



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

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC REDACTED

Case File N° 002/19-09-2007-ECCC/TC

10 November 2016

Trial Day 479



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

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KHIEU Samphan

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INDEX

2-TCW-913

Questioning by The President (NIL Nonn) page 5

Questioning by Mr. KOUMJIAN page 8

Questioning by Mr. HONG Kimsuon page 55

Questioning by Judge LAVERGNE page 60

Questioning by Mr. KONG Sam Onn page 64

2-TCCP-235

Questioning by The President (NIL Nonn) page 75

Questioning by Mr. VEN Pov page 77

Questioning by Mr. DE WILDE D’ESTMAEL page 96

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCCP-235	Khmer
2-TCW-913	Khmer
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Mr. HONG Kimsuon	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SREA Rattanak	Khmer
Mr. VEN Pov	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0912H)

3 MR. PRESIDENT:

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

5 According to the schedule, the Chamber informed the parties on
6 the 8th, today the Chamber continues to hear testimony of Civil
7 Party Sar Sarin, and we also have a reserve witness, 2-TCW-913.
8 However, Civil Party Sar Sarin has some health problems and he
9 cannot attend the hearing.

10 (Short pause)

11 [09.14.45]

12 MR. PRESIDENT:

13 Again, as the Chamber scheduled on the 8th that today the Chamber
14 continues to hear testimony of Civil Party Sar Sarin and the
15 reserve witness, 2-TCW-913. However, this morning, Civil Party
16 Sar Sarin has some health issues that he cannot attend the
17 proceeding. The Chamber, therefore, proceeds to hear testimony of
18 Witness 2-TCW-913.

19 And before we begin, the Chamber would like to inform the parties
20 that today and probably tomorrow as well, National Judge You
21 Ottara is absent since he has some urgent personal matters to
22 attend to. And after Judges of the Bench deliberated the matter,
23 we appoint Judge Thou Mony to replace him. Thou Mony is a Reserve
24 National Judge, and he will replace Judge You Ottara until such
25 time that Judge Ottara is able to return to attend the

2

1 proceedings of the Trial Chamber.

2 And that decision is based on Rule 79.4 of the ECCC Internal
3 Rules.

4 Mr. Em Hoy, please report the attendance of the parties and other
5 individuals to today's proceedings.

6 [09.16.34]

7 THE GREFFIER:

8 Mr. President, for today's proceedings, all parties to this case
9 are present except Counsel Anta Guisse, who is absent without
10 providing any reason.

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

14 The witness who is to testify today, namely, 2-TCW-913, confirms
15 that, to the best knowledge, the witness has no relationship, by
16 blood or by law, to any of the two accused, that is, Nuon Chea
17 and Khieu Samphan, or to any of the civil parties admitted in
18 this case. The witness took an oath before the Iron Club Statue
19 this morning and is waiting to be called by the Chamber in the
20 waiting room.

21 Thank you.

22 [09.17.39]

23 MR. PRESIDENT:

24 Thank you. The Chamber now decides on the request by Nuon Chea.

25 The Chamber has received a waiver from Nuon Chea, dated 10

1 November 2016, which states that, due to his health, that is,
2 headache, back pain, he cannot sit or concentrate for long. And
3 in order to effectively participate in future hearings, he
4 requests to waive his right to be present at the 10th November
5 2016 hearing.

6 Having seen the medical report of Nuon Chea by the duty doctor
7 for the accused at the ECCC, dated 10 November 2016, which notes
8 that, today, Nuon Chea has a constant lower back pain and -- when
9 he sits for long and recommends that the Chamber shall grant him
10 his request so that he can follow the proceedings remotely from
11 the holding cell downstairs.

12 Based on the above information and pursuant to Rule 81.5 of the
13 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
14 follow today's proceedings remotely from the holding cell
15 downstairs via an audio-visual means.

16 [09.18.55]

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

20 And before we proceed to hear testimony of witness 2-TCW-913, the
21 Chamber notes that the witness has been heard in another separate
22 case and the International Investigating Judge placed him in
23 Category A <among three categories> in his memorandum, that is,
24 in his document E319/35, and requested that for the purpose of
25 maintaining confidentiality in the investigation, pseudonym shall

4

1 be used for this witness.

2 The Chamber deems this limited measure is legally appropriate in
3 this case.

4 This instruction shall take into account the balance between the
5 need for public hearings and the integrity of the investigation.

6 The Chamber reminds the parties that they shall adhere strictly
7 to its instruction in document E319/7 for the use of documents,
8 which have been disclosed from other cases.

9 And also, before the appearance of the witness, since some
10 documents have not yet been admitted <into evidence>, the Chamber
11 now declares that documents will be admitted <into evidence>,
12 that is, E319/23.3.38 with two annexes, that is, E319/23.3.38.1
13 and E319/23.3.38.2.

14 [09.21.08]

15 And the second admitted document is E319/23.3.33 <(sic)>. And
16 this document is attached with four annexes, namely,
17 E319/23.3.39.1, E319/23.3.39.2, E319/23.3.39.3 and, lastly, is
18 E319/23.3.39.4.

19 And the third document is E319/23.3.40, and this document is
20 attached with an annex, which is E319/23.3.40.1.

21 These documents will have new E3 numbers, and parties will be
22 informed shortly via email.

23 Court officer, please usher witness 2-TCW-913 into the courtroom.

24 [09.22.50]

25 MR. KONG SAM ONN:

5

1 Thank you, Mr. President.

2 I'd like to make a small correction to the absence of my
3 international counterpart. In fact, she <already> notified the
4 Chamber on the 8th of November. And secondly, in relation to
5 these documents that you just mentioned, can parties also use
6 these documents or whether only the Bench can use them?

7 MR. PRESIDENT:

8 These documents are admitted by the Bench <into evidence> so that
9 these documents can be used to question this witness. And in
10 fact, these documents already are on the case file <but they were
11 not admitted by the Chamber, and> they do not have E3 number yet.
12 And for that reason, E3 number will be given later and parties
13 can use these documents as the basis for their questioning <to
14 this witness>.

15 (Witness enters the courtroom)

16 [09.24.10]

17 QUESTIONING BY THE PRESIDENT:

18 Q. Good morning, Mr. Witness. In the proceedings before this
19 Chamber, pursuant to the instruction of the International
20 Co-Investigating Judge, you shall be referred to by pseudonym
21 only, and your pseudonym is 2-TCW-913. <In the general practice,>
22 parties shall refer to you as witness only.

23 And the Chamber does not allow the parties, as well as Judges of
24 the Bench, to use your full name in this public proceeding.

25 Court officer, please show this document to the witness so that

6

1 he can review it.

2 Witness, please refer to the personal information in document

3 E319/23.3.38. Khmer ERN is 00979421; English, 00983531; and

4 French, 01123513. Please read the highlight portion in orange and

5 confirm whether your name, <> your <family> name, your

6 nationality, date of birth, place of birth, occupation, the names

7 of your father, mother and wife and number of children are

8 correct. You simply say whether the information is correct or

9 incorrect.

10 So Witness, please tell the Chamber whether the information in

11 this document is correct.

12 [09.26.55]

13 2-TCW-913:

14 A. Mr. President, it is correct, that is, the information in this

15 document is clear and correct.

16 Q. Mr. Witness, are you related, by blood or by law, to any of

17 the two accused, Nuon Chea and Khieu Samphan, or any of the civil

18 parties admitted in this case, to your best knowledge, that is,

19 are you related to these people in Case 002, either by blood or

20 by law?

21 A. Mr. President, I am not related, by blood or by law, to <Khieu

22 Samphan>.

23 Q. Have you taken an oath before you appear before us?

24 A. Yes, I have.

25 [09.28.22]

7

1 Q. Thank you.

2 And the Chamber now would like to inform you of your rights and
3 obligations as a witness.

4 As a witness in the proceedings, you may refuse to respond or to
5 make any comments to the question that may incriminate yourself.

6 And for your obligations as a witness in the proceedings before
7 the Chamber, you must respond to any questions by the Bench or
8 relevant parties, except where your response or comments to those
9 questions may incriminate you, as I have just informed you of
10 your rights as a witness.

11 You must tell the truth that you have known, heard, seen,
12 remember, experienced or observed directly about an event or
13 occurrence relevant to the questions that the Bench or parties
14 pose to you.

15 And Witness, have you been interviewed by investigators from the
16 Office of the Co-Investigating Judges? If so, how many times,
17 <and> where?

18 A. I was interviewed two times, but I do not recall them.

19 [09.29.46]

20 Q. Where did those interviews take place?

21 A. It was held at the tall building <, we can see it>.

22 Q. And before your appearance, have you read or reviewed the
23 written record of your statement or interviews that you <twice>
24 provided to the OCIJ investigators in order to refresh your
25 memory?

8

1 A. Yes, I have.

2 Q. And to your best knowledge and recollection, can you tell the
3 Chamber whether the written records of your interviews that you
4 have read in order to refresh your memory are consistent with
5 your interviews you provided <twice> to the investigators?

6 A. I have read those documents, and they are correct. However, I
7 cannot recall everything, but upon my reading of the documents,
8 <as I was told>, I can recall that they are correct.

9 MR. PRESIDENT:

10 Thank you.

11 And pursuant to Rule 91bis of the ECCC Internal Rules, the
12 Chamber hands the floor first to the Co-Prosecutors before other
13 parties, and the combined time for the Co-Prosecutors and the
14 Lead Co-Lawyers are two Court sessions.

15 You have the floor.

16 [09.31.45]

17 QUESTIONING BY MR. KOUMJIAN:

18 Q. Good morning, Mr. Witness.

19 Without telling us the exact village, can you tell us where your
20 family was from in terms of the zones of the DK? Were they from
21 the Southwest Zone, the Northwest Zone? Which zone?

22 2-TCW-913:

23 A. They were from the East <Zone>.

24 Q. And sir, before -- well, let's say during the civil war, the
25 Lon Nol period in Cambodia, what were you doing?

1 A. In the course of war and during the Lon Nol time, I was simply
2 a <rice farmer, nothing else>.

3 [09.32.50]

4 Q. Did you ever become a monk?

5 A. Yes, I became a monk for three years.

6 Q. You said you were a monk for three years. At what time did you
7 stop becoming a monk -- did you stop being a monk?

8 A. I became a monk in 1973, and then I left the monkhood in 1975.

9 Q. On the 17th of April 1975 when Phnom Penh fell to the Khmer
10 Rouge forces, were you still a monk then, or not?

11 A. I was still a monk.

12 Q. And tell us, from that period, what -- where were you at that
13 time in April 1975?

14 A. I was in Ta Suos pagoda, Tras commune, Romeas <Haek> district,
15 Svay Rieng province.

16 Q. Were there many other monks in that Wat? Can you tell us how
17 many?

18 A. In 1975, <> there were <about> 19 monks in that pagoda<,
19 including novices and senior monks>.

20 [09.35.08]

21 Q. And what happened to you and the others after April 1975? What
22 happened to make you stop becoming a monk -- stop being a monk?

23 A. I was forced to defrock by the Khmer Rouge. <All> monks in the
24 entire <Ta Suos> pagoda were defrocked. I could not <live> in the
25 pagoda. <They did not allow us to live in the temple anymore.> I

10

1 had to <be defrocked>.

2 Q. Can you give us a few more details about what it was -- how
3 they made you disrobe?

4 A. They <forcibly defrocked us>. They did not allow us to stay as
5 monks since they wanted to abolish <our Buddhism>. All monks had
6 to <be> defrock.

7 Q. About how many weeks or months after the 17th of April 1975,
8 that is, when the war ended, do you think it was when you were
9 forced to disrobe? How many weeks or months later?

10 [09.37.02]

11 A. <We were forced to defrock within one month.> I was told two
12 or three times to <defrock>. I was told to <defrock> as quickly
13 as possible because they <wanted to clear -- to not have> monks
14 to <stay> in the pagoda<. If we continued to stay in the
15 monkhood, they resolutely disagreed. Angkar would not agree to
16 let us.> So we had to <defrock> in order that <monks> were not
17 mistreated.

18 Q. Thank you.

19 Can you just estimate what month that was in 1975?

20 A. In April 1975.

21 Q. Now, after you were forced to disrobe, what became of you?
22 What did you do then?

23 A. <After> I was defrocked, I was transferred to work in a
24 cooperative, <to work on farming and rice transplanting>.

25 Q. Can you tell us where that was?

11

1 A. Phum Boeng cooperative. That was my birth village.

2 Q. How long did you stay there, and where did you go next?

3 A. I was there for two or three months before I was further
4 transferred to work in a factory in Phnom Penh. My hair at the
5 time started to grow, but very short while I was being
6 transferred to Phnom Penh. I was sent to Phnom Penh to become a
7 worker in a factory. I, at the time, did not know what kind of
8 factory it was.

9 [09.39.26]

10 Q. What happened when you arrived in Phnom Penh?

11 A. <Upon the arrival in Phnom Penh,> I was made to raise pigs,
12 ducks <and chicken,> at Borei Keila or Bak Touk School, and I was
13 assigned to cook rice. There were many of us from different <>
14 provinces <but I did not know which provinces>. We were made to
15 live in Borei Keila or Bak Touk School. I did not hold any
16 <specific tasks> at the time, but to raise pigs and ducks.

17 Q. Before you went to Phnom Penh, did you undergo any kind of
18 training or political education?

19 A. I was made to make my biography while -- upon my arrival. I
20 was assigned to cook rice in order to serve guests. That was at
21 Borei Keila. And I was also raising pigs and ducks.

22 I was made to cook rice for those who were from <the> provinces
23 <for study sessions> so that they could be fed with rice <at
24 Borei Keila. This is my brief answer, Mr. President>.

25 [09.41.14]

12

1 Q. Thank you.

2 But my question is -- and again, if you didn't just say so, did
3 you have to undergo any training before you went to Phnom Penh
4 before you started working, were assigned to Borei Keila?

5 A. No. There were no training courses for me. <Since> I was a
6 newcomer I had not been trained <>. I was simply <tasked to cook
7 rice for guests. Thus,> I had not been trained <in any major
8 courses>.

9 Q. And this place that you said you were assigned to, Borei
10 Keila, can you explain what it was used for?

11 A. <Borei Keila> was the assembling place <where> cadres< from
12 different provinces were summoned> for a study session. I was
13 there to cook and serve rice for them to eat<; and I could not go
14 near them>. After the rice was cook, a whistle would be blown and
15 they would come to have rice.

16 Q. You said it was for cadres to attend study session. Was there
17 a building, was it an open space? Can you describe Borei Keila
18 where the training took place?

19 THE KHMER INTERPRETER:

20 The interpreter missed the first part of the statement.

21 2-TCW-913:

22 I was there cooking rice for them who came to join the <study
23 session at that Borei Keila>.

24 [09.43.22]

25 JUDGE FENZ:

13

1 Could you repeat? The interpreter missed the first part of your
2 answer. Apparently, he answered too quickly.

3 BY MR. KOUMJIAN:

4 Q. Okay, Mr. Witness. Let me repeat the question. It's not your
5 fault, but we missed part of your answer.

6 So the question, if I remember it correctly, was this place,
7 Borei Keila, can you describe it? Was it a building -- where the
8 training took place, was it an open space or building?

9 2-TCW-913:

10 A. That was an open space. It was a big training hall. Open
11 structure, I mean. That is what I could see at the time.

12 [09.44.26]

13 Q. So the training hall, was it a room with a roof and four
14 walls, or was it open to the air?

15 A. There was roof. It was not in an open space. There were chairs
16 and tables for them while they were in the training sessions.

17 Q. Now, when you were given that assignment or during the time
18 you worked there, did you undergo any political training?

19 A. No. I was made to serve guests, boiling water and cooking rice
20 for those who were trained. I was simply a worker cooking rice
21 and boiling water for them to eat and drink. I had never been
22 trained in big or small study sessions.

23 Q. Who was your supervisor, your boss?

24 A. My unit supervisor's name was -- let me recall it. It's on the
25 tip of my tongue. Ta Chamroeun (phonetic). He was my chief unit

14

1 at Borei Keila, Ta Chamroeun (phonetic). I cannot recall his
2 surname, but his first name was Ta Chamroeun (phonetic). I was
3 there for quite a short time.

4 [09.46.20]

5 Q. Well, how long were you at Borei Keila?

6 A. I <had> worked in Borei Keila for three months. Then I was
7 further sent to Stung cooperative where I was <made to> work.
8 I never protested the assignments <since the plan was already
9 made>. Again, I was further sent to Steung <Meanchey> cooperative
10 to farm the rice.

11 Q. This location that you were at, Borei Keila, did it have any
12 other code name that you're aware of?

13 A. Yes, there was a code name, K-5. It was named K-5.

14 [09.47.38]

15 Q. Do you know who was in overall charge of K-5 at the time you
16 were there?

17 MR. PRESIDENT:

18 Please observe the microphone until you see the red tip of the
19 microphone. Then you could give your answer.

20 2-TCW-913:

21 A. I left my house and stayed at that place for three months. I
22 did not know who <was> overall in charge of that place, but my
23 unit chief was Ta Chamroeun (phonetic) <at Borei Keila>.

24 MR. KOUMJIAN:

25 Q. Did you ever hear of anyone named Pang?

15

1 A. Yes, I heard of that name, but I, myself, never met him and
2 saw his face. I heard from others that there was a man named
3 Pang. I did not know <what> he looked like.

4 Q. How about did you hear of someone named Phum?

5 My colleague may pronounce it better than me.

6 MR. SREA RATTANAK:

7 <I would like to clarify. That name is Phum.

8 2-TCW-913:

9 Yes, I heard the name Phum. People made mention about the names
10 Pang and Phum.

11 Personally, I never see their physical features and faces.

12 [09.49.39]

13 BY MR. KOUMJIAN:

14 Q. You talked about raising ducks and pigs. Can you -- and
15 cooking rice. Can you tell us if you had other duties while you
16 were at Borei Keila?

17 2-TCW-913:

18 A. Besides these tasks, I grew sugar cane <or peeled sugar cane>
19 in <> an area of half an hectare <in Bak Tuok school> as well.

20 I took care of sugarcane plants and raising ducks and pigs and as
21 well as cooking rice and boiling water.

22 Q. How many persons, men and women, boys and girls, were in your
23 unit at Borei Keila?

24 [09.50.44]

25 A. I cannot recall. I did not count. People were in charge of

16

1 different tasks. I, myself, did not count the number, how many of
2 them there were. I was assigned to cook rice for guests. There
3 were a large number of people there, but I, myself, did not know
4 their specific tasks. I was aware of only my assignments. I was
5 there for three months before I was sent <further> to Stung
6 cooperative, as I said.

7 Q. Was your unit ever given any other nickname? Were they
8 referred to by any nickname?

9 I don't know another way to say that, maybe, for the
10 translations.

11 Did they use another name like a code name or a name in fun for
12 your unit?

13 A. No, I heard only people made mention about K-5. There were no
14 other names.

15 I, myself, what K-5 signified, <I did not know.> That code was
16 named by superiors. I heard people made mention about K-5.

17 Q. Did you ever hear of a group called the "Monkey Forces"?

18 A. <Yes,> Upon my arrival <in Phnom Penh, at Borei Keila>, they
19 said we were Monkey Forces. That was called by others. We were
20 newcomers<, so we were naive>. We were not familiar with
21 locations. We went to different places going up the brick houses
22 and going to other places, and we were referred to as the monkey
23 <forces, that was when we arrived in Phnom Penh>.

24 [09.53.13]

25 Q. Now, you said cadre were trained at Borei Keila when you were

17

1 there. How often would this training take place; every day or
2 every week? How many times did you see the training take place?

3 A. I served guests for three months<, I knew this>. That happened
4 twice a month. People were called from different part of the
5 countries, but I did not know where they were from. But the <I
6 was assigned to cook food for them> twice a month. And after the
7 trainings were completed, they went back. <I then cleaned the
8 venue.>

9 <The> first session happened in the first half of the month, and
10 then another one in the second half of that month.

11 [09.54.16]

12 Q. How long would these sessions last? Was it a certain number of
13 days or weeks?

14 A. It lasted for sometimes three days or one week. The short
15 session lasted for <only> three days, <we focused only on the
16 catering services>.

17 Q. Who conducted the trainings?

18 A. I did not know about that. I knew that there was <only> Ta
19 Chamroeun (phonetic). I was <simply> made to cook<, thus,> I was
20 not informed of who did this and who did that. <They did not tell
21 me about that.> I was in charge of cooking, so I minded only my
22 tasks so that I could have food or meal dishes for guests to eat.

23 Q. Sir, did you see any senior leaders come to Borei Keila when
24 you were there?

25 A. I did not witness their presence, but I heard that they came

18

1 to <that study session>. I was simply a cook. I was not allowed
2 to go closer to the venue. <I did not witness their appearance. I
3 was not allowed to meet because I was merely a cook to serve>
4 those who came to be trained.

5 Q. So let me just ask that question again because it's important
6 to me. And just, again, tell us the truth what you remember.

7 Did you see any of the senior DK leaders that you recognized at
8 Borei Keila?

9 [09.56.33]

10 A. I heard they came, but I was not allowed to go inside the
11 compound of the training venue. I knew that they were trained in
12 a big house. I could not approach that big house. I was simply
13 cooking rice for them. I never had any opportunity to go closer
14 to them <and I did not know who was who.>

15 Q. When you say you were cooking rice "for them", who do you
16 mean? Do you mean the people attending the meetings or the
17 persons training? Who did you cook rice for?

18 A. I cooked rice for <guests,> the trainees. For example,
19 sometimes 40 or 50 of them, they came to be trained. I cooked for
20 them. Not for other people besides the <so-called training
21 participants>.

22 Q. And besides cooking, did you serve it? Did you do anything to
23 the food before the persons ate it?

24 [09.58.04]

25 A. <There were people> who were in charge of serving dishes, <and

19

1 those who delivered> food for those <participants. They> were
2 <in> different groups. We <minded only the cooking. Four, 5, 6, 7
3 members served food and each> had separate tasks. For example,
4 one group in charge of cooking, another group in charge of
5 delivering and serving food. So it was another group who was in
6 charge of serving and delivering food for those guests.

7 Q. Would you eat the same food that was served to the guests, or
8 different food?

9 A. The leftover was for us, so they had meal first and then it
10 was our time. After they finished their meal, we then ate our
11 food and dishes, after <that we did> the cleaning before we did
12 further cooking.

13 Q. Thank you.

14 So just to be clear, is it correct that you never saw Pol Pot at
15 Borei Keila?

16 A. You are right. I never saw him. I heard of his name, but I,
17 myself, never witnessed his physical appearance.

18 [10.00.05]

19 Q. How about Khieu Samphan?

20 A. I did not see him, either, but I heard of his name. <For
21 senior leaders,> I have heard of their names, but I, myself, have
22 never seen their physical features. Wherever they went, I was not
23 allowed to know. I am telling you the truth. I am not -- I do not
24 break my promise or the oath that I have already sworn.

25 Q. Thank you. That's exactly what we want you to do, is to tell

1 us the truth.

2 So how about Nuon Chea? Did you ever see him at Borei Keila?

3 A. No, I did not see him there. I did not see any senior leader.

4 Not at all, because the training school<, Borei Keila,> was far

5 and I, myself, cooked <to the north,> near a pond which was a bit

6 far from the training school<, which was to the south>. I <cooked

7 and> served the guests to the north <> and I did not see any of

8 them.

9 [10.01.30]

10 Q. And is it correct that you -- from what I understand from what

11 you've said so far, you did not taste the food to see if it was

12 poisoned before it was served. Is that true or not? Did you or

13 didn't you?

14 A. I haven't fully responded to your question. I, in fact, tasted

15 the food before I gave it to the person who would cater the

16 service, that is, to serve those guests. <As a cook,> I had to

17 taste everything, including rice and water, and if it was

18 poisoned, it means that I would die first. It would be for me to

19 die and not for the guests to die. But I only took a sip of

20 everything, the rice, the food and the water, before they were

21 served to the guests.

22 Q. Well, who told you to do that, or did -- was that your own

23 decision?

24 A. Regarding food tasting, it was <an order> from Ta Chamroeun

25 (phonetic), who was the chief in charge of that section.

21

1 Q. Was it only you that tasted food, or were others instructed to
2 taste food?

3 A. I tasted food for a certain period of month before I was
4 reassigned <to Stung cooperative>, so I did not know who would be
5 the food taster after I was reassigned<. After the reassignment,
6 I did not know who prepared and tasted food,> since I was removed
7 to <Kat Preuk> (phonetic) <and to Stung cooperative>. I was no
8 longer there.

9 [10.03.40]

10 Q. And did the food ever poison you or make you ill?

11 A. No, I was never poisoned or felt ill. It was a precaution
12 because if any of the guests died, it means that we, the group of
13 cook, would die, too. For that reason, we had to taste the food
14 first before the food was served. That's why they ordered us, the
15 cook, to taste the food and the drink as well.

16 We had to taste everything. All the food that was cooked as well
17 as the water, we had to taste them.

18 <For example, if> there were two dishes, it means that I had to
19 taste the two dishes.

20 Q. Did you ever speak to these persons that were attending the
21 training, that were being trained?

22 A. No, I did not. I never spoke to them.

23 [10.05.22]

24 Q. Do you know, and if you don't, just tell us, what positions
25 they held, who these people were? Were they soldiers, civilians,

22

1 what their ranks or responsibilities were?

2 A. I respond frankly. I heard that all cadres from <all>
3 provinces came to attend the study sessions, although I did not
4 know the level of their positions. But they were invited from all
5 provinces, and that is to attend each of the training sessions.
6 But again, as I said, I did not know the seniority of the
7 position <they held>.

8 Q. Did you ever hear who was teaching the trainings, who they
9 were learning from?

10 A. I only heard it from others that there were -- there was Khieu
11 Samphan who was frequently there, although I never saw him <as I
12 indicated, I never saw him physically, but> that he taught at
13 Borei Keila.

14 However, as for the content of the teaching <whether it was
15 politics or whatever>, I did not have any idea. I was a cook, so
16 I was not aware of that. And through word of mouth that I heard
17 that Ta Khieu Samphan was the instructor, although I never saw
18 him physically.

19 [10.07.01]

20 Q. Did you hear of the names of any other instructors?

21 A. During the three-month period, I only heard people talking
22 about Khieu Samphan <who came to teach>, and not about other
23 people. I didn't remain living there for long. I was there only
24 for three months. Later on, I was reassigned<, so I did not
25 know.> And during the period that I was there, I served food to

1 those people, and people refer to the instructor as Ta Khieu

2 Samphan. Usually, the word "Ta" was used for such person.

3 Q. You said you served the food for those attending. How many

4 people were attending? How many people did you have to feed?

5 You said you cooked the food.

6 A. I did not count the number of people. However, we had to cook

7 plenty of rice to serve those people <and cater food for them in

8 that round house. At Borei Keila,> there was a round shaped house

9 <reserved for the reception. This house had a round> glass wall,

10 and <I did not count the number of people, I told you the truth>.

11 So we had to prepare the tables for their meals and we had to

12 make sure that the food was sufficient. <I was responsible for

13 tasting.>

14 [10.08.52]

15 Q. Well, can you estimate how many people the tables could fit?

16 Were these tables for 10 people, for 100, for 1,000? Can you give

17 us an approximation?

18 A. In term of tables and since those participants came from each

19 province <nationwide>, so the number could be <up to> hundreds.

20 But as I said, I did not know the exact figure. There could be

21 <hundreds of tables, there were> hundreds of participants when

22 they came for meal during the mealtime.

23 Q. Did you also see the room where the trainings took place?

24 A. No, I did not go to the training room. I only -- could only

25 look at it from afar, that is, from about 300 metres from the

24

1 kitchen hall. At that time, the area <of Borei Keila> was
2 <spacious, since it was not surrounded by houses like now.
3 Previously, there were a few rows of houses at Borei Keila. Now
4 it is quite closed in.> I could see the training room. It was
5 about 300 metres away from where I worked and, of course, we were
6 not allowed to go there <in that time. Even though we were
7 working there, we were not allowed to walk freely.> For example,
8 we had to concentrate on cooking the rice. That's all I can say.
9 As for the number of participants, there were many of them since
10 they came from various provinces throughout the country, but I
11 did not <count> the total number of participants.

12 [10.10.58]

13 Q. Were you able to see into the room to tell us the size? Can
14 you compare it to the size of the room you're in now?

15 A. I never entered the training room, so I cannot tell you the
16 size of that room. I was not allowed to go there because I did
17 not have any tasks there. <They said, each person> had to be
18 responsible for <his or her work>. I was not allowed to go
19 anywhere freely. We had to be where we was assigned to and worked
20 with what we was assigned to do. However, I do not know about the
21 present status of that training facility, whether they -- whether
22 it has been dismantled or not. <That time, I was not allowed to
23 go in.>

24 Q. Did you see people arrive in vehicles, either the cadres that
25 are being trained or the trainers?

25

1 A. They came in vehicles from all provinces. They all came by
2 vehicles.

3 [10.12.38]

4 Q. What kinds of vehicles did you see?

5 A. They were called KAMAZ vehicles or <AMAZ> (phonetic) vehicles,
6 and I did not know at the time<,> where or <>which country the
7 vehicles were made. These KAMAZ vehicles were used to transport
8 them.

9 Q. Did you see any persons arrive, either the cadres being
10 trained with the trainers, with bodyguards, with people you could
11 recognize as bodyguards?

12 A. From what I saw, I did not see any bodyguard accompanying
13 anyone. And as I said, I did not know the level of seniority or
14 the position of those people.

15 They came to that facility <to> attend the training sessions, and
16 probably for that reason there was no bodyguard accompany them.

17 All people from provinces who came to the facility were to attend
18 the training session, that is, from what I saw.

19 Q. When you were there, did you receive from your supervisor or
20 anyone else any kind of training yourself, when you were at Borei
21 Keila?

22 [10.14.50]

23 MR. PRESIDENT:

24 Witness, please observe the microphone.

25 2-TCW-913:

26

1 A. I did not attend any training session, and I did not know
2 about the contents of those training sessions. I was a very
3 low-level person. I was simply a worker and a cook and, for that
4 reason probably, I was not allowed to attend any training
5 session.

6 And I did not know the seniority or the position of those people
7 who attended the study submissions. Maybe they were important
8 people or held senior positions<, so that they came for the study
9 session. We were low-ranking persons, so we would not be allowed
10 to go near.>

11 MR. KOUMJIAN:

12 Your Honours, I would like to show the witness at this time a
13 document that has the number currently of E319/23.3.38.1. Because
14 it contains the witness' name, it should not be shown publicly,
15 but I have hard copy to -- of the Khmer version, of the original,
16 to show to the witness, if I may, with your permission.

17 [10.16.14]

18 MR. PRESIDENT:

19 Yes, you may proceed.

20 (Short pause)

21 BY MR. KOUMJIAN:

22 Q. Sir, I see you're looking at this, so I'll give you a moment
23 to look it over.

24 Can you tell us if you recognize this document and, if so, what
25 is it?

1 2-TCW-913:

2 A. When I arrived in Phnom Penh, I was asked to make my
3 biography, and I should describe my personal biography and that
4 my parents and siblings <were to be mentioned in that biography>.
5 <This> biography <is the real one>.

6 I was asked to describe from the time that I was born and what I
7 did, and that is a brief biography. <This is my biography and I
8 believe it.> Everyone who came had to produce this brief
9 biography, that is, the location of where we were born, for
10 example, all these details.

11 [10.18.27]

12 MR. PRESIDENT:

13 It is now convenient time for a short break. The Chamber will
14 take a break now and resume at 10.30 to continue our proceedings.
15 Court officer, please assist the witness at the waiting room
16 during the break time and invite him back into the courtroom at
17 10.30.

18 The Court is now in recess.

19 (Court recesses at 1018H to 1032H)

20 MR. PRESIDENT:

21 Please be seated.

22 The Court is now back in session and the floor is given to the
23 <International> Co-Prosecutor to resume the questioning <the
24 witness>. You may now proceed.

25 BY MR. KOUMJIAN:

1 Q. Sir, these biographies like the one that, hopefully, you still
2 have with you that I just showed you, how many times when you
3 were at Borei Keila did you have to complete a biography?

4 2-TCW-913:

5 A. <At Borei Keila,> I made only one time biography <when I
6 arrived in Phnom Penh>. I told Mr. President that I made only
7 once that biography<, that was not two or three times>.

8 Q. Okay. A couple small questions.

9 On the top right of the form, it says in the area that I'm
10 pointing at now -- on your form, I think you can read it. It's
11 too far away. "Unit S-71". Can you explain what that was?

12 A. I was asked to write what they told me<, which I did not have
13 knowledge about>. I knew <only K-5. I, on the other hand,> was
14 told to write <S-71, which I had no knowledge about>, that code
15 was told to me to write. <Again> I was told to write <that>.

16 Q. And then we see, just to the left of the fingerprint, the
17 year, and it says, correct me if I'm wrong, 1976. So did you
18 complete this biography in 1976?

19 This is again on the front page of the document you have right to
20 the left of the fingerprint.

21 [10.35.46]

22 A. After I <was defrocked>, I came to Phnom Penh. <It was the
23 beginning of the new year>. That was in 1976, when I was also
24 asked to make the biography. It was in 1976, that is, the early
25 year 1976, that I was <asked> to make <a> biography.

1 Q. Okay. Well, I'm a little bit confused -- I know this happened
2 a long time ago -- with what you were doing between April '75 and
3 1976 when you made the biography.

4 So one question I want to ask you. Do you know what S-200 school
5 was?

6 A. I do not know. I <only> heard of that name, but I do not know
7 the location of the so-called S-200 school. <For example,> I
8 heard of S-71, and I <wrote what> I had been told <.>

9 [10.37.20]

10 Q. Mr. Witness, do you recall speaking to someone from an
11 organization called the Documentation Centre of Cambodia in --
12 way back in the year 2005, a man by the name of -- I believe it's
13 a man -- Phan Sochea.

14 Do you recall Phan Sochea from the Documentation Centre coming
15 out to your village and speaking to you about the Democratic
16 Kampuchea and your experiences there?

17 A. I do not recall who had <> interviewed me, particularly in
18 relation to a person named Phan Sochea. I do not know him.

19 Q. And do you recall when you came to the Court for your
20 interview that not this building, but to the premises here, the
21 other building, that you read over this interview that you had
22 done in 2005 at the beginning before speaking to the
23 investigators?

24 A. I never read it. I never read it in 2005.

25 [10.39.05]

1 Q. Okay. Well, let me see if I can refresh your recollection.
2 This is from the transcript that we have. The document is
3 E3/9086, so I'm going to read an answer you gave, and it's at
4 page in Khmer, 00977447; and in English, at the bottom of
5 00983502. At that time, you told the DC-Cam:
6 "I think it was around one month after I was disrobed. When I
7 decided to go to Phnom Penh, I was told to walk from here to
8 Ampil pagoda to attend education sessions. Different groups were
9 created at Ampil pagoda. We attended political education sessions
10 for around three days, and then we walked to Wat Preah Branen
11 pagoda (Wat Preah Tonle pagoda), in Svay Rieng town, where we
12 also attended education sessions again. After completing
13 education sessions at Preah Branen (Wat Preah Tonle pagoda), we
14 walked to Svay Romiet pagoda in Peanea. We experienced a lot of
15 suffering. Upon arrival, we went to the S-200 School. It was
16 called S-200 School then. We studied there for around half a
17 month. It was during the Pol Pot era."
18 So after listening to that -- to what you said in 2005, does that
19 refresh your recollection about this S-200 School?
20 [10.41.34]
21 A. I did not give <all> my detailed statement. <When> I was
22 defrocked <one or two months>, I was sent to work in a
23 cooperative, <Phum> Boeng . Then, I was <further> sent to a
24 factory. I was also walked to Ampil pagoda<. That was not for
25 political reasons>.

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1 <After> I left Wat Ampil, <whenever it got dark, I was allowed to
2 sleep there.> I was told to spend two <or three> nights at <Wat
3 Preah Tonle>, but that was not a training session for me. It was
4 a long journey <from my birth village>. That's why we had to
5 sleep en route. <It was not for a political study session.>
6 We, later on, <passed> Svay Rieng, and I cannot recall the
7 village name, <a> village name in Prey Veng where I did not
8 receive any big training session. <After many stops, we arrived
9 in Borei Keila.>

10 Yes, that is correct, Mr. President, as Mr. Co-Prosecutor
11 mentioned. I failed to inform you about that. We had a long
12 journey travelling, and we had to sleep en route. There were
13 meetings on the way, and we were told not to move freely.

14 [10.43.12]

15 I also reached Wat Preah Tonle, where I stopped. The meeting was
16 held there, but that was not a big training session, before I was
17 sent to Prey Veng and then to Phnom Penh. <I did not inform you
18 all the details at this point.> I did not engage in any
19 significant training sessions.

20 People from the rural areas and also from the provinces were with
21 me at the time, and we were travelling a long way. And we had to
22 sleep en route, but there were no four or five day training
23 sessions.

24 [10.44.00]

25 We spent four, five or six days on the way before we moved on to

1 different places.

2 I failed to elaborate on this point, but now I'm telling
3 everything. There were no meetings. We were walked tirelessly. We
4 got scratches. We got injury on our legs and hands before we
5 reached <Peanea, Svay Romiet>.

6 Q. Let me read a bit more because I want to ask you some
7 questions about this S200 and to understand what you told DC-Cam.
8 On the very next page, you were asked in which village S-200 was
9 located. You said:

10 "It was in Prey Veng province, but I do not know the names of the
11 village, commune or district."

12 [10.45.02]

13 Sochea asked you what they taught at S-200, and you answered:

14 "They taught us to work hard, to purify our minds and remove all
15 greed and selfishness. They educated us to join the Party. They
16 used the term 'our Party'."

17 You said -- you were asked how many people went with you from
18 this village, and you said, "Many people did. A lot of soldiers
19 came and gathered together."

20 You said: "A lot of people went with me from this village, but I
21 did not recognize them because they had come from all the
22 districts in Svay Rieng province. Several people came from Tras
23 commune, for example."

24 Sochea asked you how many of them remain alive, and you said:

25 "All of them have died. I'm the only one who's still alive. Those

1 who were with me have all died."

2 Sochea asked, "Did you study at S-200 school for two months?"

3 And you said, "No, we studied there for around one month, and

4 then we went to Wat Preah Tonle pagoda near Prey Veng district."

5 [10.46.20]

6 So at this S-200 school, if you remember this, what kind of

7 people were undergoing the training? Were there other monks that

8 you recognized, were they men, women? Can you explain?

9 A. Regarding S-200 school, we, at the time, did not know where we

10 were from. We were organized into groups, and we were not allowed

11 to move freely. We received a training session, but we were not

12 given <> materials or stationery. <After the study session, we

13 were to wait until we were called to further study in Phnom Penh.

14 That was a long wait.> We <waited at Peanea, Svay Romiet>.

15 There were no significant training session, as I said. We went to

16 Svay Romiet pagoda where there were no monks. They were -- they

17 had been all defrocked. We were put in that location or pagoda to

18 <wait and stay> before we were further sent to Phnom Penh.

19 As I said, there were no monks there. What I really saw at the

20 time is that there were no more monks any more.

21 We were informed not to move arbitrarily. We were to be there.

22 [10.48.08]

23 Q. Okay. Thank you.

24 Let me make my question a little bit clearer. It's my fault.

25 At S-200, did you recognize any defrocked monks, people that had

34

1 -- used to be formerly monks that you knew or had recognized from
2 other dealings, or were you the only former monk there, as far as
3 you knew?

4 A. I was <the only> former monk <among them>. There was only me
5 who used to be monk. People from different districts, but I,
6 myself, did not know their names <and they were from different
7 districts>, a few of them were called into that pagoda. I was a
8 really newcomer. They came from this and there, and I was alone
9 from my location.

10 [10.49.10]

11 Q. Okay. Thanks.

12 Now, I want to move on and try to do this pretty quickly, to what
13 happened to you after Borei Keila. Can you tell us why you left
14 Borei Keila? What happened?

15 A. I was at Borei Keila for a few months, and I was promptly
16 removed from Borei Keila. I was, at the time, <peeling> the sugar
17 cane. I was told to go to <Stung> cooperative<, where the radio
18 aerial was situated. I was assigned to farm> and to take care of
19 the buffalo, <two> water buffalos. And I was warned not to <lose
20 the buffalos or to> break the plough. Otherwise, I would be
21 accused of <being> an enemy.

22 <Accordingly, I took great care of> the plough<, not to break it
23 while working; as well, we had to look after the buffalos, not to
24 lose any of them. I was there for almost a month. The plough
25 blade itself was not made from a good wood, so it was not tough;

35

1 therefore, I took great care of it not to break it or I would be
2 accused of being an enemy>. I was put in a cooperative and then
3 was further sent to other locations.

4 [10.50.54]

5 Q. Just to move things along, if there's not an objection, I
6 would ask you, at one point were you taken to Trapeang Kralanh in
7 Kampong Speu province?

8 A. I was removed at that location. I was tasked with taking care
9 of <buffalos and ploughing>. One day, the whistle was blown and
10 my name was called out <to go to Trapeang Kraloeng>, and I was
11 told to stand at one specific location. I did not recognize some
12 of my friends. Then there was a vehicle coming to transport me to
13 Trapeang <Kraloeng> where <we> were told to build a new railroad.
14 That railroad construction site was to the north of National Road
15 Number 4.

16 Q. Do you recall why -- do you know why you were taken there?

17 THE KHMER INTERPRETER:

18 The interpreter did not hear the first part of the testimony.

19 2-TCW-913:

20 A. <I knew a little.> The East Zone leaders -- I learned that the
21 East were now traitors, so those who were from the East were
22 considered enemies. Those who were from the East, Svay Rieng,
23 Prey Veng, were called to be tempered. To be tempered means to
24 <debilitate us so that they could torture us>.

25 [10.52.55]

1 BY MR. KOUMJIAN:

2 Q. Did they say anything about you in relation to Vietnamese? Was
3 there any saying that they -- or name that they called you?

4 2-TCW-913:

5 A. They said -- they made mention about Vietnamese. Those who
6 were from <Svay Rieng province,> the east had Vietnamese head and
7 Khmer body. I was referred to as a man with a Vietnamese head and
8 Khmer body. I was removed <from that Stung cooperative> to be
9 <tempered> and to carry dirt in order to build <new railroad so
10 that we would become weak>.

11 We were referred to as those who were with Vietnamese head and
12 Khmer bodies, Mr. President. We were not referred to as a
13 Vietnamese person, but "Yuon".

14 [10.53. 56]

15 Q. I believe you've mentioned -- I want to go back to doing work
16 at Stung cooperative outside Phnom Penh after leaving Borei
17 Keila. Is that correct?

18 A. Yes, that is correct. I was at Stung cooperative. I was tasked
19 with taking care of big water buffalos, and I was given with a
20 plough to plough the field <while others were tasked with rice
21 transplantation>. I was whispered that if I happened to break the
22 plough <blade or lose the cattle>, I would be accused of an
23 enemy, so I had to take care of the items and I had to be very
24 careful. <I worked so hard that I was removed from there, so I
25 survived. Arriving at Trapeang Kraloeng, I was tasked to carry

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1 dirt. After my transfer, I felt better because I no longer worked
2 on farming and ploughing. I was tasked to build a new railroad,
3 which was> a big road. <I do not know now what it looks like,
4 whether it has since been bulldozed or not. I do not go and see
5 it anymore.>

6 Q. When you were at Stung cooperative, were you aware of any
7 disappearances or executions?

8 MR. PRESIDENT:

9 Please hold on, Mr. Witness.

10 [10.55.25]

11 MR. KOPPE:

12 Yes, Mr. President. Good morning.

13 I object to this question. Whatever happened at the site that the
14 witness is asked questions about is outside the scope of this
15 trial.

16 Let me be very precise in this respect. Let me refer you
17 specifically to both your severance decision and your sequencing
18 decision, E301 and E315.

19 This particular witness does not belong to one of the identified
20 targeted groups. He's not a Cham, he's not a Vietnamese, and he
21 wasn't a former Lon Nol Republic official or soldier.

22 Whatever happened is not part of any of the three -- or four,
23 rather, security centres that is part of this second trial as
24 well.

25 [10.56.40]

1 The remaining category could be the East Zone purges, him being
2 someone from the East Zone. However, in E309 -- 301/9/1.1 in a
3 footnote, footnote 9 relating to paragraph 2, this is about the
4 various footnotes that is part of the Closing Order that are part
5 of this trial. And specifically, footnote 9 says the following:
6 "In addition to those sections included within the scope of Case
7 002/02, the Chamber notes that further facts relating to the East
8 (sic) Zone purges are set out in the sections of the Closing
9 Order regarding the Steung Tauch Execution Site and movement of
10 population phase. Upon reasoned application, the Chamber may
11 expand the scope of Case 002/02 to include additional facts
12 relating to internal purges in the North and East Zones, subject
13 to the rights of the Accused to have adequate time and facilities
14 for the preparation of a defence and the right of all parties to
15 be provided with timely notice."

16 [10.58.09]

17 Having said that, this particular witness and whatever happened
18 to him after he left Borei Keila does in no manner whatsoever fit
19 within the scope of the second trial, so any questions relating
20 to whatever happened at this particular site in Kampong Speu
21 should be prohibited.

22 MR. KOUMJIAN:

23 Your Honours, our position is -- I haven't had a chance to study
24 that at the moment, but is that the scope decision for Case
25 002/02, as counsel acknowledges, includes the purge of the East

1 Zone. This was a person who was working at K-5, at S-71, part of
2 the S-71 unit, who we think the evidence shows was targeted and
3 his colleagues were because they were from the East Zone, so it's
4 within the scope of Case 002/02 because it's part of the purge of
5 the East Zone.

6 The fact that the third forced transfer is excluded, well, this
7 is not part of the evidence of the third forced transfer, and the
8 fact that Your Honours said you could expand to include some
9 evidence of the third forced transfer, again, this is not part of
10 the third forced transfer, but it is part of purge of the East
11 Zone cadre.

12 [10.59.47]

13 MR. KOPPE:

14 Very briefly responding, if I may, Mr. President, if you would
15 allow these questions, it would be a direct violation of your own
16 Order. If you do allow the expansion, and at least there should
17 be a reasonable -- reasoned request, we should have time and
18 facilities to adequately prepare ourselves.

19 MR. PRESIDENT:

20 The question should not be put beyond the scope of the case --
21 the severance case. And I think you <have almost> run out of time
22 now.

23 MR. KOUMJIAN:

24 I'm out of time? Because I thought we had two sessions, and we
25 started at 9.30.

40

1 Your Honours, we certainly agree we can't ask questions outside
2 the scope. Our position is that the purge of --

3 [11.00.52]

4 MR. PRESIDENT:

5 <For the two sessions,> we added 10 minutes for you already the
6 first session, and 10 minutes was already added <in this
7 session>, so you have no more time now. <At the last moment, we
8 took a break at 10:20.> However, you are allowed to put relevant
9 question within the scope of the severance Case 002/02 decided by
10 the Chamber.

11 MR. KOUMJIAN:

12 Your Honours, I apologize if it's my misunderstanding, but my
13 understanding was the witness was scheduled for a day, which
14 would give each side two sessions. And we started at 9.30. We've
15 used less than one session so far, or about one session.

16 MR. PRESIDENT:

17 <For 9:30,> it took the Chamber for the initial proceeding 15
18 minutes <to put questions to all parties, so we left only 15
19 minutes> and then we compensated you 10 minutes <>. And the
20 combined time for the two parties <left> 5 <more> minutes, and we
21 would give you <>extra <10> minutes <until 11:40> for the morning
22 session.

23 [11.02.12]

24 MR. KOUMJIAN:

25 So my understanding is Defence also will have one session; is

41

1 that correct?

2 I'll proceed in five minutes, if that's --

3 MR. PRESIDENT:

4 Two court sessions; you started at 9.15, and <we compensated you
5 already in the last session,> now you are almost completed the
6 second session for the morning. And probably we can only give you
7 five or 10 more minutes at the most for this second session on
8 your side.

9 MR. KOUMJIAN:

10 I apologize. I thought the session ended at 11.30, so I would
11 have at least a half hour. So I'll proceed with five minutes, if
12 that's the situation.

13 [11.02.57]

14 MR. PRESIDENT:

15 Yes, that is correct. <At> 11.30, <> we give you 10 more minutes,
16 so it's around 11.40. That is <two full sessions, the two
17 sessions this morning are reserved for> the two parties on your
18 side.

19 BY MR. KOUMJIAN:

20 No, I understand. Apologies.

21 Okay. That's very clear. Thank you.

22 Q. So Mr. Witness -- we do have an objection from the Defence.

23 Our position is that it was within the scope. But at this
24 location in Stung cooperative, first -- this is important for me
25 to ask you this first. Were other people from the East Zone with

1 you? Was your group made up of people from all different
2 provinces? Can you explain?

3 [11.03.55]

4 2-TCW-913:

5 A. When we came together from each district or province, there
6 were two or three people. And I did not know them. <I was the
7 newcomer.>

8 As for my side, I was alone, but then there were those from other
9 districts, Svay Teab and Svay Rumduol (phonetic). And we walked
10 several days before we reached Phnom Penh. So I hope it's clear.
11 <Whenever it got dark, we slept right there.>

12 We were all new to each other, but then we were <made> to walk
13 together, and there was no transportation at all.

14 Q. Okay. Given your answer, I'm going to skip over Stung
15 cooperative.

16 I want to ask you if you ever were sent to the Kampong Som area.

17 [11.05.26]

18 MR. PRESIDENT:

19 <You have not asked the question yet, what is your question? > I
20 only heard Kampong Som and whether Kampong Som is also part of
21 the case for 002/02<, within the proceedings of the case
22 severances>. Please be careful that you should not ask questions
23 outside the scope of the Severance Order for this proceeding.

24 BY MR. KOUMJIAN:

25 Yes.

1 Q. So the question, first, is whether you were sent to the
2 Kampong Som area.

3 2-TCW-913:

4 A. I was sent <from> Trapeang Kraloeng, and then to an area in
5 Kampong Som called Stueng Hav.

6 So let me repeat. I left Trapeang Kraloeng to Stueng Hav, and
7 over there, we were asked to build <a new railroad> and the
8 sewage system at Stueng Hav.

9 [11.06.35]

10 Q. The group that you were working with at Stueng Hav, were they
11 all people from the East Zone, or what were the -- what was the
12 make-up of the group?

13 A. All of the workers there came from the East Zone. We were
14 reassigned to go there to engage in hard labour. There were so
15 many, and I could not recall their names.

16 And they all came from Svay Rieng, Prey Veng and Kampong Cham.

17 [11.07.20]

18 Q. What happened to you and your East Zone colleagues there at
19 Stueng Hav?

20 A. Please repeat your question.

21 Q. Can you tell us what happened to you and your other East Zone
22 workers, colleagues who were -- people you were working with at
23 Stueng Hav?

24 Did anything occur to you?

25 A. All of my group, 50 people, were <active. We were> not given

1 sufficient food to eat, so we became overworked and exhausted. As
2 a result, some of us became sick and some were so hungry they
3 went to look for food or fruit in the forest. Then we were
4 accused of not working, but then we joined our hands to arrest <>
5 Hoeun, who was <in charge of the cooks> . Then we sent the person
6 to the military barrack, and we told them what happened, that we
7 were not given sufficient rice to eat. Then the soldiers walked
8 Hoeun to their barrack.

9 [11.08.52]

10 And next day, they came to take us to go to have a meeting to
11 resolve the matter <of Hoeun's arrest>, and when we arrived, we
12 saw Hoeun there. All of us, that is, the 50 of us, were allowed
13 to sit on <wooden> chairs under <that model> house <where the
14 meeting was held.> We were told to attend a meeting to resolve
15 this matter because we arrested our chief, that is, the person
16 who was in charge of the kitchen in Stueng Hav.
17 And our 50 names were called, so we went there during noontime
18 and we were <told to take a bath and wear proper clothes which
19 consisted of only> black uniforms with the blue scarf, or krama.
20 When we arrived <at the> meeting<, they cocked their guns and
21 said, "Don't run! Don't run! Don't run!" I thought Hoeun refused
22 to give us sufficient food but> they decided that Hoeun was
23 correct and that we were wrong, so <> then they started to tie us
24 all. <I did not know the exact date because my watch was taken.>
25 Q. Thank you.

45

1 A couple questions to follow up on that. First, you mentioned
2 going to the military.

3 Just so we're absolutely clear, was this the Khmer Rouge military
4 that you brought Hoeun to?

5 [11.10.30]

6 MR. KOPPE:

7 I object to this question. I thought the ruling of the Chamber
8 was clear, Mr. President. This is far outside the scope of the
9 second trial, so I repeat my earlier objection.

10 And in addition, I would like to repeat my observation with the
11 previous witness. We are now in the second of the Role of the
12 Accused. I heard some very minor, very irrelevant questions in
13 the beginning about Nuon Chea, Khieu Samphan. I have no idea why
14 this witness is testifying as to the Role of the Accused.

15 So again, one objection, one repeated observation as to
16 relevance.

17 [11.11.16]

18 MR. KOUMJIAN:

19 Your Honours know that from the beginning of this trial -- we've
20 been here for two years -- the ruling was that when a witness is
21 called, whatever evidence they're -- although they may be
22 testifying in one session or section, segment of the trial, all
23 relevant evidence is admitted.

24 Our position is, and I think the Court has previously
25 consistently supported it, the purge of the East Zone is part

46

1 within the scope of Case 002/02.

2 This witness is now talking about the arrest of himself and 50
3 other persons, all from East Zone provinces, Prey Veng, Svay
4 Rieng, and -- well, it'll become apparent what he's going to talk
5 about, but clearly the purging, the targeting and the killing of
6 East Zone people. So we think that's within the scope, and that
7 has -- our understanding has consistently been the ruling of the
8 Court.

9 MR. PRESIDENT:

10 <> Could you please indicate to which our ruling that you relied
11 upon?

12 And as for the Co-Prosecutor, please also indicate the relevant
13 <paragraphs> of the ruling that you rely upon <when questioning
14 about all places and facts that pertain to> the East Zone.

15 [11.12.50]

16 MR. KOPPE:

17 Certainly, Mr. President, answering your question, I was
18 referring to the annex to your decision --

19 MR. PRESIDENT:

20 Counsel Koppe, please hold on. I'd like the Co-Prosecutor first
21 to mention as to which part of our ruling that he relied upon
22 that this part falls within the scope of the current proceeding.

23 MR. KOUMJIAN:

24 Your Honours, I don't have the scope decision in my hands, but
25 clearly one of the segments -- part of the scope decision is the

1 purging of cadres, specifically the purging of East Zone, and
2 this clearly, in our view, falls within that. These were 50 East
3 Zone persons with blue scarves targeted for executions during the
4 DK period.

5 [11.13.42]

6 MR. KOPPE:

7 That is clearly not your decision, Mr. President. I was referring
8 to the annex of -- attached to your decision, E301/9/1.1;
9 English, ERN 00981687.

10 Paragraph 2 talks about factual findings of the joint criminal
11 enterprise. Subsection 3 speaks about security centres and
12 execution sites, and then it says including internal purges and
13 implementation limited to relevant underlying offences.
14 So the main rule is, as I understand it, East Zone cadres purges,
15 yes, if it is -- if they are detained at S-21, Krang Ta Chan,
16 Phnom Kraol and Au Kanseng. Purges in general, East Zone only to
17 a certain extent, and there is a reference to a footnote,
18 footnote 9.

19 And footnote 9 refers to one very specific geographical location
20 in the East Zone, the Steung Tauch Execution Site, and the
21 Closing Order, paragraphs 283300 to movement of population phase
22 3.

23 [11.15.20]

24 Whatever the witness is now describing takes place in Kampong
25 Speu, and up north, Kampong Som. That doesn't fall within the

1 geographical location as mentioned in the footnote, and it
2 doesn't refer to that subsection, paragraph 3.
3 That is -- in that sense, your decision is very clear and it just
4 doesn't fall into this. There is no general allowing of anything
5 that happened to the purging of East Zone cadres as to fit within
6 the scope. That only applies to the targeted groups being Cham,
7 the Vietnamese and the Lon Nol officials.

8 [11.16.14]

9 MR. KOUMJIAN:

10 Your Honour, on that same page that counsel cites, part of it is
11 -- the Court mentions that part of the scope of the trial are the
12 findings regarding joint criminal enterprise. And number 3,
13 security centres and execution sites, including internal purges.
14 Well, a joint criminal enterprise, of course, the requirement is
15 to find a common plan, policy, common intent. The Defence, if I
16 understand the Defence throughout this case, has been that there
17 was no targeting of people from the East Zone simply because they
18 were from the East Zone. The Defence case, as I understand it, is
19 that they all were traitors, so the issue clearly -- at issue in
20 this case is: were people from the East Zone indiscriminately
21 targeted? Was that part of the purge, of the joint criminal
22 enterprise?
23 And also, this is, I believe, in the Closing Order at paragraphs
24 199 to 203.
25 So even if the crime site -- if this execution that the witness

49

1 is about to testify to is not part of the crime base, the charges
2 for this particular crime, it's part of the joint criminal
3 enterprise and the policy issues, and goes directly to the
4 Defence case, which I understand counsel has said -- doesn't deny
5 killing many East Zoners from -- in S-21 and other places, but
6 says they were entitled to kill them because they viewed them as
7 traitors.

8 So it's relevant to the policy to target all East Zoners. It's
9 part of the joint criminal enterprise.

10 [11.18.10]

11 MR. KOPPE:

12 What I forgot to mention again that is, of course, there is
13 within your decision a possibility mentioned of expanding the
14 scope, and it literally says:

15 "Upon reasoned application, the Chamber may expand the scope of
16 Case 002/02 to include additional facts relating to internal
17 purges in the North and East Zones, subject [etc.] to the rights
18 of the Accused."

19 So the way you have formulated your decision is clearly a limited
20 interpretation as to whatever happened to people from the East
21 Zone. It is not as wide and expansive as the three other targeted
22 groups so, again, I think your decision is crystal clear.

23 [11.19.05]

24 MR. KOUMJIAN:

25 Again, counsel's talking about adding to the charges the actual

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1 locations that will be part of the crime base.

2 We're talking now in my last argument about the policy and the
3 intent of the joint criminal enterprise, and the targeting was a
4 national policy. This is, I think, particularly probative because
5 it occurs in an area where we don't have a lot of evidence, that
6 is, down in Kampong Som, showing that it was a nationwide policy
7 to target East Zoners regardless of having any reason to or not
8 and indiscriminately target East Zone personnel.

9 So I submit it to Your Honours for a decision. The testimony, I
10 think, would take about 15 minutes for the witness to describe
11 what happened.

12 MR. PRESIDENT:

13 Anything else, Counsel Victor Koppe?

14 I'll give you the floor now.

15 [11.20.10]

16 MR. KOPPE:

17 By just saying it is part of the joint criminal enterprise that
18 is, of course, a legally completely untenable argument. Then
19 whatever the Prosecution deems fit falls within the scope just
20 saying it is part of the joint criminal enterprise.

21 That is not how it works, Mr. President. It should be very clear
22 to the Defence what the charges are, what the accusations are.

23 There is no mention whatsoever of anything that happened in
24 Kampong Speu or Kampong Som in relation to the East Zone people,
25 so it's extremely clear.

51

1 [11.20.56]

2 MR. KOUMJIAN:

3 Just one small addition to the argument.

4 This witness was put on the witness list, I believe, before the

5 start of 002/02, at least, so the Defence has had the statement

6 where this is described. The DC-Cam statement at that time, I

7 think, is all we had, but later, the other statements. So they've

8 had notice of the witness' evidence.

9 And again, I think a key issue the Defence is contesting is the

10 national policy and the intent to indiscriminately target East

11 Zoners. We say this is clearly relevant to those issues.

12 MR. PRESIDENT:

13 Anything else, that is, from the two sides?

14 I would give the floor to the two sides to raise matters relevant

15 to this issue.

16 (Judges deliberate)

17 [11.25.03]

18 MR. PRESIDENT:

19 I'd like to hand the floor to Judge Lavergne to issue an oral

20 ruling on this matter.

21 JUDGE LAVERGNE:

22 Yes. Thank you, Mr. President.

23 The Chamber notes that, <from the one hand,> the crime site that

24 is referenced to in <this> testimony is not within the scope of

25 Case 002/02, so <it is correct that> there is no need to

1 <examine> in detail the witness on this statement. However, the
2 Chamber also recalls that it has allowed witnesses to be examined
3 to find out the details of national policies, and particularly
4 policies targeting certain groups and <in particular,> the groups
5 who could have been internal enemies and specifically, <those> of
6 the East Zone.

7 So Mr. Prosecutor, if you want to ask another one or two
8 questions, it's fine, but please don't go into the nitty-gritty
9 details.

10 [11.26.20]

11 BY MR. KOUMJIAN:

12 Q. Sir, then a couple quick questions.

13 First, you mentioned you all had blue scarves. Where did they
14 come from?

15 2-TCW-913:

16 A. Hoeun was the one who gave us each a blue scarf so when we
17 were told to go there, we were told to wear our black uniform
18 with blue scarf. And at the meeting location, we were surrounded
19 by soldiers. And after that <they cocked their guns and told us
20 not to run.> They used the blue scarves to tie all of us. <I
21 thought,> we protested that how could we be wrong because we were
22 innocent. And I was 20-something at the time, and that I never
23 made any mistake. <It was merely about eating.> And the issue was
24 about the arrest of Hoeun, because he did not give us enough rice
25 to eat so that he could change his mind <>, but everything turned

1 <out> we were in the wrong while Hoeun was in the right. <We, 50
2 people, were tied to be executed. We were tied for 13 days and
3 nights.>

4 [11.27.31]

5 Q. Mr. Witness, I hope this will be my last question for you
6 because I'm running out of time.

7 Can you try to explain as clearly as possible after you and the
8 other 50 in your group or 49 in your group were tied up with your
9 blue scarves, what happened to you? Can you explain that to the
10 Judges, please?

11 A. I can briefly describe the event.

12 After I was arrested, they <debilitated us by giving> us only one
13 or two pieces of potato for each meal and then they gave us a bit
14 of water to drink. And <I counted it,> we were in such situation
15 for 13 days and nights.

16 They tortured us, they beat us up. And on the night of the 7
17 January, < I tell the Chamber the truth,> and I recall that night
18 clearly, they said that the situation could not be resolved <in
19 this place,> and that the Party in Phnom Penh would resolve the
20 issue. But then they required to tie another layer on our wrist
21 and our legs. <Next day, the train came, they> put us on the
22 train, we <jumped> off the train wagon.

23 But that night, at around midnight, 10 of us were taken out as
24 per batch, so 10 and then another group of 10. <We> were told
25 that <>they would be put on a train, so they took a group of 10

54

1 away and, a while later, they came for another group. <I never
2 saw them returned.>

3 [11.29.20]

4 And I was amongst the people in the last <10>. They walked us
5 about <300> to 400 metres away from that location and returned us
6 back. <I was curious why we were returned.> And by 7 o'clock in
7 the morning, we found out that those who were <> taken away were
8 killed at the mountain.

9 They <beat and stabbed> us. I was hit by a few <stabs of
10 bayonet;> my head <was beaten with a club>, but somehow I
11 survived. And then amongst the dead, I saw Kan, who also
12 survived. So we tried to erect ourselves, although we were tied.
13 And then he untied me and I untied him. Then we used the mud to
14 put it on <> our wounds, and I had to drink my own urine in order
15 to survive.

16 Then we went to look for our clothes at our worksite, but
17 everybody was not there. They all fled. And they left behind
18 rice, cooking pot, etc., so I cooked rice there and I stayed for
19 over one month in a cave before I returned to my native village.

20 MR. KOUMJIAN:

21 I believe the civil parties have some questions, Your Honour.

22 [11.31.06]

23 MS. GUIRAUD:

24 Thank you, Mr. President. It's my colleague, <Hong> Kimsuon, who
25 will have some <brief> questions to put to the witness.

1 MR. PRESIDENT:

2 Yes. Counsel Hong Kimsuon, you have the floor.

3 QUESTIONING BY MR. HONG KIMSUON:

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

6 Q. Allow me to continue from where the Co-Prosecutor left off,
7 Mr. Witness. You said that you do not know about Documentation
8 Centre <of Cambodia>, that is, DC-Cam, in 2005.

9 And my question to you is that was there a group of people who
10 came to ask you questions at your house in Boeng village?

11 [11.32.03]

12 2-TCW-913:

13 A. Yes. In 2005, they came and it was raining while I was coming
14 back from the rice field. <They interviewed me while it was
15 raining.>They did not invite me to the Court. They asked me
16 questions there and they took my photograph as well. But I do not
17 recall their names. There were two of them, and they were in a
18 small vehicle.

19 Q. Before your appearance today, do you -- have you read the
20 document of that interview?

21 A. Yes, I have. That is including the biography that I have
22 before me.

23 Q. You were asked by the Co-Prosecutor in relation to your work
24 at the Borei Keila, and you said that you did not know <or see>
25 any of the leaders. Now I'd like to refresh your memory.

56

1 Did you speak about your experience of seeing Khieu Samphan, Pol
2 Pot or Nuon Chea during that interview?

3 [11.33.27]

4 A. When I was interviewed, I was not asked about whether I saw
5 any of them, and that is the truth. I did not see any of them. I
6 did not see Khmer <Rouge>, Pol Pot or Ieng Sary. I only heard of
7 their names.

8 Q. It's been 11 years since then, so your memory in relation to
9 that interview with the group, <how much> do you recall the
10 content of that interview or do you tend to forget it?

11 A. I forget most of it. I only remember a little, and my memory
12 does not serve me well since I was struck in my -- in my head. <I
13 could not elaborate everything. I remembered only a little, but I
14 forgot a lot.> And sometimes maybe I said something but, later
15 on, I do not recall it.

16 And when you said I just recalled that I was interviewed in 2005
17 during a rainy day. <They drove a small car to my home.>

18 [11.34.37]

19 Q. Mr. President, I'd like to refresh the witness' memory by
20 referencing to document E305/13.23.377, and another one is
21 E3/9086. And at Khmer, ERN 00977451; and the ERN in English is
22 00983507; and I do not have the French ERN.

23 [11.35.26]

24 I'd like to refresh the witness' memory in relation to that
25 statement. And the ERN that I refer to is on page 13 in the Khmer

1 language <ERN 00977451>. He was asked a question: "Do you know
2 any of those people?"

3 And the witness said: "They came from Kratie, Ratanakiri,
4 Mondolkiri and all provinces as well as they were at the district
5 cadres."

6 And the next question: "What about the leaders in Phnom Penh? Who
7 attended the meeting?"

8 And his response is: "Khieu Samphan and Pol Pot. Sometimes Khieu
9 Samphan came. At different times, Pol Pot came."

10 And Mr. Witness, does that refresh your memory?

11 A. At the time I asked <someone>, "Who came to teach?" And I was
12 told that, that day, it was Khieu Samphan who came to teach. And
13 later on, when I asked again, <I was told> that it was Pol Pot.
14 But I, myself, never saw any of them. I referred to while I was a
15 cook at Borei Keila.

16 [11.36.52]

17 Q. When you asked these questions, were you told that Nuon Chea
18 attended that meeting?

19 A. No, Nuon Chea was not mentioned. They mentioned <clearly and>
20 frequently about Khieu Samphan. Pol Pot rarely came, but Khieu
21 Samphan usually came for each training session, and Nuon Chea did
22 not come. But I was serving the guests, and when asked these
23 questions, I was told those answers.

24 Q. Did you ever see Nuon Chea and Khieu Samphan at Borei Keila
25 even from afar?

1 A. No, I did not. I did not see any of them in person. I only
2 heard of their voice and their names.

3 Q. I would like to refer to your question and answer at the same
4 ERN number <00977451, in Khmer; and English, ERN 00983507> on the
5 same page <>. You were asked a question what Khieu Samphan look
6 like, and you said that he <> had white complexion, he was tall
7 and his hair was shining.

8 [11.38.35]

9 And then you were asked about Nuon Chea. You said Nuon Chea had a
10 fair complexion, a bit bald, and he was similar to Pol Pot.

11 Then you were asked about whether you knew about Nuon Chea's
12 position, and you said:

13 "Nuon Chea was the chief and Khieu Samphan was the President of
14 the State Presidium."

15 Mr. Witness, are these your responses or do you not recall them?

16 A. Allow me to respond.

17 As for the name of Khieu Samphan and his physical description,
18 that's what I was told. And I only repeated what I was told. But
19 as I said, I was told that Khieu Samphan <frequently went> to
20 give instructions at those training sessions. They referred <> to
21 him as a cadre, an instructor. But I did not see him clearly in
22 person.

23 [11.39.48]

24 MR. HONG KIMSUON:

25 Thank you, Mr. Witness.

1 And Mr. President, I conclude my session.

2 MR. PRESIDENT:

3 Thank you.

4 It is also convenient time for a short break. And before the
5 break, I'd like to inform the parties that after we hear the
6 testimony of this witness, we will hear a civil party,
7 2-TCCP-235.

8 This morning, Civil Party Sar Sarin had problem with his health,
9 but the latest update is that he left his hotel and he cannot be
10 contacted via his phone number, and WESU staff is trying to
11 contact him. And we would be provided with any further
12 information. So it seems that he cannot come to testify tomorrow.
13 So this information is for the parties in relation to the hearing
14 of civil party 2-TCCP-235 after the conclusion of this witness'
15 testimony.

16 The Chamber will take a break now and resume at 1.30 this
17 afternoon to continue our proceedings.

18 Court officer, please assist the witness at the waiting room
19 reserved for witnesses during the break time and invite him back
20 into the courtroom at 1.30 this afternoon.

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

24 The Court stands in recess.

25 (Court recesses from 1141H to 1330H)

60

1 MR. PRESIDENT:

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

3 Before giving the floor to the defence teams to put questions to
4 the witness, the floor is first handed over to Judge Lavergne to
5 put a series of questions to the witness.

6 You can take the floor now, Judge Lavergne.

7 [13.31.55]

8 QUESTIONING BY JUDGE LAVERGNE:

9 Thank you, Mr. President.

10 Q. Witness, I am Judge Lavergne and I have a few -- or two series
11 of questions to put to you very rapidly. The first is: I would
12 like to know <whether,> when you were working in K-5, that is, in
13 Borei Keila, were you the only member of your family working
14 there or did you also have a brother who was working with you
15 over there?

16 2-TCW-913:

17 A. Mr. President, only I worked at that K-5. I was from my birth
18 village alone without my family members. I was called to work at
19 that location <after being defrocked>.

20 [13.32.57]

21 Q. Well, I was putting this question to you because in your
22 biography that we showed to you this morning; that's document
23 E319/23.3.38.1, on the last page, that is to say English, <it's
24 ERN> 00983490; and Khmer, 00977436, at point 11; the following is
25 said: "<[REDACTED]> joined the military sector and were tasked

61

1 with <raising ducks> for office K-5."

2 So, do you have a brother who was called [REDACTED]? What was the name
3 of your older brother?

4 A. I was the eldest sibling; [REDACTED] (phonetic) is deceased, my
5 younger brother. I am the eldest. There was no one older than me
6 in my family; I mean my siblings.

7 Q. Fine, but before the death of your older brother, he was the
8 eldest and where was he; did he work with you at K-5 or not?

9 A. We did not work in the same office. I came alone. My younger
10 brother had died in Lon Nol's time. I survived under Lon Nol's
11 period and I came to work alone, without my family members in
12 company. I am the eldest sibling in my family.

13 [13.35.19]

14 Q. Fine. I would like to return, as well, to your situation as a
15 Buddhist monk; can you tell us exactly what you were told and why
16 you had to defrock?

17 A. They said and forced me to <defrock>. They said that the
18 regime <became revolutionised and> required no monks and if monks
19 <still refused to defrock>, they would be given a pair of oxen
20 <to farm for his own living. That was their policy. From day to
21 day, they kept insisting I defrock>. And during the ritual
22 ceremony of defrocking monks, they had no "achar" or <the master
23 of the religious ceremony. There was> no celebration at the
24 time<, we just took off our saffron robes. In a single day, all
25 monks were defrocked>. No matter whether or not we wanted to

1 <defrock>, we had to. We were told that we needed to go and farm
2 rice to feed ourselves <if we refused>. How could I stay in the
3 monkhood, since all monks had been forced to <defrock across the
4 country.> They wanted to destroy the evidence and they wanted to
5 abolish <Buddhism> at the time.

6 [13.37.06]

7 Q. How many were you who were forced to defrock at the same time;
8 did you all have to <defrock> at the same time or did this happen
9 gradually; what happened?

10 A. Monks in my pagoda had all been defrocked on the same day.

11 <All 19 monks were defrocked.> I cannot tell you how many of them
12 were novice monks<, but there were 19 monks in the pagoda>. In
13 fact, <some> people became monks, before that time, because they
14 avoided to be mobilized into army <in Lon Nol regime>. <Parents>
15 told me to go to become a monk <to survive, because Pol Pot would
16 order conscription . My younger brother had already died, I was
17 left with my parents. I was warned not to go because I would be
18 conscripted. So, I went to become a monk to avoid this but still
19 I was defrocked later on.>

20 Q. Who was present when you <were defrocked>; were there people
21 in charge of administration; were there district officials,
22 sector officials; were there militiamen; were there armed people;
23 what happened?

24 A. When I was forced to <defrock in the presence of> Krasang
25 commune committee <>, Ta Sam Iet <and another member from> Tras

1 <commune>. Initially, there was only Tras commune, but since
2 <the> population increased, then the communes were divided into
3 two: Tras and Krasang. <So, the two came to force me to defrock
4 in that pagoda, Ta Sam Iet and Ta Nob Yorng (phonetic). They also
5 went to coerce monks in other pagodas to defrock.> These two
6 people<, held the positions of being commune chiefs, had>
7 defrocked monks, <chief of Krasang commune> and <chief of> Tras
8 <commune>.

9 [13.39.56]

10 Q. Were both of these people accompanied by armed militiamen?

11 A. Yes, they had guns to force monks to <defrock>. These two
12 individuals used to be <chief of> monks, but later on, <since
13 they had deep conviction,> they mistreated monks. <When I grew
14 up,> these two people used to be the supreme monks <> and they
15 had been <in the> monkhood for so long, but later on, they
16 <forgot their monkhood, and came to defrock me. When the Khmer
17 Rouge came, they completely forgot it, because they> became the
18 commune chiefs; Ta <Yorng> (phonetic) and Ta Sam Iet <>.

19 Q. Do you know what happened to the other monks who were with you
20 in the pagoda; did you see them again later on; what happened to
21 them?

22 A. After they had been all defrocked, we were separated into
23 different locations; some went to live in some villages and some
24 other went to other villages. <We had no contact with other
25 former monks.> We separated from one another; some went to their

64

1 home <> villages and I went to my birth village. There was no
2 dispute, at the time, after all of us had been defrocked.

3 [13.41.52]

4 JUDGE LAVERGNE:

5 Fine, thank you very much, Witness. I have no further questions
6 to put to you.

7 MR. PRESIDENT:

8 And the Chamber now gives the floor to the defence team for Mr.
9 Nuon Chea to put questions to the witness. You can take the floor
10 now.

11 MR. KOPPE:

12 Thank you, Mr. President. As I said this morning, we have
13 absolutely no idea why this witness has been called for this
14 segment, so therefore, we also have no questions.

15 MR. PRESIDENT:

16 And the defence team for Mr. Khieu Samphan, you may now proceed.

17 [13.42.41]

18 QUESTIONING BY MR. KONG SAM ONN:

19 Thank you, Mr. President. Good afternoon, the Chamber. Good
20 afternoon, Mr. Witness.

21 Q. Follow up to the question of Judge Lavergne, you stated that
22 you were defrocked. In document E3/319.23.3.38.1; <Khmer, ERN
23 00977432,> ERN in English, 00983485; let me quote: "My parents
24 told us to <defrock> in order to join the revolution to liberate
25 the beloved country."

65

1 This information is taken from your biography, so can you tell
2 the Chamber about the discrepancy between the statement you made
3 in the document and what you said here?

4 2-TCW-913:

5 A. Mr. President, I can tell you, at the time, if we put in our
6 biography that we were forcibly defrocked, then we would be in
7 dangerous situation. <We made up the biography to suit the
8 situation, which did not mention the coerced defrocking.> We put
9 in the biography to avoid causing anger to them. <So, I had to
10 lie to them.> In fact, I was telling you the real situation
11 here. If I had put strong words in the biography at the time, I
12 would have been killed. So using the word "disrobe" was so
13 lenient. I <avoided> using the word "defrocked" in my biography.
14 [13.44.50]

15 Q. Thank you. You lied to them; is that correct?

16 A. If I had not lied to them, I would have died, Mr. President. I
17 had to lie.

18 Q. Concerning your position, you stated, this morning, that you
19 were a cook when you were sent to K-5; let me ask a follow-up
20 question. Besides cooking at K-5, did you do other work?

21 A. After my first arrival at K-5, I was told to raise livestock,
22 cattle, plant sugar cane, and clear the sugar cane plants. Later
23 on, I was trusted; I was allowed to cook for guests. These were
24 all my tasks<, nothing more>. I had to cook <and taste the> meal,
25 then <prepare> dishes for the number of guests who came to be

66

1 trained, as I told the President this morning.

2 [13.46.07]

3 Q. Thank you. Initially, you said that you worked at K-5 for
4 three months; could you indicate, for the Chamber, about the
5 timeline starting from the time when you became a cook, grow
6 sugar cane, raise livestock, and then do other work? So could you
7 inform the Chamber about the timeline <of each task>?

8 A. As I have told the Chamber; first, I raised chickens and ducks
9 and took care of vegetables for a <> period of months. Only
10 <when> I was trusted, was I allowed to cook. I was not allowed to
11 cook meals immediately, only after I was trusted that I worked as
12 a cook. <Initially, I was tasked to clean.>

13 Q. Let me interrupt you. I want you to tell about the
14 chronological order or timeline. While you were raising
15 livestock, were you still in K-5 or you were in a different unit
16 <in K-5>?

17 A. I was still working in K-5 in Borei Keila while raising
18 livestock.

19 Q. Thank you. Can you indicate the <precise> timeline for the
20 Chamber; <> how many months were you working as a cook and how
21 many months did you spend time working <and> raising livestock?
22 Did you have the same functions simultaneously?

23 [13.48.11]

24 A. I had to divide my time planting sugar cane and feeding cattle
25 and livestock. These tasks were my secondary tasks and my main

1 task was to cook meal and rice.

2 Q. So it means that you did all these tasks simultaneously, but
3 you had to divide your time doing these tasks; you did not have
4 the specific schedule for doing those tasks<, is that correct?>.

5 A. You are right, but I had to divide my time to do all those
6 tasks.

7 Q. Concerning cooking, you indicated that there was a group of
8 cooks and a group of people delivering and serving food and
9 finding fish; were all these groups under different chiefs or
10 were all of these groups under the same person, Ta <Chamroeun>
11 (phonetic)?

12 A. They were under different unit chiefs; cooking unit and
13 serving and delivering food unit.

14 Q. Could you indicate <the names> of those different chiefs?

15 A. I could only recall Morn (phonetic) and beside that, I cannot
16 tell you their names.

17 Q. Morn (phonetic), so which unit was he in charge of?

18 A. Transporting fish, vegetable, and meals; he was in charge of
19 that.

20 [13.50.33]

21 Q. He was the one who transport those items or -- or was he the
22 chief of that group or unit?

23 A. He was a driver transporting logistics, food supplies; mainly,
24 food supplies. As long as he got a call, he would transport those
25 items.

1 Q. You made mention about Ta <Chamroeun> (phonetic), who was your
2 direct superior; do you know the superior of Ta <Chamroeun>
3 (phonetic); what was his name?

4 A. No, I do not know his superior's name. I did not dare to ask
5 who Ta Chamroeun's (phonetic) superior was; all I know is that Ta
6 Chamroeun (phonetic) was in charge of Borei Keila premise.

7 Q. Did you know his daily function; I mean Ta Chamroeun's daily
8 function?

9 A. He took control of Borei Keila premise. He <> took control of
10 staff members, including me <and all workers>. He had overall
11 supervision at Borei Keila <>, including me. He was Borei Keila
12 office chief.

13 [13.52.08]

14 Q. Thank you. When you prepared dishes, you indicated, earlier,
15 that you had to taste meal or dishes. You also said that -- could
16 you inform the Chamber about the process of your cooking? You had
17 to put the food in all plates first and then taste it, so what
18 did you do for that job?

19 A. After the rice was fully cooked and dishes were fully cooked,
20 I was required to taste them before the dishes and rice were put
21 on plates and bowls<. Initially, I was required to taste the food
22 in the pots> and after that, the meals and food were arranged on
23 the tables.

24 Q. Did you inform other about the taste of those dishes?

25 A. They never asked or enquired me about the taste. They came

1 right away and ate. <They made no enquiries on how the food
2 tasted.>

3 Q. I want to ask you; you, yourself, did you ever tell Ta
4 <Chamroeun> (phonetic) or your supervisor about the taste of
5 dishes that you cooked?

6 A. I was never asked and I <never> told them. <I was told just to
7 take care of guests.> I had to cook it nicely and it depend -- it
8 was dependent on me <whether the food was good or bad>, but
9 before the dishes were served, I had to taste them first.

10 [13.54.31]

11 JUDGE FENZ:

12 Sorry; Counsel, you realize this is not about nice tasting food,
13 but about poisoning? Frankly, I don't quite get where the
14 questions are going.

15 BY MR. KONG SAM ONN:

16 There is no information indicating about poisoning the food, but
17 I believe there is information indicating about tasting the food,
18 whether or not there is poison. <I believe my question is clear
19 at this point.> And if Your Honour wants me to ask for
20 clarification concerning other points, please let me know.

21 Thank you, Mr. President.

22 Q. Mr. Witness, let me continue my question.

23 Mr. Witness, concerning the dishes you tasted, so how long after
24 you tasted all those dishes <before> they delivered all those
25 dishes to the guests?

1 [13.55.55]

2 2-TCW-913:

3 A. <Soon> everything was cooked and after they knew that I tasted
4 the dishes already, <as someone stood near,> <they> would take
5 meal to the eating hall <to serve guests>. <So, it was not long.>
6 It was cooked<,> I tasted it, then they would deliver the dishes.

7 Q. So could you inform the Chamber about the dishes; what were
8 they?

9 A. <Mostly,> cabbage soup and cucumber soup mixed with pork,
10 fish; usually, we had cabbage soup and morning glory soup with
11 <fish and meat>, but I, myself, did not know where the meat was
12 taken from. I <had never seen the slaughterhouse.They just
13 delivered the beef and pork to us>.

14 [13.57.19]

15 Q. I have another question on the same topic.
16 Did you feel frightened or afraid while tasting the food or
17 dishes?

18 A. Every time I tasted the -- the dishes, I <> trembled. I was
19 thinking that <whether> they wanted to kill me; <if I refused to
20 do so, I would have had no future. That was the order. Before the
21 death of their guests, I must die first. Therefore, I felt
22 scared. I just followed their instruction>.

23 Q. Why you -- why were you afraid because of tasting all those
24 dishes?

25 A. I was afraid because I did not know if someone wanted to

71

1 mistreat me, to kill me, and to smash me. I was continuously
2 afraid that I wanted to be killed. I was in a frightening
3 situation on a constant basis.

4 [13.58.48]

5 Q. Thank you.

6 While you were working as a cook at K-5 until the end, there
7 wasn't any situation concerning poisoning food; was that correct?

8 A. No, there was no poisoning food for the guests.

9 Q. Regarding dishes, this morning, you have told -- you told the
10 Chamber already, but I am not quite -- I do not really quite
11 understand your answers. You <said that after> you cooked <the
12 meal for the> guests <>, your group would then have time to eat;
13 did you eat only the leftovers from the dishes of the guests or
14 was there reserve dishes for you?

15 A. The rice in the cooking pot was not eaten up by the guests, so
16 I had to eat the rice in the cooking pot and also the soup in
17 dishes in the cooking pot and the leftovers usually were kept for
18 pigs. I did not eat the leftover food from guests.

19 [14.00.42]

20 Q. In reference to document E319/23.3.39, which is your Written
21 Record of Interview, at question-answer 26, you stated the
22 following and I quote: "At Borei Keila, the work condition and
23 food was typical." End of quote.

24 So what I want to ask you is whether you still standing by your
25 previous statement?

1 A. I cannot catch your full question.

2 Q. Allow me to repeat it. In your previous statement, that is,
3 the document that I just mentioned, you said the work condition
4 and food at Borei Keila, where you worked, was normal and my
5 question to you is that whether you still stand by your statement
6 regarding the normal working condition and food? <Could you
7 confirm?>

8 A. Regarding <> serving the guests<, work, and living
9 conditions,> I do not support it. I did not have any belief in
10 them, but I had to keep on living.

11 Q. Witness, <please listen my question. This is your statement,>
12 you spoke about the working condition and the food at Borei Keila
13 that it was all normal; it means it's not that difficult for you,
14 and are you still standing by that statement?

15 [14.02.40]

16 A. Yes, I still stand by my statement because that's what
17 happened.

18 MR. KONG SAM ONN:

19 Thank you. Thank you, Witness, and Mr. President. I conclude my
20 session.

21 MR. PRESIDENT:

22 Thank you.

23 And Mr. Witness, the Chamber is grateful of your testimony. It is
24 now concluded and your testimony may contribute to the
25 ascertainment of truth in this case.

73

1 You may now return to your residence or wherever you wish to go
2 to and the Chamber wishes you all the very best.

3 Court officer, please work with WESU to make transport
4 arrangement for the witness to return to his residence or where
5 he wishes to return to and Witness, you may now leave the
6 courtroom.

7 (Witness exits the courtroom)

8 [14.03.55]

9 MR. PRESIDENT:

10 The Chamber will next hear statement or testimony of civil party,
11 that is, 2-TCCP-235. And before we begin to hear testimony of the
12 civil party, the Chamber notes that the civil party was
13 interviewed in an ongoing investigation in a separate case and
14 the International Co-Investigating Judge placed this civil party
15 in Group A among the three groups in his memorandum. Please refer
16 to document E319/35, a request that, for the purpose of
17 maintaining confidentiality in this investigation, pseudonyms
18 shall be used for this civil party.

19 [14.04.42]

20 The Chamber deems this limited measure is legally appropriate, in
21 this case, and that these instructions shall take into account
22 the balance between the need for public hearings and the
23 integrity of the investigation.

24 The Chamber also reminds the parties that it shall adhere
25 strictly to its instruction in document E319/7 for the use of

74

1 document, which have been disclosed from other cases.

2 And Court officer, please usher civil party, 2-TCCP-235 into the
3 courtroom.

4 (Civil Party enters the courtroom)

5 [14.07.12]

6 MR. PRESIDENT:

7 The Chamber would like to inform the parties and public that the
8 Chamber proceeds to hear testimony of the civil party in relation
9 to the <roles> of the Accused.

10 <Good afternoon> Mr. Civil Party, based on the request by the
11 International Co-Investigating Judge, you shall only be referred
12 to by a pseudonym and your pseudonym is 2-TCCP-235. And in the
13 normal proceedings, the Bench and the parties shall refer to you
14 as a civil party only. And the Chamber does not allow the
15 parties, as well as Judges of the Bench to use your full name in
16 this public proceeding.

17 Court officer, please deliver this document <E3/9771> for the
18 <civil party> to view it.

19 And Counsel Koppe, I notice you are on your feet; you have the
20 floor.

21 [14.08.22]

22 MR. KOPPE:

23 Yes, Mr. President, very briefly; it might have been a
24 translation issue, but I heard in English that you said that this
25 civil party will testify as to the character of the accused; is

75

1 that what was said in Khmer or is it the Role of the Accused?

2 That is a difference.

3 QUESTIONING BY THE PRESIDENT:

4 Maybe I'm not mistaken because I read from the script <in Khmer>;

5 it's about the Role of the Accused. <I tried to prepare the

6 written script to avoid confusion.> There could be a slip.

7 Q. Mr. Civil Party, please look at <and confirm your> identity on

8 -- in the documents <E3/9771> that I provided to you with the

9 Khmer, ERN 01043314; English, 01055683; and there is no French

10 translation.

11 Please refers to the orange highlight sectioned concerning your

12 full name, place of birth, date of birth, nationality,

13 occupation, the names of your parents and wife, as well as the

14 number of your children and please inform the Chamber whether the

15 information is correct. And please simply say it is correct or

16 incorrect and you should not confirm the details of the

17 information.

18 So please review the orange highlight section and inform the

19 Chamber whether it is correct.

20 [14.10.30]

21 2-TCCP-235:

22 A. Yes, it is correct.

23 MR. PRESIDENT:

24 Thank you.

25 And Mr. Civil Party, you are called to testify before this

76

1 Chamber, as a civil party, and for that reason, toward the
2 conclusion of your testimony, you will have <the right> to make a
3 -- an impact statement in relation to harms you suffered during
4 Democratic Kampuchea, if you wish to do so. And the Chamber shall
5 remind you, again, towards the conclusion of your testimony.
6 <In putting questions to civil party,> and pursuant to Rule 91bis
7 of the ECCC Internal Rules, the Chamber gives the floor, first,
8 to the Lead Co-Lawyers for civil parties to question the civil
9 party before others. And the combined time for the Co-Prosecutors
10 and the Lead Co-Lawyers are two court sessions. You may proceed.

11 [14.11.48]

12 MR. PICH ANG:

13 Good afternoon, Mr. President, Judges. We, the Lead Co-Lawyer,
14 would like to request your permission to assign<, Ven Pov, the>
15 lawyer for civil party to put questions to this civil party and
16 I'd like to also take this opportunity to inform the Bench that
17 this civil party <may need frequent> visits to the restroom <>.

18 MR. PRESIDENT:

19 Thank you for the information.

20 And Civil Party, if you need to visit the restroom, please do not
21 hesitate and signal the Chamber, so that we can allow you to go
22 straightaway.

23 And your request is granted and lawyer for civil party, Ven Pov,
24 you have the floor.

25 [14.12.39]

1 QUESTIONING BY MR. VEN POV:

2 Thank you, Mr. President. Good afternoon, Judges, and good
3 afternoon, everyone, and good afternoon, Mr. Civil Party. I am a
4 lawyer for civil party, as I am also your lawyer and I have some
5 questions to put to you in relation to your experience through
6 Democratic Kampuchea.

7 Q. My first question is the following: Prior to 17 April 1975,
8 where did you live and what were you doing?

9 2-TCCP-235:

10 A. Good afternoon to the Court and good afternoon, Counsel.
11 In 1970, I <was> ordained as a monk at Chrap (phonetic) pagoda,
12 which was located in Ou Rumchek village, Mroum commune, Banteay
13 Meas district, Kampot province, and the pagoda was located in a
14 contested area between the Lon Nol regime and the revolutionary
15 Angkar <regime>.

16 Q. So you were a monk; how long did you remain as a monk or was
17 there anything that happened to you <or you stayed in monkhood
18 for good>?

19 [14.14.36]

20 MR. PRESIDENT:

21 Civil Party, please observe the microphone. You should speak only
22 when you see the red light on the tip of the microphone, so that
23 your voice would go through the system; in particular, will go
24 through the interpretation channel and that it will be
25 simultaneously interpreted into <French and English>.

1 2-TCCP-235:

2 A. In 1971, the militia group of the revolutionary Angkar forced
3 us to <defrock>. I was then drafted <into the army of the>
4 revolutionary Angkar.

5 BY MR. VEN POV:

6 Q. When they <defrocked> you, can you tell the Chamber how old
7 you were?

8 2-TCCP-235:

9 A. I was about 15 years old.

10 [14.15.40]

11 Q. When you were <defrocked> in the pagoda, was you the only one
12 who was <defrocked> or were all monks in the pagoda <defrocked>
13 and if so, how many monks all together?

14 A. All monks were <defrocked> and not only monks in that pagoda;
15 monks in other pagodas were also <defrocked; wherever> this
16 militia group <of revolutionary Angkar could reach>.

17 Q. After they <defrocked> you, were drafted into an army and if
18 so, could you identify the military unit<, regiment or
19 battalion,> that you were assigned to?

20 A. Yes, I recall that. At the time, I was sent to be located
21 between National Road Number 4 and <> 5 battlefield. I was in <>
22 Division 1, Regiment 16, Battalion 180 <where I was based>.

23 Q. When you refer to Division 1, which zone or sector was that
24 Division 1 in?

25 MR. PRESIDENT:

79

1 Please observe the microphone, Civil Party.

2 [14.17.20]

3 2-TCCP-235:

4 A. At that time, Division 1 was newly established. I only know it
5 was based between National Road Number 4 and Number 5; that was
6 the operational area <in Phnom Penh>, but I do not know whether
7 it was in the Northwest or Southwest Zone.

8 Q. Regarding your units that were stationed in between National
9 Road Number 4 and Number 5, on the day of the liberation of 17
10 April 1975; did you participate in the attack on Phnom Penh?

11 MR. PRESIDENT:

12 Please observe the microphone.

13 2-TCCP-235:

14 A. In late 1974, Angkar provided us with military training in
15 order to <mount the final blow against> Phnom Penh<, in early
16 1975>.

17 [14.19.04]

18 BY MR. VEN POV:

19 Q. In relation to the event of 17 April 1975, <what> spearhead or
20 direction <did you join> the attack on Phnom Penh?

21 2-TCCP-235:

22 A. Our spearhead on 17 April 1975, was to be based at Pochentong
23 area<, that was Pochentong Airport>.

24 Q. On the day Phnom Penh was attacked, what was your position in
25 the army?

1 MR. PRESIDENT:

2 Please observe the microphone.

3 2-TCCP-235:

4 A. I was the chief of a special group for intelligence gathering
5 <in the battlefield,> attached to Battalion 180.

6 BY MR. VEN POV:

7 Q. In relation to the very day of 17 April 1975, that is, the
8 liberation day, when you came through Pochentong area, what did
9 you observe?

10 [14.20.27]

11 2-TCCP-235:

12 A. During the attack <> on 17 April '75, I reached Pochentong
13 area at around 6.30 <- 7.00> in the morning. The Lon Nol armed
14 forces in the aviation <arranged> female soldiers <-- the pilots
15 --> prepared some flowers in order to greet <> us <when we
16 entered>. By about 9 -- between 9 to 10 o'clock that morning, the
17 division commander arrived, including Ta Mok, Sou Met <and Meas
18 Muth> arrived and they issued various orders <that I did not
19 know>. At that time, I was not there since I was <busy> looking
20 for my relatives, so that they could move away from the area.

21 Q. Did you observe any special events that <> unfolded at
22 Pochentong Airport, that is, for those <former> Lon Nol soldiers
23 who were there with flowers to greet you?

24 [14.22.15]

25 MR. PRESIDENT:

1 Please, observe the microphone.

2 2-TCCP-235:

3 A. When we entered Pochentong, we saw women who had flowers in
4 order to greet us to celebrate the victory with the army of the
5 revolutionary Angkar; however, some people within the army were
6 mean. Some beat up those women or some took the flowers or
7 grabbed the flowers from them and threw them away<, and they used
8 bad words also>.

9 As for me, it was very difficult to say anything because, at that
10 time, Lon Nol soldiers had wine and food for us soldiers to drink
11 and those Lon Nol military pilots were ordered to gather in one
12 place in order to greet Angkar. That's what initially happened.

13 [14.23.50]

14 BY MR. VEN POV:

15 Q. And what happened next to those Lon Nol soldiers who were
16 ordered to be gathered in one place in order to receive Angkar?

17 2-TCCP-235:

18 A. When Ta Mok and Ta Met and Ta Muth arrived, they organized GMC
19 vehicles to have them boarded those vehicles in order to go and
20 meet Angkar. There were men and women who boarded the vehicles
21 and I told some of them not to go <but I did not say much. I
22 said, "Do not go, do not believe them. If you go, you will die.">
23 Some of them believed me and did not go, while others went. And
24 <> there were four or five of <vehicles>, which were fully packed
25 <of people,> driving toward the west direction and I did not know

1 where they were heading to.

2 [14.25.12]

3 Q. A while ago, you said that when you arrived at Pochentong, you
4 were trying to look for your relatives; can you tell the Chamber
5 who your relatives were<? What did they do> at the Pochentong
6 Airport?

7 A. Thank you, Counsel, for reminding me about that. I <had much
8 affiliation with> the Lon Nol soldiers. I had an elder brother,
9 who was a helicopter pilot, <the combat helicopter>. I was trying
10 to look for him. <I met him.> There were a few of his friends
11 that I found and I told <them> to take off their <aviation>
12 uniforms and if they were asked or questioned, they should say
13 that they <were cyclo riders> then I could take them out of <the
14 location>.

15 So <he and his two friends, together,> took off their uniforms
16 and they wore civilian clothes and I took them outside, so that
17 they should go to their native villages <where their family
18 resided>. And I told them if they were asked, then they should
19 say that they were simply workers.

20 I also told other people there, but they did not believe what I
21 said and then they boarded the vehicles and they disappeared.

22 [14.27.12]

23 Q. After 17 April 1975, how long did you remain living in Phnom
24 Penh and what happened to you and to your military unit?

25 MR. PRESIDENT:

1 Please observe the microphone.

2 2-TCCP-235:

3 A. On about 30 April 1975, my Battalion 180 was sent by Angkar to
4 Kampong Som.

5 BY MR. VEN POV:

6 Q. Was it around 30 April 1975 when your entire unit was sent to
7 Kampong Som; am I correct? And when you arrived at Kampong Som,
8 did you remain working as a soldier?

9 [14.28.27]

10 MR. PRESIDENT:

11 Counsel, the civil party does not answer your initial question
12 yet and you seem to answer your own question<, the microphone was
13 not operative yet>. Let the civil party, first, answer your first
14 question.

15 And lawyer, please repeat your first question. You should allow
16 the civil party to speak into the microphone so that everybody
17 can hear it. <You asked the second question, how could it
18 possible to reach Kampong Som?>

19 BY MR. VEN POV:

20 Q. Mr. Civil Party, let me repeat my question.

21 When were you sent to Kampong Som? <Do you recall it?>

22 2-TCCP-234:

23 A. As I said, it was around 30 April when we were sent to Kampong
24 Som town via a vehicle; it's a GMC truck.

25 Q. Does it mean that your Battalion 180, that is, the entire

1 battalion soldiers, were sent to that location?

2 A. Yes, one battalion was sent there and there were about 400 to
3 500 soldiers.

4 [14.30.02]

5 Q. What were you assigned to do when you arrived in Kampong Som
6 along with <entire> members of your battalion?

7 A. When we arrived, our Battalion 180 was demobilized by Angkar.
8 Some of the soldiers, including myself, were sent to the navy;
9 while others were sent elsewhere and I did not know about them.

10 Q. You said you were sent to the navy; were you sent to be based
11 at a specific port or at an island?

12 A. We were sent to be part of a navy and we were always in the
13 sea on a big ship. We were there to protect the maritime border
14 and to seize those who tried to fish in our territorial water,
15 including some Thai <government> soldiers and <Yvon soldiers>.
16 There were continuous clashes between these people, and I was <on
17 that ship for> five months.

18 Q. And what happened next after the five-month period that you
19 were with the navy <in Kampong Som>?

20 A. At the time, <there was> communicating via a radio requesting
21 me to attend a meeting at the Kaoh Sdach or Sdach Island and when
22 I arrived, I arrived with a messenger<, two people including me>.
23 Then they pointed a gun at us; I <wanted to move and was about
24 to> cock the gun, but I failed in my attempt since there were
25 many of them. <So, we dropped our weapons.> Then they caught me;

85

1 they handcuffed me and my messenger was chased away.

2 [14.33.15]

3 Q. So you were called to go to Kaoh Sdach and then you were
4 arrested. Did you know who actually arrested you and what
5 happened to you next?

6 MR. PRESIDENT:

7 Please observe the microphone <>.

8 2-TCCP-235:

9 A. Not only I was arrested; the other nine <people> were also <>
10 under arrest. They were put on a big ship with the electrical
11 equipment to shock us. We were accused of being infiltrated
12 enemies. I was the last one to receive electrical shock. I was
13 questioned, but I <> protested and rejected the accusation. I
14 told them that I respect Angkar since the beginning; I never
15 countered <the revolutionary> Angkar. I observed, later on, three
16 of us, including me, were released and the other <six> were put
17 in -- put in the bottom of the boat and <I did not know where
18 they were taken to. The three of us> were sent to engage in hard
19 labour in Koh Kong in a canned fish factory.

20 [14.34.59]

21 There were many others who were soldiers <that were demobilised>;
22 they were <also> sent and detained at that location; they were
23 forced to make -- to build road, bridge.
24 And there was Rorn, the secretary of a Sector <11>, and Ry
25 (phonetic) <, a female leader who supervised the> protection unit

86

1 <that guarded us> at the time<>. <We were made to work day and
2 night. We> were not given <> sufficient food to eat. And from
3 time to time, some of us were removed and disappeared. First,
4 there were around 40 of us and later on, only about a little bit
5 more than 10 of us remained at that location.

6 BY MR. VEN POV:

7 Q. You were sent to Koh Kong and <> engaged in hard labour; how
8 many months were you working at that location, Koh Kong?

9 2-TCCP-235:

10 A. Twelve or 13 months <> -- for the period of 12 or 13 months.

11 [14.36.20]

12 Q. What happened to you afterwards? Did you remain living in Koh
13 Kong?

14 A. There was a messenger of Sector 11 coming to call me and
15 another individual who is now surviving. His name -- in fact, he
16 is deceased. His name is Chantha. <The> messenger asked us to
17 salute and to repeat the slogan that, "Three cans <of rice for 30
18 people> to eat<; storming, storming comrades!". At this point, he
19 was immediately arrested by the secretary of Sector 11. He was
20 publicly executed. Since then,> some of my friends -- my close
21 friends were afraid and were very concerned<>. Then in mid-1977,
22 there was a messenger from a sector coming to call out my name.
23 At the time, I did not use the name [2-TCCP-235]. I concealed my
24 real name and I, instead, used the name [2-TCCP-235] --
25 [2-TCCP-235], rather, and my name was called, [2-TCCP-235], <it

1 is my revolutionary name. I was told that, a cadre called and
2 wanted to meet me. They called both of us who still survive. Then
3 we were> sent by <> a motorboat <> from the inner sea to Trapeang
4 Rong (phonetic). I was then made to walk with the guards<>. I
5 was thinking that I would die. <They <distanced me from> another
6 person. We were walked to Andoung Tuek (phonetic). We were walked
7 from Trapeang Rong (phonetic) up to Andoung Tuek, where there
8 were people <> were living, and I -- we were told to rest there.

9 [14.39.24]

10 We took rest close to a temple where there were people who had
11 their legs shackled. I sneaked to look at the temple and see that
12 people had been shackled. My -- the messenger of the sector came
13 to see me and brought rice to me to eat and I was detained <in
14 the dining hall of the temple> until the next morning.

15 Q. And what happened to you the next morning<, where were you
16 further sent>?

17 A. At around 7 or 8 a.m., the announcement was made over a
18 loudspeaker. The announcement was that, "Comrades <and>
19 combatants <who have been invited by the Party> to come here,
20 <please> board the boats." The boat was> very big <>, which could
21 house 100 or 200 passengers. <This boat was named Pokchay
22 (phonetic).> There were three big <boats>. Then I was told to
23 board that <boat>.

24 Q. Where were you heading to after you had been asked to board
25 that <boat>?

1 A. The <boat> was heading to Srae Ambel or salt field. The <boat>
2 reached Srae Ambel in the afternoon and at Srae Ambel, there
3 <were> GMC and Chinese trucks there to transport us further to
4 <Veal Renh>.

5 [14.41.46]

6 Q. You were sent to Veal Renh, and were there many people sent to
7 Veal Renh?

8 And after Veal Renh, where were all of you sent to?

9 A. We spent one night at Veal Renh, and at around 8.00 or 9.00,
10 the announcement was, again, made over the loudspeaker<, that was
11 no different from the message in Andoung Tuek>: "Comrades, you
12 are all Party members." <Not> comrades<, rather> combatants, "who
13 are invited to come here by the Party, please go to board <a
14 train>." We were told to <> board a train<>.

15 Q. And where did you go afterwards?

16 MR. PRESIDENT:

17 Please hold on, Mr. Civil Party, and you may now proceed, Koppe.

18 [14.43.12]

19 MR. KOPPE:

20 Thank you, Mr. President. I suppose I need clarification from the
21 Chamber.

22 Not one question, so far, has been about the Role of the Accused.
23 Questions have been about the evacuation, which is part of
24 002/01; questions about whatever happened in Koh Kong is outside
25 the scope.

1 Apparently, at one point in time, the Civil Party Lead Co-Lawyer
2 selected this witness for the segment, Role of the Accused. The
3 Chamber, subsequently, selected this witness. I have seen his
4 testimony. I don't think anything relevant is coming in respect
5 of the role of Nuon Chea or Khieu Samphan.

6 So again, my question is: Why is this person testifying and is
7 this seventh category, the Role of the Accused, some -- some
8 leftover category or what -- what's the purpose of this witness
9 for this segment?

10 [14.44.31]

11 MR. KONG SAM ONN:

12 Mr. President, I second the objection by Counsel Koppe. Mr.
13 President has repeatedly made mention that, particularly this
14 morning, the facts which are out of the scope can be asked, but
15 <principally,> they have to relate to policy. However, the
16 questions put by civil party lawyer were <of specific facts, and
17 events, and the locations are> not <relevant to the scope. So,
18 these are not reflective> to the Role of the Accused, but related
19 to the locations, so they're not really relevant <in this case>,
20 Mr. President. Thank you.

21 MR. VEN POV:

22 We are approaching close to the relevant question in relation to
23 the Accused. <That is the next question>.

24 [14.45.39]

25 MR. PRESIDENT:

90

1 But <the questions> are <not> really <related. The
2 differentiation of secondary and main questions> should be asked
3 about the injuries and damage to the civil party. Such questions
4 are allowed<, even if they are not related to the facts,>
5 because <> as far as we are concerned, the participation of civil
6 party here is in a broad sense <and the reparation he gains is
7 collective, so that he can be satisfied>. But the Chamber has
8 scheduled, specifically, witnesses and civil party to come and
9 testify on the scope of the facts; particularly, the Role of the
10 Accused.

11 So please, put <> questions which reflect<> the relevant facts
12 and other facts are supplementary. Some question can be asked --
13 I mean those supplementary question can be asked to reflect the
14 suffering and damage of the civil party. Such questions are
15 appropriate. The Chamber <has ruled specifically on what to be
16 heard and what not to be heard within the severance procedures of
17 cases.> Questions in relation to policy have been heard on many
18 occasions. <Supplementary questions could be asked but that
19 should be limited; otherwise, it causes some issues>.

20 [14.47.22]

21 MR. DE WILDE D'ESTMAEL:

22 Good afternoon, Mr. President, a small observation coming from us
23 because we heard from the Defence something that does not seem to
24 correspond to the question that <was> put to the civil party.
25 Counsel Koppe says that the questions were put on the evacuation;

1 that is not true. Questions were put on the arrest of Lon Nol
2 soldiers at Pochentong.

3 And furthermore, thank you for your decision; <but> there is <in
4 fact> testimony from a civil party that, for the moment, provides
5 lots of elements of context and later on, we'll be able to shed
6 light on the role of Nuon Chea and also on what happened in Krang
7 Ta Chan, so all of these questions do, indeed, seem relevant to
8 me.

9 [14.48.16]

10 MR. PRESIDENT:

11 But you put a lot of questions which are far beyond the main
12 facts decided by the Chamber. <There are too many supplementary
13 questions.> The Chamber has clearly decided on the main facts for
14 adjudication. The information has been <clearly> informed to the
15 parties and I have repeatedly informed all parties so that main
16 facts are focused.

17 BY MR. VEN POV:

18 Q. Mr. Civil Party, please indicate, for the Chamber, after you
19 were sent on train to <Phnom Penh, where did you stay?> And what
20 kind of incidents did you witness?

21 2-TCCP-235:

22 A. While I was being transported by a train, I arrived in Phnom
23 Penh almost at midnight, at around 10 p.m. There were around
24 1,000 of us on the train. We were sent to Borei Keila. There were
25 buildings where we could sleep in.

1 Q. Upon your arrival at Borei Keila, how many days did you spend
2 there? What kind of incidents did you encounter?

3 MR. PRESIDENT:

4 Please observe the microphone.

5 [14.50.11]

6 2-TCCP-235:

7 A. I spent two nights there. We spent the first night -- we spent
8 only half night for the first day there and then a film was shown
9 to us. The film was about the war; the fighting between China and
10 Japan, and that the film -- that film was shown on the second day
11 and <in the morning of> the third day, we were told to go and
12 have rice and then we were to -- we were told to line up.

13 During the time when we were being lined up, there were Ta Mok,
14 Son Sen, and <Uncle> Nuon Chea. They came to <encourage> us.

15 BY MR. VEN POV:

16 Q. You stated that you saw Ta Mok, Son Sen, and Nuon Chea; how
17 did you know that they were these people; Son Sen, Nuon Chea, and
18 Ta Mok?

19 [14.51.36]

20 MR. PRESIDENT:

21 Please hold on. Please observe the microphone, Mr. Civil Party.

22 2-TCCP-235:

23 A. I knew them very well, Mr. Nuon Chea, and as for Ta Mok, I was
24 close to him. I stayed close to him. And as for <Uncle> Nuon
25 Chea, he stayed close to Ta Mok since the beginning.

1 I knew, at the time, he was Nuon Chea because I got injured in
2 <late> 1973 and I was sent to a hospital in Krang Lvea forest,
3 which was located between Aoral and Amleang. At that hospital<>,
4 after a while, I recovered and I saw Ta Mok and <Uncle> Nuon
5 Chea, who came to visit <and encourage> the patients, the injured
6 people.

7 I, at the time, while I was at hospital, did not know that they
8 were Ta Mok and Nuon Chea, but I asked a messenger of Ta Mok,
9 "Who is <the person walking with> Ta Mok?" That messenger, who
10 knew me, said, "That is Brother Number Two. He is the deputy
11 secretary of the Communist Party of Kampuchea." The messenger
12 said, "<His name is Chea.>" The messenger did not say the full
13 name, Nuon Chea, but <Ta> Chea. From that time onwards, I
14 recognized him.

15 [14.53.52]

16 Q. Thank you. You stated that you saw those people while you were
17 being lined up; did they speak and what did they talk about?

18 A. <While being lined up, there were three leaders:> Son Sen, Ta
19 Mok, and Nuon Chea<. And> as for Nuon Chea, who was in charge of
20 military, he spoke and gave encouragement to almost 1,000
21 soldiers <who were old soldiers>, including me at the time. <That
22 was what encouraged me.>

23 Q. Did you recall what he said to <those 1,000 former> combatants
24 who were <being lined up?>

25 [14.55.12]

1 A. I could recall some, but not all. I could recall the main
2 parts of his speech. He convinced all of us that comrades <> and
3 the Party's beloved combatants, "You have engaged in the war
4 against the American imperialist and its puppets. You have fought
5 for the victory of 17 April 1975 for our revolutionary Party <and
6 our people>. This is well known across the globe, but as of now,
7 contemptible 'Yuon' enemies<> do not abandon <> their ambition to
8 annex <our Democratic Kampuchea> into Indochina <Federation>.
9 They <continuously brought> a number of divisions in and they
10 sent spy agents <in order to invade> our Democratic Kampuchea
11 <territory>. It is our very courageous soldiers who have fought
12 against <and captured several prisoners of war>. Our Party
13 believe in all of you, comrades <and combatants>. We absolutely
14 prevent the 'Yuon' enemies to invade our country." <This is what
15 I can recall.>

16 MR. VEN POV:

17 Thank you. <What happened next?>

18 [14.57.36]

19 MR. PRESIDENT:

20 Now, it is time for break. The Chamber will take break from now
21 on until 15 past 3.00.

22 Court officer, please assist the civil party in the waiting room
23 during the break time and please <invite him to> return <> into
24 the courtroom at 15 past 3.00.

25 The Court is now in recess.

1 (Court recesses from 1458H to 1515H)

2 MR. PRESIDENT:

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

4 Again, the floor is given to the assigned lawyer for civil party
5 to put further questions.

6 MR. VEN POV:

7 Thank you, Mr. President.

8 BY MR. VEN POV:

9 Q. Mr. Civil Party, this is my last question. <Before the break,>
10 you stated that after Nuon Chea made a speech to encourage your
11 <fellow combatants> at Borei Keila, where were you sent after
12 that<? What> happened to your group?

13 2-TCCP-235:

14 A. After <the> speech of encouragement <was concluded> by Uncle
15 Nuon Chea and Ta Mok and others, they organized us to be sent
16 into <two> different <directions>. One group was sent crossing
17 Neak Loeang, and as for my group -- about 400 of us -- we had to
18 catch a ferry to the north part of Chrouy Changva Bridge and we
19 <further> had to <catch another ferry at> Tonle Bet.

20 [15.18.02]

21 Q. Were you sent with <military> equipment or <without>
22 equipment?

23 A. We <were sent with bare hands,> only <> our clothes and we
24 were sent on a GMC vehicle and Zil, a Chinese-made (sic)
25 vehicle<. Tanks, American M13, along with troops were ferried,>

96

1 crossing at Tonle Bet. <This was our group.>

2 As for the other group crossing Neak Loeang, I did not know about
3 them although the number was similar, that is, around 400.

4 We crossed Tonle Bet, then we arrived at the sub-staff office at
5 Srah pagoda and Ta Pin was the person who was in charge in that
6 area.

7 We rested overnight and next morning at around 8.00 or 9.00 in
8 the morning, we saw Kamonkar (phonetic) Chinese-made vehicles
9 with Son Sen and two Chinese advisors, as well as four or five
10 truckloads of <bodyguards> arrived.

11 [15.19.51]

12 MR. VEN POV:

13 Thank you. And, Mr. President, I conclude my session.

14 MR. PRESIDENT:

15 Thank you. And I'd like now to hand the floor to the
16 Co-Prosecutor to put questions to the civil party.

17 [15.20.13]

18 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

19 Thank you, Mr. President.

20 Q. Mr. Civil Party, today, I will be examining you and probably
21 also for a few minutes tomorrow morning.

22 I would like to revisit a few questions regarding the context
23 and, first of all, what you said regarding the fact that you were
24 a monk <for about a year>, if I remember correctly, between 1970
25 and 1971.

1 When you were defrocked with other monks, did the revolutionaries
2 tell you why you had to <be defrocked>?

3 2-TCCP-235:

4 A. At the time, the militia group of <revolutionary> Angkar told
5 us to <defrock> so that we could join the resistance to attack
6 the American imperialist and the Lon Nol troops because they said
7 we would not be having any food offered as monks, and for that
8 reason, we <were forced to> defrock. <If we did not, they would
9 still keep insisting.> After we were <defrocked>, we were sent
10 further and further to the upper <levels by the militia group of
11 revolutionary Angkar>.

12 [15.21.56]

13 Q. In other words, at the time, did you think that you had a
14 choice not to accept to <be defrocked>?

15 A. No, it was impossible for us to protest and not to <defrock>.
16 We had to <defrock>. If we did not, they would be - we would be
17 taken away in - in the monks' robes and there were cases where
18 novices were taken away<, but old monks would be left.>

19 Q. I would like us to talk about the period during which you had
20 to join the army, in particular, Division 1. Can you tell us who
21 commanded that division?

22 A. The commander of Division 1 was Sae Met (phonetic). He was the
23 first commander and the second and third were Ta Soeung
24 (phonetic) and Ta Sary (phonetic), respectively. They were in
25 charge of different affairs.

1 [15.23.43]

2 Q. Who was your leader in Battalion 180; who was the commander of
3 that battalion?

4 A. It was Brother Bun Theng, <commissioner of the battalion,> and
5 there were also Sut<, commander,> and Chhay alias <Luon, the
6 deputy who> came from Hanoi.

7 Q. Did Bun Theng remain your commander in Koh Kong, first at
8 Kampong Som, and later in Koh Kong?

9 A. He was arrested upon our initial arrival. <Both Sut and him>
10 were arrested upon arrival. <As for> Chhay alias Luon, he had
11 been arrested <in> 1975 by the Party <before others>. Sut
12 (phonetic) and Bun Theng (phonetic) were later on arrested.

13 [15.25.10]

14 Q. Very well. I believe you said a while ago that you knew Ta Mok
15 very well. Can you tell us under what circumstances you knew him
16 between 1970 and 1975? Did you see him often?

17 A. Ta Mok was the direct commander in the battlefield in charge
18 of Divisions 1, 2 and 3, respectively. The three divisions were
19 under his overall charge, and his partner was <only Uncle> Nuon
20 Chea<, I tell the truth>. These two were very close. <Ta Mok was
21 quite entrusted because> Ta Mok was skillful in military strategy
22 and he, himself, directly involved in battlefields, and I am very
23 sure about Ta Mok. His name was <Achar> Choeun alias Ta Mok.

24 [15.26.31]

25 Q. I would like us to now talk about the events you described at

1 Pochentong. Immediately after the airport was captured, you said
2 that a number of soldiers <or> pilots were led away in trucks.
3 But, prior to that, you also said that you had wanted to contact
4 your brother. Now, how were you able to contact him? Were you
5 able to find him <or did you only find> his friends?
6 A. He was not my younger brother but he was actually my elder
7 biological brother. His name was <Ou> Dun (phonetic). He was a
8 military pilot <for combat> helicopters.
9 During the times, during the battle even for Khmer against Khmer,
10 they had to take action. And as I stated earlier, when I was at
11 Pochentong, I knew for certain that my elder brother was located
12 in Pochentong and I learned of that concrete information through
13 radio communication <that he was still serving there.> So
14 immediately upon my arrival in the location, I went to look for
15 him in order to inform him to strip off his uniform, that is, the
16 pilot uniform. And at the time, there were also some of his
17 friends who were present there and one of his friends did not
18 believe in what I said.
19 Then he went along with others for instructions by Angkar in
20 order to go there to wait and greet Angkar but I tried to save my
21 brother by letting him go away along with two of his friends. <I
22 told them not to bring anything.> Then they had to wear civilian
23 clothes and that they should return to their respective native
24 villages. I escorted them out to the front gate, the eastern
25 front gate of the airport.

1 [15.29.31]

2 Q. So you went looking for your brother and you warned him to not
3 believe what he was being told. So what are the elements that led
4 you to believe that they were going to face difficult times, your
5 brother as well as all of the former Lon Nol soldiers who were
6 stationed in Pochentong?

7 A. Through instructions I learned from Angkar, which were relayed
8 through our unit chiefs and the information was also <announced
9 publicly>.

10 They said that any pilot had to be executed upon our entry and,
11 for that reason, I had to find a way to warn my brother as well
12 as his two friends. In fact, I told other people there too, but
13 they did not believe in what I said.

14 There was one person who came from the same village as I lived
15 and he did not believe in what I said and he <said> that he
16 wanted to see Angkar and that he would be returned as a pilot,
17 but I said that there was no guarantee for that.

18 And, later on, when I asked his surviving children -- there were
19 two or three of them -- I asked them about the fate of their
20 father and they said that the father died <because he did not
21 believe me>.

22 [15.31.49]

23 Q. So you were a member of Battalion 180 in Division 1, and you
24 joined the army in 1971 and, furthermore, you had at least one
25 brother in Lon Nol's army. So were there other members in your

101

1 family who were officials or soldiers for the Khmer Republic,
2 that is to say the Lon Nol regime?

3 A. My two other <> elder brothers were also working in the Lon
4 Nol's period. <I had three brothers, there were three families
5 living under Republican Lon Nol regime.>

6 Q. Did you hide the fact that you had brothers who had worked for
7 the Lon Nol regime as servicemen or as officials; did you have to
8 hide that for the revolutionary forces?

9 A. How can I give my answer? <Did you mean I was trying to hide
10 my biography from Angkar>?

11 Q. Between 1971 and <until> 1979, did you have to hide< --
12 initially from the revolutionaries and later on, from those
13 referred to as the Khmer Rouge -- >the fact that you had members
14 of your family who had worked as Lon Nol servicemen? And, if yes,
15 why? Why did you think that it was necessary to hide that
16 information?

17 [15.34.05]

18 A. Allow me to inform you, Mr. Co-Prosecutor. When I was a
19 soldier for the revolutionary Angkar, <> I did not use the name
20 [2-TCCP-235], but [2-TCCP-235] and I did not use my birth village
21 as my birthplace.

22 Upon being recruited into a soldier, I was trained about
23 revolution. <> I engaged in the study session about the
24 communism, the struggles for the movement in order to fight
25 against the American imperialist and its puppets <to their

102

1 demise> and to attack the feudalism<, capitalism,> and
2 reactionary. We were trained how to distinguish their classes
3 and, later on, I registered my biography but I concealed my real
4 names. <I did not include the name of my father either> I did not
5 include in my biography the number of siblings I had either. I
6 made mention of my two siblings in the biography.

7 [15.36.01]

8 Q. Earlier you said that instructions had been given by radio and
9 the instructions said that these Lon Nol soldiers had to be
10 executed.

11 Did Ta Mok himself say something regarding the fate of these
12 soldiers who had been sent outside in the GMC trucks?

13 [15.36.34]

14 A. Ta Mok said nothing. He told <people> to board the vehicles in
15 order to head for the west along National Road Number 4 <along
16 with guards>, and that is all I know. I saw that the soldiers
17 were sent westwards three -- they were in three or four vehicles
18 at the time.

19 Q. Now, I would like to read out an excerpt of your WRI,
20 E319/23.3.42, in order to refresh your memory, and this is what
21 you said at question and answer 34 and the following, and I will
22 quote in English. There's no French version, so I quote:

23 Question 34: "Did you hear from the soldiers who transported
24 those people about what happened to those people?"

25 Answer 34: "Ta Mok himself said that those people were taken to

103

1 be smashed."

2 Question: "When did Ta Mok say that?"

3 Answer 35: "Ta Mok said that after those Lon Nol soldiers were
4 trucked away."

5 Question: "Were there commanders from other divisions present
6 with Ta Mok?"

7 Answer 36: "Sou Met and Meas Muth were with Ta Mok."

8 Question: "How many people were trucked away?"

9 Answer: "Around 30 or 40 people per truck, each truck was packed
10 full." End of quote.

11 Civil Party, does that refresh your memory? You said to the OCIJ
12 that Ta Mok himself had said that these people had been taken
13 away to be smashed.

14 [15.39.14]

15 A. I cannot recall that.

16 Q. Now, I would like to turn to the meeting in Phnom Penh when
17 you were therefore taken from Koh Kong by boat<, you say,> and
18 then by truck and then by train.

19 So can you tell us when, in which year and in which period of the
20 year, you arrived in Phnom Penh at Borei Keila?

21 A. It was <in April or May.>

22 [15.40.15]

23 Q. Civil Party, I did not hear your answer. Could you please
24 repeat your answer?

25 So when during the year and which year, in which season, did you

104

1 arrive in Phnom Penh when you, of course, recover? <Thank you.>

2 A. I <said earlier,> I arrived at Borei Keila at around mid-year,
3 maybe in June, <>July or August. It was in June, July or August
4 that I arrived at Borei Keila.

5 Q. Do you remember the year? Was it the last year of the regime
6 or was it the penultimate year of the regime?

7 A. I did not hear well your question, Mr. Co-Prosecutor.

8 Q. Yes, so I wanted to know if you were speaking about June,
9 July, August '77 or '78. That is to say either a year and-a-half
10 before the end of the regime or a few months before the end of
11 the regime and the arrival of the Vietnamese.

12 A. It was in the early second half of 1977 when I was sent to
13 Borei Keila.

14 [15.42.04]

15 Q. Fine. So before you arrived at Borei Keila, when you left Kaoh
16 Kong by boat, were you told where you were going and why and, in
17 particular, were you told that you were going to go to the
18 Eastern battlefront?

19 A. I was not told; they did not tell me. As I said, I was
20 convinced by the Democratic Kampuchea leaders. We were divided
21 and <sent shortly. When we arrived at Srah pagoda where> staff
22 office <situated,> Ta Pin was in charge of.

23 I spent a night at that location and at around 9.00, I -- there
24 was Son Sen --

25 [15.44.32]

105

1 Q. Civil Party, I must interrupt you because this is another
2 topic. I am therefore going to stop with this question and this
3 is another topic I'm going to get back to.

4 For now, I'm still speaking about Koh Kong and I was asking you:
5 did you receive any information about what you were going to do
6 later? And you said, no. So when you boarded the ship and then
7 when you boarded the train with many other people, so this is
8 just before you had been arrested and <put to work> -- were you
9 afraid when you were <summoned and> taken away, far from Koh
10 Kong?

11 [15.45.22]

12 A. I was initially afraid that I would be imprisoned in a new
13 location in Phnom Penh or maybe in another location, but after I
14 reached Veal Renh, it appeared that I would not be imprisoned but
15 <> I was to be sent to another location. <I saw that> there were
16 a lot of comrades and combatants boarding the train at the time.
17 As a result, I did not feel afraid any longer.

18 Q. So let's speak about this train. So all of the people who
19 boarded that train, were they brought to Borei Keila? Do you know
20 that?

21 A. Yes, all of us were brought to Borei Keila and we stayed in a
22 three-storey building and I was on the third floor, the top
23 floor.

24 [15.46.58]

25 Q. And once you were in Borei Keila, all the people who were with

106

1 you, were they all former soldiers or were there civilians with
2 you too?

3 A. To my observation and from the question that I asked where
4 they were from, some worked in a mobile unit, some were
5 <soldiers> from district <or> sector <or other different areas>.

6 Q. Were there women or young people in that group?

7 A. It appeared not. They seem to be adults and after we reached
8 <Srah pagoda>, there were plenty of young people.

9 [15.48.30]

10 Q. You said earlier that they made you watch a film that evening
11 on the war between China and Japan. Do you know why they made you
12 watch that film?

13 A. That was the documentary film from China. It was shown until
14 the end. It was about the fighting between China and Japan.
15 I thought, as well as other, that my comrades and I would be sent
16 to fight against a specific or a certain country. We thought that
17 we would be sent to fight against a country.

18 Q. Earlier, you said that you had already known Nuon Chea in 1973
19 when he came with Ta Mok to visit a hospital <while> you were
20 injured.

21 And < -- I don't know if it is correct -- but> in the
22 Supplementary Information Form, E3/5979a; at French page 01190877
23 to 78; in English, 00865686; and Khmer, 00578510; well, here you
24 also mention Khieu Samphan.

25 So did you see Khieu Samphan in 1973 or is that a mistake in the

107

1 form?

2 A. I, personally, never saw him. I never saw <Uncle Khieu
3 Samphan>, but I heard his speech.

4 [15.51.20]

5 Q. So when you say that you heard his speech, do you mean you
6 heard his speech or speeches on the radio or upon which occasion?

7 A. I heard Khieu Samphan's voice over the radio broadcast
8 disseminating the information. It was in 1975 or 1976, that <was
9 clear in '76,> I was able to hear the voice of Mr. Khieu Samphan.
10 He made a broadcast over the radio.

11 Q. Do you remember the content of this broadcast and do you
12 remember his - Khieu Samphan's words? Do you remember what he was
13 talking about?

14 A. He made inspiring and good speeches. He made mention about the
15 rice supply. One individual would receive one-can-and-a-half or
16 two cans of rice. That was one of the topic he made mention in
17 the radio. He said that each and every one would receive a can -
18 one-can-and-a-half or two cans of rice per day.

19 [15.54.27]

20 Q. Did you listen to his speech when you were in Kampong Som in
21 1975, or had you already gone elsewhere?

22 A. I heard his speech from the inception of the DK. <But I could
23 not recall everything though I often listened to the news on the
24 radio.> Most of the time, the <> songs were played on the radio
25 as well as speeches.

108

1 Q. So you had access to a radio. So <at the time> in 1975 when
2 you were in Pochentong and then in Kampong Som, before your
3 arrest, were you a member of the Party of the CPK or you were a
4 member of the Youth League?

5 A. I had already become a Youth League member as I was a
6 progressive person.

7 Q. Earlier, you said that in his speech, Nuon Chea - or, rather,
8 you characterized Nuon Chea as the person in charge <of the army,
9 first of all>. How did you learn that and who told you the role
10 that Nuon Chea <could have> played in the army <at that time>?

11 A. I learned that information clearly since <Uncle> Nuon Chea had
12 been the Deputy Secretary of the Party <from the beginning>. The
13 Deputy Secretary of the Party has to take care of military and
14 economics.

15 [15.57.10]

16 Q. So can you tell us how you learnt that? Who told you that? So
17 how did you get that information?

18 A. I got injured as I told you. A messenger of Ta Mok ,who knew
19 me well at the time, told me since I asked him, and he said that
20 is the Brother Number Two, the Deputy Secretary of the Party and
21 one of the senior Angkar member. From that time onwards, I
22 started to recognize him as he was the Deputy Secretary of the
23 Party.

24 Q. Is this something that you <therefore> knew in 1973 when you
25 were injured? Is this something that you also heard later on?

109

1 MR. KOPPE:

2 Mr. President, maybe it would assist the Prosecution that we have
3 conceded on multiple occasions that Nuon Chea was the Deputy
4 Secretary of the CPK; that he played a key role in formulating
5 Party policy; that he spoke at Borei Keila.

6 So I'm happy to refer the Chamber to our Appeal Brief, to our
7 Closing Submissions, to our Closing Brief. It might speed up
8 things.

9 [15.59.17]

10 BY MR. DE WILDE D'ESTMAEL:

11 I thank the Defence, but the question was focused on Nuon Chea's
12 responsibilities in the army, so I believe I can put that
13 question to the civil party, <Mr. President>.

14 Q. So how did you learn about Brother Number Two's position in
15 relation to the army <and> the economy? You said that when you
16 were injured, that a Ta Mok messenger told you this. <Was this in
17 1973 <while you were injured>, or is this something that you also
18 heard after 1975?

19 2-TCCP-235:

20 A. I was told when I got injured. They told me when I inquired
21 them about that.

22 Q. Maybe a last question before we adjourn, Mr. President? And I
23 will have further questions for tomorrow.

24 Who among Nuon Chea, Ta Mok, and Son Sen spoke first during this
25 gathering at Borei Keila where you were taken to?

110

1 A. I can draw a clear conclusion that it must have been <Uncle>
2 Nuon Chea who was the one who made the inspiring speech to all of
3 us.

4 [16.01.10]

5 MR. PRESIDENT:

6 It is now time for the adjournment and the Chamber will resume
7 its hearing tomorrow on Friday, 11 November 2016 at 9 a.m.

8 The Chamber will continue to conclude the testimony of

9 2-TCCP-235. Please be informed and please be on time.

10 The Chamber is grateful to you, Mr. Civil Party. The hearing of
11 your statement does not yet come to a conclusion.

12 Court officer, please work with the WESU to send the civil party
13 to the place where he is staying at the moment and please invite
14 him back into the courtroom tomorrow.

15 Security personnel are instructed to bring Mr. Nuon Chea and
16 Khieu Samphan back to the detention facility of the ECCC and have
17 them returned into the courtroom tomorrow before 9 a.m.

18 The Court is now adjourned.

19 (Court adjourns at 1602H)

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