



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

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 03-May-2016, 13:08  
CMS/CFO:.....  
**Sann Rada**

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

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

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

**TRANSCRIPT OF TRIAL PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

28 March 2016

Trial Day 390

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

The Accused: NUON Chea  
KHIEU Samphan

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

Trial Chamber Greffiers/Legal Officers:  
Evelyn CAMPOSE SANCHEZ  
SE Kolvuthy

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

For the Office of the Co-Prosecutors:  
Dale LYSAK  
SREA Rattanak

For Court Management Section:  
UCH Arun

I N D E X

Mr. CHAN Bun Leath (2-TCW-838)

Questioning by The President (NIL Nonn) ..... page 3

Questioning by Mr. LYSAK ..... page 6

Questioning by Ms. TY Srinna ..... page 66

Questioning by Mr. KOPPE ..... page 72

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
Mr. CHAN Bun Leath (2-TCW-838)	Khmer
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUI SSE	French
Mr. KOPPE	English
Mr. LYS AK	English
The President (NIL Nonn)	Khmer
Ms. SOK Socheata	Khmer
Ms. TY Srinna	Khmer

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

2 (Court opens at 0907H)

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-838 in relation to Phnom Kraol Security Centre.

7 Ms. Se Kolvuthy, please report the attendance of the parties and

8 other individuals to today's proceedings.

9 [09.09.03]

10 THE GREFFIER:

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

12 are present. Mr. Nuon Chea is present in the holding cell

13 downstairs. He has waived his right to be present in the

14 courtroom. The waiver has been delivered to the greffier.

15 The witness who is to testify today, that is, 2-TCW-838, confirms

16 that to his best knowledge, he has no relationship by blood or by

17 law to any other two accused, that is, Nuon Chea, Khieu Samphan,

18 or to any of the civil parties admitted in this case.

19 The witness took an oath before the Iron Club Statue this

20 morning, and he has Madam Socheata as his duty counsel.

21 [09.10.02]

22 MR. PRESIDENT:

23 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the

24 request by Nuon Chea. The Chamber has received a waiver from Nuon

25 Chea, dated 28 March 2016, which states that due to his health,

2

1 that is, headache, back pain, he cannot sit or concentrate for  
2 long and in order to effectively participate in future hearings,  
3 he requests to waive his rights to be present at the 28 March  
4 2016 hearing. He advises that his counsel advised him about the  
5 consequence of this waiver, that in no way it can be construed as  
6 a waiver of his right to be tried fairly or to challenge evidence  
7 presented to or admitted by this Court at any time during this  
8 trial.

9 Having seen the medical report of Nuon Chea by the duty doctor  
10 for the accused at the ECCC, dated 28 March 2016, which notes  
11 that Nuon Chea has a chronic back pain when he sits for long; he  
12 feels dizzy, and recommends that the Chamber should grant him  
13 this request so that he can follow the proceedings remotely from  
14 the holding cell downstairs.

15 Based on the above information and pursuant to Rule 81.5 of the  
16 ECCC Internal Rules. The Chamber grants Nuon Chea his request to  
17 follow the proceedings remotely from the holding cell downstairs  
18 via an audio-visual means.

19 The Chamber instructs the AV Unit personnel to link the  
20 proceedings to the room downstairs so that Nuon Chea can follow.  
21 That applies for the whole day.

22 [09.11.51]

23 MR. PRESIDENT:

24 Court officer, please usher the witness and his duty counsel into  
25 the courtroom.

1 (The witness enters courtroom)

2 [09.12.24]

3 QUESTIONING BY THE PRESIDENT:

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

5 MR. CHAN BUN LEATH:

6 A. My name is Bun Loeng Chauy.

7 Q. Thank you, Mr. Bun Loeng Chauy. Are you known by any other  
8 names?

9 A. My birth name is Chan Bun Leath.

10 Q. And what is your official name? Is it Bun Loeng Chauy or Chan  
11 Bun Leath?

12 A. It's Bun Loeng Chauy.

13 Q. And when were you born, Mr. Bun Loeng Chauy?

14 A. I was born on 22nd March 1953.

15 Q. And where were you born?

16 A. I was born in Kaoh Moueleu, Peam Chi Miet commune, Kaoh Nheak  
17 district, Mondolkiri province.

18 Q. And where is your current address?

19 A. Currently I live in Daoh Kramom village, Sokh Dom commune,  
20 Saen Monourom district, Mondolkiri province.

21 [09.15.24]

22 Q. What is your current occupation?

23 A. I was the Deputy Chief of the Information Office, but I am now  
24 retired.

25 Q. What are the names of your parents?

1 A. My father is Chan Bunlong and my mother is Dam Than.

2 Q. What is the name of your wife and how many children do you  
3 have?

4 A. My wife is Saravan Li. We have five children.

5 Q. Thank you, Mr. Bun Loeng Chauy. The greffier made a report. To  
6 your best knowledge, you are not related to any of the two  
7 accused, that is, Nuon Chea and Khieu Samphan, or any of the  
8 civil parties admitted in this case. Is that information correct?

9 [09.16.41]

10 A. Yes, that is correct.

11 Q. And that you already took an oath before the Iron Club Statue  
12 located to the east of this Chamber. Is that correct?

13 A. Yes, I took an oath already.

14 Q. Thank you, Mr. Bun Loeng Chauy. And the Chamber would like to  
15 inform you of your rights and obligations as a witness. Your  
16 rights as a witness in a proceeding before the Chamber, you may  
17 refuse to respond to any question or to make any comment which  
18 might incriminate you. That is your right against  
19 self-incrimination.

20 Your obligations as a witness in a proceeding before the Chamber,  
21 you must respond to any questions by the Bench or relevant  
22 parties except where your response or comment to those questions  
23 may incriminate you. As the Chamber has just informed you of your  
24 rights as a witness, you must tell the truth that you know,  
25 heard, seen, remembered, experienced or observed directly about

5

1 an event or occurrence relevant to the questions of the Bench or  
2 parties pose to you.

3 And Mr. Bun Loeng Chauy, have you been interviewed by  
4 investigators from the Office of the Co-Investigating Judges? If  
5 so, how many times, when and where?

6 [09.18.29]

7 A. I was interviewed for two times at my residence and I was  
8 interviewed at <Oeun Sakona> Hotel in the provincial town for  
9 another time.

10 Q. Have you read or reviewed the written records of your  
11 interview that were conducted twice at your home and once at the  
12 provincial town of Mondolkiri Province in order to refresh your  
13 memory?

14 A. Yes, I read them last night and the night before.

15 Q. And to your best knowledge, can you tell the Chamber whether  
16 the WRIs reflect the words that you told the OCIJ investigators  
17 during those interviews?

18 A. I read those WRIs. In some parts, they are consistent.

19 However, some other parts are incomplete.

20 [09.20.09]

21 Q. Thank you, Mr. Bun Loeng Chauy. You have your duty counsel who  
22 is sitting next to you per your request through WESU, and we have  
23 Madam Sok Socheata as your duty counsel, and pursuant to Rule 91  
24 bis of the ECCC Internal Rules, the Chamber gives the floor first  
25 to the Co-Prosecutors. And the combined time for the



6

1 Co-Prosecutors and the Lead Co-Lawyers for civil parties are  
2 three sessions. You may proceed.

3 QUESTIONING BY MR. LYSAK:

4 Thank you, Mr. President. Good morning, Your Honours, counsel.

5 Good morning, Mr. Witness. My name is Dale Lysak. I'll be  
6 examining you, asking you some questions today, and I wanted to  
7 start with a few questions about your personal background.

8 Q. You state in your interviews that you joined -- you went to  
9 the jungle and joined the revolution, the resistance, in 1966 or  
10 1968. Did you at some time become a member of the party and, if  
11 so, can you tell us when you became a party member?

12 [09.21.58]

13 MR. CHAN BUN LEATH:

14 A. Allow me to respond to your question. I entered the forest in  
15 1968, in around May of that year. At that time, I did not become  
16 a party member. I was an ordinary combatant at the time.

17 Q. Did you become a party member later on, in some later year?

18 A. I was not yet a party member by 1975.

19 Q. And what about after 1975, did you ever become a member,  
20 whether a youth member or a candidate member of the party?

21 A. <In '75,> I became a member of the Youth League and I was  
22 actually appointed as a group chief.

23 Q. And what year was that?

24 [09.23.58]

25 A. I cannot recall the date. However, it was in 1975 when I was

7

1 recruited to be a member of the Youth League and appointed group  
2 chief of five or six members.

3 Q. Okay. Can we start by -- can you take us through briefly and  
4 describe the various positions you held and where you were  
5 located during the Khmer Rouge regime, that is, from April 1975  
6 until January 1979? Can you please tell us, over that period,  
7 what positions you had and where you were located?

8 A. In 1975, I was a bodyguard to Kasy, who was the secretary of  
9 Kaev Seima district, and that continued to 22nd February '77,  
10 when he was arrested. And then I was sent to the -- he was sent  
11 to the security centre in Kaoh Nheaek <called K-16>. I was with  
12 him for about a month at that location. Then he was taken away  
13 from where I was and he was killed. So I was with him for about  
14 two years. And in fact, I had been with him since the period of  
15 the resistance, that is, in 1973, when I became his bodyguard and  
16 as I said, in 1975, I became a member of the Youth League.

17 Q. I want to get you to clarify something then. In your OCIJ  
18 interview -- and this is document E3/5178, Khmer ERN, 00197860;  
19 English, 00274099; French, 00485184; this is what you said in  
20 your interview to the investigators:

21 [09.27.09]

22 "Before moving to Kaoh Nheaek, I was a deputy secretary of Kaev  
23 Seima district office because my uncle Kasy was district  
24 secretary. I served as his messenger from 1971 to 1975. I worked  
25 as deputy secretary from 1975 to 1977."

8

1 Let me stop there and get you to clarify. Does this refresh your  
2 memory of the positions and timing, Mr. Witness? And,  
3 specifically, is it correct that you were a deputy secretary of  
4 the Kaev Seima district office from 1975 to 1977?

5 A. I reject that statement. As a bodyguard, I would not be able  
6 to be a deputy chief of the district. I was not in that position  
7 and, as I said, my position at the time was his bodyguard.

8 [09.28.38]

9 Q. Well, Mr. Witness, you also told DC-Cam, when they interviewed  
10 you. Reference E3/5636; Khmer, 00042465; English, 00711200;  
11 French, 00727123; this is what you said to DC-Cam about your  
12 positions.

13 "In 1973, I was the district secretary's bodyguard in Kaev Seima.  
14 In 1974 - '75, I was the head of Kaev Seima District Office. In  
15 1976 - '77 I was evacuated with Pou Kasy."

16 Why is it, Mr. Witness, that both your DC-Cam and OCIJ statements  
17 indicate that you held a more senior position than bodyguard  
18 later on, that is, sometime in 1975 - 1976? Both of your  
19 interviews indicate this, Mr. Witness. Can you explain that?

20 A. I believe that the person who made that record of that  
21 interview made a mistake. <Please analyse this first.> A deputy  
22 secretary was a senior position and, of course, I was <a  
23 combatant and then became> a bodyguard to a cadre. <I could only  
24 be a chief -- a deputy chief of a district office> and <I> was  
25 not even in a higher or senior position. <If we were to compare,

9

1 a deputy chief of district office could be equal to a chief of a  
2 provincial bureau; but it could not be equal to a chief of a  
3 provincial office. So please analyse whether or not my answers  
4 were correct.> I was simply a combatant. I would never be able to  
5 be promoted to become a deputy secretary of the district. That  
6 would not be possible and there <was> no such promotion at all.  
7 And I stand by my statement that I was a bodyguard in 1975, and  
8 later on I was a deputy chief of the office, and I was a member  
9 of the Youth League and I was in charge of a group of five to six  
10 members. And there was a person who was the chief of the office;  
11 <he was an ethnic minority. His name was Pop. He was the chief>  
12 and I was the deputy chief of the office while Kasy was the  
13 secretary of the district. <First, I became his bodyguard. Then,  
14 he appointed me as the deputy chief of the office.> As I stated,  
15 I would not be -- it would not be possible at all for me to be  
16 promoted to the deputy secretary of the district. <So please  
17 analyse this.>

18 [09.32.00]

19 Q. Okay. Let me see if I understand. So it wasn't deputy  
20 secretary that was your position. At some point you became deputy  
21 chief of the district office. Do I understand correctly?

22 A. To my knowledge, at the time I had a low position in the  
23 office of a district and I was not become -- I was not promoted  
24 to the secretary of the district. So my function over <that> time  
25 was not equal to the deputy secretary or secretary of the

10

1 district.

2 Q. I understand that now, Mr. Witness. You indicated that rather  
3 than deputy secretary, at some point you became the deputy chief  
4 of the office. When was it that you became deputy chief of that  
5 office?

6 [09.33.32]

7 A. It was perhaps in June 1975, to my recollection, after the  
8 liberation of Phnom Penh.

9 Q. And who was the person who was deputy secretary under your  
10 uncle, Kasy?

11 A. Allow me to inform the Court, Kasy was the secretary and his  
12 deputy was <Chenda (phonetic)> and the member's name<s> -- the  
13 first member was Kong (phonetic), the second one, Kham  
14 (phonetic), in the district that he was in charge. And he was in  
15 charge of soldiers and medics in the district. There were five of  
16 them in the army and medics, so all together, five in the  
17 district committee, <including the secretary and the deputy  
18 secretary>.

19 Q. Thank you for clarifying that, Mr. Witness. Now, you indicated  
20 that in February 1977, your uncle and you were removed from the  
21 Kaev Seima district office. Can you tell us why your uncle was  
22 removed and where it was that you were first sent to when you  
23 left Kaev Seima district?

24 A. I could recall some facts. He was removed <and transferred to  
25 Sector 105 in Mondolkiri province>. It was in February of 1977.

11

1 The reason of transfer was of the fact that he supported and he  
2 did not report a member in the district who committed a moral --  
3 an immoral offense. So, he was disciplined and then he was  
4 demoted <and put in the sector> so that he could be monitored  
5 until a decision to <take him away to be killed> was made.

6 [09.36.35]

7 Two days later, I was taken and sent to a work site, working  
8 together with him, and one month later, I was dispersed from him  
9 so that they could take him to be killed.

10 That was the <Roya> work site, a work site to do the agricultural  
11 product. Chan Than <> was the head of an office of the commerce  
12 at that location.

13 There was another head of office of the work site, the name was  
14 <Kham Phing> (phonetic). He was in charge of the work site and he  
15 was the one who was in charge of the <workers in the> field or  
16 the work site.

17 [09.37.41]

18 Q. Thank you. Can you clarify, in your DC-Cam interview you  
19 indicated that when you were removed from Kaev Seima you first  
20 went to office K-16 and then after K-16, later on, you were sent  
21 to the Roya work site?

22 Does that refresh your memory, Mr. Witness? Is it correct that  
23 you first went to K-16 or did you go directly to the Roya work  
24 site when you left Kaev Seima District?

25 A. That is true.

12

1 Q. How long were you at the K-16 office before you were sent on  
2 to the Roya work site?

3 A. To my recollection, two or three months later, <from the 22nd,  
4 I was transferred from Kaev Seima to be in> K-16, <and then> I  
5 was assigned to saw wood to build a school building <before I got  
6 to be in Roya>. So I was at K-16 from February to June, so I was  
7 there for several months.

8 Q. And you said you were together with your uncle, Kasy, for  
9 about one month? Was that -- were you together with him at K-16  
10 or was that later on at the Roya work site?

11 A. At K-16. He was placed in K-16. He was not sent forward to  
12 Roya work site, but I was sent to that work site.

13 Q. And -- so were you present at K-16 when your uncle, Kasy, was  
14 arrested?

15 A. I was with him for a period of time and when it was time that  
16 he was arrested, I had been sent away first.

17 [09.40.47]

18 Q. How did you learn that your uncle, Kasy had been arrested?

19 A. It was an accident. I had a <cousin.> He was sent to uproot  
20 <the> plants <> and at that time, he witnessed that Kasy was  
21 arrested and after his return from work, he told me that Kasy had  
22 been arrested.

23 Q. And can you clarify one more thing, Mr. Witness? Were you  
24 yourself accused of any wrong doing or were you removed from your  
25 position in Kaev Seima because of the accusations against your

13

1     uncle?

2     [09.41.58]

3     A. To the best of my knowledge, I did not -- I perhaps did not  
4     <make> any <mistakes>. Trust was withdrawn from me because of my  
5     uncle.

6     Q. So you've indicated that you were -- when you were removed  
7     from Kaev Seima district office, you were sent to K-16 from  
8     February to June 1977, and then on -- in June 1977, to the Roya  
9     work site.

10    Can you tell us, where was the Roya work site located?

11    A. Roya work site was located in Kaoh Nheaek District. It was  
12    under K-17, that is, Kraol Mountain. So it was about eight  
13    kilometres -- kilometres away from that mountain.

14    Q. And you said it was under K-17; what was K-17?

15    A. K-17 office was the sector's -- was the office of Sector 105.  
16    After K-17, there was another office, K-16 and <> it <> belonged  
17    to the deputy chief of the sector <>.

18    Q. Were the K-16 and K-17 offices close to each other and if so  
19    how far apart were those two offices?

20    A. Compared to the previous time, <they are> now further away  
21    from each other, so it is about two kilometres away from one  
22    another.

23    [09.44.54]

24    Q. Just to clarify, I'm asking about back in 1977. Were these  
25    offices two kilometres apart in 1977, or were they closer



14

1 together at that time?

2 A. It was not close to one another. Since the beginning <when it  
3 was built in Kaoh Nheaek> in 1975, K-17 was posted on the Kraol  
4 Mountain and K-16 was located in the same location <> at Ou Chbar  
5 (phonetic). <And we had to cross the Ou Chbar stream in the rainy  
6 season. There was no road for cars to drive through.>

7 Q. Thank you for -- for clarifying that. And one last question  
8 about locations, the Roya work site, where was that in relation  
9 to K -- the K-17 office? Which direction and how far from K-17  
10 was the Roya work site?

11 [09.46.35]

12 A. It is my estimated -- it is not more than eight kilometres  
13 away, six or seven kilometres away. At the time, <I couldn't  
14 estimate the distance because> we were on foot when we were  
15 traveling and if there were roads, better roads, the distance  
16 would be nearer.

17 Q. Can you -- were you under arrest when you were at the Roya  
18 work site? I wasn't clear on that from your OCIJ interview. Can  
19 you tell us whether you were under arrest when you were at that  
20 work site?

21 A. No, I was not under <> arrest. I was detained so that I could  
22 be protected. I was not arrested. I was not tied up and I was not  
23 chained.

24 Q. Thank you. You said you went to the Roya work site in June  
25 1977; how long were you at that work site?

15

1 A. To my observation, it may be wrong. I was in the work site  
2 from June up to December when I fell ill. In December, I fell ill  
3 and I was hospitalized and then after December, perhaps it was in  
4 January and February, <so it was about seven or eight months>. <>  
5 I was in <the> hospital in February <>.

6 Q. How long were you in the hospital for, Mr. Witness?

7 A. I was in the hospital until the liberation of 7 January. I  
8 could not walk. I could not walk.

9 Half of -- one of my legs was -- could not move and <I left the  
10 hospital and went to stay at home,> perhaps <> for less than one  
11 month and after that, the liberation occurred.

12 [09.48.59]

13 Q. Okay, thank you for giving us that timeline of your -- what  
14 happened to you during the regime. One further question, you've  
15 talked about your uncle Kasy being arrested, did your uncle Kasy  
16 have a wife and children? And if so, what happened to them when  
17 your uncle was arrested?

18 A. He had a wife <and children>. When his wife was arrested, the  
19 meeting had been held and there was a declaration at the time and  
20 the wife was sent to the cooperative. At the time, he had six or  
21 seven children and one of his children is deceased; the rest <are  
22 still alive>.

23 [09.51.14]

24 Q. I want to move on now to some events that took place in your  
25 sector during the Khmer Rouge period.

16

1 First, I wanted to ask you what happened when the Khmer Rouge  
2 were in power in Mondolkiri? What happened to people who were  
3 identified as former officials or soldiers of the Lon Nol Regime?

4 A. It is difficult for me to respond to your question. Mondolkiri  
5 province was not <> liberated on the 17 April 1975. In fact it  
6 was -- it had been liberated in 1970, so it -- it is very  
7 difficult for me to describe <because it affected two regimes>.  
8 During the time for the Regime, the Khmer Regime was fighting Lon  
9 Nol and <the king had not yet fled to Beijing. So I could not  
10 talk about that because> at the time <of war, the> liberation did  
11 not <> happen immediately <>, so from <1968> up to 1975, <it was  
12 quite a long time. I went through a lot, but> it is difficult for  
13 me to respond to your question as I said earlier.

14 Q. Let me ask you a different way, in the years 1975 and 1976,  
15 who were the primary people who were subject to arrests or  
16 executions in Sector 105?

17 A. Let me clarify it -- let me clarify. Those who were the target  
18 of arrest included different categories. New People, that is  
19 number one. <They were> people from Phnom Penh and other  
20 provinces, and those who were sent to Mondolkiri and they were  
21 not trusted.

22 [09.53.54]

23 For the second group, the former soldiers in the previous regime,  
24 those who got tired of the Khmer Rouge Regime and stood up to  
25 resist.

17

1 And a third group was those who were tired <of> communal eating  
2 and those who were tired of deprivation of their private  
3 possessions or properties. I mean those who were deprived of  
4 their private ownership. These people were in the groups to be  
5 arrested.

6 Later on, there was accusation of Khmer Sar, KGB, CIA and  
7 Vietnamese Network and the last group of people, that is  
8 Vietnamese Network, was the most important target to be  
9 <smashed>.

10 [09.55.19]

11 Q. Thank you, Mr. Witness, we'll come back to some of those later  
12 categories -- those other categories later today.

13 Let me ask you -- read to you something you said in your OCIJ  
14 interview. This is E3/5178, Khmer, 00197857; English, 00274095;  
15 French, 00485180 through 181.

16 This is what you said in your statement -- quote:

17 "The victims", and you're referring here to the early years: "The  
18 victims were killed by an accusation of being relatives of the  
19 King, Lon Nol, soldier, police, civil servant, former commune  
20 chief or commune secretary. And later in 1977, the victims were  
21 accused of being Vietnamese supporters." End of quote.

22 With respect to the former Lon Nol soldiers and officials, were  
23 all of those people targeted, or was it only those who held  
24 certain ranks?

25 MR. PRESIDENT:

1 Please hold on, Mr. Witness.

2 [09.57.03]

3 MR. KOPPE:

4 Thank you, Mr. President. Good morning, Your Honours, and  
5 Counsel.

6 Yes, I object to this question because I believe that that  
7 particular answer is related to the context in which the question  
8 was originally posed.

9 He is asked a question about population statistics, asked a  
10 question about his position as Deputy Chief of Mondolkiri  
11 Provincial Information Office in '93. In the context in which it  
12 is read, it seems that he is answering that question from that  
13 position, and not as someone who was actually involved at all in  
14 the alleged targeting of the groups mentioned there.

15 So by just taking out that one sentence and not reading the full  
16 context, I believe that is not a fair question; and therefore, I  
17 object.

18 Also, now knowing what his position was, it seems highly doubtful  
19 that he, at the time, was in any position to have actual  
20 knowledge about the alleged targeting.

21 [09.58.21]

22 MR. LYSAK:

23 If, I may, briefly respond. The witness worked for his uncle, who  
24 was the district secretary in the district office, so he  
25 certainly had knowledge. And if this is something that Counsel

19

1 wishes to pursue with this witness, I am certainly going to, in  
2 my questions, as I always do, ask him how he knows things, but  
3 this is something counsel can pursue in his questioning, if he  
4 has further clarification.

5 MR. PRESIDENT:

6 The Chamber overrules the objection put by Counsel Koppe, and  
7 allows the witness to respond to the question. Mr. Witness, if  
8 you recall the last question put by the International Deputy Co  
9 Prosecutor, please respond.

10 BY MR. LYSAK:

11 Q. Just to help you, Mr. Witness. My question was; were all Lon  
12 Nol soldiers and officials targeted, or was it only those  
13 soldiers or officials who held certain ranks?

14 [09.59.48]

15 MR. CHAN BUN LEATH:

16 A. On this particular issue, I would like to respond to your  
17 question in relation to some facts.

18 So far, I have observed that former soldiers, some of them  
19 survived the regime, but some others, who were under monitor,  
20 were selected to be killed because of their behaviour.

21 In 1970, when Mondolkiri had been liberated, soldiers -- former  
22 soldiers could live peacefully <in> that area, but some leaders,  
23 commanders were killed only. Later on, when they started to be  
24 engaged in the cooperatives, since they were former soldiers,  
25 they were under scrutiny because of the fact that they were

20

1 former soldiers. And for those who had good behaviour survived  
2 the regime. Those who could not bear the regime were killed.  
3 [10.01.12]

4 And later on, they were considered, in 1975, that they were  
5 simply ordinary people; however, they were put in different  
6 classes. To my understanding, the former soldiers and ordinary  
7 people were not killed. Most of them were not killed in 1975,  
8 only cadres, most of them were killed. This is the truth, the  
9 truth of what happening at the time.

10 <For my group in Kaev Seima,> those people <> were not ordinary  
11 citizens or people. Those who were killed were from among the  
12 cadres.

13 Q. Let me read to you what you said in your -- on this in your DC  
14 Cam interview, E3/5636; Khmer ERN, 00042469; English, 00711205;  
15 French, 00727126. This is what you said -- told DC Cam about the  
16 early years of the Khmer Rouge -- quote:

17 "Not many ordinary people were killed. Only the former ranking  
18 soldiers of major or captain were killed, while the lower troops  
19 were collected to be tempered and educated. If they complained,  
20 they were sent away."

21 And continuing in the next answer:

22 "In 1975 to 1977, only the high ranking officers' lines were  
23 killed. So, fewer people were killed." End of quote.

24 Is it correct, Mr. Witness, that the people who were targeted for  
25 killing in the initial years were those who held higher ranks in

21

1 the Lon Nol regime?

2 [10.03.50]

3 A. Yes, that is correct.

4 Q. And do you remember who it was that instructed on which ranks  
5 -- which ranks were to be targeted?

6 A. To my knowledge, when there was a commander and his  
7 subordinates, that is, group chief or squad chiefs, those chiefs  
8 would be arrested and killed if their commander was arrested and  
9 killed. So the arrest was just -- were made for the same lines of  
10 the chief who was killed.

11 And the arrests and killing took place only for cadres, in 1975,  
12 including those military commanders at various positions. And  
13 usually the purge was conducted through the line or chain of  
14 command.

15 [10.05.21]

16 MR. PRESIDENT:

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

18 MR. KOPPE:

19 An observation, Mr. President. I'm not quite sure if things go  
20 well in the translation, because the question, obviously, was  
21 about the alleged fate of Lon Nol military, but then witness is  
22 answering -- talking about cadres, and I believe he said the word  
23 "purges". So I'm not quite sure whether the translation is done  
24 correctly, or whether there is some confusion with the witness. I  
25 think it should be very clear as to what the witness is speaking



1 about.

2 JUDGE FENZ:

3 Counsel, you should wait with these observations until the  
4 witness has finished, then you can make these observations. But  
5 interrupting the witness while it is answer -- while he, in this  
6 case, is answering, is not the way this should be done.

7 BY MR. LYSAK:

8 Q. Mr. Witness, I want to ask you a few questions now about  
9 security or re education offices in Mondolkiri sector. What  
10 security or re education offices in Sector 105 did you know  
11 during the regime, that is, from April 1975 to January 1979? What  
12 security offices were located in your sector?

13 [10.07.20]

14 MR. CHAN BUN LEATH:

15 A. In Mondolkiri, and to my knowledge, there was only one  
16 security centre; however, there was another re education centre.  
17 And the security centre was known as K 11. It was simply a prison  
18 where people were detained, and there was a re education centre  
19 located in Nang Khi Loek. <> Those who committed minor offenses  
20 would be sent for re education at that centre.  
21 As for the worksites, if people made minor offenses, including  
22 the moral offenses, <they> would be sent to <Roya or sent to  
23 various> cooperatives. There was also another worksite, which was  
24 not yet a security centre. <They called it Peam Chi Miet  
25 worksite>, where former soldiers of the Lon Nol regime or of the

1 Samdech Euv regime were detained<>, and the place was to temper  
2 those former soldiers. It was located in Chi Miet Commune.

3 [10.08.56]

4 And Nang Khi Loek was a re education centre, as I stated;  
5 however, K 11 was simply a prison, and it was located in the  
6 middle of Kaoh Nheaek district.

7 Q. And to clarify, when you refer to the K 11 Security Office,  
8 are you referring to a security office that was at the K 11 --  
9 the sector military compound, or are you referring to a security  
10 centre that was located close to the Phnom Kraol dam? Can you  
11 clarify what you were referring to by the security centre at K  
12 11?

13 A. Allow me to clarify the issue. I do not recall the real name  
14 of the security centre; however, it was located near the K 11  
15 Office at Phnom Kraol. And as I said, it was a prison, although I  
16 cannot recall its official name. <But it was the place they put  
17 K-11, which was a base for soldiers.>

18 [10.10.25]

19 MR. PRESIDENT:

20 Thank you, Deputy Co Prosecutor.

21 The time is convenient for our morning break. We'll take a break  
22 now and resume at 10:30.

23 Court Officer, please assist the witness at the waiting room  
24 during the break time and invite him, as well as his duty  
25 counsel, back into the courtroom at 10:30.

24

1 The Court is now in recess.

2 (Court recesses from 1011H to 1032H)

3 MR. PRESIDENT:

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

5 The floor is given to the International Deputy Co Prosecutor to  
6 resume the questioning.

7 You may now proceed.

8 [10.33.15]

9 BY MR. LYSAK:

10 Thank you, Mr. President.

11 Q. Mr. Witness, we were talking about the security offices in  
12 Sector 105, and I wanted to read to you an excerpt from your OCIJ  
13 interview, E3/5178; Khmer ERN, 00197862; English, 00274101;  
14 French, 00485186. And this is what you said about the security  
15 offices -- quote:

16 "K 11 was a temporary detention centre and the detainees will be  
17 sent to Nang Khi Loek if they were considered as correctable  
18 prisoners and to Phnom Kraol, if they were considered as heavy  
19 prisoners. The chance of survival is very rare for those who were  
20 sent to Phnom Kraol." End of quote.

21 Does that refresh your memory, Mr. Witness? Is it correct that  
22 there was a temporary detention centre at K 11 and a security  
23 office at Phnom Kraol for heavy prisoners?

24 [10.35.00]

25 MR. CHAN BUN LEATH:

1 A. That is true.

2 Q. Who were considered heavy prisoners, and how did you know that  
3 heavy prisoners were sent to the Phnom Kraol Security Office?

4 A. The heavy or serious prisoners were those who joined with the  
5 Vietnamese.

6 Q. And you said that the chance of survival was very rare for  
7 those sent to Phnom Kraol. You said this is in your OCIJ  
8 interview. How did you know that?

9 A. There are some survivors. Not all of them died and one or two  
10 survived the security centre and are living.

11 [10.36.22]

12 Q. Can you tell us who were the -- how many survivors from the  
13 Phnom Kraol Security Office do you know who are still alive?

14 A. One of my in laws, who passed away last month, used to be in  
15 the detention together with Kasy, and that in law survived the  
16 regime.

17 Q. And that was going to be my next question. You indicated in  
18 your OCIJ, or DC Cam interviews, that you had some relatives  
19 detained at Phnom Kraol. You just indicated you had in law was --  
20 how many relatives did you have who were detained at Phnom Kraol,  
21 and why were they sent to that prison?

22 A. They were arrested but not <> killed immediately. They were  
23 placed in the detention for one week, for example, and <> minor  
24 prisoners or offenders were sent to Nang Khi Loek, and for the  
25 serious offenders, they were sent away and killed.

1 Few of them survived the regime, <but I do not recall their  
2 names>. <I only recall> Vieng (phonetic), my in law -- my younger  
3 in law, survived the security office, and described about the  
4 time when he was detained in that prison.

5 Q. Did you have any relatives who were sent to Phnom Kraol who  
6 did not survive the regime?

7 A. I would like to recall their names. Those who were arrested  
8 together with my uncle never returned. Many of them, which --  
9 whom I cannot count all, <> they have never returned. Only one or  
10 two came back. And my younger in law, as I said, came back and  
11 returned, and the others, I could not recall their names,  
12 <because they> went back to their birth villages.

13 [10.39.39]

14 Q. Were all these relatives people who were arrested at the same  
15 time as your uncle, Kasy?

16 A. They were related to him, and also they were neighbours of  
17 his.

18 Q. Are you able to describe for the Court the Phnom Kraol  
19 Security Office? What was -- what did that security office look  
20 like?

21 A. That security office was not <better than> a place to keep the  
22 cattle, <but> the security office could house perhaps 100  
23 prisoners. The wall was made from bamboo with a thatch roof, and  
24 there were fence surrounding that security office, which the  
25 prisoners could not flee. I have never heard that <any> inmate<>

1 could be able to flee.

2 [10.41.09]

3 Q. Did you see that security office yourself, and if so, could  
4 you tell us when it was that you saw the Phnom Kraol Security  
5 Office?

6 A. That office, security office, was on the road where I used to  
7 walk past, but I did not have the authority to walk into that  
8 security office. I could see from the place where I was -- from  
9 the road where I was walking on about 50 or 100 metres away from  
10 that location. Those who walked past that security office could  
11 see it.

12 Q. And do you know who was in charge of the security office at  
13 Phnom Kraol?

14 A. Phai.

15 Q. Who was Phai? What was -- what part of the -- what sector,  
16 unit, or organization was Phai in?

17 A. Phai was originally from that district. He was a soldier.  
18 First, he was a soldier. He was the commander of the Ou Reang  
19 district. Later on, he was reassigned to be in charge of that  
20 security office.

21 Q. And was he a sector soldier, who was under the command of the  
22 Sector Military Chief Ta Sophea?

23 [10.43.32]

24 A. He was part of the district army, who was -- he was under  
25 Sophea's since Ta Sophea was the high-ranking commander.

1 Q. And I wanted to ask you what you know about the executions of  
2 prisoners at Phnom Kraol.

3 Do you know where prisoners from Phnom Kraol were taken for  
4 execution?

5 A. I learned that from the prisoners. Once in a while, a vehicle  
6 would come in to transport prisoners out. I do not know how many  
7 prisoners were taken out per time.

8 Q. Where was it that the prisoners were taken to when they were  
9 taken away for execution?

10 [10.45.07]

11 A. Sometimes if they were in a small group, they were not sent  
12 far away for execution. When they were in a large group, they  
13 were transported by a vehicle to Kratie Province <to be killed>.  
14 The large group of prisoners could not be killed at a nearby  
15 location.

16 Q. Did you know a location named Trapeang Pring?

17 A. Trapeang Pring was <on the way to Kratie. It> was the location  
18 past the intersection to Roya.

19 Q. And was Trapeang Pring -- how far was Trapeang Pring from the  
20 Roya worksite where you were located?

21 A. It was not too far from one another. It was about 3 or 4  
22 kilometres apart.

23 Q. Did you ever have occasion to travel by the Trapeang Pring and  
24 did you see what was going on at that site?

25 A. I have never <been there again since then>. <I just walked

1 nearby about one kilometre away and> I saw the earth was shoved  
2 or bulldozed. <I was told it was the killing place,> but I did  
3 not go there into the centre.

4 Q. I want to read to you something you said in your OCIJ  
5 interview, Mr. Witness. This is E3/5178; Khmer ERN, 00197858;  
6 English, 00274096 through 97; French, 00485181 through 182.

7 This is what you told OCIJ -- quote:

8 [10.48.20]

9 "The killing site called Trapeang Pring was about 4 kilometres  
10 from Kaoh Nheaek and it was on the road from Kaoh Nheaek to  
11 Kratie Province. A tractor was used to dig big pits and they were  
12 covered up with dirt after the killing. I saw those pits with my  
13 eyes. The killing site was buried by bulldozing by a tractor. I  
14 was living at the killing site during the period of killings."  
15 End of quote.

16 Later on in this interview, a few pages later, you say that you  
17 used to travel and cross the vicinity of Trapeang Pring and saw  
18 this from a distance.

19 Can you clarify and explain to us, did you go by the Trapeang  
20 Pring site and ever see tractors that were digging graves?

21 [10.49.35]

22 MR. KOPPE:

23 I object, Mr. President. Again, the same as my first objection,  
24 is the quote is out of context. He is giving this evidence in  
25 relation to the purpose of collecting statistics data of victim



30

1 from '98 -- '83 to '85. Apparently in relation to something  
2 called Anger Day he was involved in the collecting of human  
3 bones, so that's where he offered this evidence.

4 It's true that he later then says something about Trapeang Pring,  
5 but that's only hearsay. So quoting this out of context without  
6 saying that it is testimony from something post '79 is the reason  
7 I object to this.

8 MR. LYSAK:

9 Mr. President, the statement says, "I saw it with my eyes", but I  
10 intend very much to clarify with the witness what he saw and what  
11 he heard from others. So Counsel is incorrect. The words are  
12 clear in his interview, but I certainly intend to find out what  
13 he has personal knowledge of.

14 MR. KOPPE:

15 Not about what, Mr. President, it's about when. When did he see  
16 it?

17 JUDGE FENZ:

18 The context has been provided by you now. So.

19 [10.51.09]

20 BY MR. LYSAK:

21 Q. So the question, Mr. Witness, did you see tractors and --  
22 digging pits at Trapeang Pring, and if so, when was it that you  
23 saw this?

24 MR. CHAN BUN LEATH:

25 A. Regarding those pits, everyone could see, not only me. When

31

1 the road was bulldozed, it was -- the pits <were> located about  
2 100 metres apart from the road which was being constructed.  
3 Everyone who travelled by could see those pits. <They were away  
4 from where people lived.>

5 As for the execution itself, I did not witness the execution, but  
6 there was a soldier saying that those locations included pits  
7 <were> where <the> bodies were buried.

8 Q. And was it during the regime, between 1975 and 1978, that you  
9 saw pits being dug 100 metres from the road, and if so, can you  
10 explain why you were travelling on that road, what was the  
11 occasion on which you saw these pits being dug?

12 A. They dug that pit between -- in the period of 1977. I used to  
13 travel by that area, since I was working in Roya worksite.  
14 Everyone could see that pit located about 1 kilometre away from  
15 the road.

16 Q. You also just mentioned that you were told about what took  
17 place at Trapeang Pring by a sector soldier. Who was the sector  
18 soldier who told you about killings at that site?

19 A. He was not a district soldier. He was a sector soldier, who  
20 was monitoring me. His name was Bun.

21 Q. Do you know whether Bun was one of the soldiers who carried  
22 out executions at Trapeang Pring?

23 A. He was the guard <> monitoring us at the field.

24 Q. When you were at the -- working at the Roya worksite, did you  
25 ever see trucks transporting people on the road that went to

1 Trapeang Pring?

2 [10.55.13]

3 A. When I was at Roya worksite, I did not know that those people  
4 were sent to that centre, and the meetings were held and I knew  
5 that people were sent away by trucks to a location, which I did  
6 not know. <Two or three trucks were used to transfer the people.>  
7 And those who were related to <Ta Chan Than,> Ta Chuon were  
8 arrested.

9 Q. When you say that people were sent away from trucks, are you  
10 talking about people who were sent away from the Roya worksite,  
11 or were these people who were being sent away from some other  
12 location? Can you clarify that?

13 A. To my knowledge, those people were taken from Roya location.  
14 [10.56.16]

15 Q. And let me just read to you, I want to make sure this is  
16 clear, an excerpt from your OCIJ interview, E3/5178; Khmer ERN,  
17 00197861; English, 00274099; French, 00485185. You said -- I  
18 quote:

19 "K 11 Office was at the current military fort. When I was at the  
20 worksite, I saw about 30 people transported in and out every 2 or  
21 3 days. The victims were transported out for execution." End of  
22 quote.

23 And so this is clear, Mr. Witness, when you referred to being at  
24 a worksite and seeing 30 people transported in and out every 2 or  
25 3 days, what site were you referring to? Where was it that you

1 saw this?

2 A. People used to be taken out of the location of the security  
3 <area>, and I was on the oxcart, and at the time, I was not -- I  
4 was walking <past them. It was quite near>.

5 Q. So to make sure I understand correctly. These were not people  
6 who were being taken away from your worksite, these were people  
7 you saw being transported out of the security office? Do I  
8 understand correctly?

9 MR. PRESIDENT:

10 Please observe the microphone, Mr. Witness, before you speak.

11 MR. CHAN BUN LEATH:

12 A. Yes, those people were taken out from the security office.

13 [10.58.50]

14 BY MR. LYSAK:

15 Q. Was there also an occasion in which you saw some trucks of  
16 people being transported, who you recognized from -- as people  
17 from the Kaev Seima district office? Do you remember that, and  
18 can you describe that incident for the Court?

19 A. There was one day when I was -- after I was transferred to  
20 Roya, I was asked to herd <22> water buffalos. My group of  
21 workers, included my younger relative, chased the buffalos past  
22 the <provincial> commerce office of Ta Chuon. And at the time, I  
23 was thirsty, and I went to ask <> for water to drink.

24 [10.59.57]

25 At the time, I saw a vehicle stood close to that office, <it was

1 close to the bucket of water> and I approached close to that  
2 vehicle and I asked for water. <They said, "Take it from there,"  
3 and> I used the water container to pick up the water to drink.  
4 <At that time, the people upstairs heard my voice and they knew  
5 my name. They asked me for water.> And at that time, those who  
6 used to be with me at Kaev Seima office told me that about 80 of  
7 my former co workers were arrested. <They said they did not know  
8 whether they lived or died and they asked me if I was still  
9 alive. I said, "I'm still alive". They spoke quietly.> And at  
10 that time, I told <them> that <I could not give them water. If I  
11 did, I would be dead too.> I was in a hurry to bring some water  
12 for my group of workers herding the water buffalos to drink.  
13 <That was the truth>.

14 Q. And when you refer to 80 co workers who were arrested, who  
15 were these people? Who was this group of 80 people who were  
16 arrested?

17 A. Yes, I can recall a few names but not everyone's. There were  
18 some ordinary people and there were some of those who worked in  
19 the district office, as well as some soldiers.  
20 The district office was Pop, who was a Phnong, and <there was>  
21 Pek (phonetic), <who was> a Khmer person, and there were several  
22 others, whose names I can<> recall <if I> write them down, but I  
23 need to think for a while before I can do that.

24 [11.02.25]

25 Q. That's okay, you've given a lot of names in your various

1 interviews.

2 What I just wanted to clarify, this group of 80 people, were they  
3 people who were relatives or connected to Kham Phoun, the person  
4 who at one time was the sector deputy secretary, or was this a  
5 different group of 80 people? Can you clarify that?

6 A. No, they were not in the network of Kham Phoun but the network  
7 of Kasy, and they were not my relatives. But I knew them since we  
8 worked together.

9 Q. Turn to another subject now. Do you remember whether Khieu  
10 Samphan ever visited your sector, and if so, can you describe  
11 what you remember about that event?

12 [11.03.50]

13 A. To my recollection, in 1974, I went to harvest rice to support  
14 the sector. At that time, our weapons were removed. We were a  
15 group of bodyguards from various districts.

16 And I was wondering why the weapons were removed from us, then <>  
17 the <deputy chief> of Office <K-16> said Khieu Samphan would come  
18 to visit our province. And I asked them what was the reason for  
19 the removal of our weapons, and we were told that they did not  
20 trust us since he had his own bodyguards.

21 And then I paid <> attention to harvesting the rice, and that was  
22 the occasion that I heard about him. <I did not know whether or  
23 not he came.> And I recall that Hu Nim actually came to inspect  
24 our area and he shook hands with me. That was in around 19 --  
25 late 1971 or early 1972. And that's when I personally met him,

36

1 but as for Khieu Samphan, I did not see him and I only heard  
2 about his tentative visit.

3 Q. So I understand correctly, you, yourself did not see Khieu  
4 Samphan or his delegation when they came to Mondolkiri; is that  
5 right?

6 A. Yes, that is correct.

7 [11.05.46]

8 Q. I want to read an excerpt from your OCIJ interview, again,  
9 E3/5178; Khmer, 00197866; English, 00274104; French, 00485190.  
10 This is what you said about Khieu Samphan -- quote:

11 "In 1974, Khieu Samphan, head of the state and Front Chairman,  
12 visited in Mondolkiri Province somewhere at K 11 when I was  
13 harvesting rice."

14 Continuing:

15 "He came for about two or three and paid visits to Ou Buon Krom,  
16 Srae Huy, and the dam construction. He came with the delegation  
17 of many people, six vehicles in total." End of quote.

18 How did you -- since you didn't see the delegation, how did you  
19 know that Khieu Samphan visited K 11 and visited the dam  
20 construction site at Ou Buon Krom?

21 [11.07.26]

22 A. It was the deputy chief of Office K 11 who told me. I saw the  
23 vehicles moving on the road while I was in a rice field. I saw  
24 the car convoy but I didn't see him, and I was told that the  
25 convoy was his, and that was the deputy chief of the office who

1 told us about it.

2 Q. And just to clarify something, was it the deputy chief of K  
3 11, the sector military office, who told you, or the deputy chief  
4 of K 16, the sector commerce office? Can you clarify?

5 A. He was a deputy chief of Office K 16, and he was a civilian<>.

6 Q. And one last question. When was it that the Ou Buon Krom Dam  
7 was built? What year was that dam constructed?

8 A. To my knowledge, the Ou Buon Krom and Ou Buon Leu were built  
9 at the same time, that is, in around 1974, and it was completed  
10 in 1977.

11 Q. Thank you. Let me turn now to some questions about some  
12 specific events that took place in your sector.

13 First, do you remember an incident in which a group of men from,  
14 possibly from Kaev Seima district, tried to flee to Vietnam  
15 sometime in 1977? Do you remember that incident?

16 A. Yes, I recall that. There were 18 of them, who fled from  
17 Office K 16; however, I cannot recall the date. And that happened  
18 in around mid or late 1977. It was around <July or> August of  
19 that year.

20 [11.10.48]

21 Q. Do you know why these -- why this group of 18 men tried to  
22 flee to Vietnam?

23 A. Those people were implicated in the network of Kasy. Kasy was  
24 killed, although he was a party member, and those people were  
25 inducted into the party by Kasy. So they became scared after they



38

1 knew that Kasy had been killed, and for that reason, they fled.

2 Q. Do you remember the names of some of the 18 men who fled  
3 because of what had happened to Kasy?

4 A. Yes, I can recall some names. There was <Sean (phonetic)>,  
5 alias Nhun; Lam, Lang, Khlak, <Bun> Noeun, and there was also my  
6 uncle, Vun, amongst them. As for the rest, I cannot recall their  
7 names now.

8 Q. Who was Noeun?

9 [11.12.49]

10 A. Bun Noeun was a minority ethnic in Kaev Seima, and he was a  
11 group chief.

12 Q. It may have been my pronunciation, I wasn't referring to Bun  
13 Noeun; I was referring to the Nhun, who was the head of the  
14 office of the men that fled. Did you know, what was the name of  
15 the person who was the head of the group of 18 that fled?

16 A. I think you pronounced the name incorrectly. It's Nhun, <not  
17 Nun (phonetic)>. He was a chief of Office K 16 and he was the one  
18 who was in charge of the group who fled.

19 Q. Thank you. Indeed, I did not pronounce that correctly. You  
20 also mentioned a person named Lam. Who was Lam?

21 A. At that time, Lam was an ordinary combatant. He didn't hold  
22 any position, <but he was also in the group>.

23 Q. Do you know if Lam survived after fleeing and returned to  
24 Cambodia after the end of the Khmer Rouge Regime?

25 A. Yes, he is still living now.

1 [11.15.01]

2 Q. I want to read to you an excerpt from an OCIJ interview of  
3 Lam. This is document E3/5221, E3/5221; Khmer ERN, 00236701;  
4 English, 00239491; French, 00267790.

5 This is what -- how Lam described this event -- quote:

6 "In 1977, my chief, Nhun, attended the meeting and was told by  
7 the sector secretary that Kaev Seima people were all Vietnamese  
8 heads on Khmer bodies and they all betrayed Angkar. So Nhun came  
9 to tell his subordinate cadres to flee to Vietnam for fear of  
10 being killed. Those who fled with Nhun included me, Lang [...]" and  
11 then he lists a few other people.

12 "Those who fled with me included a number of children who got  
13 lost in the forest and then they went back and later were  
14 arrested and killed by Angkar."

15 Mr. Witness, Lam says that there was a meeting at which the  
16 sector secretary announced that Kaev Seima people were all  
17 Vietnamese heads of Khmer bodies; did you hear about this  
18 meeting, Mr. Witness?

19 [11.17.14]

20 A. As for the nature of meeting, usually such accusation was not  
21 raised, for example, that they were-- they were Vietnamese heads  
22 on Khmer bodies; however, such rumours existed, at the time.

23 Q. I want to ask you about the wives of the group of 18 men who  
24 fled; did their wives go with them or did they stay in Sector 105  
25 when their husbands fled?

40

1 A. To my knowledge, after the husbands fled, next day the family  
2 members, that is, the wives and the children, were arrested.

3 Q. Do you know whether the wives and children were accused of any  
4 wrongdoing or whether they were arrested because of what their  
5 husbands and father had done?

6 A. I did not know about that. It is my conclusion that they --  
7 they had been arrested because the husbands and the fathers had  
8 fled to the Vietnamese side and I, myself, did not witness such  
9 arrests. By that time, I had left K-16 to live in Roya.

10 Q. How did you hear about this incident?

11 [11.19.40]

12 A. Usually, information would pass between offices, for example,  
13 from Office K-16 to other offices or to Roya, where I was. That's  
14 how I heard about it.

15 Q. Do you remember the names of some of the wives of the men who  
16 fled to Vietnam?

17 A. I can recall a few names. Kim Hin was Nhun's wife and Kim  
18 Hin's document actually was found at Tuol Sleng. And Ly was Lam's  
19 wife and Hoeun (phonetic) was Lang's wife and Horn was Bun  
20 Noeun's wife; these are the names that I can recall.

21 [11.20.55]

22 Q. Do you know what happened to the wives and children of these  
23 men after they were arrested?

24 A. They disappeared since. I did not know what had happened to  
25 them; however, if they are alive, then I would see them. I did

41

1 not know whether they were sent to Tuol Sleng Prison or they were  
2 executed along the way.

3 MR. LYSAK:

4 Mr. President, with your leave at this time, I'd like to provide  
5 a document for the witness to review. This is document E3/1645 --  
6 E3/1645, which is a list of over 140 prisoners from Mondolkiri,  
7 Sector 105 and Division 920, who entered S-21 on the 23rd of  
8 November 1977, and I'd like to ask the witness about some of the  
9 names on -- on this list, with your leave.

10 MR. PRESIDENT:

11 Yes, you may do that.

12 BY MR. LYSAK:

13 Q. Mr. Witness, I'd like to direct your attention to a certain  
14 part of this S-21 list; I've put some post-its. There are two  
15 pages, in particular, that I want to direct your attention  
16 towards and, in particular, to prisoners' names; numbers 106 to  
17 109, number 130, and numbers 135 to 138, 140, and 142 to 143. To  
18 make it easy for you, those -- those names I've highlighted in  
19 yellow. If you could look at the names on the flagged pages of  
20 the -- the names that are highlighted in yellow, the numbers I  
21 just read, a total of 12 females and could you tell the Court  
22 whether you recognize any of those names and if you know who  
23 those women are?

24 (Short pause)

25 [11.25.20]

1 MR. CHAN BUN LEATH:

2 A. I have a quick look at these names and from my first look at  
3 it, it's -- I'm not familiar with any of these names.

4 Q. Let me direct you specifically to some of the people on this  
5 list, Mr. Witness. Let's start with number 130. This is a woman,  
6 full name Seng Prin, alias Kim Hin; she's identified as the wife  
7 of Sroes Nhun (phonetic). You identified to us, a few minutes  
8 earlier, a female who was married to Nhun named Kim Hin; can you  
9 tell us whether the person identified at number 130 is the wife  
10 of -- was the wife of Nhun?

11 [11.26.32]

12 MR. PRESIDENT:

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

14 MR. KOPPE:

15 I object to this question and also observing, in relation to  
16 earlier remarks and questions about this document, the  
17 Prosecution is misrepresenting the documents.

18 All female prisoners mentioned in this document are first of all,  
19 referred to as combatants -- combatants of either Office K-16 or  
20 K-11 and also referred to as wives of, but to present the  
21 evidence as them being identified only as the wives of is  
22 incomplete. Primarily they are identified as combatants.

23 BY MR. LYSAK:

24 I'm-- I'm asking, at this point, the witness simply if he knows  
25 -- can identify the person. They -- it is correct; they're

43

1 identified as people from K-16 Office, but they are also  
2 identified with names and as the wives of.

3 Q. So my first question to you: The person at number 130, Mr.  
4 Witness, was that the wife of -- the wife of Nhun, the person you  
5 identified as the Chief of Office K-16, the head of the group of  
6 18 that fled to Vietnam?

7 [11.28.19]

8 MR. PRESIDENT:

9 Mr. Witness, please look at the serial number 130 and Duty  
10 Counsel, please assist the witness. You can find the serial  
11 number at 130 and please respond to the question if you know or  
12 do not know this woman.

13 MR. CHAN BUN LEATH:

14 As for Kim Hin, I do not know her birth name; however, I knew  
15 that her husband fled <> and Kim Hin was a wife of Nhun and they  
16 both had a son. However, I was not there when she was arrested.

17 [11.29.19]

18 BY MR. LYSAK:

19 Q. And the wives of 18 men who fled, did they -- did they also  
20 work at the K-16 office?

21 MR. CHAN BUN LEATH:

22 A. They were workers at Office K-16 and they were classified as  
23 ordinary combatants or workers of that office; however, Kim Hin  
24 was chief of the female group.

25 Q. When I asked you to name the names of some of the wives, you

44

1 also referred to Lam's wife, Ly; could you look at number 142 on  
2 the list, a woman -- female identified as Srun Ly and described  
3 in the description as the wife of Lam; is this the person that  
4 you told us about earlier who was the wife of Lam, one of the  
5 people who fled to Vietnam?

6 A. Yes, that is correct.

7 [11.30.56]

8 Q. You mentioned a -- a woman named Hoeun, who was married to  
9 Lang; could you please look at number 106 on the list; that's on  
10 the previous page, number 106, a woman identified as Nhoeng Hoeun  
11 and described as the wife of Lang; is this the same person that  
12 you referred to earlier, again, the wife of one of the people --  
13 one of the group of 18 that fled to Vietnam?

14 A. Yes, that is true.

15 Q. Did you ever hear, Mr. Witness, anything about why the wives  
16 of these men were arrested and sent -- sent to S-21; did you ever  
17 hear anything about that?

18 MR. PRESIDENT:

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

20 [11.32.11]

21 MR. KOPPE:

22 I object to this question, Mr. President. I-- I objected earlier.  
23 It's a bit sexist, actually, to only refer to them as wives of.  
24 Primarily they're referred to as -- as combatants, so to say that  
25 they were arrested because they were wives is -- if we take this

45

1 document as a starting point -- are incorrect.

2 It seems they were arrested because they were combatants, working  
3 as combatants in that particular office and to keep saying that  
4 they were arrested because they were the wives is incorrect, so I  
5 object.

6 MR. LYSAK:

7 Again, Counsel is trying to give evidence himself in this  
8 courtroom.

9 MS. GUISSÉ:

10 Well, simply to complete what -- the objection of my colleague, a  
11 few minutes ago the Co-Prosecutor put the same question to the  
12 witness and he said that he did not know why the wives had been  
13 arrested; and he already said <so earlier>. He said that he  
14 reached certain conclusions, but he did not know himself why they  
15 had been arrested.

16 [11.33.27]

17 BY MR. LYSAK:

18 Let me rephrase, Mr. President, and let me make this my last  
19 question before the break.

20 Q. Let me refer you to, Mr. Witness, to something you said in  
21 your interviews. This is E3/5636 -- E3/5636; Khmer, 00042484;  
22 English, 00711224; French, 00727140. You were discussing here the  
23 arrest of Nhun's wife.

24 Question: "Was she, Kim Hin, arrested because of her husband or  
25 what?"



46

1 Answer: "She did nothing. She was arrested because of her  
2 husband. Lines of the wife whose husbands had fled to Vietnam  
3 were arrested." End of quote.

4 What did you mean, Mr. Witness, when you told DC-Cam that "lines  
5 of the wife whose husbands had fled to Vietnam were arrested"?

6 [11.34.57]

7 MR. CHAN BUN LEATH:

8 A. I have actually responded to this kind of question. I did not  
9 really understand what happened, at the time; however, if the  
10 husband was accused of betrayal, then the wife and the children  
11 would not be spared and they would be arrested and killed. So, I  
12 don't actually understand the nature of your question. Usually  
13 when the father was arrested and killed, the children would also  
14 be arrested and killed.

15 MR. PRESIDENT:

16 The time is convenient for our lunch break. We take a break now  
17 and resumed at 1.30 this afternoon.

18 Court officer, please assist the witness during the lunch break  
19 at the waiting room reserved for witnesses and civil parties and  
20 invite him, as well as his duty counsel, back into the courtroom  
21 at 1.30.

22 Security personnel, you're instructed to take Khieu Samphan to  
23 the waiting room downstairs and have him returned to attend the  
24 proceedings this afternoon before 1.30.

25 The Court is now in recess.

1 (Court recesses from 1136H to 1334H)

2 MR. PRESIDENT:

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

4 The Chamber now passes the floors to the Co-Prosecutors to resume  
5 the questioning to this witness. You may have the floor now.

6 BY MR LYSAK:

7 Thank you, Mr. President.

8 Q. Good afternoon, Mr. Witness. We were talking about some women  
9 from the K-16 office, who were the wives of a group of men who  
10 fled to Vietnam who ended up at S-21, and you had mentioned --  
11 testified that there had been children who were arrested; did  
12 Nhun and his wife Kim Hin have children and if so, were they  
13 arrested after these men fled to Vietnam?

14 [13.35.24]

15 MR. CHAN BUN LEATH:

16 A. Children were also arrested.

17 Q. In your DC-Cam interview; this is E3/5636, at Khmer, 00042484;  
18 English, 00711225; French, 00727141; you stated and I quote:

19 "When Kim Hin was arrested, she had a child. She was arrested  
20 together with the small child." End of quote.

21 How did you know that Kim Hin was arrested together with her  
22 small child; how did you know that?

23 A. To my observation, I was not there; at the time <I was at  
24 Roya>. They were arrested at K-16, <and purged>. Later on, I  
25 learned that she was taken away together with her child. <I

1 apologize, I don't know in detail.>

2 Q. Do you remember who it was who told you that?

3 A. When they were arrested, meetings were usually held to inform  
4 the arrest, so I learned the information from chiefs of offices.

5 [13.37.27]

6 Q. And you talk about some of the statements from the chief of  
7 the Roya worksite in your interviews; after some of these  
8 incidents, after your uncle was arrested, these men fled to  
9 Vietnam. After the-- the death of Laing and Kham Phoun, were  
10 there people who were arrested at the Roya worksite after these  
11 events occurred?

12 A. When Nhun fled, <the Roya worksite and> all units were  
13 concerned and soldiers were deployed to be stationed at all  
14 offices <in order to protect all of us who did not know about  
15 that>. During the day and night time, while we were working,  
16 soldiers stood guard.

17 [13.38.47]

18 Q. In your OCIJ interview, E3/5178, at Khmer page, 00197865;  
19 English, 00274103; French, 00485189; you testified and I quote:  
20 "Six people were arrested from Roya worksite after the Svay and  
21 Kasy events. More than 30 people in Chan Than's network were  
22 arrested from Roya worksite after Kham Phoun's event." End of  
23 quote.

24 Can you describe for us how -- who-- who was it that arrested  
25 these people following these events; what can you tell us about

1 how these people at the Roya worksite were arrested?

2 A. At first, the arrests at Roya happened -- occurred because  
3 there was an event that <> two <cadres> were shot dead <by Svay,  
4 the Secretary of Kaoh Nheaek district>; at the time, Kasy was not  
5 yet arrested and -- and Svay could make an escape while he was  
6 being chased <by Kasy>. Later on, Svay shot one individual who  
7 was in charge of the generator <of the sector hospital>. And <>  
8 Svay shot that person, but the bullet missed that individual and  
9 <the> individual shot Svay, instead, in the abdomen and <he then  
10 hung himself to death. At the time, Kasy and other individuals  
11 were arrested. Yes of course, that was correct, in that whole  
12 day,> five or six individuals were arrested <from my place, Roya  
13 worksite>. Among them <were> Chean and Moeun, as well as, Suong  
14 (phonetic), Phin (phonetic), Yorn (phonetic), Phan, and I could  
15 not recall all their names.

16 Q. Just -- just to make we're clear, I was asking you about  
17 people who were arrested at the Roya worksite; were the people  
18 you just named arrested at your worksite and what I'm interested  
19 in is who -- who arrested them; did someone show up at the  
20 worksite and arrest these people? How did these arrests at the  
21 worksite happen?

22 [13.42.19]

23 A. They were from the sector. Ansi or Ham was the one who  
24 arrested and Sot was also among the group. Sot was the chief of  
25 the workers, at that time. At first, <Ansi went to replace Kasy

1 as the Secretary of> Kaev Seima <district> and later on, he was  
2 moved to sector, but I do not know his position at the sector.

3 Q. I want to ask you about another document that's in evidence,  
4 Mr. Witness; this is document E3/156 -- E3/156. It's a telegram  
5 from Sector Secretary Sarun dated the 23rd of April 1978, copied  
6 to Pol Pot, Nuon Chea, and Office 870 seeking instructions from  
7 the leaders in Phnom Penh and paragraph 3 of that telegram reads  
8 as follows, quote:

9 "Comrade Sot, chairman of the repair factory, has committed  
10 immoral acts with a woman. Now, the arrests have been made. Both  
11 the man and the woman have been arrested. This comrade was  
12 previously implicated in the confession of the traitor A Chuon.  
13 At that time, the sector monitored his activities, but now he has  
14 been involved with these immoral acts and has been arrested and  
15 detained. Please help with your opinion on the level at which  
16 this must be kept or be sent." End of quote.

17 My question to you, Mr. Witness, is about the person who is the  
18 subject of this telegram from Sarun to the leaders in Phnom Penh;  
19 that is, comrade Sot identified as chairman of the repair  
20 factory; did you know this person, comrade Sot?

21 A. Yes, I know that comrade. He was the younger sibling of  
22 Sophea.

23 Q. Was he the same person you just referred to, a few moments  
24 ago, as the chief of the workers?

25 A. That was -- there was only one individual.

51

1 Q. And do you know what happened to Sot after April 1978; did he  
2 survive the regime?

3 A. From that time onwards, I have never heard of him; he had been  
4 arrested <since that> time.

5 Q. Do you remember where Sot was -- was from; was he from  
6 Mondolkiri?

7 A. He was from the same birthplace as me.

8 [13.46.35]

9 Q. And do I understand you correctly that you never seen Sot  
10 again since 1978?

11 A. That is correct.

12 Q. This telegram refers to Sot having committed immoral acts with  
13 a -- a women -- woman; did you hear anything about that? Do you  
14 -- did you know the woman with whom Sot was accused of having  
15 immoral acts?

16 A. Yes, she was working with me at the worksite. Her names was Ny  
17 (phonetic). Her name was Ny (phonetic). Her parents were <>  
18 Chinese descendants.

19 Q. This telegram, dated 23 April 1978, indicates that she had  
20 been arrest -- the woman had been arrested also. Do -- do you  
21 know what happened to Ny (phonetic); did -- did she survive the  
22 regime?

23 [13.48.20]

24 A. I do not know about that. We have separated from each other  
25 since the time, so I do not know about that.

1 Q. Fair enough. I also wanted to ask you about some individuals  
2 who worked at the K-17 office, the sector secretary's office. Did  
3 you know two individuals named Thin and the other, Vin -- Vin Loi  
4 (phonetic) or Loy, who worked at K-17 and can you tell us what  
5 happened to Thin and Loy during the Khmer Rouge regime?

6 A. The name was Thin, not Tin (phonetic). His name was Thin. He  
7 got married and he was <the> chief of K-17 office. He, later on,  
8 committed an immoral act, as Sot did, and he was arrested and put  
9 in Nang Khi Loek worksite.

10 Q. Was -- was Thin a relative of yours and did-- did he survive  
11 the regime?

12 A. He survived the regime; however, he passed away last year.

13 Q. And what about the person who succeeded Thin as the head of  
14 K-17; you described this person as someone that you knew since  
15 1970; what happened to this person Vin-- Vin Lay or Loy -- I'm  
16 not sure how to pronounce his name -- what happened to the person  
17 who succeeded Thin as the head of the K-17 office?

18 [13.51.11]

19 A. <When> I was <about to be sent to the> hospital<>, I noticed  
20 that Ta Loy came to take me from Roya and he told me that he  
21 succeeded Thin as the chief of K-17 office. And then there was  
22 another individual, Sarun, who replaced Ham, since the time. Loy  
23 told me <that, and I've known him since>. And later on, when <it  
24 was close to the liberation, 7 January>, I heard that Loy was  
25 also arrested. <I didn't know about it because I had been

1 hospitalized.>

2 Q. And have you ever seen Loy again since 1978?

3 A. No, that was the only time. When I saw him, it was the time  
4 when he took a vehicle and took me to the hospital.

5 [13.52.42]

6 Q. Your Honours, for the record, S-21 prisoner lists, E3/2251 and  
7 E3/1651, record that Vin Loy, chief of office of Sector 105,  
8 entered S-21 on the 20th of October 1978.

9 Mr. Witness, I want to turn to the final subject -- a general  
10 subject I'm going to ask you questions about today which has to  
11 do with Vietnam and the Vietnamese.

12 First, can you tell us what happened to the Vietnamese people in  
13 Mondolkiri during the Khmer Rouge regime?

14 A. I am not quite sure <of> your question; could you repeat it?  
15 Nothing <> was related to Vietnamese.

16 Q. My question has to do with whether there were any ethnic  
17 Vietnamese people or Vietnamese nationals who were living in  
18 Mondolkiri as of April 1975, and if so, what happened to them  
19 during the regime?

20 A. If my recollection is correct, for Vietnamese <ethnic>  
21 minorities <in Mondolkiri,> there were <not> many of them. <But  
22 perhaps, if they were killed, they might have been> killed before  
23 1975, but <> there was a small group of minorities -- Vietnamese  
24 minorities and <even> if there were, they <might> not <have  
25 survived it>.



1 [13.55.14]

2 MR. PRESIDENT:

3 Mr. Witness, please respond to what you have known, you have  
4 experienced, and what you have observed. What you do not know,  
5 please do not give a guess to respond to the question and if you  
6 do not know, please say so. Please state your answer clearly. You  
7 have to comply with your obligation as a witness here; that is,  
8 to answer what you have remembered, what you have seen and what  
9 you have observed of the facts in relation to the question put to  
10 you.

11 [13.56.01]

12 MR. LYSAK:

13 Let me ask you, Mr. Witness, about something you said in your  
14 DC-Cam interview E3/5636, Khmer ERN, 00042474; English, 00711212;  
15 French, 00727131. You're discussing -- you were discussing in  
16 this part of your interview the Vietnamese presence in Cambodia  
17 and the removal of Vietnamese troops.

18 You made the following statement, quote:

19 "The Khmer Rouge did not stop there. In Kratie they even  
20 assaulted and killed all 1,800 Vietnamese people of Poulu commune  
21 starting from Louk Ninh." End of quote.

22 How did you know about the killing of 1,800 Vietnamese people in  
23 Poulu commune? How did you know about that?

24 A. I learned of this information after 1979.

25 Q. Who did you learn that from?

1 A. I heard <it> from <the> Vietnamese expert who worked with  
2 me<>.

3 Q. And did -- do you know what year this took place?

4 A. To my knowledge, it was in 1978.

5 [13.58.26]

6 Q. What -- Where is Poulu (phonetic) commune? Is it in Kratie or  
7 is it in Vietnam?

8 A. It is in Vietnam.

9 Q. All right. Going back to Mondolkiri during the Khmer Rouge  
10 regime, can you tell us -- do you know what happened to people  
11 who were discovered to have connections to Vietnam; for example,  
12 people who had relatives in Vietnam, people who had contacts with  
13 that country or cadres who had been trained in Vietnam? Can you  
14 tell us what happened to those people during the regime?

15 [13.59.30]

16 A. To my knowledge, those who went to study in North Vietnam in  
17 1951, came back to Cambodia in 1970, and then they joined the  
18 resistance with the Khmer Rouge and they were given a certain  
19 position at different institutions in <districts> and in  
20 <provinces>.

21 <For example>, those who were <specialized in the military> were  
22 sent to be part of <the> soldiers and those who were specialized  
23 in medicine were sent to be part of the medics and <those who  
24 were specialized in politics> were sent to political fields.

25 <In Mondolkiri province, there were only three individuals. Those

1 were> Sin, Mala and Phin (phonetic)<>. Ta Phin (phonetic) <>  
2 specialized in <> medicine so he was sent to be part of the  
3 medics and Mala was <specialized in politics so she/he was> sent  
4 to <replace Ta Sarun, the Secretary of Pech Chenda district>. <Ta  
5 Sin> (phonetic) was specialized in <the military and the>  
6 artillery so he was sent to be part of <that field,> and in 1973  
7 they disappeared.

8 Q. And what about people who had relatives living in Vietnam? Did  
9 anything happen to those people?

10 A. Those who had their relatives living in Vietnam, some of them  
11 actually returned from Vietnam after they had fled. And to my  
12 recollection there were about 60 of them who returned. Nothing  
13 happened to them. However, certain individuals who fled and were  
14 arrested, they would be killed.

15 Q. Let me ask you then about what you said in your OCIJ interview  
16 on the subject, and this is E3/5178, at Khmer, 00197857; English,  
17 00274095 through 96; French, 00485181. This is what you testified  
18 to the investigators, quote:

19 [14.02.38]

20 "Later in 1977, the victims were accused of being Vietnamese  
21 supporters. The Khmer Rouge cadres were also executed. As most of  
22 them were educated in Vietnam they were accused of being CIA or  
23 KGB agents. Therefore, many people died in this province. The  
24 relatives or associates of such cadres were also executed. A  
25 person whose relatives were living in Vietnam would also be

1 killed if this was known to Angkar. Kaoh Nheaek and Kaev Seima  
2 were the districts in which most victims were killed. Most of the  
3 killings occurred in July 1977, and the victims were accused of  
4 being Vietnamese network." End of quote.

5 [14.03.45]

6 You told OCIJ that a person whose relatives were living in  
7 Vietnam would be killed if this was known to Angkar. How did you  
8 know that and can you identify any people who were killed because  
9 of that?

10 A. <Those people,> who <were> killed because <of their> relatives  
11 lived in Vietnam, <were> part of the network of Ta Bun Net  
12 (phonetic) and also a network of Ta Youn (phonetic); <so they  
13 were> also killed.

14 However, they were not killed as a group. Only those <> linked to  
15 a particular network would be arrested and killed and later on,  
16 if other individuals were discovered that they were part of  
17 another network, they would be arrested individually and killed.  
18 They were not arrested as <a huge group or a network> but an  
19 individual arrest was made.

20 Q. Thank you. I also want to ask you about the issue of cadres or  
21 people accused of having contacts or communications with the  
22 Vietnamese. During the regime were people who had engaged in  
23 contacts or communications with the Vietnamese accused of being  
24 enemies?

25 A. If they were suspected of having <communication> with Vietnam,

1 it <would> result in their arrest. <Particularly>, Phinit and  
2 Loeuy they were suspected and for that reason they were arrested.  
3 They actually shook hands with the Vietnamese and did not attack  
4 them.

5 Q. And you talked about this in your interviews. Can you explain  
6 why it was that these two men didn't attack the Vietnamese?

7 [14.06.50]

8 A. When they went to meet the Vietnamese along the border they  
9 shook hands with them and refused to attack them. They actually  
10 requested the Vietnamese to remove their position from the  
11 Kampuchean territory. <If they met a next time, they would  
12 fight.> Ham <alias> Laing didn't agree with that; for that  
13 reason, they were arrested along with those who linked to their  
14 networks, <and killed>.

15 Q. Let me ask you a little bit about the relationship with  
16 Vietnam. You have testified today that Mondolkiri was liberated  
17 in 1970. Can you describe for the Court how Mondolkiri province  
18 was liberated in 1970, and specifically whether the North  
19 Vietnamese army helped or worked with the Khmer Rouge to liberate  
20 Mondolkiri and other provinces in the northeast?

21 [14.08.20]

22 A. In 1977, after Sihanouk went to China, he made an appeal  
23 through Vietnam and since I was living along the border, I was  
24 living with Vietnamese and they told us that the King agreed to  
25 accept the support from <my team> to attack <Kampuchea>.

1 <It was not yet one month since they met and told me.> Mondolkiri  
2 was liberated in June <'70>. In fact, it was the North Vietnamese  
3 troops who liberated that part and it was not us, the Khmer  
4 Rouge, who liberated the area. However, after they liberated that  
5 part of the country they <called> us, <the Khmer Rouge,> to  
6 administer the liberated zone.

7 We then entered the liberated area. We confiscated the firearms  
8 from the <former> soldiers, and removed positions from commune  
9 heads and other chiefs>. And some of <them> were arrested, <some  
10 were killed, and some were> sent for <re-fashioning> while others  
11 were allowed to stay and live with the ordinary people. That  
12 happened in 1970.

13 Q. And how long did Vietnamese troops or cadres remain in  
14 Mondolkiri after 1970? How long were there still Vietnamese  
15 soldiers in your province?

16 A. To my knowledge, Vietnamese had <a> relationship with the  
17 Khmer troops in 1966, and by 1970, there were plenty of forces of  
18 Vietnamese troops scattered in <Stung Treng>, Ratanakiri and  
19 Mondolkiri provinces. The Khmer Rouge actually could seek support  
20 from the Vietnamese troops in order to attack the government at  
21 the time.

22 [14.11.18]

23 Q. I wanted to ask you about something you said in your OCIJ  
24 interview. This is at E3/5178, Khmer, 00197860; English,  
25 00274099; French, 00485184.

60

1 You stated here, you described how you were working for your  
2 uncle, Kasy, since 1971. Then you state from 1974 to 1975 you  
3 were in charge of receiving aid from Vietnam. Can you tell us  
4 what type of aid was being provided by Vietnam during those  
5 years?

6 A. In late 1974 or early 1975, the Vietnamese had <contact> with  
7 the local authority in Kaev Seima district and they actually  
8 provided some aid to the Khmer Rouge.

9 At that time, I was a bodyguard <> accompanying Laing <alias> Ham  
10 who was secretary of the province and they actually liaised with  
11 the Vietnamese provincial committee by the names of Tung  
12 (phonetic), <Ta> May (phonetic) and <Ta> Doek (phonetic).

13 [14.13.12]

14 And the Vietnamese side promised to provide some fuel, medicines  
15 and some rice seeds as well as <some bullets>. And I actually  
16 <went> there and I actually carried <that aid> onto the truck. I  
17 cannot tell you the exact amount. However, there were 60 <or  
18 more> trucks loaded with <aid> <>.

19 Q. And do I understand correctly this is something that occurred  
20 as a result of liaisons or contacts between the Sector Secretary  
21 Laing and authorities in Vietnam? Is that correct?

22 MR. PRESIDENT:

23 Witness, please observe the microphone.

24 MR. CHAN BUN LEATH:

25 A. It was the liaison at the provincial secretary level, not at

61

1 the district <secretary> level.

2 BY MR. LYSAK:

3 Q. And what was done with the aid that the sector received from  
4 Vietnam? What was done with the fuel, the rice and the other  
5 supplies?

6 [14.15.02]

7 MR. CHAN BUN LEATH:

8 A. To my knowledge, during the negotiations the Vietnamese agreed  
9 to transport the aid to Kaoh Nheaek. However, Ham refused to  
10 agree to that and he would ask his subordinates to actually  
11 transport them to Kaoh Nheaek. However, Vietnamese agreed to  
12 transport them to <> Pech Chenda <district> from Kaev Seima but  
13 it was us who actually carried <that aid> and materials onto the  
14 trucks. And then Ta Ham would transport <that aid> from Pech  
15 Chenda <district> to Kaoh Nheaek.

16 As for the rice seeds, <seven decimeters high of IR-type rice  
17 seeds were> used for transplantation in the rice fields <in Kaoh  
18 Nheaek> and the medicines -- medicinal supplies were sent to the  
19 sector hospital, while the <bullets> were sent to the military<>.  
20 And there were also uniforms supplied by the Vietnamese and those  
21 uniforms were given to soldiers.

22 [14.16.23]

23 Q. With regards to the fuel you received, did you use the fuel  
24 received from Vietnam to help build the Ou Buon Krom Dam?

25 A. As for the fuel, the fuel was actually used to build a few



62

1 dams; that is Ou Buon Krom, Ou Buon Leu and Ou Yeh. There was a  
2 pretty large amount of fuel although it was not sufficient for  
3 all the construction site purposes.

4 Q. And the Ou Buon Krom Dam that you used this fuel to help  
5 build, was this the same dam site that Khieu Samphan visited in  
6 1974?

7 A. There was <> only <one> dam, <not many dams>.

8 Q. I want to ask you about one more thing that you say. Sorry.

9 Did you have something that you wanted to add?

10 A. No.

11 [14.18.04]

12 Q. I wanted to ask about another statement in your OCIJ  
13 interview, E3/5178. This is at Khmer, 00197858; English,  
14 00274097; French, 00485182.

15 And you stated to OCIJ, quote: "It was KR, the Khmer Rouge who  
16 fought Vietnam and Vietnam did not fight us." End of quote.

17 And in your DC-Cam interview, E3/5180, Khmer, 00198718; English,  
18 00274112; French, 00403440; you said something similar. I quote:

19 Question: "Did the Vietnamese attack us or did we attack the  
20 Vietnamese?"

21 Answer: "We attacked the Vietnamese and not the other way  
22 around." End of quote.

23 Can you explain why -- why it is that you said that the Khmer  
24 Rouge attacked Vietnam and not the other way around?

25 [14.19.46]

1 MR. PRESIDENT:

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

3 MR. KOPPE:

4 So just a request for clarification, because I heard completely  
5 different numbers. Are you referring to a DC-Cam statement or  
6 another WRI?

7 BY MR. LYSAK:

8 Two. There is -- the first statement was from OCIJ interview  
9 E3/5178, the second was from DC-Cam interview 5180. Pardon me.  
10 Yes, DC-Cam interview 5180.

11 Q. The question, Mr. Witness, why did you say -- why did you say  
12 that it was the Khmer Rouge who attacked Vietnam and not the  
13 other way around?

14 A. At that time, Vietnamese troops didn't fully retreat from  
15 Kampuchean territories and the Khmer Rouge troops wanted the  
16 Vietnamese troops to actually fully retreat from Kampuchean  
17 territories and as a result, they attacked the Vietnamese troops  
18 on two occasions <in Kaev Seima district>. On the first occasion,  
19 the Vietnamese lost about 30 soldiers. On the second occasion,  
20 about 60 soldiers were killed although the Vietnamese did not  
21 fight back. <That's why I bring it up to clarify>.

22 [14.21.31]

23 Later on, they used loudspeakers to communicate to one another  
24 and the Vietnamese side asked why they were attacked because we  
25 were friends, as in the past we used to share a cigarette.

64

1 And the soldiers' side -- the Khmer Rouge side said they didn't  
2 fight the Communist Vietnamese but they actually fought the  
3 Vietnamese invaders who encroached on the Kampuchean territory  
4 and many more issues actually arose from this problem.

5 Q. And a little earlier you mentioned about two soldiers who had  
6 been arrested for not engaging the Vietnamese. I believe the  
7 names Phinit and Loey, if I remember right. Were these two  
8 soldiers, people who had previously worked together with the  
9 Vietnamese during the war from 1970 to '75? Did they know these  
10 Vietnamese troops that they did not want to engage?

11 [14.22.58]

12 A. Yes. They used to fight together, to share their base  
13 together, so later on, when they confronted one another, they  
14 refused to engage. And then they were reported to the upper  
15 echelon and not only these two were arrested, <almost all of>  
16 their soldiers under their commands were also arrested.

17 Q. Thank you, Mr. Witness. I am almost done with my questions.  
18 There is one last thing I was hoping you might be able to help us  
19 with.

20 And, Mr. President, with your leave I would like to provide to  
21 the witness -- this is the supplementary information form of a  
22 civil party, document E3/6760A. This is a person who is  
23 potentially going to testify in these proceedings. He identifies  
24 a security office and describes it and provides a location. I  
25 would like the witness to see this location to see if he can help

65

1 us understand where the security office was. So with your leave,  
2 may I provide E3/6760A to the witness?

3 MR. PRESIDENT:

4 Yes, you may.

5 [14.24.58]

6 BY MR. LYSAK:

7 Q. And Mr. Witness, don't say the name of this person. Please  
8 don't say the name of the individual who is on this document. But  
9 you see a highlighted reference there. This civil party was a  
10 Division 920 soldier and he describes being detained at a special  
11 security office near the foot of a mountain near a tributary of  
12 the stream Ou Lpov in Kaoh Nheaek district. This is not a person  
13 from Mondolkiri. So I am -- my question to you is, do you know  
14 which security office is being referred to here? We don't have  
15 very many detailed maps of your -- of Kaoh Nheaek district. Do  
16 you know where the Ou Lpov stream is and do you know what  
17 security office was located at the foot of the mountain near that  
18 stream?

19 [14.26.24]

20 A. There was no <name of> Ou Lpov <> in Kaoh Nheaek district.

21 Q. So you are not aware of any stream or river by that name in  
22 Kaoh Nheaek district; is that correct?

23 <A: (unintelligible)>

24 MS. SOK SOCHEATA:

25 He asked you if there was no Ou Lpov stream in Kaoh Nheaek

66

1 district, were there any other streams?>

2 A. In Kaoh Nheaek district, there were Ou Roya, Ou Roveak, and Ou  
3 Yeh, but there was no Ou Lpov.

4 Q. Was there a stream nearby either the K-11 office or the Phnom  
5 Kraol Security Office? Did either of those offices have a stream  
6 nearby?

7 A. In Phnom Kraol, there was only one dam there. The name was  
8 known as Ta Sot. It was next to Phnom Kraol and there was no  
9 stream nearby. The prison was located nearby that area.

10 MR. LYSAK:

11 Thank you, Mr. Witness, for answering my questions.

12 We have no further questions, Mr. President.

13 MR. PRESIDENT:

14 Thank you.

15 I would like to hand the floor now to the Lead Co-Lawyers for  
16 Civil Parties.

17 [14.29.31]

18 QUESTIONING BY MS. TY SRINNA:

19 Thank you, Mr. President. Good afternoon, Your Honours. Good  
20 afternoon, Mr. Witness. My name is Ty Srinna. I am a lawyer for  
21 civil parties and I have a few questions to put to you.

22 Q. There is one question that I would like to put to you in  
23 relation to Kasy and that is in reference to document E3/5178,  
24 and the Khmer, 00197863; and English, 00274102; and French,  
25 00485187. In your statement <with the OCIJ,> you said, "Three or

1 four months before the arrest of Svay, Kasy was <already> removed  
2 from his position."

3 Can you tell the Court who actually had the authority to remove  
4 Kasy from his position?

5 [14.31.08]

6 MR. CHAN BUN LEATH:

7 A. Yes, I can do that. It was the sector secretary who had the  
8 overall authority at the time and who actually removed him from  
9 his position.

10 Q. Thank you. So it means that the removal and appointment of an  
11 individual at the district level was conducted and decided by the  
12 sector. Is this true?

13 A. <Yes, in general, the appointment was also made by> the sector  
14 committee. Secretary of the sector or secretary of the province  
15 had the authority to remove and to appoint an individual in the  
16 district.

17 Q. Did the sector <level> seek approval from upper level or was  
18 it the <sector level's> decision to deal with the matter by  
19 themselves?

20 A. I am not quite sure on this issue. I did not know about the  
21 contact or relation with the upper echelon.

22 Q. Thank you. I want to seek a clarification from you in relation  
23 to Trapeang Pring, the execution site <that> you told the Court  
24 <this morning>. Did this <Trapeang Pring execution site> have  
25 another name besides Trapeang Pring?

68

1 A. There was no other name. On the road from Kaoh Nheaek to  
2 Kratie <province,> there was a location or a lake and that lake  
3 was named and known as Trapeang Pring.

4 [14.33.57]

5 Q. I am now asking you about the relation or the work at K-15  
6 <office>. You made mention about <the offices of> K-15, <K-16>  
7 and <K-17>. What was the relation of the three offices with the  
8 Sector <105> and how did those offices communicate with the  
9 sector <in relation to their work>?

10 A. Frankly speaking, those offices were under the control and  
11 management of the sector or province. K-16, K-11, K-37, and Roya  
12 <office> was K-37 and that was the worksite for agricultural  
13 production. These offices were within the supervision of the  
14 province. At the time, there was no telephone communication  
15 system. Usually, the communication happened through letter.  
16 Letters were sent by messengers who <rode the> horse <or the ox  
17 cart>.

18 [14.35.46]

19 Q. Thank you. In relation to those offices, did all those offices  
20 communicate with other levels in relation to their work  
21 conducted?

22 A. Yes, <they used all those communication ways I have mentioned  
23 above>.

24 Q. In relation to tasks and events happening in the whole Sector  
25 105, for instance, there was an event you described in the

69

1 morning in relation to one group of individuals who had a  
2 connection to <Kasy>, 18 of them fled to Vietnam. Was this event  
3 known to all offices or the information was revealed to only the  
4 office which was in charge of that matter?

5 A. When there was any event -- when there was an event, the  
6 information was communicated to particular locations <by  
7 messengers. We had to know> to be cautious or to issue any  
8 measures or actions.

9 Q. Thank you. I am now asking you about meetings.

10 Did you ever attend any meetings and how many times did you  
11 attend those meetings when you worked in Sector 105, rather,  
12 Sector 15?

13 A. I never attended meetings. However, <if> I <went> there as a  
14 messenger<,> I <just> served meals; for example, water or rice to  
15 those participants.

16 [14.38.40]

17 Q. Did you ever attend any rallies?

18 A. Yes. I attended a rally at Ou Buon Krom Dam site. That rally  
19 was held to celebrate the Khmer New Year as well and the content  
20 of the rally was about the war with Vietnam. <There were  
21 hundreds, thousands of people attending that rally.>

22 Q. Thank you. Concerning that rally, how many times did that  
23 rally take place <during the time you worked there>?

24 A. In fact, it was a small rally and small rallies <at offices>  
25 occurred very frequently about the arrest of people. Regarding



1 big rallies, <they were held occasionally.> Villagers from  
2 different villages and <districts> were invited to those big  
3 rallies. And as for small rallies, <they were held> very often  
4 <at the offices or the units. For instance, they arrested a  
5 person, tied him/her up and put him/her on display, and they then  
6 held the rally which lasted one or two hours>.

7 [14.40.30]

8 Q. Concerning small rallies, <> you stated that small <rallies>  
9 were held very frequently, <every hour (sic) it was held>. During  
10 the small <rallies,> who attended those small <rallies> and who  
11 presided over those small <rallies> and particularly -- in  
12 particular, about the arrests of people?

13 A. Usually the chief of respective units presided over small  
14 <rallies> and announced <them>.

15 Q. Thank you. It is my last question perhaps.

16 You stated that you arrived at a location <in Roya> where you  
17 were herding cows, and at the time, you went to fetch water to  
18 drink. You went to an office and you noticed there was a vehicle  
19 parking at that location and a group of people was on that  
20 vehicle or truck at the time. Did you look at those people and  
21 were there <men or> women and children among them?

22 A. <I only heard them speak because> the vehicle was completely  
23 covered with tent and there were guards guarding that vehicle.  
24 The container of water was close to the vehicle and I went to  
25 fetch the water at that location. There was an individual who

71

1 used to work with me at Kaev Seima <district> and asked me to  
2 give some water and I <apologized and said> I could not give him  
3 water, <and then I said that, "Now I am assigned to herd cows and  
4 buffalo at Roya">. He asked me <whether> Kasy was <still> alive.  
5 <When> I left him, I held his hand <and said goodbye>. When <the  
6 vehicle arrived at Roya, those people had been arrested and put  
7 in that vehicle>. I did not dare to give him some water and I was  
8 in a hurry to get water to avoid any danger happening to me.

9 [14.43.34]

10 Q. Beside that truck or vehicle, you used to walk in and out of  
11 Roya worksite. Did you happen to see the transport of people on  
12 vehicles frequently?

13 A. It did not happen very frequently and I did not enter into --  
14 I did not walk to that location very often.

15 Q. I have another question in relation to K-11. You stated that  
16 K-11 was the temporary detention office and that office was used  
17 to house minor offenders. After offenders that were detained at  
18 that K-11, were torture inflicted on offenders and was  
19 interrogation conducted?

20 [14.44.49]

21 A. I am not quite sure on this particular issue. I used to  
22 <chitchat or> meet with those who were detained in the office and  
23 after they were released, they often discussed about the  
24 detention with me but I'm not quite sure about this particular  
25 issue as you raised.

72

1 MR. PRESIDENT:

2 Thank you. It is now time for a break. The Chamber will take a  
3 short break from now until 3 p.m.

4 Court officer, please assist the witness during the break time  
5 and please invite him together with his duty counsel into the  
6 witness stand in the courtroom at 3 p.m.

7 The Court is now in recess.

8 (Court recesses from 1145H to 1503H)

9 MR. PRESIDENT:

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

11 And the Chamber wishes to hand the floor to the Co-Defence teams,  
12 first to the defence team for Nuon Chea to put questions to the  
13 witness.

14 You may proceed, Counsel.

15 QUESTIONING BY MR. KOPPE:

16 Thank you, Mr. President. Good afternoon, Mr. Witness. I would  
17 like to ask some questions this afternoon. I am counsel for Nuon  
18 Chea and I would like to follow up with some questions about  
19 Vietnamese military incursions or attacks or, rather, the  
20 question in more general, who started first.

21 Q. In your DC-Cam interview E3/5636, Khmer ERN, 00042473;  
22 English, 00711210; and French, 00727130; you say the following,  
23 and let me quote you.

24 [15.05.27]

25 Question: "In your opinion, what were the factors causing the

1 Khmer Rouge to collapse?"

2 And then you answer: "I could foresee it in advance since they  
3 tended to be against the Vietnamese. They bombarded us with  
4 propaganda. They did not allow the Vietnamese to encroach the  
5 territory. Conflicts along the border were also a factor. The  
6 Vietnamese seemed to incite. One side of Au Hoch Viech belonged  
7 to Khmer while the other side belonged to Vietnam. Yet the  
8 Vietnamese stayed on the Khmer side. Khmer asked them why they  
9 did not go back home since the independence had been successful.  
10 The Division 920 soldiers shot and killed 30 to 60 of them each  
11 time, yet they did not fight back." End of quote.

12 What did you mean when you said the Vietnamese seemed to incite?

13 MR. CHAN BUN LEATH:

14 A. When the soldiers from the division attacked the Vietnamese  
15 troops, as I stated earlier, Vietnamese troops didn't want to  
16 retreat from the territory and that was their remaining post.  
17 They said that they would need a few days to remove their  
18 materials first. But soldiers from Division 920 did not wait and  
19 they engaged in the attack. That was the first clash.

20 And the division did not know whether there was any negotiation  
21 at the upper level. For that reason, they engaged in the attack.

22 Q. Well, is it correct to say that you yourself were not a  
23 soldier? You were not involved in Division 920 or in any other  
24 Northeast Zone division; is that correct?

25 [15.08.30]

74

1 A. Yes, I was not a soldier. However, within the area of Kaev  
2 Seima district, I learned a few things.

3 Q. Well, let me read to you what a Division 920 soldier has told  
4 an investigator of DC-Cam. I will read to you from the excerpt of  
5 his statement and then I will ask you to give your reaction. That  
6 is E3/7960, Khmer ERN, 00851665 and 66; English, 00450295; and  
7 French, 0073898 and 99 (sic).

8 So he is someone, as I said, within Division -- excuse me.

9 MR. PRESIDENT:

10 Deputy Co-Prosecutor, you have the floor.

11 [15.10.00]

12 MR. LYSAK:

13 Yes, thank you, Mr. President. I just want to make clear on the  
14 record that this is not the actual transcript of the interview.

15 This is a summary that was prepared. I think we do now or counsel  
16 has put the transcript on the record, but I think it hasn't been  
17 translated.

18 But I just want to make it clear this is a summary and not the  
19 actual interview transcript.

20 BY MR. KOPPE:

21 I believe I said it was a summary. But it is indeed a summary.

22 There is no doubt about that and, indeed, we are asking for a  
23 complete English translation of his statement. I have been  
24 quoting from this summary before.

25 Q. So, Mr. Witness, he is saying, "In 1977, there were Vietnamese

75

1 attacks. It was the Vietnamese who started the attacks first."  
2 These are two sentences from his summary. So this Division 920,  
3 is saying, that it was, rather, the Vietnamese who started the  
4 attacks with the military incursions first and not soldiers of  
5 Division 920 or other divisions.

6 MR. CHAN BUN LEATH:

7 A. I disagree with that because I lived in the area. They never  
8 attacked us first. It was us who attacked them. So I would like  
9 to deny that statement.

10 [15.11.55]

11 Q. Well, let me then confront you with not someone -- somebody's  
12 testimony but, rather, with a contemporaneous telegram.

13 Mr. President, that is E3/887, English ERN, 00185223; Khmer,  
14 00021448; French, 00283096. This is a telegram of Sao Sarun, Ta  
15 05, directly to Uncle 89 which is Son Sen, and he says the  
16 following, and I quote from his telegram:

17 "In the night of 22nd January '76, the Vietnamese secretly came  
18 to our camp at the front and at the back attacking our patrol  
19 guards."

20 Point 3: "We have not attacked them. We still negotiate firmly  
21 because that is our land."

22 [15.13.07]

23 And then adding at the back -- at the end of the page:

24 "At 11 o'clock on this, 23rd January '76, they send more troops  
25 to attack us again. We have not fought back yet." End of

76

1 quotation.

2 And let me read to you something that, in his turn, Son Sen told  
3 members of the Standing Committee, and that is document E3/221.

4 These are Standing Committee meeting minutes of 14 May '76, so  
5 about three or four months later. English -- Khmer ERN, 00000813  
6 (sic); English, 00182696; and French, 00386178.

7 And Son Sen is reporting to Pol Pot, Nuon Chea and others the  
8 following, and I quote:

9 "Along the border they keep on coming in non-stop. We did not go  
10 looking to make trouble with them at all. According to experience  
11 if they come in when we do not chase after them and they do not  
12 go. But when we get strict that's when they go. That is in  
13 Ratanakiri. In Mondolkiri we do not attack them at all. We  
14 respect the instructions of the Party absolutely and do not let  
15 get it tense."

16 So, Mr. Witness, I gave you a quote from a contemporaneous  
17 document, a quote from Son Sen reporting to the highest level. It  
18 seems that the idea was that the Vietnamese were the ones always  
19 starting the attacks. Can you give a reaction, please?

20 [15.15.54]

21 A. Regarding this matter, people would say his or her response is  
22 correct and I, myself, stand by my statement.

23 MR. PRESIDENT:

24 Through the Khmer interpretation, we have a different view. The  
25 witness initially testified about attacking the Vietnamese and

77

1 that it happened in 1973, when there was a motive to ask the  
2 Vietnamese to retreat from the territory and stop receiving aid  
3 from the Vietnamese side, and that they did not attack the  
4 <North> Vietnamese but attacked the Vietnamese invaders.  
5 And the documents referred to by Counsel Koppe, refer to what  
6 happened during the Democratic Kampuchea regime at a later stage.  
7 [15.17.09]

8 BY MR. KOPPE:

9 That is correct. I understood his testimony to be that he,  
10 indeed, gave evidence about aid, Vietnamese aid, in 1974.  
11 However, my questions were clearly about post-April '75, but  
12 maybe it was unclear. Let me be very clear to the witness.

13 Q. Mr. Witness, I confronted you with a Division 920 soldier. I  
14 confronted you with a Son Sen report to the Standing Committee. I  
15 read out an excerpt from a telegram from early '76, so my  
16 question is really relating to the years '76 and '77. So I'm not  
17 asking anything about your understanding of what happened in 1974  
18 or before. Just to be clear.

19 So my question again is, are you still maintaining your position  
20 that in 1976 and 1977, were the Vietnamese -- rather it was --  
21 were the armies or the divisions of DK that started instead of  
22 the Vietnamese army?

23 [15.18.39]

24 MR. CHAN BUN LEATH:

25 A. Allow me to tell the Court the truth. Those who <used to> live



78

1 with me were former soldiers too, and one of them <by the name  
2 Chrin> was handicapped as he lost his leg. However, he is  
3 deceased.

4 He partook in the attack and it was <not> the Vietnamese who  
5 actually attacked us, but it was us who attacked them because  
6 they refused to retreat, and they said that they would retreat  
7 but they had to transport their equipment first. And that's what  
8 happened.

9 So the Vietnamese did not attack the Khmer troops in Khmer  
10 territory, <but Khmer troops attacked the Vietnamese troops in  
11 the Khmer territory; that was the first event.> And the <second  
12 event> happened at Ou Hoch (phonetic), and the third event  
13 happened in <> Dak Dam <mountain> during the clash. Soldiers on  
14 both sides were the casualties of the clash, and I do not know  
15 how much <> knowledge you know about the clash along the borders,  
16 in particular that area.

17 [15.20.00]

18 There was a route since the French colony <and it has been called  
19 Slab Pong Chea (phonetic),> Kbal Ou Hoch (phonetic) <and Kbal Ou  
20 Tang (phonetic)>, and it <now has> a contentious issue in  
21 relation to the border and that's because of the unclear <maps>  
22 drawn by the French colony at the time. <One time, they put Ou  
23 Hoch (phonetic) as the border, and another time, they put Ou Tang  
24 (phonetic) instead>. And both countries have wanted to claim that  
25 <> part as a part of their territory.

79

1 And if we think <that> Ou Tang (phonetic) was part of our  
2 territory, it means that the Vietnamese were actually encroaching  
3 on the territory. And the Vietnamese had their military barracks  
4 there and the Khmer Rouge actually attacked them in that area.

5 <So the question is: were they actually attacking us?>

6 And that is the truth and it is up to you to decide on who was at  
7 fault.

8 JUDGE FENZ:

9 Sorry, just one last piece of -- an attempt to clarify.

10 In your words, when did this happen? You give us a year. When did  
11 it happen that DK forces attacked the Vietnamese? Which year or  
12 years?

13 MR. CHAN BUN LEATH:

14 It was in late 1977.

15 [15.21.44]

16 BY MR. KOPPE:

17 Q. Well, let me finish this line of questioning by reading you  
18 two -- the excerpts of two more telegrams in relation to the  
19 area.

20 In chronological order; first E3/1099, 1099. It's a telegram  
21 dated 5 -- sorry, 9 June 1977. It is from the political section  
22 of Division 920. Also, again, to Son Sen. It's only one page,  
23 English ERN, 00509691; Khmer, 00376547; and French, 00519863.

24 <San> is reporting to Son Sen as follows:

25 "On 2 June at Spearhead 91 at Ou Leav, a Vietnamese airplane,

80

1 locally known as "Trung Chrouk", flew over our territory about  
2 four kilometres away from the border. On Spearhead 92 after  
3 burning their trucks, the Vietnamese fighter plane, locally known  
4 as "Cheung Staok", fired and dropped bombs at the area. We have  
5 arrested four Vietnamese families and three elephants, however,  
6 we have handed over them to the locals."

7 So this is a telegram June '77.

8 [15.23.26]

9 And another telegram, E3/1030, English ERN, 00324806; Khmer,  
10 00033312; French, 00623150; it says:

11 "At Au Phlay, they" -- the Vietnamese -- "intruded 20 metres into  
12 our land and cut bamboo. We attacked and killed and wounded a  
13 number of them on 17 June '77. We continued to attack during the  
14 morning of 19 June '77, killing and wounding a number of them.  
15 There were more than 100, more than 100 of them. As of now, they  
16 have not yet withdrawn, so we have developed more forces and they  
17 have pushed 500 metres deeper into our territory. None of us were  
18 harmed."

19 So both, again, Mr. Witness, both telegrams seem to suggest that  
20 it was the Vietnamese who were the aggressors and that 920 forces  
21 were defending against the Vietnamese incursions?

22 MR. PRESIDENT:

23 Witness, please hold on. You have the floor now, International  
24 Deputy Co-Prosecutor.

25 [15.24.53]

1 MR. LYSAK:

2 Thank you, Mr. President. I'd simply ask counsel to ask questions  
3 without characterizing the evidence. That may be his  
4 interpretation of the telegram, but the telegram he just read  
5 says that Vietnamese came in 20 metres and cut bamboo. And in  
6 response, they started -- the Khmer Rouge started attacking and  
7 killing them.

8 That doesn't sound at all as the way he characterizes. But he can  
9 ask the witness about what the telegram says but he shouldn't be  
10 characterizing the evidence like this.

11 BY MR. KOPPE:

12 Well, it says withdrawing, or not withdrawing and pushing "500  
13 metres deeper into our territory", but I will not characterize,  
14 Mr. President.

15 Q. Can you give a reaction, Mr. Witness, to these two telegrams?

16 [15.25.59]

17 MR. CHAN BUN LEATH:

18 A. Concerning the two telegraphs, I have never heard of such  
19 issues. I worked at Roya worksite. Sometimes I learned the  
20 information from the upper level and on this particular issue, I  
21 have no idea at all.

22 Q. Is that also because you were removed from your position in  
23 February '77? Was that the reason that you have no knowledge at  
24 all any more about events relating to Vietnamese incursions?

25 A. You can say so. Information was rarely informed us and usually

1 we learned that in meetings and rallies.

2 Q. I understand, but before February '77, you held some kind of  
3 position, deputy chief of the district office. However, after  
4 February '77, you were arrested and then sent to work.

5 Would it be fair to say that after that period you have  
6 absolutely no knowledge about Vietnamese military maneuvers into  
7 DK territory?

8 A. <> I learned from dialogues and information from dialogues or  
9 from the conversation I had with others. <But regarding the true  
10 information, it was impossible to obtain it because no one could  
11 have given us such information.>

12 [15.27.59]

13 Q. Let me -- let me move on to Svay and Bou Li. You said that  
14 they were accused of working with the Vietnamese. Let me read to  
15 you what you said yourself about this and I'll ask for some  
16 clarification and what exactly did you mean.

17 In your DC-Cam statement, Khmer, 00042477; English, 00711216; and  
18 French, 00727134;

19 you're talking about Bou Li and you say as follows:

20 "She was always a nurse. About the liaison with the Vietnamese,  
21 it is like what I said. There had been activities seen like that.

22 Her husband did for sure. He had a range of contacts. The  
23 Vietnamese had been traced till the border. He was the one who  
24 had hidden the Vietnamese spies in the province; however, his  
25 wife's arrest was because he had harmed and wanted to shoot the

1 others to death." End of quote.

2 [15.29.41]

3 What did you mean when you told the DC-Cam investigator it was  
4 Svay who was the one who had hidden the Vietnamese spies in the  
5 province?

6 A. In relation to Svay, Svay was the secretary of Kaoh Nheaek  
7 district. I do not know that he was the hidden -- he was an agent  
8 hidden inside. Ham, Ta Sarun and Kham Phoun accused Svay <of>  
9 hiding the Vietnamese spies.

10 Svay was questioned in a meeting and he said that he did not hide  
11 any Vietnamese. And on that night, he shot dead <two cadres and  
12 injured another one. The two dead were> Ky (phonetic), the  
13 secretary of Ou Reang district and Dang (phonetic). <I did not  
14 know whether Dang (phonetic) was> the chief or the secretary of  
15 <Pech> Chenda district<, because there were a lot of  
16 replacements; I cannot recall it>.

17 Later on, Svay could make an escape and he shot <> another person  
18 who was in charge of a generator and in response, that person  
19 shot Svay. <Svay was injured, and he then hung himself> to death.

20 In fact, Svay had a relation with a member of FULRO, not <the  
21 present> Vietnam<>. I learned this <from> an individual who used  
22 to be with Svay and that person said <that> Svay had a relation  
23 with a member of FULRO and that member was also known as a  
24 Vietnamese, <but this individual did not know that he had a  
25 relation with the communist Vietnamese or the democratic

1 Vietnamese>. He was under accusation and he was the one who shot  
2 others first. So <that meant> he was <really> a traitor.

3 [15.32.11]

4 Q. That's a long answer, Mr. Witness, but I'm not sure if you  
5 answered my question precisely. So I'll ask it again.

6 What did you mean when you used the sentence "He, Svay, was the  
7 one who had hidden the Vietnamese spies in the province." What  
8 did Svay do? What did he do when he was "hiding the Vietnamese  
9 spies in the province"?

10 MR. PRESIDENT:

11 Please hold on, Mr. Witness. You have the floor now,  
12 Co-Prosecutor.

13 [15.33.00]

14 MR. LYSAK:

15 Mr. President, my question is -- the objection is that question  
16 is repetitive. He did answer the question. He said he was told by  
17 Ham and Sarun that that was the accusation against Svay. That was  
18 his answer to the question.

19 Counsel doesn't like that answer, so he's asking the same  
20 question again.

21 BY MR. KOPPE:

22 I think I'm -- it was a very long answer. I didn't hear it quite  
23 like that.

24 Mr. President, I'm seeking clarification. The answer here seems  
25 to suggest that he has himself knowledge about Svay hiding

1 Vietnamese spies in the province.

2 Q. So my question is very clear. Mr. Witness, did you have this  
3 knowledge yourself or do you know this because that was the  
4 accusation against Svay?

5 MR. CHAN BUN LEATH:

6 A. Let me give you a clarification to the question. Svay had  
7 relation with the Vietnamese, but it was a suspicion. No one was  
8 sure that Svay had <a> connection <with> FULRO or Vietcong, but  
9 those who used to work with Svay said that the individual that  
10 Svay had relation <with,> was ethnically Rode, <not Vietnamese.  
11 My apology, I am not quite sure about that>.

12 [15.34.49]

13 Q. Let me read to you again an excerpt from this Division 920  
14 soldier, an excerpt from the summary of his statement, to see if  
15 I can elaborate a little bit on this; E3/7960. Mr. President,  
16 it's the same English ERN, 00450295; Khmer, 00851666; and French,  
17 0073899 (sic).

18 This Division 920 soldier speaks about what he calls, "The Kham  
19 Phoun Movement", and he was involved in suppressing the rebellion  
20 movement relating to Kham Phoun, and he says the following:

21 "Kham Phoun brought Vietnamese in through Svay. The Vietnamese  
22 were secretly kept near the village."

23 So, Mr. Witness, can you give a reaction to this excerpt from the  
24 summary of this Division 920's statement? He is saying the "Kham  
25 Phoun Movement" was or that Kham Phoun was using Svay to bring



1 into DK territory Vietnamese spies, presumably?

2 [15.36.50]

3 A. I do not know this particular issue. I am not quite sure. I do  
4 not know about the relation between Kham Phoun and Svay, or  
5 perhaps there was an accusation against Svay at the time. I do  
6 not know for sure.

7 And perhaps that was the accusation against one another, so I  
8 cannot give you my guess or estimate about the issue <because I  
9 am an ordinary person>.

10 Q. Thank you, Mr. Witness. You just mentioned, while giving an  
11 answer to my question, FULRO. What exactly is FULRO?

12 A. Regarding FULRO, FULRO frequently went in and out <of> that  
13 location and had <a> relation at the Sector <105>. FULRO was one  
14 -- members of FULRO were transported <by airplane> to Phnom Penh  
15 <once>. And I used to <ferry four or ten of them across Au  
16 Chbar>.

17 <>At first, FULROs people were <arrested, and sometimes they  
18 were> killed but <later on, they> were transported by airplane to  
19 Phnom Penh <instead, and after one week, they were sent back,>  
20 and <> I helped drive a boat to <ferry> FULRO members <again  
21 because I was at the dock>. At the time, I was sick, I felt sick.

22 [15.38.55]

23 <When they returned,> I <saw> them with nice <uniforms,> clothes  
24 and watches on their wrists. At first, when they arrived before  
25 they were sent to Phnom Penh, they had only a pair of clothes

1 that they were wearing. <From that time onwards, they did not  
2 have any dispute nor did they discriminate against FULRO  
3 anymore.> FULRO was the resistant forces of <> Vietnam, not for  
4 Cambodia. <They resisted against Vietnam.>

5 Q. The reason I was asking you about FULRO is because you offered  
6 that evidence in relation to the alleged activities of Svay and  
7 Kham Phoun which took place in 1977.

8 When you talk about FULRO, are you referring to also 1977, and  
9 their activities or are you referring to FULRO and its activities  
10 rather to 1973 or '74?

11 A. Indeed, there were members of FULRO <hidden secretly> in  
12 Mondolkiri <a> long time ago, and in Samdech Euv or the King, the  
13 late King's period, there was a location reserved for FULRO. And,  
14 later on, FULRO <> were hiding within the Vietcong forces <at the  
15 border>.

16 At a later stage, I did not know how the relation between the  
17 Khmer Rouge and FULRO happened.

18 [15.40.57]

19 Q. Well, let me first read to you what you, yourself, said about  
20 FULRO in your DC-Cam statement. Khmer, 00042468; English,  
21 00711204; French, 00727126.

22 You said the following, and I quote you:

23 "In Ratanakiri, more than 3,000 people and soldiers were killed  
24 because the FULRO had ordered the U.S. to bombard with B-52s in  
25 the centre of the city. The FULRO was razed" -- R-A-Z-E-D -- "by

88

1 the Vietnamese. The FULRO was all those who had fought for  
2 independence in central Vietnam. They wanted to recapture the  
3 Champa territory. They did not want the Vietnamese to suppress  
4 them. In the past, the Champa had belonged to the Cham, Jarai,  
5 Rode for more than 500 years and because there was no  
6 documentation they became Vietnamese. More than 3,000-4,000 of  
7 these people, which is called 1 Battalion, were stationed in  
8 Cambodia at Phnom Daoh Kramom. They were supported by the U.S."  
9 End of quote.

10 Is this something you said to the DC-Cam investigator?

11 [15.42.54]

12 A. The interviewer perhaps did not put the right points in that  
13 document. Ratanakiri and Mondolkiri Provinces were a different --  
14 two different provinces, so if they misstated, then the location  
15 of FULRO could not be mentioned correctly. <FULRO had been in  
16 those two places.>

17 Let me clarify. In 1970 when Vietnamese troops came to attack  
18 Ratanakiri, FULRO had been there and FULRO worked together with  
19 Lon Nol forces to attack the Vietnamese <Vietcong>. And, at the  
20 time, <the Lon Nol soldiers - > the Khmer soldiers said that they  
21 did not need to counter-attack since they could not win <them  
22 anyway, but FULRO said that they had to fight>.

23 [15.44.02]

24 Because FULRO had the relation with the U.S. and then FULRO  
25 called upon the U.S. <air force to drop B-52's in the town>; so

1 <their forces, Vietnamese troops> and ordinary people were killed  
2 <a lot, and the houses were almost destroyed in Ratanakiri  
3 province. But for FULRO> in Mondolkiri <at> Phnom Daoh Kramom,  
4 there was a battalion of FULRO, perhaps one battalion or one of  
5 -- that battalion consisted of 300 <or 400> members of FULRO. <Ta  
6 Khieu> Bun (phonetic) gave a location in Mondolkiri <province> to  
7 that battalion. That battalion had withdrawn before the attack of  
8 Vietnamese <Vietcong. At the time, Ta Khieu Bun (phonetic) was  
9 there, and he was resisting a little bit, and then he withdrew  
10 from the fight; so there were not many dead. There were less than  
11 600 people dead in Mondolkiri province. In contrast, Ratanakiri  
12 province was completely destroyed. Please listen to what I have  
13 said carefully>.

14 So if <those> stories was -- were merged together in the  
15 document, it is confusing. <That's why it seemed like those  
16 events happened only in Daoh Kramom, Mondolkiri; however, it also  
17 happened in Ratanakiri. In fact, at the time, FULRO were  
18 stationed in two locations>.

19 At the time, I was about 17 years-old and I learned about the  
20 information and what happened at the time.

21 Q. I understand there was a FULRO organization supported by the  
22 American authorities. They were fighting against the Vietnamese  
23 before '75. I know that. But you came up with the word "FULRO"  
24 while answering my questions in relation to events in 1977, so  
25 there's where my confusion coming from. What did FULRO exactly

1 have to do with Svay and Kham Phoun and allegedly bringing  
2 Vietnamese spies into DK territory?

3 [15.46.28]

4 A. I told the Court already. I do not know about the relation  
5 between Kham Phoun and Svay with Vietnam, but there was an  
6 accusation that Kham Phoun and Svay had something to do with the  
7 Vietnamese and I do not know about that issue.

8 Q. Let me read to you something that that same Division 920  
9 soldier said about FULRO, but then in 1978. E3/7960 again,  
10 English ERN, 00450296; French, 00763900; Khmer, 00851667.

11 He says:

12 "In 1978, FULRO movement contacted us. In 1978, arrests of FULRO  
13 was conducted and sent to Phnom Penh. They returned. They had  
14 many people and in Krang Tes they had more than 100 soldiers. It  
15 will be very difficult for the Vietnamese to come through if Pol  
16 Pot armed the FULRO on time. They were strong. FULRO were  
17 Vietnamese ethnic minorities. I met them in 1979. They wanted to  
18 liberate their nation. FULRO included Rode, Jarai, Ka Ha  
19 (phonetic)."

20 Is that something that is familiar to you; activities of the  
21 FULRO in 1978?

22 [15.48.24]

23 A. I could recall some events. FULRO was located not far away  
24 from <Mondolkiri> province. Its post was in the forest <>  
25 wherever <the> Khmer Rouge was <>. FULRO was posted <at the

1 border of Peam Ou Phlay (phonetic), close to <Dam Leang  
2 (phonetic)> mountain, and the wild <oxen> and elephants were  
3 captured by the FULRO and those wild animals were destroyed by  
4 this group of FULRO. And I do not know about the activities  
5 <between Khmer Rouge and FULRO>.

6 Q. Let me move away from the FULRO and ask you something else  
7 about possible adversaries.

8 That is the White Khmer or the Khmer Sar. You mentioned the White  
9 Khmer in E3/5178, your WRI, and you also mention the White Khmer  
10 in your DC-Cam statement. Let me give the exact reference;  
11 E3/5636; English, 00711205; Khmer, 00042468 and 9; French,  
12 00727127.

13 You're talking about the White Khmer and you say, "In 1973, there  
14 was a rebellion of the White Khmer." What exactly was the White  
15 Khmer; what can you tell you about the White Khmer? Was it also  
16 active after 1975?

17 [15.50.55]

18 A. In relation to Khmer Sar, they started their activities from  
19 1973 to 1975. From 1975 up to '77, there were no issue in  
20 relation to White Khmer, but <> issues <arose> of <Vietnamese>,  
21 KGB and <other> agents <that I had never heard or known of>.

22 Q. Who was the White Khmer? What did the White Khmer consist of  
23 and who were its members? What do you know about it?

24 A. It is a question mark in my mind as well. I do not know and I  
25 did not see the leadership of Khmer Sar but, in fact, Khmer Sar

1 was originally from the former soldiers. And as of now, I do not  
2 know who the leaders of Khmer Sar are.

3 [15.52.16]

4 Q. But what did you understand at the time that the objectives of  
5 the White Khmer was or were? What was their -- what were their  
6 plans; what were their objectives?

7 A. I do not know about their objectives during the period.  
8 Cooperatives were established. Communities were established, so  
9 the rebellions occurred and some fled into the forest. Shooting  
10 happened. People were arrested <sometimes by> villagers <>. <A  
11 lot of> executions took place.

12 Your question is about the objectives. I am not informed of the  
13 objectives and, as I said, as of now, I do not know who the Khmer  
14 Sar's leaders are.

15 I have been going around and <asking> other people about Khmer  
16 Sar and where Khmer Sar originated from; that is the question I  
17 have asked others as well.

18 Q. One last question on this subject, Mr. Witness. And I'm  
19 returning to your statement -- or your interview with the  
20 Co-Investigating Judges, E3/5178; Khmer ERN, 00197857; French,  
21 00485181; and English, 00274096.

22 You're talking about Chey Sathan, the commune chief, and you say  
23 the following:

24 "The commune chief was considered as reactionary and being as  
25 White Khmer."

1 Is that something you heard? And, if yes, what exactly did you  
2 hear?

3 [15.55.09]

4 A. Chey Sathan not Chey Satan (phonetic), Chey Sathan - Sa Than.  
5 Chey Sathan was the child of commune chief Uth (phonetic). In  
6 <the past, De Ea (phonetic) commune was in Ou Reang district,>  
7 Kratie province, <it was not in Mondolkiri province>. Later on,  
8 it was after <1962>, that <De Ea (phonetic) commune> was <put in  
9 Chbar district instead>. Chey Sathan <was a son of the commune  
10 chief and he> was arrested and locked in shackles, together with  
11 his other -- two other relatives <by the Khmer Rouge>, and they  
12 broke the shackles and two could make an escape, <and one was  
13 dead at the place>.

14 Chey Sathan is alive now and he, himself, does not understand and  
15 does not know who Khmer Sar is. There was an accusation against  
16 him that he was Khmer Sar, but he, himself, does not know what  
17 Khmer Sar is. Regarding Khmer Sar's leadership, no one is -- no  
18 one knows for sure about the leadership of Khmer Sar.

19 [15.56.40]

20 Q. Have you ever heard of the names Chan Chakrey, Chhouk, Ya, Keo  
21 Meas; have you ever heard of those names?

22 A. I have heard of the name Ya among the three or four of them.

23 Q. Who was Ya?

24 A. Ya was the Northeast Zone chief.

25 Q. Have you ever heard of a man called Koy Thuon, alias Thuch or



1 Khuon?

2 JUDGE FENZ:

3 Counsel, the question was -- somehow we didn't hear the question.

4 BY MR. KOPPE:

5 Q. Have you ever heard of Koy Thuon, also known as Thuch or

6 Khuon?

7 MR. CHAN BUN LEATH:

8 A. Yes, I heard through <the rally> and <they announced it> in

9 the sector and the announcement was that Ta Thuch and Ta Ya had

10 been arrested, but I, myself, do not know <them>.

11 Q. What is it that you heard about the arrest of Thuch and Ta Ya?

12 Or what were they accused of? Why were they arrested?

13 [15.58.52]

14 A. I do not know for sure. There was a rumour that they wanted to

15 -- they wanted the money to circulate in the market and some

16 others said they had something to do with "Yuon".

17 Q. Do you recall when you heard about Koy Thuon and Ya's arrests?

18 How many months was that before your own arrest, or how long

19 rather was it before your own arrest?

20 A. It was two month before my arrest <that> I heard that

21 information. <Later on,> I was arrested <in sector -- in K-16>.

22 Q. Would that be December '76, when you heard this?

23 A. I think it was immediately after December.

24 [16.00.37]

25 MR. KOPPE:

1 Mr. President, I'm moving to my next subject. I see it's almost  
2 four o'clock.

3 MR. PRESIDENT:

4 Thank you, Counsel.

5 Now it is time for the adjournment and the hearing will resume  
6 tomorrow, Tuesday, 29 March 2016 at 9 a.m.

7 Tomorrow the Chamber will continue hearing the testimony of Bun  
8 Loeng Chauy and then proceed to hear another witness, 2-TCW-1012,  
9 via video-link. So please be informed and please be on time.

10 Thank you, Mr. Bun Loeng Chauy. The hearing of your testimony as  
11 a witness has not come to an end yet. You are therefore invited  
12 to be here again tomorrow and perhaps it will last for another  
13 two sessions.

14 [16.01.40]

15 Thank you as well duty counsel, Sok Socheata, you may also be  
16 excused.

17 Court officer, please work with the WESU to send this witness  
18 back to the place where he is staying at the moment, and please  
19 invite him back into the courtroom so that he can further provide  
20 his testimony tomorrow.

21 Security personnel are instructed to bring the two accused, Khieu  
22 Samphan and Nuon Chea, back to the ECCC's detention facility and  
23 have them return into the courtroom tomorrow before 9 a.m.

24 The Court is now adjourned.

25 (Court adjourns at 1602H)