



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

21 April 2015

Trial Day 270

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
SON Arun
KONG Sam Onn
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:
CHEA Sivhoang
Robynne CROFT

For the Office of the Co-Prosecutors:
Vincent DE WILDE D'ESTMAEL
Dale LYSAK
SONG Chorvoin
SREA Rattanak

Lawyers for the Civil Parties:
Marie GUIRAUD
HONG Kimsuon
LOR Chunthy
SIN Soworn

For Court Management Section:
UCH Arun
SOUR Sotheavy

I N D E X

MR. THANN Thim (2-TCCP-288)

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MR. PECH CHIM alias TA CHIM (2-TCW-809)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
Ms. GUIRAUD	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYSAK	English
Mr. PECH Chim (2-TCW-809)	Khmer
The President (NIL NONN Presiding)	Khmer
Mr. THANN Thim (2-TCCP-288)	Khmer
Mr. VERCKEN	French

1 PROCEEDINGS

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 For the proceedings in Case 002/02, today the Chamber will
6 commence the testimony of a civil party named Thann Thim. As the
7 Chamber informed the Parties on Friday last week, also the
8 notification was sent by an email by the Senior Legal Officer of
9 the Trial Chamber.

10 Ms. Sivhoang, please report the attendance of the Parties and
11 other individuals at today's proceedings.

12 THE GREFFIER:

13 Mr. President, for today's proceedings, all Parties to this case
14 are present.

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

18 A civil party who is to testify today -- that is, Mr. Thann Thim,
19 is waiting to be called by the Chamber in the waiting room. We
20 also have a reserve witness, 2-TCW-809. This witness confirms
21 that to his best knowledge, he has no relationship -- by blood or
22 by law -- to any of the two accused - that is, Nuon Chea and
23 Khieu Samphan or to any of the civil parties admitted in this
24 case. The witness will take an oath before the Iron Club Statue
25 this morning before his testimony. He has Mr. Sovann as his duty

1 counsel.

2 [09.03.30]

3 MR. PRESIDENT:

4 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the
5 request by Nuon Chea.

6 The Chamber has received the waiver from Nuon Chea, dated 21st
7 April 2015, which states that due to his health -- that is,
8 headache, back pain, he cannot sit or concentrate for long and in
9 order to effectively participate in future hearings, he requests
10 to waive his right to participate in and be present at the 21st
11 April 2015 hearing. He advises that his counsel advised about the
12 consequence of this waiver, that in no way it can be construed as
13 a waiver of his rights to be tried fairly or to challenge
14 evidence presented or admitted to this Court at any time during
15 his trial.

16 Having seen the medical report of Nuon Chea by the duty doctor
17 for the Accused at ECCC, dated 21st April 2015, who notes that
18 Nuon Chea has back pain when he sits for long and has dizziness
19 and recommends that the Chamber shall grant him his request so
20 that he can follow the proceedings remotely from the holding cell
21 downstairs.

22 [09.04.56]

23 Based on the above information and pursuant to Rule 81.5 of the
24 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
25 follow today's proceedings remotely from the holding cell

1 downstairs via audio-visual means.

2 As Nuon Chea has waived his rights to be present in the
3 courtroom, the Chamber instructs the AV Unit personnel to link
4 the proceedings to the room downstairs so that he can follow the
5 proceedings. That applies for the whole day.

6 Court officer, please usher Mr. Thann Thim into the courtroom.

7 (2-TCCP-288, Mr. Thann Thim, enters courtroom)

8 [09.06.15]

9 MR. PRESIDENT:

10 Good morning, Mr. Thann Thim. Today the Chamber will hear your
11 testimony and the Chamber already informed you about today's
12 proceedings during your last testimony -- that is, on 2nd April
13 2015, when you were called to provide your statement of impact
14 and in that proceeding you mentioned some facts, and as a
15 consequence, Parties made a request to the Chamber to hear your
16 testimony in relation to those facts.

17 The Chamber would like to inform the Parties and public that the
18 Chamber already asked Mr. Thann Thim about his personal
19 background on 2nd April 2015, so there is no need for the Chamber
20 to repeat the same formality.

21 And Mr. Thann Thim, for today's proceedings you will be given an
22 opportunity to make a statement of impact of what happened to you
23 during the Democratic Kampuchea regime, if you wish to do so.

24 Pursuant to Rule 91bis of the ECCC Internal Rules, the Chamber
25 will give the floor first to the Lead Co-Lawyers for civil

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1 parties. The combined time for the Lead Co-Lawyers and the
2 Prosecution is for one full morning session and you make take the
3 floor.

4 [09.09.30]

5 QUESTIONING BY MS. GUIRAUD:

6 Thank you, Mr. President. Good morning to all of you. I have a
7 few brief questions to put to you, Civil Party.

8 Q. You said to us last time that you were in a refugee camp <in
9 Phnom Penh> on 17 April 1975, that you had first been transferred
10 to Kiri Vong district, and then in 1977 -- and I quote from the
11 transcript -- you said to us, at 10.43.22, that in 1977, you were
12 displaced again to Trapeang Thum Khang Cheung village, Tram Kak
13 district, Takeo province. <My> first question, Civil Party, is
14 how and in which conditions were you transferred from Kiri Vong
15 district to the village of Trapeang Thum Khang Cheung in Tram Kak
16 district in 1977? What can you tell us about this transfer?

17 MR. THANN THIM:

18 A.I was evacuated from Kiri Vong district to Trapeang Trav
19 village, Trapeang Thum Khang Cheung commune, Tram Kak district in
20 Takeo province. I was transported in a vehicle to that location.

21 [09.11.26]

22 Q. Did you travel alone or were you with members of your family
23 and other people in the vehicle that you <mentioned>?

24 A. In that vehicle, there were my elder sister, my mother and my
25 family members and my wife.

5

1 Q. Did you have children back then, and if you had children, did
2 they travel with you?

3 A. At that time, I had two daughters and they travelled with us.

4 Q. Thank you. Can you <explain to> the Chamber what happened once
5 you arrived <at your final destination> in Tram Kak district?

6 A. When I arrived in Tram Kak district, one of my nephews died --
7 that is, the son of my elder sister. It happened due to the
8 overcrowded transportation in that vehicle. I was assigned to an
9 ox cart unit and my wife was assigned to a female unit to engage
10 in the rice transplanted and I was in the transportation unit.

11 [09.13.44]

12 One day I was assigned to carry timbers at Phnum Bos Ta Phang
13 Mountain. There were about 50 ox carts, at that time, to go and
14 transport timbers and we returned around 7 or 8 o'clock in the
15 evening. After I unloaded the timbers from the cart, I took the
16 cart back to the unit. Then I fed the cow with hay and then I was
17 about to rest for the night.

18 I was just about to lay on the floor, then Ta Paoh, the chief of
19 the ox cart unit asked me to go and to accompany him to a
20 meeting. It was at night-time and I thought that I would die
21 because the Base People never called the 17 April People to
22 accompany them to a meeting because such meetings were secretive
23 and I thought that I would die so I accompanied him to the
24 meeting. He was walking in front of me and I was behind him and
25 when we arrived at the location of the militia unit, there was a

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1 watermelon plantation<; there were many watermelons there,> and
2 he said that he would go to get a watermelon from the militia, so
3 I went along and there were about four of five militiamen who
4 <suddenly> came out, tied me up, as they tied my hands behind my
5 back and Ta Paoh just disappeared. The militia pushed me into a
6 room, they beat me up, they interrogated me, they kept beating me
7 up and I said that I did not have any rank or that I was not a
8 military officer. I was only a labourer selling firewood just to
9 raise my family and the living was gained from selling wood --
10 was only for a daily living. But they did not believe me and they
11 kept beating me up, they changed hands one after another in doing
12 so and they threatened me to tell them the truth that I was a
13 lieutenant in Phnom Penh and if I were to tell them truth, then I
14 would be freed.

15 [09.17.58]

16 They said that my children told them about my rank. My children,
17 at that time, were rather young, they were about six or seven
18 years old and they were in the children's unit and personally I
19 did not know what my children said about me, whether they were
20 threatened to say that kind of thing about me. But that was what
21 I was told by the militia, that I was a lieutenant in the army.
22 But I told them: "No, I was not a soldier. I earned a living by
23 selling firewood," and that was just enough to feed my family
24 members.

25 [09.18.50]

7

1 Q. Thank you <>, Civil Party. You are <saying> that the
2 militiamen told you that it <was> your children who <had> told
3 them that you were <a> former Lon Nol officer. Did you have the
4 <opportunity>, after the regime, to speak <with> your children
5 about <this incident>? And if <so>, what did they say to you?

6 A. You talked about after the Lon Nol regime? Because the Pol Pot
7 regime came after the fall of the Lon Nol regime, so I don't seem
8 to get your question.

9 Q. When you came back together with your children -- because you
10 <told us> last time that your two daughters <had> survived -- so
11 when you saw your children again, did you have an opportunity to
12 speak -- <so this is> after 1979 -- <did you have the
13 opportunity> to speak to your daughters about that <incident?>
14 And> did they confirm <> that they had given your name to the
15 militiamen?

16 A. My children told them that I was the one who told them to
17 steal sugar cane, for example, and they were threatened to say
18 that I was a soldier with a rank of a lieutenant in Phnom Penh
19 and because they were young, they just told what they were told
20 to say because they were threatened, they were <beaten and>
21 tortured.

22 [09.20.50]

23 Q. Thank you. You <> said that your children were part of a
24 children's unit. Can you explain to us as of when you were
25 separated from your children and can you tell us if you had the

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1 <opportunity to visit> them? What kind of <relationship> did you
2 maintain with your children back then, before your arrest?

3 A. I did not have any contact with my children. I did not have
4 the opportunity to meet them and in fact we were allowed only to
5 meet every tenth day -- that is, on the 10th, 20th or 30th, and
6 it doesn't mean on that day we were not allowed to go to work,
7 but we only allowed to meet briefly during the night-time. And in
8 fact I did not see them because when I went there they were not
9 at their place of residence. Maybe they went somewhere or they
10 went to the forest and sometime they were already asleep when I
11 went there. And whenever I was allowed to visit my family, I
12 tried to look for my children but usually they were not there as
13 they went to scavenge for food or for sugar cane <or cucumber.
14 That's why they were in trouble.>

15 [09.22.49]

16 Q. Thank you. Were you told why families were separated and why
17 you <> no longer <lived> with your children and with your wife?

18 A. That did not only happen to my family but it happened to
19 everyone during the regime. We were not allowed to live together
20 with our family members - or, with our wives. The children were
21 separated and placed in a children's unit and the wives would be
22 put in the female unit and as for us, the husbands, we were
23 placed in the male unit and we had to do what we were assigned to
24 do, for example, to plough the rice field or to engage in
25 transportation.

1 Q. You <> told us earlier that you would visit your children in
2 the evening or at night <>. Can you tell us why you <went to> see
3 them at such a late hour?

4 A. Because we were in our respective unit and Angkar only allowed
5 us to meet our family members every tenth day and during the day
6 time on that day, we still worked and we could only go at
7 night-time and when I went to see my family members at night-time
8 rarely I saw my children as they were young and they were in a
9 children's unit and they did not have enough food to eat so they
10 went around to look for food or to pick fruit <or vegetables in
11 the cooperative>.

12 [09.25.09]

13 Q. My last question now, given the time allotted to us this
14 morning: what happened to the other members of your family? You
15 spoke about the fate of your wife and of your two children. Can
16 you tell us what happened to the other members of your family
17 once you arrived in Tram Kak?

18 A. I had an elder sister who had a son. When we arrived in Tram
19 Kak district, the son died from overcrowding in the vehicle and
20 in fact we arrived at night-time.

21 MS. GUIRAUD:

22 Thank you, Civil Party. I have no further questions, Mr.
23 President.

24 MR. PRESIDENT:

25 Thank you. The Chamber would like to hand the floor to the

10

1 Co-Prosecutors.

2 [09.26.40]

3 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

4 Thank you. Good morning, Mr. President. Good morning, Your

5 Honours, and good morning to all the Parties present. Good

6 morning, Mr. Civil Party.

7 You <> already answered a few questions <on 2 April, but> I have

8 <some others> today<, and we> have a bit more time<. Therefore, I

9 <also intend> to show you some documents.

10 Q. First of all, since you were in a refugee camp at the time of

11 <the> evacuation of Phnom Penh, can you tell <me> why you <ended

12 up> in that refugee camp? <What had you run away from>?

13 MR. THANN THIM:

14 A. That time we were afraid of the Vietnamese who were known as

15 "Dang Chin" (phonetic), with a skull symbol <called the 'Death is

16 Tomorrow Squad'>. We were so afraid of them. They came to cause

17 trouble along the border so we fled and then we arrived at the Ou

18 Baek K'am refugee camp.

19 Q. <So, before getting to -- before> you fled to that refugee

20 camp, did you live in Saom commune, Kiri Vong district, Takeo

21 province, and was that along the border between Cambodia and

22 Vietnam?

23 A. Yes, that is correct as it was located along the

24 Vietnam-Cambodia border.

25 [09.28.36]

11

1 Q. I believe you told the OCIJ and in your civil party
2 application <documents, as well,> that you were a Khmer who
3 hailed from Kampuchea Krom<, as was your wife>. Can you tell us
4 when your family settled <in> Kampuchea Krom?

5 A. In that response, in fact I said I was born in Toul Pongro
6 village, Saom commune, but my wife was in Kampuchea Krom and
7 later on she came to Kampuchea Loeu, and that's when I met her.

8 Q. Very well. I will read out to you a <passage from your> record
9 of your interview before the OCIJ, <and> perhaps to make things
10 <easier> for you, I'll <show you this document, with the
11 Chamber's leave>. It is document E319/12.3.8 and I am interested
12 in answers you gave to Questions 20 and 55.

13 May I request your leave, Mr. President, to show <him> this
14 document?

15 MR. PRESIDENT:

16 Yes, you may proceed.

17 [09.30.23]

18 BY MR. DE WILDE D'ESTMAEL:

19 First of all, Answer 20, and <for> the interpreters, I will quote
20 it in English <because currently there is no> French translation
21 of this document - <So I> quote:

22 "For those who had fair complexion and could not speak Khmer
23 language well like the Khmer Krom people, they regarded them all
24 as the Vietnamese and eventually they would take them to be
25 killed." Question 21: "Who do you refer to as 'they'?"

12

1 Answer: "I refer 'they' to the militia units and village and
2 co-operative chair persons." End of quote.

3 I will continue to Answer 55 of the same document and again I
4 will quote in English.

5 "They identified them by the Khmer language accent and clothing.
6 For instance, women wore trousers and shirts like Vietnamese
7 ladies. I also knew that the Khmer Rouge had taken the Vietnamese
8 to be exchanged for Khmer Krom." End of quote.

9 [09.31.53]

10 If I properly sum up your statements before the OCIJ, you made
11 mention of three means used by the Khmer Rouge to identify the
12 Khmer Krom. The first was that they did not <> speak Khmer
13 <properly>, or spoke with an accent; secondly, they <had> fair
14 skin; <or> thirdly, they wore Vietnamese clothes.

15 Q. <My question is as follows:> Were the Khmer Rouge cadres from
16 Kiri Vong district<, and later on> from Tram Kak<, seeking> out,
17 in particular, the Khmer Krom among the 17 April People who had
18 arrived at that location?

19 MR. PRESIDENT:

20 Mr. Civil Party, please wait, and Counsel Koppe, you have the
21 floor.

22 MR. KOPPE:

23 Thank you, Mr. President. Good morning, Your Honours. I object to
24 this question because this question relates to the topic which is
25 outside the scope of this trial -- outside of this segment.

13

1 Treatment of the Khmer Krom -- people from Kampuchea Krom -- is
2 not part of the second trial, so this question should not be
3 asked.

4 [09.33.11]

5 MR. DE WILDE D'ESTMAEL:

6 Mr. President, may I respond? This objection has already been
7 raised several times<. The answer has already been given several
8 times that the Closing Order and the passages in question, which
9 concern this trial, provide information about abuses against the
10 Khmer Krom,> and I therefore believe it is relevant <and
11 necessary> to put this <type of question during this trial, as
12 well.>

13 (Judges deliberate)

14 [09.36.03]

15 MR. PRESIDENT:

16 The Chamber gives the floor to Judge Claudia Fenz to respond to
17 the objection of the defence counsel to the last question put by
18 the Deputy International Co-Prosecutor. You may now proceed.

19 JUDGE FENZ:

20 The Chamber notes that it is seized with request to clarify the
21 indictment in connection with the Khmer Krom. The decision will
22 be issued in due time. Until then, these questions are allowed
23 specifically, since in this case, they also relate to the 17
24 April People.

25 [09.36.50]

14

1 BY MR. DE WILDE D'ESTMAEL:

2 Thank you.

3 Q. Mr. Civil Party, I will put my question to you again.

4 Did the Khmer Rouge cadres from Kiri Vong district <or> later on
5 from Tram Kak, where you stayed, seek out, in particular, the
6 Khmer Krom among the 17 April People who had arrived at that
7 location?

8 MR. THANN THIM:

9 A. Leaders in Kiri Vong district and leaders in Tram Kak district
10 did not try to search for Khmer Krom. Unless there was a report
11 on the matter, they would go and search for Khmer Krom.

12 Q. You also stated in answer to Question 54 in the same record of
13 interview that it was quite difficult to <identify> a Khmer Krom
14 <among the> 17 April <People>. <Also,> in Answer 55 <you spoke
15 about> the fact that were exchanges between the Vietnamese and
16 Khmer Krom. What do you know about those agreements <or>
17 exchanges < the Khmer Rouge made with Vietnam,> whereby
18 Vietnamese were swapped with Khmer Krom?

19 A. I did not know about this matter particularly about the
20 exchange programme. In fact there was a swap between Vietnamese
21 and Cambodians.

22 [09.39.15]

23 Q. Did you see, on several occasions, Vietnamese being sent on a
24 convoy <towards> the border or Khmer Krom arriving <in places>
25 where you were working? <Or, rather, did> you only hear about the

15

1 existence of an exchange programme, <without witnessing yourself>
2 what took place?

3 A. I heard of it. I never witnessed it.

4 Q. Did you hear <whether> such exchanges ceased at <a certain>
5 point in time<, at a specific time> during the Khmer Rouge
6 regime?

7 A. I did not know when the swap ended.

8 Q. Did you ever hear that Vietnamese, or Khmer Krom <lumped
9 together with > Vietnamese<, had been> executed in Tram Kak
10 district or elsewhere in the Southwest Zone?

11 MR. PRESIDENT:

12 Please hold on, Civil Party. You may now proceed, Counsel Kong
13 Sam Onn.

14 [09.41.03]

15 MR. KONG SAM ONN:

16 Thank you, Mr. President. I would like to raise my objection to
17 this question <because> the International Deputy Co-Prosecutor is
18 now making a conclusion on the fact, it was not the response from
19 the civil party that Khmer Krom were considered Vietnamese and
20 this conclusion contradicted with the answer of the civil party.
21 Civil party already stated that Kampuchea Krom people were not
22 searched for unless there was a matter in relation to an
23 individual. At the time, there would be a search for Khmer Krom.

24 MR. DE WILDE D'ESTMAEL:

25 Thank you. I know what the civil party said. <But I quoted> what

16

1 he said in Answer 20 <of> document <E319/12.3.8,> wherein he
2 stated that those who <had fair skin and could> not speak Khmer
3 properly or well, were regarded or considered as Vietnamese.

4 May I proceed with my question, Mr. President?

5 [09.42.32]

6 MR. PRESIDENT:

7 The objection of the counsel is overruled. The civil party is
8 instructed to give your response to the last question put by the
9 International Deputy Co-Prosecutor. If you do not recall the
10 question, the International Co-Prosecutor may be asked to put the
11 question again.

12 BY MR. DE WILDE D'ESTMAEL:

13 Q. Thank you. I <think I> will rephrase the question.

14 Did you ever hear <> during the period when you worked in Kiri
15 Vong district <and later in> Tram Kak district, whether
16 Vietnamese or Khmer Krom, <lumped together with> Vietnamese, <had
17 been> executed in <those zones> by the Khmer Rouge?

18 MR. THANN THIM:

19 A. When I was living in Kiri Vong district, there was such a
20 case. Khmer Krom spoke with <Vietnamese> accent. They did not
21 speak very clearly and Vietnamese also spoke Khmer unclearly and
22 those people were considered Khmer Krom or Vietnamese. Those with
23 <> with fair complexion and spoke with accent would be considered
24 Khmer Krom. They <were taken away and> disappeared, and I did not
25 know whether these people were killed, they did not stay there

1 after that time.

2 [09.45.10]

3 Q. Very well. Let us now talk about persons who were officers in
4 the Lon Nol Army or <who> were senior officials, <or officials
5 in> the Lon Nol government. I'll <first> read out excerpts of
6 what you told the Co-Investigating Judges and then put some
7 questions to you thereon. <So, in> the document I <gave you, it
8 starts with question 44. So,> I'll quote <several questions and
9 answers, once again> in English. <Question 44, I quote:>

10 "When you were in Svay Voa village, did you know if there were
11 people killed?

12 Answer 44: "Yes, there were. Khmer Krom people had the rank of an
13 officer. In Svay Voa village, the Khmer Rouge propagandised that
14 those who were officers during Lon Nol regime would be allowed to
15 resume their positions in the army and then they would be
16 despatched to fight the 'Yuon', but in fact, they were all taken
17 to be killed."

18 [09.46.37]

19 Answer 45: "I remember that Ping, a Khmer Krom citizen, told them
20 that he was a Lieutenant Colonel. Actually, this was the trick of
21 the Khmer Rouge to identify what we were in Lon Nol regime. In
22 fact, all these people were all taken to be killed."

23 Answer 46: "They just wanted to deceive the ones who used to work
24 for the Lon Nol regime, such as soldiers and teachers and so on
25 to show up and take them all to be killed only."

18

1 Your answer 48: "The announcer was the Svay Voa village chief."

2 And lastly, Answer 53: "After the propaganda, the ones I were
3 acquainted with, all disappeared." <End of quote.>

4 My first question is as follows: In Svay Voa village, did many
5 former soldiers or officials of the Lon Nol government <believe>
6 the Khmer Rouge and <tell them> their previous professions?

7 [09.48.08]

8 A. When we were evacuated from Phnom Penh and arrived in Svay Voa
9 village, after four or five days there was an announcement <to
10 all 17 April People> that those who had ranks, they would be
11 reinstated. Those who were teachers, they would be allowed to go
12 back and teach. For those who did not hold any ranks, because
13 they heard that they would receive a rank and these people said
14 that they were soldier or they were first or second lieutenants.
15 <They were all Khmer Krom soldiers.> These people were taken
16 away. I did not know where they were taken to. After the
17 announcement, these people disappeared. I was not allowed to find
18 any information on this matter.

19 Q. Did you ever hear subsequently<, even after the regime,> that
20 some of these people had survived? I'm thinking particularly of
21 Ping<, whom> you <> mentioned. <Did you ever see him again?>

22 A. In fact, at that time, there was an announcement that those
23 who had any ranks or those who had been a teacher would be
24 reinstated. <Mr. Ping then> declared and admitted <first> that
25 <he was a Lieutenant Colonel> before <but then he asked that

19

1 Angkar give him only the rank of Major in that he was eager to
2 fight with the Vietnamese>. After that time, he disappeared.

3 [09.50.48]

4 Q. Very well. Did you hear during the Khmer Rouge regime, or did
5 you <find out during that period whether> such announcements were
6 made in other villages in Kiri Vong district or in Tram Kak
7 district, with a view to identifying ex-Lon Nol soldiers or civil
8 servants?

9 A. From what I know, it was in Kiri Vong. There was such an
10 announcement. After I arrived in that place for four, five or 10
11 days, there was such an announcement. And I was living in Tram
12 Kak district for a period of time and after that I was
13 transferred to another place. In fact, there was such an
14 announcement in Kiri Vong district.

15 Q. Very well. Let us now talk about your transfer from Kiri Vong
16 district to Tram Kak district. <Earlier, the Civil Party lawyer>
17 quoted what you stated at the hearing of the 2nd of April<, that>
18 it was in 1977 that you were moved to Trapeang Thum Khang Cheung
19 village in Tram Kak district. Can you tell us who in<, I believe
20 it was> Chi Mreak village, where you were, told you that you had
21 to leave Kiri Vong district and go to Tram Kak district?

22 [09.52.50]

23 A. In late 1977, I was doing farming <at Tuol Paun (phonetic)> in
24 Svay Voa village and at the time, the group leader or the unit
25 leader told me <> that we had to stop working and went to Wat

1 Kampeaeng. Ta Paoh was the announcer at that time. Ta Paoh went
2 from Tram Kak district to live in that place. At that time the
3 word "Angkar" was regularly referred to or used by commune
4 committee.

5 Q. Were there many of you at Wat Kampeaeng when you heard the
6 announcement that you had to leave Kiri Vong district? <About
7 how> many of you had assembled?

8 A. Actually, there were many of us gathering in that pagoda. All
9 the 17 April People who lived in Svay Voa village, Chi Mreak
10 commune were gathering in Wat Kampeaeng. There were many, many
11 people. I did not know how many of them and I could not give my
12 rough estimate. There were hundreds of family hosts.

13 [09.55.08]

14 Q. Thank you. Did Ta Paoh -- if I understood correctly, that's
15 the person who made that announcement -- did he seek your opinion
16 and that of <> the 17 April People assembled at that location
17 before proceeding to the transfer? <In other words, did> you have
18 <a choice whether to go or stay?>

19 A. Ta Paoh said that now <upper> Angkar <> had to evacuate you
20 all from this place because, at that time, there were fighting;
21 there were sound of firearms by the Vietnamese soldiers. They
22 were afraid that we would side with the Vietnamese that's why all
23 of us were evacuated. Ta Paoh said that all of us needed to be
24 evacuated to live in Tram Kak district. <Ta Paoh at that time
25 only used the word 'Angkar'. But, actually, it was the commune

21

1 chief or commune committee who made the announcement.>

2 Q. And you said that this meeting only gathered 17 April People.

3 Were the Base People from this village and from the surrounding
4 villages, were they also transferred to Tram Kak?

5 A. Base People did not go anywhere, only New People -- only 17
6 April People were transferred to Tram Kak district. All of us
7 were transferred to Tram Kak district. Base people stayed there.

8 [09.57.28]

9 Q. <Did> you ever hear Ta Paoh or other Khmer Rouge cadres <say>
10 that they feared that you would <> escape to Vietnam?

11 A. Khmer Rouge were afraid of this. We were living close to
12 Vietnamese, we were living close to Vietnam and that is why we
13 were evacuated to live further away from the Vietnamese border.

14 Q. <Beyond> your village, which was located in Kampeaeng commune,
15 I believe, were there many other New People from Kiri Vong
16 district who travelled to Tram Kak?

17 A. 17 April People, all of them were evacuated, were transported
18 away. Actually, all of 17 April People were evacuated.

19 Q. Fine. You said in Answer 64 of your record of Interview,
20 E319/12.3.8, which you have before you, <so> this is at Answer
21 64, <> you spoke about five trucks that brought you there. Can
22 you tell us how many people there were in each one of these
23 trucks that brought you to Tram Kak?

24 A. At least there were 30 and 40 people in one truck, the truck
25 was rather big.

1 [10.00.23]

2 Q. Were there Khmer Rouge soldiers with you when you were being
3 transferred, or were there Khmer Rouge soldiers there to watch
4 you?

5 A. No. There weren't. There were only drivers and there were no
6 other Khmer Rouge <soldiers> on the trucks.

7 Q. Did people try to escape; was it possible to jump off the
8 truck?

9 A. No one dared to escape, no one dared to do so.

10 Q. Fine. You spoke about 1977<. Do> you remember the season when
11 this displacement to Tram Kak took place? Was it the rainy
12 season, for example, or was it the dry season?

13 A. It was a dry season.

14 Q. <As> far as you know, <did> this transfer of <all the 17
15 April> People from Kiri Vong to Tram Kak <take> place during one
16 period or several periods?

17 A. It happened only during that time.

18 [10.02.35]

19 Q. <With> regard to '77, again, in order to try to have more
20 clarification about this period, <would you say that> it happened
21 during the first half of '77 or during the second half of 1977?

22 MR. PRESIDENT:

23 Civil Party, please wait; and Counsel Kong Sam Onn, you have the
24 floor.

25 MR. KONG SAM ONN:

1 Thank you, Mr. President. I think the question should not be
2 repeated as the civil party has already responded that the event
3 took place in late 1977. A better question would be as to which
4 month in late 1977.

5 MR. DE WILDE D'ESTMAEL:

6 Yes, perhaps. But since the civil party spoke about the dry
7 season and the dry season goes from November to May, I wanted <>
8 to <remove any ambiguity> with regard to that, but I can
9 reformulate the question.

10 [10.03.52]

11 BY MR. DE WILDE D'ESTMAEL:

12 Q. Do you remember <> the specific month or the specific period
13 in 1977 when you were transferred to Tram Kak, or do you not
14 remember?

15 MR. THANN THIM:

16 A. It was likely in September or October of 1977.

17 Q. Now I would like to read out an excerpt from the book of Ben
18 Kiernan, which is document E3/1593. This book is called "Genocide
19 in Cambodia" and the page I would like to read is, in English,
20 00678580; <in> French, 00638944; and <in> Khmer, 00637647 to 48;
21 and I'm going to quote an excerpt:

22 "During this time, the inhabitants of Phnom Penh who had been
23 evacuated to Kiri Vong underwent a <new> deportation in the
24 opposite direction. At the beginning of 1977, Sarun remembers,
25 all of the New People from Kiri Vong were sent by the thousands

24

1 to be tempered in Tram Kak district. They < --> the Khmer Rouge,
2 therefore <--> feared that we would seek refuge in Vietnam<.
3 When> Sarun and the New People <came> from Kiri Vong, another
4 category <below> the <local> New People was created. The <new
5 arrivals> in Tram Kak became <so-called> 'Bandits', in Khmer,
6 'Chao Prei', probably because they were <accused of intending to
7 seek> refuge in Vietnam. Sarun remembers, <and I quote,> 'We were
8 living in other villages than the <local> New People, <who> ate
9 better than us." End of quote.

10 [10.06.34]

11 <This> excerpt of a book <by> Ben Kiernan <> describes <>
12 thousands of New People from Kiri Vong who were transferred to
13 Tram Kak in 1977. Do you agree with this estimate<, this figure>
14 of several thousands of people?

15 A. Yes, it is likely that the number was up to hundreds or
16 thousands. I was put onto a vehicle <first> and sent to Tram Kak
17 district and there were more trucks coming<, one after another,
18 to pick and send the people to Tram Kak until they finished.>.

19 Q.<In> this excerpt, it is said that your group -- that is to say
20 17 April People<, but those> who came from Kiri Vong, were <in
21 some way> treated worse than the 17 April People <from> Tram Kak
22 <district>. Is this something that you noted yourself?

23 A. Yes, my observation was similar to that. At that time we were
24 categorised into <three> different classes. There were <temporal,
25 deposited and> full right <groups. Our group was categorized as

1 the deposited group.>

2 [10.08.48]

3 Q. And among <those who were "deposited">, did you note that you
4 were treated in a different way than the people who were already
5 in Tram Kak, in terms of food, in terms of living conditions, in
6 terms of working conditions<, for example>?

7 A. The workload was similar as everybody had to work, and as for
8 the food ration, we were only given watery gruel, for example
9 three cans of rice was cooked in a large pot for <up to ten
10 people> and everybody had to eat gruel.

11 MR. PRESIDENT:

12 It is now appropriate for a short break. The Chamber now take a
13 20-minute break and return at 10.30.

14 And Court officer, please assist the civil party during the break
15 at the room for the witnesses and civil parties and invite the
16 civil party and the TPO representative into the courtroom at
17 10.30.

18 The Court is now in recess.

19 (Court recesses from 1010H to 1031H)

20 MR. PRESIDENT:

21 Please be seated. The Court is now back in session and the
22 Chamber now hands over the floor to the International <Deputy>
23 Co-Prosecutor to put further questions to this civil party.

24 BY MR. DE WILDE D'ESTMAEL:

25 Thank you, Mr. President.

1 Q. Before the break, Civil Party, you told us that you received
2 very thin gruel to eat<. Once> you <had> arrived at Trapeang Trav
3 village in Tram Kak <district, did> you have enough to eat?

4 MR. THANN THIM:

5 A. As for food rations, we did not have enough food to eat. We
6 had only a watery gruel. We did not have enough food to eat.

7 [10.32.48]

8 Q. On account of such food shortages, did people fall sick among
9 <your group of> 17 April People?

10 A. Some people got sick and we could see that they were bony and
11 knees were as big as the heads. Some people were accused of being
12 psychologically sick, <but they were truly sick> and they adhered
13 to the slogan that "keeping is no gain, taking away is no loss",
14 so they took these people away.

15 Q. When people <were> sick, did they receive normal food rations
16 -- that is, when they were not working?

17 A. For those who were not able to work, the food ration was
18 <reduced>. They were sick and their food ration was <reduced> and
19 they said that if people did not <do> any labour, they should
20 have only a little food to eat.

21 Q. And did the sick receive appropriate health care?

22 A. As for the treatment, I did not witness it. I could see only
23 the rabbit drop medicines were used and administered to the sick
24 for treatment. I did not know whether there were other types of
25 medication or there were other types of treatments.

1 [10.35.16]

2 Q. <Were> the <militiamen> in that Trapeang Trav village, in
3 Trapeang Thum Khang Cheung commune, and the Khmer Rouge cadres
4 <on site> mistrustful of your 17 April group from Kiri Vong, <or>
5 did they <take particular care to> monitor <your> movements <>?

6 A. They did not trust New People. They did not trust New People
7 at all. We were watched and we were under surveillance so we were
8 not trusted. <They kept making inquiries about us as they called
9 it 'making a cold-water soup'. They constantly kept their eye on
10 us and never trusted us.>

11 Q. In that village and in that commune, were there any Khmer
12 Rouge cadres who were 17 April People?

13 A. No, only the Base People.

14 Q. A while ago, you said that you were transferred from Kiri Vong
15 to Tram Kak around September or October 1977. With the
16 President's leave, I <would like to> show two documents <to> the
17 civil party concerning the transfer of people from <District> 109
18 <to district 105, and these are documents specifically from
19 September and October 1977. The> documents <are E3/2448> and
20 <E3/4087>. May I request the Chamber to <also> allow me to place
21 <the pages I will identify shortly> on the screen?

22 [10.37.53]

23 MR. PRESIDENT:

24 You can do so.

25 BY MR. DE WILDE D'ESTMAEL:

1 Q. <In the> first document, E3/2448, the relevant page in Khmer
2 is 00079102. That document will be placed on the screen<; it is
3 on the screen>. In English it is <00322157>, and in French it is
4 00588784. To sum up the contents, it <is a report> sent on 9
5 September 1977 by a person called Mon from the cooperative
6 committee in Trapeang Thum Khang Cheung to the district Angkar,
7 regarding the situation of the enemies. <And the> report makes
8 mention of the arrest in the cooperative of a young pupil called
9 Keo, K-E-O, Rey, R-E-Y. And it is said that he <had been> sent
10 recently by Angkar 109<. It is also specified that> his father
11 had already been <smashed> by Angkar and <that> this Keo Rey had
12 stated -- and I quote: "If the Cambodians had <won> the war, it
13 was because the Americans had ceased the bombings". End of quote.
14 Do you know that person called Mon who<, in this document,
15 represents> the cooperative commune at Trapeang Thum <Cheung>
16 commune?

17 [10.39.45]

18 MR. THANN THIM:

19 A. I did not know the person by the name Mon.

20 Q. <Do> you know that young person called Keo Rey who had been
21 transferred from Kiri Vong district to Tram Kak district shortly
22 before <> 9 September 1977? Have you <> heard his name <before>
23 -- Keo Rey?

24 A. I never heard of this name. The Old People unit were living in
25 different places from those of children unit or women unit.

1 Q. Very well. Here we're talking of a young <person,> not an
2 elderly person<, just to clarify>. Let us now look at the second
3 document. It is document E3/4087 and the Khmer page <to be
4 displayed on the screen> is 00079106, <> in French<, it> is
5 00712134, and in English<, it is> 00276574. This is another
6 document from the same cooperative in Trapeang Thum Khang Cheung
7 commune, dated <> 9 October 1977, and it was sent to the Angkar
8 in Tram Kak district<. The> report says the following -- and I
9 quote:

10 "Within the youth unit <of> Trapeang Thum Khang Cheung commune,
11 <there are> new youngsters that Angkar has sent from Unit 109,
12 such as Chip Chhan -- C-H-I-P C-H-H-A-N -- Mam Soeun, Leang Loat,
13 <and> Kep Sam<. They> met in <secret> at midnight on 8 October
14 1977. The militiamen <of> the commune arrested them and brought
15 them for interrogation. They refused to answer any questions and
16 are all tight-lipped." End of quote.

17 [10.42.45]

18 Do you know, among the people who were transferred from <>
19 District <109> to Tram Kak district <-- so from Kiri Vong
20 district to Tram Kak district with you -- did you know or did you
21 meet> these youngsters called Chip Chhan, Mam Soeun, Leang Loat,
22 <and> Kep Sam?

23 A. I do not know these people.

24 Q. Prior to your arrest, <had you heard> that other persons had
25 already been arrested among the 17 April People from Kiri Vong?

1 [10.43.38]

2 A. There was one individual evacuated from Kiri Vong. The name
3 was Iem Sokha. He was put in the detention centre before me. His
4 name was Iem Sokha. I do not know other people beside this
5 individual.

6 Q. <Fine.> Let us now talk of your imprisonment at Angk Roka. You
7 referred to that on <02> April and I <would like to> try to shed
8 light on the <exact> period<,> the month of your arrest. You told
9 the Co-Investigating Judges -- and it is document E319/12.3.8 in
10 answer number 65 -- that you <had> worked for about one month
11 <in> the <oxcart> unit before you were arrested. In the
12 supplementary information form, E3/5035, it is specified that you
13 were arrested approximately five months after you arrived at
14 Trapeang Thum Khang Cheung. Can you please <assist us in
15 clarifying> this matter and tell <us again roughly> how <> long
16 after your arrival at <Trapeang Trav village, in> Trapeang Thum
17 Khang Cheung commune, you were arrested? You said you were
18 transferred <in> September <or October> 1977. <Approximately
19 when> were you arrested and transferred to Angk Roka?

20 [10.46.03]

21 A. They arrested me. In fact I do not remember when I was
22 arrested. I knew that it was in 1978 that I was arrested.

23 Q. You therefore do not <have a very clear idea of> how many
24 months elapsed <between your arrival in> that commune <and
25 beginning work in the cart unit and your arrest, is that correct?

31

1 Or do you have an idea> how many months went by?

2 A. It is true.

3 Q. In your civil party application, E3/5034, on page 2, <you
4 spoke> about your arrival at Angk Roka, and this is what you
5 stated: "Once we arrived at the Angk Roka market, the driver,"
6 <-- so, of the cart --> "gave me to the head of the militia, Ruos
7 -- R-U-O-S." At the hearing of 2 April at about 10.47 -- and it's
8 <transcript> E1/287.1 -- you stated<, and I quote,> "I think that
9 market served as an office during that period". End of quote.

10 [10.48.02]

11 You explained to us that you worked as a prisoner at Angk Roka
12 and, at <one> point, you were authorised to leave that location
13 <> to work during the day. While you were working there, did you
14 <find out> whether the office <> at Angk Roka market<, where
15 there was this> person called Ruos <>, R-U-O-S<, was, for
16 example,> a district office, a trade office, a security office,
17 or any other type of office?

18 A. I do not know this well. I do not know whether Angk Roka
19 market was used as a <> district <security> office. I was
20 arrested in the commune and I was put there. I believe that the
21 market was used as the district office. Ruos came to take me and
22 put me in the <security> office.

23 [10.49.30]

24 Q. Very well. When you arrived at the detention office -- that
25 is, <at> the prison of Angk Roka <--> you said <it> was about 400

1 <or 500> metres from the market, <to the west. What> were your
2 first impressions when you entered the room in which you were
3 going to be detained? For instance, did you smell anything
4 emanating from that <room>?

5 A. Upon my arrival -- I arrived there at night-time. <First, I
6 saw the light and assumed it was the place where pits were dug.
7 Then,> I saw a hall on the ground with the wooden floor and
8 wooden wall <and corrugated roof>. It was about 5 by 10 metre
9 hall. And after that, Meng went to collect the lock -- the key to
10 unlock the door and I was pushed into the room. There was a bad
11 smell in the room from the urine and from the <excrement> and I
12 felt like I was going to die. It was a very bad smell -- the
13 smell was very bad, rather.

14 Q. What did the prisoners you found at that location look like?
15 Did they look healthy or not?

16 A. They did not have a good health. I observed that they were
17 bony. When I was first put into the room, I felt very pity on a
18 person by the name Iem Sokha. He was very bony. And as for food
19 rations, I could have only a ladle -- a small ladle of food. I
20 did not have my food because I saw that Iem Sokha was bony. I
21 gave the food to him. No one in the room had good health. I mean
22 the prisoners did not have good health.

23 [10.52.57]

24 Q. At the hearing of 2 April at about <11.02>, you talked <about>
25 a person called <Phat -- P-H-A-T, who starved to death while

1 being detained at Angk Roka>. According to what you saw, did
2 other prisoners die of hunger, illness or <mistreatment> at Angk
3 Roka while you were there?

4 A. When I was detained there, I was there for a period of time.
5 That person name was not <Phat>, his name was <Pat>. And there
6 was another man -- he was handicapped. He could not perform the
7 work well because he was handicapped. <They said that> keeping
8 him is no gain, taking him is no loss and so he was taken away.
9 <But, I am not sure where he was taken to.>

10 Q. You talked of the dimensions of that detention <room>. Can you
11 <clarify> whether there was only one room in which prisoners were
12 locked up or there were other rooms?

13 A. There was a long hall -- it was 5 by 10 metres. <There were
14 not many rooms.> And there were two rows of prisoners. And there
15 was a water pot -- a big water pot <in the middle of the rows>
16 for us to relieve ourselves and we were sleeping in our rows --
17 our legs facing to each other. <Men were sleeping resting our
18 heads to one side while women slept resting their heads to
19 another side. And we were all shackled. But, men had both legs
20 shackled while women had only leg shackled.> All prisoners were
21 put in one long hall.

22 [10.55.40]

23 Q. Can you give us an estimate of the maximum number of prisoners
24 who were locked up <at the same time> during <the> night at Angk
25 Roka? <Was there a particular period when there would be more

1 prisoners than others, and about how many people would be in that
2 room then?>

3 A. It <> depended. Sometimes the hall was full and overcrowded.
4 At night-time, the prisoners were returned into the <prison> and
5 at daytime, because the room sometimes was full and overcrowded,
6 some prisoners were taken out of that room or hall and I did not
7 know where they were taken to.

8 Q. And are you able or not to give us an estimate of the number
9 of people who <would be shackled> in the hall when it was
10 overcrowded <> at night?

11 A. From my rough estimates, there were at least 70 prisoners in
12 the hall and prisoners in the hall were shackled. Only children
13 or babies were not shackled. The mothers would be shackled.
14 [10.57.44]

15 Q. Thank you. Regarding the frequency with which new prisoners
16 arrived at Angk Roka<, if I am not mistaken,> you said on 2 April
17 that they came from time to time. Can you tell the Chamber what
18 you meant by that? Did new prisoners arrive each week, several
19 times a month, or do you have another estimate of the frequency
20 of their arrival?

21 MR. PRESIDENT:

22 Please hold on, Mr. Civil Party. You may now proceed, Victor
23 Koppe.

24 MR. KOPPE:

25 Thank you, Mr. President. Although the questions are interesting

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1 and I believe the answers could also be interesting,
2 nevertheless, the situation -- prison conditions in Angk Roka are
3 not part of this segment -- are not part of this trial so maybe I
4 formulate my objection into request for guidance as to what we
5 should do with Angk Roka prison. Technically, these questions are
6 irrelevant; however, if you consider it to be relevant as to the
7 functioning of Krang Ta Chan, I can understand but I think my
8 objection is formulated as such that I would like to have some
9 guidance as to how we should proceed.

10 [10.59.20]

11 MR. DE WILDE D'ESTMAEL:

12 I would like to respond. <I think that, first> of all, indeed,
13 there is a link with Krang Ta Chan that has already been
14 demonstrated through the documents that were presented before
15 this Chamber; and second, there's also a very clear link with the
16 cooperatives of Tram Kak district, since it is<, indeed,> the
17 people from the cooperatives who were arrested and who were sent
18 either to Angk Roka or to Krang Ta Chan. So I think the link is
19 clear<. We need to be able to continue to ask -- we> should <be
20 authorized to> continue <and to ask. Thank you.>

21 (Judges deliberate)

22 [11.01.53]

23 MR. PRESIDENT:

24 The Chamber allows the Parties to put questions in relation to
25 the facts of Angk Roka <Security Office>. However, the question

36

1 should not be in detail in relation to this matter. Angk Roka
2 <Security Office> is part of Tram Kak district fact and is also
3 part of Krang Ta Chan Security Office facts.

4 Mr. Civil Party is instructed to give your response to the last
5 question put by the International Deputy Co-Prosecutor. If you do
6 not recall the question, you may ask the Co-Prosecutor to put the
7 question again.

8 [11.02.55]

9 BY MR. DE WILDE D'ESTMAEL:

10 Yes, I will repeat my question.

11 Q. Civil Party, how often <would> new prisoners <> arrive at Angk
12 Roka? Was it every week, <> several times per week, or several
13 times per month, or how frequent was it?

14 MR. THANN THIM:

15 A. The prisoners sometimes arrived once a week or <fortnight> .

16 Q. <Did> the prisoners arrive in groups, or would the situation
17 change? Were <there> groups of prisoners arriving together?

18 A. On some occasions, they came in groups and as for female
19 prisoners, they would come in a group of six or seven people. For
20 male prisoners, they would come in a group of four or five. At
21 night-time, prisoners were put back in the hall and were shackled
22 <overnight>. They would be taken out of the hall at daytime. I do
23 not know where they were taken to.

24 [11.04.39]

25 Q. <Fine. With> regard to <departures> of prisoners, you said in

1 Answer 77 of your <WRI,> that is, document E319/12.3.8 -- <> you
2 said that you saw people from Angk Roka take four <or> five
3 people to be killed every day<. In> another document, E3/5035,
4 you said that this happened every two to three days. <That's> on
5 page 2 of the translation of the supplementary information <to
6 the civil party application>. So<, would> this frequency of
7 people being taken away <from Angk Roka> change, <from time to
8 time,> and what can you tell us about this?

9 A. The situation sometimes changed.

10 Q. So<, in reality,> you assumed that <the> people who were taken
11 away were going to be executed at Damrei Romeal Mountain. <As>
12 far as you know, when you were working outside of the Angk Roka
13 detention centre, did you see if prisoners were sent to the Angk
14 Roka district office or to the Angk Roka market?

15 [11.06.54]

16 A. Prisoners were sent to the office where I was detained. It was
17 <a bit to the west of> the Angk Roka <market>. And as for killing
18 - or, as for the fact that prisoners were taken away to anywhere
19 else, I do not know. I could only peep through the hole of the
20 planks and <could see those prisoners being walked towards the
21 west, but> I do not know where the prisoners were taken to.

22 Q. <Back> then, did you hear about <> the Krang Ta Chan Security
23 Centre, maybe because other prisoners <held with you near Angk
24 Roka> had spoken to you about that? Did you hear about this
25 centre <and what its purpose was>?

1 A. I have never heard of this matter and prisoners who were
2 detained in the same hall, as I was, have never learned of this
3 matter. Perhaps <> some of them got to know this matter after the
4 liberation but I do not know about this. I have never heard a
5 prisoner talk of this matter.

6 [11.09.15]

7 Q. <You> said on 2 April that you <had been> put to work about
8 three months after <your arrival> at the <detention centre near>
9 Angk Roka<>, after Meng had interrogated you. Did you learn why
10 you were allowed to work during the day as of that specific
11 moment?

12 A. I was detained in the office for perhaps three months and the
13 older prisoner were sometimes released to work. I was alone in
14 the office. Meng called me out to interrogate to ask about my
15 background. After the interrogation, I was asked to carry water
16 to water the sugar cane or coconut trees.

17 Q. Aside from the <> cadre, Ruos, the militiaman <whom> you met
18 at the beginning, were there other leaders or cadres -- district
19 cadres, for example -- who came to see Meng at the prison? Is
20 this something that you <were able to observe>?

21 A. No, I did not see any.

22 Q. <Did> Meng, the head of the prison, <> have a messenger?

23 A. Whether he had a messenger, I did not know.

24 [11.11.40]

25 Q. <You> spoke on 2 April <2015,> about an infant <who was> with

1 his mother, who was detained <> at Angk Roka <when you arrived.
2 Today,> you <also> said that <small children, infants,> were not
3 shackled, but that their mothers were. <With> the Chamber's
4 leave, I would like to show to the civil party document E3/4093,
5 and to display it on the screen, as well.

6 MR. PRESIDENT:

7 Yes, you may proceed.

8 BY MR. DE WILDE D'ESTMAEL:

9 Q. And before that, maybe I can ask a <preliminary> question.

10 Were <young children and> infants subjected to the same fate as
11 their mothers? That is to say, if their mothers were taken
12 elsewhere, the children were also taken elsewhere?

13 MR. THANN THIM:

14 A. Yes, the young infants would go wherever the mothers went.

15 [11.13.20]

16 Q. Well, the pages I would like to focus on -- in Khmer, there
17 are four of them<, and we'll go through them quickly> -- ERN
18 00270786 to 89; French, first page 00729674, as well as the
19 following page, <ending in> 75; and in English, 00831486 and 87,
20 I believe. So this is a document that was authenticated by its
21 author, Ta San, <> the district head of Tram Kak, before this
22 Chamber<. These> are instructions that were relayed on 7 August
23 1978, by Ta San to a <person named> Chhoeun. And on this first
24 page it is stated -- and I quote:

25 <>"Regarding the widows who came from <North> Trapeang Thum <>,"

40

1 nowadays they are with comrade Meng<.> I am requesting you to
2 sweep everything away -- to <clean everything up completely>."
3 End of quote.

4 <>And on the following page, I think in Khmer it's at 00270788 --
5 and I quote -- it's another message from Meng, dated 08 August
6 1978, <so> the following day<, and> he says the following: "I
7 would like to provide the following <clarifications> to my report
8 <from> the base of <North> Trapeang Thum Khang Cheung commune,
9 regarding the story of the five widows <whose names are: Muoy;
10 Bann Sokun, alias Hiek; Kieu; Thou, alias Leng; <and> Mao>:
11 1) Muoy -- M-U-O-Y -- she is <Chinese>-Vietnamese <mixed blood;>
12 2) Bann Sokun, alias Hiek; she is also a mixed blood,
13 Chinese-Vietnamese;
14 3) <Kieu, K-I-E-U>;
15 4) Thou<, T-H-O-U,> alias Yeng -- <rather,> alias Leng; she is
16 Vietnamese;
17 5) Mao." End of quote.

18 [11.15.53]

19 <The> report states that they were complaining about the food and
20 about the work and that they had decided to flee to Vietnam. So
21 my question is the following:

22 This report speaks about the situation of five female prisoners
23 in August 1978<. Among> the female prisoners at Angk Roka, <where
24 you were detained,> did you know some of these widows from
25 <North> Trapeang Thum <> commune? That is to say Muoy; Ban

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1 Sokun<, alias Hiek;> Kieu; Thou, alias Leng; or Mao?

2 A. All these women, I did not know them but I saw them and they
3 were detained there but they were not detained for long. They
4 were shackled for one or two nights only, then they were taken
5 out. So, because they were not kept there for long, I did not
6 know them.

7 Q. And do you <know -- do you> remember if there were young
8 children who were with them?

9 A. There was one. There was one young infant who was <being
10 breastfed by> the mother.

11 [11.17.44]

12 Q. Now I would like to show you another document. It is document
13 D157.6 and, with the Chamber's leave, can I give him this
14 document and, of course, display it on the screen?

15 MR. PRESIDENT:

16 Yes, you may proceed.

17 MR. DE WILDE D'ESTMAEL:

18 The Khmer reference is 00270720; English, 00322089.

19 MR. PRESIDENT:

20 Co-Prosecutor, could you please repeat the ERN number again?

21 [11.18.53]

22 BY MR. DE WILDE D'ESTMAEL:

23 Yes, <Mr. President>: Khmer, 00270720; English, 00322089; and
24 there is no French <translation>.

25 Q. <So>, this is a document that was sent by Meng to the Party <>

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1 for <> information<.> And I'd like to mention <in passing> that
2 there is an inconsistency here, at least in the English version,
3 because mention is made of 12 June 1974, but <it seems that,> in
4 fact, it was <actually> 12 June 1978, on the basis of the
5 information <> with regard to the same prisoner called Lay Kiet,
6 <contained> in other documents <dated> 1978. <So> I might refer
7 to these other documents later<. In> any case, this is a document
8 dated <> 12 June, coming from Meng, <which reports> to the Party
9 <the following> with regard to Lay -- L-A-Y, Kiet -- K-I-E-T, who
10 was 27 years old, who <had been> born in Kiri Vong market in
11 District 109 and who was a New Person who had been brought from
12 Tram Kak<. So> Meng <reports> that Lay Kiet complained about the
13 living conditions <under> the Revolution and that he said he was
14 working too much and that he would meet with other young people
15 and he was also complaining <> that he did not have enough to
16 eat, and that <> he had destroyed jackfruit shoots. <At> Angk
17 Roka, <while> you were detained there, did you <> know <a> young
18 man by the name of Lay Kiet who, according to another document in
19 <> the case file, E3/4092, was of Chinese <ethnicity>? Does this
20 name ring a bell -- Lay Kiet?

21 MR. THANN THIM:

22 A. No, I do not know that person.

23 [11.21.21]

24 MR. PRESIDENT:

25 Counsel Koppe, you have the floor.

1 MR. KOPPE:

2 Just a request for clarification, Mr. President. I noticed the
3 difference in dates on the English translation of the document
4 and the Khmer version although I'm not able to distinguish quite
5 well the date on the Khmer version of this document, but in
6 general, if this is noted, how should we proceed? I presume there
7 should be a request for a correction or should we establish right
8 now, here, that it is in fact a wrong translation?

9 (Judges deliberate)

10 [11.24.12]

11 MR. PRESIDENT:

12 The Chamber will allow that; and the Civil Party, could you
13 please follow the Court officer.

14 Allow me to clarify. In fact, the civil party needs to relieve
15 himself and the Chamber allows him to do so as he can no longer
16 bear the eagerness to go.

17 I would like to hand the floor to Judge Claudia Fenz to respond
18 to the request by Counsel Koppe. Judge Fenz, you have the floor.

19 JUDGE FENZ:

20 This is to the request of guidance -- how to deal with these
21 discrepancies. We suggest for ease of reference to make requests
22 for correction because then it's easier to locate in the case
23 file. This request should be made by the party who actually finds
24 the discrepancy. Yes.

25 [11.25.55]

1 MR. DE WILDE D'ESTMAEL:

2 Well, indeed, before the civil party returns, <perhaps,> just <to
3 say> that <the> digits 4 and 8 <in Khmer> are <evidently quite>
4 similar <and it is sometimes> difficult for the <translators> to
5 <see the exact date. We> came to the conclusion that <it was>
6 1978, because the name of this <same> person is mentioned in
7 three other documents dating back to 1978. <And> maybe I <will
8 just point out> these three documents<;> E3/4083, <I only have
9 the ERN in English. It's> 00323947. <There is also> document
10 E3/2046, English, ERN 00290202; and finally, E3/4092; Khmer, ERN
11 00271150; English, 00834809 and 10. So this was my remark.

12 BY MR. DE WILDE D'ESTMAEL:

13 Q. Now I only have two questions to put to you, Civil Party.
14 <Like> Lay Kiet, who was <imprisoned at Angk Roka,> according to
15 the document that was read out to you<,> were there many
16 prisoners on site who had been arrested because they had openly
17 criticised the Revolution or the living or working conditions
18 during the Khmer Rouge regime?

19 MR. THANN THIM:

20 A. At the Angk Roka Security Centre, I did not see anyone
21 engaging in criticism.

22 [11.28.36]

23 Q. Fine, <> I understand that they <did> not criticise when they
24 were there already, but did you hear from other prisoners who
25 were <there> with you that they had been arrested because they

45

1 had previously criticised the regime, for example, <> in a
2 cooperative or in a mobile unit?

3 A. Those people were arrested and detained at the Angk Roka
4 Security Centre. However, I did not know all of them because
5 there were so many of them there.

6 MR. DE WILDE D'ESTMAEL:

7 Fine. Well, Civil Party, I have no further questions. Thank you
8 very much for having taken the time to come back and for having
9 answered us so clearly. Thank you.

10 MR. PRESIDENT:

11 Thank you. The time is appropriate for a lunch break and the
12 Chamber will take a break now and resume at 1.30 this afternoon.
13 Court officer, could you assist the civil party at the room for
14 the civil parties and the witnesses during the break and invite
15 him, as well as the TPO staff into the courtroom this afternoon
16 at 1.30.

17 Security personnel, you are instructed to take Khieu Samphan to
18 the waiting room downstairs and bring him into the courtroom this
19 afternoon before 1.30.

20 The Court is now in recess.

21 (Court recesses from 1130H to 1331H)

22 MR. PRESIDENT:

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

24 The Chamber will hand the floor to the defence teams, and first
25 to the Co-Counsels for Nuon Chea, to put questions to this civil

1 party. You have the floor.

2 QUESTIONING BY MR. KOPPE:

3 Thank you, Mr. President. Good afternoon, Mr. Civil Party. I have
4 a few follow-up questions relating to your testimony this
5 morning, but also your testimony on the 2nd of April this year.

6 Q. I would like to start with reading a small passage from your
7 testimony -- that is, at 11.21 on the 2nd of April, Mr.

8 President. You testified the following, and I read: "I was
9 arrested because my elder daughter was in the unit and she ran
10 away, together with Iem Yen who testified before me. In fact,
11 they stole sugar cane from the unit. And she was arrested and
12 beaten, and she was forced to confess that I was a former
13 lieutenant in Phnom Penh and because she was (inaudible) confess
14 so then I was arrested for that reason." End of quote. Do you
15 remember, Mr. Witness, testifying this?

16 MR. THANN THIM:

17 A. Yes, I recall that statement.

18 Q. I am not sure if I fully understand what you were trying to
19 say. You said that your daughter who was, I believe, around seven
20 years old, was arrested for stealing something. All of a sudden,
21 it seems, she was forced to confess that you were a lieutenant.
22 Did she ever tell you this? How did you come -- how did you come
23 to know this?

24 [13.35.10]

25 A. I know about this because the Khmer Rouge militia beat me up.

1 There were four or five of them. They were beating me up during
2 the interrogation, and they told me that -- that I should not
3 hide anything from them, and I should tell them the truth, that
4 they already knew through my daughter, that I was a lieutenant in
5 Phnom Penh. I thought that how come my daughter told them about
6 this? But, on the other hand, I thought, because she was young
7 and she was forced to say so. Later on, when I asked my daughter
8 about the matter, she said because she wanted to be free, then
9 she just said what she was asked to say.

10 [13.36.25]

11 Q. Did your daughter tell you why she told the militia that you
12 were a lieutenant, and not, for instance, a sergeant or a
13 colonel, or something else, or a soldier?

14 A. In fact, she told me <that> she was threatened to say those
15 words. The Khmer Rouge arrested her, as she evaded from her
16 children's unit to go and steal sugar cane. And she was forced to
17 say those words, that I was a lieutenant in Phnom Penh. And if
18 she said such words, then she would be released. That's how she
19 was threatened by Angkar. And she was young, and she wanted to be
20 freed, so she said those words.

21 Q. Do you know why it was that the people that interrogated you
22 needed to have some form of confession of your seven-year-old
23 daughter, in order to be able to arrest you?

24 A. I do not know about that. At the time, I was at the oxcart
25 unit. And the reason for my arrest was because of what my

1 daughter said about me.

2 Q. Going back to my earlier question, did your daughter later say
3 why she had told the militia that you were a lieutenant? And not
4 just a soldier, for instance?

5 A. I have just told you about that. My daughter told me that she
6 was threatened to say that <I>, that's her father, was a
7 lieutenant in Phnom Penh. She was threatened to say those words,
8 and it does not mean that she wanted to say those words by
9 herself. It was the words that she was ordered to say. If she
10 said those words, then she would be released and she could return
11 to her children's unit.

12 [13.39.41]

13 Q. Does that mean that the militia already suspected you to be a
14 lieutenant, and then asked for confirmation from your daughter?

15 A. No, they did not have any suspicion on me, because I told them
16 that I was never a soldier. And the first reason was that my
17 daughter was arrested from her children's unit. <She was a little
18 mischievous>. She was beaten, and she was forced to say those
19 words.

20 Q. Mr. Civil Party, on a few occasions you have given testimony
21 to the effect that the militia guards, who brought you to Angk
22 Roka, were carrying on them an AK-47. Can you tell us how you
23 knew at the time that these guards were carrying a so-called
24 AK-47?

25 [13.41 25]

1 A. When I was taken from Trapeang Thom to Angk Roka market, <> a
2 militiaman <named Se>, and I was not sure whether he was a
3 village or commune militiaman, handed me over to Ta Rous. Ta Rous
4 went into an office, and when he came out, he brought along with
5 him <an> AK-47 rifle <with a curved magazine>. And I saw it with
6 my own eyes.

7 Q. That's how I understood your testimony. My question, Mr. Civil
8 Party, is how did you know at the time that the gun or the rifle
9 that you saw was what is called an AK-47?

10 A. I did not know at that time that that was either an AK-47 or
11 AK-48 rifle. But <its magazine was curved>, that I recognized
12 that it was an AK-47 rifle.

13 Q. Would you be able to explain to us how you could determine
14 from the cartridge that the rifle was an AK-47? Where did you get
15 that knowledge?

16 A. The AK-47 rifle had a <magazine> in the shape of a curve, a
17 rather curved shape. So, I recognized that it was <of course> an
18 AK-47, <> there <were> 30 bullets <in a magazine>. In that
19 magazine, there would be 30 bullets, but at that time I did not
20 know how many bullets were loaded in that magazine.

21 Q. Where did you get the knowledge of how many bullets would fit
22 into the cartridge of an AK-47?

23 A. Because I used to see that kind of rifle when I was in Phnom
24 Penh -- that is, before the 17 April 1975. I saw those kind of
25 rifles in Phnom Penh, and I saw it also when I was at the Ou Baek

1 K'am refugee camp, as there were soldiers there who carried the
2 AK-47 rifles <with curved magazines>. So immediately upon seeing
3 the rifle, I recognized it immediately, that it was an AK-47.

4 [13.45.40]

5 Q. Mr. Witness, you've been asked by the investigators of the
6 Co-Investigating Judge -- Mr. President, that is, E319/12.3.8,
7 question 6 -- questions about the Vietnamese soldiers who were
8 called the MIKE Force. Or, quote unquote "Tomorrow, die" with the
9 military insignia of a skull. Can you tell us how you knew about
10 this unit called the MIKE Force?

11 [13.46.36]

12 A. I stayed along the border, and during the coup d'état in 1970,
13 when it was conducted by <Marshal> Lon Nol to topple Sihanouk,
14 the soldiers, the so-called MIKE Force with the skull symbol,
15 came to the village, to Tuol Pongro village. There were many of
16 them. That was the reason I knew about these MIKE Force soldiers.

17 Q. In that same statement to the investigators of the
18 Investigating Judge, question 44, you testified that Khmer Krom
19 people in Svay Voa village had a rank of an officer. I will read
20 you the full question and the answer, to be more precise.

21 "Question: 'When you were in Svay Voa village, did you know if
22 there were people killed?'" Your answer: "Yes, there were. Khmer
23 Krom people had a rank of an officer. In Svay Voa village, the
24 Khmer Rouge propagandized that those who were officers during Lon
25 Nol regime would be allowed to resume their positions in the

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1 army, and that they would be dispatched to fight the Yuon. But in
2 fact, they were all taken to be killed."

3 I am specifically asking you about this one little sentence at
4 the beginning: "Khmer Krom people had a rank of an officer." Can
5 you tell me, can you tell the Chamber, how you knew this?

6 A. When we were evacuated to that area, and about 10 days after,
7 the village chief, Ta Som, convened a meeting and said that for
8 anyone who held a position, a rank, in the army for instance,
9 they <needed> to tell him the truth <> that they would be sent to
10 their previous positions. If they were a second lieutenant or a
11 lieutenant or a captain, or a teacher, then they would be sent
12 back to their positions. For example, a teacher would be sent
13 back to teach children. For the ranked soldiers, they would be
14 sent to the front battlefield to fight against the Vietnamese.

15 [13.50.15]

16 Upon hearing that -- and that was the trickery used by the Khmer
17 Rouge, because in fact they wanted to know if anyone held any
18 position, or had any rank in the previous army, because they
19 wanted to revenge those people.

20 Q. I listened carefully to your answer, Mr. Witness, but I don't
21 think I heard you explain to me why you thought, or why you said,
22 it was that Khmer Krom people had a rank of an officer. I still
23 don't understand why this specific -- why it was that you said
24 this specific thing. Why did Khmer Krom citizens -- people had a
25 rank of an officer? What do you mean?

1 [13.51.36]

2 A. I knew it because the Khmer Krom people were told about it
3 during a meeting. Since I was living with them, they told me that
4 if any of them were army officers in Kampong Som or in other
5 areas. And through that, I learned about this information, and
6 also through my observation. Those people who told the Khmer
7 Rouge about their previous positions, they disappeared two or
8 three days later. And I concluded that they were not taken
9 anywhere but to be killed.

10 Q. Let me now turn to the questioning of you at Angk Roka. You
11 said that you were interrogated and that you were asked over and
12 over whether you were, or whether you had been in fact a
13 lieutenant in the Lon Nol army. You told us that you said that
14 you were not guilty. Do you remember whether the interrogators at
15 one point accepted your statement? Did they believe you were in
16 fact not a former Lon Nol officer?

17 A. It <> seems that they were <> hesitated to make that decision.
18 That's why they kept me. And if they took my word that I was a
19 labourer and I earned a living by selling firewood, they would
20 let me go. But because they were unsure <of my background>, for
21 that reason they kept me alive.

22 [13.54.28]

23 Q. But how do you know that? Did they tell you that they believed
24 you, or that they were hesitating? What is it that you can tell
25 us from your memory?

1 A. I do not know whether they believed what I said. I cannot make
2 that conclusion. However, I was tortured in order to make that
3 confession. <I did experience that ordeal.>

4 Q. How many times were you interrogated? Do you remember?

5 A. At the beginning, I was interrogated by the chief of the
6 militia <immediately after I was arrested>. And I was tortured
7 during that interrogation. That was the first time that I was
8 interrogated. And when I was sent to be detained in the prison, I
9 was interrogated again.

10 Q. Do you remember what you told the militia, to convince them
11 that you were not a former Lon Nol officer?

12 [13.56.48]

13 A. The matter, whether they believed that I was a lieutenant in
14 the former Lon Nol regime or not, I could not make that
15 conclusion. The truth is that the four or five militiamen beat me
16 up again and again, one after another. They forced me to say that
17 I was a lieutenant in the former Lon Nol regime, and if I were to
18 say that, I would be released to return to my unit. But how could
19 I say that? Because I <> was not a soldier in the former regime.

20 Q. But would you be able to remember from the way you were
21 interrogated, whether your interrogators were in fact convinced
22 that you had been an officer in the Lon Nol army?

23 A. I have told you already that I could not make a conclusion
24 whether they believed what I told them, or not. And I was beaten.
25 I was tortured. And I was never a soldier, and I kept telling

1 them that I was a labourer and that I earned a living by selling
2 firewood. And in the end, I was put on a horse cart to go to be
3 detained in the prison.

4 MR. PRESIDENT:

5 Counsel, please move on if you have other topics to cover,
6 because it seems that you keep repeating the same questions on
7 the same topic. If not, then the Chamber will give the floor to
8 another defence team.

9 [13.59.10]

10 MR. KOPPE:

11 The questions, Mr. President, go to whether the Khmer Rouge
12 cadres believed or not whether he was a Lon Nol officer, and then
13 what the consequences would be. It goes to the heart of the
14 allegation of the Prosecution. So, it might sound repetitive, but
15 it's going directly to the core of the allegations of an existing
16 policy to exterminate anybody with a rank. So, I think I'm
17 entitled to some leeway, even if it sounds repetitive. I'm just
18 trying to find the truth here.

19 MR. PRESIDENT:

20 The Chamber has heard enough on the topic that you questioned --
21 that you put questions to the civil party, and if you don't have
22 any other questions on other matters, then the Chamber will give
23 the floor to another defence team. And the civil party has
24 responded clearly already to your question. And of course, you
25 cannot force or try to repeat the question so that to elicit the

1 answers you want from the civil party.

2 [14.00.37]

3 BY MR. KOPPE:

4 Fine, Mr. President. I'll move on.

5 Q. Mr. Civil Party, have you learned later, after '79, why you
6 were sent to Angk Roka and not sent to Krang Ta Chan?

7 MR. THANN THIM:

8 A. I couldn't know why. I simply could not know.

9 Q. You've also spoken a few times briefly about prisoners
10 possibly being taken to the Damrei Romeal Mountain. Can you
11 explain to us why you thought that prisoners might have been
12 taken to that specific location, other than you already testified
13 that you peeped through a hole? Can you be more specific why you
14 thought they were brought to the Damrei Romeal Mountain?

15 [14.01.56]

16 A. I did not know why, as I told you. At Angk Roka I was
17 shackled, and I just looked through a crack in the wall, and I
18 could not conclude from that that they were being brought away to
19 be executed at Phnum Damrei Romeal, or anywhere else. I simply <>
20 saw people being arrested. They were tied up and they were being
21 <walked> to Damrei Romeal Mountain. But I did not know where they
22 were being brought to because I was shackled, and I was lying on
23 my back and I couldn't turn anywhere.

24 Q. Do you know how far Angk Roka was situated from Damrei Romeal
25 Mountain? How many kilometres was it between Angk Roka prison and

1 Damrei Romeal Mountain?

2 A. I cannot tell you <how far it was>. I would just see the
3 mountain in the distance from Angk Roka, and maybe it was -- it
4 is about six to seven kilometres away.

5 [14.04.07]

6 Q. Some additional questions on your fellow prisoners. If I
7 understand your testimony correctly, you're saying that you don't
8 know much about reasons for the arrest of your fellow prisoners.
9 Did you never speak to each other about reasons of arrest, for
10 instance at night, when you were shackled, or during the day when
11 you were working together?

12 A. No, I never spoke to them. I was afraid. It was forbidden to
13 talk to other people under this regime, so we were afraid to
14 talk. I knew so-named Kan. He said that he was tending cows. He
15 would bring them outside. Apparently he threw something <> on a
16 <calf>, which explains why the <calf> broke its legs, and that's
17 why he <was> brought away to be detained.

18 Q. Let me ask it more concretely. Do you know of any fellow
19 prisoners, while you were there, who were also -- who had also
20 been accused of being former Lon Nol officers or soldiers?

21 A. No, I spoke to no one. So, I wasn't aware of all of this.

22 Q. Another question. I heard you saying earlier this morning, Mr.
23 Civil Party, something about a slogan that you had heard. Words
24 to the effect that, "keeping you is no gain, and losing you is no
25 loss". Do you remember who exactly said this to you?

1 A. Well, this slogan was said everywhere. I heard this slogan
2 from the Base People, for example, from Chhoeung, from Meng, they
3 said, "No <> profit in keeping and no loss in losing you." For
4 example, they would pronounce the slogan with <disabled people>,
5 and said that there was no gain in keeping them and no loss in
6 losing them.

7 [14.08.00]

8 Q. My question was, do you remember who exactly said this while
9 you were in Angk Roka? I believe you put it in relation to your
10 detention. Who was it specifically that said that to you?

11 A. It was Meng, the head of the detention centre. He is the one
12 who said that<, "To keep you is no gain. To take you out is no
13 loss">.

14 Q. Have you ever heard this slogan being said on the radio?

15 A. Back then, I was living like in a hole. I was living in
16 darkness, so I couldn't listen to the radio. So of course, I
17 never heard this slogan on the radio.

18 [14.09.20]

19 Q. Have you ever heard of something called "Revolutionary Flag"?

20 A. Yes. I heard about this magazine, "Revolutionary Flag".

21 Q. Have you ever read one?

22 A. No, never. I just heard people speak about this magazine.

23 Q. Have you ever heard anybody say to you, people who read that
24 magazine, whether they in fact read this slogan in the
25 Revolutionary Flag, that keeping you is no gain, etc.? Do you

1 know whether this slogan was ever used in the Revolutionary Flag?

2 A. I never read this magazine, so I simply heard about it. That's
3 all.

4 Q. My last question to you, Mr. Civil Party. Have you ever
5 yourself been a member of the MIKE Force?

6 A. I spoke to you about this already. The MIKE Force fighters had
7 a skull emblem on them, so they were called the "Death is
8 Tomorrow Unit". <They were soldiers> who came from Vietnam.

9 Q. But were you a member of them, or were you ever associated
10 with the MIKE Force?

11 A. No, never. I simply saw MIKE Force fighters. That's all.

12 MR. KOPPE:

13 No further questions, Mr. President.

14 [14.12.35]

15 MR. PRESIDENT:

16 The Chamber will now give the floor to the Khieu Samphan defence.

17 QUESTIONING BY MR. KONG SAM ONN:

18 Thank you, Mr. President. I have a few questions to put to the
19 civil party.

20 Q. First of all, I would like to ask you questions with relation
21 to document E3/5034, which is your civil party application. In
22 this document, we can see the name Chao Ny mentioned, so I would
23 like to know if you knew Chao Ny, or if you had known him before
24 you filled out the victims information form. <When did you know
25 this person?>

1 [14.13.57]

2 MR. THANN THIM:

3 A. I never knew him before. One day, after the Court was set up,
4 Chao Ny came to see me in Iem Yen's place. She said that I had
5 been tortured and detained, and then Chao Ny sent someone to take
6 me <on a motorbike> to his house, because I had been tortured and
7 detained. So he asked me to draft my complaint, and he said that
8 the Court had been created. And it was he himself who came to
9 tender my complaint, instead of me. I did not even know where
10 these complaints were <submitted and> received.

11 And so I formulated my complaint, based on my own personal
12 history, and he was in charge of bringing my complaint to the
13 Court.

14 Q. Thank you. So, you wrote this complaint yourself or did
15 someone help you draft it?

16 A. I wrote it myself, without anyone helping me. But Chao Ny,
17 however, knew where this complaint had to be brought to, and he
18 took charge of tendering my complaint instead of me. And so --
19 however, I wrote it all on my own, without anyone helping me.

20 Q. So, this means that in your application, or in your victims
21 information form, everything that is written there was written by
22 yourself. Is that true?

23 A. Yes, absolutely.

24 [14.17.19]

25 Q. Thank you. In document E319/12.3.8, at question <and answer>

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1 97 and 98, which is, "Did you fill out the form yourself?", and
2 <> you answered "No".> And the following question, "Your
3 thumbprint is affixed on this form. Do you know who filled in
4 this supplementary information form for you?" And <in your answer
5 98,> "I neither filled in the supplementary information form by
6 myself, nor remember who filled it in for me. But Chao Ny helped
7 submit this form for me."

8 Do you remember <filling out two different forms>?

9 A. Well, it's been quite a while since <then>. There were indeed
10 two forms. But when I answered no, with regard to filling out the
11 form, it is because I saw that one of the forms <did not reflect>
12 my handwriting <>. And it was <written> that <I saw> a certain
13 number of Vietnamese <being> brought away to be executed. That's
14 why I said, "No, that's not the form I filled out." That's the
15 reason for all of this.

16 [14.20.03]

17 Q. Thank you. With regard again to the same document
18 <E319/12.3.8>, at question 54, question and answer 54--

19 MR. PRESIDENT:

20 Counsel, is this point 8 or point 18?

21 BY MR. KONG SAM ONN:

22 It's point 8, Mr. President.

23 Q. So, at answer 54 -- at question 54 rather, it is <> stated,
24 "The Khmer Rouge took Khmer Krom people who used to work for the
25 Lon Nol regime to be killed." "Did they also take Khmer Krom who

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1 did not work for the Lon Nol regime to be killed, if they were
2 identified as Khmer Krom?" Answer <54>: "To my knowledge, they
3 did not kill the Khmer Krom who did not work for the Lon Nol
4 regime. By the way, it was also hard to distinguish whether or
5 not they were Khmer Krom."

6 I would like to seek some clarification from you. <How do> you
7 know a Khmer Krom, or Khmer Krom people, <> were not <taken away
8 to be killed, except those> who had worked for the Lon Nol
9 regime, <for example, as soldiers? How do you know that? From
10 what source did you learn that?>

11 [14.22.09]

12 MR. THANN THIM:

13 A. During the meetings in the village, the village chief did not
14 know who was a Khmer Krom, or did not know if the people had a
15 different origin. It was announced that former officials could
16 get back to their jobs. It was then that the Khmer Krom said that
17 they had been <soldiers> for Lon Nol, who had arrived from
18 Kampong Som. There were also other Khmer Krom who <were farmers
19 and> held no specific positions under the Lon Nol regime, but to
20 be clear with you, no question was put with regard to the
21 identification of the Khmer Krom. But to sum things up, to be
22 clear with you, the Khmer Krom did have an accent.

23 MR. KONG SAM ONN:

24 Thank you. Mr. President, I have no further questions.

25 MR. PRESIDENT:

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1 Counsel, you have the floor.

2 [14.24. 03]

3 QUESTIONING BY MR. VERCKEN:

4 I have a very brief line of questions here regarding the answers
5 that you provided to my colleague, Victor Koppe, with regard to
6 your knowledge of weapons. I noted that not only you know the --
7 how AK-47 magazines are configured, that is to say that they
8 contain 30 bullets, but you were also able to describe the
9 specificity of the design of the bullets that are used with these
10 guns. You said that the magazines were curved. So, I of course
11 understand that you saw these guns when you were in Phnom Penh as
12 a refugee, but I'm asking myself how is it that you have such
13 detailed knowledge of not only the content of the magazines, but
14 also of the shape of the magazines of these guns. Can you explain
15 this to us, please?

16 MR. THANN THIM:

17 A. Well, it is because I was at the refugee camp, under the
18 supervision of the army. <The soldiers were staying there
19 guarding us.> And I saw the AK-47s, and the M-16s, and the R-15s,
20 because at the camp where I was, there were soldiers too.

21 <Q.> And so the soldiers showed to you their guns, and explained
22 to you how the guns worked. They would also show you the
23 magazines and the bullets, and they would explain to you how all
24 of this worked.

25 [14.26.15]

1 Q. Is that your answer, sir?

2 A. Well, I was with soldiers, so it was quite normal for them to
3 tell me the names of these different rifles or guns. I had been a
4 <> worker <cutting firewood>, and <I was a refugee>. But back
5 then, the soldiers were there to defend the refugees, so
6 sometimes I asked them, "Well, what's the name of such and such a
7 gun?" That's why I got to know the names of these guns.

8 MR. VERCKEN:

9 <Mr. President, I have no further questions.>

10 MR. PRESIDENT:

11 Thank you, Counsel. Mr. Thann Thim, the Chamber thanks you for
12 having testified here today. Your testimony contributes to the
13 ascertainment of the truth <in this case>, but your presence here
14 is no longer necessary. You therefore can return home. I wish you
15 bon voyage.

16 Court officer, as well as WESU, can you take the necessary
17 measures for the witness to return home or to travel back to the
18 place of his choice<.> And the Chamber would also like to <>
19 thank TPO that supported the civil party during his testimony.

20 Mr. Sarath, you are excused. Civil Party, you are also excused.

21 [14.28.27]

22 Please hold on for a few seconds, please, because I mistook you
23 for a witness, whereas you are a civil party. As you know, <we
24 informed you this morning that> you can make a declaration of
25 suffering <> linked to crimes that were committed <during the

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1 Democratic Kampuchea regime>, and which led you to <apply> as a
2 civil party <to claim moral and collective reparations>. So, you
3 can make your statement on the suffering<, including physical,
4 material and mental harms> you <have> endured <up to date as
5 direct consequences of those crimes and personal harms that still
6 perpetuate till today>, and you are entitled to do so at the end
7 of your testimony<, if you wish to do>. So, please proceed.

8 MR. THANN THIM:

9 First of all, allow me to say thank you to Your Honours, and Mr.
10 President. I'd like to make my personal statement of suffering
11 that I went through during the period of three years, eight
12 months and 20 days.

13 It was miserable for me to live through that regime, and the fact
14 that I survived the regime means that I was reborn. I <> was
15 forced to overwork, and given only gruel to eat. I was beaten, I
16 was tortured and imprisoned. Physically and mentally, I suffered,
17 and I could not get help from anyone.

18 I prayed to the souls of my parents and my ancestors and the
19 gods, and the sacred objects, to save me, to rescue me. And
20 fortunately I survived. I survived thanks to the 7 January
21 <liberation>. I survived because of that particular day.

22 [14.31.43]

23 I lived through the most miserable period. My ankles were
24 shackled. I <lay> down on the floor and I could not move. Some
25 other prisoners only had one of their ankles shackled, but both

1 of my ankles were shackled. It was very difficult to relieve
2 myself while I was detained there, and the container was a bit
3 far for me to reach. And because both of my feet were shackled,
4 it was very difficult to reach the container, and I had to ask an
5 inmate there to move it, and then I had to manoeuvre myself so
6 that I could put the container underneath me <to defecate>. It
7 was the most miserable moment in my life.

8 And I did not deserve that. I did not make any mistake. And why I
9 received such an injustice during that regime? Since I was born,
10 that was the first time that I went through such miserable
11 period, that is from 1975 to '79.

12 [14.33.28]

13 I was in a state of being alive, but being dead at the same time.
14 Although I survived, but physically I suffered and my body is now
15 weak. And I would like to appeal to the Court to please assist
16 us, assist me in finding me justice, or whether you can award me
17 any financial gain.

18 And of course, I appreciate that I would request for the
19 collective reparation, and at the same time, I would seek a
20 personal financial award for the damage that I suffered,
21 materially and physically, during the regime, since now,
22 physically, I am weak and I cannot do a proper living. I can only
23 engage in light work.

24 To Your Honours and to the counsels, to the prosecutors, both
25 national and international, I wish you all happiness, good health

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1 and long life, and good strength so that you can solve this
2 matter, this issue, for us, the victims and that we would receive
3 the justice in the end. Thank you, Mr. President.

4 [14.35.44]

5 MR. PRESIDENT:

6 Once again, thank you, Mr. Thann Thim.

7 The Chamber would like to clearly confirm that you cannot claim
8 or seek a personal <or financial> award during these proceedings,
9 and that is clearly stated in the Internal Rules of this Court
10 concerning reparation. You can only seek moral and collective
11 reparation, and not a personal or financial or material award.

12 And Mr. Thann Thim, you may now leave the Court, as well as the
13 TPO staff.

14 It is now appropriate to take a short break. We take a break now
15 and return at 3 o'clock. When we return, the Chamber will hear
16 the testimony of a witness, 2-TCW- 809.

17 The Court is now in recess.

18 (Court recesses from 1437H to 1459H)

19 QUESTIONING BY THE PRESIDENT:

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

21 We now hear the testimony of a witness 2-TCW-809.

22 Q. Good afternoon, Mr. Witness. What is your name?

23 [15.00.46]

24 MR. PECH CHIM:

25 A. My name is Pech Chim.

1 Q. Thank you, Mr. Pech Chim. Do you remember your date of birth?

2 A. I was born on the 29th of September 1941.

3 Q. Where were you born?

4 A. It was Trapeang Prei village, Trapeang Thum commune<, Tram Kak
5 district>.

6 Q. Where is your current address?

7 A. I live at Ph'av village, Ph'av commune. Trapeang Prasat
8 district, Oddar Meanchey province.

9 Q. What are the names of your father and mother?

10 [15.02.04]

11 A. They died long time ago.

12 <My father's name is Peav Pech (phonetic) and> the mother's name
13 is <Ou Norn (phonetic)>.

14 BY THE PRESIDENT:

15 What is your wife's name and how many children do you have
16 together?

17 MR. PECH CHIM:

18 A. Pich Neng is my wife's name and we have five children, one of
19 whom died in the battlefield. Amongst them, there is one
20 daughter.

21 Q. Thank you. The greffier made an oral report this morning that
22 to your best knowledge, none of your father, mother, ascendants,
23 children or descendants, brothers, sisters-in-law or wife is
24 admitted as a civil party in <Case 002>; is this information
25 correct?

1 A. Yes, that is correct.

2 [15.03.17]

3 Q. Have you taken an oath before your appearance in this Chamber?

4 A. Yes, I have.

5 Q. Thank you. The Chamber would like to inform you of your rights
6 and obligations as a witness before this Chamber. Mr. Pech Chim,
7 as a witness in the proceedings before the Chamber, you may
8 refuse to respond to any question or to make any comment which
9 may incriminate you. That is your right against
10 self-incrimination. This means that you may refuse to provide
11 your response or make any comment that could lead you to being
12 prosecuted. And as a witness, in the proceedings before the
13 Chamber, you must respond to any questions by the Bench or
14 relevant Parties, except where your response or comments to those
15 questions may incriminate you. As the Chamber has just informed
16 you of your right as a witness. You must tell the truth that you
17 have known, heard, seen, remembered, experienced or observed
18 directly in relation to an event or occurrence relevant to the
19 questions that the Party or the Bench -- the Bench or the Parties
20 pose to you. And Mr. Pech Chim, have you given any statement <or
21 interview> to the investigators of the Office of the
22 Co-Investigating Judges? If so, how many times, where, and when?
23 [15.05.14]

24 A. I have been interviewed several times at my home. And I was
25 <interviewed> at this Court once.

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1 Q. And before you appear before this Chamber, have you -- have
2 you reviewed or read the statements of your interviews with the
3 investigator of the Office of the Co-Investigating Judges in
4 order to refresh your memory?

5 A. Yes, they were read out to me.

6 Q. Thank you. And to your best recollection, the statements that
7 were read out to you in full reflect or are consistent with the
8 statements you provided to the investigators?

9 A. Yes, I can make analysis of those statements based on my
10 recollection.

11 [15.06.40]

12 Q. Mr. Pech Chim, you have been assisted by a duty counsel as
13 requested by you through WESU, and that is, counsel Moeurn
14 Sovann. Have you spoken to your duty counsel?

15 A. I have discussed some issues with him, but not everything.

16 MR. PRESIDENT:

17 Thank you. Pursuant to Rule 91 bis of the ECCC Internal Rules,
18 the Chamber will give the floor to the Co-Prosecutors first to
19 put the questions to this witness. And the combined time for the
20 Prosecutors and the Lead Co-Lawyers is one full day plus one
21 session. And the Co-Prosecutor, you may proceed.

22 QUESTIONING BY MR. LYSAK:

23 Thank you, Mr. President. Good afternoon, Mr. Witness. I want to
24 start with just a few short questions about some of your
25 background. In your last OCIJ interview, which is E319.1.18, at

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1 answers 78 and 80, you testified that you became a candidate
2 member of the Party on the 1st of October 1970, that you were
3 candidate member for six months, and then became a full member on
4 the 1st of April 1971. And you described how there was a ceremony
5 with the presence of an introducer. My question to you is, who
6 was it that introduced you to the Party when you became a member?

7 [15.09.16]

8 MR. PECH CHIM:

9 A. At that time the event was held at the district, Keav and
10 Khom, a female, and another <female> person, Cheat and Nhev, were
11 there during the ceremony for the induction.

12 Q. The person you're referring to as the female Khom, was this
13 the same person who was the daughter of Ta Mok?

14 A. Yes, that is correct. She's the wife of Muth. And she was
15 chief of the district party.

16 [15.10.26]

17 Q. In that same interview at answer 79, you gave the following
18 testimony. "Question: 'In your capacity as a full member, what
19 authorities did you have?' Answer: 'I cannot describe all. A
20 Party member implemented the line and the rules of the Party.
21 There were study sessions and meetings organised by the Party.
22 Because we were new members, so we had to try hard to study the
23 Party line and rules'". My question is, who was it that
24 instructed you at these study sessions where you first learned
25 the Party lines and rules?

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1 A. The instructor was Saom, the chief of sector. He passed away.

2 Q. In, I believe was your very first interview with OCIJ, you
3 also identified a person you called teacher Oeun, who you
4 described as one of the members of the front. Can you tell us who
5 teacher Oeun was, and what positions he held during the Khmer
6 Rouge regime?

7 [15.12.20]

8 A. He did not become a Party member. He was only an assistant.
9 And he was an assistant in the district and never became a party
10 member. And because of his background as a teacher -- that is,
11 the <middle> class, he would not be allowed to become a Party
12 member. And it was up to the chief of the district Party or the
13 provincial Party who could decide whether the person would be --
14 would become a Party member. And of course, everybody strived
15 hard to engage in rice production. And of course, I would also
16 distribute the rice production to areas which lacked or where the
17 production was insufficient.

18 Q. In this same OCIJ interview E319.1.18, in the early part
19 answers 3 through answer 5, you identified a brother of yours
20 named Pech Nou (phonetic), I hope I pronounced that right, Pech
21 Nou (phonetic) who was a chairman of the commune front in the
22 1970 to '75 time period. I wanted to ask you just to confirm, how
23 many brothers did you have? And how many of them also held
24 positions in the Khmer Rouge?

25 A. I had six brothers, all died. During the Khmer Rouge regime,

1 two of them had positions. And so there were three altogether
2 including myself, although my elder brothers did not want me to
3 hold any position as it would be better for me to be a teacher.
4 <They did not want me to work for the Khmer Rouge because, for
5 fear that I would die and that no one could continue our family.
6 So, I silently worked as a teacher and shut my mouth up on
7 politics.>

8 [15.15.19]

9 Q. And am I correct that the two brothers of yours who held --
10 also had positions were one, Pech Nou, and also your brother Kit;
11 is that correct?

12 A. Yes, that is correct.

13 Q. Which commune was your brother Pech Nou a chairman of?

14 A. Allow me to confirm that he was chairman of Trapeang Thum
15 commune front in the 1970s. Later on, he was removed and replaced
16 by <Kit. And, Dom (phonetic)> contacted the commune for
17 propaganda and <had supplies such as white sugar and condensed
18 milk and invited monks for a meal> in order to gather forces. And
19 he was inactive in this regard. For that reason, he was removed
20 from the commune front. And then he was sent to work at a youth
21 office at Tnaot <Tou (phonetic)>.

22 Q. Still talking about this brother, did he live through the
23 Khmer Rouge regime?

24 [15.17.14]

25 A. You talk about Pech Nou? When the Vietnamese entered the

1 country, the people living in Takeo province fled to mountain
2 areas in Kampot province. And he was one of those who fled to the
3 forest in Kampot province. And subsequently, he died as he
4 stepped on a mine -- a landmine. And my elder brother Kit also
5 died in that area at the time that the situation was intensified
6 by the Vietnamese attack. So he fled into the forest. And he came
7 out to sit under a tree and we found him later on in the
8 afternoon <>, he already passed away sitting under the tree. So,
9 only I survived. As for my three sisters, they all died. So
10 amongst the nine of us, only <I> survived. And I was the youngest
11 child.

12 I was a person who tell the truth. I never say anything
13 untruthful. And I hate people who exploit other people. And that
14 is the principle that I stand by. I love the people and I love
15 the poor. I also love the intellectuals and the monks. Because I
16 believe only the intellectuals could lead the country to
17 prosperity. This is just a brief statement for you to understand
18 about my character. I want you all to conclude this case as soon
19 as possible. Because, every day when <I> wake up, I only hear
20 conflict amongst Cambodian people. And I don't want to hear that
21 anymore. Cambodia used to be a powerful country, but it reduced
22 itself to what it is now. Maybe we wanted to be too good and we
23 defeat ourselves in the process. And because of that nature, it
24 led to mistrust amongst Cambodians.

25 [15.20.31]

1 MR. PRESIDENT:

2 Mr. Pech Chim, please listen to the question carefully and
3 respond only what is asked of you, and not to go beyond what is
4 asked.

5 BY MR. LYSAK:

6 Thank you, Mr. Witness. Your other brother Kit, was he also the
7 chief of that same commune, Trapeang Thum commune, was Kit chief
8 of that commune for a time period? And if so, when?

9 MR. PECH CHIM:

10 A. He was a commune chief. That is the commune chief of Trapeang
11 Thum. At that time, Trapeang Thum commune was one, and now it has
12 been divided into two communes. And later on, he came to work at
13 the district. And that happened almost at the time of liberation.
14 And it could be in late 1976, if I recall it correctly. Because,
15 before 1976, he was still at the Trapeang Thum commune and only
16 by late 1976 or early '77, he went to the district level.

17 [15.22.21]

18 Q. When was it that Trapeang Thum was split into two communes? Do
19 you remember, was it before liberation on 17 April 1975 or was it
20 after?

21 A. It happened after. But I cannot recall the exact month or
22 year. However, it was probably in late 1976.

23 Q. I want to now spend a little time covering with you -- helping
24 us just to establish, who were the various district leaders of
25 Tram Kak district during the regime and who held other key

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1 positions. And I'm going to start with people - the people who
2 were district chief in Tram Kak during the regime period. You and
3 others have identified the first secretary of Tram Kak district
4 as Yeay Khom, Ta Mok's daughter who we mentioned earlier. You've
5 also testified that you were on the district committee with Yeay
6 Khom along with the person named Keav. What I wanted to clarify
7 with you is what was your position and what was Keav's position
8 on the district committee during the time that Yeay Khom was
9 district chief?

10 [15.24.30]

11 A. When Khom came to work in that area, I did not have any
12 position within the committee. I was only asked to do things
13 including collecting harvest <rice> for the army. And it lasted
14 for two years. Then I became a member of the district committee
15 in charge of economics, <production,> logistics and
16 transportation. And Khom was the chairperson of the party. And
17 Keav was the deputy. As for the member in charge of the military
18 affairs was Nhev.

19 Q. As the deputy secretary under Yeay Khom, what were Ta Keav's
20 responsibilities?

21 A. He was in charge of providing education to the people <and the
22 party> within the district. And he would work together with Khom;
23 wherever he was, Khom was there.

24 [15.26.39]

25 Q. And as the member of the district committee -- and I'm

1 focussing now on the time period starting and after 17 April 1975
2 -- as the member of the district committee, did you regularly
3 attend district level meetings?

4 A. Yes.

5 Q. How often did Yeay Khom hold meetings with commune chiefs and
6 the other district cadres?

7 A. The meetings were held regularly and sometimes the meetings
8 were convened as a matter of urgency. And they would take turns
9 to convene the meetings within various communes. For example, one
10 would go to convene meetings for two communes, while another
11 member of the committee go to <> the other two communes. So Khom
12 would convene meetings for two communes, while at the same time,
13 Keav convened meetings for other two communes. And at that time,
14 I was rather <young, but> strong, physically and I was busy in
15 working at the district. And that house they organised amongst
16 themselves in convening meetings within the district. And as I
17 said, the meetings were convened regularly or as a matter of
18 urgency. And if Khom called for a meeting, everyone would attend
19 the meetings. However, not every time all members of the district
20 would attend the meetings due to other matters. For instance,
21 sometimes I miss the district meetings as I was busy at the dam.
22 And sometimes, he would go to the dam worksite to convene a
23 meeting there. As for Nhev, he spent times at the battlefield,
24 and sometimes he returned for the meetings.

25 [15.29.58]

1 Q. Can you tell us in 1975 and 1976, where was the district
2 office located?

3 A. The location of the Tram Kak district varied. And usually it
4 was held at the villagers' house. For example at Prey Mien. And
5 later on, during dry season, it was Prey Ta Dok, and then to
6 Krabei Prey at the house of the elder female. And later on, it
7 was moved to Trapeang Thma which was adjacent to Krabei Prey
8 area.

9 Q. We've heard testimony from a number of people that there was a
10 district office at some point in time in Angk Roka. Can you tell
11 us whether at some point in time the district office was moved to
12 Angk Roka? And if so, when was that?

13 [15.31.48]

14 A. The trade office was situated at Angk Roka. There was no
15 economic exchange or trade so it was subsequently relocated. That
16 office was not well established, so after some months, it was
17 moved to Angk Roka, since those who engage in trade were <> there
18 permanently<, not as the district committee office. The one that
19 was used as Angkar Office more frequently was Trapeang Thma
20 village, Prey Tadok (phonetic) or Samraong.>

21 Q. Let me try this another way. First, the period that you were a
22 member of the district committee and in particular from 17 April
23 1975 up to the period where you became acting district chief in
24 mid-1976, where was it that you worked during that period? Did
25 you have an office? And if so, where was it?

1 A. The house of a certain lady was taken and used as an office
2 <at Trapeang Thma>. I do not know whether that house still exists
3 today. We had to sleep at a fixed location. And from time to
4 time, I returned to the office and then left again to do
5 propaganda work in Leay Bour <commune, Srae Ronoung village>. In
6 summary therefore, I worked on the <frontline and went
7 everywhere> with Nhev. That is all. And there was someone working
8 permanently in the office. And when letters were delivered,
9 someone brought the letters to us. We never worked permanently in
10 the office. We rarely went to the office.

11 [15.35.18]

12 Q. And let me ask you the same question. During the six months or
13 so that you were a district chief, was the same location used as
14 the district office or did you have a different place that was
15 your office when you were chief of Tram Kak district?

16 A. You didn't understand what I stated. I stated that there was
17 no fixed office. I kept moving about all the time. There was an
18 office at Trapeang <Thma>. There was an office at Angk Roka. That
19 office is still there near the bridge. And we used that office as
20 a kind of warehouse from which we transported goods to distribute
21 them to the people. During that period, it was not possible to
22 behave as an important person under the Khmer Rouge. You had to
23 work just like anyone else on the ground. Otherwise, you wouldn't
24 have anything to eat. We grew rice and <cassava> whenever there
25 wasn't rice. So we had at least <cassava> to eat. That's all.

1 [15.37.31]

2 Q. Just so we're clear. So even during the time period when you
3 were district chief, there was no single office. You still moved
4 from office to office during -- during the time you served as
5 Tram Kak district chief; is that correct?

6 A. During that period, I was at Angk Roka most of the time
7 compared to other places.

8 Q. You mentioned a house of a lady that was taken and used as an
9 office; where was that house located?

10 A. That house was located within the premises of the market
11 itself.

12 Q. And you're talking about the Angk Roka market; is that right?

13 A. That is correct. Indeed, it was the Angk Roka market. When I
14 was there, <the market was in the east. The house belonged a
15 person named Ta Yin (phonetic). It was a concrete> house whose
16 walls had already been smashed <>. The owner of that house lived
17 to the western side of the road. And the house was taken. So that
18 person lived to the west in another <concrete> house. <That area
19 was triangle in shape.>

20 [15.39.55]

21 Q. And just to wrap up this, you said that there was always
22 someone permanently at one office so that they could receive
23 letters and communications. Was it the Angk Roka office that
24 served that function where there was always someone there for
25 purposes of receiving communications?

1 A. There were messengers <and economic supplies> at Angk Roka
2 <office>. They were the ones who <delivered> letters to
3 <different communes, meaning if> I was <in Takeav (phonetic) or
4 Nhaeng Nhang or Srae Ronoung they would deliver those letters to
5 me there. When I learned of> what was happening <I would come to
6 the office>. That is all.

7 Q. We've heard also in the testimony so far about a person or a
8 number of people who held the title 'Head of the District Office'
9 or 'Chief of the District Office', a separate position from
10 secretary of the district. One of the people who's been
11 identified as having that position is someone that you've
12 discussed, a man named Dan. Was Dan the chief of the Tram Kak
13 district office during the time that you were district chief?
14 [15.42.10]

15 A. Dan was the chief of the district office.

16 Q. And did Dan work permanently at the office in Angk Roka or did
17 he also have different places where he worked?

18 A. He worked there most of the time. But when he had other
19 business matters to attend to, he would move about to go and see
20 people. So he could not move the office with him wherever he went
21 to see people.

22 Q. Could you explain for the Court what other responsibilities
23 were of Dan as the chief of the district office and how those
24 responsibilities differed from yours as district chief or as
25 district secretary?

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1 A. The district chiefs had no influence, they had no powers. And
2 there were people who had to receive instructions at level of the
3 districts and they had to do everything regarding what was
4 required of them in the instructions and when they had to convene
5 meetings of people or when they had to harvest the crops or
6 obtain seeds. They had to do that as well. So their work was to
7 provide some assistance. The district chiefs could do nothing
8 without the assistants.

9 [15.44.55]

10 Q. Do you remember who it was that was the chief of the district
11 office before Dan?

12 A. I do not recall. There was Dan, Phy. That happened a very long
13 time ago, and I do not remember all those former district chiefs.

14 Q. Let me ask you about one of the people you just mentioned,
15 Phy. We've heard some accounts of a person named Phy described as
16 someone who had a handicap or some problem in his leg and
17 walking; was this the Phy -- the same Phy that you just referred
18 to who was chief of district office at some point?

19 A. There was only one person by the name Phy. He was in charge of
20 medical services. And the other, Dan, was the office head. <They
21 were appointed that way. The other one knew how to administer
22 medicine.>

23 [15.47.05]

24 Q. And the person named Phy who you're talking about, did he have
25 some handicap, some problem in his leg?

1 A. Yes, that is indeed the person. He was handicapped in his
2 legs. And the only work he could do was to go into the villages
3 in the commune and take care of the sick.

4 Q. Do you remember whether Phy at any point during the regime had
5 any other functions or positions other than being in charge of
6 medical services?

7 A. When I was there, he would distribute medicines and other
8 supplies, medical supplies. But after I left, I did not know the
9 position he was assigned. But during my term of office, he
10 distributed medicines. <He did a little work and took care of
11 young people in the office. And, he did not go anywhere.> But
12 after I left, I was not able to find out where he was
13 transferred.

14 Q. My last question about -- regarding Phy for the moment. Do you
15 know whether he continued to work in Tram Kak district through
16 the entire regime period -- that is, from April 1975 through to
17 January 1979?

18 A. Phy always worked there. As of the 17th of April, the date on
19 which the entire country was liberated up to 1976 when I left my
20 position, Dan was always there.

21 [15.50.02]

22 Q. And one last question on the district office. You've testified
23 that when you went to Kampong Cham, that Dan went with you. Do
24 you know who became the chief, the new chief, of the district
25 office at that time?

1 A. Dan left after me. When I left, I left alone and Dan was still
2 there. Approximately six months later, I returned to the district
3 <with my family> and that was when Dan requested to go with me,
4 and I asked him to <ask for permission from Kit>. Kit did not
5 allow him to leave with me. But later on, he convinced him to let
6 him go. And he left to go and work at the cotton plantation. And
7 that is where he died. That is all.

8 MR. LYSAK:

9 Mr. President, I'm looking at the clock. I understood we were
10 going to break ten minutes early today to have -- hear
11 submissions from us on a pending motion. I'm going to change
12 subjects now. So I'm asking whether this is the appropriate time
13 to break from the witness so that we can have ten minutes of
14 submissions that we requested.

15 [15.52.06]

16 MR. PRESIDENT:

17 Thank you.

18 Mr. Pech Chim, the Chamber thanks you for your testimony. <Your>
19 testimony <as a witness has not concluded yet>. You are<,
20 therefore,> requested to return tomorrow<, Wednesday 22 April
21 2015,> at 9 a.m. to complete your testimony.

22 May the <court> officials <in facilitation with WESU> take the
23 necessary measures to return the witness to his <accommodation
24 and bring him back to the courtroom tomorrow at 9 a.m.>

25 And <the Chamber wishes to thank Mr. Moeun Sovann,> Duty Counsel,

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1 please, you may now leave and return tomorrow <at the time set
2 above> to continue to assist witness Pech Chim.

3 (Witness exits courtroom)

4 [15.53.42]

5 The Chamber will now hear the oral submissions of the
6 Co-Prosecutors in response to the motion by the Nuon Chea defence
7 team filed to request the Chamber to allow <15> additional
8 witnesses to testify regarding Tram Kak cooperative and Krang Ta
9 Chan security centre; document E346. Deputy Prosecutor, you have
10 the floor.

11 [15.54.32]

12 MR. LYSAK:

13 Thank you, Mr. President. I will be as brief as I can. Let me
14 just make a couple of points. We obviously have some concerns
15 about what seems to be a practice of last minute large requests
16 for additional witnesses. At the same time, in our view, this
17 needs to be decided on the merits, not on the procedure. And in
18 that regard, there are two witnesses that they have proposed, who
19 in our view on the face, appear to have exculpatory information
20 from the Defence's perspective. In our view, the Chamber should
21 call those two witnesses. And the witnesses I'm referring to --
22 and I'm mindful that I won't identify them by name here, I think
23 only a few of them have pseudonyms -- but for the first one is
24 the witness, who is the first witness identified in their motion
25 as relevant to the treatment of Lon Nol soldiers. This is a

1 witness whose statement, Mr. Koppe uses with almost every witness
2 who's testified here. I think the evidence from this witness is
3 suspect, but it is something the Defence is relying on. And I
4 believe that we should hear this witness.

5 [15.56.15]

6 It would not take very long in my view. This is not a witness who
7 worked in Tram Kak. He was a cadre from another part of the
8 Southwest Zone. So I think it would be a fairly quick witness.
9 The other one who in our view has exculpatory information is one
10 of the forced marriage witnesses they've requested. This is --
11 there are two that they requested relating to forced marriage.
12 The second one is a cadre and it is a person who was directly
13 identified by a witness who testified here, as a perpetrator, who
14 was responsible for forced marriage in her commune. This witness
15 has denied some of that but also made some admissions. The
16 Defence wish to hear a witness who has been identified as a
17 perpetrator and who has denied some of that. And again, I think
18 this would be an appropriate witness for the Chamber to call. For
19 the others, I think it is more a matter of your discretion as to
20 whether you think they would assist you in reaching the truth.

21 [15.57.33]

22 I'll make some quick comments in that regard. With respect to the
23 others, we see this argument that the evidence has been very
24 confusing so far, so we need to hear a lot more witnesses. I
25 think that is a bit of a disingenuous argument from the Defence.

1 I would think the Defence would be rather happy if the evidence
2 was that confusing. The reality is that the evidence has been
3 very consistent. The cadres and the victims agree on almost all
4 the key points, that almost everyone detained at Krang Ta Chan
5 was killed and not released, that the people killed there include
6 children; that people were tortured, suffocated, beaten to get
7 confessions. There is a core agreement on all these facts. So I
8 think for the Defence to suggest that we need to hear a lot more
9 witnesses because the evidence is confusing is simply wrong.
10 Nonetheless, I think it is your decision as to whether some of
11 these would help you. Let me just make a few observations.

12 [15.58.43]

13 They proposed a number of additional prisoners. Two of them are
14 relatives of one of the witnesses who has testified. I don't
15 think it is necessary to hear them, in my view. And if you were
16 going to hear additional prisoners, I think the two female
17 medical cadres would be better. Let me just say why that is. The
18 Defence have made much about a dispute that has arisen about
19 whether one of these people was the victim of sexual violence.
20 And I would just remind everyone that while this is a relevant
21 issue, the Accused are not charged here with that rape. We've
22 seen them spend a lot of time questioning witnesses on this, but
23 they're not charged with the rape. They are charged with murder.
24 So I think in deciding whether we will hear witnesses, that's
25 something you should take into account. The medical cadres, women

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1 who they've identified, they may well in my view be useful to
2 you. I think it's your discretion as to whether to call them. The
3 additional guards, two of them we don't even know if they're
4 alive. They're just people whose names have come up. One of them
5 is someone who gave an interview. He's part of the same unit that
6 I think we've heard -- already heard two or three witnesses. I'm
7 not sure that he would add very much.

8 [16.00.24]

9 There's two other cadres, one of them 2-TCW-833, is someone who
10 we've proposed as a witness. And so we certainly agree with the
11 Defence that this person should be heard. In our view though,
12 he's best heard in the purges section of this case.

13 One of the principal reasons we proposed this witness was because
14 in addition to having been a messenger in Tram Kak, he later
15 worked for Vorn Vet and was arrested at the same time as Vorn
16 Vet. That was a principal reason we proposed this witness. Though
17 at the time, we did our witness list, we were not yet authorise
18 to disclose this information because it came from one of his
19 subsequent interviews. So in our view, you should hear this
20 person, but hear him as part of the purges section.

21 [16.01.16]

22 The husband that they want to call on forced marriage in my view
23 is not necessary. I think the testimony of that witness was
24 clear. They've requested to call the perpetrator that she
25 identified, which I think you should do. I do not think anything

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1 valuable would be gained by calling -- calling her husband.
2 And lastly, they've requested additional witnesses on documents.
3 I do not -- I think that that is a high priority. We already had
4 hearings in the first trial on the authenticity of these
5 documents. If you look at what these witnesses have to say, they
6 have very little to add about that. We've heard a lot of evidence
7 so far here that corroborates the authenticity of these
8 documents. So I would not put those people high on the list. So,
9 those our submissions for Your Honours relating to the witnesses
10 that that have been requested.

11 MR. PRESIDENT:

12 Thank you. And Khieu Samphan's defence, do you wish to make any
13 observation in regards to the oral submission by Nuon Chea's
14 defence? If so, you have the floor.

15 [16.03.00]

16 MR. VERCKEN:

17 Thank you, Mr. President. I am a bit flabbergasted to hear the
18 Prosecutor criticise the Defence for having requested these 15 or
19 so witnesses when they have filed tens and tens of folders with
20 testimonies at the last -- very last minute. I believe that the
21 Chamber can hear these 15 or so witnesses. We support this
22 request from the Nuon Chea team. And I think that we could even
23 accelerate the process, as the Chamber will make sure that
24 examinations, in particular from the Prosecution, would be
25 confined to the scope of the trial. For example, this morning,

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1 the Prosecutors questioned the witnesses on Angk Roka and the
2 Khmer Krom and the second population movement, which are
3 completely outside of the scope of this trial. And we could have
4 gained time by avoiding bringing up these topics. These are my
5 comments. So yes, we do support the Nuon Chea defence team's
6 request.

7 [16.04.26]

8 MR. PRESIDENT:

9 Thank you. And Nuon Chea defence, do you wish to respond to the
10 reply or the observation by the Prosecution?

11 MR. KOPPE:

12 No, Mr. President, we maintain our request.

13 [16.04.56]

14 MR. PRESIDENT:

15 Thank you for all the observations and submissions and comments
16 in response to the submission or request by the Defence Counsel
17 for Nuon Chea for the Chamber to hear <15> additional witnesses
18 in relation to Tram Kak <cooperative and Krang Ta Chan> security
19 centre. Through document E346, the Chamber will deliberate on
20 this issue and make a ruling in due course. We will adjourn the
21 proceedings now and resume tomorrow, commencing from 9 o'clock in
22 the morning. And tomorrow, the Chamber will continue to hear the
23 testimony of witness Pech Chim. This is for the concerned Parties
24 and for the public. Security personnel, you are instructed to
25 take the two Accused back to detention facility and have them

1 return to attend the proceedings tomorrow before 9 o'clock.

2 The Court is now adjourned.

3 (Court adjourns at 1606H)

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