



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

20 January 2016

Trial Day 360

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

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I N D E X

Mr. LACH Kry (2-TCCP-844)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Mr. LACH Kry (2-TCCP-844)	Khmer
Mr. LIV Sovanna	Khmer
Mr. NHEM Samnang	Khmer
The President (NIL Nonn)	Khmer
Ms. SONG Chorvoin	Khmer

1

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

2 (Beginning of public session: 1335H)

3 MR. PRESIDENT:

4 Good afternoon, Mr. Nhem Samnang, representative of WESU, for
5 your facilitation of the location where the civil party resides.

6 Is everything ready?

7 [13.35.31]

8 MR. NHEM SAMNANG:

9 Good afternoon, Mr. President. The link has been established.

10 QUESTIONING BY THE PRESIDENT:

11 Thank you.

12 Q. And Mr. Civil Party, are you ready to testify?

13 MR. LACH KRY:

14 A. Yes, Mr. President, I am ready.

15 Q. That's good. Let we proceed with the hearing of your
16 testimony. First of all, what is your name?

17 A. My name is Lach Kry. I am in Pou Chentam, Svay Antor, Prey
18 Veng district, Prey Veng province.

19 [13.36.11]

20 Q. When were you born?

21 A. I was born in 1947 on the 15th of March of that year.

22 Q. Mr. Civil Party, please allow a brief pause between question
23 and answer session so that interpreter can interpret your
24 response into English and French.

25 What is your current occupation, Mr. Lach Kry?

2

1 A. I am a rice farmer; I worked in the rice fields.

2 Q. Thank you. And what are the names of your parents?

3 A. My father is Prech Lach and my mother is Kuoy Lat.

4 Q. And what is the names of your wife and how many children do
5 you have?

6 A. My ex-wife was Doeuk Chan. We had five children together.

7 [13.37.30]

8 Q. And what is your current wife and how many children do you
9 have together?

10 A. My second wife is Siem Savan and we have a son and a daughter.

11 Q. Thank you, Mr. Lach Kry. At the end of your testimony you will
12 be given an opportunity to make your statement of suffering for
13 the harms that were inflicted upon you during the Democratic
14 Kampuchea from 17 April '75 to 6 January '79, if you wish to do
15 so.

16 And Mr. Lach Kry, have you been interviewed by investigators for
17 the Office of the Co-Investigating Judges?

18 A. Yes, I have been interviewed for three times: one was held at
19 my house, one was at the law school and the third time was at a
20 location in Phnom Penh where I cannot recall exactly.

21 Q. And before you testified today, have you reviewed or read the
22 written records of your interview that you have provided to the
23 investigators in order to refresh your memory?

24 A. Yes, I have.

25 [13.39.20]

3

1 Q. And to your best ability, do the written records of your
2 interview that you have read reflect the statements that you
3 provided to the investigators?

4 A. Yes, they are consistent.

5 MR. PRESIDENT:

6 Thank you. And pursuant to Rule 91bis of the ECCC Internal Rules,
7 the Chamber will give the floor to the Co-Prosecutors to put
8 questions before the other parties. And the combined time for the
9 Co-Prosecutors and Lead Co-Lawyers is two sessions. You may
10 proceed.

11 [13.40.12]

12 QUESTIONING BY MS. GUIRAUD:

13 Thank you, Mr. President. Thank you, Mr. President and good
14 afternoon to all of you.

15 Q. Good afternoon, Civil Party. Can you hear me properly? Do you
16 hear me well?

17 MR. LACH KRY:

18 A. Yes, I do.

19 Q. Good afternoon. I am going to start right away with my
20 questions, Civil Party, by asking clarification from you
21 regarding your family. What I wanted to know was how many
22 brothers and sisters do you have?

23 A. I have five siblings.

24 Q. Can you provide us with their names and can you tell us if
25 these are men or women?

4

1 A. The elder brother was Lach Ny, Lach Nak, my other daughter
2 (sic) and I have another elder sister, then myself, and then I
3 have a younger sibling, Lach Natt.

4 [13.41.38]

5 Q. So therefore, how many brothers and how many sisters do you
6 have?

7 A. I have two brothers and three sisters.

8 Q. You mentioned the name of Lach Ny and you said that he is your
9 older brother. So is your older brother still alive today?

10 A. Lach Ny passed away.

11 Q. Can you tell us in which year he passed away?

12 A. He passed away in 2006.

13 Q. Thank you. When Lach Ny was still alive, what kind of
14 relationship did you keep up with your brother?

15 A. Lach Ny and I lived next door, so we were rather close. And
16 sometimes when we met we talked about our experiences in the
17 regime.

18 Q. How many -- what's the age difference between you and your
19 older brother, if you can tell us today?

20 A. He was nine years older than me.

21 [13.43.50]

22 Q. You also told us earlier that when you would meet your older
23 brother you would talk together about your experiences in the DK
24 regime. So did you already talk about the trial before this
25 Chamber with your brother? Is this a subject of conversation that

5

1 you had with your brother?

2 A. When we talked we didn't speak about the Court. We talked of
3 our missing of our parents.

4 Q. Civil Party, you made the choice of continuing your brother's
5 action before the Chamber, and I am referring to document
6 E3/6927. So can you explain to the Court why you decided to
7 continue with your brother's action before the KRT?

8 A. I continued my eldest brother's action because he passed away
9 and, actually, he told me that if he were to die then I should
10 continue his action.

11 [13.45.37]

12 Q. Thank you. Now, I wanted to bring you back to the DK period in
13 the village where you were living back then, Pou Chentam. So I
14 wanted to know if your brother was living with you back then.

15 A. My elder brother, Lach Ny, lived in a house adjacent to mine.

16 Q. Did he always live in the house next to yours or, if that was
17 not the case, when did he come back to settle in the village?

18 A. He continued living for quite a long time and only later on he
19 moved his house to a new village which is about 500 metres from
20 my house.

21 Q. And during the DK period, did your brother live in the house
22 next to yours?

23 A. Yes, that is correct.

24 Q. Did your brother always stay in Pou Chentam or did he go work
25 or study elsewhere?

6

1 A. He always stayed in Pou Chentam.

2 MR. PRESIDENT:

3 Mr. Lach Kry, you are reminded once again to have a pause between
4 the question and answer session so that interpreters can
5 interpret your testimony into French and English, and please slow
6 down your pace so that the interpreters could cover your
7 statements.

8 [13.48.03]

9 MR. LACH KRY:

10 Thank you, Mr. President.

11 MR. PRESIDENT:

12 Lead Co-Lawyer, you may continue.

13 BY MS. GUIRAUD:

14 Thank you, Mr. President.

15 Q. Civil Party, did your brother work in Phnom Penh at one point
16 in time in his life?

17 MR. LACH KRY:

18 A. Lach Ny, my elder brother, used to work in Phnom Penh during
19 the old regime.

20 Q. Do you remember the year when he came back to your home
21 village?

22 A. He returned to our home village in 1968.

23 [13.49.05]

24 Q. Was he married back then?

25 A. Yes.

7

1 Q. Under which circumstances did you meet his wife? Do you
2 remember the period and do you remember the circumstances in
3 which you met his wife? And thank you for specifying her name if
4 you remember it.

5 A. Yes.

6 Q. What was her name?

7 A. Sun (phonetic) San is her name.

8 Q. Did San arrive in the village with your brother? Did they
9 arrive at the same time and did they have children when they
10 settled back in Pou Chentam village?

11 A. When he returned he brought along his wife and they both had a
12 son.

13 [13.50.40]

14 Q. Did his wife speak Khmer?

15 A. Yes, his wife spoke Khmer.

16 Q. And back then when your brother and his wife settled back in
17 Pou Chentam village, did you know the origins, the ethnic origins
18 of your brother's wife, that is to say San?

19 A. Yes, I knew because my elder brother, Lach Ny, told me that
20 his wife was from Battambang province.

21 Q. Did you ever hear your sister-in-law, San, speak Vietnamese?

22 A. Yes, I did.

23 Q. Can you explain to the Chamber under which circumstances San
24 spoke Vietnamese in the village?

25 A. When she returned to live in Prey Veng she made a living by

8

1 selling vegetables and the Vietnamese came to buy her vegetables
2 and she communicated with those Vietnamese buyers in Vietnamese.

3 [13.52.31]

4 Q. You told us also that your sister-in-law was born in
5 Battambang. Did you know if one of her parents was of Vietnamese
6 origin?

7 A. Only after she went to live in Prey Veng, she told me that her
8 father was Khmer and her mother was Vietnamese.

9 Q. As far as you know, were there other people of Vietnamese
10 origin in Pou Chentam village?

11 A. In Pou Chentam village, I knew that there were three
12 Vietnamese families who lived there.

13 Q. Can you provide more detail to the Court regarding these three
14 Vietnamese families and who was of Vietnamese origin within these
15 families?

16 A. One was Wan (phonetic) Ngang, the father and mother were
17 Vietnamese; and the second family was Chuy, who had a wife who
18 was Khmer; and third was the wife of my brother, Lach Ny.

19 [13.54.18]

20 Q. Do you remember in which year the Khmer Rouge settled
21 definitely in Pou Chentam?

22 A. The Khmer Rouge came to the area in 1970.

23 Q. Was there any fighting as of 1970 or did the Khmer Rouge
24 settle for good in the village and took control of the local
25 authorities there?

9

1 A. At that time there were Lon Nol soldiers in Pou Chentam
2 village and the Khmer Rouge entered the area and about a month
3 later there was the fighting which broke out between the Lon Nol
4 soldiers and the Khmer Rouge.

5 Q. And do you remember the year as of which the Khmer Rouge took
6 part in the local village governance? Was it right after 1970 or
7 was it a little bit later?

8 A. Two years after, Vietnamese came to settle in the village.

9 [13.56.10]

10 Q. So if I understood you well, Civil Party, you are telling us
11 that two years later, that is to say in 1972, it is the
12 Vietnamese who settled in your village; is that correct? Did I
13 understand your testimony properly?

14 A. (No interpretation)

15 MS. GUIRAUD:

16 I did not receive the French interpretation.

17 MR. PRESIDENT:

18 Lead Co-Lawyer, please repeat your last question. Maybe the civil
19 party did not hear your question.

20 And Mr. Lach Kry, do you hear me?

21 MR. LACH KRY:

22 A. Yes, I do.

23 MR. PRESIDENT:

24 Lead Co-Lawyer, please repeat your last question. There could be
25 a technical glitch.

10

1 [13.57.19]

2 BY MS. GUIRAUD:

3 Thank you, Mr. President. I am going to repeat my question.

4 Q. Mr. Lach Kry -- Mr. Lach Kry, you told us that the Khmer Rouge
5 arrived in your area in 1970 and that there was fighting
6 afterwards with the Lon Nol army. You said that this fighting
7 lasted for two years. So I was asking you as of when did the
8 Khmer Rouge take control of the local authorities in your
9 village?

10 MR. LACH KRY:

11 A. The Khmer Rouge came to control the area through its
12 administrative system in around 1971 or you can say since 1970.
13 Then it built its own bases through its administration in each
14 village.

15 Q. Did your brother and his wife's lives change once the Khmer
16 Rouge settled in the village?

17 A. For Lach Ny and his family, the situation was not affected.
18 They were living as ordinary villagers.

19 [13.59.05]

20 Q. So did the situation change at one point in time and, if yes,
21 what happened to San?

22 A. For San, the Vietnamese, nothing happened to her until 1977
23 when the situation changed.

24 Q. Thank you. Can you explain to the Chamber what happened to San
25 in 1977?

11

1 A. In 1977, there was nothing major that had an impact on San.

2 She was living as the rest of the villagers.

3 Q. Was San arrested at any point in time in 1977?

4 A. In November 1977, San, the wife of my brother, Lach Ny, was
5 arrested together with their son.

6 Q. Did you witness that arrest and, if yes, can you describe what
7 you remember about that arrest to the Chamber?

8 A. I was harvesting rice near the house of Lach Ny when his wife
9 was arrested. Actually, their son, named Nin (phonetic), was
10 working about two kilometres away from their house and the wife
11 was staying in the house nearby where I was harvesting the rice.
12 And actually three militia came; I know them -- Ngoy. I knew one
13 of the three militias, but I did not know the other two.

14 [14.02.00]

15 Q. To be clear, Civil Party, did you witness the arrest of San by
16 the three militiamen you've just referred to?

17 A. Actually, they called -- they made a call for him to go for a
18 study session -- or, rather, for San to go for study session. So
19 they put San on a horse cart. And we were standing and watching
20 the event unfolded and we were wondering why she was called for a
21 study session.

22 Q. What happened to San's children? You've referred to her elder
23 daughter who worked two kilometres from there. Were there any
24 other children present on the day of her arrest and, if yes, what
25 happened to them?

12

1 A. When San was arrested and put onto a horse cart, her four
2 children were also invited onto the horse cart. The eldest
3 daughter was working in the far distance and the militiaman went
4 to fetch her. So San, together with the four children, were
5 arrested and put on a horse cart.

6 And for the last daughter, the militiamen went to fetch her after
7 them.

8 [14.04.04]

9 Q. Thank you. You have stated that there were three militiamen
10 who came to fetch San and the three children. You've given the
11 names of those you remember, Ngoy. Where were they from and what
12 were their duties and responsibilities?

13 A. Ngoy was the chief of security in Svay Antor and I did not
14 know the other two militiamen. I did not know at the time where
15 they were from.

16 Q. You stated that you witnessed the arrest because you were in
17 front of the house working on the rice farm. Were you the only
18 person at home or there were other persons present during the
19 arrest of San and the four children?

20 A. A group of 20 workers were working together, including me, so
21 20 of us witnessed that incident on that day.

22 [14.05.25]

23 Q. Was your brother, Lach Ny, present on that day?

24 A. When his wife was arrested, he was also there. He fainted and
25 collapsed when he witnessed that his wife was arrested. So he

13

1 fainted in the field. After he became conscious, he went -- he
2 left that field and were going about two kilometres away from the
3 place where he was working.

4 Q. We'll talk about your brother later, but can you tell us for
5 the time being whether at the time you were was surprised to see
6 the militiamen arrive and to witness the arrest of San and the
7 four children?

8 A. My brother, other villagers including -- and me, were very
9 shocked seeing the arrest. We did not know why they were
10 arrested.

11 [14.06.55]

12 Q. Do you recall having been informed of San's arrest before she
13 came?

14 A. No, I do not know about that.

15 Q. Do you remember a meeting you attended and during which San's
16 arrest was announced?

17 A. No.

18 MR. PRESIDENT:

19 Please hold on, Civil Party. You have the floor now, Koppe.

20 MR. KOPPE:

21 Thank you, Mr. President. Civil party answered in a question --
22 in response to a question about the arrest of San and, I think in
23 responding to the question he did in fact use the word "arrest",
24 but he also said they were called for a study session. I know
25 what some of the Parties' views are on this word but,

14

1 nevertheless, this civil party talked about a study session. So
2 now use the word "arrest" and transferred to a meeting and just
3 ignore that the civil party had said something about San going to
4 a study session, I think, is not correct. So I object to that
5 question.

6 [14.08.37]

7 BY MS. GUIRAUD:

8 Mr. President, the civil party has used the term "arrest"
9 himself. I can very well rephrase the question in response to the
10 objection by my colleague.

11 Q. Mr. Civil Party, do you remember attending a meeting during
12 which the fate of San was discussed?

13 MR. LACH KRY:

14 A. I was not aware of such a meeting. I was not aware of it. I'm
15 sorry.

16 [14.09.27]

17 Q. I am putting this question to you, Mr. Civil Party, because in
18 a document we have on record that is E3/5630, which is a
19 supplementary statement by a civil party, it is indicated -- and
20 I would like to read it out to you so that you can react to the
21 contents of that document. "In 1977" and I am on the fifth
22 paragraph of the document. The ERN in French is 00891890; ERN in
23 English, 00678289; ERN in Khmer, 00595419. And it is stated in
24 this document as follows:

25 "In 1977, before Lach Ny's wife and children were arrested, there

15

1 was a village meeting where Chhem ordered Ngoy to take Lach Ny's
2 wife and children to be re-educated. All villagers, including
3 myself, were present at this meeting. I can't remember the date
4 of the meeting. At the same meeting, around three families were
5 ordered to be taken for re-education as well."

6 Let me put the question to you again, Civil Party. Do you
7 remember that meeting or don't you remember it?

8 [14.11.15]

9 A. I may have forgotten or perhaps I was not aware of it. It
10 happened a long time ago. I may have forgotten it.

11 Q. You stated that you witnessed the arrest of San and her four
12 children under the pretext that they were being led away for
13 re-education. Do you know what happened to San and her children?

14 A. Nothing made her to cause trouble to the leaders at the time
15 when I was living together with them.

16 Q. Did you subsequently get to know what happened to San?

17 [14.12.35]

18 A. I do not know their fates. They were put onto a horse cart. I
19 do not know where they were heading to. And the driver of the
20 horse cart lived close to my house, about 100 metres away from my
21 house. He was so scared that I asked him about the whereabouts of
22 my sister-in-law and their children. And after he sent them away
23 he returned.

24 Q. You have just referred to the driver of an ox cart. Did that
25 person give you any information as to what happened to San and

16

1 her children?

2 A. He told me that after he and they arrived at the village, the
3 security guard received them at that forest and he did not know
4 where they were heading to after he dropped San and the children.
5 Two guards came to receive them.

6 [14.14.16]

7 Q. Do you remember the name of that ox cart driver and the name
8 of the forest you have just referred to?

9 A. It was Trapeang Pring forest. The name of the driver of that
10 horse cart was Tri (phonetic) and Tri (phonetic) had been killed.
11 Rather, Tri (phonetic) was killed one month after he drove San
12 and the children to the forest.

13 Q. Was Tri (phonetic) one of the three militiamen you've just
14 referred to or that person was the fourth of the militiamen?

15 A. Tri (phonetic) was simply a villager working the field.
16 However, he owned a horse cart. So whenever a horse cart was
17 needed then someone would go to contact Tri (phonetic) to borrow
18 that horse cart.

19 Q. Did you ever see San and her two -- her four children again
20 after that day in November 1977?

21 A. No, I have never seen them after that time.

22 [14.16.00]

23 Q. A while ago you talked of the reaction of your brother, you
24 said he swooned and fled to a distance of two kilometres from
25 there. Can you describe to the Chamber the reaction of your

17

1 brother following the disappearance of his wife and four
2 children?

3 A. I can't describe the events about Lach Ny. He fainted and he
4 fled to a distance of two kilometres from there and he returned
5 home at around 6 p.m. on the day. And he become -- he became
6 psychotic at the time. He felt unstable psychologically, and he
7 went around to happen -- hold other people's children and wives.
8 So he was in that situation for four or five months.

9 Q. When you say that he spoke to the children of women and the
10 villagers can you explain in concrete terms how that happened?

11 A. When he missed his children and wife, he would go around and
12 call other people's children as his children and also address
13 other people as his wife. No one felt trouble with him at the
14 time since they understood at the time that he became unstable
15 psychologically.

16 [14.17.55]

17 Q. Do you know whether he tried to find out what had happened to
18 San and her children?

19 A. After five months, he understood where the children and wife
20 had been taken to. During the five months he was like a
21 psychiatric person. He did not know where his wife and children
22 were going to.

23 Q. And what did he discover after the five months? Did he find
24 out where his wife and children were?

25 A. After five months, he did not know the whereabouts of his wife

18

1 and children, but he drew a conclusion by himself that his wife
2 and the children may have been taken away and killed. That was
3 the time when he talked to me.

4 Q. Did your brother get married again subsequently?

5 A. Later on in 1988, Angkar arranged -- organized a wedding for
6 him to marry another woman.

7 [14.20.00]

8 Q. I heard in French the date "1988" and the term "Angkar" and it
9 doesn't appear to be very coherent to me. Let me refocus the
10 question.

11 Did your brother, Lach Ny, get married again during the Khmer
12 Rouge regime?

13 A. Yes, he remarried in that regime later on.

14 Q. Do you know whether he got married at his own initiative or
15 that marriage was organized by Angkar, which is the term you've
16 used?

17 A. Angkar organized a wedding for him and arranged and chose a
18 wife for him and 20 couples were in the wedding ceremony held in
19 Svay Antor pagoda on that day. The 20 couples had been invited to
20 a meeting during which the marriage was arranged.

21 [14.21.15]

22 Q. After his remarriage, did your brother continue to talk to you
23 about San and her children?

24 A. After that wedding he still missed his wife and children
25 dearly. He, in fact, loved the later wife but only to an extent

19

1 of 70 per cent and he was still missing his wife and children
2 after that new marriage.

3 Q. Thank you. I would like us to revisit some information you
4 provided in regard to have additional information, Mr. Lach Kry.
5 You talked of the fate of the elder daughter of Lach Ny and San
6 was working far from home on the day the three militiamen came to
7 arrest San and her children. On that day, did you see the militia
8 men return with the elder daughter of Lach Ny and San?

9 A. Yes, I saw them. Ngoy went to fetch the elder daughter, the
10 last elder daughter, and two other militiamen were accompanying
11 the horse cart. Ngoy was driving the elder daughter on a bicycle
12 and going behind the ox cart. That is the incident that I saw on
13 the day.

14 [14.23.18]

15 Q. Thank you. A while ago you stated that there were two other
16 families, some of whose family members were of Vietnamese origin
17 in Pou Chentam village. Can you tell the Chamber whether you know
18 what happened to those families during that period?

19 A. Yes. Wat (phonetic) Ngang was working the field and during the
20 time the commune issued an order to the village to call Ngang to
21 cut "rumpeak" so that baskets could be made. He went about half
22 kilometre away from the field to cut "rumpeak", but after that
23 time he disappeared ever.

24 Q. And how did you get to know the fate reserved to those
25 persons? Who told you about that?

1 A. No one told me about the fate of this individual because he
2 met me every day in the village before he disappeared.

3 [14.25.05]

4 Q. Should I take it then that you saw those persons every day in
5 the village and all of a sudden you stopped seeing them? Is that
6 your testimony?

7 A. The village chief called Ngang to cut "rumpeak" vines to make
8 us baskets. During the time that Ngang was invited to cut
9 "rumpeak" vines, I witnessed the event unfolded and during the
10 trip he had a belonging of -- he had a bag of clothes with him.

11 Q. And can you explain to the Chamber why and how you came to
12 witness that event? Can you be more specific as to how that event
13 unfolded? Did you witness this with your own eyes?

14 A. Let me clarify. The village authority went to call Wat
15 (phonetic) Ngang and I was there with him. In fact, I was not
16 with him. I was passing him to harvest the rice. I was passing
17 Wat (phonetic) Ngang together with the village chief and at the
18 time I asked them where Wat (phonetic) Ngang was going and I was
19 told that Wat (phonetic) Ngang was required to go and cut
20 "rumpeak" vines. And after that time he disappeared ever since.

21 [14.27.10]

22 Q. You also refer to a third person of Vietnamese origin who
23 lived in the village. Did you find out or do you know what
24 happened to that person?

25 A. Chuy, it was Chuy who had the same fate as Wat (phonetic)

1 Ngang. One month later, Chuy was also called to cut the trees and
2 clear the forest. In fact, at that time, Chuy was invited to
3 guard the turf at the forest and he had the same fate as Wat
4 (phonetic) Ngang. The family of Chuy was working in the same
5 group as me and the family of Chuy knew that his - her spouse was
6 called away to cut trees and clear the forest.

7 Q. So it was Chuy's family that related that event to you, if I
8 understood your testimony correctly?

9 A. Yes. Chuy's wife told me about that situation since she was in
10 the same group in charge of rice production.

11 [14.29.05]

12 Q. Thank you. Do you remember whether the first event you
13 referred to and which you witnessed occurred before or after
14 San's disappearance? Is this something you did -- you still
15 remember?

16 A. After the disappearance of San -- rather, before the
17 disappearance nothing happened. And I learned nothing about what
18 would happen to San, only when the militiamen came to take San
19 and said that San was needed to be in a study session, it was the
20 time that I learned she was away.

21 Q. You spoke about two other events, arrests in fact. And do you
22 know if the spouses of these two people were also taken away?

23 A. No. Spouses were not arrested. If the husband was Vietnamese,
24 the husband would be taken away, not the wife. But if the woman
25 was a Vietnamese, the woman together with the children would be

1 taken away.

2 [14.31.00]

3 Q. Thank you. What you have just said, is that the result of your
4 own observations or did you hear a cadre in the village tell you
5 what you have just explained to the Court?

6 A. To my observation, I did not learn it from the cadre. It was
7 widely known to villagers, including me. If the husband was
8 Vietnamese, only the husband was taken away. But if the wife was
9 Vietnamese, she together with the children would be taken away.
10 It was widely known. It was a widely-known fact.

11 Q. Thank you, Civil Party. I simply have a last question for you.
12 You said earlier that during the DK regime you were living in the
13 house next to your brother's house. We understood that your
14 brother got married again during the DK regime. So what I want to
15 know was if you and your family always stayed in Pou Chentam
16 village or if you left the village at one point in time.

17 A. I lived in Pou Chentam since I was born and my parents also
18 lived in that village.

19 [14.32.55]

20 Q. Was the village evacuated during the DK period?

21 A. In around October 1978, we were about -- many other villagers
22 in Pou Chentam village were evacuated, about 80 per cent of
23 villagers were evacuated to Moung Ruessei district in Battambang
24 province near the area called Ang Tumleng (phonetic) -- that is,
25 on the road to Sambuor Meas. They were evacuated to live in the

1 forest in that area.

2 Q. Were you, yourself, evacuated in 1978?

3 A. Yes, I was evacuated with my family members and as a result, I
4 lost my children, my wife, my father, my mother and my siblings,
5 totalling 11 members, including the wife of Lach Ny.

6 MS. GUIRAUD:

7 Thank you, Civil Party.

8 And I have no further questions, Mr. President. Thank you.

9 [14.34.40]

10 MR. PRESIDENT:

11 Thank you. And I would like now to hand the floor to the
12 Co-Prosecutors to put questions to the civil party.

13 QUESTIONING BY MS. SONG CHORVOIN:

14 Good afternoon, Mr. President, Your Honours, everyone in around
15 the courtroom.

16 Q. Good afternoon, Mr. Lach Kry. Do you hear me?

17 MR. LACH KRY:

18 A. Yes, I do.

19 Q. You said about the total numbers of your family members who
20 died during the regime and they are 11 of them. Can you tell the
21 Court about those 11 lost lives?

22 A. Amongst the 11 members, five were the children of Lach Ny and
23 another one was Lach Ny's wife. And then my parents, and then on
24 my side two lives were lost. That's 10; and then my younger
25 sibling also died. So the total number is 11.

1 [14.35.55]

2 Q. What happened to your parents?

3 A. My parents were also evacuated to Battambang and they were
4 killed in Moung district in Battambang province.

5 Q. Who killed your parents and when did it happen? Do you know
6 the reason for the killing?

7 A. I did not know the killers of my parents though it happened in
8 Moung district, Battambang province. My parents were killed
9 around December 1989. As for my wife, my wife was also killed in
10 December and my younger sibling was also killed in December and I
11 can't say that they were all killed on the same day in the same
12 month.

13 Q. Allow me to interrupt. Can you specify again which year that
14 your parents were killed? You said that it happened in December
15 1989?

16 A. My parents were killed in 1989 in around October. I was in the
17 area when it happened. And actually, my wife was killed a few
18 days later.

19 [14.37.45]

20 Q. Were your parents and your wife killed during the Khmer Rouge
21 regime or was it after the Khmer Rouge regime?

22 A. It happened almost at the time the regime fell.

23 Q. If it was toward the end of the DK regime, you mean it was
24 about 1979?

25 A. Yes, because the regime fell in January and they were killed

1 in October, also the previous year.

2 Q. So did you mean 1979 and not 1989?

3 A. No, it was not 1979. It was 1989 and it happened in about
4 October. And by about 1990, the regime fell. So they were killed
5 only a few months before the liberation in January.

6 [14.39.00]

7 MR. PRESIDENT:

8 Mr. Lach Kry, you may be mistaken because the liberation happened
9 on the 7 January 1979, and if the killing was to happen during
10 the DK regime, a few months before the liberation day of 7
11 January, it is likely that it happened in October, November or
12 December 1978. Please try to think it through because you are
13 here testifying before the Chamber and you have to pay attention
14 to what you say.

15 The National Co-Prosecutor, please pronounce it -- pronounce them
16 or the civil party properly. It's Lach Kry.

17 Mr. Lach Kry, please respond to that question and you are causing
18 confusion here in the courtroom. You have to be sure of the year
19 that it happened.

20 MR. LACH KRY:

21 Yes, Mr. President, my apology; it happened in 1988, in October
22 1988.

23 MR. PRESIDENT:

24 Is it '88 or '78 because if you refer to 1988, it was a later
25 regime, because the period you refer to is totally different. The

26

1 DK period lasted until the 7 January 1979 and not after that.
2 Please think through and respond to that question again as to
3 when your parents and your family members were killed in Moung
4 Ruessei district.

5 [14.41.28]

6 MR. LACH KRY:

7 A. Thank you, Mr. President. Allow me to start a bit earlier than
8 that. In November 1979, I was evacuated to Moung district and in
9 October 1978 -- now I recall; it was 1978. My parents died that
10 year. So it is 1978 and it was October 1978 when my parents were
11 killed.

12 MR. PRESIDENT:

13 It is now appropriate for a short break. We will take a break now
14 and resume at 3 o'clock.

15 Mr. Lach Kry, the Chamber will take a short break and we will see
16 you again at 3 o'clock. So you have about 20 minutes of rest.

17 (Court recesses from 1443H to 1501H)

18 MR. PRESIDENT:

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

20 Good afternoon, Mr. Lach Kry. Are you ready to answer the
21 questions?

22 MR. LACH KRY:

23 (No interpretation)

24 MR. PRESIDENT:

25 Thank you. Now, the floor is given to the Co-Prosecutor to put

1 questions to the civil party. You may now proceed.

2 [15.02.14]

3 BY MS. SONG CHORVOIN:

4 Thank you, Mr. President.

5 Q. Good afternoon, Mr. Lach Kry. Before the break, we talked
6 about your family members who died in the Khmer Rouge regime. And
7 we also talked about your parents.

8 When did your -- what year did your children die and how many
9 male and how many female?

10 MR. LACH KRY:

11 A. My wife and my children died in the same year with my parents.

12 That was in 1979.

13 Q. You said that they were killed at the same place in Moung
14 Ruessei district or were they killed at different places?

15 A. They were killed at the same place.

16 [15.03.15]

17 Q. Mr. Kry, I would like to now move backward to the Vietnamese
18 families in your native village. Before the arrival of the Khmer
19 Rouge in 1970-71 that you said, were there Vietnamese families
20 living in your village?

21 A. Before 1970, there were. In 1970, about 10 families fled back
22 to Vietnam, and then they came back.

23 Q. Before 1970, were people in your village leading normal life
24 or did they have any difficulty in their life?

25 A. They went back to their country because they were afraid that

1 life would be difficult.

2 Q. My question is that before the arrival of the Khmer Rouge in
3 your village in 1970 and '71, did the Vietnamese families living
4 in your village leading normal lives? Did they have good
5 relationship with Khmer villagers or what?

6 A. As for the Vietnamese families living in my village, they had
7 normal relationship with Khmer people. They sold fish and
8 vegetables to earn a living as the Khmer people did.

9 [15.05.33]

10 Q. So after the collapse of the Khmer Rouge regime in 1979, did
11 they come back? And after they came back, how was their
12 relationship with the Khmer people?

13 A. When they came back, they came to live on the land which they
14 bought before the Khmer Rouge regime and their lives was normal.
15 They sold vegetables and they had good relationship with Khmer
16 people, so it was normal.

17 Q. I would like to talk about the life of the Vietnamese during
18 the Khmer Rouge regime between 1975 and 1979. Could you tell us
19 how many Vietnamese families in your village?

20 A. There were only three families. There were only three families
21 living in my village. And during the Pol Pot regime, there were
22 no soldiers in that area.

23 Q. You told us already about the three families. Their names were
24 Ngang, Chuy and Uch (phonetic) and San. Is that correct?

25 A. Yes, that's correct.

1 [15.07.25]

2 Q. You said that Chuy was an ethnic Vietnamese. Why did you say
3 so? Did he have Vietnamese parents or Vietnamese origin?

4 A. I know that he was Vietnamese because his wife was my cousin.
5 When he came to live in Cambodia in my village, he came to earn a
6 living and then he got married. Chuy spoke Khmer with an accent
7 and that's why I know -- that's why I knew that he was an ethnic
8 Vietnamese.

9 Q. Earlier you told the Court that Chuy was called by the village
10 chief to cut "rumpeak". I want to know whether you met Chuy later
11 on and what happened to him.

12 A. There was nothing happened. When he went to cut the wood, he
13 disappeared ever since.

14 Q. What about Chuy's wife and children?

15 A. Doung Oeurn, Chuy's wife, she had a daughter and they are
16 still alive until now.

17 [15.09.05]

18 Q. What about Wan (phonetic) Ngang's family? What happened to
19 them?

20 A. Wan (phonetic) Ngang's family, his wife went to live in Siem
21 Reap and I do not know about their condition now.

22 MS. SONG CHORVOIN:

23 Mr. President, I have no more questions to put the civil party
24 and I would like to hand the floor to my colleague.

25 MR. PRESIDENT:

30

1 International Co-Prosecutor, you may now have the floor.

2 QUESTIONING BY MR. KOUMJIAN:

3 Q. Mr. Witness, during the regime did you ever build houses?

4 MR. LACH KRY:

5 A. I built -- I built a house but it was a small house. It was on
6 termite - on termite mount.

7 [15.10.22]

8 Q. Did you ever witness anything happen to other people while you
9 were building houses?

10 A. When we were evacuated and when we built houses, people did
11 rice farming and harvesting rice. People had normal lives. There
12 was no remarkable thing.

13 Q. Thank you. Did you, yourself, ever witness anyone being killed
14 during the regime?

15 A. I never witnessed the killing of people, but when I -- when I
16 left that area I saw dead bodies.

17 Q. Okay. To be clear, which area was it where you saw the dead
18 bodies?

19 A. I saw dead bodies into the north of Svay Doun Keo -- about two
20 kilometres to the north of Svay Doun Keo.

21 [15.12.02]

22 Q. Can you explain where that is? What province is that in?

23 A. In MOUNG RUESSEI district. It was probably in Pursat province.
24 I was not clear about its location. It's probably in Battambang
25 province. I was not certain whether it was in Battambang province

31

1 or Pursat province.

2 MR. PRESIDENT:

3 Defence counsel for Khieu Samphan, you may now have the floor.

4 MR. KONG SAM ONN:

5 Mr. President, thank you. I do not have the objection, but I

6 simply interested about the location of Svay Doun Keo. But I

7 heard the voice from behind telling the witness about that. So I

8 would like to raise that attention.

9 [15.13.22]

10 MR. PRESIDENT:

11 Mr. Lach Kry, there should not be any person telling you from

12 behind. No one is allowed to tell you what to say.

13 Co-Prosecutor, you may now resume your question.

14 BY MR. KOUMJIAN:

15 Q. Sir, have you ever been to a place called -- I may have my

16 colleague pronounce it, Chhneang (phonetic).

17 MR. LACH KRY:

18 A. It was called Khmoach Chhneang (phonetic). It was called

19 Khmoach Chhneang; it was close to the river basin.

20 [15.14.20]

21 Q. Do you know if there were any burial sites there?

22 A. At Khmoach Chhneang (phonetic), when I walked past that site I

23 saw many, many dead bodies buried there.

24 Q. Sir, can you tell us when that was? Do you recall what year it

25 was?

1 A. It was in 1978, the year that I lived in that area.

2 Q. So was this after you were sent to Battambang?

3 A. At that time I was sent to Battambang. The incident took place
4 before my arrival. So when I arrived, I saw the dead body.

5 Q. And can you explain to us, did you actually see bodies in open
6 ground or how did you -- what did you see exactly?

7 A. When I left the river basin and arrived at Svay Doun Keo, I
8 saw dead bodies. There were around 30 or 40 dead bodies on the
9 paddy fields when I went across that area to Pursat province.

10 [15.16.45]

11 Q. Okay, thank you. I am going to leave that subject and just
12 come back and ask you briefly about what you just told my
13 colleague. You told her that before 1970 there were Vietnamese
14 people in your village who had normal relations with Khmer
15 people. You told her that after 1979, there were Vietnamese
16 people that came back to your village and again had normal
17 relations with the Khmer people in your village.

18 Sir, is there any explanation you can give for why the Khmer
19 people in your village were killed during the Democratic
20 Kampuchea regime?

21 A. When the Vietnamese came to my village, there were killing of
22 Vietnamese people yet and I -- so the Vietnamese came to live in
23 my village but there were no killings. But later on the Khmer
24 people and the Vietnamese people had good relationships. They
25 were in good solidarity.

1 [15.18.30]

2 Q. Thank you. My question is -- if you can help us -- you said
3 that -- about the good relations existed between Khmers and
4 Vietnamese in your village before and after the Democratic
5 Kampuchea regime, but you've also testified that in 1977 or '78,
6 all of those Vietnamese in your village, the three Vietnamese
7 that lived there, were killed.

8 Did you -- during that period of time, did the leaders of the
9 village give any explanation about how people should view the
10 Vietnamese? Did they talk about Vietnamese?

11 MR. KOPPE:

12 Mr. President, I--

13 MR. PRESIDENT:

14 Mr. Civil Party, please hold on. And the Chamber gives the floor
15 to Counsel Victor Koppe. You may now proceed.

16 [15.19.30]

17 MR. KOPPE:

18 Thank you, Mr. President.

19 I object to this question. The civil party never said that the
20 three particular people/families were killed. He just described
21 what he saw. He assumed, if he said it at all, that they were
22 killed. He doesn't know so he cannot be put the words "killed"
23 into his mouth.

24 BY MR. KOUMJIAN:

25 Your Honour, I am happy to correct that.

1 Q. Mr. Witness, to satisfy the defence, you talked about your
2 brother's wife's son being taken away with all of her children,
3 and you talked about two other Vietnamese in your village also
4 being taken away by the authorities and never seen again.
5 My question, again, is: did the authorities in your village ever
6 talk about Vietnamese or why they were treating Vietnamese people
7 that way?

8 [15.20.41]

9 MR. LACH KRY:

10 A. I did not hear them talking about that. I never heard them
11 talking about that.

12 Q. Sir, do you recall now exactly how many children your brother
13 had with San at the time that she was taken away?

14 A. When my brother's -- at the time when my brother's wife and
15 children were taken away, they had five children.

16 Q. Sir, were any of your brother's children ever seen again?

17 A. No, I did not -- I have never seen them again. They
18 disappeared.

19 Q. Do you remember of your brother's children, how many were
20 daughters and how many, if any, were sons?

21 A. Lach Ny's children -- had five children and all were females.

22 [15.22.32]

23 Q. Do you know if at the time that San was taken away, do you
24 know if she was pregnant?

25 A. When San was taken away she was not pregnant because the

35

1 youngest child was still two years-old at that time.

2 MR. KOUMJIAN:

3 Thank you, Your Honours. I don't have any further questions at
4 this time.

5 MR. PRESIDENT:

6 Thank you.

7 Now the Chamber gives the floor to defence counsel to put
8 questions to the civil party.

9 And the floor is first given to defence counsel for Mr. Nuon
10 Chea. You may now proceed, Counsel.

11 [15.23.42]

12 QUESTIONING BY MR. KOPPE:

13 Thank you, Mr. President.

14 Q. Good morning, Mr. Civil Party. I only have one or two
15 questions that I would like to put to you. My first question is
16 the following: You described the moment that San and her children
17 were put in the ox cart to go to a study session; was somewhere
18 in November, '77.

19 Do you recall whether around that same time, maybe before or
20 maybe after, you heard any signs of warfare, more particularly
21 Vietnamese artillery, shooting of grenades from Vietnamese
22 territory into Kampuchean territory?

23 MR. LACH KRY:

24 A. No, I did not hear about the sound of war.

25 [15.25.05]

1 Q. Thank you, Mr. Civil Party.

2 My last question is: do you know whether Chuy, the person that
3 you refer to was, at one point in time, a soldier in the
4 Vietnamese army?

5 A. No, I was not aware whether at one point in time he was a
6 soldier or not. I only knew that when he came to our village, he
7 was just an ordinary person.

8 Q. One last question about him. Was he, do you know, involved in
9 smuggling goods between Vietnam and Kampuchean territory? In
10 other words, was he smuggling goods from one country to another
11 in that period?

12 A. I was not aware of that.

13 MR. KOPPE:

14 Thank you very much, Mr. Civil Party. My national colleague has
15 some additional questions, Mr. President.

16 [15.26.43]

17 MR. PRESIDENT:

18 Yes, the Chamber grants the request.

19 QUESTIONING BY MR. LIV SOVANNA:

20 Good afternoon, Mr. President and the Bench, and good afternoon
21 parties in this courtroom. My name is Liv Sovanna. I am the
22 National Co-Lawyer for Mr. Nuon Chea. I would like to put a few
23 questions to the civil parties.

24 Q. Mr. Civil Party, when Lach Ny, your brother, took his wife and
25 children to live in your native village, did your parents also go

1 along with them?

2 MR. LACH KRY:

3 A. Mr. Lach Ny, who came from Phnom Penh to Pou Chentam, there
4 were no conflict among the children.

5 [15.27.55]

6 Q. Maybe I did not ask the question clearly. I would like to ask
7 again.

8 In 1978 when Lach Ny and his wife went, whether Lach Ny's -- the
9 parents of Lach Ny's wife also went with them?

10 A. No, they didn't. I was not -- I did not know the parents of
11 Lach Ny's wife.

12 Q. During the Democratic Kampuchea regime from 17 April 1975, how
13 did they know that Lach Ny's wife, San, was an ethnic Vietnamese?

14 A. They knew that she was a Vietnamese because she came to live
15 in Pou Chentam, she sold vegetable and fish and her husband sold
16 ice. So when the Vietnamese buyer came to buy their goods, she
17 spoke in Vietnamese, so people assume that she was Vietnamese.

18 Q. Another question from me. Earlier you said that when four
19 children of Lach Ny were arrested along with his wife at home,
20 can you tell us out of these children which child was sent to
21 live with Lach Ny's parents?

22 A. No, they were not. They were not living with the parents; they
23 were in the children mobile unit.

24 And another small kid who was two or three years-old, they -- the
25 kid was playing around at the house.

1 [15.30.42]

2 Q. Do you recall the names of his five children and how old were
3 they?

4 A. The first one was Dalit (phonetic). He or she was 14
5 years-old. Dala (phonetic) was 12, the second child. The third
6 child was Srey Mao (phonetic), who was seven years old. And the
7 fourth child was three years-old, and the fifth child was two
8 years-old, who was still breast-fed by the mother yet.

9 Q. You made mention about the arrest of Ngang. I want to ask you
10 a question.

11 Had Ngang been arrested before the arrest of Lach Ny's wife --
12 that is, San?

13 A. Lach Ny was arrested in 1977. For Ngang, he was arrested in
14 late 1975, perhaps in December or November in 1975. Ngang was the
15 first one to be arrested and sent to cut "rumpeak" vine.

16 [15.32.34]

17 Q. What about Chuy, when was he arrested?

18 A. He was arrested in 1976, almost one month after Ngang had been
19 arrested. Chuy was called to chop down trees about one kilometre
20 away from his house.

21 Q. What was Ngang's wife?

22 A. I do not know, counsel. Doung Oeurn was Chuy's wife. I cannot
23 recall Ngang's wife's names.

24 Q. You testified about the transfer of you to another area. So
25 how long did it happen after the arrests of Lach Ny's wife and

1 children when you were transferred to Dey Klanh (phonetic)?

2 A. It was after Lach Ny marriage when I was transferred to Dey
3 Klanh (phonetic). So it was about five or six months after Lach
4 Ny's marriage during which Lach Ny's wife was about five or six
5 months pregnant.

6 [15.34.30]

7 Q. Now I defer this topic to a later moment since I have another
8 topic to ask you.

9 What was the situation of Lach Ny after the arrest of his wife
10 and children?

11 A. After the arrest, Lach Ny fainted in the field where he was
12 harvesting the rice. He got -- he recovered and became conscious
13 about 10 or 20 minutes later and he fled to a distance of two
14 kilometres away from there. And during those few days, he did not
15 really understand or know what happened to his wife and children.
16 Five or six months later, he got -- he became normal and it was
17 when he was asked to marry another woman.

18 Q. So during the time that his wife was taken away up to the time
19 when he remarried, so how long was that?

20 A. It was about seven months when he was asked to remarry another
21 woman.

22 [15.36.20]

23 Q. I want to refresh your memory and read document E3/5630. It is
24 a statement of you before the Legal Aid of Cambodia. ERN in
25 Khmer, 00895420; English, 00678289; French, 00891891; you stated

40

1 that Lach Ny became crazy for a period of one year in 1978 and a
2 while ago you stated that he became crazy for about four or five
3 months. So how can you say about that? Which one is more correct?

4 A. During that four or five-month period that he became crazy, he
5 knew nothing, and after that four or five months, he became -- he
6 came to his normal stage step by step.

7 And he was confused in his mind what has happened to his family,
8 and it was after five months when he fully recovered from that
9 mental problem and he was asked to remarry another woman.

10 Q. Thank you, Mr. Civil Party, I am done with my questioning.

11 [15.38.09]

12 MR. PRESIDENT:

13 Thank you, Counsel. Now, the floor is given to counsel for Mr.
14 Khieu Samphan to put questions to this civil party.

15 You have the floor now, Counsel.

16 MS. GUISSÉ:

17 Thank you, Mr. President.

18 QUESTIONING BY MS. GUISSÉ:

19 Q. Good afternoon, Civil Party. My name is Anta Guisse and I am
20 the International Co-Counsel for Khieu Samphan and it is in this
21 capacity that I'm going to put a few complementary questions to
22 you.

23 My first question deals with the discussions that you might have
24 had on the facts relative to Democratic Kampuchea.

25 So do you remember how many times you spoke about your

41

1 experiences and about the experience of your brother under the DK
2 regime?

3 MR. LACH KRY:

4 A. I was engaged in the meeting three times and we -- I was with
5 my brother, Lach Ny, almost every day.

6 [15.39.08]

7 Q. Well, I'm not sure I understood your answer properly, so can
8 you confirm to me that you spoke three times about the events
9 under the DK regime with three different people? Can you confirm
10 that to me?

11 A. I was interviewed once at the law school. Another time was at
12 my house, and the last time was in a location which I was not
13 familiar with the name of that location, but I learned that I was
14 interviewed at that so-called documentation location.

15 Q. Well, let me try to see if I can refresh your memory.

16 Do you remember having been interviewed or questioned by someone
17 from the DC-Cam organization?

18 A. Yes, I used to give an interview to it.

19 [15.40.57]

20 Q. Was that the first time you were being interviewed by someone
21 about DK?

22 A. Yes, it is true. It was the first time when I was interviewed
23 by the Documentation Centre of Cambodia.

24 Q. Do you remember in which year this interview took place?

25 A. I'm sorry, but I cannot recall the exact year when it

1 happened.

2 Q. I'm referring to document E3/5640 on the first page, and if I
3 tell you that on the case file we have an interview dated 11 June
4 2000, does that refresh your memory in any way?

5 A. I cannot recall it since it happened a long time ago.

6 MR. KONG SAM ONN:

7 Mr. President, I am seeking your permission, in the document in
8 Khmer, it is 11 March 2000. So the date may be different in Khmer
9 version and in English version.

10 [15.42.48]

11 BY MS. GUISSÉ:

12 Q. So, Civil Party, regardless of the month, do you remember if
13 this interview took place in the year 2000 or not?

14 Well, now, I would like to focus--

15 MR. LACH KRY:

16 A. The working group went to interview me in 2000. I cannot
17 remember it clearly. What I can tell you is that I was
18 interviewed three times: one at a law school, another one at my
19 house, and the last occasion was in a location which I do not
20 know the name, as I said.

21 Q. Now, I would like to focus on the second interview you gave.

22 Do you remember to whom you gave this second interview?

23 A. I do not know all of them. I do not know their names.

24 [15.44.00]

25 Q. Do you remember if these were people from the Tribunal; people

1 who were conducting the investigation for this Court?

2 A. They went to interview me and they were working within the
3 Court, but I do not know who they were.

4 Q. If I tell you that we have on the case file document E3/9340
5 which is dated 24 September 2008, does that refresh your memory
6 in any way?

7 A. It happened a long time ago. I cannot recall it. I cannot
8 recall it, Counsel.

9 Q. And the third interview, which you say you no longer remember,
10 or in any case you no longer remember where it took place, do you
11 remember however with whom you had this last and third interview?

12 A. The last interview took place at my house. I do not know the
13 names of those who came to interview me at my own house. What I
14 can tell you is that they were the group from this Court.

15 [15.45.55]

16 Q. Do you know if these people were lawyers who were in charge of
17 assisting you for the case?

18 A. I do not remember it. I do not know them. I only understood at
19 the time that I was interviewed by them, but I do not know them
20 as I said.

21 Q. For the sake of the Parties, I'm referring now to document
22 E3/5630, and we have on the case file a statement titled
23 complementary statement - "Supplementary Statement", dated 21
24 December 2010, and which a priori is a statement that you gave to
25 the lawyers who are assisting you in this case. We have two names

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1 here, Counsel Lyma Nguyen and Counsel But Mao. So does this
2 refresh your memory in any way? Do both of these names refresh
3 your memory? Is Counsel Lyma Nguyen the lawyer who is assisting
4 you in this case?

5 A. Yes, I can recall it now -- Ms. -- the one that you mentioned,
6 Ms. Something.

7 [15.48.01]

8 Q. Fine. Well, now, in the questions I'm going to put to you, I'm
9 going to put questions to you regarding these difference
10 statements, and I would like first to react to a point that you
11 brought up with my colleague from the Nuon Chea team.

12 I believe I understood from your answers to these questions that
13 you said that among the three people of Vietnamese origin who
14 were arrested in your village, I understood that your
15 sister-in-law was arrested last. So did I understand you well?
16 Was she, indeed, arrested in 1977?

17 I haven't finished my question. So she was arrested in 1977 and
18 the two other people were arrested respectively in 1975 and 1976.
19 So did I understand your testimony properly?

20 A. Yes, the last one -- that is, my elder brother was arrested in
21 the year that you mentioned.

22 [15.49.25]

23 Q. And you are sure that Ngang, one of the people you said was
24 arrested, that Ngang was arrested at the end of 1975? You are
25 sure about that?

1 A. I was working the field at the time. The villagers came to ask
2 Ngang to go and capture "rumpeak" vine to make us baskets. And
3 after hearing that, Ngang packed up his clothes and left the
4 place.

5 Q. Another point that I would like to bring up with you is --
6 well, you said that your sister-in-law, San, spoke Vietnamese and
7 that in her trading activities she would speak Vietnamese with
8 other people of Vietnamese origin. And so, once again, you are
9 sure about this? You are sure that she spoke Vietnamese; is that
10 correct?

11 A. Yes, I am sure. Lach Ny also speak Vietnamese. Sometimes at
12 home they spoke Vietnamese and Lach Ny and his wife also spoke
13 Vietnamese with their neighbours. They could speak -- for Lach
14 Ny, he spoke Khmer with a little bit accent.

15 [15.51.30]

16 Q. I'm putting this question to you because in the interview that
17 you gave to the investigators of the OCIJ in 2008 -- that is,
18 document E3/9340, at French, ERN 00325249; English, ERN 00233282;
19 and Khmer, ERN 00225206; and this is what is indicated as regards
20 what you apparently said and I am quoting.

21 "Lack Ny, when he spoke about his brother, studied in Phnom Penh.
22 He got married before the Khmer Rouge regime and his wife was
23 half-blood: Vietnamese mother and Khmer father. His wife did not
24 speak Vietnamese but spoke fluent Khmer without an accent. Her
25 name was San." End of quote.

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1 So my question is: did you say to the investigators of the OCIJ
2 in 2008 that San did not speak Vietnamese?

3 [15.53.08]

4 A. I would like to tell the Court that I do not know about that
5 statement. In every interview -- in all interviews I said that
6 San spoke Vietnamese with a little bit accent. Perhaps there was
7 a misunderstanding in the interview that I was giving at the
8 time. And perhaps when I was interviewed, the one who interviewed
9 me may have misunderstood my point and put the different
10 statement in that document.

11 Q. You also said that you remember your interview with the
12 lawyers assisting you in this case, and I would like to bring up
13 with you a segment from the statement you gave.

14 When you were answering first a question that was put to you by
15 my colleague from the civil parties, you said that you do not
16 remember if -- or, in any case, that you do not remember having
17 attended a meeting during which, apparently, the announcement was
18 made of your sister's assignment to re-education. So my first
19 question is: do you truly not remember having spoken about such a
20 meeting at one point in time?

21 A. It is true.

22 [15.55.40]

23 Q. In the statement E3/5630; French, ERN 00891890; Khmer,
24 00895419; English, 00678289; this is what is indicated as regards
25 what you apparently said.

1 "In 1977, before Lach Ny's wife and children were arrested, there
2 was a village meeting where Chhem ordered Ngoy to take Lach Ny's
3 wife and children to be re-educated. All villagers, including
4 myself, were present at this meeting. I can't remember the date
5 of the meeting. At the same meeting, around three families were
6 ordered to be taken for re-education as well. Lach Ny's family
7 was one in Pou Chentam, seven people, and two families in Svay
8 Antor Village." End of quote.

9 So my first question: Do you remember having said such a thing to
10 your lawyer?

11 A. I do not know about that point. Rather, I do not know about
12 the meeting as you said.

13 [15.57.55]

14 Q. Well, under these conditions, do you remember that there was a
15 meeting after your sister-in-law was taken away?

16 A. After she was taken away, there was a meeting held within the
17 village. The content of the meeting was about agricultural rice
18 production. It was not about the arrest of Lach Ny's wife. In
19 fact, after the -- Lach Ny's wife was taken away, the meeting was
20 held to discuss the rice production, not about the sending away
21 of Lach Ny's wife.

22 Q. And I'm sorry about insisting upon this, but are you sure
23 about this point?

24 A. Yes. I was in attendance - or, rather, I did not attend the
25 meeting.

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1 [15.59.38]

2 Q. You say that you didn't attend the meeting, but you did hear
3 of a meeting during which mention was made of the departure of
4 your sister-in-law for re-education?

5 A. Before her departure, there was no meeting. After the
6 departure, yes, there was a meeting to discuss about agricultural
7 rice production. It was not about the fate or the departure of
8 Lach Ny's wife.

9 Q. This will be my last question, Mr. President, because I'm
10 conscious of the time allotted to me.

11 In the DC-Cam document, you say you do remember your interview
12 with DC-Cam, and it is E3/5640; ERN in French, 00657820; ERN in
13 English, 00645404; and ERN in Khmer, 00034406;
14 this is a question that was put to you:

15 "At the time when your sister-in-law was led away, did Angkar
16 convene your family to attend the meeting?"

17 And your answer was as follows: "Yes, they educated us in the
18 meeting. They educated us ideologically. As such, they were led
19 away not for re-education but to be killed." End of quote.

20 Do you stand by your statement that there was no meeting at the
21 time when your sister-in-law was led away?

22 [16.02.06]

23 A. I was not aware of such a meeting. I did not attend such a
24 meeting.

25 MS. GUISSÉ:

1 Mr. President, I will stop here for the time being and will
2 continue tomorrow.

3 MR. PRESIDENT:

4 This is now time for the adjournment and the hearing will resume
5 on the 21st January 2016 at 9 a.m.

6 Tomorrow the Chamber will continue the in-camera hearing to hear
7 2-TCW-938 in the morning, and then in the afternoon, Lach Kry
8 from Prey Veng, so via video link.

9 Please be informed and be on time.

10 Thank you, Mr. Lach Kry. The hearing of your testimony as a civil
11 party has not come to a conclusion yet. You are therefore invited
12 to provide your testimony from your location in the afternoon via
13 video link, starting from 1.30. You may now be excused.

14 I am grateful to Mr. Nhem Samnang as well, a staff from the WESU
15 who accompany -- who was accompanying Mr. Lach Kry during the
16 time he was testifying. And you are also invited to accompany Mr.
17 Lach Kry tomorrow as well, starting from 1.30 in the afternoon.

18 Security personnel are instructed to bring the two accused, Khieu
19 Samphan and Nuon Chea, back to the ECCC detention facility and
20 have them returned tomorrow before 9 a.m.

21 The Court is now adjourned.

22 (Court adjourns at 1604H)

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