



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

ឯកសារដើម

ORIGINAL/ORIGINAL

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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

2 March 2016

Trial Day 376

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

The Accused: NUON Chea
KHIEU Samphan

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SENG Leang
SONG Chorvoin

For Court Management Section:
UCH Arun

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
Mr. FARR	English
The GREFFIER	Khmer
Mr. KOPPE	English
Mr. KONG Sam Onn	Khmer
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. PHON Thol (2-TCW-933)	Khmer
Mr. SON Arun	Khmer
Ms. TY Srinna	Khmer
Mr. UCH Sunlay (2-TCCP-1014)	Khmer

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will continue hearing the statement of victim

6 impacts of civil party Uch Sunlay, and then the Chamber will

7 start to hear a witness, 2-TCW-933, in relation to Au Kanseng

8 security centre.

9 And today, there is a TPO staff, Bun Lemhuor, sitting next to the
10 civil party to provide physical and mental assistance.

11 Ms. Em Hoy, please report the attendance of the parties and other
12 individuals to today's proceedings.

13 [09.03.40]

14 THE GREFFIER:

15 Mr. President, for today's proceedings, all parties to this case
16 are present.

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

20 The civil party, who is here today to provide a victim impact
21 statement, is Uch Sunlay.

22 During the proceedings, there is a TPO staff, Bun Lemhuor,
23 sitting close to him. The civil party and TPO staff are already
24 in this courtroom.

25 Today, there is a reserve witness, 2-TCW-933. The witness

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1 confirms that, to his or her best knowledge, he or she has no
2 relationship, by blood or by law, to any of the two accused, Nuon
3 Chea and Khieu Samphan, or to any of the civil parties admitted
4 in this case.

5 The witness took an oath before the Iron Club Statute this
6 morning.

7 Thank you, Mr. President.

8 MR. PRESIDENT:

9 Thank you. First the Chamber decides on the request by Nuon Chea.
10 The Chamber has received a waiver from Nuon Chea, dated 2nd March
11 2016, which states that, due to his health, headache, back pain,
12 he cannot sit or concentrate for long. And in order to
13 effectively participate in future hearings, he requests to waive
14 his right to be present at the 2nd March 2016 hearing.

15 [09.05.44]

16 Having seen the medical report of Nuon Chea by the duty doctor
17 for the Accused at the ECCC, dated 2nd March 2016, which notes
18 that Nuon Chea has back pain and dizziness when he sits for long
19 and recommends that the Chamber shall grant him his request so
20 that he can follow the proceedings remotely from the holding cell
21 downstairs, based on the above information and pursuant to Rule
22 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea his
23 request to follow today's proceedings remotely from the holding
24 cells -- holding cell downstairs via an audio-visual means.

25 The Chamber instructs the AV Unit personnel to link the

3

1 proceedings to the room downstairs so that Nuon Chea can follow.

2 That applies for the whole day.

3 And now the floor is given to the International Deputy

4 Co-Prosecutor to resume his questioning.

5 You may now proceed.

6 [09.06.55]

7 QUESTIONING BY MR. BOYLE RESUMES:

8 Thank you, Mr. President. Good morning, Your Honours. Good

9 morning, counsel.

10 And good morning, Mr. Uch Sunlay. Thank you for coming back again

11 today. I have a few more questions for you on behalf of the

12 Co-Prosecutors.

13 Q. When we left off yesterday, you had just confirmed that one of

14 the villagers who had informed you about the execution of your

15 wife and children and the other women and children was an

16 individual named Thol who had personally witnessed these

17 killings.

18 You also stated yesterday that one of the villagers who informed

19 you of these killings had described some of the children

20 attempting to run away when they were about to be executed.

21 Is the individual who told you about the children trying to run

22 away Duch (phoneti) Thol, who you said personally witnessed these

23 crimes?

24 [09.08.14]

25 MR. UCH SUNLAY:

4

1 A. Thank you for the question. Good morning, Mr. President, Your
2 Honours.

3 The villager name -- the villager's name is -- was Thol. He was
4 the one who transported the Vietnamese descendent to the killing
5 -- the execution place. He said his secretly looked at the
6 incident. Tang Hin, the militia man, chased him away when he and
7 other militia men saw that he was observing the incident.
8 The children, small babies were chased by the Khmer Rouge at that
9 time so that those children could be caught and smashed again the
10 tree trunks. And the killing happened in Kracheh.
11 That is the information I have received from Thol.

12 [09.09.23]

13 Q. And you just referred to the children as "small babies". Can
14 you tell us, what was the age of your children at the time that
15 they were killed?

16 A. Children and small babies were killed. And among them, there
17 were my three children, one son, two daughters. Sothira was born
18 in 1978. My elder child was Sothireak, was born in 1975, and the
19 younger child was Sothida, who was about one years old.

20 THE INTERPRETER KHMER-ENGLISH:

21 The first son was -- the first child was born in 1973, correction
22 from interpreter.

23 BY MR. BOYLE:

24 Q. And do you know why your wife and children were targeted for
25 execution?

1 MR. UCH SUNLAY:

2 A. Thank you. All I know is that my wife and children were
3 subjected -- were subjects to the execution. They was among the
4 targeted groups contemplated by the Khmer Rouge.

5 My wife had a mother of Vietnamese ancestor, so they could not
6 avoid the arrest and execution by those executioners. And another
7 reason is that our background was well known by those Khmer
8 Rouge. And they knew that I was a former teacher in the previous
9 regime and I married a half-blooded Vietnamese wife.

10 Q. Do you know why, in addition to your wife, your children were
11 also taken to be executed?

12 [09.12.02]

13 A. Thank you. I knew about this long time ago, but I had no means
14 or no choice to help them. And I was not able to flee anywhere
15 else besides staying in my location. Cooperative -- people in the
16 cooperative, those who were in -- were responsible for
17 cooperatives were observing our activities every day, so I was so
18 terrified I could do nothing but cry to relieve my pain and
19 suffering.

20 I -- you know, my suffering was like people was cutting and
21 removing my internal organs, so this was the misery and the --
22 the tragedy happening to me and my family.

23 I have lost my respectful father. I have lost him. And my
24 co-worker told me to be careful that I -- my name was in the
25 list, Nhean (phonetic) Sunlay.

6

1 After I have -- I had lost my father, my mother-in-law and my
2 wife as well as my children, I was suspecting that I would die
3 one day.

4 On 2nd December 1978, I could hear the sound of explosion. And at
5 the time, I was hoping that I would be rescued from the brutal
6 regime. And at the time, I said to myself that I want them -- I
7 wanted them to come and help me right away.

8 [09.14.44]

9 Q. Mr. Uch Sunlay, you explained that you believe your wife was
10 targeted for execution because she had Vietnamese background. Do
11 you know why your children that you had with your wife were also
12 targeted for execution?

13 A. Thank you. I know it clearly. My wife was half-blooded
14 Vietnamese, and my children was considered Vietnamese
15 descendants. It was known by the Khmer Rouge. And the
16 announcement and policy of the Khmer Rouge was that, when digging
17 the grass, they had to uproot the grass. So the Vietnamese
18 descendants were considered as KGB agents, so they had our
19 background in mind.

20 So they had the information, and they knew the background of
21 those who were working in K-1 and K-1, Kor-1 and Kor-5.

22 Q. You just mentioned a policy -- you just mentioned a policy
23 that you heard that when cutting the grass, you had to dig up the
24 roots of the grass. Can you explain what that policy meant?

25 A. Thank you. I was not a politician, and now I am not also a

7

1 politician. The politics mean the trick.

2 The slogan that when we -- when they cut up the grass, they had
3 to dig up the root of the grass, so they had to eradicate
4 everything. It is my -- it was my understanding at the time that
5 I could not flee anywhere else and I could not evade what was
6 going to happen to me.

7 [09.18.00]

8 Q. You mentioned earlier this morning one of the perpetrators of
9 the execution was a man named Uk Tang Hin. Do you remember the
10 names of any of the other individuals that participated in the
11 killings of the women and children that you have described?

12 A. Thank you. The perpetrators were known by me. They had been
13 living in my village. And at the time, they were militia men for
14 cooperatives. And those genocidal perpetrators: Uk Tang Hin, the
15 chief, now he is living separately in Arkreiy Ksatr; Number 2, A
16 Dam (phonetic), he was -- he had curly hair and he was not so
17 big. He did not have big build. Tong (sic) Heang had a big build.
18 Five: Chhoeung, A Chhoeung.

19 [09.19.28]

20 As far as the Chamber is concerned, the senior leaders of the
21 Democratic Kampuchea and those who were responsible of -- for the
22 Democratic Kampuchea were seen playing the most important roles
23 at the time. And because of the national reconciliation, only two
24 groups of these people were subject to -- subject to the trial.
25 Those people, the direct perpetrators, were walking in the

1 cooperative day and night to observe our activities.

2 Q. Do you know if the individuals who you just mentioned, Dam,
3 Chhoeung, Uk Tang Hin, if they received orders from elsewhere, or
4 did they decide to perpetrate these killings on their own?

5 A. They not did those acts on their own initiative. It was a
6 secret plan communicated to them.

7 Those people, Uk Tang Hin, were the children -- was the child of
8 the peasants at the time. Tang Hin was assigned to climb up the
9 sugar palm tree, and he was a secret agent in the cooperative.
10 He did not act on his own initiative. There was a secret order
11 from the upper echelon, and that secret order went down the line.

12 [09.21.44]

13 Q. Yesterday, in your testimony, in addition to the killing of
14 your wife and children, you mentioned some other members of your
15 family who were killed during the period of Democratic Kampuchea.
16 Specifically, you mentioned Nguyen Thi Be, your mother-in-law, Sa
17 Kim Na, your sister-in-law, and Chay Chan Visal. Can you first
18 clarify for us what was your wife's relation to Chay Chan Visal?

19 A. My wife's name was Sa Kim Ni, and Sa Kim Na was her sibling.
20 They knew that my wife and her younger sibling were the children
21 of Chay Kim Eng and Vieng Thi Be, so Khmer Rouge knew very well
22 that they were the children of Vietnamese ancestors.
23 It was unfortunate that they had been killed. My wife and younger
24 sibling of her did not know Vietnamese. During Buddhist rituals,
25 they spoke only Khmer. And at one time, when there was an

1 argument in the village, I asked my wife what was going on since
2 they were arguing in Vietnamese, but she said she did not know
3 because she did not understand the language.

4 [09.23.44]

5 I felt happy for some of the Vietnamese who had gone to Vietnam
6 three or four months before that incident happened. And at the
7 time, I did not think that ordeal would happen to my family and
8 family members, but it was a different -- it was a wrong
9 understanding.

10 They killed everyone, even the young infant -- young babies. So
11 they were extreme. The Khmer Rouge was extreme.

12 Q. I'd like to ask you specifically about your mother-in-law. Do
13 you have any additional information about when she died or how
14 she died?

15 A. Thank you. Regarding my mother-in-law, Vieng Thi Be, three
16 months or four months later, after the 7 January 1970-something,
17 I heard that Vietnamese people were invited to board a truck to
18 Phnom Prek (phonetic), the road leading to Vietnam. I did not
19 know how the execution method were used. And they executed
20 people.

21 I learned this information from the driver, Eng (phonetic). He
22 told me that my mother-in-law was among the group. And after he
23 drop off those people, those people in the Democratic Kampuchea
24 chased the driver to come back. That what is -- that is what I
25 learned from him. So I knew this information only after the

10

1 liberation.

2 [09.26.15]

3 Q. Mr. Civil Party, I'd like to read to you an excerpt from your
4 supplemental information form to see if that refreshes your
5 memory in any way in regards to what you know about what happened
6 to your mother-in-law. This is at E3/4845. English ERN 01057867,
7 French 009 --

8 MR. PRESIDENT:

9 Please slow down. International Deputy Co-Prosecutor, please read
10 a bit slower so that interpreter could catch up.

11 [09.27.00]

12 BY MR. BOYLE:

13 Thank you, Mr. President. My apologies. I'll begin again.

14 Q. It's English ERN, 01057867; French, 00923036; and Khmer,
15 00613037.

16 Mr. Uch Sunlay, this is what you stated there, quote:

17 "In late 1978, my mother-in-law, Nguyen Thi Be, who was an ethnic
18 Vietnamese, was asked by Khmer Rouge militia men to get on a
19 truck at Krakor pagoda located in Krakor commune, Kratie
20 district, Kratie province. She was supposed to be deported to
21 Vietnam. However, I learned later that she and other Vietnamese
22 had never been deported to Vietnam. They were taken away for
23 execution along with -- along the way to Mountain 5000 located in
24 Snuol district, Kratie province." Close quote.

25 Mr. Civil Party, does this accord with your recollection that you

11

1 just described to us?

2 MR. UCH SUNLAY:

3 A. Thank you. It accorded with my statement. Pol Pot clique
4 invited all of them to get on a truck so that they could be put
5 in a group at Krakor pagoda in Kratie province, and that road was
6 leading to Vietnam (unintelligible). And I did not know about the
7 method of the execution.

8 And as I said earlier, I learned the information from the driver
9 of the truck, who later on came to tell me.

10 [09.29.10]

11 Q. You stated and described yesterday the forced marriage of your
12 father-in-law following the execution of your mother-in-law. Did
13 your father-in-law survive the Democratic Kampuchea period?

14 A. My father-in-law's name was Chay Kim Eng, alias Smien Ie. He
15 was a clerk in Kratie province. He was forcibly asked to marry
16 Ming Len who was, at the time, about 60 years old. They were the
17 11 couple. The 11 couple was Chay Kim Eng with Ming Len, and the
18 two people -- these two people, my father-in-law and his wife,
19 his later wife, were then killed.

20 [09.30.32]

21 I knew that my father-in-law at the time during the marriage was
22 wearing the krama on his head, and the same happened to the later
23 wife of him. They were crying. And I knew that they did not love
24 each other and wanted to -- didn't want to get married.

25 I did not know how the execution were taking place, but I heard

12

1 that Smien Ie was killed at Ta Saom, north of Krakor, Kratie
2 district, Kratie province. I did not know how the killing
3 happened.

4 I really want to find the remains of their bones so that I could
5 gather and hold the rituals, the Buddhist ritual for them, but it
6 was in vain. I could not find all those remains.

7 Q. Do you know why your father-in-law was killed?

8 A. To my knowledge, he was killed for the following reasons.

9 First, he was a former official since the Lon Nol regime and the
10 previous regime, that is, Sihanouk regime. And they also knew
11 that he was a clerk of the Kratie provincial town.

12 Second, he was accused of being an agent for KGB or Vietnamese
13 spy, as he married a Vietnamese woman and his offspring were
14 considered half Vietnamese blood.

15 These were the two reasons. For that reason, he would not be
16 spared. His wife and children were all killed, and he felt so
17 upset and saddened that he was forced to marry another woman who
18 was in a third category.

19 The first category, that is, the full rights people, and the
20 second category was the candidate group of people. And the third
21 group were the depositees. And they were the targets of being
22 disposed of by the Khmer Rouge.

23 And these are the reasons that I concluded he was the target of
24 being arrested and killed by the Democratic Kampuchea regime.

25 [09.33.38]

13

1 Q. Mr. Civil Party, this will be my last question to you, but you
2 have also mentioned a number of brothers and sisters of your late
3 wife and their children, who passed away during the period of
4 Democratic Kampuchea.

5 And I would like to invite you to tell us if you know any of the
6 circumstances of their deaths, of your brother-in-law --
7 brothers-in-law and sisters-in-law, when they were killed, how
8 they were killed and why they were killed, if you know?

9 A. The arrest and the execution by the militia group of the
10 Democratic Kampuchea was done secretly, and that is that they
11 need not need to use bullets to kill those people. For example,
12 the husband was sent to cut wood far away while their children
13 and wives were sent to Kaoh Trong. That is an island in the
14 middle of the river.

15 And if they were to cross to the other side of the river, that
16 would be the Central Zone, while the other side was Sector 505.
17 And of course, we were prohibited from crossing from one sector
18 to another, so it was easier for them to execute those people on
19 the island in the middle of the river.

20 Besides my wife and children, there were also my in-laws, that
21 is, Sa Kim Na, the younger sister of my wife. And Chin Sa Im was
22 also killed. They were all killed of having Vietnamese blood and
23 of being agents for KGB. Sarin and Sarak were also executed, and
24 that was based on their slogan that when a grass was removed, its
25 roots also be removed.

14

1 [09.36.08]

2 So it seems that not only the mothers were killed, but the
3 mothers and the children were killed together. And that was
4 painful for those who survived. And these execution was near the
5 time that the regime fell.

6 I, myself, was also afraid that my -- they would come. I lost all
7 my relatives, my children, my wife. They killed those people
8 without any mercy. And that is the reason I want to ask the
9 senior leaders of the Democratic Kampuchea regime why they had a
10 policy even to killed the baby and the young infants. Is it
11 because so that you become immortal?

12 [09.37.07]

13 MR. PRESIDENT:

14 Civil Party, you will have an opportunity toward the end of your
15 statement to put the questions to the Accused. And the questions
16 shall be put through me, the President of the Chamber.

17 Right now, you need to concentrate to respond to the question put
18 to you by the Deputy International Co-Prosecutor.

19 MR. BOYLE:

20 Thank you, Mr. President. I actually have no further questions.

21 Thank you, Mr. Civil Party, for being with us here today. I
22 understand that these are difficult issues to discuss, and I
23 appreciate it.

24 MR. PRESIDENT:

25 Judge Lavergne, you have the floor.

15

1 QUESTIONING BY JUDGE LAVERGNE:

2 Yes. Thank you, Mr. President. Good morning to all of you, and
3 good morning, Civil Party.

4 Q. I have a question to put to you. You said that you were living
5 in Region 505. So do you have any information or what can you
6 tell us about the organization of that Region 505?

7 [09.38.38]

8 MR. UCH SUNLAY:

9 A. Thank you, Your Honour. I lived in Sector 505. That was in
10 Kratie province, and it was an autonomous sector, which means it
11 was not under the administration of the zone. This is to my
12 understanding.

13 The chief of Sector 505 used to study at Koh Samat (phonetic)
14 lycee together with me. His name was Boun Nhang (phonetic).
15 However, later on, he was also executed by the East Zone
16 Committee.

17 That's all I can say about this autonomous sector. And I had no
18 knowledge about the other administration of the sector.

19 Q. Fine. So what you're telling us is that this autonomous sector
20 was not part of the zone.

21 So do you know who he had to report to? Was there someone -- was
22 there some kind of organization above Sector 505, and what was or
23 who was above Sector 505?

24 [09.40.16]

25 A. I did not know the detailed structures of the Sector Committee

16

1 or the Zone Committee. What I knew unofficially, the area was
2 under the leadership of a Sector Committee, and that was separate
3 from the Zone Committee management.

4 Only later on, I learned that the Sector 505 Committee was
5 accused of betraying the Angkar and, later on, the committee was
6 replaced by someone from the Northeast Zone. And later on, the
7 person from the northeast was replaced by those from the East
8 Zone and, later on, from the Southwest Zone.

9 And that's all I knew about the subsequent replacements of
10 various committees within the sector.

11 Q. So if I understood well what you said, you witnessed a series
12 of successive purges among the leaders of Sector 505. So can you
13 tell us, if you remember, who was at the head of Sector 505 when
14 your wife and when the members of your -- when your in-laws were
15 executed? Was it the original cadres, or was it cadres from the
16 Northeast Zone or from the East Zone or from the Southwest Zone
17 or from other zones, if you remember?

18 [09.42.22]

19 A. Allow me to clarify the matter, Your Honour. The former --
20 former teachers of the previous regime, including myself, fled to
21 the forest. And some of them were later on promoted to become
22 sectors (sic) of Sector 505 Committee, Boun Nhang (phonetic), and
23 his alias was comrade Yi (phonetic), who was in charge of Sector
24 505. And then there was teacher Sim Son (phonetic), who changed
25 his name to comrade Yeam (phonetic) later on. He was subsequently

17

1 sent to become Ambassador in Korea.

2 Some other teachers who used to criticize me later on killed
3 because they were accused of betraying the revolution in Sector
4 505. So they purged them all, and replaced by those cadres from
5 the Northeast Zone. And about a month later, those northeast
6 cadres were accused of being traitors, and they were purged and
7 replaced by cadres from the East Zone.

8 Subsequently, the East Zone cadres were accused of betraying the
9 revolution, and they were purged and replaced by those cadres
10 from the Southwest Zone. That's all I know.

11 [09.44.04]

12 Q. Thank you for this clarification.

13 What I would like to know now is when your wife and your
14 children, when your in-laws were executed, as far as you
15 remember, who was leading Sector 505? Who were the cadres who
16 were leading Sector 505 when that -- when that happened? Were
17 these cadres from the Northeast Zone, from the East Zone or
18 cadres from the Southwest Zone? If you remember, of course, if
19 you don't remember, just simply tell me that you don't remember.

20 A. I was not familiar with the upper level administration
21 structure. I only knew that the Sector 505 Committee was accused
22 of betraying the revolution, and then they were replaced by the
23 northeast cadres. And subsequently, those northeast cadres were
24 accused of betraying -- or betrayal, and replaced by the East
25 Zone cadres. And later on, those East Zone cadres were replaced

18

1 by cadres from the Southwest Zone. And I did not know those
2 cadres' names.

3 [09.45.57]

4 Q. My question did not relate to the names of the cadres, but to
5 the dates.

6 You said, unless I'm mistaken, that your wife and your children
7 were executed in September 1978, if I remember correctly. So in
8 September 1978, were the leading cadres from the East Zone, from
9 the Northeast Zone or from the Southwest Zone?

10 Do you understand my question? It's in relation to the dates here
11 and in relation to who was leading the sector at that time. Of
12 course, I understood the succession of events. I understood that
13 some people were accused of treason. But my question is, do you
14 remember or do you know if, in September 1978 when your wife was
15 executed, if -- do you remember who was leading Sector 505?

16 [09.47.12]

17 A. Thank you. And I do understand your question. From September
18 to December, comrade Boeun (phonetic) was the one who was in
19 charge, and Boeun (phonetic) came from the Southwest Zone.

20 JUDGE LAVERGNE:

21 Thank you very much, Mr. Civil Party, for this clarification. I
22 have no further questions to put to the civil party.

23 MR. PRESIDENT:

24 Thank you, Judge.

25 And I'd like to hand the floor now to the defence teams, first to

19

1 the defence team for Nuon Chea, to put the question to this civil
2 party, if you have any.

3 MR. SON ARUN:

4 The defence team for Nuon Chea do not have questions for this
5 civil party. Thank you.

6 MR. PRESIDENT:

7 Thank you.

8 And finally, I'd like to hand the floor to the defence team for
9 Khieu Samphan to put questions to the civil party, if you have
10 any.

11 [09.48.40]

12 QUESTIONING BY MR. KONG SAM ONN:

13 Thank you, Mr. President. Good morning, Your Honours. And good
14 morning, Mr. Civil Party. My name is Kong Sam Onn. I am the
15 co-counsel for Mr. Khieu Samphan, and I have some questions to
16 put to you.

17 Q. My first question is in relation to where you lived in Kratie
18 province. Can you tell the Chamber whether the liberation force
19 of the Khmer Rouge came to your area?

20 [09.49.23]

21 MR. UCH SUNLAY:

22 A. Thank you, and again good morning, Mr. President, Your
23 Honours. And good morning, Defence Counsel.

24 Kratie province was liberated first in that zone. At that time,
25 the United Liberation Front actually liberated the country before

1 the announcement of the coup against Samdech Sihanouk. In fact,
2 it was liberated on the 5th of March 1970, before any other
3 provinces.

4 At that time, the revolutionary force was so strong, all youths,
5 male and female, joined the revolution. Teachers also joined the
6 movement.

7 I live in Krakor village, Kratie commune, Kratie district in
8 Kratie province.

9 Q. Yesterday, you stated about the exchange of conversation
10 between you and other teachers that you didn't join the
11 revolution with them. Can you tell the Chamber, when did those
12 teachers, that is, your colleagues who actually went to the
13 forest to join the revolution?

14 A. My teacher colleagues went to join the revolution since 1968,
15 that is, prior to 1970. They were senior teachers and professors
16 at Koh Samat College, and they tried to track down other teachers
17 from the same group in order to join the force. And among us, I
18 was the only one who refused to join the revolution for the
19 following reasons.

20 First, we were -- I was from a poor peasant class. When I said
21 so, they said that was the class that the revolution wanted and
22 that I should know that the sun would rise from the east and if
23 the rooster did not sing, the sun would still rise.

24 Although we may not have enough food to eat, but we had to enter
25 and to complete our movement in the revolution.

1 [09.52.30]

2 Q. Thank you, Civil Party. I heard that yesterday, so there is no
3 need for repetition. And allow me to move on to another date, and
4 that is in relation to the transfer of your mother-in-law, as
5 well as the date that your father-in-law died. Can you tell the
6 Chamber when your mother-in-law was sent to Vietnam and as you
7 said, later on she was killed while en route?

8 A. My mother-in-law was arrested in 1978.

9 Q. Do you recall the month of her arrest?

10 A. It happened between October or November of 1978.

11 [09.53.53]

12 Q. Yesterday, you also testified that your father-in-law was
13 forced to marry another woman, and you made mention of this event
14 again this morning.

15 Can you tell us when he was arranged to marry another woman, that
16 is, after the loss of your mother-in-law?

17 A. I conclude that my mother-in-law was transferred in October
18 1978, and my father-in-law was forced to marry another woman in
19 around November of 1978. Although after he remarried, he was
20 monitored by the militia whether he consummated with his wife or
21 whether they said anything else while they were together. And as
22 a result, Smien Ie, that is, my father-in-law, was taken away and
23 killed.

24 Q. From whom did you know that your father-in-law was monitored
25 by the militia after he remarried?

1 [09.55.38]

2 A. The militia had to monitor those targeted individuals at
3 nighttime. I heard dogs barking at night, and I knew that they
4 were deployed to monitor those people. And that's how I learned
5 about this.

6 I, myself, was the subject to be monitored at night by the
7 militia group, what I did, whom I spoke to, whether I quietly
8 weeped -- wept.

9 We were in a situation that we were under constant monitoring by
10 the militia group.

11 Q. A while ago, you stated that those militia men were children
12 of the villagers who were in the proletarian class at the base.
13 Can you tell the Chamber whether you know some names of those
14 militia men who monitored your activity or other people's
15 activities?

16 [09.57.05]

17 A. I know all those militia men because they patrol in the area,
18 and the chief was Uk Tang Hin. Then Dam, Mong Heang, Sruoch and
19 Chhoeung. And these were the cruel men of the militia.
20 They monitored the activities of the 17 April People at night,
21 and next morning, they would be sent for re-education and they
22 would disappear.

23 Q. The names of those militia men that you have just described,
24 did they monitor the activity of your father-in-law after he
25 remarried?

1 A. Yes, that is correct.

2 Q. Does this mean these militia men whose names you described
3 actually worked as militia men from the 1970s through to 1979?

4 A. Yes, that is correct. Those militia men started working since
5 1970 through 1975 and continued their militia men activities to
6 1979. And after that, they dispersed.

7 Q. Can you tell the Chamber the leadership structure in the
8 cooperative, in the district or at the sector, that is, were
9 there changes within the leadership structure in your area?
10 And this is partly answered by you in response to Judge
11 Lavergne's question. You made mention of four successions in the
12 autonomous Sector 505.

13 [09.59.30]

14 A. I learned of the successions through the announcement made by
15 the cooperative chief. On every 10th, 20th and 30th day of each
16 month, there would be a meeting held and the announcement would
17 be made. Then they made mention of the names of these people,
18 including Chuk (phonetic) and Chakrey (phonetic), that they were
19 accused of traitors. And the Party, through its activity, they --
20 those people were replaced by other cadres from the Southwest
21 Zone.

22 Q. Allow me to reconfirm your statement. You made mention that
23 the cooperative chief, who was in the position since 1970, was
24 the same person in this position from the 1970 through to '79?

25 [10.00.34]

1 A. It seems there was no change of the cooperative leadership.

2 The person was in the position till the end of the regime.

3 Q. What about the commune committee? Were you aware of any
4 successive changes within the commune committee?

5 A. It seems that the commune committee was not change. I only saw
6 the same people at the cooperative and the community leadership.

7 Q. What about the district committee? Did you know any person
8 from the district committee, for example, through meetings?

9 A. From the meetings that I attended and, be more specific, in
10 1973, that is, during the 200 days and nights of aerial
11 bombardment, Professor Ty Ol (phonetic) came to open a conference
12 there. And all former teachers were invited to attend that
13 conference.

14 And the conference was labeled the conference for the
15 intellectuals. And that was the major meeting that I attended.
16 And besides, I attended meetings organized by the cooperative
17 chief.

18 Q. My previous question was about the district committee. Did you
19 know some of them, and did you personally know them, in
20 particular?

21 A. In the Pol Pot's time, Boeun (phonetic) was part of the
22 district committee. He was the outstanding one. And I could
23 recall that name until now.

24 [10.03.18]

25 Q. Was he the chief of the district committee until the end of

1 the regime, or was he replaced by someone else later on?

2 A. Boeun(phonetic) was assigned to be in charge of a cooperative
3 in the district at the time, and there was no reshuffle. No one
4 came to replace him. And he was in that position until the
5 liberation of the Front.

6 Q. Regarding Region 505, it was an autonomous sector, as you
7 said. Do you recall the structure of that Sector 505? Did -- was
8 there any impact on the base areas in that sector after the
9 change of the structure of that sector?

10 [10.04.51]

11 A. Every time the district committees were replaced, I could
12 recall that Chaet (phonetic) was the -- was part of the district
13 committee later on. He was -- he or she was the teacher in
14 chemistry.

15 He or she -- he had relationship with dozens of cadres. And later
16 on, he was accused of betraying Angkar and he was sent away and
17 replaced by someone else.

18 Q. In relation to your father-in-law, why did he die?

19 A. I told the Court already, my father was a former clerk in
20 Kracheh commune. He was a former servant -- civil servant in
21 Sihanouk's regime. And the reason number 2, he married a
22 half-blooded Vietnamese women, Kwien (phonetic) Thi Be. These
23 were the reasons leading to the execution of him.

24 Q. Do you recall the location where he was executed? Did you
25 learn about his execution later on?

1 A. Militia men took him to be killed. I told already. I told the
2 Court already, he was killed at Tumnup Kbal Tonsaong (phonetic),
3 north of Krakor commune, Kratie district, Kratie province.

4 I cannot tell the Court the exact location where he was killed.

5 Q. You told the Court about the time when he was forcibly asked
6 to get married and, later on, he was monitored after the
7 marriage. Can you tell the Court when lastly you knew that he had
8 been killed or he disappeared?

9 [10.07.44]

10 A. He was forced to get married. And later on, as I said, he
11 died. He was killed in 1978.

12 And during the times, couples were immediately arranged to be in
13 the marriage. As you know, in 1978, the front was established in
14 Cheung (phonetic) Snuol, Kratie province. And that was the time
15 when the liberation troops came to rescue us. And he was killed
16 at Tumnup Chin Soung (phonetic).

17 MR. KONG SAM ONN:

18 Mr. President, I am done.

19 MR. PRESIDENT:

20 Thank you.

21 Mr. Uch Sunlay, now you can -- you can make the victim impact
22 statement, if any, or you may put questions to the accused
23 through me, the President of the Chamber. You have the floor now.

24 [10.09.08]

25 MR. UCH SUNLAY:

1 Good morning once again, Mr. President of the Chamber. I have two
2 questions through you, Mr. President, to put to the two Accused
3 who are present in this courtroom and in the room downstairs.
4 My first question, why did Khmer Rouge have a policy to gather up
5 -- to gather up small babies and children as well to be killed?
6 My second question is, why the Democratic Kampuchea took those
7 who practised Buddhist religion, including my father, who was a
8 achar, to be killed and why were they accused to be those who
9 betraying the Angkar? Did Khmer Rouge want themselves to be gods
10 in heavens? My father was killed because he burned incense to pay
11 respect to Buddha.
12 These are my two questions to be put to the Accused.
13 And I am surviving -- I survived the regime. And this is the last
14 chance that I can address the Chamber and tell the world that the
15 genocide -- genocidal acts were committed by those who were part
16 of the Democratic Kampuchea or Khmer Rouge time. And these people
17 were to be responsible for those crimes and acts.
18 [10.11.12]
19 So I am done now, Mr. President. Please direct my question to the
20 Accused.
21 MR. PRESIDENT:
22 Thank you. The Chamber wishes to inform you, Mr. Uch Sunlay,
23 pursuant to Internal Rule 21.1(d) of the ECCC which states that
24 all -- at all stages of the proceedings, the Chamber shall inform
25 you of the right of the accused to remain silent. On 8 January

1 2015, in response to the question of the Chamber, the co-Accused
2 reaffirmed their position to exercise their right to remain
3 silent.

4 [10.11.58]

5 During that hearing, the Chamber also notes that the Accused --
6 the co-Accused maintained their position to remain silent unless
7 and until such time the Chamber is informed otherwise by the
8 co-Accused or their counsels. On that day of the hearing, the
9 Chamber instructed the co-Accused and/or their counsels to inform
10 the Chamber in a timely and efficient manner should the Accused
11 resolve to waive their rights to remain silent and be willing to
12 respond to questions by the Bench or relevant parties at any
13 stage of the proceedings.

14 As of today, the Chamber is not informed that the co-Accused have
15 changed their position and thus agreed to provide their responses
16 to questions.

17 Under the criminal procedural codes, national legislation and
18 international laws, the Chamber cannot compel the Accused to
19 respond to the question as long as they do not agree to it while
20 exercising their rights to remain silent. Please be informed, Mr.
21 Uch Sunlay.

22 I am grateful to you, Mr. Uch Sunlay. The hearing of victim
23 impact statement of you as a civil party which you stated that
24 you went through that bad experience has come to an end now. Your
25 statement can contribute to the ascertainment of the truth.

1 You may be excused. You may returned to your residence or to any
2 places you wish to go.

3 I wish you good luck, good health and prosperity in your life.

4 [10.13.50]

5 Thank you, Mr. Bun Lemhuor, TPO staff. As far as you are
6 concerned, the hearing of the statement by Uch Sunlay in relation
7 to the treatment of Cham, Vietnamese and former official in the
8 Khmer Republic has come to an end now. You may be excused as
9 well.

10 Court officer, please work with the WESU to send Mr. Uch Sunlay
11 to the place where he wishes to go and his residence.

12 And after the break, the Chamber will start to hear 2-TCW-933, in
13 relation to Au Kanseng security centre.

14 It is now convenient time for a short break. The Chamber will
15 take the break now until 10.30, from which the Chamber will
16 resume its hearing.

17 (Court recesses from 1014H to 1033H)

18 MR. PRESIDENT:

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

20 Court officers, please bring in Witness 2-TCW-933 into the
21 courtroom.

22 (Witness enters the courtroom)

23 [10.34.54]

24 QUESTIONING BY THE PRESIDENT:

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

1 MR. PHON THOL:

2 A. My name is Phon Thol.

3 Q. What is your date of birth?

4 A. I was born on the 16th of June 1950.

5 Q. What -- where is your place of birth?

6 A. It's in Rongoeun (phonetic), Svay Rieng district, Svay Rieng
7 province.

8 Q. What about your current address?

9 [10.35.48]

10 A. In Prumpir Makara, Labansiek district, Ban Lung district and
11 Ratanakiri province.

12 Q. What about your current occupation?

13 A. I am the district council member.

14 Q. What are the names of your parents?

15 A. My father's name is Mei Phon and my mother's name is Kev Sum.

16 Q. What about the name of your wife, and how many children do you
17 have?

18 A. My wife's name is Saom Chanthou. We have five children. Two of
19 them passed away.

20 [10.36.49]

21 Q. Mr. Witness, based on the greffier report, you have no
22 relationship to the two Accused, that is, Mr. Nuon Chea and Khieu
23 Samphan, and parties to this proceeding. Is that report correct?

24 A. Yes, that is correct.

25 Q. Have you already taken an oath before the Iron Club Statue

1 located to the east of this courtroom?

2 A. Yes, I have already taken an oath.

3 Q. Now we would like to inform you of your rights and obligation
4 as a witness.

5 Your rights. As a witness in the proceeding before the Chamber,
6 you may refuse to respond to any question or to make any comment
7 which may incriminate you. That is your right against
8 self-incrimination.

9 About your obligations. As a witness in the proceedings before
10 the Chamber, you must respond to any questions by the Bench or
11 relevant parties except where your response or comment to those
12 question may incriminate you as the Chamber has just informed you
13 of your right as a witness.

14 You must tell the truth that you have known, heard, seen,
15 remembered, experienced or observed directly about an event or
16 occurrence relevant to the questions that the bench or parties
17 pose to you.

18 Mr. Witness, have you ever given your statement or interview to
19 the OCIJ interviewers and, if you have given interviews, how many
20 times it took place and where it took place?

21 [10.39.00]

22 A. The first time took place at the re-education school of the
23 Khmer Rouge. And the second place took place at my home.

24 Q. So when did the two interviews take place?

25 A. I did not -- I do not remember the dates because it took place

1 long time ago and I did not keep the record of the interview.

2 Q. Before you came to testify today, have you already read or
3 reviewed the statements that you provided during the interviews
4 that you mentioned happened twice?

5 [10.39.55]

6 A. Yes, I reviewed them already.

7 Q. Thank you. Based on your recollections of your review, can you
8 tell us whether the statements in the report correspond or are
9 consistent with what you provided during the interviews with the
10 interviewers that you said that it took place twice, once at the
11 re-educational school and another one at your home?

12 A. Yes, they were consistent.

13 MR. PRESIDENT:

14 Thank you. Based on Rule 91 bis of the ECCC, the Chamber gives
15 the floor to the Co-Prosecutor to put questions to this civil
16 party before other parties. And the Co-Prosecutors and the Lead
17 Co-Lawyer have the combined sessions of two sessions.
18 So the Co-Prosecutors, you may now proceed.

19 [10.41.07]

20 QUESTIONING BY MR. FARR:

21 Thank you, Mr. President. Good morning, Your Honours. Good
22 morning, counsel, and good morning to you, Mr. Phon Thol.

23 Q. I want to start by asking you about your work at the rubber
24 plantation that you mentioned in your statements to the OCIJ
25 investigators. Can you tell us when you started working at that

1 rubber plantation?

2 MR. PHON THOL:

3 A. I worked as a worker at the rubber plantation since 1962.

4 Q. And can you tell us the name of the plantation and where it
5 was located?

6 A. The rubber plantation was located in Ratanakiri province.

7 [10.42.08]

8 Q. You mentioned that you started working there in 1962.

9 Following the -- following 17 April 1975, when Phnom Penh was
10 captured by the Khmer Rouge, did you continue working at the
11 rubber plantation after that date?

12 A. After 17 April 1975, the rubber plantation -- workers at the
13 rubber plantation were -- were dispersed.

14 Q. I want to ask you about something in your OCIJ statement. This
15 is document E3/5172. The English ERN is, 00272585; Khmer,
16 00189251; and French 00272592.

17 And what you say on that page is:

18 "During 1975 to 1976, I worked as a rubber plantation worker
19 again under the supervision of the Khmer Rouge."

20 Is that correct? Did you continue to work at the rubber
21 plantation in 1975 and '76 under the supervision of the Khmer
22 Rouge?

23 A. Yes, that is correct. In late 1975, they established a union
24 for workers to tap the rubber trees.

25 Q. And during that period, during the Khmer Rouge period when you

1 were working there, who supervised that rubber plantation?

2 [10.44.23]

3 A. The supervisor of the rubber plantation was Tum. He was the
4 union chief in charge of supervising the rubber plantation.

5 Q. You just mentioned that he was the union chief supervising the
6 rubber plantation. Did he have any other positions that you're
7 aware of at that time?

8 A. I did not know whether he held any other positions. I only
9 knew that he supervised the union in charge of growing rubber.

10 [10.45.13]

11 Q. I want to go back again to your statement to the OCIJ
12 investigators, and this is on the same page I just cited a moment
13 ago.

14 And what you said there was, quote:

15 "The rubber plantation was supervised by Tum, a member of the
16 Zone Committee who was supervisor of the rubber plantation unit
17 -- union."

18 Does that refresh your memory? Did Tum have a position on the
19 Zone Committee as well?

20 A. I did not know any other position he held, but when I work in
21 the rubber plantation, I saw him came to distribute clothes and
22 rice to the workers in the plantation.

23 Q. Okay. And just so we're clear, in 1976, did he have any
24 position in Division 801 or any other military formation that
25 you're aware of?

1 A. At this point that you are talking about, I don't know. I have
2 no idea.

3 Q. Okay. Thank you. I want to move to another topic now. I want
4 to ask you about your marriage at that time. Can you tell us
5 whether you were married when you were working at the rubber
6 plantation?

7 A. I did not marry in the rubber plantation. My -- my marriage
8 took place in the Trapeang Chres cooperative in 1972.

9 Q. But is correct that you were still married at the time you
10 were working in the rubber plantation in 1975 and 1976? Were you
11 still married at that time?

12 [10.47.43]

13 A. No, my marriage took place only once. That was in Trapeang
14 Chres cooperative in 1972.

15 Q. Maybe I'm not asking the question correctly. Did you -- I'm
16 not talking about a wedding ceremony, but did you still have a
17 wife in 1975 and 1976? Was your wife working with you at the
18 rubber plantation during that time?

19 A. When I worked at the rubber plantation, yes, my wife works. I
20 was still married with the -- with my wife.

21 Q. And can you tell us what that wife's name was?

22 A. My wife's name is Moeung Chandy (phonetic).

23 [10.48.52]

24 Q. And did you have any children or was she pregnant at the time
25 that you were both working at the rubber plantation?

1 A. When I worked at the rubber plantation, I did not have
2 children yet, but in late 1976, I had one child. And later on,
3 the child died.

4 Q. Okay. Are you still married to Moeung Chandy?

5 A. After the liberation day, we got divorced and I got married to
6 another woman named Chanthou.

7 Q. And when was the last time that you spoke to Moeung Chandy?

8 A. In 1986.

9 Q. Okay. I want to turn now to the day of your arrest and
10 transportation to Au Kanseng prison.

11 Can you describe the events of your arrest and your
12 transportation to Au Kanseng prison for the Court in general
13 terms?

14 A. On 16 June 1977, at around 7 o'clock in the morning, when I
15 left for my work in the rubber plantation, the union chief called
16 me at my work site and he told me that I had to prepare my
17 luggage to go to study at the re-educational school at Angkar
18 location.

19 I told my wife also about this, so I prepared my luggage,
20 including clothes and blankets and mosquito nets. And I embarked
21 on the truck. And I had no idea at that time where the truck took
22 me to, but Angkar told me that I was sent to the re-educational
23 school.

24 [10.51.34]

25 MR. PRESIDENT:

1 Mr. Phon Thol, please speak slower than this because your
2 interview -- your testimony is going through the interpretation
3 into another language, so please speak slower so that the
4 interpreter can catch up with the speed of your speaking.

5 Thank you. So now you may continue.

6 [10.52.08]

7 BY MR. FARR:

8 Q. Maybe I'll just jump in at this point. You mentioned that the
9 union chief called you. Now, is that Tum, the union chief that
10 you just told us about a minute ago? Is he the one who told you
11 that you had to go to the re-education school?

12 MR. PHON THOL:

13 A. No, it was not him. In each village, there was a village
14 chief. Tum was in charge of supervising all the villages within
15 the rubber plantation.

16 Q. Okay. And you also just mentioned that the date of your arrest
17 was 16 June 1977, if I heard correctly. Can you tell us how
18 you're able to remember that date with such precision?

19 A. When I was arrested, I was sure about the exact date. When I
20 got on the truck, it was 16 June 1977 at 7 o'clock in the
21 morning. I was sure about this exact date, and I can still
22 remember until now.

23 Q. Okay. Do you know who ordered your arrest and your being sent
24 to Au Kanseng re-education school?

25 A. At that time, they did not tell us about who ordered us to be

1 sent away. They used only one word. That was, Angkar require us
2 to go to be educated.

3 [10.55.21]

4 Q. And did you know then or did you ever find out the reason that
5 you had been arrested, what your -- what your alleged crime or
6 misdeed was, if any?

7 A. When I was arrested, I did not know what -- whether I had any
8 wrongdoing. Only when I arrive at Pol Pot's prison, they
9 interrogated me and they told me that I had a specific
10 wrongdoing. That's why I was arrested and taken to the prison.

11 Q. And can you tell the Court what your specific wrongdoing was,
12 according to what you were told?

13 [10.55.13]

14 A. I -- as I said, when I was arrested, I had no idea what I did
15 wrong, but when I was interrogated, they told me that -- they
16 asked me whether I knew whether I committed anything wrong that I
17 was brought to the prison. I told the interrogator that I did not
18 do anything wrong and I did not do anything against the Angkar.
19 The interrogator asked me several times and then, finally, they
20 told me the reason that I was arrested and brought to the
21 re-education school was because I belonged to the upper class and
22 I used art-craft techniques to treat the rubber tree that had
23 disease. And these techniques belong to the feudalist class, and
24 it was not the techniques by the farmer's class.

25 [10.56.18]

1 Q. And you just mentioned something called the -- you said the
2 "aircraft techniques" and the "techniques of the feudalism
3 class". Can you tell us specifically how the way you were
4 treating the rubber plants was wrong in the view of Angkar as
5 they explained it to you there?

6 A. They did not say that I used the airplane, but they alleged me
7 that I used the feudalism class technique. That was the modern
8 technique. They said that the technique used by the farmer class
9 were different.

10 And they also asked me that -- they also asked me to elaborate on
11 the alleged feudalism class techniques that I used. I told them
12 that when the rubber tree had disease, they -- we use grease and
13 (unintelligible) that imported from foreign country, and we
14 immerse them in the chisel used to tape one rubber tree before
15 taping another.

16 [10.57.44]

17 And they told me that this kind of techniques belong to the
18 feudalism class, and this kind of techniques were not required.
19 And that's why they sent me to be re-educated so that the
20 techniques would be no longer used.

21 Q. Okay. Were there any other people arrested along with you on
22 that day?

23 A. At the same time, on the same day on, the same truck, I did
24 not remember the specific number, but there were around 10 people
25 who were transported by the Chinese GAZ truck.

40

1 Q. And who were those other people who were -- who were
2 transported? Not necessarily names, but their position or their
3 job.

4 [10.58.47]

5 A. They were all workers in the union.

6 Q. And on the day that you were arrested, were you a soldier?
7 Were you a member of Division 801 or were you a member of any
8 other military division?

9 A. I was a worker in the union.

10 Q. Okay. Did anything happen to your wife, Moeung Chandy, at the
11 time of your arrest?

12 A. After -- there were nothing happened. After I disembarked the
13 truck, they instructed me to walk straight, not to deviate the
14 assigned route. Otherwise, we would be shot dead. And we walked
15 straight into the building, and they put women in one building
16 and the men in another building.

17 Q. And was your wife one of the women who was -- who was arrested
18 along with you?

19 A. Yes, we were arrested on the same day, the same time.

20 Q. Now, in your OCIJ statement, E3/5172 at English page 02 --
21 sorry, 00272586; Khmer, 00189252 through 53; and French,
22 00272593; you say that your wife was pregnant at the time of her
23 arrest and that your daughter was born in prison before 1979. Is
24 that correct?

25 [11.01.06]

1 A. Yes, that's correct. But when we were arrested, her -- she was
2 only one month pregnant. And she delivered the baby in the
3 prison.

4 Q. And did the baby survive in the prison until the end of the
5 Khmer Rouge regime?

6 A. The baby survived the regime. Her name is Soldina (phonetic),
7 and her husband is working in the agricultural ministry. And we
8 are living in a nearby house in the same village.

9 Q. Okay. Can you tell us now about the -- where you were put?
10 What -- describe the building you were put into, tell us about
11 whether you were shackled, you were tied.
12 What were the initial conditions of your detention when you first
13 arrived at Au Kanseng?

14 [11.02.17]

15 A. After I had been arrested, I -- at the time, I was asked to
16 disembark the truck. Women and men were asked to go to different
17 places, and we were put in a house with leaf roof and wooden
18 wall.

19 And when we arrived in the prison, the security guards took the
20 chain and locked us in rows. And we were told to sleep quietly.

21 Q. How many other prisoners were in the same room or the same
22 building with you?

23 A. I do not remember how many of them. We were sleeping
24 foot-to-foot and there were two rows of prisoners in that room.

25 Q. Okay, you mentioned, a moment ago, that the men and women were

1 separated; do you know where your pregnant wife was taken and
2 what the conditions of her detention were when she first arrived
3 at the prison?

4 A. We could see the buildings or houses from -- from one side to
5 another, but I, at that time, did not receive any news from her.

6 Q. Okay. I want to ask you now -- I'll come back to many of the
7 events that happened while you were there, but I want to ask you,
8 now, about the leadership structure and the organization of the
9 prison. And can you start by telling us the formal, official
10 name of what we're calling the Au Kanseng Security Centre? What
11 -- what was its official name?

12 [11.04.40]

13 A. The official name was the re-education school.

14 Q. Do you know what unit or what organization was in charge of
15 the Au Kanseng Re-education School?

16 A. It was supervised by Division 801 located in Veun Sai
17 District.

18 Q. During your time there, did you learn who the commanding
19 officer of Division 801 was?

20 A. I did not see the facial feature of that unit chief and
21 Saroeun was the commander of Division 801.

22 Q. And what about the -- the name of the chairman of the Au
23 Kanseng Re-education School, do you remember the name of the
24 chairman?

25 [11.06.20]

1 A. I do not recall that person's surname. Se was the supervisor
2 of that security centre and below him was Chhang and then Tim.

3 Q. There's been evidence, in this case, that Se's surname was
4 Chhaom; does that refresh your memory, in any way? Could his name
5 have been Chhaom Se?

6 A. I do not recall his surname. I heard people call them Bong Se,
7 Bong Chhang, and Bong Tim.

8 Q. I -- I asked you, a bit earlier, whether you were a member of
9 Division 801 and you said that you were a rubber plantation union
10 worker; do you know why you, as someone who were not, at that
11 time, a -- a member of Division 801, was sent to that security
12 centre?

13 A. I was a member of a union, not member of 801. I was sent to
14 that re-education school under the command of Division 801.
15 Prisoners in that school of Division 801 were from different
16 places. They were in different categories; namely, ordinary
17 people, soldiers, and other type of people.

18 Q. Right and I guess my question is: Do you know why civilians,
19 non-soldiers, were being imprisoned in this centre that was under
20 Division 801?

21 [11.08.33]

22 A. It was a decision of -- of Angkar; I have no idea why. I did
23 not know why that they had been sent to that security centre and
24 what mistakes they committed. It was the initiative of the
25 Angkar. A few -- and several people had been detained at that

1 re-education school.

2 Q. A moment ago, I think you mentioned that there were rubber
3 union workers, members of Division 801, and then what you
4 described as ordinary people; can you tell us what you meant by
5 ordinary people?

6 A. Ordinary people were those who were from villages and commune;
7 this is what I meant. And soldiers were brought in from the
8 border. Those ordinary people were from Lumphat and Veun Sai.
9 [11.09.51]

10 Q. Do you have any way of estimating how many prisoners there
11 were detained at Au Kanseng, at the time you initially arrived
12 there?

13 A. Regarding number of prisoners, I have no idea since I was not
14 allowed to walk freely -- to move freely and at that time, my
15 ankle was shackled.

16 Q. Okay, I want to turn to another topic now, an incident you
17 described in your statement in which some Jarai tribes people
18 were -- were brought to the Au Kanseng Security Centre. Can you
19 describe, for the Court, what you remember about that event?

20 A. I do not know about that. All I know is Jarai minority were
21 dropped off in front of the house where I was locked in and some
22 Jarai minority were sent to other places.

23 Q. And are you able to estimate how many of them, in total, were
24 brought into the Au Kanseng Security Centre or re-education
25 school?

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1 A. I do not know about the number. I was not allowed to go close
2 to their duty stations and on some occasion, I was not allowed to
3 go close to other houses where prisoner were detained. I was only
4 allowed to move in and out of the house where I was locked in.

5 Q. How were you able to see these prisoners, these Jarai who were
6 dropped off, as you said, in front of the house where you were
7 staying? How were you able to see them?

8 [11.12.37]

9 A. Houses where prisoner were detained were made from bamboo --
10 the wall, I mean. We -- we were not allowed to get out of that
11 house, but the -- the hole or the cracks of the bamboo wall, we
12 could, you know, put our hand out and we could see whatever
13 things was going on at outside.

14 Q. Okay, I want to -- I want to take you, again, to the statement
15 you made to the OCIJ investigators and this is from English page,
16 00272587; Khmer, 00189253; and French, 00272594.

17 And what you said about this was:

18 "These newly-arrived prisoners were all Jarai tribesmen from
19 along the border who had been arrested and brought in. There were
20 about 100 of these prisoners."

21 Do you recall why you indicated that the number was approximately
22 100?

23 [11.14.10]

24 A. It is my estimate; it is not the exact number that I could
25 recall, at that time.

1 Q. And can you give us an idea of the composition of this group
2 in terms of men, women, and children; were there only men; were
3 there only women; was it a mix of men and women; were there
4 children as well?

5 A. There were different type of people, men and women.

6 Q. And what about children, do you recall any children being part
7 of the group?

8 A. There were toddlers and there were small babies.

9 Q. What about pregnant women?

10 A. Yes, there were also pregnant women.

11 Q. How were these people dressed; what were they wearing?

12 A. They did not dress their traditional clothes; they wore old
13 clothes with patches.

14 Q. And the -- the old clothes they wore with patches, can -- can
15 you describe what they looked like?

16 A. The clothes were dirty, with patches, and the clothes -- those
17 clothes were usually worn by the poor.

18 [11.16.13]

19 Q. You've described this group of people as belonging to the
20 Jarai ethnic group; how did you know that? How did you know they
21 were Jarai?

22 A. The security guards talk about that.

23 Q. Do you remember -- I mean, can -- can you just tell us, as --
24 as closely as you can recall, what the security guards told you
25 about this group of people; not just their ethnicity, but

1 anything else they told you?

2 A. I overheard that, the night before, they walked Jarai ethnic
3 people, hundreds of them, and they took those Jarai minority out
4 of two trucks and those security guard even said that they did
5 not sleep well last night and they were so sleepy.

6 [11.17.25]

7 Q. And when you say they didn't sleep well, you're -- you're
8 referring to the security guards who didn't sleep well because
9 they were busy transporting these people; is -- is that the
10 correct understanding of what you've just said?

11 A. Yes, those security guards, they were guarding prisoners. At
12 the time, the prisoners -- there were too many prisoners coming
13 in.

14 Q. Do you know who brought the -- the prisoners to the Au Kanseng
15 Re-education Centre?

16 A. I do not know about that. I saw those prisoners coming out of
17 the trucks and the security guards were sitting watching and
18 guarding.

19 Q. Do you recall how long this group of Jarai prisoners remained
20 at Au Kanseng Re-education Centre?

21 A. I cannot recall the date. They were detained, at that
22 location, for a brief period and later on, I didn't know -- I no
23 longer saw them, so I cannot tell you how long they were detained
24 at the place.

25 Q. Can you give us an estimate as whether it was a matter of

1 hours, days, weeks?

2 A. Less than one week.

3 [11.19.25]

4 Q. And when they -- when they finally left or were taken away,
5 did you see that; did you see them leaving or being taken away?

6 A. I watched they leaving through the cracks of the wall. They --
7 they were tied up in lines with the nylon strings and then they
8 were walk -- being walked away.

9 Q. Who was it that was walking them away?

10 A. I do not recall their names. The security guards, the defence
11 unit members, those who were working at the Au Kanseng Security
12 Centre.

13 [11.20.17]

14 Q. Did you learn what happened to this group of Jarai prisoners
15 after they were taken away?

16 A. I do not know about that.

17 Q. In your -- in your OCIJ statement, you say that a few days
18 after the -- the prisoners were taken away, you were working in
19 the jackfruit plantation nearby and you saw something; do you
20 recall that and can you describe that for the Court?

21 A. Later on, two days later, I was assigned to work in the
22 jackfruit plantation and at that location, I saw a grave; the
23 grave under the palm trees. I saw blood. There were shoes --
24 sandals and I suspected that Jarai minority people had perhaps
25 had been killed, at that place, and the -- the soil there was

1 swelling.

2 Q. And can you tell us what -- what it was, in particular, that
3 made you assume that it was the Jarai who had been killed in that
4 particular place?

5 A. I could recognize their clothing -- traditional clothing. The
6 clothing remained at the grave.

7 Q. And just to be clear, are you saying that you saw the same
8 kind of clothing at the gravesite that you had seen the Jarai
9 wearing a few days before in front of the -- the place where you
10 were detained?

11 [11.22.47]

12 MR. PRESIDENT:

13 Please hold -- hold on, Mr. Witness.

14 You have the floor now, Koppe.

15 MR. KOPPE:

16 Thank you, Mr. President. I object to this question. It's leading
17 the witness into saying something that he cannot confirm because
18 he just said that the alleged Jarai, who were walked in, had just
19 old clothes. He just saw through the crack in the walls that they
20 were wearing old clothes usually worn by poor people.

21 And now putting the suggestion that these are the same clothes is
22 first of all, unfounded, and secondly, asking the witness to
23 speculate, so I object to this question.

24 [11.23.31]

25 BY MR. FARR:

1 Mr. President, I'll -- I'll reformulate the question.

2 Q. You -- you've just mentioned that there was something about
3 the clothes that you saw in the jackfruit plantation that made
4 you believe that these were -- that it was Jarai people that were
5 buried there; what was it about the clothes that you saw at the
6 jackfruit plantation that created this link with the Jarai
7 prisoners in your mind?

8 MR. PHON THOL:

9 A. The colour of the clothes were in blue and in red and the
10 clothes were tattered and I assumed that that same clothes were
11 worn by those Jarai minority group at the place that we were
12 detained or being walked out.

13 [11.24.35]

14 Q. I want to ask you about another thing that you said in your
15 OCIJ statement; this is at English page 00272587; Khmer, 00189253
16 to 54; and French, 00272594.

17 And what you said was, "Near that crater, I saw blood, backpacks,
18 native clothing, torches, and shoes. From those materials, I
19 concluded that the bodies were Jarai."

20 Can you tell us anything about these other things that you saw,
21 the backpacks, torches, shoes, that led you to conclude that the
22 bodies were Jarai?

23 A. The group whom had been -- whom had been taken away by the
24 security guards were with backpacks.

25 [11.25.48]

1 Q. Okay, you've told us some of the things we see; did you -- did
2 you see any bodies at that location -- any -- any actual dead
3 bodies?

4 A. At the rim of the grave, I did not see the dead body, but
5 clothes with blood.

6 Q. And again, I'll -- I'll just go back to your OCIJ statement.
7 This is English page -- well, it's the page I just cited a moment
8 ago.

9 So right after you say, from those materials, I concluded the
10 bodies were Jarai and that they had been brought there to be
11 killed, after that you say, quote, "I saw corpses bloated and
12 split open."

13 Does that refresh your memory about seeing bodies, in that
14 location, as well as these possessions?

15 [11.26.57]

16 A. Upon my arrival, I saw the -- I smelled the decomposed bodies
17 in that grave which did not -- which was not fully covered, so I
18 -- it made me to believe that those people were killed and they
19 died.

20 Q. And can you tell us, how far was that grave location from the
21 -- the house that you were normally imprisoned in; what was the
22 distance?

23 A. It was about one kilometre away.

24 Q. And was that within the bounds of the Au Kanseng Re-education
25 Centre or was it outside the re-education centre?

1 [11.28.08]

2 A. It was outside the compound of the Au Kanseng Security Centre.
3 Currently, that location is turned into blocks of brick houses
4 and we cannot know for sure where the exact location where the
5 execution took place. That location was -- the -- the land there
6 -- soil there was cleared and that place was turned into blocks
7 of brick houses.

8 Q. Okay, I'd like to move to another topic now. This, again,
9 relates to the jackfruit location. You've told us about your
10 experiences with the Jarai victims there; do you recall ever
11 seeing anyone else killed in the jackfruit plantation and if so,
12 can you describe the incident for us?

13 A. I am telling the truth now; I witnessed that. I was assigned
14 to guard the jackfruits and not to allow people to get into that
15 jackfruit plantation. While I was guarding, I was sitting on the
16 jackfruit -- on a jackfruit tree from where I could see the
17 actual killings which was happening.

18 [11.29.47]

19 Q. And can you describe the killings that you witnessed from that
20 position?

21 A. Regarding that killing, most of those people were killed with
22 the back of the hoes and then they were thrown into the trenches
23 dug by former Lon Nol soldiers.

24 Q. You said most of the people; can you estimate how many people
25 you saw being killed with hoes, in that location?

1 A. While I was sitting on a jackfruit, I could see three or four
2 had been killed. Some people did not even -- could not even walk;
3 they were carried to that execution site and then they were
4 smashed and killed and buried in the grave.

5 Q. And who were the perpetrators; who was it that was carrying
6 out these killings that you saw?

7 A. Security guards at that security -- that education centre.

8 Q. Do you know who the -- the victims were, either by name, but
9 if not by name, what category of prisoner they were?

10 A. I cannot recall the names. I was chained and locked in the
11 house. We could not communicate with one another and I, at that
12 time, did not know where the prisoner -- the inmates were from
13 and what did they do before.

14 [11.32.07]

15 MR. FARR:

16 Okay, thank you for that. Mr. President, I'm moving to a new
17 topic now, so I don't know if it's a good time for the break or
18 not.

19 MR. PRESIDENT:

20 Thank you. It is now convenient time for lunch break. The Chamber
21 will take lunch break from now until 1.30.

22 Court officer, please assist the witness during the lunch break
23 and please invite him back into the courtroom at 1.30.

24 Security personnel are instructed to bring Khieu Samphan to the
25 waiting room downstairs and have him returned into the courtroom

1 before 1.30.

2 The Court is now in recess.

3 (Court recesses from 1133H to 1332H)

4 MR. PRESIDENT:

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

6 And I'd like to hand the floor to the Co-Prosecutors to put
7 questions to the witness.

8 And the -- the remaining combined time for both the
9 Co-Prosecutors and the Lead Co-Lawyers is one session.

10 You may proceed.

11 BY MR. FARR:

12 Thank you, Mr. President.

13 Q. Mr. Witness, I want to move now to another incident that you
14 discuss in your OCIJ statement and this has to do with a guard
15 named Tin, do you remember a guard by that name?

16 MR. A. Yes, I recall his name.

17 [13.33.14]

18 Q. Did you ever see him kill anyone and if so, could you describe
19 that incident for us?

20 A. No.

21 Q. Do you recall an occasion on which he asked you to bury a
22 body?

23 A. Yes.

24 Q. Can you describe that situation for us?

25 A. There two persons, Tin and Tum, and Tin was the security guard

1 at that re-education school. The detainees were of ethnic
2 minority and that person -- one person fled at night time. Then
3 they checked and they place a checkpoint on the road and at 2
4 a.m., the -- that person returned. That is, he came across Tin
5 and Tin used AK-47 rifle to kill and shot that escaped detainee
6 dead.

7 [13.34.52]

8 Q. Did you actually see Tin shoot this detainee?

9 A. Yes, I witness it with my own eyes.

10 Q. And do you know -- do you know why the -- this ethnic detainee
11 was shot?

12 A. I did not know of his real ethnicity, either Jarai or
13 (unintelligible). He fled from the area to go for a meal at the
14 village and after he returned, he came across this security
15 personnel group and he was shot dead.

16 Q. Now, you -- you said he returned; was he on his way back to
17 the security centre at the time that he was killed? What do you
18 mean when you say he -- he returned?

19 A. Yes, he returned to the re-education place when he was shot
20 dead.

21 Q. And where did you bury him?

22 A. It was further than the kitchen hall on the way to a
23 plantation field and the area is now a cashew plantation.

24 Q. I want to move to another incident now; this one involves a
25 woman whose gallbladder was removed. Do you recall that incident

1 and if so, can you describe that for us?

2 [13.37.04]

3 A. Yes, I recall that, though I cannot recall her name. And the
4 person who killed her named Nhok, who was a security guard at the
5 re-education centre. He hacked her back opened and removed her
6 gallbladder and hang it at the kitchen hall.

7 I did not witness the execution, itself, but I saw the
8 gallbladder, which was stained with blood, when he hang it at the
9 kitchen.

10 Q. And how did you learn that it was Nhok, in fact, who had taken
11 this woman's gallbladder?

12 A. He, himself, told the people at the kitchen that he was the
13 one who hacked open her back and removed the gallbladder.

14 [13.38.10]

15 Q. And do you know why he had done that to this woman, in
16 particular?

17 A. I did not know the reason he did it. What I saw is that that
18 guard came to the kitchen with the blood-stained gallbladder.

19 Q. I want to just go back to your OCIJ interview and ask you
20 about something you said about this event. This is ERN 00272587,
21 in English; in Khmer, 00189254; and in French, 00272594 to 95.
22 And you discuss this event and you say, much of what you've just
23 told us now, that Nhok was the one who was talking about it and
24 that it had been hung in the kitchen to frighten the other
25 prisoners.

1 But then you saw the following about the -- the reason. You say,
2 quote:

3 "The woman had been with a rubber plantation union worker who had
4 been sexually immoral with a man. I can't remember her name, but
5 her husband's name was San; he's still alive today in Stung
6 Treng."

7 Does that refresh your memory as to what might have been the
8 reason that Nhok cut out this woman's gallbladder?

9 A. Yes, I recall that she was accused of having an affair with a
10 man and her husband, named San, lived in Stung Treng, although I
11 do not know whether he's living now.

12 [13.40.18]

13 Q. Okay, and again, I'm moving on to another topic now. Do you
14 recall an occasion on which a number of Vietnamese prisoners,
15 five or six, were brought to the Au Kanseng Re-education Centre?

16 A. No, I do not recall anything in relation to Vietnamese
17 detainees.

18 Q. I want to read you something that was said by Chhaom Se, the
19 Chairman of Au Kanseng Security Centre, when he was interviewed
20 with the -- by the Office of the Co-Investigating Judges and this
21 is document E3/405 at answer 12. And this is what he says, quote:

22 "Shortly before 1979, before the strong Vietnamese attacks in
23 1979, I saw that a group of six Vietnamese civilians had been
24 taken prisoner on the Au Ya Dav village battlefield, along the
25 border, because those people had come to do reconnaissance along

1 Route 19, along which the Vietnamese were attempting to attack.
2 After their interrogations were completed, upper echelon decided
3 to finish off those persons in accordance with the orders of the
4 Division 801 commander, who made the decision to finish them
5 off."

6 Having heard Chhaom Se's account of that incident, does that
7 refresh your memory; do you -- do you know anything about this
8 incident or not?

9 [13.42.19]

10 A. No, I did not know about a group of these Vietnamese.

11 Q. Okay, thank you for that answer. I -- I want to turn now to
12 the -- the topics of interrogation and torture and can I just
13 start by asking you whether you were aware of torture ever being
14 used during the interrogation process at Au Kanseng?

15 A. Personally, my hands were tied and my feet were shackled when
16 I was being interrogated; however, I was not tortured.

17 For other detainees, when they were interrogated, they were
18 beaten and electrocuted with the power from a manual phone.

19 Q. And how did you know that other detainees were beaten and
20 electrocuted during their interrogations?

21 [13.43.39]

22 A. The interrogation house was carried out in a long house;
23 however, personally, I was interrogated at a separate place which
24 was about 50 metres from where I was detained. Those people were
25 interrogated and tortured in that long building.

1 Q. And how did you know that? How did you -- how did you learn
2 that?

3 A. I witness it personally.

4 Q. And can you tell us how it is that you were able to witness
5 the torture during interrogation of other detainees; in other
6 words, where were you that you were able to see it or hear it?

7 A. As I have just stated, the re-education centre's buildings
8 were built out of bamboo trees -- bamboo tree leaves, so that you
9 could actually see through, and the main purpose of the centre
10 was to prevent us from escaping, but not to prevent us from
11 seeing through.

12 [13.45.12]

13 Q. Do you know who it was that carried out the torture during the
14 course of interrogations?

15 A. I do not recall their names; however, they were the security
16 guards of the re-education centre.

17 Q. And who was it who carried out your interrogation in which, as
18 you said, you were not tortured?

19 A. Tin was the interrogator.

20 Q. Now, there's a specific incident you mention in your OCIJ
21 statement about a prisoner from -- a division prisoner from a
22 place called Bar Keo , if I'm saying that correctly; do you
23 remember anything about a division prisoner from there being
24 tortured during interrogation?

25 A. Yes, I recall that. Those prisoners, who were brought in, they

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1 were ordered to rush their biographies, while they were in bed,
2 and when they -- they thought that the biographies were not
3 consistent with what they had, then they used a plier to torture
4 them until they became unconscious.

5 Q. Did this happen to one prisoner or was -- was there more than
6 one prisoner in the group?

7 A. I -- there was only one prisoner who was tortured that way.

8 [13.47.25]

9 Q. And do you know what happened to him following his
10 interrogation and torture?

11 A. And by next morning, the person disappeared. I did not know
12 where he was taken to.

13 Q. And in your own interrogation, do you recall what kinds of
14 questions you were asked?

15 A. As I testified this morning, I was asked what kind of offence
16 that I made; that's why I was brought to the centre, and I
17 replied that I never made anything -- made any mistake before the
18 Party.

19 And then I was accused of using the capitalist techniques, that's
20 why the -- that's the reason I was accused.

21 Q. Was anything ever mentioned about the KGB or the CIA during
22 the course of your interrogation?

23 [13.48.50]

24 A. No, I was only asked about the technique.

25 Q. I want to ask you about another quote from your -- the

61

1 statement you gave to the OCIJ investigators and this is English,
2 page 00272585; Khmer, 00189252; and French, 00272593.

3 Now, this quote, you're -- you're not talking about
4 interrogation, at this point; you're talking about the prisoners
5 being in the cells.

6 And what you say is, quote:

7 "Prisoners could talk with one another normally, such as asking
8 about one another's family histories and exchanging normal
9 greetings, but they did not dare talk politics for fear of being
10 accused of being KGB and CIA."

11 Can you tell us: Why were you afraid of being accused of being
12 KGB or CIA?

13 A. In the re-education centre, detainees, who were shackled
14 together, could speak about our being -- our well-being or about
15 the family members, but we were afraid of speaking about anything
16 else as we would be accused of being a -- an KGB or CIA agent.
17 Usually people who were accused -- who were taken away and killed
18 because they were accused of being agents for KGB or CIA.

19 Q. So were you aware of actual situations in which prisoners at
20 Au Kanseng had been accused of being KGB or CIA agents?

21 [13.51.02]

22 A. No, I did not. I only heard the -- the guards speaking about
23 the agents and of course, upon hearing that, we were terrified.

24 Q. And what did you hear the guards saying about KGB or CIA
25 agents?

1 A. The guards said most of the people who were killed were the
2 secret agents of KGB or CIA.

3 Q. Did the guards say that to you, the prisoners, or is that
4 something you heard them saying to each other?

5 A. Of course, they never said that to the detainees; they spoke
6 to each other in a loud voice so we could overhear it.

7 [13.52.01]

8 Q. Okay. I want to talk a little bit more about the -- the
9 conditions of detention. Can you tell us how many buildings
10 prisoners were kept in, if you know? How many -- how many
11 separate building there were?

12 A. If my recollection is -- is not wrong, there were three long
13 buildings where detainees were housed.

14 Q. And can you describe for us the way in which prisoners were
15 shackled and tell us for what portion of the day the prisoners
16 were shackled?

17 A. I did not know the duration. However, there were three types
18 of shackles and cuffs. One was that they were chained and locked
19 and, second, we were shackled with a metal bar and, thirdly, they
20 were shackled with a wood bar.

21 Q. And do you know whether all prisoners were shackled or was it
22 just some prisoners who were shackled?

23 A. Any detainees who arrived, they would be placed in a wooden
24 press shackle.

25 [13.53.54]

1 Q. And can you tell the Court what you would do if you had to use
2 the toilet when you were shackled inside the building or inside
3 the cell?

4 A. At the re-education centre there was no bathroom. If we needed
5 to urinate we had to relieve ourselves in a bamboo tube and then
6 we had to empty it by ourselves when we were let out.

7 Q. Okay, thank you. Can you tell us what happened to prisoners
8 who broke the rules at Au Kanseng Re-education Centre?

9 A. The regulations were that, first, do not attempt to flee;
10 second, do not steal.

11 [13.55.03]

12 Q. Are you aware of any -- well, you've told us about one
13 prisoner who tried to flee and who was shot -- are you aware of
14 any other prisoners who violated rules and were punished as a
15 result?

16 Another was another detainee. He did not flee and he was detained
17 in the building. However, when he was let out to go and pull the
18 grass, he stole a durian seed which was being planted and he
19 actually burned that durian seed. At night-time he was taken away
20 and killed.

21 Q. And other than that prisoner were you aware of any other
22 prisoners who disappeared?

23 A. No, I did not. However, what I knew is that we were detained
24 in that detention building and whenever a guard called a detainee
25 out at night or detainees out at night we were terrified because

1 those who were called out at night never returned.

2 Q. Okay. I want to turn to the topic of health and hygiene and
3 medical care now. Can you tell us whether you are aware of any
4 prisoners getting sick and dying at the Au Kanseng Re-education
5 Centre?

6 A. Yes, there were.

7 Q. Can you describe those situations for us, tell us maybe what
8 diseases they had, what treatment they received, if any, and what
9 happened?

10 A. What I observed is that there was a detainee named Moeurn
11 (phonetic) who was also a rubber plantation union worker. He had
12 diarrhoea and died. And then there was another case of a detainee
13 who also had dysentery and died while he was still being chained
14 in the room.

15 [13.57.56]

16 Q. Did either of those men receive any medical attention for
17 their illnesses?

18 A. I did not know about the treatment. It's up to those who are
19 in charge of the re-education centre.

20 Q. And what about your wife who you have told us was pregnant at
21 the time. Do you know whether she received any medical attention
22 during her pregnancy?

23 A. When she was due the medic who was on site came to see her
24 every day. However, I did not know what kind of medicine that was
25 given to her, whether it was a modern form of medicine or a

1 traditional medicine.

2 [13.59.05]

3 Q. Okay. I want to ask you now about work. Can you tell us what
4 kind of work the prisoners at Au Kanseng were required to do?

5 A. The work in the re-education centre was that, number one, to
6 plant potatoes and, number two, to plant vegetables.

7 Q. And I think in your OCIJ statement you also mention something
8 about carrying wood. Can you tell us about that, if you recall
9 that?

10 A. Wood carrying happened only occasionally when detainees were
11 sent to cut wood in the forest and carried it to build a house
12 for the commander there to reside.

13 Q. Was the work that the detainees were required to do physically
14 demanding?

15 A. The work there was to pull the grass with your bare hands and
16 we were not given any tool to dig it. We plant vegetables, for
17 instance, only with human fertilizer, that is our faeces, and
18 everything is manual.

19 Q. Was there a certain amount of work that each prisoner was
20 required to complete? Was there any sort of measured quota of
21 work to be done?

22 [14.01.16]

23 A. No, there was no work quota and wherever we were headed to
24 work we would work as a group except those who worked in the
25 kitchen. Usually we would work as a group when we were tasked to

1 remove the grass.

2 Q. Can you tell us what your working hours were?

3 A. No specific working hours. We would work in the morning and
4 then lunch break, meal break and resume work. After the evening
5 we were allowed to go to sleep. We were not allowed to move
6 freely.

7 [14.02.05]

8 Q. In your OCIJ statements, and the ERN for this is English,
9 00272586; Khmer, 00189253; and French, 00272594; you said that
10 prisoners worked from 6 until 11 a.m., then rested for lunch,
11 went back to work from 1 until 6 p.m. and then rested and ate in
12 a dining hall and then were sent back to detention, locked in
13 from the outside with guards posted. Does that match your memory?
14 Were those the working hours or was it, in fact, not a set
15 working hour as you have just told us now?

16 A. That statement is correct. However, as I said, we depended on
17 the biological clock or the sun, so it's based on our assumption
18 when we were assigned to work and we were from the morning until
19 11 or 12. So it was based on our assumption and based on the
20 biological clock that is the sun.

21 Q. Okay. Can I ask you now about food? Can you describe what kind
22 of food you received in the Au Kanseng prison?

23 A. At re-education school of Au Kanseng they mixed rice with corn
24 and sweet potato.

25 Q. And was the food sufficient for the work that you were

1 expected to do and for living? Did you have enough food?

2 A. We received a bowl of -- meal. The bowl was small and a bowl
3 of soup was for four people at the time.

4 Q. Did you lose weight? Did you become thinner while you were
5 working at the Au Kanseng re-education school?

6 [14.05.00]

7 A. It was not the place that we were given supplementary food or
8 enjoyed sufficient food to eat. So I was so skinny. I did not --
9 I never weighed myself but, you know, the trousers that I worn --
10 that I wore was so loose.

11 Q. Okay. And now, before I finish I just want to briefly go back
12 to something you said at the beginning of your testimony today.
13 You were asked how many times you had given statements or been
14 interviewed. And what I understood you to say that there were two
15 occasions, the first one was in the Khmer Rouge re-education
16 centre and the second one was at your house. Did I understand
17 that correctly?

18 A. It happened at the old re-education school and then at the
19 building that I was detained.

20 [14.06.22]

21 Q. But when you were discussing those two statements those were
22 both things that happened at the Au Kanseng Security Centre; is
23 that correct?

24 A. That is correct.

25 Q. Okay. And that's separate then from the time that you were

68

1 interviewed by officials at this Court; correct?

2 A.I could recall that the first time a foreigner came to
3 interview me at the old re-education school and for the second
4 time the Khmer interviewer came to my house to interview me. I at
5 the time did not know their positions.

6 MR. FARR:

7 Okay, thank you for those answers. Mr. President, I have no
8 further questions.

9 [14.07.34]

10 THE PRESIDENT:

11 Thank you. Now, the floor is given to Lead Co-Lawyers for civil
12 parties to put questions to this witness. You have the floor now.

13 MR. PICH ANG:

14 Good afternoon, Mr. President. I would like to cede the floor for
15 Lawyer Ty Srinna.

16 THE PRESIDENT:

17 Yes.

18 (Short pause)

19 [14.08.25]

20 QUESTIONING BY MS. TY SRINNA:

21 First of all, very good afternoon, Mr. President, Your Honours,
22 everyone in and around the courtroom. My name is Ty Srinna. I am
23 the representative for civil parties. I have several questions to
24 seek your clarification about Au Kanseng Security Centre.

25 Q. First, I need you to clarify a few points for me. You answered

1 the question by the Co-Prosecutor about a person by the name
2 Saroeun and you stated that he was the Commander of Division 801.

3 Is that correct?

4 [14.09.24]

5 MR. PORN THOL:

6 A. Yes, his name was Saroeun. It's correct, that is the statement
7 I gave to the Co-Prosecutor.

8 Q. Besides Saroeun, do you know other individuals else besides
9 that person? And also please describe the function and position
10 of those who were part of Division 801.

11 A. I was not part of the division and, as I said, during that
12 time I was not allowed to move freely far away from my location.
13 I knew only the security guards at Au Kanseng Security Centre and
14 they told me that the Commander of the Division was Saroeun. I
15 knew no one else besides Saroeun.

16 Q. You made mention that you were detained in the security
17 centre. So my question has something to do with the treatment of
18 detainees and I am focussing now on the discipline and the
19 process at the re-education school. So how were detainees
20 detained at the place?

21 [14.11.08]

22 A. As I said, at the beginning there were regulations in that
23 education, re-education school. Those detainees in Au Kanseng
24 Security Centre, number one, they are not allowed to run away and
25 steal. And when we were questioned or interrogated we had to give

1 answers. And I did not know how -- what happened to those who did
2 not give answers. Perhaps they were tortured.

3 Q. Perhaps my question is not clear to you. I have a different
4 question in fact instead. You were detained in Au Kanseng
5 Security Centre. Based on your experience, what were the working
6 methods of security guards? So the security guards adhere to the
7 practices and regulations applied at that security centre?

8 [14.12.29]

9 A. Security guards whether they had to adhere to the regulations
10 or they created their own rules I do not have any idea. I do not
11 know whether the regulations were established by the security
12 guards themselves or they received those regulations from upper
13 echelon.

14 Q. Now, I am asking you about the arrests. You were arrested and
15 detained in Au Kanseng Security Centre. When you first arrived in
16 that centre how many prisoners or detainees were there when you
17 arrived? Were there many of them?

18 A. Upon my entry, at the time I passed a building I did not dare
19 to look straight into that building. I had a glance through the
20 cracks of the wall and I saw detainees lying on the ground locked
21 into the metal bar or shackles.

22 Q. Thank you. So you did not look around at different places
23 inside the security centre; is that correct?

24 A. That building I passed was along the road that I was walking
25 and I was guarded by four or five security guards armed with AK

1 rifles. So I did not dare to do anything but walk and following
2 them.

3 Q. Thank you. So how long were you detained in that security
4 centre?

5 A. I told the Court in the morning already. I was a union worker.
6 I was arrested on 16 June 1977, and I was detained up until
7 December 1978. At that time there were attacks, offensive by the
8 Vietnamese troops and I took the chance to escape from that
9 security centre with others.

10 [14.15.19]

11 Q. So you were detained at that centre for quite some time. Did
12 you see that new prisoners coming in and were old detainees
13 replaced by new detainees? And how many times did that take
14 place?

15 A. To my knowledge the detainees in that centre were not
16 transferred to any other places. At night-time the security
17 guards call out the names. Three or four of them were called out
18 of the building, but I did not notice that the detainees were
19 sent to somewhere else for detention.

20 Q. So from my understanding, three or four detainees were taken
21 out at night and then a new batch, three or four new detainees,
22 would be in replacement; is that correct?

23 [14.16.45]

24 A. I told the Court already about this point. At night time if I
25 could hear the sound of a door opening and a person was told that

1 he or she would be sent for re-education that person never

2 returned so not -- it did not happen like what you said.

3 Sometimes one or two were taken out and no replacement.

4 Q. Were prisoners taken in and taken out of the building quite

5 often in that centre?

6 A. It did not happen very often.

7 Q. I have a follow-up question for you in relation to this point.

8 When was the time that many prisoners were detained at that

9 centre?

10 A. I told the Court already in the morning. One time I saw a

11 large group of Jarai minority were sent into the security centre.

12 That was the time that I saw a large group of people were sent

13 in.

14 Q. Thank you. Now, I am asking you about the detention. Earlier

15 you have stated about the detention, but your answers are not

16 clear to me so I need you to clarify those points particularly

17 the conditions of detention. How about the living conditions of

18 the detainees?

19 A. Regarding living conditions of detainees at Au Kanseng

20 Security Centre, we were assigned to work at daytime and at night

21 time we would be sent back into the building and locked. We were

22 required to be quiet at night time.

23 [14.19.44]

24 Q. Thank you. Now, I am interested in interrogation. Regarding

25 interrogation of detainees were all of them interrogated after

1 they had been sent into that centre?

2 A. I do not know about that point. I do not know for sure whether
3 all of them had been interrogated or only some.

4 Q. Thank you. My next question is about the distance from your
5 room to the detention room. So how far was it between your room
6 and the detention room, rather, interrogation room?

7 A. It was about 50 metres away from one another, as I told the
8 Court already. From the detention room to the interrogation room
9 it was blocked by kapleath (phonetic) trees.

10 [14.21.25]

11 Q. You stated that the distance was about 50 metres away from the
12 detention room. Could you be able to hear the interrogation
13 sounds?

14 A. I did not hear the contents of the interrogation. The
15 interrogation did not -- did not make much sounds. They asked and
16 interrogated detainees very softly, but on some occasions I could
17 hear the screaming from that place.

18 Q. I want you to tell the Court about the screaming from the
19 interrogation room. So how many times did you hear those
20 screaming?

21 A. I do not remember that. I could hear the screaming but not
22 very often. I cannot tell the exact number of how many times I
23 heard those screaming.

24 Q. Thank you. You discussed about an issue particularly about the
25 night time when a prisoner had been taken out. Did you happen to

1 hear that the music was broadcasted over the loudspeaker during
2 the time that the execution happened?

3 THE PRESIDENT:

4 Please hold on, Mr. Witness. You have the floor now, Koppe.

5 [14.23.32]

6 MR. KOPPE:

7 Thank you, Mr. President. I have no idea where this question is
8 coming from.

9 I don't think he spoke about execution of the people who were
10 taken out at night. He said or he testified that he heard about
11 them being removed and never returning. So there is no evidence
12 at all given by this witness about executions. And music being
13 played, I am not quite sure where that comes from.

14 So I object to this question on those two grounds. There is no
15 basis in the evidence for this question.

16 [14.24.15]

17 BY MS. TY SRINNA:

18 I would like to respond to the observations. The witness
19 testified that the prisoners or detainees had been taken out at
20 night and the witness testified that detainees disappeared at
21 night time so everyone was terrified.

22 Regarding the music over the loudspeakers I would like to
23 reformulate my question, Mr. President.

24 Q. I am now moving to another question. After detainees had been
25 interrogated were they released?

1 MR. PORN THOL:

2 A. After the interrogation no one in re-education school were --
3 was freed.

4 Q. Thank you. Concerning your answer to the question by the
5 Co-Prosecutor about the cutting open of the back of a woman to
6 remove gallbladder, you stated that Ta Nhok took that gallbladder
7 and hung it in the kitchen hall. So were many people there when
8 he took that gallbladder and hung in the kitchen hall?

9 A. It is my estimate and assumption the time that happened at
10 around 9 o'clock, at that time some detainees had already been
11 sent out to work and only the people in the kitchen could see
12 that happening.

13 [14.27.03]

14 Q. Thank you. What about you? You stated that you witnessed the
15 incident by your own eyes. So how did you feel at the time when
16 you saw the gallbladder was hung in the kitchen hall? Did this --
17 were other detainees aware of that incident?

18 A. Everyone later knew about that because women in the kitchen
19 made mention about that incident afterwards.

20 Q. Thank you. After that incident was widely known to others, how
21 did detainees in that centre feel since they started to know that
22 a woman was cut open in her back to remove the gallbladder?

23 A. From their facial expressions, particularly those who went to
24 have meals and those who worked in the kitchen hall, they were so
25 frightened.

1 [14.28.32]

2 Q. Thank you. I am now asking about the grave. You discussed the
3 grave, the B-52 crater. So did you happen to see a B-52 crater?

4 A. I happened to see only one crater. And for the dead bodies,
5 most of them were buried in the trenches dug during the wartime.

6 Q. Thank you. Regarding the trenches which were dug during the
7 wartime, so how many trenches did you see at that time?

8 A. Actually, that place was the base of headquarters of former
9 Lon Nol soldiers. So trenches were in each house of that
10 headquarters and most of the dead people were buried in those
11 trenches.

12 Q. Regarding women and children, did you happen to know that
13 persecution happened to women and children who were detained in
14 Au Kanseng Security Centre?

15 A. I do not know whether torture was inflicted on women and
16 children. I told the Court earlier I saw women, pregnant women
17 and children were being walked.

18 Q. Maybe this is my last question to you. When the Vietnamese
19 forces arrived or a bit prior to that, can you tell the Chamber
20 how many prisoners remained at the Au Kanseng Security Centre?

21 [14.31.31]

22 A. I did not know how many there were. I did not know how many
23 prisoners were detained in each building. For the buildings where
24 the door was opened I saw four or five prisoners but I could not
25 see how many prisoners were detained in the buildings where the

1 doors were closed and I, myself, just tried to flee.

2 Q. For those who could flee like in your case, how many of them
3 altogether?

4 A. The chief of the re-education centre ordered us to leave
5 through one same exit and there were more than 20 of us.

6 Q. So those who were between 20 to 30 who left through that exit,
7 did it happen on that only one time or were they let out on
8 separate occasions as well?

9 [14.32.54]

10 A. We were let out. At that time there was a group of us who were
11 let out.

12 Q. And when you left Au Kanseng did anything happen to you and to
13 them?

14 A. When we left Au Kanseng, while we were en route to the border
15 demarcation of Stung Treng Province, we encountered some
16 problems. Some prisoners who could not walk and who were ill were
17 not allowed to move on.

18 Q. Those prisoners who could not walk and were not allowed to
19 continue were there any measures taken against them or were they
20 just left behind?

21 A. Some of those people were purged while en route.

22 Q. What did you mean when you said they were purged?

23 A. Those who could not walk were left in one place and others
24 were smashed. And those who could not walk, that is those who had
25 swollen arms or legs and who could not walk they would -- they

1 were placed in one location because when the Vietnamese troops
2 reached Ratanakiri Province everybody were in -- was in shock so
3 they would not wait for them to continue the journey.

4 Q. And did anything happen to those who were asked to continue
5 the journey?

6 A. When we reached the Saysan (phonetic) River bank, rather
7 Sekong River bank, the Vietnamese troops came from Stung Treng
8 Province from the other side. So the soldiers and the forces from
9 re-education centre were fleeing the area while we, the
10 detainees, were also fleeing separately. So that was where we
11 separated from the security force.

12 [14.36.10]

13 MS. TY SRINNA:

14 Thank you, Mr. Civil Party. And Mr. President, I conclude my
15 questions.

16 THE PRESIDENT:

17 It is now convenient for a short break. We will take a break now
18 and resume at five to 3.00 to continue our proceedings.

19 Court officer, please assist the witness at the waiting room for
20 witnesses and civil parties and invited him back into the
21 courtroom at five to 3.00.

22 The Court is now in recess.

23 (Court recesses from 1436H to 1456H)

24 THE PRESIDENT:

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

1 And the Chamber gives the floor to the Defence Counsel. And first
2 the floor is given to the Defence Counsel for Nuon Chea to put
3 questions to the witness.

4 You may now proceed, Counsel.

5 QUESTIONING BY MR. KOPPE:

6 Thank you, Mr. President.

7 Q. Good afternoon, Mr. Witness.

8 I would like to start with following up something that you said
9 this morning about the day of your arrest. You said that it was
10 16 June 1977, and that you were very certain of that particular
11 date.

12 The Prosecutor asked you a question to elaborate why you were so
13 certain. I would like to try again. Why are you very certain that
14 it was the 16th of June 1977?

15 [14.58.14]

16 MR. PORN THOL:

17 A. I worked in the union and I remember the date that happened
18 when I worked there. I can still remember it until now.

19 Q. If I am correct, it is also exactly one day after your
20 birthday. Is that maybe a reason that you remembered it so
21 clearly or is there another reason that you remember it so
22 clearly?

23 A. No, it is nothing to do with that. The date is in my mind so I
24 remember it clearly.

25 Q. Thank you, Mr. Witness. You were brought in on the 16th of

1 June '77. When -- after how many days or hours were you

2 interviewed, interrogated? Do you remember?

3 [14.59.45]

4 A. They interrogated me once and it lasted about 30 minutes.

5 Q. And did it happen the next day, 17 June or 18 June '77, do you

6 remember?

7 A. Immediately when I arrived they did not interrogate me. They

8 simply shackled me and two or three days later that they

9 interrogated me.

10 Q. And after asking questions for about half an hour they were

11 done and then you were sent back to your cell; is that correct?

12 A. Yes, that is correct.

13 Q. What about your wife? Do you know whether she was interrogated

14 the same day as you were?

15 A. Your questions seem to be repetitious as I told you that my

16 wife and I could not know about what happened to each other

17 because we were placed separately.

18 Q. I understand, but maybe your wife at the time told you

19 afterwards when she was interrogated. So that is why I was asking

20 that question. But your answer is that you do not really know;

21 correct?

22 A. No, I did not know.

23 Q. Once you have been interviewed, interrogated, what happened

24 next? Were you put to work immediately or were you detained for a

25 while first?

1 [15.02.13]

2 A. After the interrogation I was not sent to work immediately. I
3 was put to my -- to the original place and stayed there for a
4 while.

5 Q. Let me read to you what you told the investigators of the
6 Investigating Judge at E3/5172, English ERN, 00272588; Khmer,
7 00189255; and French, 00272595. You told the investigators the
8 following: "As for me, while I was imprisoned there during the
9 two years I never broke the rules. After they had interrogated
10 me, I had been imprisoned for about a month when they put me in
11 chains in the cell and did not let me out to pull grass outside.
12 Two or three months later they stopped keeping me in chains and
13 let me sleep normally because I had not carried out any
14 activities.

15 [15.03.39]

16 Is that what you recall now as well, you were imprisoned for a
17 month and then two or three months later they stopped keeping you
18 in chains; is that correct?

19 A. The re-education school's discipline was that they banned us
20 from fleeing and from doing anything against the instruction. For
21 me, I never did anything against the instruction.

22 Q. Let me ask you differently. When were you instructed to start
23 working on the compound of Au Kanseng re-education school? When
24 were you officially out of the chains?

25 A. I did not remember the exact date but what I remembered was

1 that after I was interrogated, I was placed to stay for a while.
2 And then a while later, which I did not know how many months
3 later, I was sent to grow vegetables and potatoes during daytime
4 and at night time I was sent back to the detention cell.

5 Q. Did you have roughly the same schedule as your wife? In other
6 words, was she released from the chains about the same time as
7 you were?

8 A. For the women's group they didn't -- they were not placed at
9 the Au Kanseng detention. Only the men's group who were placed
10 there and women were placed in a different building from men. And
11 the men all were chained.

12 [15.06.23]

13 Q. I understand but at one point in time you were instructed to
14 work to plant potatoes, etc., within the compound. When you
15 started working within the compound was that about the same time
16 as your wife started working in the compound?

17 A. For the women's group they received more leniency than the
18 men's group because the women's group were not chained and
19 shackled. They were allowed to remove grass within the compounds
20 of the prison.

21 [15.07.27]

22 Q. Now, I will get back to asking you some more questions about
23 working, etc., at the compound, but let me now turn to the time
24 that you said you saw those Jarai people through the cracks of
25 your -- of the house where you were detained.

1 How many months into your detention -- how many months or how
2 many weeks or days did you see those Jarai after 16 June '77? In
3 other words you arrived 16 June '77, when was it that you saw
4 those Jarai?

5 A. I did not think about the exact date and time at that time,
6 and I did not know how many days after I arrived at the prison
7 that the Jarai people were sent to the prison.

8 Q. I understand that it's difficult to remember how many days
9 exactly, but was it about the same day or one day later that you
10 had arrived or was it much, much later, many months later that
11 you saw them? Do you understand my question?

12 A. Yes, I understand. It was about one month later that the Jarai
13 tribesmen were sent to my prison.

14 Q. I will return to the Jarai shortly. Let me first go back to
15 your questioning. You told the Prosecution that you were asked
16 questions about certain methods used at plantations -- at the
17 plantation. Were you also asked questions about any activities of
18 "Yuon" within the plantation?

19 A. My answer is still the same. They did not ask me any other
20 questions. They simply accused me of using the feudal class
21 techniques, not the techniques from the farmer's class, and
22 that's why I was brought into the re-education centre -- school.
23 [15.10.42]

24 Q. Your former wife also gave testimony and she also spoke to the
25 investigators of the Investigating Judge; that is, E3/9357 in

1 question and answer 4. She said the following, and I will read it
2 to you: "They called me or us to be interrogated one by one. They
3 questioned me, 'Where is your birth village?' and they pressed me
4 on whether I had communicated with the 'Yuon'. I still answer the
5 same things that I had not communicated with the 'Yuon'."

6 Did your wife, did your former wife at the time tell you that she
7 was asked questions about communication with "Yuon"?

8 A. No, she did not. I did not know about what kind of questions
9 they interrogated her, and I never asked her about those matters
10 either.

11 [15.12.15]

12 Q. But just to be sure, having read this excerpt from her
13 statement, it doesn't ring a bell with you that you were asked
14 questions about communications with "Yuon" as well; correct?

15 A. As I told you, your question is repetitious. They did not ask
16 me about the "Yuon". They simply asked me about the technique I
17 use for the treatment of the rubber tree.

18 MR. KOPPE:

19 Thank you, Mr. Witness. Mr. President, I would like to show the
20 witness a document, a document that he doesn't know but has --
21 contains some names in it, that's why I would like to show it to
22 him.

23 It is document E3/240. It's only two pages. The Khmer pages are
24 00001266 to 67; and French 0028255051; and English, 00897667 and
25 8.

1 MR. PRESIDENT:

2 The Chamber gives the floor to Judge Lavergne.

3 JUDGE LAVERGNE:

4 Yes, thank you, Mr. President. For purposes of clarification, can
5 you tell us whether this is an S-21 confession?

6 [15.14.11]

7 MR. KOPPE:

8 No. No, Judge Lavergne, it's a telegram sent on 15 June 1977, by
9 Vy. It is unclear to whom the telegram was sent, but it is
10 partially about a group of Jarai being arrested in the Northeast
11 Zone.

12 So, that's the document that I would like to show to the witness.

13 MR. FARR:

14 Mr. President, we have no objection to the document being shown
15 to the witness but just with respect to Counsel's comment that
16 it's not clear who it's addressed to, it is copied, amongst
17 others, to Uncle Nuon, Brother Vorn and Brother Khieu. Just for
18 the record.

19 [15.15.16]

20 MR. KOPPE:

21 I have no objection to that remark.

22 So, Mr. President, am I allowed to show that document?

23 MR. PRESIDENT:

24 Yes, your request is granted.

25 (Short pause)

1 [15.17.17]

2 BY MR. KOPPE:

3 Q. Mr. Witness, if you had a chance to have a first glance at
4 this document, I would actually like to ask you a question about
5 something which I believe is on the last -- on the second page
6 under point two. I will read it to you in English and then you
7 can read the Khmer version at the same time.

8 It says the following:

9 "It is decided that comrade Thi take secret measures to take out
10 the contemptible persons borrowing within rubber and cotton
11 plantations as well as mobile units who had been taken from the
12 military since 1974. The network include: (1) Certain networks of
13 contemptibles. Sona, who is in contact with the contemptible
14 Cheng Heng and In Tam. (2) Those from Stung Treng. (3) Network of
15 Lang who is in contact with the contemptible Keo from Hanoi. (4)
16 Network of the contemptible Thay. (5) Networks implicated by the
17 contemptible Lou from 107."

18 My question, Mr. Witness, is particularly directed at Point (3),
19 the "Network of Lang who is in contact with the contemptible Keo
20 from Hanoi". Does the name "Lang" mean anything to you?

21 [15.19.10]

22 MR. PORN THOL:

23 A. What you just read is not understood to me because I was not
24 involved at all in this.

25 Q. I understand perfectly well that you have no knowledge of this

1 particular document, but my question was whether you ever heard
2 of the person named Lang under three -- under paragraph 3?

3 A. No, I was not familiar with the name of the person Lang.
4 [15.19.59]

5 Q. And the second name in that third line, Keo from Hanoi; have
6 you ever heard the name Keo from Hanoi?

7 A. I never heard the name of the person Keo either. I never heard
8 the name of the person named Lang and Keo.

9 Q. Did you know at the time, in 1976/76, who the leader of the
10 Northeast Zone was?

11 A. I did not think about the structure at the regional and
12 sectoral and zone level at that time because I was just thinking
13 about my work.

14 Q. Have you ever heard of the name Ya, comrade Ya, or his real
15 name, Ney Sarann?

16 A. Yes, I heard the name Ya, but I never met him. I had only his
17 name but I did not know where that Ya stayed at the time.

18 Q. Thank you, Mr. Witness. Let me now return to what you just
19 said.

20 You believe it was about a month after your arrest that you saw
21 the group of Jarai in the compound of Au Kanseng. Is that
22 correct?

23 [15.22.23]

24 A. Yes, that is correct.

25 Q. And when was it exactly that you saw in the jackfruit

1 plantation pits with decomposing bodies and belongings or clothes
2 which might have been belonging to the Jarai. When was that?

3 A. I saw them when I worked in the jackfruit plantation.

4 Q. But when was it that you started working at the jackfruit
5 plantation?

6 A. When I was allowed to work outside the prison compound, after
7 I removed the grass in the prison compound I was sent to the
8 jackfruit plantation to guard the jackfruit plantation, defending
9 it from being intruded -- intruded by outsider who had the
10 intention to steal fruit from the plantation.

11 [15.24.02]

12 Q. Let me ask you a different question. How long after you saw
13 the Jarai on the compound of Au Kanseng did you see decomposing
14 bodies in the jackfruit plantation? What was the time difference
15 between you seeing the Jarai at Au Kanseng and you seeing
16 decomposing bodies in the jackfruit plantation?

17 A. Based on my estimate it was about one week from each other.

18 Q. Can you explain to me how that would be possible in light of
19 your answer that you had been in prison for about a month, in
20 chains, and then they stopped keeping you in chains for two or
21 three months? And a little bit later in that same answer that
22 only near liberation in '79, "They let me sleep outside the
23 detention cell unchained and not locked in from the outside"?
24 I'm not quite sure if I understand how it's possible that you saw
25 those decomposing bodies already a month and a week after your

1 arrest. Can you explain that to me?

2 A. When I witnessed the Jarai disembarking from the truck and
3 sent away four or five days later and about one week later I went
4 to the jackfruit plantation and I saw those stuffed (sic).

5 [15.26.42]

6 Q. The document that I showed you, although I realize you have no
7 knowledge of that document, states that a group of roughly 209
8 Vietnamese soldiers, including a lot of Jarai, were arrested at
9 around June 14. I'm not sure if it's correct, but it could have
10 been the same group of Jarai that you are speaking about. If that
11 is correct, I'm not sure if I understand how it was possible for
12 you to see them so quickly after your arrest because you were
13 still in chains?

14 A. I think you're question is repetitive again. I told you that I
15 saw from the gaps of the fence. The building in Au Kanseng Prison
16 were not made from concrete, but it was -- they were made from
17 bamboo, and we could see things in the compound through the gaps
18 of wall.

19 [15.28.12]

20 Q. Let me ask you differently. Is it possible that you saw
21 decomposing bodies in the jackfruit plantation much, much later,
22 maybe even at the end of 1978?

23 A. I did not remember the exact year, but what I remembered was
24 that after the Jarai was disembarked from the truck and then a
25 while -- about one week later, they were sent out. And when I was

1 sent to work at the jackfruit plantation, I saw clothes and bags
2 stained with blood.

3 Q. Did you ever hear guards speak about guns and rifles and
4 pistols and grenades being found among those Jarai who you saw?

5 A. No, I did not hear about that.

6 Q. Let me now turn to another subject. You at one point being, as
7 you said, trusted by the people in Au Kanseng, when exactly was
8 it that you were trusted by the Au Kanseng security people? When
9 did they tell that to you?

10 A. They did not tell me but it was from what I observed. As I
11 told you, they trusted me because I did not do anything against
12 what they told me. I did not do anything and because I did not do
13 anything against the regulations of the re-education school, that
14 was why I was allowed to stay outside the cell.

15 Q. I understand outside the cell, but still within the compound
16 of Au Kanseng. Is that correct?

17 [15.31.10]

18 A. Au Kanseng is a name and the detention is the location within
19 the Au Kanseng compound.

20 Q. Is my understanding correct that the Au Kanseng compound was
21 about 200 metres by 200 metres? About, let's say, two football
22 fields, two-and-a-half football fields?

23 A. I did not know the size. The fence was made from bamboo trees,
24 but I would not be in a position to tell you the dimension of the
25 compound.

1 Q. At one point you were not shackled anymore, you were allowed
2 to work on the compound, how long did you work on the compound
3 before you were allowed to work two kilometres outside the
4 compound at the jackfruit plantation?

5 [15.32.38]

6 A. I did not know how long after I was unchained I was allowed to
7 work inside the compound for a while and after that I was allowed
8 to work outside the compound, that is, to plant potato and to
9 guard the jackfruit plantation.

10 Q. When exactly was that? When -- or roughly when was it that you
11 were allowed to work outside the compound?

12 A. I cannot recall the date after I was allowed to work within
13 the compound and I gained trust from them, then they allowed me
14 to work outside the compound.

15 Q. What kind of work did you do outside the compound?

16 A. Your question is rather repetitive, I just said I remove the
17 grass with my bare hand and I worked in the plantation.

18 Q. Did your work also involve guarding of the plantation?

19 A. After I removed the grass at the potato plantation and then
20 they planted corn in the field, then after that I was assigned to
21 guard the jackfruit plantation.

22 Q. I'm interested in this specific task, the guarding of the
23 jackfruit plantation. How many months after your arrest did that
24 happen, did that start?

25 [15.34.55]

1 A. I did not know how many months. That was when the jackfruit
2 was about to get ripe. I was placed to guard there in order to
3 prevent people from going into the plantation and picked those
4 jackfruits.

5 Q. When does the jackfruit get ripe, do you know, Mr. Witness? In
6 Ratanakiri, when does the jackfruit get ripe?

7 A. I'm sorry that I laugh at your question. The jackfruits got
8 riped after the fruit got old and usually -- or mature enough and
9 usually that happened during the dry season.

10 Q. I thank you. When exactly in the dry season; what, February,
11 March, April?

12 [15.36.23]

13 A. The jackfruits got riped in February and March.

14 Q. So was it then that you saw for the first time decomposing
15 bodies?

16 A. I cannot tell you exactly when, however, it happened at a time
17 that the jackfruits became rather solid and almost get riped, and
18 that's when I saw the dirt cracked opened the former bomb crater.

19 Q. So would that be around Khmer New Year?

20 A. The Khmer New Year did not fall in February or March, it
21 actually falled in -- actually on the 13th of April of the year.

22 Q. I know, Mr. Witness. So you said the jackfruit was really ripe
23 when you saw those decomposing bodies. Would that have been
24 around 15-16 April '78, around Khmer New Year?

25 A. I cannot recall exactly when. What I know is that when I was

1 assigned to guard the jackfruit plantation, the dirt on top the
2 crater cracked open and I concluded that the bodies were buried
3 underneath.

4 Q. Would it be fair for me to conclude that you saw decomposing
5 bodies about seven or eight months after your arrest, maybe nine?

6 [15.39.08]

7 A. No, not seven or eight months after my arrest. As I testified
8 earlier, about a month after my detention, those people were
9 arrested and about a week later they were taken away.

10 And later on when I was assigned to guard the jackfruit
11 plantation, I saw the dirt cracked opened.

12 Q. Now, let's stay at the jackfruit plantation. This morning, you
13 said you saw some people being killed while you were guarding the
14 jackfruit plantation. Is that correct?

15 A. Yes, I did see that.

16 Q. Now, how many did you see? How many people were killed at the
17 jackfruit plantation?

18 A. There were two.

19 [15.40.20]

20 Q. I'm asking you this question because in your WRI on Khmer
21 page, 00189254; English, 00272587; and French, 00272595; you say:
22 "I personally saw one division prisoner being carried away by two
23 guards and then being struck with a hoe, splitting open his
24 skull."

25 So is it one or is it two people being -- that you saw being

1 killed?

2 A. Two people were carried away. One was dead and the other one
3 was alive, and this later one was later on killed with a hoe.

4 Q. But in your original statement you don't speak about a second
5 person, you only speak about one division prisoner. I'm not quite
6 sure if I understand.

7 Is it two people, of which one was already dead, and that the
8 second person you saw being killed, or that only one person that
9 you saw being killed?

10 A. One person was being killed, that is the one who was still
11 alive.

12 Q. How did you know that the person that was being carried away
13 and then struck with a hoe was a division prisoner?

14 A. From the look, that is, the clothing that he wore, I realized
15 that he was a division prisoner.

16 Q. Can you explain that to me? Was he wearing a military uniform?

17 A. No, it was not a uniform. In fact, the decomposing body that I
18 saw was half-naked as he only wore his pants and he was
19 shirtless.

20 [15.43.25]

21 Q. That is, I think, the second person that you speak about. But
22 you said you also saw someone being killed and you seem to have
23 said that this was a division prisoner.

24 When this person was being killed, was he wearing something like
25 a military uniform?

1 A. The executioners wore only shorts. In fact, the two prisoners
2 were carried at the time.

3 Q. My question is why you testified to the investigators that you
4 saw a division prisoner being killed? What made you conclude that
5 it was a division prisoner who was killed in front of your eyes?

6 A. I do not understand your question about a division soldier or
7 something. This morning, I testified that the person who was
8 asked to make a biography and later on because the biography was
9 not consistent, he was tortured with a plier on his thigh.

10 [15.45.13]

11 Q. I'm not sure if we're not mixing up things, so let me step
12 back a little bit. Mr. Witness, this morning, in answering
13 questions from the Prosecution you spoke about multiple persons
14 being killed at the jackfruit plantation. I asked you how many,
15 you said two.

16 Then I confronted you with your statement in which you speak
17 about the killing of only one person, but this person in your
18 statement you described as a division prisoner being carried away
19 by two guards and then struck with a hoe, splitting open his
20 skull. He was stuffed into a trench in the jackfruit plantation.
21 Now, my question to you is, what made you conclude at the time,
22 or now, that that person you described in your WRI was a division
23 prisoner?

24 A. I made the conclusion that the person was a division prisoner
25 because he wore a short and the short was a military short.

1 Although I did not know where he actually came from, I made my
2 own conclusion that he was a division prisoner.

3 [15.47.03]

4 Q. Why a prisoner? What made you conclude that he was a prisoner?

5 A. Your question is asking me why I concluded that a person was a
6 prisoner because all the people who were detained at the security
7 centre, or the re-education centre, were all prisoners or
8 detainees, and the two people were actually carried out from the
9 re-education centre.

10 Q. But the jackfruit plantation was about two kilometres away
11 from Au Kanseng. Maybe it was -- maybe you saw him before and
12 maybe you had seen him in one of the houses being shackled or
13 something, or maybe you saw him working at Au Kanseng, but you
14 don't seem to be saying this.

15 So I'm trying to find out why you're saying that he is -- that he
16 was an Au Kanseng prisoner?

17 [15.48.36]

18 A. The security guards who carried the prisoners were the Au
19 Kanseng Security Centre, so there was no doubt that they were the
20 Au Kanseng prisoners.

21 Q. And the fact that it was a division person was only based on
22 his shorts. Is that correct?

23 A. Yes. The shorts were military shorts.

24 Q. And what were the names of the security people from Au Kanseng
25 who were involved in this?

1 A. I do not recall their names. I cannot recall the names of
2 those guards, in particular the names of the guards who carried
3 the prisoners.

4 Q. But it wasn't Tin or Nhok. Is that correct?

5 A. No. If it was them then I knew.

6 Q. Are these the only two names of security guards at Au Kanseng
7 that you knew or that you remember?

8 A. Yes.

9 Q. Can you explain to me again how you knew that the people who
10 were involved in this killing were also security guards at Au
11 Kanseng?

12 A. Because I recognized their faces as they guarded the compound.

13 Q. What about the other person who you said was already dead, was
14 he also a division prisoner according to your conclusion?

15 [15.51.42]

16 A. Yes, both of them were carried away by the guards.

17 Q. But my question was whether he was also a division prisoner.

18 In other words, did he have the same clothes as the person that
19 you saw being killed?

20 A. There was one person who wore shorts.

21 Q. What did the other one wear?

22 A. The other person was carried naked.

23 Q. But then how did you conclude that that other person must have
24 been a division prisoner as well?

25 [15.52.54]

1 A. I made my own conclusion that they were division prisoners
2 because in that house they were the former division soldiers and
3 they were sent there, that is, to the re-education centre.

4 Q. But I'm not still -- not quite sure, Mr. Witness. Had you seen
5 either of them, either one of them, in the prison before or were
6 they unknown to you?

7 A. When I enter to the compounds, the two had already been
8 shackled there and parts of their bodies were swollen.

9 Q. But when was that that you saw that then?

10 A. I saw them when I was taken into the centre and shackled.
11 However, they were housed in a separate building, that is, they
12 were housed in a building to the east while I was being held in a
13 building to west. However, I could see gaps in the walls.

14 Q. Maybe I will revisit this topic tomorrow, Mr. Witness. Let me
15 now go to the incident of Tin. You didn't see Tin kill the
16 person, but he asked you to bury a person. Is that correct?

17 A. Yes.

18 Q. How did you know that he was an "ethnic tribesman who had
19 snuck away to find food to eat from a villager's house"? How did
20 you know? Who told you this?

21 A. I knew through people that I met.

22 [15.55.38]

23 Q. And who are they?

24 A. They were the villagers.

25 Q. When did the villagers tell you this?

1 A. The villagers did not tell me, but if they were union workers
2 then I would know them because I knew union workers. However, the
3 person was a villager from the village.

4 Q. But he was detained at Au Kanseng; correct?

5 A. Yes, he was detained at Au Kanseng and when he was allowed to
6 work outside the compound he ran away to find food from a nearby
7 village.

8 [15.57.00]

9 Q. And when was it that Tin saw this person?

10 A. They didn't see him running away, but after they did their
11 head-counting, one person was missing. So then they deployed
12 their forces to surround the re-education centre and by about
13 noon-time, he walked back into the centre and that's when he was
14 fatally shot.

15 Q. Do you know why he would walk back into the security centre?

16 A. I did not ask that question, but I knew that he was running
17 back to the security centre when he was fatally shot.

18 Q. And why was it that Tin asked you to bury the body?

19 A. After he was shot dead, Tin called me to go to help bury the
20 body.

21 Q. And did Tin tell you why he shot this person?

22 A. Of course, the security guards did not have to report to the
23 prisoners, and because the person was accused of making a
24 mistake, that's why he was killed.

25 Q. What was Tin's authority within Au Kanseng, do you know?

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1 A. Tin was a security guard.

2 [15.59.34]

3 Q. And who instructed Tin to shoot this person and who instructed
4 Tin to ask you to bury this prisoner or do you know?

5 A. I did not know about that or about any order for Tin to shoot
6 or for him to ask me to bury the body, and I only knew that Tin
7 gave me the order to help bury the dead body.

8 Q. And what about those unknown Au Kanseng people who shot those
9 two -- or killed those two division prisoners, do you know if
10 they got their instructions from someone?

11 A. That is the internal arrangement of the re-education centre
12 and I would have no clue about it.

13 Q. I was moving to the gall bladder situation but I will do that
14 tomorrow, with your leave, Mr. President?

15 [16.01.00]

16 MR. PRESIDENT:

17 Thank you, Counsel. It is now a convenient time for the
18 adjournment.

19 The Chamber will resume its Hearing tomorrow, that is, Thursday
20 3rd March 2016, starting at 9 a.m.

21 Tomorrow the Chamber continues to hear testimony of Phon Thol and
22 begins hearing another witness, that is, 2-TCW-867.

23 Mr. Phon Thol, the hearing of your testimony as a witness has not
24 yet concluded, and you are therefore invited to come back
25 tomorrow at 9 o'clock in the morning.

101

1 Court Officer, in collaboration with WESU, please make necessary
2 transport arrangement to send the witness to where he is staying
3 and invite him back to the courtroom tomorrow at 9 o'clock in the
4 morning.

5 Security personnel are instructed to bring Khieu Samphan and Nuon
6 Chea back to the detention facility and have them returned to the
7 courtroom tomorrow morning before 9 o'clock.

8 The Court is now adjourned.

9 (Court adjourns at 1602H)

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