



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

15 September 2015
Trial Day 328

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 31-Mar-2017, 15:19
CMS/CFO: Sann Rada

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
LIV Sovanna
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
Robynne CROFT
EM Hoy

Lawyers for the Civil Parties:
Marie GUIRAUD
PICH Ang
TY Srinna
VEN Pov

For the Office of the Co-Prosecutors:
Dale LYSAK
William SMITH
SREA Rattanak

For Court Management Section:
UCH Arun

I N D E X

Mr. SEN Srun (2-TCW-880)

Questioning by Ms. GUISSÉ resumes page 2

Mr. SAMRIT Muy (2-TCW-883)

Questioning by The President (NIL Nonn) page 17

Questioning by Mr. SREA Rattanak..... page 20

Questioning by Mr. SMITH..... page 38

Questioning by Mr. KOPPE page 71

Questioning by Mr. LIV Sovanna page 87

Questioning by Ms. GUISSÉ..... page 90

Questioning by Mr. KONG Sam Onn page 100

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUISSÉ	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LIV Sovanna	Khmer
The President (NIL Nonn)	Khmer
Mr. SAMRIT Muy (2-TCW-883)	Khmer
Mr. SEN Srun (2-TCW-880)	Khmer
Mr. SMITH	English
Mr. SREA Rattanak	Khmer

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the testimony of the current

6 witness and then commence hearing testimony of another witness,

7 that is, 2-TCW-883. Mr. Em Hoy, please report the attendance of

8 the Parties and other individuals at today's proceedings.

9 [09.01.36]

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all Parties to this case

12 are present except the National Lead Co-Lawyer for civil parties

13 who is absent this morning for personal matters. Mr. Nuon Chea is

14 present in the holding cell downstairs. He has waived his right

15 to be present in the courtroom. The waiver has been delivered to

16 the greffier. The witness who is to conclude his testimony today,

17 that is, Mr. Sen Srun, is present in the courtroom. We also have

18 a reserve witness today, that is, 2-TCW-883. The witness confirms

19 that to the best of his knowledge, he has no relationship by

20 blood or by law to any of the two Accused -- that is, Nuon Chea

21 and Khieu Samphan, or to any of the civil parties admitted in

22 this case. The witness took an oath before the Iron-Club Statue

23 yesterday morning, and he has Mr. Mam Rithea as his duty counsel.

24 [09.04.02]

25 MR. PRESIDENT:

2

1 Thank you. The Chamber now decides on the request by Nuon Chea.
2 The Chamber has received a waiver from Nuon Chea, dated 15
3 September 2015, which states that due to his health, headache and
4 back pain, he cannot sit or concentrate for long, and in order to
5 effectively participate in future hearings, he requests to waive
6 his right to participate in and be present at the 15 September
7 2015 hearing. Having seen the medical report of Nuon Chea by the
8 duty doctor for the Accused at the ECCC, dated 15 September 2015,
9 which notes that Nuon Chea has chronic back pain and it becomes
10 more severe when he sits for long, and recommends that the
11 Chamber grant him his request so that he can follow the
12 proceedings remotely from the holding cell downstairs. Based on
13 the above information and pursuant to Rule 81.5 of the ECCC
14 Internal Rules, the Chamber grants Nuon Chea his request to
15 follow today's proceedings remotely from the holding cell
16 downstairs via audio-visual means.
17 And the Chamber instructs the AV unit personnel to link the
18 proceedings to the room downstairs so that he can follow the
19 proceedings. This applies to the whole day.
20 The floor is now given to the co-counsel for Khieu Samphan to put
21 questions to this witness. You may proceed, Counsel.
22 [09.05.41]
23 QUESTIONING BY MS. GUISSÉ RESUMES:
24 Thank you, Mr. President. Good morning, everyone. <> Good
25 morning, Mr. Sen Srun. I'll take up the examination<. Yesterday,

3

1 we left off talking about people --> the armed forces who
2 participated, <according to what you've told us,> in the arrest
3 of <the> Cham, which you participated in <. Yesterday you> stated
4 that nine persons who were members of the <Long Sword Group> were
5 present, and to be specific, <yesterday> you gave five names
6 <that you remembered> as being the names of members of that <Long
7 Sword Group>. I would like <> to confirm <with you> that they
8 were indeed <present>. You mentioned Lav Chay who subsequently
9 became your brother-in-law. Lav Chay, <C-H-H-Â-Y (sic) for the
10 interpreters.> Was he present during the arrest of the Cham <>?

11 [09.06.57]

12 MR. SEN SRUN:

13 A. I did not see him during the event of the arrest. And as I
14 testified yesterday, the Long Sword Group was divided into
15 smaller groups to go to various villages, namely Sambuor Meas Ka
16 and other villages. The Cham people as I stated were desegregated
17 and placed in various villages within the commune to live mixed
18 with the Khmer people.

19 Q. Let me put my question to you differently. Regarding the Long
20 Sword unit, which members of <the Long Swords Group> did you see
21 as having participated in the arrest of the Cham <on that day>?

22 [09.08.10]

23 A. Regarding the participating members of the Long Sword Group
24 <for the arrest of the Cham people> in the Sambuor Meas Ka
25 village was Tay Koemhun and a few others who actually had arrived

4

1 before I was at that location. When I was told to go there, I was
2 not told exactly what I was supposed to do. And only upon the
3 arrival of the Cham people who had been arrested did I realize
4 that I was instructed to go there and stand guard over those
5 people.

6 Q. I do understand. Apart from Tay Koemhun <-- if> I understood
7 <what you've said -- which other> members of the <Long Swords>
8 Group did you recognize <among those who were already present>?

9 A. Regarding the arrest of the Cham people, it was really
10 difficult to recognize as who was who. There was no proper
11 lighting and we could see each other from the moonlight. So it
12 was not that clear and the visibility was limited. I was not
13 allowed to go near them, and I was standing guard far from them.
14 The person that I knew clearly was Tay Koemhun, as he was the one
15 who led the Cham people to the area that I was standing.

16 [09.10.08]

17 Q. In your statement E3/5252, ERN in French, 00269892; ERN in
18 English, 00235517; ERN in Khmer, 00235022; this is what you
19 stated and I quote: "During the arrest, members of the Long Sword
20 Group were broken up into three groups, with four members per
21 group. After arresting the Cham, the Long Sword Group members all
22 left, leaving <the> four of us to lead the Cham to the security
23 centre in the Au Trakuon pagoda." End of quote. <>

24 I understand from this <excerpt of> your statement that you saw
25 members of the Long Sword Group as they were broken up into three

5

1 groups. <If> you <weren't able to recognize or clearly> see <the>
2 people <besides Tay Koemhun>, how did you know that those people
3 were members of the Long Sword Group?

4 A. Regarding the Long Sword Group, I actually <knew> all members
5 of the Long Sword Group if I were to meet them during the
6 daytime. However, the event took place at night and it was
7 difficult to recognize anyone. Even amongst your own family
8 <members>, your children or <grandchildren>, you would not be
9 able to recognize them if they were <5 to 6> metres away from you
10 at night time <>. And that was the case. <Actually, I knew all
11 the members of the Long Sword Group based in Peam Chi Kang.>

12 [09.12.17]

13 Q. Under those conditions, how did you know that those people
14 were members of the Long Sword Group then? That is what I want to
15 find out from you.

16 A. I recognized that they were members of the Long Sword Group
17 because they were different from us. We the civilians did not
18 have any weapon with us, but the Long Sword Group members <> had
19 long swords and they actually carried those swords behind their
20 back. So it <was> rather distinct from us. We, <civilians,>
21 including myself a palm tree climber, did not have any weapon.

22 Q. <Did you recognize or did you find out> whether there were
23 members of the commune militia present on that day of the arrest?

24 A. I did not know whether <the militia unit was> present or not.
25 If it were to happen during the daytime, then it would be very

6

1 easy to spot who was who, or whether they were members of the
2 commune militia or the members of the Long Sword Group. But <it
3 was around 6 p.m. and it began to get dark; thus, I could not
4 recognize whether or not they were militia members>. As I have
5 repeatedly said, I was not told explicitly what to do when I was
6 instructed to go to the area near the main road. And I was not
7 told as to what I had to do while I was there.

8 [09.14.17]

9 Q. Very well. You were not told what you had to do before you
10 arrived at that location. But in light of the <excerpt> of your
11 statement I have just read out to you, I understood that the Long
12 Sword Group left and you were left behind <alone> with your three
13 other comrades to lead the Cham to the pagoda. So my question to
14 you is, who asked you to lead the Cham to the pagoda, and when
15 did they <do so>?

16 A. There were many Cham people who were arrested <and brought to
17 the pagoda>. There were <200> to 300 of them. And the road
18 leading to the pagoda was pretty small. The width was about 4
19 metres, and for me I was assigned to walk at the back of the
20 line. <And I could not know who was at the front.> I was walking
21 <at the back with> those Cham people. And I <did not know as I
22 could> not see <those who were> walking in the middle <of the
23 line and the front of the line, and those who accompanied them>.

24 [09.15.42]

25 Q. Who asked you to lead the Cham to the pagoda? Who is the

7

1 person who issued that order to you?

2 A. I was not ordered to lead the people -- the Cham people to the
3 pagoda. The instruction that I was given to me was that when the
4 Cham people were being walked to the pagoda, I was supposed to
5 walk behind them. I did not have any authority to lead them to
6 the pagoda.

7 Q. Excuse me, I do not have much time. Mr. Witness, please answer
8 my questions specifically. Who asked you to accompany the Cham to
9 the pagoda? <You> say "I was told". My question to you is: who
10 <told you>?

11 [09.17.06]

12 A. The person who instructed me to go there, since I was at the
13 kitchen hall, was the chief of the kitchen hall at the Sambuor
14 Meas Ka village.

15 Q. And you stated a little earlier on, that while you were
16 working, you were not told exactly what you had to do. And I
17 understand that is <only> when you arrived at that location, that
18 you understood your role. Who spoke to you <once you were there,>
19 when you arrived <with> the group of Cham? Who spoke to you?

20 A. I have already said, the person who <> told <me> to go with
21 the Cham people was the unit chief in Sambuor Meas Ka, and his
22 name was Hok Hoeun.

23 Q. When you arrived close to the group of Cham, was he the person
24 who was present?

25 A. When I arrived at the gathering point <of the Cham people>,

8

1 the unit chief was not there.

2 Q. Excuse me, could you please repeat your answer. The
3 interpreter did not <follow> your answer.

4 A. What I stated is that the person who told me to go to the
5 point <where the Cham people were gathered> was Hok Hoeun<,> the
6 unit chief at the Sambuor Meas Ka village.

7 [09.19.21]

8 Q. And when <he> spoke to you, you were still at your place of
9 work. My question is as follows: When you arrived <with> the
10 group of 200 or 300 Cham you referred to, and when you saw the
11 members of the Long Sword Group standing next to the Cham, <who
12 spoke to you to tell you> what you had to do <with the Cham
13 gathered> on that day. Who <spoke to you? What is the name of>
14 the person who spoke to you on that occasion?

15 A. When I arrived at that location, I was not instructed to take
16 the Cham people to the pagoda, but I was instructed to stand
17 guard <over> the Cham people who had been brought in from the
18 villages, and to make sure that the Cham people did not flee to
19 the river <>.

20 Q. And what is the name of the person who asked you to keep an
21 eye on the Cham?

22 MR. SEN SRUN:

23 (Microphone not activated)

24 [09.20.46]

25 MR. PRESIDENT:

1 Witness, please repeat your response as the microphone was not
2 operational when you spoke.

3 MR. SEN SRUN:

4 A. It is very difficult for me to respond to your question. I
5 already repeated my response. Hok Hoeun was the one who
6 instructed me to go to that gathering location. And when I
7 arrived there, <a security guard> brought in those Cham people
8 from the villages. And he was the one who told me to stand guard
9 <over> those Cham people and his name, let me repeat again, was
10 Tay Koemhun. And he was deputy chief of the Long Sword Group.

11 [09.21.35]

12 BY MS. GUISSÉ:

13 Yesterday, during the proceedings, you stated that the Long Sword
14 Group was set up <sometime in> late 1976 <or> early 1977. And in
15 your statement, E3/5252, the ERN in French is 00269891; and the
16 ERN in Khmer is 00235021; and the ERN in English is 00235516; and
17 you stated that it was in June 1976. Does that jog your memory?
18 And can you tell us whether it was <more towards> mid-1976, late
19 1976, or early 1977?

20 MR. SEN SRUN:

21 A. I have already said that under the Khmer Rouge regime, it was
22 almost impossible to pinpoint any exact date as we did not have
23 anything to refer to. And I stated that the Long Sword Group was
24 probably created in late 1976 or early 1977.

25 Q. So the date you gave in your statement, that is, mid-1976,

10

1 that is your statement of October 2008, no longer reflects what
2 you can remember now?

3 A. I cannot say whether that is precise or not. As I <made it
4 clear that it could be either> late '76 or early '77 <that the
5 Long Sword Group was created>.

6 [09.23.52]

7 Q. You stated on several occasions during your testimony, and <I
8 believe> you confirmed this yesterday, that there were no
9 official exhumations of <corpses or> remains of people in mass
10 graves that you said you saw. But you did state that members of
11 the <local residents> had dug up the pits in search of <things to
12 take>. Can you tell us what kind of <things> they were looking
13 for <specifically at that point in time? <Which type of things?>

14 A. They dug up the pits after 1979 in the hope of finding
15 jewellery, namely gold rings, etc. And some found some packages
16 from the pits. And some people actually recovered two -- more
17 than two kilograms of gold from one pit, while others found some
18 pieces of jewellery. So those Cham people when they were buried,
19 they were buried along with the clothes that they wore as well as
20 some personal belongings in sacks or in packages. And when they
21 dug up the pits <where I said that the Cham people had been
22 buried>, of course, they also found <skulls of children. The Cham
23 people and the Khmer people were buried in separate pits>.

24 [09.25.50]

25 Q. Yesterday, you stated at shortly after 9.31 or <9.32>, if I go

11

1 by the French transcript, you stated that in 1976, the Cham were
2 forbidden to practise their religion, and you also said that they
3 <also> were not allowed to wear the Cham traditional attire. In
4 your record of interview <E3/5302>, ERN in French, <00623193>;
5 ERN in Khmer, 00635179; ERN in English, 00210490; you state that
6 you saw in those pits some Cham clothes and <hats>. My question
7 to you is as follows. <Seeing how,> since 1976, the Cham had to
8 wear the same attire as the Khmer, how come you were able to find
9 Cham clothes and <hats> in pits if they had indeed been killed in
10 1977?

11 THE INTERPRETER <FRENCH-ENGLISH>:

12 The transcript is actually reference E3/5302, correction by the
13 interpreter.

14 <MR. SEN SRUN:>

15 A. During the Democratic Kampuchea period, when the Cham people
16 were required to attend a meeting, for example, of course they
17 were not allowed to wear their traditional attire and their
18 belongings were left at home. Despite the ban by the regime,
19 those Cham people still hid some of their traditional attire at
20 their home and they did not dare wear that attire. And I did not
21 know whether they might have worn it while they were at home
22 without the view of the people during the regime.

23 [09.28.28]

24 Q. Witness, I am putting this question to you because in document
25 E3/2654, the prosecutors <apparently> questioned a <man> called

1 Loeb Sul. The ERN in French is 00620050, ERN in English 00211169,
2 ERN in Khmer 00640495. And it continues on the following page,
3 and this is what that person states. He states that he went to
4 <Au> Trakuon after 1979, and that he saw bodies, but he could not
5 determine which bodies were Cham bodies and which were not. Is it
6 therefore correct to say that when there were excavations or when
7 people were looking for personal property as you stated, it is
8 correct to say that it was not possible to determine who was Cham
9 and who was not?

10 [09.29.47]

11 A. I don't agree with the statement of that witness, that in 1979
12 when they exhumed the pits, you could clearly say whether they
13 were corpses or skeleton remains of the Cham people or of the
14 Khmer people. But for me, I <have been living near Au Trakuon
15 pagoda> for more than 30 years and I could <clearly> distinguish
16 whether people were the Cham or the Khmer from the way they
17 dressed, for instance. As for the killing of the Cham people and
18 as I testified, I learned of their demise through my colleague,
19 Moeun who was a member of the security force. He told me about
20 the killing of the Cham people and the locations where they were
21 buried. <And the exhumation confirmed that he was telling me> the
22 truth. Other witnesses may say something differently, but they
23 were not the ones on the ground. And they may say something which
24 is not true at all.

25 Q. You spoke a lot about Moeun, your comrade. So is it <correct>

1 to say that aside <from meeting with> Moeun, you partook in no
2 meetings with the <Long Sword Group>?

3 A. I did not have any relationship with the Long Sword Group;
4 they had different duties. I was a palm tree climber. When I
5 noticed the Long Sword Group was coming to my area, I was afraid
6 of what they were going to do. I had no relationship with the
7 members of those Long Sword Group. They were in higher position,
8 so I did not have any relationship with members of that group.

9 Q. Is it so also <correct to say> that you had no ties with the
10 commune militia?

11 A. It's the same for the militia in the commune. I had no tie
12 with the militia in the commune. I was once arrested and
13 detained. For this reason, I did not have any relationship or tie
14 with that commune militia.

15 [09.32.55]

16 Q. Is it also <correct to say>, that aside from your duties as a
17 tree climber, you had no other official duties within the
18 commune, within the district, or within the sector; is that the
19 case?

20 A. <Within the> Khmer Rouge, I did not hold any position. I was
21 <also a target of execution. Since they> could send me anywhere
22 they wanted<, I survived> the regime.

23 Q. So therefore, it's true that you could not know who took
24 decisions and how decisions were taken, nor what was said during
25 the different meetings that might have taken place at the

14

1 commune, sector or regional level?

2 [09.34.14]

3 A. It is true what you have just said.

4 Q. You spoke about, with regard to the period following 1979, the
5 fact that documents were found in a jar. Do you know what
6 happened to these documents and who retrieved them?

7 A. The document recovered from the jar was not <> any significant
8 document. The <people who dug the ground> were <not actually
9 trying to recover the document, but> they found <the> jar.
10 Suddenly, they went to search in the jar <for valuable things>
11 and they took out pages of paper from that jar. <As nobody was
12 interested in the document, the paper was scattered all over the
13 place. I found some pieces. There were actually some> name lists
14 of people but <I did not pay attention to their names and their
15 origins> written <in the> document. <In the document, there was
16 also no specification on the number of people, for example,>
17 stating 20,000 or 30,000 of people were to be killed during that
18 period. It is just an estimate from villagers about the numbers
19 of people killed.

20 Q. My specific question was, do you know who took the documents?
21 And what did that person do with those documents?

22 [09.36.04]

23 A. From what I saw, no one was collecting the document or pages
24 of document at that time. It was scattered around. No leaders
25 came to collect those pages of document. And <I can challenge

15

1 anyone who dare claim that> the document <specified> the number
2 of people <-- 20,000 to 30,000 Khmer and Cham people> killed in
3 the period. <I can challenge them. Bring forward the document. I
4 am ready to be confronted. I am Seng Srun from Peam Chi Kang
5 ready to challenge anyone who claims the existence of a document
6 specifying the number of 35,000 people.>.

7 Q. Please, <> Witness, <> cooperate with me. I don't have much
8 time. So I'm putting questions to you that are simple and
9 precise, that do not require expanded answers. So please listen
10 to my questions carefully. <Still speaking about> after 1979, you
11 spoke about the pagoda committee that still exists today, and you
12 explained that Tay Koemhun was part of this committee. And in
13 your written record of interview E3/5252, French ERN, 00269891;
14 Khmer, 00235021; and let me just find the English ERN. I will
15 find it <in a moment>. In this <statement>, you say that all of
16 the members of the pagoda committee were Khmer Rouge. So can you
17 be more specific about this and can you tell us <which other>
18 members you are referring to here?

19 [09.38.29]

20 A. Let me <give you a short answer>. Concerning members of <Au
21 Trakuon> pagoda committee, Peun Phi (phonetic), <the committee
22 chief as well as the pagoda's clergyman, was> chief of the
23 kitchen <hall> at the upper Sambuor Meas, <while Tay Koemhun, who
24 was the deputy of the Long Sword Group, remains as a member> of
25 the Au Trakuon pagoda committee until today.

16

1 Q. Why did you say, and now I have the English ERN which is,
2 00235517; so why did you say that all of the members of the
3 committee of this pagoda were Khmer Rouge? The two people that
4 you just mentioned, did they have any kind of position under the
5 Democratic Kampuchea regime <within> your commune?

6 A. The two individuals held positions in the Democratic
7 Kampuchea. Tay Koemhun was the deputy of Long Sword Group and
8 Peun Phi (phonetic) was the chief of logistics in the commune,
9 and also he was the chief of the kitchen in the upper Sambuor
10 Meas. So the two guys had positions in the Regime.

11 MS. GUISSÉ:

12 Mr. President, I am aware that I don't have much time left. Even
13 if I have further questions to put, I will now close my
14 cross-examination. <>

15 (Short pause)

16 [09.41.05]

17 MR. PRESIDENT:

18 The hearing of this testimony of Mr. Sen Srun has come to a
19 conclusion now. Thank you, Mr. Sen Srun, for coming here as a
20 witness. Your testimony will contribute to the truth. You may now
21 be excused. You may return to your residence or any desired
22 destination. I wish you good luck, happiness, and prosperity for
23 always.

24 Court officer, please work with the WESU to send Mr. Srun Sen to
25 any place he wishes to go. And now, please invite 2-TCW-883

1 together with the duty counsel Seng (sic) Rithea into the
2 courtroom.

3 (Witness enters courtroom)

4 [09.43.31]

5 QUESTIONING BY THE PRESIDENT:

6 Good morning, Mr. Witness. What is your name?

7 MR. SAMRIT MUY:

8 A. My name is Samrit Muy. Good morning, Mr. President.

9 Q. Thank you, Mr. Samrit Muy. Can you tell the Chamber when you
10 were born; do you recall it?

11 A. I was born in 1947.

12 Q. In 1947; is that true?

13 A. Yes, I was born in 1947.

14 Q. <Where> were you born, Mr. Samrit Muy?

15 A. I was a worker at the rubber plantation in 1970.

16 Q. I would like to know your place of birth. What is your place
17 of birth?

18 A. I was born in Sambuor Meas Ka village, Peam Chi Kang commune,
19 Kang Meas district.

20 Q. Thank you. What about your current address, where are you
21 living now?

22 [09.45.28]

23 A. I am living in Sambuor Meas Ka village, Peam Chi Kang commune,
24 Kang Meas district.

25 Q. Thank you. What are your parents' names?

18

1 A. My father's name is Samrit Mech and my mother's In Yeang.

2 Q. What about your wife, what is her name? How many children do
3 you have?

4 A. My wife's name is Samrit Sam Oeun. I am the father of five
5 children.

6 Q. Thank you, Mr. Samrit Muy. Based on the report of the
7 greffier, you have no relationship with the two Accused and to
8 any of the civil parties admitted in this Case 002/02; is that
9 true?

10 A. Yes, that is true.

11 Q. I was also informed that you have already taken an oath before
12 you appear before this Chamber. You have already taken an oath
13 before the Iron-Club Statue; is that true?

14 A. Yes, that is true.

15 [09.47.03]

16 Q. Now, I would like to inform you your rights and obligations as
17 a witness before the Chamber. As a witness in the proceeding
18 before the Chamber, you may refuse to respond to any question or
19 to make any comments which may incriminate you; right against
20 self-incrimination. This means that you may refuse to provide
21 your response or to make any comment that could lead you to being
22 prosecuted. Your obligations as a witness in the proceedings
23 before the Chamber, you must respond to any questions by the
24 Bench or relevant Parties except where your response or comments
25 to those questions may incriminate you, as the Chamber has just

19

1 informed you of your rights as a witness. As a witness, you must
2 tell the truth that you have known, heard, seen, remembered,
3 experienced, or observed directly about an event or occurrence
4 relevant to the questions that the Bench or Parties pose to you.

5 Mr. Samrit Muy, have you ever been interviewed by the
6 investigators of the OCIJ so far? If so, how many times did they
7 take place, and where did they take place; do you recall it?

8 A. I was interviewed twice at my house. However, I cannot tell
9 you the exact date of the interviews.

10 Q. Never mind. Before you appear in the courtroom, have you read
11 the written records of the interviews you provided two times to
12 investigators of the OCIJ at your house, to refresh your memory?

13 [09.49.08]

14 A. Yes, I have read them.

15 Q. To your best knowledge, can you confirm whether the written
16 records of the interviews you have just read are consistent with
17 what you have told the investigators at your house?

18 A. I have read and examined the written records of the interview,
19 but I may not recall everything.

20 Q. I understand. But do the written records of interviews reflect
21 what you told the investigators?

22 A. Yes.

23 MR. PRESIDENT:

24 In accordance with Internal Rule 91bis of the ECCC Internal
25 Rules, the Trial Chamber will give the floor first to the

20

1 Co-Prosecutor before other Parties. The combined time for the
2 Co-Prosecutor and Co-Lead Lawyers is two sessions. You may now
3 proceed.

4 [09.50.35]

5 QUESTIONING BY MR. SREA RATTANAK:

6 Good morning, Mr. President, Your Honours, everyone in and around
7 the courtroom. Good morning, Mr. Witness. My name is Srea
8 Rattanak. I am the National Deputy Co-Prosecutor of the
9 Extraordinary Chambers in the Courts of Cambodia. I have a few
10 general questions I want to ask you.

11 Q. Where did you live <before> the Khmer Rouge period?

12 MR. SAMRIT MUY:

13 A. Before the Khmer Rouge period, I was a worker at the rubber
14 plantation in Peam Cheang (phonetic) <in Chub>.

15 Q. I am now asking you about the <Khmer Rouge> period between 17
16 April 1975 and 6 January 1979. You have just mentioned that you
17 were a worker at <Peam Cheang (phonetic)> rubber plantation. When
18 did you become a worker at that place? And when did you move out
19 of that rubber plantation?

20 A. I <became> a worker at <Chub> rubber plantation <in 1960. And>
21 I went to live in Sdau village <in 1970. After the bombardment, I
22 returned to my home village.>

23 [09.52.38]

24 Q. You <mentioned> the <> bombing. When did it happen?

25 A. It took place in 1972 or 1973.

21

1 Q. When did the Khmer Rouge arrive in your home village?

2 A. <> The Khmer Rouge came <into Sdau village where I lived,> in
3 1971.

4 Q. I was <referring to> your home village. You stated that you
5 returned to your home village after the <> bombing <in either
6 1972 or 1973>. I'm not asking you about Sdau village you
7 mentioned earlier. I would like to know <in what year> the Khmer
8 Rouge came to control your home village.

9 [09.54.10]

10 MR. PRESIDENT:

11 National Deputy Co-Prosecutor, could you please specify the name
12 of his home village. The witness already told you about the name
13 of the home village. Please specify it; otherwise, the witness
14 will get confused about the places you are referring to. And if
15 you mentioned the Democratic Kampuchea regime, I think it is
16 clearer to all of us, because <the> Khmer Rouge regime is a
17 broader term. So if we are referring to the Democratic Kampuchea,
18 it is the period <between> 17 April 1975 <and> 6 January 1979. So
19 please break your questions into pieces so that <the witness> can
20 understand them well.

21 BY MR. SREA RATTANAK:

22 Thank you, Mr. President.

23 Q. You, a while ago, said that you returned to live in your home
24 village. And from what I heard, you said your home village was
25 Sambuor Meas <Ka> village, Peam Chi Kang commune, Kang Meas

1 district, Kampong Cham province. When you returned to live in
2 your home village, had the Khmer Rouge troop arrived in your home
3 village already?

4 MR. SAMRIT MUY:

5 A. Yes, the Khmer Rouge <> had arrived in my area when I returned
6 to my home village.

7 [09.56.12]

8 MR. PRESIDENT:

9 You may now proceed, Counsel Kong Sam Onn.

10 MR. KONG SAM ONN:

11 Thank you, Mr. President. My apology for interruption, Mr.
12 National Deputy Co-Prosecutor. The witness stated that he was
13 interviewed twice. However, I have only one written record of the
14 interview. So now, I would like to know from the Co-Prosecutor
15 whether we have two different written records of interview or we
16 have just one that I have.

17 MR. SREA RATTANAK:

18 Mr. President, do you permit me to verify that point with the
19 witness?

20 MR. PRESIDENT:

21 Yes. Every Party is entitled to verify and to ask about the
22 matter. So I don't think some matters in relation to procedures
23 conducted by the Court <should> be asked by Parties.

24 [09.57.27]

25 BY MR. SREA RATTANAK:

1 Mr. Witness, while you were living in your home village, what was
2 your occupation back then?

3 MR. SAMRIT MUY:

4 A. I was living in a cooperative.

5 Q. Did you remain in a cooperative until a later stage? And did
6 you have any position in your home village?

7 A. I was living in a cooperative and I was tasked with militia
8 position in the commune.

9 Q. Can you clarify this point <>? Did you become a commune
10 militiaman or a village militiaman?

11 A. From 1974 to 1975, I was a commune militiaman.

12 Q. Later on, after 1975, did you change your position?

13 A. I was still living in that cooperative <afterwards. And> I was
14 still in the position of a commune militiaman.

15 [09.59.30]

16 Q. You were interviewed by investigators of the OCIJ, document
17 E3/9346, ERN in Khmer, <00235015>; English, 00235507; French,
18 00283947. You stated that, "I was assigned to be a commune
19 militiaman." Could you clarify this point for the Chamber? Were
20 you assigned to be a commune militiaman or a village militiaman?
21 And <what was the difference between a> commune <militiaman and a
22 village militiaman>?

23 A. I was a member of the commune militia until '75. And when I
24 returned from the worksite, I was reassigned to guard the
25 <commune>. However, the <commune> was already part of the

1 cooperative at the time.

2 Q. Could you please state it precisely<? Did> you belong to the
3 village or the commune militia<? In> your written statement, it
4 says you belonged to the commune militia.

5 [10.01.25]

6 A. From 1975 to '76, I was reassigned to be part of the commune
7 militia.

8 Q. <Your roles as> member of the militia -- allow me to go back a
9 bit. You said <they made you> a member of the militia. Who was
10 the person that made this assignment?

11 A. It was the commune chief. And actually, I was sent by the
12 village chief to the commune chief.

13 Q I don't really get it. Did you say the village chief or the
14 commune chief that appointed you to be part of the <commune>
15 militia <>? And what was <his> name?

16 A. It was comrade Y, the village chief, who sent me to live at
17 the commune. So I was selected by him to go to work at the
18 commune level.

19 Q. You were assigned to guard as you said; what did you guard,
20 whom did you guard, and where?

21 A. I worked <like> other villagers during the day time and at
22 night time, I was assigned to guard within the area under the
23 commune administration.

24 Q. And were you told any specific instructions as what you should
25 do during your guarding duty?

25

1 A. I was a militiaman and my duty was to guard the village at
2 night time. And of course, the village was part of the commune.

3 Q. And which village?

4 [10.04.20]

5 A. I actually at the time lived in Sach Sou cooperative.

6 Q. And what year was that?

7 A. I was at Sach Sou in 1976.

8 Q. Speaking about Sach Sou village, how far was Sach Sou village
9 from Sambuor Meas village, which is your native village?

10 A. Sambuor Meas Ka and Sach Sou villages are adjacent to one
11 another.

12 Q. And how many families were living in that village at the time?

13 A. There were many families at the time living in that village.

14 Q. I understand that you cannot give us an exact figure <> of
15 people living in the village. However, can you tell the Chamber
16 whether the number of people living in the village was in
17 hundreds or in thousands?

18 [10.06.02]

19 A. I know there were many of them and the village was full of
20 villagers, but I cannot give you the figure.

21 Q. And from your observation, were those villagers all Khmer, or
22 was there a mixture of Khmer with other ethnicities?

23 A. There were Cham people and Khmer people living -- mixing
24 together in Sach Sou.

25 Q. Speaking about the Cham people, were there many Cham families

1 living in Sach Sou?

2 A. There were more Cham families living in Sach Sou than Khmer
3 families.

4 Q. Were they the original settlers in the village or were they
5 newcomers, I mean were they sent from other areas to come and
6 live in that village?

7 A. They were the original settlers there.

8 Q. Regarding the Cham people in Sach Sou, did you know about any
9 event involved in the arrest of the Cham people there?

10 A. In late 1976 or early '77, I was resent to live in the
11 cooperative, and that was the time that the arrest of the Cham
12 people started.

13 [10.08.42]

14 Q. Can you elaborate a bit further regarding this event, that is,
15 the event of the arrest of the Cham people<? When> did exactly it
16 happen?

17 A. It happened in 1977.

18 Q. And how many Cham people were arrested at that particular
19 time?

20 A. All the Cham people were arrested except one family, that is,
21 husband and wife.

22 Q. Do you mean that all the Cham people living in Sach Sou
23 village were arrested and only a husband and a wife were not
24 arrested?

25 A. Yes, that is correct.

1 Q. You mean all the Cham people were arrested. Do you mean that
2 within a family for instance, the husband and the wife and the
3 children were arrested altogether?

4 [10.10.12]

5 A. Yes, I saw them being walked along the street and I lived in
6 the cooperative, and I could see from where I stood. And I saw
7 all the Cham people including young children were being walked.
8 <No one was left behind.>

9 Q. And you said all arrested except a family of a husband and
10 wife. Why this husband or why this couple was not arrested? Were
11 they not in the village when the arrest took place?

12 A. I was not aware of that because by that time, I had lived in
13 the cooperative. And later on, I learned that family survived the
14 ordeal.

15 Q. So only after you returned to live in the village you saw that
16 couple, and that made you to believe that this couple was -- this
17 couple survived?

18 A. As I said, at the time I was living in the cooperative and I
19 was assigned to guard a corn field. And this couple actually fled
20 and came to seek refuge at the shelter where I was staying.

21 Q. Can you tell the Court about the process of the arrest; were
22 all Cham people arrested at the same time, or the arrest was
23 carried out successively?

24 A. I only saw one large arrest where all the Cham were arrested.
25 I was living at the kitchen hall, I was afraid to go near, but I

1 saw the Cham people being walked.

2 [10.12.23]

3 Q. And who actually conducted the arrest of those Cham people?

4 A. At that time, I did not know who made the arrest, since I had
5 lived in the cooperative. However, that was -- the arrest took
6 place after the arrival of the Southwest group.

7 Q. And when the Cham people were being walked, what was the
8 process of the Cham being walked? I mean, how many people
9 actually escorted them on the road?

10 A. I <was watching> the Cham being walked from afar, so I cannot
11 tell you how many people actually were escorting them at the
12 time.

13 Q. And can you recognize <who> those people <were> or where they
14 were from?

15 A. No, I did not <because> I did not <get close to> them. I was
16 far behind at the cooperative, so I could not identify those
17 people. <I was also afraid.>

18 [10.14.12]

19 Q. Did you ever hear about the so-called Long Sword Group?

20 A. The Long Sword Group was established by the Southwest group
21 after their arrival.

22 Q. And did you know any member of the Long Sword Group?

23 A. I only saw these security people walking around, carrying
24 swords, and I did not dare to <look at> them.

25 Q. Were members of the Long Sword Group different from members of

1 the militia that you belonged to?

2 A. Of course, we were different. In the morning, we were sent to
3 work in the field and we were involved in the guard duty at
4 night.

5 Q. Was there any link between the two groups work-wise?

6 A. No, there wasn't. Actually, the Long Sword Group was
7 established at a later stage, and by that time, I had been
8 reassigned to live and work at the cooperative. <We had no
9 connection with them.>

10 Q. Let's speak about those people who conducted the arrest of the
11 Cham people. Did you see them carrying any kind of weapon?

12 [10.16.20]

13 A. I did not actually observe them carefully. I only saw them
14 from a distance. <I was in a hurry to go back to work.> I did not
15 go near them; so I cannot tell you about this.

16 Q. And before that arrest took place, were you aware of any plan
17 that had been prepared for the arrest, for example, through a
18 meeting?

19 A. While I lived in Sach Sou with the Cham people, we were not
20 aware of anything. However, <after the arrival of the Southwest>
21 all the people were called to attend a meeting at Damnak Svay. <>
22 And after that meeting, the arrest took place.

23 Q. Did you attend that meeting?

24 A. Yes. All people who lived in the cooperative were called to
25 attend that meeting after the arrival of that Southwest group.

1 And after that, the arrest took place.

2 [10.17.47]

3 Q. Who chaired that meeting?

4 A. It was Kan, the district secretary who was a Southwest person.

5 Q. And what did he say during that meeting?

6 A. The main topic that they spoke about at that time was for us
7 to respect Angkar. <We did not understand them when they were
8 referring to the big broom. We then returned to work. After that,
9 we dared not get close to them.>

10 Q. How long after the conclusion of the meeting <did> the arrest
11 of the Cham <people take> place?

12 A. I cannot recall it precisely since I then was assigned to live
13 at the cooperative. However, it was not long after the meeting
14 concluded.

15 Q. By the way, how many meetings had taken place before the
16 commencement of the arrest <of the Cham people>? You mentioned
17 that you attended a meeting. Did you attend other meetings
18 besides this one before the arrest of the Cham people?

19 A. They called all the people from the cooperative to attend that
20 meeting. And that was the one meeting that we all attended. <We
21 did not attend any other meeting.> We all were busy working in
22 the field.

23 [10.19.44]

24 Q. And let's talk about that meeting. Besides Kan and the
25 participation of all the villagers, were other people attending,

1 for example, senior cadres or members of the militia or members
2 of the Long Sword Group?

3 A. No, not during that meeting. Only the villagers were called to
4 attend the meeting. And only later on, the Long Sword Group was
5 established.

6 Q. Did you participate in that meeting as a civilian or as a
7 member of the <commune> militia?

8 A. I was a civilian because by that time, I was reassigned to
9 live and work in the cooperative.

10 Q. Again, regarding the arrest of the Cham people <> that you
11 saw, during what time of the day <did> it <take> place?

12 A. It was in late afternoon after I returned from working in the
13 field and I was having my porridge. <I saw them being walked.>
14 [10.21.13]

15 Q. And can you say around what time during that late afternoon?

16 A. It was around a bit after 5 o'clock in the afternoon, that is,
17 after I returned from working in the field <to have porridge
18 before I went back to work>.

19 Q. You observed the process of the Cham people being walked along
20 the road. Did you observe any Cham people <being> tied up,
21 tortured, or beaten?

22 A. No, I did not see such details. I <just> watched <them>,
23 rather, from a distance and I <dared> not <get close to them. I
24 was then in the cooperative so I did not really know how> the
25 arrest <> had taken place. <I just saw them being walked. I

32

1 watched them from a distance. I dared not get close to them.>

2 MR. PRESIDENT:

3 Thank you, National Deputy Co-Prosecutor. And thank you, Mr.

4 Witness. It is now appropriate for us to have a short break. We

5 take a break now and return at 10.40.

6 And Court officer, please assist the witness during the short

7 break time and invite him as well as the duty counsel back into

8 the courtroom at 10.40.

9 (Court recesses from 1022H to 1040H)

10 MR. PRESIDENT:

11 Please be seated. The Court is back in session.

12 And the floor is now given to the Co-Prosecutors to resume the

13 questioning to this witness. You may now proceed.

14 BY MR. SREA RATTANAK:

15 Thank you, Mr. President. Continuing from what I asked you before

16 the break time, did you know where those people were <taken to>?

17 MR. SAMRIT MUY:

18 They were arrested and placed in Au Trakuon pagoda.

19 Q. Concerning Au Trakuon pagoda, what was Au Trakuon <pagoda>

20 used for at that time? Why people were brought into that pagoda?

21 [10.42.05]

22 A. After the arrival of <the Southwest group>, Au Trakuon pagoda

23 was turned into a security centre.

24 Q. Where was the location of that pagoda? In what district,

25 village and commune was the pagoda situated?

1 A. The pagoda was located in Sambuor Meas Ka village, Peam Chi
2 Kang commune, Kang Meas district.

3 Q. How far was it from Sach Sou village to that pagoda?

4 A. It was about over one kilometre.

5 Q. You said that the pagoda was turned into a security centre
6 after the arrival of <the> Southwest <group>. When did that
7 pagoda become the security centre?

8 A. In late 1976 and early 1977.

9 Q. I wanted to know what was the security centre used for? I mean
10 what kind of people were brought into that security centre?

11 A. I do not know. I noticed that people were sent from different
12 places into that security centre.

13 Q. Concerning the people who were arrested and sent to that Au
14 Trakuon pagoda, <do you know> why were people sent into that Au
15 Trakuon pagoda?

16 [10.44.58]

17 A. <To my knowledge,> they were sent into the pagoda to be
18 killed.

19 Q. How do you know? Why did you say these people were sent into
20 the pagoda to be killed?

21 A. Those who were brought into that pagoda <> never <returned.
22 They were brought in, and disappeared. That's all I know.>

23 Q. How far <was it> from Au Trakuon pagoda to your house?

24 A. The distance from my house to Au Trakuon pagoda was about 200
25 metres away.

1 Q. Did you know about the incidents happening in that Au Trakuon
2 pagoda? You mentioned a while ago that people were brought into
3 Au Trakuon pagoda to be killed, so how do you know that?

4 A. Whenever they wanted to kill people they would bring people
5 into the pagoda and the loud music would be played. <And those
6 people never returned. So I thought they must be taken there to
7 be killed.>

8 Q. Did you hear the loud music being played over the loud
9 speakers very often?

10 [10.47.06]

11 A. After I returned from work at night-time I would hear the loud
12 music being played over the loud speaker once in every three,
13 four or five days.

14 Q. From what time until what time did you hear the loud music
15 being played over the loud speaker?

16 A. The loud music most of the time was played from 10 p.m. until
17 night-time.

18 Q. Do you mean that the loud music would be played from 10 p.m.?

19 A. Yes, that is true.

20 Q. What time did they stop playing the loud music?

21 A. The music would be played for one or two hours.

22 Q. Besides the loud music from the loud speakers, did you hear
23 any other sounds?

24 A. Sometimes while I was at home I would hear, you know, the
25 sound of <people screaming> for help.

1 Q. Could you describe it? Whether the sound was from male or
2 female and how was the sound?

3 A. I heard the sound of <people screaming for> help, sometimes,
4 and I could not tell you whether the sound was from male or
5 female because my house was located a bit away from the pagoda.

6 [10.49.33]

7 Q. Did you hear the sounds for help simultaneously with the loud
8 music?

9 A. I would hear the screaming for help during the time that the
10 loud music was being played.

11 Q. Regarding the people who were arrested from Sach Sou village,
12 how did you know that those people were <brought to Au Trakuon
13 pagoda?>

14 A. The kitchen where I was staying was opposite the gate of the
15 pagoda so I could see that those people were brought through the
16 gates of the pagoda.

17 Q. On the day that you saw the people who had been arrested and
18 brought into the pagoda, did you hear the loud music?

19 A. <When people were brought in that day,> the loud music <would
20 usually be played> on that night.

21 Q. After those people were arrested from Sach Sou village and
22 brought into the compound of the pagoda, did you hear the loud
23 music being played on that night?

24 [10.51.28]

25 A. <As I said when they brought people in that day, they would

1 play the loud music on that night.>

2 Q. I, a while ago, asked you the general questions in relation to
3 the security centre. Now I am focusing on the day that the Sach
4 Sou villagers were arrested. On that day how long did they play
5 the loud music?

6 A. I told you already that the music was being played for one or
7 two hours.

8 Q. Did you ever enter the compound of the pagoda?

9 A. I did not dare to stay close to the pagoda. No one was
10 courageous enough to stay close to the compound of the pagoda.

11 Q. Was there any ban <on> entering <> the pagoda or did you
12 yourself feel afraid <> to enter <> the pagoda?

13 A. I did not dare to stay close to the compound since I was
14 simply a worker in the cooperative. <Other people and I dared not
15 stay close to the place.>

16 Q. How long <was Au Trakuon pagoda used as the> security centre?

17 A. The security centre was not in operation after 1979.

18 Q. Do you know the name of the chief of that security centre?

19 [10.53.46]

20 A. During that time I did not know the name of the security
21 centre chief but I heard Horn <from the Southwest> was chief.

22 Q. Did that individual Horn become a security centre chief until
23 the end of the regime, or did someone else replace his position?

24 A. <Since the beginning, when the Southwest group came to
25 establish the place,> Horn was <in charge up until 1979.>

1 MR. SREA RATTANAK:

2 Thank you, Mr. President. I would like now to hand over the floor
3 to me esteemed international colleague.

4 MR. PRESIDENT:

5 You may now proceed.

6 [10.54.52]

7 MR. SMITH:

8 Good morning, Mr. President. Good morning, Your Honours. Good
9 morning Counsel and good morning to the general public. And good
10 morning to you, Mr. Witness. Mr. President, I would like to show
11 the witness a map of the area that he lived in. And I would ask
12 that we place on the screen E3/9145. Your Honours, it's a map
13 that was made in 1993 of the electoral areas in Kang Meas, and
14 it's an excerpt from that map, and its enlarged so that it's
15 easier for the witness perhaps to be able to see, and the only
16 change are that the Khmer names have been added because it was
17 only in English and there's been some highlight placed on the
18 map. And I would ask if the court clerk could hand this map to
19 the witness as well, it might be easier for him to see off the
20 screen.

21 MR. PRESIDENT:

22 You can do so.

23 MR. SMITH:

24 If I can ask that the map be placed on the -- on our screens.

25 MR. PRESIDENT:

1 You may proceed.

2 [10.56.49]

3 QUESTIONING BY MR. SMITH:

4 I believe it should be on the screen now. Mr. Witness, if we look
5 at this map, it is a map of the area of Peam Chi Kang commune,
6 and it identifies the village that you resided in, Sambuor Meas
7 A, Village A, and also it identifies Sach Sou, the other village
8 that you stayed in, and other surrounding villages. If you have a
9 look at that map, does it seem fairly accurate to how villages
10 were placed near each other, where you lived?

11 MR. SAMRIT MUY:

12 A. Yes, it is accurate.

13 [10.58.02]

14 Q. And perhaps if we look at that map, and if it could go on the
15 screen again please; if we look at Damnak Snay (sic), it's hard
16 to read the English, but we believe that's the place. How far is
17 Damnak Snay (sic) from Sach Sou? About how many kilometres?

18 A. It was about over one kilometre away from Damnak Svay to Sach
19 Sou village.

20 Q. And you said during the Democratic Kampuchea period, I think
21 you said earlier you lived in Sambuor Meas Village A and then you
22 moved to Sach Sou and lived there for a while, is that correct?

23 A. Yes, that is correct.

24 Q. And then during the Democratic Kampuchea period, after you
25 lived in Sach Sou, well did you stay there until 1979 or did you

1 move back to your house in Sambuor Meas A?

2 A. In late 1976 or 1977 I was allowed to go back and live in
3 Sambuor Meas Ka village, in a cooperative.

4 Q. And you stayed there until the Pol Pot regime fell, is that
5 correct? Until the Vietnamese came in 1979?

6 A. Yes, that is true.

7 [11.00.24]

8 Q. So from when the Khmer Rouge first arrived in your area,
9 before Democratic Kampuchea, until the Khmer Rouge were defeated
10 in 1979, you only stayed in two houses; is that correct, one at
11 Sambuor Meas Village A and one at Sach Sou?

12 A. Yes.

13 Q. And you answered this question, but is the village of Sach Sou
14 and the village of Sambuor Meas A, do they join each other or do
15 they separate by vacant land? I'm talking about back in the
16 Democratic Kampuchea period.

17 A. They joined one another.

18 Q. And if we look at Sambuor Meas Village B, how far is that away
19 from Village A?

20 A. It is not that far. Actually it is simply a series of villages
21 adjacent to one another.

22 [11.02.08]

23 Q. And if I could ask the audio visual to place the map on the
24 screen as we discuss this please. So from the centre of Sambuor
25 Meas Village B to the centre of Sambuor Meas Village A, about how

40

1 many kilometres would that be from each other, even though they
2 join, but from the centre of each villages?

3 A. If you think of the distance it is difficult, but in fact
4 these two villages bordered each other and the bordering lies
5 about 500 metres.

6 Q. Thank you. So from -- do you also see the border of the
7 sub-district of Angkor Ban and the border of that sub-district to
8 the village of Peam Chi Kang, how far is that? About how many
9 kilometres?

10 A. From Peam Chi Kang to Angkor Ban the linkage by means of
11 border demarcation is about one kilometre.

12 Q. Thank you. And it's not clear when we look at this map, but
13 the villages of Sambuor Meas and Sach Sou, they're all on the
14 Mekong River, that's correct? You see the Mekong River right next
15 to those villages, is that correct?

16 A. Yes, that is correct, they are situated along the river.

17 [11.04.40]

18 Q. Thank you, and if we look at the map again, if we look at
19 Sambuor Meas A, your village, I think you said Wat Au Trakuon
20 pagoda was in that village -- is that correct?

21 A. Yes, that is correct.

22 Q. And then if we look at the village of Damnak Snay (sic),
23 that's in Peam Chi Kang sub-district -- is that correct?

24 A. Yes, it is located in Peam Chi Kang commune.

25 Q. And then if we look at the village of Roka Roy (phonetic),

41

1 which is further east of Sach Sou, that's in a different commune,
2 a different sub-district, is that correct?

3 A. No, it is different.

4 [11.06.17]

5 Q. So when you were working as a commune militia, is it fair to
6 say that you would work between Sambuor Meas B and the Peam Chi
7 Kang village, along that road and in that general area? Was that
8 where you did your militia duties?

9 A. Yes.

10 Q. And did you have a motorbike? Were you able to move about the
11 different villages with some form of transport when you were a
12 militia?

13 A. No, the means of going anywhere for us is by foot -- on foot,
14 there was no bicycle.

15 Q. So would it be fair to say that your militia duties had you
16 travelling distances of about four kilometres, sorry about one
17 kilometre, from Angkor Ban to Peam Chi Kang? Well, how far is the
18 border from Angkor Ban to Peam Chi Kang? You may have answered
19 that question, but if you could answer it again please.

20 A. If you talk about the border of Peam Chi Kang, I think the
21 length of the border is about 1.5 kilometres.

22 Q. Thank you. And you said that when you were living in Sambuor
23 Meas Village A, the pagoda was about 200 metres from your house,
24 is that right?

25 [11.08.51]

1 A. Yes, that is correct.

2 Q. Thank you. Just while we're looking at the map, one last
3 moment, can you tell the Court where the Peam stadium is? Is
4 there a stadium in Peam -- in Peam Chi Kang?

5 A. <Peam stadium in> Peam Chi Kang <was right> across the Peam
6 Chi Kang creek <to Roka Koy commune.>The Peam stadium had been
7 built since the old regime.

8 Q. And was that a football stadium? A soccer stadium? What type
9 of stadium was it?

10 A. It <has been> a football stadium since the old regime.

11 Q. And just so we're clear, how far is the stadium from your home
12 village, Sambuor Meas Village A?

13 A. The distance from Peam stadium to Sambuor Meas Ka village is
14 about 1.5 kilometres.

15 [11.10.46]

16 Q. Thank you. Perhaps we've finished with the map now. Thank you
17 for helping us with the geography of your area. And I'd like to
18 ask you a few questions about the meeting you went to at Damnak
19 Snay (sic). You mentioned that you went to that meeting and you
20 had a discussion. The villagers were invited there and also the
21 district secretary was there, where he asked the villagers to
22 respect Angkar and to work hard. Do you remember that meeting?

23 A. Yes, I do.

24 Q. And you mentioned that Kan chaired the meeting and he was from
25 the Southwest Zone, is that right?

1 A. Yes, that is correct.

2 Q. But Kan had become the district sector secretary for Kang
3 Meas, is that correct?

4 A. Yes, that is correct.

5 Q. Do you remember going to another meeting, or maybe we're
6 talking about the same one, do you remember going to a meeting at
7 Peam stadium in early 1977?

8 A. I cannot recall that and in fact I did not attend <any>
9 meeting in 1977.

10 [11.13.04]

11 Q. During the Democratic Kampuchea period, did you attend the
12 meeting with the sector committee secretary An for Sector 41, and
13 the district committee secretary Kan, did you ever attend a
14 meeting with both of those people there?

15 A. I did not attend the meeting that you said because once I had
16 been reassigned to live and work at the co-operative, I did not
17 attend that kind of meeting. <I did not attend any meeting with
18 them.>

19 Q. Did you ever hear of a meeting at Peam stadium from other
20 people?

21 A. No, I did not. I focused on the work that I was assigned to do
22 and we were not allowed to make any contact crossing villages.
23 <We worked until around 10 p.m.> Such contact was fully banned
24 during the regime.

25 [11.14.28]

44

1 Q. Thank you. If I can just read back to you a statement -- the
2 statement you made to the investigator from ECCC and that's
3 E3/9346, English, 00235508; Khmer, 00235016; and French,
4 00283948. And you were asked this question by the investigator a
5 few years ago. "Did anyone explain why they arrested the people?"
6 You answered "No, but in early 1977 they held a meeting at the
7 Peam stadium, all the villagers had to attend, the sector
8 committee An and the district committee Kan convened the meeting
9 and told us to work harder for Angkar. Then they said that there
10 were enemies among the people. After that meeting the arrests
11 accelerated both day and night." So that's the answer that's been
12 recorded of you telling the investigator, does that refresh your
13 memory to a meeting at the Peam stadium or any other meeting
14 where the sector secretary An was present?

15 A. I attended the meeting amongst all the villagers, men and
16 women and Kan the chief actually called all the unit chiefs to
17 attend that meeting as well. As for An, the sector chief, I am
18 not fully sure if I can recall that information correctly.

19 <Everyone was frightened.>

20 Q. Thank you. And you this statement in 2008, is that correct?

21 A. Yes, that is correct.

22 [11.17.23]

23 Q. Well perhaps, if I can ask you about when you said that at
24 that meeting or at the meeting that you went to, there were
25 enemies among the people. Do you remember going to a meeting with

1 Kan where that was said, that there were enemies among the
2 people?

3 A. Yes, that was said.

4 Q. And did Kan say who the enemies were?

5 A. No, he did not. He only referred to the so-called enemy and
6 later on people <were> arrested successively.

7 Q. During the Democratic Kampuchea period in your area did you
8 ever see sector secretary An?

9 A. Since that meeting, I did not see An anymore. However, I saw
10 Kan rather regularly who was the district chief at the time.

11 [11.19.11]

12 Q. Just to be clear. A moment ago, you said you weren't sure
13 whether An was at the meeting and then you just said that after
14 this meeting, I didn't see An anymore, do you remember seeing An
15 the secretary of the sector at that meeting?

16 A. There were many people attending the meeting and I cannot
17 recall everyone. The only person that I actually remember well
18 was Kan, who actually made an opening speech for the meeting and
19 I myself was rather afraid at the time.

20 Q. Where did district secretary Kan come from?

21 A. Please repeat your question.

22 Q. Was secretary Kan originally from Kang Meas district or did he
23 come from somewhere else?

24 A. People said he came from the Southwest. Everybody said that
25 and I did not know which part of the Southwest he came.

46

1 Q. You said this meeting was held in early 1977, how much earlier
2 had Kan taken up the position as district secretary?

3 A. I cannot remember the specific period of the year; we saw <him
4 come and become the district secretary> probably around late '76
5 or early '77. <I did not know exactly when he started.>

6 [11.21.38]

7 Q. And when you say that they all came, are you taking about the
8 cadres from the Southwest Zone?

9 A. Yes, that's what I meant.

10 Q. And when those cadres came to Kang Meas district, did they
11 start taking up positions, positions of authority, in the
12 district?

13 A. Yes, they took <positions> in the district.

14 Q. And what happened to the people that were in positions of
15 authority, say for example, what happened to the district
16 secretary of Kang Meas and other people in positions of
17 authority, what happened to them when the Southwest Zone cadres
18 came?

19 [11.23.03]

20 A. I am not really sure about this point. However, the former
21 cadres had been arrested and killed, all of them.

22 Q. How do you know that?

23 A. Because those former cadres disappeared and during the regime
24 everybody understood that disappearance means death. <To these
25 days, they have not returned.>

1 Q. Just going back to where you were living during the period,
2 you said you lived in Sach Sou and you also lived in Sambour Meas

3 A. How long did you live in Sach Sou village during that -- say
4 three years and eight months from 1975 to 1979, how long did you
5 live in Sach Sou?

6 A. I lived in Sach Sou village intermittently, for instance in
7 1976, I lived there but then I was sent to work elsewhere, to
8 work in the rice field and I was assigned to be member of the
9 militia to guard the village in Sach Sou in around mid-1976.

10 Q. What was your primary place of residence, the place where you
11 lived the most, was that in Sambour Meas Village A was that where
12 you lived most of the time or was it Sach Sou?

13 A. I spent most of my time living in Sambour Meas Ka village.

14 Q. So did you live in Sach Sou for one or two months or three
15 months, or one year, about how long, during Democratic Kampuchea?

16 [11.26.16]

17 A. Sometimes I stayed for a fortnight in Sach Sou, then I
18 returned to my house for one or two nights, then I returned back,
19 I went back to Sach Sou.

20 Q. You said after the meeting with secretary, district secretary
21 Kan that the -- in your statement you said that the arrests
22 accelerated both night and day. Can you explain where those
23 arrests were happening and how you knew that arrests accelerated
24 night and day after that meeting in 1977?

25 A. When I returned from my work and while I was having my gruel,

1 I saw people being transported or walked, including young
2 children. However I saw the event from a distance and I did not
3 know where those people had been taken from.

4 [11.27.49]

5 Q. I am not referring now to that day that you saw Cham being
6 arrested from Sach Sou village, I am not referring to that day, I
7 am referring to more generally, you said that arrests accelerated
8 both night and day, how did you know that, was it because you
9 lived opposite the pagoda and you could see people being taken in
10 there night and day after 1977? Or is it -- can you explain how
11 you know that this was happening so much?

12 A. I said I saw what happened and that happened after I returned
13 from working in the field. I was busy working during the day time
14 and usually when I returned back to the co-operative I had to
15 have my gruel and then I returned to water wheel again. That
16 statement is what I saw from a distance.

17 Q. Okay. But I'm not talking about that day that you saw Cham
18 being taken to the pagoda, I'm not talking about that day. I'm
19 talking about your statement when you said that after the meeting
20 in early 1977 with Kan that you said the meetings -- the arrests
21 accelerated both night and day. How did you know that, was it
22 because your house was next to the pagoda and you could you see
23 people going in daily, nightly or any other way, if you can tell
24 us please.

25 A. I saw the events with my own eyes. All the people could see

49

1 it. Sometimes during meal time at noon, while we were having
2 gruel, we saw those people being transported and I could see
3 young children, I could see pregnant women, they were all taken
4 into the pagoda and surely if such event was happening during the
5 time, at night time loudspeaker would be played. <And we had no
6 idea where they were taken from.>

7 [11.30.46]

8 MR. PRESIDENT:

9 Thank you, Mr. Deputy Co-Prosecutor and Witness, it is now
10 appropriate for our lunch break. We take a break now and resume
11 at 1.30. And we would like to inform the Co-Prosecutors and Lead
12 Co-Lawyers for civil parties that the remaining time for the
13 afternoon session is 40 minutes.

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

16 And security personnel you are instructed to take Khieu Samphan
17 to the waiting room downstairs and have him return to attend the
18 proceedings this afternoon before 1.30.

19 The Court is now in recess.

20 (Court recesses from 1131H to 1330H)

21 MR. PRESIDENT:

22 Please be seated.

23 The Court is back in session and the floor is given to the
24 Co-Prosecutor to resume their line of questioning. You may now
25 proceed.

1 BY MR. SMITH:

2 Good afternoon, Mr. President, Your Honours, counsel and the
3 public. Good afternoon, Mr. Witness.

4 Q. This morning we talked about -- you talked about the creation
5 of this Long Sword Group that operated in your area and you said
6 that this group was established after the Southwest Zone came to
7 Kang Meas. You said that these people operated with swords, they
8 carried swords and you didn't dare to approach them and in your
9 statement as well you stated that you were afraid of them. How
10 many people were in the Long Sword Group?

11 MR. SAMRIT MUY:

12 A. Regarding the members of the Long Sword Group, I do not know
13 how many of them within that group. As I said, I did not dare to
14 approach them.

15 [13.32.35]

16 Q. Can you provide an approximate number of the people, would it
17 10, 50, 100 or you just simply don't know?

18 A. I do not know of the figure. As I told you I did not dare to
19 approach them. Sometime I would see them walking in a group of
20 two or three. For the exact number of the group, I do not know.

21 Q. Was the Long Sword Group formed just to operate in your
22 commune, in Peam Chi Kang or was it formed to operate in the
23 whole district of Kang Meas?

24 A. On this point I do not have the knowledge of the structure or
25 operation of the group. All I could see at the time <was that

1 these security people> were carrying swords and walking around
2 and I do not <know which commune> they were going to at the time.

3 [13.34.07]

4 Q. You said you ate your meals in the communal dining halls, is
5 that right? During the period after the Southwest Zone cadres
6 arrived around 1977, did you eat in communal dining halls for
7 that whole three-year period?

8 A. For a period of two years, I did not have any chances to have
9 the cooked rice but gruel.

10 Q. I understand but in your evidence you said that you saw the
11 large group of Cham people being taken to Wat Au Trakuon and
12 taken inside the gates whilst you're in eating a meal at the
13 dining hall I believe; did you have your gruel in a common eating
14 area?

15 A. I ate my meal at that kitchen for a period of two years, there
16 was no other places -- there were no other places that I was
17 allowed to eat my meal but in the kitchen. <If anyone had been
18 spotted eating outside, he would have been taken to be killed.>

19 [13.35.55]

20 Q. And was that kitchen for people that lived in Sambuor Meas
21 Village A?

22 A. Yes, that is true. The kitchen was created for Sambuor Meas Ka
23 village only. <People in other villages ate in their own kitchen.
24 That kitchen was only for that cooperative.>

25 Q. And did the Long Sword unit or did some of their members, did

1 they eat in that kitchen as well?

2 A. I do not know where they went to have meal. I ate my meal
3 together with the workers in the cooperative. <They did not eat
4 with us.>

5 Q. You said in your statement that the Long Sword unit was formed
6 with people from the Southwest Zone and some Base People. Do you
7 know any of those Base People that were in the Long Sword Group?

8 A. Members within the Long Sword Group, some of them <were>
9 killed after the end of the regime because some of these members
10 <had> arrested <the> Cham people <in Sach Sou> during the period.
11 Later on after the end of the regime, they were arrested and
12 killed by villagers.

13 [13.37.55]

14 Q. Was Tay Koemhun a person that you know?

15 A. I have never met him. We were living in the same village. <We
16 never worked with each other. We just lived in the same
17 cooperative.>

18 Q. Sorry I mispronounced his name -- Tay Koemhun, was he living
19 in the same village as you?

20 A. No, we were not working together.

21 Q. And did you know him during the Democratic Kampuchea period?

22 A. I started to know him in 1977 when he came to work in my
23 cooperative.

24 Q. Was he in the Long Sword Group?

25 A. Tay Koemhun, I have never seen him within the group of the

53

1 Long Sword; I was afraid of that group. I only focused on my
2 work, pedalling the water wheel <until 10 p.m.>

3 [13.39.53]

4 Q. Thank you. I'd like to read out a portion of a statement from
5 another witness, E319/19.3.93 at 01035843 and in fact it's at
6 Answer 15. This interview is numbered with the answers so if I
7 can avoid the Khmer and French. This --

8 MS. GUISSÉ:

9 Yes, please, I'm sorry.

10 MR. PRESIDENT:

11 Please hold on, Mr. Witness; you may now proceed, Counsel for Mr.
12 Khieu Samphan.

13 MS. GUISSÉ:

14 Yes, Mr. President, without getting into detail, <>I'd like to
15 object to the use of this document which a priori is not a
16 document that has been tendered into evidence. It's a document
17 that right now is the subject of <a> submission before the
18 Chamber so I object strongly to the <use> of this document,
19 <which> is not a document that has been <submitted into
20 evidence>.

21 [13.41.16]

22 MR. SMITH:

23 Mr. President, I think it's before the Chamber; as to whether it
24 is admitted or not, obviously Your Honours would deal with that
25 in due course. However, it's a document that is on the case file

54

1 and the person in this document has some relevant evidence which
2 can be put towards this witness, particularly in relation to the
3 Long Sword Group and the pagoda and I would ask, I think it's
4 appropriate to have the opportunity to put that information
5 before the witness to get him to comment on it. Whether you
6 subsequently admit it or not, is another question. We're not
7 putting it forward -- the purpose of the question is not as
8 evidence, it's to actually see whether it refreshes the witness's
9 memory.

10 MR. PRESIDENT:

11 You may now proceed, Judge Lavergne.

12 JUDGE LAVERGNE:

13 Yes, I haven't had the time to check which document this is
14 exactly, but is it, maybe, by chance the <written record of>
15 interview of a witness whom the Chamber intends to hear and
16 <which> is <also> <being disputed> right now?

17 [13.42.46]

18 MR. SMITH:

19 At the moment the Chamber hasn't got this witness on their list
20 but we may be proposing for that to happen.

21 JUDGE LAVERGNE:

22 When you say that the document is on the case file, <do> you mean
23 that it has been made available to the Parties, or do you mean
24 that the Chamber ruled on its admissibility?

25 MR. SMITH:

1 It's certainly been made available to the Parties. As far as the
2 ruling on the admissibility, I'm not sure whether it was in the
3 batch of documents that the Khieu Samphan team believed wasn't
4 put before the Chamber but in fact it was. I am unaware of the
5 status of the document other than to say it's been disclosed and
6 disclosed to the Defence as well.

7 [13.43.48]

8 JUDGE LAVERGNE:

9 Well, in order to make sure that everything is perfectly clear,
10 must we understand that you object to the use of this document,
11 first of all, because it was not deemed admissible because <you
12 --> it is part of the objections that you raised in your previous
13 submissions regarding the scope <of> the obligations of the
14 Prosecution?

15 MS. GUISSÉ:

16 It's indeed for both of these reasons that we object to the use
17 of this document. In fact there's even a third reason, because
18 today what the Prosecution is telling us is that, as of the
19 moment when the documents <were> disclosed to us in a folder --
20 <and these documents have> not been the subject of <a> request
21 <before the Chamber> for <admission into evidence> and <they did
22 not appear> on the Parties' list <beforehand> -- that this is
23 enough to use this document before the Chamber. <No,> this
24 document is not being considered by the Chamber, <not even for>
25 the witness <we are objecting to>. This document is not part of

1 an 87.4 submission that would have <to have> been filed before
2 the Chamber. This document is, <once again>, part of the
3 documents that the Chamber <indicated> during a previous hearing
4 were not yet considered <to have been entered into the case
5 file,> but only as <having been> made available to the Parties,
6 <and certainly,> this is <not part of> the kind of evidence we
7 can use in Case 002/02<, at least> as long as there <has not>been
8 a decision by the Chamber with regard to our request as well as
9 with regard to <any future> 87.4 request<, which> the Prosecution
10 <has not yet issued>. So, for all of these reasons, I ask that
11 the Prosecution not <be authorized to> use this document.

12 [13.45.51]

13 JUDGE FENZ:

14 Can I just ask a question? I agree obviously with all you said
15 that the normal way is an 87.4 request, but we have actually had
16 the practice for exceptional cases, some of them, actually on
17 request from the Defence teams on -- to put documents before the
18 Chamber in cases where none of the other parties object. The
19 normal thing is 87.4; very clear. No question. But, as I said, on
20 exceptional basis we've allowed that. So my question is: what is
21 the substantive -- beside the procedural issue -- what if any is
22 the substantive objection against putting this document before
23 the Chamber in this informal and exceptional way?

24 [13.46.48]

25 MS. GUISSÉ:

57

1 I'm not sure that I understood the nuances in your question. <Is
2 this a question directed at me? Are you asking me> what <is> the
3 source of my objection? I didn't quite get it <all in French>;
4 I'm sorry.

5 JUDGE LAVERGNE:

6 Well what the Chamber would like to know is: what are the legal
7 arguments that you <are presenting to> support your objection to
8 <using this document or including it in the debates>? I
9 understood that these arguments that are already in the motion
10 that you filed previously.

11 MS. GUISSÉ:

12 Absolutely, and in order to react <to> what I understood from
13 Judge Fenz, when there were exceptions, it was <because> the
14 Parties did not object to them, but in this case we're objecting
15 so the exceptional circumstance you're speaking about <that takes
16 place when there is no objection from the Parties> does not apply
17 here because <we are> objecting to the use of this document.

18 [13.47.55]

19 JUDGE FENZ:

20 My question was the basis, but you've answered that. The basis is
21 your written request.

22 MR. SMITH:

23 Your Honour, if I can just be brief, this will be the subject of
24 Rule 87.4 application, if -- I can make one application now and
25 it will be put before the Chamber, but it would be the subject to

58

1 a written 87.4 application and as Your Honours may know, it's a
2 statement from someone that works at the -- worked at the
3 security centre at the pagoda and he has common topics which he
4 gives evidence on which this witness also does as well and I
5 would say that, for a procedural issue to losing any substantial
6 opportunity to put evidence before the witness is a greater cost
7 than the procedural point.

8 [13.48.54]

9 MR. KOPPE:

10 Mr. President, would you allow me to ask question to the
11 Prosecution and explain to me why it was that they were objecting
12 last week to me using an excerpt in a Human Rights Watch Report
13 which was on the case file and in respect of which a Rule 87
14 request was made by the Khieu Samphan team, what is the
15 difference between this document that you would like to discuss
16 with the witness and the previous objection last week?

17 JUDGE LAVERGNE:

18 Mr. Koppe, please, <if I can interject>. Maybe you didn't
19 understand everything. The Human Rights Watch report was declared
20 un-admissible; it is not on the case file.

21 [13.49.42]

22 MS. GUISSÉ:

23 Well -- and this document is also not on the case file <thus
24 far>. <For the time being,> the document that the Co-Prosecutor
25 wishes to use has exactly the same status -- that is to say, a

1 document that has been identified by the Chamber as having been
2 disclosed to the Parties -- but <it> has not yet <-- and I agree
3 with this --> <been subject to a decision whether to be admitted>
4 or not <by the Chamber>, but <in this case,> there is no decision
5 <by the Chamber> to accept this document<, either>. I don't know
6 if it is an interpretation problem, but I believe I understood
7 that the Co-Prosecutor was telling us that we have to ignore the
8 procedure because this document is so important. I don't
9 understand how in a courtroom, in a criminal trial in which there
10 was an investigation in which the Co-Prosecutors were present and
11 <they> had all the time <they needed> to listen to a number of
12 witnesses before -- so how <it is> possible <that> today I am
13 told that we should ignore procedure. No, we should not ignore
14 the procedure. <Once again,> there is a pending motion before you
15 which is extremely important for the Defence. You have elements
16 of principle with regard to the rights of the Accused, <and> with
17 regard to fact that we cannot <bring> out ex nihilo a whole --
18 <at> any moment, procedural elements that, once again, come from
19 another case, and from <>an investigation <underway>. <In light
20 of these conditions>, I'm asking you <once again> to reject the
21 Co-Prosecutor's request here.

22 [13.51.36]

23 (Judge deliberate)

24 [13.52.31]

25 MR. PRESIDENT:

60

1 The objection by counsel for Mr. Khieu Samphan is sustained in
2 relation to the document E319/19.3.93. The reason of the Chamber
3 is that the Co-Prosecutor has not <> submitted the request to
4 present this document in accordance with Internal Rule 87.3 and
5 4.

6 Secondly, this document is within the list of documents objected
7 by counsel for Mr. Khieu Samphan and the request by counsel for
8 Mr. Khieu Samphan is now pending before the Chamber.

9 Regarding the documents which are admitted by the Chamber, these
10 documents are allowed to use before the Chamber and for documents
11 which are filed in time in the interface, those documents can be
12 used before the Chamber on some occasions. So Parties have to be
13 clear on the documents to be presented before the Chamber.

14 Parties are required to submit the request to present documents
15 in accordance with Internal Rule 87.3 and 4. As soon as the
16 Chamber allows and admit those documents, Parties can present
17 those documents.

18 [13.54.49]

19 BY MR. SMITH:

20 Thank you, Mr. President.

21 Q. Mr. Witness, in relation to the Long Sword Group, is it the
22 case that prior to 1977, the only combatant units in the commune
23 were the sub-district militia?

24 MR. SAMRIT MUY:

25 A. There were only militiamen who were discharging their

61

1 functions within the commune; there were no Long Sword Group.

2 Q. And you were one of those militiamen prior to the Long Sword
3 Group coming; is that correct?

4 A. That is correct.

5 Q. Witness, you talked about the arrest and detention of the
6 Chams at Wat Au Trakuon pagoda coming from Sach Sou village, are
7 there any other villages that you were aware of in the Democratic
8 Kampuchea period where other Cham families were arrested?

9 A. Regarding this point, I have no knowledge of it. I only knew
10 <of that specific arrest. However, I did not know of other
11 arrests.>

12 [13.57.10]

13 Q. I'd like to put to you a statement from a person that's
14 provided some evidence and this person was from Long Sword Group
15 and the document is E - sorry, actually, Your Honours, I will
16 retract that statement because that document is before the
17 Chamber now.

18 In your commune, particularly in your village that you lived,
19 Sambuor Meas Village A, were there any Chams living in that
20 village?

21 A. No. No Cham people were living in Sambuor Meas Ka village.
22 Cham people were living only in Sach Sou village.

23 Q. And about how many Cham were living in that village?

24 A. Many of them were living in the entire village; I cannot tell
25 you the exact figure of Cham people there.

1 Q. And before these Cham were arrested and taken to the pagoda,
2 were they allowed to practice their religion?

3 A. While I was living together with Cham people in Sach Sou
4 village, Cham people were allowed to worship and practice their
5 religion once in a while. However, <as> regards <to> food, I
6 don't know whether there was any prohibition of any food.

7 [13.59.45]

8 Q. Do you know why the Cham were taken from your village or Sach
9 Sou village, were taken to the pagoda?

10 A. <Regarding> this point, <as I had already left the village, I
11 was not aware of the arrest plan. I just saw them being walked
12 while eating in the kitchen.> I have no idea <what happened next>
13 as I had already left the area.

14 Q. Why were you removed or why did you move from being a
15 militiaman to working in the cooperative, why did that happen?

16 A. I do not know the reason; I was removed into a cooperative.
17 <In Sach Sou,> although I was a member of militia group, I was
18 <also> assigned to raise and take care of cattle, <and work in
19 the cooperative with the Cham people. After that I was removed
20 and sent to work at home in the cooperative.>

21 Q. Did you do anything wrong to be removed from that position?

22 A. I do not know, sir; I was told to go and work in a cooperative
23 and I have no idea whether I made any mistake at the time.

24 Q. Who was the commander of your militia group whilst you were
25 still in it?

1 A. Nam and Y were in charge at the time; however, later on they
2 were taken <to be> killed.

3 [14.02.12]

4 Q. And how many were in your militia group?

5 A. There were 12 members in the group including some Cham men.

6 Q. And who were Nam and Yeay (phonetic), who were they killed by,
7 do you know?

8 A. I did not know about that; we heard that they were taken away
9 and killed but for whatever reasons, we did not know.

10 Q. You mentioned earlier that the Southwest Zone cadres came to
11 your area; do you believe that they were killed by the Southwest
12 Zone cadres or someone else?

13 MR. PRESIDENT:

14 Mr. Witness, please wait; and Counsel Koppe, you have the floor.

15 [14.03.35]

16 MR. KOPPE:

17 I object, Mr. President; what the witness believes is irrelevant;
18 only things that he knows, or has seen; asking what he believes
19 is asking for speculation. I object therefore.

20 MR. SMITH:

21 I can change the question, Your Honour.

22 Q. Did you know whether they were killed by the cadres of the
23 Southwest Zone?

24 MR. SAMRIT MUY:

25 A. Yes, they were killed by the Southwest cadres after their

1 arrival.

2 Q. And how did you know that?

3 A. Because they were there before the arrival of the Southwest
4 and they simply disappeared after they <had> arrived.

5 Q. And when they disappeared did you become the head of the
6 commune militia?

7 A. I had been reassigned to the cooperative and I had nothing to
8 do with that or with the arrest.

9 [14.05.25]

10 Q. I'm not saying you organised their arrest, I'm saying once
11 they were taken away, did you become the head of the group or how
12 did you become to not be in the militia anymore?

13 A. Please repeat your question.

14 Q. When they were taken away, who led your militia group, when
15 your two leaders had gone?

16 A. It was the Southwest group who actually made the appointment
17 of those people from the <lower land of Reay Pay>.

18 Q. And who was appointed to your group?

19 A. As I said I was not aware of this affair; I had been
20 reassigned.

21 MR. SMITH:

22 Mr. President, Your Honour had granted 40 minutes, so that would
23 be till 10 past 2.00. I would ask for an extra 10 minutes because
24 of that quite lengthy discussion about the document that was
25 proposed to being used.

65

1 [14.07.20]

2 MR. PRESIDENT:

3 Yes, the Chamber grants you the extra time.

4 MR. SMITH:

5 Q. What was the name of the person who reassigned you?

6 MR. SAMRIT MUY:

7 A. I was never officially assigned as a member of the militia
8 group and later on after I was reassigned to the cooperative, I
9 did not know anything at all involving the militia.

10 Q. Now I understand that, but who reassigned you once the other
11 two were taken away?

12 A. Actually they were there before I was reassigned to the
13 cooperative.

14 Q. So can you answer the question please, who reassigned you to
15 go to the cooperative?

16 A. It was comrade Nam and comrade Y who assigned me to live and
17 work at the cooperative.

18 [14.09.20]

19 Q. And did they give you any reason?

20 A. I did not know the reason for the reassignment, I was
21 reassigned so I went and I did not ask for any reason for the
22 reassignment.

23 Q. I'd now like put to you a statement from a witness, E3/5252,
24 at 00235516 in English; and in the French, 00269890; and the
25 Khmer, 00235021; and this witness had said this about you. "When

66

1 did Mui become the chief-"

2 MR. PRESIDENT:

3 The Deputy Co-Prosecutor, please hold on. I notice that the
4 defence counsel for Khieu Samphan is on her feet, you may
5 proceed, Counsel.

6 [14.10.57]

7 MS. GUISSÉ:

8 Yes, thank you, Mr. President. This is not an objection; I crave
9 the <prosecutor's indulgence> for this interruption. <This is
10 just to say that> the author of that statement has already
11 <publicly> testified before this Chamber and I think in all
12 fairness to the witness, we can give the name of that person so
13 that <he knows> who said what.

14 BY MR. SMITH:

15 I'm happy to do that, Your Honour.

16 Q. Witness, do you know a person by the name of Sen Srun?

17 MR. SAMRIT MUY:

18 A. Yes, I do.

19 Q. And how did you know him in the Democratic Kampuchea period?

20 A. He lived in the same village.

21 Q. Thank you. He was asked a question: "When did Mui become the
22 chief of the sub-district militia?" and he answered: "He was the
23 chief since 1973 until the end of the Pol Pot regime in 1979. Y
24 was the chief of the sub-district, Nam was the chief of the
25 sub-district security, and Mui was the chief of sub-district

1 militia. The security office was located in Damnak Svay that was
2 later moved to Sambuor Meas Ka village." Can you comment on that?
3 [14.12.45]

4 A. Thank you for your question. At that time I was a member of
5 the militia group, just an ordinary member. However, I was no
6 longer there in 1973. <I lived in the village. And in 1975,> he
7 was chief of the militia group, and whenever we were required to
8 join any combat then we would be called and I myself never stayed
9 at the commune between '73 and '75. And by '75 all members were
10 called to gather together in light of the preparation for the
11 attack. <It was not long before the victory of 1975>. As I said
12 from the outset, <during the time of the marines fleeing,> I was
13 <only> equipped with bows and arrows to guard the village. <I was
14 not the only one who did this but many others in the village also
15 did.> I did not have any position at all at the commune level
16 from 1973. I was simply a member of the militia group and
17 whenever we were called to prepare for the combat or to guard the
18 village then I would be called and I actually lived with him,
19 <Sen Srun,> from late '76 through 1977.

20 Q. And he also stated in his testimony that you and/or your men
21 arrested him and took him to the Damnak Svay security office; did
22 that occur?

23 A. Thank you for your question. <The affair regarding arrests was
24 not mine.> As I said I was a low- ranking member of the militia
25 group. <I was assigned to prepare for the combat.> Yes, he was

68

1 arrested; <however,> at that time he <got arrested, re-educated,
2 and returned. There was no beating. The affairs regarding arrests
3 and releases were not mine. I was only a low-ranking militia
4 member; thus, I did not know.>

5 [14.15.28]

6 Q. I'd like to read, but firstly, the question is: After 1975
7 when the Khmer Rouge took control of Phnom Penh, did arrests
8 start occurring in your commune, in your sub-district as soon as
9 the Khmer Rouge took power of Cambodia, took control of Phnom
10 Penh in April 1975?

11 MR. PRESIDENT:

12 Witness, please wait and Counsel Koppe, you have the floor.

13 MR. KOPPE:

14 In fairness to the witness I think that's a difficult question
15 because the area that he was living was liberated already quite
16 substantially earlier than April '75. He might be more familiar
17 with Kampong Cham, the city, but I don't think the liberation of
18 Phnom Penh would be any meaningful date to this witness in terms
19 of where he was living.

20 [14.16.44]

21 BY MR. SMITH:

22 Perhaps I'll just ask in a different way.

23 Q. Do you know when Phnom Penh was taken by the Khmer Rouge at
24 the beginning of the Democratic Kampuchea period; do you know
25 what year that happened in?

1 MR. SAMRIT MUY:

2 A. It was in 1975.

3 Q. After the Khmer Rouge took control of Phnom Penh, did arrests
4 start to occur or increase in your area, arrests of people in the
5 area?

6 A. <As> a witness who lived through the regime, allow me to
7 clarify the matter. People <who left> Phnom Penh in 1975 were
8 taken to Au Trakuon pagoda. I was there and in fact those people
9 were told that they were taken for study sessions and then they
10 disappeared, then I knew in my heart that they were taken away
11 and killed. I actually was living amongst those people <from
12 Phnom Penh. I actually helped some women who were delivering
13 babies by finding them charcoal, and whose husbands had been
14 taken to study sessions. I would like to reiterate that> the
15 killings <actually took place since> 1975.

16 [14.18.40]

17 Q. And who was doing the killing in your area?

18 A. I did not know who did it and I knew that those people were
19 told that they were sent for study sessions. <I saw them being
20 walked but they were not tied.> They were walked away and
21 disappeared forever. < I had no idea where they were going for
22 study>. And as I said I knew in my heart that they were taken
23 away and killed <because they disappeared forever>. And later on
24 those people were sent to live in various villages within the
25 commune. Here I refer to the Phnom Penh people. <Some women whose

70

1 husbands had been taken for study lived with me. I then asked
2 them not to be frightened by reassuring that if they were to die,
3 I would also die together with them. I asked them to continue to
4 stay.>

5 Q. And what about any of the ethnic groups like the Cham, were
6 they moved to other areas or were they arrested in that early
7 period from 1975 onwards before the Long Sword -- before the
8 Southwest Zone came to the area?

9 A. I have already testified that <while living with them> in
10 1976, none of the Cham people there was killed; and only upon --
11 after the arrival of the Southwest group in 1977, all of them
12 were rounded up and smashed.

13 [14.20.12]

14 Q. You mentioned before the Long Sword Group came to the area or
15 the commune, the only soldiers in the area were the sub-district
16 militia. So was it the sub-district militia that was involved in
17 the killing or the arrests and that were occurring from 1975
18 until the Long Sword Group arrived?

19 A. Regarding the commune militia group starting from 1975 <before
20 the arrival of the Long Sword Group>, they did not involve in the
21 arrest. It was the security forces who conducted the arrest. In
22 the commune as Sen Srun testified, the person would not be alive
23 if that happened under the arrest of this group. <However,
24 before> that time <a person with mistake> was <only> sent for
25 re-education <before he was> released <to go back home. However,

71

1 I was not involved in any arrest as I was only a low-ranking
2 militiaman. Actually when he got arrested,> I was the one who
3 <brought him> food. <And when I returned to live in the
4 cooperative, I went to live with him. We worked together in the
5 cooperative.>

6 MR. SMITH:

7 Thank you, Your Honours, I have no further questions. Thank you,
8 Mr. Witness.

9 MR. PRESIDENT:

10 The Lead Co-Lawyers for civil parties, you have any questions for
11 this witness? If not, then the Chamber hands the floor to the
12 defence teams. First to the defence team for Nuon Chea and you
13 may proceed, Counsel.

14 [14.22.30]

15 QUESTIONING BY MR. KOPPE:

16 Thank you, Mr. President.

17 Q. Good afternoon, Mr. Witness. Let me start with following up
18 what the Prosecution just asked you in relation to Sen Srun.
19 Prosecution read an excerpt from witness Sen Srun's statement
20 implicating you. Is it your testimony that Sen Srun, when it
21 comes to you, has not been telling the truth?

22 MR. SAMRIT MUY:

23 A. Yes, he wanted to actually tell the Court about his arrest and
24 I was the one who actually gave him food while he was there.

25 Q. Why is it, if you know, that he is saying things about you

1 which you say aren't true?

2 A. Allow me to respond to your question. As I have testified, I
3 was a low-rank member of the militia group and I did not involve
4 in his arrest. I did not have any role in -- I did not play any
5 role in that and I actually was the one who gave him food and for
6 that reason he survived today.

7 [14.24.10]

8 Q. He also testified yesterday that his house was about 200
9 metres away from Wat Au Trakuon. You, this morning also said,
10 that your house was about 200 metres away from the pagoda. Were
11 you practically neighbours to each other?

12 A. Yes, Sen Srun's house was about 200 metres to the west of the
13 pagoda and my house was about 200 metres to the east of the
14 pagoda.

15 Q. That is, of course, also possible. Do you know what Sen Srun's
16 job was between the beginning of '77 and the end of '79, what was
17 his daily business?

18 A. He did not have any role; he was simply living in the
19 cooperative.

20 Q. Was he a member of a unit of palm tree climbers?

21 [14.26.30]

22 A. I lived with him but I did not know whether Sen Srun was
23 assigned to climb palm trees although we lived in the same
24 cooperative. I was assigned to plough the rice fields and when we
25 went out to work in field, of course all of us went out to work

1 in the fields but I did not pay any particular attention to any
2 assignment given to any particular individual and that was the
3 case for Sen Srun, I did not know that he was assigned to climb
4 palm trees.

5 Q. Did you ever see him up in a palm tree?

6 A. During the regime, if you <had been> assigned to do any
7 particular task, you <would have> had to do it. In the case of
8 Sen Srun, if he <had been> assigned to climb palm trees,
9 <although> he did not know how to climb, he <would have> had to
10 try to climb; otherwise, his life would be at risk.

11 Q. Do you know whether he ever received any instruction or an
12 order to guard and accompany a large group of Cham who had been
13 arrested?

14 A. No, he did not involve in the arrest of the Cham people to my
15 knowledge. <Sen Srun and I> did not have anything to do with the
16 Cham people.

17 [14.28.40]

18 Q. Yesterday he claimed in his testimony that he was very
19 instrumental in the collection and accompanying of a large group
20 of Cham who had just been arrested. As a matter of fact, he was
21 even saying he brought them to the entrance of the pagoda and
22 even went inside the pagoda in the temple. Is that an accurate
23 statement of him?

24 MR. PRESIDENT:

25 Witness, please hold on and the International Deputy

1 Co-Prosecutor you have the floor.

2 MR. SMITH:

3 Mr. President, perhaps -- it's a leading question. I think the
4 evidence clearly is not that he was instrumental in taking the
5 Cham to the pagoda; I think that's very misleading and so,
6 perhaps I would ask Counsel quote more accurately so that this
7 witness is not misled.

8 [14.29.55]

9 BY MR. KOPPE:

10 It's no doubt my English, but I think instrumental was a fair
11 summary of his testimony. However, no problem, I will read, Mr.
12 President, the excerpt from his OCP statement.

13 Q. Mr. Witness, I will read to you a small excerpt from the
14 testimony of Sen Srun in relation to what he said he had done --
15 that is, document E3/5302: English, 00210488; Khmer, 0635176; and
16 French, 00623191: "I was asked to lead 200 to 300 Cham and walk
17 them to the Au Trakuon temple. Female Cham people were just
18 walked; the Cham men were handcuffed and beaten. I was one of the
19 two people leading the group. There were another two people
20 guarding the back. The four of us were palm tree climbers. When
21 we arrived at the temple, security guards and executioners were
22 there to take the Cham people. The person who told me to gather
23 the Cham people was Hoeun, who was my unit chief." I think that's
24 fairly "instrumental", but Mr. Witness, do you know whether Sen
25 Srun was involved?

75

1 [14.31.59]

2 MR. SMITH:

3 Your Honour, just for the record --

4 MR. PRESIDENT:

5 Please hold on, Mr. Witness; and the Co-Prosecutor, you have the
6 floor.

7 MR. SMITH:

8 Your Honour, this is not an objection as such but for the record,
9 Counsel said that was the testimony he gave yesterday, that was a
10 statement that was given a number of years ago. Just for the
11 record.

12 BY MR. KOPPE:

13 Well, I think I said it was his interview to the Prosecution. I
14 did say that, I mention also the E3 numbers so there's no mistake
15 I think as to where this particular evidence is coming from.

16 Q. So again, Mr. Witness, Sen Srun is giving evidence as to his
17 role in the walking, accompanying and gathering of Cham who were
18 led to the executioners at Au Trakuon temple. Based on your
19 knowledge, based on your time in the same village and in the
20 commune, is that an accurate statement of his activities?

21 [14.33.20]

22 MR. PRESIDENT:

23 Please hold on, Mr. Witness; you may now proceed, International
24 deputy Co-Prosecutor.

25 MR. SMITH:

76

1 Your Honour, this is a different objection in relation to the
2 fairness of the question, this witness has given testimony that
3 he actually wasn't really in a position to see who was actually
4 rounding up the Cham people to be taken to the pagoda and so
5 asking him now to say whether that's a correct statement, I don't
6 think that's a fair question.

7 MR. KOPPE:

8 Mr. President, I understand that Prosecution tires to protect Mr.
9 Sen Srun. However, this is not an ordinary villager, this is
10 someone who was part of the commune militia, someone who clearly
11 knew what was going on, so, to this particular witness, I think
12 this is a question he should be able to answer.

13 [14.34.17]

14 MR. SMITH:

15 Your Honour, this is a question in relation to a particular event
16 which this witness testified to, not to his knowledge of Sen Srun
17 generally.

18 (Judges deliberate)

19 [14.34.57]

20 MR. PRESIDENT:

21 The objection by the International deputy Co-Prosecutor to the
22 last question put by the counsel is overruled.

23 Mr. Witness, you are instructed to respond to the question put to
24 you by counsel and if you cannot recall it, you may ask the
25 counsel to repeat it.

1 Also Counsel, please simplify your questions so that witness can
2 give you clear answers.

3 [14.35.35]

4 BY MR. KOPPE:

5 Q. Mr. Witness, would you like me to repeat the question or are
6 you still -- do you still remember it?

7 MR. SAMRIT MUY:

8 A. Yes, could you repeat it?

9 Q. I just read an excerpt from Sen Srun's statement and based
10 upon your knowledge and your position within the commune militia,
11 I would like you to give a reaction. So I will read it again and
12 then I'll ask your reaction. So this is what Sen Srun said: "I
13 was asked to lead 200 to 300 Cham and walk them to the Wat Au
14 Trakuon temple. Female Cham were just walked; the Cham men were
15 handcuffed and beaten. I, Sen Srun, was one of the two people
16 leading the group. There were another two people guarding the
17 back. The four of us were palm tree climbers. When we arrived at
18 the temple, security guards and executioners were there to take
19 the Cham people. The person who told me to gather the Cham was
20 Hoeun, who was my unit chief." So Mr. Witness, this is Sen Srun's
21 statement. Based on your knowledge of the time in the period, I
22 would like to ask you to give a reaction, please.

23 [14.37.14]

24 A. I would like to answer the question. I have told the Chamber
25 already that <only> after I had been reassigned into a

78

1 cooperative <were the> Cham people arrested. Let me clarify <that
2 I just saw> the <incident> from afar; <thus, I had no idea who
3 actually brought the Cham people to> Au Trakuon <pagoda>. I <just
4 saw the> Cham people were being walked past the kitchen <from
5 afar> and I did not know <who got involved. Regarding the
6 testimony of> Sen Srun, <I did not know whether or not he was
7 involved in leading the> Cham people who had been arrested.

8 Q. Have you ever heard later that Sen Srun was involved in
9 leading this group of Cham to the temple -- to Wat Au Trakuon?

10 A. <I have never heard that. I just heard the testimony of Sen
11 Srun now regarding his involvement. I was never aware of this
12 before>. Since I was reassigned to another place, I do not know
13 what was going on. I was working hard in the cooperative. As I
14 told you I could see Cham people were being walked from afar and
15 I do not know about the statement of Sen Srun.

16 [14.39.02]

17 Q. Sen Srun has been speaking yesterday quite a bit about a
18 person with the name of Moeun, does that name Moeun in relation
19 to Wat Au Trakuon mean anything to you?

20 A. Moeun, the contemptible Moeun, he was within the security
21 unit. His original birth place was in <Kor Dek (phonetic),> Peam
22 Knong.

23 Q. Now I understand there might have been two Moeuns; is that
24 correct?

25 A. I only know one Moeun the security guard. I do not know

1 whether there was another Moeun.

2 Q. Do you know whether this Moeun, the security guard, was also a
3 palm tree climber?

4 A. No, he was only working in the guard unit. He never worked in
5 base area.

6 Q. How do you know for sure that Moeun wasn't also a palm tree
7 climber?

8 A. I could vouch for that he was not <a> member of the palm
9 climbing unit <as he did not live in the cooperative.> He was
10 working within <the> security force.

11 [14.41.19]

12 Q. Do you know whether Moeun, the contemptible Moeun, was a very
13 close and good friend of Sen Srun?

14 A. I have no idea about that point. Sen Srun <used to live> and
15 work together with me <in> the <same> village. <Regarding> the
16 contemptible Moeun, I have never stayed close to him because he
17 was vicious and he would take people to be killed. <I did not
18 know whether or not Seng Srun was associated with Moeun. I only
19 concentrated on my own tasks.>

20 MR. PRESIDENT:

21 Thank you, Counsel. Thank you, Mr. Witness. It is now time for a
22 short break. The Chamber will take a short break from now until 3
23 o'clock.

24 Court officer, in collaboration with WESU, please find a proper
25 room for this witness during the break time and please invite him

80

1 and his duty counsel back into the courtroom at 3 o'clock.

2 The Court is now in recess.

3 (Court recesses from 1442H to 1500H)

4 MR. PRESIDENT:

5 Please be seated.

6 The Court is now back in session and the floor is given to the

7 defence team for Nuon Chea once again to continue putting

8 questions to this witness. You may proceed, Counsel.

9 BY MR. KOPPE:

10 Thank you, Mr. President.

11 Q. Mr. Witness, I would like to continue asking you some

12 questions about Moeun. Have you ever seen Moeun in the company of

13 Sen Srun?

14 MR. SAMRIT MUY:

15 No, I never saw it.

16 [15.01.38]

17 Q. Have you ever heard after 1979 that Moeun was a close friend

18 of Sen Srun?

19 A. After 1979, no, I did not see Moeun come to make any contact

20 with Srun.

21 Q. Maybe something went wrong in the translation. My question

22 was: have you yourself heard after 1979 that Moeun and Sen Srun

23 had been friends in the DK period?

24 A. No, I <have> not.

25 Q. Yesterday, Sen Srun testified in this Chamber that Moeun was a

81

1 "colleague palm tree climber and a close confidant" of Sen Srun
2 and that Sen Srun knew about the killings because Moeun told him
3 about this. Can you give a reaction to that, please?

4 A. You asked me whether Sen Srun <had> had any contact with
5 Moeun, and I already responded to your question. I did not know
6 <of the> relationship between Moeun and Sen Srun.

7 [15.04.00]

8 Q. Just before the break I was asking whether you knew of another
9 Moeun, and you said no. Did you know who the chairman of the
10 security office of the district was?

11 A. No, I did not.

12 Q. Before the Southwest Zone cadres came, did you know who the
13 security chief of Sector 41 was?

14 A. Please repeat your question.

15 Q. Did you know who the security chief of Sector 41 was in '75,
16 '76, up until the beginning of '77?

17 A. No, I did not know.

18 Q. Does the name Song (phonetic) ring a bell?

19 A. No, it doesn't ring a bell.

20 Q. Do you know who Kan's predecessor was? Who was the secretary
21 of Kang Meas district was before Kan came? Do you know his name?

22 A. No, I did not even know who <> the district chief <was up
23 until Kan came. He himself announced his name.>

24 Q. Does the name Chuon Ol alias Meas, ring a bell?

25 A. Please repeat the name again.

1 [15.07.05]

2 Q. Chuon Ol alias Meas; maybe I didn't pronounce it well. I'll
3 ask my national colleague to pronounce it properly.

4 MR. LIV SOVANNA:

5 The name is Chuon Ol -- Chuon Ol alias Meas. He was a secretary
6 of Kang Meas district.

7 MR. SAMRIT MUY:

8 A. No, I do not know this person. I never attended any meeting
9 with him.

10 BY MR. KOPPE:

11 Q. Mr. Witness, you were a militiaman in Sector 41. Did you at
12 least know at the time who, before his arrest, the secretary of
13 Sector 41 was? In other words, An's predecessor.

14 MR. SAMRIT MUY:

15 A. No, I did not know the Sector 41 committee. Never knew
16 anything about the committee at all. We only heard people
17 referring to chief of Sector 41, but I did not know who he was or
18 where he was.

19 [15.09.15]

20 Q. Yet, before the break you said that North Zone Sector 41
21 cadres were arrested, taken away and killed. How did you know
22 that?

23 A. I believed that they all were killed. That was my belief.
24 Because previously we saw those senior cadres, chief of the
25 sector, for example, but later on they all disappeared.

1 Q. Have you ever witnessed between '75 and '79 the actual
2 physical act of killing, somebody in front of your eyes being
3 killed?

4 A. Yes, I said I saw people being walked away, but I never saw
5 any mistreatment <or killing> personally.

6 Q. Sen Srun spoke about a meeting which Ta An supposedly or
7 allegedly attended. Have you ever heard whether in any speech An
8 ever spoke about the former secretary of the North Zone Koy
9 Thuon?

10 A. While I was attending the meeting with all the people in the
11 cooperative, he did not say anything to that effect. He spoke
12 about us paying respect to Angkar and work hard. <No specific
13 names were announced.>

14 [15.12.16]

15 Q. Speaking of An, you did say in your statement to the
16 investigators that An was indeed present. How did you know that
17 the person who spoke was in fact someone with the name An?

18 A. Because he presented himself.

19 Q. But did he say his name or did he say only his function?

20 A. He made the announcement that he was the chief of the sector
21 and his name was An.

22 Q. Did An also speak about enemies, enemies within the people?

23 A. Yes, he did. <> An, chief of the sector, spoke about the enemy
24 amongst the people.

25 Q. And what, at the time, did you understand that to be? Who were

1 the enemies within the people, hiding within the people?

2 A. I did not understand <> it. Everyone strived to work hard, and
3 when they spoke about the infiltrated enemies, nobody understood
4 anything about it.

5 [15.14.33]

6 Q. Did he make any reference, even the smallest, to cadres within
7 Sector 41 who had been arrested?

8 A. I did not hear that announcement, but I heard <the
9 announcement> about the infiltrated enemies.

10 Q. But did he speak about those infiltrated enemies having held
11 certain positions within the district or within the sector?

12 A. No, he did not. And, people were arrested, so it was so
13 confusing. We did not know who the enemies were supposed to be.

14 Q. But did he, for instance, say well, we recently arrested the
15 chief of the district, some people of Sector 41, because they
16 were the enemies burrowing within? Did he say words to that
17 effect?

18 A. During the meeting, he talked about the so-called infiltrated
19 enemies. And later on, from what I knew, innocent people were
20 arrested.

21 [15.16.30]

22 Q. How do you know that the former district chief or the Sector
23 41 people who were arrested were innocent? How did you know that?

24 A. I did not say those people were innocent, but while I lived
25 there, whole family members were arrested and killed. And that

1 happened after the arrival of the Southwest group.

2 Q. But you agree with me that the word "killed" is speculation
3 from your side because you haven't actually seen anything; is
4 that correct?

5 MR. PRESIDENT:

6 Witness, you do not need to respond to this question. It is
7 apparently leading.

8 BY MR. KOPPE:

9 Q. Did An ever speak in his speech about the Cham people?

10 MR. SAMRIT MUY:

11 A. At that time, he did not say anything about the Cham people. I
12 heard of the so-called infiltrated enemy and later on the Cham
13 people were arrested.

14 [15.18.41]

15 Q. Let me now ask you a few questions about Wat Au Trakuon. Have
16 you ever been able to get a glimpse inside the premises? Have you
17 ever been able inside of the wat, of the pagoda?

18 A. Please repeat your question and specify the period.

19 Q. No problem; 1977, after the arrival of Southwest Zone cadres.
20 Have you ever been able to look inside Wat Au Trakuon? Were you
21 able to peek inside and see what was going on behind the walls?

22 A. I did not dare enter the pagoda compound in 1977.

23 Q. Have you ever heard of delivery of food for the prisoners?

24 A. No, I was not aware of that.

25 Q. Have you ever seen prisoners, skinny prisoners?

1 A. I already testified before this Chamber that I saw people
2 being walked, and nothing else I saw beside that, because I did
3 not dare to go near.

4 [15.21.02]

5 Q. My last question to you, Mr. Witness, is maybe a little bit of
6 a difficult question. I'll try to formulate it in simple terms.
7 You said that when the loudspeakers played music at night, people
8 were killed. Is that something that you realized after '79? In
9 other words, is that knowledge that you acquired after '79 or is
10 it something that you knew at the time already? And if yes, how
11 did you know?

12 A. I already testified to the effect. My house was <200> metres
13 from the pagoda and people were arrested, including pregnant
14 women and young children. And by night-time, the music was played
15 over the loudspeaker, and I knew in my head back then that people
16 were being killed. <I also mentioned already the sound of people
17 screaming.>

18 Q. But how did you know back then in your head that people were
19 being killed?

20 A. Allow me to clarify it once and for all. When the Cham people
21 were arrested and placed into the pagoda, at night-time the music
22 was played over the loudspeaker and the Cham people disappeared.
23 <And then they brought more people in. If the old ones had not
24 been killed, there would not have been available space as both
25 the Khmer and the Cham people were brought in on a daily basis.>

87

1 Q. My last question: Do you agree with me that that is a
2 conclusion of you, not something that you've actually seen or
3 heard yourself?

4 MR. PRESIDENT:

5 Mr. Witness, you don't need to respond to this question and you
6 don't have to respond to any conclusion made by the counsel.

7 [15.24.00]

8 QUESTIONING BY MR. LIV SOVANNA:

9 Good afternoon, Mr. President, Your Honours, and Mr. Witness. My
10 name is Liv Sovanna. I'm one of the defence counsels for Nuon
11 Chea and I have three questions to put to you.

12 Q. Not long ago, you said that before the arrival of the
13 Southwest group, there was no killing of the Cham people, and
14 upon the arrival of the Southwest, you saw the Cham people being
15 walked, and you saw it from a distance and you did not dare to
16 approach. Can you tell the Chamber, what time was it when you saw
17 the Cham people being walked?

18 MR. SAMRIT MUY:

19 A. Thank you, Mr. Counsel. I saw it when I was having my meal, my
20 dinner.

21 Q. Was there still daylight or was it already dark?

22 MR. PRESIDENT:

23 Mr. Witness, please observe the microphone.

24 MR. SAMRIT MUY:

25 A. No, it was not actually really dark yet.

1 [15.25.25]

2 BY MR. LIV SOVANNA:

3 Q. And at that time, what was the actual normal hour for you to
4 have your dinner?

5 MR. SAMRIT MUY:

6 A. For lunch, it was at 11 a.m. and for dinner it was between
7 5.00 and 5.30 p.m.

8 Q. And per your observation as you testified, what time was it
9 when you saw that event?

10 A. It was between 5.00 and 6 p.m.

11 [15.26.28]

12 Q. You testified that Moeun was a vicious killer. However, based
13 on the written record of Sen Srun -- that is, E3/5302, Khmer page
14 number 7 and there was no ERN for this document; and for the
15 English, ERN 00210489; and the French ERN is 00623192. Allow me
16 to quote the statement of Mr. Sen Srun. He states: "Moeun never
17 killed anyone personally, he only accompanied the killers and
18 watched them kill the people." End of quote.<>

19 Can you tell the Chamber which version is the truth between yours
20 and his?

21 A. Thank you, Counsel, for asking me this question. Everybody at
22 the time -- and not only myself -- <started shaking with fear
23 once they heard of the name> Moeun.

24 Q. What is your reaction to the statement by Sen Srun that Moeun
25 <never killed a man>?

1 MR. PRESIDENT:

2 Mr. Witness, you do not need to respond to this question. You are
3 not in a position to provide any subjective assessment to a
4 statement made by another witness.

5 [15.28.35]

6 BY MR. LIV SOVANNA:

7 Q. Thank you. I'll move on to another question.

8 Mr. Witness, you said that you brought food to Sen Srun when he
9 was detained and do you know the reason for his arrest?

10 MR. SAMRIT MUY:

11 A. I have already testified about the arrest of this person.

12 <His> arrest <and> his release <were not my affairs; thus, I did
13 not know. I just knew> that I brought him food; <he got
14 released> and <> he's still living today.

15 Q. Did anyone tell you the reason for his arrest -- that is, the
16 arrest of Sen Srun at the time?

17 A. No, not at that time. I saw <Sen Srun> there and I brought him
18 food, and I did not know <of> his arrest. Later on, I was aware
19 that he was released to go and work with me in the cooperative.

20 MR. LIV SOVANNA:

21 Thank you, Mr. Witness. Mr. President, I don't have any further
22 question for this witness.

23 [15.29.52]

24 MR. PRESIDENT:

25 The floor is now given to the defence team for Khieu Samphan.

1 QUESTIONING BY MS. GUISSÉ:

2 Thank you, Mr. President. Good afternoon, Mr. Samrit MUY. I am
3 Anta Guisse. I am the Co-International Counsel for Khieu Samphan,
4 and in this capacity, I am going to put to you a few <additional>
5 questions.

6 Q. First, I would like to revisit your personal history in
7 relation to what you <described> in your <statement>, E3/9346:
8 French, ERN 00283946; English, ERN 00235507; Khmer, 00235014; and
9 I understood, or at least I believe <I understood>, when I read
10 your statement that you left school in your ninth year because
11 your parents were poor. So my first question is: What is the
12 ninth year, in fact, for people <like me> who are not Khmer? Is
13 this grammar school, is this secondary school? <> Can you tell us
14 exactly what age you stopped school and at what level?

15 MR. SAMRITY MUY:

16 I stopped school at grade nine. It was when I was 15 or 16 years
17 old, because my parents were poor. I quit school and became <> a
18 worker at the rubber plantation as <> stated in the document.

19 [15.31.55]

20 Q. And you said that you worked in the <rubber> fields until
21 1971, <so did I understand correctly that> you started working
22 <on> these plantations before 1971?

23 A. Yes.

24 Q. My last question regarding this point is: Were there many
25 teenagers working <alongside> their parents in <agriculture, on>

91

1 the plantations, like you, where you were living?

2 A. There were many of them.

3 Q. <Do we> agree that this was before the Khmer Rouge arrived in
4 your area <>?

5 A. Could you repeat your question again? I do not get it.

6 Q. The period during which you said that many teenagers were
7 working with their parents at the plantations was before the
8 arrival of the Khmer Rouge<, if I understand,> before 1971?

9 A. I was living in the rubber plantation from '64 or '65 <up>
10 until 1971, <and> when there was <> bombing<, I ran away from
11 there>.

12 [15.33.48]

13 Q. Thank you for the clarification. Now I'm going to turn to the
14 period after 1975 and more specifically after 1976. Do you
15 remember in which zone your location was?

16 A. I do not recall it. I do not know which zone my location was
17 situated in.

18 Q. During your statement you spoke about a <> number of people
19 who had various positions and I'd like to talk about these people
20 again. You were a member of the militia, according to you,
21 between 1973 and 1975, so did I understand your testimony
22 properly?

23 A. That is true. I was <a> village militiaman from 1973 to 1975.

24 Q. Then from 1975 to 1976, <> you <were> a commune militiaman, if
25 I understand your testimony properly?

1 A. After 1975, I was reassigned, and in mid-1976, I was
2 reassigned to be a commune militiaman.

3 Q. And who was your chief when you were a commune militiaman?

4 A. I told the Chamber already, Y and Nam.

5 Q. Did you ever hear about a <person> named Run?

6 A. I have never heard a person by the name <of> Run.

7 [15.36.42]

8 Q. You explained to the Co-Prosecutor that you were afraid of the
9 <> Long Sword <Group>. So do you remember people or do you
10 remember the names of people who were part of this Long Sword
11 <Group>?

12 A. I have told the Chamber already I did not dare to stay near
13 those members of this group. I did not know them.

14 Q. Do you know someone by the name of Lav Chay? C-H-A-Y, <for the
15 interpreters.

16 A. No, it appears that I have never known this person Lav Chay.

17 Q. Do you know a person by the name of Meng Ly?

18 A. Meng Ly was living within my village.

19 [15.38.05]

20 Q. Do you know if he was part of the Long Sword Group?

21 A. All I know is that Meng Ly was part of Long Sword Group. He
22 was working and building the dam at the time what I could see.

23 Q. Do you know a person by the name of Heng Pa?

24 A. Yes.

25 Q. And do you know where he came from and if he was part of the

1 Long Sword <Group>?

2 A. During that time, I was not quite sure. Heng Pa was living
3 within the village. I did not know after the new composition of
4 the group was formed, because I did not stay close to that group.

5 Q. And do you know someone by the name of <Yun (phonetic) or>
6 Yeun? Y-E-U-N, <for the interpreters.>

7 A. Yes

8 Q. And do you know where he came from, in which village he was
9 living, and if he was part of the Long Sword <Group>?

10 A. I have told already Yeun was living within my village. And
11 once again, whatever they did at the time, I do not know. I did
12 not have any contact or relationship with the group.

13 [15.40.28]

14 Q. And finally, do you know someone by the name of Tay Koemhun,
15 and do you know where he came from and if he was part of the Long
16 Sword <Group>?

17 A. Regarding Tay Koemhun, I have told the Court once already, I
18 do not know whether he was part of the Long Sword Group.

19 Q. Well, <> you know him, so can you tell us where he came from?

20 A. His home village was in Angkor Ban village. However, he
21 married his wife in Sambuor Meas <Ka> village. All I know is that
22 he was working in the same cooperative as me, and I'm not aware
23 that he was part of that Long Sword Group. I only learned this
24 time from you.

25 Q. During the DK period, did you personally witness arrests

1 carried out by the Long Sword <Group>?

2 A. I never witnessed the arrests by that group. I told you
3 already and, for example, Tay Koemhun, you asked me about him. I
4 do not know what he was doing at that time.

5 [15.42.30]

6 Q. You spoke about the arrest, or in any case, about <marching> a
7 group of Cham people who had been arrested <> to the pagoda. So
8 were you able to see who led them to the pagoda on that day? And
9 among the people that I mentioned <just now>, did you see any of
10 these people escorting <them>?

11 A. I have testified already I could see the march from a
12 distance. Once again, regarding Tay Koemhun, I do not know him. I
13 could see <> the <march of Cham people including their children
14 only> from a distance; <thus, I could not see who was leading
15 them. I cannot make any assumption as I dared not get close to
16 them>.

17 Q. If I understood your testimony properly, when you saw this
18 group being marched, you were in the kitchen of your cooperative.
19 Did I understand your testimony properly?

20 A. Yes, that is correct.

21 Q. I don't know if I <overlooked it in my notes>, but can you
22 tell me how far the kitchen was from the pagoda?

23 A. It was about 300 metres away.

24 [15.44.20]

25 Q. So, therefore you <are telling> us that 300 metres away, you

1 were not able to see who were the people escorting this group of
2 Cham on that day.

3 A. That is true.

4 Q. You were already confronted with the testimony of witness Sen
5 Srun, who testified just before you, and who explained <-- I'm
6 reminding you of this --> that apparently you were part of the
7 group that he arrested in 1976, and who also said that you were a
8 militiaman until 1979. And in order to give you the full picture,
9 I would like to read out two excerpts from his testimony, <which>
10 do not correspond to his written <statement>, but <it's what> he
11 said during his hearing -- <just to be clear. And I will follow
12 up with a question.>

13 [15.45.28]

14 So, the first excerpt of his testimony, this was at 3.40 in the
15 afternoon yesterday, and this is what he said regarding his
16 arrest in 1976:

17 "Samrit Muy <is the one> who came to arrest me, and I don't know
18 who gave that order, but <he> was <the who came> to arrest me. I
19 knew many people in the security unit. There was Sreng and Muy
20 and others who were members of the security guards unit." End of
21 quote. <>

22 So my first question is: Were you, yes or no, among the members
23 of the security guard unit, and did you participate, yes or no,
24 in the arrest of Sen Srun as he told the Chamber yesterday?

25 A. I have testified already, as a militiaman at the time, I was

1 simply a subordinate. I had no authority to arrest him. And I do
2 not know why he was arrested and when he was released. <But he
3 was really released>; that is why he survived the regime and he
4 is living now.

5 [15.46.50]

6 Q. The second excerpt that I would like to read out to you -- and
7 it was at yesterday's hearing again -- a little bit after
8 <15.54.25> in the afternoon. The question that was put to Sen
9 Srun was: "So, I can understand from your answer that you saw
10 Samrit Muy carry out his duties as a militiaman until 1979; is
11 that case?" And his answer is "Yes". And a little later on, he
12 specified -- so this was <on> 14 September, a little bit before
13 <15.54.25> in the afternoon. This is the question that was --
14 this is what he says <about> you, in fact. He says, "Based on
15 what I know, he held this position from '73 to '79, <after which>
16 he did not dare go back to his home village to live. And he fled
17 to Chamkar Leu." End of quote. So my question is the following:
18 Are you sure that you were not <in your position as> a militiaman
19 until 1979? And second question: Did you, yes or no, as Sen Srun
20 said, did you flee to Chamkar Leu when the regime fell?

21 A. Thank you, Counsel. I want to specify this point for you. From
22 1973 to 1975, I was a <village> militiaman, and I would be tasked
23 to perform my duties <whenever> they needed me. <I was a village
24 militiaman, not a commune militiaman.> Secondly, Sen Srun says
25 that I <remained> a militiaman until 1979. It's not true. I can

1 vouch for my testimony. In 1977, I was in a terrible situation.
2 <Particularly, he and I, in 1979 and in> 1978, when <there was a
3 big flood, he> and I went to find snakes <together. So how was I
4 supposed to hold that position up until 1979?>

5 [15.49.22]

6 Q. I'm confronting you with these statements, because Sen Srun
7 specified when he was asked if you were <really> a militiaman <>
8 until 1979, and this is what he said at the hearing of 14
9 September, again a little bit before <15.54.25> in the afternoon.
10 And this is what he said: "Please let me specify here. I'm not
11 saying this because I <take pleasure in> denouncing <or
12 slandering> anyone. As a witness, I'm speaking and I'm telling
13 you the truth about what I knew. I have been living in Sambuor
14 Meas since the age of one, and I have been living there for 65
15 years, so I'm speaking to you about what I saw." End of quote. <>
16 So my question to you is: Since according to what you're saying
17 Sen Srun is not telling the truth, so can you tell us why he
18 would be lying about you? Do you have any kind of <conflict> with
19 him? Can you explain why he would be saying things that are not
20 true <> about you <to the Chamber>?

21 A. Thank you, Counsel. He stated that I was a militiaman until
22 1979. You stated that Sen Srun <dared not stay so he> fled to a
23 rubber plantation. <It was not the case.> At that time, I <also>
24 asked to work <at> the <rubber> plantation <but I was not
25 allowed. And> Sen Srun <went to live and work at> the <rubber>

1 plantation. <After he returned in 1979, he and I miserably rowed
2 a boat together; thus, how could I be> working as a militiaman
3 until 1979? <After the arrival of the Long Sword Group,> I was in
4 a terrible situation <starting from> 1977, as I told you. <I
5 almost died. How could I remain working up until 1979?>

6 [15.51.40]

7 Q. Let me put that question to you again. So, is there any reason
8 why Sen Srun would lie before the Chamber?

9 A. He stated that I was the one who arrested him, but, in fact, I
10 was the one who brought the rice to him to eat. He could survive
11 because of this. He is living at the moment because of my good
12 deed. <That was the reason he still holds a grudge against me.
13 However,> he survived the regime, please be informed.

14 Q. So, I understand from <your testimony> that as of 1977, you
15 were no longer a militiaman and that you no longer enjoyed the
16 privileges that you may have had previously. So must I understand
17 from your testimony that after 1977, you no longer attended any
18 meeting at the militia, <neither at the> commune, nor village
19 level?

20 A. No.

21 [15.53.10]

22 Q. I did not get the translation, so could you please repeat your
23 answer? I did not get the French translation.

24 A. Could you clarify it for me, I did not get what you said.

25 Q. Yes, is it true that after 1977, you no longer attended any

1 <militia> meetings within the village or commune <>?

2 A. I no longer attended any meetings after that time.

3 Q. Is it true that you <did not attend any meetings> between the
4 <security people, the> Long Sword <Group,> and <possibly> people
5 in leadership positions at the commune or sector level?

6 A. It is true.

7 Q. Is it so that as of 1977, you were just an ordinary worker and
8 therefore you had no access to the information that was held by
9 the security <people,> or commune or sector people?

10 A. It is true.

11 [15.55.00]

12 Q. The last point of my cross-examination will be to clarify a
13 point with you. You said to the President that you had met the
14 investigators <> twice. Can you tell us when <it was that> these
15 two <meetings with the investigators took place>?

16 A. Regarding the first interview, I do not recall the date. There
17 was <a> written record <for the first interview>. I was also
18 informed <during the second interview> that I would be appearing
19 before the Chamber in October.

20 Q. So if I understood well, <then,> the second interview you had
21 was not with the investigators, it was maybe with the unit in the
22 tribunal that was in charge of organizing your testimony before
23 this Chamber, if I understood you properly?

24 A. Yes, that is true.

25 MS GUISSÉ:

100

1 Thank you for this clarification. I have no further questions,
2 but my colleague Kong Sam Onn does <have a few more questions for
3 you>.

4 MR. PRESIDENT:

5 You may now proceed, Counsel Kong Sam Onn.

6 [15.56.40]

7 QUESTIONING BY MR. KONG SAM ONN:

8 Thank you, Mr. President. Good afternoon, Mr. Witness. I will
9 have short questions for you in relation to timelines,
10 particularly in relation to the time when you saw <the> Cham
11 people were being marched.

12 Q. You made mention about the time when you saw the march, but I
13 want to know the day. When did that happen?

14 MR. SAMRITY MUY:

15 A. It happened in 1977. Regarding the date or day, we do not know
16 about the day and the date exactly during that period.

17 Q. In document D166/26, ERN in Khmer, 00235015; English,
18 00235508; French, 00283947; it is the written record of your
19 interview. You stated two points: One is about the year when you
20 saw <the> Cham people were being <rounded up>; it was in late
21 1976 <and> early 1977. A while ago, you stated that the March
22 happened in 1977, but in your document you stated very clearly
23 that it happened in late 1976 or early 1977, so which version is
24 correct then?

25 A. It happened in 1977.

101

1 [15.58.55]

2 Q. Thank you. Could you clarify this point once again for the
3 Chamber: How many times did you see <the events regarding the
4 arrests of the> Cham people <> when you were in your base area or
5 in the cooperative <in 1977 or during the whole period of the
6 Democratic Kampuchea>?

7 A. I have told the Chamber already, Mr. Lawyer, while I was
8 living <> with <the> Cham people, <none of them> were <> arrested
9 at that time. However, in 1977, all of them were <rounded up
10 completely on just one day>.

11 Q. Thank you. This morning at about 10 o'clock, you <> testified
12 and in the last sentence you stated that the killing happened
13 from time to time until 1979. So which one is correct? Is the
14 version in your written record of interview correct or what you
15 said this morning correct?

16 A. I would like to clarify this point for you, Mr. Counsel. <I
17 mentioned that the execution began to take place continuously
18 from> 1977 to 1979. <Actually,> not only <the> Cham people were
19 killed, <but also the> Khmer people. <After the execution of the
20 Cham people, all types of the Khmer people including> pregnant
21 women and <small> children were taken to be killed. <The
22 execution took place on a daily basis.> As I have told the
23 Chamber, I did not dare to stay close to <them>. I was afraid at
24 the time, and I do not know why the innocent people were taken
25 away and killed <every day>.

102

1 [16.01.00]

2 Q. So can you respond to my question? Is it true that you
3 witnessed <the execution of the> Cham people <just on one day,
4 only> one time, <or multiple times>?

5 A. <As mentioned, they took away people from Sach Sou village
6 only one time.>

7 Q. Thank you. <Were> you aware <of the execution of the> Cham
8 people in other villages besides Sach Sou <>?

9 A. I did not dare trespass <on> other people's areas. I was only
10 moving around within Sach Sou village.

11 Q. How did you know that <the execution of the Cham people on
12 that day were all the> Cham people <> taken from Sach Sou
13 <village>?

14 A. I have testified and told the Chamber already, during that
15 time I was in the kitchen. At that one particular incident, <the>
16 Cham people, including <the small, the big,> the old <and> the
17 young, were <rounded up. I saw the incident from afar, but I was
18 certain that no one was left behind. All of them were being
19 marched.>

20 [16.02.52]

21 Q. Thank you. You <mentioned> earlier that you saw the march
22 during the time that you were having dinner, and you <did> not
23 know the <exact> number <>. And at one particular time, you said
24 <this morning that in Sach Sou village,> the number of <the> Cham
25 people <was a bit bigger> than that of <the> Khmer people. Do you

1 recall that you made this statement?

2 A. Yes, I can recall it. There were many Cham people living in
3 Sach Sou village and only a few Khmer people were living, mingled
4 with those people.

5 Q. My next question is that you do not know the number of Cham
6 people arrested from Sach Sou <village>. How did you learn that
7 <all the> Cham people from Sach Sou <village> were arrested at
8 that <one> time from the entire village?

9 A. After the arrest, <I observed that> no more Cham people <were>
10 living in Sach Sou village.

11 [16.04.29]

12 Q. How do you know? Can you tell the source of your information?

13 A. Thank you, Mr. Counsel. You repeatedly asked me about this
14 point. In short, <the> Cham people <in Sach Sou> had all been
15 arrested; only one could flee. <A man by the name of> Man and --
16 together with his wife <fled by> hiding <themselves> in <a> lake
17 at the time.

18 Q. I did not have any problem with your testimony, but I want to
19 know clearly about <the> Cham people that you said all of them
20 had been arrested from the entire village, and you <did> not know
21 <of> the exact number of <the> Cham people in that Sach Sou
22 village. <Did> you learn the information <from any official
23 source because you were working in a special capacity> that the
24 entire Cham people had been arrested? <Or was> it your own
25 conclusion <that the entire Cham people had been arrested from

104

1 the village>?

2 A. No more Cham people were living in the village, so what else
3 can I tell you?

4 Q. <Immediately> after the arrest of <the> Cham people, did you
5 go to visit Sach Sou village?

6 A. No, I did not go to the village <>.

7 MR. KONG SAM ONN:

8 Mr. President, I am concluded with my questioning.

9 MR. PRESIDENT:

10 It is now time for the adjournment. The Chamber will adjourn this
11 hearing now and it will resume the hearing tomorrow, 16 September
12 2015 at 9 a.m. Tomorrow, the Chamber will start to hear
13 2-TCW-873.

14 The hearing of Mr. Samrit Muy has come to an end now. Thank you
15 very much, Mr. Samrit Muy, for being here as witness. Your
16 testimony will contribute to the truth in this Case. You may now
17 be excused. You may return to your residence or to any place that
18 you wish. I wish you good luck and prosperity in your life.

19 Court Officer, together with WESU unit, please send Mr. Samrit
20 Muy to his residence or any place he wishes to go.

21 Thank you also very much to Mr. Mam Rithea, duty counsel. You may
22 also be excused.

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

1 The Court is now adjourned.

2 (Court adjourns at 1607H)

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25