



**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

14 September 2015

Trial Day 327

Before the Judges: NIL Nonn, Presiding  
Claudia FENZ  
Jean-Marc LAVERGNE  
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YOU Ottara  
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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
The GREFFIER	Khmer
Ms. GUISSÉ	French
Mr. KOPPE	English
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SEN Srun (2-TCW-880)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will hear the testimony of a witness,

6 2-TCW-880. And we also have a reserve witness today -- that is,

7 2-TCW-883.

8 Ms. Se Kolvuthy, please report the attendance of the Parties and

9 other individuals at today's proceedings.

10 [09.03.24]

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all Parties to this Case

13 are present.

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

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

16 been delivered to the greffier.

17 A witness who is to testify today, namely 2-TCW-880, confirms

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

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

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

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

22 this morning. And we also have a reserve witness today -- that

23 is, 2-TCW-883, who will testify before his appearance.

24 [09.04.30]

25 MR. PRESIDENT:

2

1 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the  
2 request by Nuon Chea.

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

18 Based on the above information and pursuant to Rule 81.5 of the  
19 ECCC Internal Rules, the Chamber grants Nuon Chea his request to  
20 follow today's proceedings remotely from the holding cell  
21 downstairs via audio-visual means. And the Chamber instructs the  
22 AV Unit personnel to link the proceedings to the room downstairs  
23 so that he can follow the proceedings. This applies to the whole  
24 day.

25 Court officer, please usher witness 2-TCW-880 into the courtroom.

1 (Witness enters courtroom)

2 [09.08.01]

3 QUESTIONING BY THE PRESIDENT:

4 Q. Good morning, Mr. Witness. What is your name?

5 MR. SEN SRUN:

6 A. My name is Sen Srun.

7 Q. Thank you. And when were you born, Mr. Sen Srun?

8 And Mr. Sen Srun, please observe the microphone. You can only  
9 speak when the red light is lit on.

10 A. I was born in January 1949.

11 [09.08.45]

12 Q. And where were you born?

13 A. I was born in Sambuor Meas Ka village, Peam Chi Kang, Kang  
14 Meas, Kampong Cham.

15 Q. And where is your current address?

16 A. Currently, I'm still living in Sambuor Meas Ka village, Peam  
17 Chi Kang, Kang Meas, Kampong Cham province.

18 Q. And what is your current occupation?

19 A. I am a rice farmer.

20 Q. Thank you. And what are the names of your parents?

21 A. My father is Mo Huor and my mother is Huoy Sim.

22 Q. Thank you. And what is the name of your wife? And how many  
23 children do you have?

24 A. My wife's name is Sem Thoeun, and we have seven children  
25 together.

1 [09.10.08]

2 Q. Thank you, Mr. Sen Srun. The greffier made an oral report that  
3 to the best of your knowledge, none of your -- that you are not  
4 related to any of the two Accused, Nuon Chea or Khieu Samphan, or  
5 to any of the civil parties admitted in this Case; is this  
6 information correct?

7 A. Yes, that is correct.

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

9 A. Yes, I have.

10 Q. And the Chamber now wishes to inform you of your rights and  
11 obligations.

12 As a witness before the Chamber, you may refuse to respond to any  
13 question that may incriminate you; that is right against  
14 self-incrimination. And following is your obligations. As a  
15 witness in the proceedings before the Chamber, you must respond  
16 to any questions by the Bench or relevant Parties except where  
17 your response or comments to those questions may incriminate you  
18 as the Chamber has just informed you of your right as a witness.  
19 And you must tell the truth that you have known, heard, seen,  
20 remember, or that you experienced or observed directly about an  
21 event or occurrence relevant to the questions that the Bench or  
22 Parties pose to you.

23 And Mr. Sen Srun, have you been interviewed by investigators of  
24 the Office of the Co-Investigating Judges? If so, how many times,  
25 when and where?

5

1 [09.12.20]

2 A. I have been interviewed for about five times, and that  
3 happened at my residence in my village.

4 Q. And do you recall when those interviews took place?

5 A. The first one was likely in 2008.

6 Q. And when was your last interview taken place?

7 A. It happened in around 2012 or 2013.

8 Q. Thank you. And before your appearance this morning, have you  
9 reviewed or read the written records of your statements and that  
10 you just said during the five interviews, that the first one  
11 happened in around 2008 and the last one took place in around  
12 2012 or 2013, in order to refresh your memory?

13 A. I have read some of those documents.

14 [09.14.00]

15 Q. And to your best recollection, can you inform the Court  
16 whether the written records of your statements are consistent  
17 with what you said during those interviews that took place at  
18 your village?

19 A. After I read those documents, I confirm that those were the  
20 statements that I made before those investigators.

21 MR. PRESIDENT:

22 Thank you. And pursuant to Rule 91bis of the ECCC Internal Rules,  
23 the Chamber grants the floor first to the Co-Prosecutors to put  
24 questions to this witness. And the combined time for the  
25 Co-Prosecutors and the Lead Co-Lawyers is two sessions. And you



6

1 may proceed now.

2 [09.15.08]

3 QUESTIONING BY MR. LYSAK:

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

5 Good morning, Mr. Sen Srun. I don't know if you remember me. I  
6 was one of the OCP -- part of the OCP team that interviewed you  
7 back in 2008. Thank you for coming here today.

8 Q. I wanted to start with a few questions about your background.

9 In your first OCIJ interview, you talk about fleeing to the  
10 marquis to join the Revolution in 1971 and being appointed a  
11 platoon commander in Battalion 305 where you were in charge of 36  
12 men. And you describe participating in combat in various  
13 locations, including Kampong Thom, Pursat, and Phnom Penh. I just  
14 wanted to ask you what army, what zone, or sector or district was  
15 Battalion 305 part of?

16 MR. SEN SRUN:

17 A. The Battalion 305 that I was attached to was part of Zone 304  
18 -- that is, the North Zone and it was in Sector 30.

19 Q. During the 1970 period, early 1970s, you've indicated that  
20 your sector was called Sector 30. Do you remember whether the  
21 sector number changed after 1975?

22 A. In 1975, the sector number remained the same.

23 [09.17.40]

24 Q. And in this same interview, you describe being in the  
25 Battalion 305 part of the North Zone army until April 1975 when

7

1 you were assigned to work in Svay Teab, Chamkar Leu district. And  
2 then you say that in early 1976, you received a letter directing  
3 you to return to your home village, Sambuor Meas village in Peam  
4 Chi Kang, Kang Meas district. Can you tell us what happened to  
5 you when you arrived back in Sambuor Meas village in early 1976?

6 A. In 1976 after my unit was dissolved, I was sent to return to  
7 my village and I was placed in a mobile unit to work at various  
8 plantations and at various worksites.

9 Q. Were you arrested for a period when you first went back to  
10 your home village?

11 A. After I returned to my village and before I was placed into a  
12 mobile unit, I was detained for a period of 10 days.

13 [09.19.38]

14 Q. Do you know why you were detained for 10 days when you went  
15 back to your home village?

16 A. They did not give me any reason or mistakes that I made when  
17 they arrested me. The militia came to arrest me, and I did not  
18 know anything at all or the reason for my arrest.

19 Q. Can you identify who was in charge of the militia in Peam Chi  
20 Kang commune -- in charge of the militia who arrested you?

21 A. Amongst those who came to arrest me, there was Nam who was in  
22 charge of security. I only know him by his revolutionary name  
23 Nam. And there was another chief of security of the Peam Chi Kang  
24 commune by the name of Samrit.

25 Q. After you were released after your 10 days of detention in

8

1 1976, where did you live and what were you assigned to do?

2 A. After I was released, and that took place in 1976, I was  
3 arranged to marry a woman. Then I was assigned to work in a  
4 mobile unit to work at various worksites.

5 Q. And the mobile unit you were assigned to, was this a commune  
6 unit, a district unit, or a sector unit; can you clarify that for  
7 us?

8 A. The unit that I was attached to was a sector's mobile unit.

9 [09.22.25]

10 Q. And who was your unit chief?

11 A. Tuk (phonetic) Nauy was my unit chief.

12 Q. In your interviews, you also identify a person named Hoeun who  
13 you described as a unit chief. Can you describe the difference in  
14 the positions of Nauy and Hoeun?

15 A. In fact, it was Horn not Hoeun. Nauy was in charge of a mobile  
16 unit at a particular worksite as Horn; Horn was in charge of  
17 security of Kang Meas district. And he usually based at the  
18 pagoda called Moni Sarawan.

19 Q. You have to forgive my pronunciation. I was trying to ask you  
20 about a different person. This person you've identified as a unit  
21 chief in your village, Sambuor Meas Ka village and the name seems  
22 to be Hoeun not Horn, but Hoeun. Do you remember a person who was  
23 a unit chief in charge of Sambuor Meas village?

24 [09.24.45]

25 A. It was Hoeun who was a unit chief at the village, and Hoeun

1 passed away. In fact, he just passed away and he's seven-day  
2 anniversary is today.

3 Q. Thank you for clarifying that. I want to turn now to some  
4 questions about the Cham people in your commune, Peam Chi Kang  
5 commune.

6 At the time you left to join the military in the early 1970s,  
7 were there any Cham in your commune? And if so, in what villages?

8 A. In 1970, there were many Cham people living in Peam Chi Kang  
9 commune and I knew some of them through my contacts, through  
10 farming, etc., but I did not know many of them. I know of some  
11 like Man and Him as they were my neighbours and they also worked  
12 in the rice field.

13 Q. What were the biggest Cham villages in your commune back at  
14 that time?

15 A. It was Sach Sou village where many Cham people resided. And  
16 Antong Sor (phonetic) was another village with many Cham people  
17 living.

18 Q. Do you remember back then approximately how many Cham families  
19 there were or how many Cham people there were in Sach Sou  
20 village?

21 A. I do not know the total number of the Cham people living in  
22 Sach Sou. However, from what I could observe, there were  
23 approximately 1,000 Cham people living in Sach Sou.

24 [09.27.52]

25 Q. Was Kang Meas district located on the Mekong River? And were

10

1 the Cham villages you've identified, were they located or close  
2 to the Mekong?

3 A. The majority of the Cham people lived along the Mekong River  
4 as their business was mainly fishing; 80 per cent of them fished  
5 while 20 worked in a rice field or plantation.

6 Q. Was there a mosque in Sach Sou village?

7 A. In Sach Sou village, there was a mosque and there was also  
8 another mosque in Antong Sor (phonetic).

9 Q. Now I want to move to the period when you returned to your  
10 commune in early 1976. When you came back in 1976, were all the  
11 Cham families still in Sach Sou village at that time?

12 A. In 1976, the Cham people were sent to live mixed with the  
13 Cambodian -- with the Khmer people in various villages. They were  
14 segregated to live among the Khmer people.

15 [09.30.05]

16 Q. And apart from the people who had been moved to live among  
17 Khmer, were there any Cham families that were still allowed to  
18 stay in Sach Sou village at that time?

19 A. In Sach Sou village, Cham people were sent to live there,  
20 while they were spread out to live in various villages within the  
21 commune.

22 Q. And when the Cham people were spread out among the commune or  
23 district, were there any Cham families who were sent to your  
24 village Sambuor Meas Ka village?

25 A. Cham people in Sambuor Meas Ka were from Sach Sou, perhaps 20

11

1 families of Cham people were from Sach Sou.

2 Q. Were you ever told why the Cham families had been moved out of  
3 Sach Sou village and spread around different areas in your  
4 commune and district?

5 A. I do not know the reason Cham people were segregated.

6 [09.32.11]

7 Q. And when you came back to Peam Chi Kang in early 1976, were  
8 the Cham people in the commune still allowed to practice their  
9 religion, to speak the Cham language, to dress in traditional  
10 Cham clothes?

11 A. In 1976, Cham people were prohibited from practising their  
12 religion. And as for their clothes, they were not allowed to wear  
13 traditional clothes for Cham people. They were required to wear  
14 the same clothes as Khmer people.

15 Q. Mr. Witness, do you know whether there were any rebellions or  
16 protests of the Cham people by the Cham people in Kang Meas  
17 district during the Khmer Rouge regime?

18 A. In Kang Meas district, generally speaking, there were no  
19 activities against Khmer Rouge. And they did not protest against  
20 Khmer Rouge because some of them were afraid of Khmer Rouge at  
21 the time.

22 [09.33.55]

23 Q. What happened to the mosques in Sach Sou village and Antong  
24 Sor (phonetic) village in 1976 when the Cham people were no  
25 longer allowed to practice their religion?

12

1 A. Regarding mosques, those mosques were turned to be shelters  
2 for Khmer people and Cham people to live in. Cham mosques were  
3 turned into warehouse for storing food supplies and rice. Cham  
4 people were not allowed to enter the mosques; the compound of the  
5 mosques were turned into shelters.

6 Q. Thank you. I want to turn now to some general questions about  
7 a pagoda in your commune named Wat Au Trakuon. When you returned  
8 to Peam Chi Kang in 1976, did you live close to Wat Au Trakuon?

9 A. In 1976, I was living close to Au Trakuon pagoda. The distance  
10 from my house to Au Trakuon pagoda was about 200 metres away.

11 Q. Was your house on the road that went to Wat Au Trakuon?

12 A. My house was located on the road. It was about 70 metres away  
13 from the road -- I mean my house.

14 [09.36.33]

15 Q. when you first got back to Peam Chi Kang in early 1976, were  
16 there still monks at Wat Au Trakuon at that time?

17 A. After my return in 1976, monks were disrobed.

18 Q. And what was Wat Au Trakuon used for after the monks were  
19 disrobed?

20 A. After monks had been disrobed, the pagoda was turned into a  
21 security centre to detain people.

22 Q. You have stated that your house, the house you lived in was  
23 near the road that went to Wat Au Trakuon, and about 200 metres  
24 from the pagoda. Did you ever see prisoners being taken to the  
25 pagoda compound? And if so, how often did you see people being

1 taken to Wat Au Trakuon?

2 A. I saw the transportation of people into the pagoda on a daily  
3 basis. Most people were transported inside the compound of the  
4 pagoda but not from the compound of the pagoda to elsewhere.

5 [09.38.40]

6 Q. During the Khmer Rouge period, were there any walls that  
7 surrounded the Wat Au Trakuon compound?

8 A. During Khmer Rouge time, after Khmer Rouge created the  
9 security centre within the compound of the pagoda, the barbed  
10 wire fence was installed to cover the prison. But before that,  
11 there was no wall or any barbed wire fence.

12 Q. And this barbed wire fence, was it something that you could  
13 see through from the outside, or was it a solid fence that kept  
14 you from seeing the inside of the compound?

15 A. At the beginning when the security centre was created, people  
16 could walk close to the barbed wire fence. Later on in 1977, we  
17 were not allowed to walk past the gate of the pagoda. Before that  
18 time, we could see prisoners inside the pagoda.

19 [09.40.31]

20 Q. And from your house that was 200 metres from Wat Au Trakuon,  
21 were you able to hear sounds coming from the pagoda at night  
22 time?

23 A. When people were taken to be killed, the music was played from  
24 7 p.m. until 10 p.m. during which people were killed. No  
25 screaming, no crying were heard from the compound of the pagoda



14

1 because of the loud music played through the loudspeakers.

2 Q. Could you hear the music from your house?

3 A. Yes. People living close to the road could hear the music  
4 being played. We could not hear the screaming or crying but the  
5 loud music.

6 Q. And when you say that music was played on these loudspeakers,  
7 what kind of music? Can you tell us what you remember about what  
8 was played on the loudspeakers?

9 A. It was music from Pol Pot time and the music was composed by  
10 Pol Pot regime. I could not tell you the content of the music --  
11 the newly composed music by Pol Pot era.

12 [09.42.45]

13 Q. And how did you know that -- you said a few minutes ago that  
14 they played music on the loudspeakers when they were executing  
15 people; how did you know that?

16 A. During the time the music was being played and people were  
17 killed, I was assigned to climb the sugar palm trees. Security  
18 guards were also assigned to climb sugar palm trees. So I had  
19 contact and conversation with the security guard. Moeun who was  
20 the security guard and had the work assignment as me told me that  
21 whenever the music was being played, it was the time that  
22 prisoners were taken away and killed. The music was played to  
23 prevent all of us from hearing the screaming and the crying. Let  
24 me tell you that the music was not played on a daily basis.  
25 Sometimes, it was played on one particular event, and Moeun who

15

1 was the climber of the sugar palm tree told me about that  
2 incident.

3 Q. Let me ask you a little bit about your work as a palm tree  
4 climber. You lived close to Wat Au Trakuon. When you worked as a  
5 palm tree climber from 1976 to 1978, did you also work close to  
6 Wat Au Trakuon?

7 A. Yes. I was a climber close to the complex of the Au Trakuon  
8 pagoda.

9 [09.45.16]

10 Q. How far were the palm trees where you worked from Wat Au  
11 Trakuon?

12 A. The palm trees were located about 20 metres away from the  
13 fence of that pagoda.

14 Q. I want to turn now to some questions about the arrival of  
15 cadres from the Southwest Zone in your area. Can you describe for  
16 the Court what you remember about the arrival of the Southwest  
17 cadres, and specifically what happened to the North Zone cadres  
18 at that time?

19 A. Most chief of security were from 304. However, later on, the  
20 Southwest Zone cadres came to replace the previous cadres. Khun  
21 who was the chief of security centre at Au Trakuon pagoda was  
22 replaced by Southwest Zone cadres. Before the arrival of  
23 Southwest Zone cadres, the cadres from the North Zone were in  
24 charge of Au Trakuon security centre. A few months later,  
25 Southwest Zone cadres were sent to replace North Zone cadres.

16

1 Khun was still in the position of a security centre at that time,  
2 and later on, I heard that Khun was reassigned to upper level  
3 office. And the Southwest Zone cadres who came to replace Khun  
4 told me that Khun had been sent to district security centre to be  
5 killed. But at that time, we were not told that Khun was sent  
6 away to be killed, but that Khun had been promoted to the upper  
7 level. Most of the cadres in senior position during that time  
8 were killed, and the Southwest Zone cadres were sent to replace  
9 those North Zone cadres. So the old chief of security centre at  
10 Au Trakuon was arrested and sent away.

11 [09.48.48]

12 Q. What about the North Zone cadres who were at the commune and  
13 district level in your area, what happened to them when the  
14 Southwest Zone people arrived?

15 A. After their arrival in 304 zone, chief of sangkat and militia  
16 had all been arrested and killed. These people had previous  
17 position in the district and communes; they had all been arrested  
18 and killed.

19 Q. I want to read to you one excerpt from your OCIJ interview,  
20 E3/8736, and this is from answers 2 through answer 4. You  
21 testified:

22 "When the South West Zoners arrived, the North Zoners were  
23 arrested on the allegation that they betrayed with Koy Thuon."

24 [09.50.20]

25 Question: "How was the situation of those arrested after that?"

17

1 Answer: "They all died. They were killed, especially those who  
2 were linked with the network of Thuch and Sreng."

3 Question: "Did you witness the killing or did you just hear about  
4 it?"

5 Answer: "For the upper levels, I did not know. But for the local  
6 levels, such as commune levels who were accused of being the  
7 network of Koy Thuon, they were killed at Wat Au Trakuon pagoda.  
8 It was Ta Kan, the new Southwest Zoner who ordered the killing."

9 End of quote.

10 My first question for clarification here: who was it that told  
11 you that the North Zone cadres were accused of being part of the  
12 network of former zone secretary Koy Thuon?

13 [09.51.35]

14 A. On that matter, I did not follow close the situation. Comrade  
15 Kan, who was chief of sangkat together with Comrade Y (phonetic)  
16 who was also the sangkat chief were arrested together with Nam.  
17 Comrade Kan who was also chief of sangkat was also arrested. As I  
18 told you earlier, at the beginning, people were allowed to walk  
19 past Au Trakuon pagoda. At one time when I walked past the  
20 pagoda, I understood that Comrade Kan was killed within the  
21 classroom of the pagoda. His legs were tied up -- he was tied  
22 upside down.

23 Q. Can you identify for the Court the new cadres from the  
24 Southwest who came and took over as Peam Chi Kang commune chief,  
25 Kang Meas district secretary, and sector secretary? Can you

18

1 identify who took over those positions when the Southwest cadres  
2 arrived?

3 A. I would like to tell the Chamber that during the time that the  
4 previous cadres were all arrested, the Southwest cadres came to  
5 take control. Comrade An -- I do not know his surname -- was the  
6 chief of 30 Sector. And within Kang Meas district, Kan had  
7 overall supervision of Kang Meas, and his wife's name was Pheap,  
8 who was the deputy. And as for the new chief for sangkat, there  
9 was an individual came -- all of them came to replace the  
10 previous cadre who had been arrested and sent away.

11 [09.54.40]

12 Q. When was it that the Southwest cadres arrived and the old  
13 North Zone cadres were arrested and taken away?

14 A. North Zone cadres were arrested in perhaps 1976 or 1977. To my  
15 recollection, they were arrested in 1976, if I'm not mistaken.  
16 Some of them were arrested in 1976 and all of these cadres were  
17 arrested in 1977.

18 MR. LYSAK:

19 And Mr. President, with your leave, I'd like to provide at this  
20 time, two S-21 records to the witness to have him identify some  
21 people, but also to refresh his recollection on the timing of the  
22 arrests of the cadres from his region. These two documents are  
23 E3/2956 and E3/3861. I'll wait for Counsel's objection at this  
24 point.

25 [09.56.26]

19

1 MR. KOPPE:

2 Thank you, Mr. Prosecutor. Thank you, Mr. President. Good  
3 morning. Yes, I object to this question. I also know what the  
4 decision is going to be, but for the record, I object. This  
5 witness has nothing intelligent about S-21 records. If he wants  
6 to have certain names identified, Prosecution could mention these  
7 names. This witness didn't work for S-21, didn't work in security  
8 section of Sector 30 or Sector 41. So I object to these lines of  
9 questions.

10 MR. LYSAK:

11 If I may respond, Mr. President. The purpose -- and this is  
12 something we've done before -- is first to help establish the  
13 actual timing when these arrests occurred, and second, we've  
14 provided the documents to the witnesses because sometimes it is  
15 easier to recognize the names when they can look at them rather  
16 than hear them from my mouth.

17 (Judges deliberate)

18 [09.58.30]

19 MR. PRESIDENT:

20 The objection by Victor Koppe, the defence counsel for Mr. Nuon  
21 Chea to the request to present two documents is overruled, since  
22 the reasons raised by Co-Prosecutor are reasonable. The  
23 presentation will not present the whole content of the documents,  
24 but just to quote some of the information inside. So you may now  
25 proceed, Co-Prosecutor.

1 BY MR. LYSAK:

2 Thank you, Mr. President.

3 Q. Mr. Witness, you've been handed two documents. If you could  
4 start with the first document, which is E32956. This is an S-21  
5 prisoner list titled "List of Persons from the North Zone, 1  
6 February 1977 to 27 March 1977", which identifies 84 North Zone  
7 cadres who were arrested and sent to S-21 between mid-February  
8 and the end of March 1977. If you could look at the first name on  
9 the list -- on that list, Mr. Witness, number 1 is Cho Chhan  
10 alias Sreng from the zone standing committee who is recorded as  
11 having entered S-21 on 18 February 1977. Do you remember Sreng?  
12 [10.00.40]

13 MR. SEN SRUN:

14 A. I do not know the real name. However, Sreng that I know was  
15 chief of zone and that's after the arrest of Ke Pauk and Koy  
16 Thuon, he came to be in charge of the zonal position. And as I  
17 said, I do not know the full name of this individual.

18 Q. If you could look now at the second list, the second document,  
19 which is E3/3861 and if you could look at number 103 on that list  
20 -- number 103. This is a list of an S-21 document titled "List of  
21 Prisoners Smashed On 8 July 1977" from the North Zone which  
22 identifies 173 prisoners from the North Zone who were killed at  
23 S-21 that day. And number 103 on the list, which I've  
24 highlighted, is Chum Chhun alias Taing, a secretary of Sector 41  
25 of the North Zone who is recorded as having entered S-21 on the

21

1 18th of February 1977 at the same date as Sreng. Taing also  
2 appears as number 56 on the other list E3/2956. My question for  
3 you, do you remember a leader from your region named Taing?  
4 [10.02.47]

5 A. It was not Taing but Tang (phonetic). He was called Ta Tang  
6 (phonetic) and I know this person clearly. He was a former Kang  
7 Meas district chief. It was Tang (phonetic) not Taing (phonetic).  
8 However, I do not know his full name or his birth name. He was a  
9 former Kang Meas district chief, and later on he was transferred  
10 to Sector 41.

11 Q. Mr. Witness, do these records refresh your memory that it was  
12 early 1977 or possibly February 1977 rather than 1976 when the  
13 Southwest cadres arrived and the North Zone cadres were arrested?

14 A. Whether the event took place in '76 or '77, it is very  
15 difficult to pinpoint the exact date, as we do not have any  
16 calendar to refer to. And it's possible that it happened in late  
17 '76 or early '77. But I cannot give you an exact date or month as  
18 we did not have a calendar to refer to at the time.

19 [10.04.38]

20 Q. Fair enough. Before you put away the lists, while you're  
21 looking again at E3/3861, if you could look at number 35 on that  
22 list. Number 35 is Chuon Ol alias Meas, secretary of Kang Meas  
23 district who had entered S-21 on 26 February 1977. And that's  
24 number 35, Chuon Ol alias Meas. Do you remember a man named Meas  
25 who served as Kang Meas district secretary?



1 A. Yes, I know Meas but I do not know Chuon Ol, that's the birth  
2 name. And as I said, during the Khmer Rouge regime, usually we  
3 only know first name of persons. Later on, during the period, he  
4 was appointed to be in charge of military of the Kang Meas  
5 district.

6 Q. Thank you for looking at those documents. I want to turn now  
7 to a question. After the arrival of the Southwest cadres, do you  
8 remember being called to attend a meeting at which the new sector  
9 secretary gave a speech?

10 A. The new district secretary did not call people to meetings.  
11 However, I recall An who was in charge of the sector actually  
12 convened a meeting and people were called to go to Wat Au  
13 Trakuon. Kan was there but he did not take a stand, and it was An  
14 who spoke during that meeting.

15 [10.07.19]

16 Q. Did An say anything at that meeting about the old North Zone  
17 cadres and why they had been arrested?

18 A. He spoke at length during the meeting. He spoke about cadres  
19 in the North Zone and accused them of being traitors. He also  
20 talked about the living condition of the people and he meant that  
21 in our cooperatives, he wanted to find out which cadres actually  
22 forced the people to consume thin gruel. He also spoke about  
23 private plantation of vegetable at our house and that there was  
24 no prohibition for people to consume whatever vegetable that we  
25 planted. And he said those cadres who were arrested because they

23

1 betrayed Angkar and betrayed the Revolution. And he said he  
2 wanted people to eat food at our content and fill our stomach.  
3 But to us, we understood that it was a lie. And when he spoke  
4 about anyone who -- or any chief who prohibited us from consuming  
5 the vegetable that we planted -- actually we were very happy to  
6 hear that. And in fact, his real purpose was for us to report to  
7 him about those chiefs who banned us from eating vegetable that  
8 we planted. And actually, during the meeting, he also announced  
9 that if any chief or anyone in charge of the kitchen did not give  
10 us enough food to eat, then we should make a complaint to him. At  
11 the end of the meeting, three people actually came up to him to  
12 complain -- that is, Kan's place in Peam Chi Kang. And they  
13 complained about unit chiefs who banned them from consuming their  
14 vegetable that they planted. Actually, they went at around 9  
15 o'clock and they returned at around 10.30 or 11.00. And upon  
16 their arrival at their respective houses, an horse cart actually  
17 came to their houses and arrested them, and sent them to Au  
18 Trakuon pagoda. And that's what I know about the strategy used  
19 during the meeting and while he was there.

20 [10.10.47]

21 Q. Thank you. I want to follow up on the location of this  
22 meeting. You've indicated that it took place at Wat Au Trakuon. I  
23 want to read to you an interview of -- an excerpt from an  
24 interview of a person you have identified as a chief of the Peam  
25 Chi Kang militia. I won't name him by name, Your Honours. It's

24

1 2-TCW-883. The interview is E3/9346: Khmer, ERN 00235016;  
2 English, 00235508; and French, 00283948. And he describes also a  
3 meeting held by the new sector secretary. This is what he said:  
4 "In early 1977, they held a meeting at the Peam Stadium. All the  
5 villagers had to attend. The sector committee secretary An and  
6 the district committee secretary Kan convened the meeting and  
7 told us to work hard for Angkar. Then they said that there were  
8 enemies among the people. After that meeting, the arrests  
9 accelerated both day and night." End of quote.  
10 This witness describes a meeting as taking place at Peam Stadium.  
11 Can you tell us what Peam Stadium was and where it was located?  
12 [10.12.51]  
13 A. At Peam Stadium or Peam Chi Kang Stadium, and it was located  
14 opposite the Peam Chi Kang school, and I did not attend that  
15 meeting. What I told you was from what I knew and heard at the  
16 meeting that was held at Au Trakuon pagoda. Of course, I was at  
17 Sambuor Meas and we were prohibited from crossing to another  
18 commune. Even I had some relatives living in Peam Chi Kang  
19 commune, but I could not make any contact with them at all. We  
20 were prohibited from doing so. So in brief, I did not know about  
21 the meeting that was held at that stadium. And if there were a  
22 meeting where the instructions for the arrest had to be carried  
23 out through the announcement, it's likely that we the ordinary  
24 villagers would not be allowed to attend such meeting.  
25 Q. So the meeting at Wat Au Trakuon where a sector secretary An

25

1 spoke, can you tell us was this during the period that Au Trakuon  
2 was used as a security office? And can you be specific as to  
3 where exactly in the area of Wat Au Trakuon the meeting was held?

4 A. The meeting that was held at Au Trakuon pagoda was actually  
5 held right inside the temple. At that time, there were many trees  
6 inside the compound and the meeting took place at the temple --  
7 that is, towards the west side of the pagoda compound.

8 Q. I'm going to turn now to another subject, Mr. President.

9 Do you remember a militia unit in your district that was called  
10 the --

11 [10.15.34]

12 MR. PRESIDENT:

13 Thank you, Deputy Co-Prosecutor. Since now you switch to a new  
14 subject, let we take a short break. We take a break now and  
15 return at 10.30.

16 And Court officer, please assist the witness during the break  
17 time and invite him back into the courtroom at 10.30.

18 (Court recesses from 1016H to 1030H)

19 MR. PRESIDENT:

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

21 Again the floor is given to the Co-Prosecutors to continue  
22 putting questions to the witness.

23 And Mr. Deputy Co-Prosecutor please hold on, I notice that the  
24 National Lead Co-Lawyer for civil party is on his feet, you have  
25 the floor.

1 MR. PICH ANG:

2 Good morning, Mr. President, Your Honours. We would like to -- we  
3 only need a short period of time to put questions to this  
4 witness. For that reason, all the time for both teams will be  
5 given to the Co-Prosecutors. We only need about five minutes.

6 MR. PRESIDENT:

7 That is the arrangement between your team. You may proceed then.

8 BY MR. LYSAK:

9 Thank you, Mr. President. Thank you, Counsel.

10 Q. I was about to ask you about a group called the Long Sword  
11 Group. Do you remember a militia unit by that name and can you  
12 tell us when it was that the Long Sword Group was established?

13 MR. SEN SRUN:

14 A. The Long Sword Group was formed in 1977 and it could be in  
15 early 1977 or it could be even earlier than that, meaning in late  
16 '76.

17 [10.32.50]

18 Q. And can you explain what the Long Sword unit did, what was its  
19 function and how was its function different from the common  
20 militia?

21 A. The Long Sword Group was established with a different role  
22 from the commune militia. When there was a plan for the arrest of  
23 people, in particular the New People or those mobile unit  
24 workers, the Long Sword Group would be deployed. And usually when  
25 the Long Sword Group was present, a large arrest would be made --

1   that is, for a group of people not just for one or two  
2   individuals. The arrest could be from five people and more. And  
3   usually people would not even feel hungry when they saw the Long  
4   Sword Group coming because whenever they went, something happened  
5   and that's the purpose of the establishment of the so-called Long  
6   Sword Group.

7   [10.34.23]

8   Q. Did the Long Sword Group arrest and bring people to Wat Au  
9   Trakuon?

10   A. Yes. After they made the arrest, then they would accompany  
11   those arrestees to Au Trakuon pagoda.

12   Q. And did you have a brother-in-law who was one of the chiefs in  
13   the Long Sword Group?

14   A. I have an elder brother-in-law who was one of the chiefs of  
15   the Long Sword Group. However, at that time he did not marry my  
16   elder sister yet and the marriage took place after the fall of  
17   the regime and I did not have any contact with him during the  
18   regime.

19   Q. And you also mentioned earlier today a friend of yours named  
20   Moeun, who worked sometimes with you as a palm tree worker and  
21   sometimes as a security guard; do you know whether Moeun was at  
22   times part of the Long Sword Group?

23   A. Moeun was not part of the Long Sword security group. He was  
24   part of the security group who stayed and lived in the Au Trakuon  
25   pagoda. However, he himself was assigned to climb the palm trees.

1 [10.36.38]

2 Q. Just so we are clear, so the periods that when Moeun worked as  
3 a security guard, it was at Wat Au Trakuon; do I understand  
4 correctly?

5 A. Yes, that is correct because he remained in the Au Trakuon  
6 pagoda; however, he was not part of the security force that was  
7 sent to arrest the people.

8 Q. I want to turn now to the subject of what happened to the Cham  
9 people in your commune after the arrival of the Southwest cadres.  
10 First, can you tell us after the Southwest cadres arrived, did  
11 your work unit receive orders to compile lists identifying the  
12 Cham people?

13 A. At the time the arrest of Cham people took place, I myself did  
14 not see such list as myself had nothing to do with the list or  
15 the arrest of the Cham people. However, in the palm tree climbing  
16 group – and there were four of us -- we were told to go along  
17 with the Long Sword Group and we were not told explicitly as to  
18 where they were heading to, they did not tell us that they were  
19 heading to arrest the Cham people.

20 [10.38.40]

21 Q. Thank you. I'll get to the events of that day shortly. What I  
22 want to ask you now is, before the Cham were arrested that day,  
23 you identified a person who was your mobile unit chief named  
24 Nauy. Did he -- do you remember a time when he received  
25 instructions to prepare a list of the Cham people in his unit?

1 A. In fact in the mobile unit, they had already identified as to  
2 who were the Cham people and who were Khmer people. However, that  
3 is a secret matter and I was not aware of it. They actually had a  
4 list of how many Cham people were working in that mobile unit and  
5 we were living together with the Cham people and they knew who  
6 were Cham and who were not.

7 Q. Could you explain how people were able to identify who was  
8 Cham, how was it that you could identify the people in a unit who  
9 were Cham, if they were no longer wearing Cham clothes or  
10 speaking their language, do you remember how Cham people were  
11 still recognised?

12 A. As for identifying who Cham people were, it was not a  
13 difficult thing to do. At that time, the Khmer Rouge cadres could  
14 recognise who Cham were and who were not as they themselves were  
15 local people and they had known those people. Cham people could  
16 also be differentiated by the way they spoke the language as they  
17 spoke the Khmer language with accent. But that is not a big  
18 issue, the real issue is that those cadres were the local people  
19 so they actually had known those Cham people earlier and there  
20 was no need to make any specific identification for those Cham  
21 people.

22 [10.41.47]

23 Q. In terms of your mobile unit chief Nauy, do you remember him  
24 showing you a letter he had received in which he was instructed  
25 to compile the names of the Cham?



1 A. As for Nauy, the unit's chief, was from the same village that  
2 I was and I was rather close to him. He showed me a list of Cham  
3 people but he did not tell me what they would -- or they were  
4 going to do to those Cham people. There was a list showing the  
5 Cham people as one group and the Khmer people as another group.

6 Q. Did Nauy tell you who it was that had ordered him to prepare  
7 this list?

8 A. Nauy received the instructions from the chief of sangkat or  
9 the chief of commune. However, the word sangkat was used at the  
10 time. And of course at the time, no modern communication was  
11 used; for example, there was no mobile phone but a messenger was  
12 used and the messenger would relay such instructions by a letter.  
13 [10.43.55]

14 Q. I'm going to now turn to the day or night that you started to  
15 describe for us a few moments ago where you were assigned to  
16 accompany the Long Sword unit. My question now in terms of the  
17 timing, you've talked about seeing lists that had been prepared  
18 by your unit chief, mobile unit chief identifying the Cham. How  
19 long after the time you saw these lists, was it that you were  
20 assigned to go with the Long Sword people to arrest the Cham?

21 A. I saw the list while I was still working at the worksite and  
22 the arrest of the Cham people took place a long time later. It  
23 could be three or four months later, and the list that I saw that  
24 was made while I was working at the worksite.

25 Q. Do you remember the day when you were assigned to go with the

31

1 Long Sword militia to arrest the Cham, do you remember

2 approximately when that was, what month, what year?

3 A. I was assigned to go along with the Long Sword Group and as I  
4 said I did not anything about the date or the month as we did not  
5 have anything to refer to and we were subject to various work  
6 assignments and when I was assigned to go with the Long Sword  
7 Group, it could happen in around 1977, although I'm not clear  
8 which month it was.

9 [10.46.38]

10 Q. Do you remember whether it was the rainy season or the dry  
11 season?

12 A. To my recollection at that time I was doing the palm tree  
13 climbing so it could happen around March or April because we  
14 stopped climbing palm trees by May. This is just from my  
15 recollection.

16 Q. And could you now tell the Court what happened when you were  
17 assigned to go with the Long Sword Group that day?

18 [10.47.40]

19 A. I was assigned to go with the Long Sword Group and I was not  
20 sure as to what I should do. However, we, the palm tree climbing  
21 group, was assigned to go with Long Sword Group and I actually  
22 came alone to the gate of the pagoda to go with that group and I  
23 did not know about the other three palm tree climbers as various  
24 groups were sent to arrest Cham people and when I almost reached  
25 the main road, I saw Cham people being arrested. I saw a woman

1 who was still taking a bath with a young child was dragged to the  
2 gate of the pagoda and I was instructed to guard her and Cham  
3 people would be brought in gradually to the area where I was  
4 standing and I was assigned to guard those Cham people and I was  
5 warned if any Cham escaped then my life would be at risk. I was  
6 too shocked upon seeing that. The arrests were rather sudden, the  
7 Cham people did not realise that they were the target of being  
8 arrested. So they dragged those Cham people to put into one  
9 location and lined up and I was assigned to guard. In fact the  
10 Cham were put on the south part of the road while I was standing  
11 on the north part of the road to guard them and there were also  
12 members of the Long Sword Group who were present at that location  
13 to guard the Cham people who had been arrested.

14 [10.49.50]

15 Q. How many Cham people were arrested that day and what villages  
16 did they come from?

17 A. In Peam Chi Kang commune, Cham people lived in the A and B  
18 villages and in Sach Sou village as well and in fact all the Cham  
19 people had been arrested that afternoon by the Long Sword Group.  
20 The Long Sword Group was divided into smaller groups and they  
21 headed to various villages where the Cham people resided and by  
22 about 7.00 or 8 o'clock that evening, all the Cham within the  
23 commune had been arrested.

24 Q. Did the Cham people who were arrested include the Cham  
25 children?

33

1 A. Yes. Every Cham person had been arrested by that time  
2 including children and as I said the list was compiled at the  
3 worksite but those Cham people had been arrested at the worksite.  
4 But the arrest that I referred to here was a separate arrest  
5 conducted by the Long Sword Group. Cham people who had been  
6 arrested at the worksite was arrested and brought along in an  
7 horse cart on the very same day.

8 [10.51.55]

9 Q. And you indicated that the arrests included the Cham children,  
10 how young, what was the youngest Cham child that you saw in the  
11 group of people who were arrested that night?

12 A. From what I could observe, for example in a family of five  
13 people, when the parents were arrested, the children did not have  
14 – did not know where to go but to follow their parents so all the  
15 children would go along and the target of the arrest was the  
16 husband and wife and usually the husband was the main focus as  
17 they were afraid that some men would resist but for the wives or  
18 the women, they were weak and they were not expected to resist.

19 Q. And can you tell us how many, in total, how many Cham people  
20 were gathered and arrested that day?

21 A. On that day -- and of course this is my personal estimate as I  
22 did not have any particular figure to refer to -- the Cham people  
23 who were arrested that day were between 400 to 500.

24 Q. In your OCIJ interview, Mr. Witness, you gave a figure of 300  
25 Cham; are you sure that it was more than 300, do you believe it

34

1 was 400 to 500 Cham or closer to 300 Cham?

2 MR. PRESIDENT:

3 Mr. Witness, please hold and Counsel Koppe, you have the floor.

4 [10.54.32]

5 MR. KOPPE:

6 I'm looking now but I recall that the witness had said between

7 200 and 300 rather than 300.

8 MR. LYSAK:

9 Perhaps I'll -- let me read the excerpt that I have here, Mr.

10 President, just to clarify. This is interview E3/5252 at Khmer,

11 00235021; English, 00235517; and French, 00269892: "They rounded

12 up 300 Cham children and adults and put them along the road in

13 front of the pagoda entrance. At that time they assigned two

14 persons from my four person team to guard at the north end and

15 the other two to guard at the south." End of quote.

16 [10.55.48]

17 MR. KOPPE:

18 Just -- Mr. President, if you allow me reading the excerpt on the

19 200 and 300 that is E3/5302: English, 00210488; French, 00623191;

20 Khmer, 00635176; and I quote: "I was asked to lead 200 to 300

21 Cham and walked into the Au Trakuon temple." End of quote.

22 BY MR. LYSAK:

23 Thank you, Counsel. Let me put the question to the witness that

24 encompasses all of this.

25 Q. In your past statements, you've identified between 200 and 300

35

1 Cham, today you said 400 to 500, recognising that you're giving  
2 just an estimate, as you said here today, what is your best  
3 estimate of the number of Cham people who were arrested that  
4 night?

5 MR. SEN SRUN:

6 A. As I said the figure of 200 and 300 people were for those Cham  
7 people who had been arrested at the village and if you add the  
8 number of the Cham people who were arrested at the worksite, the  
9 figure rose to about 400 to 500. So that is the figure that I  
10 personally made and that I refer to the entire Cham people in the  
11 Peam Chi Kang commune who had been arrested at the time.

12 [10.57.40]

13 Q. Thank you clarifying that. Did you know some of the Cham  
14 people who were arrested that night?

15 A. As I have just stated, all the Cham people were arrested  
16 throughout the day, that day starting from 6 o'clock and lasted  
17 at around 8.00, and this is what I referred to, to my knowledge  
18 about what happened at Peam Chi Kang commune and I cannot refer or  
19 claim to know what happened in other communes.

20 Q. Yes, perhaps there was a translation issue. Let me try to  
21 clarify what I'm asking. You lived in the area, my question is:  
22 Did you recognise some of the Cham people who were gathered and  
23 arrested that night, are they people who you recognised and knew  
24 before?

25 A. I knew several Cham people who were arrested as I used to work

1 with them. Before I was assigned to climb palm trees, I had been  
2 assigned to go fishing with a group of Cham people and in my boat  
3 there were two Cham and myself.

4 [10.59.40]

5 Q. You've told us about how the Cham who were arrested were  
6 gathered near Wat Au Trakuon, where you were assigned to guard,  
7 what happened -- what was done with all these Cham people after  
8 they were gathered on the road near Wat Au Trakuon?

9 A. After all the Cham had been collected, they were instructed to  
10 walk to the pagoda and I was assigned to walk behind them while  
11 other members of the group were walking in front. Before they  
12 were instructed to go into the temple, each of them was beaten  
13 with a metal bar in order to let them not to resist or to rebel.  
14 However, the beating was only for men and not for the women. For  
15 the young children who could not climb the temple stairs were  
16 pushed up by the security forces so some of the children actually  
17 stumbled and fell and that's what I saw. So they were instructed  
18 to enter the temple and the men were beaten, each man was beaten  
19 at the door of the temple.

20 Q. And did you see the Cham people enter the Wat Au Trakuon  
21 pagoda, did you see that yourself?

22 A. Not only I saw the beating of the Cham people, but I also  
23 entered the temple where the Cham people were detained. I  
24 actually walked up the stairs to the temple myself.

25 [11.02.18]

1 Q. What did you see inside the temple?

2 A. Within the temple, the temple was used to detain prisoners.

3 When I was entering into the temple, I did not see the inside  
4 clearly, what I could see at the time, prisoners were locked to a  
5 long bar attached to the iron rod in the temple and there were  
6 holes to be used and to be -- iron bars were inserted through the  
7 holes of the long bar. On that day I could see there were a lot  
8 of prisoners within the temple.

9 MR. LYSAK:

10 With your leave, Mr. President, I would like to show the witness  
11 a few photographs, to see if he can identify them. The  
12 photographs are E3/2569, E3/2568, E3/2573, and the photograph  
13 that appears in E3/2654 at ERN 00211171. With your leave, I would  
14 like to provide these to the witness and also display them on the  
15 screen.

16 MR. PRESIDENT:

17 You can do so.

18 [11.04.55]

19 BY MR. LYSAK:

20 Q. And Mr. Witness, if you could first look at the photograph  
21 E3/2569 and if we could display that on the screen. Do you  
22 recognise this -- what is shown in this photograph?

23 MR. SEN SRUN:

24 A. It is not clear to me, the photo but I can say it is Moni  
25 Sarawan pagoda. It's the gates of the pagoda. The picture is



1    rather small to me. Can you enlarge it? I do not know who the  
2    person is because it's not clear.

3    Q. The name of temple that you just referred to is that another  
4    name used for Wat Au Trakuon?

5    A. In fact the real name of the pagoda is Moni Sarawan; however,  
6    people living in the village called this pagoda Au Trakuon  
7    pagoda. The picture is not clear enough to me but I can say it is  
8    me perhaps in front of the gate.

9    Q. Do you remember taking OCIJ investigators to Wat Au Trakuon  
10   and showing them that entrance?

11   A. Yes, I recall that I brought the investigators to the pagoda.  
12   The interviews took place few times so I do not recall well when  
13   I have this photo taken. But I am sure that perhaps it is me in  
14   the photo.

15   [11.08.08]

16   Q. And if you look at the next photo, the photo that shows a road  
17   -- E3/2568 -- do you recognise that road -- recognising again the  
18   quality of the copy we have is not great -- but do you recognise  
19   the road shown in that photo?

20   A. From what I can see in the photo, it is the primary school of  
21   Sambour Meas Ka; and to the east of the pagoda, there is a  
22   primary school and the primary school remains until today and my  
23   house is in the opposite side.

24   Q. And if we skip the next photo -- but then if we could show the  
25   photo of the pagoda that is in E3/2654, this is a photo that

1 appears at ERN 00211171, this is a better copy of the photograph,  
2 if we could show that on the screen and Mr. Witness, if you could  
3 look at the photograph that's on the screen, do you recognise  
4 that pagoda and can you tell us what pagoda that is?

5 A. It is Moni Sarawan pagoda or Au Trakuon.

6 [11.11.15]

7 Q. Is that the same building that existed in 1977 during the  
8 Khmer Rouge period?

9 A. Back in 1976, I believe the temple, the structure of the  
10 temple, tiles or windows have been renovated or replaced. Back in  
11 1976, the temple looked rather older than -- there was blood  
12 stains in the temple. After 1979, the achar committee and the  
13 committee of the pagoda decided to repair the roof of the temple.

14 Q. Aside from repairing the roof, was the structure was it the  
15 same size, was the pagoda the same size back in 1976 and 1977 as  
16 it is now as shown in this photo?

17 A. I would like to inform the Chamber, the size of the temple and  
18 also the complex of the temple is the same.

19 [11.13.10]

20 Q. Now you've told us about how you took the Cham people into the  
21 pagoda, what did you do after that, after you had taken the  
22 people into the Wat Au Trakuon pagoda?

23 A. After I took the prisoners inside the temple, I was allowed to  
24 return home. At the time I was shouldering the palm sugar shoot  
25 back home.

1 Q. And when you got home that night, did you hear music playing  
2 from Wat Au Trakuon?

3 A. After I got back home, the loud music was being played and I  
4 could imagine that those Cham people were killed on the night.  
5 The day after, in the morning, I met comrade Moeun and I asked  
6 him what happened to the Cham people who had been arrested the  
7 previous night. He told me that all of them had been smashed and  
8 the killing lasted until 12 p.m. at night and I asked Moeun about  
9 the young children, the babies who were with the mothers and I  
10 was told that some young babies or children were smashed against  
11 the trees and legs were pulled apart and thrown into the pits and  
12 he told me that Cham people, all of them, had been killed and  
13 smashed. I told you that there were about 200 or 300 Cham people  
14 put in the temple but later that night more Cham people were  
15 brought in from worksites.

16 [11.15.45]

17 Q. How long did you hear music being played from the loudspeakers  
18 that night, how long did you hear sound being played over the  
19 loudspeakers?

20 A. It was a strange -- strangest night on that day. Normally the  
21 music stopped playing at around 9.00 p.m. or 10 p.m. During that  
22 period I have no time or no watch, clock to see the time and  
23 usually we were woken up by the cock singing and the music was  
24 stopped a little bit before the cock singing and after the music  
25 was stopped for about 30 minutes, the cock was singing. So I

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1 could say the music was being played at the time until midnight.

2 Q. Did you ever see any of the Cham people who had been taken to  
3 Wat Au Trakuon that night; did you ever see any of them again?

4 A. Cham people who had been arrested, to my understanding could  
5 survive but not all, only two Cham people could survive and could  
6 flee the killing site. Three perhaps, one Cham person ran to the  
7 East Zone area, however later on he or she was arrested and the  
8 two Cham who fled and hid themselves in the lake survived until  
9 today.

10 [11.18.24]

11 Q. When Moeun told you about the killings, did he tell you where  
12 it was that the Cham had been killed that night?

13 A. Cham people were killed in front of the pagoda. In the former  
14 regime that area was the mango or lemon plantation. There were  
15 pits dug in the area, four by six metres or even larger than that  
16 size. One pit can fit 70 or 80 people and in a larger pit when I  
17 was climbing the palm tree, I could see there were five large  
18 pits.

19 Q. The plantation area where these pits were located, what  
20 direction was it from the pagoda, was it to the east, north,  
21 south or west?

22 [11.1955]

23 A. Regarding the plantation where there were pits, they were on  
24 the opposite side, to the north of the temple and that  
25 plantation, there were two plantations close to each other and

1 the plantation were used to bury the dead prisoners. There were  
2 bamboo trees in the plantation and the bamboo trees were used as  
3 the border of the two plantations. Again the plantations were to  
4 the north of the temple.

5 Q. You've described seeing a number of pits when you climbed up  
6 the palm tree, did you also visit the Wat Au Trakuon after the  
7 end of the Khmer Rouge regime and did you see other pits at that  
8 time?

9 A. After 1979, generally speaking, villagers went to dig the  
10 ground to find gold, not only villagers went to dig for gold, the  
11 militia men also were there to dig up the ground to find the  
12 gold. The grounds which were used to bury Cham people, I once  
13 went to see. After 1979, I was assigned to be a village chief and  
14 during that time I went to see people digging the pits. There  
15 were four or five pits with the skeleton bones of Cham people and  
16 in those pits after the pits were dug up I could see traditional  
17 clothes of Cham people and there were big and small skulls within  
18 the big pits so I can assume that the big pits were used to bury  
19 Cham people. And for other prisoners, other than Cham people,  
20 they were buried within smaller pits. There was not so much smell  
21 at the time; the depths of the larger pits were to my neck so I  
22 could see that there were skulls of children, of adults of Cham  
23 people within the pits. Again after 1979, I went to the pits and  
24 I could see what I described to you.

25 [11.23.30]

1 Q. Mr. Witness, that area where you saw these grave pits, had  
2 there had been graves in that area before the Khmer Rouge  
3 established a security office at Wat Au Trakuon? Were there any  
4 graves before Wat Au Trakuon was turned into a security centre?

5 A. In the former regime, before the security centre had not been  
6 established, there were no grave pits. There were also no remains  
7 of dead people, only after the former regime fell, the private  
8 ownership was abolished so no one could possess the land area.  
9 Even we the people were rationed, the food was rationed to all of  
10 us so there were no grave pits before that time. That area was  
11 once the field for growing vegetables.

12 [11.25.00]

13 Q. I have just a couple of more areas to cover with you, Mr.  
14 Witness: first, around or during the time the Cham were being  
15 arrested in your commune, did any of the Khmer Rouge cadres say  
16 why the Cham people were being arrested?

17 A. After Cham people had been arrested; I am not fully informed  
18 of the events taking place during the Pol Pot time because I was  
19 deprived of detailed information during the Pol Pot time. The  
20 information was disseminated among members of unit during the  
21 time only.

22 Q. I don't want you to speculate or make any assumptions Mr.  
23 Witness, I want to read to you something you said when we  
24 interviewed you in 2008. This is from document E3/5302: Khmer,  
25 ERN 00635176; English, 00210488; French, 00623191; and I quote --

1 this is what you told us.

2 "I was told that Cham people were a different race and had to be  
3 smashed and that if we kept them they would rebel against us  
4 sometime." End of quote. In this interview you also identified  
5 for us the person who made this statement, I won't say his name.  
6 Your Honours, it is 2-TCW-873; that he is someone who you  
7 identified as one of the Long Sword chiefs. Do you remember  
8 someone from the Long Sword unit saying that the Cham were a  
9 different race that had to be smashed?

10 [11.27.48]

11 A. I may have forgotten something in that period, not only Cham  
12 people were smashed. Cham people were smashed after other New  
13 People or 17 April People, or those who were linked to the former  
14 regime or the former society. Cham people were smashed in a later  
15 stage -- at the last stage. And as for what I heard that the  
16 regime was afraid of Cham people, I do not know about the matter.  
17 I received no information about that and some information was  
18 deprived of me. I was deprived of some information as I told you  
19 earlier; the first target of enemies was the New People or 17  
20 April People or those who served in the former society or the Lon  
21 Nol regime. Not only Cham people were smashed, New People, 17  
22 April People were trashed down and they were mistreated.  
23 And regarding the arrest, most arrests were conducted on the New  
24 People or 17 April People and public servants in the former  
25 regime and former society. Those who had link to the former

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1 regime were smashed and even the older cadres were also smashed  
2 and killed and the old cadres were also under the arrest by the  
3 new cadres because of links.

4 [11.30.20]

5 MR. LYSAK:

6 Mr. President, I see we are at 11.30; this is quite an important  
7 witness for the Prosecution, I have probably 10 minutes more of  
8 questions. The civil parties have indicated they have 10 minutes,  
9 if we may be granted an additional 20 minutes to examine this  
10 witness. I can proceed now or we can proceed after the lunch  
11 break at your discretion.

12 (Judges deliberate)

13 [11.31.25]

14 MR. PRESIDENT:

15 Yes, you are allowed to use the requested time -- that is, 20  
16 minutes. You may now proceed; you can finish your questioning  
17 until the end of the morning session.

18 BY MR. LYSAK:

19 Thank you, Mr. President.

20 Q. Mr. Witness, I want to read to you on the issue of -- that I  
21 have just asked you as to reason for the arrest of the Cham. The  
22 statement you made in your OCIJ interview E3/1692: Khmer, ERN  
23 00218554 to 55; English, 00242088; and French, 00337425 to 26.

24 This is what you testified to OCIJ.

25 Question: "Did you know the reason for the arrest and killing of



1    those Cham?"

2    Answer: "No one told me the reason but I had observed, I had  
3    observed that they organised opposition to anyone who was not  
4    Cambodian, especially against the Cham and the Yuon. My uncle had  
5    married a Vietnamese lady and his wife and children, nine in  
6    total were arrested and taken to be killed since their mother was  
7    Vietnamese. My uncle Nhep Kuch was not arrested and killed  
8    because he was pure Cambodian." End of quote.

9    Mr. Witness, can you tell us about your uncle and his Vietnamese  
10   wife, where did they live and when was it that his wife and the  
11   nine children were arrested and killed?

12   [11.33.46]

13   MR. SEN SRUN:

14   A. My uncle married a Vietnamese woman and actually his marriage  
15   took place during the Sangkum Reastr Niyum, and under the Lon Nol  
16   regime, the Vietnamese were expelled from Cambodia. However since  
17   her husband was Khmer, she was allowed to stay with my uncle  
18   since they already had children and she was not sent back to  
19   Vietnam.

20   And under the Khmer Rouge regime, not only the Cham or the  
21   Vietnamese people were screened and names were compiled, the  
22   Chinese were also screened and lists were compiled and the  
23   Chinese were referred to as B-52 group.

24   [11.34.53]

25   In 1977 -- and by that year my uncle had nine children, eight of

1   whom were arrested and in fact his other child was hidden by  
2   villagers and as they said that the child did not belong to that  
3   family and to Ouk (phonetic) - Ouk (phonetic), that's the name of  
4   my uncle's wife and in fact the child, Chantouk (phonetic),  
5   although was born to a Vietnamese mother, the child was Cambodian  
6   who spoke Khmer fluently and the child survives today and  
7   (inaudible) his wife and his eight children out of nine were  
8   arrested and the arrest took place during daylight -- that is,  
9   during the day not at night. And it was pitiful to learn about  
10   the arrest as they were inhumanely mistreated but nobody dare to  
11   act or to intervene, even I myself did not dare to do anything,  
12   otherwise I would have been arrested as well. In certain  
13   circumstances, even the children were arrested, the parents did  
14   not dare to intervene as at that time everybody stuck to a saying  
15   that, "you mind your own business".

16   [11.36.51]

17   They actually lived in Damnak Chrey village and the arrested  
18   three children and the wife were transported to Wat Au Trakuon  
19   pagoda. One of his children, it could be the third or the fourth  
20   whose name I cannot recall, actually fell off the horse cart and  
21   in fact he was tied and they did not stop the horse cart to pick  
22   him up but he was dragged along behind the horse cart. People saw  
23   it and it was rather tragic but nobody dared do anything,  
24   everybody minded his or her own business. During the regime, we  
25   lived today for today and we did not know what would happen to us

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1 tomorrow and that's in everybody's mind. And as I said, the nine  
2 arrestees were transported to Au Trakuon pagoda and the arrest  
3 took place before the arrest of the Cham people and I cannot tell  
4 you my description of the event is precise because this event  
5 took place 20 or 30 years ago but when I am here before this  
6 Chamber I am telling the truth of what I learnt and what I  
7 experienced.

8 [11.38.33]

9 Q. Thank you, Mr. Witness. I have one last question for you. Do  
10 you have or do you know how many people in total were killed at  
11 Wat Au Trakuon and can you tell the Court how it is that you know  
12 or how you have an estimate of the number of people that were  
13 killed there?

14 MR. PRESIDENT:

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

16 MR. KOPPE:

17 Thank you, Mr. President. I object to the question, the witness  
18 has testified earlier that he hasn't seen any killing. The only  
19 information that he says he has about killing was on hearsay  
20 basis through Moeun. He might have acquired post '79 knowledge,  
21 but that's hardly relevant in this light so I object to this  
22 question because he's asking for speculation.

23 BY MR. LYSAK:

24 Mr. President, I'm not asking for speculation. Let me put a  
25 specific question that's based on the witness's knowledge since

1 have little time here.

2 Q. After the end of the Khmer Rouge regime, Mr. Witness, were  
3 there documents found at Wat Au Trakuon, were there prisoner list  
4 found at Wat Au Trakuon and were you able to tell from that how  
5 many people had been detained at that prison?

6 [11.40.19]

7 MR. SEN SRUN:

8 A. I respond to that question based on my experience and of  
9 course as a human being we shall tell the truth and the truth  
10 should not be manipulated.

11 At the Wat Au Trakuon security centre, some people claimed that  
12 people who were killed there were totalling 35,000, but that  
13 number is rather excessive. I lived in the area and I saw the pit  
14 lying there and from my estimate I don't think the number is that  
15 high and there is no real statistics to back up that claim. No.  
16 But it was a rumour -- a word by mouth from one person to another  
17 and from my calculation and from the number of people who lived  
18 in the area, the number of dead was let's say less than 20,000 or  
19 it was around 15,000 but the figure as quoted at the memorial  
20 statue was 35,000 but to me the number is high, too high.  
21 However, this is my personal experience, my personal belief and I  
22 do not want contest anybody else's claim but if the number is  
23 below 20,000, I think that was about right.

24 [11.42.15]

25 MR. LYSAK:

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1 Thank you for your candour, Mr. Witness, and for your time. I  
2 have no further question, Mr. President.

3 MR. PRESIDENT:

4 The Lead Co-Lawyers for civil parties, you have the floor.

5 QUESTIONING BY MR. PICH ANG:

6 Good morning, Mr. President, Your Honours, everyone in and around  
7 the courtroom; and good morning, Mr. Witness. I actually have  
8 short questions on two brief topics since we are running out of  
9 time. Allow me to do some follow up from what was left off by the  
10 Co-Prosecutor.

11 Q. Do you know actually a mobile unit chief by the name of Nauy?

12 A. Yes, I know Nauy very clearly. He was not actually a mobile  
13 unit chief, he was actually a worksite mobile unit chief and he  
14 was not a cruel person and he did not involve in any arrest.

15 [11.43.35]

16 Q. You said that he was in charge of worksite mobile unit or in  
17 Khmer spearhead unit chief. Can you tell us exactly where was  
18 that worksite that he was in charge of?

19 A. As I said he was spearhead unit chief based on the assignment;  
20 for instance, if I was assigned to go to work at Trapeang Poun  
21 worksite, then he would be assigned to be in chief of that  
22 worksite for a period of a fortnight for instance and when the  
23 work was concluded, we would be assigned to Veal Khmum worksite  
24 and that worksite was considered a spearhead and a unit chief  
25 would be assigned to be in charge of that spearhead. So there

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1 were various worksites and the sectors mobile unit workers were  
2 assigned to those various spearheads or worksites.

3 Q. Can you tell us whether he was assigned to be in charge of  
4 various worksites within a commune or within a district level?

5 A. He was not assigned to be spearhead mobile chief at the sector  
6 level. No. But it was at the commune level. For example, at my  
7 Peam Chi Kang commune level where there were worksites that  
8 workers were assigned to, then he would be assigned to be in  
9 charge. I mean in charge of the work site and in charge of the  
10 kitchen hall.

11 [11.45.32]

12 Q. Do you know whether he could read letters and did you yourself  
13 ever read any letter to him?

14 A. His knowledge was very limited and for any open letter or any  
15 letter which was not confidential, usually he asked me to assist  
16 him in writing; namely the statistics of male and female workers  
17 and the number of sick workers, usually he would dictate that to  
18 me. And for the secret nature of documents, he did not allow me  
19 to write for him.

20 Q. Let me be more specific. Did you ever read any letter dealing  
21 with the Cham people to Mr. Nauy?

22 A. No, I did not. And as I said, in the mobile unit, there were a  
23 few of us who were close to him, including myself and I knew  
24 about statistics or the compilation of the Cham people were being  
25 made, but I never saw that list; I only heard that such list was

1 compiled.

2 [11.47.05]

3 Q. Mr. President, I would like to read a sentence which is an  
4 extract from the written record of this witness's statement to  
5 the investigator of the Office of the Co-Investigating Judges and  
6 the document number is E3/5527: Khmer, ERN 00418575 and that is  
7 the back page of the Khmer document and my apology that I do not  
8 have the English or the French ERN number. The witness was asked  
9 whether the order was disseminated verbally or in writing and his  
10 response is the following: "Nauy, the mobile unit chief, had the  
11 letter. Since he could not read properly, he asked me to read it  
12 to him." Next question was the following: "What was the content  
13 of that letter?" and the answer is: "The letter instruct the  
14 compilation of the Cham people so they would know about how many  
15 Cham women and Cham men. However, the letter did not specify what  
16 they would be going to do to those Cham people and the letter was  
17 signed by Pheap who was Kan's wife." [Free translation]

18 And Mr. Witness, after I read it to you, does it refresh your  
19 memory that you read a letter to Nauy and that letter was from  
20 Pheap?

21 [11.49.12]

22 A. Regarding the letter for the compilation of the statistics of  
23 the Cham people, I know about the compilation but I did not read  
24 the letter and as I said, in the mobile unit there were people  
25 who were close to Nauy and who close to me and I learnt of that

1 information from them. And the person actually read the letter to  
2 Nauy and told me that the instruction was to compile lists of  
3 Cham men and Cham women and I did not know what they would do to  
4 the Cham people. Although I say that I did not read the letter  
5 myself but the person who read it to Nauy was very close to me  
6 and I learnt the information from him.

7 Q. This is my last question to you as we are running out of time.  
8 Did you ever get married under the Khmer Rouge regime?

9 A. I married my wife under the Khmer Rouge and that happened in  
10 1976. The marriage was organised, we were forced to get married  
11 and that was the first marriage ceremony that took place in Peam  
12 Chi Kang commune and there were 28 couples who were arranged to  
13 marry that day and the marriage did not proceed through an  
14 orderly fashion, we were asked to sit and listen to a speech and  
15 then they cooked some food to receive us and at the end we were  
16 sent back home. Nothing of any particular nature existed on that  
17 day. They never asked whether I loved my wife, it was all  
18 pre-organised and we returned home after the dinner reception.

19 [11.51.40]

20 Q. Did you volunteer to marry your wife?

21 A. My circumstance was rather specific comparing to others. For  
22 other couples, they did not consent to the marriage. However, in  
23 my case, my wife was actually -- my wife's family side actually  
24 consented to the marriage as my parents actually sought their  
25 agreement beforehand. However, we were prohibited to marry at our



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1 own time and I was arranged to marry on that particular day among  
2 the 28 couples and to my understanding, maybe two or three  
3 couples actually consented to the marriage.

4 MR. PICH ANG:

5 Thank you for answering my questions, Mr. Witness; and Mr.  
6 President, we have no further questions.

7 MR. PRESIDENT:

8 Thank you. Let us take a lunch break and return at 1.30 to  
9 continue our proceedings.

10 Court officer, please assist the witness at the waiting room for  
11 witnesses and civil parties during the break time and invite him  
12 back into the courtroom at 1.30.

13 Security personnel, you are instructed to take Khieu Samphan to  
14 the waiting room downstairs and have him returned to attend the  
15 proceedings this afternoon before 1.30.

16 The Court is now in recess.

17 (Court recesses from 1153H to 1332H)

18 MR. PRESIDENT:

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

20 The Chamber now hands over the floor to the defence teams for the  
21 Accused, starting first from the defence team for Mr. Noun Chea  
22 to put questions to this witness. You may now proceed.

23 MR. KOPPE:

24 Thank you, Mr. President. Good afternoon, your Honours, Counsel.

25 Good afternoon, Mr. Witness. I have some questions here I would

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1 like to put to you today. First, I would like to ask you some  
2 questions about Moeun. Earlier this morning, you said that you  
3 yourself had not witnessed any killing of people in the pagoda  
4 and that you had heard this from Moeun.

5 Would it be correct if I say that if it wasn't for Moeun, you  
6 would not have any knowledge as to the question whether the Cham  
7 people were killed inside of this Wat?

8 MR. PRESIDENT:

9 Please hold on, Mr. Witness. You may now proceed, International  
10 Deputy Co-Prosecutor.

11 MR. LYSAK:

12 I think asking him "if", is a hypothetical question, it's asking  
13 the witness to speculate.

14 [13.34.07]

15 MR. KOPPE:

16 I'm not sure if I understand the objection. I'm just trying to  
17 establish whether his knowledge of the alleged killing of Cham in  
18 Wat Au Trakuon is only coming from Moeun. In other words, the  
19 other way around, if it weren't for Moeun, he wouldn't know that  
20 these Cham that he had co-arrested and killed. I think that is a  
21 fair question.

22 MR. SEN SRUN:

23 I would like to tell you, Mr. Counsel, I learned the information  
24 from the truth. It is not my imagination or it is not the  
25 information that I learned from nowhere. Moeun and I was a close

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1 friend. We knew each other for quite a long time at Wat Au  
2 Trakuon pagoda. From what I heard, Moeun was engaging in the  
3 killing of Cham people because he was one member within the  
4 security guard unit. He, in fact, attended the killing. He did  
5 not tell me, you know, in an open manner; he told me secretly  
6 that he was one of the member within the security guard unit. He  
7 told me at the time. In relation to this matter, he told me many  
8 things. I can spend two days to tell you about the Khmer Rouge  
9 time that I -- this information I learned. Some I learned from  
10 him. Regarding other matters, I have forgotten because of our  
11 memory. I cannot recall everything. For example, if I ate a type  
12 of dish 10 days ago, I would not have remembered what I had 10  
13 days ago. So what the people said, some are true, because I saw  
14 -- at that time I saw Cham people arriving at the village and for  
15 young children, young babies, they could not climb up the stairs  
16 and they were thrown or pushed up into the temple at that time.  
17 So this is what I can tell you.

18 [13.37.26]

19 QUESTIONING BY MR. KOPPE:

20 I understand what you're saying, Mr. Witness, but we are in a  
21 court of law, and what I'm trying to find out is what exactly  
22 your source of knowledge is in relation to the actual alleged  
23 killing of Cham. You said, again, it was Moeun who told you. Is  
24 there any other source of information that would corroborate  
25 Moeun's telling you of what happened, anything else other than

1 Moeun?

2 MR. SEN SRUN:

3 There are many sources of information. I have learned from the  
4 cook or the chefs within the compound of the security guard unit.  
5 That cook was close to my mother-in-law. He was the godson of my  
6 mother-in-law. He would tell my mother-in-law secretly about  
7 somethings happen within the pagoda.

8 [13.38.52]

9 If the information leaked out to the villagers or public at the  
10 time, he would have be killed. Some people dared to confide  
11 things to other people. After the end of the regime in 1979, some  
12 people who had known the security guards at Wat Au Trakuon pagoda  
13 confided to other villagers in the country. So the information  
14 that I learned from other people after 1979, corroborated with  
15 what Moeun had told me.

16 Q. Well, you're exactly saying what the problem is, Mr. Witness.  
17 That is post '79 information. What I'm interested in is finding  
18 sources of information who, like you said, Moeun, were also  
19 witnesses. My question is -- let me start with the cook for  
20 instance. Do you know what's the name of the cook and do you know  
21 what he has seen and to whom did he tell?

22 A. The cook, the female, not male. I do not know her name. The  
23 cook's name was comrade Min (phonetic) at the security guards'  
24 complex. That person was the goddaughter of my mother-in-law.  
25 Sometimes my mother-in-law and the cook would spend time together

1 and she confided things to my mother-in-law and warned my  
2 mother-in-law not to reveal what she had told my mother-in-law.  
3 Otherwise that cook would be arrested by the guards.

4 [13.41.12]

5 Q. And did this cook confide in your godmother-in-law, or  
6 mother-in-law, at the time when it happened in '77 or after '79?

7 A. Regarding the cook, after 1979 she confided things in my  
8 mother-in-law and she also confided things in my mother-in-law in  
9 the regime. Yat (phonetic) was also another cook. She survived  
10 until today and she may have known about what happened at Wat Au  
11 Trakuon pagoda.

12 Q. And are they still alive today?

13 A. Regarding Minh (phonetic), I have no idea whether she's still  
14 alive or not. However, Yat (phonetic) she is living currently at  
15 Preaek Dambouk (phonetic) village, Srei Santhor district. She is  
16 living at the moment.

17 [13.42.40]

18 Q. When Moeun told you what had happened with the Cham that you  
19 said you helped arrest, did you tell your wife what you had heard  
20 from Moeun the same day or the next day?

21 A. Moeun told me, confided in me. We, for example, as a husband  
22 and wife, I have told my wife that Cham people who had been  
23 arrested the other day were all killed. In fact, Cham people were  
24 killed on that night. I can vouch for this information that those  
25 Cham people had been killed during the night. Although I did not

1 witness the incident, I can vouch for that fact that they were  
2 all killed and I learned from Moeun about rapes of Cham women and  
3 also rapes of New People. Those women were stripped of their  
4 clothes and raped afterwards. So I learned almost everything from  
5 Moeun, and from -- not everything from Moeun. So, as I said  
6 earlier, I can spend two days to elaborate and describe all what  
7 happened during the regime to you.

8 Q. But my question was to you, Mr. Witness, when Moeun told you  
9 something, did you then subsequently tell your wife about what  
10 Moeun had told you, something like, "Moeun told me this. Moeun  
11 told me that," at the same time -- at around the same time? Do  
12 you remember any of this?

13 [13.45.00]

14 A. As I told you, generally speaking, we as wife and husband  
15 confided in each other. Because some Cham people were working  
16 with my wife during that period, and after those Cham people had  
17 been arrested, I also told my wife about arrest of Cham people,  
18 for example Mat (phonetic) who was arrested. And my wife asked me  
19 how could I learn the information, and I told her that Moeun, my  
20 colleague who was a security guard told me about that incident.  
21 Sometime I was invited inside the temple, but I did not dare to  
22 go inside. I only met Moeun at the outside compound of that  
23 pagoda.

24 [13.46.09]

25 Q. I'll ask you very simply. When Moeun told you Cham people had

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1    been killed, did you then subsequently, the same day or the next  
2    day, tell your wife?

3    A. After the event of killing, I would tell my wife about that  
4    incident. Usually, I learned about the killing the next day, and  
5    I would tell my wife that Cham people had been killed the  
6    previous day. For example, I told my wife that Mam (phonetic) and  
7    him (sic) son or daughter could flee the killing. Mat and the  
8    other individual had not yet married with one another; they  
9    pledge at that time, they were engaged already. Cham people were  
10   also living in the Angkor Ban and these people were taken into  
11   the pagoda and killed. I cannot tell you how many Cham people  
12   living in Angkor Ban, but I could say there were many of them.

13   Q. Is your wife still alive, Mr. Witness?

14   A. She passed away in 1981.

15   Q. Do you know whether Moeun only told you or did Moeun also tell  
16   others as to things that he said he saw?

17   A. I do not know whether Moeun told others about the events.

18   Although he confided things in others, I would not know.

19   Regarding my relationship and Moeun, I at one time was talking to  
20   Moeun but not in an open atmosphere, secretly, I would say.

21   [13.48.46]

22   Q. Earlier, Mr. Witness, you were asked by the Prosecution about  
23   the alleged number of people being killed and you were asked  
24   about a figure of corpses that had been found in pits, and the  
25   number of 30,000 was mentioned. And then you said, "Well, that is

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1 exaggerated, I think it were 15,000." Did I summarize that  
2 correctly?

3 A. Regarding the people who had been taken away and killed, based  
4 on the documents at the stupa, the figure was written down as  
5 30,000, 35,000 rather. During the time after 1979, I was about 30  
6 years old, and as I told you earlier, we human beings have to  
7 tell the truth, tell what -- that we have seen and heard. I have  
8 been living in my village. I was engaged in the research and also  
9 writing down what happened in the regime. Yes, I noticed the  
10 figure of 35,000 was mentioned, but I do not know how that came  
11 into the documents. It is their right to agree with which figure.  
12 To my estimates the people who died at the time may be around  
13 20,000 or may be a bit lower than that.

14 [13.50.55]

15 Q. We might go back to that one. Let me read to you your  
16 interview notes, your interview, sorry, with the Prosecution,  
17 E3/5302, and more particularly excerpt from the English ERN page,  
18 00210489; Khmer, 00635178; and French, 00623192. Here you say,  
19 quote: "Moeun told me in '78, that approximately 30,000 people  
20 had been killed at Au Trakuon." So, it seems that the information  
21 of 30,000 people is coming from that same Moeun. Is that correct?

22 A. Regarding the figure Moeun told me, he never told me about the  
23 figure of 20,000 or 30,000. Moeun had never told me about the  
24 figure. I learned the figure from the wall at the stupa, and I  
25 heard about the figure from one another, that the people dead



1 could reach the number of 30 or 35,000. There was no, accurate  
2 document stating about the figure. It is the estimate from  
3 everyone.

4 Q. I was quoting you from a document, which is in this room  
5 that's a bit unusual. it's interview notes from the Prosecution.  
6 And I don't really see any explanation of how it went, but it  
7 says here that it was Moeun who told you, you said, that  
8 approximately 30,000 people had been killed at Wat Au Trakuon. So  
9 that's not correct? Moeun never said that to you in '78?

10 [13.53.39]

11 A. In 1978, Moeun and I did not discuss the figure as stated. I  
12 did not communicate with Moeun about the figure or about the  
13 number of people who had been killed. But we actually talked to  
14 each other about the killing. I never discussed with Moeun about  
15 the figures suggested in that document.

16 Q. Let's -- let us talk a little bit about Moeun. You said he was  
17 himself involved in killing. Was he also himself involved in the  
18 killing of those Cham?

19 A. Regarding the discussing of the killing of Cham, Moeun was  
20 also -- was engaged in the killing of Cham people and also the  
21 New People and the 17 April People. He was the one who was  
22 engaged in the killing of those people.

23 [13.53.10]

24 Q. But it was my understanding that Moeun was a palm tree climber  
25 like you. Is that correct?

1 A. Yes, he was a climber of the sugar palm tree. Usually his work  
2 was at night-time, not during the daytime.

3 Q. So can you explain to me or did he tell you maybe, how he, as  
4 a, I suppose, ordinary palm tree climber, became one of the major  
5 killers of the pagoda?

6 A. Let me clarify for you, Mr. Counsel. During Pol Pot time,  
7 everyone, including me, had different tasks to do. Sometimes I  
8 was assigned to go fishing and on some other occasions I was  
9 asked to go and grow vegetables or climb the sugar palm trees.  
10 Moeun was part of the security guard unit. However, he knew how  
11 to make the palm sugar. So, he was assigned to climb up the sugar  
12 palm tree at night-time. And during the daytime, his assignment  
13 was as a security guard at Au Trakuon pagoda. Because he knew how  
14 to climb up the sugar palm trees, he received additional  
15 assignments on top of security guard tasks. And some time he was  
16 assigned to bring in the people into the temple or brought the  
17 people to certain places. So, once again, I would like to  
18 correct, Moeun was assigned to -- to climb up the sugar palm  
19 trees and also to work as a guard.

20 Q. But a guard is something else than somebody who's actually  
21 doing killing. So was he in addition to a palm tree climber, not  
22 only a guard, but also a killer? Is that what you're saying?

23 MR. PRESIDENT:

24 Please wait, Mr. Witness. You may proceed, Deputy Co-Prosecutor.

25 [13.58.13]

1 MR. LYSAK:

2 I think this question is leading. Security guards had multiple  
3 tasks. They didn't have the title "killer" at the security  
4 offices, so I think Counsel's question is misstating the  
5 evidence.

6 BY MR. KOPPE:

7 I'm not sure we had any evidence already on this Wat Au Trakuon,  
8 Mr. President. He is the first witness, I think, to speak  
9 actually speak about it, at least about who was inside. So I  
10 think my question is fair, but I will rephrase.

11 Q. Is it your testimony, Mr. Witness, that Moeun was not only a  
12 palm tree climber, a security guard, but also a security guard  
13 who killed people?

14 [13.59.11]

15 MR. SEN SRUN:

16 A. Yes. Moeun was not only palm tree climber. At first he was a  
17 member within security guard unit at Au Trakuon pagoda. During  
18 the regime, one who knew about how to fish, he or she would be  
19 assigned to go fishing. This individual would be reassigned back  
20 to normal tasks at night-time. This applied to everyone during  
21 that time. Security guards' eyes were red -- were usually red  
22 because they drink the wine with the gall bladder inside. And for  
23 those did not know, security guards, or Moeun, may have felt  
24 afraid of them because their eyes looked rather red.

25 Q. Did Moeun's own eyes look red when he told you things?

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1 A. Yes. His eyes looked rather red like a drunkard. Because I  
2 knew him, I felt okay, but if I did not know Moeun, I would have  
3 felt afraid of him because of his facial expression and eyes.

4 Q. Do you remember whether Moeun was always drunk or only  
5 sometimes?

6 A. No, he was not drunk. However, his eyes looked red and his  
7 eyes were different from ours. And at one point he asked me  
8 whether I knew and wanted to drink a wine which was made from  
9 pure wine mixed with human gall bladder. However, he mentioned it  
10 to me secretly, not in public.

11 [14.02.00]

12 Q. Just to be sure, the red eyes of Moeun, was because he drank  
13 too much palm juice. Is that my understanding?

14 A. It is very difficult for me to explain to you about the  
15 appearance red eyes look, because I did not drink. However people  
16 who were involved in the killing were encouraged to drink wine  
17 mixed with the human gall bladder so they would feel brave.

18 Q. Is my understanding correct that there were two other members  
19 in the palm tree climbing unit?

20 A. Among the members, the four men group of palm tree climbers,  
21 all are still alive.

22 Q. And did Moeun only confide in you or did he also confide in  
23 the other two palm tree climb unit members?

24 [14.03.38]

25 A. I do not know whether he spoke to the other members. However,

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1 the other climbers did not climb the palm trees around the  
2 compound of the pagoda. I was assigned to climb five palm trees  
3 situated at the vicinity of the pagoda compound, while others  
4 were assigned to climb the palm trees far from the pagoda  
5 compound. And as for Moeun, Moeun was assigned to climb a  
6 separate row of palm trees not far from where I climbed. And in  
7 fact, the trees that Moeun climbed were the one that I used to  
8 climb before, but they requested to have three palm trees for the  
9 people working within the premises of the pagoda. And actually,  
10 my unit chief agreed to give those three palm trees to the  
11 security forces.

12 Q. Were the other two members of your palm tree climbing unit  
13 also, at the same time, security guards, or was only Moeun a  
14 security guard?

15 A. As for the other climbers--

16 MR. PRESIDENT:

17 The Deputy Co-Prosecutor, you have the floor.

18 [14.05.29]

19 MR. LYSAK:

20 Yes, Mr. President. I don't think Counsel has asked this and I  
21 think he's making an assumption based on his interview. Moeun was  
22 not considered one of the four members of the unit. He identifies  
23 the three other members, so I think the assumption that Counsel  
24 is making is incorrect and perhaps he should clarify that with  
25 the witness. That Moeun was part of the four-person climbing unit

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1 that the witness has talked about.

2 BY MR. KOPPE:

3 I think I wrote that down as his testimony today, actually, but  
4 I'm happy to verify.

5 Q. Mr. Witness, you spoke about a palm tree unit of four men.

6 You, two others, and was the fourth one Moeun himself?

7 [14.06.28]

8 MR. SEN SRUN:

9 A. I have actually stated that Moeun was part of the security  
10 force. But for us, the civilians, there were four of us in a team  
11 who were assigned to climb the palm trees, and we did not involve  
12 in any of the security work. And Moeun, he was a palm tree  
13 climber within the security force, separate from us, the civilian  
14 group. As I said, I was a civilian and I did not work for the  
15 security force.

16 Q. Okay, I understand now. Were there other palm tree units in  
17 addition to your unit of four?

18 A. Yes, there were. However, in my Sambour Meas Kha or Sambour  
19 Meas Ka village, it was sub-divided into two: the upper part and  
20 the lower part. And I was part of the lower Sambour Meas village.  
21 There was another palm tree climbing unit within the upper part  
22 of the Sambour Meas village. That team composed of three to four  
23 men as well. But, they climbed different palm trees, and the palm  
24 trees that they climbed were about 500 metres from where we  
25 climbed.

1 Q. And do you know whether Moeun confided in those other palm  
2 tree climbers as to what happened at Wat Au Trakuon?

3 [14.08.49]

4 MR. PRESIDENT:

5 Witness, you do not need to respond to this. It is repetitive and  
6 you have responded at least twice.

7 MR. KOPPE:

8 I was talking about another unit, Mr. President. I will move on.

9 MR. PRESIDENT:

10 Witness, you do not need to respond to that question since it is  
11 repetitive.

12 BY MR. KOPPE:

13 Q. Okay. One last question on this topic then, Mr. Witness. Can  
14 you explain why it was you of the palm tree climbers that Moeun  
15 confided in?

16 [14.09.45]

17 MR. SEN SRUN:

18 A. Allow me to clarify the matter. Moeun told me those things and  
19 where we worked nobody, no civilians were allowed to trespass.

20 For that reason, Moeun spoke to me. No civilians were allowed to  
21 trespass the area. Some villagers did not even dare to walk  
22 within that vicinity. As I said, he spoke to me because I climbed  
23 palm trees not far from where he climbed. And usually, sometimes  
24 when we rested, then we chit-chatted. And sometimes, I wanted to  
25 know what was going on inside and I asked him questions. Because

1 we were friends, he would not mind me asking him questions. But  
2 allow me to clarify, I never entered or involved with the  
3 security affairs. Even sometimes Moeun asked me to enter the  
4 compound, but I did not dare to enter.

5 Q. Was Moeun ever arrested himself or detained himself for a  
6 while?

7 A. No, Moeun was not arrested. He was part of the district  
8 security force since he was in Khchau village. As for some  
9 ordinary members of the mobile -- of the security force, like  
10 Moeun, they were not subject of killing. Only the chiefs were  
11 arrested and killed, but the ordinary members were not the  
12 target. That happened also at the commune level, the chief of the  
13 sangkat, or the chief of the commune was arrested and killed, but  
14 militia members were not killed and later on they were used.

15 Q. Let me now go back to that day of the arrest of the many Cham.  
16 Did Moeun tell you who was involved in the killing besides  
17 himself? Did he give you any names of fellow security people who  
18 were involved in the alleged killing?

19 [14.12.58]

20 A. I think I responded to this type of question already. It was  
21 not the security force who went out to make arrests. It was  
22 actually the Long Sword Group which was established in 1977, and  
23 who themselves were directly involved in going out and arrested  
24 people. As for the security force, they were at the base, at the  
25 detention centre to receive and to detain those people. The Long



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1     Sword Group members were the one who actually made the arrest.

2     Q. Maybe something went wrong in the translation, Mr. Witness,

3     but my question was, did Moeun tell you the names of the people

4     who were involved in the killing, not the arrest, but the killing

5     of the Cham? You said Moeun was involved, but did Moeun tell you

6     who else participated?

7     [14.14.10]

8     A. I can respond to part of your question. There were many

9     members of the security forces involved in the event. Some

10    members were young, namely 15 years old or 20 years old. As for

11    the executioners, they were actually competing one amongst one

12    another. If they killed more, then they would be selected to be

13    in charge of a unit, for instance. There was a case that I heard

14    that within an hour one young member, who was about 20 years old,

15    actually killed 70 people, and that was the record. The killing

16    took place inside the pagoda compound and along the main road and

17    for those who killed people along the main road, they were pretty

18    young. They were 15 years old, for example. And when they were

19    carrying guns, the gun nozzles actually touched the ground. And

20    as for the security force members, I knew Moeun and Bot and

21    another one at Preaek Krabau village, but I cannot recall the

22    name. Bot was deputy of Horn but later on he was arrested and

23    killed by Horn. And rather, Bot was assigned to replace Horn

24    later on and he was spared his life so that he could provide

25    statistics of the residents in the area. After Khun, the security

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1 chief was killed, Bot was killed and I asked Moeun about the  
2 killing of Bot and he said Horn had a love affair with a woman  
3 who was a daughter of a former minister. And actually, I saw her.  
4 She was beautiful. Dah (phonetic) was the younger brother of that  
5 woman and she had another elder sister by the name of Daet  
6 (phonetic) and they were all nice looking and the three had been  
7 arrested and brought to Au Trakuon pagoda. And Bot fell in love  
8 with that woman and Horn knew about it since Horn also fell in  
9 love with the same woman, so Horn killed Bot.

10 [14.17.27]

11 And as I told you, Bot and Moeun were the two members of the  
12 security force that I knew. I did not know the rest. Some of them  
13 were pretty young. As I said some of them were competing to kill  
14 more people per hour and one reached a record of killing 70  
15 people in an hour.

16 Q. I know, Mr. Witness, you have been telling the story before to  
17 the investigators. Your sole source of this being Moeun. But did  
18 Moeun give you names of security guards, other than Bot, who are  
19 still alive today and who could potentially confirm what Moeun  
20 has described?

21 A. Moeun did not tell me about the names of those killers.

22 [14.18.40]

23 Q. Let me ask the question a bit broader, Mr. Witness. Did Moeun  
24 give you any names of anybody who worked in Wat Au Trakuon who  
25 are still alive today and who could potentially confirm what

1 Moeun said he saw that night?

2 A. As for the killers who were members of the security force at  
3 the Au Trakuon, I cannot say whether they're alive, because when  
4 the regime fell, they all ran back to their native villages. And  
5 as for the names, as I just told you, I do not know their names.  
6 And during the regime, they did not actually use their real  
7 names, they used aliases. For example, Ta Thuch was an alias for  
8 Koy Thuon and nobody knew who Koy Thuon was. This is just an  
9 example for you. If I were to know their real names, then I  
10 probably could know where they are if they're still alive.

11 Q. Very well. I will move on to another topic now, Mr. Witness.  
12 You said you were involved in the arrest of the Cham from your  
13 commune. I'm not sure if I understand why you were asked to  
14 assist in the arrest. Did they tell you why? Were they, for  
15 instance, short of manpower? What was it that made cadres decide  
16 to ask you to help?

17 [14.21.05]

18 A. As for the arrest of the Cham people, I did not involve in the  
19 arrest. I did not even know why I was assigned to go with them.  
20 At that time, they said you, the climbers group had to go to the  
21 main road. And only after the Cham people were arrested and  
22 brought to the main road, then I realized that they were being  
23 arrested. They were being arrested by members of the Long Sword  
24 Group. And I was there to guard them and not to allow them to  
25 enter the main road. They were there at the north part of the

1 road. The direction was to guard all those Cham people and lead  
2 them to the Au Trakuon pagoda. I was rather surprised. And I --  
3 my tears almost fell, because I was so pity for the Cham people.  
4 They did not realize that they were the subject of the arrest.  
5 Some of them were arrested while they were having dinner or while  
6 they were having a bath. They did not even have a chance to  
7 change their dirty clothes when they were arrested. And I  
8 witnessed that, but I did not involve in the arrest.

9 [14.22.49]

10 And of course, at that time, we, as civilians, if we were  
11 instructed to go and do anything, we would follow the  
12 instructions. But personally, if I was ordered to kill people,  
13 no, I would not do it. But at that time I was ordered to stand  
14 guard of those Cham people who had been arrested.

15 Q. Did you have a gun at the time?

16 A. Of course not. I was bare hand. I did not even -- I was not  
17 even allowed to carry a knife that I used to climb the palm tree.  
18 So I went along with them to the main road with my bare hands and  
19 we were rather wondering why we were being asked to go with them  
20 to the main road, as they didn't tell us that we were going to  
21 conduct the arrest of the Cham people at all.

22 Q. You're actually asking my question already, Mr. Witness.

23 Because I'm asking myself, why did they need you? You didn't have  
24 a gun, you weren't instructed. What were you doing? What were you  
25 told to do?

1 A. In the regime, people were so afraid of the authority. Even to  
2 the members of the Long Sword Group didn't carry any weapons,  
3 they had swords and knives. And if the Cham people were to unite  
4 together, the situation could be different. Even if I myself, if  
5 I was ordered to raise my hands to tie them up, then I would do  
6 the same. We just felt so afraid of them. And those people did  
7 not carry weapons, but they had swords.

8 [14.24.55]

9 Q. But what were you asked to do? What did you do? Did you--

10 A. I did not do anything. I was standing. I was told, "Comrade,  
11 you stand there." And I asked him back, "Why?" And he said, "Just  
12 stand there to watch and not allow the Cham people to run to the  
13 riverside." But none of the Cham attempted to run. And when they  
14 were instructed to walk, they just simply walked. By that time,  
15 if some of them were to flee, then they would be successful, as  
16 the night was about to get dark and the security force members  
17 were actually leading them and I was walking behind in the middle  
18 part of the queue. Nobody guarded them and if some of them  
19 decided to flee, they would be successful. But none ever  
20 attempted to do so.

21 [14.26.14]

22 Q. And what were you doing? You were just walking along with the  
23 group or did you do something?

24 A. I have responded repeatedly that I was not involved in any  
25 other matters beside climbing palm trees and fishing. I did not

1 involve in that regime of genocide. Generally speaking, during  
2 the Khmer Rouge regime, if you knew how to read, you would not be  
3 used by the regime authority. They only used those illiterate  
4 people. And at that time I was considered a student who was  
5 knowledgeable, so I was not used.

6 Q. Now that you mention it, what was the position of your father  
7 after 1979? Was he involved in setting up the memorial site and  
8 the stupa, etc.?

9 A. From 1979, my father did not have any real position, but he  
10 liked gathering those skeleton remains and took care of schools.  
11 And that was what he did.

12 Q. I'll get back to that. You said that the men of the group were  
13 handcuffed. Who was it that did that? Who cuffed the men of that  
14 group?

15 [14.28.43]

16 A. I did not say that those arrested were handcuffed. What I said  
17 was that those detainees in the temple were shackled. The Cham  
18 people who were arrested, and before they were ordered to enter  
19 the temple compound, the men were beaten once with a metal bar.  
20 As for the Cham women, they were not beaten. And that's what I  
21 saw. As for the Cham young children who could not walk up the  
22 stairs, they were thrown or pushed into the temple, and once they  
23 were in the temple, their ankles were shackled and they were not  
24 cuffed at all. There were no handcuffs. However, there were  
25 shackles, and the shackles were used. People were detained in

1 shackles in a row of 30 to 40.

2 Q. So, is my understanding correct then that before they went  
3 into the temple, nobody was cuffed?

4 A. Among the Cham people who were sent to the pagoda none was  
5 tied up or handcuffed. They simply followed those people; they  
6 simply walked and followed them.

7 Q. You said that when the men entered the temple each and one of  
8 them were beaten with a metal bar. Is that correct?

9 [14.31.01]

10 A. Yes, that's what I saw. Before the men entered into the  
11 temple, each one of them was beaten with a metal bar. Only the  
12 men were beaten, not the young children.

13 Q. And when the first man was beaten, did the other Cham men see  
14 that just like you? Were they able to observe this beating as  
15 well?

16 A. When all of the Cham people entered the pagoda compound, they  
17 were surrounded by the security force members. And for that  
18 reason, none of them could escape. And of course, the Cham people  
19 who were behind the que of the man -- of the one who was beaten  
20 saw what happened, but none reacted. As for Cham women, they were  
21 not beaten and they were pushed inside the temple. There was no  
22 proper lighting. There was only kerosene lamp.

23 Q. Let me go back to the beginning of their arrests. Is my -- is  
24 it correct when I say to you that if the women or the children  
25 had decided not to follow their respective men, they wouldn't

1 have been arrested? In other words, only the men were arrested,  
2 and the women and children as well but only because they followed  
3 their men?

4 [14.33.14]

5 A. It is true, when -- after a husband had been arrested, other  
6 family members would also be arrested. Women were too weak to  
7 resist. During Pol Pot's time, there was not enough food for  
8 everyone to eat, so we were weak in terms of our physical  
9 strength. We went to work because we were all afraid of being  
10 killed. Since we were weak, we were not able to resist them. We  
11 were skinny and we had big knee caps. Whenever we had fish we  
12 would be very happy.

13 Q. My question was concrete. Do you know of men being arrested  
14 that day who were not followed by their wives or children?

15 A. No. When there were arrests made, the whole family members  
16 were also arrested together with the spouse or the husband. The  
17 older people in the Cham families were also arrested.

18 Q. Can you give us one name of Cham men who you saw was arrested?

19 [14.35.17]

20 A. Yes, I can give you some names, but many of them are passed  
21 away already. I know many names. Since they -- some of them have  
22 passed away already, I don't think it's beneficial for you to get  
23 the names. Chouk Man (phonetic) were among the fisher folks  
24 during the regime. And for Cham people, the name Man, were used  
25 by different Cham people within the village. So there was not



1    only Man, there were many Man. Chin (phonetic), Rin (phonetic)  
2    (phonetic), Man, they were all members within the fish folks. It  
3    has been 20 or 30 years from that time. So I think it's very  
4    difficult to locate, identify those people. Even our friends who  
5    have been away from us for 20 days, we would not remember all of  
6    them.

7    Q. Let me ask the question differently. Can you give me one name  
8    of a Cham man who you saw in that group together with the name of  
9    his wife and his possible children? Can you describe one family  
10   to me?

11   A. Yes, I can tell you one name the Cham husband who had been  
12   arrested. I do not know the wife's name. Mok (phonetic). And  
13   there was also an individual by the name Rin (phonetic), the head  
14   of the family.

15   Q. Let's start with Rin (phonetic). Was Rin (phonetic) the same  
16   family as Mok (phonetic) you said or were these two different  
17   families?

18   A. Not Mok (phonetic). I did not say Mok (phonetic).

19   Q. Let's start with Rin (phonetic). Did you see Rin (phonetic)  
20   walking in that group?

21   [14.38.16]

22   A. When Cham people had been arrested, I noticed he was in the  
23   group. My house was close to his. And after Cham people had been  
24   arrested and placed in the groups, he was among the group. I did  
25   not know exactly where he was at that time. As I told you, his

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1 house was close to Khmer people's house at that time.

2 Q. Was Rin (phonetic) accompanied by his wife and his children?

3 A. I have told you repeatedly, all members within the family  
4 would be arrested. Young children, baby, older people, everyone  
5 from the -- within the family were arrested.

6 Q. Well, I'm not sure "arrest" is a good word now, but did you  
7 see the actual arrest of Rin (phonetic)? Did you see Rin  
8 (phonetic) being taken out of his house?

9 A. I witnessed that. I can vouch for that. Rin (phonetic) was a  
10 Cham person. He was within the fisher folk group. Cham person  
11 would be included in the fishing group together with Khmer  
12 people. I was on the boat with him. While he was being arrested,  
13 I was assigned to climb up the sugar palm tree. During that time,  
14 he told me where would he be invited to. I replied that I did not  
15 know at that time. During that time, I did not realize that he  
16 was arrested and sent to the pagoda. After he had been walked  
17 past the kitchen, I understood that he was taken into the pagoda.  
18 If you asked me during that period, I could draw a picture of him  
19 and what happened to him. Rin's (phonetic) house was close to the  
20 fence of the pagoda, and his house is still standing today. You  
21 can go and see. Cham people later on were transferred to live in  
22 Sambour Meas.

23 MR. PRESIDENT:

24 Thank you. It is now time for the break. The Chamber will take a  
25 short break from now until 3 p.m.

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1 Court officer, please find a proper room for this witness during  
2 the break time and please invite him back into the courtroom at 3  
3 p.m.

4 The Court is now in recess.

5 (Court recesses from 1441H to 1502H)

6 MR. PRESIDENT:

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

8 And the Chamber again hands the floor to the defence team. And  
9 you may proceed, Counsel.

10 MR. KOPPE:

11 Thank you, Mr. President. Before I start, the defence teams have,  
12 I presume, 20 minutes extra to question the witness. However I  
13 don't think that will be enough for the defence teams, Mr.  
14 President. So we are requesting to add on top of the 20 minutes  
15 we have extra, another 30 or 45 minutes, so that we go into the  
16 morning, to 10 o'clock.

17 MR. PRESIDENT:

18 That seems excessive. In fact Parties have been informed that the  
19 combined time will be two sessions and then the Chamber granted  
20 20 additional minutes to the Co-Prosecutors and the Lead  
21 Co-Lawyers, as the daily proceedings take about 15 minutes every  
22 morning. So for that reason you will be given additional 20  
23 minutes as the time that we granted to the Co-Prosecutors and the  
24 Lead Co-Lawyers, otherwise the other Party would seek additional  
25 time as you are seeking now. Is it be possible for you to manage

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1 with the additional 20 minutes of time allowance?

2 [15.04.22]

3 MR. KOPPE:

4 Well, if I really will use my time, Mr. President, I need another  
5 day at least with this witness. I believe we have a Meas  
6 Sokha/Say Sen situation here. But 20 minutes is really not  
7 enough, so I would really implore the Chamber to grant the  
8 defence more time. We are talking about a massive killing and he  
9 is the only witness to this and I think we should be entitled to  
10 be able to ask more questions, with all respect, Mr. President.

11 MR. PRESIDENT:

12 Counsel Guissé, you may proceed.

13 [15.05.14]

14 MS. GUISSÉ:

15 Yes, thank you, Mr. President. I have conferred with my colleague  
16 and indeed we will have a hard time completing our examination  
17 today. I would like the Chamber to work on the basis that we  
18 should be given the same amount of time as the Co-Prosecutors. I  
19 have a problem with the health status of my client, nevertheless,  
20 because if we need additional time we would request that we  
21 should continue tomorrow morning instead of keeping my client  
22 waiting after the time we are supposed to stop the proceedings.  
23 To do this, to extend the proceedings twice a day, would be too  
24 much. I wanted to bring this to your attention.

25 MR. PRESIDENT:

1 The Deputy Co-Prosecutor you have the floor.

2 MR. LYSAK:

3 Thank you, Mr. President. We certainly don't have any objection  
4 if the Court deems it appropriate to give a few extra minutes to  
5 the Defence. What I do object to is Counsel's repeated attempts  
6 to characterise witnesses, to make comments about witnesses, and  
7 I would ask that if he receives additional time perhaps he should  
8 not pursue these repetitive lines of questioning that we have  
9 heard. But if the Chamber considers it appropriate we don't have  
10 any objection to you granting a few additional minutes to what  
11 were granted to us.

12 [15.06.47]

13 MR. PRESIDENT:

14 The floor is now given to the defence teams and the observation  
15 made by the Deputy Co-Prosecutor is appropriate. So, Counsel for  
16 the Defence, please use the time wisely and don't attempt to ask  
17 questions that are unrelated to the subject matter.

18 BY MR. KOPPE:

19 Mr. Witness, you were speaking about Rin (phonetic) and the  
20 arrest of Rin (phonetic). Rin (phonetic) was, you said, one of  
21 the Chams in this group of two to three hundred. You also said  
22 that you were in the palm tree when Rin (phonetic) was arrested.  
23 Did I understand that correctly?

24 [15.07.55]

25 MR. SEN SRUN:

1 A. I actually disagreed with your characterisation of my previous  
2 statement. I did not say I was in the palm tree, as you put it.

3 Q. Then I misunderstood. Where were you when Rin (phonetic) was  
4 arrested?

5 A. When Rin (phonetic) was arrested, and I think I already  
6 responded to that question. And to me, honestly, it seems that  
7 you ask me many repetitive questions. And I was there, near the  
8 house of Rin (phonetic) when he was arrested, and I actually  
9 responded to that question already.

10 Q. And did Rin (phonetic) join the group of people who already  
11 had been arrested, or was he the first of the two hundred to  
12 three hundred people who got arrested?

13 A. Rin (phonetic) was amongst those Cham people who were  
14 arrested. He was there from 6.00 to 8 pm among the Cham people  
15 from the village.

16 [15.09.26]

17 Q. I'm not talking about the end of the day, Mr. Witness. I'm  
18 talking about the moment that Rin (phonetic), one of the people  
19 you said you know, got arrested. Did he join the group of 200 to  
20 300 Cham or was he part of a mass arrest? Can you explain to me  
21 what happened when Rin (phonetic) got arrested?

22 A. It is difficult to me to respond to that question. I have  
23 already testified that the arrest of the Cham people took place  
24 almost simultaneously. All the Cham people were subject of being  
25 arrested starting from 6 o'clock that day.

1 Q. But how did that go about then? Were microphones being used,  
2 speakers I mean, sorry? How did the arrests of people like Rin  
3 (phonetic) go about? How did that go?

4 A. They did not use any means as you just put it. The Cham people  
5 were not aware of the arrest, and the people in the village also  
6 did not know. Only those who lived near the target area, that is,  
7 near the main road were aware of the arrests. But not everybody  
8 in the entire village. And only next morning did they learn that  
9 the Cham people had all been arrested.

10 [15.11.25]

11 Q. Well let me read to you what you told the Prosecution, and  
12 maybe that will refresh your memory Mr. Witness. Mr. President,  
13 document E3/5302, English ERN, 00210488; French, 00623191; and  
14 Khmer, 00635176.

15 "The number of Cham arrested in my commune was about 300 people.  
16 I was asked to lead 200 to 300 Cham and walk them to the Au  
17 Trakuon temple. Female Cham people were just walked. The Cham men  
18 were handcuffed and beaten. I was one of the two people leading  
19 the group; there were another two guarding the back. The four of  
20 us were palm tree climbers. When we arrived at the temple  
21 security guards and executioners were there to take the Cham  
22 people."

23 Now, Mr. Witness, that to me is a clear statement, you were  
24 involved in the arrest and the bringing of this group of 300 Cham  
25 from their houses to the security centre. Isn't that correct?

1 [15.13.02]

2 A. When I spoke about the people being cuffed I did not mean the  
3 handcuff, but I meant the shackled when they were in the temple.  
4 The side walls of the temple were having holes where they  
5 inserted the metal bar to shackle the detainees and they would  
6 lock the end side of the metal bar. No handcuffs were used during  
7 the regime. So when you mentioned handcuffs to me, that was not  
8 my intention. I refer to the shackles and not the handcuffs, and  
9 of course I stay true to my conscience that what I saw were  
10 shackles but not handcuffs. I am not here to accuse any one. I am  
11 here as a witness to testify before this court. So the Court can  
12 actually find who the killers of the Cham people are, or were.

13 Q. Fine, no handcuffs, but were you -- let me rephrase. Is your  
14 statement at least correct that your group of four palm tree  
15 climbers were in charge of walking the group of 200 to 300 Cham  
16 to the security centre: two in the front, two in the back? Is  
17 that the case?

18 A. In our climbing group there were four of us and we were  
19 instructed to accompany different groups. As I told you the Cham  
20 families were designated to live mixed with the Khmer people, so  
21 we the four climbers, the four palm tree climbers, were assigned  
22 to attach to different groups, and if my recollection is correct,  
23 I was with another climber at the time. And there were many  
24 people at that time when this event took place and I could not  
25 say whether I was with another climber or not. There was no



1 proper lighting, and everything depended on moonlight. And the  
2 targets of the Cham people were to gather from the west and east  
3 directions. In the end they would be gathered up at the entrance  
4 to the gate to the pagoda before they were led inside the  
5 compound.

6 [15.16.27]

7 Q. How long did the march last? How long did the walk of these  
8 200 to 300 people last? Was it half-hour, one hour? Where were  
9 they assembled? Can you give us some more details please?

10 A. As for the duration, to walk those people, the Cham people to  
11 the pagoda, it didn't take too long. The distance was 341 metres  
12 to be precise, from the location of the arrest to the pagoda, and  
13 it took only about 10 minutes.

14 Q. And what was at 341 metres from the pagoda? What exactly was  
15 it? What was there?

16 A. It was the distance where the Cham people were gathered up  
17 before they actually made the trip to the pagoda. In fact at that  
18 time I did not know the distance, however after the collapse of  
19 the regime and the new road was built, the exact distance was 341  
20 metres from the location of the gathering to the pagoda and it  
21 took only 10 minutes to walk.

22 [15.18.16]

23 Q. And how did the Cham people get at the location of this  
24 gathering? How did they get there?

25 A. Actually they walked. That was the only means for the Cham

1 people, to walk. The people from the worksite were arrested on  
2 site and were put on horse carts and brought into the gathering  
3 point. But for the Cham people living in the village, they were  
4 walked to the gathering point.

5 Q. And why was it that the four palm tree climbers were asked to  
6 lead this group from the gathering point to the pagoda?

7 A. I think I already responded to your question. We had no idea  
8 when we were asked to go with them. We were not told what to do.  
9 And only when we saw the Cham people being brought to the  
10 gathering point then we realised what happened. They didn't let  
11 us know what happened, maybe because they were concerned that we  
12 would go and tell the Cham people to go away or to run. For that  
13 reason they did not tell us anything.

14 [15.20.02]

15 Q. Let me just read to you what you had written down before the  
16 break about Rin (phonetic). You said Rin (phonetic) was a Cham  
17 person; he was within the fisher folk group. Cham persons would  
18 be included in the fishing group together with Khmer people. You  
19 were on a boat with Rin (phonetic). While Rin (phonetic) was  
20 being arrested you were assigned, you said, to climb the sugar  
21 palm tree. That's how we heard it in the English translation. So  
22 is that correct or false. Did you see Rin (phonetic)'s arrest or  
23 did you only see him at the gathering point?

24 A. Of course that is correct. What I said is that Rin (phonetic)  
25 used to go fishing with me, as two Khmer people would go with a

1 Cham person, as that Cham person was skilful in fishing. Later on  
2 I was assigned to climb palm trees. But I knew him very well, and  
3 when he got fish he would take the fish to the kitchen hall and  
4 usually I met him there.

5 [15.21.37]

6 Q. I don't follow you, Mr. Witness, but let me move on to the  
7 next topic. Is it correct that at the meeting that you heard An  
8 speak, that he didn't speak about Chams. Is that your testimony  
9 to the investigators of the Investigating Judge?

10 A. As for An, the new sector chief, and as I told the  
11 Co-Investigating Judge, An came to chair a meeting at the Au  
12 Trakuon pagoda, and actually An incited the people there to  
13 arrest their complaint or objection regarding those chiefs who  
14 did not allow them to eat sufficient food or to consume  
15 vegetables that they planted at their respective houses. And  
16 people in my village were happy to hear that.

17 Q. My question, sorry to interrupt you, Mr. Witness, was, did he  
18 speak about Cham or did he not mention the word Cham at all  
19 during that speech he gave?

20 A. An did not mention anything about the Cham people. He spoke at  
21 length about the arrest of the former cadres who were accused of  
22 betraying Angkar. He did not touch upon the issue of the Cham  
23 people. And of course Cham people also attended the meeting.

24 [15.23.40]

25 Q. And what exactly did he say about traitors in the North Zone?

1   What did these people betray? What did they have betrayed? What  
2   did they do? What had they done? Did he give any explanation as  
3   to the cadres in the North Zone who were arrested?

4   A. On the issue of the arrest of the so-called traitors, they did  
5   not of course tell us the reasons for the arrest. What was the  
6   need for that? We were ordinary civilians and the announcement he  
7   made was about the arrest of those former cadres since they were  
8   betraying Angkar and they were betraying the revolution, and they  
9   did not give us any specific reasons for the betrayal. And of  
10   course people did not dare to ask any follow up questions.

11   [15.24.52]

12   Q. Have you ever heard whether men or women who happened to be  
13   Cham were also accused of being a traitor, or accused of being  
14   involved in a rebellion, or in other forms of treason?

15   A. When you spoke about the announcement that Cham people were  
16   traitors, I didn't hear it. However some people said that Cham  
17   people were arrested because they were concerned that Cham people  
18   would involve in a revolt. But I never heard this statement from  
19   the Khmer Rouge cadres myself.

20   Q. And what you did hear about the revolt, was that the same  
21   revolt that the North Zone cadres were involved in? In other  
22   words, did you hear Cham being involved in conspiring to commit  
23   treasons together with the North Zone cadres?

24   A. The Cham people who lived in my area, and allow me to clarify  
25   the matter, I did not know whether the Cham people involved in

1 any revolt. And the same thing applies to the cadres who were  
2 arrested. I did not know the mistake they made or whether they  
3 involved in any revolt.

4 Q. So in other words you don't know the reason for the arrests of  
5 the Cham that you described today -- is that correct?

6 [15.27.15]

7 A. I do. However this does not apply to any individual Cham  
8 person. The Pol Pot regime was a genocidal regime, so any other  
9 races would be considered enemies of the Khmer people, including  
10 the Cham people, the Chinese people and the New People, the ones  
11 that were liberated in 1975.

12 Q. At the time, Mr. Witness, had you ever heard of a Cham  
13 rebellion just across the other side of the Mekong River in  
14 September or October 1975?

15 A. As I have just stated, the information we learned at the time,  
16 that is, during the Pol Pot regime, was very limited, and forget  
17 about the information from the other side of the river. Even the  
18 information across the villages, within the commune was very  
19 limited. Even within the village itself the information was  
20 limited, since we were not allowed to walk anywhere freely. And  
21 my response to your question therefore is that I did not hear  
22 about that event.

23 Q. Do you know whether any of the 200 to 300 Cham you said you  
24 saw, were living prior in -- were living before in the East Zone  
25 in villages like Ampil or Kaoh Phal? Do you know if that is the

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1 case?

2 [15.29.37]

3 A. From my personal observation the Cham people who lived in the  
4 Peam Chi Kang commune were the original Cham people who had lived  
5 there, and not from other parts of the country or province. For  
6 example not from Kaoh Phal. And of course there could be movement  
7 of the Cham people here and there within the same locations, due  
8 to marriage for example. But I don't believe the Cham people  
9 crossing the river from the other side to come to settle in my  
10 area.

11 Q. How far is it from Kaoh Phal to Wat Au Trakuon?

12 MR. PRESIDENT:

13 Counsel, please repeat your last question. You were a little bit  
14 too fast for the interpreter.

15 BY MR. KOPPE:

16 Q. Sorry, Mr. President. How far is it, do you know, between Kaoh  
17 Phal and Wat Au Trakuon?

18 MR. SEN SRUN:

19 A. It is difficult to answer because when I lived there I don't  
20 even know where Kaoh Phal was.

21 Q. Last topic, I'll be quick. You said Mr. Witness that Moeun had  
22 also told you he had been involved in killings before February  
23 '75. Is that correct?

24 [15.31.54]

25 MR. PRESIDENT:

1 Please hold on, Mr. Witness. You may now proceed International  
2 Co-Prosecutor.

3 MR. LYSAK:

4 I don't have any objection to Counsel clarifying this, but an  
5 observation. I don't recall any such testimony about killings  
6 prior to February 1975.

7 MR. KOPPE:

8 I'm sure I read it somewhere. He testified as to the killing of  
9 17 April People, New people, all before February '75. I'm also  
10 quite convinced that I read somewhere that he said Moeun, told  
11 him that Moeun was involved. But to speed up things I can ask it  
12 in an open way. Mr. Witness, did Moeun tell you whether he was  
13 involved in killings before February '75, before the Southwest  
14 Zone cadres came?

15 [15.33.02]

16 MR. LYSAK:

17 Perhaps, do you mean February 1977?

18 BY MR. KOPPE:

19 Sorry, sorry, yes, February '77. Slip of the tongue, I apologise.  
20 Do you know whether, or did Moeun tell you he was involved in  
21 killings before February '77?

22 MR. SEN SRUN:

23 A. I told the Court already that Moeun and I were close to one  
24 another. We were working close by, so he would confide in me what  
25 he knew. Concerning the events before 1975, I have no idea.

1 Before that time, there were no incidents happening in the Au  
2 Trakuon pagoda. Later on, in 1976 or '77, something happened.  
3 Moeun was close to me and the relationship became even better in  
4 1977, when we were working close by climbing the sugar palm  
5 trees. He would tell me almost everything happened in Au Trakuon  
6 pagoda. It was not fact about the truth. And it is true what he  
7 said. If Cham people were not killed where had they gone the day  
8 after? So, what he said collaborated with the situation. And  
9 later on, after 1975, we went to visit the grave pits and there  
10 were remains within those pits.

11 Q. My question was, Mr. Witness, did Moeun tell you whether he  
12 was involved in any killings before An, Han and Kan came? Did he  
13 have any position as security guard in Wat Au Trakuon? Can you  
14 tell us something about that?

15 A. Before Han came to take responsibility he was member of a  
16 security force unit. Before Moeun was living in Khchau village in  
17 same Sambuor Meas. He did not tell me about his involvement in  
18 the killings so I learned of the information about the events  
19 happening after late 1976 and 1977.

20 Q. For the record, Mr. President, I still have many questions to  
21 ask but I think my time is up.

22 [15.36.25]

23 MR. PRESIDENT:

24 Thank you; you may now proceed, Counsel for Mr. Khieu Samphan.

25 QUESTIONING BY MS. GUISSÉ:



1 Thank you, Mr. President. Good afternoon to all of you. Good  
2 afternoon, Mr. Sen Srun. I am Anta Guissé. I am the  
3 Co-International Counsel of Mr. Khieu Samphan. And I am going to  
4 put to you a few extra questions.

5 Q. My first question, you said, when you answered the  
6 Co-Prosecutor, that you were in Sector 30 of the North Zone. So  
7 do you remember if the North Zone ever changed names during the  
8 DK regime?

9 MR. SEN SRUN:

10 A. During the Democratic Kampuchea the name was not changed.  
11 However, after -- I do not know whether the name was changed  
12 after 1979. I only know that it was within Zone 304 and I, at  
13 that time was living in Sector 30.

14 Q. Again, when you were answering the Co-Prosecutor you said that  
15 when you came back to your village of Sach Sou in 1976, after  
16 having served in the army, you were arrested. So can you tell us  
17 who arrested you?

18 [15.38.22]

19 A. I do not know who arrest -- I did not know where the order is  
20 from. The militiaman in the commune and sangkat came and arrest  
21 me. It was Samrit Muy who came to arrest me at that time, because  
22 he was the militiaman within sangkat.

23 Q. Do you know what his position was exactly within that militia?

24 A. I cannot assume or tell you his exact position at that time.  
25 Within Peam Chi Kang district he was the one who was responsible

1 for arresting. I cannot tell you his actual position. He was  
2 involved in this task from 1974 and 1975. He was engaged in  
3 arresting New People and 17 April People. People from Kandal or  
4 from other places were arrested and killed. At that time there  
5 was no security office and these people were killed in a lycée  
6 behind the pagoda and that lycée is now known as Hun Sen High  
7 School.

8 [15.40.21]

9 Q. You said that you returned to your village in 1976, so I'm not  
10 speaking about '74 or about '75. I am speaking to you about 1976,  
11 and the years that followed. So can you confirm that this Samrit  
12 Muy who arrested you in 1976?

13 A. Yes, it was Samrit Muy who went to arrest me. However, I do  
14 not know where the order of the arrest came from. He was the one  
15 who arrested me. I know many people within the security unit.  
16 There was Treang (phonetic), and Muy and others who were members  
17 of the security guard unit.

18 Q. I will get back later to the make-up of that group. But I  
19 would like to know, in 1976, what position did your father have  
20 in Peam Chi Kang commune?

21 A. In 1976, my father held no position. Before then, in 1971 to  
22 1975, he held a position. After 1975, he was removed from his  
23 position. My father had no position after 1975.

24 Q. So what position did your father hold between '71 and 1976?

25 A. Between 1971 to 1975, my father was sangkat chief. He

1 supervised villagers within his sangkat. He had overall  
2 supervision over people. He assisted New People who were the  
3 target of mistreatment and killing. He informed those villagers  
4 in advance. Because of his good deeds -- I mean he informed  
5 villagers in advance of what was going to happen to those  
6 villagers. And because of this, he was removed from the position  
7 in 1975.

8 Q. I'm putting these questions to you about these dates because  
9 in your statement, document E3/1692, French ERN, 00337424;  
10 English ERN, 00242086; Khmer ERN, 00218552 to 53; you speak about  
11 your arrest in 1976 and you say the following: "I was lucky I was  
12 released. And I thought, however, that it was thanks to my father  
13 who was in charge of the sangkat in Peam Chi Kang commune." End  
14 of quote. [Free translation]

15 So my question is the following. Do you think, yes or no, that  
16 you were released thanks to your father's position?

17 [15.44.37]

18 MR. PRESIDENT:

19 Please wait, Mr. Witness. You may now proceed, Co-Prosecutor.

20 MR. LYSAK:

21 I'm not sure if it's just a translation issue, but in the English  
22 version of this, it says that his father was formerly in this  
23 position. I don't know if that's missing from the French. But it  
24 should be clear that he was talking about a former position of  
25 his father.

1 BY MS. GUISSÉ:

2 Yes indeed, it's probably a translation issue because I read  
3 exactly what I have in French. But the witness can answer. So is  
4 it because of the former position of your father that you were  
5 released?

6 MR. SEN SRUN:

7 A. Perhaps it is true. The new cadres who had just come to  
8 replace the former cadres were living close to my house. And  
9 perhaps my father had good relationship with those new cadres, I  
10 was released. And the release did not happen only to me but on  
11 two other individuals. And perhaps because of his service in the  
12 front, that is why I was released.

13 Q. Can you tell us who replaced your father in 1976, as the  
14 sangkat chief?

15 A. The one who replaced the position of my father was an  
16 individual by the name Run (phonetic). Run (phonetic) passed away  
17 already. Sreng later came to take control as a cadre. And Run  
18 came to replace my father, and his revolution name was Samrit at  
19 that time.

20 [15.47.15]

21 Q. In 1976 still, who was the security chief in Peam Chi Kang  
22 commune?

23 A. Security chief at Peam Chi Kang were different people. There  
24 was Muy and later on, Nam was the chief in 1976. Later on, Nam  
25 was reassigned to be sector chief in Koh (phonetic). And Au

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1 (phonetic) was the militia chief later on. And as for Muy and the  
2 individual I have just mentioned, I do not know who was chief and  
3 who was the deputy. I heard that militia chief had brought  
4 authority and power. And as I told you, Nam, was reassigned to be  
5 security chief at Koh (phonetic).

6 Q. I would like some clarification regarding this militia and the  
7 period you speak about. You say in 1976, when you were arrested,  
8 Samrit Muy was in the militia. And I also understood that you did  
9 not know who was the deputy or who was the chief between Nam and  
10 Muy. So can you tell us at least which period you're speaking  
11 about here, are you speaking about 1976, 1977, 1978, or even  
12 1979? When you tell us you do not know who the chief was and who  
13 the deputy was, can you be a bit more specific with regard to the  
14 time, to the period?

15 [15.49.30]

16 A. I was referring to the year 1976. In early 1976, these people  
17 were still in their positions. At that time, former sangkat chief  
18 had been arrested, and Taing became one of the sangkat chief.

19 Q. You said to the Co-Prosecutor or you spoke about two groups,  
20 and I'm going to ask you to be a bit more specific about this,  
21 you spoke about the commune militia and you spoke about the Long  
22 Sword Group. So can you tell me if Nam and Muy were part of the  
23 Long Sword Group at one point in time?

24 A. Well, Muy's group or Long Sword Group had different  
25 responsibilities. For the Long Sword Group, as I told the

1 Chamber, was tasked to bring in the people who had been arrested.  
2 For example, New People at the worksite were arrested. When five  
3 or six people were arrested at the worksite, the members of Long  
4 Sword Group would be told to bring in those five or six people.  
5 And commune militia were responsible for things within the  
6 commune. These are the responsibility for the two groups.

7 [15.51.49]

8 Q. So I understand from what you're saying that Samrit Muy was a  
9 member of the Long Sword Group; am I correct?

10 A. No, he was not part of Long Sword Group. He was a member  
11 within commune militia.

12 Q. And do you know from when to when?

13 A. From what I know, he was in that position from 1973 up to  
14 1979, after which he did not dare to live within his home  
15 village. He then escape to Chamkar Leu.

16 Q. You say that he held that position from '73 to 1979. So did  
17 you see him personally in his duties as a commune militiaman all  
18 up until 1979?

19 A. Let me clarify. I am not speaking for the sake of speaking to  
20 denounce one individual or to defame one individual. As a  
21 witness, I am speaking only the truth, what I have known and  
22 experienced. I have been living in Sambuor Meas since I was one  
23 year old. And from that time until now, it has been 65 years. So  
24 I am telling you what I have known. I saw Muy and I witness the  
25 arrests of former cadres and the arrival of the new cadres until

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1 1979, after which I also fled the area with others.

2 [15.54.26]

3 Q. Witness, I apologize but I don't have much time, so I'm trying  
4 to put to you short questions. So please provide me with short  
5 answers. So I understand from your answer that you saw Samrit Muy  
6 as a militiaman until 1979. You can just say yes or no, that's  
7 fine with me.

8 A. Yes, that is true.

9 Q. So you draw a distinction between the commune militiamen and  
10 the group of the long swords. So, can you tell me who was part of  
11 the Long Sword Group?

12 A. I have known members of that group but I cannot recall all the  
13 names. Lav Chay (phonetic), and now today, he is my  
14 brother-in-law; Tay Koemhun is the member of pagoda committee;  
15 Meng Ly, Heng Pa, Yoeun, I do not know his surname; and an  
16 individual living at Kaoh Touch, perhaps he passed away already.  
17 I can tell you that there were nine of them within that Long  
18 Sword Group.

19 [15.56.25]

20 Q. I will get back to how the group was made up a little bit more  
21 specifically later. But can you tell me, the day when the Cham  
22 were arrested, the Cham that were led to the pagoda, were the  
23 Long Sword people present when the Cham were being arrested?

24 A. When the arrests were made against Cham people, it was the  
25 Long Sword Group who did the arrests.

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1 Q. And the nine people or in any case the people that you  
2 mentioned among the nine who according to you made up the Long  
3 Sword Group, were these nine people present, that is to say, Chay  
4 (phonetic), Tay Koemhun, Nou Ly (phonetic), etc.?

5 [15.57.32]

6 A. When the arrests were taking place, all members within that  
7 long group were present. They were divided in two groups. One was  
8 conducting the arrests at Sambuor Meas A, and another group was  
9 conducting arrests at Sach Sou and Antung Sor (phonetic).

10 Q. So it's true, therefore, that this group would carry out  
11 arrests throughout the entire Peam Chi Kang commune?

12 A. This group went around and arrest the prisoners. The arrests  
13 would happen only when they were plans. And this group would go  
14 to worksite to conduct the arrests as well. And for the arrests  
15 within the commune, it would happen once in a while.

16 Q. So if I understood your testimony properly this morning, you  
17 told me that the Long Sword Group was set up at the end of 1976  
18 or the beginning of 1977; is that so?

19 A. Yes, that is true.

20 Q. And these nine people who made up this Long Sword Group, did  
21 these nine people all come from the East Zone? Did they all come  
22 from Peam Chi Kang commune?

23 [15.59.48]

24 A. This newly created Long Sword Group, members of this group  
25 were from Chi Kang commune. They were villagers in Chi Kang



1 commune.

2 Q. And do you know who set up this unit, this Long Sword unit?

3 A. In fact, the newly created Long Sword Group did not exist yet  
4 before the arrival of Southwest Zone cadres. Pheap, who was the  
5 deputy of the district and wife of Kan, was representing the  
6 commune. And Kan was a cadre who was in charge of the commune.  
7 And they were talking about full rights members and other term,  
8 but I do not really understand at all about those terms.

9 MS. GUISSÉ:

10 Mr. President, I see that it's 4 o'clock. So I can tell the  
11 Chamber that it's not going to be possible for me to finish with  
12 my cross-examination even with a few extra minutes. Of course, I  
13 want to make sure that we -- that the staff will not miss the  
14 bus. But I -- therefore, I'm requesting the possibility to finish  
15 tomorrow morning, keeping in mind of course my client's concerns  
16 which I spoke to you about earlier.

17 [16.01.50]

18 MR. PRESIDENT:

19 Thank you very much. The Chamber will consider granting you an  
20 additional 20 minutes tomorrow. The hearing today comes to an  
21 adjournment. The Chamber will adjourn its hearing today and will  
22 resume tomorrow at 9.00 a.m. The Chamber will continue to hear  
23 the testimony of Sen Srun, and the Chamber will give the floor to  
24 the defence team for Mr. Khieu Samphan, after which we will hear  
25 2-TCW-883. Please be informed.

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1 Thank you, Mr. Srun, he hearing of your testimony as a witness  
2 has not come to a conclusion yet. You are therefore invited to be  
3 here once again tomorrow at 9 a.m.

4 Court officer, in collaboration with WESU, please send Mr. Sen  
5 Srun and the reserve witness 2-TCW-883 to the place where they  
6 are staying at the moment. And please, invite them back into the  
7 courtroom tomorrow at 9 a.m.

8 Security personnel are instructed to bring Mr. Khieu Samphan and  
9 Nuon Chea back to the detention facility of the ECCC and have  
10 them returned tomorrow before 9 a.m.

11 The Court is now adjourned.

12 (Court adjourns at 1603H)

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