]

21 A. I saw people coming to arrest them and they said that they  
22 wanted to send those arrested people to mobile units.

23 Q. Do you know if these people really went to the mobile units or  
24 not? And what are the elements you base yourself on to form your  
25 opinion?

1 A. They went to mobile units to build embankments, dig ponds and  
2 work in the rice field. All of them had to work the field during  
3 the rainy season.

4 Q. What I wanted to know is whether these people survived the  
5 regime or whether they were executed. Can you clarify this?

6 MR. KOPPE:

7 Mr. President, I have two objections actually. First of all, this  
8 is being very repetitive. The witness has said over and over that  
9 these families were sent to work in a mobile unit. I believe also  
10 this morning she referred to families being sent to Vietnam.

11 Having said that I come to my second objection: to present the  
12 witness these two options, whether they were executed or not, is  
13 not a fair question. They might as well been sent or deported or  
14 whichever word you would like to use to Vietnam and still be  
15 alive.

16 [13.51.28]

17 BY MR. DE WILDE D'ESTMAEL:

18 That's what I'm trying to clarify in fact, Mr. President, and I  
19 did give the third possibility.

20 Q. What really catches my attention is your use of the word  
21 "arrest". The word "arrest", at least in French, means that  
22 someone is taken away and deprived of his or her freedom, and  
23 then either the person is released or the person can be executed  
24 or mistreated. When you use therefore the word "arrest", did you  
25 mean that these people had been assigned to other unit or does



54

1 this mean that they were really arrested, or does it mean  
2 something else? Can you please be clear about this?

3 MR. PRESIDENT:

4 Mr. Deputy International Co-Prosecutor, perhaps you misquoted the  
5 testimony of the witness. Could you specify the point where the  
6 witness mentioned about the arrests were made? And I think the  
7 objection of the Defence Counsel Koppe is correct, the question  
8 is repetitive. I think there is no point that the witness made  
9 mention about the arrest.

10 [13.52.54]

11 JUDGE FENZ:

12 Sorry, an additional comment: short questions, not seven options  
13 and nobody remembers in the end the options and the consequences  
14 of the options. So perhaps, for the benefit of everybody but  
15 specifically the witness, short questions.

16 BY MR. DE WILDE D'ESTMAEL:

17 Okay. Well, let me base myself again on the quote in the WRI,  
18 it's E3/7796, and this was said earlier on: in French 0028908;  
19 Khmer 00250719; English 00268645. In fact, it's the very first  
20 answer by the witness to the questions, and this is what she  
21 said, and I quote, "In 1977 as well, four or five Vietnamese  
22 mixed bloods, whose father was Cambodian and whose mother was  
23 Vietnamese or the other way around, whose names I don't remember,  
24 were arrested and taken away for good. They were living in this  
25 village of Kraham Ka for a long time."

1 MR. PRESIDENT:

2 Please hold on Madam Witness, you have the floor now, Koppe.

3 MR. KOPPE:

4 Thank you Mr. President. In my WRI in English it says, "Were  
5 arrested and taken away." Full stop. The addition -- what was it,  
6 forever, is maybe a new addition. So I would like to be clear on  
7 what the exact words are in the WRI.

8 BY MR. DE WILDE D'ESTMAEL:

9 Well, let's clarify this then. In French, it says what I read,  
10 and in English, it just says "arrested and taken away", that's  
11 the English translation. So this is why, Mr. President, I would  
12 like to focus on this word "arrest", which has a specific  
13 meaning. It does not simply mean transferring someone. So maybe  
14 to clarify once again this issue, when you say that these four to  
15 five Vietnamese mixed bloods were arrested and taken away, do you  
16 know what happened to them or not?

17 [13.55.49]

18 MS. UNG SAM EAN:

19 A. I do not know what happened to them. If I had known, I will  
20 tell you.

21 Q. And after 1979, did you see these four or five teenagers in  
22 your village again or did they never reappear?

23 A. I never saw them back.

24 Q. And what about the parents of these teenagers, did you see  
25 them again?

1 A. No, I did not see them either. I did not know at the time  
2 where they went to.

3 Q. So you never saw all of these families or only the people of  
4 Vietnamese origin among these families?

5 A. For those who had been brought to the mobile unit, they never  
6 came back. The children went together with their parents.

7 Q. And in the village, whether under the DK regime or after 1979,  
8 were villagers aware of what happened to these people did they  
9 speak about this?

10 [13.57.55]

11 A. No one discussed the matter, nothing at all was discussed.

12 Q. Fine. I will close this chapter now, come to another topic  
13 now, which is the fate that was meted out to your brother, Meas  
14 Sakhoeun. I'm probably not pronouncing it well; his name is  
15 M-E-A-S, his first name is S-A-K-H-U-N (sic). So was Meas  
16 Sakhoeun your younger brother?

17 A, Yes, he was my younger brother, after me (phonetic).

18 Q. If I'm not mistaken, the people who met you at DC-Cam showed  
19 you or read out to you your brother's biography at Tuol Sleng, is  
20 that correct? Do you remember that?

21 A. I do not know about that. I cannot recall it.

22 Q. However, in your WRI E3/7796, in French it is on page  
23 00282909; in Khmer I believe it's -- I have an extra digit here  
24 but, 00250720; English 00268646, and you stated as follows to the  
25 OCIJ investigators and I quote, "In 2005, the staff of an

1 organisation came to question me and they brought the biography  
2 of a Tuol Sleng prisoner to me." I'm not sure about the French  
3 translation but what I understand from this is that the biography  
4 of your younger brother was shown to you in 2005; does this ring  
5 a bell?

6 [14.00.44]

7 A. Yes, the document was brought to me and the purpose of the  
8 meeting was to find out about the fate of my parents. And before  
9 that time I did not know that my younger brother had been killed  
10 at that site.

11 Q. Very well. That biography, E3/2536 (sic), mentions that your  
12 younger brother was arrested when he was aged 23. At what age did  
13 he join the Kampuchea Revolutionary Army?

14 A. He was about 17 years old when he joined the army.

15 Q. The biography indicates that he joined the army in 1972. Does  
16 that also jog your memory? That is three years prior to the  
17 liberation of Phnom Penh?

18 A. I could not remember it well.

19 Q. Do you know the military unit to which your younger brother  
20 was attached and where he was working?

21 A. I did not know which unit but he worked along the border, in  
22 the eastern border.

23 Q. I would like to say what the biography of your brother from  
24 S-21 indicate. It says that he was the chief of a military  
25 section in Romeas Haek district from 1972 to 1975, and also in

1 the Region number 3 (sic). Do you know what rank your younger  
2 brother had, if at all he had any?

3 MR. PRESIDENT:

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

6 [14.03.48]

7 MR. KOPPE:

8 Thank you Mr. President. Three observations: first of all, I  
9 think it's E3/2537 rather than 36. Secondly, a request for  
10 clarification: where does it say that this is in fact an S-21  
11 document? And third, is the Prosecution now doing what I'm always  
12 reprimanded for, using an S-21 document?

13 MR. DE WILDE D'ESTMAEL:

14 I can very easily respond to the last remark. There's a clear  
15 distinction between the use of contents and the substance of  
16 torture-tainted statements from S-21 and the use of a simple  
17 biography which is one page long, which simply details position  
18 held during different years. When someone held a particular  
19 position, these pages are not from the detainee who was  
20 interviewed under torture, but it is merely biographical  
21 information and it is not one of the documents that cannot be  
22 used before this Chamber. As regards the origins of that  
23 document, that document was indeed labelled as such by DC-Cam and  
24 it doesn't provide the details of the document per say but all we  
25 are using are the biographical data from that document. Can I

1 proceed, Mr. President?

2 [14.05.51]

3 MR. PRESIDENT:

4 Yes, you may proceed.

5 MR. DE WILDE D'ESTMAEL:

6 (No interpretation)

7 MR. PRESIDENT:

8 (No interpretation)

9 [14.06.02]

10 (Judges deliberate)

11 [14.12.03]

12 MR. PRESIDENT:

13 Please resume. This morning we used 40 minutes of our time, so  
14 when putting questions we need to stick to the time allocated by  
15 the Trial Chamber, because the Trial Chamber also needs some time  
16 to put questions related to the calling of witness to testify  
17 next week. So the Trial Chamber also needs to listen to the  
18 testimony from the witness. So it doesn't mean that the whole  
19 evening is given to parties to put questions.

20 [14.13.03]

21 MR. DE WILDE D'ESTMAEL:

22 Mr. President, this morning when we started you told us that we  
23 are entitled to two sessions and we had anticipated yesterday  
24 that this witness would come before the Chamber today and not  
25 next week, which means that our preparations were not quite up to

1 our expectations.

2 MR. PRESIDENT:

3 This morning I gave 40 minutes to parties to ask questions. The  
4 Trial Chamber now will soon need some time to ask questions to  
5 the witness and also will discuss about the witness that the  
6 Trial Chamber will invite for testimony next week. So the Trial  
7 Chamber needs at least 40 minutes to deliberate on this.

8 [14.14.20]

9 MR. DE WILDE D'ESTMAEL:

10 I will proceed. I have indeed understood that the Chamber will  
11 need 40 minutes but I'm not sure that that time should be  
12 deducted from the time allotted to us.

13 MR. PRESIDENT:

14 The Chamber will need 40 minutes this afternoon for other  
15 proceedings and this 40 minutes is not taken from the allotted  
16 time for the Co-Prosecutor and the Lead Co-Lawyers. However, this  
17 morning you already used 40 minutes of your time.

18 BY MR. DE WILDE D'ESTMAEL:

19 Very well, thank you, Mr. President. The translation of what you  
20 said is clearer now.

21 Q. Witness was your brother, your younger brother, an officer or  
22 a rank and file soldier?

23 MR. KOPPE:

24 That I object, Mr. President, and I ask your ruling. Is the  
25 Prosecution allowed to refer to this document, being an S-21

61

1 document? If I can't then the Prosecution cannot either, and it's  
2 not an S-21 document, so we need to rule on that as well.

3 MR. PRESIDENT:

4 Counsel Koppe, please be on your feet. Are you making an  
5 objection or are you making an observation? It is through the  
6 Khmer channel that you are providing the Chamber with observation  
7 and not an objection. And if it is simply an observation then  
8 there is no need for an oral ruling from the Chamber.

9 [14.16.09]

10 MR. KOPPE:

11 Correct, that's why it's now an objection.

12 [14.16.23]

13 MR. PRESIDENT:

14 Deputy Co-Prosecutor, you may proceed.

15 MR. DE WILDE D'ESTMAEL:

16 Thank you. Let me try once again.

17 [14.16.48]

18 (Judges deliberate)

19 [14.17.03]

20 MR. PRESIDENT:

21 The objection by the Defence Counsel for Nuon Chea, that is  
22 Counsel Koppe, is overruled. If only the biographic information  
23 is extracted from the S-21 confession, it can be used. However,  
24 the main content of the torture, the tainted evidence is  
25 prohibited in the proceedings and this has been our standard



62

1 practice since Case 001.

2 And the interpreter, please be careful with the words that you  
3 interpret. There is a clear distinction between observation and  
4 objection. I, the President, I listened to the Khmer channel and  
5 I only heard an observation was being made by counsel; for that  
6 reason, there is no need for a ruling from me. In particular, in  
7 relation to observation or objection raised by the defence  
8 counsels.

9 And Deputy Co-Prosecutor, you may proceed.

10 [14.18.24]

11 JUDGE FENZ:

12 Another translation issue. If I understand counsel correctly, you  
13 objected to the use of that biography. This is a biography, not a  
14 confession. Have I got that right? Has this been translated now,  
15 so everybody is on the same level? Yes. Question in this context:  
16 does the Prosecution who wishes to use the document have any  
17 information on where this document was produced? As we know, some  
18 biographies came from outside, some were written while people  
19 were there, meaning in S-21; is there any information to this  
20 effect?

21 BY MR. DE WILDE D'ESTMAEL:

22 Thank you. What I know that this kind of detainee biography that  
23 has a date and which generally comes from S-21. On account of the  
24 time allotted to us and the fact that there have been many  
25 interruptions of the witness, I have not asked any questions on

1 that. I will put questions to the witness on that if it suits the  
2 Chamber. That said, we should bear in mind that it is a  
3 biography, and not just about any kind of biography; it is a  
4 biography of a detainee obtained from elsewhere in the archives  
5 in a country that doesn't concern S-21; on the issue Krang Ta  
6 Chan, we do not have those kinds of biographies on record.

7 Q. Witness, answer this simple question: do you want rank your  
8 junior brother had in the army if at all he had one, or was he a  
9 simple rank and file soldier?

10 MS. UNG SAM EAN:

11 [14.20.43]

12 A. No, I don't. He went to join the army and he did not return,  
13 so I did not know if he ever received any promotion at all, and  
14 later on he disappeared.

15 Q. Do you know whether he was arrested and if yes, do you know  
16 approximately when?

17 A. I did not know, I only saw his biography when I saw it Phnom  
18 Penh.

19 Q. Did you ever hear anyone saying your district, Romeas Haek,  
20 that the soldiers who were stationed along the border between  
21 Cambodia and Vietnam had betrayed Angkar? Did you hear anything  
22 of that sort during that period?

23 A. I never heard about this, I did not hear people talking about  
24 this.

25 Q. But you appeared to say now that you heard about the arrest of

64

1 your brother because his biography was read out to you. You said  
2 something else in the record of your interview, E3/7796; the page  
3 in French is 282909; in English it's on page 3; and in Khmer, on  
4 page 3 as well. And the first answer you gave, you said the  
5 following, "At about mid-1978". And further on you said, and I  
6 quote, "At the same time, my younger brother Meas Sakhoeun, a  
7 soldier in the Romeas Haek district, was arrested and he  
8 disappeared for good. And he had been told that he was supposed  
9 to go and build the runway of the Kampong Chhnang airfield." And  
10 further on, in answer number 2, you said the following, "The  
11 disappearance of my younger brother called Meas Sakhoeun occurred  
12 at a time when soldiers from the East were massively arrested by  
13 people from the Southwest Zone without any known reason at about  
14 mid-1978."

15 Now, did you know in 1978 that he had been led away and that he  
16 was supposed to have gone to build the runway of the Kampong  
17 Chhnang airfield?

18 [14.24.30]

19 A. Yes, his fellow soldier told me that he was sent to build the  
20 runway in Kampong Chhnang.

21 Q. One of his comrades; and did that comrade see him in Kampong  
22 Chhnang or he simply reported to you that he may have been sent  
23 to Kampong Chhnang? Did your brother indeed arrive at Kampong  
24 Chhnang or he never went there? Did that comrade of his tell you  
25 anything regarding that?

1 A. He told me that my brother was put on a truck and sent to  
2 Kampong Chhnang but that guy himself also was not sure whether my  
3 brother was really sent to Kampong Chhnang.

4 Q. Did you know or did you learn that your brother went alone in  
5 a truck or he went together with several soldiers from the East  
6 Zone at that time?

7 A. He told me that there were many sent there in trucks to build  
8 the airfield in that province.

9 Q. And do you know approximately where those people were sent, or  
10 from where they were sent? What was their point of departure? Was  
11 that in a commune or district of your region?

12 A. His fellow soldiers who escaped, they came and told me and  
13 they asked me and - they told me that my brother was sent there.

14 Q. Very well. But my question was: from which commune or which  
15 district of Svay Rieng did your brother board the truck? If you  
16 know, tell me; if you don't know, just tell me you don't know.

17 A. I don't know. If I know, I will tell you because I did not  
18 witness it myself.

19 [14.28.01]

20 Q. Well, I'll go into another line of questioning. Did you know  
21 at the time, that is between 1975 and 1979, the name of the chief  
22 of the Romeas Haek district?

23 A. I saw him but I did not know his name. He was the chief, so I  
24 knew his face but I did not know his name.

25 [14.28.45]

1 Q. You gave a name when you were interviewed by DC-Cam, that was  
2 in 2005 when you were interviewed. I do not have the page in  
3 Khmer but in French it is on page 12, Mr. President, and in  
4 English on page 8. And you stated that the secretary of that  
5 district was Ta Sophal, S-O-P-H-A-L. Do you remember that name or  
6 you are not sure about that?

7 A. I knew that person, he is in Chantrei commune.

8 Q. So you're not really sure that he was the district chief or  
9 the commune chief, is that what I must understand?

10 A. I was not interested in this because I was just an ordinary  
11 person, so I did not know about that.

12 MR. KOPPE:

13 Mr. President, a very small observation: it's not this witness  
14 who is saying that the name of the district chief Ta Sophal, but  
15 it's a neighbour who is apparently also part of that interview.  
16 And then the witness says, "I know Ta Sophal", and then talks  
17 about to whom he was married. So it wasn't her in the DC-Cam who  
18 said that.

19 [14.30.48]

20 MR. DE WILDE D'ESTMAEL:

21 Yes, Counsel Koppe is right. The following answer by the witness  
22 seems to corroborate the fact that he might have been the  
23 district chief, but then the witness said that she doesn't know  
24 exactly.

25 Q. Now, at any point in time in your district or in your commune

1 at Chantrei, or in in your village even, Kraham Ka, the cadres  
2 who were there since 1975 changed; were they ever changed at one  
3 point in time?

4 A. No, there was no change at all at my area or at the commune  
5 level. However, there was a change at the district level but not  
6 at the commune level.

7 [14.31.56]

8 Q. And at the district level, who replaced the former chief? Do  
9 you know who he was, where he came from?

10 A. I heard people talking about the replacement and the new  
11 replacement came from the Southwest, but I myself did not know  
12 where the Southwest Zone was.

13 Q. Fine. And my very last topic, and I'm informing the Chamber  
14 that the civil party lawyers have no questions to put to this  
15 witness, so can you briefly speak to us about the observance of  
16 Buddhism under the DK regime. Was it possible for you to go to  
17 the pagoda, for example, between '75 and 1979?

18 [14.33.15]

19 A. How could we go to the pagoda? There was nothing at the pagoda  
20 as the monks were all disrobed.

21 Q. Why was there nothing at the pagoda? Why were the monks  
22 disrobed? Did anyone among the local cadres explain to you why?

23 A. Yes, they did. The monks were all disrobed and they had to  
24 join the mobile unit. There were no monks living in the pagoda  
25 any more.

1 Q. What happened to the Buddha statues in the pagodas and in the  
2 monasteries?

3 A. There were no longer Buddha statues, they were all gone.

4 Q. Do you know what the Chantrei pagoda was used for between '75  
5 and 1979?

6 A. No, I did not since I did not go there. However, I saw the  
7 structure of the temple but there were no Buddha statues.

8 Q. And when the statues were destroyed and when the monks were  
9 disrobed, did this seem normal to you or did this shock you?

10 A. I didn't have any opinion at the time. The monks were all  
11 disrobed, otherwise they would have no food to eat if they were  
12 to stay in the pagoda.

13 MR. DE WILDE D'ESTMAEL:

14 Thank you, Witness, I have no further questions to put to you.

15 MR. PRESIDENT:

16 Thank you. The Chamber will take a short break and resume at 10  
17 to 3.00. Court officer, please assist the witness during the  
18 break time and invite her back into the courtroom at 10 to 3.00.

19 (Court recesses from 1436H to 1454H)

20 MR. PRESIDENT:

21 Please be seated. The Chamber resumes its session. And before I  
22 hand the floor to the defence teams to put to the witness, we  
23 have two issues that we would like to have observations and  
24 comments from the parties. We received an information from the  
25 WESU via email at noon time today. The email to notify the

1 Chamber that 2-TCCP-869 has health issues and also this civil  
2 party wishes to forfeit the status as a civil party in this case.  
3 And I'd like to hear clarification from the Lead Co-Lawyer for  
4 civil parties about the forfeiture of this civil party's status  
5 so that we can arrange the remaining time to hear witnesses and  
6 civil parties for next week.

7 [14.56.50]

8 MR. PICH ANG:

9 Good afternoon, Mr. President, Your honours and the parties. As  
10 Mr. President has indicated, the civil party 2-TCCP-869 has some  
11 health issues and after this civil party met with the civil party  
12 lawyer, it seems that this civil party does not wish to testify  
13 in this courtroom amongst the crowd. This civil party does seem  
14 to have some trauma in facing a large crowd of people, and due to  
15 this nature, this civil party does not wish to appear before Your  
16 Honours' Chamber. We actually tried to contact this civil party  
17 for further information via telephone; however, the phone was not  
18 answered. And we are not in a position to compel this civil party  
19 to testify before Your Honours.

20 MR. PRESIDENT:

21 What about the information that this civil party wishes to  
22 forfeit the civil party status? Do you have any clear, better  
23 information regarding this matter?

24 MR. PICH ANG:

25 With the information provided to us by the lawyer for this civil



70

1 party and also through the information that we obtained from  
2 WESU, the information is consistent that the civil party wishes  
3 not to appear before Your Honours' Chamber.

4 MR. PRESIDENT:

5 However, does the civil party explicitly mention the intention to  
6 forfeit the civil party status?

7 MR. PICH ANG:

8 Yes, that is correct. The civil party does not inform us  
9 expressly about the forfeiture of the civil party status. The  
10 civil party only mentions that he doesn't want to appear before  
11 your Chamber.

12 MR. PRESIDENT:

13 Thank you, and I'd like to hand the floor now to Judge Fenz.

14 [14.59.42]

15 JUDGE FENZ:

16 Two comments, one question. First of all, even if the civil party  
17 status is withdrawn or the application duplication is withdrawn,  
18 this person could still be called as a witness. This is a person  
19 who has been requested by the prosecutors. So we have an issue  
20 here; just saying, "I don't want to come" will not cut it. I've  
21 just got the medical, the statement from the doctor, which I'm  
22 not going into details, but in effect it says she's capable to  
23 testify here.

24 May I ask for more information on this issue in the light of what  
25 I just said?

1 MR. PICH ANG:

2 Maybe I don't get all the questions from you, Judge Fenz,  
3 however, the confirmation that we received from the civil party  
4 is that the civil party does not intend to testify before the  
5 Chamber. However, the civil party does not explicitly express the  
6 intention to withdraw the civil party's status from this case.

7 [15.01.15]

8 JUDGE FENZ:

9 Have the colleagues informed the civil party who would be a  
10 witness, if she is called, in case she withdraws her status, that  
11 she has an obligation to appear before the Chamber once she is  
12 summoned?

13 MR. PICH ANG:

14 Your Honour, in fact, I tried to make a phone call to the child  
15 of this civil party; however, the phone was not answered. For  
16 that reason, I do not have any further information to provide  
17 you.

18 JUDGE FENZ:

19 Before we go ahead, question to the prosecutor who requested this  
20 person. Do you uphold your request to hear this person?

21 MR. DE WILDE D'ESTMAEL:

22 Thank you, Your Honour. I do not have much material in hand in  
23 order to voice an opinion. It is true that we have requested that  
24 this civil party appear. I understand that the civil party is  
25 suffering from a trauma, so I will defer to the decision of the

1 Chamber. There are two factors that should be taken into account,  
2 the medical aspect. If the Chamber considers that that person is  
3 fit to testify, that is one thing. But I hear there is a problem  
4 of psychological trauma that could be reactivated in the case of  
5 a hearing and we should take that into account.

6 We are not here to make people feel traumatized. Now, another  
7 question, perhaps we'll look at it later, but I also note there  
8 is a succession of either deaths or persons called to testify  
9 regarding events in Prey Veng province. We are worried about  
10 that, because we think that it should be possible for us to  
11 replace them. I'm thinking of two persons, 2-TCW-843 and  
12 2-TCW-957. These persons are on our list of witnesses and  
13 (inaudible) for Prey Veng province, and it could well be that  
14 your decision would be not to call this civil party and they  
15 would be also called to testify. That is our position, if the  
16 Chamber is of a view that they can be called to testify.

17 [15.03.58]

18 MR. PRESIDENT:

19 Judge Lavergne, you have the floor.

20 JUDGE LAVERGNE:

21 Thank you, Mr. President. There is apparently a fear that is  
22 prevalent today, that of trauma that would be reactivated by the  
23 appearance of the civil party. Can the civil party Lead  
24 Co-Lawyers tell us whether that civil party has been informed of  
25 the existence of an organization such as TPO and has any effort

1 been made to contact TPO, because TPO can also provide us with  
2 feedback as to the health status of that civil party. Because if  
3 that organization does exist, it is precisely to provide such  
4 counselling and support to civil parties. Any person appearing  
5 before this Chamber can be traumatized, so the simple possibility  
6 that a person may suffer from a trauma is not a reason for us not  
7 to call that person. We need to know a lot more than what you've  
8 just told us.

9 [15.05.25]

10 MR. PICH ANG:

11 Your Honour, in fact, her civil party lawyer as well as the we,  
12 the Lead Co-Lawyers for civil parties, made several arrangements  
13 to meet with all the civil parties, including this specific civil  
14 party, and actually refer them to TPO if they wish to. In last  
15 October, her civil party lawyer actually met her twice to discuss  
16 about her intention to testify before the Chamber. The civil  
17 party still insists not to testify before Your Honours. So, for  
18 that reason, she is already familiar with the support that can be  
19 provided by TPO, since the arrangement has been made. However,  
20 the latest information that we received from her is that she  
21 still wishes not to testify before the Chamber.

22 [15.06.49]

23 JUDGE LAVERGNE:

24 Very well. I do understand that, but I still haven't understood  
25 whether counsel for that civil party has placed that person in

1 contact with TPO. You met the civil party in October, if I  
2 understood correctly, or slightly earlier than that, but that is  
3 not enough. It doesn't suffice to say, "I don't want to come and  
4 testify", the more so as we have a medical certificate stating  
5 that that person can testify. So we are facing a problem here.

6 MS. GUIRAUD:

7 Just some complementary information, Mr. President and Your  
8 Honours. Judge Fenz (sic), we have received this information  
9 today. Chet Vanly, who is counsel for that civil party, is not  
10 present today. So the information in our possession is extremely  
11 limited, to the extent that our colleague Ang Pich has tried to  
12 reach the civil party by phone during the lunch break and did not  
13 succeed to contact her. Quite obviously, the information we have  
14 and we can share with the Chamber this afternoon is limited. If  
15 the request of the Chamber is to make sure that we establish  
16 contact between that civil party and TPO and that we subsequently  
17 present a report to the Chamber regarding the possibility of the  
18 TPO supporting that civil party so that she can testify, that is  
19 something we can do next week and we can discuss this with the  
20 counsel for the civil party and then get into direct contact with  
21 the civil party.

22 At this point in time, we have information which is extremely  
23 limited and it is very difficult for us to answer your questions,  
24 Your Honour, even though we do very well understand the merits of  
25 that question.

1 [15.08.49]

2 MR. PRESIDENT:

3 Thank you for your comments and observations. There is also  
4 another matter -- that is in fact a witness, 2-TCW-848, was  
5 scheduled to testify today. However, due to the matter of the  
6 witness passed away, the witness was not possible to testify. And  
7 in front we have other two witnesses that we are going to  
8 schedule to hear, that is 846 and 1000, through our rulings in  
9 the proceedings. And I'd like to hear from civil parties if you  
10 can provide further observations or comments to hear these two  
11 witnesses. That is, we may schedule to hear them in fact in the  
12 first week of January 2016. However, due to the changes in  
13 circumstance, I'd like to hear from the Deputy Co-Prosecutor if  
14 we are able to hear testimonies of these two witnesses next week,  
15 if there is a possibility to do that and if we cannot locate  
16 other -- or if we cannot schedule other witnesses. Deputy  
17 Co-Prosecutor, can you shed light on that?

18 [15.10.44]

19 MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President. I will try, but I do not think I have  
21 before me the name of 2-TCW-1000, which places me in a difficult  
22 position to answer the second part of your question. As for  
23 2-TCW-846, we do not have any objection to having that witness  
24 appear next week or later on in the week. We have 2-TCW-820, that  
25 person is still on the list, and I think that person is supposed

76

1 to appear next week and we do not object to that person's  
2 testimony, whatever the case may be. I do not know whether  
3 there's anyone in the courtroom who can give me the name in  
4 writing of 2-TCW-1000. Perhaps the Court officer can do so, so  
5 that I can take stock of the complexity of that person's  
6 testimony.

7 MR. PRESIDENT:

8 Court officer, please take the document from Judge Fenz for the  
9 Deputy Co-Prosecutor.

10 JUDGE FENZ:

11 I've circled (inaudible).

12 [15.12.10]

13 MR. DE WILDE D'ESTMAEL:

14 Since this is a witness who was supposed to appear in January, if  
15 that person is to testify next week, we would request that that  
16 testimony take place rather at the end of the week and not the  
17 beginning, possibly as from Wednesday. This will enable us to  
18 prepare ourselves for that person's testimony. I thank you.

19 MR. PRESIDENT:

20 Court officer, please take the paper back. Thank you. And Lead  
21 Co-Lawyers for civil parties, do you have any comments that you  
22 wish to make regarding the intention by the Chamber to hear the  
23 two witnesses that we actually originally scheduled for the first  
24 week of January 2016. However, we intend to hear these two  
25 witnesses next week.

1 [15.13.25]

2 MR. PICH ANG:

3 For the Lead Co-Lawyers for civil parties, we do not have any  
4 objection to these two witnesses.

5 MR. PRESIDENT:

6 And I'd like now to hear comments from the defence teams; first,  
7 the defence team for Nuon Chea.

8 MR. KOPPE:

9 I believe, if I'm not mistaken, that in relation to 2-TCW-1000,  
10 we submitted that he should be heard once the investigation in  
11 the other cases is over, that was for all kinds of other reasons,  
12 but also of course for reasons of complexity. So, in that regard,  
13 if he is going to be summoned for next week, we would agree with  
14 the Prosecution that he should not be summoned for Monday, but  
15 rather at the end of the week, and maybe even in such a way that  
16 he -- I don't know if he's scheduled for one day or for two days;  
17 if it's two days, then maybe one day also in January. So these  
18 would be our observations.

19 MR. PRESIDENT:

20 Thank you, Counsel. And now the floor is given to the defence  
21 counsel for Khieu Samphan.

22 [15.14.55]

23 MS. GUISSÉ:

24 Thank you, Mr. President. As regards 2-TCW-846, we have no  
25 problem with that. As for 2-TCW-1000, who is a witness who has



1 been called to appear following an 87 paragraph 4 motion by the  
2 Prosecution, we would normally have problems with preparation for  
3 that testimony. If the Chamber would like to call that witness to  
4 testify, in terms of our preparation, we would request that that  
5 witness be at the end of the week, rather than at the beginning,  
6 and that the testimony should continue in January. Perhaps for  
7 purposes of further clarity, let me point out that we are still  
8 available and we are willing to adapt to the various changes, and  
9 we do know the kinds of difficulties that WESU can encounter in  
10 terms of scheduling witnesses in advance. And it is true that  
11 there have been many changes in this segment of the trial, so  
12 it's very difficult for us to adequately prepare our defence,  
13 particularly for witnesses that we are not familiar with within  
14 the framework of Case 002/02.

15 [15.16.31]

16 So, the decision that that witness appears is very recent, so we  
17 would request the Chamber to take that factor into account.

18 MR. PRESIDENT:

19 Thank you for all your comments and observations made by all the  
20 parties as well as that of Counsel Koppe in hearing testimony of  
21 the witness 2-TCW-1000. Of course, we did not foresee to hear  
22 this witness that soon so that parties would have sufficient time  
23 to prepare to question the witnesses. For that reason, we take  
24 this opportunity this afternoon to hear comments from all the  
25 parties. And of course, the parties will be notified this

1 afternoon by email on the scheduling and the appearing of witness  
2 2-TCW-1000.

3 Let me resume our hearing of testimony of this witness. From what  
4 I heard before the break, the Deputy Co-Prosecutor said the Lead  
5 Co-Lawyer for civil parties, do you not (sic) have any questions  
6 to put to this witness.

7 [15.17.59]

8 MR. PICH ANG:

9 That is correct, Mr. President. We do not have any questions for  
10 this witness.

11 MR. PRESIDENT:

12 And I notice the Deputy Co-Prosecutor is on his feet. You may  
13 proceed.

14 [15.18.17]

15 MR. DE WILDE D'ESTMAEL:

16 Yes, Mr. President. I would like to clarify one matter regarding  
17 the biography of the detainee on record. That biography was  
18 established and it's on record. It was established when that  
19 person went into S-21 and it has a standard form identified by  
20 Duch and Sous Thy. Furthermore, the name of the witness's brother  
21 is on the amended list from S-21 provided by the Office of  
22 Co-Prosecutors and is document E3/342, and the number is 5575. We  
23 can provide further information subsequently if you do deem it  
24 necessary.

25 MR. PRESIDENT:

1 Thank you for the information. And I'd like now to hand the floor  
2 first to the defence team for Nuon Chea to put questions to this  
3 witness. You may proceed, Counsel.

4 [15.19.27]

5 QUESTIONING BY MR. KOPPE:

6 Thank you, Mr. President. Good afternoon, Madam Witness. I would  
7 like to ask you a few questions. Just before the break, you were  
8 asked a question about someone with the name Sophal, the district  
9 chief of the district that you were living in. Now, I realize  
10 that you don't know him very well. But I would like to read an  
11 excerpt from a witness to you, a witness who lived in the same  
12 district, same commune, but a different village. And then I would  
13 like to ask your reaction in relation to Ta Sophal. President,  
14 this is E3/7816, Khmer page ERN 00277274; French 0033987475;  
15 English 00292839. This witness says the following: "In 1976, the  
16 men in my village, including my siblings and my father, were  
17 arrested by the district soldiers because the villagers had  
18 joined with the Khmer Sar, the White Khmer. The Khmer Sar were  
19 led by Sophal, the secretary of Romeas Haek district, Svay Rieng  
20 province. For this reason, the district secretary's group were  
21 arrested."

22 Have you ever heard Ta Sophal being linked or connected to  
23 something called the "Khmer Sar"?

24 MS. UNG SAM EAN:

25 A. No, I did not know anything about this. I never heard about

1 the Khmer Sar.

2 [15.21.59]

3 Q. Very well. Thank you, Madam Witness. Another question that I  
4 have is in relation to certain things you said in your DC-Cam  
5 statement. When you were living in your village, do you recall  
6 hearing bombs and grenades, the sound of bombs and grenades fired  
7 from the border, fired by the Vietnamese army?

8 MR. DE WILDE D'ESTMAEL:

9 Mr. President, perhaps the question would be a lot clearer if we  
10 can know the period and can talk of the period. Because, are we  
11 talking of the conflict between Kampuchea and Vietnam? Are we  
12 talking of the previous period? That matter is not clear and  
13 could be misleading.

14 [15.23.14]

15 BY MR. KOPPE:

16 I wasn't yet referring to any specific period. But I'm happy to  
17 broaden the question so that all periods relevant to this case  
18 are included.

19 Q. Madam Witness, do you ever recall, between 1970 and 1979, the  
20 sound of shelling, sounds of grenades being fired by the  
21 Vietnamese army into Cambodian territory?

22 MS. UNG SAM EAN:

23 A. Yes, I heard.

24 Q. Do you recall which years or which year you heard that?

25 A. I cannot recall the year. I heard the bombardment or the

1 shelling by the "Yuon", but I did not know of the year.

2 Q. Do you know whether it was before or after the Khmer Rouge  
3 took over?

4 A. It was before that. The bombardment and the shelling took  
5 place before that.

6 Q. Have you also heard bombs and grenade and shelling in the  
7 period that your brother was possibly sent to Kampong Chhnang  
8 airfield? Did you hear the sounds of war in '78?

9 A. Yes, I did.

10 [15.25.33]

11 Q. And would you be able to describe what you heard, how long it  
12 took, where did it come from? Could you give us a little -- give  
13 us some details as to what you heard in 1978?

14 A. I heard the shelling and the bombardment from the east  
15 direction, coming from the "Yuon" side. However, I did not know  
16 anything else.

17 Q. How were you able to determine that the shelling was coming  
18 from the direction from Vietnam into the East Zone, into  
19 Cambodia? How did you know? How were you able to determine this?

20 A. Because I heard it coming from that direction, that is, from  
21 the eastern direction. And I did not know whether they were that  
22 of the Vietnamese.

23 Q. Do you remember how long the shelling from the "Yuon" went on?  
24 How long did you hear the sounds of grenades exploding, bombs  
25 exploding?

1 [15.27.23]

2 A. It lasted several months. People had to flee.

3 Q. Do you remember whether many people were forced to flee from  
4 your village or from other villages in your commune or district?

5 A. There were many people who were fleeing from the shelling and  
6 the area of bombardment. Actually, we went to the western side of  
7 the river.

8 Q. Do you remember once running away from your work in the mobile  
9 unit where you were harvesting rice, running away from the  
10 shelling of the "Yuon"? Do you recall that moment or those  
11 moments?

12 A. No, I don't really recall that. I cannot tell you which month  
13 or year it happened. Actually, at that time, we were harvesting  
14 rice near the Eastern part, that is, near the border side.

15 Q. Let me read a small excerpt from what you told DC-Cam,  
16 E3/7545, English ERN 00336493; Khmer 00089205.

17 MR. PRESIDENT:

18 Counsel Victor Koppe, please repeat your question. Please repeat  
19 your ERN number.

20 [15.29.35]

21 BY MR. KOPPE:

22 Yes, of course. The Khmer ERN is in document E3/7545, 00089205;  
23 French 00775800; and English 00336493.

24 You were talking about your work, Madam Witness, and you said, "I  
25 was in the mobile unit and worked on rice fields harvesting rice,

1 and my husband did a different job. I remembered I ran away when  
2 "Yuon" bombed." Do you remember once running away when the "Yuon"  
3 bombed?

4 MS. UNG SAM EAN:

5 A. Yes, I remember. I fled from the east to the west. Because the  
6 bomb came from the direction of the east, so we fled to the west.

7 [15.30.53]

8 Q. And was it only you who ran away or did everyone from the  
9 mobile unit run away from the bombing?

10 A. Yes, everyone of us. Everyone fled from the bomb. It's the  
11 bombardment from the "Yuon" and the shelling.

12 Q. That day that you and all the other workers ran away from the  
13 bombs, do you remember if anyone got injured or killed, anyone  
14 from the mobile unit?

15 A. There was no one injured. Everyone survived.

16 [15.31.56]

17 Q. How long were you away from your work? How long did your  
18 escape last? When did you return again to work, was it a long  
19 time or a short time?

20 A. After we spent two or three days, and then we returned to  
21 harvest.

22 Q. When you and the other workers ran away from the "Yuon" bombs,  
23 was your brother involved in the battle with the Vietnamese  
24 troops or wasn't he? Was he already sent to Kampong Chhnang  
25 airfield? Can you recall?

1 A. I did not know because we were at different locations.

2 [15.33.30]

3 Q. Do you remember seeing troops from Cambodia, Cambodian troops,  
4 troops from Democratic Kampuchea shooting back to Vietnam,  
5 shooting back grenades or using artillery to retaliate?

6 A. I did not see it. I did not know where the Khmer side located  
7 their artillery. I saw only the bomb coming from the direction of  
8 the east.

9 Q. One witness who testified earlier, was not from Svay Rieng but  
10 from Prey Veng, spoke about the time of So Phim, the affairs with  
11 So Phim or the matter of So Phim. Does the name So Phim mean  
12 anything to you?

13 A. I did not know. I had never heard of his name.

14 Q. I might have asked this question already in another way, but  
15 just to be sure: have you ever heard of civilians being injured  
16 by the bombing, not only in your mobile unit but people within  
17 the whole province, people that you knew? Have you ever heard of  
18 civilian casualties as a result of the Vietnamese bombing?

19 [15.35.51]

20 A. Yes, there were some casualties, one or two each time.

21 Q. Did you know these people?

22 A. I did not know them. Because we were in different units, so I  
23 did not know them.

24 Q. Thank you, Madam Witness. I'll move on to the next question.

25 There's something that you told the investigator of DC-Cam and I



1 would like to ask some clarification because I'm not entirely  
2 sure if I understand what you said. E3/7545, Mr. President; Khmer  
3 ERN 00089216; English 00336499; and French 00775810. The question  
4 is about whether there were any Vietnamese people in the village.  
5 And then you say: "No. But in '70, they, men and women, stayed  
6 here for about two to three days. And then they proceeded to  
7 another place. But in '70, they stayed here."

8 Did you refer to 1970 when you gave that answer?

9 A. In 1970, Vietnamese people came to spend one or two days in  
10 the village, and then they left. And I had no idea where they  
11 went to.

12 [15.38.06]

13 Q. And where did these Vietnamese people come from? From which  
14 part of the country?

15 A. I saw them coming from the direction of the east.

16 Q. Were they coming from Vietnam or were they coming from within  
17 Cambodia to your village?

18 A. I had no idea. I only saw them coming, but I did not know  
19 where they came from.

20 Q. Have you heard anything ever about the treatment of Vietnamese  
21 people after the coup d'état of Lon Nol and in the subsequent  
22 years before 1975? Have you ever heard how Vietnamese people were  
23 treated between 1970 and 1975?

24 A. I did not know. I cannot answer this because I don't know.

25 Q. That's no problem, Madam Witness. I have a few other questions

1 that I would like to put to you. And that is, I understand from  
2 your testimony that you were working in the rice fields and maybe  
3 also working at the dam, or at least that your husband worked at  
4 the dam; is that correct?

5 [15.40.13]

6 A. Yes, that's correct. We were assigned to do it. So both  
7 children and adult had to do it.

8 Q. And do you recall when you were assigned to work at the dam in  
9 your district?

10 A. I could not recall the year. It was the -- the dam was to the  
11 east of my house and I worked so hard over there.

12 Q. Do you remember how long you worked at that dam?

13 A. I spent about a year there. And when I became sick and then  
14 they let me return.

15 Q. And was your husband also working at that dam together with  
16 you?

17 A. He did not go there with me. My husband was assigned to a  
18 different place to the east of Svay Rieng province.

19 Q. Before DC-Cam you gave a testimony in relation to working  
20 times. Do you recall what in general the working times were in  
21 your district? Until when -- from when till when did people have  
22 to work in your district?

23 [15.42.31]

24 A. From 7.00 until 11.00. And then we had a break. And during the  
25 break, we had a meeting, and then we had lunch and a short rest,

1 and then we had to go back to work.

2 Q. And from when till when after the lunch break did you work?

3 A. From 1.00 to 5 p.m.

4 Q. And did you ever work at night?

5 A. No, I did not work at night. Because I was rather old, so they  
6 did not let me work at night.

7 Q. Were you at the time, after '75, considered to be a so-called  
8 Base person or a New person?

9 A. I was a Base People because I remained at my village. I was  
10 not new. I was part of the so-called Base People.

11 [15.44.25]

12 Q. Were there any New People either in your village or in the  
13 mobile unit that you were working in?

14 A. Yes, there were. There were New People who were evicted from  
15 Phnom Penh and they joined our units. So Base People and New  
16 People worked together.

17 Q. And did the Base People and the New People have to work the  
18 same amount of hours per day, the same hours that you just  
19 described? So both Base People and New People had to work from  
20 7.00 till 11.00 and from 1.00 till 5.00?

21 A. Yes, it was the same amount of time, from 7.00 to 11.00, and  
22 then again from 1.00 to 5 p.m.

23 Q. So in your district, meaning your village or within your  
24 mobile unit, no distinction was made between Base People and New  
25 People when it would come to the amount of hours to work,

1 correct?

2 A. Yes. There was no distinction between Base People and the New  
3 People when it come to the amount of hours of working.

4 Q. How about the food rations, in your village or in your mobile  
5 unit, did New People and Base People get the same amount of food?

6 [15.46.36]

7 A. Yes, we received the amount food ration each of us regardless  
8 of New or old or Base People, we received one bowl.

9 Q. And how about if a New person or a Base person would get sick?  
10 Would a New person get the same kind of medicine as a Base person  
11 would receive?

12 A. Yes, they received the same treatment. They spent time in the  
13 hospital.

14 Q. Am I correct when I say that in your village and in your  
15 mobile unit, there was no difference in treatment between the New  
16 People and the Base People?

17 MR. PRESIDENT:

18 Witness, please hold on. Please the floor now is given to  
19 international Deputy Co-Prosecutor.

20 [15.48.00]

21 MR. DE WILDE D'ESTMAEL:

22 I think that here -- well, this is an objection in fact, yes.

23 There is a conclusion that is drawn arbitrarily. The question was  
24 almost only focussed on medical care, quantities of work. I don't  
25 know if we can derive from this points about treatment. So I

1 believe that counsel Koppe is trying to have the witness say  
2 something that he has in his mind. But there are other ways of  
3 treating people than quantities of work, medical care; for  
4 example, the question of security, etc. So I don't know if this  
5 question maybe could be rephrased so that we do not draw a  
6 conclusion on the basis of elements that have not yet been  
7 obtained from the witness. Or maybe you could rephrase the  
8 question in such a way that the witness understands exactly what  
9 the point of the question is.

10 BY MR. KOPPE:

11 I thought I had selected -- it seems to be the three most  
12 important subjects when it comes to treatment of people. But I'm  
13 happy to reformulate.

14 Q. Madam Witness, have you ever noticed any difference in  
15 treatment, either in your village or in your mobile unit, between  
16 New People and Base People? Or was everybody treated the same?

17 [15.49.49]

18 MS. UNG SAM EAN:

19 A. There was no different treatment. Both old and new received  
20 the same treatment.

21 Q. Did I hear you correctly this morning when you said that all  
22 villagers, all members of the mobile unit in your district were  
23 wearing the same black clothes?

24 A. Yes, that's correct. Because we were given only black clothes,  
25 it's khaki clothes which were black.

1 Q. Do you remember when you got that set of black clothes, you  
2 and the other villagers and the mobile unit? Was it from the very  
3 beginning up until the very end?

4 A. From the beginning, they gave us only the black clothes. They  
5 did not give us any good clothes. And we could not buy clothes  
6 anywhere because markets were closed and there were no money  
7 circulation at that time.

8 [15.51.33]

9 Q. Do you remember what year it was that you -- when the  
10 cooperative was established and when the people in your village,  
11 in your mobile unit, started to eat communally? Do you remember  
12 when that was introduced, the eating communally and the  
13 cooperative?

14 A. I could not recall the year when it happened. I did not think  
15 about that because I was just an ordinary people. I did only what  
16 I was assigned to do.

17 Q. I understand, Madam Witness. Let me help you a little bit. In  
18 the very first answer of your WRI E3/7796, you say, "In 1976,  
19 there was a cooperative and the people ate communally and slept  
20 in their respective houses as usual."

21 So is it correct that in your district, people started eating  
22 communally in '76?

23 A. Yes. It was as what's written there. It was probably in that  
24 year.

25 Q. And do you recall whether the communal eating lasted until the

1 very end, until beginning of '79?

2 [15.53.45]

3 A. Yes, from that year until 1979, until the liberation that we  
4 started to eat at our own home.

5 Q. Earlier this afternoon, Madam Witness, you were asked the  
6 question about Buddha statues. You spoke about the word  
7 "destroyed". Have you actually seen forces or military or anybody  
8 physically destroy these statues? Have you seen the event that  
9 these statues were destroyed? Or is it something that you've  
10 heard or concluded?

11 A. I witnessed the destruction of the statue, but I did not know  
12 who committed it. So I had no idea who committed it. I saw only  
13 after it was destroyed.

14 Q. Did I hear correctly that you said in Khmer when you used the  
15 word "destroyed", "komtech", you used the Khmer word "komtech" to  
16 describe the destruction of the Buddha statues?

17 A. Yes, it is as I have said.

18 [15.55.40]

19 Q. My very last question, and I'm returning now to the war with  
20 the Vietnamese. I asked you about whether you knew any victims of  
21 the war. What happened to your younger brother-in-law, Has Phuon?

22 A. He went to the eastern border. And I had no clear idea whether  
23 he was shot or he was injured by a shell. I saw he was carried  
24 back.

25 Q. You saw he was carried in a bag because he was killed in

1 combat?

2 JUDGE FENZ:

3 I think there might be a translation issue actually. I thought I  
4 understood it too. Apparently, and that's just to clarify it, she  
5 said he was carried back, not in a bag; is that correct? You said  
6 he was carried back. That's what I understand from the  
7 interpreter has been said.

8 BY MR. KOPPE:

9 Then obviously I will withdraw my question. Did you say, Madam  
10 Witness, that he was carried back? What did you mean when you  
11 said that?

12 [15.57.41]

13 MS. UNG SAM EAN:

14 A. He was carried in a hammock and then put him onto a truck. And  
15 I had no idea where he was buried. I requested for his dead body  
16 to be buried at Chantrei pagoda, but they refused.

17 Q. In your statement, you said that he was a Svay Rieng province  
18 soldier. Have you heard from his comrades how he was killed, what  
19 happened exactly? Have you ever heard the story about your  
20 brother-in-law?

21 A. There were no any soldiers returning. So there was no one I  
22 could ask.

23 Q. Are you saying that they were all killed in the fighting with  
24 the Vietnamese, all the comrades of your brother-in-law?

25 [15.59.05]



1 A. Not all of them died, but they were sent to somewhere else.

2 But I saw no one among them return home. I saw only the dead body  
3 of my brother-in-law who were carried back.

4 MR. PRESIDENT:

5 (No interpretation)

6 BY MR. KOPPE:

7 Q. One very last question, Mr. President, I'm also done.

8 Is it correct that your younger brother-in-law, Has Phuon, was  
9 killed in mid-1978?

10 A. Yes, he died in that year.

11 MR. KOPPE:

12 Thank you, Madam Witness. Thank you, Mr. President. I'm done.

13 MR. PRESIDENT:

14 Yes, please Defence Counsel, you have the floor.

15 MS. GUISSÉ:

16 Yes, Mr. President. I just want to inform the Chamber that I have  
17 no questions for the witness. So I think it's good that you get  
18 this information right now.

19 [16.00.35]

20 MR. PRESIDENT:

21 And Counsel Koppe, you also concluded your questioning, is that  
22 correct?

23 The hearing of testimony of Ung Sam Ean is now concluded. And the  
24 Chamber is grateful of your testimony, Madam Ung Sam Ean, as a  
25 witness today. And your testimony may contribute to ascertaining

95

1 the truth in this case. You're now excused and you may return to  
2 your home or wherever you wish to go to and the Chamber wishes  
3 you all the very best.

4 Court officer, please collaborate with WESU to make  
5 transportation arrangements for witness Ung Sam Ean to return to  
6 her home or wherever she wishes to go to.

7 And the hearing today is adjourned. And we will resume the  
8 proceeding on Monday, 14 December 2015, commencing from 9 o'clock  
9 in the morning. And for the Monday's proceedings, the Chamber  
10 hear testimony of a witness, that is 2-TCW-820.

11 Security personnel, you are instructed to take both Accused, Nuon  
12 Chea and Khieu Samphan, back to the detention facility, and have  
13 them return to attend the proceedings on Monday, 14 December  
14 2015, before 9 o'clock.

15 The Court is now adjourned.

16 (Court adjourns at 1602H)

17

18

19

20

21

22

23

24

25