



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ឯកសារដើម**

**ORIGINAL/ORIGINAL**

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**ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber

Chambre de première instance

**TRANSCRIPT OF TRIAL PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

21 March 2016

Trial Day 386

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

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:  
Victor KOPPE  
SON Arun  
LIV Sovanna  
KONG Sam Onn  
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Trial Chamber Greffiers/Legal Officers:  
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For the Office of the Co-Prosecutors:  
Vincent DE WILDE D'ESTMAEL  
Dale LYSACK  
SREA Rattanak

For Court Management Section:  
UCH Arun

I N D E X

2-TCW-900

Questioning by The President (NIL Nonn) .....page X

Questioning by Mr. DE WILDE D’ESTMAEL .....page X

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCW-900	Khmer
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUISSSE	French
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. NHEM Samnang	Khmer
Mr. PICH Ang	Khmer

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will hear testimony of a witness -- that is,

6 2-TCW-900 in relation to Au Kanseng security centre via a --

7 JUDGE FENZ:

8 We didn't have the translation of the floor.

9 MR. PRESIDENT:

10 -- via a video link.

11 Is there a technical issue with the interpretation? Please check.

12 [09.06.12]

13 JUDGE FENZ:

14 We didn't have a translation of the first part.

15 MR. PRESIDENT:

16 The Court is now in session.

17 Today, the Chamber will hear testimony of a witness -- that is,

18 2-TCW-900 in relation to Au Kanseng security centre via a video

19 link -- that is, a video link from this Chamber to the witness,

20 who is in Oddar Meanchey province.

21 Mr. Em Hoy, please report the attendance of the parties and other

22 individuals to today's proceedings.

23 [09.07.05]

24 THE GREFFIER:

25 Mr. President, for today's proceedings, all parties to this case

2

1 are present except Madam Touch Voleak, the stand-by counsel for  
2 the Accused, who will be a little bit late.

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

6 The witness who is to testify today -- that is, 2-TCW-900, will  
7 testify from Anlong Veang district, Oddar Meanchey province.

8 The witness confirms that, to his best knowledge, he has no  
9 relationship, by blood or by law, to any of the two accused --  
10 that is, Nuon Chea and Khieu Samphan, or to any of the civil  
11 parties admitted in this case.

12 The witness took an oath already, and he has Mam Rithea as duty  
13 counsel.

14 And the AV Unit personal informs the Chamber that the video link  
15 setup has been done and the witness is ready to testify via a  
16 video link.

17 Thank you.

18 [09.08.44]

19 MR. PRESIDENT:

20 Thank you, Mr. Em Hoy. The Chamber now decides on the request by  
21 Nuon Chea.

22 The Chamber has received a waiver from Nuon Chea, dated 21st  
23 March 2016, which states that, due to his health -- that is,  
24 headache, back pain, he cannot sit or concentrate for long. And  
25 in order to effectively participate in future hearings, he

3

1 requests to waive his rights to be present at the 21st March 2016  
2 hearing.

3 He advises that his counsel advised him about the consequence of  
4 this waiver, that in no way it can be construed as a waiver of  
5 his rights to be tried fairly or to challenge evidence presented  
6 to or admitted by this Court at any time during this trial.

7 [09.09.38]

8 Having seen the medical report of Nuon Chea by the duty doctor  
9 for the Accused at the ECCC, dated 21st March 2016, which notes  
10 that Nuon Chea has a chronic back pain and feels dizzy when he  
11 sits for long and recommends that the Chamber shall grant him his  
12 request so that he can follow the proceedings remotely from the  
13 holding cell downstairs.

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

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

21 [09.10.30]

22 And before we proceed to hear testimony of Witness 2-TCW-900 via  
23 a video link, the Chamber will issue an oral ruling on the  
24 request by the International Co-Prosecutor in relation to  
25 questioning this witness. And second, the Chamber will hear

4

1 responses from parties to the submissions by the Co-Prosecutor to  
2 hear two additional witnesses in relation to Phnom Kraol security  
3 centre.

4 The Chamber now issues an oral ruling in relation to the  
5 International Co-Prosecutor's request -- that is, document  
6 <E319/36>.

7 The Trial Chamber is seized of E319/36, the International  
8 Co-Prosecutor's request to admit 95 additional written records of  
9 interview. This request includes a written record of interview of  
10 2 TCW-900 -- that is, today's witness. And please refer to page  
11 48 of document E319/36.2.

12 Considering the potential usefulness of this document to today's  
13 proceedings, the Trial Chamber hereby makes a partial ruling and  
14 admits 2-TCW-900's written record of interview -- that is,  
15 document E319/23.3.5, into evidence and assigns it document  
16 number E3/9734. Written reasons for this ruling and on the  
17 remaining request of E319/36 will follow in due course.

18 [09.12.58]

19 The Chamber will now hear responses from parties to the request  
20 by the Co-Prosecutor to hear additional witnesses in relation to  
21 Phnom Kraol security centre -- that is, document E390.

22 On 16 March 2016, Co-Prosecutors filed a submission to the Trial  
23 Chamber to call two additional witnesses, namely, <2-TCCP-1036>  
24 and 2-TCW-1017, to replace some witnesses who are now deceased in  
25 relation to Phnom Kraol security centre.

5

1 For that reason, the Chamber intends to hear oral responses by  
2 parties in relation to this submission so that the Chamber can  
3 use it as a basis for our decision whether to hear these two  
4 additional witnesses or not.

5 And I'd like to first hand the floor to the Co-Prosecutor to  
6 reiterate their submission that they filed on 16 March 2016.

7 You may proceed.

8 [09.14.28]

9 MR. LYSAK:

10 Thank you, Mr. President. Good morning, Your Honours, counsel.

11 I'll be fairly brief.

12 We filed this motion out of concern for an obvious reason. Last  
13 month, when the witnesses were announced for the segment, the  
14 Trial Chamber and the parties were informed by WESU that three of  
15 the six witnesses that had been proposed for the segment by the  
16 Co-Prosecutors had been determined to be deceased, so we started  
17 a process of going back and reviewing from scratch the available  
18 witnesses for the segment.

19 A number of other people who were potential substitutes are also,  
20 it turns out, deceased.

21 We think it's important because this crime site involves several  
22 different places at which prisoners were detained. The two  
23 witnesses we've heard already were detained at this -- at the  
24 sector office as part of a group of 80 people that were arrested  
25 during a certain purge.



6

1 [09.15.46]

2 The allegations for this site, though, also include a larger -- a  
3 much larger prison that was the regularly used security office  
4 for the Centre, and the deceased witness, the witness we had  
5 proposed, who was a former detainee from that security office, is  
6 deceased.

7 The other witness, who had been identified and interviewed by  
8 OCIJ, who had been detained at the larger security office, is  
9 deceased.

10 Fortunately, we started looking at the civil parties, a number of  
11 them were deceased. We were informed by the Lead Co-Lawyers that  
12 there is only one surviving civil party from that group, one out  
13 of five, and that is the person that we've now proposed, who I  
14 think you've now assigned pseudonym T -- 2-TCCP-1016.

15 This person is a -- also is a former Division 920 soldier. There  
16 is testimony that this security office was frequently used for  
17 the detention of purged Division 920 soldiers.

18 [09.16.58]

19 The other substitution we proposed is a sister of a witness that  
20 the Trial Chamber is considering or decided to recall, and we  
21 propose in the process of going through all the witnesses at the  
22 site, it seemed that this -- the sister may be able to be -- may  
23 be more informative than the brother, who had worked at the  
24 sector telegram office.

25 We set forth the reasons for that in our motion. She was eight

7

1 years or five -- five or eight years older than her brother, and  
2 in addition, she took on a position in the sector military  
3 towards -- in 1977. It was the sector military that had  
4 responsibility for the Phnom Kraol Security Office.

5 So for those reasons, because of the kind of unique situation of  
6 half of our proposed witnesses being deceased, we have proposed  
7 these two substitute witnesses.

8 MR. PRESIDENT:

9 Thank you.

10 And Judge Lavergne, you have the floor.

11 [09.18.26]

12 JUDGE LAVERGNE:

13 Thank you, Mr. President.

14 <Just a clarification> to be sure that I've understood you  
15 correctly.

16 <One of the persons> whom you are requesting to be called <is a>  
17 civil <party, so the pseudonym might need to be changed, because  
18 I believe the current pseudonym is a> TCW, and <not a> TCCP.<>

19 MR. LYSAK:

20 One of them is a civil party, the one who is the surviving  
21 detainee from the prisoner. The other is a witness who worked at  
22 the -- was the daughter of the sector secretary and worked at the  
23 sector office.

24 [09.19.23]

25 MR. PRESIDENT:

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

1 I'd like now to give the floor to the Lead Co-Lawyers for civil  
2 parties to make an oral remark or response to the request by the  
3 Co-Prosecutor.

4 You may proceed.

5 MR. PICH ANG:

6 Good morning, Mr. President. Good morning, Your Honours. Good  
7 morning, parties. And good morning everyone in and around the  
8 courtroom.

9 The Lead Co-Lawyers do not object to the motion filed by the  
10 Co-Prosecutors since <both the> witness< and the civil party>  
11 have information in relation to the security centre in Kaoh  
12 Nheaek. And in particular in relation to that particular civil  
13 party, we met him <last week>, and he confirmed that he could  
14 testify.

15 MR. PRESIDENT:

16 Thank you.

17 And I'd like now to hand the floor to the co-defence teams, first  
18 to the defence team for Nuon Chea, to make an oral observation or  
19 response to the request by the Co-Prosecutors.

20 You may proceed.

21 [09.20.42]

22 MR. KOPPE:

23 Thank you, Mr. President. Good morning, Your Honours. Good  
24 morning, counsel. We'll be brief.

25 In principle, we have no objection to the request from the

1 Prosecution. However, I do note that in the written request in  
2 paragraph 4, it says that the Co-Prosecutors' request,  
3 2-TCW-1017, either in lieu or in addition to her brother. Now I  
4 only hear the word "substitute witness".

5 We believe that is in the interests of the defence to have her  
6 brother still coming as a witness. I know he has testified  
7 before, but we have quite a few additional questions that we  
8 would like to put to him.

9 So I'm not quite sure why it's changing now to substitute and, in  
10 paragraph 4, it is suggested either instead of or next to. We  
11 believe it's necessary to have both brother and sister come to  
12 the courtroom and testify.

13 [09.22.15]

14 My second remark is an observation, and is, in itself,  
15 independent from this particular request. I would like to inform  
16 the Chamber that we are also in the preparing phase of a Rule 87  
17 request requesting one additional witness relating to the Phnom  
18 Kraol security centre. It's almost done.

19 We would be happy to send a courtesy copy some time during the  
20 day. Maybe it's something that the Chamber would like to decide  
21 on at the same time.

22 If not, then we'll just file the request and then we'll deal with  
23 it at a later stage.

24 Thank you.

25 [09.23.16]

10

1 MS. GUISSÉ:

2 Thank you, Mr. President. Good morning. Good morning, everyone.

3 <For> the Khieu Samphan defence team, <this will be a different  
4 story>. We object to the principle underpinning this 87,

5 paragraph 4 application for the calling of a new -- of two new  
6 witnesses for <several> reasons.

7 I would like to start by making some general remarks on the tardy  
8 nature of this application.

9 The International Co-Prosecutor tells us <today> that in the wake  
10 of <> the Chamber's decision of the <5th> of February 2016, they  
11 reviewed materials on Phnom Kraol, and the agenda and the timing  
12 of the Co-Prosecutor's application is not <insignificant>.

13 On the 5th of February <2016>, <there is the new list>, and it's  
14 only on the 16th of March 2016 that this application is being  
15 made.

16 [09.24.27]

17 This application is being made at a time when the segment on  
18 Phnom Kraol has already started, since <it's> on the 2nd, 3rd and  
19 7th of March <that> the two <first> witnesses were heard. And if  
20 I were to focus on this sequence of events, we would see that  
21 this is not the first time that the Co-Prosecutors are making an  
22 application in the middle of a trial segment, that is to say  
23 <when> witnesses have already appeared. And we, the Khieu Samphan  
24 defence team, view this as an attempt by the Co-Prosecutors to  
25 adjust what has been said during the proceedings.

11

1 If the fact that <> witnesses <have> died was the central point  
2 in the application for these two witnesses to be called, they  
3 should have made that application at -- before the beginning of  
4 the segment, and they didn't do that.

5 Let me remind the Chamber that this also happened with regard to  
6 the treatment of the Cham. A new application for the appearance  
7 of witnesses, <E366>, was filed. <For the> Vietnamese, <two other  
8 applications were filed>, E382 and E381<>.

9 [09.25.56]

10 Why do I say this? <As> we have already said this before the  
11 Chamber, the principle of <Rule> 87, paragraph 4, is <supposed to  
12 be> exceptional. <You ask to> call witnesses who were not  
13 identified before or who have <> particularly relevant  
14 information to provide which was not <possible to determine> in  
15 the past or before then. This is not the case <here>.

16 Again, <as of> the 5th of February 2016, the Prosecution knew who  
17 the witnesses who had to appear were. And we wouldn't like this  
18 approach of calling witnesses in the middle of a segment become a  
19 habit because that poses real practical problems to us, the  
20 Defence, in terms of our preparations.

21 We have the example before us today. We have a Co-Prosecutor who  
22 will respond to an application, another Co-Prosecutor who will  
23 examine the witness, and we, the Defence, are the same <making>  
24 applications, responding to applications, and <questioning every  
25 witness at the hearings>.

12

1 So to call witnesses in the last minute during a segment is a  
2 practice that must stop. It poses problems of preparation, it  
3 poses <the> problem <of a non-level playing field>, and we cannot  
4 prepare for the calling of these witnesses in the middle of the  
5 segment.

6 [09.27.48]

7 We have <an average of> four weeks from the time when we are told  
8 <which> witness <> will appear to testify with regard to a  
9 segment, who will be called, <while also being present at  
10 hearings regarding other segments.> So there are disruptions in  
11 planning and scheduling independent of the Chamber in regard to  
12 the <availability> of the witnesses, so <the multiplication of>  
13 these 87, paragraph 4 applications pose serious preparation  
14 problems for us.

15 And we can take the example of Witness In Yoeung. We are told  
16 that very important witnesses will appear, and then, later on, we  
17 do not really understand exactly why the witness was called.

18 So I want to focus on this point all the more so as we observe  
19 that, recently, Rule 87.4 applications made by the Co-Prosecutors  
20 are <almost> systematically granted by the Chamber, bearing in  
21 mind that, quite obviously, this is evidence that is, a priori,  
22 <inculpatory> evidence. And we have made applications for <seven>  
23 witnesses to be called, and the Chamber has not yet ruled on  
24 them, whereas we have witnesses who can testify on several  
25 segments.<>

13

1 [09.29.22]

2 And they may have things to say regarding <past> segments,  
3 relating to the Cham and the Vietnamese. But unfortunately, we  
4 observe that a priori -- and this has been the case for -- with  
5 regard to the last expert, the Chamber only seems to accept  
6 witnesses who can be considered a priori as <inculpatory>  
7 witnesses.

8 Now, regarding the new witness<> and civil party that is --  
9 Co-Prosecutors would like to call to appear before this Chamber,  
10 as regards the first -- that is, the witness, I didn't properly  
11 note the <new> pseudonym -- I think it's <2-TCW-2017> (sic), <I  
12 will call her "the sister of another> witness" --  
13 I do not quite understand, in reading the WRIs, <how this>  
14 witness would have any particularly relevant information on the  
15 Phnom Kraol security centre.

16 That witness didn't work at that centre <when it was a security  
17 centre>. If I <re-read her statements, she> only worked there  
18 when it was a sector office in 1974. <The fact that she> worked  
19 in a female battalion that has nothing to do with Phnom Kraol  
20 <doesn't justify making her testify on this point>.

21 [09.31.05]

22 Furthermore, she doesn't talk <either> about purges or <security  
23 or> Cham or Vietnamese in her statements, so we do not see how  
24 her testimony will enlighten the Chamber on the Phnom Kraol  
25 security centre <> since she didn't work there.

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14

1 As far as we are concerned, it would be a waste of time<>. And I  
2 want to <insist> on the fact that it is not because the  
3 Co-Prosecutors are not satisfied with the evidence heard so far  
4 that we should prolong the proceedings indefinitely in the hope  
5 of obtaining further <disculpatory (sic)> evidence and, in so  
6 doing, calling new witnesses <during the segment with no  
7 particular justification>.

8 So I do not see, based on the statements of <this witness>,  
9 anything that would be useful for the manifestation of the truth  
10 <in relation to Phnom Kraol>.

11 [09.32.16]

12 As far as the civil party is concerned, we have a former  
13 ex-soldier of a division, and as part of that civil party's  
14 statement or application, <> the Phnom Kraol security centre is  
15 not mentioned in that <statement>. So <again> I do not see how  
16 that civil party's evidence will enlighten the Chamber pursuant  
17 to Rule 87.4, <which is intended for exceptional circumstances  
18 and if the evidence would not otherwise be available>.  
19 And <when> there is no specific link between what the new  
20 <witnesses or> civil <parties requested by the Co-Prosecutors say  
21 and the statements of> deceased witnesses <who were supposed to  
22 appear, I do not see this as a replacement but more so as an  
23 addition. And they are requesting additional evidence and not a  
24 replacement>, as the Chamber had envisaged; <this is> additional  
25 evidence that would enable <> the Prosecution to <indefinitely>

15

1   prolong the proceedings.

2   So may we request the Chamber to reject that application because  
3   the segment has already started and the application is rather  
4   tardy?

5   [09.33.48]

6   MR. PRESIDENT:

7   Thank you.

8   And lastly, the floor is now given to the Co-Prosecutors to  
9   submit their reply to the responses of the defence teams.

10   You have the floor now.

11   MR. LYSAK:

12   Thank you, Mr. President.

13   First, in response to the comments of the Nuon Chea team, let me  
14   clarify when I say we propose these as substitutes, we're talking  
15   about substitutes for the people who are deceased.

16   It remains our position that, in the case of the sister, she  
17   could be called -- she could be called in lieu or in addition to.

18   We have no objection to the brother also being called if one of  
19   the parties or the Trial Chamber wishes to hear from him.

20   [09.34.42]

21   So I want to make clear that our position remains the same. We're  
22   proposing these people in substitution of people who are  
23   deceased, and we have no objection if the Trial Chamber wishes to  
24   hear both the brother and the sister.

25   In response to the Khieu Samphan team's arguments, I think that

16

1 the -- to suggest that the motion is tardy because it took us a  
2 month to go back through the file -- this is a complicated  
3 sector, when you read the witness interviews, to get your hands  
4 around which detainees came from which security offices. I can  
5 tell you it takes a little while when you're reacquainting  
6 yourself.

7 I'd also point out that in respect to the point that the segment  
8 has already started, the only reason this segment has already  
9 started was because the first two witnesses were moved up. They  
10 were moved up because, in part, the Khieu Samphan team requested  
11 a delay in completing the hearings of expert Ysa Osman, also  
12 because of some health problems with some other witnesses. But we  
13 are still finishing the Cham segment, the testimony of Ysa Osman.  
14 We are still finishing the witnesses from Au Kanseng.

15 [09.36.14]

16 The only reason we heard the Phnom Kraol witnesses when we did  
17 was because of kind of a unique situation, again, of adjusting  
18 schedules, so I don't think it's fair at all to say this motion  
19 is tardy.

20 This is not an attempt to adjust. It's a response to an obvious  
21 problem, which is that half of the witnesses we proposed are  
22 deceased.

23 The defence itself, in response to this position that only the  
24 Co-Prosecutors are making requests, 87.4 requests, and you're  
25 only considering that, that's completely false. The Nuon Chea

17

1 team has made a number of requests during segments which have  
2 been granted.

3 [09.37.04]

4 We've frequently received motions from both the Khieu Samphan and  
5 Nuon Chea team days before witnesses are to testify, experts,  
6 proposing additional 87.4 motions. We've been asked to respond to  
7 those in Court the next day, which we're happy to do. This is a  
8 trial. There are situations where we need to move expeditiously.  
9 So I think it's unfair, again, to suggest that somehow only the  
10 Prosecutors are filing these motions to supplement the evidence  
11 and that the Trial Chamber somehow only considering our motions.  
12 Last, in response to the specific points made about these two  
13 witnesses by the Khieu Samphan team, the prison at which the  
14 civil party, 2-TCCP-1016, is clearly the Phnom Kraol security  
15 office. It's described in his civil party application as a  
16 security centre near a mountain in Kaoh Nheaek district. That's  
17 Phnom Kraol. It's the only security office next to a mountain.  
18 It's the only place, also, where Division 920 soldiers were  
19 detained, so there's no question that this person is relevant to  
20 this segment.

21 And again, with respect to the sister, it's clear this witness  
22 has relevant information. The Trial Chamber itself has selected  
23 her brother, whose knowledge is principal -- principally relates  
24 to the sector's oversight of these security offices.

25 [09.39.04]

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18

1 The witness herself didn't work at -- inside the prison, but all  
2 of these locations, these sector offices, were within a kilometre  
3 of each other, so the people who were at these sector offices  
4 have knowledge about the security operations. Her interviews  
5 indicate that, so she would provide information about the  
6 security offices, the sector's oversight and instructions from  
7 the Centre because she worked at the telegram office for a  
8 period. So that's the reason for her relevance.

9 Thank you, Your Honours.

10 [09.39.45]

11 MS. GUISSÉ:

12 Thank you, Mr. President.

13 Well, two points in response. Yes, it's true, in the Khieu  
14 Samphan and Nuon Chea defence teams, <> there were 87.4 requests  
15 that were made, but simply each time in reaction to 87.4 requests  
16 from the Co-Prosecution, so we cannot be criticized for looking  
17 for new elements when new witnesses arrive and we didn't have  
18 another way of anticipating the appearance of these new  
19 witnesses.

20 Now, concerning the civil party, I don't hear, again -- see the  
21 reference made to the <Phnom Kraol> security centre <in her  
22 statement>. The only <proper> name <mentioned> here is Ol Peou  
23 (phonetic), but we do not see Phnom Kraol in the civil party's  
24 statement.

25 Now, regarding the rest, of course, I will rely on my last

19

1 observations, but please do not criticize me for reacting to 87.4  
2 applications. Yes, <> when we introduce new elements, there is,  
3 of course, a chance that the Defence is also going to have to  
4 look for new elements in response.

5 [09.41.10]

6 MR. PRESIDENT:

7 Mr. Co-Prosecutor, do you want to address your last observation?  
8 If not, the hearing of submissions of the Co-Prosecutor's request  
9 and responses as well as the reply to hear <2-TCCP-1016> and  
10 <2-TCW-1017>, in replacement of other <deceased> witnesses in  
11 relation to Phnom Kraol Security Office has now come to an end.  
12 The Chamber is grateful to your submissions and responses as well  
13 as the replies, and this can form the basis for the Chamber to  
14 issue the decision in due course before we proceed to hear the --  
15 these witnesses in relation to that fact.

16 [09.42.30]

17 Now the Chamber continues -- start to hear 2-TCW-900 from Banteay  
18 Meanchey via video link --  
19 from Oddar Meanchey, rather.

20 And since this witness is heard by the Investigating Judges in  
21 case -- in other cases, the Chamber has informed <the parties>  
22 already in its memorandum, document E29/47 -- E29/478/2,  
23 <paragraph 9>. And <the Investigating Judges have determined  
24 that> this witness is in the group A among the three groups, so  
25 refer to document E319/35. And the Chamber requests that we

20

1 should use the pseudonym in order to protect the integrity and  
2 confidentiality of the investigation and also the security of the  
3 witness.

4 [09.43.32]

5 The Chamber consider that this is an appropriate measure and is  
6 according -- is in accordance with the legal provisions. This can  
7 also ensure the <balance between the public hearings and the>  
8 integrity of the investigation.

9 So the Chamber again reminds party to adhere to the instruction,  
10 as indicated in document E319/7, <in using documents from cases  
11 003 and 004>.

12 Good morning, Mr. Nhem Samnang, the staff from WESU. You are now  
13 coordinating this process via video link. Are you ready now?

14 MR. NHEM SAMNANG:

15 Good morning, Mr. President. We are now ready, and we are here  
16 together with the duty counsel.

17 MR. PRESIDENT:

18 Thank you, Mr. Samnang.

19 [09.44.44]

20 QUESTIONING BY THE PRESIDENT:

21 Q. Mr. Witness, in the proceedings before the Trial Chamber and  
22 on the request of the Co-Investigating Judges, the Chamber will  
23 use your pseudonym, 2-TCW-900. And parties will also use your  
24 pseudonym or Mr. Witness, so please be informed that the Chamber  
25 will not allow parties to use your surname and first name within

21

1 these proceedings.

2 Mr. Witness, now the Chamber would like to verify and would like  
3 you to confirm your identity in document E3/5605; ERN in Khmer  
4 00484143; English, 00488704; and French, 00488704 (sic).

5 Mr. Mam Rithea, the duty counsel, please hand over the page of  
6 document E3/5605 which the greffier has prepared to the witness  
7 for examination. Particularly, please instruct the witness to  
8 read the highlighted points in relation to his name, birth place,  
9 date of birth, occupation and current address, as well as <his>  
10 parents and his wife <and children>. <Please confirm if the  
11 information is correct.>

12 (Short Pause)

13 <2-TCW-900:

14 A. Yes, it is correct.>

15 [09.46.51]

16 BY MR. PRESIDENT:

17 Q. Have you already examined that page of document? And the  
18 information indicated in that page of document relates your names  
19 -- your name, place of birth, date of birth, nationality,  
20 occupation, names of your parents and your wife <and children>,  
21 and also your current address.

22 Is that information true, or is there anything incorrect in that  
23 document?

24 2-TCW-900:

25 A. Good morning, Mr. President. I have examined the information

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1 in that page of document.

2 So, my names, together with other information, is correct.

3 Q. Thank you.

4 Mr. Witness, to the best of your knowledge and also in the report  
5 of the greffier, you have no relationship, by blood or by law, to  
6 any of the two accused, Nuon Chea and Khieu Samphan, or to any of  
7 the civil parties admitted in this case. Is that report correct?

8 A. Yes, that is correct.

9 [09.48.18]

10 Q. Thank you.

11 The greffier also made a report that you took an oath in  
12 accordance with your religion via video link as well from your  
13 location. Is that report also correct, and have you already taken  
14 an oath?

15 A. Yes, I have already taken an oath, and it is true what is  
16 stated in that report.

17 Q. Thank you, Mr. Witness.

18 I am now informing of your rights and obligations as a witness  
19 before the Chamber.

20 Your rights: As a witness in the proceedings before the Chamber,  
21 you may refuse to respond to any question or to make any comment  
22 which may incriminate you, your right against self-incrimination.

23 [09.49.15]

24 Your obligations: As a witness in the proceedings before the  
25 Chamber, you must respond to any questions by the Bench or

1 relevant parties except where your response or comments to those  
2 questions may incriminate you, as the Chamber has just informed  
3 you of your rights as a witness.

4 As a witness, you must tell the truth that you have known, heard,  
5 seen, remembered, experienced or observed directly about an event  
6 or occurrence relevant to the questions that the Bench or parties  
7 pose to you.

8 Do you understand the rights and obligations as a witness before  
9 the Chamber?

10 A. I have read the document mentioning about rights and  
11 obligation, and I agree to it.

12 Q. Thank you, Mr. Witness.

13 Have you ever provided interviews to the Investigating Judges  
14 and, if so, how many times did they take place?

15 A. Yes, I gave interviews. To my recollection, I gave interviews  
16 three times, and most of them took place in the <district office  
17 Trapeang Prasat in> Oddar Meanchey <province>, to my  
18 recollection.

19 [09.50.41]

20 Q. Before you appear before this Chamber, have you read and  
21 reviewed those interviews -- written records of interview to  
22 refresh your memory?

23 A. Yes, I have read all the written records of interviews that I  
24 provided to the interviewers.

25 Q. Thank you very much.

24

1 To your recollection and to your best knowledge, do the written  
2 records of the interview you provided the previous time  
3 correspond or consistent with what you told the investigators  
4 three times, as you said?

5 A. I read the information in those documents. I agree <with them,  
6 but> I observe that there are some points <that are> overstated.  
7 And there <are> some points that I did not make mention at the  
8 time because of my memory <-- it was a long time ago, so it was  
9 not complete>. But I, in fact, indeed, have read <them and I  
10 agree with the content that I have seen and stated in> those  
11 written records of interviews.

12 [09.52.05]

13 MR. PRESIDENT:

14 Thank you very much.

15 And as the Chamber has informed already, there is a duty counsel  
16 during the proceedings, Mr. Mam Rithea. And Mam Rithea is sitting  
17 close to the witness so it is normal in these proceedings. And  
18 this duty counsel may assist the witness during the time that  
19 there are questions which may incriminate the witness.

20 In accordance with the Internal Rule 91bis of the ECCC, the floor  
21 is first given to the Co-Prosecutors before other parties. The  
22 combined time for Co-Prosecutors and Lead Co-Lawyers for civil  
23 parties is one day.

24 You have the floor first, Mr. Co-Prosecutor.

25 [09.53.00]

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1 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

2 Thank you, Mr. President. And good morning to Your Honours. Good  
3 morning to all parties. Good morning to the public.

4 Q. Good morning, Witness 2-TCW-900. I am going to spend a good  
5 part of this day putting questions to you. Given that we are  
6 speaking through video link, I will try to speak slowly so that  
7 my questions are understandable.

8 I, first of all, would like to ask you two -- one or two  
9 questions on the period that preceded 17 April 1975, so I'm  
10 speaking here between 1970 and 1975.

11 So can you tell us very briefly when you joined the revolutionary  
12 forces and who was your direct superior then?

13 2-TCW-900:

14 A. From 1970 to 1975, I was a soldier, and I became a soldier in  
15 1971.

16 First I was in Regiment 39, and the commander -- my commander in  
17 that regiment, the commanders in this regiment mostly came from  
18 Hanoi. They were cadres from Hanoi. And I could recall their  
19 names, Ta Cheng (phonetic) and Ta San. And as of now, I do not  
20 know where they are living.

21 So again, I became the -- a soldier between 1970 to 1975.

22 [09.55.10]

23 Q. Thank you.

24 Do not worry if there's a gap between the moment when you answer  
25 and that -- and the next question. It's because what you're

26

1 saying in Khmer is first interpreted into English and then into  
2 French, so it might take a bit of time.

3 So at one point in time, did your regiment -- was your Regiment  
4 39 incorporated into a division? And what was the <name and the>  
5 number of that division, and who led that division?

6 A. Previously, Regiment 39 was under the Central. It did not  
7 belong to any other divisions. And our headquarter was <around>  
8 Phnom Santuk, or Santuk mountain in Kampong Thom province.

9 And at that time, we were engaged in Chenla II battle, so <the  
10 Lon Nol> soldiers were mobilized to be stationed around Kampong  
11 Thom province. And we made -- we conducted operation in locations  
12 close to Santuk mountain in Kampong Thom province.

13 [09.56.48]

14 Q. Fine. And later on, did you join Regiment 82, and what was  
15 your function in that regiment?

16 A. Later on, Regiment 39 was sent to be stationed in the  
17 Northwest <> Phnom Penh. First we were stationed in Pal Hal  
18 <village>, west to Praseth (phonetic) mountain. In relation to  
19 Regiment 82, it was under Division 801, but before Division 801  
20 had its name. In fact, that Division 801 used that number after  
21 the liberation <of '75>. <Before that, it was called Division  
22 14.> The Regiment <39 was combined with regiments> 81 and 82 <and  
23 it> was under another division -- that is, Division 14 <in the  
24 Northwest Phnom Penh battle>.

25 Q. Fine. So who was the leader of Division 14 before it became

1 Division 801?

2 A. After we were stationed in Phnom Penh -- <the Northwest> Phnom  
3 Penh <battle>, San was the commander of Division 14. When we  
4 started to conduct -- to be engaged in battlefield <990>, the  
5 commander in charge was Sou Saroeun. He was from the south, and  
6 he came to be part of Division 14.

7 And at the time, we were engaged in the battlefield 990, in the  
8 northwest of Pochentong.

9 [09.59.50]

10 Q. Thank you.

11 Now I'm going to be speaking about the period that followed the  
12 capture of Phnom Penh in April 1975, and I'll try to speed up a  
13 little bit.

14 What was the role of your Division 14 after the capture of Phnom  
15 Penh, and where was this division posted?

16 A. After the liberation of 17 April 1975, the Division 14 was  
17 posted and conducted operation to protect Phnom Penh from the  
18 location between railway station to the west close to Pochentong,  
19 that is <Khmuoch Payab> (phonetic). And the headquarter of that  
20 division was in Olympic Stadium.

21 Q. I have two follow-up questions.

22 You have referred to the railway station. After the liberation of  
23 Phnom Penh, did you attend or were you aware of the fact that  
24 there were meetings of the leadership<>, who met at the railway  
25 station?

1 A. I was not aware of the location of that meeting.

2 [10.01.58]

3 Q. The headquarters of your division was the Olympic Stadium. Was  
4 your division also in charge of providing <security> during major  
5 rallies held at the Olympic Stadium in 1975?

6 A. There was a meeting held at the Olympic Stadium. However, at  
7 that time, I was not there. I was somewhere <along the way to  
8 Khmuoch Payab> (phonetic) since I was assigned by the divisional  
9 commander to erect a communication -- a radio communication post.  
10 And I actually went to the stadium at night time <where there  
11 was> a performance, but I was not allowed in.

12 Q. Yet you said something, and I'll read out what you said in  
13 E3/9734. In answer number 2, you stated that:

14 "After 1975, I met Sou Met when he attended a <rally> at the  
15 Olympic Stadium. At the time, I was in charge of radio  
16 communications of Division 14 headed by <Ta> Saroeun, which  
17 became Division 801 subsequently. Son Sen came regularly to  
18 attend meetings in Ta Saroeun's office."

19 [10.04.00]

20 Did you attend any rallies at the Olympic Stadium and, if so, can  
21 you give us any details on that rally?

22 A. While I worked at the office of Division 801, which was a new  
23 name for Division 14, I never attended a rally held at Olympic  
24 Stadium, nor did I attend any meeting held within the vicinity of  
25 the Olympic Stadium.

1 At that time, I was a radio operator, and my role was to set up  
2 the chairs and the tables and the drinking water, but personally,  
3 I did not attend any meeting there, although I knew there were  
4 representatives from other divisions who attend<ed> meetings. And  
5 my role was to set up the <meeting place with my friends in the  
6 office> only.

7 Q. Do you recall when Division 14 was renamed a Centre Division  
8 801? During <which> period <was this in> 1975?

9 A. To my recollection, the re-designation of number <from  
10 Division 14> to Division 801 was made before it was deployed to  
11 Ratanakiri province. And that could happen in around October or  
12 November.

13 At that time, the weather was pretty cool.

14 [10.06.30]

15 Q. You talk of October or November 1975. At that time, had you  
16 already been posted to Ratanakiri to work in the new Division  
17 801, or it was <shortly> after that?

18 A. After I learned that the Division 14 was renamed to Division  
19 801, troops within the division were prepared to be sent to  
20 Ratanakiri province. Initially, there were only certain number of  
21 troops who were sent to the province from the headquarters. And  
22 at that time, we took along the radio, which we -- which were <>  
23 the United States products <with the brand name Co-lang  
24 (phonetic)> . And actually, its range was communicable <> between  
25 <Kratie or> Ratanakiri province and Phnom Penh. <Other than that,



1   there were C46 and C25 radios for the communication between  
2   units.>

3   I was one of the first soldiers who were sent there with Ta San,  
4   and I resided in Ruessei Char <village>, in Kratie province, when  
5   I was first deployed to that location.

6   [10.08.16]

7   Q. Among the tasks assigned to Division 801 in the <Northeast>,  
8   did that division have to <specifically> guard <> the border with  
9   Vietnam?

10   A. The division was assigned to be stationed along the border  
11   area. <It was not called the three angles. It was called the  
12   dragon's tail> -- that is, at the borders <of> Laos, Vietnam and  
13   Cambodia, and also <at the border of Vietnam and Cambodia> at  
14   National Road Number 19, in the area of Ou Ya Dav.

15   Q. In a word, between <> late 1975 when you arrived there and  
16   1979, <what was the administrative structure of the Northeast  
17   Zone?> Who was <part> of the <Northeast> Zone committee  
18   initially? <Did the leaders> of the <Northeast> Zone <change> as  
19   time went on?

20   [10.10.00]

21   A. I did not know <about> the <whole> Northeast Zone; I only knew  
22   <> within Division 801. There were regiments subordinate to  
23   Division 801 which were stationed in various locations, including  
24   Siem Pang <district>, and there was another regiment <and the  
25   special unit of the Division> stationed at the <dragon's tail>

31

1 area<>. And there was also another regiment stationed in Bar Keo  
2 -- that is, to protect the border area <in Ou Ya Dav> and along  
3 the upper part of Se San River. And that <was Lum Duo (phonetic)>  
4 road, <which> is now called <Ho Chi Minh road>.

5 Q. Very well. Let me return to the previous question.

6 Who was the chief of the <Northeast> Zone when you were there?

7 And perhaps I can press on to ask you where the office of the  
8 <Northeast> Zone was situated.

9 [10.11.34]

10 A. I did not know <where> the office of the Northeast Zone <was  
11 located>. However, I was first stationed in Ban Lung. That is a  
12 little bit to the south of Svay Mountain, and it -- that was a  
13 former Lon Nol military barrack. And I saw many empty shells and  
14 some unexploded shells.

15 There was also an office near Au Kanseng, and that office was  
16 known as the sector's office, although, I, myself, did not go to  
17 that office. <I only heard people say that the sector's office  
18 was to the east of Au Kanseng.>

19 So let me repeat. I did not know where the office of the  
20 Northeast Zone located.

21 MR. PRESIDENT:

22 Thank you, Deputy Co-Prosecutor, and thank you, Mr. Witness.

23 It is now convenient for our short break. And Mr. Witness and

24 duty counsel, you may also have a break from now until 10.30 when

25 we resume. So please return to where you are before 10.30.

1 The Chamber will take a short break and resume at 10.30 this  
2 morning.

3 The Court is now in recess.

4 (Court recesses from 1013H to 1033H)

5 MR. PRESIDENT:

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

7 Mr. Witness, are you ready now?

8 2-TCW-900:

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

10 MR. PRESIDENT:

11 And the floor is now given to the Deputy International

12 Co-Prosecutor to resume the questioning.

13 You may now proceed.

14 [10.34.05]

15 BY MR. DE WILDE D'ESTMAEL:

16 Thank you, Mr. President.

17 Q. Witness, I'm going to ask you to listen to my questions

18 carefully because you're testifying by video link, and try to

19 answer these questions as clearly as possible without getting

20 sidetracked into details that were not requested from you.

21 So regarding the organization of Division 801, you already spoke

22 to us about Ta Saroeun, who was the commander of the division,

23 and you also spoke about Ta San.

24 Who was Ta Saroeun's immediate superior?

25 [10.34.54]

1 2-TCW-900:

2 A. I do not know who the immediate supervisor of Ta Saroeun in  
3 that division. I only knew that Ta Saroeun and Ta San were  
4 commanders, and how he communicated to the upper echelon, I do  
5 not know about that.

6 Q. Well, indeed, I was not speaking about the fact that there was  
7 a superior within Division 801, but who was Ta Saroeun's  
8 superior, <since> he was the commander of Division 801? <Was the  
9 upper echelon located> elsewhere, for example, at general staff  
10 in Phnom Penh?

11 A. What I knew -- what I know is that he made the report via  
12 radio communication to general staff headquarter in Phnom Penh.  
13 And that location was Son Sen's office, who received the  
14 information by radio communication.

15 [10.36.15]

16 Q. Fine. Beyond the radio message, would Ta Saroeun travel to  
17 Phnom Penh on a regular basis for meetings?

18 A. When he was immediately in Ratanakiri province, one month  
19 after his arrival in Ratanakiri, he went to Phnom Penh. And  
20 because of road conditions -- bad conditions of the road, <it  
21 took him a long time to travel; it was about a week or more>.  
22 From Ratanakiri to Kratie, they had to spend the night -- one <or  
23 two> night<s> in the middle of the road. And from Kratie to Phnom  
24 Penh, they were on boats, so it <took him a while to go there>.

25 Q. You were in charge of radio communication within Division 801.

34

1 So do you know or did Ta Saroeun tell you if he had to consult  
2 with <the> general <staff of the> army <or the Party Centre> for  
3 any important decisions involving security in his zone, whether  
4 it be regarding external or internal enemies?  
5 Are you aware of the fact that he had to consult or not the Party  
6 Centre or <general staff> regarding these matters?  
7 [10.38.22]

8 A. The divisional report to general staff consisted of letters.  
9 And I <converted> the information in <these> letters <into>  
10 secret codes<>. <Before converting these letters into codes, I  
11 often found that he was asking for advice.>  
12 The report was about the situation at the border and also about  
13 the internal affairs within units and the whole division.  
14 Mostly, I saw him writing about that information, as I indicated,  
15 in the report and he requested for advice and suggestions from  
16 the upper echelon.

17 Q. And you said that he would ask for counsel from the higher  
18 echelons, so what was he expecting, instructions or only  
19 recommendations when he would ask for the opinion of his  
20 superiors?

21 A. Regarding the advice or instruction from the upper echelon, it  
22 was about the instruction of the complicated issues <on> the  
23 <battlefield> in relation to medicines and <the sick people or  
24 the situation> at the border. And he requested instructions or  
25 opinions from the upper echelon on other issues.

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1 [10.40.23]

2 Q. Now, regarding the issue of the internal enemies, that is to  
3 say the enemies who could bore from within, in the division, in  
4 fact, or regarding the issue of external enemies such as the  
5 Vietnamese, would he <also> ask for instructions <in that case>?

6 A. I happened to see an issue in that letter. And at the time, I  
7 put the letter of Ta Saroeun in an envelope. I, together with  
8 other two people, had to take that letter to the general staff.  
9 We were on a motorbike, three of us, from Ratanakiri to Kratie  
10 province, and during that journey, we had to spend a night <in  
11 the forest. The next day, we reached Kratie and we crossed from  
12 there to the other side>. And after Kratie, we <rode the  
13 motorbike> the whole day, <and we delivered the letter> to <the>  
14 general staff. And I did not see the content of that letter or  
15 the message <because the letter was in an envelope and it was  
16 sealed>.

17 I -- my role at the time was to deliver <the letter> to the  
18 general staff, and the -- on the top of the letter -- on the top  
19 of envelope, it said "To Bong Khieu".

20 [10.42.14]

21 Q. Fine. So under which circumstances were you obliged to carry  
22 these letters rather than sending telegrams?

23 Were these letters confidential? Did Ta Saroeun tell you that  
24 <this was an> important letter<>?

25 A. To my limited knowledge of the Democratic Kampuchea's affairs,

1 some issues had to be communicated in a confidential way. It  
2 could not be communicated in an open fashion.  
3 <Even though> I was the one who decoded and encoded the messages  
4 and was in charge of delivering the messages <to the general  
5 staff>, I did not know fully all the content of messages, so I  
6 <thought> that letter at the time was a confidential one. I did  
7 not dare to open the envelope to read the content.

8 Man was <with Ta Saroeun and he went> with me at the time <>.

9 [10.43.45]

10 Q. Fine. So you didn't really answer my previous question,  
11 however. And here, I'm speaking more about radio communication  
12 rather than carrying letters.

13 In the <telegrams, the exchange of> reports <with the general  
14 staff> that you would <decode or encode>, <was there issue of>  
15 enemies boring from within or about enemies from the outside?

16 And regarding these issues, did Ta Saroeun ask Bong 89 or Son  
17 Sen<, as it happens, for> instructions<>?

18 A. I have never seen the content of the messages mentioning about  
19 the enemies burrowing from the inside. I have never seen such  
20 content in the messages.

21 Q. Well, we'll get back to this later with certain documents that  
22 I will read out to you.

23 Now, quickly speaking, the headquarters of Division 801 where you  
24 worked in the radio communications department, can we say that  
25 this -- the headquarters were in Ban Lung at first, and then they

1     were moved to Veun Sai?

2     A. Yes, that is correct.

3     [10.45.27]

4     Q. And until when did you work at the headquarters of Division  
5     801 in Veun Sai?

6     A. Upon my arrival in Ratanakiri province, first I was posted at  
7     Ban Lung. And because the location there consisted of mines on  
8     the land, and there was not much space to install an office, the  
9     division moved the headquarter to another location.

10    First we wanted to be stationed in Lumphat, the provincial town  
11    of Ratanakiri during the Samdech Euv period. I, at the time, was  
12    <> with him to examine the location. <I drove a car there for  
13    him.> And when we arrived at the location, we asked people in the  
14    cooperatives, and they said that location was a flooding area  
15    during the rainy season <so it was very difficult to stay there>.  
16    And after receiving information, we came back <> and we decided  
17    to <check out> Veun Sai. I had never been to Veun Sai to observe  
18    the location <since we came back from Lumphat.>

19    After I went with him <to find> the location that we wanted to  
20    stay, he, from time to time, went to observe a location which  
21    <was> appropriate for the headquarter. <Then he went to Veun Sai  
22    and made it the headquarter.>

23    [10.47.42]

24    Q. Fine. This was a rather lengthy answer to a very simple  
25    question, so I'm going to ask you once again to please answer in



1 a more precise way if possible given that our time is <limited>.

2 Thank you.

3 You said in WRI E3/9734 at answer 7 that you worked at the  
4 headquarters of Division 801 until you got married, which was on  
5 27 March 1977. Is that correct?

6 A. That is correct.

7 Q. Then were you assigned to the re-education centre at Au  
8 Kanseng, which was located close to Ban Lung in <Sector> 102?

9 A. Correct.

10 Q. Who selected you to work there? And did this person tell you  
11 why you were selected to work over there?

12 A. I do not know the reason I was moved to be in that location,  
13 and the one who reassigned me to that divisional office was the  
14 head of the office. He told me to move to be stationed in Ban  
15 Lung.

16 [10.49.50]

17 Q. Did he tell you which duties you were to exercise at the Au  
18 Kanseng re-education and security centre?

19 A. Before I left, the evening before that, <Sung (phonetic)> told  
20 me to pack up <my> belongings to meet Ta Chheng in Ban Lung.

21 Q. And who was Ta Chheng, and can you tell us if it is he who  
22 assigned specific duties to you?

23 A. Ta Chheng was in charge of logistic. He was the head of  
24 logistic. And after I arrived <there>, I met him.

25 Q. So I must understand that he was working as the head of

1 logistics within a unit called Unit 806 or Battalion 806 that was  
2 in charge of logistics within Division 801? Is that what I must  
3 understand?

4 A. Correct.

5 Q. And once you arrived at Au Kanseng, can you tell us what your  
6 duties were on site, and who was the head of the security centre?

7 A. Upon my first arrival, I was with Ta Chheng. And I, at the  
8 time, was not appointed any position.

9 [10.51.58]

10 Q. Let me put my question to you again. So who, then, became the  
11 head of the Au Kanseng security centre?

12 A. Upon my arrival at Ta Chheng's location, half a month later, I  
13 saw an individual by the name Se coming to Ta Chheng's location.

14 Q. And what was Se's duties -- what were Se's duties?

15 A. After I left Ban Lung to <stay> close to the stream at Au  
16 Kanseng, Smien came to appoint Se to be chief, and Tim was part  
17 of Unit 806, became the deputy chief, and I was a member.

18 Q. I will get back to that point because it's not quite clear to  
19 me. I'm going to, for example, read out to you what you said in  
20 your WRI, E3/9734, where the following is stated at answer 6:

21 "The security centre was attached to Battalion 806, and Ta Chheng  
22 was the first person to <take> the <position of chief of> centre.  
23 After one week working at the centre, Ta Se also took on his  
24 duties. Later on, Ta Se was appointed commander, Toem (sic)  
25 deputy commander, and I member." End of quote.

1 [10.54.41]

2 And I would like to get back, therefore, to another quote which I  
3 -- in which you said that you were the deputy in charge of  
4 interrogating, and that Tim was a member.

5 So can you tell us if that changed over the course of time? Were  
6 you the deputy or were you a member, and what were Tim's duties?

7 A. Se was the chief, and Tim was the deputy chief. And I was a  
8 member in charge of compiling the confessions or answers from the  
9 detainees.

10 Q. And what were Tim's specific duties within the Au Kanseng  
11 security centre, and which unit <or which persons> did he lead?

12 A. Tim was in charge of security guards at Au Kanseng.

13 Q. Does that mean that he was in charge of organizing the work of  
14 the guards, in particular, supervision, supervising the security  
15 centre, watching over the prisoners and possibly executions?

16 A. That is correct.

17 [10.56.28]

18 Q. <And possibly executions.> Was that his role?

19 A. Correct.

20 Q. Can you tell us how many people or how many -- how many staff  
21 <> were working at Au Kanseng security <centre> on a permanent  
22 basis, aside from Se, Tim and you, who <were the> cadres, <how  
23 many> other people <were> working there on a permanent basis?

24 A. Not more than 10 people who were working in that office.

25 Q. I would like to read out what witness 2-TCW-840 said, and I

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1 will ask the Chamber if I may say his name because this witness  
2 already testified in Case 002/01 regarding the Au Kanseng  
3 security centre.

4 [10.57.48]

5 MR. PRESIDENT:

6 Yes, you can do so.

7 BY MR. DE WILDE D'ESTMAEL:

8 Q. Well, just to be specific about this, Chhaom Se, in his WRI  
9 E3/407 at answer 20 said, and I quote:

10 "The staff working in my security centre was made up of 12 people  
11 in total." End of quote. That is to say three cadres and nine  
12 guards.

13 So do you remember the names of some of the guards at Au Kanseng?  
14 2-TCW-900:

15 A. I can recall an individual by the name Lay and Chuop and Nhok,  
16 and Ta Ouy, Chang, Set. And I cannot recall others' names.

17 [10.59.15]

18 Q. Fine. Can you explain the specific tasks that were assigned to  
19 Ta Se? Was he in charge, among other things, of <generally>  
20 managing the centre and, in particular, was he in charge of  
21 communicating with the upper echelon?

22 A. Se had overall supervision at Au Kanseng centre, and he had  
23 direct relation with the upper echelon.

24 Q. And when you talk of the upper echelon, are you referring to  
25 Ta Saroeun directly or to the 806 logistics battalion? Can you

1 <clarify the relationship he had and the reports he had to make  
2 to his superiors>?

3 Who, exactly, did he report to?

4 A. The detention unit was under supervision of Battalion 808 --  
5 806. Se would report first to commander of Battalion 806.

6 [11.00.10]

7 Q. As regards sensitive issues and regarding confidential  
8 reports, did he <address them> directly to Ta Saroeun <or> did he  
9 meet Ta Saroeun <directly>?

10 A. I did not know whether he went to meet Ta Saroeun <or any  
11 other> person. What I knew is that he would -- went to the  
12 Battalion <806's> office.

13 MR. PRESIDENT:

14 Mr. Witness, please have a slight pause before you respond to the  
15 question since everything will go through the interpretation  
16 system, and it seems there is an overlap between the question and  
17 your immediate response. So please have a slight pause so that  
18 your response may be interpreted into English and French.

19 2-TCW-900:

20 Yes, I understand that, Mr. President. Thank you.

21 [11.02.38]

22 BY MR. DE WILDE D'ESTMAEL:

23 Q. Mr. Witness, <were> there times when Chhaom Se <attended> the  
24 interrogation of prisoners led by you?

25 2-TCW-900:

1 A. On the issue of interrogating every prisoner, Se was always  
2 present. And he was the one who interrogated those prisoners. I  
3 was there to take note of the responses.

4 Q. Wasn't it too complicated for him to be always present since  
5 he had to supervise the entire centre and <communicate with> the  
6 <superiors>? <Are you sure that he was> present on each occasion?

7 A. I am sure on this matter <because> he did not go to see the  
8 superiors every day<>.

9 Q. Very well.

10 Regarding guards, we've talked about the fact that there were  
11 nine guards, and you named <six of> them. <>

12 Were there other guards apart from Lay, Chuop, Chang, Set, Nhok,  
13 and Ouy that you would remember? For instance, did the name Tin  
14 <> ring a bell?

15 [11.05.04]

16 A. Tim was a part of the committee that I was in.

17 Q. I wasn't referring to the committee member, but I was  
18 referring to a person called <Tin>, <T-I-N>, who <was either> a  
19 guard <or a prisoner> who was assigned to certain duties.

20 Does that name ring a bell to you?

21 A. I recall that name Tin, not <Tim>. Actually, Tin came from the  
22 union, and he was sent there from the -- by the union. And after  
23 he was questioned and there was nothing wrong with him, he was  
24 assigned a certain task within the guard group.

25 Q. Did his duties change? Did he become a guard, or he was still

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1 a prisoner who <was trusted and who shared daily life with the  
2 guards>? What was his exact status?

3 A. After he was assigned to do certain tasks within the office,  
4 he -- those assignments were to find food and vegetables for the  
5 <people there>.

6 [11.07.20]

7 Q. Very well. You referred to Lay (sic) a while ago. Was that  
8 person a guard who was a member of Division 801 initially and who  
9 was <> assigned as a guard to work at the Centre, or was that  
10 person also a former prisoner?

11 A. Lay was a person came from a handicapped unit which was  
12 situated along Au Kanseng. And he was assigned certain duties at  
13 the office.

14 Q. To clarify matters, I am not sure I heard the entire  
15 translation of what you said.

16 You said in <the written record of interview> E3/5512 in answer  
17 number 12 regarding Vietnamese prisoners, you said the following:

18 "We issued an order to a prisoner detained at the Au Kanseng  
19 security centre called Lai to interrogate those Vietnamese  
20 prisoners in order to obtain their confessions." End of quote.

21 [11.09.02]

22 So my question is, therefore, what was the status of that person?  
23 Had he previously been a prisoner at Au Kanseng and, as Tin, was  
24 subsequently assigned to work as a security guard to the extent  
25 of interrogating Vietnamese prisoners?

1 A. I now understand your question.

2 The name is not Lay, but Lai. And this Lai person knew how to  
3 speak Vietnamese.

4 Lai was originally from a special unit, and I did not know what  
5 issues he had, <but> he was subsequently sent to Au Kanseng  
6 security centre as a prisoner. And it was difficult for me to  
7 record any responses from Vietnamese prisoners <because I do not  
8 speak Vietnamese>, and since Lai spoke Vietnamese; he was used to  
9 interpret the responses.

10 At that time, his status was not one of those guards. He was  
11 still considered a prisoner, but we used him since we had  
12 difficulty in understanding the responses from Vietnamese  
13 prisoners.

14 [11.11.05]

15 Q. To wrap up this line of questioning, so there were two persons  
16 called Lay. One was called L-A-Y, Lay, was a <security> guard,  
17 and the other was a prisoner called L-A-I, who was an  
18 interpreter.

19 Did I understand correctly?

20 A. Yes, that is correct. Lai was an interpreter, while Lay was a  
21 security guard.

22 Q. Very well. Within the guard corps at Au Kanseng, were there  
23 any guards who were not from Division 801, but from the <sector>  
24 army in Ban Lung, for instance, and who were assigned to Au  
25 Kanseng to back up the staff there?



1 A. Besides the forces under subordinate of Division 801, there  
2 were also security forces from the sector and, actually, there  
3 were two of them.

4 [11.13.05]

5 Q. To be absolutely sure that I understood you, were those two  
6 guards -- those two persons permanently assigned to work in the  
7 Au Kanseng security <centre> and were, therefore, <> subordinate  
8 to the <leaders> in charge of Au Kanseng centre?

9 A. The two individuals from the Centre, who came to engage in  
10 the<> security guard work <>, were under the supervision of  
11 <Tim>, who was in charge of the security there.

12 Q. Very well. I have another question regarding the role of  
13 certain prisoners.

14 Did the leadership at the centre, notably Se, assign certain  
15 prisoners to carry out duties, for instance, guarding certain  
16 places within the Au Kanseng security <centre> perimeter or to  
17 keep an eye on other prisoners or to guard other prisoners?

18 A. There was Tin, who came from the union, and before he was  
19 assigned to find fruits and vegetables for the kitchen unit, he  
20 was sometimes assigned to guard the prisoners.

21 Q. Do you know a prisoner who was called Phan Thol, at the time,  
22 P-H-A-N, and the other word is T-H-O-L, Phan Thol?

23 A. I have not heard about any prisoner named Phan Thol.

24 [11.15.55]

25 Q. It may well be that he had a nickname, at the time. I would

1 like to read out what he said at the hearing of the 2nd March  
2 2016, shortly after 15 hours 22 and 26 seconds in answer to a  
3 question put to him by Counsel Koppe. This is what he stated:  
4 "After having cleared the prison, I was sent to stand guard in a  
5 jackfruit plantation. I was in charge of preventing intruders  
6 from getting in and stealing fruits in the plantation." End of  
7 quote.

8 Could such work have been assigned to some detainees who did not  
9 pose any <danger> or who had not been imprisoned under a severe  
10 regime and who were working at the security centre?

11 A. The work that they mostly did was to clear grass at the potato  
12 plantation or to clear a forest area <for plantations and  
13 planting potatoes,> and those <tasks> applie<d> to prisoners who  
14 could work.

15 [11.17.45]

16 Q. Given the difficulties involved in carrying out certain tasks,  
17 were prisoners who were assigned to work at the Au Kanseng  
18 security centre sometimes assigned to dig pits or to fill up pits  
19 when prisoners died of disease or from executions? Were prisoners  
20 sometimes assigned to dig pits or to fill up pits?

21 A. Mostly that was the job done by security guards -- that is, to  
22 dig up pits.

23 Q. I am somewhat surprised because there were nine security  
24 guards and they were in charge of guarding those who worked  
25 outside during the day, inter alia; were there any guards also

1 assigned to guard the interrogation rooms when prisoners were  
2 interrogated?

3 A. Please repeat your question.

4 Q. I'm sorry. I am wondering because there were only nine guards  
5 in all and you said earlier that they came to guard the entire  
6 perimeter of the security centre and had to guard the prisoners,  
7 <some of whom were working>, and <> they had to <watch them while  
8 they were working>, and that <perhaps> they <also> had to guard  
9 prisoners when they were interrogated. <Was all of that> part of  
10 their duties, <and> did they also have time, therefore, to dig  
11 pits and to fill up pits?

12 [11.20.25]

13 A. There was only one guard at the interrogation room and, as  
14 usual, at the time, there were three guards who always took the  
15 prisoners out to work outside. And I did not know how many guards  
16 were assigned to dig up pits or to cover pits with dirt because  
17 usually they did this task at night time.

18 Q. Very well. Was that also because it was under the duty of  
19 <your colleague, Toem (sic),> to organize the security unit at  
20 the centre? Is that the reason why you did not know everything  
21 regarding that particular matter?

22 A. That task was under the arrangement and instruction of Tim.

23 Q. I would like to put a question to you regarding the nature of  
24 the centre because, as you <and Chhaom Se> said, it was referred  
25 to as the "re-education" or "security centre", <in reference to

1 prisoners>. Was there any form of re-education offered to the  
2 prisoners at the centre apart from the fact that they had to be  
3 refashioned <through> work? I am thinking, particularly, of  
4 re-education sessions; were there any such re-education sessions?  
5 [11.23.00]

6 A. Besides the labour work, namely working in the plantation or  
7 rice fields, every tenth day, there was an education session and  
8 certain materials were used including the "Revolutionary <> Flag"  
9 <and "Youth Flag" (sic)> magazines, and it covered topics  
10 including how to make the socialist revolution.

11 Q. Unless I am mistaken, the "Revolutionary Flag" was a magazine  
12 reserved for members of the Party. <Are you suggesting that> Ta  
13 Se used the magazine and its <rather secret> content <> to talk  
14 to the prisoners about it? Or <do you mean that he talked about  
15 it to staff members> at the <re-education> centre<>?

16 A. Every month, the office received the "Revolutionary Flag"  
17 magazine and the youth magazine. And when there was a meeting to  
18 educate the workers there, the meeting would focus on the  
19 development of <socialism and> on the loyalty to the Party, for  
20 example.

21 [11.25.34]

22 Q. I have a few minutes left; I'll put a few questions to you  
23 regarding the buildings at that security centre.

24 How many buildings housing prisoners were there at the beginning  
25 when you went to the security centre for the first time, and how

1 many buildings were there at the end? Were certain buildings  
2 constructed to increase the security centre's capacity to house  
3 prisoners?

4 A. After it was relocated from Ban Lung to the area along or near  
5 the Au Kanseng stream, there were two buildings to detain  
6 prisoners to the west of the stream and there was a long building  
7 to the East; then there was a kitchen hall and there was another  
8 house, where I stayed. So, in total, there were five buildings in  
9 the centre and they were made from bamboo and roof with a thatch.

10 Q. My question was, therefore, whether, after that, some  
11 additional buildings were put up, inter alia, in order to be able  
12 to house more prisoners in them.

13 [11.28.00]

14 A. Later on, there was a building constructed to the east part  
15 and, actually, the building was made by workers who knew how to  
16 build a building in the centre. And the building was in a proper  
17 and better condition. The sleeping quarter was also better.

18 <After building the new one, the west building was no longer  
19 used.> That was -- that building was built to the east of the  
20 long building.

21 There also was a building where <women> were housed and, as I  
22 said earlier, there was a kitchen and then there was a house  
23 where I lived.

24 Q. So if I reckon correctly, what you said was that, at the end,  
25 there were five buildings housing prisoners; two to the west <of

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1 the stream> and two to the east that were bigger<, and one more>  
2 for the housing of <female> prisoners. This is what Chhaom Se  
3 said in <his written record of interview> E3/405. And he says in  
4 answer number 11: "<In this centre, there> were four <prisoner>  
5 buildings<, each measuring four by six metres,> and in each  
6 building, there were a group of prisoners consisting of 12  
7 persons. But subsequently, as the number of prisoners increased,  
8 three <additional warehouses> were built for prisoners<>." And  
9 I'm skipping a passage.

10 [11.30.00]

11 Later on, he says: "In addition to all that, there were two  
12 buildings used for housing particular prisoners, who were  
13 detained under severe regimes, and who <required> very thorough  
14 surveillance".

15 I <calculate> that the security chief said there were four  
16 buildings in the beginning, <plus three additional warehouses>  
17 and, subsequently, there were two buildings built for <>  
18 prisoners <> under severe <regime>.

19 What is your reaction to this; did you take <into account the  
20 buildings> for prisoners detained under severe conditions?

21 (Short pause)

22 [11.31.27]

23 MR. PRESIDENT:

24 Witness, can you respond to the last question and have you  
25 actually heard that question?

1 2-TCW-900:

2 A. Yes, I heard the question and I shall respond only when I see  
3 my video on screen.

4 The building to house the serious-offence prisoners, yes, there  
5 was such a building and that building was guarded day and night  
6 since those serious-offence prisoners were chained or shackled  
7 all the time.

8 BY MR. DE WILDE D'ESTMAEL:

9 Q. Thank you. A last point before we break for lunch, Mr.  
10 President  
11 You were in charge of the interrogations, so can you describe the  
12 room or the shed where the interrogations took place, and maybe  
13 you could tell us how far this place was from the different <>  
14 prisoner <cells>?

15 [11.33.05]

16 2-TCW-900:

17 A. The interrogation house was not far from the house where I  
18 lived. It could be less than 100 metres away. And actually that  
19 interrogation house was not a fully enclosed house. It was -- the  
20 roof was made from thatch and the <interrogator's seat> was made  
21 from bamboo, and the place where the prisoner sat was also made  
22 from bamboo. And there were, actually, no walls, <> there was  
23 <only> forest to the sides of the interrogation house.

24 [11.34.00]

25 MR. PRESIDENT:

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1 Thank you. It is now appropriate for our lunch break. We take a  
2 break now and resume at 1.30 this afternoon.

3 And thank you, Mr. Witness, as well as, the duty counsel and Nhem  
4 Samnang. It is now time for us to have our lunch break and please  
5 return to where you are at 1.30 this afternoon so that we can  
6 resume our video testimony.

7 Do you understand that, Mr. Witness?

8 [11.34.43]

9 2-TCW-900:

10 A. Yes, I do, Mr. President.

11 MR. PRESIDENT:

12 Yes, you may rest now.

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

16 The Court is now in recess.

17 (Court recesses from 1135H to 1333H)

18 MR. PRESIDENT:

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

20 Good afternoon, Mr. Witness. Are you ready?

21 2-TCW-900:

22 Yes, I'm ready, Mr. President.

23 [13.34.06]

24 MR. PRESIDENT:

25 Thank you, Mr. Witness. And I would like to inform you that



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1 please give a little bit pause as in this morning since there is  
2 interpretation in this court and in the morning I intervened  
3 because it has -- it has something to do with the technical issue  
4 and now, I advise you to give a little bit pause before you give  
5 your answers.

6 And the floor is now given to the Co-Prosecutor to resume the  
7 questioning to this witness. You have the floor now.

8 [13.34.49]

9 BY MR. DE WILDE D'ESTMAEL:

10 Thank you, Mr. President, and good afternoon.

11 Just to make things a bit clearer, in relation -- I'm going to  
12 continue putting questions this afternoon until 4 o'clock and  
13 tomorrow morning, the civil parties will question you, Witness,  
14 until a quarter to 10.00 in the morning.

15 Q. Now, first, I'd like to get back to your role within the  
16 security centre at Au Kanseng because I found the quote that I  
17 was looking for earlier.

18 You said to us, earlier, that you were a member and it was Tim,  
19 who was Ta Se's deputy. And in a written record of interview,  
20 E3/5512, at question 4, you -- the question is; "Please describe  
21 the structure of the Au Kanseng security office." And you  
22 answered:

23 "Three cadres supervised this office. Se was the <director of the  
24 centre and was in charge of the general direction>. <Then there  
25 was myself, who> was deputy <director> in charge of

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1 interrogations and <> prisoner <archives>; and Toem (sic), <who  
2 was simply a> member, <was in charge of the security unit and of  
3 surveillance>. He died in 1979." End of quote.

4 So I would like, simply -- I would like you simply to clarify  
5 this because of the contradiction between two of your statements;  
6 if you were the deputy <chief> of this centre or if you were,  
7 simply, a member of the committee at the Au Kanseng security  
8 centre.

9 [13.37.06]

10 2-TCW-900:

11 A. My actual role at Au Kanseng security centre was member and Se  
12 was the chairman and Tim was the deputy, as I said.

13 Q. Fine. At the Au Kanseng security centre, did Ta Saroeun, the  
14 head of Division 801, come to visit; did he come at least once or  
15 he never came?

16 A. Ta Saroeun, after the establishment of Au Kanseng security  
17 centre, never came to visit that location.

18 Q. And what about the leaders of Unit 806 that was in charge of  
19 logistics, and you mentioned Ta Smien, in that regard, S-M-E-A-N  
20 (sic), and possibly Ta Mon, M-O-N, did they come to the centre <>  
21 to <hold> meetings there?

22 [13.38.45]

23 A. Those who were in charge of -- of Battalion 806 consisted of  
24 Smien. Smien used to come to attend the meetings at Au Kanseng  
25 security centre.

1 Q. And what were these meetings about, at the security centre,  
2 with the staff <of> the centre; what were these meetings focused  
3 on?

4 A. The meeting -- the meetings were about the internal issues and  
5 monthly issues of our work, particularly, in relation to security  
6 matters. At that -- in that -- in those meetings, we were told to  
7 prevent prisoners from fleeing the prison.

8 Q. And what would happen if a prisoner escaped -- I don't know if  
9 it happened <that> prisoners were able to successfully escape  
10 from the prison, but <> did they say <or> did he say that <you>  
11 would be punished?

12 A. At that security centre, Mao, the prisoner, made an escape. He  
13 made an escape to the west of the security centre. He wanted to  
14 go to Phoy (phonetic) village. The villagers there arrested him  
15 and returned him to the security centre.

16 [13.41.16]

17 Q. And once Mao was caught, was he placed in the cell for <>  
18 prisoners <under severe regime>, <> because he had tried to  
19 escape?

20 A. After his arrest by villagers and after he had been returned  
21 to the security guards, Mao was then placed in a house where  
22 prisoners had their ankles shackled.

23 Q. And just to finish with this line of questioning, did Mao  
24 survive the regime; did he survive until the end of the centre at  
25 the end of 1978 or did he die?

1 A. He did not die yet in 1978. He survived after 1978, and he  
2 also joined the fighting against the Vietnamese.

3 [13.43.00]

4 Q. You spoke about the fact that Ta Smien would come to the  
5 centre for meetings, in particular, regarding internal operations  
6 and maybe his successor, as well; so did the leaders of Unit 806  
7 have the power of determining who had to be executed at the  
8 security centre in Au Kanseng or were these <types of> decisions  
9 made by Ta Saroeun?

10 MR. PRESIDENT:

11 Please hold on. There is an objection by the defence team for the  
12 accused. You have the floor now, Koppe.

13 MR. KOPPE:

14 Thank you, Mr. President. I object to this question. Whatever  
15 happened to asking open questions first? I don't recall the  
16 witness saying anything yet about executions, whether there was a  
17 practice, and if yes, how did that -- how was it implemented.  
18 So, out of the blue, the prosecutor is now talking about  
19 executions, so I object to this question. He should move very  
20 slowly with -- with this subject.

21 [13.44.33]

22 BY MR. DE WILDE D'ESTMAEL:

23 Mr. President, I'll get back to this later. It will be easier  
24 than proceeding in steps right now.

25 Q. Well, more simply speaking, Witness, did you ever go to Ta

1 Saroeun's place <while> you were assigned to the Au Kanseng  
2 security centre? And if that was the case, did you go to Ta  
3 Saroeun's alone or did you go there with Ta Se?

4 2-TCW-900:

5 A. After I came to work at Au Kanseng Security Office, to my  
6 recollection, I visited Ta Saroeun's his wife -- Ta Saroeun's  
7 wife; I never went to his house to discuss the issues <> at Au  
8 Kanseng Security Office.

9 [13.45.43]

10 Q. Now, regarding <this> point, I would like to read out to you  
11 two excerpts from your WRIs. The first is at E3/5607<>. It is  
12 answer 8 and you said the following, and I quote:

13 "One day when I went to visit my wife at Veun Sai, Saroeun said  
14 to me, personally, that someone from Phnom Penh was going to work  
15 in my unit at Au Kanseng. Back then, my centre had been moved  
16 from Ban Lung to Au Kanseng." End of quote.

17 And I'm going to read, directly, the second answer, as well; it  
18 is in WRI <E3/5512> at answer -- question-answer number 11, and  
19 you speak about a certain number of Jarai who had been arrested  
20 and detained at the security centre. And you say the following:

21 MR. KOPPE:

22 I object to the reading out of the second excerpt, as a matter of  
23 fact, the first excerpt, as well. It was not a subject discussed.  
24 It seems that this prosecutor is, again, moving too quickly,  
25 going directly to whatever the witness has said in his WRIs. He

1 should, at first, ask open questions about the Jarai and ask open  
2 questions as to what was discussed at Saroeun's house rather than  
3 going straight to reading these excerpts.

4 [13.47.46]

5 MR. DE WILDE D'ESTMAEL:

6 Mr. President, I asked an open question regarding the meetings  
7 that the witness might have had with Sou Saroeun. He said that  
8 there were no <> meetings. And I read out two excerpts in which  
9 he said that he met Sou Saroeun back then. So I'm not going to  
10 speak about the Jarai in detail, right now, but I simply want to  
11 quote what the witness said regarding a meeting with Ta Sou  
12 Saroeun.

13 MR. PRESIDENT:

14 The objection is overruled. It is premature since the Chamber has  
15 not heard yet the purpose of question put by the International  
16 Deputy Co-Prosecutor.

17 You may resume your question since your question does not go deep  
18 into the matter of Jarai, so please reformulate your question.

19 [13.48.47]

20 BY MR. DE WILDE D'ESTMAEL:

21 Thank you, Mr. President.

22 So the excerpt that I was going to read out, it is answer 11 of  
23 WRI E3/5512, and the answer is the following: "There were more  
24 than one hundred of those Jarai."

25 MR. PRESIDENT:

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1 You said you did not go deep into the issue of Jarai and the  
2 International -- the International Counsel for Mr. Nuon Chea  
3 objected to the question that you did not put an open question  
4 and I assumed that you wanted to ask <whether or not he attended  
5 the meeting with> Ta Saroeun, but not about Jarai. And if that's  
6 so, it appears that you read to the witness, in advance, about  
7 Jarai issue, so this can be considered the -- the leading  
8 question. If it is so, it is not appropriate. So please  
9 reformulate question -- reformulate your question please. <It's  
10 different from what you have responded to Nuon Chea's defence  
11 counsel.>

12 [13.50.02]

13 BY MR. DE WILDE D'ESTMAEL:

14 Well, okay, then I will read out only one single sentence of this  
15 excerpt because I have to do so to demonstrate that the witness  
16 spoke about a meeting.

17 You said the following, Witness, "Back then, Ta Saroeun <asked>  
18 me and <Se> to <go see> him." I will stop there for the moment  
19 and I'll get back to the Jarai later on.

20 So I quoted two excerpts from your WRIs; one in which you said  
21 that Sou Saroeun had told you personally that someone from Phnom  
22 Penh was going to work in your unit and the other regarding the  
23 Jarai. And <he had asked you> and Se <> to go see him.

24 Q. So does this refresh your memory regarding the fact that you  
25 met Ta Sou Saroeun back then?

1 [13.51.05]

2 2-TCW-900:

3 A. I want to make it clear about the meeting with Ta Saroeun. I  
4 met him and he said that there was a person from Phnom Penh and,  
5 after I left his house, while I was -- after I visited his wife,  
6 I met him and, at that time, he told me that there was an  
7 individual assigned from Phnom Penh to work <there>.

8 Q. Fine, so regarding the excerpt that I read out to you, did you  
9 meet him a second time, this time in his offices in Veun Sai with  
10 Ta Se?

11 A. Correct.

12 Q. Witness, aside from the Au Kanseng security office, <> were  
13 there other security centres <in your region or> in the Northeast  
14 Zone, whether they be military security centres or whether they  
15 be civilian security centres, at <> Sector 101, Sector 102,  
16 Sector 104 or Sector 107?

17 So do you know of any other re-education or security centres<>?

18 A. There was a centre located at Kach Changkeh mountain under the  
19 supervision of Division 801. And besides that security centre, I  
20 have no idea.

21 Q. Was the centre managed by Ta Vanna? In any case this is what  
22 you said in your WRI. Do you confirm that<>?

23 A. Yes, that was managed by Ta Vanna.

24 Q. And do you know why this centre was created at one point in  
25 time and which kind of prisoners were detained there?



1 [13.54.06]

2 A. I do not know the reason that led to the establishment of that  
3 security centre. All I know is that a centre was established and  
4 located at Phnom Kach Changkeh or Kach Changkeh mountain under  
5 the command of Vanna. And <there were> people who <> were sent to  
6 work in the <rice> field<s and plantations,> and they were  
7 assigned to grow vegetables<>, particularly sweet potatoes.

8 Q. And did prisoners from Au Kanseng, which also was <attached  
9 to> Division 801, were those prisoners transferred to this other  
10 centre that was led by Ta Vanna next to Kach Changkeh mountain;  
11 did this happen?

12 A. No transfer. No transfer of people from Au Kanseng security  
13 centre to that -- the one managed by Ta Vanna.

14 [13.55.44]

15 Q. Now, I would like to turn to the kind of prisoners who were  
16 detained at Au Kanseng. And at Au Kanseng, when you were there,  
17 were former Lon Nol soldiers ever detained there or members of --  
18 or family members of these former <Lon Nol soldiers or civil  
19 servants>?

20 A. Those who were detained at Au Kanseng security centre did not  
21 consist of former Lon Nol soldiers or former officials. They were  
22 workers from unions and cooperatives as well as some -- as well  
23 as soldiers.

24 Q. And regarding the soldiers of Division 801 who were detained  
25 at Au Kanseng, what were their ranks or -- they <brought>

1 soldiers <to Au Kanseng> up until which rank? Could you tell us  
2 if beyond a certain rank these soldiers were not brought to Au  
3 Kanseng but were sent elsewhere?

4 A. Those who were at Au Kanseng security centre, the highest rank  
5 was from a battalion -- was from company and some were from  
6 platoon and besides were combatants.

7 Q. And if there were people <arrested> of higher ranks than that,  
8 do you know where they were taken to or where they were  
9 transferred to?

10 A. For those with higher ranks, after they were arrested, I do  
11 not know where they were sent to.

12 [13.58.37]

13 Q. And who arrested the soldiers from Division 801 before  
14 <arriving at> Au Kanseng? And who brought them to Au Kanseng?

15 A. Those who were in charge of transferring those people to Au  
16 Kanseng, in fact these people were sent from regiments; for  
17 example, Regiment 81, 83 and so on. And also they were sent from  
18 Regiment 82.

19 Q. Did you know the reasons why those soldiers were arrested,  
20 that is to say, the offences they were accused of having  
21 committed? And can you give us examples of the kinds of offences  
22 they may have committed or the reasons why they were arrested?

23 [14.00.13]

24 A. After I went to live in Au Kanseng security centre, I  
25 encountered those who were sent from units under Division 801.

1 Most of them were combatants. After their transfer, there was an  
2 accompanying letter saying that these combatants were lazy and  
3 stole stuff.

4 Q. Were there any of them <> accused of belonging to <a> network  
5 <> of traitors <or> opposing the line of the party?

6 A. A little while after I went to live there, and actually this  
7 morning I was asked whether there were any people coming from  
8 Phnom Penh to work there. In fact, <after that person arrived,  
9 soldiers belonging to a battalion> were sent <by> the <unit, and  
10 it was said that they had been implicated in confessions in Phnom  
11 Penh>.

12 Q. I'm not sure I did understand your answer. Among those  
13 soldiers from Division 801, were there any soldiers who were  
14 arrested on the grounds that they <> opposed <> the party line or  
15 they were arrested because they had made criticisms or  
16 disapproved of the instructions?

17 A. I did not mention soldiers who were sent from their respective  
18 units because they opposed the <party or the> instructions. <For  
19 instance,> workers who were sent from the union <> were accused  
20 of not respecting their leaders. Soldiers were -- who were sent  
21 were those who were implicated in the responses from Phnom Penh.  
22 [14.03.47]

23 Q. Very well. So if I properly understand your answer, when you  
24 say that they were implicated in answers from Phnom Penh, you are  
25 referring to the fact that persons arrested and imprisoned in

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1 Phnom Penh had denounced them or implicated them in their  
2 confessions. Did I properly understand your testimony?

3 A. That is not quite right. Let me give you an example. There is  
4 this person whose name was Pheng Phoy <> from the company level  
5 and who was under the battalion of Lay Sarim. After Lay Sarim was  
6 arrested, Pheng Phoy was also arrested and sent to Au Kanseng  
7 security centre.

8 Q. Was that person part of Say (sic) Sarim's network?

9 [14.05.26]

10 A. After he went through the interrogation, Pheng Phoy said he  
11 was under the supervision of Lay <Sarim>.

12 Q. To absolutely clarify that point, I'll read out to you what  
13 your former chief at Au Kanseng said. And it is the record of  
14 interview of Se, number E3/405, in answer number 6. He said the  
15 following and I quote:

16 "This centre was created to detain prisoners who <were> soldiers  
17 from Division 801. The latter were considered as undisciplined  
18 elements and were <implicated> in the <records> of confessions,  
19 <of denunciation>." End of quote.

20 Do you agree with Se that among the soldiers from Division 801  
21 who were arrested were elements that were <undisciplined>?

22 A. Yes. That statement is correct. There were those people who  
23 were arrested and brought to the centre and they were accused of  
24 <not respecting the discipline>.

25 Q. And he also stated that the soldiers were implicated in

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

1 records of confessions regarding denouncements. Do you agree with  
2 that and would you like to react to that?

3 A. Yes, I agree to the statement that they were implicated by  
4 others.

5 [14.08.02]

6 Q. Whether the persons arrested were soldiers or not belonging to  
7 Division 801, you said a while ago that there were also workers  
8 or members of <> rubber plantation <unions> or members of  
9 cooperatives. <In any case>, were there any procedures for  
10 registering new arrivals at the Au Kanseng detention centre?

11 A. When they were sent to the security centre, the centre would  
12 draw a list of their names, namely the units and the locations  
13 they were brought from.

14 Q. A while ago you spoke of letters accompanying them. Was there  
15 always a letter or a <file> in which the biography of the  
16 detainee was established, including the offences they were  
17 accused of?

18 [14.10.00]

19 A. When they arrived, this comrade would question them. <There  
20 were> initial questions <regarding the> units they were from and  
21 the reasons for their arrest.

22 Q. But in addition to those initial questions, could <you> rely  
23 on <a> written document <that explained> why those persons had  
24 been arrested?

25 A. I <never had> any <specific> proof <when they were brought

1 into the centre>. Sometimes we did receive a list of names<>. For  
2 example, their name, their unit and the reason for their arrest;  
3 either they were lazy or they stole stuff. Another instance is  
4 that the person <did not adhere to the discipline> or <was  
5 tricky>. This was the information sometimes I received on the  
6 document.

7 Q. And in those documents, did they never make mention of, <in  
8 particular,> soldiers <> of Division 801 who had been arrested  
9 because they were too close to the Vietnamese or too close to the  
10 CIA or the KGB?

11 A. While I was there, I was not shown any document illustrating  
12 this point, for example, whether the person A was an agent, a  
13 Vietnamese spy or KGB or CIA agent. No.

14 Q. Under the Democratic Kampuchea regime, who were considered as  
15 the enemy gnawing from within? <How could one recognise an> enemy  
16 gnawing from within? Were there any criteria whereby such persons  
17 could be identified?

18 [14.13.35]

19 A. At Au Kanseng security centre, no detailed analysis was made  
20 against those people whether they were Vietnamese spies or  
21 whether they were agents for CIA or KGB. During the  
22 interrogation, if a prisoner confessed that he was a CIA agent or  
23 not, it would be recorded. However, most of the prisoners never  
24 admitted that they were spies for the Vietnamese<;> the majority  
25 of them said they were CIA agents.

1 Q. Thank you. As regards to the concept of <> enemy, did you ever  
2 hear about or read instructions by Ta Saroeun regarding what had  
3 to be done as a matter of priority with enemies identified within  
4 Division 801? Do you recall any specific instructions regarding  
5 what had to be done with enemies identified within Division 801?  
6 [14.15.29]

7 A. <I have heard of> the term "enemy" <> who opposed the  
8 revolution, who opposed the <socialist affairs>, used during the  
9 end of the <year> workshop that I attended. Anything that  
10 interfered with the progress of the Party or the socialist  
11 revolution would be considered <activities of the> enemy. Let me  
12 make you an example on the transplantation of rice seedlings.  
13 For example, you had to <transplant> the seedlings <> 20  
14 centimetres <from each other>, and if you actually put it a bit  
15 <further> than that, <> the person would be accused of opposing  
16 the revolution, and for that reason, <they> would be accused of  
17 being <the> enemy. That is what I heard from Ta Sou Saroeun  
18 during the end of the <year> workshop<, which they called "open  
19 training">.

20 Q. And can you tell us when you attended a workshop conducted by  
21 Ta Saroeun?

22 A. I cannot recall the exact date. However, I can recall that  
23 since I came to work at Au Kanseng, I attended such a workshop  
24 for one time only.

25 [14.17.36]

1 Q. I would like us to revisit the time when you were in charge of  
2 radio communications at the Division 801 general staff. I will  
3 read out to you an excerpt of report number E3/1164 dated the  
4 25th of November 1976, a report which Roeun, a member of the  
5 Committee of the Party of Division 801, sent to Senior Uncle 89.  
6 I'll read out an extract of that report and ask you whether you  
7 recognize the terms used by Ta Saroeun and his instructions at  
8 the time.

9 So in this document there is title number 4, titled "A Number of  
10 Priority Measures", and among them are five command measures. In  
11 Khmer it is on page 00052327; in French, 00532754; and in  
12 English, 00516711.

13 [14.19.10]

14 I will read out the command measures in this report <made by  
15 Roeun, and I quote>:

16 "Those who are suspected of being enemies must absolutely be  
17 arrested.

18 As for those denounced by the enemy, the document must be studied  
19 and I request that they be arrested <for the time being>.

20 Number 3. <Those who travel freely or violate the discipline and  
21 who, after re-education, do not mend their ways,> measures <must  
22 be taken> to remove <them> and put <them under> surveillance.<>

23 4. Any company or <section> cadres who are inactive, deceitful or  
24 lazy must absolutely be removed.

25 5. Those who <had any> political <tendencies> shall be <removed>



1 <one after the other>."

2 And further down: "The good <ones> shall be <> kept. Anyone who  
3 is resisting or inactive shall be removed and put into  
4 <quarantine>."

5 And at the end of the report, we find the following conclusion on  
6 the last page:

7 "This is a report of Committee 801 regarding enemy activities and  
8 measures as stated above. <I> request <of you, Senior> Uncle, to  
9 <give your advice> and <opinions>. We look forward to receiving  
10 the Party's recommendations." End of quote.

11 Now, regarding these priority <command> measures proposed by  
12 Roeun to Son Sen, <who is Uncle 89,> for him to make  
13 recommendations, are these measures relating to arrests, measures  
14 that were sent to all the cadres of Division 801? In other words,  
15 were you aware of those five command measures regarding possible  
16 arrests <or> measures against the enemy?

17 [14.22.18]

18 A. Allow me to respond to that question. After I was reassigned  
19 to work at the Au Kanseng security centre and in reference to the  
20 five organizational measures that you just mentioned, I actually  
21 was not aware of those measures or of a report sent to Phnom Penh  
22 because when I came to work at the Au Kanseng security centre, I  
23 <didn't know anything regarding telegrams>.

24 Q. That being the case, do the five measures reflect what you  
25 observed at Au Kanseng, that is to say, that persons suspected as

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1 being enemies <or who> were denounced, or those who had political  
2 tendencies, were those who were arrested within the forces of  
3 Division 801?

4 A. Those who were sent to Au Kanseng security centre, some of  
5 them would fit into these five points. For example, those who  
6 were accused of being lazy or those who did not implement or  
7 adhere to the discipline or those who were implicated by other  
8 people, yes, some of them would fall into these five points.

9 [14.24.36]

10 Q. I have a question for you, a specific question regarding  
11 rubber plantation workers who were referred to at the time as  
12 "unionists". A number of unionists <> were arrested; what were  
13 the reasons for such arrests? And can you tell us whether they  
14 were suspected of being members of a network?

15 A. Regarding the union workers who were sent to Au Kanseng  
16 security centre, they were sent through the union chairperson  
17 named Tum. I met him but not at my place, nor at his place.  
18 Actually, it was along the way while I was travelling to Bar Keo.  
19 He said that those workers were former elements and former  
20 workers of the previous regime. They were workers of the rubber  
21 plantation in the previous regime and that they did not strictly  
22 adhere to Angkar's disciplines. For instance, if they felt  
23 hungry, they would stop working and went to find food. And they  
24 rarely adhered to the instructions and he requested us to further  
25 question them.

1 [14.27.03]

2 Q. Were those arrests in the rubber plantations not likely to  
3 affect economic production? <We are evidently speaking about> the  
4 production of rubber.

5 A. I cannot tell you about that. I did not know how it< was  
6 affecting> the <economic> production of <the union>.

7 Q. Was there any difference <between> when soldiers or civilians  
8 arrived at the Au Kanseng centre? Did all <new arrivals> come  
9 shackled or handcuffed or <did the circumstances differ>?

10 A. From what I saw regarding those people who were sent from the  
11 base or from the union, they were not tied. In fact, they were  
12 walked and they had their <black> backpacks or some -- at the  
13 back, or they actually carried their belongings on the head. As  
14 for the ethnic minorities, they also came with a basket that they  
15 carried along. As for soldiers, they were transported by truck  
16 and when they got off the truck, I saw that they were not tied or  
17 cuffed.

18 And there was an instance that one or two soldiers were tied.  
19 Their hands were tied and one of them was Dom (phonetic). I knew  
20 the person so I went to untie his hands because I saw it swollen.  
21 In fact, Dom (phonetic) was a medic that I knew. <He was a humble  
22 guy. I saw him behind the truck with his hands tied up. I was  
23 wondering why he was tied up.>

24 [14.29.59]

25 Q. Once they were taken to Au Kanseng, were they placed in cells

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1 and were they shackled when they arrived; that is to say,  
2 shackles around their feet or other <constraints>?

3 A. When they were sent to Au Kanseng security centre, they were  
4 not chained or shackled except when they were brought in, in a  
5 special case for example, that they were brought in by a truck  
6 and on the truck there were armed guards. After they got off the  
7 trucks then they would be cuffed. <For instance, Pheng Phoy was>  
8 escorted by <a few> armed soldiers <in the truck. When he> got  
9 off the <truck, his hands were tied behind his back>. <Then his>  
10 hands <were> untied <and he was then shackled>.

11 Q. Fine. But in order to be clear about this, I was speaking  
12 about the moment when they would enter the buildings that were  
13 reserved for the prisoners at Au Kanseng. Once they would <arrive  
14 for their> first night <or their first day,> were they chained or  
15 were they tied?

16 [14.32.16]

17 A. As I have just told, on the first night, they were not chained  
18 except only one prisoner as I indicated for the Chamber because  
19 that prisoner was -- in fact the armed soldiers <were> cautious  
20 <about> the prisoner <named> Pheng Phoy. <So he was shackled  
21 after he arrived.>

22 Q. <> Witness, we didn't hear the end of your answer. So could  
23 you please repeat your answer?

24 A. Let me make a clarification on this point. When those people  
25 were sent from unions or from military units, workers from unions

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1 were not tied to any strings. They were walked by <another  
2 person>. Then these people were delivered to the security centre.  
3 As for soldiers, they were brought by trucks or vehicles. They  
4 were in two different categories. One category was from Bar Keo,  
5 <they had travelled in the truck with injured> soldiers <and sick  
6 people>, and most of them were not tied. <>

7 [14.34.32]

8 And <the person who was tied up> after <he> arrived at the  
9 security centre <> was <> Pheng Phoy, he was part of the company.  
10 On the first night, he was chained. The guards were cautious. And  
11 as I said, there were one or two armed soldiers <standing> on  
12 <the back of> the truck, and <after he got off the truck, he was  
13 put in a detention room and he was shackled>.

14 Q. Fine. I am going to try to be quick about this. I simply would  
15 like to read out what a former prisoner, an ordinary former  
16 prisoner at Au Kanseng who was a former worker in the rubber  
17 plantations and who was arrested in 1978. I'd like to read out to  
18 you what he said. He said that, "Even people who were working  
19 during the day were chained at night."

20 And he also speaks about handcuffs that were given to him, at  
21 least for a certain while when he arrived. So this is witness  
22 Khoem <Peou>, K-H-O-E-M, <P-O-E-U (sic)>. This is E3/7684 WRI. In  
23 French on page 3; in English on page 3; and in Khmer 00221753.

24 [14.36.15]

25 And this is what he says regarding his arrival at Au Kanseng and

1 also about happened to him afterwards.

2 "I was shackled around my ankles in a cell for one month, before  
3 being released to go work <> picking <herbs,> potatoes and corn  
4 with my hands. Even though there were knives, we weren't given  
5 any. This work gave blisters on my hands, but I didn't dare say  
6 so. While I was working there were two soldiers watching over us  
7 and they were heavily armed."

8 And the last sentence which I quote: "At night the <guard>  
9 soldiers would bring the prisoners back <in> and chain them up  
10 again." End of quote.

11 So what is your reaction to this excerpt? This is a person who  
12 says that he was chained for one month before he was able to  
13 start working and who also says that the prisoners were chained  
14 at night after <their> work.

15 [14.37.47]

16 A. Regarding the answer of Ta Peou, I know Ta Peou. I can recall  
17 this individual after hearing his name. He was a man in charge of  
18 sawing wood. I was close to him <after he was out of the place  
19 where he was shackled>. I agree to his answer or testimony that  
20 at first he was -- his ankle</s> was</were> chained. Later on  
21 after interrogation, after his interrogation, nothing was  
22 noticeable or was significant in relation to his issues. So later  
23 on he was released to work as normal as other workers.

24 Q. A few quick questions on sanitation and on the detention  
25 conditions. You spoke about the fact that the buildings at Au

1   Kanseng were made out of bamboo and that <the> roofs <were made  
2   of leaves, I believe>. So were the cells waterproof or would the  
3   roofs cave in when it rained very hard? <In other words, would  
4   it> sometimes <> rain inside the <prisoner> cells<>?

5   A. There was good roof and the bamboo walls <were not proper.> It  
6   could not prevent the cool air or the heat <> from going through  
7   <the> walls, and those people <usually made> fire within the  
8   hall. Those who went to work outside, some of them carried wood  
9   <back>, and <some of> those woods were used to make fire to warm  
10  themselves at night time. Some wood were placed in the kitchen  
11  hall. That location was near the stream<> so it was quite cold.

12  [14.40.29]

13  Q. Were there insects inside the cells and, more generally  
14  speaking, can you describe the sanitation conditions within the  
15  cells?

16  A. Within <the hall where the prisoners were, there were> many  
17  mosquitoes; no mosquito nets for prisoners at night time.

18  Q. Regarding the sanitation conditions can you tell us if all  
19  prisoners had access to water when they wanted to and if they  
20  could wash or if they had access to latrines during the day as  
21  well as during the night?

22  [14.42.00]

23  A. Regarding the use of water at Au Kanseng security centre,  
24  there was no strict rule for prisoners. At night time, they were  
25  told to urinate into the bamboo tube. Each of them get -- got one

1 bamboo tube and for bathing, after they returned from work from  
2 the plantation or gardens, they bathed themselves at the stream  
3 or river by themselves <behind the building>. And at night time,  
4 they had drinking water in the bamboo tubes to drink. In  
5 Ratanakiri, plenty of bamboo tubes were available, so all of them  
6 had bamboo tubes. The bamboo tubes were used to put the water in,  
7 <each of the bamboo tubes could contain five to six litres of  
8 water>. For some prisoners who had no water in the bamboo tubes,  
9 they would share with other prisoners who had the water in those  
10 bamboo tubes.

11 MR. PRESIDENT;

12 It is now break time. The Chamber will take a short break from  
13 now until 3 p.m.

14 Thank you, Mr. Witness.

15 And duty counsel, it is now a break time. The Chamber will take a  
16 short break from now until 3 p.m. So please be present again  
17 before 3 p.m. to be ready for the testimony. Do you understand,  
18 Mr. Witness?

19 2-TCW-900:

20 Yes, I do, Mr. President.

21 MR. PRESIDENT:

22 The Court is now in recess.

23 (Court recesses from 1443H to 1501H)]

24 MR. PRESIDENT:

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



1 And good afternoon again, Mr. Witness. Are you ready?

2 2-TCW-900:

3 Yes, Mr. President, I am ready.

4 MR. PRESIDENT:

5 Thank you. And again, I would like to hand the floor to the

6 International Deputy Co-Prosecutor to continue putting further

7 questions to the witness.

8 You may proceed.

9 [15.02.05]

10 BY MR. DE WILDE D'ESTMAEL:

11 Thank you very much, Mr. President.

12 Q. We were talking about the fact that there were lots of

13 mosquitos and we were also talking about sanitation <in the

14 prisoner cells at> Au Kanseng detention prison. Did the prisoners

15 often fall sick and do you know what types of diseases they were

16 sick of?

17 2-TCW-900:

18 A. Prisoners usually faced the following diseases; <firstly>,

19 malaria; <secondly, inflammatory bowel disease,> dysentery <> due

20 to unclean <water> or <drinking> unboiled water.

21 Q. As a general rule, was any appropriate healthcare provided to

22 the prisoners by competent healthcare workers?

23 A. When a prisoner got sick there was a medic on the compound who

24 provided the treatment. As for the medicine, usually it was

25 homemade. It was in the form of a rabbit drop pellets and the

1 ingredients were herbal. And it was mixed with a powder <and made  
2 into pills, just like> modern medicine.

3 [15.04.26]

4 Q. Was that enough to prevent deaths amongst the prisoners caused  
5 by those diseases as well as malnutrition?

6 A. As for the condition where the medicine was not effective or  
7 the limited food that led to malnutrition, <the illnesses became  
8 more serious until the> prisoners died<>.

9 Q. Was that particularly <the> case <for> prisoners who were  
10 shackled <day and> night<, that is, those who were under special  
11 surveillance or> under severe conditions? <Did> their <health  
12 worsen faster> than that of others?

13 A. As for prisoners who were chained since they were considered  
14 serious offence prisoners, they did not face any serious  
15 illnesses. Some of them actually had a flu or cold and then the  
16 medic would provide them with medicine.

17 [15.06.37]

18 Q. You have just told us that they received better treatment than  
19 the others, if I understood you correctly, or, <to the contrary,>  
20 the fact that they <were chained all day and unable> to move <>  
21 predisposed them to such -- to certain <afflictions> such as  
22 swollen <ankles, infections, leg oedema. Did you notice such  
23 things>?

24 MR. PRESIDENT:

25 Mr. Witness, please hold on. Counsel for Khieu Samphan, you have

1 the floor.

2 MS. GUISSÉ:

3 Thank you, Mr. President. I thought I heard the Co-Prosecutor say  
4 that he was going to rephrase his questions. I believe he  
5 understands that I will always object whenever he puts words in  
6 the witness's mouth.

7 MR. DE WILDE D'ESTMAEL:

8 Q. I <will> rephrase<> my question<> in another manner: <did>  
9 people who <were chained day and night and who were unable> to  
10 move <suffer from ankle injuries caused by handcuffs or chains?>

11 2-TCW-900:

12 A. As for prisoners who were chained I did not witness any of  
13 them who had wounds as a result of being chained <nor shackled>.  
14 [15.08.35]

15 Q. I would like to put to you just one question regarding the  
16 number of prisoners who were detained at Au Kanseng Centre at a  
17 time when you worked there. Do you know approximately the total  
18 number of different prisoners who were brought to the Au Kanseng  
19 security centre during the period you spent there, that is, from  
20 April <'77>, up to the end of the regime?

21 A. I cannot tell you what the situation was in 1975, since I  
22 <managed that place> in 1977. <>The period <from> '77 <to late>  
23 '78 <was not that long>.

24 <The> prisoners <at Au Kanseng security center were no more> than  
25 200. <And> I cannot <remember the exact> number. <But> based on

81

1 my recollection of the number of those whom I saw every day,  
2 there were not many of them. As I said, I could say they were  
3 somewhere near the number of 200.

4 [15.10.43]

5 Q. Very well. Regarding the number of deaths at Au Kanseng, are  
6 you able to give us an estimate of the number of persons who died  
7 there by comparing the number of those who <entered> and those  
8 who were still alive at the end? <You told us earlier that> there  
9 were no transfers. Can you give us an estimate of the persons who  
10 died at the Au Kanseng centre?

11 MR. PRESIDENT:

12 Witness, please hold on.

13 Counsel Koppe, you have the floor.

14 MR. KOPPE:

15 I am not sure if I understand this question assuming no  
16 transfers. Why not assuming any transfers? If I understand other  
17 testimony, people were transferred. So asking the witness to give  
18 evidence as to the number of people detained and then who didn't  
19 live at the end of that period, but without transferring and --  
20 it's a very complicated question, I think, for the witness, and  
21 also I do not see any basis for saying that there weren't any  
22 transfers.

23 [15.12.14]

24 BY MR. DE WILDE D'ESTMAEL:

25 I believe the counsel for the Defence didn't hear what the

1 witness said because he said there were no transfers to <the>  
2 other security centre<, at Au Tang, where> Ta Van (phonetic) was  
3 the head of that centre, but I will rephrase my question.

4 Q. Witness, can you tell us approximately how many people died at  
5 the Au Kanseng security centre between April 1977 and the end of  
6 1978, that is, the period when you were there?

7 2-TCW-900:

8 A. I cannot recall the total number of prisoners who died at Au  
9 Kanseng security centre from illnesses. And from my recollection,  
10 there were not many of them who died <of> illnesses, namely  
11 malaria or from the malnutrition or dysentery. <Most of them died  
12 of dysentery.>

13 I could say the number is somewhere near 10 although, as I said,  
14 this number is not that precise.

15 [15.14.04]

16 Q. I would like to read out to you <an excerpt from> your record  
17 of interview, E3/406, in which you <were> very specific, and it  
18 is <answer number> 6, and I quote:

19 "There were, nevertheless, lots of prisoners who died at the  
20 centre. They died of disease and hunger. Chained prisoners didn't  
21 eat to their fill. They were <skeletal> and they died as a result  
22 of their diseases. As for prisoners who worked normally, they ate  
23 sufficient grains of rice, particularly those who were under my  
24 orders. The prisoners we eliminated by following the orders of  
25 the hierarchy, apart from the Vietnamese and the Jarai, were

1    numbered 10. They were among the soldiers. Consequently,  
2    all-in-all, the prisoners who died at the centre were to the tune  
3    of a few hundred. There were not more than 1,000 in number." End  
4    of quote.

5    Does that refresh your memory as regards the number of prisoners  
6    who died at the centre, which you said were in several hundreds  
7    in <> your record of interview?

8    [15.15.56]

9    A. When I was first interviewed, I was asked whether prisoners  
10   died as a result of illnesses or that they were killed, and  
11   whether there were thousands of them who died at Au Kanseng  
12   security centre, and my response was that I would not acknowledge  
13   that the number was in the several thousands.

14   And I added that from my recollection, <the number of prisoners  
15   who died was possibly hundreds of people>, <but> this matter  
16   happened many, many years ago. <When they asked me, it had  
17   happened many years before. So I cannot remember well.>

18   [15.16.56]

19   Q. And among the hundreds of prisoners who died, what was the  
20   approximate proportion of that number of prisoners who died of  
21   disease or of malnutrition and the proportion of prisoners who  
22   died because they were eliminated, <to> use the terms <> in  
23   <your> record of <> interview that I've just read out to you?

24   MR. PRESIDENT:

25   Mr. Witness, please hold on, and Counsel Koppe, you have the

1 floor.

2 MR. KOPPE:

3 I object to the formulation of this question, Mr. President.

4 The witness just testified that in his recollection there were

5 about 10 people who might have died from illnesses such as

6 malnutrition or malaria.

7 Then the Prosecution read him this excerpt, but I didn't hear him

8 acknowledge that hundreds of people died from illnesses.

9 So having that excerpt then read back to him and sort of implying  
10 that he had confirmed that is, I think, misleading.

11 So the evidence in this courtroom is still that he believes in  
12 his recollection only 10 people died of illnesses.

13 [15.18.27]

14 MR. DE WILDE D'ESTMAEL:

15 Mr. President, may I respond? I read out the extract and the

16 witness confirms that he had said that <several> hundreds of

17 prisoners died at Au Kanseng, but he didn't say that they all

18 died of <hunger or> illnesses.

19 But <there was also talk of> elimination, and I asked him whether

20 it was possible for him to give <an> estimate of the proportion

21 of persons <who> died as a result of <illness> and the proportion

22 of those who died because they were eliminated.

23 I believe this is a legitimate question which would enable me to

24 move on in my examination of the witness.

25 [15.19.15]

1 MR. PRESIDENT:

2 The objection by the Defence Counsel for Nuon Chea is overruled.

3 There is a proper message for the question and, Mr. Witness, if

4 you recall the last question put to you by the Deputy

5 Co-Prosecutor, you may respond.

6 2-TCW-900:

7 I cannot give any precise number or answer to the percentage of

8 prisoners who died.

9 In reference to my written record of interview, <> there were

10 hundreds of them who died, that included those who were smashed

11 as well as those who died in the detention centre from illnesses.

12 As to the estimation of the percentage, I could say that there

13 were a lesser number of prisoners who died from illnesses than

14 those who were smashed.

15 MR. DE WILDE D'ESTMAEL:

16 Q. Thank you, Mr. Witness. I would like to put a question to you

17 regarding interrogations. Did you have access to written

18 confessions from Phnom Penh, that is, confessions made by

19 prisoners who had been interrogated in Phnom Penh, on the basis

20 of which you were able to interrogate the prisoners who arrived

21 at Au Kanseng? In other words, did you have in hand confessions

22 of prisoners from Phnom Penh?

23 [15.21.44]

24 2-TCW-900:

25 A. I never had any <document> in hand, <in relation to> those



1 confessions from Phnom Penh.

2 When a prisoner was interrogated, only Nau had in his hand a  
3 confession document from Phnom Penh, and Nau himself was the one  
4 who interrogated the prisoner. I was sitting nearby to take notes  
5 <of> the questions and the answers, but I did not have access to  
6 that kind of a document.

7 Q. A while ago, you referred to a person who came from Phnom Penh  
8 and gave his name; the name was Nau. Did he come with a number of  
9 confessions with him, that is confessions from Phnom Penh? And do  
10 you know where those confessions were from? In other words, from  
11 what entity or from what security centre?

12 [15.23.22]

13 A. I did not ask him from which security centre those confessions  
14 were. I, myself, had to be careful in what I said or what I  
15 asked. If I were to know more about the affairs of other peoples,  
16 it means that I put my security at risk.

17 However, from my observation, he interrogated prisoners based on  
18 the documents he had with him.

19 Q. Did Ta Se or Ta Saroeun have access to confessions of  
20 prisoners from Phnom Penh?

21 A. I never saw Se consult with Nau or with me in relation to  
22 confessions from Phnom Penh.

23 Q. Regarding Ta Saroeun, let me read out to you what you said.

24 It's E3/5512, answer number 13; and this is what you stated:

25 "As for myself, I received a record of interview given to me by

1 Ta 05 which was supposed to be used for interrogating prisoners  
2 at Au Kanseng." End of quote.

3 And elsewhere in the Record of Interview, you say that Ta 05 was  
4 Ta Saroeun. Can you tell me whether that refreshes your memory as  
5 regards a record of interview <> that Ta Saroeun gave you?

6 [15.25.45]

7 A. I cannot recall that.

8 Q. Very well. Did Ta Saroeun, at any point in time, issue  
9 instructions to Se or to yourself as regards the interrogation  
10 methods you had to use in interrogating prisoners who refused to  
11 answer questions put to them or who refused to confess? Did you  
12 receive any instructions regarding interrogation methods and  
13 techniques?

14 A. I received instructions on the interrogation techniques. The  
15 instructions were to get the prisoner to write his answers and  
16 after we received such documents, then we <could> use <them> to  
17 question the prisoner further.

18 [15.27.30]

19 Q. Very well. That was a situation which everything went very  
20 well and the prisoners cooperated.

21 But when the prisoners clearly didn't want to tell the truth,  
22 were there any instructions issued to the guards to use force by  
23 beating the detainees or using electric wire? Did Ta Saroeun  
24 issue any instructions in that regard?

25 A. Ta Saroeun never <instructed any techniques. In case> the

1 prisoners <> refused to confess,  
2 I only heard from Nau who gave instructions to the security  
3 guards that when they had to feed the prisoners with rice, the  
4 guard should mix with more salt so that the prisoners would  
5 become thirsty and then would beg for water from the guards who  
6 stood watch outside.

7 And in a case when a prisoner asked for water, then the guards  
8 should tell the prisoner to tell the truth to Angkar when Angkar  
9 questioned him. <And the guards gave a notebook and pen to the  
10 prisoners.>

11 Q. In the interrogation room, were there instruments that could  
12 be used to torture the detainees who refused to tell the truth?

13 A. During the period that I worked at the interrogation room,  
14 there was no instrument, namely, club or electrical wire there.

15 [15.30.22]

16 Q. I would like simply to read out what you said in WRI E3/5512  
17 at answer 8. And the question was put to you about whether or not  
18 there were torture instruments at the Au Kanseng security office  
19 and you said<>:

20 "There were. There was equipment to apply electric shock. I saw  
21 security personnel use them on the ethnic Jarai prisoners that  
22 had been captured on the battlefield. There were clubs too, but  
23 they were not kept there<>. When they were required, they went to  
24 get them." End of quote.

25 So, witness, does this somewhat refresh your memory regarding

1 what you said to the investigators of the OCIJ?

2 [15.31.44]

3 A. <From my recollection>, those electrical shocks were used when  
4 Jarai were sent into the security centre. Security guards, from  
5 my observation, carried the phones in Lon Nol's regime to shock  
6 the prisoners. <When I was working at the division office, I used  
7 that kind of phones and it shocked my hand. I saw that> they used  
8 <that> kind of phones to <give electric> shocks to the prisoners.

9 Q. So I'd like to read out what Ta Chhaom Se said, who was the  
10 head of Au Kanseng, in his WRI E3/405 at answer 14, and I quote:

11 "Sometimes there were acts of torture, but they were not  
12 committed in a systematic way on all prisoners. The acts of  
13 torture were carried out with the aim of obtaining confessions  
14 and they were carried out on prisoners who were suspected of  
15 having hidden information, or on those who did not want to tell  
16 the truth. These prisoners were beaten up and they were beaten  
17 with a whip. They were electrocuted with electric power." End of  
18 quote

19 So here, Chhaom Se makes no distinction between the prisoners who  
20 were Jarai or not. <Do you have a> reaction in relation to what  
21 Chhaom Se said regarding torture that was inflicted in a  
22 non-systematic way on the prisoners?

23 A. I have listened to this testimony of Se in relation to  
24 torture. It was the conclusion of Se in relation to torture  
25 inflicted on prisoners <during the interrogation>.

1 [15.34.35]

2 Q. Well, I will stop here with this issue because I must now  
3 start talking about other issues.

4 You said that among the <hundreds of> people who died at Au  
5 Kanseng, most of them had been smashed <or eliminated>. So where  
6 were these people executed? Were there pre-existing pits in which  
7 these people were buried? So can you tell us a little bit more  
8 about that?

9 A. I can recall that when prisoners were taken to be killed,  
10 mostly <they took them out> at night time. The <one who took>  
11 action <was -- because we slept at the same house, for instance,>  
12 Tim, Se, Nau and I were sleeping in <the same house but in>  
13 different rooms< -- but> around 7 or 8 p.m., and at the time, I  
14 did not see Tim. Usually, Tim would be there when the prisoners  
15 were <not> taken away to be killed, but on that particular day,  
16 Tim was not present.

17 And <>at night-time, I do not know where those prisoners were  
18 sent to be killed <and I never asked them whether the killing  
19 site was near or far.>

20 [15.36.49]

21 Q. Just a point of clarification. When you said that Tim was not  
22 there each time a prisoner was executed, what do you mean by  
23 that? Because I understand that, since he was in charge of the  
24 security unit, it would be he who would be in charge, or <> who  
25 would supervise the executions? So tell me if I somewhat

1 misunderstood here.

2 A. In relation to the <security> management, <taking the>  
3 prisoners <away to be killed>, it was Tim who was in charge of  
4 it.

5 And there <was> a question from you <about the pits which I have  
6 not answered yet>. There <was a pit> used to put the Jarai people  
7 who had been killed. That pit was the result of a B-52 bombing.  
8 <I knew that they buried them in the B-52 bombing pit because on  
9 one> occasion, <a few days after all the> ethnic Jarai were  
10 <smashed,> I went to <the upper area> where there were  
11 jackfruits. <When I was there, it stunk>. So I assumed that  
12 perhaps the ethnic Jarai had been killed at that location.

13 Q. Well, in fact, yes. I would like now to turn one of the last  
14 topics in my examination and it is the Jarai prisoners. Were  
15 there -- was there one or several groups of Jarai who were taken  
16 to the Au Kanseng centre in 1977 or 1978?

17 [15.39.08]

18 A. Regarding the ethnic Jarai who were sent into Au Kanseng  
19 security centre, they were transported <in groups in GMC trucks.  
20 They were big trucks. From my recollection, there were> two  
21 <trucks>, in fact. They were sent in at night time. It was so  
22 noisy at the time that those ethnic Jarai were sent into the  
23 centre, <because> there were too many <of them.> The space <to  
24 sleep was full, but we put them in that tiny space because we  
25 knew there was a door which can be> locked<>.

1 Q. Well, indeed, I would like to clarify things a little bit  
2 more. So was there only one single incident when Jarai people  
3 arrived in two big GMC trucks, or were there several occasions  
4 when Jarai were transported massively to Au Kanseng? So can you  
5 tell us if this happened once or several times?

6 [15.40.43]

7 A. I may have not remembered well <in> how many trips <those  
8 Jarai were sent to the centre or whether they were all sent to  
9 the centre in one trip>. <But I just knew> that many ethnic Jarai  
10 were sent into the security centre by <trucks> and there were one  
11 or two armed soldiers on each truck or vehicle.

12 Q. Do you have an idea or can you give me an estimate of the  
13 number of Jarai people? You told me that there were very many of  
14 them who were brought to the Au Kanseng security centre, once or  
15 in several trips?

16 A. I cannot give you the exact figure <because I cannot remember  
17 well>. What I can say is that there were plenty of them, more  
18 than one hundred. Perhaps there were around 105 or 110 of them,  
19 but I cannot tell you the exact figure<>.

20 Q. And do you remember the year and the season when these Jarai  
21 people, more than 100 as you said, arrived at Au Kanseng?

22 A. From my recollection, it was in rainy season.

23 Q. Was it at the beginning of your job at Au Kanseng in 1977, or  
24 was it closer to 1978, closer to when the Vietnamese arrived? Can  
25 you give us an idea?

1 [15.43.24]

2 A. There were clashes at the border from late 1977, and  
3 <especially> the clashes <that> took place at road 19. There were  
4 sporadic clashes. At the time, <> ethnic Jarai were sent into Au  
5 Kanseng security centre and I cannot tell you the exact timeframe  
6 of that time.

7 Q. Do you remember the reasons for their arrests or do you  
8 remember the circumstances of their arrests? What did you learn  
9 regarding these arrests?

10 And could you also tell me if these Jarai people transited  
11 through another place before being brought to Au Kanseng after  
12 they had been arrested?

13 [15.44.40]

14 A. After those Jarai were questioned, <it appeared that> they in  
15 fact did not reside in Cambodia, and these people <who were  
16 arrested by the front line army> were <Jarai people who were>  
17 living in Vietnam. They were not arrested <> on Vietnamese  
18 <territory>, however, they were arrested in Cambodia.

19 Q. I would like to ask you if, when they were arrested, you were  
20 told that they were armed?

21 A. <When I received those> ethnic Jarai <at> my centre, I <did  
22 not receive> any information that <> they <were> armed. They  
23 <just> delivered ethnic Jarai to us. And some of them were in  
24 <their> thirties, some others below 25 and there were elderly  
25 <people> in <their> forties, in late forties; one or two of them.



1 Q. Were there women or young girls among this group of Jarai?

2 A. There were not many female Jarai and, as I said, I cannot tell  
3 you whether there were five or ten female Jarai. Most of them  
4 were male, and as for female, there were around 5 or 6 of them.

5 Q. I would like to read out to you right now a telegram regarding  
6 this incident, or regarding one of these incidents, E3/240, which  
7 is dated 15 June 1977, and which was sent by Vy to the "Respected  
8 brother" and copied--

9 MR. PRESIDENT:

10 Please hold on, Co-Prosecutor. You have the floor first, Koppe.

11 [15.47.57]

12 MR. KOPPE:

13 Thank you, Mr. President. I object to the formulation of this  
14 question. That is, indeed, one of the questions that the Trial  
15 Chamber has to answer, whether document E3/240 has anything to do  
16 with what the witness is testifying to.

17 That is disputed. It is unclear. I remind the Chamber of the  
18 testimony of one of the prisoners who put the event of him  
19 possibly seeing Jarai victims somewhere in March '78.

20 So saying now that this particular telegram has anything to do  
21 with the observations of this witness is disputed and it is  
22 unclear and doesn't -- is not supported by the evidence so far.

23 [15.49.06]

24 MR. DE WILDE D'ESTMAEL:

25 Mr. President, I put many questions regarding this incident, when

1 the Jarai arrived. I have put questions about the composition of  
2 the group, about the period, and where they came from, etc.

3 So I believe that I am now entitled to confront the witness with  
4 one of the elements on the case file to see if we're speaking  
5 about the same incident or about another incident.

6 Now, regarding the date, it's only the date of the telegram. This  
7 does not mean that this is the date when they entered Au Kanseng.  
8 It's just a report on the fact that they were arrested and not on  
9 the fact that they were taken to Au Kanseng, which might have  
10 happened much later. That we don't know, in fact.

11 So may I please read out this telegram and then put questions to  
12 the witness regarding its content in order to understand if we're  
13 speaking about the same group of Jarai people?

14 MR. KOPPE:

15 I really object to this way of proceeding, Mr. President, because  
16 he is not the author or the recipient of this document, and he  
17 is, other than most witnesses who are confronted with S-21  
18 documents, someone who could possibly say something about those  
19 Jarai. So now leading him to make a connection between that  
20 telegram and his evidence, is I believe is unacceptable.

21 [15.50.38]

22 So he can be shown the document, however, I believe it should be  
23 shown in a very neutral way and not by suggesting that this  
24 document has, in fact, something to do with the evidence that he  
25 just gave. That is leading him into evidence that I'm sure the

1 Prosecution would like to hear, but it should be done, if at all,  
2 very neutrally.

3 Of course, I object to him being the document in the first place,  
4 but you'll reject that objection. However, if it's being shown,  
5 it should be shown in a very neutral way and not leading the  
6 witness into something the Prosecution would like to hear.

7 (Judges deliberate)

8 [15.53.00]

9 MR. PRESIDENT:

10 The Chamber decides to overrule the objection put by the Defence  
11 Counsel for Mr. Nuon Chea, Koppe.

12 The Chamber allows question to be put to the witness and the  
13 witness can provide observations on that question lastly put by  
14 the International Deputy Co-Prosecutor.

15 International Deputy Co-Prosecutor, please reformulate your  
16 question. It <might not be complete because there was  
17 interruption>, and perhaps the witness may not have listened  
18 fully to your question.

19 BY MR. DE WILDE D'ESTMAEL:

20 Indeed, Mr. President, I was about to explain what this telegram  
21 was about and to read an excerpt of it before putting a question  
22 to the witness.

23 Q. So I repeat. This is telegram E3/240, dated 15 June 1977 that  
24 was sent by Vy, V-Y, to "The respected brother" and copied to  
25 Uncle Nuon, Brother Van, Vorn and Khieu. And the French ERN is,

1 00282550; Khmer, 00001266; English, 00897665 (sic). And I quote  
2 point 1 at the beginning of the telegram.  
3 [15.54.51]  
4 "At 9 a.m. <on> June 14," -- <understood to be> 1977 --  
5 "Production Unit 801, stationed at 107, while patrolling arrested  
6 209 <Vietnamese> soldiers, including nine <young girls>, in the  
7 vicinity of O La'ak" -- L-A <apostrophe> A-K <> -- "four  
8 kilometres south of road number 9. Almost all of them are Jarai  
9 who speak Khmer with an ethnic accent. They have <> been <sent>  
10 in custody." Further, "They said that they had been in the army  
11 for two to 10 years, and they were transporting an AK rifle,  
12 three AR-15 guns, two pistols and three US-made grenades. As far  
13 as I'm concerned, these are external enemies who are burrowing  
14 from within."  
15 [15.56.00]  
16 And later on in this telegram -- and the telegram ends:  
17 "<Additional recommendations are requested from> Angkar,  
18 <Production Unit 801> proposes an immediate decision and  
19 definitive decision. I am expecting your favourable answer." End  
20 of quote.  
21 So, Witness, you heard the content of this telegram which  
22 describes an event during which 209 soldiers described as  
23 Vietnamese were arrested close to O La'ak and it is indicated  
24 that most of them were Jarai. There were nine <young girls> among  
25 them.

1 So do these elements allow you to tell us if the people you saw  
2 arrive at Au Kanseng correspond to the people that are described  
3 in this telegram?

4 2-TCW-900:

5 A. I think that the testimony in relation to the capture of <209>  
6 Vietnamese, when I compare to the real situation happening at my  
7 location, I think the number was overstated. <When> I <> received  
8 <them> at the security centre, <there were less than 200 people>.  
9 <In fact, 200 people could not have been put together in a  
10 building which was> about 10-metre long and six-metre wide.  
11 Together with previous prisoners who were soldiers, that centre  
12 could not accommodate <all of them>. <So I react to this number  
13 that it's just the number given by another witness. But  
14 personally,> I cannot tell you the exact number<>.

15 [15.58.50]

16 Q. I only have a few minutes left, witness, to clarify this, in  
17 fact. The group that you saw arrived at Au Kanseng, was this  
18 group accused of being Vietnamese soldiers or not?

19 A. They were not accused of being Vietnamese soldiers. From the  
20 information I received from the battlefield, they were considered  
21 <as> Thieu-Ky soldiers <in the war before> 1970.

22 Q. A while ago, you stated that they were not residing in  
23 Cambodia but that they lived in Vietnam. Were those persons of  
24 Vietnamese nationality or they were considered as being  
25 Vietnamese by the officials of the division and the centre?

1 A. From that tone of language, they may have been ethnic Jarai,  
2 but I do not know how to speak Jarai language. But from the tone  
3 of language and from their accent they may have been Jarai.  
4 As for the colour of their skin, they were not Vietnamese. They  
5 <> resided in the mountainous area as those who were living in  
6 Ratanakiri province.

7 [16.01.19]

8 BY MR. DE WILDE D'ESTMAEL:

9 Mr. President, I'll need an additional five minutes today, if you  
10 would allow me.

11 Q. Mr. Witness, to be very clear, I wasn't referring to the  
12 ethnicity of that group, but to its nationality. Do you  
13 understand that difference?

14 What I wanted you to tell me was whether those were persons  
15 residing in Vietnam who spoke Jarai and who were <of> Jarai  
16 <ethnicity>, or they were nationals of another country, that is a  
17 country other than Vietnam?

18 2-TCW-900:

19 A. <In> fact, <if they> resided in Vietnam, so they <were of>  
20 Vietnamese nationality.

21 Q. A while ago, I referred you to a meeting you had with Ta  
22 Saroeun and also with Se regarding that group of Jarai. What did  
23 Ta Saroeun tell you regarding those persons and what did you have  
24 to do with them, and what was their fate?

25 A. After I had met Ta Saroeun or 05, <the commander of Division

100

1 801> together with Se, he asked me about the management issue. We  
2 were asked about <whether or not> Au Kanseng security centre  
3 <could> manage<> the ethnic Jarai.

4 Then at the time, Se made a report that the management of large  
5 number of ethnic Jarai, and in light of the limited number of  
6 security guards, they were not able to control and manage ethnic  
7 Jarai prisoners.

8 And, number two, Se made a report also about the <difficulty in  
9 providing shelter> for the detainees. <That's what> Se <reported>  
10 to Ta Saroeun in the meeting.

11 [16.04.18]

12 Q. I have very little time left. I'll read out to you what you  
13 stated in E3/5512, in answer number 11.

14 You refer to that incident and you stated the following:

15 "The Jarai were indeed arrested and imprisoned at the Au Kanseng  
16 security centre. Soldiers at the Ou Ya Dav battlefield <arrested>  
17 them and transported them by <vehicle> to the Au Kanseng security  
18 office, accusing them of being soldiers under Thieu-Ky. There  
19 were more than 100 <> Jarai and there were five to six females  
20 among them. At the time, Ta Saroeun, Ta 05, <asked> me and Se to  
21 meet with him and he told us <> to sort out those Jarai<>. When  
22 we returned to the security office, we <ordered> the security  
23 <unit> to sort <them> out<>. The term 'sort out' <> meant that we  
24 had to <execute> them." End of quote.

25 Does this refresh your memory as to what Ta Saroeun told you as

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

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1 to what you had to do <with these> Jarai, that is to say, to  
2 execute them?

3 A. I can recall the instruction of Ta Saroeun, or Ta 05, about  
4 ethnic Jarai after the report of Se. And after hearing the  
5 report, he <summed it> up <by saying that>, "Please solve it."  
6 <"Solve it" is the term they used.> And <from what we>  
7 understood, <> the word "<>solve it" meant <to> kill.

8 And <I agree that the> answers <that I gave> to the investigators  
9 when they came to interview me <were what I told them.> After we  
10 met Ta Saroeun, Se invited security guards and me to sit together  
11 and solve the issue.

12 [16.07.20]

13 MR. DE WILDE D'ESTMAEL:

14 Thank you, Mr. Witness. I think it is time for us to adjourn.

15 Thank you, Mr. President.

16 MR. PRESIDENT:

17 Thank you. Thank you, as well, Mr. Witness. It is now time for  
18 the adjournment.

19 The Chamber will resume its hearing tomorrow, Tuesday, 22 March  
20 2016, at 9 a.m.

21 Tomorrow the Chamber continues hearing the witness 2-TCW-900, via  
22 video-link. Please be informed and please be on time.

23 I am grateful to you, Mr. Witness, 2-TCW-900. The hearing of your  
24 testimony as a witness has not come to an end yet. You are  
25 therefore invited to come and testify once again tomorrow at 9



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1 a.m.

2 Thank you, Mr. Mam Rithea, the duty counsel. You are also  
3 excused. You are invited to come and sit close to the witness <to  
4 consult with him during> tomorrow's <hearing> as well.

5 Do you understand? Do you hear me well, Mr. Witness? Tomorrow we  
6 will start again at 9 a.m.

7 [16.08.44]

8 2-TCW-900:

9 Yes, I understand it, Mr. President.

10 MR. PRESIDENT:

11 You may now take a rest.

12 Security personnel are instructed <to bring the two accused> Nuon  
13 Chea and Khieu Samphan back to the ECCC's detention facility and  
14 have them returned into the hearing tomorrow before 9 a.m.

15 The Court is now adjourned.

16 (Court adjourns at 1609H)

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