



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ឯកសារដើម

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**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

3 March 2016

Trial Day 377

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

The Accused: NUON Chea
KHIEU Samphan

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SON Arun
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For Court Management Section:
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. FARR	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Mr. KOPPE	English
Mr. KONG Sam Onn	Khmer
Mr. LIV Sovanna	Khmer
Ms. MOEURNG Chandy (2-TCW-867)	Khmer
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. PHON Thol (2-TCW-933)	Khmer
Ms. SONG Chorvoin	Khmer

1

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the remaining of Phon Thol's

6 testimony. And after that, we commence hearing testimony of

7 another witness -- that is, 2-TCW-867.

8 Ms. Chea Sivhoang, please report the attendance of the parties

9 and other individuals to today's proceedings.

10 [09.03.55]

11 THE GREFFIER:

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

13 are present.

14 Mr. Nuon Chea is present in the holding cell downstairs. He has

15 waived his right to be present in the courtroom. The waiver has

16 been delivered to the greffier.

17 The witness who is to conclude his testimony today -- that is,

18 Mr. Phon Thol, is present in the courtroom.

19 Today, we also have a reserve witness -- that is, 2-TCW-867, who

20 confirms that, to the best of his knowledge, the witness has no

21 relationship, by blood or by law, to any of the two Accused --

22 that is, Nuon Chea and Khieu Samphan, or to any of the civil

23 parties admitted in this case.

24 The witness took an oath before the Iron Club Statue this

25 morning.

2

1 Thank you.

2 [09.04.55]

3 MR. PRESIDENT:

4 Thank you. The Chamber now decides on the request by Nuon Chea.

5 The Chamber has received a waiver from Nuon Chea, dated 3rd March
6 2016, which states that, due to his health -- that is, headache,
7 back pain, he cannot sit or concentrate for long. And in order to
8 effectively participate in future hearings, he requests to waive
9 his right to be present at the 3rd March 2016 hearing.

10 Having seen the medical report of Nuon Chea by the duty doctor
11 for the Accused at the ECCC, dated 3rd March 2016, which notes
12 that Nuon Chea has back pain and feels dizzy when he sits for
13 long and recommends that the Chamber shall grant him his request
14 so that he can follow the proceedings remotely from the holding
15 cell downstairs. Based on the above information and pursuant to
16 Rule 81.5 of ECCC Internal Rules, the Chamber grants Nuon Chea
17 his request to follow today's proceedings remotely from the
18 holding cell downstairs via audio-visual means.

19 [09.06.10]

20 The Chamber instructs the AV Unit personnel to link the
21 proceedings to the room downstairs so that Nuon Chea can follow.

22 That applies to the whole day.

23 I would like now to hand the floor once again to the defence
24 counsel for Nuon Chea to put further questions to the witness.

25 You may proceed.

3

1 I notice that Kong Sam Onn is on his feet. You may proceed,
2 Counsel.

3 MR. KONG SAM ONN:

4 Thank you, Mr. President. For the sake of better time management,
5 I would like to put the question first to the witness and, after
6 that, for the remaining time for the defence teams, I'd like to
7 allocate it to the defence team for Nuon Chea.

8 [09.07.05]

9 MR. PRESIDENT:

10 That is all right. You may proceed.

11 QUESTIONING BY MR. KONG SAM ONN:

12 Thank you, Mr. President. Good morning, Your Honours. Good
13 morning, everyone in and around the courtroom.

14 Q. And good morning, Mr. Witness. My name is Kong Sam Onn. I am
15 the defence counsel for Khieu Samphan, and I have some questions
16 to put to you.

17 First, I'd like to speak about your arrest from the rubber
18 plantation.

19 You made mention that you were arrested on 16th June 1977. Can
20 you confirm whether the date is the correct date of your arrest?

21 MR. PHON THOL:

22 A. I recall the date clearly, and my previous statement is
23 correct.

24 [09.08.14]

25 Q. You also provided the reasons for your arrest and the works

4

1 that you did at the rubber plantation. And you worked there as a
2 technician to treat the rubber plantation -- the rubber trees.

3 You also mentioned of your work in the union.

4 Can you tell the Chamber what you meant when you referred to that
5 union?

6 A. Union actually referred to a village where the workers
7 resided. And for that reason, the area was not referred to as
8 Village 1 or 2, but rather, as a Union 1, Union 2, etc.

9 Q. Was there a leadership structure for the union?

10 A. Simply speaking, it was a village, so there was a village
11 chief and a deputy village chief for the union.

12 Q. And for workers who were part of the union, did they receive
13 any benefit from the union?

14 A. No, there was none. There was no benefit from the union to the
15 workers.

16 [09.10.08]

17 Q. Allow me to give an example regarding food. Was there a food
18 <ration> for workers who were members of the union in the rubber
19 plantation?

20 A. Generally speaking, it -- workers in each union was given two
21 meals per day. And for each meal, we were given a bowl of rice.

22 Q. I'd like to refer to your function. Besides being a technician
23 to treat the rubber trees, did you carry out any other functions?

24 A. In the union, my main function was to look after and to
25 provide treatment to the rubber trees.

5

1 Q. You already mentioned the duration of your work at the rubber
2 plantation -- that is, you also had experience working there
3 since the Sangkum Reastr Niyum, and you start -- you continued
4 working until 1975 or '76. And then you resumed your work again
5 in the rubber plantation union.

6 And my question is to focus on the period between 1975 to '77 --
7 that is, before you were arrested and sent to Au Kanseng security
8 centre.

9 Did you work through the entire period, or did you, at one point,
10 stop working there and went to work elsewhere?

11 [09.12.34]

12 A. Between the period of 1975 to '76, I was not a rubber
13 plantation worker. In fact, I worked in the rice fields in
14 Trapeang Chres <commune, Lumphat district> in Ratanakiri
15 province.

16 Q. When did you return to the rubber plantation -- that is,
17 during the Democratic Kampuchea regime?

18 A. I can't recall it clearly. However, it happened in around
19 mid-1976 when I was called to work in the rubber plantation to be
20 in charge of the technical group.

21 Q. You said you were in charge of workers for the technical
22 group. Were you the supervisor of the technical group?

23 A. I could be considered a section chief, and I took charge of
24 four or five technicians within the rubber plantation.

25 [09.14.22]

6

1 Q. Thank you.

2 I'd like to refer to your WRI -- that is, E3/5172 at Khmer, ERN
3 00189251; and English -- I believe it is in the front question.

4 And allow me to quote:

5 "Until 1975 to '76, I worked as a rubber plantation worker under
6 the supervision of the Khmer Rouge." End quote.

7 And Mr. Witness, that is your statement in your interview.

8 However, you just made mention that, in 1975, you did not work in
9 the rubber plantation, but you worked in the rice field. Please
10 tell us which version is correct.

11 A. It was difficult for me to pinpoint the exact date that I
12 worked there. And what I could say is that, after I left the rice
13 field, I was assigned to work in the rubber plantation to be in
14 charge of the technicians in the plantation <during the
15 Democratic Kampuchea regime>. And that is what happened
16 chronologically, but I cannot give you the exact date. And I
17 could only give you an estimate of the year<, which was maybe in
18 '75 or '76>.

19 [09.16.35]

20 Q. I try to clarify the date because in your written record of
21 your interview, you provide a very clear date of your arrest.

22 Now I'd like to refer to your ex-wife, who was also transferred
23 to work as a -- at the rubber plantation with you.

24 Could you tell the Court whether you two were transferred to the
25 rubber plantation at the same time?

7

1 A. We came together.

2 Q. Did you two leave a specific worksite before you were
3 transferred to work at the rubber plantation?

4 A. We left the area <that is now called>Trapeang Chres commune --
5 that is in Koun Mom district <today>, to work as a worker for the
6 union.

7 [09.18.07]

8 Q. Is Trapeang Chres the area that you worked in the rice field
9 and, if so, how many <years> did you spend working in the rice
10 field in Trapeang Chres?

11 A. I cannot recall how many years I worked there. After the
12 country plunged into chaos, I left the rubber plantation to live
13 in Trapeang Chres <commune> and to work in the rice fields there
14 until the time that I was called to work as a technician at the
15 rubber plantation during the Democratic Kampuchea regime.

16 Q. Yesterday, you testified that you stopped working in the
17 rubber plantation in 1970 -- that is, after the coup d'état.
18 Could you tell the Chamber what you did between 1970 to 1975, and
19 where?

20 A. After the coup d'état, I went to work in the rice fields in
21 Trapeang Chres commune.

22 Q. So does it mean that you came to work in the rice fields in
23 Trapeang Chres commune from 1970 and you continued working in the
24 rice field there until your day of transfer to the rubber
25 plantation?

8

1 A. I left the rubber plantation to go and work in the rice field
2 in Trapeang Chres until the day that I was called to return to
3 the rubber plantation.

4 [09.20.24]

5 Q. You already responded to my question in relation to the
6 reasons of your arrest.

7 Can you tell the Court the reasons for the arrest of your former
8 wife?

9 A. Actually, I responded to that question yesterday. The <>
10 reason <for the arrest> was not <that any offence was committed.
11 We were only> told that <Angkar needed us> for re-education, and
12 <my wife and I> were asked to board a vehicle.

13 Q. So that was the information that they provided to you when you
14 were instructed to go to Au Kanseng.

15 However, while you were at Au Kanseng, <after you were
16 interrogated,> did you know the <actual> reasons for the arrest
17 of your ex-wife?

18 A. I did not know what she did wrong, <I only knew about my case
19 when they told me during the interrogation>.

20 MR. KONG SAM ONN:

21 Mr. President, I'd like to refer to a document that is, E3/9357
22 at question/answer number 4.

23 (Short pause)

24 [09.23.24]

25 BY MR. KONG SAM ONN:

1 Q. Allow me to quote an excerpt from this document -- quote:

2 "They called us to be interrogated one by one. They questioned
3 me: Where is your birth village? And then they pressed me on
4 whether I had communicated with the 'Yuon'. I still answered the
5 same things that I had not communicated with the 'Yuon'. The
6 interrogators did not bully or hit me." End of quote.

7 And Mr. Witness, after you arrived at the Au Kanseng security
8 centre, did they question you about your communication or
9 relationship with the "Yuons"?

10 MR. PHON THOL:

11 A. I actually responded to this question yesterday.

12 [09.25.00]

13 Q. Thank you.

14 Regarding the time period that you saw Jarai people who were sent
15 to Au Kanseng security centre, and you said that that happened
16 about a month after your arrival. You said that you saw a group
17 of Jarai people who were transported to the Centre, and you
18 overheard the guards or the militia talking about this <because
19 they could not go to sleep>.

20 And yesterday, you also responded to the question in relation to
21 this matter that you saw dead bodies of the Jarai people from
22 clothing, backpacks and torches and that you saw those belongings
23 or properties at the jackfruit plantation. And you also confirmed
24 that happened in around February or March of 1978.

25 You also said that happened during the season where jackfruits

10

1 got ripe.

2 My question to you is that do you stand by that statement?

3 [09.26.50]

4 MR. PRESIDENT:

5 International Deputy Co-Prosecutor, you have the floor.

6 MR. FARR:

7 Mr. President, I don't recall the witness indicating the year in
8 which he said that he saw the bodies of the Jarai at the
9 jackfruit plantation, and so perhaps if counsel could give us a
10 citation to yesterday's transcript, then we would be able to find
11 that.

12 MR. KOPPE:

13 If I may respond, Mr. President, he -- we pinned it down, I
14 believe, to April the next year. It must be April '78. April '79
15 would not be possible because then the Vietnamese had arrived.
16 So logically, it could only be April '78.

17 MR. PRESIDENT:

18 The International Deputy Co-Prosecutor actually requested the
19 defence counsel to provide the transcript of yesterday's hearing,
20 <not to confirm like this. This clarification is not valid.> And
21 <yesterday,> he referred to the February or March period <as> the
22 <period that> jackfruit got ripe. And actually, it was counsel <>
23 who spoke about April <yesterday>. <The witness absolutely denied
24 it.>

25 And Defence Counsel, <> you <are requested by the parties to>

11

1 refer to <yesterday's> transcript <while putting the question,
2 because this excerpt is not accurate. That is what they
3 understand.> Can you do that?

4 [09.28.38]

5 MR. KONG SAM ONN:

6 Mr. President, I actually tried to get clarification from the
7 witness because it was not clear from what he testified and from
8 what is on the transcript. That's why I tried to ask for the time
9 of the arrest of the Jarai group and whether that happened in
10 around February or March of 1978. That is when the witness said,
11 it was the period that jackfruits got ripe.

12 He testified that he was sent to Au Kanseng centre in 1977, and
13 that is on the 16 of June '77, to be precise. <If it had been in
14 February or March, it would not have been until '79. It would
15 have been until '78 only. It was only one year.> So I'd like to
16 check with the witness whether his testimony is correct.

17 [09.29.48]

18 MR. PRESIDENT:

19 The witness has already testified, and it is not up to the
20 witness to assess whether his testimony is correct or not. It is
21 the discretion of the Chamber to make such an assessment, and if
22 you find any unclear point from his transcript, then you should
23 pinpoint the time of the transcript.

24 MR. KONG SAM ONN:

25 Mr. President, maybe you get confused.

12

1 MR. PRESIDENT:

2 You are not permitted to get the witness to say whether his
3 testimony is correct or not. <Of course, the witness thinks that
4 it is correct, that's why he stated that.> And if you, yourself,
5 find any point that is unclear from his testimony, please make a
6 quote of that part from the transcript and then put it to the
7 witness.

8 It is not up to you to put to the witness whether his testimony
9 yesterday is correct or not.

10 MR. KONG SAM ONN:

11 I want to know the position of the witness.

12 [09.31.04]

13 MR. PRESIDENT:

14 Witness, you are not required to respond to this question.

15 BY MR. KONG SAM ONN:

16 Q. In the transcript on the 2nd March 2016, at -- between 3.37

17 <p.m.> when you were asked: "Was the dry season in February,

18 March or April?" and his answer is, "Jackfruits got ripe in

19 February or March."

20 And the next question: "Was it during the time of the Khmer New

21 Year?" Answer: "No, the New Year did not fall in February or

22 March. The New Year fall -- fell in April -- that is, from the 13

23 of April onward."

24 So from what you testified, it means that the event took place or

25 that when the jackfruits got ripe, that was in February or March

13

1 and that <was> when <you saw> the Jarai people got killed.

2 And my question to you, Mr. Witness, are you standing by that
3 statement?

4 [09.32.36]

5 MR. PICH ANG:

6 Mr. President, in order for the witness to have the whole picture
7 and in order for him to be able to respond to the question by
8 defence counsel, I'd like also to refer to his transcript -- that
9 is -- that is <a little bit before> 3 o'clock at 39 minutes, 37
10 seconds, he said that:

11 "It was not seven or eight month after my arrest, and I have
12 already answered that, that about a month after I arrived, I saw
13 those people who were brought in and, about a week later, they
14 were taken out. And later on, I was sent to <> guard the
15 jackfruit plantation when I saw the <pit with a crack on the
16 surface.">

17 Thank you.

18 MR. KONG SAM ONN:

19 Mr. President, may I seek your permission to allow the witness to
20 give his response?

21 [09.33.50]

22 MR. PRESIDENT:

23 Do you recall the question, Mr. Witness? If so, please give your
24 response.

25 MR. PHON THOL:

14

1 I do not recall the question put by lawyer for the Accused.

2 BY MR. KONG SAM ONN:

3 Q. My question is rather short. Do you still confirm -- do you
4 still confirm that it was in February or March when you witnessed
5 that Jarai ethnicities were killed?

6 MR. PHON THOL:

7 A. I cannot tell exact month of that year, February or March. I
8 only know that the jackfruits got ripe from February onwards, so
9 -- so from February up to June, then that is what -- that was the
10 season that fruit -- jackfruits got ripe.

11 [09.34.54]

12 Q. You stated yesterday that you were detained at Au Kanseng
13 security centre with your ex-wife and, at the time, your ex-wife
14 was pregnant, one month or two month pregnant.

15 Do you recall that you testified this point to the Chamber?

16 A. Yes.

17 Q. Thank you.

18 Mr. President, I would like to quote an extract from a document,
19 E3/9357, at question and answer number 6 -- quote:

20 "About -- after I gave birth to a child, for about two, three
21 months, I saw the minority people tied in a string. Some carried
22 and some walked their children. All of them were about 20, 30
23 females. They were placed in the building with me. As for the
24 males, I did not know.

25 In about three, four days later, these minority people were told

15

1 that they would be taken back to their birth district." End
2 quote.

3 Regarding this extract, could you tell the Court whether or not
4 you recall the time when your ex-wife delivered the baby at the
5 security centre?

6 [09.36.44]

7 A. I cannot recall the exact month when my ex-wife delivered the
8 baby. What I can recall is that my child was born in 1978.

9 Q. Do you -- do you recall the month when your child was born?

10 A. No, I cannot. I do not recall it.

11 Q. Perhaps your child was born in February or March. Is that so?

12 A. I cannot tell you that he was born in that month or of that
13 year.

14 Q. Thank you.

15 Concerning your ex-wife, you stated that you two stayed together
16 up until 1986. Is that correct?

17 A. I got divorced in -- I was separated from her in 1986<>.

18 [09.38.16]

19 Q. After the fall of Khmer Rouge regime, did you two ever talk
20 about the time when you two were detained in Au Kanseng security
21 centre?

22 A. We did not recall the past. We, from that time onward, was
23 trying to do better things for our future.

24 Q. So after the liberation or the fall of the Khmer Rouge, did
25 you discuss any experience with your ex-wife about when you

16

1 entered Au Kanseng security centre?

2 A. It was useless to recall the past experience in my family, so

3 I and my ex-wife never discussed the bad things that had happened
4 to us.

5 Q. Thank you.

6 Did you ever tell your ex-wife that you would come to testify
7 before this Chamber?

8 A. She is in Phnom Penh and I am in -- living in Ratanakiri.

9 [09.40.10]

10 Q. Do you have any idea or do you know that your wife has some
11 issue or is called -- is being called by the Chamber?

12 A. No.

13 MR. KONG SAM ONN:

14 Mr. President, I am done.

15 MR. PRESIDENT:

16 Thank you.

17 The floor is now given back to the defence team for Mr. Nuon

18 Chea. You may now proceed.

19 QUESTIONING BY MR. KOPPE RESUMES:

20 Thank you, Mr. President.

21 Q. Good morning, Mr. Witness. I have not very many questions,
22 just a few this morning.

23 I want to come back to the story that you told yesterday about
24 Nhok and the bladder (sic) of a woman.

25 Is my understanding correct that it was just the story that you

17

1 knew of, the story that Nhok was telling, and that you haven't
2 actually seen Nhok being involved in this act?

3 [09.41.48]

4 MR. PHON THOL:

5 A. I saw that, but I did not see the actual activities of Nhok.
6 Nhok told the people who were in the kitchen and, during that
7 time, I was stationed close to that kitchen.

8 Q. Were you able to determine whether the bladder (sic) that was
9 hanging in the kitchen was a human bladder (sic), or possibly a
10 bladder (sic) of an animal?

11 A. I told the Court already yesterday, the one who brought that
12 gall bladder into the kitchen talked about that gall bladder and
13 told those -- the people <> about that.

14 Q. I understand. But maybe he wanted to scare people and it
15 wasn't, in fact, a human bladder (sic), but it was another organ
16 of potentially an animal.

17 Would that be possible?

18 A. Whether that one -- that person wanted to frighten people
19 there, I have no idea. He said that the gall bladder was belonged
20 to the human being and then he hung it in the kitchen.

21 [09.43.33]

22 Q. Let me move on to the -- to another topic.

23 Yesterday, you said that when you were arrested, you and your
24 wife were arrested, there were another 10 people from the rubber
25 plantation who were also arrested. Is that correct?

18

1 A. I cannot say there were 10 people on the vehicle. I said
2 possibly there were around 10 people who had been arrested on the
3 same day.

4 Q. Can you tell the Court what happened to these 10 or so people
5 who were arrested at the same day as you -- on the same day as
6 you?

7 A. It was the internal business of Angkar. I have no idea about
8 that.

9 [09.44.42]

10 Q. Did you ever see them later within the compound of Au Kanseng
11 re-education school?

12 A. Some were chained together, and some others were detained in a
13 different building. We were detained together, but we did not --
14 we could not discuss freely but about our living condition there.

15 Q. I understand. But did you see them later, maybe in 1978 when
16 you were working?

17 Did you see them also working in the compound or outside the
18 compound? Were they working just like you?

19 A. We had the same work to do, and concerning the question --
20 concerning asking each other what mistakes did you commit and --
21 or did I commit, we never discussed about this issue.

22 Q. Do you know if any of those fellow 10 or so prisoners are
23 still alive today?

24 A. I have no idea. I do not know about that. After we left the
25 security centre, we were looking for our own professions for our

1 future, and I have no idea where they have gone and the
2 whereabouts of them.

3 [09.46.55]

4 Q. Yesterday, you described two incidents of people dying. Were
5 you the only prisoner that observed these events, or are there
6 any other prisoners who could confirm what you said you saw?

7 A. For other prisoners, I do not have idea whether other
8 prisoners could see that incident. At that time, I was <guarding>
9 the sugar palm tree, and I could see the incident happening.

10 Q. But did you tell anybody at the time what you saw? Did you
11 tell the story to anyone in the re-education school or did you
12 tell the story to anyone after 1979?

13 A. After 1979, I discussed about the experience or about the
14 grave with my relatives. My relatives wanted to know about the
15 grave.

16 [09.48.35]

17 Q. Let me ask it differently. Is there anyone who can confirm
18 having heard you tell the story, for instance, about these two
19 division prisoners being killed?

20 Is there anyone to whom you told that story who could confirm
21 what you told him or her?

22 A. It appears that I did not go around and discuss -- discuss
23 about these issue. Everyone knew that the detention centres
24 existed in the security -- the detention buildings existed in the
25 security centre and, at that centre, killings was conducted.

1 Q. Yesterday, you were asked the question by the Prosecution as
2 to what the official name was of the place where you were
3 detained, and you called it re-education school.

4 Do you recall whether the re-education school had a number?

5 A. Angkar was the one who assigned. I do not know about that. It
6 was the business of Angkar. I was not engaged in Angkar's
7 business.

8 Q. Maybe I can possibly help you to refresh your memory.

9 Do the numbers re-education school 809 and 8010 (sic) somehow
10 ring a bell?

11 A. No, It did not ring a bell.

12 [09.51.10]

13 MR. KOPPE:

14 Mr. President, I would like to read a very small excerpt from WRI
15 which is not on the interface, we just realized that now. It
16 describes the position of re-education schools 810 and 809. And I
17 want to read the description of the location and maybe that rings
18 a bell to the -- to the witness.

19 If it's -- it's not terribly important.

20 JUDGE FENZ:

21 The question is just has it been admitted? There are always two
22 steps, one is admittance and then it's ---

23 MR. KOPPE:

24 Yes, it's E3/1 -- E3/5173. It's WRI of the witness; more
25 specifically, English, ERN 00272661; French, 00272667 and 8; and

21

1 Khmer 00189266.

2 JUDGE FENZ:

3 Any objection from any of the parties?

4 [09.52.38]

5 MR. FARR:

6 Well, Your Honour, no. I do note that they have 167 documents on
7 the interface. This is the first that counsel has used, and it's
8 not on the interface. So you know, I mean, it's fine for him to
9 use it, but I do wonder why that's the situation.

10 MR. KOPPE:

11 I can assure you no bad faith intended. Just --

12 MR. PRESIDENT:

13 So you can use the document.

14 [09.53.03]

15 BY MR. KOPPE:

16 Thank you, Mr. President.

17 Q. This witness is saying the following thing:

18 "Re-education school 810 was west of what today - or what is
19 today the provincial hospital near a stream, but I don't know the
20 name of the stream. The school was located along the road to
21 Thuoy village."

22 Does that ring a bell to you, west of what is today the
23 provincial hospital near a stream, and that the school was
24 located along the road to Thuoy village?

25 MR. PHON THOL:

1 A. That document has nothing to do with Thuoy village.

2 Q. Fine. Thank you, Mr. Witness. I will move on.

3 You've been asked this question before, but I would like to
4 revisit the subject, and that is the number of prisoners in 1977
5 and 1978.

6 You don't know the exact numbers, but would it be roughly about
7 70 prisoners in 1977 and about 100 prisoners in 1978?

8 A. Regarding the number, I cannot recall the exact number. I was
9 not responsible for going and counting the numbers of detainees.
10 [09.55.05]

11 Q. I understand. But about 70 in 1977 and about 100 in '78, would
12 that be roughly accurate?

13 MR. PRESIDENT:

14 You have the floor, Lead Co-Lawyer for civil party.

15 MS. GUIRAUD:

16 The witness has answered the question several times, and he has
17 stated that he was unable to know the total number of prisoners,
18 so it is not useful for the counsel to continue putting the same
19 questions in the hope that the witness will give him the answer
20 that he is looking for.

21 MR. KOPPE:

22 I think it might assist the memory of the witness if I gave him
23 the number that another witness mentioned. He can say no, there
24 were many more or that is roughly right, or he can say, "I don't
25 know". So I don't think it's repetitive. It's just trying to get

1 some more clarification.

2 [09.56.23]

3 MR. FARR:

4 Mr. President, if this is coming from the evidence of another
5 witness, then we should know which witness and he should put a
6 quote from that witness' statement.

7 MR. KOPPE:

8 It's the evidence contained in E3/405, and it is of an upcoming
9 witness, 2-TCW-840. It is question and answer 8.

10 It's actually -- well, I will not elaborate on the person. I just
11 refer to him. He's coming next week as a witness, so that's where
12 the evidence is coming from.

13 [09.57.19]

14 BY MR. KOPPE:

15 Q. So Mr. Witness, about 50 to 70 in 1977 and about 100 in total
16 in '78, would that be roughly accurate? Would there be more or
17 less?

18 MR. PHON THOL:

19 A. This is a repetitive question. As I said, I have no idea about
20 the exact figure. I was not responsible for going and counting
21 numbers of detainees. I was the one who was detained and chained
22 in the detention building, so I do not know about that.

23 Q. No problem, Mr. Witness.

24 Yesterday, you spoke about the work that you did in and outside
25 the compound, that you were planting potatoes and vegetables.

24

1 Do you remember or was it the case that you also -- that the
2 prisoners also ate the vegetables and potatoes that were planted
3 in the compound and outside the compound?

4 A. This is also a repetitive question. I told the Court already
5 yesterday the regulation at the Centre were, one, not to flee;
6 and <two,> not to steal. So although there were things or stuff
7 in front of us for us to eat, we were not -- we did not dare to
8 eat. Otherwise, we would be killed.

9 [09.59.13]

10 Q. Let me be the judge, Mr. Witness, whether a question is
11 repetitive.

12 My question was whether you actually ate -- whether the prisoners
13 ate the vegetables and potatoes that you grew. I believe that
14 question wasn't asked before.

15 MR. PRESIDENT:

16 Regarding the question, the question can be different. One is to
17 steal -- whether you stole, whether someone stole the food to
18 eat, and the question here is about whether you were allowed to
19 eat the potatoes and vegetables, so the question from the defence
20 team lawyer is that did anyone eat -- could anyone eat the potato
21 and vegetable grown at that centre.

22 And the question is also about whether or not those potatoes and
23 vegetables were grown for the detainees at that centre.

24 [10.00.26]

25 MR. PHON THOL:

25

1 A. If it is like what you said, Mr. President, I can give my
2 response.

3 The vegetables and potatoes grown by the detainees were given to
4 the detainees. Cabbage or sweet potatoes were then cultivated and
5 cooked for detainees, so some were provided for the detainees,
6 but I do not know whether some amount -- some other amount were
7 sent to someone -- somewhere else.

8 BY MR. KOPPE:

9 Q. Thank you. Thank you, Mr. President.

10 My last question, Mr. Witness, and I'm referring to another WRI
11 which is, indeed, on the interface. It's E3/9326; English, ERN
12 00272579; French, 00485164; and Khmer, 00189240.

13 Mr. Witness, there's this witness speaking about a worker union
14 deputy chairman who might have been someone that you knew
15 yourself, a person who apparently was an ethnic Jarai whose name
16 was Chat. Does that name ring a bell to you?

17 [10.02.30]

18 MR. PHON THOL:

19 A. <Well>, <Chhat (phonetic)>, the deputy union chief<--> I did
20 not know this person.

21 Q. But is it correct that he was an ethnic Jarai?

22 A. I did not know this <Chhat (phonetic)>.

23 Q. So you only knew that he was, indeed, the worker union deputy
24 chairman, but that's all you know. Correct?

25 A. I did not say anything about this person named <Chhat

1 (phonetic)>.

2 [10.03.28]

3 Q. Then maybe something went wrong in the translation.

4 It is correct that there was a Chat who was the worker union
5 deputy chairman. Did you just confirm that?

6 A. I did not say that <Chhat (phonetic)> was the deputy chairman
7 of the union. If I knew any deputies, then I would tell you that
8 because I speak the truth.

9 MR. KOPPE:

10 Thank you, Mr. President.

11 MR. PRESIDENT:

12 The Chamber would like to thank you, Mr. Phon Thol, for your
13 patience and responses to all the questions. And the hearing of
14 your testimony is now concluded.

15 Your testimony may contribute to the ascertainment of truth in
16 this case, and your presence in the Court is no longer required,
17 so you can return to your residence or wherever you wish to go
18 to.

19 The Chamber wishes you all the best.

20 Court officer, in collaboration with WESU, please make necessary
21 transport arrangement for Mr. Phon Thol to return to his
22 residence or wherever he wishes to go to.

23 (Witness excused)

24 [10.05.02]

25 MR. PRESIDENT:

27

1 And next, the Chamber will hear testimony of another witness --
2 that is, 2-TCW-867, in relation to Au Kanseng security centre.
3 However, it is now convenient for our short break.
4 We'll take a break now and resume at 20 past 10.00.
5 The Court is now in recess
6 (Court recesses from 1005H to 1022H)
7 MR. PRESIDENT:
8 Please be seated. The Court is now back in session.
9 The Chamber would like to inform the parties that, during the
10 hearing of testimony of 2-TCW-867, the witness made a request
11 through WESU for a support from TPO staff -- that is, Madam Sun
12 Solida, who will sit next to the witness during her testimony.
13 Court officer, please usher the witness as well as the TPO staff
14 into the courtroom.
15 (Short pause)
16 (Witness enters the courtroom)
17 [10.25.42]
18 QUESTIONING BY THE PRESIDENT:
19 Q. Good morning, Madam Witness. What is your name?
20 MS. MOEURNG CHANDY:
21 A. My name is Moeurng Chandy.
22 Q. Thank you, Madam Moeurng Chandy.
23 When were you born?
24 A. I was born in 1954.
25 Q. Thank you.

1 And where were you born?

2 A. I was born in Ta Srach (phonetic) village, Bati district,
3 Takeo province. And it was in Chambak commune.

4 [10.26.42]

5 Q. Where is your current address?

6 A. Currently, I live in Daeum Rues village, Kandal Stueng
7 district, Kandal province.

8 Q. What is your current occupation?

9 A. I lived with my children.

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

11 A. My father is Chou (phonetic) Moeung, and my mother is Chea
12 Yan.

13 Q. Are you married or are you a widow at present?

14 A. I'm a widow.

15 [10.28.07]

16 Q. Do you have any children and, if so, how many?

17 A. I have four children.

18 Q. The greffier made an oral report this morning that, to your
19 best knowledge, you're not related, by blood or by law, to any of
20 the two accused -- that is, Nuon Chea and Khieu Samphan, or to
21 any of the civil parties admitted in this case. Is this
22 information correct?

23 A. Yes, that is correct.

24 Q. And that you took an oath before the Iron Club Statue to the
25 east of this courtroom before your appearance; is that correct?

1 A. I took an oath already.

2 [10.29.18]

3 Q. Thank you.

4 And the Chamber would like to inform you now of your rights and
5 obligations as a witness before the Chamber.

6 Madam Moeurng Chandy, regarding your rights as a witness in the
7 proceedings before the Chamber, you may refuse to respond to any
8 question or to any comment which may incriminate you. That is
9 your right against self-incrimination.

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

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

19 And Madam Moeurng Chandy, have you been interviewed by
20 investigators of the Office of the Co-Investigating Judges? If
21 so, how many times, when and where?

22 A. I was interviewed once in Ratanakiri province, and I cannot
23 recall the date of that interview.

24 [10.31.15]

25 Q. How long ago were you interviewed?

30

1 A. It happened several years ago.

2 Q. Before your appearance, have you reviewed, read or have it
3 read aloud -- that is, the written record of your interview
4 between you and the OCIJ investigators in order to refresh your
5 memory?

6 A. I've read that WRI, and I can recall parts of the content of
7 that interview.

8 Q. And to your best recollection, is the WRI consistent with what
9 you provided to the OCIJ investigators in Ratanakiri province?

10 A. The record of the interview is correct.

11 MR. PRESIDENT:

12 Thank you.

13 Pursuant to Rule 91 bis of the ECCC Internal Rules, the Chamber
14 gives the floor first to the Co-Prosecutors to put questions to
15 Moeurng Chandy. And the combined time for the Co-Prosecutors and
16 the Lead Co-Lawyers is two sessions.

17 You may proceed.

18 [10.33.10]

19 QUESTIONING BY MS. SONG CHORVOIN:

20 Thank you, Mr. President; and good morning, parties in the
21 courtroom.

22 Q. Good morning, Madam Witness, Moeurng Chandy. I am Song
23 Chorvoin, the Deputy Co-Prosecutor.

24 I have a number of questions to put to you related to your
25 experience and what you witnessed at the <Au Kanseng> security

31

1 centre <in Ratanakiri province>. Now <I would like to ask you
2 about your background before putting questions regarding> the
3 facts <related to> the security centre.

4 My first question is: where did you live before 17 April 1975,
5 and what was your occupation?

6 MS. MOEURNG CHANDY:

7 A. In 1975, I worked as a worker in the rubber plantation in
8 Village 4.

9 [10.34.20]

10 Q. So you began your work at the rubber plantation. And when did
11 you start working at the rubber plantation?

12 A. I do not remember the exact year.

13 Q. What was the name<> of the rubber plantation that was located
14 in Village 4? Could you tell us about its exact location, for
15 example, village, commune, district and province?

16 A. It was located in Ratanakiri province in Village 4, Ban Lung
17 district of Ratanakiri province.

18 Q. When you started your work at the rubber plantation, you
19 worked with your husband or you worked with any of your relatives
20 there?

21 A. I worked with my husband, and none of our relatives worked
22 with us, but I stay<ed> alone because my husband was sent to work
23 in other villages.

24 [10.36.15]

25 Q. I want to ask for your clarification that you said that you

1 worked in the rubber plantation, so I want to know whether your
2 husband worked somewhere else or in the same rubber plantation
3 with you.

4 A. He worked in the rubber plantation, but he was not in charge
5 of taping the rubber. He was in charge of treating the rubber
6 tree that had disease, so he went from one village to another to
7 treat the rubber -- the disease that took place with rubber
8 trees. <For me, at about 4 a.m., I was up to tap the rubber.>

9 Q. Did you know how many workers who worked with you who were
10 responsible for taping the rubber?

11 A. There were many, and I could not remember how many there were
12 at that time.

13 Q. Was it more than 50, more than <100> or more than <200> of
14 them working there?

15 A. There were many. It was probably around 50 families.

16 [10.38.00]

17 Q. Who was in charge of the rubber plantation? What is his or her
18 name?

19 A. The person in charge of the rubber plantation was known as
20 Tum. He was supervising the union <at Village 4>. And everyone in
21 the village called him Tum.

22 Q. So the chief of the <> union was Tum. So what was his specific
23 role?

24 Was <he> the chief of the union, <the deputy> or he held any
25 other positions?

1 A. He was the chief, and he was in charge of the rubber
2 plantation.

3 Q. Now let me move to the topic about your marriage.

4 What was the name of the -- your husband, and when the marriage
5 took place?

6 A. I got married during the Khmer Rouge regime. At that time,
7 there was two or three couples who were arranged to get married,
8 but I cannot recall the exact year when I got married.

9 But I just want to tell you that I got married during Khmer Rouge
10 regime.

11 [10.39.53]

12 Q. My question to you is that you got married with your husband
13 before you began your work at the rubber plantation, or during
14 that time?

15 A. We got married before we worked at the rubber plantation.

16 Q. What was your husband's name?

17 A. My -- his name is Mey Thol.

18 Q. Is your husband name Mey Thol or Phon Thol? Could you please
19 clarify this?

20 A. Phon Thol.

21 Q. During the period when you were married with Phon Thol, did
22 both of you have any children?

23 A. We had one child, but the child passed away later on.

24 Q. <> I will <come back to this> topic <later>.

25 So <are you still married to> Phon Thol <to this day>?

34

1 A. We <do> not live together. We got divorced.

2 [10.42.23]

3 Q. Now I move to an important topic related to the -- your
4 imprisonment.

5 In your interview with the OCIJ investigators and in that
6 interview, you talked about the arrest of you, so I want you to
7 elaborate on the events surrounding that arrest from the
8 beginning before your arrest to the time when you were arrested.

9 A. At that time, I lived in Village 4, and I was told that I
10 needed to go to join a meeting. So we were asked to board the
11 truck, and we had no idea where they were taking us to.

12 We -- the truck went through the forest<. I was arrested in
13 Village 4>, and I had no idea of anything. They told me that I
14 need to go to the meeting, so I simply follow the orders. <>
15 And when we arrived, <they were armed, they were guarding in the
16 truck,> we saw a building <made of bamboo slats> and we
17 disembarked from the truck at that place.

18 Q. So at the time of your arrest, you were working at your rubber
19 plantation in Village 4.

20 <You said that they came to call you.> Where <did the> people who
21 came to <call> you <come> from, and how many of them came to
22 <call> you?

23 A. I did not know the people who came to ask me to go to the
24 meeting. I was scared at that time and did not dare to look at
25 their face, so I simply follow the order and got on the truck.

1 I was so scared because those people had guns. I did not know who
2 they were.

3 [10.45.00]

4 Q. Based on your interviews given in <2009, in> Ratanakiri,
5 <document E3/9357> in your answer number 1, when the interviewer
6 asked you to describe the event when you were sent to <be
7 detained during> the <Khmer Rouge regime,> you said that you were
8 working in the rubber plantation in Phum Buon in Ban Lung
9 district around here.

10 "I was not aware of and did not know what happened that led to my
11 involvement. One day, the village committee, apparently following
12 the order of Tum, who was the chief of the <> union of the entire
13 Ratanakiri province-- Tum had black complexion, a large body with
14 average height, called me and my husband to go to the meeting."
15 End of quote.

16 In your interview, you said that there is -- there was a village
17 committee <member> who came to ask you to the meeting, and the
18 person was following the order of Tum.
19 So could you tell us how many <village committee members> came to
20 get you from the rubber plantation?

21 [10.46.42]

22 A. The village chief came to tell me at the rubber plantation to
23 go to the meeting, but I did not know <the two or three> people
24 <> in the <> truck.

25 Q. You also said that they came to call you to the meeting by

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1 following the order from <the union chief>, Tum.

2 How did you know that they follow<ed> the order from Tum?

3 A. The village chief told me that Tum ordered me to go to a
4 meeting.

5 Q. So when the village chief came to tell you about going to the
6 meeting, did the village chief carry guns or did he come with
7 people with guns?

8 A. The village chief did not carry <any> gun <when he came to
9 tell us>, but when we <> arrive<d> at the truck, I saw men with
10 guns. <They were guarding there.>

11 Q. So when you left the rubber plantation, you had to walk toward
12 the truck. So how far was the distance between the rubber
13 plantation and the truck?

14 A. From my house to the truck, it was <50> metres away, so it was
15 <kind of> close.

16 [10.48.40]

17 Q. When you arrived at the truck, <what kind of> truck was it and
18 how many people were in the truck?

19 A. There were two or three families in the truck. There were
20 three families going with me from the <> union.

21 Q. When you arrived at the truck, you saw three families who were
22 already there or the three families you are talking about also
23 included your family?

24 A. The three families included my family.

25 Q. When you arrived at the truck, you saw men with guns, so what

1 types of gun they carry?

2 A. They were long guns, AK guns.

3 [10.50.23]

4 Q. How many people were there among the three families you
5 mentioned, and how many of them were men and how many were women?

6 A. The three families included husband and wives. Their children
7 were not taken along with them. Their children were at homes, so
8 there were three men and three women among the three families.

9 Q. What were the positions or occupations or roles of the people
10 on the truck? <Were they all workers just like you? Did you know
11 them>?

12 A. I knew them all. They were all workers just like me.

13 Q. You were from the same rubber plantation or from different
14 rubber plantations?

15 A. We were from the same rubber plantation.

16 Q. When you were on the truck, where did that truck take you to?

17 A. It took me to the area behind Boeng Kanseng. At that time, I
18 did not know that specific location clearly. I just knew that it
19 was behind Boeng Kanseng.

20 Q. In the same document <and statement>, you mentioned that it
21 was somewhere <behind Ratanakiri hospital> near Au Kanseng, so is
22 that correct?

23 A. I said that it was behind Ratanakiri hospital. And that area
24 was called Au Kanseng and the prison was called Au Kanseng
25 prison.

1 [10.52.58]

2 Q. So the truck left your house and went straight to Au Kanseng
3 prison, or it stop over along the way to the prison?

4 A. It -- it did not <stop to pick up other> people along the way
5 <because two families were already in there when I arrived>. It
6 simply went straight to the destination.

7 Q. Did you remember what time was it or when you were asked to
8 <get in> the truck? <And when did you arrive at Au Kanseng
9 prison?>

10 A. It was around 2 o'clock <when they came to take me>. And when
11 we arrived in Au Kanseng, it was around 3 or 4 o'clock in the --
12 in the afternoon.

13 Q. Now I would like to talk about the time when you arrived at Au
14 Kanseng prison.

15 When you arrived there, where did the truck stop and then what
16 happened next?

17 A. The truck did not enter the compound of the prison. It stopped
18 outside the compound, but they required us to disembark the truck
19 and walk to the building with tile roof. And we stay there. And
20 then they locked the door and required all the three families of
21 us to stay there. But the men were separated and put in another
22 building, and women were put in a different building.

23 [10.55.26]

24 Q. When you entered the compound of the prison, did you witness
25 any guards, and did those guards carry any weapons?

1 A. I saw guards with guns, and I was so scared because I had no
2 idea what would happen to my life, would I be killed or what. And
3 I saw buildings and, in each building, there were people inside.
4 So all of this picture frightened me.

5 Q. When the men and women were separated and put into different
6 building, could you tell us about the building that you were
7 placed?

8 A. I saw one building, and in that building, there were <two or>
9 three <> people <with their ankles shackled>. And then <in>
10 another building, I saw <a few> people who were also <shackled>.
11 <So, I saw buildings> and I saw guards open the door and gave
12 them food to eat, so I had the idea that, oh, they were
13 imprisoned.

14 I sneaked a look, and I saw people were leg-chained together.
15 [10.57.30]

16 Q. How many people did you see who were leg chained?

17 A. The building that I was placed, they put only women. And there
18 were a few women who were <> already <> there. And those women
19 were not chained or shackled; only the building where the men
20 were placed that the men were chained.

21 Q. Could you tell us how many women who were placed in your
22 building with you?

23 A. There were four or five people.

24 Q. Did you know them before you were sent there, or you did not
25 know them at all?

1 A. I knew only the women who went on the truck with me to the
2 prison, but for the women who have already been placed there, I
3 did not know them.

4 [10.58.55]

5 Q. Could you please tell the Chamber about the building, for
6 example, the width and the length and the features of the
7 building?

8 A. That building was 15 metres <long>. <The> roof and <the>
9 wall<> <were> made from bamboo. <The front was open, but the
10 bamboo floor had rather big gaps.> And we slept on the bamboo
11 <floor>.

12 So all the four or five women who were placed there all slept on
13 the bamboo <floor>, but we were -- we were not chained.

14 There were guards outside who <made> sure that we would not
15 escape.

16 Q. <Was there a door?> Was <the door> locked?

17 A. Upon my first arrival, I was placed in a building where there
18 was a lock. However, later on, I was moved to another building
19 where the door was not locked and there were walls to the side
20 and to the back of the building.

21 [11.00.41]

22 Q. You just said that after you made your observations, you
23 realized that you were being detained.

24 Can you tell the Chamber that as to when you realized that you
25 were imprisoned? Did you realize that upon you -- the time that

41

1 you got on the truck, or at a later stage?

2 A. After I got off the truck, I knew that I was being sent to a
3 prison. The location was isolated from where people lived, and I
4 saw those small buildings with people inside that I knew that I
5 was being imprisoned.

6 Q. And upon realizing that, how did you feel and did you have a
7 chance to communicate with your husband before he was separated
8 from you? <Or were you separated from each other immediately at
9 that time?>

10 A. We were separated immediately after we got out of the vehicle.

11 Q. You said that you were scared; can you tell us a little bit
12 more why you felt scared, at the time?

13 A. When I arrived in the area, I realized that I would die. I did
14 not know the reasons that I was sent there and I thought that
15 would be the end of my life.

16 [11.02.50]

17 Q. During your detention in Au Kanseng prison, were you detained
18 in one building or were you transferred between buildings?

19 A. I was housed in the building with the bamboo-thatch roof and I
20 remained in the same building.

21 Q. Does it mean that you were detained in the same building, but
22 you were placed in a separate cell or room where there was no
23 lock, at a later stage; is my understanding correct?

24 A. Yes, that is correct. Later on, where I was detained didn't
25 have a lock at the door.

1 Q. And while you were detained there at the a -- Au Kanseng
2 security centre where you were, was there any -- at any stage
3 that you were interrogated?

4 A. One day, I was sent to be interrogated. I was questioned about
5 my native village, etc. Yes, I was interrogated.

6 Q. Do you recall or what questions were put to you and what
7 responses did they require you to provide?

8 A. I was questioned whether I had communicated with the "Yuon"
9 and I said, "No, I did not have anything to do with the 'Yuon'."

10 [11.05.20]

11 Q. Were you interrogated in your cell or were you interrogated
12 elsewhere?

13 A. I was sent for interrogation in a separate room.

14 Q. Can you describe to the Chamber the interrogation room? Did
15 you know people who were present in that room? <And how many were
16 there?>

17 A. I was sent to that room and there was only one person who
18 interrogated me and then there was a guard who was posting
19 outside the room. I did not know them.

20 Q. When you were in the interrogation room, what was your
21 observation; were there any tools in the room for the purpose of
22 the interrogation? Were you threatened? Were you tortured so that
23 you would respond to the questions?

24 A. During my interrogation, I was not threatened; I was asked
25 questions and I responded to those questions accordingly.

1 I saw a whip and I saw electricity cable in that room.

2 [11.07.15]

3 Q. Besides you -- that is, you were interrogated; did you know if
4 other inmates were also interrogated, and if so, were they
5 tortured during their interrogations?

6 A. We were interrogated one after another; however, I did not
7 know who was tortured or who was whipped or who was electrocuted.

8 Q. I'd like to refresh your memory by referring to your written
9 record of interview with the investigator at Ratanakiri province
10 -- that is, your written record of <E3/9357>, at question and
11 answer number 4, you made the following response:

12 "They recalled us to be interrogated one by one. They questioned
13 me, 'Where is your birth village?' And they pressed me on whether
14 I had communicated with the 'Yuon.' I still answered the same
15 thing that I had not communicated with the 'Yuon'. The
16 interrogators did not bully, hit me. I did not know the names or
17 the faces of those interrogators because I was too scared. They
18 interrogated me only once and there were two interrogators and
19 there were armed guards near the place. The interrogation place
20 was a closed, small building that had walls and it was located
21 about 30 metres apart from other buildings. Inside that building,
22 I saw things like rattan weaving things -- strings or something
23 called whips which were used to hit the cows or -- sticks. As far
24 as the electric wires, later on, I asked the prison inmates and
25 they said that they had been whipped or electrocuted. As for me,

1 I told them that I was not hit." End of quote.

2 [11.09.29]

3 I have two things that I need clarification from you. You have
4 just said that there was only one interrogator and there was a
5 guard posting outside; however, in your interview in Ratanakiri
6 province, you said that there were two interrogators. Could you
7 try to recall whether there was one or two interrogators in the
8 room?

9 A. Maybe I <am too nervous> and I cannot recall what happened.
10 And in fact, the statement is correct and just to remind you,
11 that interview took place several years ago and now I feel a
12 little bit <nervous> and overwhelmed, so my response may not as
13 clear as what I stated in my previous statement and I apologize
14 for that. And I confirm <that> my previous statement <is
15 correct>.

16 [11.10.42]

17 Q. Thank you for that. And there is another point that I need
18 your clarification, since I see there is a discrepancy. Can you
19 try to recall whether those inmates were tortured as you just
20 said that they were not, but in your statement, you said that
21 they were either whipped or electrocuted; so were they whipped or
22 electrocuted?

23 A. It did happen because when they came back, they told me that
24 -- some said they were electrocuted and I told them back that I
25 was not electrocuted and I was not threatened during my

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1 interrogation and I did not know -- maybe we were from different
2 backgrounds or something; I did not know.

3 I was questioned whether I had any communication with the "Yuon"
4 and I kept responding that no, other inmates were tortured.

5 [11.12.07]

6 Q. You said some were whipped or electrocuted; can you tell the
7 Chamber how many of them who told you that they were either
8 whipped or electrocuted during the interrogation and were they
9 all women or there were other males, as well?

10 A. They were men. As for women, they were not mistreated.

11 Q. Those men, who were tortured, did they tell you what questions
12 they were interrogated on?

13 A. No. We did not discuss about those questions. I only met them
14 briefly and in fact, it was the wives, who were detained with me,
15 who told me that their husbands were tortured -- that is, they
16 were electrocuted, for example, during their interrogation.

17 It was not as simple as I went to see them and asked whether they
18 were tortured or not. We were not allowed to meet and, in fact, I
19 learned this from their wives who spoke to their husbands. They
20 said that some of their husbands were whipped or electrocuted
21 during the interrogation.

22 [11.13.59]

23 Q. So those wives, who saw their husbands tortured or
24 electrocuted during the interrogation, were they detained in the
25 same building where you were detained or were you detained

1 elsewhere and <there was a conversation that led to a discussion
2 of this issue>?

3 MR. PRESIDENT:

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

5 MR. KOPPE:

6 Thank you, Mr. President. I object to the formulation of this
7 question because I understand the testimony to be that the
8 witness is talking about double hearsay. It's the men only
9 telling the wives and then the wives subsequently telling the
10 witness. It's not that the women actually saw the alleged
11 mistreatment or torture, so we're having a double hearsay
12 situation.

13 [11.14.55]

14 MS. SONG CHORVOIN:

15 Mr. President, I'd like to respond to the objection by the
16 defence counsel.

17 <Obviously, I do not know how it is interpreted in foreign
18 languages.>

19 The witness said that, at the time, the wives saw their husbands
20 being mistreated. Probably that happened after they returned from
21 the interrogation room. Anyhow, I'd like to get that
22 clarification from the witness.

23 BY MS. SONG CHORVOIN:

24 Q. Madam Witness, in order to clarify this point, I'd like to put
25 a question to you. You said there was a discussion about the

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1 torture, after those people were interrogated, and that the wives
2 of those tortured husbands told you about their husbands. Did
3 those wives witness the torture of their husbands and if not, how
4 did they know that their husbands were tortured during the
5 interrogation?

6 [11.16.08]

7 A. The interrogation room was not far from where we were detained
8 and when the -- their husband came out of the room, the wife saw
9 him. So of course, when people was tortured, we could see that
10 the way he walked was different from the normal way that he
11 walked, so the wife realized that her husband was tortured.

12 And after I was told that -- told about that, I said that I was
13 not tortured during my interrogation and I said that I told the
14 interrogator the truth.

15 And then those wives said maybe their husbands were asked serious
16 questions because after they left the interrogation room, the
17 wives could observe that the husbands walked in an abnormal way,
18 so they concluded that their husbands were tortured during the
19 interrogation.

20 And the wives, who lived in -- who were detained in the same
21 building, spoke to one another about their husbands being
22 tortured, and that's how I learned that those men were tortured.

23 [11.17.44]

24 Q. When the wives of those prisoners -- male prisoners who were
25 tortured who told you about their husbands, did they tell you

1 immediately after the husbands were returned from the
2 interrogation room?

3 A. <We could see> the husbands <leaving> the interrogation room
4 because <the buildings were kind of close to each other. When
5 people> were sent <in and> out<, we could see them,> and the
6 wives, who were detained with me, <said that> their husbands
7 <were> tortured.

8 Q. And those wives, who saw their husbands tortured and told you
9 about that, could you observe how they felt? Were they scared?
10 Were they concerned? <Or was it a regular thing that happened in
11 that security centre?>

12 A. Of course, it was natural that we were scared when we were
13 living there, but what could we do?

14 Q. And besides the events that you have just described, did you
15 ever witness or did you know that any other people were tortured?

16 A. I did not witness any other tortures and I did not witness any
17 torture in that room.

18 [11.19.45]

19 Q. I'd like, now, to move on to another topic that is in relation
20 to the detention of the ethnic minority people as you described
21 in your written record of interview.

22 In that interview, you said that there were 20 to 30 people who
23 were of ethnic minority were detained; can you elaborate a bit
24 more in relation to that group of ethnic minority when they
25 returned at the detention centre. For example, how did they

1 arrive <at the security centre, which condition were they in> and
2 how many of them <were there>?

3 A. While I was in that building, I saw a group of 10 to 20 Jarai
4 people, who were tied <together in> single <> file, <like the way
5 they would walk cows. Those people> were placed <> in the
6 building that I was detained, some had young children, some had
7 infants. And two or three weeks after, they were told that they
8 would be returned to their village.

9 Q. When you saw those group of Jarai people, can you try to
10 describe the number of them again; is it 10 to 20 or 20 to 30
11 when they got out -- got off the vehicle?

12 A. I did not know where they got off the vehicle; however, I saw
13 them being walked into the building in a single file. I could say
14 that there were 10 to 20 of them; although, I do not know the
15 exact figure while I saw them being walked in a single file.
16 And they were detained in the building where I was detained.

17 [11.22.26]

18 Q. <Were there male, female, children in> this Jarai group who
19 was tied in a single file? <Or because> only women were detained
20 in your building, those Jarai people <were> all women or girls?

21 A. Only women were detained in the building where I was detained.

22 Q. So were those people all women and if so, were there any
23 pregnant women, young infant?

24 A. There were toddlers who could walk a little bit or who could
25 sit a little bit; however, there were no young babies.

1 [11.23.33]

2 Q. I'd like to refer, again, to your written record of interview.

3 At question and answer number 6, you said that: "The ethnic

4 minority people were tied up in a single file; some were carrying

5 their children, some were walking with their children, and they

6 were all female. There were 20 to 30 of them and they were later

7 on detained in the same building that I was detained." End quote.

8 I'd like to -- I have two points that I'd like to get your

9 confirmation. In that record, you said that there were 20 to 30

10 of them; however, a while ago, you said that there were only 10

11 to 20; please try to recall which one is the correct figure.

12 A. There were actually 20 to 30 of them, including men, and later

13 on, the men were separated and only women were placed in my

14 building and those women amounted to 10 to -- between 10 to 20.

15 Q. Thank you. Also you just mentioned that there were no young

16 babies, however, in your previous statement that there were some

17 children who -- whose mothers carried them; can you tell whether

18 they were very young babies or could you tell the Court the age

19 of those children?

20 MR. PRESIDENT:

21 Witness, please observe the microphone.

22 [11.25.26]

23 MS. MOEURNG CHANDY:

24 A. There were about three children in the building and there was

25 a toddler, who could walk, and then there was another young

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1 infant who could sit, and then there was also another young --
2 young toddler, who could walk if the mother held hand.

3 BY MS. SONG CHORVOIN:

4 Q. <When> the women and the children <> were <walked to> your
5 building, were they <tied up> or were <their ankles shackled? Or>
6 they <were> not <shackled anymore> after they <came down from the
7 truck and> were placed in <> that building? <Could you tell us
8 what happened to them when they entered the place?>

9 MS. MOEURNG CHANDY:

10 A. When they got off the vehicle, they were not chained; however,
11 they were tied -- their <arms were> tied and they <entered the
12 building.> The tie remained <there> while they were detained in
13 the building for about 4 to 10 days and after that, they removed
14 the rope. As in our case, we were not tied with any rope.

15 [11.26.55]

16 Q. What <about> the young children that you refer to, were they
17 also tied or only the mothers were tied?

18 A. The children were not tied, only the mother -- mothers were.

19 Q. What was your observation of the clothes that those women were
20 wearing?

21 A. Those ethnic people wore their ethnic clothing and, of course,
22 their clothing was different from the way the Khmer people wore.
23 They wore their skirt in a similar fashion to a scarf, which was
24 not sewn, and their shirt were partly torn and they did not have
25 any extra set of clothing with them.

1 Q. Did you know from which area they were brought -- they were
2 brought?

3 A. After they came to the building that I was detained, I asked
4 them about that and they said that they lived in the area of the
5 Vietnamese-Kampuchean border, this area where the Jarai ethnic
6 people lived.

7 [11.28.48]

8 Q. You said that they were of Jarai ethnicity; how did you know
9 that they were Jarai?

10 A. <Because> I lived in Ratanakiri, I knew that ethnic people
11 spoke different language<s>, for example, <> Tumpoun <was spoken>
12 differently from <> Lao<, and Tumpoun, Jarai were spoken
13 differently>. I could identify <that Jarai was spoken differently
14 from Tumpoun>. <I could know people's ethnicity.>

15 So I <knew> that they were the Jarai people, <they> spoke in a
16 similar way as the Laotian or the Thai people speak.

17 Q. So besides your observation of the way they spoke, did you
18 actually speak to them or ask them a question?

19 A. I did not dare ask them questions; however, we were close to
20 one another; we could see one another, but I did not dare ask
21 them any questions since there was also a guard outside.

22 [11.30.21]

23 Q. In your interview at question and answer number 9, and allow
24 me to quote it, you stated, after you were asked <about> the
25 ethnic minorities who came to stay in the building with you, you

1 said that, "When we stayed together, I knew that those people
2 were Jarai ethnicities in Ratanakiri near the Vietnamese border,"
3 and you made mention that they lived near the Vietnamese border
4 and that you could distinguish the way they spoke.

5 But here, you said that, "We questioned each other."

6 Can you tell Court whether you, yourself, <were> involved in the
7 questioning <of> one another, or you only observed them
8 questioning each other <and you realised that they were Jarai
9 people>?

10 A. They spoke amongst themselves and they said that they were
11 Jarai people from the area near the Vietnamese border and, of
12 course, they spoke the Jarai language to one another and that
13 gave me a conclusion that they were the Jarai people.

14 [11.31.57]

15 MS. SONG CHORVOIN:

16 Mr. President, I move on to another topic; however, it is about
17 the time for our lunch break.

18 MR. PRESIDENT:

19 Thank you. Let we now adjourn for our lunch break and we shall
20 resume after our lunch break at 1.30.

21 Court officer, please assist the witness during the break time
22 and invite her, as well as the TPO staff, back into the courtroom
23 this afternoon at 1.30.

24 Security personnel, you are instructed to take Khieu Samphan to
25 the waiting room downstairs and have him returned to attend the

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1 proceedings this afternoon before 1.30.

2 The Court is now in recess.

3 (Court recesses from 1132H to 1333H)

4 MR. PRESIDENT:

5 Please be seated.

6 The Court is back in session and the floor is given back to the
7 Co-Prosecutors to resume the questioning. You may now proceed.

8 BY MS. SONG CHORVOIN:

9 Good afternoon, Mr. President, Your Honours, everyone in and
10 around the courtroom.

11 Q. Good afternoon, Madam Witness. We discussed about Jarai
12 minority people before we broke and those people were brought in
13 the detention facility and you stated that you knew that those
14 people were Jarai.

15 My next question is: Do you recall that those Jarai people,
16 <including women and children, who> were detained at that place,
17 <> how long were they detained there before they were asked to
18 leave that building?

19 MS. MOEURNG CHANDY:

20 A. It was three or four weeks before they were asked to leave the
21 building and those Jarai people were told that they had to return
22 back to their village.

23 [13.35.39]

24 Q. In the written record of the interview, when you were
25 interviewed at -- in Ratanakiri, document E3/9357 at question and

1 answer number 6, you stated - quote:

2 "Three -- or in about three four days later, these minority
3 people were told that they had -- they would be taken back to
4 their birth district."

5 So, again, my question is: Did those people stay in the detention
6 facility for two or three days before they were taken away or how
7 long were they detained at that place?

8 A. Two or three days later, they were sent away.

9 Q. Thank you. Do you know what had happened to those people after
10 the security guards called them out to go back to their birth
11 district?

12 A. I do not know about that. At that time, the Jarai people were
13 told to leave the building in order to go back to their birth
14 district and those Jarai people were tied <together in single
15 file and taken back>.

16 [13.37.25]

17 Q. In the same written record of interview, you further stated -
18 quote:

19 "But about a few hundred metres or nearly 1 kilometre (the
20 distance is not clearly recalled) at the mouth -- at the rim of
21 the bomb crater, these ethnic minorities were tied to one another
22 in a string and taken to be killed by the heads of the hoes. I --
23 and I saw it while I was picking vegetables near that location. I
24 was so scared and hid in a close by -- it's in a nearby place."

25 So my question is: <After the security guards came to take them

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1 away by telling them that they would be returned to their
2 birthplace,> did they actually return to their birth district or
3 what <you stated earlier> happened to them? Where were you when
4 <> those people were tied up and walked away?

5 MR. PRESIDENT:

6 Please hold on. Mr. Koppe, you have the floor now.

7 MR. KOPPE:

8 I object to this question; it's a very leading question. It is,
9 indeed, true that she first answered the question that she didn't
10 know and that then it is practice to confront the witness with
11 what she has testified before, but to put, now, the whole
12 sentence, without any steps in between, to the witness is very
13 much leading; having the effect, I think, that her answer, now,
14 is worthless, but I object to the leading nature of the question.

15 [13.39.12]

16 MS. SONG CHORVOIN:

17 In fact, I asked an open question about her recollection of the
18 incident and her account was inconsistent with her previous
19 testimony. For this reason, I quoted the extract from the
20 document and then confront her with it.

21 Please, Mr. President, could I continue with that question?

22 MR. PRESIDENT:

23 You can ask, Co-Prosecutor.

24 BY MS. SONG CHORVOIN:

25 Q. Madam Witness, you told the investigator that <you saw> those

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1 people <> tied <together in single file> and then taken away;

2 <please tell the Court what you saw.>

3 MR. PRESIDENT:

4 Please observe microphone, Madam Witness, before you speak.

5 [13.40.13]

6 MS. MOEURNG CHANDY:

7 A. Regarding the answer that I provided to the interview, that

8 statement is correct; but I -- now, I am a bit nervous, so

9 sometimes, I may not have given the correct response.

10 As I told earlier, I was picking up the vegetables <> in a nearby

11 place. From that location, I could see Jarai people were smashed

12 and then thrown into the pit.

13 A few days later, I returned to that location and I could smell

14 the decomposed bod<ies> from the cracked-open soil, so I could

15 assume that it -- it made me to believe that those people killed

16 were Jarai people.

17 And at that location, I also saw the clothing of the dead people

18 and those clothing -- those clothes were taken and given to other

19 people to wear, so it makes me to believe that those Jarai people

20 had all been killed. They never returned to their birth

21 districts.

22 From that time onward, I started to feel terrified and I was

23 thinking to my -- I was talking to myself quietly that <> one day

24 <it could be my turn>.

25 [13.41.56]

1 BY MS. SONG CHORVOIN:

2 Q. You stated earlier that Jarai people had been killed, so what
3 kind of weapons or tools did those security guards use to smash
4 and kill those Jarai people?

5 MR. PRESIDENT:

6 Please hold on, Madam Witness. You have the floor now, Koppe.

7 [13.42.19]

8 MR. KOPPE:

9 I object also to this question. First, the witness said that she
10 doesn't know what happened to the Jarai; then she said they were
11 killed, but then, subsequently, in the second part of her answer,
12 she's saying that she believed that the decomposed bodies must
13 have been the Jarai.

14 Now, that seems to imply that she actually hasn't seen it, but is
15 drawing a conclusion upon what she saw in respect of those
16 decomposing bodies. So, now, just to put it all together and
17 formulate the question that, yes, she saw it; is going too far,
18 so I object.

19 MS. SONG CHORVOIN:

20 I do not really understand the counsel for the Accused<'s
21 conclusion>. The witness has stated <this in Court; he tries to
22 come to a conclusion by himself, which was the exact opposite of
23 what> she said. <All of us have been discussing whether she has
24 seen> the killing or smashing of those Jarai people; <she said
25 herself that she saw Jarai people being smashed.> So my question

1 is related to the facts she is testifying before the Chamber.

2 Mr. President, may I be allowed to ask that question?

3 [13.43.48]

4 MR. PRESIDENT:

5 The objection by Koppe, the defence counsel for the Accused, is

6 appropriate. <National Co-Prosecutor, you need to listen

7 carefully.> The witness said <the word "could," so it's not

8 clear. Therefore, you should continue asking her questions in

9 order to clarify the word "could", to what extent this word is

10 reliable. Maybe the National Co-Prosecutor forgot the word

11 "could", that's why you indicate that the victims who were

12 smashed were Jarai people. What she answered before was a

13 different story. Now she's testifying before the Chamber, she

14 uses the word "could." This word is> not clear, and you <continue

15 to> ask <questions regarding> the specific facts<>.

16 <So, you need to rephrase your question to make it clearer before

17 asking questions that refer to the specific facts. Because if

18 it's not clear, and you refer to the questions as if they were

19 clear, that's where the problem is. When the witness said

20 "could," you didn't ask for clarification and you assumed that it

21 was true.>

22 [13.45.21]

23 BY MS. SONG CHORVOIN:

24 Q. <Thank you, I will rephrase my questions according to your

25 instructions.> You stated that you saw Jarai people killed or

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1 smashed; did you see that actual <incident> happening and why --

2 what made you to believe that those people were Jarai?

3 MS. MOEURNG CHANDY:

4 A. I did not see the actual smashing. Before that incident, I

5 could see the pit< was> empty and after Jarai people had been

6 taken away, two or three days later, I went back to that location

7 or I went to a place close to the pit<>. The pit< was> fully

8 covered after that incident.

9 For instance, <> one <> day <before> Jarai people had been taken

10 out, <the pit was not covered> and <a> day<> later, <when> I

11 <went to pick up vegetables,> the pit< was> fully covered. <I did

12 not see the actual smashing because they would not allow us to go

13 near that place while they were smashing.>

14 Q. So, in fact, you saw the empty pits or the pits which were

15 fully covered later on; you did not see the actual smashing or

16 killings; is that correct?

17 A. In fact, I saw the <> pit.

18 [13.47.05]

19 Q. You stated that you saw security guards coming to call Jarai

20 people to go back to their birth districts; so <how many of them

21 came? And did they take all of them or did they keep some in

22 there?>

23 A. A security guard was coming to call the Jarai people out and I

24 do not know -- I do not know whether there were some other

25 security guards waiting outside. The Jarai people had been tied

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1 up in a string; 10 of them were tied up, and then they were
2 walked away. <There were some more in the building. So they came
3 to take more of them out in single file -->

4 Q. Earlier, you have told the Chamber that the clothes that you
5 saw were returned to other detainees to wear; could you give a
6 description of <these> clothes? How long after <> you saw the
7 <pit did they start distributing these> clothes?

8 A. Two day later, clothes were distributed to other people to
9 wear.

10 Q. Why did you say that those clothes were, in fact, <the clothes
11 that you saw on> Jarai people <who were brought in the security
12 centre>? <What kind of clothes were these?>

13 A. The <clothes> had <the same> colours and <model>. Those
14 clothes were soaked in a water for one -- were put in the water
15 for one day. <The clothes were washed and dried> and, later on,
16 the clothes were distributed to other detainees; but we -- I
17 could still remember <the model and> the colour, so I could say
18 that those clothes may have been those of Jarai people.

19 [13.49.50]

20 Q. Were those clothes distributed to the detainees in the same
21 building as -- the same building where you were detained?

22 A. The clothes were distributed to the detainees in the same
23 building.

24 Q. Thank you. In relation to an individual by the name Auy, do
25 you know this individual; what did he or she do while you were

1 detained at that centre?

2 A. Auy was a guard, but guarding all buildings. He was the actual
3 perpetrator.

4 Q. He was the guard and he stood guard at the centre guarding all
5 the buildings and you also stated that he was the actual
6 perpetrator; what did he do exactly, at the time?

7 A. When Auy released detainees to go to work and when those
8 detainees committed any infraction, he would hit the offender
9 with the rifle butt or sometimes he hit and kicked. Every time
10 people were to be killed he was the one who was responsible for
11 coming and calling the detainees out.

12 [13.51.58]

13 Q. Why did you say that -- what made you to believe or what
14 incident did you witness and made you to believe that he was the
15 actual perpetrator and did such activities?

16 A. I saw the activities that he did on some occasions. He was
17 cruel and vicious. I was so terrified and I was afraid of him.
18 One day, I saw him walking a detainee or detainees. Sometime I
19 may have not made the right points and may not respond correctly
20 to the questions asked by the <Chamber> because I may have
21 confused with the -- because my memory does not serve me well. <I
22 say what I saw.> One day, when I was picking up vegetables, I saw
23 a woman was walked by him and that woman implored him. But the
24 Auy - Auy hit her with <the back of a hoe>. At that time, the
25 woman did not die yet and she was imploring Auy. <There were

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1 three of us> picking up vegetables in a nearby place and <we>
2 secretly looked at that incident. <We did not let him see us;
3 otherwise, he would have smashed us too.> And a while later, that
4 woman was smashed with the back of the hoe. She died as a result.
5 <He then dug a pit to bury her. We then ran back.>
6 This was the actual incident that I witnessed at the time so, as
7 I said, he was the actual perpetrator since he was so cruel and
8 vicious.

9 [13.54.06]

10 Q. You stated that you saw a woman was smashed and killed by Ta
11 Auy. Do you know that woman, where was she from?

12 A. I do not know that woman. I do not know where she was from.
13 She was taken out from a different building. Her legs were
14 shackled.

15 Q. Her legs were shackled or chained so while she was being
16 smashed by Ta Auy, was she still being chained and shackled?

17 MR. PRESIDENT:

18 Please observe the microphone, Madam Witness.

19 [13.55.08]

20 MS. MOEURNG CHANDY:

21 A. She was locked to the chains while being walked by Ta Auy.

22 BY MS. SONG CHORVOIN:

23 Q. Did you see other killings of detainees besides that woman?

24 MS. MOEURNG CHANDY:

25 A. <> The other three women who were picking out vegetables with

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1 me saw that incident. All of them died and passed away already.

2 Q. You stated that you and other two, other three people saw the
3 incident of killing. Is that true?

4 A. Yes, <three> of us witnessed that incident.

5 Q. My question is different from that. In fact, I want to ask
6 whether there were other killings besides the killing of a woman
7 that you witnessed on that day.

8 A. I witnessed only the killing of that woman.

9 [13.56.48]

10 Q. Regarding Ta Auy, besides being a security guard, do you know
11 the function or the position of that Auy?

12 A. I do not know besides he was being a security guard. I only
13 know that he was the one who always walked the detainees out of
14 the building and he was also responsible for taking all detainees
15 back into the building.

16 Q. Do you happen to know an individual by the name Nhok at the
17 security centre of Au Kanseng?

18 MR. PRESIDENT:

19 Madam Civil Party, please observe the microphone.

20 MS. MOEURNG CHANDY:

21 A. I used to hear people mention the name Nhok. I myself never
22 saw his face.

23 [13.58.06]

24 BY MS. SONG CHORVOIN:

25 Q. In the same written record of interview, the same document

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1 number, question and answer 7, you made mention about the removal
2 of a gallbladder. Could you give a description of that incident
3 to the Court? What did you know about that removal of
4 gallbladder?

5 MS. MOEURNG CHANDY:

6 A. I heard people say that a gallbladder was removed. I was
7 <cooking. After that,> I was walking <back and forth> along the
8 road <>. <There were three or four people in chains.> One <of
9 them> was so cruel and brutal, he used the bamboo stick out of
10 the wall and then cut open the body to remove the gallbladder,
11 <but it was not successful>. And that person <died and the body
12 was taken out>.

13 Q. I do not really understand your answer. <Who cut who? How was
14 it not successful?> Did you witness that incident or did you only
15 hear about the removal of the gallbladder? Could you make it a
16 bit clearer for the Court?

17 A. Ta Auy was in charge of the building. When a person was
18 removed out of the building, it was said that the liver <was>
19 removed <and eaten>. The detainee did the action, cutting open
20 the body to remove the liver, and Ta Auy stated by himself that
21 he ate gallbladder of human beings. <We were working in the
22 kitchen> and every time Ta Auy went in and out of the kitchen
23 hall, he said that he ate the gallbladders of human beings.

24 [14.00.42]

25 MS. SONG CHORVOIN:

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1 Thank you, Madam Witness. In the interest of time, I would like
2 to hand the floor to my international colleague.

3 MR. PRESIDENT:

4 Yes. In fact, you may proceed. However, please alert the Chamber
5 how you share the remaining time with the Lead Co-Lawyers.

6 QUESTIONING BY MR. FARR:

7 Mr. President, they've told us that they need something between
8 30 and 40 minutes, so I am going to be very brief, less than five
9 minutes I hope.

10 Q. Madam Witness, I just have a very few questions for you. So as
11 I understood your testimony this morning, you told us that when
12 you were first detained at the prison you were in a room that was
13 locked from the outside and then later you were moved to a room
14 that was not locked from the outside. Did I understand that
15 correctly?

16 [14.01.56]

17 MS. MOEURNG CHANDY:

18 A. Yes, that is correct.

19 Q. And do you have any way of estimating how long you were in the
20 room that locked before you were moved to the room that did not
21 lock?

22 A. When we arrived, we were detained in that room for a night and
23 the next day we were put in a room where it was not locked.

24 Q. So is it correct then that by the time the Jarai women arrived
25 you were already in the room that did not lock?

1 A. Yes, that is correct.

2 [14.03.02]

3 Q. Okay. I just have a few more questions about your daughter's
4 birth. You gave birth to a child during your time in Au Kanseng;
5 is that correct?

6 A. Yes, that is correct. My child was born while I was detained
7 in the Au Kanseng 1 prison.

8 Q. And during your pregnancy and at the time of birth, were you
9 given any sort of medical care?

10 A. No, there was no medical service. However, there was a male
11 medic who was there during my delivery and who actually cut the
12 umbilical cord. And in fact, I was assisted by <> other <>
13 inmates.

14 Q. And after your daughter was born, were you able to take care
15 of her or were you required to immediately begin working?

16 A. After the delivery I remained with my baby and other inmates
17 would assist me with the firewood in order to warm me up. And I
18 was not given any medicine or pills to take. Only the female
19 inmates who were in the same building that assisted me.

20 [14.05.04]

21 Q. And how long after your daughter's birth were you required to
22 begin working again?

23 A. After I had some strength then I was sent to cook rice in the
24 kitchen and I could be with my baby at the time. However, I did
25 not have any breast milk to feed my baby and for that reason I

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1 gave her sugar cane juice to drink. And after that, I was sent to
2 sort of carry woods. I had to carry the wood planks from the
3 forest.

4 I feel the pain when I think of what happened at the time. It
5 vividly plays in my mind. The situation was so miserable for me.

6 When you ask me these questions, it triggers the pain inside me.

7 Q. And I know this is a difficult topic but this will be my last
8 question. Could you just give us an idea of how the conditions in
9 the prison affected your daughter's health during the time that
10 she spent there?

11 [14.06.56]

12 A. Because I did not have breast milk to feed her, then I asked
13 for sugar cane juice to feed her. And that happened because I did
14 the hard work; namely, carrying wood. Luckily enough, the baby
15 survived and is still living now. She was fed with sugar cane
16 juice at the time.

17 MR. FARR:

18 Thank you, Madam Witness. Thank you, Mr. President.

19 MR. PRESIDENT:

20 Thank you. And the floor is now given to the Lead Co-Lawyers for
21 civil parties. You may proceed.

22 [14.08.02]

23 QUESTIONING BY MR. PICH ANG:

24 Good afternoon, Mr. President, Your Honours, everyone in and
25 around the courtroom.

1 Q. And good afternoon, Madam Witness. My name is Pich Ang. I and
2 my colleague, Marie Guiraud, are Lead Co-Lawyers for the
3 consolidated group of civil parties and I have some questions to
4 put to you.

5 Allow me to back track the events a little bit -- that is, the
6 time that you were instructed to board a truck in the rubber
7 plantation. Can you tell us; were you instructed to go and get on
8 the truck in an orderly manner or were you threatened or not?

9 MS. MOEURNG CHANDY:

10 A. It was the village chief who told us to board the truck to go
11 for a meeting at S-8 in Botum area.

12 Q. And when you were at the truck, you saw armed guards. Did you
13 get on the truck by yourself?

14 A. Yes, I did it by myself. At that time guards were armed,
15 including the village guards.

16 [14.10.05]

17 Q. After you boarded the truck, where were the guards? Did the
18 guards also get on the truck?

19 A. The guards were sitting at the back of the truck together with
20 us.

21 Q. You mean at the rear compartment of the truck? Can you
22 describe to the Court about the kind of truck that you were on?
23 Was it a fully covered truck or was it an open-roofed truck?

24 A. It was a truck with an empty rear compartment, and I do not
25 know how to describe it more than that. So the rear compartment

1 was large and empty and we got on the truck and we sat in that
2 compartment. The guards also boarded the truck and sat at the
3 rear. However, I do not know the model of that truck.

4 Q. So I believe, if I am not mistaken, it was an open-roofed rear
5 compartment truck. Is that correct?

6 A. It was not -- the rear compartment was not covered.

7 [14.12.04]

8 Q. And when you arrived at the detention centre - or, after that,
9 did you see that truck again? And if so, how frequently did you
10 see it at the centre?

11 A. I did not see the truck again after I was detained in the
12 centre because usually the vehicles would stop far from where I
13 was detained.

14 Q. I would like to talk about other people who were sent to the
15 detention centre. You just said that the cars or the trucks did
16 not park near where you were. And besides the group of the Jarai
17 people, did you witness the arrival of any other groups of people
18 who were sent to that detention centre?

19 A. I saw people who were brought in and then they were placed in
20 the separate buildings but I did not know of their nationality or
21 ethnicity. I only knew of those Jarai people who were detained
22 with me.

23 Q. Maybe my question is not clear enough. Let me talk about the
24 building where you were detained. Besides you, a Khmer woman and
25 a group of Jarai people, did you -- were there any other

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1 detainees who were brought in and detained in your building or
2 room whether they were Vietnamese or Khmer or of any other
3 ethnicities?

4 A. There were only Khmer and Jarai people in that building. There
5 were no Vietnamese.

6 [14.15.00]

7 Q. So I will not ask you further questions about other
8 ethnicities. Right now return to the work that you did at the
9 centre. Could you tell the Chamber whether that detention centre
10 was labelled as re-education centre?

11 A. I did not know. Maybe the actual name is re-education centre.

12 Q. During the time that you stayed in that centre, were you ever
13 called to attend any meeting with anyone there, for example a
14 study session or a study meeting?

15 A. No, there was none.

16 Q. Are you sure that there was no meeting organized or there was
17 no study session organized for you?

18 A. There was none.

19 [14.17.05]

20 Q. So there was no such meeting or you did not know if meetings
21 took place in the centre?

22 A. There was no meeting and, of course, I did not know if there
23 were any other meetings.

24 Q. So I will not ask you any further about meetings. Let we talk
25 about your living conditions. You have been asked by the

1 Co-Prosecutors about your young child, so I'd like to touch up on
2 that issue as well as your living conditions and the conditions
3 of those who were detained there.

4 Regarding your young daughter, what was her health like?

5 A. My child was young and was skinny. When I went to work, the
6 child would stay with the caretaker there. If children had enough
7 breast milk, then the children would be healthy, but my child was
8 not that healthy.

9 Q. And did your child fall ill rather frequently during your
10 detention there?

11 A. Yes, rather frequently.

12 [14.19.02]

13 Q. And was your child looked after when she was sick and what
14 kind of sickness that she had?

15 A. Usually it was fever and the male medic would bring some
16 medicine for her. Most of the time, she had fever and cough.

17 Q. And after you gave her the medicine, did she recover?

18 A. Yes.

19 Q. In your response to the Co-Prosecutor, you said that there was
20 no medical treatment or service, but now you said that a medic
21 gave some medicine to your baby. Could you tell the Chamber what
22 conditions for the inmates or for people there to receive the
23 medical treatment?

24 A. My feeling was rather overwhelmed when I am here. However, I
25 can say that if my baby had a fever or cough then I could ask for

1 medicine. For me, I do not really understand well about the word
2 "the services" in Khmer also were. But if you talk about
3 treatment then, yes, if my child got sick then I could ask for
4 medicine for her treatment, although my child was not with me all
5 the time as my child was with the caretaker.

6 [14.21.24]

7 Q. So do you mean that you did not actually know well about the
8 wellbeing of your child?

9 A. Because I went to work outside and my child was left with a
10 caretaker. So it was up to the caretaker to ask for medicine if
11 my child had fever and I only saw my child at night time.

12 Q. You also stated that you sort of carried wood planks from the
13 forest. Can you tell the Chamber where did you sort of carry the
14 wood planks and how hard was it to carry wood planks?

15 A. I was asked to sort of carry wood planks and the distance was
16 rather far. And at that time I had just delivered my baby and I
17 could not carry it.

18 There were older women who came from other areas and <they> tried
19 hard and <> could sort of carry the planks. And after <they>
20 finished, <they> returned to help carry my share, because
21 whenever I stood up carrying the planks, my knees shook. So those
22 women took turns to help me carry the wood planks. And before we
23 reached the place where we had to drop the wood planks off, I
24 would try to carry the wood planks <so that they would not see
25 that I got any help>.

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1 [14.23.17]

2 <The> wood planks <were 10 metres long>. We had to carry those
3 wood planks from the forest where the wood was <cut> and, of
4 course, the road was not smooth. It was rough. But I could not
5 carry it from the wood and those old women assisted me.

6 Q. How far was the distance from the forest where you had to
7 carry the wood planks to where you had to drop it off?

8 A. It was about the same distance as from the main road to the
9 car park here of this Court. So I cannot tell you the distance.
10 And as I have just said, it was from the main road to the car
11 park near this courtroom.

12 Q. If I put it to you that the distance is about 300 metres, is
13 that about right?

14 A. I could say the distance was from the main checkpoint at the
15 main road to our location here. And I cannot give you the number
16 of metres.

17 [14.24.50]

18 Q. Thank you. And I would like to ask you about your health
19 condition and your food <rations>. While you had just delivered
20 your baby, did you have sufficient food to eat?

21 A. We were given a food ration -- that is, a bowl each and
22 whatever soup that was given to us we simply ate it. They --
23 although I had just delivered a baby, I was not -- I did not
24 receive any special food <rations> at all.

25 Q. And the food that was given to you, was it sufficient for you

1 who had just delivered your baby?

2 A. Of course it was not sufficient when we were detained there.

3 We were considered prisoners so the food given to us was not that
4 sufficient. But we had no choice and we just ate what was given
5 to us.

6 [14.26.15]

7 Q. I don't have many more questions. And I'd like again to ask
8 you about your living conditions or the living conditions of
9 other inmates.

10 While you were in that detention centre, did you have a proper
11 sleeping facility, for example a sleeping mat, a pillow or a
12 mosquito net?

13 A. There was none.

14 Q. So if that is the case, what did you sleep on?

15 A. We had a few sets of clothes so we used those clothes as our
16 pillow and because we had no mosquito net, sometimes we had to
17 chase the mosquitoes away or sometimes we had to make a fire to
18 chase the mosquitoes away.

19 Q. On the topic of hygiene, where did you bathe yourself?

20 A. We went to the creek to bathe ourselves and we also washed our
21 clothes in that creek.

22 Q. While you were bathing yourselves with others, were you being
23 guarded?

24 A. The creek that I referred to was located near the kitchen and
25 near the building where the chief resided. So we were not guarded

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1 while we bathed in that creek.

2 [14.28.48]

3 Q. What about the male prisoners who were chained in the
4 building? Can you describe their situations?

5 A. For them, they were not allowed to go out and bathe.

6 MR. PICH ANG:

7 I don't have any further questions for you, Madam Witness, and I
8 thank you for answering my questions.

9 Mr. President, I conclude my questions now. Thank you.

10 [14.29.52]

11 MR. PRESIDENT:

12 It is now convenient for us to take a short break. We will take a
13 break now and resume at 10 to 3.00.

14 Court officer, please assist the civil party – rather, the
15 witness during the break time and invite her, as well as the TPO
16 staff, back into the courtroom at 10 to 3.00.

17 The Court is now in recess.

18 (Court recesses from 1430H to 1451H)

19 MR. PRESIDENT:

20 Please be seated.

21 The Chamber is now back in session and we give the floor to the
22 defence counsel to put questions to the witness. And first, the
23 floor is given to the defence counsel for Mr. Nuon Chea. You may
24 now proceed.

25 [14.52.27]

1 QUESTIONING BY MR. KOPPE:

2 Thank you, Mr. President.

3 Q. Good afternoon, Madam Witness. I have not very many questions
4 to you. I hope that we can finish this afternoon.

5 Let me start by asking you some questions as to the time that you
6 saw those Jarai ethnic people. Let me first ask you whether it is
7 correct that you and <your> former husband were arrested and
8 brought to Au Kanseng around mid-June 1977?

9 MS. MOEURNG CHANDY:

10 A. Yes, that is correct.

11 Q. Is it also correct to say that mid-June 1977 you were already
12 pregnant from your child and if yes, do you know long you were
13 already pregnant from your child?

14 A. I was two months pregnant.

15 [14.54.12]

16 Q. Is it then correct that your child was born early 1978? Do you
17 remember actually the exact date that she was born?

18 A. No, I cannot recall because I did not pay attention to the
19 date when the child was born. I simply gave birth without taking
20 much notice of the date.

21 Q. I understand, but would you agree with me that if you were
22 pregnant for about two months mid-June 1977, that your daughter
23 must have been born somewhere in January 1978?

24 A. Yes, it's probably like that. It was in 1978.

25 Q. Now, in your statement to the investigators in question and

1 answer 6 --

2 MR. FARR:

3 Mr. President, I think that counsel may be moving into a -- all
4 of the questions have been leading so far. I haven't objected
5 because they weren't important issues. But I think he is moving
6 into an issue that may be important. So I would ask that he ask
7 an open question before putting the witness' statement to her.

8 [14.56.24]

9 BY MR. KOPPE:

10 I have no problem, but the previous questions were also
11 important.

12 Q. Madam Witness, do you remember when it was that you saw the
13 Jarai people in relation to the birth of your daughter? In other
14 words, was your daughter already born when you saw those Jarai
15 people in Au Kanseng? And if yes, how long was she born already?

16 MS. MOEURNG CHANDY:

17 A. I did not give birth to my child yet at that time. I saw the
18 coming of the Jarai people before I delivered the baby.

19 Q. Let me read to you what you told the investigators. That is
20 question and answer 6. You said the following, and I quote:

21 "After I gave birth to a child for about two, three months, I saw
22 the minority people tied in a string." End of quote.

23 So it seems that you are saying here that the child was already
24 born and that two or three months later you saw the Jarai. Does
25 that somehow refresh your memory?

1 [14.58.10]

2 A. It maybe like what you just said. I cannot recall things well.

3 I lost some of my memory because my memory was not good. <So what

4 I answered in my first statement is correct.>

5 Q. So would you agree with me if your statement to the

6 investigators is correct that you saw those Jarai March or April

7 1978?

8 MR. FARR:

9 Your Honour, the witness hasn't agreed that her statement is

10 correct. She said it may be correct what you just read.

11 Therefore, I object to counsel's question. It's premised on

12 something other than what the witness has just told us.

13 MR. KOPPE:

14 I am not sure if I follow. I confronted the witness with what she

15 said to the investigators. She didn't deny saying that. She just

16 couldn't remember it well.

17 So there is still the evidence in front of us. If that is

18 correct, I was just calculating for her and putting it to her

19 that she saw the Jarai March or April 1978. And the reason it's

20 relevant, obviously, Mr. President, is because of the document

21 that I showed the other witness yesterday.

22 So I think it is important that I get leeway to find out exactly

23 when she said -- when she saw those Jarai.

24 [15.00.05]

25 JUDGE FENZ:

1 Counsel, yes, we are not hindering to do this but what the
2 prosecutor objected to was trying to do this by making a
3 calculation based on what she herself says is an assumption;
4 might be, might not be. I think it's the path that the prosecutor
5 objects to, not the end.

6 BY MR. KOPPE:

7 I'm happy to do it again.

8 Q. Madam Witness, I confronted you with your earlier statement
9 indicating that you saw those Jarai two or three months after the
10 birth of your child. Then you said, "Well, I don't really
11 remember well." But if I ask you to think again, was it indeed
12 two or three months after the birth of your daughter that you saw
13 those Jarai?

14 [15.01.14]

15 MS. MOEURNG CHANDY:

16 A. Yes, it maybe like what you just said when I saw the Jarai
17 people. My memory does not serve me well.

18 Q. I understand. But is then correct for me to say that you saw
19 those Jarai in March or April 1978?

20 A. I cannot recall whether it was in March or April because at
21 that time we worked every day, so seven days a week. That's why
22 we did not pay attention much to whether it was Monday or the
23 other days or what month it was.

24 Q. Fine, no problem, Madam Witness. I'll move on.

25 But then I would like to ask you where it was exactly that you

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1 saw that pit that you believe was then at one point in time
2 filled with the bodies of those Jarai? Where exactly was it that
3 you saw that empty pit?

4 [15.02.50]

5 A. The empty pit which I saw was located at a location close to
6 the place where I was assigned to collect, to pick up vegetables
7 and that empty pit was the result of the B-52 bombing<. It was a
8 deep and large pit, I saw it>. So it was far away from the
9 detention buildings.

10 Q. Do you recall whether it was about one kilometre or maybe two
11 kilometres away from Au Kanseng?

12 A. It was about one kilometre away.

13 Q. Do you know whether it was - whether this B-52 crater was
14 close or in a vicinity of a jackfruit plantation?

15 A. I do not know where jackfruit plantation was located at the
16 time. The <male> detainees would know about the location of that
17 jackfruit plantation since they were assigned to guard the fruit,
18 the jackfruit. And for females, <we did not know about that>.

19 [15.04.30]

20 Q. Do you know any other specifics than the pit was in an old
21 B-52 crater? Can you be a little more specific as to the
22 location?

23 A. I do not have anything to explain about the B-52 crater. As I
24 stated, I saw an empty pit, B-52 crater.

25 Q. What made you conclude that this B-52 crater was in fact a pit

1 to be filled with bodies at one point in time later?

2 A. The first time I saw the crater, the <> pit was not filled
3 with dirt. And after Jarai people had been sent away, the day
4 after, I went to <pick up vegetables and I saw> that <the> pit <>
5 was filled with the dirt.

6 Q. Do you remember whether this B-52 crater was close to the main
7 entrance, was it south or north or east or west? Can you give us
8 a little more details as to the location? What do you remember?

9 A. I do not know where exactly that B-52 crater was located. I do
10 not know whether it was located in the east<> or west. I did not
11 know about the direction<, but the entrance was on the -- if we
12 entered --> So it is very difficult for me to describe the
13 geographical area of the location. I do not really know how to
14 explain. So the sun was in different positions when <we> visited
15 <Boeng> Kanseng at different times.

16 [15.07.50]

17 Q. Did you actually see any of the bodies itself? Were bodies in
18 that pit still to a certain extent uncovered? Were you able to
19 recognize any of the dead bodies or was it not possible?

20 A. I cannot recall whose dead bodies they were. The <> crater
21 <was filled with dirt, with a crack on the surface>. At one time
22 I saw an empty, <deep> pit and on another time, I saw the pit was
23 filled with dirt <and> I could smell the decomposing bodies. So I
24 did not know those bodies belonged to whom. <I was scared,> so <>
25 I was not interested to discover whose bodies they were.

1 Q. One last question and I will move on.

2 Today, you made it very clear that you did not witness the

3 killings of the Jarai people who were in Au Kanseng and whom you

4 saw being detained. However in your WRI A6, answer and question

5 6, you are saying, and I quote, "These ethnic minorities were

6 tied one after another on a string and taken to be killed by

7 batons and the heads of the hoes. And I saw it while I was

8 picking vegetables near that location". Now, clearly that is very

9 much contradicting what you said today.

10 Do you know why you said this to the investigators?

11 [15.10.30]

12 A. When I was asked by the investigator, I recalled the

13 experience at that time, so I provided the <correct> answer. <But

14 now I get sick often,> I have had the high blood pressure

15 disease<, and I also had an operation>, so my memory is not good.

16 <It was quite a long time since I was interviewed by the

17 investigator. I also lost some memory.> So when I am here to

18 testify, my testimony may have a little bit of different -- may

19 be a little bit different from what I told on that time.

20 Q. Let me move on now to the next subject. You were asked a

21 question already about this, Madam Witness, and that during your

22 interrogation you were asked whether you had communicated with

23 the "Yuon", and you told the Chamber that <> you hadn't.

24 Do you recall if there were more questions asked to you about

25 your communications with Vietnamese or with "Yuon"? Was this the

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1 only question that they asked or did they ask all kinds of
2 questions relating to you allegedly talking to the "Yuon"?

3 A. I was asked mostly about my communication with "Yuon" and my
4 same answer was that I never had any contact with the "Yuon".

5 [15.12.36]

6 Q. But do you recall, for instance, whether they asked you
7 questions about names of certain people, names of Vietnamese
8 people, time, places etc.? Do you remember any specific details
9 as to the questions?

10 A. They did not ask much. The question was about whether or not I
11 had communicated with the "Yuon". No other questions were put to
12 me. It was about only communication with "Yuon". I was asked
13 whether I had communicated with the "Yuon". My reply was no.

14 Q. And is it then fair for me to conclude that after half-hour of
15 questions, they were -- they had believed your answers and that
16 they were fine with this?

17 [15.13.56]

18 MR. FARR:

19 Mr. President, I think that question calls for speculation. He's
20 asking the witness whether the interrogators believed her
21 answers.

22 BY MR. KOPPE:

23 I will reformulate.

24 Q. Madam Witness, when the questioning was done after half-hour,
25 did they say to you, "okay, thank you, we believe you," or didn't

1 they say that?

2 MS. MOEURNG CHANDY:

3 A. The interrogator said nothing.

4 Q. One or two last questions in relation to these questions.

5 Maybe that would somehow jog your memory.

6 Did they ever ask you any questions about a person named Lang

7 (phonetic) who was in contact with Khieu (phonetic) from Hanoi;

8 possibly Khieu Meas (phonetic) from Hanoi? Did they ask you any

9 questions about Ya, the zone chief?

10 Do these names mean anything to you?

11 [15.15.23]

12 A. I was never asked about whether or not I knew some particular

13 names. They never asked me such things.

14 Q. Thank you, Madam Witness, I will move on.

15 Would you be in a position to remember how many prisoners there

16 have been in total in 1977 and the subsequent year, 1978? Are you

17 possible to remember -- can you remember estimates as to how many

18 prisoners there were in total, both men and women, in Au Kanseng?

19 [15.16.17]

20 A. I personally did not know about the number of detainees. I was

21 not so interested about the number of detainees at the time. I

22 minded only my life. I did not make any effort to count how many

23 detainees at the time.

24 I was struggling for my life, so how could I have any focus on

25 how many detainees were there.

1 Q. Well, as I understood your testimony, you were working with
2 most of them it seems in '77 and '78, but at any given time a
3 minimum of 50 and a maximum of 100, would that be an accurate
4 estimate or is it not -- are you not possible -- are you not able
5 to say the exact numbers or the approximate numbers, rather?

6 A. I cannot tell the approximate number, I did not count. Some
7 <four or> 10 detainees may have detained in one cell, so the
8 number in cells varied. I was simply a detainee, I did not bother
9 counting numbers of detainees. I was assigned to work at the time
10 and when I returned back at night, I more interested in sleeping
11 time.

12 [15.18.15]

13 Male detainees may have known about numbers -- number of
14 detainees. I was a woman with a small infant <and I was also busy
15 with work>, so I did not bother counting numbers of detainees at
16 that place.

17 Q. Do you know whether there was also another re-education centre
18 next to the one -- or in addition to the one that you were in,
19 run by military division 801? Have you ever heard whether there
20 was another re-education centre?

21 A. No, I have not.

22 Q. Were you ever told you were in a re-education centre for light
23 offenders?

24 A. They did not mention about light and serious offenders. I was
25 assigned to work so I was doing my utmost to perform the tasks. I

1 had to be committed to my work.

2 They allowed me to go outside thanks to my hard work, so they
3 never mentioned about light or serious offenders.

4 [15.20.00]

5 Q. Have you ever heard of a person named Chat who was a -- the
6 deputy chairman of the worker union and who was also an ethnic
7 Jarai?

8 A. I never heard of that name.

9 Q. Then my last subject, Madam Witness.

10 You said this afternoon that you saw Ta Auy kill a woman. Do you
11 know who this woman was?

12 A. I do not know who she was, I only saw the killing. I do not
13 know where she was from and where she was detained in the centre.
14 While I was picking up vegetables, I saw the killing of that
15 woman.

16 Q. So she was not someone who was detained in the same place as
17 you were; correct?

18 A. She was not detained in the same building as me, she was <>
19 detained in a different building.

20 Q. Well then, let me be clear on this. You didn't know her;
21 correct?

22 A. Correct.

23 [15.21.56]

24 Q. Where was it exactly that you saw this incident?

25 A. While I was picking up vegetables. It was close to a creek or

1 stream, and close to that stream, vegetables were grown by
2 detainees. There were small gardens close to that creek.

3 Q. Do you remember how far this creek was away from Au Kanseng?

4 A. Au Kanseng was located rightly in the province<, but if we
5 went from the security centre,> the creek was located far away
6 from <> Au Kanseng security centre. In fact, <Boeng> Kanseng was
7 located rightly in the provincial town of Ratanakiri. <So the
8 location of the security centre was not at Boeng Kanseng.>

9 I do not recall the name of the location <but> there was a creek
10 or stream, as I said, and the water at the time was flowing, but
11 it was not Au Kanseng or <Boeng> Kanseng stream.

12 [15.23.44]

13 Q. Do you remember how far it was; was it one kilometre away, 10
14 kilometres away from Au Kanseng?

15 A. I do not know the distance. When you asked me -- when you were
16 asking me about this question<, I didn't recall it and I did not
17 estimate> how far it <was. I don't know how to calculate the
18 distance, I don't know>.

19 Q. Do you remember when it was that you saw this incident?

20 A. It was when I was picking up vegetables. I was assigned to
21 work in the kitchen so I was ordered to go around and find
22 vegetables in the forest.

23 While I was walking to find vegetables, I accidentally saw Auy
24 mistreating a woman. <We were> there looking secretly the
25 mistreatment <with fear because we> wanted to know how the

1 process was conducted.

2 The woman was smashed with the back of the hoe<, and then she
3 went to grab his leg,> and after that the -- Ta Auy gave her
4 another <beating. And then he dug the pit to bury her dead body>.

5 Q. My question was as to when in time. Had you, for instance,
6 already given birth to your child when you saw this or was it
7 much later or were you still pregnant when you saw this incident?

8 [15.26.08]

9 MR. PRESIDENT:

10 Please observe microphone, Madam Witness.

11 MS. MOEURNG CHANDY:

12 A. It was after I delivered the baby.

13 After I had delivered the baby, I was assigned to work in a
14 kitchen cooking rice, so it was quite some time after I had
15 delivered the baby when I saw that incident.

16 BY MR. KOPPE:

17 Q. Was it also after you saw the Jarai in the detention centre?

18 MS. MOEURNG CHANDY:

19 A. It was after the incident happening to Jarai.

20 Q. Was it already the rainy season or was it still the dry season
21 that you saw this incident?

22 A. The rain started in that -- during that time, but it did not
23 reach the rainy season yet. It was the start of the rainy season.

24 [15.27.45]

25 Q. And was it only Ta Auy who was involved in this incident or

1 were there also other men involved?

2 A. <When I witnessed it,> there was only Ta Auy at the time.

3 Q. Have you ever heard as to the reasons why Ta Auy killed this
4 woman?

5 A. I do not know about the reason. <> It was his business. I only
6 witnessed that incident. I did not know the reason.

7 Q. Do you know or have you ever heard whether Ta Auy was under
8 any form of instruction to kill this woman?

9 A. I did not know about that.

10 Q. Do you know whether Ta Auy knew this woman personally or
11 whether he maybe had a relationship with this woman?

12 A. No, I don't.

13 [15.29.34]

14 Q. And my last question.

15 Do you know whether this incident had anything to do with Ta
16 Auy's capacity as guard in Au Kanseng?

17 A. I do not know about that. <Because anything involving other
18 people's business or their internal affairs, I could not know>.

19 Q. And my very last question, unrelated to this, Madam Witness.
20 You spoke about the health of your daughter and I understand that
21 your daughter is still alive. How is her health today?

22 A. She has suffered from diseases from time to time. Sometimes
23 she has stomach disease and on other times she has <back pain.
24 She gets sick often>. She is married, so her husband is <always>
25 taking care of her. <Her health is not good, she gets sick

1 often.>

2 [15.31.05]

3 Q. But is she fine now, generally speaking?

4 A. I have no idea. Currently they are living in their family away
5 from me. <They are living in Ratanakiri. For me, I came to live
6 in Doeum Reus (phonetic).> I do not know for sure how she is. I
7 only sometimes know that she is suffering from diseases from time
8 to time.

9 MR. KOPPE:

10 Thank you, Madam Witness.

11 Mr. President, my national colleague has a few additional
12 questions.

13 QUESTIONING BY JUDGE FENZ:

14 Just to direct follow-up questions to what you said, so I think
15 it's probably the time to do it now.

16 Q. This is about the last incident counsel covered with you.

17 My first question is about the distance from -- or between the
18 re-education centre and the vegetable field. You said you don't
19 remember the distance.

20 Can you tell me, did you walk there or did you go there by car or
21 by truck from the centre to the vegetable field?

22 [15.32.50]

23 MS. MOEURNG CHANDY:

24 A. I walked there. There were no cars or motorbikes at that time.

25 We did not have even bicycles to ride. <Although it was about one

1 kilometer or two kilometers, we had to walk there on foot.> All
2 of us went there on foot and we talked, we chatted, along the way
3 when we walked there.

4 Regarding the distance from the vegetable field to the
5 <buildings>, it was about one kilometre away from each other, but
6 it was just my estimate because we had no means to measure the
7 exact distance. And...

8 Q. I'm not trying to pressure you into making an assumption.

9 I understand you don't know the distance, but can you tell me
10 what time it took you to go there? How long did it take you to go
11 from the centre to this vegetable field, if you remember?

12 A. <For example, if we walked from that distance to --> we did
13 not know <> how long it took to get there <on foot>. We did not
14 pay attention to the number of hours we spent. We simply walked
15 <there> and did not <estimate> how many hours it took to get
16 there. <I could not estimate whether it took half an hour or one
17 hour to get there. We just walked there.>

18 [15.34.46]

19 Q. Well, I'm not sure it's an issue of translation, but when you
20 say, "How many hours", do I have to understand that it was more
21 than one hour or don't you have any idea about the time?

22 A. It was probably one hour to get there, but we walked and we
23 chatted along the way.

24 Q. Witness, generally, you don't have to give answers. If you
25 don't remember something, tell me.

1 Now, let me get to the next question, and I just want to check if
2 I understood it correctly.

3 When you saw this woman being killed, can you remind us what
4 happened to the body of the woman?

5 A. As I told you earlier, when I picked the vegetable, I saw Auy
6 beating the woman with a hoe and then the woman went to <grab>
7 his leg and begged for her life and then Auy did not let her
8 survive. He kept beating her with another hoe and then <he dug a
9 pit and> pushed her into the pit.

10 And that was what I and other women who went to pick vegetables
11 saw and we secretly sneaked out to make sure that Auy did not see
12 us. <After that, we secretly ran away, because we were afraid
13 that he would beat us with a hoe too.>

14 [15.36.55]

15 Q. And this pit, the pit where the body was thrown into, did you
16 ever go to this pit, perhaps on a later day, on the next day or
17 the day after?

18 A. Later on, I went to pick up vegetables again and I saw <that
19 the pit was filled and there were> crack<s on the surface>, and
20 that was when I made my journey back to pick up vegetables again
21 and that was what I saw.

22 Q. Just to be clear. That was not the same pit or was it the same
23 pit where you saw the -- or where you think you -- the Jarai
24 disappeared, or was that the same pit, no or yes?

25 A. The pit where the Jarai people were buried was a different

1 one. That was a big pit. <When I went there for the first time, I
2 saw> that big pit was not covered, but after the Jarai people
3 were <taken away, the day after, I went there again and I saw>
4 the pit was <filled with dirt. That pit was deep.>
5 So I just want to clarify that there were different pits between
6 the one that were used to covered -- to put the Jarai people and
7 the one that was used for the woman. <The pits were not side by
8 side. The pit of that woman was close to the stream and the
9 vegetable garden, but the pit of the Jarai people was in a
10 different place.>

11 [15.38.54]

12 Q. As far as you know, was there only this woman in this pit or
13 were there more women in this pit -- or more people in this pit?

14 A. <Her body was not in that pit because the> body of the woman
15 was buried near the vegetable farm. For the big <crater>, I had
16 no idea how many people were buried there or who were buried
17 there. There were many bodies and the big pit< was> covered and
18 there was a crack in the cover. <If there were only one or two
19 dead bodies, it would not have filled the pit.>

20 Q. I understand about the big pit. My question was about the
21 other pit where the woman disappeared.

22 Do you know if there were other bodies in this pit, or do you not
23 know? In the pit where the woman was shoved?

24 A. There was no other dead bodies. There was only the dead body
25 of that woman<, because he dug that pit and buried her dead

1 body.>

2 Q. <How do you know that> if you didn't go there -- or, did you
3 go there?

4 A. I went to pick up vegetables, so I repeat what I said earlier.

5 When I was picking up the vegetables, I saw the beating of her.

6 <He> used the hoe to beat the woman. <After she died, he used
7 that hoe to dig the pit and buried only her dead body>. So it was
8 a different pit from the <bomb crater> that I said earlier.

9 JUDGE FENZ:

10 Okay, thank you. No more questions.

11 [15.41.35]

12 MR. PRESIDENT:

13 Now the Chamber gives the floor to the defence counsel for Mr.
14 Khieu Samphan to put questions to this witness. You may now
15 proceed, counsel.

16 Now we -- I notice that the <national> defence counsel for Nuon
17 Chea is on his feet.

18 [15.42.01]

19 QUESTIONING BY MR. LIV SOVANNA:

20 Good afternoon, Mr. President. Good afternoon parties, and good
21 afternoon, Madam Witness.

22 My name Liv Sovanna; I am a <national> lawyer representing Mr.

23 Nuon Chea in this courtroom. I have some more questions to put to
24 you.

25 Q. First, I would like to know that when you were taken to the

1 re-educational centre in Au Kanseng, based on your observation,
2 how many interrogations room were there?

3 MS. MOEURNG CHANDY:

4 A. There was only one interrogation room. <It had a roof and >
5 closed <walls>. It was a small room.

6 Q. From the interrogation room to your holding cell, how far was
7 it from each other?

8 MR. PRESIDENT:

9 Madam Witness, please observe the microphone.

10 MS. MOEURNG CHANDY:

11 <Perhaps,> the distance between my holding cell and the
12 interrogation room were not far from each other.

13 [15.43.39]

14 BY MR. LIV SOVANNA:

15 Q. Can you tell us how <many> metres were they away from each
16 other?

17 MS. MOEURNG CHANDY:

18 A. They were probably about 20 metres away from each other.

19 Q. I would like to quote from document E3/9357 at question and
20 answer 4. You said that, "The interrogation <place> was <a> small
21 <building with a roof and> close<d walls,> and it was about 30
22 metres away from other buildings." End of quote.

23 So does this reflect your memory?

24 A. Yes, it was about that distance.

25 Q. Now I have another question to put to you.

1 Were male and female inmates held at different holding cells or
2 they were held in the same holding cells?

3 A. We were placed in different holding cells.

4 [15.45.30]

5 Q. You meant that you were <detained> in the same building or in
6 different buildings?

7 A. In different buildings. Women were placed <with women only,>
8 and men <were placed with men>.

9 Q. Based on your recollections, how many buildings were used to
10 detain women?

11 A. There was only one building <for female detainees. It was a
12 long building, and we slept in line>, but there was another
13 building where a woman was <taken away. That woman was in another
14 building>.

15 Q. I would like you to clarify this point.

16 Earlier, you said that you did not know that woman, and now you
17 said that the woman who <was> taken away was the woman who were
18 detained <in another building>? <Would you clarify this point?>

19 A. I said that the woman was not detained in the same building
20 with me. That means she was detained in a separate building. If
21 she was detained with me, I would know her. <I did not know where
22 she was brought from, so it means that she was detained in
23 another building.>

24 [15.47.22]

25 Q. So that means that you did not see which specific building the

1 woman was detained. What you knew was that the woman was not
2 detained in the same building with you?

3 MR. PRESIDENT:

4 Madam Witness, please observe the microphone.

5 MS. MOEURNG CHANDY:

6 A. My building was a different one from the building of that
7 woman. When we were allowed to go out to relieve ourselves, we
8 saw the woman <being> detain<ed in> a separate building <, and
9 there were no men>, and she was detained in a small <and closed>
10 holding cell. We saw that woman when that woman was allowed to
11 come outside to relieve herself.

12 BY MR. LIV SOVANNA:

13 Q. I would like you to recall the situation at that time.
14 <Earlier,> you said that you <had never> see<n the woman who was
15 killed>, but now you said that you saw her in a different
16 building. So I would like to know whether you had seen her before
17 she was taken away to be killed or what?

18 [15.48.58]

19 MR. PRESIDENT:

20 Madam Witness, please hold on, and now the Chamber gives the
21 floor to the Lead Co-Lawyer for civil party lawyers.

22 MR. PICH ANG:

23 Counsel for Mr. Nuon Chea said that this witness <had never>
24 see<n> her; that counsel needed to quote what she said <exactly>.
25 And what she said was that <> she <did not see> th<at> woman <>

1 detained in the same building with her. She did not say that she
2 hadn't seen her <in another place>.

3 MR. LIV SOVANNA:

4 Based on my memory, the witness said that she <never knew> the
5 woman, and now <I would like to clarify whether there were two
6 different women, because in her earlier response> she said that
7 she <never knew> the woman <who was killed, but now she said that
8 she saw that woman detained in another holding cell>.

9 MR. PRESIDENT:

10 Counsel, the words "seen" and "knew" are two different words.
11 <You can see a person, but that doesn't mean that you know that
12 person, right?> They are two distinct words. <Do you know how to
13 use> the words "seen" and "knew"?

14 [15.50.13]

15 BY MR. LIV SOVANNA:

16 Now let me continue.

17 Q. Now, I asked you about the woman who you said you saw her
18 being killed.

19 My question is: have you <seen> her before?

20 MS. MOEURNG CHANDY:

21 A. No, I had not <seen and> known her<>.

22 Q. Why did you say that she may have been detained in a different
23 holding cell? It was based on your speculation or it was based on
24 your actual knowledge?

25 A. I have not seen her detained in the same building with mine,

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1 that's why I concluded that she was detained in a separate
2 building, <and she was sent away to be killed. That's what I
3 said>.

4 [15.51.32]

5 Q. Thank you, Madam Witness. Now I have some more questions that
6 I need you to clarify.

7 <After you and your husband were arrested together,> did you know
8 <in> which building <> your husband was detained?

9 A. When my family was arrested, he was detained in a different
10 building.

11 Q. From the building where your husband was detained to the
12 interrogation room, how far were they from each other?

13 A. From my building to the male building, <it was> probably from
14 <here> to that building.

15 Q. If we compare between the building where you were detained and
16 the building where your husband was detained, which one was
17 closer to the interrogation room?

18 MR. PRESIDENT:

19 Please hold on.

20 Mr. Counsel, please reformulate your question because it is
21 difficult to understand. You need to be more specific when you
22 compare the various locations.

23 [15.53.20]

24 BY MR. LIV SOVANNA:

25 Q. I compare the distance from the interrogation room to the

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1 holding cell where <she was> detained and from the interrogation
2 room to where her husband was detained; which one was further
3 from the interrogation room>?

4 MS. MOEURNG CHANDY:

5 A. My building was closer to the interrogation room.

6 The male building was far <from my female building;> it <> was
7 approximately from this courtroom to the <other> building <over
8 there>. <The interrogation room and the male building were the
9 same distance I mentioned above.>

10 Q. Now let me talk about food ration. Were you required to eat in
11 the common dining hall or were you given food to eat in your
12 holding cell?

13 A. We ate in the common dining hall. There were long tables and
14 we ate together.

15 [15.55.06]

16 Q. Did the male inmates also join with the female inmates during
17 the eating or they were assigned to eat at separate locations?

18 A. <Men and women> were assigned to eat at separate locations,
19 and we were given food ration of one small bowl with potatoes.
20 And men eat at a different location and women ate at a different
21 location.

22 Q. Was it in the same building or different building?

23 A. Male came to eat close to the kitchen hall. For the women,
24 <sometimes we took> our food <> to <eat in> our holding cells.
25 <If not, we could eat there. They had already divided the food

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1 rations for us.>

2 Q. Based on your observation, the male inmates who came to eat,
3 how many of them came to eat?

4 A. There were around 10 of them.

5 Q. Based on your observations of the eating, because you worked
6 in the kitchen and you were assigned to pick up vegetables, so
7 you may have witnessed the approximate numbers of inmates in the
8 <Au Kanseng re-education centre>?

9 A. I did not count the number <of inmates in the buildings>. I
10 saw about 10 men who came to eat at the common dining hall<, and
11 they went out to work>, but I did not know how many inmates there
12 were in the prison.

13 I did not have time to think about the calculation of the number
14 because I was scared. I just thought about my work.

15 [15.57.56]

16 Q. Now, I move to a new topic related to the arrival of the
17 Vietnamese.

18 When the Vietnamese arrived, what did the prison supervisor told
19 you?

20 A. They told us that we had to package our luggage because the
21 Vietnamese now arrived and they would kill all of us.

22 And any inmate who could walk must walk ahead, and for those who
23 could not walk, they did not do anything. So those who could
24 walk, they were walked away and the group also included me.

25 Q. Were you -- when you were walking, what time was it when you

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1 were told to leave the <Au Kanseng> re-education <centre>?

2 MR. PRESIDENT:

3 Please observe the microphone, Madam Witness.

4 [15.59.23]

5 MS. MOEURNG CHANDY:

6 A. I did not know the time of the day. It was in the daytime when

7 we were told to leave. We kept -- they kept on walking at the

8 time as we were told.

9 BY MR. LIV SOVANNA:

10 Q. Your <ex->husband, Phon Thol, and you were together, weren't

11 you?

12 MS. MOEURNG CHANDY:

13 A. We were together.

14 Q. Before the arrival of the Vietnamese troops, was there any

15 time that they allowed you to leave together with your husband?

16 A. We left <and travelled> together, and stayed at a specific

17 location together when it was the necessary time to stop,

18 <including unit chiefs and their subordinates>.

19 [16.00.40]

20 Q. I am asking you about the time before the arrival of the

21 Vietnamese troops, <while you two were detained at the Au Kanseng

22 re-education centre>.

23 Toward the end of the regime, were you allowed to stay in the

24 same house or in the same building with your husband?

25 A. We were not allowed to stay together and while we were being

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1 evacuated out of the building, we were walking together. I and my
2 husband were walking together and we rested at the same location
3 where we stopped together including the chief of the security
4 centre.

5 Q. My question perhaps is not clear to you. I want to know about
6 the time before the evacuation to the end of that time.

7 I want to know, after your detention and your husband detention,
8 whether you two were allowed to stay in the same building
9 together?

10 A. No. No, we were not detained in the same building.

11 [16.02.08]

12 Q. Perhaps it is my last question to you about the evacuation.

13 At which location could you escape or flee after that evacuation?

14 <Could you describe your evacuation journey?>

15 A. After I had been evacuated, I kept on walking. From time to
16 time, I walked into the forest and in different locations. <I did
17 not know in which direction I was walking.>

18 At one time, I arrived at Lao (phonetic) village, or Phum Lao
19 (phonetic). This village was known as Nheun (phonetic). <When I
20 arrived at that village>, the Vietnamese troops arrived <there
21 too>, so we were <released, and they said, "The 'Yuong' have now
22 arrived, they have come to kill us.">

23 We separated from one another at Nheun (phonetic). They left for
24 different destinations, <but we stayed in Nheun (phonetic)>. I
25 was there waiting for the arrival of the Vietnamese, although we

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1 were told that the Vietnamese would come and kill us. That kind
2 of event happened once already and at that time we were not
3 killed, so that was the second time. So I decided to stay on
4 waiting for the Vietnamese to come, although I was told that <>
5 we would be killed at that time. <Because at that time, we were
6 released, and the unit chiefs had already escaped and fled.>
7 Those who could walk, they further walked away to other
8 destinations and I kept on walking at that location. <That's what
9 I saw along the way during my evacuation.>

10 [16.04.05]

11 MR. LIV SOVANNA:

12 Thank you, Mr. President. I think I am running out of time so I
13 am done.

14 MR. PRESIDENT:

15 What about the defence counsel for Mr. Khieu Samphan, do you have
16 questions to put to this witness?

17 MR. KONG SAM ONN:

18 I have several questions to put to this witness.

19 [16.04.28]

20 MR. PRESIDENT:

21 Madam Moeurng Chandy, the Chamber first thought that your
22 hearings was concluded today, however, it is not.

23 So the hearing is now come to an adjournment and the Chamber will
24 resume on 7 March 2016.

25 Next week, the Chamber will continue hearing witness Moeurng

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1 Chandy, and according to the schedule of the Chamber, the Chamber
2 is planned to hear 2-TCW-840. However, a while ago, the Chamber
3 was informed by the WESU that that witness has a serious health
4 issue so he or she is not able to come and testify before the
5 Chamber next week.

6 The replacement <witness who has been invited to testify after
7 the witness, Moeurng Chandy, on Monday next week> will be
8 informed by the Chamber to <the> parties through the senior legal
9 officer tomorrow.

10 I am grateful to you, Madam Moeurng Chandy. The hearing of your
11 testimony as a witness has not come to an end yet. You are
12 therefore invited to come again to testify before the Chamber on
13 7 March 2016 at 9 a.m.

14 [16.06.14]

15 Thank you, Ms. Sun Solida, TPO staff, you may also be excused.
16 However you are also invited to come here again to sit close to
17 the witness on 7 March 2016. It will not take much of your time.
18 Perhaps you will be here for another session<>.

19 Court officer, please work with WESU to send Madam Moeurng Chandy
20 back to the place where she is staying right now, and please
21 invite her back into the courtroom on Monday, 7 March 2016,
22 before 9 a.m.

23 Security personnel are instructed to bring Mr. Nuon Chea and
24 Khieu Samphan back to the ECCC's detention facility and have them
25 returned into the courtroom on Monday, 7 March 2016, before 9

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1 a.m.

2 The Court is now adjourned.

3 (Court adjourns at 1607H)

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