



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

21 January 2016

Trial Day 361

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

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KHIEU Samphan

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I N D E X

Mr. LACH Kry (2-TCCP-844)

Questioning by Ms. GUISSÉ resumes page 1

Questioning by Mr. KONG Sam Onn page 20

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. GUIRAUD	French
Ms. GUISSÉ	French
Mr. KONG Sam Onn	Khmer
Mr. KOUMJIAN	English
Mr. LACH Kry (2-TCCP-844)	Khmer
The President (NIL Nonn)	Khmer

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

2 (Beginning of public session 1440H)

3 MR.PRESIDENT:

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

5 Good afternoon, Mr. Lach Kry.

6 [14.41.33]

7 MR.LACH KRY:

8 A. Good afternoon, Mr. President.

9 MR.PRESIDENT:

10 Let me resume hearing your testimony and you will be questioned

11 by the defence team for Khieu Samphan.

12 I would like now to hand the floor to the defence team for Khieu

13 Samphan to continue putting further questions to civil party,

14 Lach Kry.

15 You may proceed, Counsel.

16 QUESTIONING BY MS. GUISSÉ RESUMES:

17 Thank you, Mr. President. Good afternoon, Mr. Lach Kry. So I am

18 picking up from where we stopped yesterday.

19 Q. I would like to get back to Chuy. So Chuy is spelled C-H-H-U-Y

20 (sic), and you said yesterday that you knew that he was

21 Vietnamese because he married your cousin. And then in the course

22 of my questioning I am going to ask you not to speak out the name

23 of your cousin.

24 And do you remember when Chuy arrived in your village? When did

25 he settle in your village?

2

1 [14.43.12]

2 A. Chuy came to settle in Pou Chentam village in 1975.

3 Q. Are you sure that it was in 1975? Was it that late? Are you
4 sure that he didn't arrive before?

5 A. I cannot recall it clearly and he could come to settle in 1974
6 or 1975, though I cannot recall the exact date.

7 Q. I am putting this question to you because we have on the case
8 file a statement made by so-named Neou Sam. So does the name Neou
9 Sam ring a bell? He also lives in Pou Chentam. And I am referring
10 here to statement D3 -- I'm sorry -- D230/1.1.49B which is a
11 DC-Cam interview. So Mr. Lach Kry--

12 MR.PRESIDENT:

13 Counsel, please hold on. And the International Lead Co-Lawyer for
14 civil parties, you have the floor.

15 [14.45.02]

16 MS. GUIRAUD:

17 Thank you, Mr. President, a short observation here. I am not
18 objecting to the use of this document but I would like to remind
19 the Chamber the rules for using the interface. It was decided by
20 the Chamber that the Parties have to upload the documents to be
21 used on the interface one working day before the beginning of the
22 testimony. However, about 15 documents were uploaded by the Khieu
23 Samphan defence team yesterday, about one hour before the
24 beginning of Lach Kry's testimony.

25 So your practice is clear, Mr. President. It is memo E341/1 that

1 indicates clearly that documents must be uploaded in the
2 interface the business day prior to the testimony of the witness
3 and not the business day prior to the examination by the Defence.

4 [14.46.10]

5 The reason why I am bringing up this point, because this happens
6 often. The Defence frequently uploads documents on ZyLAB at the
7 last minute which does not allow us when we start examining the
8 witness to read these documents and, if necessary, to use them in
9 our own examination if we believe that these documents are
10 relevant.

11 So I believe that the aim of this interface is to abide by the
12 principles of an adversarial hearing and to offer us, civil
13 parties or co-prosecutors, who generally start the examinations,
14 to give us enough time to read the documents and, if necessary,
15 to use them in our questions so that the Defence may react.

16 So I do not object to the use of these documents, but I simply
17 wanted to remind the Parties of the rules which are clearly
18 stated in memo E341/1. Thank you, Mr. President.

19 [14.47.14]

20 MS. GUISSÉ:

21 Mr. President, a short answer. If I am not mistaken, indeed our
22 documents were uploaded yesterday before 12 o'clock, so there was
23 a bit of leeway to check if there were elements that were useful
24 for the examination of this civil party. So I would like to
25 specify, and this is maybe something that does not transpire

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1 necessarily from the way the hearings are conducted, but I would
2 like to remind you -- is there a translation issue here? So we
3 are doing what is necessary and our best in the Khieu Samphan
4 defence team to--

5 MR.PRESIDENT:

6 Counsel, please hold on. There is a technical issue.

7 (Technical problem)

8 [14.49.40]

9 MR.PRESIDENT:

10 Defence Counsel for Khieu Samphan, you may resume your
11 questioning.

12 MS. GUISSÉ:

13 Thank you, Mr. President. So well, a short observation addressing
14 the civil parties because I understood that it was not an
15 objection. But I simply wanted to tell the Chamber that we are
16 doing our very best to abide by the deadlines set by the Chamber
17 and to make sure that we inform the Parties as soon as possible
18 or as soon as we can. And I would like to specify that contrary
19 to the Co-Prosecutor and to the civil party lawyers, it is always
20 the same lawyers who are in the courtroom and who are preparing
21 the witnesses and sometimes when there is arbitrating to be done
22 between documents we are in the courtroom and we cannot be in two
23 places at the same time, so we are doing as best as we can.
24 So of course, we could arrange the Parties to have earlier notice
25 but here, unfortunately, it is impossible. We are doing

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1 everything that is humanly possible to abide by the deadlines. We
2 have uploaded the documents before 12 o'clock, before the
3 examination of this witness yesterday. So--

4 [14.51.03]

5 MR.PRESIDENT:

6 Counsel, you may resume your questioning. However, for later
7 proceedings you should be reminded of the procedures for the
8 placing of documents on the interface.

9 You may proceed, Defence Counsel.

10 BY MS. GUISSÉ:

11 Q. Mr. Lach Kry, are you still here with me?

12 MR.LACH KRY:

13 A. Yes, I'm with you.

14 Q. So I was asking you if you knew the so-name Neou Sam who lives
15 in Pou Chentam village?

16 A. Yes, I know Neou Sam. Neou Sam lived not far from my house.

17 [14.52.16]

18 Q. So in a DC-Cam statement, whose references I provided earlier,
19 and the French ERN is, 00848446; English ERN, 00822156; and
20 Khmer, 00451710; and this lady speaks about Chuy. And the
21 question that was put to her was the following, "In which year
22 did he arrive?" And she answered, "He arrived in 1972 or 1971. It
23 was in 1971, I believe, in fact." End of quote.

24 So does this refresh your memory with regard to Chuy's arrival
25 date in your village?

6

1 A. I did not know whether he arrived in 1971 or '72. However,
2 personally I met him in around 1974.

3 [14.53.49]

4 Q. You said yesterday, it was around 25 past 3.00, when you were
5 answering my colleague from the Nuon Chea team, you said that you
6 did not know that Chuy had been a former Vietnamese soldier. Do
7 you really not remember this? Because that same person at the
8 same ERNs that I provided in the same document said the
9 following, "When he came to settle in the village, Chuy was a
10 serviceman." And then the following question was put to him, "Did
11 he come as a serviceman?" And she answers, "He was a serviceman
12 at the beginning but when he came to settle here in the village
13 he had already left the army." End of quote.

14 So does this statement refresh your memory in any way during your
15 conversations?

16 MR.PRESIDENT:

17 Civil Party, please hold on, and the International Co-Prosecutor,
18 you have the floor.

19 MR.KOUMJIAN:

20 Your Honour, I believe, and I'm sure unintentionally that Counsel
21 may be misleading the witness about what this DC-Cam statement
22 says, as she said; used the words "Vietnamese soldier". In fact,
23 the DC-Cam statement of the woman interviewed makes it clear that
24 the person was not -- that Chuy was not either a Thieu-Ky or
25 Vietcong soldier but had come from Phnom Penh and spoke Khmer

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1 perfectly or clearly with no accent. So to tell, to ask him or
2 tell him that this was a Vietnamese -- that the witness said it
3 was a Vietnamese soldier is, I believe, misleading.

4 [14.56.06]

5 BY MS. GUISSÉ:

6 I do not have necessarily the same understanding of this document
7 but, of course, we can speak more broadly. On the same page of
8 this document, indeed the question is put to him if he was a
9 Thieu-Ky or a Vietcong soldier and he answered, "He was neither
10 of these groups and I don't know which faction he belonged to."
11 So that person might have known that he was a soldier but she did
12 not know which group he belonged to. So I believe that the
13 Co-Prosecutor's assertion is not confirmed by this DC-Cam
14 document.

15 Q. In any case, Mr. Lach Kry, the real question I have for you
16 is, do you remember if you spoke to Chuy about his past in the
17 army, regardless of the army he served in? Does this remind you
18 of something?

19 [14.57.09]

20 MR.LACH KRY:

21 A. I, myself, did not know whether he was a former soldier or
22 not. And when he came to settle in Pou Chentam village he was
23 simply an ordinary villager.

24 Q. In order to be complete about this regarding these statements
25 we have on a case file -- and here I am going to ask you to pay

8

1 attention not to pronounce your cousin's name. So we have one
2 statement on the case file of 2-TCCP-869, document E3/7809, ERN
3 French, 00486104; English ERN, 00282563; Khmer ERN, 0271368
4 (sic). This is what your cousin says, "I heard no official
5 announcement but my --" Well, let me be complete about this.
6 First the question was put to her, "In 1975, what did you know
7 about the Vietnamese families?"

8 Answer, "I heard no official announcement with that regard but my
9 husband and myself, as well as the villagers had learned that the
10 Vietnamese had to go back to Vietnam. My husband did not accept
11 to go back. He wanted to remain with his wife and children. In
12 fact, I wanted to go to Vietnam as well." Then she specifies
13 that, "He was a former Vietnamese soldier who had deserted to go
14 into business and to live like a normal citizen in Pou Chentam
15 village."

16 So Mr. Lach Kry, your cousin said that her husband had been a
17 former Vietnamese soldier who had deserted. So does this refresh
18 your memory? During the discussions that you had with her or with
19 him, was this topic discussed at one point or the other?

20 [15.00.07]

21 A. No, I never discussed this matter and personally, as I stated,
22 I did not know that he was a former soldier. I only knew that he
23 was a villager and I never discussed with my cousin, Oeurn, about
24 him.

25 Q. For purposes of clarity because there may be some

1 interpretation problems, you do confirm that you never discussed
2 the issue with Chuy; is that correct?

3 A. Yes, that is correct.

4 Q. At the time when Chuy settled in your village and you pointed
5 out that he was just like any other villager, his wife, whose
6 statement I read out a while ago, and she was a trader if you do
7 recall, do you remember what kind of business she practiced, if
8 you do remember?

9 A. When I met him he was a merchant selling fish while his wife
10 sold cake and vegetables.

11 [15.02.03]

12 Q. Your cousin interviewed by DC-Cam, and I have only the English
13 translation of that statement and it is document E3/7562, ERN in
14 English, 01157781; ERN in Khmer, 00034081; I'll have to read it
15 in English because I don't have the French. This is the question
16 that was put to your cousin. I have to read it in English, as I
17 pointed out.

18 "Can you tell us again what your husband did at that time?"

19 "He did not do any business. At that time he relied on the fact
20 that Yuon could enter an exit Cambodia. He was an opium seller."

21 Question: "Really."

22 "Yes, during that period he entered an exit at Cambodia. He had
23 nothing else to do. He just stayed at home and the money flew to
24 our home. People came to buy at our home to export to Vietnam."

25 "Did people come to buy opium?"

10

1 "Yes, they did. He did not do any other business."

2 "How much did he earn selling it at the time?"

3 "He earned much money. At the time, Yuon kept flowing to
4 Cambodia. They just came to buy it."

5 "Did you have much money?"

6 "Yes, he did." End of quote.

7 Mr. Lach Kry, does this excerpt refresh your memory? Do you
8 remember whether at a point in time, Chuy indeed engaged in an
9 opium trade in your village?

10 [15.05.03]

11 A. I did not know what kind of things Chuy sold. I saw him sell
12 fish and the wife of him sold crackers or cookies.

13 Q. Very well. Without knowing exactly what all his business
14 activities were, do you confirm as is stated in this excerpt that
15 he earned a very decent living at the time doing this kind of
16 business?

17 A. To my observation and whenever I met him, I could say that he
18 was not rich. He was not well off. He had a small house. Chuy was
19 living with the wife in that very small house. So it wasn't
20 noticeable that he was a rich man.

21 [15.06.35]

22 Q. I would like to go into another line of questioning. Do you
23 remember whether -- and we are talking about the period before
24 1975, and specifically in 1970 when the Lon Nol coup d'états was
25 staged -- do you remember whether, during that period, Vietnamese

11

1 returned from Cambodia to Vietnam? Do you know whether such
2 returns of Vietnamese to Vietnam were organized? Do you remember
3 that?

4 A. I used to live in the village from 1970 up to a period of
5 time. Vietnam returned to their land one after another, but there
6 was some Vietnamese remaining in my village. Only three
7 Vietnamese families remained in my village, including Lach Ny's
8 family. The rest all returned to their homeland.

9 Q. Now, you're talking about the situation in your village. I
10 would like to know whether you specifically remember, and I'm
11 talking of the period immediately after the Lon Nol coup d'états,
12 do you remember whether people returned not necessarily to your
13 village but did you follow the events perhaps on the radio? Did
14 you hear that, apart from the situation in your village, whether
15 throughout Cambodia there were cases of Vietnamese who returned
16 to their country, Vietnam?

17 [15.09.05]

18 A. Madam Counsel, during the time Vietnamese people went home
19 from time to time. Even the Vietnamese in my family went back
20 home. Vietnamese people in the country may have returned to their
21 country. Some Vietnamese families remained within the country
22 since they married Khmer spouses.

23 Q. Very well. But to be very specific, in light of my question, I
24 have understood that Vietnamese went back from time to time. I am
25 not talking about that situation. But I am asking you whether

12

1 after the Lon Nol coups d'états Vietnamese left Cambodia and
2 returned to Vietnam in droves. If you do not remember that,
3 that's not a problem, I just want to know whether you do remember
4 such repatriations.

5 [15.10.17]

6 A. I could only talk about my location, my area. What happened
7 within my village and location, I knew. The rest, I did not know.

8 Q. I would like us to go into another line of questioning. You
9 made mention of the fact that your sister-in-law was warmly
10 welcomed when your brother came to introduce her to your family.
11 You also pointed out that there had previously been no problems
12 between Vietnamese and Cambodians. My question to you is as
13 follows: Although there may not have been any particular
14 problems, were there any problems or misunderstandings and cases
15 of prejudice on the part of Cambodians vis-à-vis Vietnamese? And
16 I am asking you to tell us what you know about that.

17 A. In my relations with her or with him -- with her, rather, with
18 my sister-in-law, nothing strange happened. She had a normal
19 relation with me and with other Khmer people. No brawls, no
20 arguments or conflicts within my family or within the community
21 that she lived in.

22 [15.12.29]

23 Q. Maybe my question wasn't concise enough. What I would like you
24 to tell us is whether, outside of relations between you and your
25 sister-in-law, within the village were there any cases of

1 prejudice between Cambodians or Khmers and the Vietnamese,
2 generally speaking, apart from the relationship between you and
3 your sister?

4 A. No one hated her. She was a very socialized person and popular
5 within the village. No one hated her within the village.

6 Q. I believe my questions are not being properly understood. I am
7 talking about a situation apart from that of that you had with
8 your sister-in-law. I am asking about situation in the village.
9 Did you hear of any discussions or reflections by people that
10 could have betrayed some prejudice vis-à-vis the Vietnamese?

11 [15.13.50]

12 A. No. No, I never heard of such a thing.

13 Q. Did you ever hear anyone say that people thought the
14 Vietnamese had a form of conduct or attitudes that were different
15 from those of Cambodians which they could have found shocking?

16 A. I never heard of people saying these things.

17 Q. I put this question to you because in your interview with
18 DC-Cam, document E3/5640, ERN in French, 00657815; ERN in Khmer,
19 00034400; ERN in English, 00645400; you are discussing the person
20 from DC-Cam who was interviewing you and you indeed talk of the
21 warm welcome reserved for your sister-in-law. And the person
22 interviewing you as -- and as the translation is quite sloppy:
23 "For what reason did your family and parents not blame your
24 brother for marrying a Vietnamese?" And this was the answer you
25 gave, "They did not blame him for that because the conduct of his

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1 wife was similar to that of the Khmer. His (sic) attitude was
2 very much unlike that of the Vietnamese. The conduct of
3 Vietnamese as opposed to that of Cambodians were not identical.
4 She was like a Khmer that was why there was no problem with the
5 Vietnamese." End of quote.

6 My question is as follows. You have used the expression that her
7 attitude was not like that of the Vietnamese. The conduct of
8 Cambodians and Vietnamese was not identical. My question is what
9 do you mean by that?

10 [15.17.06]

11 A. The reason that I said that is she had Khmer attitude but the
12 way she spoke was like Vietnamese, since she spoke Vietnamese
13 with accent. So everyone understood that she was Khmer since she
14 spoke a very clear Khmer. Her father was Khmer and her mother was
15 Vietnamese and my brother, my elder brother, married her with his
16 whole heart.

17 Q. As a matter of fact, I put that question to you because in the
18 extract I just read out to you, you do not refer to the accent.
19 You instead refer to attitude and conduct and that is why I am
20 asking you what you're referring to when you said that they did
21 not have an identical attitude or conduct; that is the attitude
22 of the Vietnamese was not identical with that of the Khmer. What
23 did you mean?

24 [15.18.41]

25 A. In daily communication and relation with Khmer people, she was

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1 like Khmer before in terms of attitude, the way she speak and her
2 expression. She did not hate anyone in the society or in the
3 village. Lach Ny and my sister-in-law in fact live very
4 peacefully in the family, and my parents love and like Lach Ny's
5 wife.

6 Q. I have properly understood your testimony on this point. It is
7 very clear. Let me try again.

8 My question was whether, in light of the extract of your
9 testimony I have just read out to you, whether before you got to
10 know your sister-in-law, you yourself or anyone else in your
11 family had another vision of Vietnamese and Vietnamese women than
12 the general vision Khmer people had?

13 A. When my elder brother brought his wife from Phnom Penh to live
14 within the village, my elder brother told my parents and other
15 villagers that he married that Vietnamese woman.

16 From that time onward, it was the time that I learned that my
17 sister-in-law was Vietnamese, although she was Vietnamese she
18 spoke Vietnamese with accent but Khmer well.

19 [15.20.48]

20 Q. I think I cannot go any further in this line of questioning,
21 so I'll go into my last line of questioning. We should bear in
22 mind that my colleague, Kong Sam Onn, will also have some
23 questions for the witness.

24 And this line of questioning has to do with the life experiences
25 of your brother. You did say that at one point in time he was in

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1 Phnom Penh. He worked there and then he returned with his
2 Vietnamese wife. Did he at any point in time in his life work
3 abroad; that is outside of Cambodia?

4 A. Before he married his wife, he was well educated. He went to
5 pursue his study in Germany. He received a short training in
6 Germany. I did not know whether he went there for study, and then
7 he returned to Cambodia, to Phnom Penh, to work. I did not know
8 his occupation after his return to Cambodia.

9 [15.22.20]

10 When -- after he had married his wife, he returned to his village
11 and Lach Ny knew many languages. And to my little knowledge, he
12 may have been working in the government. He could speak a few
13 languages, Vietnamese, French, English and German. He spoke the
14 four languages very clearly.

15 Later on perhaps he quitted his profession, and I cannot tell you
16 what kind of profession he held since I was young at that time.

17 Q. Do you know whether he also spoke Chinese?

18 A. Yes, he could speak Chinese but not much.

19 Q. Do you know whether, apart from Germany, your brother went to
20 another foreign country?

21 MR.PRESIDENT:

22 Please hold on, Mr. Civil Party.

23 Counsel, can you clarify for the Court how your questions are
24 related to the scope of the Trial before all of us, particularly
25 concerning the language that Lach Ny spoke? So how were all those

1 languages related to our Trial?

2 [15.24.23]

3 MS. GUISSÉ:

4 Mr. President, we have heard several witnesses state before this
5 Chamber that at times intellectuals were targeted and that people
6 who spoke different languages and who had been abroad were
7 targeted. So questions are designed to determine whether as part
8 of the Mr. Lach Kry's (sic) life experiences, that is the brother
9 of the witness, there may have been certain factors or events
10 that may have led to suspicions being raised regarding the
11 activities or the life events of the -- that person. And this
12 would be in line with the scope of this Trial regarding -- and
13 the document is E3/5630. That document would show the link. And I
14 will be done shortly, Mr. President.

15 [15.25.34]

16 MR. PRESIDENT:

17 So now you can continue your questioning and conclude it, as you
18 said.

19 BY MS. GUISSÉ:

20 Q. Mr. Witness -- or rather Mr. Civil Party -- you stated that
21 after the disappearance of your sister-in-law and your brother's
22 children, he was in a difficult psychological situation and that,
23 subsequently, another wife was proposed to him.

24 Do you remember who took the decision to propose another wife to
25 him and what was the position of that person within the commune

1 and the village?

2 MR.LACH KRY:

3 A. The decision to remarry Lach Ny to another woman was made by
4 Svay Antor Commune with the agreement of the district level.

5 Three couples were invited -- were organized to marry spouses
6 within that commune.

7 Q. You are talking of the commune. Do you know who was the
8 commune chief during that period?

9 A. It was Chhem, it was Chhem, the Svay Antor Commune chief. And
10 other two members were also involved in the organization of that
11 marriage. I did not know the names of two of them.

12 Q. What was the general attitude of Chhem towards your brother
13 when he had the psychological problems following the
14 disappearance of his wife?

15 [15.28.30]

16 A. After my sister-in-law had been taken away, Ny became crazy
17 and psychotic. The commune chief felt pity on him. He became --
18 he was in such a mental problem for five months, and then after
19 that five months he became to normal condition -- he was becoming
20 to normal condition step by step. And, lastly, he became a normal
21 person.

22 Q. And where did the commune chief live in relation to your
23 brother's home?

24 A. He was living in a far distance location. He was living about
25 10 kilometres away from my village.

1 [15.29.46]

2 Q. Well, I would like to seek ultimate clarification before I
3 give the floor to my colleague, Kong Sam Onn. In your statement
4 E3/5630, which was disclosed by your lawyer, at French ERN,
5 00891891; at Khmer ERN, 00895421; at English ERN, 00678290; this
6 is what is stated.

7 "Angkar wanted Lach Ny to continue good mental health and they
8 thought that making him marry another woman could make him
9 happier. The chief of the cooperative, now call commune chief,
10 decided that Lach Ny was to get married. They had a good
11 intention with him. The cooperative chief wanted to see Lach Ny
12 happy. They lived next door to each other." End of quote

13 So my question is, in this segment are you referring to Chhem or
14 are you referring to another commune or cooperative chief?

15 A. I refer to the village authority and not to Chhem.

16 Q. And can you tell us in that case what was the name of the
17 village chief back then?

18 A. Seng was in charge of the authority back then.

19 Q. So it is he who lived next to your brother's; is that correct?

20 A. Seng was from a different village and he was assigned to take
21 charge of the administration in Pou Chentam village. His original
22 village was about two kilometres from my village, however, he was
23 assigned, as I said, to manage Pou Chentam village.

24 [15.32.35]

25 Q. Which person are you speaking about when it is said in your

20

1 statement that the cooperative chief wanted to see Lach Ny happy
2 and they would live next to each? Whom are you speaking about
3 exactly?

4 A. I refer to Seng, the village chief. As he said, it would be
5 better to marry Lach Ny to another woman.

6 Q. But I believe I understood that when you were speaking about
7 Chhem, that Chhem lived 10 kilometres away from your brother's
8 home. So that is not exactly next to his home.

9 Did I misunderstand you in any way?

10 [15.33.42]

11 A. Seng lived not far from his house because Seng came actually
12 from another village and he was assigned just to be chief of the
13 Pou Chentam village. So that's why I said his house was close to
14 his house.

15 MS. GUISSÉ:

16 I am done with my questions, Mr. President, and I'm going to give
17 the floor to my colleague, Kong Sam Onn.

18 MR. PRESIDENT:

19 Thank you. And Counsel Kong Sam Onn, you have the floor.

20 QUESTIONING BY MR. KONG SAM ONN:

21 Thank you, Mr. President. Good afternoon, civil party. I only
22 have a few short questions to put to you.

23 Q. My first question is in relation to a person named Chuy. You
24 testified before the Chamber that your cousin married this
25 person, Chuy, and yesterday you also mentioned that Chuy was a

1 businessman. So what kind of profession or business did he engage
2 in?

3 [15.35.06]

4 MR.LACH KRY:

5 A. Chuy was a merchant. Actually, both of them were merchants.
6 They sold fish and sometimes his wife made cake and sold them at
7 the market. Of course, they were just ordinary merchants and not
8 big businessmen.

9 Q. Thank you. Did he make any trade across the Vietnamese and
10 Kampuchea border?

11 A. If they were to engage in such cross-border trade, I was not
12 aware of it.

13 Q. Do you recall when he and his wife were merchants?

14 A. It was from the time that I saw him, that is, around 1974 or
15 '75. If there were fish available, they would sell fish. And at
16 some of the time his wife would make cakes and sold them. And I
17 was not aware of any cross-border trade that would involve him if
18 they were.

19 [15.36.42]

20 Q. You were asked by my counsel, Anta Guisse, in reference to
21 statements from other witnesses on the presence of Chuy in your
22 village. If you said that you became aware of his presence of
23 Chuy in 1974 in your village, can you tell the Chamber what was
24 the basis for you to recall that you knew Chuy in 1974?

25 A. Because I saw Chuy in 1974, and that coincided with the birth

1 of one of my children and my child at the time was about a week
2 old and both of them came to visit us at our house. And that
3 happened in around 1974. That's why I recall it. I recall that he
4 came in 1974.

5 Q. And can you please specify again how old was your child when
6 he came to visit you?

7 A. In fact, my child was about a month old when he came to visit
8 us.

9 Q. And what is the name of that child?

10 A. My child's name is Phea (phonetic), however, my child passed
11 away.

12 Q. Do you have any letter or certificate of birth of that child?

13 A. No, I don't because no such paper exist when -- back in the
14 1970s.

15 [15.39.06]

16 Q. I'd like to ask about your elder sister-in-law, who was the
17 first wife of your elder brother, Lach Ny. Can you tell the
18 Court, did you know your elder sister-in-law well, who was
19 half-Vietnamese?

20 A. I came to know her in 1978 -- in '68 when she came to live in
21 the village. She married to my elder brother. Actually, she spoke
22 to my elder brother who was fluent in poetry and asked my elder
23 brother whether she was your wife and he said yes.

24 Actually, my elder brother spoke Vietnamese with her, and later
25 on during her living in the village she spoke Vietnamese to those

1 people -- to those Vietnamese who came to buy vegetables from
2 her.

3 [15.40.32]

4 Q. On the issue of speaking Vietnamese, and you said that she
5 spoke with your elder brother. Did you hear them speaking in
6 person or did you hear this from someone else?

7 A. Of course, I heard it in person because my house was adjacent
8 to my elder brother's house. Sometimes I got out of my house and
9 I chit-chatted with them and, of course, they were speaking
10 Vietnamese to one another and I did not understand. Their house
11 was only about three metres away from my house.

12 Q. When was that? Can you tell the Chamber how long did you live
13 in that house which was about three metres from his house?

14 A. I live in that house since the old regime, that is, since
15 1968, and he came to build a house next to mine. Our family
16 members were living not far from one another.

17 Q. Is it then correct to say that you could hear the
18 communication between your sister-in-law and your elder brother
19 or communication between them and the neighbours?

20 A. Yes.

21 [15.42.15]

22 Q. Yesterday, during the proceedings, at around 13.50, you
23 testified that you heard your elder sister, San -- actually you
24 were asked whether you ever heard her speaking Vietnamese and you
25 said yes.

24

1 And a bit after that, you stated -- and allow me to quote.

2 "She spoke Vietnamese more, that's why the villagers concluded
3 that she was Vietnamese because she spoke Vietnamese and she
4 spoke the language with accent."

5 Further down at around 1500 hours 15 minutes, you stated that she
6 spoke the Khmer language with accent. So from the excerpt you had
7 spoken on several occasions that your elder sister-in-law spoke
8 Vietnamese and spoke Khmer with accent.

9 Do you stand by your statements?

10 [15.43.53]

11 A. That's what I testified today and that's what I am testifying
12 now, that she spoke Vietnamese and she also Khmer but with an
13 accent. And when she spoke Vietnamese to those Vietnamese people
14 who came to buy her vegetables, but when she spoke to our side,
15 that is to me and my family members, she spoke Khmer with accent.

16 Q. Can you state the name again of the wife of Lach Ny?

17 A. Her name is Sum San.

18 MR.KONG SAM ONN:

19 Mr. President, with your permission I'd like to play a video clip
20 which is, D166/12R, which is a portion of an audio clip.

21 And, Mr. President, because the audio clip is not available, I'd
22 like to read from a transcript of that document that is at
23 00.08.58 to 00.09.10, and allow me to read the excerpt of the
24 audio clip.

25 "The wife was mixed Vietnamese?"

1 And Lach Kry said: "Yes, but she was almost a Khmer. She could
2 hardly speak Vietnamese."

3 Then (inaudible) asked: "Was she a mixed Vietnamese but could not
4 speak Khmer?"

5 And Lach Ny say: "She could hardly speak Vietnamese".

6 I am now informed that the audio clip is now available and I seek
7 your permission, Mr. President, to play this short clip so that
8 the civil party can hear it.

9 [15.46.43]

10 MR.PRESIDENT:

11 Yes, you can proceed.

12 (Short pause)

13 [15.47.16]

14 MR.KONG SAM ONN:

15 Mr. President, my apology, Mr. President. This is the audio
16 recording from the Office of the Co-Investigating Judges, and for
17 that reason it will not be possible for me to play it in public.
18 Allow me to continue my questions to Lach Kry.

19 BY MR.KONG SAM ONN:

20 Q. Mr. Lach Kry, do you recall that you provided a statement to
21 the Office of the Co-Investigating Judges when you were
22 interviewed on 29 September 2008? Do you recall an excerpt of the
23 transcript of your audio clip?

24 MR.LACH KRY:

25 A. No, I cannot recall that. It happened quite -- several years

1 ago.

2 Q. Do you recall the content of your interview where you said
3 that your sister-in-law did not speak Vietnamese at the time?

4 A. No, I cannot recall that. Because what you stated seems
5 inaccurate and I deny that I make that statement. Because in
6 reality she knew Vietnamese and she spoke Vietnamese, but I
7 cannot tell you the level of the Vietnamese she spoke because I
8 did not speak Vietnamese.

9 [15.49.02]

10 Q. Do you recall any discrepancies of what you told the
11 investigators of the Office of the Co-Investigating Judges, that
12 your sister-in-law did not know Vietnamese, to the facts that in
13 this trial you stated that your sister-in-law knew Vietnamese?

14 And my question to you is that, is it your misunderstanding or
15 maybe that you forget about this, that's why you have made these
16 discrepancies?

17 A. I never said that she did not know Vietnamese. I never said
18 that because she was Vietnamese so she spoke Vietnamese. And now
19 you put to me that I said she did not speak Vietnamese. I cannot
20 tell you about that because I didn't say it.

21 [15.50.16]

22 BY MR.KONG SAM ONN

23 Q. What I read to you is an excerpt of a transcript of your audio
24 record when it was recorded during your interview with OCIJ, and
25 to me it seems that you changed your statement. So I'd like you

1 to recall the moment that you were interviewed. Maybe you made a
2 mistake?

3 And, Mr. President, I don't have any further questions for this
4 civil party.

5 And, thank you, Mr. Civil Party.

6 MR.PRESIDENT:

7 Mr. Lach Kry, the Chamber would like to thank you for your time.

8 And now your testimony is concluded. However, as a civil party,
9 you are given an opportunity to make a statement of sufferings in
10 relation to the crimes alleged against Khieu Samphon and Nuon
11 Chea, and which have an impact upon you and which caused you to
12 become a civil party to claim for collective and moral
13 reparations from the Accused, as well as the harms inflicted upon
14 you physically, materially which were inflicted upon you. If you
15 wish to make that statement, you have the chance now.

16 [15.52.08]

17 MR.LACH KRY:

18 Again, my respect to Mr. President.

19 I lived under the period of Democratic Kampuchea regime and my
20 life was miserable. It was also miserable for my parents and
21 family members. Our lives were so miserable under the regime,
22 that is, from between 1975 through 1979, and nothing could
23 compare to the misery that we received.
24 We were evacuated from Prey Veng Province to Battambang Province.
25 It took us three days to make such a journey. And, actually, we

1 crossed a river by a ferry and we boarded a train. We were let
2 off at Krang Thnong (phonetic) near a train station and we had to
3 make another journey which was about seven or eight kilometres
4 long. I had elder parents so I had to carry both of them, and my
5 wife had to carry our belongings on her head.

6 And not even an hour after our arrival we were desegregated (sic).
7 I was separated from my wife and from my children, and that was
8 so -- that inflicted so much pain upon me.

9 [15.54.02]

10 And about a month after I was assigned to harvest rice and we
11 were not given any much food. The regular ration was just plain
12 rice with onion. We ate such food for about two months, then a
13 big meeting was held at Angk Romleng (phonetic) and there was
14 thousands of people who called to attend that meeting.

15 I was sitting at the back, about 30 metres from the stage where
16 the dignitaries sat, and there was this (unintelligible) who came
17 also from Pou Chentam village who told the meeting -- actually,
18 we were told if we wanted to take a stand and speak -- and then
19 the unit chief said Lach Ny was a sector committee, but we -- I
20 did not know anything about the sector committee at all.

21 And three days after that, I was assigned to build a house which
22 was three metres by two metres near a hill, and about a week
23 later I was assigned to catch fish at Tonle Sap River -- or Lake.
24 I walked to the area and it was around 6 p.m. And there were 10
25 Pol Pot soldiers who were walking behind us and actually they

1 opened fire at our group. I was fleeing the scene and I did not
2 know how many casualties they inflicted upon at the time.

3 There was 12 of us who survived the ordeal. We were running, we
4 were running crossing the railway, and we were running heading to
5 Pursat. We were without food for a few days and they made an
6 announcement; I heard a broadcast on the radio that I, Lach Kry,
7 was the ringleader to lead a rebellious group. But, in fact, I
8 was not involved in any rebellious activity.

9 [15.57.21]

10 We, the 12 person group actually fleeing from being killed. There
11 were eight men and four women amongst our group and we had to
12 cross a number of battlefields. And while we were crossing a
13 battlefield, four of us were shot dead and there were eight
14 remained.

15 Then we had to run crossing another battlefield. We were fired
16 upon and I was hiding myself behind a hill, a small hill, and I
17 saw many dead bodies in a pit nearby that hill; maybe 20 to 30
18 dead bodies. And then two of our group members were shot dead. So
19 there were six of us left. One woman was killed; there were three
20 women remained.

21 [15.58.37]

22 Then we had to come across the third battlefield which was a
23 boundary of Pursat Province. At that time, a woman from our group
24 was shot dead and there were only five of us survived.

25 And, at that time, we did not have any belongings with us, only

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1 the clothes that we were wearing. But actually while we were
2 fleeing, our clothes got caught in the forest and we were almost
3 naked. So I actually had to take off my pants for the woman to
4 wear.

5 And when we arrived in Pursat, I ran towards the Vietnamese
6 barracks because by that time the Vietnamese entered our
7 territory, and the five of us were arrested and imprisoned by the
8 Vietnamese because we were accused of being a Pol Pot clique.
9 I was interrogated and through the interpreter I was asked
10 whether I was a Pol Pot clique or not, and I said of course not,
11 I was a villager from Prey Veng Province, and then I was accused
12 of being a Pol Pot clique. And I was slapped in the face and
13 asked why. And I was threatened that I did not tell them the
14 truth.

15 [16.00.28]

16 I was so angry and I decided if I were to tell the truth or not,
17 I would be killed anyway. And I said if you accuse me of being a
18 Pol Pot clique, you can say so, but I asked, "So where were you
19 during the Pol Pot regime; where did you flee to?" And the person
20 said, "I was living in Pursat." And then I responded, "If you
21 lived in Pursat you were also part of the Pol Pot clique then as
22 in my case."

23 Then the person hit me with a pistol on my head and I was
24 bleeding, and I was cuffed in a prison there, and I was
25 imprisoned there for one month and 20 days.

31

1 Finally, thanks to Excellency Prum Din -- I didn't know where he
2 came from, but he came to the area and I knew him because he was
3 from the next village where I lived. I signaled at him and he
4 asked me where I came from and I told him that I came from Svay
5 Antor and that I knew him because his house was not far from
6 mine. And he asked whether I came from Prey Veng and I said, of
7 course, yes.

8 [16.02.19]

9 Then he told them to release me. Then he questioned me and after
10 the questioning period he told the Vietnamese to release me, but
11 Vietnamese did not release me. He left and I was still
12 handcuffed. And that happened after the 7 January 1979.

13 I was still being detained, and later on I saw Lach Ny and Lach
14 Ny was told that I was detained by villagers so he came to me.
15 Then there were about a 100 people who begged for me to be
16 released.

17 And upon my release I was told that the parents and my wife and
18 family members were killed because of the fact that I fled the
19 village. However, they also said if I were to live in a village I
20 would be killed anyway.

21 MR.PRESIDENT:

22 Civil Party, could you please be brief? Maybe you can speak about
23 the harms inflicted upon you or the loss of your family members.

24 [16.03.54]

25 MR.LACH KRY:

1 Mr. President, I actually had a wound by -- a bullet wound at my
2 waist, and while I was fleeing I did not bring any belongings too
3 and when I returned to my village my house was ransacked and
4 nothing was left.

5 I lost my parents, my wife, my children, my siblings and some
6 other family members.

7 That is all I want to say, Mr. President.

8 MR.PRESIDENT:

9 International Lead Co-Lawyer for Civil Parties, do you have any
10 matters on your mind?

11 [16.04.46]

12 MS. GUIRAUD:

13 Thank you, Mr. President. I'll be very brief because it is time
14 for us to break up.

15 It appears that you haven't given the civil party the opportunity
16 to answer the question sent by email. Would it be possible for
17 that question to be asked by the civil party. That question was
18 sent to you yesterday and this is what we usually do. I thank
19 you.

20 MR.PRESIDENT:

21 Can you please be more specific when the list of questions was
22 sent to the Chamber? And in what language was it made in? Please
23 specify when the list was submitted and in what language.

24 MS. GUIRAUD:

25 I'm looking for the questions as I'm speaking to you, Mr.

1 President. I know that the questions were sent yesterday in Khmer
2 and in English.

3 MR.PRESIDENT:

4 Did you send the list through me directly or to another judge or
5 another person at the Trial Chamber?

6 MS. GUIRAUD:

7 The questions were sent on Tuesday to the Chamber as we usually
8 do in Khmer and in English at 4.13, that is, in the afternoon.
9 And those questions were sent to the Senior Legal Officer and to
10 everyone on the mailing list. So it was on Tuesday at 4.13 in
11 both French and English -- sorry, in Khmer and English, I beg
12 your pardon.

13 [16.06.45]

14 MR.PRESIDENT:

15 Civil Party, do you wish to put questions to the accused. If you
16 do, you can proceed.

17 MR.LACH KRY:

18 I have two points that I would like to put to the witness
19 concerning the events that took place at Pou Chentam Village.
20 For those senior leaders of the Democratic Kampuchea regime, are
21 you aware that your subordinates engage in killing the people?
22 Second, what was the reasons for you to instruct your
23 subordinates to kill the people?

24 These are the two questions that I wish to put to the Accused.

25 [16.07.52]

1 MR.PRESIDENT:

2 Thank you, Mr. Lach Kry. The Chamber wishes to inform you that
3 after ascertaining the position of both Accused on 8 January
4 2015, regarding the exercise of the rights to remain silent, the
5 Chamber notes that the two Accused maintains their express
6 position unless and until such time the Chamber is expressly
7 informed otherwise by the co-accused or their counsels.

8 It is, therefore, incumbent upon them to inform the Chamber in a
9 timely and efficient manner should the Accused resolve to waive
10 the rights to remain silent and be willing to respond to
11 questions by the Bench or relevant Parties at any stage of the
12 proceedings.

13 As of today, the Chamber is not informed that the Co-Accused have
14 changed their express position and thus agree to provide their
15 responses to questions.

16 For that reason, the Chamber is not in a position to compel the
17 two Accused to respond to your questions.

18 Do you understand, Mr. Lach Kry?

19 [16.09.20]

20 MR.LACH KRY:

21 Yes, I do, Mr. President.

22 MR.PRESIDENT:

23 The Chamber would like to thank you, Mr. Lach Kry, and the
24 hearing of your testimony and statement of suffering is now
25 concluded. Your testimony may continue to ascertainment of the

1 truth in this case. We wish you all the very best and you are now
2 excused.

3 And the Chamber would also like to thank Mr. Nhem Samnang,
4 representative of WESU, for coordinating the audio-visual link
5 for the testimony of this civil party, and you are now also
6 excused.

7 [16.10.11]

8 The hearing today comes to an adjournment.

9 The Chamber now adjourns the proceedings and continue on Monday
10 25th January 2016.

11 For Monday next week, the Chamber will hold an open session to
12 hear testimony of civil party 2-TCCP-869, and it will be a whole
13 day hearing.

14 Security personnel, you are instructed to take Khieu Samphan and
15 Nuon Chea back to the detention facility and have them returned
16 to attend the proceedings on Monday 25th January 2016, before 9
17 o'clock in the morning.

18 The Chamber is now adjourned.

19 (Court adjourns at 1611H)

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