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

Request for Correction

Case : 002/19-09-2007-ECCC/TC

ឯកសារដើម
ORIGINAL/ORIGINAL

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CMS/CFO: Sann Rada

To Document No(s):	ERN(s):	Request Date:	Correction Type:
E1/255.1	01069070-01069174	30/03/2015	<input checked="" type="checkbox"/> Change to Original <input type="checkbox"/> Change to Translation <input type="checkbox"/> Reclassification

Reason for changes:

Error in interpretation as per TC's request on 4 February 2015.

Details:

The correction is made on the English version, as shown in the corrected version with track change.
 The following footer is added to this transcript:
 "Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript."

Filed by: Reath Panhean

Signature:

Approved by Greffier (for originals):

Signature:

Approved by ITU (for translations):

Signature:

1 Q. Thank you. And did Ta Mok ever explain to you how he was able to release you from Krang Ta
2 Chan Prison?

3 A. I didn't know the actual reason. And Ta Mok needed me the most, that's why he went to get me
4 because there was a machine from -- equipment from Kampong Speu, and they couldn't work on it.
5 It's a radiography machine so he needed me to work on that medical equipment.
6 [13.37.54]

7 Q. Other than Ta Mok, did you see any other Khmer Rouge leaders during your time at Krang Ta
8 Chan? And if so, whom did you see?

9 A. I didn't know ~~<no one and had not>~~ heard of that name ~~<too>~~. However, one day -- ~~<it's it~~
10 ~~was>~~ around 2 o'clock in the afternoon ~~<->~~ I saw people ~~<moving around looking at my area,~~
11 ~~because I was sitting>~~ near the entrance ~~<to where I was detained and they talked about>~~ ~~<of the~~
12 ~~prison. They were saying, "Ta Chea!>~~ Ta Chea~~<!~~. However, I was about 80 metres away and I was
13 rather young. I could ~~<not>~~ see that person ~~<very well. They were saying that it was Ta Chea,>~~ but
14 I ~~<had never seen him before and>~~ did not know ~~<for sure who Ta Chea was because there were a~~
15 ~~number of men by the name of Chea, that there were many people who went by the name Ta~~
16 ~~Chea.>~~

17 Even at the Hospital 22K, there was another person by the name of Chea who was returned from
18 Hanoi. At that time they referred to that man as Ta Chea and the word "Ta" was used during the
19 Khmer Rouge Regime to refer to people with senior or higher position.

20 [13.39.20]

21 Q. I think you just told us how far you were away from that person when you saw him, but I didn't
22 quite understand. Can you tell us what the distance was between you and that person when you
23 saw him?

24 A. Ta Chea didn't come to the prison cells. They were -- he was near the office of the senior cadres,
25 and from where I was detained to where he was standing, it was about between 70 to 80 metres.

26 Q. And you also mentioned the name Ta Chea. How did you come to associate the name Ta Chea

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1 eleventh or twelfth day in detention, and some of those evacuees also were sent to Krang Ta Chan.
2 And only after I was released from Krang Ta Chan to return to my house in the village, there was
3 still some evacuees living in that Champa pagoda, and from what I saw, I could see there was still
4 thousands of evacuees living in that pagoda.

5 Q. You mentioned that you saw Ta Mok at Wat Champa. What was he doing when you saw him
6 there?

7 A. When I saw Ta Mok I didn't dare go into that area where the 17 April People lived. I was standing
8 from my house -- that is, outside the pagoda and I saw him making some gesture, pointing here and
9 there, but I couldn't hear what he said. I only saw his gesture from my house.

10 [13.49.24]

11 Q. You mentioned him gesturing and speaking. Could you see who he was gesturing and speaking
12 to?

13 <A. After all people had been evacuated, I-->

14 MR. PRESIDENT:

15 Mr. Witness, please wait. And Counsel <Kong Sam Onn>, you <now> have the floor.

16 MR. KONG SAM ONN:

17 Thank you, Mr. President. <And I would like to> object to this question. It is a kind of question that
18 <tries to draw a conclusion from leads> this witness <as he stated clearly he couldn't to speculate
19 because the witness did not> hear <directly> what Ta Mok was saying <- So it is not proper for this
20 kind of question at the time and, as he stated, he just saw Ta Mok from a distance. Asking the
21 witness to say what was being said is to require the witness to speculate. Thank you, Mr.
22 President.>

23 MR. PRESIDENT:

The objection by the defence counsel is sustained as ~~<# the question>~~ leads ~~<to him making a presumption him to speculate. And his response is therefore not important and conducive to ascertaining the truth in this case.>~~

And Mr. Witness, you ~~<are reminded not to — you>~~ don't need to respond to ~~<the last this>~~ question.

[13.50.39]

BY MR. FARR:

Q. You said you didn't dare go into the area where the 17 April People were. Why didn't you dare to go into that area?

MR. KEV CHANDARA:

A. We were told by the Base People that whoever involved or had relatives living among those people, they were considered having connection with the enemy. So, they actually cut off any relationship with siblings or with family relatives. We were not allowed to have any contact with the 17 April People or the 18 April People.

Q. In the OCIJ statement that I just quoted, you said that many of the evacuees gathered at Wat Champa were killed and you identified four sites at which these evacuees were killed: Krang Ta Chan, Krabei Prey, Office 160, and Office 204. We are familiar with Krang Ta Chan, but I want to ask you about the other three sites you have mentioned. Can you first, very briefly, tell us where or what Krabei Prey was? And again, as briefly as you are able to.

A. Krabei Prey was located in Samraong commune and it was in Krabei Prey village.

[13.52.30]

Q. And what was Office 160 and where was it located?

MR. PRESIDENT:

Mr. Witness, please wait until you see the light on the tip of the microphone.

MR. KEV CHANDARA:

A. Office 160 was located at the current Prey Kduoch commune, Trapeang Kaoh (phonetic) village,

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1 to the North of the Takeo province, which is currently called Roka Krau district.

2 [14.02.58-25]

3 Q. Thank you, sir. The last subject I would like to address concerns the period after January 1979
4 when you had become the chief of Ta Phem commune and a number of graves were exhumed at
5 the Krang Ta Chan site. In interview D25/24; at page 00163462, in Khmer; 0023457, in English; and
6 00178095, in French; you were asked how many bodies were exhumed and you provided the
7 following response. You said – quote:

8 “Eight pits, 10,045 persons (from the actual count of skulls), but there were many other pits which
9 had not yet been dug up.” And then continuing a bit later: “After the stupa was built, I counted again
10 and found 10,011.” End quote.

11 Now my first question relates to these eight pits. Where were these eight pits located in relation to
12 the Krang Ta Chan prison?

13 A. Thank you for your question. I will ~~<try to respond to release my misery experience from Krang~~
14 ~~Ta Chan for 29 days. The scene when I was there, it was not only the 17 April People, it was not~~
15 ~~only the 18 March People, and not only the enemies. Those who were followers of the Khmer~~
16 ~~Rouge were also ending up there, including the French people, the German people, the Buddhist~~
17 ~~monks, and also royal families. Reverend Stey Phon (phonetic) was one of the leading monks. I saw~~
18 ~~the French people. One of the French victim, I spoke to him a few words right after the 17 April~~
19 ~~People—~~ answer this question and this will make me feel better as I suffered during my 29 days at
20 Krang Ta Chan. Those who were killed there were not only 17 or 18 April People, the people who
21 were the enemy, but also the people who joined the Khmer Rouge struggle, including members of
22 the Royal family, monks, French and German people. Venerable Tep Phon was among the victims.
23 As for the French, while I was in Krang Ta Chan prison, I heard about the French and was able to
24 ask a few questions.>

25 <On 17 April, the French were taken away, but I did not know to where.>

26 [14.05.42-29]

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1 MR. FARR:

2 Objection.

3 MR. PRESIDENT:

4 Prosecutor, you may proceed with your objection.

5 MR. FARR:

6 The witness didn't say that 17 April People arrived in Krang Ta Chan on 15 April; that is not what I
7 heard.

8 [15.35.10]

9 BY MR. KOPPE:

10 I am also confused by the answer of the witness, Mr. President, so I will move on.

11 Q. Again, Mr. Witness -- because it is very important for me to understand -- how many days after
12 the liberation you say you were still in Krang Ta Chan?

13 MR. KEV CHANDARA:

14 A. The liberation of the whole country, it was on the 17 April. After the 17 April, more than 10 days
15 after that, I was released from Krang Ta Chan, because I saw Phnom Penh evacuees arrive in
16 Krang Ta Chan. When I arrived in the Wat Champa temple, I saw people also there and they were
17 also sent out from that pagoda.

18 Q. Mr. Witness, you were not able to give testimony as to the reason why you were arrested, but
19 would you be able to tell us the questions that were asked to you by your fellow Khmer Rouge
20 cadres?

21 A. I am interested in two ~~<things: the first one points: first>~~, they were whispering that any ~~<person,~~
22 ~~who belonged to the Sihanoukist, should not be kept and would be sent to re-education or sent for~~
23 ~~smashing. The second thing, the intellectual and the petit bourgeoisie was the — part of the~~
24 ~~revisionists — they should not kill. This is what I know. Sihanoukists would not be spared and would~~
25 ~~be sent for re-education or smashed. Second, I recall that the intellectuals and the petit bourgeoisie,~~
26 ~~which belonged to the revisionist class, were not to be spared and must be killed.-That is what I~~

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1 heard from them. For me, I still have doubts about it.>

2 [15.37.22]

3 Q. But, Mr. Witness, you were a revolutionary. You joined the marquis; surely that's not things that
4 they told you. You were fighting along with soldiers. You were assisting them, maybe even
5 medically. Please, tell me exactly the questions that they asked you.

6 A. <Your question is focused on Krang Ta Chan or any other offices in which I worked? Did you ask
7 about Krang Ta Chan or about other centres or offices where I also worked?>

8 Q. Just give me a few -- just paraphrase a few questions that were asked to you by your fellow --
9 former Khmer Rouge cadres.

10 MR. PRESIDENT:

11 The Khmer translation is not <complete. We could not understand your question clear>. Mr. Koppe,
12 could you repeat your question? <Please make your question concise and clear. We do not
13 understand the interpretation into Khmer. The witness is therefore unable to answer it. Both the
14 general public and I, the President of the Chamber, do not understand it. The Chamber did not get
15 an idea what your question means, so could you please rephrase.>

16 [15.38.53]

17 BY MR. KOPPE:

18 Q. My question is, again, about the questions that were asked to you by your former fellow Khmer
19 Rouge cadres. What particular questions, anywhere -- in Krang Ta Chan or anywhere else -- did
20

1 MR. PRESIDENT:

2 The Chamber would like to hear your objection. Prosecution, could you indicate your objection with
3 the ground and your full objection. We wish to hear in a public hearing so it's difficult for the
4 Chamber to follow if you exchange too quickly like that without the authorisation from the Chamber.

5 [15.50.23]

6 MR. FARR:

7 Yes, Your Honour. My understanding of the rule regarding questioning witnesses based on
8 documents is that, any questions founded on a document, should be noticed to the other parties.

9 And that if a question is founded on another document that has not been noticed to the other
10 parties, is not admissible. The last two documents that counsel has referred to has not been noticed
11 to the other parties, and therefore these questions are, in our submission, inadmissible.

12 MR. KOPPE:

13 Again, Mr. President, I'm not referring to a document, I'm asking a question whether this witness has
14 written something. I know you don't like it but it's my duty, as you will, to ask this question.

15 [15.51.08]

16 MR. PRESIDENT:

17 Counsel, what is your document that you referred to ~~≤ the books, title Mr. Koppe, could you~~
18 ~~indicate the title and the type of document you are referring to?? Could you give us the title? What is~~
19 ~~the basis or fact that makes you ask about a book written by a witness?>~~
20

1 MR. KOPPE:

2 I haven't reached that stage yet. My question first, and I would like the witness to answer that
3 general question whether he has ever written something. Either in a chapter of a book or for a
4 magazine called "Searching for the Truth". That's all. I'm not showing him the document. It's all what
5 my question is about and I think I'm completely entitled to ask that question, whether you like it or
6 not.

7 MR. PRESIDENT:

8 Mr. Koppe, ~~<because in the interpretation—has not been as good as you did in the question. So if~~
9 ~~you ask the open question, you are entitled to do so. But the Chamber advises you that you should~~
10 ~~conduct your way of questioning in a proper way acceptable before the Chamber. you may proceed.~~
11 From the interpretation, it was not as clear as you said. It was not clear and if it is an open question
12 as you explained, then you are allowed to ask it. I would, however, remind you that you should
13 conduct yourself properly according to the code of ethics for lawyers of this trial.>

14 [15.53.10]

15 BY MR. KOPPE:

16 I'll rephrase a little bit, Mr. President.

17 Q. Mr. Witness, did you in the first quarter of 2013, write an article about your DK experience in a
18 magazine called "Searching for the Truth"?

19 MR. KEV CHANDARA:

20 A. I did not write any article in any book at all.

21 Q. Are you sure, Mr. Witness?

22 A. Yes. It is clear.

23