



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

22 August 2016

Trial Day 442

ឯកសារដើម

ORIGINAL/ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ (Date): 09-Dec-2016, 15:13

CMS/CFO: Sann Rada

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

The Accused: NUON Chea
KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCCP-274	Khmer
2-TCW-850	Khmer
Ms. CHEN	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. HONG Kimsuon	Khmer
Mr. KOUMJIAN	English
Judge LAVERGNE	French
Mr. PICH Ang	Khmer
Mr. SENG Leang	Khmer
The President (YA Sokhan)	Khmer

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today, the Chamber hears testimony of a witness, 2-TCW-850, via a

6 video conference link from Ourdor Meanchey in relation to the

7 segment on internal purges and, if time is available, we begin

8 hearing testimony of a civil party, that is, 2-TCCP-274, in

9 relation to forced marriages.

10 Greffier, please report the attendance of the parties and other

11 individuals to today's proceedings.

12 [09.02.10]

13 THE GREFFIER:

14 Mr. President, for today's proceedings, all <parties> in this

15 case are present except Liv Sovanna, the National Counsel for

16 Nuon Chea, who is absent this morning for personal reason.

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

18 waived his rights to be present in the courtroom. The waiver has

19 been delivered to the greffier.

20 The witness who is to testify today, that is, 2-TCW-850, confirms

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

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

23 Samphan, or to any of the civil parties admitted in this case.

24 The witness took an oath before he testified this morning, and he

25 has Mr. Mam Rithea as his duty counsel.

2

1 We also have a reserve civil party, that is, 2-TCCP-274, today.

2 [09.03.24]

3 MR. PRESIDENT:

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

6 The Chamber has received a waiver from Nuon Chea dated 22nd
7 August 2016, which states that, due to his health, that is,
8 headache, back pain, he cannot sit or concentrate for long. And
9 in order to effectively participate in future hearings, he
10 requests to waive his right to be present at the 22nd August 2016
11 hearing.

12 He advises that his counsel advised him about the consequence of
13 this waiver, that in no way it can be construed as a waiver of
14 his rights to be tried fairly or to challenge evidence presented
15 to or admitted by this Court at any time during this trial.

16 Having seen the medical report of Nuon Chea by the duty doctor
17 for the accused at ECCC, dated 22nd August 2016, which notes that
18 Nuon Chea has back pain when he sits for long and recommends that
19 the Chamber shall grant him his request so that he can follow the
20 proceedings remotely from the holding cell downstairs.

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

25 [09.04.58]

3

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

4 And before we begin hearing testimony of witness 2-TCW-850, the
5 Chamber wishes to inform the parties that the Chamber received an
6 email from the defence counsel for Khieu Samphan requesting to
7 make an oral submission or response to the Lead Co-Lawyers
8 submissions on the scope of Case 002/02 concerning the charges of
9 rape outside the context of forced marriage, document E306/7.

10 The Chamber grants the request, and the defence counsel for Khieu
11 Samphan can make an oral submission concerning this matter at the
12 conclusion of the testimony of witness 2-TCW-850.

13 [09.06.10]

14 The Chamber now proceeds to hear the testimony of witness
15 2-TCW-850. The Chamber notes that this witness has been
16 interviewed in the investigation in other cases, and the
17 International Co-Investigating Judge put this witness in Group A
18 of the three groups in its Memorandum of Understanding, that is,
19 document E319/35, and requests that this witness shall be
20 referred to only by pseudonym for the purpose of protecting the
21 confidentiality of the investigation.

22 The Chamber deems this limited measure is proportionate and
23 according to the law in this case, and this instruction is to
24 take also into balance the publicity of the hearing, as well as
25 the integrity of the investigation. And for that reason, the

4

1 Chamber wishes to inform parties that they should adhere strictly
2 to the instruction in document E319/7 in terms of the disclosures
3 of documents from other cases.

4 Court officer, please inform the Chamber whether the AV link has
5 been established.

6 [09.07.34]

7 QUESTIONING BY THE PRESIDENT:

8 Q. Good morning, Mr. Witness. In the proceedings before this
9 Chamber and pursuant to the request by the International
10 Co-Investigating Judge, you are referred to only by pseudonym,
11 that is, 2-TCW-850, and the parties shall refer to you only by
12 this pseudonym. And the Chamber will not allow the parties, as
13 well as Judges of the Bench, to refer your name or your surname
14 in this public proceeding.

15 And duty counsel, Mr. Mam Rithea, please refer the witness to
16 document E3/9570.

17 And Witness, please identify yourself in document E3/9570 at
18 Khmer, ERN 00893175; English, 00901043; and French, 00974986.

19 Please refer to the highlighted segment in orange concerning your
20 name, nationality, date of birth, place of birth, occupation,
21 names of your parents, your wife's name and the number of
22 children, whether the information is correct. And please limit
23 your response to yes or no.

24 And Mr. Witness, can you inform the Chamber whether the
25 information is correct?

1 [09.09.26]

2 2-TCW-850:

3 A. Good morning, Mr. President. The information in the document
4 is correct.

5 Q. Please confirm once again whether your brief biography in this
6 document is correct.

7 A. Yes, Mr. President, it is correct.

8 Q. Thank you.

9 The greffier made an oral report this morning that, to your best
10 knowledge and ability, you're not related, by blood or by law, to
11 any of the two accused, that is, Nuon Chea and Khieu Samphan, or
12 any civil party admitted in Case 002. Is that information
13 correct?

14 Witness, do you hear me?

15 A. The sound transmission is interrupted intermittently.

16 [09.11.05]

17 Q. Allow me to repeat my question.

18 This morning, the greffier made an oral report that, to your best
19 knowledge and ability, you are not related, by blood or by law,
20 to any of the two accused, that is, Nuon Chea and Khieu Samphan,
21 or any of the civil parties admitted in Case 002. Is that
22 information correct?

23 A. I am not related to any of the two accused, that is, Nuon Chea
24 and Khieu Samphan.

25 Q. Thank you.

6

1 And that you already took an oath before your testimony; is that
2 correct?

3 A. Yes, it is.

4 [09.11.54]

5 Q. Thank you.

6 The Chamber would like to inform you of your rights and
7 obligations as a witness.

8 Regarding your rights: As a witness in the proceedings before the
9 Chamber, you may refuse to respond to any question or to make any
10 comment, which may incriminate you. That is your right against
11 self-incrimination.

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

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

21 And Mr. Witness, have you been interviewed by investigators from
22 the Office of the Co-Investigating Judges? If so, how many times,
23 when and where?

24 A. Mr. President, I cannot hear you properly.

25 [09.13.38]

1 Q. Allow me to repeat my last question.

2 Have you been interviewed by investigators from the Office of the
3 Co-Investigating Judges thus far? If so, how many times, when and
4 where? Please respond.

5 A. Investigators came to interview me at my house.

6 Q. And before your appearance, have you read or reviewed the
7 written record of your interview with OCIJ investigator in order
8 to refresh your memory?

9 A. Yes, I read it and I reviewed it.

10 Q. Thank you.

11 And to your best knowledge, can you tell the Chamber whether that
12 written record of your interview that you have read in order to
13 refresh your memory is consistent with your statements you made
14 to the OCIJ investigators?

15 A. After I read it and reviewed it, it is consistent with what I
16 said.

17 [09.15.33]

18 MR. PRESIDENT:

19 Pursuant to Rule 91bis of the ECCC Internal Rules, the Chamber
20 grants the floor first to the Co-Prosecutors to put question to
21 the witness, and the combined time for the Co-Prosecutors and the
22 Lead Co-Lawyers for civil parties are two Court sessions.

23 And you may proceed.

24 QUESTIONING BY MR. KOUMJIAN:

25 Q. Good morning, Mr. Witness. I will try to speak slowly, but if

8

1 you do not understand anything I say, please ask for
2 clarification, and we will repeat or clarify.

3 Sir, I have various statements that you've made, and I want to
4 just first confirm these to you, that you made these statements.
5 First, we have three statements you made to the Co-Investigating
6 Judges, and those three statements were made first in July 2009,
7 second in March 2013 and the last just in August of last year --
8 excuse me, yes, August of 2015, last year.

9 [09.17.11]

10 In addition, we have an interview that was done with you by
11 DC-Cam by a person named Long Dany, who asked you about -- to
12 relate events where you had helped people during the Democratic
13 Kampuchea regime.

14 And we have written summary of an interview with you by a
15 filmmaker named Thet Sambath.

16 Do you have all of those, sir? Is that true? Do you recall all of
17 those interviews?

18 2-TCW-850:

19 A. I do not fully understand your question.

20 [09.18.18]

21 Q. You told us that you spoke to the investigative --
22 investigators for this Court. Is it also correct that, in 2008,
23 so eight years ago, in the same commune that you're living in
24 now, you spoke to someone from DC-Cam called Long Dany, who asked
25 you about -- to tell about helping people during the Democratic

1 Kampuchea regime?

2 A. (No interpretation).

3 MR. PRESIDENT:

4 Witness, please respond to the question.

5 2-TCW-850:

6 Mr. President, the transmission is intermittent.

7 MR. KOUMJIAN:

8 We can inquire from the IT people whether they could improve it

9 if we took a short break, or should I just proceed, Your Honour?

10 (Short Pause)

11 [09.20.28]

12 JUDGE FENZ:

13 Somebody just went to check. We're just trying to figure out if

14 -- how long it will take.

15 (Short Pause)

16 [09.20.50]

17 MR. PRESIDENT:

18 The AV Unit needs a few minutes to solve the technical glitch.

19 MR. KOUMJIAN:

20 I'm wondering if we should have the discussion, Your Honour,

21 mentioned, the Khieu Samphan submissions, while we're waiting.

22 JUDGE FENZ:

23 How long will you be?

24 [09.21.32]

25 MS. GUISSÉ:

10

1 Two minutes, maximum. It's very, very short, in fact. Yes.

2 MR. PRESIDENT:

3 I'd like now to hand the floor to the defence counsel to present
4 their oral submission.

5 MS. GUISSÉ:

6 Thank you, Mr. President.

7 I think that there might be a misunderstanding. I'm not
8 presenting any observations responding to the civil parties. I
9 simply would like to draw the Chamber's attention to the request
10 that was filed on 18 March last by the civil parties <about> the
11 scope <of the trial regarding> the charges of rape. This is
12 document E306/7.

13 We responded on 28 March, document E306/7/1. There was a
14 following response from the civil party lawyers, and what we
15 would like to request from the Chamber is, if a decision is going
16 to be issued as soon as possible. Because, with regard to the
17 witnesses who are going to come to testify about the marriage
18 <regulation>, there are a certain number of statements that <we
19 see> go beyond the simple fact of rape in the context of
20 marriage. And for us to prepare our examination -- I think it's
21 the same for all parties -- we should know what the Chamber's
22 stance is in regard to this so that we can organize ourselves.

23 [09.23.15]

24 So that's the simple thing I wanted to bring up now. And we, of
25 course, understand that the segment is going to start soon, so we

11

1 would like to just simply know how we can get organized.

2 That's what I wanted to say.

3 MS. GUIRAUD:

4 If you please allow me to respond <briefly>, Mr. President.

5 MR. PRESIDENT:

6 You have the floor.

7 [09.23.50]

8 MS. GUIRAUD:

9 Yes. Thank you.

10 A short observation so that the Chamber may have all elements in
11 mind.

12 In our brief, E306/7, which our colleague just spoke about, we
13 simply requested clarification regarding the charges of rape in
14 the security centres at S-21, Krang Ta Chan, and in Tram Kak
15 cooperative. So that is the civil parties' stance.
16 The civil parties believe that the Chamber is seized of facts
17 that may be characterized as rape in S-21, at Krang Ta Chan, and
18 Tram Kak cooperative, so we are only speaking about these three
19 sites. And our brief, E306/7, was limited to requesting
20 clarification with regard to these three sites.

21 Thank you.

22 [09.25.16]

23 MR. PRESIDENT:

24 AV Unit, can you inform the Chamber whether the link has been
25 established again?

12

1 International Co-Prosecutor, you may resume your questioning.

2 [09.25.47]

3 BY MR. KOUMJIAN:

4 Q. Sir, I had asked you about an interview you gave not to the

5 Court's investigators, but in 2008, we have an interview from the

6 Documentation Centre of Cambodia where you were interviewed by

7 someone named Long Dany. And perhaps just to see if I can refresh

8 your recollection a bit, he said to you in his opening remarks:

9 "In particular, I'm interested in your good communication with

10 people who were not Base People, what communication you had with

11 them, and how you helped them."

12 Do you remember this interview?

13 (Technical problem)

14 [09.27.15]

15 BY MR. KOUMJIAN:

16 Q. Mr. Witness, are you there? Can you hear me?

17 2-TCW-850:

18 A. The transmission is sporadic.

19 Q. Let me try a little bit more, and then we'll see if we need to

20 take another break.

21 Sir, I want to go over your biography a bit. Were you ever a

22 monk?

23 A. Yes, I used to be a monk.

24 Q. During the civil war between 1970 and '75, did you join one of

25 the warring parties? Did you join one of the forces?

13

1 A. I used to be a militiaman.

2 Q. And was that for the revolutionary forces fighting against Lon
3 Nol?

4 A. Yes, I was a militiaman. At that time, I belonged to the Front
5 force.

6 [09.29.07]

7 Q. Thank you.

8 Now, most of my questions will concentrate on what happened after
9 the victory of those forces after April 1975.

10 Can you tell us, in 1976, did you go to S'ang district?

11 A. Yes, I did. I went to live in S'ang district.

12 Q. Were you assigned there by the Khmer Rouge leadership?

13 A. The transmission is not good.

14 Q. Let me try it again. Let me try another question. I'll move
15 on.

16 Did you hold the position of deputy secretary in S'ang district?

17 A. Yes, that is correct.

18 [09.30.30]

19 Q. In that year, 1976, were you sent -- reassigned to the Central
20 Zone?

21 A. Yes, I was assigned there in 1978.

22 Q. Well, sir, you actually were assigned there in 1976; isn't
23 that correct?

24 Let me first see if I can remind you of something. You

25 interviewed with DC-Cam, and that interview was tape-recorded. We

14

1 have that interview on tape.

2 And you said the following. I'm reading from E3/9149. In Khmer,
3 the ERN is 00731242; in French, 01101029; and in English,
4 01116146.

5 Mr. Witness, just so you know, these numbers I read out are for
6 the Judges. You don't have to worry about those numbers.

7 But I'll read your answer, what you gave to DC-Cam. You said
8 that:

9 "After the liberation in 1975, the zone and province appointed me
10 to be responsible for the people and to be a member of S'ang
11 district. I worked there for a year. Then I became deputy
12 district secretary working in S'ang, where I worked for a year or
13 two."

14 And then you said, "In July 1976, the province or zone appointed
15 me to come to the Central Zone."

16 So is that correct? Does that refresh your recollection that you
17 were sent to the Central Zone in July 1976?

18 A. No, it was not in 1976. In 1976 and '77, I was still in S'ang.

19 [09.33.18]

20 Q. Sir, you were the district secretary in Taing Kauk district;
21 isn't that correct?

22 A. No, that is not correct.

23 Q. Well, sir, we have statements of you where you've said that
24 you were, and we have statements of other people. I could play,
25 if it's necessary, the tape with you saying this. And this is

15

1 what you said. You said, "I came to Taing Kauk district."

2 You were then asked by Long Dany, "Did you come in order to be a
3 secretary of Taing Kauk district?"

4 You answered, "Yes, I did. I came there to take a position of
5 secretary."

6 Now, sir, I'm prepared, if necessary, to play the tape so you can
7 hear your own voice. Does this remind you that you were the
8 secretary of Taing Kauk district?

9 And I remind you, you're under oath.

10 [09.34.55]

11 A. No, I was never assigned to Tram Kak district. And there was
12 probably problems with the recording.

13 Q. Maybe there's a problem with the interpretation because I just
14 heard "Tram Kak". I'm saying Taing Kauk in the Central Zone.

15 MR. SENG LEANG:

16 It is not Tram Kak. It's Taing Kauk district.

17 BY MR. KOUMJIAN:

18 Q. Taing Kauk. Thank you.

19 So with that correction, and my apologies, sir, were you the
20 district secretary in the central district in Taing Kauk
21 district?

22 2-TCW-850:

23 A. At Taing Kauk, I worked there for a while.

24 [09.36.08]

25 Q. Sir, let's play the audio tape, then, where you've said this.

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

16

1 And I hope it's the first clip, if the booth has it ready. If
2 not, I can hold off on this and play it later.

3 (Short pause)

4 [09.37.00]

5 BY MR. KOUMJIAN:

6 I'm not sure how these clips have been labelled. It's about the
7 Taing Kauk, so I may have to --

8 Sir, I'm going to play that for you later. I'm going to move on
9 right now.

10 In the same interview, you said the following at -- again, this
11 is E3/9149. English is 01116147; Khmer is 00731243 to 44; and
12 French, 01101030; you said, after -- you were asked this
13 question: "After you had lived in Taing Kauk for seven months,
14 where did you go next?"

15 And you said: "I moved to Baray district."

16 Is that correct?

17 2-TCW-850:

18 A. Yes, that is correct.

19 [09.38.35]

20 Q. Who did you replace when you went to Baray district?

21 A. I did not remember whom I replaced at that time, but I want to
22 confirm that I really went there.

23 Q. Well, let me see if I can remind you.

24 In your 2013 interview, E3/9570 -- you said you'd read these
25 interviews over -- in answer number 3, you said the following:

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

17

1 "Prak, Sector 25 secretary during that time, decided to send me
2 to Baray district. I was sent there to replace Muol, the former
3 Baray district secretary."

4 So did you replace Muol?

5 A. Yes.

6 Q. Thank you. Muol had been the district secretary in Baray;
7 correct?

8 A. Yes, that's correct.

9 [09.40.10]

10 Q. So how long were you the district secretary in Baray?

11 A. I was in Baray district for about four or five months. Yes,
12 about four to five months.

13 Q. Sir, how long were you in Taing Kauk? Were you ever in Taing
14 Kauk?

15 A. I did not stay long in Taing Kauk.

16 Q. How long did you stay there?

17 A. I cannot recall everything because it happened a long time
18 ago.

19 Q. Okay. Let me see if I can remind you.

20 Let me first ask you, what position did you have in Taing Kauk?

21 Were you the district secretary?

22 A. When I arrived at the beginning, I was appointed as the deputy
23 district secretary. And there was another person who was the
24 district secretary.

25 [09.41.53]

1 Q. Who was that?

2 A. It was Chhort.

3 Q. Chhorn?

4 A. Chhorn.

5 Q. What happened to Chhorn?

6 A. I don't know what happened to him. It was something that
7 related to the sector level.

8 Q. Is that Nuth Chhorn (phonetic) alias Suor (phonetic), that
9 you're speaking of?

10 A. I can remember only his name, Chhorn.

11 Q. Did you know Thlok Cheav (phonetic)? Let me ask my colleague
12 to pronounce it.

13 [09.43.08]

14 MR. SENG LEANG:

15 Thlok Chieu (phonetic).

16 BY MR. KOUMJIAN:

17 Q. Was he there when you were there?

18 2-TCW-850:

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

20 Q. Well, sir, in your statement to the DC-Cam, you said the
21 following, and this is at 01116146. And in Khmer, it's at
22 00731243; in French, 01101029. You were asked why you had come to
23 the Central Zone, and you said, "I came to work in the district
24 and be responsible for the district."
25 Dany asked, "What district?" And you said, "Taing Kauk."

19

1 Dany asked, "Did you come in order to be a secretary of Taing
2 Kauk district?" You said, "Yes, I did. I came there to take a
3 position as secretary."

4 Does that remind you that you became the secretary in Taing Kauk?

5 A. When I arrived, I was not yet assigned as the district
6 secretary.

7 [09.45.18]

8 Q. When did you become secretary; after how many months?

9 A. As I told you earlier, it was about four or five months.

10 Q. So if you -- where did you go after Taing Kauk?

11 A. As I told you earlier, then I was assigned to Baray.

12 Q. Well, sir, if what you told DC-Cam is correct, that you went
13 to the Central Zone in July 1976 and spent only four or five
14 months in Taing Kauk, that would mean you went to Baray at the
15 end of '77 or early 19 -- excuse me, at the end of 1976 or early
16 1977. Is that correct?

17 A. No, that's not true. It was in late 1978.

18 Q. Okay. In Baray, what was your position?

19 A. As I told you, when I arrived, Muol was removed and I was put
20 in charge of the Baray district.

21 [09.47.02]

22 Q. Okay. Thank you.

23 Now I have a question about something in your DC-Cam interview.

24 That's E3/9149. In Khmer, it's at 00731244; in French, it's at
25 01101030; and in English at 01116147.

1 In talking about your time during the DK regime, you said this:

2 "If we spoke or did anything without any consideration, we would
3 just need to be ready for death."

4 Can you explain what you meant by that?

5 A. When I said so, I referred to the situation, the strict
6 situation. I was fearful of my own safety.

7 Q. Okay. Thank you.

8 Then you said the following on the same page, "Then the 17 April
9 People or former Lon Nol soldiers were sorted out. They were
10 considered as the elements."

11 Excuse me. You said, "People who were considered as the elements
12 were sorted out."

13 Can you explain what you meant by that?

14 A. At my own place, the place which was under my authority, I
15 never sorted out the New People as what you have just talked
16 about.

17 [09.49.35]

18 Q. Okay. Well, you don't say that you did it, but this is what
19 you say. I'll repeat it. You said:

20 "Then the 17 April People or former Lon Nol soldiers were sorted
21 out. People considered -- people who were considered as the
22 elements were sorted out."

23 Did you witness that? Did you see that happen and, if so, where?

24 <A. Yes.>

25 Q. Where did you see it happen?

1 A. I never witnessed it.

2 Q. Sir, did you receive orders to arrest people?

3 A. No, never.

4 [09.50.38]

5 Q. Okay, sir. Let me remind you of what you have previously told

6 DC-Cam. You said:

7 "There were orders from the upper level to arrest those who

8 opposed us. However, there was no such opposition. They listed

9 the names of people to be removed. I said that in my district,

10 there was no opposition, and if they did not believe me, they

11 could ask my deputy and members. Later, they took my deputy

12 away."

13 So sir -- you see, sir, I'm not saying you --

14 Sorry. I don't know how much of that got on the mic. I got to

15 repeat it.

16 So you see, sir, from what I've read, you received orders to

17 arrest those who --

18 MR. PRESIDENT:

19 The floor is given to the defence counsel for Khieu Samphan.

20 MS. GUISSSE:

21 Yes, Mr. President. This is not an objection, but just so we can

22 follow.

23 We did not receive the references for this citation, so before we

24 begin again, perhaps we could get those to follow at the same

25 time.

22

1 [09.52.06]

2 MR. PRESIDENT:

3 Co-Prosecutor, could you please tell the -- tell us the
4 identification number of the document.

5 BY MR. KOUMJIAN:

6 It is at E3/9149; in Khmer, 00731253; in French, 01101039; and in
7 English, 01116153.

8 Q. So sir, what you told DC-Cam is that you received orders from
9 the upper level to arrest those who opposed. They gave you a list
10 of names to be removed, but that you said there was no
11 opposition.

12 Is that what happened?

13 2-TCW-850:

14 A. I replied. I told them that there was no such thing at my
15 place.

16 Q. You said something similar to a man named Thet Sambath. Do you
17 recall -- recall being interviewed by a man named Thet Sambath,
18 who was making a film?

19 (Short pause)

20 [09.54.22]

21 MR. PRESIDENT:

22 Mr. Witness, did you hear the question? If so, please answer.

23 2-TCW-850:

24 I have never been interviewed by Sambath.

25 BY MR. KOUMJIAN:

1 Q. Do you recall being interviewed by some people making a film,
2 perhaps? Does that ring a bell for you?

3 2-TCW-850:

4 A. No, I cannot recall it.

5 [09.55.10]

6 Q. Well, sir, then let me read to you what has been written.

7 However, I'm going to replace your name because you're protected.

8 This is at E3/4202. This is a book, "The Enemies of the People".

9 In English, the ERN is 00757529 and on to the next page. In
10 French, it's 00849432 and in Khmer, it's 00858335. This is what
11 he wrote:

12 "[Your name] was chief of Taing Kauk district in Kampong Thom at
13 the beginning of the Khmer Rouge regime. During a visit by Pol
14 Pot, Brother Number One saw dozens of people being transported in
15 trucks to Kampong Cham province. They were headed to their
16 execution. Pol Pot asked where the people were being taken and
17 who had given the order to move them."

18 It then mentions again your name:

19 "-- said in an interview that he was surprised Pol Pot didn't
20 know. He assumed Brother Number One had given the directive. In
21 1977, Ke Pauk called you to a meeting and said he had received
22 instructions from top leaders to investigate their cadre to find
23 bad components. A regional chief gave [again, your name] a list
24 of more than 300 names of people sent to his area from Phnom
25 Penh. He [meaning you] you spent three months investigating the

24

1 names before you told the region chief they had done nothing
2 wrong. The regional chief blamed [and again, it's your name] for
3 finding no wrongdoing and accused [you] of hiding the traitors."
4 Does that refresh your recollection? Do you recall this?

5 [09.57.56]

6 A. No, I cannot recall it.

7 Q. Well, let me ask you, if you were given a list of 300 people's
8 names to be executed, would you remember that, or is that
9 something you could forget?

10 A. No, I cannot recall it. And I have never received such a list.

11 Q. Sir, did you witness any arrests or killings? Did you see
12 anyone disappear in the districts you worked in in the Central
13 Zone?

14 A. No, I never witnessed it.

15 [09.58.55]

16 Q. Well, let's just go back for a second to what I had just read
17 to you from what you told DC-Cam.

18 Again, we have this on tape, but it's going to take time to play
19 the tapes to you. Let me just read to you again something else
20 you said.

21 Remember I had said -- and this is, again, on the same page I had
22 -- I had last listed for the DC-Cam, E3/9149. After you said,
23 "Later they" -- you said, "And if they did not believe me, they
24 could ask my deputy and members."

25 You said, "Later, they took my deputy away. His name was Chhorn."

1 And you said, "Chhorn was removed and so was Chen."

2 So were your deputies removed?

3 A. I remembered only about Chhorn.

4 Q. What do you remember about him?

5 A. I cannot recall it.

6 [10.00.36]

7 Q. Did he disappear?

8 A. Chhorn was called by the sector for study session, and I did

9 not know what happened to him. He disappeared.

10 Q. When someone was called to study sessions and disappeared,

11 what did you think happened to them?

12 A. When people disappeared, it was sure that <something happened

13 to them>.

14 Q. I see. Let me read the end of what you told Thet Sambath. This

15 is again in the book "Behind the Killing Fields", E3/4202. On the

16 next page in English and in French, it's 00849432. In Khmer,

17 00858336. What you told these authors is that thousands -- it

18 says - quote: "Thousands in his district were eventually executed

19 as 'spies'." With quotation marks, and then your name, you said.

20 So were thousands of people executed as spies in your district,

21 sir?

22 A. No.

23 [10.02.35]

24 Q. Okay, sir. Let me just remind you again, you are under oath.

25 You cannot get in any trouble for what you're saying. There's no

26

1 -- for admissions to crimes. There's no further cases that are
2 going to occur here, and you've been given a letter indicating it
3 will not be used against you. However, you are required to tell
4 the truth and could be punished if you perjure yourself.
5 Let me read something else you told DC-Cam. This is E3/9149;
6 Khmer, 00731247. In French it's 01101033; and in English,
7 01116149. You said - quote: "The upper level ordered us to take
8 action, including punishment or killings."
9 What did you mean when you told DC-Cam that the upper level
10 ordered you to take action, including killing?
11 (Short pause)
12 [10.04.20]
13 MR. PRESIDENT:
14 Witness, do you understand the question? And if so, please
15 respond.
16 2-TCW-850:
17 I do not fully understand the question.
18 MR. PRESIDENT:
19 Co-Prosecutor, please repeat your last question <because the
20 witness did not understand your question>.
21 BY MR. KOUMJIAN:
22 Q. Let me read to you again what you told DC-Cam. You said -
23 quote: "The upper level ordered us to take action, including
24 punishment or killing."
25 Is there any reason why you would make that up and tell that to

1 DC-Cam if it wasn't true?

2 2-TCW-850:

3 A. I cannot recall that I made such a statement that you just
4 read out.

5 [10.05.38]

6 Q. Well, it's in that interview, which, again, is tape recorded.
7 Is there -- do you recall the upper level, as you said, ordered
8 you to take action, including killing? Did you do that action,
9 did you refuse to do that action?

10 A. No, I never took such action. And I never received such
11 orders.

12 MR. KOUMJIAN:

13 And this would be an appropriate time for the break, if you wish.
14 Is this the normal time?

15 MR. PRESIDENT:

16 Thank you, Co-Prosecutor.

17 It is now convenient for a short break. We'll take a 20-minute
18 break and resume after.

19 (Court recesses from 1006H to 1027H)

20 MR. PRESIDENT:

21 Please be seated.

22 I give the floor to the Co-Prosecutor to continue putting
23 questions.

24 BY MR. KOUMJIAN:

25 Q. Sir, given some of your answers, I'm going to play the tape of

1 what you said when interviewed in 2008, so please listen
2 carefully.

3 I'd ask first that clip number 5 be played.

4 MR. PRESIDENT

5 The AV personnel, please play the clip.

6 (Audio presentation)

7 [10.29.07]

8 THE KHMER INTERPRETER:

9 "When they sorted out the 17 April People or the new -- or the
10 soldiers, what they called the elements, I never reported about
11 them or sorted them out. And that was my standing at that time
12 because I was from a distant place."

13 (End of Audio presentation)

14 [10.29.48]

15 BY MR. KOUMJIAN:

16 Q. Sir, did you hear that tape and recognize your own voice?

17 2-TCW-850:

18 A. Yes, I recognize it.

19 Q. What did you mean when you talked about the soldiers were

20 "sorted out"?

21 A. I cannot recall it now because the document that I received --

22 I received three documents, and I read them all.

23 Q. Well, I'm sorry you did not receive a copy of your DC-Cam

24 interview. You should have. But let me remind you of some other

25 things you said.

29

1 If we could please play clip number 4, please.

2 MR. PRESIDENT:

3 The floor is given to Judge Lavergne.

4 [10.31.32]

5 JUDGE LAVERGNE:

6 Yes. Mr. Co-Prosecutor, could we just have the references of the
7 recording for the record? We have the references of the DC-Cam
8 interview, but I am not sure that we have the references for the
9 recording of this interview.

10 MR. KOUMJIAN:

11 If you mean the page, if I understand you, the page where what
12 they're speaking appears on, I'm--

13 JUDGE LAVERGNE:

14 You are playing an audio recording. Does this audio recording
15 have a reference <in the case file> and, if so, can you tell us
16 what the reference for the audio recording is and, if possible,
17 give us the time which corresponds to the segment that you are
18 playing?

19 Thank you.

20 [10.32.38]

21 MR. KOUMJIAN:

22 Yes. Thank you.

23 I'll have to find -- ask my office to see the number. It's the
24 tape associated with E3/9149, but I do have the times.

25 So the last clip I played began at about the 18-minute mark, and

30

1 the next one is at the 49-minute mark.

2 To be more exact -- I have more exact times. The one I just
3 played was at 18.35 to 18.58, and the one I'd like to play now is
4 at 49.00 to 51.41.

5 So this would be clip number 4 for the booth.

6 MR. PRESIDENT:

7 AV Unit personnel, please play the clip.

8 [10.34.24]

9 (Audio presentation)

10 THE KHMER INTERPRETER:

11 "Question: When Om was the deputy district secretary, did the
12 sector issue order to you, for example, to move this person or
13 that person, and have you ever protested or opposed those orders?

14 "Answer: They were the old cadres based at the district. One day,
15 they came to intimidate me. They said that, 'In your district,
16 there seemed to be no removal of old cadres. The old cadres must
17 be removed; and why don't you remove them?' I told them that,

18 'How could I remove them because they worked so hard and they
19 never opposed us, so how could we find a reason to remove them?'
20 It took place a few times. I felt sympathetic toward them. As I
21 told you earlier, the order from the upper echelon was to find
22 someone who really opposed us but, in reality, at my place, there
23 were no such thing, so I thought to myself that I could not do
24 it, so I told them that there was no such opposition. And if they
25 -- if you don't believe me, you can ask my deputies and members.

1 Later on, they removed my deputies."

2 (End of Audio presentation)

3 [10.37.20]

4 BY MR. KOUMJIAN:

5 Q. So Mr. Witness -- Mr. Witness, having listened to that, can
6 you tell us again -- do you recall now that you received orders
7 from the upper level to arrest those that opposed you but you
8 found that there was no such opposition?

9 2-TCW-850:

10 A. It was my voice. Everything was just like what I talked in the
11 recording.

12 Q. Okay. So sir, when you said that you had these orders to
13 arrest those that opposed but you told them there was no
14 opposition, what happened?

15 A. As I talked in the recording, later on, they kept on asking
16 and they kept on causing trouble, but I still maintained my
17 position that I would not do it. I wouldn't -- I would not do it
18 at all.

19 [10.39.14]

20 Q. You said that you asked them to speak to your deputy, Chhorn.
21 Did they, to your knowledge, speak to Chhorn?

22 A. I cannot get your question clearly.

23 Q. You said in the interview that if they didn't believe you,
24 they should speak to Chhorn. You told us earlier that Chhorn
25 disappeared.

1 Do you know if they spoke to Chhorn before they called him to the
2 sector or for re-education?

3 A. Yes, Chhorn disappeared.

4 [10.40.19]

5 Q. And you said you did not remember the other name, Chen, so
6 could I please ask that clip 6 be played? This starts at 51.41 to
7 52.23.

8 And for the interpreter, it's on the -- page 12 in English of the
9 DC-Cam statement. In Khmer it's at 00731254.

10 MR. PRESIDENT:

11 AV Unit, please play the clip.

12 (Audio presentation)

13 THE KHMER INTERPRETER:

14 "They removed my deputy.

15 "Question: What was his name?

16 "Answer: Chhorn.

17 "Question: Where was his native place?

18 "Answer: <His native place was Baray.> He was the deputy
19 secretary of Taing Kauk district. Chhorn was removed and then
20 <Den (phonetic)> was also removed.

21 "Question: Did you know where they were sent to?

22 "Answer: They said that they were moved to <the sector>."

23 [10.41.50]

24 "Question: What was the name of the <sector secretary>?

25 "Answer: The name was Oeun. <His native place was also Baray, but

1 he passed away.>"

2 "Question: Was Oeun the brother-in-law of Ke Pauk?

3 "Answer: Yes."

4 (End of Audio presentation)

5 [10.42.11]

6 BY MR. KOUMJIAN:

7 Q. So sir, does that tape remind you of who Chen was, the other
8 person you said was removed?

9 2-TCW-850:

10 A. It was -- the name was Den (phonetic).

11 [10.42.43]

12 Q. Okay. Thank you.

13 Den (phonetic)? Can you repeat the name?

14 A. Den (phonetic).

15 Q. Who was he?

16 A. He was the member of the district committee.

17 Q. I didn't get the answer. Did it come through?

18 So let me read another statement you made on the same page.

19 Again, this is E3/9149. In Khmer, 00731244; in French, 01101030;

20 and in English at 0116147(sic); you said, "During that regime, I

21 was not sure of when my day would come."

22 Can you tell us what you meant by that?

23 [10.44.35]

24 A. I was concerned about my own safety.

25 Q. What did you see that made you concerned with your safety?

1 A. Because I noticed that there were problems taking place. There
2 were disappearances of people, so this formed the basis of my
3 concern about my own safety. I thought about when will it be my
4 day.

5 Q. Now, you indicated that you were told that there were people
6 opposing the regime, and I read you where you said that they were
7 given names, but you investigated and found that there was no
8 opposition.

9 Is that correct? Did you look at any evidence they have and
10 determine whether or not there was any reason to believe people
11 were disloyal in Baray district?

12 A. No, there wasn't.

13 [10.46.05]

14 Q. So as far as you know, was there any reason why these people
15 were arrested and disappeared?

16 A. I do not understand your question.

17 Q. Well, let me move on and try to explain it with another
18 question.

19 Do you recall an incident -- you talked to DC-Cam about this in
20 2008 -- where you came across a funeral?

21 Mr. Witness, I don't know if you heard me. I'll repeat it.
22 You talked to DC-Cam about an incident involving a funeral that
23 you came upon. Do you remember that incident? Can you tell us
24 about it?

25 A. Yes, I said so.

1 Q. What happened when you came across the funeral; do you
2 remember?

3 A. Villagers conducted the funeral at their home, and I rode my
4 motorbike and I saw it. Those villagers were afraid to -- when
5 they saw me. I asked them and I told to come and I told them that
6 they had to hold the ceremony secretly because if other people
7 found out about this, there would be problems to them and also to
8 me.

9 [10.48.36]

10 Q. Yes. Thank you.

11 In your statement to DC-Cam at Khmer 00731246; in French,
12 01101032; in English, 01116148; you said that -- almost the same
13 thing, that when you were driving a motorbike home:
14 "When they saw me, they were so frightened and shivering. I asked
15 one of them to see me. Then I told them that it would be fine for
16 them to hold a funeral. However, I stressed that, these days, if
17 it was learnt that incense was burned, we would all be killed."
18 Is that what you told them, that if people found out that you
19 tolerated a religious ceremony, you and they would be killed?

20 A. Yes, I told them so.

21 [10.50.04]

22 Q. So going back to what you said to the -- in the -- that's
23 published in this book, "Behind the Killing Fields", you said in
24 that excerpt that I've previously quoted that you got
25 instructions to investigate, but you said there was no

1 opposition. But you added that "Thousands in the district were
2 eventually executed as spies."

3 Which district was this? Can you explain that quote?

4 A. I cannot recall it.

5 Q. Well, in one of your interviews with the investigators from
6 the Court -- this is E3/9149. And excuse me. That's still the
7 DC-Cam. E3/9149. In Khmer at 00731255, in French at 0110104 (sic)
8 and in English at 01116154, you talked about the people from
9 Baray district and you said, "Sometimes they come to visit me" --

10 MR. PRESIDENT:

11 Co-Prosecutor, could you please repeat the ERN number of the
12 document in French?

13 [10.52.00]

14 BY MR. KOUMJIAN:

15 What I have is 0110104 (sic). It looks like it might be missing a
16 digit, but I hope that's enough that you can find it.

17 Q. You said that -- talking about people from Baray district and
18 still having contact, you said, "Sometimes they come to visit me
19 in search of their relatives who have disappeared."

20 Is that true, that the people from Baray still or at least in
21 2008 used to come and ask you, hoping to find out what happened
22 to their relatives?

23 MR. PRESIDENT:

24 The floor is given to the defence counsel for Khieu Samphan.

25 [10.53.07]

1 MS. GUISSÉ:

2 Yes. Thank you, Mr. President.

3 If we are at the <French ERN> 01101040, the question asked of the
4 witness was from the period through 1979 up to this time. That
5 was the period. Perhaps the Co-Prosecutor would like to clarify
6 the period.

7 BY MR. KOUMJIAN:

8 Yes. Thank you.

9 Q. So you were being interviewed in 2008, so I think the
10 interviewer was asking, at that time, did you still have contact
11 with people from Baray district. And you said that -- actually,
12 the question was, "Have any of them come around to visit you
13 recently?"

14 And you said, "They came to visit me a year ago." That would be
15 2007. "Sometimes they come to visit me in search of their
16 relatives who have disappeared."

17 Do you recall that, that even in 2007, which would have been
18 about 28 years after the end of the regime, some people from
19 Baray would still come to see you hoping to find some help in
20 finding their relatives or what happened, what their fate was?

21 [10.54.48]

22 2-TCW-850:

23 A. Yes, there were such cases. There was a man who came to ask
24 about his son. His son was a soldier.

25 Q. When you say "a soldier", a soldier for which force?

1 A. He was the Khmer Rouge soldier.

2 Q. So before you arrived, did you become aware after you were in
3 Baray that before you arrived, people had been executed as spies,
4 as you told Thet Sambath?

5 A. Which Thet Sambath are you referring to? I cannot remember
6 him.

7 [10.56.04]

8 Q. I'm quoting from a book by a man named Thet Sambath, who
9 co-wrote it with Gina Chon. He also sometimes worked with another
10 British man, and he was generally -- he was making a film. In the
11 book, they quote you about what happened in your district.

12 Do you remember speaking to a man with some foreigners about what
13 happened during DK?

14 Actually, Mr. Witness, there's a very small picture of him on the
15 book. This is the book in which you're quoted. I don't know if
16 you can zoom in on it. It has his photograph. If it's possible
17 for the camera to zoom in at all further because the lower
18 picture of the bicycle is Thet Sambath.

19 Do you recognize -- do you remember that young man?

20 A. No, I do not remember.

21 Q. When you first went to the Central Zone, you had previously
22 been under the Southwest Zone; is that correct?

23 A. I was located to the south of Phnom Penh; that's the only
24 thing I remember.

25 Q. Well, you said you were in S'ang. That was District 25; wasn't

1 it?

2 A. Yes, that's correct.

3 [10.58.23]

4 Q. And that was under the Southwest Zone; isn't that correct?

5 A. I cannot remember it clearly whether it was in the Southwest
6 Zone and what provinces were under the Southwest Zone.

7 Q. Do you remember who the zone secretary was?

8 Do you remember who the zone secretary was?

9 A. I am not clear about it now. I heard from other people that Ta
10 Mok was the zone secretary.

11 Q. Now, when you were sent to the Central Zone, was it you alone
12 or were there other people from your area who were also sent to
13 the Central Zone?

14 A. There were two other young men.

15 Q. Do you recall their names?

16 A. Their name was Chon (phonetic) <> and Teak (phonetic).

17 [11.00.36]

18 Q. Did you travel through Phnom Penh?

19 A. Yes, I did.

20 Q. And before sending you to the Central Zone, did they send you
21 for some training, give you some instructions in Phnom Penh or
22 elsewhere?

23 A. No. We were taken during the night time.

24 Q. Can you -- go ahead. You were taken during the night time, and
25 did you stop and spend the night in Phnom Penh?

40

1 A. No, we did not stop over in Phnom Penh. We were transported in
2 a vehicle. When we left, it was in rather late afternoon.

3 Q. Did you have contact -- either on that trip or once you got to
4 the Central Zone -- with another district secretary there Prak
5 Yut?

6 A. I know a person named Prak who was the chief of a sector, and
7 he was the one who sent me.

8 [11.03.03]

9 Q. Well, I'm speaking about a woman. Are you speaking about a
10 woman who was also district secretary in the Central Zone in
11 Sector 42?

12 A. Prak came from Kandal province, and Prak was the one who sent
13 me to the Central Zone. And that was the only Prak that I knew.

14 Q. What about Pech Chim? Did you know him?

15 Do you recall the name Pech Chim?

16 A. No, I do not know Pech Chim.

17 [11.04.45]

18 Q. Well, he comes -- came from Tram Kak district to the Central
19 District. And let me see if I read from his statement if it
20 refreshes your recollection at E3/9587. In his answers number 220
21 and 221, Pech Chim said, "I can recall the name of the Taing Kauk
22 district secretary. His name is"-- and it says your name.
23 The question was, "When did", and they asked again your name,
24 "arrive in the Central Zone." And Pech Chim said your name
25 "travelled to the Central Zone at the same time with me."

41

1 Do you recall that you went to the Central Zone at the same time
2 with Pech Chim, who was from Tram Kak?

3 A. I cannot recall if Pech Chim was a person who came from Tram
4 Kak or who made a journey when I made that journey. I cannot
5 recall that. As I stated earlier, I came together with two young
6 men.

7 [11.06.36]

8 Q. Let me ask you about something that Ke Pauk's son said. First,
9 let me ask you, did you ever meet Ke Pich Vannak?

10 A. No, that name does not ring a bell to me.

11 Q. Well, it seems he knows you. In his interview, E3/35; in
12 Khmer, 00340565; in French 00367723; and in English, 00346152; he
13 said the following:

14 "When the Southwest Zone group arrived, the purging started. It
15 was done from the district level down to the village. The
16 district committee of Baray district, after the arrival of the
17 Southwest Zone, was", and he names you. He says, "He is now known
18 in Anlong Veng."

19 So what he indicates is that after southwest group arrived,
20 purging started. Is that correct?

21 A. I still cannot recall the person by the name of Ke Vannak. And
22 I did not hear anything in relation to what you just read out.

23 [11.08.52]

24 Q. Well, that seems consistent with what you told Thet Sambath,
25 or what he wrote -- what he says you told him, that in your

1 district, thousands were eventually executed as spies.

2 Now, sir, I'm not here to accuse you, but I'm here to get the
3 truth from you. Did you know that that happened? I'm not asking
4 you whether you did it or fought against it.

5 Isn't it true that, in Baray district where you were or
6 eventually came to, thousands of people were purged, killed
7 because being allegedly disloyal to the regime? Is that true?

8 A. After I arrived, I only heard people talking about what you
9 just read out.

10 Q. And what did you hear people saying, that thousands of people
11 had been wrongfully killed?

12 A. I did not have a full grasp of the situation, and I did not
13 know the extent of the offences that they made.

14 [11.10.49]

15 Q. Okay. Let me read to you from another statement.

16 First let me ask you, do you know someone named Sau Ren, who was
17 imprisoned in a security centre in -- I may have to ask my friend
18 -- my colleague to help me with the pronunciation -- Chevek Pheap
19 (phonetic) commune in Taing Kauk district?

20 Did you know this person, by any chance, Sau Ren?

21 A. No, I don't.

22 Q. Well, this is what he said in his interview with DC-Cam,
23 E3/2073. In English, it's at 00876419; in French, 00892873; in
24 Khmer, 00055197. He says, "The governor of Taing Kauk was", and
25 he gives your name. He says, "He is currently alive, but", and

43

1 then he mentions an injury that you suffered, and still suffer
2 from.

3 It says you are currently living in Anlong Veaeng. And he told
4 the interviewer that he was among only three of 70 people who
5 survived the security centre. And then he goes on and he says on
6 the next page -- I'll give the ERNs again just in case. It's
7 English, 00876423 to 424; French, 00892872 --

8 [11.13.10]

9 MR. PRESIDENT:

10 Co-Prosecutor, please read the ERN numbers slowly.

11 BY MR. KOUMJIAN:

12 Sorry. When you're rushing, it just slows it down. I'll try
13 again.

14 English ,00876423; French, 00892872; and Khmer, 00055201.

15 Q. Ren said, "The order came from the sector, that is", and he
16 names you. In 1977, he says you confessed that you had made
17 mistakes by executing people without consideration.

18 And the interviewer asked him how you made that confession. He
19 said you confessed that you had killed people in an unfair
20 manner. He asked why you confessed. And he said, "Our people
21 asked him."

22 He said, "When was this?" And according to Sau Ren, 1977 you said
23 this in a rubber plantation.

24 Do you recall meeting with a group of people who were angry about
25 the deaths of their relatives at a rubber plantation?

1 2-TCW-850:

2 A. I do not know anything in relation to what you just read out.

3 As for the name <> Rin (phonetic), the name does not sound
4 familiar to me.

5 [11.15.25]

6 Q. Do you remember speaking to an angry group of people at a
7 rubber plantation who were accusing you of killing their
8 relatives, or accusing the regime of killing their relatives?

9 A. No, I do not recall that.

10 Q. Sir, did you attend meetings in Phnom Penh on political
11 education?

12 A. I never attended any political study session in Phnom Penh.

13 Q. Did you attend meetings in Phnom Penh with Nuon Chea?

14 A. No, I never.

15 Q. Sir, could I please ask that clip number 3 be played?

16 MR. PRESIDENT:

17 AV Unit personnel, please play the relevant clip.

18 Defence counsel, you have the floor.

19 [11.17.14]

20 MS. GUISSÉ:

21 Thank you, Mr. President.

22 Before we play the excerpt, is this connected with DC-Cam and, if
23 yes, then could we have the corresponding ERNs, please?

24 MR. KOUMJIAN:

25 Thank you.

45

1 E3/ -- yes, it is DC-Cam, so that's E3/9149. In French the ERN is
2 01101033; In Khmer, 00731247; and in English, it's at page
3 01116149. And the clip appears at -- I'll get the time in a
4 moment.

5 It's 21 minutes.

6 (Short pause)

7 [11.18.32]

8 MR. KOUMJIAN:

9 It's actually at 27.15, 27 minutes, 15 seconds.

10 MR. PRESIDENT:

11 A-V Unit, please play the relevant clip.

12 [11.18.55]

13 (Audio presentation)

14 THE KHMER INTERPRETER:

15 "Question: At that time, did you have to go for a meeting in
16 Phnom Penh once a year?

17 "Answer: Yes, I did.

18 "Question: With whom did you have the meetings?

19 "Answer: It was a collective meeting, so representative from
20 <districts and> provinces attended the meetings.

21 "Question: Who chairs the meetings?

22 "Answer: Sometimes it was Nuon Chea."

23 (End of Audio presentation)

24 [11.19.26]

25 BY MR. KOUMJIAN:

1 Q. Mr. Witness, you recognize your own voice?

2 2-TCW-850:

3 A. Yes, I do.

4 Q. Sir, can you tell us, why is it that you tell us you never
5 went to a meeting in Phnom Penh? In 2008, you said you went once
6 a year to meetings.

7 You told us that you never went to a meeting with Nuon Chea. In
8 2008, we just heard you say Nuon Chea was sometimes there.

9 Why, sir, are you telling us things different than what you said
10 in 2008? Are you afraid?

11 A. I cannot recall that. Of course, I cannot recall everything.

12 [11.20.25]

13 Q. Well, sir, I certainly could understand you can't recall
14 everything that happened years ago, but what about the
15 disappearance of your colleagues and the deaths of people you
16 knew? Are those the kind of things you'd forget?

17 A. Of course, the memory cannot stay with us forever.

18 Q. Do you want to forget about those things because of how bad
19 they were or because you feel guilty? Can you tell us why you
20 can't remember those events?

21 A. I do not have anything to hide from the Court.

22 Q. Okay. Can you tell us if you know about -- what you know about
23 the security centre at Baray Choan Dek?

24 A. As for the security centre at Baray Choan Dek pagoda, I was
25 not aware of it and I made mention that fact in my previous

1 statement, as I was not aware of its existence. When I arrived, I
2 focused on the works that were assigned to me, and I was there
3 for a short period of time only. And the person who interviewed
4 me asked me about its existence, and I responded that I was not
5 aware of it and I was not aware of its existence.

6 [11.23.00]

7 Q. Well, there was another cadre interviewed named Ban Seak his
8 statement E3/375. In English it's at the bottom of 00360759; in
9 French it's at 00369922; and Khmer, 00348800. He was also asked
10 about various events, and in regard to the pagoda at Baray Choan
11 Dek, he answered:

12 "If you want to get precise, you can ask Bong" and then your
13 name, "who was in charge of Baray district. At least once a
14 month, he visited there. If he could not go, he would assign his
15 subordinates to visit on his behalf. By the way, he cannot
16 respond that he did not know about that. When an arrest was made,
17 the district must have known about it."

18 And then again at answer 34 at his interview at E319/19.3.86, he
19 said:

20 "As district secretary, he had to have known about the security
21 office in his district."

22 In his testimony before this Court on the 5th of October of last
23 year, Ban Seak said, and gave your name:

24 "He came from the southwest, that is, after the cadres from the
25 Central Zone had gone, so he must have known about the arrest of

1 those cadres, or at least have knowledge about it or knew the
2 location of it."

3 [11.25.12]

4 So, sir, do you want to tell us, is Ban Seak correct or why do
5 you say he's not correct? As district secretary, didn't you know
6 about the arrests? Didn't you know about the arrests in your own
7 district?

8 A. I said that I was not aware of it because I only worked there
9 for a short period of time, and this Ban Seak who testified that
10 I was a district secretary and that I should have been aware of
11 it, what I can say is that his testimony is not correct because
12 that location was a security centre and I went there late. And I
13 was not aware of everything. I was not.

14 And that is also the statement that I provided earlier, and how
15 could Ban Seak said I should have been aware of that because it
16 happened a long time ago and I came late, and I was not aware of
17 it.

18 [11.26.53]

19 Q. Well, did you receive lists of names of people that the upper
20 echelon -- not you, but the upper echelon -- wanted investigated?

21 A. No, I never received any list of names.

22 Q. Did you ever do any investigation?

23 A. I never conducted any investigation. My main focus was to
24 implement the policy, that is, in the productions of rice, so
25 that the people could have enough to eat. And the policy was to

1 produce three tonnes of rice yield per hectare, and if a cadre
2 cannot accomplish that plan, then the person might be sanctioned.
3 And that's where my main focus lied. I never received or put
4 focus on any list of names.

5 Q. Did you ever receive -- did you implement policies on enemies?

6 A. As for such policy, the policy did exist.

7 [11.29.02]

8 Q. By the way, the policy on enemies, what -- or people who were
9 under suspicion, what did the policy say about Cham people?

10 A. I cannot recall a content of that policy or its solutions
11 about the Cham people.

12 Q. Sir, earlier today, I read from your 2008 statement where you
13 said, "During the regime, I was not sure of when my day would
14 come." And you told us earlier this morning that, during the
15 regime, you were frightened and concerned about your own safety.
16 Why was that? You weren't doing anything wrong. Why were you
17 concerned for your own safety during the DK regime and not sure
18 of when your day would come?

19 A. At the time, I was concerned about my own safety and, because
20 of such concern, I tried my best not to make any mistake -- any
21 mistake against the law of the regime. I had to be very, very
22 careful in doing so during a regime which was considered a dark
23 cloud.

24 [11.31.32]

25 MR. KOUMJIAN:

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1 And I see my time is up. Thank you very much.

2 MR. PRESIDENT:

3 Thank you, Co-Prosecutor.

4 It is now convenient for our lunch break. We'll take a break now
5 and resume at 1.30 this afternoon.

6 And Mr. Witness, it's now lunch break. You may rest, and please
7 return to that location at 1.30. The same thing applies to the
8 duty counsel.

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

12 The Court stands in recess.

13 (Court recesses from 1132H to 1328H)

14 MR. PRESIDENT:

15 Please be seated. The Chamber is now back in session.

16 The Chamber would like to inform the Co-Prosecutors and the Lead
17 Co-Lawyer for civil parties that your combined time is 20 minutes
18 left.

19 And now the floor is given to the Co-Prosecutors.

20 [13.29.37]

21 BY MR. KOUMJIAN:

22 Q. Hello, Mr. Witness. Can you hear me?

23 2-TCW-850:

24 A. Yes.

25 Q. Sir, we talked this morning about how you had come across a

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1 funeral and persons burning incense and you told them it was okay
2 but if anyone found out you could all get killed.

3 Why was it that people could get killed for burning incense
4 during the regime?

5 A. I do not know, but I felt concerned because they did not
6 believe in ceremony at that time.

7 [13.30.40]

8 Q. When you say "they did not believe in ceremony", can you
9 explain, what was the policies you were instructed on regarding
10 Buddhism? What did your superiors tell you about the practice of
11 religion?

12 A. Because I did not see the pagodas, so I felt that they did not
13 believe in religion anymore.

14 Q. Sir, as a former monk you must have been interested in that
15 subject. In your heart, did you remain a Buddhist?

16 A. Yes, I have always believed in the religion.

17 Q. But during the regime, is it correct you didn't practice your
18 religion or if you did, you kept it hidden; is that correct?

19 A. Under the circumstances, I thought it was right to hide it.

20 Q. Why is that? What did you think? Why did you think that it
21 would be dangerous to admit or to let people know you were
22 practicing?

23 A. As I told you earlier, I felt concerned if we conducted
24 without any permission.

25 [13.33.03]

1 Q. Sir, how did you learn about the policies? Did you read some
2 books or newspapers or instructions? Did you attend meetings? How
3 did you know what was allowed and not allowed during the regime?

4 A. Related to this question, I feel that it's difficult to give
5 the answer because I think the answer is beyond my knowledge.

6 Q. Sir, did you meet Nuon Chea, Pol Pot, Khieu Samphan, during
7 the regime?

8 A. I never met them personally.

9 Q. And yet, in Thet Sambath's book that I quoted, it talks about
10 you quoting from Pol Pot. You said Pol Pot asked where people
11 were going who were going to be executed.

12 And in the audiotape I played of your interview, you talked about
13 attending meetings with Nuon Chea. Is it still your position now
14 in Court under oath that you never met any, never saw any of
15 these leaders?

16 A. I cannot recall everything because it happened a long time
17 ago.

18 [13.34.56]

19 MR. KOUMJIAN:

20 Sir, my colleague has some questions for you. I'm out of time.

21 Thank you.

22 QUESTIONING BY MR. SENG LEANG:

23 First of all, I would like to say good afternoon to the Chamber
24 and to the Bench. My name is Seng Leang, the National --
25 correction, Seng Leang, the Deputy National Co-Prosecutor.

1 Today I have a number of questions to put to the witness and
2 would like the witness to clarify to the Chamber.

3 Q. I am interested in a time when you were transferred to Baray
4 district. Can you tell us again about when you were transferred
5 to work in Baray district?

6 2-TCW-850:

7 A. I can remember some of the time. It was in August in 1978.

8 [13.36.05]

9 Q. When you arrived in Baray district, were you aware of the dam
10 building or dyke digging?

11 A. Yes, I was aware of it because when I arrived there, I saw the
12 digging of canals and it was nearly completed. It was about 80
13 per cent accomplished.

14 Q. Could you tell -- could you elaborate more about this?

15 A. I, myself, went to dig and carry earth at a place called Phnum
16 (phonetic) Kampaeuy.

17 Q. When did you go to the Phnum (phonetic) Kampaeuy worksite and
18 what did you do there and what were the people there doing?

19 A. I participated in digging with the people there. I also
20 carried <dirt> with them because it was an intensified plan to
21 finish it. And that was why I participated in that project so
22 that we could have water to be used.

23 [13.37.48]

24 Q. So could you tell us how long did you spend there?

25 A. I went there once every day and I carried <dirt> four or five

1 times, and besides that I went to the paddy fields.

2 Q. You told us that you went there every day; is that correct?

3 A. Yes, that's correct.

4 Q. So at the Phnum (phonetic) Kampaeuy worksite, was there any
5 inauguration of the opening of the worksite?

6 A. No. There was no inauguration of the launching of the worksite
7 but they required us to make sure that we complete it within one
8 or two months.

9 Q. Were there any leaders from the centre or from the zone who
10 came to inspect the worksite?

11 A. Yes. There were people from the sectors and also,
12 occasionally, there were visits from people from the centre --
13 correction -- from the zone.

14 [13.39.32]

15 Q. Were -- was that worksite belong to the sector or the zone?

16 A. It belonged to the <zone>.

17 Q. Who supervised the worksite?

18 A. It was the <zone>. The worksite <started> from 1st January
19 Dam.

20 Q. So you mean that the <zone> controlled the worksite. So <> if
21 the <zone> controlled the worksite, what about the <sector and
22 the district>?

23 A. The <zone> controlled the <worksite> but the district and the
24 <sector> also involved in the project.

25 Q. Can you tell us about the names of the <zone and the sector

1 secretary, who were> in charge of the worksite <>?

2 A. The name of the person in charge of the zone was Ke Pauk and
3 <Oeun> was in charge of the sector.

4 [13.41.07]

5 Q. How many people were involved in building that worksite?

6 A. Approximately, there were 300 people because it was not a big
7 area.

8 Q. Can you tell us again whether it was 300 or more than that?

9 A. Because the project was nearly completed when I arrived.

10 Q. Mr. Witness, there was a document based on your interview with

11 DC-Cam. It's E3/9149; ERN in English, 01116150; in Khmer,

12 <00731248> to <49>; French, 01101034 to 35.

13 In the document you said -- the question posed to you was:

14 "Did you went to the worksite?"

15 Answer: "Yes, I went to Kampaeuy worksite. There were tens of

16 thousands of mobile unit personnel involved in the project. And I

17 -- when I saw the children of other people I felt sympathetic

18 towards them and I said that I would let them to visit home every

19 10 days."

20 So what is your opinion or response to the answer you gave to the

21 DC-Cam interview <in 2008>?

22 [13.43.13]

23 A. Initially, there were many people involved in the project. But

24 later on, there were less and less and there were only around

25 300. And I told them that I would let them to visit their homes,

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1 their parents because I felt sympathetic towards them because I,
2 myself, had that experience. My own niece and nephews were also
3 sent to the worksite. So I understood the situation.

4 Q. Thank you. Could you please give your answer short and
5 precise? A while ago you mentioned that, initially, there were
6 many people involved in the project. So could you tell us how
7 many of them when you mean that many of them involved in the
8 project?

9 A. When I said "many", I referred to about 5,000 or 6,000 people.

10 Q. Can that number reach tens of thousands of people?

11 A. Yes. Based on my estimation, it can reach tens of thousands of
12 people at the initial stage.

13 [13.44.51]

14 MR. PRESIDENT:

15 I would like to ask the Lead Co-Lawyer for civil party whether
16 you have questions for the witness.

17 MR. PICH ANG:

18 I do not have any questions to put to this witness, so I give my
19 time -- statement to the Co-Prosecutor.

20 MR. PRESIDENT:

21 Thank you, Lawyer. And now, the Co-Prosecutor, you can continue.

22 MR. SENG LENG:

23 How many time left for me?

24 MR. PRESIDENT:

25 Ten minutes left.

1 [13.45.28]

2 BY MR. SENG LENG:

3 Thank you, Mr. President.

4 Q. Mr. Witness, a while ago you -- based on the document that I
5 referred to, you mentioned that there were tens of thousands of
6 people who participated in the project but you said a while ago.
7 So what did you actually mean by this?

8 2-TCW-850:

9 A. I mean that when the project was still small, when it was just
10 started for about one or two months.

11 Q. At the Kampaeuy worksite, did you issue any particular plan to
12 be implemented by your subordinates?

13 A. We issued the implementation of the plan based on -- based on
14 months, two months or three months' plan.

15 [13.46.38]

16 Q. Did you order the enforcement of particular order, for
17 example, each person had to accomplish a particular amount of
18 work per day?

19 A. Each cooperative had to follow the order from the upper level
20 that they had to accomplish within three months. So each group
21 and unit had to follow the orders which were assigned to them for
22 a particular amount of work that they had to accomplish.

23 Q. So after the units or cooperatives finished their work, they
24 reported to you or someone else?

25 A. After we reviewed their work, they reported to me and then I

1 reported further to the upper level.

2 Q. Were there any units or groups which could not accomplish the
3 assigned work?

4 A. No, there weren't.

5 Q. In the dam building, did you give any equipment to those
6 cooperatives whether they built it with the machine or manually?

7 A. They built the dam manually and they also used the explosion
8 powder to explode the rock.

9 [13.48.35]

10 Q. During the working, was there any point of time when the
11 workers were required to work at night time?

12 A. No, there weren't.

13 Q. What about the accommodation of workers?

14 A. They stayed in tents or in makeshift cottages based at the
15 worksite.

16 Q. Were there enough accommodation to accommodate all the
17 workers? Were there any individual workers who did not have
18 accommodation?

19 A. Yes. There were makeshift cottages for them but I can say
20 there were not 100 per cent sufficient accommodations for all the
21 workers.

22 Q. Were there any children or women who also worked at the
23 worksite?

24 A. Yes. There were youths and women from the mobile units.

25 [13.50.04]

1 MR. PRESIDENT:

2 Your time has run out, Co-Prosecutor.

3 BY MR. SENG LEANG:

4 Thank you, Mr. President. I have one question left.

5 Q. Mr. Witness, can you tell us when the construction of the
6 worksite completed and who presided over the completion of the
7 worksite?

8 2-TCW-850:

9 A. It was completed later on, but the ceremony to close it took
10 place earlier.

11 Q. Can you tell us who presided over the closing ceremony of the
12 worksite?

13 A. It was <> the zone <secretary>.

14 Q. Are you referring to Ke Pauk?

15 A. Yes, Ke Pauk.

16 MR. PRESIDENT:

17 Thank you, Co-Prosecutor.

18 And now I give the floor to the defence counsel for Nuon Chea.

19 [13.51.15]

20 QUESTIONING BY MS. CHEN:

21 Good afternoon, Mr. President. Good afternoon, parties.

22 Q. And good afternoon to you, Mr. Witness. I will be asking you
23 some questions on behalf of Mr. Nuon Chea.

24 To explain to you in advance, I intend to be revisiting a lot of
25 what you had discussed with the International Prosecutor this

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1 morning, but I will be doing so from a different angle.

2 So to begin, I want to refer you back to the last questions the
3 prosecutor asked you before the lunch break. As you might recall,
4 he asked you about whether you were ever required to investigate
5 people and what the policy on enemies was. So by way of
6 explanation, my first questions relate to this general context.

7 [13.52.01]

8 Now, what I want to do is to begin by reading you something that
9 you said in your statement to DC-Cam and, again, this is
10 something that you've discussed a lot with the prosecutor this
11 morning.

12 Mr. President, this is document E3/9149 from the 19th of June
13 2008. The ERNs I will be reading from for this quote are, in
14 English, 01116147; in Khmer, 00731244 to 5; and in French,
15 01101031.

16 Mr. Witness, this is the quote that I want to read to you --
17 quote: "To be honest, I did not report or point out about the
18 background of any individuals. This was not my stance. As I told
19 you, I was also an outsider who came from a distant place."
20 And then a little later you go on to say -- quote: " I did not
21 know the history of the people or their relatives in the village.
22 So I informed my deputy secretary and all the members that the
23 upper echelon assigned me to keep an eye on those whose
24 activities were against the Party at that time."

25 And here is the question, Mr. Witness. My understanding of your

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

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1 statement is that you did not report individual backgrounds but
2 were focused instead on keeping an eye on activities against the
3 Party. My question is: Is my understanding correct?

4 [13.53.58]

5 2-TCW-850:

6 A. In my opinion that is correct because I did not know those
7 people as I told the Chamber this morning.

8 Q. Thank you, Mr. Witness. And I should have said this earlier
9 that this quote, when you were saying this to DC-Cam, you were
10 speaking about your time in Baray district. So that's just for
11 background for you.

12 My next question is: Do you know whether any of the district
13 secretaries or other cadres in authority positions also took a
14 similar approach to you, focusing, that is, on activities rather
15 than individual backgrounds?

16 A. I do not -- I did not have full grasp of this aspect.

17 [13.55.20]

18 Q. That's not a problem, Mr. Witness.

19 Let's talk a little bit more, though, about this idea of
20 activities because this is something that you elaborated on in
21 some of your previous witness statements.

22 So first of all, according to your understanding, what kind of
23 activities would be considered activities against the Party?

24 A. Activities considered opposing the Party at that time were,
25 for example, those who burned rice or poisoned people by putting

1 the poisonous substance into the collective rice cook -- cooker.

2 Q. Thank you, Mr. Witness. That actually nicely relates to the
3 next thing that I wanted to discuss with you. You spoke about
4 similar activities in your written record of interview to the
5 Investigating Judges of this Court on the 14th of July 2009. So,
6 although you have just discussed that now, I will go over what it
7 is that you said to the Investigating Judges because you added a
8 little more detail there.

9 Mr. President, this is document E3/5293. As I said, it's a WRI
10 from the Investigating Judges and the ERNs that I will be
11 referring to are, in English, 00351705 to 6; in Khmer, 00348845;
12 and in French, 00367752.

13 [13.57.23]

14 Mr. Witness, this is what the discussion was with the
15 Investigating Judges.

16 Question: "Was it the role of a cooperative to report about the
17 issue of security to the upper echelon?"

18 Answer: "Yes, it was, for example, regarding the poisoning in the
19 food."

20 And a little later the investigation continues - quote:

21 Question: "Did anyone violate the policy of the Angkar?"

22 Answer: "No. However, there were light offenders which included
23 those who came to work late and they were advised. They used the
24 term 'self-criticism' at that time. These misconducts were not
25 reported to the district."

1 And then a little further the investigation continues, question

2 -- quote:

3 "How serious was one's misconduct to have him or her brought to
4 the district?"

5 Answer: "Major misconducts included burning paddy fields."

6 Question: "To where were those with serious misconduct taken?"

7 And your answer: "They were taken to be re-educated for two or
8 three days in a sub-district." End of quote.

9 [13.58.50]

10 Mr. Witness, my understanding of your answers in that interview
11 is that there were two kinds of offences and punishment. So let's
12 talk first about offences. It seems you are describing light
13 offences on the one hand and major misconduct on the other. Can
14 you give a reaction to this and let me know if my understanding
15 is correct?

16 A. Yes, that's correct.

17 Q. Thank you, Mr. Witness. Now let's focus on the first type of
18 offence I just described which are the light offences that you
19 spoke of.

20 Do I also understand correctly that according to your
21 understanding, the punishment for light offences would be to do
22 some self-criticism but that these offences would not be reported
23 to the district?

24 A. Yes, because the offences were considered as misconduct that
25 could be settled at the commune <or the cooperative> level.

1 [14.00.25]

2 Q. Thank you. And still talking about light offences, is my
3 understanding also correct that light offences would include, for
4 example, activities like coming in late to work?

5 A. Yes, that is considered light offence.

6 Q. Mr. Witness, can you give any other examples of activities
7 that would be considered light offences?

8 A. As I stated in my previous statement, light offences included
9 coming late into work.

10 [14.01.36]

11 Q. Okay. Mr. Witness, now I will move on to the second type of
12 offence you've described, which is what you called major
13 misconduct.

14 So the first question. Do I understand correctly that, according
15 to you, the punishment for these offences would be being reported
16 to the district, in this case, and then eventually being
17 re-educated for maybe two to three days in a sub-district?

18 A. Yes, that is the case.

19 Q. Same sort of questions as last time. Is my understanding also
20 correct that when it comes to offences of major misconduct, these
21 types of offences included, as you said, poisoning food and
22 burning paddy fields?

23 A. These offences were determined that they were serious
24 offences. However, such offence never happened at my location.

25 [14.03.04]

1 Q. I do understand that part, Mr. Witness, and we will get to
2 that.

3 Now, just one final question on these offences even if they
4 didn't occur in your area: Can you give me any other examples of
5 other activities that would also have been considered major
6 misconduct?

7 A. I cannot respond to your question regarding this matter.

8 Q. No problem at all, Mr. Witness.

9 I am now going to read you another quote from your written record
10 of interview so that we can discuss a little bit more some
11 specific comments you made regarding food poisoning.

12 Mr. President, this is once again the written record of interview
13 with document number E3/5293, dated 14 July 2009. The ERNs that I
14 am going to be reading from are, in English, 00351705; in Khmer,
15 00348845; and in French, 00367752.

16 [14.04.30]

17 Mr. Witness, this is the quote, and the question from the
18 investigator is as follows: "Was it the role of the cooperative
19 to report about the issue of security to the upper echelon?"

20 Your answer - quote: "Yes, it was, for example, regarding the
21 poisoning in the food."

22 And then you say, as you just said now: "As a matter of fact,
23 there was no such case, but it was just a precaution."

24 Question: "Was there ever an incident of poisoning in the food?"

25 Answer: "No. It might happen in other sectors. The sector was the

1 body that set out this plan."

2 Mr. Witness, a few questions in reaction to this quote of yours.

3 The first question is: Do you agree with your prior statement
4 that it was the sector that set out the plan about reporting
5 security incidents to the upper echelon?

6 A. Yes, my previous statement is correct.

7 Q. Do you also remember who it was in the sector that
8 communicated this plan to you?

9 A. It was Oeun, and I mentioned his name previously.

10 [14.06.18]

11 Q. Now, I understand, Mr. Witness, that you said that this kind
12 of incident of food poisoning, of burning paddy fields did not
13 happen in your area. Do you know, however, whether these kinds of
14 incidents happened in other places, perhaps other districts,
15 other sectors? Do you have any knowledge of this?

16 A. No, I did not. I did not know whether it happened in other
17 sectors or areas.

18 Q. No problem, Mr. Witness. Those are all the questions that I
19 wanted to ask you about this issue of activities and now I want
20 to move on to another topic.

21 Now, you will recall from earlier today that the International
22 Prosecutor has asked you several questions concerning the
23 existence of an enemy policy. I would like to ask you about a
24 meeting that you described in your written statements but which
25 has not yet been discussed today.

1 Do you, Mr. Witness, recall attending a meeting at Baray district
2 where your district deputy secretary announced what kinds of
3 people would be considered as enemies?

4 A. No, I cannot recall that.

5 [14.07.53]

6 Q. Mr. President, with your leave, I propose to read a section of
7 the witness' DC-Cam interview to try to refresh his memory.

8 Now, the document that I will be reading from is, once again,
9 E3/9149, the DC-Cam interview, and the ERNs I will be reading
10 from are, in English, 01116151; in Khmer, 00731250; and in
11 French, 01101036.

12 Mr. Witness, as I just explained this will be an extract from
13 your statement to the investigators from the Documentation Centre
14 of Cambodia, and here is the quote -- quote:

15 "My district secretary" --- I'm sorry -- "My deputy secretary of
16 Baray district made a public announcement that people who broke a
17 plough, a harrow or an ox cart would be considered as the
18 enemies. Those who did not go to work were also considered the
19 enemies."

20 Mr. Witness, does this refresh your memory about a meeting at
21 Baray district in which your district deputy secretary announced
22 what kind of people would be considered to be enemies?

23 [14.09.33]

24 A. Yes, I recall that Tin was the deputy secretary of the
25 district and who made that statement.

1 Q. Mr. Witness, do you remember how you reacted to this
2 announcement by your deputy district secretary?

3 A. After the announcement had been made, people were fearful and
4 later on I held a meeting to make announcement to the people.

5 Q. Thank you, Mr. Witness. Do you recall what your announcement
6 was?

7 A. It was the same information as you read out, that is, the
8 information that we received from previous meeting regarding the
9 breaking of a plough or harrow or of an ox cart.

10 [14.10.55]

11 Q. Mr. Witness, I'm not sure we are understanding each other
12 fully so, to assist the process, I am going to read to you,
13 again, a little further from your DC-Cam statement where you
14 elaborated in some detail on what your announcement was.

15 Mr. President, once again this is E3/9149. The ERNs are the same
16 as last time, but just for the reference, it is 01116151 in
17 English; 00731250 in Khmer; and in French, it is 01101036.

18 Mr. Witness, this is what you told to DC-Cam -- quote:

19 "I could not tolerate such an announcement. So I called all the
20 people in the whole commune to a meeting. There were about 500
21 or 600 people who came to that meeting. I said that the reason
22 people stole cassava and rice was because they were poor and
23 hungry. They were hungry because we could not produce enough food
24 to feed them. It was not right to accuse people of being enemies
25 because a plough was broken."

1 Mr. Witness, does this refresh your memory about the announcement
2 that you made at a subsequent meeting of the people?

3 [14.12.29]

4 A. Yes, that jogs my memory. I did attend that meeting with the
5 people <in Chaeng Daeng (phonetic) commune>.

6 Q. Mr. Witness, in the DC-Cam statement you say that not only did
7 you attend such a meeting but you were the one that made the
8 announcement explaining that you could not tolerate the way that
9 your deputy district secretary had defined enemies. Does that
10 refresh your memory? Is that what happened?

11 A. As I have stated in my previous statement, I held a meeting to
12 make such an announcement to the people.

13 Q. Thank you, Mr. Witness. I think we understand each other now.
14 And after you made this announcement, were you punished?

15 A. No, I was not.

16 [14.13.46]

17 Q. Do you know why not? Did somebody say something to you?

18 A. No, nobody said anything to me.

19 Q. Okay. Thank you, Mr. Witness.

20 Further down in your DC-Cam interview, you elaborate a little bit
21 more about this meeting where you made this announcement to the
22 people. So I would like to read you those details now and see how
23 you can comment on those.

24 And Mr. President, again this is E3/9149 and the ERNs are the
25 same as last time except for the Khmer, which is now 00731251.

1 Mr. Witness, this is what you told DC-Cam -- quote -- and this is
2 regarding this meeting at which you made the announcement --
3 quote:

4 "This was my own initiative. He--" and here I think you are
5 referring to your district deputy secretary "--reported on me to
6 the upper level. But he was not successful. My idea was in line
7 with that of the zone and higher echelon. I took the upper
8 echelon's position that wherever the livelihood of the people was
9 better, he who was in charge of that place was doing a good job."

10 [14.15.22]

11 So Mr. Witness, my question is as follows: You say that your idea
12 was in line with the zone and the higher echelon and then you
13 talk about the upper echelon's position when it came to the
14 livelihood of the people. What I would like to know is, can you
15 tell us more about what your understanding of the upper echelon's
16 position was?

17 A. I did not have a full knowledge of the position of the upper
18 echelon.

19 Q. Can you elaborate any more on the statement that you made
20 earlier to DC-Cam where you described it as follows: "Wherever
21 the livelihood of the people was better, he who was in charge of
22 that place was doing a good job." What do you mean by livelihood
23 of the people?

24 A. Livelihood of the people refers to the food that they
25 received.

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1 [14.16.48]

2 Q. And how did you know that this was the upper echelon's
3 position?

4 MR. PRESIDENT:

5 Witness, do you get the question? If so, please respond.

6 2-TCW-850:

7 A. I don't fully understand the question. However, I stand by my
8 previous statement.

9 BY MS. CHEN:

10 Q. Okay, Mr. Witness. So my question was not about the upper
11 echelon's position as such but about how you knew of it. Was it
12 because you heard about it at a meeting? Did you read it in a
13 document? Can you comment on this?

14 [14.18.03]

15 2-TCW-850:

16 A. I learned of the position of the upper echelon through the
17 announcement over the radio or through the messages delivered by
18 the zone and the sector levels.

19 Q. Thank you, Mr. Witness. When you talk about messages delivered
20 from the zone and sector level, how were these messages
21 delivered? Were they delivered in telegrams? Are you talking
22 about meetings? Can you elaborate?

23 A. It was through meetings, that is, the meetings held at the
24 sector level or when the sector representative came to hold
25 meetings at the district level.

1 Q. And just one last question on this and then we will move onto
2 the next line of questioning.

3 When you talk about meetings at the sector level, can you tell me
4 who attended those meetings?

5 A. In the meetings, there were representatives from the sector
6 and the zone levels.

7 [14.19.30]

8 Q. Thank you, Mr. Witness.

9 So now I am going to move on to my next line of questioning and I
10 am going to ask you a little bit more about the upper echelon,
11 but I am going to be moving away from your experience in Baray
12 district to focus on your earlier experience in Taing Kauk
13 district.

14 Now, Mr. Witness, earlier this afternoon the International
15 Prosecutor referred to the fact that in Thet Sambath's book
16 "Behind the Killing Fields" you spoke about a meeting with Pol
17 Pot during the DK period.

18 Now, I understand that you said that you do not recall that
19 meeting but I want to try to see if I can refresh your memory on
20 that point by reading you the passage from the book as the
21 prosecutor was not able to read it earlier.

22 Mr. President, I will be referring here to the book, "Behind the
23 Killing Fields" which was mentioned earlier today. The document
24 number is E3/4202. It's a book by Gina Chon and Thet Sambath from
25 2010. And the ERNs I will be reading from are, in English,

1 00757529; in Khmer, 00858335; and in French, 00849432.

2 [14.20.56]

3 Mr. Witness, this is what is recorded in the book by Chon and
4 Sambath, according to an interview with you -- quote:

5 "During a visit by Pol Pot, Brother Number One saw dozens of
6 people being transported in trucks to Kampong Cham province. They
7 were headed to their execution. Pol Pot asked where the people
8 were being taken and who had given the order to move them." You
9 -- it says your name here but we are not going to say that in
10 Court. You said in an interview that you were surprised Pol Pot
11 didn't know. "He had assumed--" you had assumed, that is, "--that
12 Brother Number One had given the directive."

13 Mr. Witness, I hope you could follow that quote.

14 My question here is now: What I am interested in, Mr. Witness, is
15 what you said about Pol Pot and what I would like to know is, is
16 it correct that according to what you knew, Pol Pot did not seem
17 to know where dozens of people were being taken and who had given
18 the order to move them?

19 A. I cannot respond to your questions since I cannot recall the
20 event.

21 [14.22.30]

22 Q. No problem, Mr. Witness. I will move onto my next, and I think
23 it's my last line of questions. So the questions now are going to
24 be referring back to another issue that was discussed by the
25 International Prosecutor this morning, namely the so-called

1 purges of the North Zone.

2 Mr. Witness, I would like to start by discussing with you part of
3 your DC-Cam interview which the prosecutor has already discussed
4 with you today and he also played part of this interview to you
5 in an audio clip. So bear with me. I would like to read you the
6 quote again to refresh your memory. And I will be asking you
7 about different aspects of this quote.

8 Mr. President, this is the DC-Cam interview again. It is E3/9149.

9 The ERNs I will be referring to in this case are, in English,
10 01116153; in Khmer, 00731253; and in French, the ERN is 01101039.
11 [14.23.46]

12 Mr. Witness, here is the discussion that I am going to quote to
13 you - quote:

14 The interview of Long Dany says: "So when you were a district
15 secretary, did the sector order you to remove anyone?"

16 And you answer: "I argued with the old cadres in Baray district.
17 They intimidated me in my district because there was no removal
18 of the old cadres under my watch. The old cadres had to be
19 removed and they asked why I had not removed them. I asked them
20 as to how I could remove them if they led the people and had
21 never opposed us or had any conflicts. So I found no reason to
22 remove them. I said that three or five times."

23 [14.24.32]

24 Mr. Witness, and then you say a little later -- quote: "There
25 were orders from the upper echelon to arrest those who opposed

1 us."

2 Mr. Witness, the part of this comment of yours that I am
3 interested in is the very last part when you say that, "They were
4 orders from the upper echelon to arrest those who opposed us."

5 In this regard my first question is: Do you remember how you
6 received this order from the upper echelon to "arrest those who
7 opposed us"? As before, for example, was it a meeting, was it in
8 a document you received? Can you comment?

9 A. I did not issue such order and, in fact, the people from the
10 sector came to the area by themselves. They asked me about the
11 matter and I said that I did not have a full grasp of the
12 situation.

13 Q. Mr. Witness, I understand that you did not issue the order.
14 Who -- do you know who issued the order then since it was not
15 you? Is it these people from the sector that came to the area
16 that you are talking about or is it someone else?

17 A. As I said, the sector came to the area by themselves.

18 Q. And do you recall who from the sector came to the area?

19 A. As I stated earlier, it was Oeun.

20 [14.26.42]

21 Q. And just for confirmation, Oeun is the sector secretary. Is
22 that correct?

23 A. Yes, Oeun was the sector secretary.

24 Q. And do you recall how often he came to your area?

25 A. Once in a while he came to my area and that happened every 20

1 days or once a month.

2 Q. And what did he do when he came to the area?

3 A. As I said earlier, when he came to the area he questioned me.

4 He met with the deputy secretary. He asked questions. He asked me
5 questions as well.

6 Q. And apart from these visits by the sector secretary Oeun to
7 your area, did you also have communication with him when he was
8 in another location? Did you -- for example, did you communicate
9 back and forth about what was happening in the area in between
10 his visits of every 20 days?

11 A. No, that's not the case.

12 [14.28.36]

13 Q. Thank you, Mr. Witness.

14 Now, my final questions relate to another part of the book
15 "Behind the Killing Fields" that you discussed with the
16 prosecutor earlier. And this is the part where you talk about
17 receiving a list of more than 300 names. Now, I know that as you
18 testified to the prosecutor, you do not remember receiving such a
19 list, but what I would like to do is to read the quote back to
20 you again to see if I can refresh your memory as I would like to
21 ask you different kinds of questions about this quote.

22 Mr. President, this is the book "Behind the Killing Fields" again
23 by Chon and Sambath from 2010. The document number is E3/4202 and
24 the ERNS are, in English, 00757529; in Khmer, 00858335; and in
25 French, 00849432.

1 [14.29.41]

2 Mr. Witness, you heard it before but here is the quote again --
3 quote:

4 "In 1977 Ke Pauk called him to a meeting--" Him is you in this
5 case, I believe "--and said that [you] had received instructions
6 from top leaders to investigate their cadres to find bad
7 components. A regional chief gave [you] a list of more than 300
8 names of people sent to your area from Phnom Penh. [You] spent
9 three months investigating the names before you told the region
10 chief that they had done nothing wrong. The region chief blamed
11 [you] for finding no wrongdoing and accused [you] of hiding the
12 traitors."

13 Mr. Witness, the part that I am interested in, in this quote, is
14 the second part of your statement where you talk about receiving
15 a list from a region chief, reporting to that region chief, and
16 subsequently being blamed by that region chief.

17 My first question is: Do you remember the name of this region
18 chief that you reported to?

19 A. It was the same person, that is, Oeun.

20 [14.31.14]

21 Q. Did Oeun tell you why you had to investigate the names on the
22 list?

23 A. I did not have full knowledge about this matter.

24 Q. Okay, Mr. Witness, let me try it a little bit differently. Did
25 Oeun tell you that you had to investigate the names because of an

1 order, and if you did, can you tell me where the order came from
2 according to Oeun?

3 A. I did not know and Oeun never showed me the list.

4 Q. Okay, Mr. Witness. And in the quote that I read you, the final
5 part of it -- in the final part of it you said that the region
6 chief blamed you because you did not find any wrongdoing and then
7 you were subsequently accused by the region chief of hiding
8 traitors. Now when you say that the region chief Oeun blamed you,
9 can you tell me what happened to you? Were you punished in some
10 way?

11 A. No, there was nothing happened.

12 Q. And again, did anybody explain to you why, why nothing
13 happened to you?

14 A. Because I never received it and I never committed any
15 wrongdoing that formed the basis of any possible arrest to me.

16 [14.33.42]

17 MS. CHEN:

18 Thank you very much, Mr. Witness, for your patience.

19 Mr. President, I have no further questions.

20 MR. PRESIDENT:

21 It is now appropriate time for a break. The Chamber will take a
22 20-minute break from now.

23 (Court recesses from 1434H to 1457H)

24 MR. PRESIDENT:

25 Please be seated.

1 I'd like to hand the floor now to the defence team for Khieu

2 Samphan to put questions to the witness.

3 QUESTIONING BY MS. GUISSÉ:

4 Thank you, Mr. President.

5 Good afternoon to all of you.

6 Q. Good afternoon, Witness. My name is Anta Guisse and I'm the

7 International Co-Counsel for Mr. Khieu Samphan, and it is in this

8 capacity that I'm going to put some very short complementary

9 questions to you.

10 The first point I'd like to cover with you is the following. You

11 spoke to my colleague about the meetings you attended at the

12 sector level when you were in Baray district.

13 And I'd like to know if you remember a meeting during which the

14 issues relative to the treatment of the population were dealt

15 with and, in particular, the treatment that was meted out to the

16 17 April People. Do you remember having attended such a meeting

17 where such matters were discussed?

18 2-TCW-850:

19 A. No, I do not recall such a meeting.

20 [14.59.12]

21 Q. Do you remember having seen a document that related to the 17

22 April People and how they were treated?

23 A. No, I did not receive that.

24 Q. Let me see if I can refresh your memory because you spoke

25 about this issue when you were questioned by the OCIJ

1 investigators.

2 And I'm referring here to document E3/5293; French, ERN 00367749;
3 English, ERN 00351703; Khmer, ERN 00348842 onto the following
4 page.

5 And I'm going to read to you the totality of the question and
6 answer to see if this refreshes your memory fully. And the
7 question is the following:

8 "At Baray district, did you ever attend meetings?"

9 Answer: "I was invited to a meeting once. It was held in Chamkar
10 Leu district in Kampong Cham province. Oeun, <from the> sector,
11 chaired the meeting. At the meeting, the upper echelon set out
12 the plan for us to produce rice but not about purging of enemies.
13 By the time I came to work at Baray district, there was a release
14 of a document regarding protection <of the border and the>
15 revolution, but not about anything else. Moreover, another
16 document was released to <treat> the 17 April People <with
17 consideration,> and to <ban> the distinction between the New
18 People and the Base People."

19 [15.01.33]

20 So <the next> question is the following: "Did you see the
21 circular?"

22 And your answer: "I saw the <circular> and I even studied the
23 document. I do not know from where the document came. It came in
24 the form of a book." End of quote.

25 So now that I have read to you your statement before the OCIJ,

81

1 does this refresh your memory? Do you remember having seen a
2 document pertaining to the 17 April People and to the fact that
3 it was indicated that they should be treated as the Base People?
4 Does this refresh your memory?

5 A. I received that document.

6 Q. Do you remember upon which occasion you received this
7 document? Was this during a meeting or was this at another
8 occasion?

9 A. No, I cannot recall as to when I received that document.

10 [15.02.55]

11 Q. Do you remember -- well, you said in the statement that I just
12 quoted that this document came in the form of a book, so do you
13 remember if this circular appears in a "Revolutionary Flag" <or
14 "Revolutionary Youth" issue or in another kind of document?

15 A. The document was like the "Revolutionary Flag" magazine.

16 Q. And did you often have access to these issues of
17 "Revolutionary Flag" or was this the first time that you managed
18 to see such a document?

19 A. I read the document and the document was used and discussed
20 during the meetings.

21 Q. Fine. And did you often gain access to issues of
22 "Revolutionary Flag" or was this the first time you were using an
23 issue of "Revolutionary Flag" during a meeting?

24 A. That was the first time.

25 [15.04.50]

1 Q. In this same interview by the OCIJ, you spoke about your
2 participation in a marriage. Do you remember when and where you
3 attended a wedding ceremony?

4 A. I cannot recall the location, but I recall that I attended
5 such event.

6 Q. Did you attend that wedding ceremony as a district chief?

7 A. I attended as a guest and as part of the district committee.

8 Q. Can you tell us if you remember who was present at that
9 wedding ceremony?

10 A. During the wedding ceremony, there were those male and female
11 youth and their parents, that is, the parents from both sides.

12 Q. Do you remember if you attended other wedding ceremonies aside
13 from that one?

14 A. No, I did not.

15 [15.06.55]

16 Q. So the day when you attended that ceremony, were many couples
17 getting married at the same time?

18 A. There were two couples and one couple at a time was organized
19 for that wedding ceremony.

20 Q. Do you know what the procedure was to organize a wedding
21 ceremony; how were things organized?

22 A. During the wedding ceremony, each side will be requested to
23 announce their brief biography and then the chairperson of the
24 wedding would announce -- acknowledge the newlywed couples.

25 Q. Maybe my question wasn't very clear, I apologize.

1 What I wanted to know was how would one obtain the authorization
2 to get married? How would people get organized before the
3 ceremony? So when one person wanted to get married to another
4 person, what did that person do?

5 [15.08.38]

6 A. Before the wedding, both sides had to make a proposal to their
7 respective chief or to the cooperative chief.

8 Q. And once the request was sent to the cooperative chief, what
9 happens?

10 A. Nothing else happened. Then a date would be fixed.

11 Q. I'm going to try to refresh your memory with what you said
12 before the OCIJ.

13 It's still the same document, so it's E3/5293; French, ERN is
14 00367751; English, 00351705; Khmer, 00348844 onto -- just simply
15 44.

16 And you were a little bit more specific when you answer the
17 investigators by the OCIJ and this the question that was put to
18 you: "If two people were in love, could they get married?"

19 And your answer: "If they were in love with each other, the man
20 would ask to get married and we would not separate them. So in
21 order to get married, you had to ask permission from the
22 cooperative and this request had to be forwarded to the district
23 committee so that they could decide."

24 Following question: "Who could authorize marriages?"

25 And your answer: "Marriages were decided during meetings between

1 the district and the commune. Marriage was decided on the basis
2 of several elements. First, age, 18 years minimum for the woman;
3 two, their love, if they really loved each other; three, the
4 agreement of the parents." End of quote.

5 [15.11.02]

6 So, upon reading your answers to the investigators of the OCIJ,
7 do you remember that that is how the procedure unfolded; that is
8 to say that a request was made to the cooperative and they would
9 check the age of the wife and they would check to see if the
10 spouses agreed to marriage and if the parents agreed to that as
11 well? Does all of this refresh your memory?

12 A. Yes, it does. Before they got married, both sides had to
13 <commit to> one another.

14 [15.12.05]

15 Q. You said that the request was made first at the cooperative
16 level and then the requests were forwarded to the district
17 committee. So my question therefore is going to focus on the
18 requests that you might have seen when you were at the district
19 committee.

20 So my first question therefore. So aside from the wedding that
21 you attended, did you become aware of requests that were
22 forwarded from the cooperative to your district in Baray without
23 you necessarily attending the marriages?

24 A. Yes, the cooperative made such proposals by also indicating
25 the names that made the proposals to them.

1 Q. And when you would receive this kind of request, what would
2 you do, concretely speaking, at the district level? Let me be
3 more specific.

4 So you said that marriages were authorized if the bride was old
5 enough and if the <bride and groom and their> parents agreed to
6 the marriage. Were you the one carrying out that verification or
7 did this happen at another level? Who would do this verification?
8 Did this happen at the cooperative level or at the district
9 level?

10 [15.14.08]

11 A. I cannot recall that clearly, however, after the cooperative
12 verified the request, then they further submitted those proposals
13 to the district.

14 Q. And you at the district level, were you the one who gave your
15 agreement to <hold> the ceremony?

16 A. The district then would hold a meeting and when such a
17 proposal was made by the cooperative representative to the
18 district committee during that meeting, then the committee would
19 decide.

20 Q. And were these decisions made during a meeting or sometimes
21 were decisions issued in writing by sending, let's say, a
22 <report> or your decision to the cooperative?

23 A. The cooperative chief came to the district to present such
24 proposals and then the district made decision, and the decision
25 was in writing. And then the cooperative noted the decision and

1 returned.

2 [15.16.15]

3 Q. And please correct me if I'm wrong, but based on what you
4 said, if I understand you correctly, you would decide on the
5 basis of elements that had been provided to you by the
6 cooperative leaders. Is that correct?

7 A. Please repeat your question, I don't fully get it.

8 Q. Let me try to be clearer about this. You said that it was the
9 cooperative chief who would provide to you a report including the
10 request and it was you at the district committee level that took
11 the decision. So do we agree that it was based on the elements
12 that were provided to you by the cooperative chief that you would
13 issue your decision?

14 A. After we received such information, then the district
15 committee had to make a decision and then we conveyed such
16 decision to the cooperative chief to make such arrangement.

17 [15.17.50]

18 Q. You said that you only attended one single wedding ceremony.
19 Do you remember how often these ceremonies took place in Baray
20 district when you were there?

21 A. I did not have a full grasp about such arrangement at all
22 cooperatives, I only knew that -- knew of some wedding
23 ceremonies.

24 Q. And during the period when you were Baray district secretary,
25 do you remember how many ceremonies you were told about?

1 A. I cannot recall that.

2 Q. There's a last point that I'd like to cover with you. Earlier,
3 the International Co-Prosecutor put to you questions about the
4 treatment of the Cham and you said that you didn't remember any
5 more or didn't remember exactly what the policy was with regard
6 to the Cham, and without you maybe necessarily remembering a
7 policy if there was none, but I'd like you to tell me if when you
8 were in Baray, if there were Cham living in your district?

9 A. Yes, there were.

10 [15.20.00]

11 Q. Do you remember where in the district there were Cham
12 families?

13 A. There were Cham living in Trapeang Chhuk.

14 Q. You spoke about this point during another interview with the
15 investigators of the OCIJ. This is document E3/10634, and you
16 spoke about this point at questions and answers 8 to 13.

17 Do you remember, Witness, if you received any kind of order
18 destined at arresting the Cham?

19 A. I did not receive such order.

20 Q. Did you know where the Cham came from, the Cham who were
21 living in Trapeang Chhuk? Did they originally come from that
22 place or did they come from elsewhere?

23 A. They were the local villagers living in the area.

24 MS. GUISSÉ:

25 Mr. President, I'm done with my questions.

1 [15.21.55]

2 MR. PRESIDENT:

3 Thank you, Counsel.

4 The hearing of testimony of Witness 2-TCW-850 is now concluded.

5 Mr. Witness, the Chamber is grateful of your time to provide

6 testimony for this one whole day. You are now excused. And

7 likewise, duty counsel, you are also excused.

8 Court officer, please work with WESU to arrange for the witness

9 to return to his residence or wherever he wishes to return to.

10 Next, the Chamber will hear testimony of a civil party, that is,

11 2-TCCP-274.

12 And, Court officer, please usher civil party 2-TCCP-274 into the

13 courtroom.

14 (Short pause)

15 (Civil Party enters courtroom)

16 [15.24.39]

17 MR. PRESIDENT:

18 Before we proceed to hear testimony of this civil party, the

19 Chamber notes that this civil party has been interviewed in the

20 ongoing investigation in another case.

21 The International Co-Investigating Judge placed this civil party

22 in Group A, amongst the three groups, in his Memorandum of

23 Understanding, that is document E319/35, and requests pseudonym

24 should be used to refer to this civil party in order to protect

25 the confidentiality of the investigation.

1 The Chamber deems the limited measure is appropriate according to
2 the law in this instance and this instruction shall take into
3 account the balance of publicity of the proceedings and the
4 integrity of the investigation.

5 The Chamber would like to remind parties that they shall adhere
6 strictly to the instruction in document E319/7 regarding the use
7 of disclosure materials from other cases.

8 And, good afternoon, Madam Civil Party. In the proceedings before
9 this Chamber, pursuant to the request by the International
10 Co-Investigating Judge, you will be referred to by using a
11 pseudonym and your pseudonym is 2-TCCP-274 and, generally, the
12 parties will refer to you as a civil party.

13 And the Chamber will not allow parties, as well as Judges of the
14 Bench to refer you by your name or your surname in this public
15 proceedings.

16 [15.26.40]

17 QUESTIONING BY THE PRESIDENT:

18 And, Madam Civil Party, can you read?

19 2-TCCP-274:

20 A. I do not hear you, Mr. President.

21 (Short pause)

22 [15.27.14]

23 BY MR. PRESIDENT:

24 Q. Civil Party, can you read?

25 MR. PRESIDENT:

90

1 Court officer, please check the identity of the civil party.

2 And, Madam Civil Party, please verify your identity in document

3 E3/6011 at Khmer, ERN 00496717. And there is no English or French
4 translation.

5 Court officer, please refer that document, E3/6011, to the civil
6 party to review it.

7 And, Madam Civil Party, please refer to the orange section where

8 <your> name, <nationality>, date of birth, place of birth,

9 <occupation>, names of your parents, the name of the husband and
10 the number of the children, whether the information is correct.

11 Please limit your response to yes or no.

12 After you've read it, please tell the Chamber whether the
13 information is correct.

14 (Short pause)

15 [15.29.45]

16 BY MR. PRESIDENT:

17 Q. Madam Civil Party, can you tell the Chamber whether the
18 information is correct?

19 2-TCCP-274:

20 A. It is correct.

21 Q. Thank you. Have you been interviewed by OCIJ investigators? If
22 so, how many times, when and where if you can recall it?

23 A. I was interviewed in Kampong Cham province and I cannot recall
24 how many times that happened. And I was also interviewed while I
25 was in Prey Veng and also I was interviewed in Phnom Penh.

1 Q. And before you appear before the Chamber, have you reviewed or
2 read the written records of your previous interviews with the
3 investigators in order to refresh your memory?

4 A. I met with lawyer and workers and I told them about my
5 experience.

6 [15.31.31]

7 Q. Have you read the written record of your interviews?

8 And, please, observe the microphone before you respond, that is,
9 you should only speak when you see the red light on the tip.

10 A. I listened to the interview and I told a lawyer about my
11 account.

12 Q. Thank you, madam. Based on your memory, can you tell us
13 whether the statements that you read were consistent with what
14 you gave during your interview with the investigators?

15 A. Yes.

16 Q. Based on recollection, can you tell us whether the form and
17 the information in the document were consistent with what you
18 gave in the interviews to the investigator?

19 A. Yes.

20 Q. Madam Civil Party, in the proceeding in front of the Chamber
21 at the end of your impact statement, you may be granted the time
22 to make statement about the harm inflicted upon you that you
23 suffered during DK regime if you wish to do so.

24 [15.34.06]

25 MR. PRESIDENT:

1 And in the testimony of this civil party, based on Rule 91bis of
2 the ECCC, the Chamber gives the Lead Co-Lawyer for civil party to
3 start first.

4 You may now have the floor.

5 MR. PICH ANG:

6 Good afternoon, Mr. President. Good afternoon, the Bench. I would
7 like to hand over the floor to Counsel Hong Kimsuon, with your
8 leave, Mr. President.

9 MR. PRESIDENT:

10 Yes, you may proceed.

11 MR. HONG KIMSUON:

12 Thank you, Mr. President. First of all, I would like to say good
13 afternoon to Mr. President and the Bench and parties. My name is
14 Hong Kimsuon. I am the <> Lawyer for civil party and also the
15 lawyer for the <Cambodian Defenders> Project.

16 [15.35.25]

17 QUESTIONING BY MR. HONG KIMSUON:

18 Q. Now, I would like to ask you with a number of questions about
19 DK regime that you experienced, and you could ask me if you don't
20 understand those questions.

21 My first question to you is: Before 17 April 1975, where did you
22 and your family live?

23 2-TCCP-274:

24 A. In 1975, I lived in Unit 7.

25 Q. I refer to your village, commune, district, <province and so

1 on>.

2 A. I lived in Ta Ong village, Ta Ong commune, Chamkar Leu
3 district.

4 Q. What about after 1975 or after DK regime came to power, did
5 you remain living there or were you relocated to somewhere else?

6 A. I lived in Village 7.

7 [15.36.47]

8 Q. Can you tell us where that Village 7 located?

9 A. The village was called Village 7 but it was also in Chamkar
10 Leu district of Kampong Cham province.

11 Q. In your Village 7, was you in a civilian unit or mobile unit
12 or military unit?

13 A. I was in the union.

14 Q. In your union, your supervisor was a civilian or a military
15 person?

16 A. I was with the chief of other unit.

17 Q. During DK regime, were you required to get married?

18 A. Yes.

19 Q. What about before your marriage in DK regime, did you ever
20 marry a husband before that?

21 A. During the old regime, yes.

22 [15.39.10]

23 Q. What happened to you with your first husband?

24 A. He was called to join the revolution. It was called the
25 Revolutionary Army.

1 Q. What happened to your first husband?

2 A. I did not know clearly. At that time, Viet Cong attacked the
3 country. It happened all -- long time ago, so I could not recall
4 everything now.

5 Q. Is your husband still alive?

6 A. No, he died long time ago since Viet Cong entered the country.

7 Q. How many children did you have with him?

8 MR. PRESIDENT:

9 Madam, please wait until the tip of the microphone turn red.

10 2-TCCP-274:

11 A. We had one child.

12 [15.41.00]

13 BY MR. HONG KIMSUON:

14 Q. Because you said that during the DK regime, you got married
15 one more time.

16 Can you tell us which year it was when you got married for the
17 second time?

18 2-TCCP-274:

19 A. It was in 1977, the beginning of 1977.

20 Q. When you got married during DK regime, did they have any
21 specific name to refer to that marriage?

22 A. They did not call marriage; they called arranged family. They
23 told me only when we arrived at the scene.

24 Q. At that time, what was your -- what place called?

25 A. It was called Unit 7 and I was in the union.

1 [15.42.39]

2 Q. During your second marriage, were you aware beforehand that
3 you would be wed?

4 A. No, I knew about this only when I arrived.

5 Q. What did they tell you?

6 A. They said that, "Comrade, you have to get married." I told
7 them that I did not want to get married yet because I have a
8 child already. And they said that, no, I had to get married
9 otherwise I -- action would be taken against me.

10 Q. Who told you that you would be required to get married?

11 A. The chief of Unit 7 named Chhen (phonetic).

12 Q. When they told you that you would get married, did they tell
13 you who or what was the name of your husband?

14 A. No, they did not tell me. They did not tell me about the names
15 of the person whom I would get married to.

16 [15.44.38]

17 Q. Did you know -- did you know the person whom you would get
18 married to beforehand?

19 A. No, only after we entered the ceremony and then they announced
20 such a thing.

21 Q. Can you tell the Chamber that when you got married on the day
22 of your marriage whether it took place in the cooperatives or at
23 a particular place, for example, the village, the district and
24 commune? Can you recall it?

25 A. Yes, I can recall it. When I was called from Unit 7, the unit

1 was called the internal -- correction, it was called "munti
2 knong" (phonetic) and there <were> two offices within it<, one
3 belonged to the military, and another one belonged to Ta Sat>.

4 Q. A while ago, you said about "munti knong" (phonetic) or "munti
5 Ta Sat" (phonetic). What was that "munti knong" (phonetic) used
6 for? Was it a sectoral office<, military office, cooperative
7 office> or commune office?

8 A. The place was called "munti knong" (phonetic) or "Knong"
9 (phonetic) office. It was in Village 2, <> Chamkar Andoung
10 <village>.

11 [15.47.01]

12 Q. On the day of your marriage, what was the name of your spouse?

13 A. His name was Nhien.

14 Q. How did you know his name at that time?

15 A. Initially, I did not know his name. I learnt about his name
16 later on.

17 Q. Earlier, you mentioned that you were told that you would be
18 told to get married when you arrived at the place, but you told
19 them that you had a child already. And when you were required to
20 get married, did you protest or have any disagreement with them?

21 A. I refused to get married, but there was a military cadre name
22 Phan who said that I would have to get married, and I did not
23 dare to protest any longer because I observed that there were
24 cases where people protested or refused to get married and then
25 they disappeared.

1 Q. Can you tell the Chamber where those people who refused to get
2 married and they disappeared, where did they disappear to?

3 A. Mostly, they disappeared when they were told that they would
4 be sent to Baek Chan or to 41 (phonetic) and they disappeared
5 since then.

6 [15.49.16]

7 Q. Did you ever witness the arrests or the tying-up of those who
8 refused to get married?

9 A. Yes. I saw they were called to get on vehicle and then they
10 disappeared, but I never witnessed any arrests or any tying-up of
11 them.

12 Q. If you did not ever witness the arrest of those people with
13 your own eyes, so what made you frightened about the potential
14 trouble that would happen to you if you refused to get married?

15 A. Based on my observation, I saw many cases of people who
16 disappeared because they refused to get married. For me, I --
17 initially, I refused that I would not get married, but because I
18 was forced to do so, so I had to agree.

19 [15.50.40]

20 Q. On the day of your marriage, who chaired the ceremony?

21 A. It was Comrade Phan and there were also people from other
22 units whom I do not -- I did not know them all.

23 Q. How many couples were arranged to get married on that day?

24 A. There were 12 couples.

25 Q. During that wedding, did the parents of the brides and grooms

1 also participate?

2 A. No.

3 Q. Were there any Khmer traditional music to accompany the
4 wedding ceremony?

5 A. No.

6 Q. What about monks who gave - who bless the couples?

7 A. No, there were no monks.

8 Q. Was there the "bach phka sla" (phonetic) blessing during that
9 wedding ceremony?

10 A. No, no. It was not like nowadays.

11 [15.52.38]

12 Q. What about the dress? Did you dress in the wedding costumes?

13 A. We wore black clothes with krama around our neck.

14 Q. What about the stage, were it decorated with flowers or any
15 decoration?

16 A. No. They simply used the student's tables.

17 Q. Did you notice that behind the stage, was there any picture or
18 photo that were used as a backdrop?

19 A. They used the picture of <a> sickle.

20 Q. In that wedding ceremony, did they serve any food?

21 A. It was just the normal food, it's not like the food nowadays,
22 but I cannot remember what food was served at that time.

23 [15.54.28]

24 Q. Did you eat the food that was served on that day?

25 A. No, because I was terribly worried. I did not want to get

1 married to my husband.

2 Q. What do you mean when you say that you were terribly worried
3 and did not want to get married?

4 A. I did not like him. I was forced to get married so I was so
5 angry and I could not eat.

6 Q. What aspect that you were disappointed or upset about?

7 A. Because we did not know each other and he was not the guy I
8 loved.

9 Q. Can you tell the Chamber whether your spouse had any
10 particular physical appearance that make you not love him?

11 A. He had an ugly physical appearance. He had dark skin and he
12 spoke with accent, and he looked intimidating. I did not like --
13 love him at all.

14 [15.56.06]

15 Q. What about his body, I mean the ears, eyes and limbs, whether
16 he had all of <these>?

17 A. He did not walk properly and his eyes <were> also not good.

18 Q. How old were you at the time and how old was your husband on
19 the day of your marriage?

20 A. I was around 23 or 24 and my husband was around 47 or 48.

21 Q. Did the wedding ceremony take place in the morning, afternoon
22 or evening?

23 A. It took place between 5.30 to 6.30 p.m.

24 Q. Was there electricity to illuminate the wedding place?

25 A. No, there wasn't -- there wasn't electricity; they used

100

1 lanterns.

2 Q. Can you describe about that lantern, whether it used
3 electricity or something else?

4 A. The lantern has a handle and it has <a container with kerosene
5 in it> that we pump the air in and it illuminates.

6 < MR. HONG KIMSUON:>

7 <Mr. President. At this time, should we continue or adjourn the
8 hearing?>

9 [15.58.35]

10 MR. PRESIDENT:

11 It is now the time for the adjournment. The Chamber announce the
12 adjournment of the hearing today.

13 The Chamber will resume its hearing tomorrow from 9 a.m. The
14 hearing tomorrow will <continue to> hear the hearing of
15 <2-TCCP-274> and we will <start to> hear the hearing of
16 2-TCCP-224.

17 [15.59.17]

18 Security personnel are instructed to bring Khieu Samphan and Nuon
19 Chea back to the detention facility and have them returned to the
20 courtroom tomorrow morning before 9 a.m.

21 The Court is now adjourned.

22 (Court adjourns at 1559H)

23

24

25