



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 - REDACTED
Case File N° 002/19-09-2007-ECCC/TC

5 October 2015
Trial Day 334

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 10-Mar-2017, 14:26
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
SON Arun
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
CHEA Sivhoang
Robynne CROFT

For the Office of the Co-Prosecutors:
Dale LYSAK
SONG Chorvoïn

Lawyers for the Civil Parties:
Marie GUIRAUD
LOR Chunthy
PICH Ang
VEN Pov

For Court Management Section:
UCH Arun

I N D E X

Mr. BAN Seak (2-TCW-950)

Questioning by Mr. President (NIL Nonn) page 3
Questioning by Mr. LYSAK page 6
Questioning by Mr. PICH Ang..... page 85

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BAN Seak (2-TCW-950)	Khmer
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSÉ	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Ms. SOK Socheata	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Chamber hears testimony of a witness, 2-TCW-950, in
6 relation to the treatment of the Cham group. We also have a
7 reserve witness, 2-TCW-904. The hearing of the testimony of a
8 witness 2-TCW-950 will take two days. One day will be allotted to
9 the Co-Prosecutors and the Lead Co-Lawyers, while the second day
10 is allotted to the defence teams <to put question to the witness,
11 2-TCW-950>.

12 Ms. Chea Sivhoang, please report the attendance to the Parties
13 and other individuals at today's proceedings.

14 [09.04.40]

15 THE GREFFIER:

16 Mr. President, for today's proceedings, all Parties to this case
17 are present. Mr. Nuon Chea is present in the holding cell
18 downstairs. He has waived his right to be present in the
19 courtroom. The waiver has been delivered to the greffier. A
20 witness who is to testify today, that is 2-TCW-950, confirms that
21 to the best of his knowledge, he has no relationship by blood or
22 by law to any of the two Accused, that is Nuon Chea and Khieu
23 Samphan, or to any of the civil parties admitted in this case.
24 The witness took an oath before the Iron Club Statue this
25 morning, and he has Mr. Duch Phary as his duty counsel and Madam

2

1 Sok Socheata for the afternoon session. He is ready to be called
2 by the Chamber.

3 [09.05.50]

4 MR. PRESIDENT:

5 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the
6 request by Nuon Chea. The Chamber has received a waiver from Nuon
7 Chea, dated 5 October 2015, which states that due to his health:
8 headache, back pain, he cannot sit or concentrate for long, and
9 in order to effectively participate in future hearings, he
10 requests to waive his right to participate in and be present at
11 the 5th October 2015 hearing. He affirms that his counsel has
12 advised him about the consequences of this waiver that it cannot
13 in any account be construed as a waiver of his rights to be tried
14 fairly or to challenge evidence presented to or admitted by this
15 Court at any time during this trial. Having seen the medical
16 report of Nuon Chea by the duty doctor for the Accused at the
17 ECCC, dated 5th October 2015, which notes that Nuon Chea today
18 has chronic back pain when he sits for long and recommends that
19 the Chamber grant him his request so that he can follow the
20 proceedings remotely from the holding cell downstairs.

21 [09.07.14]

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

3

1 The Chamber instructs the AV unit personnel to link the
2 proceedings to the room downstairs so that Nuon Chea can follow
3 the proceedings. This applies to the whole day.

4 Court officer, please usher the witness as well as his duty
5 counsel into the courtroom.

6 (Witness enters courtroom)

7 [09.09.30]

8 QUESTIONING BY THE PRESIDENT:

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

10 MR. BAN SEAK:

11 A. My name is Ban Seak.

12 Q. Thank you, Mr. Ban Seak. And when were you born? And please
13 observe the microphone.

14 A. I was born in 1954.

15 Q. And where were you born? Please wait for the microphone to be
16 operational first before you speak.

17 A. I was born in Ruessei Kraok village, Mongkol Borei district,
18 Banteay Meanchey province.

19 Q. And where do you currently live?

20 A. I live in Ou Chenchien village, Anlong Veang commune, Oddar
21 Meanchey province.

22 Q. What is your current occupation?

23 A. I am retired and before that I was a member of the district
24 council.

25 [09.11.23]

1 Q. What are the names of your parents?

2 A. My father is Hoeng Heang and my mother is Long Penh.

3 Q. What is your wife's name and how many children do you have?

4 A. My wife is Hang Phon, is deceased, and we have nine children
5 together.

6 Q. Thank you, Mr. Ban Seak. The greffier made an oral report that
7 you are not related by law or by blood to any of the two Accused,
8 that is Nuon Chea and Khieu Samphan, or any of the civil parties
9 admitted in Case 002; is this information correct?

10 A. Yes, it is.

11 Q. Have you taken an oath before the Iron Club Statue?

12 A. Yes, I have.

13 [09.12.36]

14 Q. The Chamber would like now to inform you of your rights and
15 obligations as a witness in the proceedings before this Chamber.

16 And Mr. Ban Seak, as a witness, in the proceedings before the
17 Chamber, you may refuse to respond to any question or to make any
18 comment which may incriminate you. That is your right against
19 self-incrimination. This means that you may refuse to provide
20 your response or make any comment that could lead you to being
21 prosecuted. Now on your obligations, and Mr. Ban Seak as a
22 witness in the proceedings before the Chamber, you must respond
23 to any questions by the Bench or relevant Parties except where
24 your response or comments to those questions may incriminate you,
25 as the Chamber has just informed you of your rights as a witness.

5

1 You must tell the truth that you have known, heard, seen,
2 remembered, experienced or observed directly about an event or
3 occurrence relevant to the questions that the Bench or the
4 Parties pose to you. And Mr. Ban Seak, have you been interviewed
5 by investigators of the Office of the Co-Investigating Judges? If
6 so, how many times, when and where?

7 A. I was interviewed twice at the district office, and three
8 times at my home, and one time at the ECCC premise.

9 Q. Which district office are you referring to, Mr. Witness?

10 [09.14.52]

11 A. I refer to the Anlong Veang district office.

12 Q. And do you recall the dates for each interview that you have
13 counted so far? And from my recollection, it's six times that you
14 have been interviewed.

15 A. I cannot recall them.

16 Q. And before you appear before the Chamber, have you reviewed or
17 read the written records of your statements with the OCIJ
18 investigators in order to refresh your memory?

19 A. I read it last night and I also read it this morning.

20 Q. And to your best knowledge and recollection, do the written
21 records of your interviews reflect the accuracy of your
22 statements you provided to the OCIJ investigators?

23 A. Yes. However, in certain cases, the questions are repetitive.

24 [09.16.25]

25 Q. What I'd like to ask, whether the written records of your

6

1 interviews reflect the words that you provided to the OCIJ
2 investigators? I mean are they consistent with what you told the
3 investigators?

4 A. Yes, they are the same.

5 MR. PRESIDENT:

6 And Mr. Ban Seak, you have been provided with a duty counsel
7 based on your request through the WESU. And for that reason, we
8 have Counsel Duch Phary for the morning session and Madam Sok
9 Socheata will be your duty counsel for the afternoon session. And
10 pursuant to Rule 91 bis of the ECCC Internal Rules, the Chamber
11 gives the floor first to the Co-Prosecutors to put questions to
12 the witness. And the combined time for the Co-Prosecutors and the
13 Lead Co-Lawyers for civil parties is one day. You may proceed.

14 QUESTIONING BY MR. LYSAK:

15 Thank you, Mr. President. Good morning, Your Honours, Counsel,
16 Mr. Witness. My name is Dale Lysak. I'll be asking you some
17 questions today on behalf of the Co-Prosecutor, International
18 Co-Prosecutor.

19 Q. I want to start with a few questions about your background.
20 Earlier in this trial, we heard testimony from Sou Soeurn, the
21 wife of a Central Zone secretary Ke Pauk. Were you related to Sou
22 Soeurn? And if so, how were you related to her?

23 [09.18.58]

24 MR. BAN SEAK:

25 A. She is my elder in-law as she <was> married to my cousin.

7

1 Q. Let me just clarify that. Is your wife or your deceased wife,
2 was she a relative of Sou Soeurn?

3 A. Yes, my wife is related to her.

4 Q. And how were they related?

5 A. She's the cousin of my wife.

6 Q. When did you and your wife marry?

7 A. I cannot recall that. However, I got married when I was 18
8 years old.

9 Q. And you've indicated you were born in March 1954. Would that
10 mean then you were married sometime around 1972?

11 [09.20.50]

12 A. I think it is about 1970, but I cannot recall it exactly.

13 Q. When you were married, did Sou Soeurn, her husband Ke Pauk or
14 her brother Oeun, did any of them come to your wedding?

15 A. No.

16 Q. When did you first get to meet your in-laws, Sou Soeurn and
17 her brother Oeun, and Sou Soeurn's husband Ke Pauk? When was the
18 first time that you met those people?

19 A. I met them when I was at the fishing lot.

20 Q. Okay, let's turn to that period. You've talked about this in
21 your OCIJ interviews. You stated that you worked in the Sector 42
22 fishing lots in Preaek Prasab district, Kampong Cham province
23 from 1975 to early 1977. Do you remember, was Sou Soeurn also
24 based in Preaek Prasab district in 1975?

25 A. I did not know about that.

8

1 Q. Where was it that you worked when you were in the fishing unit
2 in that district, were you on the Mekong -- on or near the Mekong
3 River?

4 A. Yes, we fished along the Mekong River. <We made fish traps.>
5 [09.23.24]

6 Q. And in late 1975, during the time that you were working in the
7 sector fishing unit, were you aware of any Cham people who were
8 moved across the river from the East Zone to Preaek Prasab
9 district?

10 A. No, I was not.

11 Q. I want to see if I can refresh your memory perhaps on this and
12 read to you an excerpt from a document that is in evidence in
13 this case, document E3/154, E3/154. This is telegram from the
14 East Zone that was sent to Pol Pot and copied to Nuon Chea on the
15 30th of November 1975, regarding relocations of the Cham people
16 that were taking place at that time. And the excerpt that I would
17 like to read to you from this telegram states:

18 [09.24.53]

19 "On 30 November, both sides agreed that the handover of people by
20 the East Zone to the North Zone should take place in Stueng Trang
21 and in Preaek Prasab. In Preaek Prasab, the North Zone would
22 receive those from Chhloung district, whereas Stueng Trang would
23 receive those from Peam Chileang and Krouch Chhmar districts."

24 And continuing in the next paragraph:

25 "The meeting decided that we must not return the Cham to Kratie;

9

1 the Northwest Zone and the North Zone must receive them in order
2 to separate them from the banks of the Mekong River to ease
3 tensions."

4 Mr. Witness, does this refresh your memory at all? Do you
5 remember anything about transfers of Cham people to Preaek Prasab
6 and Stueng Trang from districts across the river in the East Zone
7 in late 1975 or early 1976?

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

9 [09.26.39]

10 Q. The next subject I'd like to ask you about today is something
11 you talk about extensively in your interviews, which is the purge
12 of the Central or old North Zone cadres. In your interviews, you
13 state that in early 1977, at the time of the purge of that zone,
14 you left Preaek Prasab district and were appointed first of the
15 Sector 42 deputy chief of public works in charge of road repairs,
16 and later the Sector 42 commerce chief. First, who was it that
17 appointed you to those sector positions?

18 A. Oeun, who <was> my cousin-in-law, took <me> in; and in fact
19 <I> was appointed <as> deputy of a so-called garage, <currently
20 referred to as public works, not deputy of a sector>. And <about
21 three months> later on, <I was> appointed <as> chief of the
22 commerce unit <>.

23 Q. You said that Oeun was your cousin-in-law; was he the brother
24 of Sou Soeurn?

25 A. He was the younger brother of Sou Soeurn.

10

1 [09.28.47]

2 Q. And what was Oeun's position at the time he made these
3 appointments?

4 A. He was the Sector 42 secretary.

5 Q. I want to ask you about how Oeun became the secretary of
6 Sector 42. Can you describe for the Court what you remember about
7 the period when cadres from the Central or old North Zone were
8 purged and replaced by other cadres? Can you give us a general
9 description of what you remember about that period?

10 A. From 1975, I was a combatant, but I was told that a purge was
11 <being carried out> from the top to the bottom in the <Central>
12 Zone. And actually, the <cadres and the> chief of my fishing unit
13 <had also been> taken away together with <their> children and
14 <wives. I did not know whether or not they had been purged, but
15 they disappeared.>

16 Q. Just to clarify something, the English translation I got said
17 East Zone. Are you talking about the Central or old North Zone?

18 [09.30.35]

19 A. I <was referring> to the North Zone or the Central Zone.

20 Q. And during this purge, how many of the old North Zone cadres
21 were arrested?

22 A. To my observation, all of them were purged. There were only
23 two people remained, Pauk and Oeun, chiefs of party. <And a few>
24 people <at their place who were their subordinates> remained,
25 <while> the rest <had been> purged.

11

1 Q. What do you remember about how all these cadres were arrested
2 or how they disappeared? What can you tell us about that?

3 A. They said that these people <had been> CIA agents.

4 Q. When this purge was going on and these cadres were being
5 arrested, did any of them try to resist or fight back?

6 [09.32.13]

7 A. No. All of them were called into a study session, after which
8 they disappeared.

9 Q. And how did things change in your region when at the time that
10 the old cadres were arrested and new cadres from the Southwest
11 Zone arrived? Can you tell us how things changed in your region
12 at that time?

13 A. After <the> purges, the Southwest cadres came in to replace. I
14 did not know what was going on about the reshuffle or about the
15 change in structure.

16 [09.33.23]

17 Q. Did the southwest cadres mistreat the people in your region?

18 A. At that time, <a> sense of fear <could be felt> in the area.

19 <We could be accused of being enemies simply because we were not
20 used to harvesting short paddies grown in the area. We could also
21 be accused of being enemies if they spotted us riding on an
22 ox-cart while they themselves were not riding. I only heard about
23 this> from other people <>. I did not witness it.

24 Q. I want to read to you a statement that was made by Ke Pauk,
25 the former zone secretary, in an interview he gave in 2002. This

12

1 is document E3/2782, also E3/2783, ERN cites English, 00089714;
2 Khmer, 00095552; and French, 00596212. In this interview, Ke Pauk
3 accused the cadres who came from the southwest of, "severely
4 mistreating the people". He gave an example of a southwest cadre
5 assigned to Sandan district, who had burnt people to death in a
6 brick kiln. And he made the following statement, I quote: "Evil
7 cadres from the Southwest Zone caused a lot of trouble to my
8 zone." Based on what you saw during this period, do you agree
9 with Ke Pauk's description of the southwest cadres who came to
10 your zone?

11 [09.36.14]

12 MR. KOPPE:

13 Mr. President, good morning. Good morning, Your Honours. I object
14 to this--

15 MR. PRESIDENT:

16 Please hold on, Mr. Witness. Please wait and listen to the
17 objection of the defence team for Mr. Nuon Chea. Mr. Koppe,
18 please repeat what you have just said. You may now have the
19 floor.

20 MR. KOPPE:

21 Thank you, Mr. President. I object to this question. The witness
22 just said that he did not witness anything himself in terms of
23 treatment or mistreatment by Southwest Zone cadres, hence reading
24 this particular part of Ke Pauk's statement would only lead to
25 speculation on the part of this witness. So I object to this

13

1 question.

2 [09.37.01]

3 MR. LYSAK:

4 If I may respond, Mr. President. I'm doing -- following a
5 practice that have been followed by everyone in this Court
6 including Defence Counsel. I asked an open-ended question, now
7 I'm reading a piece of evidence in this case to see if that
8 refreshes the memory of the witness, if he has any reaction to
9 this. This is a practice that has been followed by everyone in
10 this courtroom.

11 (Judges deliberate)

12 [09.37.59]

13 MR. PRESIDENT:

14 The objection put by the defence team for Mr. Nuon Chea is
15 overruled. Co-Prosecutors together with other defence counsel or
16 other Parties, please avoid asking the witness to give opinion or
17 to give his or her understanding, so that we may avoid any
18 testimony that cannot be admitted by the Chamber. So please avoid
19 asking for objective opinions from the witness. So please give
20 your response to the last question put by the International
21 Deputy Co-Prosecutor, if you recall it.

22 [09.38.59]

23 MR. BAN SEAK:

24 A. I do not know about the matter because I was a <combatant> in
25 the fishing lots at that time.

14

1 BY MR. LYSAK:

2 Well, I'm actually asking now, Mr. Witness, about the time period
3 after the fishing lots, the period in 1977, when you initially
4 were deputy chief of the sector public works and then Sector 42
5 chairman. During that period, Mr. Witness, did you observe any
6 mistreatment or conduct by southwest cadres similar to what Ke
7 Pauk talked about?

8 MR. BAN SEAK:

9 A. I have no idea about that.

10 [09.40.06]

11 Q. To your knowledge, Mr. Witness, did Ke Pauk trust the cadres
12 from the Southwest Zone? Did he want the old North Zone cadres to
13 be removed and replaced by cadres from the southwest?

14 A. I do not understand the matter you have just raised.

15 Q. Let me be a little more specific. And perhaps, at this time,
16 Mr. President, with your leave if I may provide to the witness
17 his prior OCIJ statements. I actually have five statements. In
18 the interest of time, with your leave, I'd like to provide all of
19 them to him at this time. And for the record, the five statements
20 are E3/5275, E3/375, E319/19.3.73, E319/19.3.86, and E319/28.3.1.
21 And with your leave, may I provide these statements to the
22 witness?

23 MR. PRESIDENT:

24 Are you referring to which witness's testimonies at this stage?

25 [09.42.17]

15

1 MR. LYSAK:

2 These are the OCIJ statements of this witness, Mr. Ban Seak.

3 MR. KOPPE:

4 Mr. President?

5 MR. PRESIDENT:

6 You may now proceed, Mr. Koppe.

7 MR. KOPPE:

8 Thank you, Mr. President. I know this has been done before, this
9 practice, so you will probably grant the request. But it still
10 doesn't make any sense to provide the witness with his WRIs. He
11 has already seen them. He just testified to answering questions
12 from you. Asking now to read along with excerpts doesn't
13 contribute really to anything. So, although I know that the
14 practice has been condoned, we object now in respect of this
15 particular witness, reminding you also that we are still waiting
16 for a decision -- anxiously waiting for a decision from the
17 Chamber in respect of our request not to give any documents, any
18 WRIs to the witness who has testified.

19 [09.43.30]

20 MR. LYSAK:

21 If I may, very briefly, Mr. President, this is normal practice in
22 this Court. And it's fair for the witness that if I'm going to
23 ask him about a specific response in his interviews, that he have
24 the responses for him to look at himself.

25 MR. PRESIDENT:

16

1 The Chamber decides to overrule the objection put by defence team
2 for Mr. Nuon Chea because there have been a practice -- existing
3 practice so far regarding the matter. And the Chamber informed
4 the Party last week already and the Chamber is in the process of
5 examining and deciding the request of Mr. Defence Team -- Mr.
6 Nuon Chea's defence team. And we will inform Parties in due
7 course.

8 Court officer, you are instructed to bring all the documents
9 <from International Deputy Co-Prosecutor> and provide it to the
10 witness.

11 [09.44.59]

12 BY MR. LYSAK:

13 Thank you, Mr. President. Mr. Witness and your counsel, the
14 statement that I'd like you to refer to right now is the last one
15 in that group, E319/28.3.1, answer number 3 at the very end of
16 that answer. You made the following statement:

17 "According to what I knew of the situation during that time, Ke
18 Pauk did not have good relationship with Son Sen and he did not
19 trust the Southwest Zone cadres." How is it that you knew that Ke
20 Pauk did not trust the southwest cadres?

21 MR. BAN SEAK:

22 A. I do not understand this matter either. Son Sen was more
23 <powerful> than Ke Pauk, he was above Ke Pauk. <Ke Pauk himself
24 did not even read well. His literacy was limited.> I did not know
25 about <those politicians> above.

17

1 Q. We're talking about the purge of your zone. Do you know who
2 was responsible for ordering the arrests of the Central or North
3 Zone cadres? Was that something that Ke Pauk decided to do
4 himself?

5 A. As a <combatant> during that time, <I observed that> it was
6 not Ke Pauk. <All those cadres were taken away to the upper
7 level, and disappeared, while youths, low-ranking cadres and
8 focal point people could be taken to the lower level. However,
9 cadres at the district and sector levels were not taken to the
10 Zone, but> to Phnom Penh <>.

11 [09.47.34]

12 Q. Let me read a short excerpt of something you said along those
13 lines in your interview, E319/19.3.86 at answer number 64. You
14 said: "To my knowledge, decisions or orders to purge or kill were
15 made by Office 870. That was not for Ke Pauk or the sectors to
16 decide." My question is how did you know this? How did you know
17 that orders to purge or kill came from Office 870?

18 A. At that time, <I learned that> Ke Pauk's <relatives who were
19 cadres were thinking that without Ke Pauk, all of them would be
20 dead; thus, it was not associated with Ke Pauk only. It had
21 something to do with the upper echelon. Cadres from the whole
22 zone were purged except the Southwest cadres.>

23 Q. You stated that it was in early 1977, that Oeun became Sector
24 42 secretary and you were assigned initially to your position in
25 the public works sector unit. Do you remember what month in 1977,

18

1 this took place?

2 A. I cannot recall it, Mr. Co-Prosecutor.

3 MR. LYSAK:

4 Mr. President, at this time, to try to refresh the memory of the
5 witness and to establish some of the cadres who disappeared at
6 this time, I'd like to provide to the witness E3/2956, E3/2956.
7 And this document is an S-21 list titled, "List of Persons from
8 the North Zone: February 1st, 1977 to 27 March 1977", which
9 identifies a total of 94 cadres from the North Zone who were
10 arrested and sent to S-21 during that period. And with your
11 leave, may I provide that to the witness so that I may ask him
12 about some of the individuals named on that list?

13 [09.50.55]

14 MR. KOPPE:

15 Mr. President, I object on the same basis as I've always objected
16 to this practice. He has no connection whatsoever to the
17 particular S-21 document. He hasn't been working in S-21, he
18 wasn't involved in the arrests of these people. Knowing of course
19 that you will overrule the objection, but for the benefit of a
20 possible second appeal, I object to this practice.

21 MR. LYSAK:

22 I'll be brief, Mr. President. This is something that's been ruled
23 on before. The witness is a sector level cadre who will know some
24 of the people on this list. And that is the foundation basis for
25 asking him questions about the list.

19

1 MR. PRESIDENT:

2 The objection by the defence counsel for Mr. Nuon Chea, Mr.
3 Koppe, is overruled in relation to the document requested to
4 present to the witness. Because I have been told already, there
5 has been existing practice and there is no change in
6 circumstances and also there is no decision altered to the
7 previous practice.

8 Court officer, please take the document and present it to the
9 witness.

10 [09.52.40]

11 BY MR. LYSAK:

12 Thank you, Mr. President. Mr. Witness, the document you've
13 received, E3/2956 identifies various cadres from your zone who
14 were arrested and sent to S-21 in February or March 1977. I want
15 to refer you first to number 42 on the list. If you look for
16 number 42, I've highlighted that entry, that person is Chan Mol
17 alias Tol who is identified as the chairman of Sector 42 and who
18 entered S-21 on the 19th of February 1977. My question, Mr.
19 Witness, do you remember Tol, was he the Sector 42 secretary
20 before Oeun?

21 MR. BAN SEAK:

22 A. His name was Tol. He was working and living in Bak Sna. He
23 became the <sector> secretary prior to Oeun's tenure <even before
24 the year of the liberation>. I do not recall the full name, but
25 from my recollection, it was Tol, not Thol (phonetic). <He had

1 been living in the area for a long time. He was among the very
2 early forces of the Khmer Rouge.>

3 [09.54.26]

4 Q. Excuse my pronunciation, Mr. Witness. This document
5 establishes that in February and March 1977, a Sector 42
6 secretary, Tol and many other zone, sector, and district cadres
7 were purged. My question to you: was it during this same period,
8 that is, February to March 1977, that Oeun became the new Sector
9 42 secretary and you were appointed to your position in public
10 works?

11 A. Oeun <came> before me, long before me. He <came> four or five
12 months before me. Before that time, I was a <combatant> at the
13 fishing lots. I was <brought> to the place by Oeun and I was
14 <made deputy> of the garage or public works <located at Thnal
15 Baek. I had no idea about the> purges of <the former> cadres <at
16 the sector and zone levels. As a combatant, we were not even
17 aware of the taking and disappearance of our own superiors.>

18 Q. So to clarify, is it your testimony that it was a few months
19 after Oeun became Sector 42 secretary that you were appointed to
20 the public works unit? Do I understand correctly?

21 [09.56.28]

22 A. I did not know when he came to take the position. Before
23 <that> he was chief <or secretary> of <Stueng Trang district,
24 and> he was from Siem Reap. And later on, I heard he was promoted
25 to be the secretary of the <sector>. Six or seven months later,

21

1 he <started> looking for <people> to work with him because <all
2 the> cadres <of the Central or the North Zone> had disappeared.
3 <Those who disappeared included members of the youth league, the>
4 focal points, <the reserve party members, the full-right party
5 members, and the squad chiefs. All of them> had <gone>.

6 Q. Let me ask you about the time that you were assigned to be
7 deputy chief of the public works and to work on road repairs.
8 Where was the public works office located, where were you based
9 during this time period?

10 A. It was located at the intersection, the car garage. <The
11 garage was located just across the road opposite the> Sector
12 office. <I do not recall the exact date I started working there.
13 By the time I was sent there, I was feeling like my life was
14 standing on the tip of my hair due to the fact that I did not
15 have clean background.>

16 [09.58.24]

17 Q. Which district are you talking about when you referred to an
18 intersection where the sector office was located?

19 A. It was in Chamkar Leu district, Svay Teab commune.

20 Q. And how long did you work in the public works unit before you
21 were promoted to Sector 42 commerce chief?

22 A. I was in the position for a period of three or four months,
23 after which I was promoted to be commerce chief.

24 Q. During the period you were the Sector 42 deputy chief for
25 public works, do you remember who the zone public works chairman

1 was?

2 A. Oeun was the sector's chief at the time.

3 Q. Yes. I'm asking you about who the zone public works chairman
4 was. Do you remember who the zone public works chairman was
5 during the period you were in the sector public works unit?

6 [10.00.38]

7 A. To my knowledge, it was Brother Chham (phonetic). He is
8 deceased. Previously, he was a messenger of Ke Pauk. After cadres
9 -- some cadres died, he became to be involved in the public
10 works. <At that time the work of those workers in> the public
11 works was <like that of construction workers; for example,
12 building dams. To my knowledge, he was very good at> mixing the
13 cement for building dams.

14 Q. Do you remember a cadre named Sao (phonetic) who was the
15 public works chairman before Chham (phonetic)?

16 A. No, I don't.

17 Q. Let's talk about the period now when you became the Sector 42
18 commerce chief. Where was the sector commerce office located?

19 A. It was in a pagoda. I think it's called Cheyyou and it's in
20 Spueu. As I said, I cannot recall the name of the pagoda
21 correctly, but it was located in that pagoda.

22 [10.02.18]

23 Q. And just so I'm clear. So the Sector 42 commerce office where
24 you worked was located in Spueu village in Cheyyou commune; is
25 that correct?

1 a. It was in Spueu commune. Previously, it was called Cheyyou
2 commune. However, I am not exactly clear about the names of the
3 commune. But it was located <in the town centre> in Spueu in a
4 pagoda there.

5 Q. And how far was the Sector 42 office from the sector office
6 where Oeun worked?

7 A. Oeun, <Sector 42 secretary> worked right at the sector office
8 and he also resided there.

9 Q. What I'm asking you is the sector office where Oeun worked,
10 was that in the same location as the sector commerce office, or
11 was that at a different village or commune?

12 A. The sector office and the commerce office were far from <each>
13 other. <They were> about two kilometres away <from each other>.
14 And they were located in <> different communes. <The distance
15 from> Svay Teab <commune to> Cheyyou <commune was two
16 kilometres>.

17 Q. Do you remember who the zone commerce chairman was during the
18 time that you were the Sector 42 commerce chief?

19 [10.04.42]

20 A. His name was Chey.

21 Q. And do you remember what happened to Chey in 1977?

22 A. Chey <disappeared because he> was arrested and taken to Phnom
23 Penh. Chey was actually <a> younger <brother-in-law> of Oeun,
24 <and of Pauk>.

25 MR. LYSAK:

24

1 And Mr. President, at this time, I'd like to provide to the
2 witness another S-21 list. This is document E3/2957, E3/2957, and
3 also E3/2166, E3/2166. Both of these documents are S-21 lists of
4 prisoners from the Central Zone that include some individuals
5 including the person that I'd like him to identify.

6 MR. PRESIDENT:

7 Yes, you may do so.

8 (Short pause)

9 [10.06.35]

10 BY MR. LYSAK:

11 Mr. Witness, if you could look at document E3/2166 first,
12 E3/2166; number 7 on that list of Central Zone cadres is a zone
13 commerce chairman, Pheng Sun alias Chey who was arrested on the
14 3rd of October 1977. Is this the person that you just identified
15 as the zone commerce chief?

16 MR. BAN SEAK:

17 A. I do not know his surname. However, Chey was the younger
18 <brother-in-law> of Ke Pauk and was <the chief> of the zone
19 commerce office. Later on, he was arrested and taken to Phnom
20 Penh. And he was also a younger <brother-in-law> of Oeun.

21 Q. And to help us with the time period here, how long had you
22 been Sector 42 commerce chief when Chey was arrested?

23 A. <Having worked> in the commerce office for a month,<> I heard
24 that Chey <had been arrested for allegedly> being in the CIA
25 agent network, and <> sent to Phnom Penh. <I had met with him

1 once, before I heard about his arrest.>

2 [10.08.24]

3 Q. And do you remember how long you continued to be a Sector 42
4 commerce chief after Chey's arrest?

5 A. I worked there for about three months. And then Oeun
6 reassigned me to be the deputy chief of Chamkar Leu <district>.

7 Q. While we're talking about the period you had your positions in
8 a sector public works and then sector commerce, did you know
9 about a dam that was being built in Baray and Santuk districts
10 called the 1st January Dam?

11 A. I knew about that, but I didn't go and work <there>. And I
12 knew it because <anyone could see the 1st January Dam being>
13 built <while traveling> along Road Number 21.

14 Q. I understand you didn't work at that site. Did you ever go to
15 visit the 1st January Dam worksite?

16 A. No.

17 Q. Did you know a pagoda in Baray district that was close to the
18 1st January Dam called Wat Baray Choan Dek?

19 A. I knew that pagoda when I was young. <However, I did not see
20 it afterwards.>

21 [10.10.27]

22 Q. And do you know what that pagoda was used for during the
23 Democratic Kampuchea regime?

24 A. No, I do not.

25 Q. In your OCIJ interviews, Mr. Witness, and I'm going to read to

26

1 you now an excerpt from E3/375, ERNs English, 00360761; Khmer,
2 00348802; French, 00369924; you gave the following testimony:

3 Question: "Did you know about the security centre in Baray Choan
4 Dek pagoda?"

5 Answer: "If you want to get precise, you can ask Bong Poch who
6 was in charge of Baray district. At least once a month he visited
7 there; if he could not go, he would assign his subordinates to
8 visit on his behalf. By the way, he cannot respond that he did
9 not know about that. In a district, there were at least four or
10 five members, one of whom was female. When an arrest was made,
11 the district must have known about it."

12 You added in a subsequent interview, E319/19.3.86 at answer 34:
13 "As district secretary, he had to have known about the security
14 office in his district".

15 Can you tell us how you knew this information about Poch's
16 responsibility for the Wat Baray Choan Dek security office? How
17 did you know this?

18 [10.12.51]

19 A. <Bong> Poch <> from the Southwest <was in charge> after the
20 cadres of the Central Zone had gone. So he must have known about
21 the arrest of those cadres, or at least had <some> knowledge
22 about it or knew <some> locations.

23 Q. During what years was Poch the secretary of Baray district?

24 MR. PRESIDENT:

25 Witness, please hold on. And Counsel Koppe, you have the floor.

1 [10.13.37]

2 MR. KOPPE:

3 Thank you, Mr. President. In itself, I don't have an objection to
4 this particular question. However, I do like to note that we are
5 in the middle of a segment on the treatment of the Cham. And I'm
6 not quite sure if this particular pagoda is relevant as to what
7 the Closing Order describes in terms of treatment of the Cham.
8 Most of the questions I think or if not all the questions were
9 directed at trying to establish how the structure was in Sector
10 42. Very interesting, but nothing to do with the treatment of the
11 Cham as such, I believe.

12 MR. LYSAK:

13 And Mr. President, as with all witnesses, we question -- we're
14 allowed to question on the relevant subjects of the Closing Order
15 because we're not going to call these witnesses back. I have
16 questions for this witness which I've been covering relating to
17 the purge of the Central Zone. We'll be getting to questions
18 about the treatment of the Cham in that zone, but also Wat Baray
19 Choan Dek is specifically referenced in the allegations on the
20 1st January Dam. The individual I'm talking about is a proposed
21 trial witness. So these questions are relevant to this trial.

22 [10.15.17]

23 MR. PRESIDENT:

24 You can move on, the Co-Prosecutor, since it is just an
25 observation made by the defence team. And Mr. Witness, please

28

1 respond to the last question put to you by the Co-Prosecutor.

2 MR. BAN SEAK:

3 A. I forget the question.

4 MR. PRESIDENT:

5 And the Deputy Co-Prosecutor, please repeat your last question.

6 BY MR. LYSAK:

7 Yes, my question was, do you remember what years it was or what
8 period it was that Bong Poch was the secretary of Baray district

9 MR. BAN SEAK:

10 A. I do not recall when it was, since that time, I was <still a
11 combatant working in> the fishing unit. And actually, at the
12 time, <he was not referred to> as Poch, <but> Brother A or B or
13 C; <thus, I could hardly know to which one he was being
14 referred.>

15 [10.16.24]

16 MR. PRESIDENT:

17 Thank you, Deputy Co-Prosecutor. It is time for us to have a
18 short break. We have a break now and resume at 10.30.

19 Court officer, please assist the witness during the break time
20 and invite him as well as his duty counsel back into the
21 courtroom at 10.30.

22 The Court is now in recess.

23 (Court recesses from 1016H to 1032H)

24 MR. PRESIDENT:

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

1 Before I give the floor to the Co-Prosecutor, I would like to
2 remind you, Mr. Witness, please do not spend time reading all the
3 documents provided to you. You can do so when the Co-Prosecutor
4 or other parties who want to clarify certain matters with you,
5 then you can read the documents and give the responses. Now, I
6 hand over the floor to the Co-Prosecutor to resume your
7 questioning. You may now proceed.

8 You may now have the floor, Victor Koppe.

9 [10.33.24]

10 MR. KOPPE:

11 Thank you, Mr. President. I would like to make an observation for
12 the record. [REDACTED]

13 [REDACTED], I didn't in itself dispute the
14 relevance of the questions, but I somehow presumed some form of
15 advanced knowledge the Prosecution has that we don't. It now
16 turns out after checking that the person that he referred to is
17 indeed on the Prosecution's witness list. [REDACTED]

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]. Now we don't know yet, because we cannot
22 read -- or I cannot read Khmer what's -- what's in that
23 particular WRI, but apparently, the Prosecution knows already,
24 otherwise I don't think he would be even asking that question. [REDACTED]

25 [REDACTED]

1 [REDACTED]
2 [REDACTED]. They have, what it boils down to, advanced
3 knowledge of that particular case. We do not know why this
4 particular person might be interesting for the Prosecution. We
5 can make assumptions, but we don't know. Then, returning to my
6 earlier objection, I thought we were in a segment on the Cham. If
7 this particular witness is so important, he can come back when
8 we're discussing the purges in the North Zone or -- or somewhere
9 else, but now asking this particular witness questions with the
10 advanced knowledge that we simply do not have, I find
11 unacceptable, and actually is an -- [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED].

15 [10.35.55]

16 BY MR. LYSAK:

17 Q. Let me be brief, Mr. President, I want to get back to
18 questioning this witness. That assertion is completely false. I
19 myself also do not know what is in this new statement from this
20 witness. I haven't read it. What I have read are the numerous
21 other prior interviews of this witness, including ones that he
22 gave during the Case 002 investigation. That is how we knew his
23 role in Baray district, based on Case 002 interviews. That is why
24 I asked the questions. So, the assertion that somehow I have an
25 advantage or know something Counsel doesn't have access to is

1 simply incorrect.

2 If -- if I may proceed, Mr. President. Mr. Witness, I wanted to
3 ask you next if you remembered a visit by a Chinese delegation, a
4 delegation that was led by Chen Yonggui, that came to your region
5 in December 1977; do you remember that Chinese delegation?

6 MR. BAN SEAK:

7 A. I have no idea about Chinese delegation.

8 [10.37.28]

9 Q. Do you remember a ceremony at which the 1st January Dam was
10 inaugurated in December 1977, and were you present at that
11 ceremony?

12 A. No.

13 Q. Let us now move on to the period that you were the deputy
14 secretary of Chamkar Leu district. I asked you earlier about how
15 long you were in the sector commerce chief position. You said
16 three months. You also indicated that when I showed you the date
17 of arrest of the zone commerce chief Chai, that you had been
18 there for about a month when he was arrested on -- at the start
19 of October 1977. You've testified that it was in late 1977, that
20 you went to Chamkar Leu -- became the Chamkar Leu district deputy
21 secretary. Is it correct then, that it would be either in late
22 November or December 1977, that you took on this new position as
23 the deputy secretary of Chamkar Leu district?

24 [10.39.10]

25 A. In 1977, perhaps in late 1977, I came to take the position of

32

1 <deputy> secretary <of> Chamkar Leu <district>.

2 Q. And who was the secretary of Chamkar Leu district when you
3 were deputy secretary?

4 A. It was Brother Sou Soeurn.

5 Q. And you're referring here to the wife of Ke Pauk. Is that
6 correct?

7 A. Yes, it was her.

8 Q. I want to ask you about something that Sou Soeurn said during
9 her trial testimony in this Court on the 5th June 2015. For the
10 record, I'm referring to E1/311.1, trial transcript for that date
11 at around 09.42.40. At this part of her testimony,

12 notwithstanding that there were several witnesses who had
13 identified her as district chief, including yourself, Pech Chim,
14 and others, Sou Soeurn denied that she was Chamkar Leu district
15 chief, and she made the following assertion about you:

16 Question: "According to you, who was the head of the Chamkar Leu
17 district?"

18 Answer: "From my recollection, Ta Ban was the chief. I remembered
19 that he was the chief because we were close. We were close and we
20 were living nearby."

21 Mr. Witness, I wanted to give you an opportunity just to react to
22 this. Do you have any knowledge as to why Sou Soeurn denied that
23 she was Chamkar Leu district secretary and claimed that you were
24 the district chief?

25 [10.41.48]

1 A. I was the deputy secretary, not the secretary. She was
2 actually the secretary.

3 Q. And where was the Chamkar Leu district office located, where
4 you worked?

5 A. It was about 500 metres away from the sector's office.

6 Q. And what village and commune was the district office in?

7 A. It was in Svay Teab commune. As for village, I could not
8 recall the name.

9 Q. Do you remember a cadre named Tieng? Tieng, who was the
10 Chamkar Leu district secretary before Sou Soeurn?

11 A. No, I do not know this person.

12 [10.43.22]

13 Q. One of the documents I gave you earlier today, Mr. Witness, if
14 you could look at document E3/2957. It's one of the S-21 lists
15 that I gave you. The third list titled, "Central Zone". And I
16 want to refer you to a few people on that list. Number 6 on -- in
17 E3/2957, there's a cadre named Kev Chhorn, alias Rorn, identified
18 as the chief of the Chamkar Leu district security centre, who
19 entered S-21 on the 19th November 1977. Number 21, is a person
20 identified as a member of the Chamkar Leu district committee, who
21 entered on the 14th November 1977. Number 1 on the list is the
22 Sector 42 security chief, Meas Sok, alias Sao. And there are a
23 number of other Sector 42 cadres if you look at numbers 13 - 15,
24 18 - 26. All of whom -- all of these cadres from your sector who
25 were arrested and sent to S-21 on either the 14th or 19th of

1 November 1977. Do you remember the arrests or purge of a number
2 of cadres from your sector in mid-November 1977, and do you
3 remember what it was that brought about the arrests of those
4 cadres?

5 [10.45.24]

6 A. Upon my arrival, the purges were already done. <No more purges
7 were being carried out as those security> personnel had already
8 been purged. <The new personnel had not even lived and worked
9 there for one year and a half yet> before the entry of the
10 Vietnamese troop. <I did not know any of those old cadres. Upon
11 my arrival,> I had -- I had no idea who had been arrested.

12 Q. So it was after these cadres had been purged and removed that
13 you were put into your position as deputy secretary of the
14 district. Do I understand correctly?

15 A. <I do not know. Upon my arrival,> I became the deputy chief of
16 the public works unit, <next, I became the commerce chief, and
17 the district deputy secretary>. The purges <against cadres> had
18 already -- already been done and I have no idea about purges.

19 [10.46.31]

20 Q. Okay, we're talking now about the period in late 1977, when
21 you became the deputy secretary of Chamkar Leu district. One more
22 question on this: did you ever hear, did anyone ever explain why
23 these cadres from Sector 42 had been arrested in November 1977?
24 Did you ever hear anything about that?

25 A. No, I did not hear anything.

35

1 Q. I want to ask you a few questions now about the Cham
2 population in Chamkar Leu district. Were there a Cham people in
3 Chamkar Leu? And what part of the district did they live in?

4 A. I do not know where they were living <due to the fact that we
5 were given different areas of responsibilities.> I was <in charge
6 of only two communes , those were> Lvea <> and Chamkar Andoung,
7 <other communes fell under the charge of other cadres, while some
8 communes> were independent. <Since> I was a newcomer, <and> I
9 <did not> understand <those tasks well, only a few
10 responsibilities were assigned to me.>

11 [10.48.13]

12 Q. Do I understand correctly though that you had been living in
13 Chamkar Leu district ever since you had become the sector deputy
14 chief for public works, that the public works office and the
15 commerce office where you worked before becoming deputy secretary
16 of Chamkar Leu were also in that same district? Do I understand
17 correctly?

18 THE INTERPRETER:

19 Microphone was not activated.

20 MR. BAN SEAK:

21 A. Yes.

22 BY MR. LYSAK:

23 Q. And you stated -- you stated in your OCIJ interview that you
24 had responsibility for two communes. You just identified those:
25 Lvea and Chamkar Andoung. Were there any Cham families in those

1 communes?

2 [10.49.24]

3 MR. BAN SEAK:

4 A. No, there were none of them.

5 Q. You stated that during the three month period you were sector
6 commerce -- commerce chief, you worked in a location in Spueu or
7 Cheyyou. Was that -- were you aware that Spueu village in Cheyyou
8 area, that that was the home of many Cham families?

9 A. When I was working at the place, the commerce office was
10 located in <> the pagoda <but> I had no knowledge of Cham
11 population <as I never went to> Cheyyou.

12 Q. Let me see if I can refresh your memory on this, Mr. Witness.
13 OCIJ interviewed a Cham "oknha" from that village, Spueu village.
14 This is 2-TCW-827. I won't refer to his name. The interview is
15 E3/5216. English ERN, 00225496; Khmer, 00223891; the French,
16 00234569. And this witness testified that there were over 1,100
17 Cham families from Spueu -- Spueu village, though the Khmer Rouge
18 had moved most of those Cham families and spread them out among
19 the different communes in Chamkar Leu district. Does that refresh
20 your memory, Mr. Witness? Were there -- do you remember that
21 there were well over 1,000 Cham families in Chamkar Leu district?

22 [10.52.00]

23 A. I have no knowledge of this.

24 Q. You were aware that there were some Cham Muslims living in the
25 cooperatives in Chamkar Leu district, weren't you?

1 A. No, I was not aware of it. <Actually, I went to visit>
2 worksites, <but I was not told> whether <they> were <the> Cham
3 people, <the> Khmer people, or <the> Chinese people. <People at
4 the upper level had very limited knowledge of this. People
5 working at the> commune <level were supposed to know all about
6 this because they directly controlled the people.>

7 Q. Let me read to you an excerpt from your interview E3/5275,
8 E3/5275; at Khmer, 00282920; English, 00284492; French, 00339917.
9 You were describing here the period when you were working,
10 building, repairing the road in Chamkar Leu as part of public
11 works.

12 "There were no 17 April people, Cham Muslims, or Sino-Khmer in
13 the communications office. They were in the cooperatives."

14 Does that refresh your memory at all, Mr. Witness? Were you aware
15 that there were Cham Muslims living in the cooperatives in
16 Chamkar Leu district?

17 [10.54.10]

18 A. I believe there were Cham <people>. Some of them perhaps were
19 sent to live in cooperatives.

20 Q. Were the Cham people in Chamkar Leu district allowed to
21 practise Islam, to wear their traditional clothes, to speak the
22 -- or to speak the Cham language?

23 A. To my <knowledge>, they were prohibited from practising their
24 religion. Even monks -- Buddhist monks -- had been all defrocked.

25 Q. What about speaking the Cham language? Were they allowed to

1 speak the Cham language or not allowed?

2 [10.55.21]

3 A. I do not know about this matter. Worships were not allowed.

4 Practise religious -- religion was not allowed. Even Khmer people
5 were not allowed to practise their religion.

6 Q. Mr. Witness, do you know how many of the Cham families in
7 Chamkar Leu district -- how many of the over 1,000 families
8 identified by that witness -- how many of them survived the
9 Democratic Kampuchea regime?

10 MR. PRESIDENT:

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

12 MR. KOPPE:

13 I object to this question. If he doesn't know there were a
14 thousand families of Cham, then surely he cannot say as to how
15 many people, or -- of what percentage of those Cham survived. It
16 would be pure speculation that the Prosecution is asking for, so
17 I object.

18 BY MR. LYSAK:

19 Q. Let me clarify my question because I'm not asking for -- I'm
20 not asking the witness for a number. Let me rephrase my question.
21 I'm not asking the witness for a number or a percentage. What I'm
22 asking you for is your recollection, Mr. Witness. Did the Cham
23 people who lived in Chamkar Leu district, did they survive the
24 Democratic Kampuchea regime?

25 [10.57.20]

1 MR. BAN SEAK:

2 A. I do not know about that, sir.

3 Q. Let me put to you some evidence that has been collected by Ysa
4 Osman in his book "Oukoubah". This is, Your Honour, this is
5 document E3/1822, at English ERN, 00078568; French, 00758331; and
6 the Khmer translation is still pending. Ysa Osman writes that of
7 the 1,100 Cham families who lived in Spueu village before the
8 Khmer Rouge, only 100 survived the Democratic Kampuchea regime.
9 Mr. Witness, you were the deputy secretary of that district. You
10 lived there for a number of months before then. I want you to
11 tell us if you have any information about what happened to the
12 one thousand missing Cham families in Chamkar Leu district.

13 A. I do not know about that, sir.

14 [10.59.14]

15 Q. You stated that one of the areas that you had responsibilities
16 for was Lvea commune. What were your responsibilities for Lvea
17 commune?

18 A. I was tasked with collecting people to go to work in the
19 field, to do the harvest, and to dig the canals.

20 Q. Was there a rubber plantation in Lvea commune called the Tapom
21 plantation?

22 A. I do not know it, sir.

23 Q. Was there a rubber -- rubber plantation in that area, in the
24 area of Lvea commune.

25 A. No, I did not know about that. I only knew that the rubber

1 plantation <may have been> in Chamkar Leu district.

2 Q. Who was responsible for that rubber plantation?

3 A. It was Brother Chim who was in charge of the Chamkar Leu
4 district rubber plantation.

5 [11.01.18]

6 Q. I want to read to you, Mr. Witness, a complaint that has been
7 filed with this Court relating to Lvea commune. This is document
8 E3/6979A, E3/6979A, at Khmer ERN, 00452293. The English summary
9 of that complaint is document E3/6979B. And this is what the
10 complainant states in this document. "In 1977, during the
11 cultivating season, the complainant was told that Khmer Rouge
12 brought a number of Cham families to be killed at Tapom rubber
13 plantation in Lvea Leu sub-district, Chamkar Leu district,
14 Kampong Cham province. The complainant's daughter, named Te
15 Aisah, and a son-in-law named San Min, and other relatives were
16 brought to be killed at Tapom rubber plantation too." Now, Mr.
17 Witness, were you aware of killings of Cham families at the
18 plantation in Lvea commune?

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

20 Q. Do you dispute the statement of this person that Cham families
21 were killed at that location?

22 [11.03.29]

23 A. No, I do not. In Chamkar Leu district, it was not the district
24 secretary <who had the absolute authority due to the fact that
25 both the> district <office> and the sector office <were working

41

1 together; for example, the sector army was also working in the
2 district. Thus, it was not the district level, but rather those
3 at the sector level who dealt with those affairs.>

4 Q. The rubber plantation that you described where Brother Chim
5 worked, was that a - under the control of the district, the
6 sector, or the zone?

7 A. It belonged to the Zone.

8 Q. Where -- where was the district security office in Chamkar Leu
9 district located?

10 A. At that time, I heard they said that it was located in Bos
11 Khnaor commune. But I myself never went there. I only heard <from
12 others that the> security office <was being based there>.

13 Q. Were you aware of any meetings that were held in Bos Khnaor,
14 specifically meetings held at that location regarding a plan to
15 eliminate the Cham people?

16 MR. PRESIDENT:

17 Witness, please hold on, and Counsel Koppe, you have the floor.

18 [11.05.45]

19 MR. KOPPE:

20 I object to this question, Mr. President, because this question
21 and all previous questions are all related to events in Sector 42
22 in the old North Zone, new Central Zone. The closing order that
23 we are dealing with only describes events which are alleged to my
24 client in either Sector 41 or Sector 21 in the East Zone. We're
25 now moving outside, very specifically, outside of the boundaries

42

1 of the closing order when it comes to treatment of the Cham. So
2 therefore, I object because the questions are outside the scope
3 of the closing order and therefore this Trial.

4 MR. LYSAK:

5 If I may respond, Mr. President, this is also an argument we've
6 had many times in this Court. In addition to the crime base which
7 Mr. Koppe is referring to, the overall policy and existence of a
8 plan to eliminate the Cham is very much in evidence -- very much
9 a part of the issues of this proceeding. This evidence that I'm
10 about to ask goes to the issue of whether there was a plan to
11 eliminate the Cham people. It's also, I would note, evidence that
12 comes from a person that has been selected by this Court to be a
13 trial witness, 2-TCW-827. So this evidence very much is directly
14 in issue in these proceedings.

15 [11.07.24]

16 MR. KOPPE:

17 If I may very briefly reply, Mr. President. Of course, this is
18 the same kind of issue that we have raised before in terms of
19 security centres that are outside of the -- the closing order,
20 the treatment of Khmer Republic officials. You've issued a
21 ruling, a written ruling on this. Obviously, this is a matter of
22 principle, so if you do overrule my objection, then I would then
23 request this Chamber to issue a written decision saying that
24 events outside of Sector 41 and 21 in the East Zone are also part
25 of crimes that we are dealing with.

1 MR. LYSAK:

2 I don't wish to spend a lot of time on this point. We're not
3 saying that these are part of the crime base. This is evidence to
4 the policy.

5 (Judges deliberate)

6 [11.09.38]

7 MR. PRESIDENT:

8 The Chamber will hand the floor to Judge Fenz, <on behalf of the
9 Chamber,> to make an oral ruling to the objection raised by the
10 defence team for Nuon Chea, that is, Counsel Koppe, to the last
11 question put to the witness by the Deputy Co-Prosecutor. Judge
12 Fenz, you have the floor.

13 JUDGE FENZ:

14 The objection is overruled. The question is not related to the
15 crime base, but to the policy, and policies were obviously
16 nationwide. I believe, as both Parties have recognised, we have
17 had the same issue before.

18 BY MR. LYSAK:

19 Q. Thank you. So, Mr. Witness, my question to you; you just
20 testified that the district security office was located at a
21 place called Bos Khnaor. Were you aware of a meeting that was
22 held in Bos Khnaor that concerned a plan to eliminate the Cham
23 people?

24 [11.10.56]

25 MR. BAN SEAK:

44

1 A. No, I was not aware of it.

2 Q. Let me read to you some evidence that has been provided. This
3 comes from the same Cham "Oknha" from Spueu village who I
4 mentioned earlier. This is document E3/7690, E3/7690. I won't
5 refer to him by name, but it is -- the source of this evidence is
6 2-TCW-827. And he -- this document provides the following account
7 of statements from this witness.

8 "The Khmer Rouge did not know he was a Cham, and so they
9 appointed him to look after 400 children in Cheyyou sub-district,
10 Chamkar Leu district. One day during 1977, he was called to a
11 meeting in Bos Khnaor village in Chamkar Leu district. The agenda
12 for the meeting was to specify a plan, called the plan to smash
13 the enemy. He reported that during the meeting, he heard the
14 chairman declare, 'The enemies of the revolution are many, but
15 our biggest enemies are the Cham. So the plan calls for the
16 destruction of all the Cham people before 1980.'"

17 Having heard this, Mr. Witness, did you ever hear any people talk
18 about this meeting in Bos Khnaor?

19 [11.13.05]

20 A. No, I did not.

21 Q. Do you have any reaction or response to what this witness has
22 said regarding a plan to destroy the Cham people?

23 A. No, I did not know about that. However, at that time, <I just
24 knew that both> the Khmer people and the Cham people were in the
25 same <situation>. I lost two of my siblings. <It did not matter

1 whether they were the Cham, the Chinese, or the Khmer, they would
2 be taken away and smashed for allegedly being the CIA or KGB
3 enemies. Not only the Cham people, but many Khmer people lost
4 their lives during the regime.>

5 [11.14.04]

6 Q. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 MR. PRESIDENT:

17 Yes, you may do so.

18 MR. KOPPE:

19 Mr. President. I object to this question and the showing of this
20 particular document. [REDACTED]

21 [REDACTED]

22 [REDACTED] We have been given a week
23 to study new documents. The particular documents being showed
24 now, and there is another statement coming our way, as we all
25 know, still in Khmer. We're dealing right now, as we speak, with

46

1 the influx of Case 004 WRIs. We've asked to stop completely
2 proceedings in relation to the Cham when it comes to Sector 41,
3 and we are simply continuing now as if we'd never requested this.
4 I am not aware if you have made -- have come to a decision as to
5 our primary request to stop with this segment as long as Case 004
6 is still continuing. But here we have a perfect example of what
7 we are dealing with. It is, we all agree, an important WRI, but
8 it's coming from an investigation which is pending right now --
9 which is happening right now. And I don't feel that you have
10 ruled -- or you have not ruled on this -- on the request to stop
11 dealing with events in relation to the Cham in Sector 41 and now
12 -- or Sector 42. So, having made this observation, I again
13 request the Chamber to stop the Prosecution from going into an
14 area which is presently under investigation in -- in Case 004.
15 [11.17.55]

16 MR. LYSAK:

17 Mr. President, I don't want to engage -- reargue a matter that
18 has been argued before you already. They have made their
19 objections on this issue. Your Honours have decided to go forward
20 and to hear this particular witness. You announced that last
21 week. Counsel has made plenty use himself of these interviews in
22 these proceedings. And this is a witness who we identified in our
23 original trial list back in June of last year, 2014, a witness
24 whose documents were admitted by this Chamber many months ago. So
25 this is evidence that is before the Chamber that we are entitled

47

1 to use in this Court. So if I may proceed.

2 [11.18.48]

3 MR. KOPPE:

4 That is indeed --

5 MR. PRESIDENT:

6 Counsel Koppe, please be seated. And let's hear the responses
7 from other Parties. Regarding the submission by the <Co-Lead
8 Lawyers for civil parties> to adjourn the hearing of the Cham
9 witnesses due to the influx or the tsunami of the documents
10 <filed by the Co-Prosecutors>, disclosures in -- from Cases 003
11 and 004 to Case 002, the Chamber wishes to hear responses and
12 observations from all Parties if you wish to do so. If not,
13 Counsel Koppe, you have the floor.

14 [11.19.39]

15 MS. GUIRAUD:

16 Thank you, Mr. President. I'd like to respond quickly to say that
17 we haven't taken <a> position as regards the Nuon Chea team's
18 request. We would like to do what we usually do; that is, to rely
19 on the wisdom of the Chamber on this issue.

20 MR. PRESIDENT:

21 And the defence team for Khieu Samphan, do you wish to make any
22 observation?

23 MS. GUISSÉ:

24 Thank you, Mr. President. The Khieu Samphan defence would
25 <simply> refer to <its submissions, E363 -- as I recall from

48

1 memory -- on the> disclosures of documents from 003 and 004 in <>
2 which we have requested <several -- a method from> the Chamber.
3 <We rely on our submissions. Unfortunately, we haven't any
4 updates to report as far as it concerns our position>.

5 [11.20.40]

6 MR. KOPPE:

7 One point of clarification in relation -- in response to the
8 Prosecution, we do note that our objections against the
9 introduction of the WRIs of this particular witness has been
10 denied. But interestingly enough, your decision which still has
11 to come has been rendered two days before the Khmer translation
12 was notified. And we make -- we made specific arguments as to
13 Cambodian national law. And I was just wondering how the National
14 Judges have been able to decide on this particular request
15 without having read our submissions in this particular aspect.

16 (Judges deliberate)

17 [11.26.38]

18 MR. PRESIDENT:

19 The Chamber wishes to inform Counsel Koppe and other <concerned>
20 Parties, that the Chamber has already informed the Parties that
21 the -- the Chamber is working on the decision, in particular on
22 the translation of our decision, and we are doing our best to
23 issue our decision. <We are not ignorant to this issue.> And once
24 is organized, then we will inform the Parties in due course, and
25 <now, it is in the final stage relative to the possibility of

1 issuing the decision> on the very issue that Counsel Koppe just
2 raised. Secondly, we faced the same challenges as other Parties
3 do regarding reviewing or reading the disclosure of documents
4 from Cases 003 and 004. It's not just the Parties that face this
5 challenge. We, the Chamber, face the same challenge. And the
6 Chamber is trying to provide our decision to the submission made
7 by the defence team for Khieu Samphan, and so far we have agreed
8 on certain points regarding that submission. However, we need
9 more time to deliberate on other issues we have not yet agreed in
10 principle before a decision is read to be rendered as the request
11 or the submission by Khieu Samphan also extends and covers
12 certain issues concerned and raised by other Parties. And for
13 this reason, the Nuon Chea's defence to request for the
14 adjournment to hear the phase regarding the Cham is overruled and
15 the proceedings of hearing the testimonies will proceed as
16 scheduled, in particular those witnesses and civil parties which
17 have been scheduled. And for that reason, the floor is again
18 given to the Deputy Co-Prosecutor to continue putting questions
19 to this witness.

20 [11.29.33]

21 BY MR. LYSAK:

22 Q. Thank you, Mr. President. Mr. Witness, the statement that was
23 provided to you, without saying the name of this person out loud,
24 if you look at the name and biographical information on page 2,
25 do you know this person? Is this someone you knew during the

1 Democratic Kampuchea regime? And I'm referring here again to
2 E319/15.3.1.

3 MR. BAN SEAK:

4 A. No, I do not know this person.

5 Q. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [11.32.51]
6 MR. KOPPE:
7 I object, Mr. President, to this line of questioning. This is so
8 not how you should be asking questions. He's now asking questions
9 about Ta An having first read an enormous excerpt of his WRI of
10 this particular witness. He has now what he wants, the
11 Prosecution, this evidence is now spoken out in Court. This
12 witness cannot -- cannot say anything about what happened in
13 Sector 41 because he wasn't a member of Sector 41. It's appalling
14 the way this Prosecutor is proceeding, and you're condoning it as
15 always.
16 BY MR. LYSAK:
17 Q. Mr. President, I know why counsel is upset by this evidence. I
18 want to take my questions step by step. The person who is
19 identified in this testimony as having conveyed these orders was
20 the secretary of Sector 41. This witness has talked about that
21 individual. So the first thing I want to establish is whether the
22 secretary of Sector 41 had a position on the Central Zone
23 committee. That's my question, first question.
24 [11.34.04]
25 MR. PRESIDENT:

52

1 The objection raised by the defence team for Nuon Chea is
2 overruled and Witness, please respond to the last question put to
3 you by the Deputy Co-Prosecutor.

4 MR. BAN SEAK:

5 A. Yes, I know Ta An. <I got to know him by the time I fled into
6 the jungle.> Ta An was <the> secretary of Sector 41 and he was
7 <on> the standing committee <> of the Zone.

8 [11.34.43]

9 MR. PRESIDENT:

10 Thank you, Deputy Co-Prosecutor. It is now appropriate for us to
11 have a lunch break. We take a break now and resume at 1.30.

12 Court officer, please assist the witness during the lunch break,
13 and invite him, as well as his duty counsel, who will replace
14 counsel, Duch Phary, for the afternoon session, into the
15 courtroom at 1.30.

16 And security personnel, you are instructed to take Khieu Samphan
17 to the waiting room downstairs and have him returned to attend
18 the proceeding this afternoon at 1.30.

19 The Court is now in recess.

20 (Court recesses from 1135H to 1332H)

21 MR. PRESIDENT:

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

23 Before I hand over the floor to the Prosecution to put the
24 question to the witness, the Chamber wishes to ask Ms. Sok

25 Socheata, the duty counsel: can you please advise the Chamber <>

53

1 your ID number and where is your <working> office?

2 MS. SOK SOCHEATA:

3 <My name is Sok Socheata. My ID number is> 710. <I work for>

4 Amrin law firm, <address: No. 43E0,> Street 434, <Sangkat> Tuol

5 Tumpung 1, <Khan Chamkar Mon>.

6 [13.34.18]

7 MR. PRESIDENT:

8 Thank you. Now I hand over the floor to the Prosecution to put

9 the questions to the witness. You may proceed.

10 BY MR. LYSAK:

11 Q. Thank you, Mr. President. Good afternoon, Mr. Witness, [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED] had identified,

15 indicated that you knew the sector secretary, Sector 41 secretary

16 Ta An. My question is: what was -- did Ta An have a position on

17 the zone committee, specifically was he the deputy secretary of

18 the central zone under Ke Pauk?

19 MR. BAN SEAK:

20 A. Ta An <was a sector> secretary. <He was on the zone's standing

21 committee, and he either addressed the standing committee's or

22 the zone's deputy secretary. And> he was in charge of Sector 41.

23 [13.36.00]

24 Q. The translation I got was a little unclear; can I ask you to

25 repeat what was his position on the zone committee?

1 A. Ta An was the secretary of Sector 41 and he was the deputy
2 secretary of the zone and also of the zone's <standing>
3 committee.

4 Q. [REDACTED]
5 [REDACTED]
6 [REDACTED] I want to get your reaction to
7 that testimony and specifically, whether you ever heard of a
8 similar order being given in Sector 42.

9 A. No, I have never heard of that.

10 Q. Mr. Witness, you were in Chamkar Leu district from mid-1977
11 through into 1978, do you have any other explanation as to what
12 happened to the missing 1,000 Cham families in that district
13 other than that they were identified and killed?

14 MR. PRESIDENT:

15 Mr. Witness, please hold on; and Counsel Koppe, you may proceed.

16 [13.38.20]

17 MR. KOPPE:

18 I object to the way the question is framed. Prosecution presents
19 it as undisputable evidence; it just comes from a WRI from one
20 particular potential witness so we have no idea what the source
21 of knowledge of this particular witness is, so the question, as
22 it is phrased now, should be phrased differently. I think the
23 Prosecution should go back to identify again the particular
24 source of this evidence.

25 BY MR. LYSAK:

55

1 Let me rephrase the question, Mr. President.

2 Q. Mr. Witness, we talked earlier about how there were a thousand
3 Cham families in Chamkar Leu district who disappeared during the
4 regime, do you have any explanation as to why those Cham families
5 disappeared other than that they were killed?

6 [13.39.40]

7 MR. PRESIDENT:

8 Counsel Kong Sam Onn, you may proceed.

9 MR. KONG SAM ONN:

10 Thank you, Mr. President. I would like to register my objection
11 to this question on two grounds. First, the <International>
12 Deputy <> Prosecutor has requested, suggested the witness to
13 explain an event and in his capacity as a witness he cannot give
14 an explanation which is rather subjective. In addition, secondly,
15 this witness has already made it very clear that he did not know
16 the reason for the disappearance of <1,100> Cham and he did not
17 know whether or not they were killed and I think that this line
18 of questioning is contradictory to what we have done in this
19 Court before.

20 MR. LYSAK:

21 Mr. President, if the witness doesn't know he can say he doesn't
22 know in response to my question.

23 [13.40.50]

24 MR. PRESIDENT:

25 Importantly, I think that these questions need to be reframed;

56

1 otherwise we will not allow the witness to respond to this
2 question because if you ask the witness to explain, the witness
3 has made mention already that <from the beginning,> he has not
4 been aware of the disappearance of the 1,000 Cham <people in
5 Sector 42>.

6 BY MR. LYSAK:

7 Thank you, Mr. President, I'll ask a different question.

8 Q. Mr. Witness, based on your experience as a sector and district
9 cadre, did sector and zone secretaries have authority to decide
10 that groups of people would be purged and smashed or was that a
11 decision that could only be made by the Party leaders in Phnom
12 Penh? And I'm not asking you to speculate here, I am asking for
13 what you know based on your time as a sector and district cadre.
14 [13.42.10]

15 MR. BAN SEAK:

16 A. My understanding was that the zone secretary or sector
17 secretary did not have the right or the discretion to decide
18 unless they <had> received the instruction from the upper
19 echelon. I would like to bring up an example. If the Prime
20 Minister, for example, Samdech Techo does not allow the
21 execution, who could carry out the executions? That was it.

22 Q. I want to turn now to some questions about Nuon Chea. Mr.
23 Witness, what do you know about Nuon Chea's role in the regime
24 and specifically his role with respect to the development of an
25 instruction on Party policies?

57

1 A. I only heard from other cadres who had been to study
2 <sessions> with <Uncle> Nuon Chea <> that <Uncle> Nuon Chea
3 actually was <a man of strict principles>. For example, whenever
4 he convened a meeting, he would require that everyone
5 participated and they had to work hard <and to hold meetings.
6 Having studied the situation, I knew that Uncle Nuon Chea was the
7 only person who chaired those study sessions attended by cadres
8 from the sector and district levels.>

9 [13.44.00]

10 Q. Who were the cadres who attended these study sessions or
11 meetings with Nuon Chea who told you this?

12 A. <They were> the <sector-level> cadres. <Upon their return, I
13 actually asked members of> the district committee <who had>
14 attended the study sessions, <> what they studied in the study
15 sessions. <For example, Bong Poch who had attended the sessions
16 organized at the upper level always told us what those sessions
17 were about.> I <also> went to <one> study <session> with <Uncle>
18 Son Sen. Generally, <unlike sessions chaired by Uncle Nuon Chea,
19 the sessions chaired by Son Sen, which I attended, they showed us
20 a film instead.>

21 Q. When you refer to region cadres, are you referring to people
22 on the sector committee, the Sector 42 committee, including your
23 in-law, Oeun?

24 MR. PRESIDENT:

25 Hold on, please.

1 [13.45.35]

2 MR. BAN SEAK:

3 A. Well, at <> the sector level <and the district level, they
4 were the district secretaries who went to study sessions.>

5 BY MR. LYSAK:

6 Q. I want to read to you an excerpt from your interview

7 E319/2823.1 at Answer 10, you gave the following testimony:

8 Question: "To your knowledge, who gave the order to purge the
9 people in the Central Zone and to kill the Cham?"

10 Answer: "I do not know exactly about this but I still remember
11 what I heard from other people who said that under that regime,
12 Pol Pot did not give all of those orders, he was just the person
13 who was in the top position and behind the political scene. They
14 said that the one who issued those orders was Nuon Chea because
15 he was the one who developed and put into practice the policies
16 of the Communist Party of Kampuchea." End of quote.

17 Now I just want to clarify here who it was that told you this
18 about Nuon Chea, was it the same people you just identified, the
19 sector and district committee?

20 [13.47.22]

21 MR. BAN SEAK:

22 A. On this issue, it was the plan of the upper echelon.

23 <According to> the senior cadres at the upper level, <> Uncle Pol
24 Pot was <always> on the top and he rarely -- never came to
25 conduct <any> trainings, only Nuon Chea did it. <Thus, issues

1 regarding work plans, policies, development, labour force in
2 cooperatives, and how cooperatives should be organized were under
3 the> responsibility of <Uncle> Nuon Chea at the time.

4 Q. My question was the information you gave in this answer, did
5 that come from the same people you just identified a few minutes
6 ago -- that is, the members of the sector and district committee
7 who attended training conducted by Nuon Chea?

8 A. On this point, I heard it from Brother Oeun. When I <went to>
9 see him, I asked <him the reasons of those> purges. He said that
10 <> the plan <came> from the upper echelon. <They wrote clearly in
11 black ink that first, all the CIA, and secondly, all the KGB had
12 to be smashed.>

13 [13.49.03]

14 Q. And did sector secretary Oeun specifically talk to you about
15 the role of Nuon Chea?

16 A. Yes, he did.

17 Q. I am going to turn now to some questions about the period in
18 1978 when cadres in the East Zone were purged and you were sent
19 to be the secretary of Krouch Chhmar district and first just to
20 help when it was that you were sent there, can you tell us
21 whether it was before or after the arrest of the local East Zone
22 cadres that you were sent to Krouch Chhmar district?

23 MR. PRESIDENT:

24 Witness, please hold on; and Counsel Koppe, you may proceed.

25 MR. KOPPE:

60

1 I object to the phrasing of this particular question. The
2 Prosecution is using the word "purge" and "arrests" when it comes
3 to East Zone cadres specifically he refers to Krouch Chhmar which
4 is in Sector 21. We all know that there weren't many arrests at
5 that time when he was going to Krouch Chhmar, there was a full
6 armed conflict, military battle etc., so I don't think the words
7 "arrests" or "purge" are appropriate in this question.

8 [13.51.11]

9 BY MR. LYSAK:

10 Counsel is giving testimony here himself, I think his description
11 is wrong. There is a record of the hundreds, many hundreds of the
12 East Zone cadres were arrested and sent to S-21 at this time
13 which I'm happy to reference. Let me try coming at it from a
14 different direction with the witness here.

15 Q. Mr. Witness, were you aware of cadres from the East Zone who
16 were either arrested or who fled to the jungle in 1978 and in
17 terms of the time that you went to Krouch Chhmar district, was it
18 before that happened or after the East Zone cadres had either
19 been arrested or had fled into the jungle.

20 MR. BAN SEAK:

21 A. <By the time> I got there, Uncle Chea Sim and Heng Samrin had
22 <already defected and> fled into the jungle. <Thus, by the time>
23 I got there, <> the <United Front for the> National Salvation
24 <recognizable by a flag with five temple towers had already been
25 created by the other side. There were also clashes among the

61

1 militia units. However, regarding the purges, I was not aware of
2 them because I was still working in> the fishing lot. <Actually,>
3 the affairs <were> of the upper echelon.

4 [13.53.04]

5 Q. A number of the cadres from the East Zone have given the date
6 of 25 May 1978 as the date on which many high-ranking cadres were
7 arrested and on which others, including the people you've named,
8 fled to the jungle. Do you remember how long it was after the
9 25th of May 1978 that you were sent to Krouch Chhmar district?

10 MR. KOPPE:

11 Mr. President, I have an objection on the detail of the question.
12 I don't think the word "jungle" is appropriate, they fled to
13 Vietnam so I think that should be incorporated into the question
14 not "jungle"; "Vietnam".

15 BY MR. LYSAK:

16 They went to the jungle first but I'm happy to incorporate into
17 that question. They went to the jungle and some of them then went
18 to Vietnam.

19 Q. When was it that you were sent to Krouch Chhmar district in
20 relation to this date 25th May 1978, do you remember?

21 [13.54.29]

22 MR. BAN SEAK:

23 A. I do not recall the date, I only knew that Uncle Chea Sim and
24 Heng Samrin <had> defected and they fled to Vietnam. <At that
25 time, they were actually saying that all> the <> cadres <of the

1 East Zone had betrayed the> Angkar, and they were <being referred
2 to as> the <> KGB.

3 Q. I'll ask you a little bit about that later. During the time
4 you served as Krouch Chhmar district secretary, who was the
5 sector secretary to whom you reported and who was the zone
6 secretary?

7 A. Sector secretary was Rin, he was military man and he was the
8 sector secretary and Son Sen was the commander-in-chief and he
9 was in charge of the zone, he was the zone secretary.

10 Q. Let me first ask you about Rin, where was Rin from?

11 A. Rin was originally from the Southwest Zone.

12 [13.56.07]

13 Q. Did you whether Rin was a relative of Ta Mok?

14 A. Yes, you are right. From the -- those from the Southwest Zone
15 were connected to Ta Mok.

16 Q. Now you've identified Son Sen as the zone secretary. A number
17 of the other witnesses have testified that it was Nuon Chea who
18 was named East Zone secretary after So Phim's death, specifically
19 Tboung Khmun district committee member Mat Ly. This is interview
20 E3/390: English, 00436853; Khmer, 00-- The document number again
21 E3/390: Khmer, ERN 00392076; English, 00436853; French, 00479788;
22 Mat Ly made the following statement in his interview:

23 "I saw that when they announced that So Phim was gone, the zone
24 chairman Nuon Chea and the deputy was Tan Seng Hong, but in fact
25 it seemed that Nuon Chea's face was never seen and Seng Hong was

1 not seen." End of quote.

2 [13.58.19]

3 And also in document E3/455: English, 00149917; Khmer, 00146678;
4 French, 00149943; this was an interview of S-21 chairman Duch who
5 stated: "The East Zone forces belonging to So Phim were
6 completely smashed and forces belonging to Ta Mok put in their
7 place, but Nuon Chea was made secretary of the east." End of
8 quote. So my question for you is: how is that you knew that Son
9 Sen was the zone secretary and do you have any reaction to the
10 testimony of these witnesses that it was Nuon Chea who had been
11 named zone secretary?

12 A. I went to attend the zone study session and Son Sen was the
13 one who trained all of us and Rin was there as well. At the time
14 there was no office; we were on mobile<. The battle became hot
15 because> the Vietnamese forces were advancing so we did not see
16 Nuon Chea at that time, Son Sen conducted the training. I was at
17 the district level at the time and I was called to attend the
18 training with him <>.

19 [14.00.15]

20 Q. I'll ask you a little bit about that training later. Did Son
21 Sen say at this meeting that he was the new secretary of the East
22 Zone?

23 A. Yes, at that time that's what he said, he was the zone
24 secretary and Hong was his deputy and he was in charge of two
25 sectors.

64

1 Q. Thank you. During the time that you were Krouch Chhmar
2 district secretary, where was your office located?

3 A. There was no office. Because of the chaotic situation, a
4 permanent office was not established and we were constantly on
5 mobile.

6 Q. In your OCIJ statement, you described conducting district
7 meetings, where were those meetings held?

8 A. Sometimes meetings were held in the pagoda or sometimes they
9 were held at Krouch Chhmar. As I said there was no fixed office
10 location. I was <not> in that position <> for long <when a cadre
11 by the name of Ao (phonetic), a district deputy secretary was
12 shot by the inner force. Their militia forces also arrived
13 there.>

14 [14.02.18]

15 Q. Okay, you identified two locations; I just want to get some
16 more specifics. You said that meetings were sometimes held in the
17 pagoda, what pagoda were you talking about, what village or
18 commune, was this pagoda in?

19 MR. PRESIDENT:

20 Witness, please wait for the microphone to be operational.

21 MR. BAN SEAK:

22 A. I do not know that pagoda.

23 BY MR. LYSAK:

24 Q. And you said that sometimes the meetings were held in Krouch
25 Chhmar; where in the district is my question, what part of the

65

1 district were you referring to where these meetings were held?

2 Can you give us any indication of that?

3 MR. BAN SEAK:

4 A. It was at the district commerce office -- that is, former
5 commerce office.

6 [14.03.40]

7 Q. And this former commerce office, was it used at some point to
8 detain people who had been arrested?

9 A. No, it was not.

10 Q. Let me read to you something you said in one of your OCIJ
11 interviews E3/375: Khmer, ERN 00348802 to 803; English, 00360762;
12 French, 00369924. This is what you stated in that interview, Mr.
13 Witness -- quote: "One place in the commerce office in Krouch
14 Chhmar chief town was used for detaining people before taking to
15 smash." End of quote. Where was the office that you described in
16 this interview, Mr. Witness, where people were taken to be
17 detained before being smashed, where was this office located?

18 A. I cannot recall it.

19 [14.05.33]

20 Q. Let me get your reaction to some information that has been
21 provided by another witness. For the record 2-TCW-904. This is an
22 OCIJ interview E3/9324: Khmer, 00204457; English, 00242064;
23 French, 00485139; this is a statement from a witness from Trea
24 village, Trea 2 village who worked as a sub-district clerk during
25 the regime. I quote: "Today I pointed out to the investigator of

1 the Khmer Rouge Tribunal the 1975 site of the Khmer Rouge commune
2 office at the Trea 2 village. In May 1978, they took that site
3 for use as their district office instead. After that they also
4 took the two adjacent houses for the use of the district office.
5 They designated the area as north, and south of that office as
6 the district security site. All the houses surrounding the
7 district office were used to detain prisoners." End of quote. Is
8 it correct as testified by this witness that the office you've
9 been describing and that was converted into a district office was
10 in Trea village?

11 A. In fact, as I stated there was no fixed office and there was
12 no detention office as well since there was no security force.
13 [14.07.57]

14 Q. You just told us a few minutes ago that a commerce office was
15 used as the district office, was this commerce office located in
16 Trea village?

17 A. Commerce office was located in <the populated area of> Krouch
18 Chhmar where actually boats docked.

19 Q. And the place where the ferries docked, was the name of that
20 village Trea village in Trea commune, do you remember that, Mr.
21 Witness?

22 A. Actually the area was called Krouch Chhmar and there was a
23 bridge leading to a dock, it was in Krouch Chhmar not in Trea
24 <village>.

25 Q. Let me turn to another subject which is aliases that you used

67

1 during the Democratic Kampuchea period. You've identified two
2 names that you used in your interviews. One Hang Phos and also
3 another alias Hang Sun Ho, which of those aliases did you
4 normally use during the Democratic Kampuchea regime?

5 A. My native birth name is Hang Sun Ho; however, when I joined
6 the Revolution I used Hang Phos as my alias and I am still known
7 as Phos. And on my national identification card I used the name
8 Ban Seak.

9 [14.10.35]

10 Q. Do you remember, Mr. Witness, during the time when you were in
11 Krouch Chhmar district, you used the name Hor?

12 A. No, I did not.

13 Q. Now I would like to ask you about some testimony that has been
14 given by former cadres who identified you by the name -- former
15 cadres from Krouch Chhmar who identified you and apparently knew
16 you by the name Hor. First, OCIJ statement E3/5253 at Khmer,
17 00235002; English, 00235483; French, 00250059; again this is
18 E3/5253. Mr. Witness, this is a testimony of a local woman who
19 worked as cook at the Krouch Chhmar office and she testified as
20 follows:

21 [14.12.02]

22 Question: "Do you remember Comrade Hor, the district secretary
23 who went to visit there, that office?"

24 Answer: "Yes. I used to see him coming to the commerce office
25 because that office then was the residence of senior cadres." End

68

1 of quote.

2 And another person cadre from the same area in Krouch Chhmar --

3 2-TCW-904 -- this is a person who worked as a clerk at the Trea

4 sub-district office. In interview E3/5288, at Khmer, 00326653 to

5 54; English, 0036290 to 91; French, 00411588 to 89; and I would

6 like to read to you what this witness had to say -- quote:

7 "Krouch Chhmar district committee was Hor. In 1978, Hor came to

8 work as the district committee and appointed Meng as Trea commune

9 committee. Hor used to go to my place, to visit my place

10 occasionally."

11 [14.13.43]

12 Continuing later, question: "When did you first meet Hor?"

13 Answer: "Approximately in June or July 1978. At that time I saw

14 him walking back and forth on the road. I used to join in the

15 meeting with him once in the kitchen in Trea commune office."

16 Question: "And what year was that meeting held?"

17 Answer: "Approximately, September 1978."

18 Question: "Why did you know his name was Hor?"

19 Answer: "I knew his name was Hor because the commune committee

20 called him Hor."

21 And then a few questions later, question: "Did you know what

22 sector he came from before he worked as district committee?"

23 Answer: "He used to work as a sector fisherman in Stueng Trang."

24 End of quote.

25 Mr. Witness, it seems that there are people who remember you and

69

1 specifically identify you as former sector fisherman but who knew
2 you by the name Hor. Is it possible that you've forgotten and
3 that in fact during the short period you were Krouch Chhmar
4 district chief you used the name Hor instead of the name Phos?
5 [14.15.25]

6 A. I did not use the name Hor in Krouch Chhmar. <Only> when I was
7 <working> at the fishing lots <was I known with the name,> Hor.
8 <After I had> moved to Sector 42, I no longer used that <name>.

9 Q. Return to another subject. During the time period that you
10 were Krouch Chhmar district secretary, did you have authority
11 yourself to make decisions on people to be executed and if not,
12 who had authority to make such decisions?

13 A. I did not have any authority to make such a decision and as I
14 said from the outset, authorities and orders came from the upper
15 echelon to smash <all> the so-called KGB or CIA agents.

16 Q. I want to now ask a few questions about an incident that's
17 described fairly extensively in your OCIJ interviews. About one
18 or two weeks after you arrived in Krouch Chhmar district, was
19 there an incident in which a number of people in one commune
20 tried to rebel or resist or fight against the Party and if so,
21 can you describe to the Court, what those people did and what
22 happened to them?

23 A. At that time it was not the people. <They were members of> the
24 mobile units <who were heading the rebellion. I did not see it
25 myself, but> I was <also> told <about it.> They were pretty

1 young. They were about <between> 18 <and> 20 years old.

2 [14.17.55]

3 Q. And what was it that these young people in this mobile unit
4 had done?

5 A. I learned it from Brother that they <had seemingly been broken
6 loose> from the jungle and then they gathered and engaged in the
7 rebellion. Of course under the regime, anyone who opposed the
8 regime - <although> your own relatives -- would not be spared and
9 that's what happened.

10 Q. So can you tell us what was done with these young people from
11 the mobile unit who had rebelled and on whose orders?

12 A. Those people were taken to one location and they all were
13 purged.

14 Q. By "purged", do you mean that they were killed?

15 A. Yes, that is correct.

16 [14.19.28]

17 Q. And who was it that decided that those people were to be
18 killed and how were those orders conveyed to you?

19 A. The order came from the zone. And of course the zone might
20 receive it from the further upper level and then the order came
21 down through the chain of command to <the sector>, the district
22 and then to the soldiers.

23 Q. In your OCIJ interviews you described a written instruction
24 that was red ink, do you remember this written order and do you
25 remember who this was signed and issued by?

1 A. The order came from the zone then to the sector secretary.

2 <And it was conveyed down the line via Rin, the sector
3 secretary.>

4 Q. Where were these people detained and killed and did you
5 yourself visit the location where those people were detained?

6 A. Yes, I went to the site and they were killed in a place that
7 was similar to a school and after I made a quick visit, then I
8 returned.

9 [14.21.45]

10 Q. You indicated in your interview that this place was on an
11 island but that you don't remember the name of the island and
12 what I would like to know now is the island that you travelled to
13 where these people were detained, was it an island on the river
14 on the west side of Krouch Chhmar district or was it an island
15 that was on the north side of the district, do you remember?

16 A. No, I cannot recall that because I myself was not that
17 familiar with the geography of Krouch Chhmar district.

18 Q. Do you know how these people were executed and who conducted
19 the executions?

20 A. The letter was delivered to the soldiers and <among them,>
21 there was a mixture of those from the Centre and the Krouch
22 Chhmar district and they took part in the execution there.

23 Q. And when you refer to soldiers from the Centre, who are you
24 referring to, whose soldiers were these and under whose command
25 were these soldiers from the Centre?

72

1 A. Those soldiers were under the command of Son Sen<. The>
2 special force soldiers <> were under the command of <Kung alias>
3 Ron.

4 [14.24.11]

5 Q. Who was Ron?

6 MR. PRESIDENT:

7 Witness, please observe the microphone.

8 MR. BAN SEAK:

9 A. Ron was also known as Kung. He was in charge of the special
10 unit force that belonged to the Centre and belonged under the
11 command of <Uncle> Khieu. <They were created for defending zones,
12 sectors> and <districts, and generally for> the national
13 security. <They did not> engage in any fighting along the border.

14 BY MR. LYSAK:

15 Q. And so that we are clear, Mr. Witness, when you refer to
16 Khieu, who are you referring to?

17 MR. BAN SEAK:

18 A. <> I <was referring> to Son Sen.

19 [14.25.20]

20 Q. You mentioned earlier a meeting that you attended that was led
21 by Son Sen, can you tell us where that meeting was held, who
22 attended and what Son Sen talked about at the meeting?

23 A. The meeting was held at the zone <place>. However it was <>
24 mobile, it was not a fixed office. It was held in a rubber
25 plantation, <and attended by sector and> district chiefs. <After

1 the study session, our first task was to> gather <> people for
2 the worksites; <and secondly, we were to> draft people to go to
3 the front battlefield.

4 Q. You indicated in your OCIJ interview that this meeting was
5 held at Suong, was that where this rubber plantation was, can you
6 tell us the rubber plantation where this meeting was held, what
7 district and what commune was or what village was this place in?

8 A. It was in the area called Tboundg Khmum in Tboundg Khmum
9 <district> and that rubber plantation <was> known as Chub rubber
10 plantation.

11 [14.27.10]

12 Q. Did -- at this meeting, Mr. Witness, did Son Sen talk about
13 purges of enemies and if so, what did he say?

14 A. He talked about <internal> enemies <, mainly> the KGB and the
15 CIA. <We were told, particularly,> to recruit <good> soldiers,
16 <and make sure that there were no enemies burrowing from within
17 among them because that could lead to a defeat.> However, <since
18 we could no longer keep the situation under our control,> nothing
19 could <be done to save> it.

20 Q. I want to ask you about something you said in your interview
21 describing this meeting. This is at E3/375: Khmer, ERN 00348796
22 to 97; English, 00360756; French, 00369919; you start by
23 describing, as you just told us, a meeting held by Om Khieu about
24 the purges and then you make the following statement.

25 Question: "What kind of people were considered as bad elements?"

74

1 Answer: "The New People were considered as bad elements. Most
2 people who worked at working sites used to be warned by me not to
3 talk too much. Activity line is what we do, if we do something
4 out of the Party's line, we are enemy." End of quote.

5 What I wanted to clarify, Mr. Witness, did Son Sen -- was it Son
6 Sen who talked about New People being viewed as bad elements and
7 did he explain why the New People were considered as bad
8 elements?

9 [14.29.50]

10 A. During the meeting they did not refer to New People but they
11 referred to the infiltrated elements <of the enemies>, namely the
12 KGB and the CIA agents, and <those people from> the East Zone
13 <were being> referred to as the KGB. <Thus, those who were
14 opposed to the regime were referred to as the KGB or the dogs
15 serving the "Yuon".>

16 Q. I want to ask you a few questions about Cham people in Krouch
17 Chhmar district. During the time you were there, were there many
18 Cham people in Krouch Chhmar district and did you know what
19 villages or what parts of the district the Cham people were
20 located in?

21 A. No, I cannot recall that well. <The> Cham people were also
22 <working> at the worksites so it <was> very difficult to say from
23 which village they came <>.

24 Q. When you were assigned to be the secretary of Krouch Chhmar
25 district, were you told about the Cham people in that district

1 and specifically were you told about two rebellions of the Cham
2 people that had taken place back in 1975?

3 [14.31.45]

4 A. The upper echelon did not mention anything <regarding the Cham
5 people. Considering the> situation, <only the issue of unity was
6 mentioned. Instead, they started talking about traitors such as>
7 Chea Sim and Heng Samrin; <thus, they had to be united and to
8 strive to fight against those traitors who> had defected <and
9 served as slaves of the "Yuon".>

10 Q. Mr. Witness, when you were first interviewed by the Office of
11 the Co-Investigating Judges, your very first interview back in
12 February 2009. This is document E3/5275: Khmer, ERN 00282921;
13 English, 00284493; French, 00339918; in that first interview you
14 were asked whether you had ever been the secretary of Krouch
15 Chhmar district and this is how you responded at that time --
16 quote:

17 "I never worked in Krouch Chhmar district, I never had the job of
18 secretary of any district and I never visited any security
19 offices. I never had any contact with Cham Muslims, Muslims then,
20 I never had a conflict with anybody, I never heard about the
21 purging of Cham Muslims. I never saw them arrest people to take
22 them away to be killed." End of quote.

23 In the interest of fairness, Mr. Witness, in your subsequent
24 interviews you acknowledged your position in Krouch Chhmar
25 district and have talked about some of the things that took place

1 there. But I would like to give you an opportunity to explain to
2 the Court why you did not tell the truth about your position in
3 Krouch Chhmar district in your very first interview.

4 [14.34.15]

5 A. At the time I was of the view that I worked at Krouch Chhmar
6 district for a short period of time; <thus, I would rather not
7 answer the question by describing the execution of my brother and
8 the details of my journey to and from that place. In addition,>
9 at the time I <was facing both> personal <challenges> and <>
10 collective <challenges>.

11 Q. Mr. Witness, is one of the reasons that in your very first
12 interview you denied that being in Krouch Chhmar that there were
13 things that had happened in that district that you didn't really
14 want to talk about, bad things that are not pleasant for anyone
15 to have to revisit and talk about, is that fair to say?

16 A. For now, of course, it is not correct. <I am of the opinion
17 that since I held the> position for a short period of time
18 <during which my own brother was also purged, I would rather not
19 raise the point because it could lead to more issues. Back then,
20 my> former colleagues <who had joined the struggle> told me that
21 I did not have to disclose <too> much; otherwise I would bring
22 trouble to myself so I decided not to tell everything, every
23 detail of that.

24 [14.36.23]

25 MR. LYSAK:

77

1 I want to turn now to a few questions about some of those events
2 in Trea village. Mr. President, I can continue, I'm about to
3 start a new subject, if this is an appropriate breaking time,
4 otherwise I can continue.

5 MR. PRESIDENT:

6 Thank you. The time is now appropriate for a recess. Now the
7 Chamber adjourns and resume at <five minutes before> 3.00 <p.m.>
8 Court officer, please assist the witness during the recess and
9 please have the witness and his duty counsel to come here at five
10 to 3.00 <p.m.>.

11 (Court recesses from 1437H to 1459H)

12 MR. PRESIDENT:

13 Please be seated.

14 The Court is now back in session and again the floor is given to
15 the Co-Prosecutors to continue putting questions to the witness.
16 You may proceed, Deputy Co-Prosecutor.

17 BY MR. LYSAK:

18 Thank you, Mr. President.

19 Q. I want to now talk about some events in Trea village, Mr.
20 Witness. Were you aware of an incident in Trea village in which
21 many Cham people were killed?

22 MR. BAN SEAK:

23 A. No, I was not. As I said I was there for a short period of
24 time, then I was requested to attend a training session and after
25 I returned from the training session, I returned to worksite. <As

1 a result, I was not aware of this.>

2 [15.01.22]

3 Q. Well, did you once see corpses floating in the Mekong River,
4 some of whom had been decapitated?

5 A. Yes, I did.

6 Q. When did you see that, Mr. Witness?

7 A. It was when I was on a motorboat.

8 Q. I want to read to you what you said in your OCIJ interview
9 E3/375 at Khmer, 00348804; English, 00360763; French, 00369926:
10 Question: "While you were Krouch Chhmar district committee, did
11 you ever hear of smashing a group of women who were decapitated
12 in Trea village, Krouch Chhmar district?"

13 Answer: "I knew that such smashing was conducted in Trea village
14 but I did not know whether those people were female or male." End
15 of quote.

16 My question to you about this, Mr. Witness: how did you learn
17 about the killings in Trea village that you mentioned in this
18 part of your interview?

19 [15.03.25]

20 A. I learnt it <from> other comrades about the killing of these
21 people. In fact, <I was told that rebels were to be killed,
22 however>, I did not know how or where they were killed.

23 Q. Who was it that ordered the execution of the people in Trea
24 village?

25 MR. PRESIDENT:

1 Witness, please observe the microphone.

2 MR. BAN SEAK:

3 A. <There was only one order>. When the rebellion was about <to
4 take place>, it was <reported> to the upper echelon. <After that,
5 the upper echelon sent back a letter, and the letter was taken
6 to> the soldiers. <As mentioned earlier, whoever got> involved in
7 the rebellion were <considered> KGB <>.

8 [15.04.41]

9 MR. LYSAK:

10 Q. You said a few minutes ago that you saw these corpses in the
11 river when you were on a boat, can you explain when this was, why
12 were you on the boat, what were you doing at the time that you
13 saw these corpses floating in the Mekong River?

14 A. <When> I was on a motorboat; we didn't dare to come to shore
15 as we were concerned of being shot. Actually the militia group
16 <had> shot <and injured a district> deputy <secretary>, and for
17 that reason we didn't <choose> to travel <on the> road <by
18 motorbike, but by> motorboat <on the water route>.

19 Q. I want to read to you now, Mr. Witness, something -- some
20 testimony from Ke Pauk's son, Ke Pich Vannak. From his OCIJ
21 statement E3/35: Khmer, 00340569 to 570; English, 00346155;
22 French, 00367727; and in this testimony, Ke Pauk's son is
23 describing a period when the Centre division under Son Sen
24 arrived to purge the East Zone and his father was called to a
25 meeting with Pol Pot. I quote:

80

1 [15.06.55]

2 "When my father returned, I asked him what happened; he replied
3 there was a strange matter because Brother Pol Pot saw the
4 floating corpses were caught up in front of his office so he
5 ordered an immediate investigation. After my father returned
6 home, he ordered a division chairman named Chhay to lead an
7 investigating group over these floating corpses. The
8 investigation found that the Cham people had been arrested,
9 placed in the boats, and then were beheaded before they were
10 dumped into the river. That event took place in Krouch Chhmar
11 district opposite Stueng Trang district. The intervention unit of
12 the Centre led by Pin was involved in that killing. After
13 receiving the result, my father made a report and sent it to
14 Office <M-870>."

15 And continuing on the next page of the same interview -- quote:

16 "The zone sent the report to the upper echelon about the sweeping
17 clean of the Islamic people in Krouch Chhmar that was why there
18 were floating corpses." End of quote.

19 Mr. Witness, did you know about, or hear about the incident that
20 is described in this interview by Ke Pauk's son?

21 [15.08.49]

22 A. Ke Pauk's son is also <my cousin-in-law. To my knowledge, he
23 rarely went to battlefields as> he usually <escorted> his father.
24 I cannot inform you as to how much he knew about the event. <He
25 always escorted his father. He was also a bodyguard of his

1 father.> It <was> his father who knew all the events that
2 happened within <both> the <East Zone> and <the Central Zone>. Ke
3 Pauk was also in charge of the military in the East Zone <along
4 with> Son Sen.

5 Q. In the statement I just read, Ke Pauk's son indicates that it
6 was an intervention unit of the Centre led by Pin that was
7 involved in these killings. Did you know a special intervention
8 unit of the Centre commanded by a Comrade Pin?

9 A. No, I do not know the <Centre's army> of Pin. I <only knew the
10 Centre's army of Ron alias> Kung.

11 [15.10.28]

12 Q. And one other part of Ke Pauk's son's interview, this is also
13 E3/35: Khmer, ERN 00340568; English, 00346154; French, 00367726;
14 in this part of his interview, Ke Pauk's son identifies a number
15 of the other commanders from this special unit -- quote:

16 "Son Sen ordered a special intervention unit led by Ta Pin and Ta
17 Vin to come to protect <him> and ordered them to take full
18 control of all divisions whose leaders had been purged. Ta Vin
19 was a son-in-law of Ta Mok and also Ta Pin's deputy. Ta Nha was a
20 brigade chairman under the intervention division of Ta Pin."

21 My question for you: did you know either of these other military
22 commanders identified by Ke Pauk's son -- that is, the son-in-law
23 of Ta Mok whose was named Ta Vin and the brigade commander Ta
24 Nha?

25 A. I know Vin -- that <was>, after the <defection, rather> after

82

1 the Vietnamese <arrival. I saw Vin and I was told that> he was
2 <a> son-in-law of Ta Mok. I did not know <Nha>.

3 Q. And did you know what unit or division Ta Vin was part of in
4 1978?

5 A. <Vin> was the deputy commander of the Centre army, and Pin was
6 <the commander of the Centre army>.

7 [15.13.21]

8 Q. The last thing I want to get your reaction to with regard to
9 Trea village is a statement that references you that came from a
10 person I mentioned earlier, 2-TCW-904. This was the Cham who
11 worked as the sub-district clerk in Trea village and in interview
12 E3/5196: Khmer, ERN 00204456; English, 00223088; French,
13 00274740; this witness said the following -- quote:

14 "A security office was built in the village under the supervision
15 of Hor, a Khmer from the other side of the river, the central
16 zone. This man was in charge of the arrest of numerous Cham
17 people." End of quote. And on the same page he goes on to
18 describe a two week period during which Cham people were sent to
19 Trea village.

20 Mr. Witness, I would like to give you the opportunity to respond
21 to what this witness has said and specifically I would like to
22 know whether you yourself had authority to decide on the arrests
23 of Cham people or whether that was a matter that could only be
24 decided at the sector, zone, or centre level?

25 A. I was not aware of that issue clearly because<, as I said

83

1 earlier,> after I <had returned from> the study session, I <went>
2 to the worksites <to raise an army. It was> the Centre army <who>
3 organised the purges <and villages> and as I said, the situation
4 at that time was <ripening>. I also would like to add that <when>
5 I was reassigned to the North Zone, <> people were <also being>
6 evacuated <from> Krouch Chhmar <district> because the army could
7 no <longer keep the situation under their> control <>.

8 [15.16.30]

9 Q. Mr. Witness, I have this two other quick areas I want to ask
10 you about. First is in regard to the treatment of Vietnamese
11 people during the Democratic Kampuchea regime. Can you tell us
12 what you know about the treatment of Vietnamese people, what
13 happened to the Vietnamese during the Democratic Kampuchea
14 regime?

15 A. I did not know <of> the treatment of the Vietnamese. However,
16 I heard <that> the Vietnamese, <who were living along Tonle Sap,
17 were> purged. <And> the Vietnamese people, <with whom I had
18 worked while making fish traps,> were also taken away.

19 Q. And when you talk about Vietnamese people on the river and in
20 the villages, what area are you talking about?

21 A. I was told it was at Samraong Saen -- that <was, all the way>
22 along <Tonle Sap to Sang Khay (phonetic)> where the Vietnamese
23 people actually <were living> and <made living by> fishing.

24 [15.18.23]

25 Q. Apologies; my question wasn't specific. What district,

1 commune, are we talking about, where was this Samraong area?

2 A. Samraong Saen was located in Kampong Chhnang province.

3 Q. How did you hear about executions of Vietnamese people in
4 Kampong Chhnang province?

5 A. I heard it from soldiers who came from the area and who said
6 that Vietnamese had been killed and dropped into the river.

7 [15.19.30]

8 Q. I want to read to you an excerpt from your OCIJ interview
9 E3/375 at Khmer, ERN 00348799; English, 00360759; French,
10 00369921; you gave the following testimony in that interview:

11 Question: "Were there any purges of the Vietnamese?"

12 Answer: "All Vietnamese were executed. I did not know for sure if
13 this execution was the policy from upper echelon or not; however,
14 not only all Vietnamese were executed but also the Khmer in the
15 north (Kampuchea Krom), who had been educated by the Yuon and
16 returned to work as the Khmer Rouge cadres, were smashed." End of
17 quote.

18 What I want to clarify you with, Mr. Witness, in this statement
19 you referred to, at least in the English translation, "Khmer in
20 the north (Kampuchea Krom)", and what I want you to clarify is,
21 were you referring here to Khmer Krom people or were you
22 referring to Khmer cadres in the Party who had trained in North
23 Vietnam?

24 A. To my knowledge, at my location there were Khmer cadres who
25 had been trained in Vietnam <as previously they> were part of

1 <the so-called> Labour Party. And when the Vietnamese entered
2 Cambodia, they <became cadres and helped with establishing>
3 forces. <By 1973 or 1974, those cadres were being gradually
4 purged.>

5 [15.22.06]

6 Q. And when was it that these cadres who had trained in Vietnam,
7 when was it that these people were purged?

8 A. To my recollection, it was in <either 1973 or> 1974 -- <not>
9 1975. <At that time, after> the Vietnamese <had> returned,
10 <those> cadres were purged. <I heard that all cadres from the
11 north,> were subject to be purged.

12 MR. LYSAK:

13 Thank you, Mr. Witness, for answering my questions today. We have
14 no further questions, Mr. President.

15 MR. PRESIDENT:

16 Thank you. The floor is now given to the Lead Co-Lawyers for
17 civil parties to put questions to this witness. You may proceed,
18 Counsel.

19 [15.23.38]

20 QUESTIONING BY MR. PICH ANG:

21 Good afternoon, Mr. President, Your Honours. Good afternoon,
22 Parties, and everyone in and around the courtroom, particularly
23 the civil parties; and good afternoon, Mr. Witness. My name is
24 Pich Ang, I am National Lead Co-Lawyer for civil parties. I have
25 some supplementary questions to put to you.

86

1 Q. I refer to one of your interviews -- that is, E3/375 at Khmer,
2 ERN 00348800; English, 00360759; and French, 00369921; you were
3 asked a question and allow me to quote:

4 "Were the Cham people considered as the enemy to the Communist
5 Party of Kampuchea?"

6 And your answer is: "I did not think they were the enemy to the
7 Communist Party. However, the Muslim Chams were not allowed to
8 pray; even the Buddhist monks were not allowed to chant. At that
9 time, all religions were abolished, only the Communist Party of
10 Kampuchea was to be paid respect for. The Communist Party loathe
11 Buddhist monks and monarch the most." End of quote.

12 In relation to the last sentence that the Communist Party loathed
13 the Buddhist monks and the monarch the most, what is the reason
14 for you to make that statement?

15 [15.25.39]

16 MR. PRESIDENT:

17 Witness, please hold on; and Counsel Koppe, you have the floor.

18 MR. KOPPE:

19 I think, Mr. President, we have now firmly established a practice
20 that first questions in general should be asked and subsequently
21 the witness can be confronted with his own WRI. However, the
22 Civil Party Lead Co-Lawyer goes straight to his WRI and read
23 something and asks then subsequently to confirm. I don't think
24 this is the practice anymore here.

25 MR. PRESIDENT:

1 (No interpretation)

2 MR. KONG SAM ONN:

3 Thank you, Mr. President. I object this question as the witness
4 is not an expert. For that reason, he cannot provide explanation
5 as to the reasons that the Communist Party loathed Buddhist monks
6 or the Cham people. Thank you.

7 [15.26.50]

8 MR. PICH ANG:

9 Mr. President, allow me to respond to what has been said by
10 Counsel Koppe. In fact there are two forms that we can use in
11 reference to an excerpt from a WRI: one is for the witness to
12 confirm his <> statement and that is a point related to what has
13 been raised by Counsel Koppe. However, my question is related to
14 the second form that is to seek the reason from the witness from
15 his own experience <and his knowledge> why he made <such>
16 statements in the first place.

17 And regarding the objection raised by Counsel Kong Sam Onn, is
18 that my question is in a form to get the experience from the
19 witness and it is not related to his status as an expert at all.

20 MR. PRESIDENT:

21 The objections raised by the two defence teams sustained; and
22 Witness, you do not need to respond to that question.

23 [15.28.16]

24 BY MR. PICH ANG:

25 Allow me to move on then.

1 Q. Mr. Witness, from your personal experience and your knowledge,
2 what and how did they treat Buddhist monks and those who were
3 related to the monarch?

4 MR. BAN SEAK:

5 A. Yes, I know little bit about that<. The> monarch and the
6 Buddhist monks <> were considered enemies of the <Khmer Rouge>.
7 As they said, the monks were lazy, did not do any labour and only
8 begged for food. <And the same thing applied to the monarch.
9 However,> they were <also required to work in the fields like>
10 peasants <and workers> who engaged in the resistance.

11 Q. Did you attend any study session where you obtained the
12 information that is on the very topic that you spoke about?

13 A. No, I did not. However, at that time my wife was pregnant so I
14 went to Kampong Cham and I was told that Sihanouk and his wife
15 were placed at Kampong Cham. And as to why the King was detained
16 there, I was told that <> they wanted the King <and his family
17 members> to work in the rice field. <As for monks, they were
18 defrocked. My brother> who <had been a> chief monk <was also
19 defrocked, and> killed. <He was drafted into the army, and then
20 killed.>

21 [15.30.16]

22 Q. About your <brother> who was killed, what was his name?

23 MR. PRESIDENT:

24 Mr. Witness, please observe the microphone.

25 MR. BAN SEAK:

1 A. His name was Hang Hong alias <Kok> (phonetic).

2 BY MR. PICH ANG:

3 And which year was he killed?

4 MR. BAN SEAK:

5 A. It was during the purging year -- that is, at the end of 1978.

6 He was smashed. <It was very close to the Vietnamese arrival.>

7 And soon after that, Son Sen called me to attend <a> study

8 session <during which I was required> to provide my detailed

9 biography. And later on, he said that I <was telling> him a lie

10 as one of my relatives <had already been> smashed by the <Party.

11 Having heard that I became so frightened, and I almost fell over.

12 I could see through his glasses that he was staring at me, but he

13 told me to calm down, and> go <> to work for <Comrade> Oeun <and

14 Comrade Poch instead>. However, he said that cadres should not be

15 concerned as the <Party> would not smash <anyone> anymore. <There

16 used to be the case that after biographies were collected, people

17 got smashed by the Party>. And that's how I learned about the

18 smashing of my relative. <After that, I was reassigned to go back

19 to work in Sector 42.>

20 [15.31.37]

21 Q. Thank you for your explanation. And allow me to now go to the

22 event that took place in Krouch Chhmar district. While you were

23 in Krouch Chhmar, can you inform the Chamber of the duties and

24 functions that you held?

25 A. In Krouch Chhmar district, upon my arrival as I testified

90

1 earlier, <when I arrived,> the event of rebellion took place --
2 that is, concerning those who worked in the mobile unit. And
3 after that, I was called by the upper echelon to attend a study
4 session. And upon my return, I was assigned to gather people to
5 work at a worksite <so-called Tuol Snuol where the land was high
6 enough for cultivation, and to raise an army to fight at> the
7 front <>.

8 Q. Earlier you said that about the worksite, can you tell the
9 Court the precise location of that worksite?

10 MR. PRESIDENT:

11 Witness, please look at the microphone before you speak.

12 [15.32.59]

13 MR. BAN SEAK:

14 A. It was in Tuol Snuol <commune, and> it was in <Chhuk> rubber
15 plantation <where the land was high enough for> a plantation <to
16 be made> over there, and we grew <crops> there.

17 BY MR. PICH ANG:

18 Q. Can you tell the Court about the people you had gathered to
19 work at that plantation, what were the representation of
20 ethnicity? Were there any Cham ethnicity or Khmer ethnicity or
21 Vietnamese ethnicity work there?

22 MR. BAN SEAK:

23 A. I, at that time, asked the commune committee to gather all
24 peoples <including the Khmer and the Cham people> regardless of
25 their ethnicity to <go to the worksites to cultivate.

1 Particularly, as indicated by the upper echelon, we had to focus
2 on gathering the people in order to get control of them, and to
3 recruit soldiers among them for the frontline battlefields.>

4 [15.34.13]

5 Q. Could you tell the Court how many people you gathered at the
6 time?

7 A. Actually at that time, we gathered people from the entire
8 district, from all sub-districts.

9 Q. So, this plantation was not -- I mean that was the only
10 location in your locality that people were gathered; is that
11 correct?

12 A. Yes, that is correct. <Regarding> gathering the people, Son
13 Sen <had> instructed that once <people were> gathered, <all the
14 communes had to recruit their own soldiers in order to have them
15 sent to> the frontline <battlefields>.

16 Q. So you say that you gathered the people from all <> districts,
17 but you did not mention specifically as to how many. To your
18 estimation, how many people did you gather at that time?

19 A. No, I did not know the exact number. <I could not grasp this
20 number. I just went there to give instructions regarding
21 recruiting soldiers, motivating people to cultivate, and explain
22 to them about the betrayal of> Heng Samrin and Chea Sim <who had
23 defected to join with the "Yuon", and serve the "Yuon" in order
24 to swallow Cambodia. That was how I had been trained to educate
25 people. Those who had defected were all considered the KGB.>

1 [15.36.25]

2 Q. When you responded to the question by the prosecutor, you said
3 that you <were on> the motorboat and then you saw the corpse
4 floating. Can you tell the Court whether <> it was the <same>
5 time <or was it at a different time> when you were travelling to
6 <the> island where people <were being detained that> you saw the
7 corpses floating in the water?

8 A. No. <They> were two different times. That time, the situation
9 was chaotic. At that time, <09 who had established a> militia
10 <unit also came>; I did not know who was who at that time. <I had
11 no idea whether or not these corpses may have been those in the
12 military units. I just saw swollen> corpses <with no heads
13 floating through the reeds.>

14 Q. Just now you said that the 09 militiamen came down. Could you
15 please expand on that a bit? Who was 09 militia group you were
16 talking about?

17 A. They were the soldiers from the <army of the United Front for
18 the> National Salvation.

19 Q. <Regarding the> corpses that you <saw> when you were
20 travelling on the motorboat at that time, <were they fresh
21 corpses? Or were they old corpses that had been left there for a
22 long time, or over a week or so?>

23 A. I did not know <whether a week or so the corpses had been left
24 there.> I only saw the <floating> corpses <with the limbs
25 springing out. I did not know how many days already those swollen

1 corpses were floating in the river.>

2 [15.38.40]

3 Q. I would like to now talk about <another> time when you were
4 taking the water boat to the island where people were <detained>.

5 At that time, how many boats went to the island? Was there only
6 one boat that you were taking or <were> there <> other boats
7 going together on that day?

8 A. It was not a boat, but a motorboat <as it was kind of big>.

9 Q. Yes, I know that. Were there any other motorboats going
10 together with your motorboat at the time?

11 A. No, there was none.

12 Q. Thank you. When you arrived at the island which you mentioned
13 earlier, did you see any other motorboat or marine boat of the
14 soldiers, did you see any of them at the island?

15 A. <Through> my observation, <> the <soldiers who were based just
16 down the island also came to the island by their own motorboats.
17 I did not know those soldiers. They did not actually swim to the
18 island. Those soldiers came by their own motorboats.>

19 [15.40.25]

20 Q. So can you tell the Court <whether there> were <> many <or a
21 few> motorboats there? And did you know <whether those
22 motorboats> had <arrived on the island long> before you got
23 there?

24 A. Yes, they had <arrived on the island> before I <did>.

25 Q. When you and others got <out of> your boat and you went to the

1 island, could you tell the Court who <was> accompanying you from
2 the <motorboat> to the <hall where people were being detained>?

3 A. All of us got out of the boat and then we went onto the
4 island. Around 10 of us altogether.

5 Q. Can you recall the names of those who were joining the trip
6 with you? Can you recall any of the names?

7 A. No, I do not recall all the names, but only two or three who
8 were the members of the district committee.

9 [15.42.02]

10 Q. Can you tell the Court who they are, whom you can recall?

11 A. Ao, Oeun, and Siem.

12 Q. How about the soldiers who had arrived <on> the island before
13 you? <To whom> did the army belong?

14 A. They were the soldiers of the Centre. They were <members of>
15 the special <unit> under <Uncle> Khieu.

16 Q. Were there any soldiers from the district among them?

17 A. Yes, there were.

18 Q. Did you meet any <> representative of the army <> when you
19 <arrived> on the island?

20 A. Yes, I met <some of them> but we did not <have any contact. I
21 just went there to see what was going on, and then I returned.> I
22 did not even ask <any of them what was happening as the issue had
23 already been dealt with.>

24 Q. But my question to you <was> whether or not you <had> met
25 <any> representative of the military personnel who was stationed

1 on the island, and did you <talk to them or> present <anything
2 to> them <> at all when you met them?

3 A. Yes, <> the letter from the upper echelon <was presented> to
4 <him>.

5 [15.43.47]

6 Q. Who handed over the letter? Or <did> you, yourself, <> hand
7 over the letter? And what did you say to the representative of
8 the army <who> stationed on the island?

9 MR. PRESIDENT:

10 Mr. Witness, please hold on.

11 MR. BAN SEAK:

12 A. At that time, a man by the name of Ao, <who> was <carrying>
13 the letter <> handed over that letter to the military personnel
14 over there. <I just went there to see what was happening, and
15 then I returned to the boat.>

16 BY MR. PICH ANG:

17 Q. So when you and your colleagues got off the boat and you went
18 to the island, so can you tell the Court if there were any
19 members of your <group> holding the writing pad or book or pen in
20 order to take note the minutes of the discussion or your visit to
21 the island?

22 [15.44.50]

23 MR. BAN SEAK:

24 A. No, none. We did not bring any book or pen with us.

25 Q. When you got to that sala (phonetic) -- you said it was like a

1 school -- could you tell the Court <> the <size> of the school?
2 Was it a multi-storey building or it was only one-storey
3 building? Could you tell the overall structure of the building
4 you saw?

5 A. It was only one-storey building. As for the length and the
6 width of the building, I do not recall.

7 Q. Thank you. But can you tell the Court the approximate size of
8 the building, how many, for example, square metres to your
9 estimation?

10 A. No, I cannot come up with any estimation. I did not even see
11 the length of this building. It <looked> like <either a school
12 building or> a monastery <>. It was just <a> one-storey building.

13 Q. So you said that it was an island but you cannot recall the
14 name of that island. So my question to you is whether or not
15 there were houses like residential houses or trees or anything
16 around the buildings that you went to.

17 A. When I got there, I did not see any houses. I only saw
18 sugarcane plantation, trees, and potato plantations. But I did
19 not see any houses there.

20 [15.47.08]

21 Q. When you talk about sugarcane, was it big plantation or only a
22 few sugarcane trees?

23 A. On that island, there were different kinds of crops.

24 Q. So you said that it was an island, was it called an island --
25 people over there call it an island, or you observe it by

1 yourself because water surrounded this location?

2 A. We could see by our own eyes that it was an island.

3 Q. Is that location surrounded by water or from all over the
4 directions or only just one side?

5 A. I only saw it from one side.

6 Q. So you only saw it from one side? As for the other side, you
7 did not see it whether or not it is surrounded by water; is that
8 correct?

9 A. Yes.

10 [15.48.39]

11 Q. I would like to now ask you on the people who were in the
12 building or in that sala (phonetic). You said that you saw people
13 in that building. Can you tell the Court whether or not they were
14 only male or female or combination of male and female staying in
15 that building?

16 A. There were male and females staying there together.

17 Q. As for the men who were staying there, could you tell the
18 Court how many of them were there?

19 A. I was not sure. I did not know how many of them exactly. In my
20 estimation, there could have been around 20 to 30 men.

21 Q. Did anyone of your delegation <actually go into> the building
22 <and talk to any of> the <detainees> in that building?

23 A. That I do not know.

24 Q. Can you clarify it a little further, when you got to that sala
25 (phonetic), what did you do precisely over there?

1 A. I went to only look at it and then I came back.

2 [15.51.10]

3 Q. There was one portion of your record of interview which you
4 said that you went there to look at the building and some of your
5 colleagues went inside the building. And Mr. President, I would
6 like to apologize, I do not recall the exact location in his
7 record of interview, <I will give the ERN next time,> but I just
8 would like him to confirm whether or not his colleagues did go
9 inside the building.

10 A. Yes, they could have been inside. <Since> they <were military
11 personnel who went there, they could have been inside to see.>

12 Q. I would like to quote one civil party by the name of No Sates.
13 She says and I quote -- in transcript 29 September 2015 at 11.12
14 in the morning, she says -- quote: "She was asked by the district
15 chief by the name of Hor in that room." So what is the reaction
16 -- what is your reaction toward this statement which she said
17 that you <went> inside the room and then you asked her whether or
18 not she was Cambodian or a Cham?

19 MR. PRESIDENT:

20 Witness, please hold on. Counsel Kong Sam Onn, you may proceed.

21 [15.53.14]

22 MR. KONG SAM ONN:

23 Thank you, Mr. President. I do not object to these questions, but
24 I would like to make it precisely clear, the name is No Sates.

25 MR. PICH ANG:

1 Thank you. Yes, the name is No Sates.

2 MR. PRESIDENT:

3 Counsel Koppe, you may proceed.

4 MR. KOPPE:

5 I might be mistaken, but I do not recall No Sates speaking about
6 being detained on an island. I remember her speaking about being
7 detained in Trea village rather than on an island. But correct me
8 please if I'm wrong. So I don't see the relevance of her
9 testimony in relation to the questions that have just been asked.

10 [15.54.00]

11 MR. PICH ANG:

12 Mr. President, just now I asked the witness about an island which
13 the witness mentioned. Actually he said it was <not> an island,
14 but actually, he only saw one side of that location which was
15 surrounded by water, <while on the other side>, he saw trees and
16 plantations over there. So my question was for him to react on
17 the statement made by the civil party. So <regarding the issue>
18 whether or not it was an island, <> is not my main focus. I just
19 <> would like <the witness> to <tell the Chamber whether> the
20 statement by the civil party <was true or not> that the witness
21 in question <had> actually <been> inside the building and
22 interviewed or asked one of the <detainees> over there.

23 [15.55.02]

24 MR. PRESIDENT:

25 You can verify your questions because this fact needs to be

100

1 verified. <This witness is not familiar with that location, that
2 is the reason that this fact is not clear.> Was it the school
3 building or it was the monastery? And as for the statement made
4 by No Sates, it was on a house -- a house which was lifted above
5 the ground, which was far from that place. So when you ask the
6 questions directly, probably you fail to verify it with the fact
7 because you made mention on the statement made by No Sates but it
8 seems that it is not consistent with what No Sates said in <her>
9 statement.

10 MR. PICH ANG:

11 Well, I know that there might be some discrepancy on the
12 descriptions of the building whether or not it was a house or it
13 was a different building. But what I would like to focus is on
14 the name of the person, by the name of Hor who interviewed her.
15 And I'd like the witness now to react to this statement. And as
16 for the location, the house or an island, that is secondary to my
17 question, Mr. President.

18 [15.56.35]

19 MR. PRESIDENT:

20 Yes, Witness, you may now proceed to answering the question put
21 by the counsel.

22 MR. BAN SEAK:

23 A. I'm afraid I don't know any name Sates. <I did not even
24 mention that.>

25 BY MR. PICH ANG:

101

1 Q. Mr. Witness, I am not saying that you know Madam No Sates. I
2 would like to read. At 11.12.50, she said and I quote: "Ta Hor
3 came onto the house for a brief period. I took a nap and then
4 they came and they told us that they would tie our hand up to our
5 back because it was difficult without doing so. So at that time,
6 they ask us to do that." And she said that there were people who
7 were from different places, they were Cham people. And those who
8 said they were Cham, they could go. And those who accompany them
9 were soldiers with one rifle -- AK rifle and a knife. And they
10 ask. And then once it was all -- they -- I apologize if it was
11 not very clear when I actually quoted this portion of statement.
12 But what I'd like to tell the witness that Comrade Hor went onto
13 the house. So I would like you to confirm whether or not you
14 actually went up to the house.

15 [15.58.49]

16 MR. BAN SEAK:

17 A. To the best of my recollection, I did not enter the house. And
18 I did not ask anybody <any> question either.

19 Q. And you said you did not know anything about that. Could you
20 clarify it, what do you mean by that?

21 A. I did not know because I was not there. I went to oversee the
22 worksite. I did not oversee the interrogation. And <Ao who> was
23 the deputy chief <stayed there>. He was at almost parallel level
24 with me. <And it could be because of that the person knew my
25 name. I was not known by that name at that time. While living in

102

1 the East Zone, there was no such name.> I think that this name
2 was the one I met when I was <working in> the fishing lot.

3 [15.59.58]

4 Q. I do not want to ask you to confirm on the names because the
5 prosecutor has already asked you at length on this issue. I have
6 only two more questions for you.

7 Besides the two groups who were detained on the house, were there
8 any other groups who were being detained in other places at the
9 same time?

10 A. On this issue, I do not recall. <Only after> they <had been
11 taken to> Kaoh Phal <did> I <know of> that incident. <As a matter
12 of fact, after> I <had returned from the> study session, <I went
13 straight to the worksite. Thus, if I had had to return, I would
14 have returned either by water route or walking through the rubber
15 plantation in order to go to the worksite.>

16 Q. So just now you mention about Kaoh Phal; is that correct?

17 A. No, I did not mention <about> Kaoh Phal. During that period,
18 the upper echelon called me to attend the study session.

19 <According to the plan of the upper echelon, people were to be
20 gathered and sent to worksites, and soldiers were to be
21 recruited, and sent> to the frontlines. <Thus,> I did not
22 actually have time to focus on that issue that you are talking
23 about.

24 [16.01.31]

25 MR. PICH ANG:

103

1 Well, I do not have any more questions for you, Mr. Witness. And
2 thank you, Mr. President and Your Honours, for the opportunity to
3 ask question to the witness.

4 [16.01.43]

5 MR. PRESIDENT:

6 The time is now appropriate for the adjournment. The Chamber
7 shall adjourn the hearing now and resume tomorrow <6 October
8 2015,> at 9 a.m. Tomorrow, the Chamber will resume hearing this
9 witness, Ban Seak, and there will be one reserve witness,
10 2-TCW-904.

11 Mr. Ban Seak, your testimony has not yet come to an end. The
12 Chamber wishes to invite you to come to the Court again at 9 a.m.
13 tomorrow. And we thank you, Madam Socheata, duty counsel, for
14 assisting the witness throughout the testimony today.

15 And Court officer is now instructed to coordinate the transport
16 for the witness and have him back in this courtroom before 9 a.m.
17 Security guards are instructed to bring Mr. Khieu Samphan and
18 Nuon Chea to the detention facility, and have them back to
19 participate in the hearing tomorrow before 9 a.m.

20 The Court is now adjourned.

21 (Court adjourns at 1602H)

22

23

24

25