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

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

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

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
 Chambre de première instance

**TRANSCRIPT OF TRIAL PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

11 January 2016

Trial Day 354

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:  
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 Vincent DE WILDE D'ESTMAEL  
 SENG Leang

For Court Management Section:  
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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
The GREFFIER	Khmer
Ms. GUISSÉ	French
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. MUY Vanny (2-TCW-987)	Khmer
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer

1 P R O C E E D I N G S

2 (Court opens at 0908H)

3 MR. PRESIDENT:

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

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

6 2-TCW-987.

7 Greffier, Mr. Em Hoy, please report the attendance of the parties

8 and other individuals at today's proceedings.

9 THE GREFFIER:

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

11 are present.

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

13 waived his right --

14 MR. PRESIDENT:

15 Please hold on. There is a problem with the French channel.

16 Court officer, could you please check it?

17 (Short pause)

18 [09.10.17]

19 MR. PRESIDENT:

20 Mr. Em Hoy, please proceed with the report on the attendance of

21 the Parties and individuals.

22 THE GREFFIER:

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

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

25 been delivered to the greffier.

2

1 The witness who is to testify today, that is, 2-TCW-987, confirms  
2 that, to the best of his knowledge, he has no relationship, by  
3 blood or by law, to any of the two accused, that is, Nuon Chea  
4 and Khieu Samphan.

5 MR. PRESIDENT:

6 Greffier, please wait. Again there is no French output.  
7 Court officer, please check with the AV Unit.

8 (Technical problem)

9 [09.15.11]

10 MR. PRESIDENT:

11 Greffier, please repeat the last part of your report concerning  
12 the upcoming witness.

13 THE GREFFIER:

14 Yes, Mr. President, I'll do that.

15 The witness confirms that, to the best of his knowledge, he has  
16 no relationship, by blood or by law, to any of the two Accused,  
17 that is, Nuon Chea and Khieu Samphan, or to any of the civil  
18 parties admitted in this case. The witness took an oath.

19 MR. PRESIDENT:

20 Please wait. We need to get confirmation from the AV unit whether  
21 the French output is heard.

22 (Technical problem)

23 [09.19.50]

24 MR. PRESIDENT:

25 Due to technical difficulties, the AV unit requests to take 10 to

3

1 15 minutes to resolve the issues. And for that reason, the  
2 Chamber will take a rest -- a short rest, between 15 to 20  
3 minutes, until the technical issues are resolved by the AV unit.

4 Let me say take 20 minutes break now.

5 (Court recesses from 0920H to 0943H)

6 MR. PRESIDENT:

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

8 Mr. Em Hoy, please make the report again concerning the witness  
9 to come and testify before the Chamber.

10 THE GREFFIER:

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

13 Mr. Nuon Chea is present in the holding cell downstairs. He has  
14 waived his rights to be present in the courtroom. The waiver has  
15 been delivered to the greffier.

16 The witness who is testifying today, 2-TCW-987, confirms that, to  
17 the best of his knowledge, he has no relationship, by blood or by  
18 law, to any of the two Accused, Nuon Chea and Khieu Samphan, or  
19 to any of the civil parties admitted in this case.

20 [09.44.25]

21 The witness took an oath before the Iron Club Statue this  
22 morning, and the witness has a duty counsel, Duch Phary, with  
23 him, but Duch Phary is absent due to his personal reason.

24 The witness is already in the waiting room waiting to be called  
25 by the Chamber.

4

1 And there is a reserve witness, 2-TCW-988. To the best of that  
2 witness, the witness has no relationship, by blood or by law, to  
3 any of the two Accused, Nuon Chea and Khieu Samphan, or to any of  
4 the civil parties admitted in this case. The reserve witness will  
5 take an oath before the Iron Club Statute this morning.

6 Thank you, Mr. President.

7 [09.45.16]

8 MR. PRESIDENT:

9 Thank you. The Chamber now decides on the request by Nuon Chea.  
10 The Chamber has received a waiver from Nuon Chea, dated 11  
11 January 2016, which states that, due to his health, headache,  
12 back pain, he cannot sit or concentration for long. And in order  
13 to effectively participate in future hearings, he requests to  
14 waive his right to participate in and be present at the 11  
15 January 2016 hearing.  
16 His counsel has advised him about the consequences of this waiver  
17 and that it cannot, in any count -- any account be construed as a  
18 waiver of his right to be tried fairly or to challenge evidence  
19 presented to or admitted by this Court at any time during this  
20 trial.

21 Having seen the medical report of Nuon Chea by the duty doctor  
22 for the Accused at the ECCC dated 11 January 2016, which notes  
23 that Nuon Chea today has back pain and -- when he sits for long  
24 and recommends that the Chamber grant him his request so that he  
25 can follow the proceedings remotely from the holding cell

5

1 downstairs, based on the above information and pursuant to Rule  
2 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea his  
3 request to follow today's proceedings remotely from the holding  
4 cell downstairs via audio-visual means.

5 AV Unit personnel are instructed to link the proceedings to the  
6 room downstairs so that he can follow the proceeding. This  
7 applies to the whole day.

8 Next, court officer is instructed to bring in 2-TCW-987, into the  
9 witness stand before the Chamber.

10 (Witness enters the courtroom)

11 [09.48.36]

12 QUESTIONING BY THE PRESIDENT:

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

14 MR. MUY VANNY:

15 A. My name is Muy Vanny.

16 Q. When were you born, Mr. Muy Vanny?

17 Please observe the microphone before you give your answer. You  
18 can answer only after the tip on the microphone become red. At  
19 that time, the voice or your statement will go through the  
20 interpretation system and the interpreters can interpret into  
21 French and English, so please wait before you speak. Do you  
22 recall when you were born?

23 [09.49.32]

24 A. I was born on 7 June 1967.

25 Q. Thank you, Mr. Vanny. And where were you born?



6

1 A. I was born in Anlong Ak village, Sour Kong commune, Kang Meas  
2 district, Kampong Cham province.

3 Q. Where is your -- what is your current address?

4 A. I am living in Sambuor Meas Ka village, Peam Chi Kang commune,  
5 Kang Meas district, Kampong Cham province.

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

7 A. I am a teacher in the primary school.

8 Q. What are your parents' names?

9 A. Eng Ly, and my mother's name is Klock Heang.

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

11 [09.50.50]

12 A. My wife's name is Kheng Sopheap. She is deceased. And I have  
13 one child.

14 Q. Mr. Muy Vanny, based on the greffier report, to the best of  
15 your knowledge, you have no relationship, by blood or by law, to  
16 any of the two Accused, Nuon Chea and Khieu Samphan, or to any of  
17 the civil parties admitted in this case. Is the report correct?

18 A. Yes, that is correct.

19 Q. Before you are here, have you already taken an oath before the  
20 Iron Club Statute to the east on this courtroom?

21 A. Yes, I have.

22 [09.51.53]

23 Q. I am now telling your rights and obligations before the  
24 Chamber. Your rights as a witness in the proceedings before the  
25 Chamber, you may refuse to respond to any question or to make any

7

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

5 Your obligations. As a witness in the proceedings before the  
6 Chamber, you must respond to any questions by the bench or  
7 relevant parties except where your response or comments to those  
8 questions may incriminate you, as the Chamber has just informed  
9 you of your rights as a witness.

10 As a witness, you must also tell the truth that you have known,  
11 heard, seen, remembered, experienced or observed directly about  
12 an event or occurrence relevant to the questions that the bench  
13 or Parties pose to you.

14 Mr. Muy Vanny, have you ever been interviewed or provided the  
15 statements to the investigator of the OCIJ of the ECCC? If they  
16 happened, how many times did they take place?

17 A. I have been interviewed twice. Once before the Tribunal and  
18 another time was at my location.

19 Q. Before your appearance, have you reviewed or read the  
20 statements you provided two times to the investigator of the OCIJ  
21 to refresh your memory?

22 [09.54.12]

23 A. I can recall some points.

24 Q. To your best knowledge, do the statements that you read to  
25 refresh your memory correspond to the answers you provided to the

1 investigator two times?

2 A. I do not know how to say about it. I am waiting for the  
3 questions before I can say something about it since the  
4 interviews happened long time ago.

5 Q. I want to know whether the statements within your written  
6 records of interview correspond to what you have told the  
7 investigator of the OCIJ.

8 I understand that you provided your testimony four or five years  
9 ago, but do they correspond to what you answered at the time?

10 [09.55.25]

11 A. Maybe they correspond to my statements.

12 Q. The WESU has provided a duty counsel to accompany you during  
13 the time you are testifying, particularly when it comes to the  
14 rights that you have and also the obligation that you have to  
15 adhere to. Unfortunately, the duty counsel, Duch Phary, is not  
16 able to be here before the Chamber with you.

17 Now, the Chamber wants to ask you, Mr. Muy Vanny, did you meet  
18 the duty counsel a few days ago before you are here, the duty  
19 counsel that WESU provided to you?

20 A. Yes.

21 Q. Did you consult with your duty counsel, Duch Phary? Did you  
22 meet with your duty counsel, Duch Phary, to discuss the issue a  
23 few days ago? Did you meet him?

24 A. Yes, I met him.

25 Q. Have you consulted with your duty counsel about the answers

1 that you will provide to the Chamber?

2 A. I have consulted with my duty counsel, and I was advised by  
3 him that I may answer only what I know and what I can recall.

4 [09.58.24]

5 Q. Thank you, Mr. Muy Vanny. Do you understand the rights that I  
6 have just informed you, the rights against self-incrimination? Do  
7 you understand the term "right against self-incrimination", and  
8 have you consulted it with your duty counsel?

9 A. I was explained by my duty counsel.

10 Q. Do you understand the term clearly after you were explained by  
11 him?

12 A. I understand it, but not to all its meaning.

13 Q. Now, I informed you again, you may refuse to respond to any  
14 question or to make any comments which incriminates you, for  
15 example, when a question asks about your personal participation  
16 in the crimes committed in the period.

17 [09.59.55]

18 You may be asked about the killings, the arrest of people in the  
19 period. Such questions may incriminate you. That acts were the  
20 hatred ones by the society, so when you are asked such questions,  
21 it is your right to respond or not to respond to that -- those  
22 questions. And if you feel that you don't want to respond to the  
23 question, you can do so.

24 And if you are not quite sure whether the questions may  
25 incriminate you, the Chamber allow you to make a phone call to

10

1 your duty counsel to consult with him. After then, the Chamber  
2 may defer the question to a later stage after you agree to give  
3 your answer after the consultation with your duty counsel.

4 And the Chamber will consider on case-by-case basis the questions  
5 that may be asked -- may be put to you, so it depends on the  
6 nature of question posed by Parties.

7 Do you understand what I have just explained you since you are --  
8 you are a teacher?

9 A. Yes, I can understand it, Mr. President.

10 Q. Thank you, Mr. Muy Vanny. During the proceeding on Internal  
11 Rule 91bis of the ECCC, the floor is given to the Co-Prosecutors  
12 before other Parties. The Co-Prosecutors and Lead Co-Lawyers for  
13 civil party have two sessions to put question to this witness.  
14 You have the floor now.

15 [10.02.22]

16 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

17 Good morning, Mr. President, Your Honours. Good morning to all  
18 the Parties, and to you, Witness.

19 My name is Vincent de Wilde. I will put some questions to you on  
20 behalf of the Office of the Co-Prosecutors this morning and part  
21 of this afternoon.

22 May I request you to carefully listen to the questions. If you do  
23 not understand any question, let me know, and do not invent  
24 anything with regard to what you saw and heard.

25 Q. You said earlier that you were born on the 7th of June 1977

11

1 (sic). That is what you also stated in your record of your  
2 interview. Can you clarify that that is the correct and precise  
3 date of your birth, or is that date mentioned on your identity  
4 card?

5 [10.03.29]

6 MR. MUY VANNY:

7 A. That is the date of birth on my ID card.

8 Q. Is your real date of birth same as the one on your identity  
9 card, or may there be a light difference between the two dates?

10 THE INTERPRETER:

11 Interpreter cannot hear the statement from the witness.

12 MR. MUY VANNY:

13 It is the record on my identity card.

14 BY MR. DE WILDE D'ESTMAEL:

15 Q. Witness, may I request you to speak a lot louder because we do  
16 not hear your testimony very well. As regards your age, I would  
17 like to proceed in another manner. Do you remember your age when  
18 you worked at the Au Trakuon pagoda?

19 [10.04.46]

20 MR. MUY VANNY:

21 A. I cannot recall my real age at the time. However, I was pretty  
22 young back then.

23 Q. As a matter of fact, witness, you gave two dates that are  
24 slightly different, but I must say that they are within the same  
25 age brackets. Let me remind you of what you said in your second

12

1 record of interview, E319/19.3.93, and it is answer number 3. And  
2 this is what you stated therein, and I quote:

3 "As far as I remember, at that time, I was about 12 years old  
4 when they sent me from the village to Wat Au Trakuon pagoda."

5 [10.05.49]

6 And in another record of interview, the first of the 27th of  
7 August 2011, this is what you stated in answer to question number  
8 1 in E319/19.3.219. And this is what you stated:

9 "At the time, I was sent to live in the Au Trakuon pagoda. I was  
10 a security guard, and I was about 14 years old. I always  
11 accompanied my boss on his visit to local military bases."

12 If I reckon on the basis of the date on your identity card, you  
13 were aged approximately 11 in 1978. You made mention of 12 years  
14 and 14 years in the two records of interview. Do you really  
15 remember those dates, or you were just giving an estimate of  
16 between 12 and 14? And I'm still referring to the period of 1978.

17 A. I didn't pay much attention to my age. However, the age range  
18 that I gave during my interviews is my personal estimation only.  
19 Back then, I was around 11 or 12 years old.

20 Q. Very well. Before we deal with specific facts, I would like us  
21 to go through your life experience, the places where you lived  
22 and the different jobs you did during that period from 1975 to  
23 1979.

24 You said you were born in Anlong Ak village, Kang commune, Kang  
25 Meas district in Kampong Cham. Do you remember approximately in

1 what year your village was occupied by the revolutionary forces?

2 Was that well before 1975, for instance?

3 [10.08.30]

4 A. I did not know about that. When you refer to a year during the  
5 regime, I could not tell you at all.

6 Q. Very well. Precisely, during the regime, you were quite young.

7 Where did you live successively? You were first of all in the  
8 village, and where did you go after living Anlong Ak village?

9 A. I lived in a children mobile unit in the village, and there  
10 were actually problems while I was there, as I took rice from the  
11 children unit to my home. And then the unit chief actually  
12 reassigned me from the children unit to a mobile unit for adults  
13 to work there.

14 [10.09.51]

15 Q. When you said you were redeployed to a unit for adults, do you  
16 mean that there were adolescents or there were, indeed, adults?

17 What was the age range of the persons working in that mobile unit  
18 where you said you were deployed?

19 A. The age range was between 20 to 30 years old.

20 Q. Does that mean that you were the last person, that is, the  
21 "Benjamin", in that mobile unit, the youngest person in that  
22 unit?

23 A. Yes, that is correct. I was the youngest member.

24 Q. Did that unit move about a lot in Peam Chi Kang district, or  
25 it was stationed at a specific location in a specific commune?



1 Could you please give us the names of the places where you  
2 worked?

3 A. Yes, I can do that.

4 Initially, I was assigned to a mobile unit in the commune. Later  
5 on, I was redeployed to the district mobile unit, that is, to  
6 work within the areas under the district.

7 Q. Did you ever work in Sdau commune? I'm pronouncing, perhaps,  
8 not correctly. It is S-d-a-o (sic).

9 A. Yes, I did work at Sdau commune.

10 [10.12.09]

11 Q. And for how many months or years? And I know that your  
12 movements were complicated, and you may not give an accurate  
13 time. For how many months and years did you work in that mobile  
14 unit at the level of district?

15 A. I cannot recall how many months I worked at the district  
16 mobile unit. In short, I cannot recall how many months or when I  
17 actually worked at the district mobile unit.

18 Q. Do you recall approximately how many months before the arrival  
19 of the Vietnamese you were transferred to Au Trakuon pagoda.

20 A. I worked there for a little bit over two years.

21 Q. Are you sure of what you are saying, that you worked for  
22 slightly more than two years at the Au Trakuon pagoda? Was that  
23 the time when you were working for Horn? Let me pronounce the  
24 word again. It is H-â-n, or H-o-r-n.

25 [10.14.17]

15

1 A. Yes, I worked for Horn, and you can say that I worked as a  
2 bodyguard for him. I usually accompanied him when he went to  
3 visit the soldiers within the district.

4 Q. Very well. I will return to that person called Horn.

5 In your record of interview E319/19.3.93, this is what you stated  
6 in answer to question number 38, and I quote: "I worked with Horn  
7 for five to six months, and then the Khmer Rouge regime  
8 collapsed."

9 So here, you are telling the investigators that it was five to  
10 six months before the fall of the regime, and now you are talking  
11 of two years.

12 Can you clarify the duration of that period? Was it over a number  
13 of months or over a number of years?

14 A. Maybe I misunderstood your previous question. I actually  
15 worked in the mobile unit for quite a long time, then I was  
16 called to work for him for month.

17 Q. Very well. So I do understand now that when you did say that  
18 you worked for more than two years, that was in the district  
19 mobile unit and, thereafter, at Au Trakuon pagoda, you worked for  
20 a number of months. Is that correct?

21 A. Yes, that is correct.

22 [10.16.38]

23 Q. Very well. When you were working with Horn, did you spend the  
24 night at the Au Trakuon pagoda every day, or you only stayed  
25 there occasionally, that is, from time to time?

16

1 A. I did not spend much time staying at Au Trakuon. Usually, I  
2 would stay with the soldiers.

3 Q. And when you said that, in general, you stayed with the  
4 soldiers, do you mean that the district soldiers were stationed  
5 at different locations in Kang Meas district, or you are  
6 referring to the group of soldiers at the Au Trakuon pagoda?

7 A. I refer to a group of soldiers at the commune level. And I did  
8 not refer to soldiers who were stationed at Au Trakuon pagoda.

9 [10.18.05]

10 Q. We'll talk about the role of Horn shortly. Can you tell us,  
11 for the time being, where Horn's office was and what were his  
12 duties and responsibilities at the level of the district?

13 A. Please repeat your question.

14 Q. I will split into two parts. Did Horn have an office at Au  
15 Trakuon pagoda?

16 A. Yes, he did. He had his office in Au Trakuon pagoda, and Au  
17 Trakuon pagoda was a security centre. And he also used it as his  
18 office.

19 Q. And what was the position of Horn at the Wat Au Trakuon  
20 security centre?

21 A. Horn was chief of security of Kang Meas district.

22 Q. And in that capacity as district security chief at Kang Meas,  
23 was he also the chief of security at the Au Trakuon pagoda?

24 A. Yes, he was chief of security and he was also chief of  
25 soldiers at the district level.

17

1 Q. I would like us to talk about the period when you worked for  
2 approximately two years in the district mobile unit. Were there  
3 any youngsters who came from the villages in your commune, and  
4 were there other youths who came from all the communes in Kang  
5 Meas district and who worked in that mobile unit?

6 [10.20.43]

7 A. Yes, it was mixed within the communes. The forces for the  
8 district mobile unit composed of those forces from communes under  
9 the district.

10 Q. And who was the leader of that mobile unit?

11 A. I cannot recall the name right now. No, I cannot recall it.

12 Q. I will remind you of the name you gave the OCIJ investigators.  
13 You said in answer number 73 of your second record of interview,  
14 E319/19.3.93, and this is what you stated:

15 "The head of that mobile unit was called Chhun, C-h-h-u-n, and he  
16 was, by the way, from the district level."

17 Does that refresh your memory?

18 [10.22.02]

19 A. Yes, it refreshes my memory now. The chief was Chhun.

20 Q. How many youths worked in your mobile unit? It was not the big  
21 unit at the level of the district. I am referring to the unit to  
22 which you belonged.

23 A. There were about 30 members in my mobile unit.

24 Q. Were there any Cham working with you in that mobile unit and,  
25 if yes, how many?

18

1 A. There were some Cham people in my unit, but I cannot tell you  
2 how many there were.

3 Q. In the same answer from which I've just quoted an excerpt, you  
4 stated as follows:

5 "My unit consisted of 30 persons, including 25 Cham."

6 Does that refresh your memory as regards the large proportion of  
7 Cham working in that unit?

8 A. Yes, that is about right. I cannot tell you the exact numbers  
9 of Cham in my unit.

10 Q. But if I did understand your testimony correctly, you would  
11 agree that there was a large proportion of Cham in that unit,  
12 wouldn't you?

13 [10.24.20]

14 A. Yes.

15 Q. And how did you know or how did you get to know that they were  
16 Cham? How were you able to identify them as Cham?

17 A. Sometimes we could identify them the way they spoke, the  
18 language.

19 Q. Were you also able to make them out from their names, which  
20 were perhaps different from the Khmer names?

21 A. Yes, we could.

22 Q. As regards their physical appearance, were there any  
23 differences between people of Khmer ethnicity and people of Cham  
24 ethnicity?

25 [10.25.37]

1 A. Since we worked closely with one another, then we asked about  
2 their backgrounds. And later on, the Cham people, all of them,  
3 were taken away. And by that time, we knew the Cham were targeted  
4 and taken away to be killed. And the Khmer people were not taken  
5 away.

6 Q. We'll return to that later. Do you know their villages of  
7 origin in Kang Meas district? And to be more specific, were there  
8 any villages whose population was mainly Cham at the time, that  
9 is, before the mobile units were organized?

10 A. The majority of them lived in Angkor Ban, and that is in Peam  
11 Chi Kang commune. And there were some living in Sach Sou.

12 Q. In the district mobile unit where those young Cham were  
13 working, were they entitled to speak the Cham language, or they  
14 had to speak Khmer like everyone else?

15 A. They actually spoke only Khmer, although they spoke the Khmer  
16 language with accent.

17 They did not dare speak their Cham language.

18 Q. Did they still have the right to wear their distinct clothing  
19 and to respect their traditions as well as the Muslim faith?

20 [10.28.18]

21 A. At that time, no, and that applied to both the Khmer and the  
22 Cham ethnicities. Religion was prohibited, and that applied to  
23 the Cham and to the Khmer people.

24 Q. And who forbade them to speak the Cham language or to wear  
25 Cham traditional attire or, again, to practise their religion --

1 or rather, to practise their Muslim religion? Did you hear any  
2 Khmer Rouge cadres talk about that?

3 A. I did not. However, everyone spoke the Khmer language at the  
4 time.

5 Q. Did you ever hear Khmer Rouge cadre, during that period, say  
6 that there were no longer any minorities in Democratic Kampuchea,  
7 whether they were referring to the Cham or the Vietnamese, and  
8 they were saying that there was only one people and one nation?

9 A. I did not pay attention to that. However, amongst us, nobody  
10 spoke any other language besides the Khmer language.

11 [10.30.22]

12 Q. Can you tell the Chamber what happened to the Cham who were in  
13 your unit, in your district mobile unit?

14 A. Yes, I can do that. At that time, I was with the members of my  
15 unit, and I was assigned to clear grass far from our sleeping  
16 quarter. And I only returned at nighttime. I saw them being tied  
17 up and walked away while I was returning to my sleeping quarter  
18 on an ox cart. And because of the darkness, I could only identify  
19 a few of those people who were being walked in a file.

20 And when I returned to the sleeping quarter, it was rather quiet,  
21 and there were no Cham members of the unit left. There were only  
22 the Khmer people there.

23 So it's my understanding that they already knew who were the Cham  
24 people and who were the Khmer people, and they took away only the  
25 Cham people.

1 Q. In which village and in which commune were you when these  
2 arrests of your Khmer -- of your Cham colleagues took place?

3 A. It was in Sdau commune.

4 [10.32.11]

5 Q. When you returned to your dormitory, how many Khmer were  
6 remaining on site?

7 A. Khmer people were remaining at the site, but no other  
8 ethnicity there.

9 Q. Yes, but do you remember how many Khmer were remaining? Were  
10 you able to count them?

11 A. I did not count them. I knew at the time Cham people had been  
12 gathered up, and at that time, I was scared and I did not count  
13 how many of us were remaining. We were Khmer after the gathering.

14 Q. Do you know what happened to the relatives of these young Cham  
15 men who were arrested on that day or that evening? The relatives,  
16 the family of these members of your mobile unit, what happened to  
17 them?

18 [10.33.54]

19 A. I did not know at the time. We had been together before the  
20 gathering up. I did not know at that time whether the parents had  
21 been sent away first or after the arrest of children, or they  
22 were arrested at the same time. I did not know about that.

23 Q. Did you learn something in that regard later on, or even after  
24 1979?

25 A. No, I did not. I knew only the fact that Cham people had been



1 gathered up. Later on, I did not know what happened to them. In  
2 fact, we were living in different houses far away from each other  
3 and, at that time, I did not know what happened to those Cham  
4 men.

5 Q. And during the weeks or days that preceded your -- the arrest  
6 of your Cham work colleagues, did you manage to get to know if  
7 they were afraid of being arrested, or were they surprised when  
8 they were arrested that evening? I'm simply asking you to tell me  
9 what you know. If you don't know, that's not a problem.

10 A. I did not know whether there had been other arrests before  
11 that. I learned only the arrest at the time of Cham men.

12 Q. So you told us that you returned to your dormitory while  
13 seeing that Cham people were being arrested and were standing in  
14 a row. So did some of them try to escape or to resist the arrest?

15 [10.36.38]

16 A. I witnessed the -- these people on the midway while I was on  
17 an ox cart. And after -- after I returned home, the village was  
18 quiet and I was told that Cham people had already been arrested.

19 I did not know or witness the resistance of Cham people.

20 I was coming back from clearing out the grass when I noticed that  
21 Cham people had been walked away.

22 Q. And can you tell us who walked them away? Who arrested them?

23 A. I did not know those guys. I did not know where they were  
24 from. I did not dare to poke into their business or to dig deep  
25 in their business.

1 [10.38.01]

2 Q. However, do you know if they were, as you said in answer 73,  
3 if they were security agents or militia men who carried out these  
4 arrests?

5 A. To my assumption, they may have been the security guards or  
6 militia men. I did not -- I was not interested in their origin at  
7 the time. I was concerning of -- I concerned of my life at the  
8 time.

9 Q. Fine. But later on, you worked at Wat Au Trakuon. And then  
10 would you have been able to recognize among these security agents  
11 people that you saw later on working either at the Wat Au Trakuon  
12 pagoda or in the villages and communes as militia men?

13 Were you able to see their faces and, if that was the case, were  
14 you able, later on, to see some again or to recognize some of  
15 them?

16 A. At the time I saw those people we parted each other long time  
17 ago, but I can still recognize one person. The name is Phuon  
18 (phonetic).

19 Q. And this Phuon (phonetic) whom you identified, which unit did  
20 he belong to? Was he working at the commune or district level, or  
21 was he working simply at Wat Au Trakuon?

22 A. He worked in Au Trakuon pagoda itself.

23 [10.40.33]

24 Q. At answer 73 of your WRI, E319/19.3.93, you said the  
25 following, and I quote:

1 "This happened at night when I was with the Cham at about 8 p.m.  
2 or 9 p.m. There was a group of security guards coming to our  
3 accommodation at Sdau village, Sdau commune, Kang Meas. They  
4 ordered the chairman of the unit to select all the Cham people  
5 and call for a meeting at a house.

6 After that, all the Cham were tied up and sent out from that  
7 place. The chairman of the mobile unit, Chhun, was on the  
8 district level mobile unit." End of quote.

9 So did you see these Cham people being tied up, or is this  
10 something that other people told you about?

11 A. I did not see the actual act personally. I was on midway home.  
12 I could recognize one or two of them who were tied up in lines --  
13 in strings. I did not dare to look straight into their faces.  
14 I was hurry up to eat the gruel at the time after my work, and I  
15 was told that the Cham people had been all arrested.

16 [10.42.23]

17 Q. But you just said that you saw them standing in a row and tied  
18 up, and you recognized one or two of them. So do you remember the  
19 names of these Cham people you recognized that evening?

20 A. I saw them midway while they were being walked away. I was on  
21 an ox cart carrying grass from work. It happened at around 6 or 7  
22 p.m. in the evening.

23 Q. So my question remains the same. You said that you saw that,  
24 but when you saw them, were they tied up?

25 A. They were being walked away. They -- I knew that they were --

25

1 they had been tied up. They had been walked away quite a few  
2 kilometres away from their locations, and I met them on -- I met  
3 them midway from work.

4 Q. Fine. So if I understood well, they were -- you were going to  
5 the village and you saw them on the same path being taken away  
6 from that village. So this means that they had already been  
7 arrested and that they were walking away. Is that correct?

8 [10.44.39]

9 A. As I said, those people had been arrested. I met them midway,  
10 and I did not know what happened before they were being walked  
11 away.

12 Q. Fine. You said earlier that it was quite easy to recognize who  
13 was Cham and who wasn't, in particular because of their accent  
14 when they spoke Khmer and because of their names.

15 So, did you ever learn that there were lists of Cham that had  
16 been drawn up within your mobile unit within the communes and the  
17 districts?

18 A. I did not know about that when they were walked away. I was  
19 not in charge of the data or statistics at the time. It was the  
20 unit's chief who would have known the matter.

21 [10.46.02]

22 Q. Did you learn where these young Cham men were taken to, and do  
23 you know what kind of fate was meted out to them?

24 A. A few days later, I heard from one another that those people  
25 had been killed, but I did not know where they had been killed.

1 Some people said they were killed at the Sdau pagoda.

2 At that time, I was so terrified since the arrest happened  
3 already and I was afraid that I would be one among them as well.

4 Q. You said at answer 71 of the same WRI I quoted from,  
5 E319/19.3.93; you said the following:

6 "The Khmer Rouge gathered all of the young Cham of my unit and  
7 slaughtered them in the Au Trakuon pagoda. At that time, nothing  
8 happened to the Khmer male or female youths."

9 So later on, did you obtain any kind of information that these  
10 Cham people were slaughtered at the Wat Au Trakuon pagoda, as you  
11 said here in the WRI?

12 A. It appears that I did not know about this matter.

13 [10.48.14]

14 Q. In the same answer in which you were very specific, that is to  
15 say, at answer 73, you answered the following question:

16 "As far as you knew, how did they arrest the Cham children?"

17 And you said, "The next day, we were informed that all of the  
18 Cham children were sent to Wat Au Trakuon pagoda." End of quote.

19 So back then, you seemed to be sure that they had been sent to  
20 Wat Au Trakuon. Now, you tell us that you know that they were  
21 arrested, but that you're not sure that they were sent to that  
22 pagoda.

23 A. I was not able to know where those people had been sent to.

24 For three or four days later, people whispered to one another  
25 that these Cham people had been sent away and killed, but I -- as

27

1 I said, I did not know where they were killed.

2 People whispered from one -- to one another that these people may  
3 have been killed at Sdau village. I was residing and working in  
4 Sdau village, and at that time, I heard the whispering from one  
5 another and I was also concerned of the matter.

6 [10.50.16]

7 Q. I understand. Of course.

8 MR. PRESIDENT:

9 Thank you, Mr. Deputy International Co-Prosecutor. I think it is  
10 now a proper -- the appropriate time to take a short break. We  
11 may take a short break from now until 11 a.m.

12 Court officer, please assist the witness during the break time,  
13 and please invite him back into the courtroom at 11 a.m.

14 The Court is now in recess.

15 (Court recesses from 1051H to 1104H)

16 MR. PRESIDENT:

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

18 Again the floor is given to the Deputy International  
19 Co-Prosecutor to continue putting questions to this witness. You  
20 may proceed.

21 BY MR. DE WILDE D'ESTMAEL:

22 Thank you, Mr. President.

23 Q. We were talking about the arrest of all the Cham members in  
24 your mobile unit. Did you ever see them thereafter, or they  
25 simply disappeared?

1 [11.05.16]

2 MR. MUY VANNY:

3 A. At that time, they disappeared.

4 Q. Did you also learn that other children or other youngsters,  
5 boys and girls included, were arrested in other children's units  
6 or mobile units in the same district, but in other locations?

7 A. No, I did not know about that, as I was assigned to remain in  
8 one place, and I could not have walked freely, so I did not know  
9 whether the arrests existed elsewhere.

10 However, from my understanding, people would be arrested at a  
11 location in various communes, although, I, myself, did not have  
12 access to all those communes.

13 [11.06.28]

14 Q. Were you able to gather such information later, after 1979, or  
15 rather after 1977?

16 Did you get to know anything subsequently regarding the arrest of  
17 other young Cham in the district?

18 A. No, I did not.

19 Q. Between 1975 and 1979, in Kang Meas district, did any Cham  
20 survive the Democratic Kampuchea regime?

21 MR. PRESIDENT:

22 Witness, please hold on.

23 And Defence Counsel Koppe, you have the floor.

24 MR. KOPPE:

25 I object to this question, Mr. President. This witness is in no

29

1 position whatsoever to answer that question. He can say something  
2 about Cham members in his mobile unit, both on the commune level  
3 and the district level, but that's it. That is his knowledge, I  
4 think.

5 And we shouldn't -- we shouldn't forget, also, the fact that, at  
6 the time, he was only 10 years old, 11 years old.

7 [11.08.03]

8 MR. DE WILDE D'ESTMAEL:

9 Mr. President, I'm only asking the witness to tell the Chamber  
10 what he knows. I'm not asking him to speculate. So I want him to  
11 tell the Chamber whether he knows of the survival of any Cham  
12 during that period in his district. This is a very legitimate  
13 question, and the witness can tell us what he knows.

14 MR. PRESIDENT:

15 The objection by the Defence Counsel for Nuon Chea is overruled.  
16 And witness, you can respond to the last question put to you by  
17 the Deputy Co-Prosecutor, if you still recall it.

18 [11.08.46]

19 MR. MUY VANNY:

20 A. Yes, there are two survivors, that is a husband and a wife,  
21 who actually went to hike -- hide himself in a pond in a forest.  
22 And only after the fall of the regime, I learned of their  
23 survival.

24 MR. DE WILDE D'ESTMAEL:

25 Q. Do you know what were the villages of origin of those two



1 survivors and what their names were?

2 A. They were from Sach Sou. That is in Peam Chi Kang commune.

3 Q. And apart from those two survivors, you didn't hear about the  
4 survival of any other persons from Kang Meas district?

5 A. Yes, that is correct. After the fall of the regime, I only  
6 learned of these two survivors, that is, a husband and a wife.

7 Q. Let us now talk of Wat Au Trakuon. At the time when you were  
8 transferred to work there, you were the bodyguard of Horn at the  
9 time, and Horn was the chief of the security centre. He was also  
10 head of the security of the district, as you stated earlier.

11 Of what level was the Wat Au Trakuon pagoda a member of? Was it  
12 part of the -- was it part of the commune, that is, or the upper  
13 level?

14 [11.11.07]

15 A. At that time, Au Trakuon security centre was part of the  
16 district security.

17 Q. Was that pagoda geographically close to the Kang Meas'  
18 district committee office?

19 A. Yes, it was -- it was not that far; it was about 2 kilometres  
20 away from the district office.

21 Q. I am not sure you said in which village that pagoda was. You  
22 said that it was in Peam Chi Kang commune, but you didn't tell us  
23 the village; can you now tell us what village it was situated in?

24 (Microphone not activated)

25 [11.12.34]

1 MR. PRESIDENT:

2 Deputy Co-Prosecutor, please repeat your last question. Actually,  
3 he responded to your question when the microphone was not yet  
4 operational.

5 BY MR. DE WILDE D'ESTMAEL:

6 Q. My question was: In which village was the Au Trakuon pagoda  
7 situated?

8 MR. MUY VANNY:

9 A. It was located in Sambuor Meas Ka village.

10 Q. How come you were chosen to work at the Wat Au Trakuon pagoda;  
11 can you tell us how you were selected for that assignment?

12 A. I did not know about the selection. I was assigned to work in  
13 a mobile unit, however, due to the lack of rice to eat, then I  
14 went to stay with the soldiers. I did not know about the details  
15 of the arrangement and, later on, my unit chief was called by his  
16 elder brother that we had to be sent to stay at Au Trakuon pagoda  
17 and I was rather shocked to learn that because we heard that Au  
18 Trakuon pagoda was a killing site.

19 [11.14.31]

20 Q. When you arrived at the Wat Au Trakuon pagoda, at the security  
21 site where people were executed, can you tell us whether there  
22 were other security officers older than you -- security guards  
23 older than you; in other words, were you still the youngest  
24 person working there?

25 A. Yes, they were much older than me. Some of them were more than

1 30 years old or 40 years old and I was the youngest member.

2 Q. Were there also any adolescents aged 16 to 18, for instance,  
3 and I mean the young security guards?

4 A. No, there was none. I was on a rotational basis with another  
5 guard to accompany the chief when he went for inspection at where  
6 soldiers were stationed.

7 [11.15.58]

8 Q. So if I understand you correctly, you -- you accompanied Horn  
9 when he went to inspect the place where the soldiers were  
10 stationed, but you didn't do so every day and you were  
11 accompanied by other guards?

12 A. It varied. Sometimes, I remained with the soldiers while  
13 another guard accompanied him during his inspection trip and  
14 sometimes, the chief called me to go with him; however, it was at  
15 his own discretion either to call me or to call another guard to  
16 accompany him.

17 Q. You stated that you were Horn's bodyguard. Does being a  
18 bodyguard also involve being a messenger; did you double up as  
19 bodyguard and messenger?

20 A. Yes.

21 Q. Did it happen that Horn or another cadre from the Au Trakuon  
22 pagoda entrust you with envelopes or letters to be delivered  
23 within the district or other communes of the Kang Meas district?

24 A. No, that never happened.

25 Q. I would like you to explain to the Chamber what your role as a

1 messenger or bodyguard consisted in. When you talk of being a  
2 messenger that would entail transporting messengers; did that  
3 ever happen -- or transporting messages, I beg your pardon; did  
4 that ever happen?

5 [11.18.18]

6 A. When you refer to a messenger during the regime, you also  
7 referred to his role as a bodyguard. Sometimes, I deliver letters  
8 concerning the redeployment of soldiers from one commune to  
9 another commune; however, personally, I never delivered letters  
10 to the district.

11 Q. And who gave those letters to you for delivery in certain  
12 communes; was it your chief or other persons who give you those  
13 letters to convey?

14 A. It was Horn who did that.

15 [11.19.20]

16 Q. For purposes of clarification, I would like to read out to you  
17 what a witness said regarding you. I will not give that person's  
18 name.

19 It is in the interview notes of the OCP, E3/7827, and suffice to  
20 say that that person was a former monk at Wat Au Trakuon. This is  
21 what he stated on page 3 in English, page 2 in French, and page 4  
22 in Khmer and I quote:

23 "A security guard from the prison is still alive. He is a  
24 teacher. His name is Muy Vanny. He was a messenger from the  
25 security office. He was age 16 or 17 at the time. He teaches at

1 the Sambuor Meas School.

2 First point, this witness says that you were a messenger at the  
3 security office; were you the messenger of Horn, himself, or you  
4 were a messenger of the security office as well? What I mean is  
5 that you were able to deliver letters when Horn was not stationed  
6 at that particular location or office at the time; can you  
7 clarify this point?

8 A. Yes, that is correct. I only deliver the messages when I was  
9 assigned and at some other times, I would accompany the chief  
10 when I was called to or sometimes, he would send me to soldiers  
11 at the commune level when they had to be redeployed to another  
12 station or location and sometimes, I would accompany him when he  
13 went to do that task.

14 [11.21.38]

15 Q. This witness says you were aged 16 or 17, so let me put the  
16 question to you again. You said that you were age 11 or 12 when  
17 you were at Wat Au Trakuon; does this witness -- is this witness,  
18 therefore, wrong when he gives your age as 16 or 17?

19 A. Maybe he was confused. Maybe he only knew me, but not that  
20 well and, of course, I was rather young at the time and I,  
21 myself, I did not know this person and maybe he identified me  
22 when I was only motorcycle with the chief.

23 Q. I haven't given you that witness' name, so it is normal that  
24 you wouldn't know very much about him. Do you know from which  
25 region of Cambodia your leader, Horn, hailed?

1 [11.23.01]

2 A. At that time, I did not know where he came from; however,  
3 people said he came from the Southwest Zone; although,  
4 personally, I did not know where the Southwest Zone was.

5 Q. During that period, did you happen to accompany Horn during  
6 his travels outside of the Kang Meas district, for instance, if  
7 he had to go and attend meetings at the level of the sector or  
8 the zone?

9 A. No, I did not.

10 Q. As a bodyguard, were you armed and if yes, what weapon were  
11 you carrying?

12 A. Yes, I was given a -- an AK rifle and, later on, because of its  
13 heavy weight and, actually, when I was carrying the AK rifle, I  
14 had a swollen arm and shoulder and, for that, I request to have  
15 it changed to a carbine rifle.

16 Q. How about the other guards at the Au Trakuon pagoda; were they  
17 also armed and if yes, what type of weapons were they bearing?

18 A. Yes, they were armed; however, sometimes, we swapped our  
19 rifles and sometime, when they had to go with the chief, they  
20 would take the carbine or sometimes, when they were at the  
21 pagoda, they were armed with AK rifles.

22 Q. So, if I understand correctly, within the pagoda, everyone was  
23 armed with a shotgun or an AK weapon; were there any long swords  
24 in the pagoda?

25 [11.25.36]

1 A. Yes, there were; however, another group actually wore the long  
2 swords. I, myself, I did not as usually, I would go and  
3 accompanied my chief.

4 Q. And when you talk of this other Long Swords Group, was that  
5 group based outside of the pagoda in the commune or these members  
6 of the Long Sword Group were stationed within the pagoda?

7 A. They were stationed within the premise of the pagoda.

8 Q. Can you tell me who was the assistant or the assistants of  
9 Horn at Wat Au Trakuon; in other words, who was in charge of the  
10 security-guard corps when Horn wasn't there?

11 A. There was Kuong and, later on, when Kuong was executed, he was  
12 replaced by another person named Bot and, later on, Bot died. So  
13 when Horn was not on the base -- at the base, then, Kuong would  
14 be in charge.

15 [11.27.25]

16 Q. I believe there is a slight error somewhere because as at 59  
17 in the document E319/19.3.93 this is what you stated. "One night,  
18 Bot died and Kuong became Horn's assistant."

19 Is it Bot who preceded Koung or the other way around?

20 A. Yes, you are correct; Bot preceded another person.

21 Q. You were Horn's bodyguard assigned to that pagoda; could you  
22 move about within the Au Trakuon pagoda premises?

23 A. Yes, I could; however, because I was rather young so I was  
24 rather afraid to move around within the premises of the pagoda.

25 Q. You stated that you were not with Horn all the time and that

1 he travelled around sometimes with another bodyguard. When you  
2 did not have to accompany him, did you have to discharge certain  
3 duties within the Au Trakuon pagoda; for instance, standing  
4 guard, taking food to prisoners, helping out in the kitchen,  
5 growing vegetables, for instance? Can you clarify what your daily  
6 duties were when you did not have to accompany Horn outside of  
7 the pagoda?

8 [11.29.33]

9 A. No, I did not engage in any other duties. Sometimes, when I  
10 was not assigned to accompany him, I would rest at the premises  
11 of the pagoda; sometimes, I stayed and chatted with the light  
12 offend prisoners there; sometimes, I would pick some trees from  
13 fruit -- fruit from trees grown within the premises of the  
14 pagoda.

15 Q. Did you have the opportunity, at one point in time, of  
16 entering the buildings -- the buildings, themselves, of the  
17 pagoda and, therefore, to see under which conditions the  
18 prisoners were detained?

19 A. I did have a look because I was the late arrival there so I  
20 was rather curious to see what was happening on the ground and I  
21 would also go to greet all members of the group working in the  
22 pagoda.

23 [11.31.02]

24 Q. Very briefly speaking because this is not necessarily the  
25 point of today's hearing, however, can you describe to us what



1 you saw within the building where the prisoners were detained?

2 A. I saw people were being chained -- shackled in the main  
3 temple. Their ankles were shackled.

4 Q. And what about the detention conditions, in general, in terms  
5 of hygiene, in terms of food; do you know how the prisoners were  
6 treated in that regard?

7 A. Yes, I knew about the treatment. They were given gruel made  
8 with morning glory or mixed with yam.

9 Q. Was this a sufficient diet for them -- for the prisoners to  
10 remain healthy?

11 A. Actually, they were given only a coconut -- half of a coconut  
12 full of plain gruel.

13 Q. Who was Horn's direct superior at the -- at the commune's  
14 district level? Do you know who was the chief of Kang Meas  
15 district?

16 A. At that time, the -- the person was known as the district  
17 chief and his name was Kan.

18 Q. Do you know if Kan came from the Southwest just as Horn?

19 [11.33.40]

20 A. Yes, I heard they were the Southwest group who came to work in  
21 the area and people also said that the district chief and the  
22 commune chiefs were all Southwest people.

23 MR. PRESIDENT:

24 Thank you, Deputy Co-Prosecutor. The time is appropriate for our  
25 lunch break. We'll take a break now and resumed at 1.30 this

1 afternoon.

2 Court Officer, please assist the witness during the lunch break  
3 at the waiting room reserved for witnesses and civil parties and  
4 invite him back into the courtroom at 1.30 this afternoon.

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

8 The Court is now in recess.

9 (Court recesses from 1134H to 1332H)

10 MR. PRESIDENT:

11 (No interpretation)

12 INTERPRETER:

13 The interpreter could not hear from the President.

14 (Technical problem)

15 [13.33.41]

16 MR. PRESIDENT:

17 (No interpretation)

18 (Technical problem)

19 [13.34.29]

20 MR. PRESIDENT:

21 The Court is now in session. The floor is given to the  
22 Co-Prosecutors to resume their questioning. And you still have 40  
23 more minutes to put questions to this witness. The time for  
24 Co-Lead Lawyers and Co-Prosecutors 40 minutes more.

25 BY MR. DE WILDE D'ESTMAEL:

40

1 Thank you, Mr. President. I believe we started at around 10  
2 o'clock this morning. So I am going to try to finish in 40  
3 minutes together with the civil parties. Maybe we'll be 50,  
4 however, we will see quite soon if I will be able to finish  
5 within the allotted time.

6 Q. Witness, this morning you told us that your chief at the Au  
7 Trakuon pagoda was Horn and that the district chief Kan was  
8 Horn's immediate superior. And when Horn took decisions within  
9 the security centre at the Wat Au Trakuon did he report to Kan  
10 and also did he receive orders from Kan? Since you often went  
11 with him, accompanied him often, do you know what kind of  
12 relations there were between Kan and Horn?

13 [13.36.08]

14 MR. MUY VANNY:

15 A. I was not aware of that issue.

16 Q. You said that the pagoda was two kilometres away about -- from  
17 the Khmer district office and because of this proximity did Kan,  
18 the district chief, come to the pagoda to visit or to hold  
19 meetings?

20 A. I never saw him.

21 Q. Earlier you spoke about the fact that there were certain  
22 guards who were stationed at Wat Au Trakuon who bore swords or  
23 sabres. Was there also a group of militia men with long swords at  
24 Peam Chi Kang commune?

25 A. I did not know about that issue. I was only aware of what was

1 going on around within my location.

2 Q. And you spoke about guards precisely at Wat Au Trakuon. Did  
3 these security guards belong to the district army, since you told  
4 us earlier that this security centre depended on the Kang Meas  
5 district -- was part of the Kang Meas district?

6 [13.38.09]

7 A. Only their colleagues could enter into that place. Other  
8 people were not allowed to go into that location.

9 Q. Well, in fact, I was asking you at which level did the guards  
10 depend on the Wat Au Trakuon. Did they depend on the commune  
11 level? Did they depend on the district level?

12 A. I used to see that Kan was the district chief. Concerning  
13 those who were within Au Trakuon pagoda, I did not notice the  
14 presence of any security guards but there were people working in  
15 that pagoda. No two, three levels of security at the place.

16 [13.39.35]

17 Q. Fine, I understand. And the people who were working at the  
18 pagoda under Horn's leadership and under the leadership of his  
19 deputy Kuong, did these people carry out arrests in the different  
20 communes of Kang Meas?

21 A. I was in that location for a brief period of time. I only  
22 noticed that people were transported into that pagoda. I did not  
23 know whether these people were arrested by the security guards.

24 Q. Now, I would like to quote what you said at answer 18 of your  
25 WRI, E319/19.3.93. It's dated 3 July 2014. And you said the

1 following -- well, the question that was put to you is the  
2 following, first. I quote, "Do you remember still the name of a  
3 few people of the 'Dav Veng' group, that is to say, the group of  
4 the Long Swords?"

5 And you answered the following, "Yes, I remember a few people  
6 from that group. That is to say, Kuong, K-U-O-N-G, Moeun,  
7 M-O-E-U-N and Hun, H-U-N. These people hailed from Kang Meas  
8 district and they did not come from the Southwest Zone."

9 So can you confirm that these three people, Kuong, Hun and Moeun,  
10 were indeed people who were working within the Wat Au Trakuon  
11 pagoda within the security centre, that is to say?

12 [13.41.59]

13 A. That is true. These people were tasked with taking care of the  
14 centre and people from somewhere else would be sent into that  
15 security centre.

16 Q. What happened when people were sent to the security centre?

17 Who would take them to the security centre? Were these people  
18 from the outside, militia men who would escort them there or was  
19 it the people working at the pagoda who would go look for them  
20 outside?

21 A. Sometimes militia men within the village and commune together  
22 with the unit chiefs were responsible for transport those people  
23 into the pagoda by ox cart. That is what I noticed. I would see a  
24 group of two or three people would be sent into that security  
25 centre or Wat, but I did not know where these two or three people

1 from.

2 Q. And the militia men who would escort these two to three  
3 people, were they entitled or not to go inside the pagoda or  
4 would they just bring the people who were arrested to the guards  
5 at the pagoda?

6 [13.43.48]

7 A. They were the ones who brought in the security or the Wat and  
8 they would hand over them at the -- the front compound of the  
9 pagoda.

10 Q. You said that you accompanied Horn pretty much everywhere  
11 throughout Kang Meas district because he would go check the  
12 places where soldiers were stationed. And when you accompanied  
13 him, did you ever have the opportunity of witnessing arrests of  
14 people, of villagers in the different communes within that  
15 district?

16 A. I never saw it. I did not know about the issue. Sometimes I  
17 would happen to see people within the Au Trakuon pagoda and I did  
18 not know how they were arrested and because of what they were  
19 arrested. Horn himself never went out to make the arrests. I  
20 never noticed such a happening.

21 Q. Well, then I would like to ask you to react to what is  
22 indicated in your WRI, E319/19.3.93. It's question and answer 17.  
23 And the question that's put to you is the following:  
24 "Did you ever see firsthand the arrest of prisoners or people in  
25 the village?"

1 And you answered: "Yes, I saw some arrests in the district. As I  
2 knew Horn received the report from the commune about enemies to  
3 be arrested. So sometimes he himself went directly to cooperate  
4 with the security guards of the Long Sword Group and travelled to  
5 the commune to make arrests. But sometimes, they used the trick  
6 to tell all the prisoners to come to the security office by  
7 themselves."

8 So in this excerpt it appears that you said to the investigators  
9 that you saw yourself, people being arrested. So can you confirm  
10 this?

11 [13.47.03]

12 A. I have never saw it. Usually the senior people did not make  
13 the arrest by themselves but I did not know whether the order was  
14 made by them. Perhaps these people went out to meet their  
15 superiors, but I was not aware and did not know about that issue.

16 Q. Well, did you see when you were working with Horn at the Wat  
17 Au Trakuon pagoda that Cham people were sent to the pagoda?

18 A. Yes. Those who took the Cham people to the place were  
19 different group of us and there were different people,  
20 responsible for receiving those arrestees. They were security  
21 guards and the senior or supervisors and whether there was --  
22 there were any plans, I was not aware of such plans.

23 [13.48.54]

24 Q. When you saw those (unintelligible) people arrive at the--  
25 (No interpretation)

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1 A. I was within the compound of the pagoda looking from afar. I  
2 had no responsibilities other than working together with the  
3 superior or my supervisor and during the time I was quite young  
4 and I did not dare to walk around freely.

5 THE INTERPRETER FRENCH-ENGLISH:

6 Interpreter apologizes. Believed there was a sound problem, but  
7 there wasn't.

8 BY MR. DE WILDE D'ESTMAEL:

9 Q. So you were with your superior. Can you tell us how this  
10 person who arrived at the pagoda was brought there? Did these  
11 people arrive on foot or did these people arrive by ox cart or  
12 did these people arrive by boat?

13 [13.50.03]

14 MUY VANNY:

15 A. They mostly came by carts, ox carts.

16 Q. Did you ever hear about the fact that boats transporting Cham  
17 apparently arrived very close to the pagoda along the Mekong?

18 A. Yes, I used to see it. I knew that they came by the river.  
19 Perhaps they may have come by river on boats and, as I said, I  
20 saw them coming into the pagoda.

21 Q. And the people who came by boat, were they part of a big  
22 group, a big group of people or were they part of small groups?

23 MR. PRESIDENT:

24 Please observe your microphone before you speak.

25 [13.51.32]



1 MR. MUY VANNY:

2 A. Sometimes there were many of them but on some other occasions  
3 there were a few of them.

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. And when there were many of them can you give us an idea of  
6 how many people were brought at the same time into the pagoda?  
7 Was it several dozens, more or less?

8 A. If they came by boat, 50 people or 100 people at a time by  
9 boat.

10 Q. And among these people who arrived at the pagoda, how did you  
11 learn that some of them were Cham? Earlier you saw that Cham were  
12 taken to the pagoda. So did you see that yourself or did you  
13 learn about that from other people?

14 A. I heard people say that there was a plan to get the Cham  
15 people and I did not know whether it actually happened after that  
16 statement.

17 Q. Were the Cham a majority or were the Cham a minority among the  
18 Wat Au Trakuon prisoners?

19 [13.53.30]

20 A. They were a majority. There were not so many Khmer people and  
21 perhaps, at that time, Cham people -- other group of Cham people  
22 may have taken in at a later stage to certify, so they  
23 cooperated.

24 Q. Can you repeat your last answer because apparently the  
25 interpreter did not follow?

1 A. Cham people would come by boat if there were many of them and  
2 since Khmer people sometimes came in a small group they would be  
3 transported by carts, ox carts. They were not brought together at  
4 the time.

5 Q. When they arrived at the pagoda did the guards check, one way  
6 or the other, that these people were indeed Cham? For example,  
7 would they ask them questions in order to try to understand where  
8 they came from in order to listen to their accent?

9 [13.55.17]

10 A. I was not aware of that issue. As I said, I noticed people  
11 coming in. Whether Cham people were asked initial questions, it  
12 was not for -- it did not fall within my responsibility. And when  
13 I had no assignment I would stay in my location. As I said,  
14 people were brought into the pagoda and I would notice these  
15 people in the morning after they were brought into the pagoda.  
16 And sometimes I slept at my location when I had no assignments to  
17 do.

18 Q. Fine. Now, regarding the Khmer prisoners who were taken to the  
19 pagoda, what happened to those who were accused of committing  
20 serious offences? Were they interrogated?

21 A. I saw they were questioned and some days I heard that people  
22 were sent out to do the interrogation. The schools at that time  
23 were used for interrogation place. The school remains until  
24 today. As I said, when I was not assigned to do specific tasks I  
25 would not go to perform that task. It was under others'

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1 responsibility who were assigned to do the job.

2 [13.57.19]

3 Q. Now, in contrast to the Khmer, were the Cham also interrogated  
4 at the Au Trakuon pagoda or not?

5 A. No.

6 MR. PRESIDENT:

7 Please hold on, Mr. Witness. Mr. Koppe, you have the floor now.

8 MR. KOPPE:

9 Yes, I object to the question. It is a leading question. By using  
10 the words "in contrast" he is already asking the witness to  
11 confirm the contrast between the interrogation of the Cham and  
12 the Khmer. He should have just asked an open question: What  
13 happened in terms of interrogation of the Cham people? So I  
14 object to the leading nature of the question.

15 [13.58.13]

16 BY MR. DE WILDE D'ESTMAEL:

17 Well, then I will remove the beginning of the sentence.

18 Q. And I will ask the witness if the Cham, therefore, were also  
19 -- were also interrogated at Wat Au Trakuon?

20 MR. MUY VANNY:

21 A. They did not interrogate Cham people, unless there was an  
22 issue with the arrestee they would be interrogated. Sometimes it  
23 happened that one or two people went out to conduct the  
24 interrogation. I did not know at the time what made them go out  
25 to do the interrogation.

1 Q. You answered quite clearly in answer 79 of your WRI,  
2 E319/19.3.93 ,and the question that was put to you was the  
3 following.

4 "Were the Cham prisoners interrogated after they arrived at the  
5 security centre?" And you answered, "No, they were not  
6 interrogated but executed three to four days later."

7 Do you know why the Au Trakuon guards did not take the trouble to  
8 interrogate the Cham or, in any case, in most cases as you said?

9 [13.59.56]

10 A. I did not know the reason. My responsibility was that I was  
11 not tasked with asking such questions.

12 MR. PRESIDENT:

13 You have the floor now, Defence Counsel for Mr. Khieu Samphan.

14 MS. GUISSSE:

15 Yes, thank you, Mr. President. I am coming in after the  
16 exchanges, but I object to the manner in which the President --  
17 the question is being put the Co-Prosecutor. Because, it is not  
18 possible for the question to be asked unless the Co-Prosecutor  
19 explains the question properly. It is logical and is in line with  
20 the procedure used in this trial because the witness said  
21 something different from what is in the record of interview.

22 [14.00.58]

23 BY MR. DE WILDE D'ESTMAEL:

24 Q. In that case let me ask another question. In your record you  
25 say the Cham were not interrogated. That is not very clear. Can

1 you clarify that matter? Were the Cham interrogated by the guards  
2 at the Wat Au Trakuon pagoda or the group that was in charge of  
3 interrogations?

4 MR. MUY VANNY:

5 A. They were not interrogated.

6 Q. Did the Cham who arrived at the pagoda all -- were they all  
7 executed?

8 A. Yes, it's true.

9 Q. Do you know where they were executed in relation to the  
10 entrance to the pagoda? Was there a particular location where the  
11 Cham were executed and was that place different from the place  
12 where Khmer were executed?

13 A. Actually, it is not -- it was not different. They were  
14 executed and then this morning we did not see those people who  
15 were sent to pagoda because they were sent to be killed during  
16 the nighttime and at the time we were too young most of -- at the  
17 time I was very young. So I did not -- what time those people  
18 were killed.

19 But this morning -- during the morning I did not see anyone, so  
20 they disappeared. And then they were killed not far away from the  
21 pagoda in Chamkar and then those lands was used for planting  
22 mango trees. It's about 100 metres from the pagoda to the place  
23 where the people were killed, based on my estimation.

24 [14.03.36]

25 Q. In the extract I read a while ago you stated, that is, in the

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1 record of your interview, that they were not interrogated but  
2 that they were executed. Did it happen that Cham arriving at the  
3 pagoda were executed directly and not even imprisoned before they  
4 were being executed?

5 A. Actually, I did not know about that.

6 Q. Did you witness seeing such executions yourself at the pagoda  
7 or around the Au Trakuon pagoda?

8 [14.04.30]

9 A. Actually, I saw some -- sometimes the senior assigned me to  
10 take the water. But I was terrified and I almost cried when I saw  
11 that situation. It was terrifying. Even my friend caught me  
12 crying and called my name. At the time I was very terrified. You  
13 know, actually, I was young and I was very gentle, so it was  
14 really terrifying for me as a young boy.

15 Q. And how many times did you witness those scenes of executions?  
16 You said sometimes which is not very clear. What did you mean  
17 when you said sometimes?

18 MR. PRESIDENT:

19 Mr. Koppe. Yes, you have the floor.

20 MR. KOPPE:

21 I haven't actually heard the witness say that he witnessed an  
22 execution. The question was asked and then he said it was  
23 terrifying but he hasn't actually said today in Court that he  
24 witnessed an execution, so unless I heard something different in  
25 the translation.

1 MS. GUISSÉ:

2 Let me buttress the objection of my colleague. In French I heard  
3 that "sometimes I was asked to go and fetch water." That is what  
4 I heard.

5 [14.06.20]

6 BY MR. DE WILDE D'ESTMAEL:

7 I heard "sometimes yes, and we were asked to go and fetch water."

8 Q. Let me put the question to you again, witness. Did you  
9 witness, even from a distance, scenes of executions around the Au  
10 Trakuon pagoda?

11 MR. MUY VANNA:

12 A. I was assigned, yes, but I did not go to the spot or to that  
13 site. I just brought some water and then I came back. But it was  
14 really terrifying as I observed because 100 people I saw but  
15 immediately they disappeared and I did not know what happened to  
16 them.

17 [14.07.05]

18 Q. When you went to fetch water, on your way to this pond or  
19 wherever you fetched water, could you see what was happening at  
20 the site of the execution from where you were on your way to  
21 fetch water? That is not very clear.

22 A. I did not see clearly. I was in the middle of that and then I  
23 was asked to turn back.

24 MR. PRESIDENT:

25 Please, Mr. Koppe, you have the floor.

1 MR. KOPPE:

2 I would really ask -- like to ask the Chambers to implore this  
3 prosecutor to stop putting words in his mouth. "Execution sites"  
4 or "witnessing executions", he didn't say that. He says: People  
5 came in and then they were gone. That was terrifying. I  
6 collected water.

7 But he doesn't actually speak about execution sites nor about  
8 witnessing executions. So it is leading all along, all the way.

9 BY MR. DE WILDE D'ESTMAEL:

10 Mr. President, I don't think I am leading the witness. I'm trying  
11 to have the witness clarify what he is saying which is not very  
12 clear. For purposes of clarification, Witness, I will read out to  
13 you what he told the Co-Investigating Judges' investigators at  
14 answer 35, still E319/19.3.19.

15 This is what you stated, "Yes, I saw killings two or three times,  
16 but not so often. The prisoners were sent to be killed in groups  
17 of about 10 people. Each prisoner's hands were tied to their back  
18 and their face was covered. Then the Khmer Rouge sent them to the  
19 front of the pagoda which was about 200 metres away. There was an  
20 already dug pit. When they reached the pit, they beat the  
21 prisoners with a cart axle and dropped the bodies into that pit.  
22 The prisoners were men, women and children. Before dying the  
23 prisoners shouted for help. Initially, I heard that the Khmer  
24 Rouge had used megaphones to play a sound in order to cover up  
25 the prisoners' screams. But when I saw those killings there was



1 no megaphone because the number of people to be killed was  
2 small."

3 Q. Does that refresh your memory as regards to the fact that you  
4 witnessed scenes of executions? In that extract you are talking  
5 of having seen and having witnessed scenes of executions.

6 [14.10.13]

7 MR. PRESIDENT:

8 So please, Counsel Koppe, you have the floor.

9 MR. KOPPE:

10 Again, Mr. President, I object to the very leading nature of this  
11 question. Anybody can observe that whatever answer he is going to  
12 give now is completely worthless because he has been completely  
13 led into all kinds of details of his own answer. So leading but  
14 it's already -- the damage has been done already.

15 MR. DE WILDE D'ESTMAEL:

16 Mr. President, I am trying to clarify the situation. I only read  
17 out the statement of the witness himself. I haven't invented  
18 anything and that is why I am asking the witness to tell the  
19 Chamber as he told the Co-Investigating Judges' investigators  
20 that he witnessed scenes of executions. That is all.

21 [14.11.08]

22 MR. PRESIDENT:

23 So we deny the comments raised by Counsel of Mr. Nuon Chea. So  
24 the witness needs to answer to the question as you remember the  
25 question and then the International Prosecutors can ask the

1 question once again.

2 MR. MUY VANNY:

3 A. So please kindly repeat the question.

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. I have read out to you a long excerpt of the record of your  
6 interview before the OCIJ investigators. You said in answer  
7 number 35 that you witnessed scenes of executions at the Wat Au  
8 Trakuon pagoda and then you described how those executions were  
9 carried out and you concluded by saying that during -- initially  
10 I heard that the Khmer Rouge had used megaphones, but this time  
11 they didn't use megaphones because the number of people to be  
12 killed were small. Does this refresh your memory regarding the  
13 allegation that you saw scenes of executions?

14 [14.12.48]

15 A. I did not see. As I mentioned earlier -- during the morning I  
16 did not say that those people, I did not know what happened. I  
17 just only brought the water to those people. Then I returned.  
18 And during the morning it was quiet. It was assumed that those  
19 people were sent to be killed, not were sent to anywhere else.

20 Q. Very well. In the extract I have just read out you give a lot  
21 of details. You said prisoners were executed in groups of about  
22 10 people, that each prisoner's hands were tied to their back and  
23 their face was covered and they were smitten with rods and that  
24 there were men, women and children. If you didn't see all that  
25 with your own eyes, did someone talk about it such that you were

1 able to provide all these details?

2 MR. PRESIDENT:

3 So please, Counsel Koppe.

4 [14.13.52]

5 MR. KOPPE:

6 Objection will be overruled, surely, but he is leading him again,  
7 putting on a platter the answer that maybe somebody told him.

8 This Prosecution -- prosecutor really should stop leading this  
9 witness. It's unbelievable.

10 MR. DE WILDE D'ESTMAEL:

11 Mr. President, all I am trying to do is to resolve a  
12 contradiction between the witness' statement before the  
13 Co-Investigating Judges with all the details the witness provides  
14 and the witness' statement before this Chamber.

15 The question I put to the witness before was whether he had  
16 witnessed scenes of executions. Now, I am asking him whether he  
17 knows all these details because someone told him about it. If  
18 that is not the case, let the witness tell us so.

19 [14.14.45]

20 MR. PRESIDENT:

21 So the objection is overruled once again and the Chamber also  
22 needs to hear in order to match their record to testify so that  
23 the Chamber can use as a basis for the cases as well as the  
24 answers for the testimony, so we can distinguish -- we can  
25 identify what is the differences and then we can also know

1 whether it is acceptable in order to make the judgement on that  
2 case.

3 BY MR. DE WILDE D'ESTMAEL:

4 Q. So my question to you, Witness, was as follows: How did you  
5 obtain all these details you gave the Co-Investigating Judges'  
6 investigators? Did you obtain those details from someone else  
7 during that period?

8 MR. MUY VANNY:

9 A. I know based -- actually, I was wondering where the people  
10 were sent and I asked other people. Then I asked where the people  
11 were sent and then they told me that the people were sent to be  
12 killed. And in terms of how those people were killed that was  
13 very scary to me.

14 [14.16.20]

15 Q. While you were at the Au Trakuon pagoda -- I know it is hard  
16 for you to make an assessment, I know you were working for Horn  
17 for five to six months. How many people did you see enter the  
18 pagoda during that period? You said at times there were small  
19 groups and at times there were bigger groups of 50 to 100 people.  
20 Are you able to give us an estimate of the number of people who  
21 entered the pagoda during the period when you were stationed  
22 there?

23 A. I did not know about that because I was not doing the  
24 statistics. I did not know how many people. Actually, there was  
25 around 30,000 of the dead bodies and then there is kind of things

1 to keep the ash, like a stupa. So they put the dead people ash in  
2 that stupa.

3 [14.17.45]

4 Q. Precisely, and this will be my last line of questioning. Did  
5 you ever return to the vicinity of the pagoda after the 7th of  
6 January 1979, that is, after the arrival of the Vietnamese; that  
7 is, to the place where, from what you said, undoubtedly there  
8 were pits. Did you see pits with your own eyes after January 1979  
9 or you never returned to that location?

10 A. No, I have not returned to that location. There is no point  
11 for me to go there and, besides, I lived far away from where --  
12 from the location. However, at present it was no longer there.  
13 Here I refer to the site since it had been covered with earth and  
14 it turned into a plantation.

15 MR. DE WILDE D'ESTMAEL:

16 Thank you, Mr. President. I have come to the end of my  
17 examination of the witness. My colleague has no questions for the  
18 witness. Perhaps the civil parties have some questions for him,  
19 Mr. President.

20 MR. PRESIDENT:

21 I would like now to hand the floor to the Lead Co-Lawyers for  
22 civil parties if you wish to put questions to the witness.

23 [14.19.28]

24 QUESTIONING BY MR. PICH ANG:

25 Good afternoon, Mr. President, Your Honours, Parties and everyone

1 in and around the courtroom. I only have five or six questions to  
2 put to the witness.

3 Q. Good afternoon, Mr. Witness. My name is Pich Ang and I am  
4 National Lead Co-Lawyer for civil parties. And I have my  
5 International counterpart, Marie Guiraud, who is beside me. And I  
6 would like to put supplementary questions to you in addition to  
7 those questions that were asked to you by the Co-Prosecutor.  
8 You said that when you took the water to them you paid a glance  
9 at the event. Can you be more specific?

10 [14.20.20]

11 MR. MUY VANNY:

12 A. I saw people being tied up and walked away. They were  
13 blindfolded. Then they tied the wrists of their hands and they  
14 were put into a file and walked away. I myself returned after I  
15 witnessed that.

16 Q. Those whom you saw were being tied up with their hands behind  
17 their back, how many of them did you see?

18 MR. PRESIDENT:

19 Witness, please observe the microphone.

20 MR. MUY VANNY:

21 A. I did not know how many people actually tied those prisoners  
22 up.

23 BY MR. PICH ANG:

24 Q. My question is about those detainees. How many of them?

25 A. No, there were not too many of them.

1 Q. Can you tell us the number then, maybe an approximate number?

2 MR. PRESIDENT:

3 Witness, you are reminded to observe the microphone.

4 [14.21.55]

5 MR. MUY VANNY:

6 A. I cannot tell you for sure the exact number of those detainees  
7 since I did not see it clearly.

8 BY MR. PICH ANG:

9 Q. I am confused now. You said you saw them. You saw them being  
10 tied up. It means their hands were tied up behind their backs.

11 How many of those who were being tied up that you saw? Can you  
12 tell us the number of those people who were being tied up?

13 A. There were a few of those who tied them up and sent them away  
14 to be executed.

15 Q. Maybe you still don't get my question. I refer to those people  
16 who were tied up and then walked away. How many of them?

17 [14.23.06]

18 A. There were between two to three.

19 Q. So there were only two or three victims who were tied up and  
20 sent away. Is that your answer?

21 A. I don't understand your question. In fact, I saw about 10 of  
22 those who were sent to be executed and I understood your question  
23 was about the number of those who tied them up. In fact, each  
24 time there were about 10 of them who were being tied up and led  
25 away.

1 Q. So this means that you did not only witness this even once. It  
2 means that you witnessed several of these events since you said  
3 at the time there were about 10 people who were being tied up. Am  
4 I correct?

5 A. Actually, I witnessed only one time when I was asked to get  
6 the water to them to where they would lead those people out. They  
7 were tied up in a file and when I -- after I witnessed that I  
8 returned.

9 Q. When they let those 10, about 10 or so people out, did you  
10 witness any other detainees who were there and who were not yet  
11 sent out at that time?

12 [14.25.06]

13 A. I did not know about that. As I said, the next morning there  
14 was no one left.

15 Q. You said that next morning there was no one left and my  
16 question to you is that when did you witness or when did you  
17 learn that people were brought into the main hall and how many of  
18 them were detained in that main hall?

19 A. I cannot tell you that. I only saw that the main hall was full  
20 of people. And of course I was not responsible for that area so I  
21 could not tell you the exact number. However, I could say there  
22 were many people there.

23 [14.26.04]

24 Q. You said that the main hall was full of people. How big was  
25 that hall? Maybe you can tell us the dimensions of that main



1 hall?

2 A. It is difficult for me to tell you the dimension of that main  
3 hall.

4 Q. Let me put it this way. Was it a standard size for a main hall  
5 in a pagoda?

6 A. Yes, it is. It was a standard main hall.

7 Q. Regarding those people who were placed in the main hall, and  
8 you said that the main hall was full, were they Khmer people or  
9 were they Cham people?

10 A. The majority of them were Cham people who were brought in by  
11 boats. As I said a while ago, people said there was a plan to  
12 exterminate all the Cham people. And I heard from survivors who  
13 told me about that after the fall of the regime.

14 Q. I will ask you later about that alleged plan. How did you know  
15 that the majority of those detainees were Cham people? Did you  
16 happen to speak to them so that you learned of their ethnicity or  
17 did they tell you that they were Cham? Can you be more specific?

18 A. I did not ask them any questions. However, I asked those  
19 people who were in the kitchen hall whether they were Khmer  
20 people or not. Of course, those people were detained in the hall  
21 and we could not peek through the window. They were brought in  
22 by boat and they were guarded.

23 [14.28.50]

24 Q. Thank you. Regarding those people who worked in the security  
25 centre in that pagoda, while you were there, can you tell us how

1 many people were working in that pagoda and what were their  
2 functions and roles?

3 A. I did not know the individual role of those workers. I know  
4 that Horn was all in charge and he had his deputy whose name I  
5 cannot recall or, rather, it was Kuong and Bot. But as I said a  
6 while ago, Bot was later on killed and replaced by Kuong.

7 Q. You stated that the Cham were brought in and the main hall was  
8 full. At that time under whose authority the pagoda was? Was it  
9 under Kuong or under Horn?

10 [14.30.15]

11 A. It was under Kuong's.

12 Q. And besides Kuong, do you recall names of other workers in the  
13 pagoda?

14 A. No, I cannot and it was him who was a deputy and in charge at  
15 the time.

16 Q. Here, I don't refer to the people in charge. I refer to the  
17 subordinates who were working there. How many workers there when  
18 those people were being led out?

19 A. There were about 10 workers working in the premises of the  
20 pagoda.

21 Q. Can you recall some of their names?

22 A. Yes, I do, but I do not know where they are living now.

23 Q. If you can recall, please tell us some names.

24 A. There were Moeun and other names that I cannot recall right  
25 now.

1 Q. I want to clarify one thing from you. You said that your  
2 friend asked you for help. Did you make this statement when you  
3 responded to the question by the Co-Prosecutor?

4 A. It was by chance when I heard that. That was when I was asked  
5 to bring the water. At that time he must have being tied up.

6 [14.32.30]

7 Q. Did your friend ask you for help or did he just shout for help  
8 or did he see you and ask for help?

9 A. He saw me and he knew me well.

10 Q. What was his name?

11 A. I cannot recall his name.

12 Q. This is my last question on this topic. Could you tell us the  
13 ethnicity of your friend?

14 A. He was Khmer.

15 Q. Thank you. I have another question for you. You heard about  
16 the plan to gather up the Cham people. Who actually spoke about  
17 this plan or from whom did you hear that?

18 [14.33.51]

19 A. I heard from those people who were working in the pagoda but  
20 he was there quite a long time. And I asked him the question and  
21 he told me that.

22 Q. And did the person give you the reason or the motive for the  
23 gathering of the Cham people?

24 A. No.

25 Q. This is my last question to you. When you brought them the

1 water, can you tell us the time? Was it during the night time,  
2 the afternoon or the morning time?

3 A. It was around 7 o'clock.

4 Q. Was it 7 a.m.?

5 A. No, it was 7 p.m.

6 MR. PICH ANG:

7 Thank you for answering my questions.

8 Mr. President, I don't have any further questions for this  
9 witness.

10 MR. PRESIDENT:

11 Thank you. It is now appropriate for us to take a short break and  
12 we will return at 10 to 3:00.

13 Court officer, please assist the witness during the break time  
14 and invite him back into the courtroom at 10 to 3:00.

15 I notice that the Counsel is on her feet. You may proceed.

16 [14.35.38]

17 MS. GUISSSE:

18 Yes, Mr. President, but in French I didn't hear the last answer  
19 from the witness. It was at 7 o'clock in the morning or in the  
20 evening. I don't know. I don't know if I am the only one who  
21 didn't hear the answer, but apparently we did not get the answer  
22 in the French.

23 [14.35.50]

24 BY MR. PICH ANG:

25 Q. Mr. Witness, please repeat your last response. Did you say

1 detainees were being walked at 7 o'clock in the morning or in the  
2 evening?

3 A. It was 7 o'clock in the evening.

4 MR. PRESIDENT:

5 Thank you. Let us take a recess now.

6 (Court recesses from 1436H to 1452H)

7 MR. PRESIDENT:

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

9 And the Bench would also like to put some questions to the  
10 witness. First, I would like to hand the floor to Judge Lavergne  
11 to put questions to the witness before the floor is given to the  
12 defence teams.

13 Judge Lavergne, you have the floor.

14 [14.53.04]

15 QUESTIONING BY JUDGE LAVERGNE:

16 Thank you, Mr. President. Good evening, Witness. I have a few  
17 questions to put to you to try to clarify certain points in your  
18 testimony.

19 Q. First of all, can you tell us exactly until when you were  
20 working at Wat Au Trakuon.

21 MR. MUY VANNY:

22 A. I do not know which month of year I was there because I was  
23 pretty much a young boy back then and I cannot remember which  
24 month or which year I remained in the pagoda.

25 Q. But can you tell us when your duties stopped? Was it a long

1 time before the fall of the Khmer Rouge regime or was it just  
2 before?

3 [14.54.31]

4 A. I remained there till the fall of the Khmer Rouge regime. That  
5 is when the Vietnamese troops entered the area.

6 Q. When you left was there -- were there still prisoners in the  
7 centre?

8 A. I did not know about that. When the Vietnamese troops arrived,  
9 I went back to my home.

10 Q. When you were at Wat Au Trakuon, did you have the possibility  
11 of travelling to the different places or to visit the different  
12 places that made up the security centre? Were you able to visit  
13 the different buildings, the different locations of the security  
14 centre?

15 [14.55.50]

16 A. No, there were not many offices. In fact, all those people  
17 were put into the main hall and there were some people living in  
18 the monk quarters, and besides there were no other buildings.

19 Q. And you spoke about the interrogations. Were you able to see  
20 the place where people were interrogated?

21 A. I only knew the location where people were interrogated. I  
22 knew that interrogation location but I did not know about the  
23 interrogation itself.

24 Q. Fine. So did you know where the executions took place?

25 A. They executed the people outside the compound of the pagoda.

1 Q. Did you know where specifically these executions took place?

2 A. At present, if you decide to go visit the location I can tell  
3 you where it is. And actually, the skeletal remains are stored in  
4 a stupa in the pagoda.

5 [14.58.05]

6 Q. Well, fine. What I would like to know is what you could do and  
7 what you knew when you were working at Au Trakuon back then.

8 Therefore, did you know where the executions took place?

9 A. As I stated, the executions were carried out in front of the  
10 compound of the Au Trakuon pagoda.

11 Q. How did you know that?

12 A. Because at the present I am still -- I am living nearby the  
13 vicinity where the executions were carried out. I did not see the  
14 executions during the regime, but I know it at the present time  
15 and I also know that some people who lost their family members go  
16 there to pay respects to their lost souls. The location was near  
17 the pond.

18 [14.59.45]

19 Q. Witness, I must confess that I don't really understand very  
20 well what you are saying. You said, I believe earlier, that you  
21 had never gone back to Wat Au Trakuon after having left that  
22 place where you were a guard. So I don't understand how you  
23 obtained that knowledge after you left. So there is some kind of  
24 contradiction here.

25 But especially I would like to read out to you an excerpt from

1 your WRI, document E319/19.3.93. And we are speaking here about  
2 question and answer 77.

3 And the following question is put to you.

4 "Why was it possible for you to attend the interrogations and  
5 the executions of the prisoners? By which means were you able to  
6 attend these events?"

7 Answer: "I could travel throughout all of the locations at the  
8 centre. Each time I would go to the execution sites or to the  
9 interrogation site, I always went there with my chief."

10 Q. So this seems to be relatively clear testimony. So today, do  
11 you remember having made this testimony and is this testimony  
12 true?

13 [15.01.38]

14 A. I do not have anything else to add to my previous statement. I  
15 was not in a position to visit the location. What I noticed was  
16 that people were detained there for a few days and they  
17 disappeared. And when I asked the people, I was told that they  
18 were taken away and executed. But personally, I did not walk to  
19 that place. I was a young boy and I was scared to go there. And I  
20 was also afraid of ghosts.

21 Q. You stated a while ago that you were asked to take water to  
22 the prisoners. Where exactly did you take the water to?

23 [15.02.59]

24 A. The place where I brought the water to was not far from where  
25 I stayed. In fact, I was asked to take the water to my chief's



1 place. It was just from one monk's residence to another monk's  
2 residence. In fact, the monk's residence was located behind the  
3 main hall. So I can say that the distance between the main hall  
4 and the monk's residence was not that far.

5 [15.03.38]

6 Q. Who did you give the water to, to your chief or to these  
7 prisoners?

8 A. I was asked to bring the water to the deputy chief because the  
9 chief was not there. However, when I was in the chief's house, I  
10 was called to fetch the water for the deputy and after I left the  
11 water there, then I returned. And usually when the chief was not  
12 in, I would stay and watch his residence.

13 Q. When you brought the water to that person, did you see any  
14 prisoners?

15 A. Yes, I stated from the outset when I took the water there it  
16 was the time that the prisoners were tied up and led out.

17 Q. And where were the prisoners? Were they where the deputy chief  
18 was, or where the chief was? Were they in the main hall? Where  
19 exactly were they?

20 A. The deputy chief was in charge of the prisoners and it was him  
21 who would issue instructions to the executioners. And I, myself,  
22 did not know anything about these instructions as I mainly stayed  
23 with the chief and when the chief was not in then I would stay at  
24 his house to guard his house, or I would go with him to the  
25 military bases at the commune. That is when I accompanied him

1 there.

2 [15.06.38]

3 Q. Mr. Witness, please answer my questions precisely. When you  
4 brought the water, where were the prisoners? Did you see any  
5 prisoners and if "yes", where?

6 A. Prisoners were in the main hall.

7 Q. So you saw them in the main hall. Did you get inside the main  
8 hall?

9 A. I was not allowed to enter the main hall. I needed to have  
10 authorization from the deputy if I were to enter the main hall,  
11 although I was working for the chief.

12 Q. I do not understand you, Mr. Witness. Did you see the  
13 prisoners through the wall? How can you tell us that you saw  
14 prisoners and those prisoners were in the main hall if you are  
15 not able to enter the main hall? How then could you have seen the  
16 prisoners?

17 [15.08.24]

18 A. I was standing outside the main hall. In fact, they put a  
19 partition in the main hall where female soldiers were detained at  
20 one side and there were windows where I could see through. The  
21 female prisoners were detained at where the wooden statue was,  
22 while the male prisoners were detained at the other side of the  
23 partition. That's how I could see them.

24 Q. Very well. You saw them through the window. You also said that  
25 you did not witness the executions but you said that you observed

1 the next day that people had disappeared. They disappeared from  
2 the main hall? Did you go back, pass in front of the main  
3 principal -- principal hall such as to see that people had  
4 disappeared by that time?

5 A. No, I did not see them because after that the situation was  
6 quiet and so there was a reduction of gruel for prisoners.  
7 Usually they would cook the gruel in a large pot but when the  
8 prisoners disappeared they only cook it in a smaller pot. And I  
9 made my personal conclusion that they were sent away and  
10 executed.

11 [15.10.24]

12 Q. Very well. Let's talk about the main hall. If I understood  
13 correctly, there was a part in which men were detained and  
14 another section in which women were detained. Can you tell the  
15 Chambers approximately how many detainees there were in that main  
16 hall?

17 A. It is my estimation that there were a lot of detainees, but I  
18 cannot tell you exactly how many there were as I did not have any  
19 role to be there.

20 Q. Mr. Witness, did you ever see any bodies at the Au Trakuon  
21 pagoda?

22 A. No, I did not. And only after the fall of the regime, people  
23 went to the graves to search for gold. But by that time I had not  
24 moved to live near the area. But I heard people telling one  
25 another that they dug up the grave pits and found some gold with

1 the skeletal remains there and that the skeletal remains were dug  
2 up and stored.

3 [15.12.33]

4 Q. It appears that a while ago you also made mention of 30,000  
5 victims. Did I properly understand your testimony?

6 A. I am not sure whether the exact number was 30,000. However at  
7 the stupa where they store the skeletal remains, there is a  
8 writing there that the skeletal remains of more than 30,000  
9 bodies. I did not know how they arrived at a number whether through  
10 statistics or through counting of the skeletal remains.

11 Q. Very well. A while ago you also made mention of a mango  
12 plantation. You said that mango trees had been planted where  
13 bodies had been exhumed. Do you know where the mango trees were  
14 planted and who planted them?

15 A. The area was transformed into mango plantation by the owner of  
16 the land there. They planted various other vegetables including  
17 bananas and lime trees because the land previously belongs to the  
18 landowners there and it will pass on to their children.

19 Q. Very well. In any case that plantation wasn't there at the  
20 time when you were working at the Au Trakuon pagoda, was it?

21 [15.15.06]

22 A. When I saw it from a distance there were some trees there from  
23 a long time ago, including banana trees and areca trees.

24 Q. I would like you to tell the Chambers whether you know Dakor  
25 Ban (phonetic) commune.

1 Angkor Ban commune, I beg your pardon.

2 A. Yes, I do.

3 Q. During the period of Democratic Kampuchea, did you know the  
4 cadres who were in charge of security at Angkor Ban?

5 A. Yes, I did. But at present I do not know where he is. During  
6 the regime it was Angkor Ban commune. However, I do not know  
7 where he went after the fall of the Pol Pot regime.

8 [15.16.35]

9 Q. Do you remember his name?

10 A. Yes, I do. As I said, his name is Kuong.

11 Q. On the 14th of September 2015, a witness testified before this  
12 Chamber,

13 Sen Srun, but I do not recall his pseudonym. That witness talked  
14 of a person called Run who was chief of security at Angkor Ban.  
15 Does that ring a bell to you?

16 A. No, that name doesn't ring a bell to me. And as I said, during  
17 the regime I spent my time with the chief and if there was  
18 communication between the chief and a chief, they would do it  
19 amongst themselves and I would not know the content of their  
20 meetings. And of course I did not know who was the chief of the  
21 commune military, for instance.

22 Q. Did you attend meetings supposedly chaired by Kan and Un  
23 (phonetic) -- Horn -- chaired by Kan and Horn?

24 A. I have answered that a question already. In fact, I did not  
25 witness their meetings. I mean the meetings amongst the chiefs. I

75

1 followed them but I did not attend any meeting.

2 [15.18.56]

3 Q. I am not talking of a meeting bringing together chiefs. I am  
4 talking of a meeting organized by members of cooperatives, the  
5 public and the district. Did you attend a big meeting chaired by  
6 Kan, the chief of security (sic)?

7 A. No, I did not.

8 Q. Very well. Thank you, Mr. Witness. I have no further questions  
9 for you.

10 MR. PRESIDENT:

11 Thank you, Judge Lavergne.

12 The Chambers now would like to hand the floor to the defence  
13 teams. First, to the defence team for Nuon Chea to put the  
14 questions to this witness. You may proceed, Counsel.

15 [15.20.11]

16 QUESTIONING BY MR. KOPPE:

17 Thank you, Mr. President. Good afternoon, Mr. Witness. I only  
18 have a few questions, not very many this afternoon.

19 Q. My first question is about your date of birth. I noted down --  
20 had written down that your date of birth, at least what you said  
21 today, is the 7th June -- 7th of June 1967. Is that correct?

22 MR. MUY VANNY:

23 A. Yes, that is correct.

24 Q. Have you ever heard -- have your parents ever told you that  
25 your date of birth was another day than the 7th of June 1967?

1 A. In fact, that date of birth was given to me by my teacher when  
2 I wanted to enrol as a civil servant, and for that reason I  
3 maintained that date of birth since.

4 Q. And do you know how your teacher -- on which documents or  
5 which sources your teacher based himself when he gave you that  
6 date of birth? Is there any source that he used, do you know?

7 [15.22.16]

8 A. I did not know because usually when my parents took me to  
9 enrol in a school, I believe it was my parents who told the  
10 teacher of my year of birth, of date of birth.

11 Q. So am I to conclude, there is no misunderstanding, you were  
12 born on the 7th of June, 1967; correct?

13 A. Yes, that is correct.

14 Q. Let me move on to the next topic, the moment that you started  
15 doing things for Horn. You, if I understand correctly, brought  
16 messages from him to other people. You did small jobs for him as  
17 I understand. But you also called yourself his bodyguard. Was  
18 your job to protect him, to protect him from danger if somebody,  
19 for instance, would attack him? Was that also part of your  
20 instruction or were you just somebody who did small jobs for him  
21 such as bringing messages?

22 [15.24.20]

23 A. Of course it was up to the chief to use me for any kind of  
24 work, and I myself did not know for which task that I would be  
25 used by my chief.

1 Q. I understand, Mr. Witness, but maybe it's a problem with the  
2 way the word that you used was translated. But to me, and I  
3 presume to many people who do not speak Khmer, the word bodyguard  
4 would seem to imply that you had to protect Horn from anything  
5 that might happen to him, that you were, for instance, to protect  
6 him against attacks, etc.

7 Did that -- let me ask you differently. Did that ever happen? Was  
8 he ever attacked and that you had to do something to protect him?

9 A. No, that never happened.

10 Q. Did you ever have any military training?

11 A. No.

12 Q. You were also not a very junior member or junior cadre of the  
13 CPK, the Community Party of Kampuchea; correct?

14 A. Yes.

15 Q. You did say that you sometimes carried an AK 47. Who taught  
16 you how to use this weapon?

17 [15.26.45]

18 A. At that time we were not trained how to use a gun. For  
19 example, when I was asked to accompany him I will be told to get  
20 on the motorbike with him and to bring along the gun. And only at  
21 a later stage we were trained how to use the weapon, although I  
22 myself never fired a single shot.

23 Q. Would it be fair for me to say that you weren't really his  
24 bodyguard in the sense that you had to protect him, but that you  
25 were just a young boy who did jobs for him?



1 A. Yes, that is correct.

2 Q. Now, let me go to the beginning that you started doing jobs  
3 for Horn. You said that you stopped doing jobs for him at the end  
4 of the Democratic Kampuchea regime when the Vietnamese came. Can  
5 you be more -- a little bit more exact, as to how long you did  
6 jobs for him? I wrote down that you said it was a "brief period  
7 of time". Would that be a few months or maybe six months? Could  
8 you be a little more specific or try to remember exactly how long  
9 it was that you did those jobs for Horn?

10 [15.28.56]

11 A. In fact, as I stated a while ago, I could not know the entire  
12 duration, although I was with him for a short period of time and  
13 I remained with him until the fall of the Pol Pot regime. At that  
14 time, Pol Pot actually trespassing Kampong Cham province and we  
15 were fleeing along with them when I was running to -- back to my  
16 house.

17 Q. I understand, Mr. Witness, that it's a long time ago and it is  
18 difficult for you to tell exactly how long you did those jobs for  
19 Horn. A short period, but is it maybe two months, maybe three  
20 months, maybe a few weeks? Can you give me any indication or is  
21 it really not possible for you to be more specific?

22 A. I believe that the period was between five and six months.

23 Q. Thank you, Mr. Witness. Is it also correct for me to say that  
24 doing jobs, small jobs, a messenger's jobs for Horn was your only  
25 job? You were not officially or formally or whatever you would

1 like to call it, working at Au Trakuon security centre -- Au  
2 Trakuon pagoda; is that correct? You were only there because  
3 sometimes Horn was there? Am I stating you -- your evidence  
4 correctly?

5 [15.31.16]

6 A. Yes. When he went to Au Trakuon, then, I would accompany him  
7 and if he were to be at the military station or base, then, I  
8 will be with him there.

9 Q. Now, would you be able to recall how many nights in those five  
10 or six months you actually spent the night in Wat Au Trakuon? You  
11 were there sleeping at night maybe while Horn -- Horn was there  
12 at the same time; do you remember how many nights in total you  
13 slept at Wat Au Trakuon?

14 A. Sometimes, I took a rest. I may rest there for two nights or  
15 three nights and they may go to the work site during the daytime  
16 for a brief moment before they returned to their sleeping  
17 quarter.

18 [15.32.51]

19 Q. But when you said, just now, you slept there for two or three  
20 nights, would that be in a larger period of a -- of a week or a  
21 month? Can you give an indication; how many nights per month  
22 would you sleep the night at Wat Au Trakuon?

23 A. Sometimes, one night and on some other occasion, two nights;  
24 depend -- it depended on my supervisor or my superior, but we  
25 rarely slept within the location of Au Trakuon pagoda.

1 Q. Did -- excuse me, did Horn sleep mostly at his own home in  
2 those five or six months that you worked for him?

3 A. Could you repeat your question once again?

4 Q. My question is trying to -- to figure out how many nights per  
5 month you slept. Let me try to -- to ask a different question.

6 Did you sleep at Wat Au Trakuon sometimes in the night in a month  
7 because your boss, Horn, slept there; was that the reason you  
8 slept at Wat Au Trakuon?

9 A. Sometime, I spent a night each there or two nights there. As I  
10 said a while ago, when the -- my superior was tired, he came back  
11 to take a rest for one night or two nights after which he went to  
12 the military base.

13 Q. And did your -- your boss, Horn, sleep most of the nights  
14 either at the military centre or at his home; is that correct?

15 [15.35.51]

16 A. After he returned to Au Trakuon pagoda, he would sleep at his  
17 own's home. He had a different house and sometime, I slept, as  
18 well, at his house.

19 Q. Earlier this afternoon, you described that at one point at  
20 night, you saw a prisoner tied. When you saw that, was that one  
21 of those few nights that you were at Wat Au Trakuon; is that --  
22 is that a fair understanding?

23 A. It was the first time that I saw it and it was so scary for me  
24 for the first time that I saw it.

25 Q. Let me move on to a -- another subject now, Mr. Witness. You

1 were asked the question earlier about the difference between, on  
2 the one hand, so-called light offenders and, on the other hand,  
3 so-called serious offenders; do you remember talking about this?  
4 [15.37.50]

5 A. Concerning the light offences, they may have been the offence  
6 of stealing sweet potato or some food to eat. My younger brother  
7 was about to be arrested during the time that the -- the pig he  
8 raised was scrubbing the swai (phonetic) and the sweet potato  
9 came out of the ground. So for younger -- my younger brother, he  
10 was about to be arrested and this may have happened to the elder  
11 people as well.

12 Q. But the distinction that you made, just now, and also in your  
13 statement to the investigators is that something that you heard  
14 in relation to the incident of your brother or is it a  
15 distinction between serious and light offenders something that  
16 you heard from people at Wat Au Trakuon?

17 A. I was not so aware of the so-called light and serious offences  
18 for younger people. They may have been less serious for them. And  
19 the -- we were warned not to try to pick up bananas from the  
20 tree. The vegetable that we grow at home, sometimes we're not  
21 allowed to pick up to eat, so what -- you can imagined what will  
22 -- what would happen if we got and pick up all those vegetables  
23 to eat.

24 [15.40.20]

25 Q. I understand. Your answer is clear to me, Mr. Witness, but the

1 matter of serious offences versus light offences is something you  
2 knew notwithstanding your knowledge of -- of Wat Au Trakuon; is  
3 that correct? It's a difficult question, sorry.

4 A. I did not know, at that time, what kind of offences made those  
5 people sent to Au Trakuon pagoda. It was within the report of  
6 those who were in charge of that described about the offences  
7 committed by the arrestee.

8 To my knowledge, the mobile unit took those people into the Wat  
9 pagoda and people would be placed in that pagoda for about one  
10 week and some people would have been placed within the centre for  
11 one, two or three weeks due to the facts of picking up jackfruits  
12 and other fruits.

13 And I secretly asked the people who were aware of the situation  
14 and I was told that the offenders stole jackfruits and other  
15 fruits to eat; that's why they were arrested and placed in the  
16 centre.

17 [15.42.24]

18 Q. Thank you, Mr. Witness. Now, to me, it's -- it's crystal clear  
19 that you never actually witnessed any execution in the vicinity  
20 of Wat Au Trakuon. Have you ever heard before 7 January 1979, or  
21 after, who of the security people at Wat -- Wat Au Trakoun, might  
22 have been involved in the execution of people? Did you ever hear  
23 names of guards that you probably saw at Wat Au Trakuon who might  
24 have been involved in alleged executions?

25 A. It's a lengthy question. I could not get a gist of it.

1 Q. I apologize, Mr. Witness. Have you ever heard names of people  
2 who worked at Wat Au Trakuon who might have been involved in  
3 possible executions? Do you know any -- have you ever heard names  
4 of people?

5 A. I have heard people made mention of their names -- names of  
6 those who killed people; however, the killers died -- were all  
7 deceased now.

8 Q. And was this something that you heard after 1979?

9 [15.44.36]

10 A. It was after the fall of the regime that I heard, for  
11 instance, that Horn died already. Now days, I know that some of  
12 those people are deceased and I am assigned to teach students at  
13 Au Trakuon pagoda or in the neighbourhood and I know that those  
14 people are all deceased.

15 Q. Then another question, Mr. Witness. You were asked, at one  
16 point in time, a question about how you possibly might know that  
17 the prisoners were Cham and then you said that you did not see  
18 them or hear them being asked questions about background. But you  
19 did say that you asked people working in the kitchen; can you  
20 explain to me how people in the kitchen could possibly know the  
21 background of the prisoners?

22 [15.46.16]

23 A. In fact, I did not know when they were there. I was quite  
24 young, at the time, and I sometimes chitchatted with others at  
25 that location. The place -- some things happened at the place and

1 I was scared.

2 Q. Thank you, Mr. Witness. My last question: Do you recall having  
3 said something about a possible sexual offence of someone within  
4 Wat Au Trakuon called Bot?

5 A. I learned about it from the chef within the kitchen house. The  
6 cook -- the cook for Long Sword Group that, in fact, Bot was the  
7 deputy chief under Horn and that person would love -- fell in  
8 love with the female cook, rather with the -- with a female and  
9 that female went to confide in the female cook and, later on,  
10 Horn learned about that and Bot was arrested.

11 The deputy chief under Horn raped the female I have just  
12 mentioned and that female confided in the female cook and, later  
13 on, Horn learnt about the matter and Bot, together with the  
14 female, were taken away and executed.

15 Q. I presume that you haven't actually witnessed this execution  
16 of Bot and the female prisoner; correct?

17 A. There was a female. That female was considered the person who  
18 committed the offence.

19 Q. I understand, Mr. Witness, but you -- you said that both Bot  
20 and the female prisoner were taken away and killed. My question  
21 to you was: You haven't actually seen the killing of Bot and the  
22 -- and the prisoner; is that correct?

23 [15.49.58]

24 A. I did not witness it myself, but I learned that Bot had been  
25 arrested and I no longer saw Bot after that time. It was presumed

1 that someone died after the arrest.

2 MR. KOPPE:

3 Thank you very much, Mr. Witness. Thank you, Mr. President.

4 MR. PRESIDENT:

5 Thank you. The floor is now given to the defence counsel for Mr.

6 Khieu Samphan to put question to this witness. You have the floor

7 now, Counsel.

8 QUESTIONING BY MS. GUISSÉ:

9 Thank you, Mr. President. Good afternoon, Witness. My name is

10 Anta Guisse. I am the Co-International Counsel of Khieu Samphan

11 and it is in this capacity that I'm going to put a few

12 complimentary questions to you.

13 First of all, I would like to try to find a few temporal

14 landmarks. I know that the facts date back quite far and I know

15 that you don't remember the dates, but I'm going to try to put

16 questions to you so that you can, kind of, give me a timeframe.

17 You are -- you hail from Anlong Ak, I understood. I apology -- I

18 apologize for the pronunciation. So that is your native village;

19 am I right?

20 MR. MUY VANNY:

21 A. Yes, that is correct.

22 Q. Earlier, you said that just before the Vietnamese arrived, you

23 fled back to your home village; so is it -- did you flee,

24 therefore, to Anlong Ak when you were informed of the arrival of

25 the Vietnamese?



1 A. Yes, I fled to my home village.

2 Q. So my question, therefore, is to know, just before you fled to  
3 your home village, where were you stationed and what were your  
4 duties just before you fled; were you still at the Au Trakuon  
5 pagoda or were you elsewhere?

6 [15.52.41]

7 A. I fled to my birth village after the arrival of the Vietnamese  
8 troops, so everyone were on their own way to their locations  
9 after we learned that the Vietnamese came into the country. After  
10 we learned about that information that the Vietnamese came to  
11 help us, we went back home and everyone fled to different  
12 directions.

13 Q. I had understood that witness, but that was not my question.  
14 My question was: When you learnt that the Vietnamese were  
15 arriving, where were you before you went back to your home  
16 village? When you learned that news, where were you exactly?

17 [15.53.45]

18 A. I fled from Peam Chi Kang region, the place where I learned  
19 that Vietnamese were coming into the country. Everyone persuaded  
20 each other to go back home after we learned that information. I  
21 did not go anywhere else with other people. I was missing my  
22 house and, also, my mother at the time.

23 Q. Please really pay attention to what I'm saying. I'm trying to  
24 put very specific questions to you.

25 You said that you were at Peam Chi Kang, so my specific question

1 is now: Were you at the Au Trakuon pagoda when you heard that the  
2 Vietnamese were arriving? Were you still assigned to the pagoda?

3 A. At that time, I was not stationed at Au Trakuon pagoda since  
4 Horn ordered the troop to be stationed to counterattack with the  
5 Vietnamese troops, but it was in vain and the soldiers ran --  
6 dispersed into different direction and, at that time, not so many  
7 soldier could resist the Vietnamese.

8 So we decided to return to our respective houses and the person  
9 you mentioned went to his house, as well, and everyone pretended  
10 that they wanted to go and relieve themselves but, actually, we  
11 was trying to flee thanks to the liberation.

12 [15.56.00]

13 Q. So I don't know if there was a problem in the translation  
14 because you were speaking about a person that I would have spoken  
15 about and in my question, I did not speak about anybody, so can  
16 you tell me if you're speaking about Hong (phonetic) -- Horn, was  
17 it Horn who also fled?

18 A. At the time, we fled all together, but to different  
19 directions. Everyone said that they wanted to go and relieve  
20 themselves but, actually, they wanted to separate from their  
21 superiors and fled to other places they wished to go.

22 Q. So must I, therefore, understand that when you learnt that the  
23 Vietnamese were arriving, you were still working for Horn?

24 [15.57.15]

25 A. Yes, I was working still with Horn for one or two days before

1 I fled. Perhaps, I was working for him for the last two day and  
2 the situation became intensified and, at the time, the soldiers  
3 of the Khmer Rouge were becoming smaller and then we had the  
4 opportunity to flee.

5 Q. Fine, so, therefore, getting back to the question of the  
6 period we're speaking about, when you answered the Co-Prosecutor  
7 and when you answered my colleague, Victor Koppe, and you said  
8 that you worked for Horn for about five to six months, can we  
9 agree that those five to six months were before the end of the  
10 Democratic Kampuchea regime? So are we okay to situate this  
11 period just before the end of the regime?

12 A. Yes, that was before the end of the regime.

13 Q. Now, I would like to get back to another period. When you  
14 answered the Co-Prosecutor, you spoke about two assignments; the  
15 first in a mobile unit -- a children's mobile unit and -- and the  
16 second in a mobile unit that was attached to the district in  
17 which the people were generally aged between 20 and 30. So do you  
18 remember having spoken about both of these units to the  
19 Co-Prosecutor?

20 [15.59.25]

21 A. The children units were stationed within the commune and later  
22 on, there was an issue with that children unit and people within  
23 that unit were hated, so I was assigned and removed to another  
24 unit together with a person.

25 And when I was assigned to the children unit within the commune,

1 the work was not so comparably -- comparatively hard. I had to go  
2 and find rats and also to do some light works; namely, carrying  
3 earth.

4 Q. Mr. Witness, I crave your indulgence. I know we are coming to  
5 the end of the day and we're tired, but I would like you to pay  
6 particular attention to the questions I'm putting to you. My  
7 questions are very concise. Sometimes, I have the impression that  
8 you do not quite understand my questions.

9 I do understand from your answer that you did talk of the two  
10 units when you answered questions put to you by the  
11 Co-Prosecutor. I am particularly interested in the first unit;  
12 the unit of children. Do you remember the unit for children in  
13 the commune and do you remember in what year you started working  
14 in that unit, if you do remember?

15 [16.01.12]

16 A. I do not remember when I worked in -- I started to work in  
17 that children unit within the commune. I cannot recall when I was  
18 assigned to be part of that unit within the commune.

19 Q. In answer to a question put to you by the Co-Prosecutor, you  
20 made mention of the arrests of Cham people in the unit. I didn't  
21 understand whether that arrest was carried out while you were in  
22 the children's unit or whether you were in the district mobile  
23 unit in which persons aged 20 to 30 were detained. Can you  
24 clarify this point and tell us in what unit the Cham were  
25 arrested?

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1 A. It happened when I was part of the district mobile unit.

2 Q. And I'm putting this last question to you, Witness, because I

3 see that we are almost at the end of today's hearings.

4 When the Co-Prosecutor does say that persons were arrested, you

5 talked of persons aged between 20 and 30 who are arrested; should

6 -- should I understand that that is what you meant; persons aged

7 between 20 and 30 arrested?

8 [16.03.16]

9 A. They were youth. And I cannot tell you why the -- we -- we

10 considered them youth and what old were they to be considered as

11 a youth.

12 Q. But we do agree that these were not members of the children's

13 unit?

14 A. They were not children.

15 MS. GUISSÉ:

16 Mr. President, I have no further questions for today.

17 [16.04.07]

18 MR. PRESIDENT:

19 Thank you. It is now time for the adjournment and the hearing

20 will resume tomorrow on Tuesday, 12 January 2016, at 9 a.m.

21 Tomorrow, the Chamber will continue hearing witness Muy Vanny,

22 and then start to hear 2-TCW-988. Please be informed and on time.

23 Thank you, Mr. Muy Vanny. The hearing of your testimony as a

24 witness has not come to a conclusion yet. You are, therefore,

25 invited to come here and testify once again at 9 a.m.

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1 Court officer, please work with WESU to send Mr. Muy Vanny  
2 ,together with the reserve witness, 2-TCW-988, to the place where  
3 they are staying now and please invite them back into the  
4 courtroom at 9 a.m.

5 Security personnel are instructed to bring Mr. Khieu Samphan and  
6 Nuon Chea back to the ECCC detention facility and have them  
7 returned to the courtroom tomorrow before 9 a.m.

8 The Court is now adjourned.

9 (Court adjourns at 1605H)

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