



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

21 April 2015  
Trial Day 270

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

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## I N D E X

### HEARINGS ON VICTIM IMPACT

#### MR. THANN THIM (2-TCCP-288)

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Questioning by Mr. Kong Sam Onn .....	page 56
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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. DE WILDE D'ESTMAEL	French
JUDGE FENZ	English
MS. GUIRAUD	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LYSAK	English
MR. PECH CHIM (2-TCW-809)	Khmer
THE PRESIDENT (NIL NONN Presiding)	Khmer
MR. THANN THIM (2-TCCP-288)	Khmer
MR. VERCKEN	French

1

1 PROCEEDINGS

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 For the proceedings in Case 002/02, today the Chamber will

6 commence the testimony of a civil party named Thann Thim. As the

7 Chamber informs the Parties on Friday last week, also the

8 notification was sent by an email by the Senior Legal Officer of

9 the Trial Chamber.

10 Ms. Sivhoang, please report the attendance of the Parties and

11 other individuals at today's proceedings.

12 THE GREFFIER:

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

14 are present.

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

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

17 been delivered to the greffier.

18 A civil party who is to testify today -- that is, Mr. Thann Thim,

19 is waiting to be called by the Chamber in the waiting room. We

20 also have a reserve witness, 2-TCW-809. This witness confirms

21 that to his best knowledge, he has no relationship -- by blood or

22 by law -- to any of the two accused - that is, Nuon Chea and

23 Khieu Samphan or to any of the civil parties admitted in this

24 case. The witness will take an oath before the Iron Club Statue

25 this morning before his testimony. He has Mr. Sovann as his duty

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1 counsel.

2 [09.03.30]

3 MR. PRESIDENT:

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

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

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

22 [09.04.56]

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

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1 downstairs via audio-visual means.

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

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

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

8 [09.06.15]

9 MR. PRESIDENT:

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

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

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

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

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

4 [09.09.30]

5 QUESTIONING BY MS. GUIRAUD:

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

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

17 MR. THANN THIM:

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

21 [09.11.26]

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

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

5

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

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

4 Q. Thank you. Can you tell the Chamber what happened once you  
5 arrived in Tram Kak district?

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

11 [09.13.44]

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

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

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

15 [09.17.58]

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

25 [09.18.50]

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1 Q. Thank you very much, Civil Party. You are telling us that the  
2 militiamen told you that it is your children who told them that  
3 you were former Lon Nol officer. Did you have the possibility,  
4 after the regime, to speak to your children about what happened?  
5 And if you did speak to your children, what did they say to you?

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

9 Q. When you came back together with your children -- because you  
10 said last time that your two daughters survived -- so when you  
11 saw your children again, did you have an opportunity to speak --  
12 that is to say after 1979 -- to speak to your daughters about  
13 that episode and did they confirm to you that they had given your  
14 name to the militiamen?

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

20 [09.20.50]

21 Q. Thank you. You also said that your children were part of a  
22 children's unit. Can you explain to us as of when you were  
23 separated from your children and can you tell us if you had the  
24 possibility of visiting them? What kind of relations did you  
25 maintain with your children back then before your arrest?

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

12 [09.22.49]

13 Q. Thank you. Were you told why families were separated and why  
14 you could no longer live with your children and with your wife?

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

23 Q. You also told us earlier that you would visit your children in  
24 the evening or at night even. Can you tell us why you would see  
25 them at such a late hour?

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

8 [09.25.09]

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

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

17 MS. GUIRAUD:

18 Thank you, Civil Party. I have no further questions, Mr.  
19 President.

20 MR. PRESIDENT:

21 Thank you. The Chamber would like to hand the floor to the  
22 Co-Prosecutors.

23 [09.26.40]

24 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

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

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1 Honours and good morning to all the Parties present. Good  
2 morning, Mr. Civil Party.

3 You have already answered a few questions we asked those  
4 questions last time, I have a few more today. We have a bit more  
5 time and I would like to show you some documents.

6 Q. First of all, since you were in a refugee camp at the time of  
7 evacuation of Phnom Penh, can you tell us why you found yourself  
8 in that refugee camp, why did you flee to that refugee camp?

9 MR. THANN THIM:

10 A. That time we were afraid of the Vietnamese who were known as  
11 "Dang Chin" (phonetic), with a skull symbol. We were so afraid of  
12 them. They came to cause trouble along the border so we fled and  
13 then we arrived at the Ou Baek K'am refugee camp.

14 Q. Before you fled to that refugee camp, did you live in Saom  
15 commune, Kiri Vong district, Takeo province and was that along  
16 the border between Cambodia and Vietnam?

17 A. Yes, that is correct as it was located along the  
18 Vietnam-Cambodia border.

19 [09.28.36]

20 Q. I believe you told the OCIJ and in your civil party  
21 application that you were a Khmer who hailed from Kampuchea Krom.  
22 Can you tell us when your family settled at Kampuchea Krom?

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

11

1 Q. Very well. I will read out to you a record of your interview  
2 before the OCIJ, perhaps to make things easy for you; I'll show  
3 this document and give the Chamber a copy. It is document  
4 E319/12.3.8 and I am interested in answers you gave to Questions  
5 20 and 55.

6 May I request your leave, Mr. President, to show this document?

7 MR. PRESIDENT:

8 Yes, you may proceed.

9 [09.30.23]

10 BY MR. DE WILDE D'ESTMAEL:

11 First of all, Answer 20, and in the interest of the interpreters,  
12 I will quote it in English because I do not have the French  
13 translation of this document - quote:

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

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

20 I will continue to Answer 55 on the same document and again I  
21 will quote in English.

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

12

1 [09.31.53]

2 If I properly sum up your statement before the OCIJ, you made  
3 mention of three means used by the Khmer Rouge to identify the  
4 Khmer Krom. The first was that they did not properly speak Khmer,  
5 or spoke with an accent; secondly, they were fair skin; and  
6 thirdly, they wore Vietnamese clothes.

7 Q. Were the Khmer Rouge cadres from Kiri Vong district or from  
8 Tram Kak seek out, in particular, the Khmer Krom among the 17  
9 April People who had arrived at that location?

10 MR. PRESIDENT:

11 Mr. Civil Party, please wait, and Counsel Koppe, you have the  
12 floor.

13 MR. KOPPE:

14 Thank you, Mr. President. Good morning, Your Honours. I object to  
15 this question because this question relates to the topic which is  
16 outside the scope of this trial -- outside of this segment.  
17 Treatment of the Khmer Krom -- people from Kampuchea Krom -- is  
18 not part of the second trial, so this question should not be  
19 asked.

20 [09.33.11]

21 MR. DE WILDE D'ESTMAEL:

22 Mr. President, may I respond? This objection has already been  
23 raised several times and it has already been responded to and it  
24 has been clearly pointed out that the Closing Order and the  
25 passage in the question refers to the Khmer Krom and their

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1 presence at that location and I therefore believe it is relevant  
2 for me to put this question to the civil party.

3 (Judges deliberate)

4 [09.36.03]

5 MR. PRESIDENT:

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

9 JUDGE FENZ:

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

15 [09.36.50]

16 BY MR. DE WILDE D'ESTMAEL:

17 Thank you.

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

19 Did the Khmer Rouge cadre from Kiri Vong district and later on  
20 from Tram Kak where you stayed, seek out, in particular, the  
21 Khmer Krom among the 17 April People who had arrived at that  
22 location?

23 MR. THANN THIM:

24 A. Leaders in Kiri Vong district and leaders in Tram Kak district  
25 did not try to search for Khmer Krom. Unless there was a report

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1 on the matter, they would go and search for Khmer Krom.

2 Q. You also stated in answer to Question 54 in the same record of  
3 interview that it was quite difficult to make the distinction  
4 between a Khmer Krom and 17 April person. You also stated in  
5 Answer 55 of the fact that were exchanges between the Vietnamese  
6 and Khmer Krom. What do you know about those agreements and  
7 exchanges whereby Vietnamese were swapped with Khmer Krom?

8 A. I did not know about this matter particularly about the  
9 exchange programme. In fact there was a swap between Vietnamese  
10 and Cambodians.

11 [09.39.15]

12 Q. Did you see, on several occasions, Vietnamese being sent on a  
13 convoy to the border or Khmer Krom arriving where you were  
14 working, or you only heard about the existence of an exchange  
15 programme but you did not witness what effectively took place?

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

17 Q. Did you hear that such exchanges ceased at any point in time  
18 during the Khmer Rouge regime?

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

20 Q. Did you ever hear that Vietnamese or Khmer Krom likened to  
21 Vietnamese were executed in Tram Kak district or elsewhere in the  
22 Southwest Zone?

23 MR. PRESIDENT:

24 Please hold on, Civil Party. You may now proceed, Counsel Kong  
25 Sam Onn.

15

1 [09.41.03]

2 MR. KONG SAM ONN:

3 Thank you, Mr. President. I would like to raise my objection to  
4 this question. Because the International Deputy Co-Prosecutor is  
5 now making a conclusion on the fact, it was not the response from  
6 the civil party that Khmer Krom were considered Vietnamese and  
7 this conclusion contradicted with the answer of the civil party.  
8 Civil party already stated that Kampuchea Krom people were not  
9 searched for unless there was a matter in relation to an  
10 individual. At the time, there would be a search for Khmer Krom.

11 MR. DE WILDE D'ESTMAEL:

12 Thank you. I know what the civil party said. I'm quoting what he  
13 said in Answer 20 in Document 319/12.3.8, wherein he stated that  
14 those who did not speak Khmer properly or spoke with an accent or  
15 wore Vietnamese clothes -- looked like Vietnamese -- were  
16 considered as Vietnamese.

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

18 [09.42.32]

19 MR. PRESIDENT:

20 The objection of the counsel is overruled. The civil party is  
21 instructed to give your response to the last question put by the  
22 International Deputy Co-Prosecutor. If you do not recall the  
23 question, the International Co-Prosecutor may be asked to put the  
24 question again.

25 BY MR. DE WILDE D'ESTMAEL:

16

1 Q. Thank you. I will rephrase the question.

2 Did you ever hear that during the period when you worked in Kiri  
3 Vong district or Tram Kak district, whether Vietnamese or Khmer  
4 Krom likened to Vietnamese were executed in that zone by the  
5 Khmer Rouge?

6 MR. THANN THIM:

7 A. When I was living in Kiri Vong district, there was such a  
8 case. Khmer Krom spoke with accent. They did not speak very  
9 clearly and Vietnamese also spoke Khmer unclearly and those  
10 people were considered Khmer Krom or Vietnamese. Those with a  
11 white complexion -- with fair complexion and spoke with accent  
12 would be considered Khmer Krom. They disappeared, and I did not  
13 know whether these people were killed, they did not stay there  
14 after that time.

15 [09.45.10]

16 Q. Very well. Let us now talk about persons who were officers in  
17 the Lon Nol Army or were senior officials in the Lon Nol  
18 government. I'll read out an excerpt of what you told the  
19 Co-Investigating Judges and then put some questions to you  
20 thereon. And the document I showed you contains the answer you  
21 gave to some of the questions. I'll quote in English.

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

24 Answer 44: "Yes, there were. Khmer Krom people had the rank of an  
25 officer. In Svay Voa village, the Khmer Rouge propagandised that

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1 those who were officers during Lon Nol regime would be allowed to  
2 resume their positions in the army and then they would be  
3 despatched to fight the 'Yuon', but in fact, they were all taken  
4 to be killed."

5 [09.46.37]

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

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

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

14 And lastly, Answer 53: "After the propaganda, the ones I were  
15 acquainted with, all disappeared."

16 My first question is as follows: In Svay Voa village, did many  
17 former soldiers or officials of the Lon Nol government believe in  
18 the Khmer Rouge and mention their previous professions?

19 [09.48.08]

20 A. When we were evacuated from Phnom Penh and arrived in Svay Voa  
21 village , after four or five days there was an announcement that  
22 those who had ranks, they would be reinstated. Those who were  
23 teachers, they would be allowed to go back and teach. For those  
24 who did not hold any ranks, because they heard that they would  
25 receive a rank and these people said that they were soldier or

18

1 they were first or second lieutenants. These people were taken  
2 away. I did not know where they were taken to. After the  
3 announcement, these people disappeared. I was not allowed to find  
4 any information on this matter.

5 Q. Did you ever hear subsequently that some of these people had  
6 survived? I'm thinking particularly of Ping you made mentioned  
7 of. Were there any other persons like him who survived?

8 A. In fact, at that time, there was an announcement that those  
9 who had any ranks or those who had been a teacher would be  
10 reinstated. Two people declared and admitted that they had ranks  
11 before, and as for Ping, he stood up and admitted that he had  
12 ranks before. After that time, he disappeared.

13 [09.50.48]

14 Q. Very well. Did you hear during the Khmer Rouge regime or did  
15 you get to know that such announcements were made in other  
16 villages in Kiri Vong district or in Tram Kak district with a  
17 view to identifying ex-Lon Nol soldiers or civil servants?

18 A. From what I know, it was in Kiri Vong. There was such an  
19 announcement. After I arrived in that place for four, five or 10  
20 days, there was such an announcement. And I was living in Tram  
21 Kak district for a period of time and after that I was  
22 transferred to another place. In fact there was such an  
23 announcement in Kiri Vong district.

24 Q. Very well. Let us now talk about your transfer from Kiri Vong  
25 district to Tram Kak district. I quoted what you stated at the

19

1 hearing of the 2nd of April. In fact it was in 1977 that you were  
2 moved to Trapeang Thum Khang Cheung village in Tram Kak district.  
3 Can you tell us who in the Chi Mreak village where you were, told  
4 you that you had to leave Kiri Vong district and go to Tram Kak  
5 district?

6 [09.52.50]

7 A. In late 1977, I was doing farming in Svay Voa village and at  
8 the time, the group leader or the unit leader told me that - I --  
9 told us that we had to stop working and went to Wat Kampeaeng. Ta  
10 Paoh was the announcer at that time. Ta Paoh went from Tram Kak  
11 district to live in that place. At that time the word "Angkar"  
12 was regularly referred to or used by commune committee.

13 Q. Were there many of you at Wat Kampeaeng when you heard the  
14 announcement that you had to leave Kiri Vong district? How many  
15 of you had assembled?

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

21 [09.55.08]

22 Q. Thank you. Did Ta Paoh -- if I understood correctly, that's  
23 the person who made that announcement -- did he seek your opinion  
24 and that of those of the 17 April People assembled at that  
25 location before proceeding to the transfer? Did you have an

20

1 opportunity to express your opinion on that order?

2 A. Ta Paoh said that now Angkar Leu had to evacuate you all from  
3 this place because, at that time, there were fighting; there were  
4 sound of firearms by the Vietnamese soldiers. They were afraid  
5 that we would side with the Vietnamese that's why all of us were  
6 evacuated. Ta Paoh said that all of us needed to be evacuated to  
7 live in Tram Kak district.

8 Q. And you said that this meeting only gathered 17 April People.  
9 Were the Base People from this village and from the surrounding  
10 villages, were they also transferred to Tram Kak?

11 A. Base People did not go anywhere, only New People -- only 17  
12 April People were transferred to Tram Kak district. All of us  
13 were transferred to Tram Kak district. Base people stayed there.  
14 [09.57.28]

15 Q. And did you ever hear Ta Paoh or other Khmer Rouge cadres  
16 telling you that they feared that you would try to escape to  
17 Vietnam?

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

21 Q. And beyond your village which was located in Kampeaeng  
22 commune, I believe, were there many other New People from Kiri  
23 Vong district who travelled to Tram Kak?

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

21

1 Q. Fine. You said in Answer 64 of your record of Interview --  
2 E319/12.3.8 -- which you have before you. So this is at Answer  
3 64, and you spoke about five trucks that brought you there. Can  
4 you tell us how many people there were in each one of these  
5 trucks that brought you to Tram Kak?

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

8 [10.00.23]

9 Q. Were there Khmer Rouge soldiers with you when you were being  
10 transferred, or were there Khmer Rouge soldiers there to watch  
11 you?

12 A. No. There weren't. There were only drivers and there were no  
13 other Khmer Rouge on the trucks.

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

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

17 Q. Fine. You spoke about 1977, do you remember the season when  
18 this displacement to Tram Kak took place? Was it the rainy  
19 season, for example, or was it the dry season?

20 A. It was a dry season.

21 Q. And as far as you know, this transfer of the New People from  
22 Kiri Vong to Tram Kak took place during one period or several  
23 periods?

24 A. It happened only during that time.

25 [10.02.35]

22

1 Q. And with regard to '77, again, in order to try to have more  
2 clarification about this period, can you tell us if it happened  
3 during the first half of '77 or during the second half of 1977?

4 MR. PRESIDENT:

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

7 MR. KONG SAM ONN:

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

12 MR. DE WILDE D'ESTMAEL:

13 Yes, perhaps. But since the civil party spoke about the dry  
14 season and the dry season goes from November to May, so I wanted  
15 things to be clear with regard to that, but I can reformulate the  
16 question.

17 [10.03.52]

18 BY MR. DE WILDE D'ESTMAEL:

19 Q. Do you remember therefore the specific month or the specific  
20 period in 1977 when you were transferred to Tram Kak or do you  
21 not remember?

22 MR. THANN THIM:

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

24 Q. Now I would like to read out an excerpt from the book of Ben  
25 Kiernan, which is document E3/1593, this book is called "Genocide

1 in Cambodia" and the page I would like to read is in English,  
2 00678580; French, 00638944; and Khmer, 00637647 to 48; and I'm  
3 going to quote an excerpt -  
4 [Free translation] "During this time, the inhabitants of Phnom  
5 Penh who had been evacuated to Kiri Vong underwent a second  
6 deportation in the opposite direction. At the beginning of 1977,  
7 Sarun remembers, all of the New People from Kiri Vong were sent  
8 by the thousands to be tempered in Tram Kak district. They, the  
9 Khmer Rouge, therefore, feared that we would seek refuge in  
10 Vietnam, and when Sarun and the New People went from Kiri Vong,  
11 another lower category to the New People was created. The New  
12 People who arrived in Tram Kak became 'bandits', in Khmer 'Chao  
13 Prei', probably because they were given the intention of seeking  
14 refuge in Vietnam. Sarun remembers, 'we were living in other  
15 villages than the New People and the New People ate better than  
16 us." End of quote. [Free translation]

17 [10.06.34]

18 So this excerpt of a book from Ben Kiernan, therefore, describes  
19 -- or speaks about thousands of New People from Kiri Vong who  
20 were transferred to Tram Kak in 1977. Do you agree with this  
21 estimate of several thousands of people?

22 A. Yes, it is likely that the number was up to hundreds or  
23 thousands. I was put onto a vehicle and sent to Tram Kak district  
24 and there were more trucks coming after I arrived.

25 Q. So, in this excerpt it is said that your group -- that is to

24

1 say 17 April People who came from Kiri Vong, were treated worse  
2 than the 17 April People in Tram Kak. Is this something that you  
3 noted yourself?

4 A. Yes, my observation was similar to that. At that time we were  
5 categorised into different classes. There were full right group,  
6 there were candidate people group and we were in the third group  
7 -- that is, the depositee group.

8 [10.08.48]

9 Q. And among the depositees, did you note that you were treated  
10 in a different way than the people who were already in Tram Kak,  
11 in terms of food, in terms of living conditions, in terms of  
12 working conditions?

13 A. The workload was similar as everybody had to work, and as for  
14 the food ration, we were only given watery gruel, for example a  
15 can of rice was cooked in a large pot for eight people and  
16 everybody had to eat gruel.

17 MR. PRESIDENT:

18 It is now appropriate for a short break. The Chamber now take a  
19 20-minute break and return at 10.30.

20 And Court officer, please assist the civil party during the break  
21 at the room for the witnesses and civil parties and invite the  
22 civil party and the TPO representative into the courtroom at  
23 10.30.

24 The Court is now in recess.

25 (Court recesses from 1010H to 1031H)

1 MR. PRESIDENT:

2 Please be seated. The Court is now back in session and the  
3 Chamber now hands over the floor to the International  
4 Co-Prosecutor to put further questions to this civil party.

5 BY MR. DE WILDE D'ESTMAEL:

6 Thank you, Mr. President.

7 Q. Before the break, Mr. Civil Party, you told us that you  
8 received very thin gruel to eat once you arrived at Trapeang Trav  
9 village in Tram Kak district. Did you have enough to eat?

10 MR. THANN THIM:

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

13 [10.32.48]

14 Q. On account of such food shortages, did people fall sick among  
15 the 17 April People?

16 A. Some people got sick and we could see that they were bony and  
17 knees were as big as the heads. Some people were accused of being  
18 psychologically sick and they adhered to the slogan that "keeping  
19 is no gain, taking away is no loss", so they took these people  
20 away.

21 Q. When people fell sick, did they receive normal food rations --  
22 that is, when they were not working?

23 A. For those who were not able to work, the food ration was  
24 reused. They were sick and their food ration was reused and they  
25 said that if people did not reuse (sic) any labour, they should

26

1 have only a little food to eat.

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

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

7 [10.35.16]

8 Q. Did the militias in that Trapeang Trav village, in Trapeang  
9 Thum Khang Cheung commune and the Khmer Rouge cadres at that  
10 place mistrustful of your 17 April group from Kiri Vong and if  
11 yes, did they monitor their movements in any particular way?

12 A. They did not trust New People. They did not trust New People  
13 at all. We were watched and we were under surveillance so we were  
14 not trusted.

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

17 A. No, only the Base People.

18 Q. A while ago you said that you were transferred from Kiri Vong  
19 to Tram Kak around September or October 1977. With the  
20 President's leave, I will show you two documents -- documents of  
21 the civil party concerning the transfer of people from sectors  
22 109 and these are documents E3/4087 and 4748. May I request the  
23 Chamber to allow me to place this document on the screen?

24 [10.37.53]

25 MR. PRESIDENT:

1 You can do so.

2 BY MR. DE WILDE D'ESTMAEL:

3 Q. The first document, E3/2448, the relevant page in Khmer is  
4 00079102. That document will be placed on the screen. In English  
5 it is 00322177, and in French it is 00588784. To sum up the  
6 contents, it was sent on 9 September 1977, by a person called Mon  
7 from the cooperative committee in Trapeang Thum Khang Cheung to  
8 the district Angkar regarding the situation of the enemy. The  
9 report makes mention of the arrest in the cooperative of a young  
10 pupil called Keo, K-E-O; Rey, R-E-Y. And it is said that he was  
11 sent recently by Angkar 109 and his father had already been taken  
12 away by Angkar and this Keo Rey had stated -- and I quote: "If  
13 the Cambodians had one victory during the war it was because the  
14 Americans had ceased the bombings". End of quote.

15 Do you know that person called Mon who is representative of the  
16 cooperative commune at Trapeang Thum Khang Cheung -- Trapeang  
17 Thum Khang Cheung commune?

18 [10.39.45]

19 MR. THANN THIM:

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

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

25 A. I never heard of this name. The Old People unit were living in

1 different places from those of children unit or women unit.

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

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

17 [10.42.45]

18 Do you know among the people who were transferred from Kiri Vong  
19 district to Tram Kak district -- these youngsters called Chip  
20 Chhan, Mam Soeun, Leang Loat, Kep Sam? Were these persons among  
21 those who were transferred with you from Kiri Vong district to  
22 Tram Kak district?

23 A. I do not know these people.

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

1 [10.43.38]

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

6 Q. Let us now talk of your imprisonment at Angk Roka. You  
7 referred to that on 2 April and I will try to shed light on the  
8 period of the month of your arrest. You told the Co-Investigating  
9 Judges -- and it is document E319/12.3.8 in answer number 65 --  
10 that you worked for about one month at the cart unit before you  
11 were arrested. In the supplementary information form -- E3/1035  
12 -- E3/5035 -- it is specified that you were arrested  
13 approximately five months after you arrived at Trapeang Thum  
14 Khang Cheung. Can you please clarify this matter and tell you  
15 (sic) how long after your arrival at Trapeang Thum -- Trapeang  
16 Thum Khang Cheung commune you were arrested? You said you were  
17 transferred around September 1977. When were you arrested and  
18 transferred to Angk Roka?

19 [10.46.03]

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

22 Q. You therefore do not know approximately how many months  
23 elapsed before you were brought to that commune and worked in the  
24 cart unit before you were arrested? You don't know how many  
25 months went by before that?

1 A. It is true.

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

9 [10.48.02]

10 You explained to us that you worked as a prisoner at Angk Roka  
11 and at a point in time you were authorised to leave that location  
12 and to work during the day. While you were working there, did you  
13 get to know whether the office was at Angk Roka market? Whether,  
14 at that market, was a person called Ruos -- that is, R-U-O-S? Was  
15 that a district office, a trade office, a security office, or any  
16 other type of office?

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

22 [10.49.30]

23 Q. Very well. When you arrived at the detention office -- that  
24 is, the prison of Angk Roka, you said was about 400 metres from  
25 the market; what were your first impressions when you entered the

31

1 room in which you were going to be detained? For instance, did  
2 you smell anything emanating from that office?

3 A. Upon my arrival -- I arrived there at night-time. I saw a hall  
4 on the ground with the wooden floor and wooden wall. It was about  
5 5 by 10 metre hall. And after that, Meng went to collect the lock  
6 -- the key to unlock the door and I was pushed into the room.  
7 There was a bad smell in the room from the urine and from the  
8 (unintelligible) and I felt like I was going to die. It was a  
9 very bad smell -- the smell was very bad, rather.

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

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

19 [10.52.57]

20 Q. At the hearing of 2 April at about 12.02, you talked of the  
21 death of a person called Paht -- P-A-H-T. According to what you  
22 saw, did other prisoners die of hunger, illness or maltreatment  
23 at Angk Roka while you were there?

24 A. When I was detained there, I was there for a period of time.  
25 That person name was not Paht, his name was Phat. And there was

1 another man -- he was handicapped. He could not perform the work  
2 well because he was handicapped. Keeping him is no gain, taking  
3 him is no loss and so he was taken away.

4 Q. You talked of the dimensions of that detention office. Can you  
5 tell us whether there was only one room in which prisoners were  
6 locked up or there were other rooms?

7 A. There was a long hall -- it was 5 by 10 metres. And there were  
8 two rows of prisoners. And there was a water pot -- a big water  
9 pot for us to relieve ourselves and we were sleeping in our rows  
10 -- our legs facing to each other and we were shackled. All  
11 prisoners were put in one long hall.

12 [10.55.40]

13 Q. Can you give us an estimate of the maximum number of prisoners  
14 who were locked up during the same period at night at Angk Roka?  
15 Approximately how many people would be in each room at a time?

16 A. It depends -- it depended. Sometimes the hall was full and  
17 overcrowded. At night-time, the prisoners were returned into the  
18 office and at daytime, because the room sometimes was full and  
19 overcrowded, some prisoners were taken out of that room or hall  
20 and I did not know where they were taken to.

21 Q. And are you able or not to give us an estimate of the number  
22 of people who were in the hall when it was overcrowded? How many  
23 people would be there at night?

24 A. From my rough estimates, there were at least 70 prisoners in  
25 the hall and prisoners in the hall were shackled. Only children

1 or babies were not shackled. The mothers would be shackled.

2 [10.57.44]

3 Q. Thank you. Regarding the frequency with which new prisoners  
4 arrived at Angk Roka and you said on 2 April that they came from  
5 time to time. Can you tell the Chamber what you meant by that?  
6 Did new prisoners arrive each week, several times a month or do  
7 you have another estimate of the frequency of their arrival?

8 MR. PRESIDENT:

9 Please hold on, Mr. Civil Party. You may now proceed, Victor  
10 Koppe.

11 MR. KOPPE:

12 Thank you, Mr. President. Although the questions are interesting  
13 and I believe the answers could also be interesting,  
14 nevertheless, the situation -- prison conditions in Angk Roka are  
15 not part of this segment -- are not part of this trial so maybe I  
16 formulate my objection into request for guidance as to what we  
17 should do with Angk Roka prison. Technically, these questions are  
18 irrelevant; however, if you consider it to be relevant as to the  
19 functioning of Krang Ta Chan, I can understand but I think my  
20 objection is formulated as such that I would like to have some  
21 guidance as to how we should proceed.

22 [10.59.20]

23 MR. DE WILDE D'ESTMAEL:

24 I would like to respond. First of all, indeed, there is a link  
25 with Krang Ta Chan that has already been demonstrated through the

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1 documents that were presented before this Chamber; and second,  
2 there's also a link -- a very clear link with the cooperatives of  
3 Tram Kak district since it is the people from the cooperatives  
4 who were arrested and who were sent either to Angk Roka or to  
5 Krang Ta Chan. So I think the link is clear, so I think we should  
6 continue putting questions to this civil party.

7 (Judges deliberate)

8 [11.01.53]

9 MR. PRESIDENT:

10 The Chamber allows the Parties to put questions in relation to  
11 the facts of Angk Roka. However, the question should not be in  
12 detail in relation to this matter. Angk Roka is part of Tram Kak  
13 district fact and is also part of Krang Ta Chan Security Office  
14 facts.

15 Mr. Civil Party is instructed to give your response to the last  
16 question put by the International Deputy Co-Prosecutor. If you do  
17 not recall the question, you may ask the Co-Prosecutor to put the  
18 question again.

19 [11.02.55]

20 BY MR. DE WILDE D'ESTMAEL:

21 Yes, I will repeat my question.

22 Q. Civil Party, how often new prisoners would arrive at Angk  
23 Roka? Was it every week, or several times per week or several  
24 times per month, or how frequent was it?

25 MR. THANN THIM:

1 A. The prisoner sometimes arrive once a week or once a -- once a  
2 month.

3 Q. And were the prisoners -- did the prisoners arrive in groups  
4 or would the situation change? Were they groups of prisoners  
5 arriving together?

6 A. On some occasions, they came in groups and as for female  
7 prisoners, they would come in a group of six or seven people. For  
8 male prisoners, they would come in a group of four or five. At  
9 night-time, prisoners were put back in the hall and were  
10 shackled. They would be taken out of the hall at daytime. I do  
11 not know where they were taken to.

12 [11.04.39]

13 Q. Now with regard to the release of prisoners, you said in  
14 Answer 77 of your record -- that is, document E319/12.3.8 -- and  
15 you said that you saw people from Angk Roka take four to five  
16 people to be killed every day, and in another document -- E3/5035  
17 -- you said that this happened every two to three days. It's on  
18 page 2 of the translation of the supplementary information form.  
19 So this frequency of people being taken away -- would it change  
20 according to different circumstances and what can you tell us  
21 about this?

22 A. The situation sometimes changed.

23 Q. So you assumed that people who were taken away were going to  
24 be executed at Damrei Romeal Mountain. So as far as you know,  
25 when you were working outside of the Angk Roka detention centre,

1 did you see if prisoners were sent to the Angk Roka district  
2 office or to the Angk Roka market?

3 [11.06.54]

4 A. Prisoners were sent to the office where I was detained. It was  
5 near the Angk Roka. And as for killing – or, as for the fact that  
6 prisoners were taken away to anywhere else, I do not know. I  
7 could only peep through the hole of the planks and I do not know  
8 where the prisoners were taken to.

9 Q. And back then, did you hear about the centre -- the Krang Ta  
10 Chan Security Centre maybe because other prisoners had spoken to  
11 you about that? Did you hear about this centre? Did you hear  
12 about what happened at this centre?

13 A. I have never heard of this matter and prisoners who were  
14 detained in the same hall, as I was, have never learned of this  
15 matter. Perhaps we -- perhaps some of them got to know this  
16 matter after the liberation but I do not know about this. I have  
17 never heard a prisoner talk of this matter.

18 [11.09.15]

19 Q. And you said on 2 April that you were put to work about three  
20 months after you had arrived at the Angk Roka detention centre  
21 after Meng had interrogated you. Did you learn why you were  
22 allowed to work during the day as of that specific moment?

23 A. I was detained in the office for perhaps three months and the  
24 older prisoner were sometimes released to work. I was alone in  
25 the office. Meng called me out to interrogate to ask about my

1 background. After the interrogation, I was asked to carry water  
2 to water the sugar cane or coconut trees.

3 Q. Aside from the Ruos – cadre Ruos, the militiaman who you met  
4 at the beginning, were there other leaders or cadres -- district  
5 cadres, for example, who came to see Meng at the prison? Is this  
6 something that you noted?

7 A. No, I did not see any.

8 Q. And Meng, the head of the prison, did he have a messenger?

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

10 [11.11.40]

11 Q. And you spoke on 2 April about an infant with his mother who  
12 was detained when you arrived at Angk Roka and today you said  
13 that infants were not shackled but that their mothers were. So  
14 with the Chamber's leave, I would like to show to the civil party  
15 document E3/4093, and to display it on the screen as well.

16 MR. PRESIDENT:

17 Yes, you may proceed.

18 BY MR. DE WILDE D'ESTMAEL:

19 Q. And before that, maybe I can ask a question. Were infants  
20 subjected to the same fate as their mothers? That is to say, if  
21 their mothers were taken elsewhere, the children were also taken  
22 elsewhere?

23 MR. THANN THIM:

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

25 [11.13.20]

1 Q. Well, the pages I would like to focus on -- in Khmer there are  
2 four of them -- ERN 00270786 to 89; French, first page 00729674,  
3 as well as the following page, 75; and in English, 00831486 and  
4 87, I believe. So this is a document that was authenticated by  
5 its author, Ta San, who was the district head of Tram Kak before  
6 this Chamber and these are instructions that were relayed on 7  
7 August 1978 by Ta San to a surname Chhoeun. And on this first  
8 page it is stated -- and I quote:  
9 [Free translation]: "Regarding the widows who came from Trapeang  
10 Thum from the North, nowadays they are with comrade Meng and I am  
11 requesting you to sweep everything away -- to sweep everything  
12 away cleanly." End of quote. [Free translation]  
13 And on the following page, I think in Khmer it's at 00270788 --  
14 and I quote -- it's another message from Meng, dated 8 August  
15 1978, that is to say the following day -- free translation -- and  
16 he says the following: "I would like to provide the following  
17 clarification to my report to the base of Trapeang Thum Khang  
18 Cheung commune regarding the story of the five widows, which I  
19 list here below:  
20 1) Muoy -- M-U-O-Y -- she is Sino-Vietnamese.  
21 2) Bann Sokun alias Hiek; she is also a mixed blood,  
22 Chinese-Vietnamese.  
23 3) Khieu.  
24 4) Thou alias Yeng -- alias Leng; she is Vietnamese.  
25 5) Mao." End of quote.

1 [11.15.53]

2 So the report states that they were complaining about the food  
3 and about the work and that they had decided to flee to Vietnam.

4 So my question is the following:

5 This report speaks about the situation of five female prisoners  
6 in August 1978, and among the female prisoners at Angk Roka, did  
7 you know some of these widows from Trapeang Thum north commune?

8 That is to say Muoy, Ban Sokun, Khieu, Thou alias Leng, or Mao?

9 A. All these women, I did not know them but I saw them and they  
10 were detained there but they were not detained for long. They  
11 were shackled for one or two nights only, then they were taken  
12 out. So, because they were not kept there for long, I did not  
13 know them.

14 Q. And do you remember if there were young children who were with  
15 them?

16 A. There was one. There was one young infant who was  
17 breastfeeding the mother.

18 [11.17.44]

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

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 MR. DE WILDE D'ESTMAEL:

25 The Khmer reference is 00270720; English, 00322089.

40

1 MR. PRESIDENT:

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

3 [11.18.53]

4 BY MR. DE WILDE D'ESTMAEL:

5 Yes, certainly: Khmer, 00270720; English, 00322089; and there is  
6 no French version of this document.

7 Q. Sir, this is a document that was sent by Meng to the Party and  
8 for its information -- and I'd like to mention first that there  
9 is an inconsistency here, at least in the English version,  
10 because mention is made of 12 June 1974, but in fact it was 12  
11 June 1978, on the basis of the information contained with regard  
12 to the same prisoner called Lay -- Lay Kiet. And we can find his  
13 name mentioned in other documents that date back to 1978, and I  
14 might refer to these other documents later but in any case, this  
15 is a document dated from 12 June, coming from Meng and that  
16 relates to the party what follows with regard to Lay -- L-A-Y --  
17 Kiet -- K-I-E-T, who was 27 years old, who was born in Kiri Vong  
18 market in District 109 and who was a person -- a new person who  
19 had been brought from Tram Kak and Meng says that Lay Kiet  
20 complained about the living conditions during the Revolution and  
21 that he said he was working too much and that he would meet with  
22 other young people and he was also complaining about -- that he  
23 did not have enough to eat and that it was said that he had  
24 destroyed Jackfruit shoots. So, at Angk Roka when you were  
25 detained there, did you ever know this Lay Kiet, this young man

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1 by the name of Lay Kiet, who according to another document in --  
2 on the case file -- E3/4092 -- was of Chinese stock? Does this  
3 name ring a bell -- Lay Kiet?

4 MR. THANN THIM:

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

6 [11.21.21]

7 MR. PRESIDENT:

8 Counsel Koppe, you have the floor.

9 MR. KOPPE:

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

17 (Judges deliberate)

18 [11.24.12]

19 MR. PRESIDENT:

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

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

25 I would like to hand the floor to Judge Claudia Fenz to respond

1 to the request by Counsel Koppe. Judge Fenz, you have the floor.

2 JUDGE FENZ:

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

8 [11.25.55]

9 MR. DE WILDE D'ESTMAEL:

10 Well indeed, before the civil party returns, I would like to just  
11 let you know that figures -- digits 4 and 8 are sometimes similar  
12 when they're written so it might be difficult for the translator  
13 to spot this so we came to the conclusion that the year is 1978  
14 because the name of this person is mentioned in three other  
15 documents dating back to 1978, but maybe I should refer to these  
16 three documents here -- E3/4083, at English, ERN 00323947. I only  
17 have the English ERN. Also document E3/2046, English, ERN  
18 00290202; and finally, E3/4092; Khmer, ERN 00271150; English,  
19 00834809 and 10. So this was my remark.

20 BY MR. DE WILDE D'ESTMAEL:

21 Q. Now I only have two questions to put to you, Civil Party. Now  
22 as Lay Kiet, who was detained according to the document that was  
23 read out to you -- detained at Angk Roka, were there many  
24 prisoners on site who had been arrested because they had openly  
25 criticised the Revolution or the living or working conditions

1 during the Khmer Rouge regime?

2 MR. THANN THIM:

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

5 [11.28.36]

6 Q. Fine, of course I understand that they would not criticise  
7 when they were there already, but did you hear from other  
8 prisoners who were with you that they had been arrested because  
9 they had previously criticised the regime, for example, when they  
10 were working in a cooperative or in a mobile unit?

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

14 MR. DE WILDE D'ESTMAEL:

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

18 MR. PRESIDENT:

19 Thank you. The time is appropriate for a lunch break and the  
20 Chamber will take a break now and resume at 1.30 this afternoon.  
21 Court officer, could you assist the civil party at the room for  
22 the civil parties and the witnesses during the break and invite  
23 him, as well as the TPO staff into the courtroom this afternoon  
24 at 1.30.

25 Security personnel, you are instructed to take Khieu Samphan to

1 the waiting room downstairs and bring him into the courtroom this  
2 afternoon before 1.30.

3 The Court is now in recess.

4 (Court recesses from 1130H to 1331H)

5 MR. PRESIDENT:

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

7 The Chamber will hand the floor to the defence teams, and first  
8 to the Co-Counsels for Nuon Chea, to put questions to this civil  
9 party. You have the floor.

10 QUESTIONING BY MR. KOPPE:

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

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

16 President. You testified the following, and I read: "I was  
17 arrested because my elder daughter was in the unit and she ran  
18 away, together with Iem Yen who testified before me. In fact,

19 they stole sugar cane from the unit. And she was arrested and  
20 beaten, and she was forced to confess that I was a former

21 lieutenant in Phnom Penh and because she was (inaudible) confess  
22 so then I was arrested for that reason." End of quote. Do you  
23 remember, Mr. Witness, testifying this?

24 MR. THANN THIM:

25 A. Yes, I recall that statement.

45

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

7 [13.35.10]

8 A. I know about this because the Khmer Rouge militia beat me up.  
9 There were four or five of them. They were beating me up during  
10 the interrogation, and they told me that -- that I should not  
11 hide anything from them, and I should tell them the truth, that  
12 they already knew through my daughter, that I was a lieutenant in  
13 Phnom Penh. I thought that how come my daughter told them about  
14 this? But, on the other hand, I thought, because she was young  
15 and she was forced to say so. Later on, when I asked my daughter  
16 about the matter, she said because she wanted to be free, then  
17 she just said what she was asked to say.

18 [13.36.25]

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

22 A. In fact, she told me she was threatened to say those words.  
23 The Khmer Rouge arrested her, as she evaded from her children's  
24 unit to go and steal sugar cane. And she was forced to say those  
25 words, that I was a lieutenant in Phnom Penh. And if she said

1 such words, then she would be released. That's how she was  
2 threatened by Angkar. And she was young, and she wanted to be  
3 freed, so she said those words.

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

7 A. I do not know about that. At the time, I was at the oxcart  
8 unit. And the reason for my arrest was because of what my  
9 daughter said about me.

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

13 A. I have just told you about that. My daughter told me that she  
14 was threatened to say that me, that's her father, was a  
15 lieutenant in Phnom Penh. She was threatened to say those words,  
16 and it does not mean that she wanted to say those words by  
17 herself. It was the words that she was ordered to say. If she  
18 said those words, then she would be released and she could return  
19 to her children's unit.

20 [13.39.41]

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

23 A. No, they did not have any suspicion on me, because I told them  
24 that I was never a soldier. And the first reason was that my  
25 daughter was arrested from her children's unit. She was beaten,

1 and she was forced to say those words.

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

7 [13.41 25]

8 A. When I was taken from Trapeang Thom to Angk Roka market, Se, a  
9 militiaman, and I was not sure whether he was a village or  
10 commune militiaman, handed me over to Ta Rous. Ta Rous went into  
11 an office, and when he came out, he brought along with him that  
12 AK-47 rifle. And I saw it with my own eyes.

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

16 A. I did not know at that time that that was either an AK-47 or  
17 AK-48 rifle. But because of the shape of the cartridge, that I  
18 recognized that it was an AK-47 rifle.

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

22 A. The AK-47 rifle had a cartridge in the shape of a curve, a  
23 rather curved shape. So, I recognized that it was an AK-47, and  
24 in each cartridge, there could be -- there would be 30 bullets.  
25 In that magazine, there would be 30 bullets, but at that time I

1 did not know how many bullets were loaded in that magazine.

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

4 A. Because I used to see that kind of rifle when I was in Phnom  
5 Penh -- that is, before the 17 April 1975. I saw those kind of  
6 rifles in Phnom Penh, and I saw it also when I was at the Ou Baek  
7 K'am refugee camp, as there were soldiers there who carried the  
8 AK-47 rifles. So immediately upon seeing the rifle, I recognized  
9 it immediately, that it was an AK-47.

10 [13.45.40]

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

17 [13.46.36]

18 A. I stayed along the border, and during the coup d'état in 1970,  
19 when it was conducted by Lon Nol to topple Sihanouk, the  
20 soldiers, the so-called MIKE Force with the skull symbol, came to  
21 the village, to Tuol Pongro village. There were many of them.  
22 That was the reason I knew about these MIKE Force soldiers.

23 Q. In that same statement to the investigators of the  
24 Investigating Judge, question 44, you testified that Khmer Krom  
25 people in Svay Voa village had a rank of an officer. I will read

1 you the full question and the answer, to be more precise.

2 "Question: 'When you were in Svay Voa village, did you know if  
3 there were people killed?'" Your answer: "Yes, there were. Khmer  
4 Krom people had a rank of an officer. In Svay Voa village, the  
5 Khmer Rouge propagandized that those who were officers during Lon  
6 Nol regime would be allowed to resume their positions in the  
7 army, and that they would be dispatched to fight the Yuon. But in  
8 fact, they were all taken to be killed."

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

12 A. When we were evacuated to that area, and about 10 days after,  
13 the village chief, Ta Som, convened a meeting and said that for  
14 anyone who held a position, a rank, in the army for instance,  
15 they need to tell him the truth and then -- and that they would  
16 be sent to their previous positions. If they were a second  
17 lieutenant or a lieutenant or a captain, or a teacher, then they  
18 would be sent back to their positions. For example, a teacher  
19 would be sent back to teach children. For the ranked soldiers,  
20 they would be sent to the front battlefield to fight against the  
21 Vietnamese.

22 [13.50.15]

23 Upon hearing that -- and that was the trickery used by the Khmer  
24 Rouge, because in fact they wanted to know if anyone held any  
25 position, or had any rank in the previous army, because they

1 wanted to revenge those people.

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

8 [13.51.36]

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

17 Q. Let me now turn to the questioning of you at Angk Roka. You  
18 said that you were interrogated and that you were asked over and  
19 over whether you were, or whether you had been in fact a  
20 lieutenant in the Lon Nol army. You told us that you said that  
21 you were not guilty. Do you remember whether the interrogators at  
22 one point accepted your statement? Did they believe you were in  
23 fact not a former Lon Nol officer?

24 A. It was -- it seems that they were -- they hesitated to make  
25 that decision. That's why they kept me. And if they took my word

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1 that I was a labourer and I earned a living by selling firewood,  
2 they would let me go. But because they were unsure, for that  
3 reason they kept me alive.

4 [13.54.28]

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

8 A. I do not know whether they believed what I said. I cannot make  
9 that conclusion. However, I was tortured in order to make that  
10 confession.

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

12 A. At the beginning, I was interrogated by the chief of the  
13 militia. And I was tortured during that interrogation. That was  
14 the first time that I was interrogated. And when I was sent to be  
15 detained in the prison, I was interrogated again.

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

18 [13.56.48]

19 A. The matter, whether they believed that I was a lieutenant in  
20 the former Lon Nol regime or not, I could not make that  
21 conclusion. The truth is that the four or five militiamen beat me  
22 up again and again, one after another. They forced me to say that  
23 I was a lieutenant in the former Lon Nol regime, and if I were to  
24 say that, I would be released to return to my unit. But how could  
25 I say that? Because I did not -- I was not a soldier in the

1 former regime.

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

5 A. I have told you already that I could not make a conclusion  
6 whether they believed what I told them, or not. And I was beaten.  
7 I was tortured. And I was never a soldier, and I kept telling  
8 them that I was a labourer and that I earned a living by selling  
9 firewood. And in the end, I was put on a horse cart to go to be  
10 detained in the prison.

11 MR. PRESIDENT:

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

16 [13.59.10]

17 MR. KOPPE:

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

1 MR. PRESIDENT:

2 The Chamber has heard enough on the topic that you questioned --  
3 that you put questions to the civil party, and if you don't have  
4 any other questions on other matters, then the Chamber will give  
5 the floor to another defence team. And the civil party has  
6 responded clearly already to your question. And of course, you  
7 cannot force or try to repeat the question so that to elicit the  
8 answers you want from the civil party.

9 [14.00.37]

10 BY MR. KOPPE:

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

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

14 MR. THANN THIM:

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

16 Q. You've also spoken a few times briefly about prisoners  
17 possibly being taken to the Damrei Romeal Mountain. Can you  
18 explain to us why you thought that prisoners might have been  
19 taken to that specific location, other than you already testified  
20 that you peeped through a hole? Can you be more specific why you  
21 thought they were brought to the Damrei Romeal Mountain?

22 [14.01.56]

23 A. I did not know why, as I told you. At Angk Roka I was  
24 shackled, and I just looked through a crack in the wall, and I  
25 could not conclude from that that they were being brought away to

1 be executed at Phnum Damrei Romeal, or anywhere else. I simply  
2 saw this happen, saw people being arrested. They were tied up and  
3 they were being brought to Damrei Romeal Mountain. But I did not  
4 know where they were being brought to because I was shackled, and  
5 I was lying on my back and I couldn't turn anywhere.

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

9 A. I cannot tell you. I would just see the mountain in the  
10 distance from Angk Roka, and maybe it was -- it is about six to  
11 seven kilometres away.

12 [14.04.07]

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

19 A. No, I never spoke to them. I was afraid. It was forbidden to  
20 talk to other people under this regime, so we were afraid to  
21 talk. I knew so-named Kan. He said that he was tending cows. He  
22 would bring them outside. Apparently he threw something, which --  
23 on a veal (sic), which explains why the veal (sic) broke its  
24 legs, and that's why he brought away to be detained.

25 Q. Let me ask it more concretely. Do you know of any fellow

1 prisoners, while you were there, who were also -- who had also  
2 been accused of being former Lon Nol officers or soldiers?

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

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

8 A. Well, this slogan was said everywhere. I heard this slogan  
9 from the Base People, for example, from Choeung, from Meng, they  
10 said, "No loss -- no profit in keeping and no loss in losing  
11 you." For example, they would pronounce the slogan with new  
12 prisoners, and say that there was no gain in keeping them and no  
13 loss in losing them.

14 [14.08.00]

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

18 A. It was Meng, the head of the detention centre. He is the one  
19 who said that.

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

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

24 [14.09.20]

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

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

2 Q. Have you ever read one?

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

4 Q. Have you ever heard anybody say to you, people who read that

5 magazine, whether they in fact read this slogan in the

6 Revolutionary Flag, that keeping you is no gain, etc.? Do you

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

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

9 all.

10 Q. My last question to you, Mr. Civil Party. Have you ever

11 yourself been a member of the MIKE Force?

12 A. I spoke to you about this already. The MIKE Force fighters had

13 a skull emblem on them, so they were called the "Death is

14 Tomorrow Unit". These are people who came from Vietnam.

15 Q. But were you a member of them, or were you ever associated

16 with the MIKE Force?

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

18 MR. KOPPE:

19 No further questions, Mr. President.

20 [14.12.35]

21 MR. PRESIDENT:

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

23 QUESTIONING BY MR. KONG SAM ONN:

24 Thank you, Mr. President. I have a few questions to put to the

25 civil party.

1 Q. First of all, I would like to ask you questions with relation  
2 to document E3/5034, which is your civil party application. In  
3 this document, we can see the name Chao Ny mentioned, so I would  
4 like to know if you knew Chao Ny, or if you had known him before  
5 you filled out the victims information form.

6 [14.13.57]

7 MR. THANN THIM:

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

16 And so I formulated my complaint, based on my own personal  
17 history, and he was in charge of bringing my complaint to the  
18 Court.

19 Q. Thank you. So, you wrote this complaint yourself? Or did  
20 someone help you draft it?

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

25 Q. So, this means that in your application, or in your victims

1 information form, everything that is written there was written by  
2 yourself. Is that true?

3 A. Yes, absolutely.

4 [14.17.19]

5 Q. Thank you. In document E319/12.3.8, at question 92, and  
6 question 97 and 98, which is, "Did you fill out the form  
7 yourself?", and you say no -- you answer no. And the following  
8 question, "Your thumbprint is affixed on this form. Do you know  
9 who filled in this supplementary information form for you?" And  
10 you answer, "I neither filled in the supplementary information  
11 form by myself, nor remember who filled it in for me. But Chao Ny  
12 helped submit this form for me." Do you remember the kind of form  
13 this was?

14 A. Well, it's been quite a while since. There were indeed two  
15 forms. But when I answered no, with regard to filling out the  
16 form, it is because I saw that one of the forms did not -- my  
17 handwriting was not on one of those forms. And it was said that a  
18 certain number of Vietnamese had been brought away to be  
19 executed. That's why I said, "No, that's not the form I filled  
20 out." That's the reason for all of this.

21 [14.20.03]

22 Q. Thank you. With regard again to the same document, at question  
23 54, question and answer 54--

24 MR. PRESIDENT:

25 Counsel, is this point 8 or point 18?

1 BY MR. KONG SAM ONN:

2 It's point 8, Mr. President.

3 Q. So, at answer 54 -- at question 54 rather, it is said -- it is  
4 stated, "The Khmer Rouge took Khmer Krom people who used to work  
5 for the Lon Nol regime to be killed." "Did they also take Khmer  
6 Krom who did not work for the Lon Nol regime to be killed, if  
7 they were identified as Khmer Krom?" Answer: "To my knowledge,  
8 they did not kill the Khmer Krom who did not work for the Lon Nol  
9 regime. By the way, it was also hard to distinguish whether or  
10 not they were Khmer Krom."

11 I would like to seek some clarification from you. Do you know a  
12 Khmer Krom, or Khmer Krom people, who were not officers, or who  
13 had worked for the Lon Nol regime, and who were brought away to  
14 be executed?

15 [14.22.09]

16 MR. THANN THIM:

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

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1 Krom did have an accent.

2 MR. KONG SAM ONN:

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

4 MR. PRESIDENT:

5 Counsel, you have the floor.

6 [14.24. 03]

7 QUESTIONING BY MR. VERCKEN:

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

20 MR. THANN THIM:

21 A. Well, it is because I was at the refugee camp, under the  
22 supervision of the army. And I saw the AK-47s, and the M-16s, and  
23 the R-15s, because at the camp where I was, there were soldiers  
24 too. And so the soldiers showed to you their guns, and explained  
25 to you how the guns worked. They would also show you the

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1 magazines and the bullets, and they would explain to you how all  
2 of this worked.

3 [14.26.15]

4 Q. Is that your answer, sir?

5 A. Well, I was with soldiers, so it was quite normal for them to  
6 tell me the names of these different rifles or guns. I had been a  
7 factory worker, and my job consisted in cutting wood. But back  
8 then, the soldiers were there to defend the refugees, so  
9 sometimes I asked them, "Well, what's the name of such and such a  
10 gun?" That's why I got to know the names of these guns.

11 MR. VERCKEN:

12 (No interpretation)

13 MR. PRESIDENT:

14 Thank you, Counsel. Mr. Thann Thim, the Chamber thanks you for  
15 having testified here today. Your testimony contributes to the  
16 ascertainment of the truth, but your presence here is no longer  
17 necessary. You therefore can return home. I wish you bon voyage.  
18 Court officer, as well as WESU, can you take the necessary  
19 measures for the witness to return home or to travel back to the  
20 place of his choice? And the Chamber would also like to support  
21 -- to thank TPO that supported the civil party during his  
22 testimony. Mr. Sarath, you are excused. Civil Party, you are also  
23 excused.

24 [14.28.27]

25 Please hold on for a few seconds, please, because I mistook you

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1 for a witness, whereas you are a civil party. As you know, you  
2 can make a declaration of suffering, suffering linked to crimes  
3 that were committed, and which led you to join as a civil party.  
4 So, you can make your statement on the suffering you endured, and  
5 you are entitled to do so at the end of your testimony. So,  
6 please proceed.

7 MR. THANN THIM:

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

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

17 I pray to the souls of my parents and my ancestors and the gods,  
18 and the sacred objects, to save me, to rescue me. And fortunately  
19 I survived. I survived thanks to the 7 January victory. I  
20 survived because of that particular day.

21 [14.31.43]

22 I lived through the most miserable period. My ankles were  
23 shackled. I laid down on the floor and I could not move. Some  
24 other prisoners only had one of their ankles shackled, but both  
25 of my ankles were shackled. It was very difficult to relieve

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

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

11 [14.33.28]

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

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

23 To Your Honours and to the counsels, to the prosecutors, both  
24 national and international, I wish you all happiness, good health  
25 and long life, and good strength so that you can solve this

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1 matter, this issue, for us, the victims and that we would receive  
2 the justice in the end. Thank you, Mr. President.

3 [14.35.44]

4 MR. PRESIDENT:

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

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

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

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

16 The Court is now in recess.

17 (Court recesses from 1437H to 1459H)

18 QUESTIONING BY THE PRESIDENT:

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

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

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

22 [15.00.46]

23 MR. PECH CHIM:

24 A. My name is Pech Chim.

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

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

2 Q. Where were you born?

3 A. It was Trapeang Prei village, Trapeang Thum commune.

4 Q. Where is your current address?

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

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

8 [15.02.04]

9 A. They died long time ago.

10 INTERPRETER:

11 The interpreter cannot hear the father's name. And the mother's  
12 name is Un An.

13 BY THE PRESIDENT:

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

16 MR. PECH CHIM:

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

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

25 A. Yes, that is correct.

1 [15.03.17]

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

3 A. Yes, I have.

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

22 [15.05.14]

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

25 Q. And before you appear before this Chamber, have you -- have

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1 you reviewed or read the statements of your interviews with the  
2 investigator of the Office of the Co-Investigating Judges in  
3 order to refresh your memory?

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

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

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

10 [15.06.40]

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

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

15 MR. PRESIDENT:

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

21 QUESTIONING BY MR. LYSAK:

22 Thank you, Mr. President. Good afternoon, Mr. Witness. I want to  
23 start with just a few short questions about some of your  
24 background. In your last OCIJ interview, which is E319.1.18, at  
25 answers 78 and 80, you testified that you became a candidate

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

6 [15.09.16]

7 MR. PECH CHIM:

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

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

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

15 [15.10.26]

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

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

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

6 [15.12.20]

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

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

24 A. I had six brothers, all died. During the Khmer Rouge regime,  
25 two of them had positions. And so there were three altogether

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1 including myself, although my elder brothers did not want me to  
2 hold any position as it would be better for me to be a teacher.

3 [15.15.19]

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

7 A. Yes, that is correct.

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

9 A. Allow me to confirm that he was chairman of Trapeang Thum  
10 commune front in the 1970s. Later on, he was removed and replaced  
11 by Dan. He contacted the commune for propaganda and for  
12 logistical purposes in order to gather forces. And he was  
13 inactive in this regard. For that reason, he was removed from the  
14 commune front. And then he was sent to work at a youth office at  
15 Tnaot Toul.

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

18 [15.17.14]

19 A. You talk about Pech Nou? When the Vietnamese entered the  
20 country, the people living in Takeo province fled to mountain  
21 areas in Kampot province. And he was one of those who fled to the  
22 forest in Kampot province. And subsequently, he died as he  
23 stepped on a mine -- a landmine. And my elder brother Kit also  
24 died in that area at the time that the situation was intensified  
25 by the Vietnamese attack. So he fled into the forest. And he came

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1 out to sit under a tree and we found him later on in the  
2 afternoon -- in the afternoon, he already passed away sitting  
3 under the tree. So, only I survived. As for my three sisters,  
4 they all died. So amongst the nine of us, only myself survived.  
5 And I was the youngest child.

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

19 [15.20.31]

20 MR. PRESIDENT:

21 Mr. Pech Chim, please listen to the question carefully and  
22 respond only what is asked of you, and not to go beyond what is  
23 asked.

24 BY MR. LYSAK:

25 Thank you, Mr. Witness. Your other brother Kit, was he also the

1 chief of that same commune, Trapeang Thum commune, was Kit chief  
2 of that commune for a time period? And if so, when?

3 MR. PECH CHIM:

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

11 [15.22.21]

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

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

17 Q. I want to now spend a little time covering with you -- helping  
18 us just to establish, who were the various district leaders of  
19 Tram Kak district during the regime and who held other key  
20 positions. And I'm going to start with people - the people who  
21 were district chief in Tram Kak during the regime period. You and  
22 others have identified the first secretary of Tram Kak district  
23 as Yeay Khom, Ta Mok's daughter who we mentioned earlier. You've  
24 also testified that you were on the district committee with Yeay  
25 Khom along with the person named Keav. What I wanted to clarify

1 with you is what was your position and what was Keav's position  
2 on the district committee during the time that Yeay Khom was  
3 district chief?

4 [15.24.30]

5 A. When Khom came to work in that area, I did not have any  
6 position within the committee. I was only asked to do things  
7 including collecting harvest for the army. And it lasted for two  
8 years. Then I became a member of the district committee in charge  
9 of economics, logistics and transportation. And Khom was the  
10 chairperson of the party. And Keav was the deputy. As for the  
11 member in charge of the military affairs was Nhev.

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

14 A. He was in charge of providing education to the people within  
15 the district. And he would work together with Khom; wherever he  
16 was, Khom was there.

17 [15.26.39]

18 Q. And as the member of the district committee -- and I'm  
19 focussing now on the time period starting and after 17 April 1975  
20 -- as the member of the district committee, did you regularly  
21 attend district level meetings?

22 A. Yes.

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

25 A. The meetings were held regularly and sometimes the meetings

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

18 [15.29.58]

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

21 A. The location of the Tram Kak district varied. And usually it  
22 was held at the villagers' house. For example at Prey Mien. And  
23 later on, during dry season, it was Prey Ta Dok, and then to  
24 Krabei Prey at the house of the elder female. And later on, it  
25 was moved to Trapeang Thma which was adjacent to Krabei Prey

1 area.

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

6 [15.31.48]

7 A. The trade office was situated at Angk Roka. There was no  
8 economic exchange or trade so it was subsequently relocated. That  
9 office was not well established, so after some months, it was  
10 moved to Angk Roka, since those who engage in trade were not  
11 there permanently.

12 Q. Let me try this another way. First, the period that you were a  
13 member of the district committee and in particular from 17 April  
14 1975 up to the period where you became acting district chief in  
15 mid-1976, where was it that you worked during that period? Did  
16 you have an office? And if so, where was it?

17 A. The house of a certain lady was taken and used as an office. I  
18 do not know whether that house still exists today. We had to  
19 sleep at a fixed location. And from time to time, I returned to  
20 the office and then left again to do propaganda work in Leay  
21 Bour. In summary therefore, I worked on the front with Nhev. That  
22 is all. And there was someone working permanently in the office.  
23 And when letters were delivered, someone brought the letters to  
24 us. We never worked permanently in the office. We rarely went to  
25 the office.

1 [15.35.18]

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

6 A. You didn't understand what I stated. I stated that there was  
7 no fixed office. I kept moving about all the time. There was an  
8 office at Trapeang. There was an office at Angk Roka. That office  
9 is still there near the bridge. And we used that office as a kind  
10 of warehouse from which we transported goods to distribute them  
11 to the people. During that period, it was not possible to behave  
12 as an important person under the Khmer Rouge. You had to work  
13 just like anyone else on the ground. Otherwise, you wouldn't have  
14 anything to eat. We grew rice and sweet potatoes whenever there  
15 wasn't rice. So we had at least sweet potato to eat. That's all.

16 [15.37.31]

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

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

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

25 A. That house was located within the premises of the market

1     itself.

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

3     A. That is correct. Indeed, it was the Angk Roka market. When I  
4     was there, a brick house whose walls had already been smashed was  
5     used. The owner of that house lived to the western side of the  
6     road. And the house was taken. So that person lived to the west  
7     in another brick house.

8     [15.39.55]

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

14    A. There were messengers at Angk Roka who were in charge of  
15    economic matters. They were the ones who conveyed letters to  
16    other places, I mean the letters that were brought to me where I  
17    was. So they came to the office and would inform me of what was  
18    happening. That is all.

19    Q. We've heard also in the testimony so far about a person or a  
20    number of people who held the title 'Head of the District Office'  
21    or 'Chief of the District Office', a separate position from  
22    secretary of the district. One of the people who's been  
23    identified as having that position is someone that you've  
24    discussed, a man named Dan. Was Dan the chief of the Tram Kak  
25    district office during the time that you were district chief?

1 [15.42.10]

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

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

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

9 Q. Could you explain for the Court what other responsibilities  
10 were of Dan as the chief of the district office and how those  
11 responsibilities differed from yours as district chief or as  
12 district secretary?

13 A. The district chiefs had no influence, they had no powers. And  
14 there were people who had to receive instructions at level of the  
15 districts and they had to do everything regarding what was  
16 required of them in the instructions and when they had to convene  
17 meetings of people or when they had to harvest the crops or  
18 obtain seeds. They had to do that as well. So their work was to  
19 provide some assistance. The district chiefs could do nothing  
20 without the assistants.

21 [15.44.55]

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

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

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

6 A. There was only one person by the name Phy. He was in charge of  
7 medical services. And the other, Dan, was the office head.

8 [15.47.05]

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

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

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

17 A. When I was there, he would distribute medicines and other  
18 supplies, medical supplies. But after I left, I did not know the  
19 position he was assigned. But during my term of office, he  
20 distributed medicines to children. But after I left, I was not  
21 able to find out where he was transferred.

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

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

4 [15.50.02]

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

9 A. Dan left after me. When I left, I left alone and Dan was still  
10 there. Approximately six months later, I returned to the district  
11 to see him and that was when Dan requested to go with me, and I  
12 asked him to think carefully about it before taking the decision.  
13 Kit did not allow him to leave with me. But later on, he  
14 convinced him to let him go. And he left to go and work at the  
15 cotton plantation. And that is where he died. That is all.

16 MR. LYSAK:

17 Mr. President, I'm looking at the clock. I understood we were  
18 going to break ten minutes early today to have -- hear  
19 submissions from us on a pending motion. I'm going to change  
20 subjects now. So I'm asking whether this is the appropriate time  
21 to break from the witness so that we can have ten minutes of  
22 submissions that we requested.

23 [15.52.06]

24 MR. PRESIDENT:

25 Thank you.

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1 Mr. Pech Chim, the Chamber thanks you for your testimony. You're  
2 not done with your testimony. You are requested to return  
3 tomorrow at 9 a.m. to complete your testimony.

4 May the officials take the necessary measures to return the  
5 witness to his home.

6 And Duty Counsel, please, you may now leave and return tomorrow  
7 to continue to assist witness Pech Chim.

8 (Witness exits courtroom)

9 [15.53.42]

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

16 [15.54.32]

17 MR. LYSAK:

18 Thank you, Mr. President. I will be as brief as I can. Let me  
19 just make a couple of points. We obviously have some concerns  
20 about what seems to be a practice of last minute large requests  
21 for additional witnesses. At the same time, in our view, this  
22 needs to be decided on the merits, not on the procedure. And in  
23 that regard, there are two witnesses that they have proposed, who  
24 in our view on the face, appear to have exculpatory information  
25 from the Defence's perspective. In our view, the Chamber should

1 call those two witnesses. And the witnesses I'm referring to --  
2 and I'm mindful that I won't identify them by name here, I think  
3 only a few of them have pseudonyms -- but for the first one is  
4 the witness, who is the first witness identified in their motion  
5 as relevant to the treatment of Lon Nol soldiers. This is a  
6 witness whose statement, Mr. Koppe uses with almost every witness  
7 who's testified here. I think the evidence from this witness is  
8 suspect, but it is something the Defence is relying on. And I  
9 believe that we should hear this witness.

10 [15.56.15]

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

1 [15.57.33]

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

17 [15.58.43]

18 They proposed a number of additional prisoners. Two of them are  
19 relatives of one of the witnesses who has testified. I don't  
20 think it is necessary to hear them, in my view. And if you were  
21 going to hear additional prisoners, I think the two female  
22 medical cadres would be better. Let me just say why that is. The  
23 Defence have made much about a dispute that has arisen about  
24 whether one of these people was the victim of sexual violence.  
25 And I would just remind everyone that while this is a relevant

1 issue, the Accused are not charged here with that rape. We've  
2 seen them spend a lot of time questioning witnesses on this, but  
3 they're not charged with the rape. They are charged with murder.  
4 So I think in deciding whether we will hear witnesses, that's  
5 something you should take into account. The medical cadres, women  
6 who they've identified, they may well in my view be useful to  
7 you. I think it's your discretion as to whether to call them. The  
8 additional guards, two of them we don't even know if they're  
9 alive. They're just people whose names have come up. One of them  
10 is someone who gave an interview. He's part of the same unit that  
11 I think we've heard -- already heard two or three witnesses. I'm  
12 not sure that he would add very much.

13 [16.00.24]

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

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

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1 [16.01.16]

2 The husband that they want to call on forced marriage in my view  
3 is not necessary. I think the testimony of that witness was  
4 clear. They've requested to call the perpetrator that she  
5 identified, which I think you should do. I do not think anything  
6 valuable would be gained by calling -- calling her husband.  
7 And lastly, they've requested additional witnesses on documents.  
8 I do not -- I think that that is a high priority. We already had  
9 hearings in the first trial on the authenticity of these  
10 documents. If you look at what these witnesses have to say, they  
11 have very little to add about that. We've heard a lot of evidence  
12 so far here that corroborates the authenticity of these  
13 documents. So I would not put those people high on the list. So,  
14 those our submissions for Your Honours relating to the witnesses  
15 that that have been requested.

16 MR. PRESIDENT:

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

20 [16.03.00]

21 MR. VERCKEN:

22 Thank you, Mr. President. I am a bit flabbergasted to hear the  
23 Prosecutor criticise the Defence for having requested these 15 or  
24 so witnesses when they have filed tens and tens of folders with  
25 testimonies at the last -- very last minute. I believe that the

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1 Chamber can hear these 15 or so witnesses. We support this  
2 request from the Nuon Chea team. And I think that we could even  
3 accelerate the process, as the Chamber will make sure that  
4 examinations, in particular from the Prosecution, would be  
5 confined to the scope of the trial. For example, this morning,  
6 the Prosecutors questioned the witnesses on Angk Roka and the  
7 Khmer Krom and the second population movement, which are  
8 completely outside of the scope of this trial. And we could have  
9 gained time by avoiding bringing up these topics. These are my  
10 comments. So yes, we do support the Nuon Chea defence team's  
11 request.

12 [16.04.26]

13 MR. PRESIDENT:

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

16 MR. KOPPE:

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

18 [16.04.56]

19 MR. PRESIDENT:

20 Thank you for all the observations and submissions and comments  
21 in response to the submission or request by the Defence Counsel  
22 for Nuon Chea for the Chamber to hear additional witnesses in  
23 relation to Tram Kak security centre. Through document E346, the  
24 Chamber will deliberate on this issue and make a ruling in due  
25 course. We will adjourn the proceedings now and resume tomorrow,

1 commencing from 9 o'clock in the morning. And tomorrow, the  
2 Chamber will continue to hear the testimony of witness Pech Chim.  
3 This is for the concerned Parties and for the public. Security  
4 personnel, you are instructed to take the two Accused back to  
5 detention facility and have them return to attend the proceedings  
6 tomorrow before 9 o'clock.

7 The Court is now adjourned.

8 (Court adjourns at 1606H)

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