



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

23 October 2012
Trial Day 122

Before the Judges: NIL Nonn, Presiding
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Jean-Marc LAVERGNE
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MS. LAY BONY (TCCP-64)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MR. ANG UDOM	Khmer
MR. SOKH CHHIN (TCW-661)	Khmer
MR. KONG SAM ONN	Khmer
MS. LAY BONY (TCCP-64)	Khmer
JUDGE LAVERGNE	French
MS. MOCH SOVANNARY	Khmer
MR. PAUW	English
MR. PICH ANG	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MR. VENG HUOT	Khmer
MR. VEN POV	Khmer

1

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

2 (Court opens at 0905H)

3 MR. PRESIDENT:

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

5 The Chamber would like to inform the parties and the public that,

6 for today's proceeding, we will hear the testimony of a witness

7 -- not a civil party -- that is TCW 661, who will be first

8 questioned by the Prosecution.

9 The Chamber also invites a civil party -- that is TCCP-64 -- as a

10 reserve civil party.

11 [09.07.16]

12 Ms. Se Kolvuthy, could you report the attendance of the

13 individuals and parties to the proceeding?

14 THE GREFFIER:

15 Mr. President, all parties to the proceeding are present, except

16 the accused, Ieng Sary, who is absent due to his health concern.

17 However, based on his letter of waiver document, E237, he

18 requests to waive his direct presence in the proceeding of

19 hearing the testimony of certain witnesses and civil parties,

20 including TCW 661, who will be heard by the Chamber this morning,

21 as well as the reserve, TCCP-64.

22 Mr. Vercken, the international defence counsel for Khieu Samphan,

23 is absent due to personal commitment.

24 And TCW 661 is present and awaiting the call from the Chamber. He

25 confirmed that, to his best knowledge, he has no relationship by

2

1 blood or by law to any of the civil party or any of the three
2 accused, namely, Ieng Sary, Khieu Samphan or Nuon Chea. This
3 witness already took an oath this morning. Thank you.

4 [09.08.57]

5 MR. PRESIDENT:

6 Thank you.

7 The Chamber received the letter of waiver through his counsel --
8 from Ieng Sary -- dated 1st October 2012, to waive his direct
9 presence in hearing the testimony of 10 witnesses and six civil
10 parties, including TCW 661.

11 And based on the medical report by the treating doctor at the
12 Khmer Soviet Friendship Hospital dated 19 October 2012, that Ieng
13 Sary is being treated at the general treatment department at the
14 hospital, and as he requests to waive his direct presence of
15 hearing the testimony of certain TC -- of witnesses and civil
16 parties, and that he is being treated at the hospital, the
17 Chamber decides to hear the testimony of TCW 661 without the
18 presence of Mr. Ieng Sary pursuant to Internal Rule 81.5.

19 Court Officer, could you invite the witness, TCW 661, into the
20 courtroom?

21 (Short pause)

22 (Witness enters the courtroom)

23 [09.12.05]

24 QUESTIONING BY THE PRESIDENT:

25 Q. Good morning, Witness. What is your name?

3

1 Witness, you may sit when you speak, but please wait for the red
2 light on the console before you can speak so that your voice will
3 go through the audio system and can be translated or interpreted
4 into Khmer -- into English and French.

5 Once again, what is your name?

6 MR. SOKH CHHIN:

7 A. Good morning, Mr. President. My name is Sokh Chhin.

8 Q. Thank you.

9 How old are you, Mr. Sokh Chhin?

10 A. I am 67 years old this year.

11 Q. Where is your current address and what is your occupation?

12 A. My current address is House Number 13, Group 32, Kampong
13 Krabei village, Svay Pao commune, Battambang district, Battambang
14 province.

15 [09.13.37]

16 Q. What is your current occupation?

17 A. I am a retiree.

18 Q. What is your father's name?

19 A. His name is Sokh Suk. He is deceased.

20 Q. And your mother's name?

21 A. Her name is Yin Nuon. She is also deceased.

22 Q. What is your wife's name?

23 [09.14.17]

24 A. Her name is Kruoch Saroeuy. She is living with me.

25 Q. How many children do you have?

4

1 A. I have five children.

2 Q. Thank you, Mr. Sokh Chhin. As reported by the greffier that,
3 to the best of your knowledge, you have no relationship by blood
4 or by law to any of the civil parties in this case, nor to any of
5 the three accused, namely, Nuon Chea, Ieng Sary, and Khieu
6 Samphan, is that accurate?

7 A. That is correct.

8 Q. Also, as reported that you already took an oath before you
9 appeared before this Chamber; is that correct?

10 A. Yes.

11 [09.15.26]

12 Q. The Chamber would like to inform you the right and obligation
13 as a witness before this Chamber. Mr. Sokh Chhin, as a witness
14 before this Chamber you may refuse to respond to any questions or
15 to make any comments that would incriminate you -- that is, if
16 your response or your comment would incriminate you. And, as a
17 witness, you must respond to all the questions put to you by the
18 parties or the Bench, and you must only speak of the truth that
19 you have heard, have known, experienced, or observed directly in
20 regard to the event related to the questions put to you by the
21 parties.

22 Do you understand your right and obligation as a witness?

23 A. Yes, I do.

24 Q. Mr. Sokh Chhin, have you been interviewed by the investigators
25 of the Office of the Co Investigating Judges during the last few

5

1 years? If so, how many times and where did it take place?

2 A. I was interviewed once at my house.

3 Q. Can you recall when it was taken place?

4 [09.17.25]

5 A. No, I cannot.

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

9 A. I have read a few times.

10 Q. Based on your ability and knowledge, can you confirm whether
11 the written record of interview that you have read to refresh
12 your memory reflect the accuracy and consistent with what you
13 said during the interview with the investigator?

14 A. Yes, it is accurate and consistent.

15 Q. Thank you.

16 [09.18.27]

17 MR. PRESIDENT:

18 The Prosecution, you are reminded that you will be given the
19 floor first to question this witness, and the time allocation for
20 both the Prosecution and for the Lead Co Lawyers for civil party
21 is only for this morning's session.

22 You may proceed.

23 QUESTIONING BY MR. VENG HUOT:

24 Thank you, Mr. President.

25 Good morning, Mr. President and Your Honours. Good morning

6

1 everyone in and around the courtroom. Good morning, Mr. Sokh
2 Chhin. My name is Veng Huot. I am from the Office of the Co
3 Prosecutors. I do have some questions for you, and if you do not
4 understand my question, you may request to be -- to have it
5 repeated through the President or directly to me.

6 [09.19.51]

7 And Mr. President, I'd like to provide document E232/76 to the
8 witness so that it will help him during the questioning by the
9 Prosecution.

10 MR. PRESIDENT:

11 Yes, you may do so.

12 Court Officer, could you deliver the document from the prosecutor
13 to the witness?

14 BY MR. VENG HUOT:

15 Thank you.

16 Q. Mr. Sokh Chhin, you do not need to consult the document now. I
17 will pinpoint the page or the portion of the document when I put
18 questions to you.

19 My question is the following: After the 17 April 1975, what was
20 your duty?

21 MR. SOKH CHHIN:

22 A. I was working as a staff member at a railroad company known as
23 the Royal Railway of Cambodia.

24 [09.21.38]

25 Q. My question is after the 17 April 1975, and not the period

7

1 prior to that date.

2 A. I worked as a worker repairing railroad.

3 Q. Who did you work under?

4 A. I worked under the control of the Khmer Rouge soldiers.

5 Q. It was under the military control. Can you tell us the names
6 of those military officers or personnel?

7 A. I worked under Ta Moum.

8 [09.23.04]

9 Q. Thank you. In question-answer session number 7, which is
10 highlighted in green on your document, how did you know that Ta
11 Moum controlled thousands of people, including children? How did
12 you obtain such information?

13 A. He was in charge of all the people, including men, women, and
14 children in that sector.

15 Q. As you just stated, he controlled. Does it mean he forced
16 people to work or what was the circumstance?

17 A. He forced people to work and to study the politics of the
18 Party.

19 Q. What about young children? Did Ta Moum engage them in
20 political study or did he force those young children to work if
21 you observed such a situation?

22 A. Children under the age of six were allowed to stay at the
23 Children's Care Centre, however, who were about six years old;
24 they would be forced to work in various locations.

25 Q. Thank you. We also have some questions that needs to -- need

8

1 you to clarify. For instance, "if a train derailed, we would be
2 killed." That is part of your of response in question and answer
3 session number 7.

4 [09.26.00]

5 My question to you is: Had any train derailed during the regime?
6 And was anyone taken and killed for the train's derail? And
7 three, if you do not know the response to question 1 and 2, how
8 did you learn such information or from whom?

9 A. I did not know about that, but we learned all that through the
10 documents that we studied. We were warned that we had to be
11 vigilant and not to have any train derailed; otherwise, we would
12 have been killed.

13 Q. Thank you. Also in the same question-answer session, you used
14 the word "they", that "they would have taken us for execution".
15 Can you shed light on the word "they"? Who were "they"?

16 A. "They" here referred to Ta Moum and the soldiers who were his
17 subordinates.

18 Q. Thank you. I have another question on this point.

19 In question-answer session number 13, as I marked on the document
20 before you, you stated before the investigator that you did not
21 dare talk because you were afraid that you would be taken and
22 killed. My question is the following: Did you ever see or hear
23 that people who talked were killed?

24 A. No, I did not, but we learned that through our study session
25 that we had to be careful of what we spoke, and if we did -- if

1 we said something which was not true then we would be killed.

2 [09.29.26]

3 Q. Who actually had the authority to decide that somebody had to
4 be killed during the regime? At what level of the authority that
5 can -- that could make such a decision?

6 A. I did not know the level of authority. However, the management
7 was under Ta Moum, so he could decide whatever he wished to.

8 Q. My next question is related to food supply.

9 You stated that Ta Moum was in charge of several thousands of
10 people, including children as young as seven. With regard to this
11 number of people and the children, were the people in the -- the
12 people of the base or were they newcomers, those evacuees from
13 Phnom Penh?

14 A. Those people were surely the New People, the newcomers. They
15 were evacuated all from Phnom Penh. None of them was the Base
16 People.

17 [09.31.20]

18 Q. On the same point, my question is: There were a lot of people,
19 several thousands. Could you tell the Court, please, what the
20 food ration would be like?

21 A. Food was not distributed equally. For example, at the
22 worksite, people would be offered some thick porridge, but at
23 another location then the porridge would be thinner.

24 Q. Do you recall anything at all, things that happened to the
25 sick people, for example, the children or women who got sick, and

10

1 how were these people addressed?

2 A. At that time, when people got ill they would be sent to a
3 hospital. Their parents would not be allowed to accompany them,
4 and if this -- if anyone who was mature enough or an adult person
5 and fell ill, then he or she would only be alone in the hospital
6 without anyone accompanying him or her.

7 Q. Can you please tell us about clothing?

8 A. People were wearing some torn clothes or any piece of garment
9 they could grab that they could bring along with them during the
10 evacuation.

11 [09.33.45]

12 Q. I would like you to refer to the document again on Question
13 11. I also have highlighted the portion so that it can help you
14 get to the relevant portion quickly, conveniently.

15 In Question 11, as you already stated, the food ration was not
16 adequate. Patients were not properly taken care of and children
17 and women worn the clothes that were not properly worn, and you
18 said that Ta Moum had to report this directly. My question is to
19 whom, he, did so?

20 A. He reported to the Upper Echelon in Phnom Penh.

21 Q. Thank you.

22 My next question is: Now when it comes to the food, it was not
23 adequate already to feed the several thousand people. Have you
24 ever received any information whether Ta Moum had attended any
25 study sessions at the Upper Echelon and that he would be

11

1 lecturing in any meetings with the people at the base?

2 A. I don't know. I have no idea what lessons he learned.

3 [09.36.25]

4 Q. I may also ask you for confirmation.

5 On Point Number 11 or Question 11, you said that Ta Moum came to
6 study in Phnom Penh or Ta Moum attended study sessions in Phnom
7 Penh. Can you please tell the Chamber how you learned about this?

8 A. I learned about this during the course of my work at the
9 railway, because I saw him taking -- went to Phnom Penh through
10 the train.

11 Q. After Ta Moum attended study sessions or received instructions
12 in Phnom Penh, when he returned to the local area; did he teach
13 you or pass on any information concerning economy, for example,
14 to the people in your area, including you, yourself?

15 A. When he returned from the study sessions he had attended, he
16 would convene a meeting where workers and his subordinates would
17 attend on a regular basis.

18 [09.38.16]

19 Q. Can you please be more precise on the content of the studies
20 he obtained from Phnom Penh? How or what were the subject matters
21 of the study sessions he imparted into you when you met him?

22 A. During the study sessions, topics like strengthening the
23 political stance would be taught or lectured.

24 Q. What about subjects like economy or food, how did he impart
25 these subject matters to you and other people?

12

1 A. He would instruct us to focus on the core tasks and the work
2 of the social work and production; however, the food remained the
3 same. We were offered only porridge.

4 [09.39.50]

5 Q. My apology; I would like to also ask you another question. You
6 said that you were asked to improve production and then grow
7 rice. What happened to the rice that had been harvested? Why
8 people were only given porridge?

9 A. I do not know where the rice, the harvested rice could have
10 been brought to, they could have been stored in the warehouses,
11 because I knew that there were warehouses where the rice would be
12 stored, but I do not know how they were -- or it was handled.

13 Q. I would like to skip questions concerning this economic
14 session. I would like to move to the military communication
15 instead.

16 With regard to question 19, this portion is interrelated to your
17 transfer of job to Pursat -- rather to transport -- or to be
18 transferred to a Leach location in Pursat. My question is: Who
19 ordered such transfer and when?

20 [09.41.53]

21 A. Ta Moum came with a train from Battambang all the way to
22 Pursat to take me there.

23 Q. In the Pursat region, was Ta Moum in charge of that sector or
24 the sector was under the control of the military, according to
25 your best recollection?

1 A. Ta Moum was in charge and the military was under his command.

2 Q. Thank you.

3 At question number 18, here you stated before the investigators
4 that the armed soldiers guarded the people. They would tell when
5 and where to leave the train. How did you know soldiers guarded
6 the people and looked after the wellbeing of the people? Did you
7 hear that from somebody or you hear that directly from someone
8 telling you?

9 A. I saw this with -- I witnessed this, because I was one of the
10 workers who had to work on the rail tracks and I saw it
11 happening.

12 Q. Do you still recall -- when was it when you witnessed the
13 situation?

14 A. I do not recall the date, but people had been evacuated and
15 transported by train and they would be also transported to Leach
16 where their biographies would be taken.

17 [09.45.23]

18 Q. I would like to be putting more questions concerning more
19 specific things, this time not about Ta Moum. I would like to
20 talk about the people on the train.

21 Have you noted any young people like children; elderly people,
22 old and sick people on the train, and how was their condition?

23 A. There were different kinds of people from different age
24 groups; old, young, sick people and they were transported and
25 left at the Leach location. They would be there for a few days or

14

1 even a week before they could be transferred to other locations.

2 Q. I want to ask a question also concerning the soldiers who
3 guarded each train compartment. So how many soldiers would be
4 deployed to guard people on each compartment of the train?

5 A. For each compartment, there would be two soldiers guarding the
6 people or the passengers.

7 [09.47.30]

8 Q. Do you recall having seen any Cham people being loaded on that
9 train as well?

10 A. I have not seen the Cham people in particular, but I noted
11 that people on the train were from all walks of life and they
12 were mixed. They could have been Cham and other people.

13 Q. I would like now to proceed to another question on the
14 military structure, and I would like to skip some questions
15 concerning the number of people on the cars of the train.

16 And after people getting off the train, which unit was in charge
17 of transporting the people from the train station to each
18 respective location? Was the people -- or were the people
19 transported by the military only?

20 A. I do not remem -- or know this. I believe that those people
21 were transported by both the military and by civilians, because I
22 sometimes saw military trucks coming to pick them.

23 [09.49.40]

24 Q. Before people would be transported from Leach -- I would like
25 to refer to question number 23 for this. You stated in your

15

1 response in Question 23 that people -- all people were -- or all
2 people had their biographies made or checked. The question is:
3 Was their biography taken or checked at that location before
4 people being transported or whether such biography would be done
5 or at a later date?

6 I hope you understand my question. If not, you may ask me to
7 repeat or rephrase.

8 A. For those who had been evacuated from Phnom Penh, according to
9 the order by Pol Pot, these evacuees were at a location where
10 their biographies would be taken, and then they would be
11 transported to Leach where they would be sent further to other
12 location or, for example, as far as Battambang.

13 Q. So, according to your statement and my understanding -- if my
14 understanding is correct -- that the biographies would be taken
15 first before people would be sent to different locations; is that
16 correct?

17 A. Yes, it is.

18 [09.52.04]

19 Q. Thank you.

20 Did you know what happened to the former Lon Nol soldiers and
21 officers or officials after their biographies could have been
22 made?

23 A. I was assigned to work in Svay Sisophon by Angkar and I saw
24 what happened to the soldiers who were transported by trucks and
25 train. They were from Thailand, and I noted that they were fully

16

1 geared. I saw them being loaded on trains and trucks, but I had
2 no idea where they could have been transported to. It happened in
3 Svay Sisophon location.

4 Q. I think I have only final question to put to you before I cede
5 the floor to my colleague to put further questions. The last
6 question I would put to you is that, you saw soldiers being
7 transported on the trains, but my question is: do you know Tuol
8 Po Chrey?

9 A. No, I don't. I have never heard of this before.

10 [09.54.04]

11 Q. I thank you very much, indeed, Mr. Sokh Chhin, for responding
12 to all the questions I put to you, and I thank you, Mr. President
13 and Your Honours, for allowing me the opportunity to put these
14 questions. I would like now to cede the floor over to my
15 colleague.

16 QUESTIONING BY MR. ABDULHAK:

17 Good morning, Your Honours. Good morning, Counsel, and good
18 morning, Mr. Sokh Chhin.

19 Q. I'm going to ask you a few more questions as a follow up to
20 the questions you were asked by my colleague. And because you
21 changed your place of work during the Khmer Rouge period, I want
22 to see if we can first clarify where you worked at each stage.
23 Now, in your statement in question and answer number 2, you said
24 that before 1975 you were a train ticket seller and you were
25 based in Moung Ruessei Station in Battambang, and we heard you

17

1 indicate earlier that you also were later in Svay Sisophon.

2 So my first question to you is: When were you transferred from
3 Moung Ruessei in Battambang to Svay Sisophon or Serei Saophoan,
4 if you can give us the exact name of the place?

5 MR. SOKH CHHIN:

6 A. It was in 1967 when I started work. It was in Moung. In 1970,
7 I was transferred from Moung Ruessei to Svay Sisophon of Serei
8 Saophoan.

9 [09.56.38]

10 Q. Thank you very much for clarifying that. Is Serei Saophoan in
11 what is currently Banteay Meanchey Province?

12 A. Yes, it is correct.

13 Q. And did you continue to work in that location until 1975?

14 A. Yes, I did.

15 Q. Now, according to your statement in question and answer number
16 A4, when the Khmer Rouge took power, they banned ticket selling
17 and you were reassigned to repair some railways, and you, of
18 course, testified earlier that Ta Mouv transferred you from Serei
19 Saophoan to work in Pursat. Can you tell us when you were
20 transferred to Pursat? Was that in April '75 or was it later?

21 A. It was in the aftermath of 1975. I believe it was a few
22 months, four months or so after 1975 -- April 1975.

23 [09.58.40]

24 Q. And If I understand correctly from your statement again in
25 question and answer number 7, you indicate that you worked in the

18

1 Trapeang Chong commune. If I'm correct, that's in the Bakan
2 district, in the Pursat province; have I got that right?

3 A. Yes, it is correct. I worked at Trapeang Chong location. I was
4 in charge of repairing the Isam (phonetic) railways for a stretch
5 of 21 kilometres.

6 Q. Thank you.

7 Now, Ta Moum, you told us earlier, was in charge of that sector.

8 Did I understand correctly that he was transferred together with
9 you from Serei Saophoan? Did I understand that correctly?

10 [09.59.58]

11 A. At that time, Ta Moum was not there yet. Ta Moum only came
12 after Khmer Rouge took control.

13 Q. And can you tell us, when was it -- if I understand correctly,
14 you arrived in Trapeang Chong about four months after the Khmer
15 Rouge took power. If you recall, when did Ta Moum come to control
16 that area?

17 A. Ta Moum was chief of sector and I was working at the "sangkat"
18 level or commune level and there were about six communes in that
19 sector. And in that sector or in that "sangkat" or commune, I was
20 responsible for a stretch of 21 kilometres of railway.

21 [10.01.33]

22 Q. Okay. In the interest of time, we'll keep moving on.

23 I just want to confirm that your group supervisor was someone
24 called Ta Meak, and according to your statement, he was in charge
25 of the commune; is that correct?

1 A. That is not correct. Ta Meak was the chief of the commune.
2 It's not at the village level; it was at the commune level. He
3 was in charge of politics and other affairs, including the study
4 sessions and the peoples' living conditions, and as well as the
5 stretch of that 21 kilometres of the railway.

6 Q. Thank you. I think we were, in fact, discussing the same point
7 but there might be some issues with translation.

8 Now, just moving forward a little bit to some of the events that
9 you discussed with my colleague, I want to look at question and
10 answer number 15 in your statement and this is -- I'll read a
11 brief excerpt so that everybody has the information. You said the
12 following:

13 "I saw trains twice a week; the train had 20 to 25 wagons
14 normally for transporting goods, and each wagon transported from
15 40 to 50 people. There were two stages of transportation: the
16 first one was after April 1975, in October, November and
17 December: people were transported from Phnom Penh."

18 I want to discuss that particular transfer if we could, in more
19 detail. Now, do I understand correctly that it was in that
20 period, October, November and December that you saw these trains
21 with 20 to 25 wagons carrying people?

22 [10.04.30]

23 A. Yes, that is correct.

24 Q. I know this was a long time ago, but do you recall whether
25 this continued throughout October, November and December? Did it

20

1 continue for three months or was it a shorter period or a longer
2 period of time?

3 A. I could not recall it exactly, but it continued until December
4 for that phase.

5 Q. And do I understand correctly from your statement that you saw
6 these trains while you were working in Trapeang Chong, in Pursat?

7 A. Yes, that is correct. I was working along the railway and the
8 train drove past and I saw it.

9 [10.06.08]

10 Q. And when you told my colleague earlier that you saw men, women
11 and children, and you saw some sick people, were these the trains
12 that you were describing?

13 A. Yes, that is correct. I saw those people on the train.

14 Q. In your statement, in question and answer number 18, you
15 described people who were guarding them on the trains as Pol Pot
16 and soldiers. How did you know that - or, rather, I'll rephrase
17 that.

18 Did you know where these soldiers came from?

19 A. I did not know where the soldiers came from but I saw them on
20 the train with their weapons. They were escorting those people
21 but I did not know for sure where they came -- or where they had
22 been.

23 Q. You also said in question and answer number 19, that the train
24 -- "In Pursat, sometimes the train would stop on the road to
25 Leach."

21

1 I just want to ask you first, did you see any of the trains that
2 stopped in Pursat, yourself?

3 [10.08.21]

4 A. The train that transported the people did not stop at the
5 provincial station but they actually stopped at some destinations
6 at the district or near the forest. I mean, they stopped at
7 various distant stations, but not at the provincial station.

8 Q. And were you able to see any of these trains as they stopped?

9 A. When they stopped at stations near the forest, I, personally,
10 did not see it, but I heard about that through the train driver,
11 I was told by the train driver. I, personally, only saw the train
12 stop at Leach.

13 Q. Now, if we move forward to Leach, this is what you said in
14 your statement in number -- question and answer number 19, "In
15 Leach, people would remain one week, waiting to be transported in
16 military and civilian trucks to other places."

17 Now, you told my colleague earlier that you saw military trucks
18 coming to pick up some of these people. Was that in Leach where
19 you saw the trucks coming to pick people up?

20 A. Yes, I saw it with my own eyes. People were instructed to get
21 off and stay around the railway tracks.

22 [10.11.02]

23 Q. How far is Leach from Trapeang Chong where you had been
24 working?

25 A. I was working on a mobile unit. Sometimes I moved around to

1 another place to assist other groups of workers so that the
2 railway could be fixed on time for the train to travel through.

3 But I cannot tell you the distance between these two locations.

4 Q. Just to be sure that I understand correctly, is it correct
5 that you saw the trains passing through in Pursat at a number of
6 locations and then you saw them stop in Leach; is that an
7 accurate summary of what you saw?

8 A. Yes, that is correct.

9 Q. Thank you.

10 Now, the people -- you mentioned earlier that you saw the people
11 disembark from the trains in Leach and you told my colleague that
12 sometimes they would wait for up to a week. This is what you said
13 in your statement on this point also, again, question and answer
14 number 19, "No one could leave as they were guarded, and those
15 who were sick would die there."

16 [10.13.15]

17 If I can ask you, did you see any of the people that died while
18 waiting at that location?

19 A. I, myself, buried the dead bodies because dead bodies along
20 the railway tracks decomposed, so we had to bury those bodies.

21 Q. If I can take one step back, the people that were waiting in
22 this area in Leach, are you able to estimate approximately how
23 many people, at any one time, was it 100, was it 200, was it
24 several hundred, was it less than that?

25 A. Each wagon could house 40 to 50 people so for 20 wagons it

1 could house 100 people, so you could do the calculation by
2 yourself.

3 Q. My maths are not very good at all, but 20 wagons would come to
4 about 1,000 people, if we take the figures you gave us. Does that
5 sound accurate, about 1,000 people per train?

6 A. It is difficult to estimate the number of people on the train.
7 Sometimes people were put, 40 or 50 people were put in each
8 wagon, and what I saw was that each wagon was full of people.
9 There were a mixture of old people, of children, and other
10 people.

11 [10.15.45]

12 Q. Now, you've told us that they were guarded in the train and
13 you've told us also that they could not leave during their
14 waiting in Leach. In your statement at question and answer number
15 17, you were asked, "Did these people look happy?", and you said
16 "No, they did not." Can you tell us a little bit more about the
17 conditions of these people? What did you mean by -- when you said
18 they did not look happy?

19 A. People who were evacuated at the time -- I thought that they
20 were given one can of rice per 10 people. They did not have much
21 belongings, just some clothing and some Khmer riel currency. They
22 did not have sufficient food, so I could see that their facial
23 expression showed that they were not happy with the conditions.

24 [10.17.25]

25 Q. Were you able to speak to any of them during that time?

1 A. No, I did not, because I only minded my own business, I could
2 only observe from my workplace.

3 Q. Were people in your working unit permitted to speak to the
4 other soldiers or the civilians that were moving through Leach?

5 A. My role was to repair the railway track, so I did not dare ask
6 them any question. I only tried to fulfil the task assigned to me
7 by my superiors. I did not go anywhere further from my workplace
8 or went to ask them any questions. I did not do that.

9 Q. If I can ask you this to follow up, when you say you did not
10 dare as any questions, could you tell us why it was that you felt
11 that you couldn't ask any questions? Was there a particular
12 reason that you didn't dare to ask questions?

13 A. We needed only to mind our own business. People -- if people
14 were to ask questions they would be asked by those people who
15 were authorized by the superior to ask questions. But my role was
16 only to work based on what I was assigned to, and not to ask any
17 questions.

18 [10.19.48]

19 Q. Was that an instruction that you received from Ta Moum or Ta
20 Meak?

21 A. We engaged in the study session every day chaired by Ta Moum;
22 that we needed to focus only on the assigned work. Whatever was
23 assigned to us, we did that; whatever food was given to us we ate
24 that. And we were not allowed to protest or to demand for
25 anything.

1 Q. And were you told what might happen to anyone if they were to
2 protest?

3 A. First time, that person would be criticized; for the second
4 time, there would be a second criticism; and for the third time,
5 the person would be sent for re-education. Some of my former
6 colleagues went for re-education and they never returned.

7 [10.21.29]

8 Q. Did you ever learn what happened to your colleagues who never
9 returned?

10 A. I did not know. They went for re-education but they never
11 returned to our unit.

12 Q. Thank you. Now, if we can return to the conditions of people
13 that you'd been describing for us, the evacuees?

14 You told us that you buried some of the decomposing corpses
15 yourself. Do you recall approximately how many corpses there were
16 at Leach?

17 A. The corpses that I buried were those who died along the track
18 and because of the stink that we could not work, so we had to
19 bury those bodies. But for those other corpses further from the
20 track, we did not bury those bodies. I saw several of those
21 corpses further from the tracks. They were covered along the rice
22 dykes or along the road. But we did not bury those bodies. We
23 only buried the ones along the railway track.

24 Q. Are you able to give an approximate number of how many bodies
25 you saw in total at the tracks and also further in the fields,

1 approximately, how many bodies? Was it 10, was it five, was it
2 20, if you're able to give us an estimate?

3 [10.23.50]

4 A. I could not give you an estimate. Sometimes I saw the dead
5 bodies which were covered and next day they were gone, and
6 sometimes some other days, I would see dead bodies somewhere
7 else. So I could not give you a total number of those dead
8 bodies.

9 Q. Perhaps we can be more specific. How many did you personally
10 bury?

11 A. I buried one body near the track but I did not bury those
12 other bodies further from the track.

13 Q. Now, I may be asking you an obvious question, but just to be
14 sure for the record, how did you know that the bodies that you
15 saw were the bodies of evacuees, people that had been transferred
16 by train?

17 A. Because the area was quiet and people did not leave around
18 that area, only the evacuees passed through that area. I thought
19 that the bodies could not be buried on time as the family members
20 of the dead bodies were sent to be placed in the cooperative.
21 Because around that area, it was vacant and no villagers living
22 in that area.

23 [10.26.02]

24 Q. Thank you. And if I can ask you a couple more questions on
25 this location in Leach.

1 In your -- in question and answer number 22, you say that you
2 recalled that some of the people were forced to leave the train
3 while others continued their trip towards Battambang province. If
4 I can ask you first, where were these people taken, the ones that
5 were forced to disembark from the train?

6 A. I did not know about the arrangement for those people.
7 Sometimes people were disembarked in Leach and sometimes those
8 who were in one or two wagons still remained in the wagons for
9 the train boarding toward Battambang province. So I did not know
10 much about such an arrangement.

11 Q. When you say that some of them were forced to leave the
12 trains, do I take it correctly that it was the soldiers who were
13 forcing them to leave, or was it someone else?

14 A. People who were forced to disembark in Leach or, in other
15 locations, they were under the control and order of the military.
16 Only the military were in control. I never saw any civilians in
17 control, and they were armed.

18 [10.28.36]

19 Q. You then say, in that same paragraph, that the train would
20 return to Phnom Penh to get other people, and would return. So, I
21 just want to make sure I understood that answer correctly; trains
22 would go back to Phnom Penh or somewhere south and collect more
23 people, and then they would come again through Pursat; is that
24 the process that you saw?

25 A. Yes, that is correct, as I stated in that statement.

28

1 Q. You told my colleague that Ta Moum's soldiers -- or, rather,
2 that Ta Moum controlled all the soldiers in the area. Did his
3 soldiers take any part in assisting this transfer of people
4 through Pursat?

5 A. No. The soldiers were on the trains all the way from Phnom
6 Penh, and the soldiers had to return when the train came back to
7 Phnom Penh to bring more people. So, these soldiers would be seen
8 on the trains, carriages, on every trip, back and forth.

9 [10.31.02]

10 Q. Did Ta Moum or Ta Meak give you any instructions, or
11 information about these trains that were going to be coming
12 through and carrying people?

13 A. No, he didn't. I think Ta Moum and Ta Meak did not know about
14 this because I saw the situation, what happened only along the
15 rail tracks.

16 MR. PRESIDENT:

17 Thank you, Mr. Co-Prosecutor, and thank you, Mr. Witness.

18 Since it is now appropriate moment for the adjournment, the
19 Chamber will adjourn now and the next session will be resumed by
20 10 to11.

21 Court officer is now instructed to assist the witness during this
22 adjournment.

23 Court is adjourned.

24 (Court recesses from 1032H to 1059H)

25 MR. PRESIDENT:

1 The Court is now back in session.

2 The floor is, once again, given to the Prosecution to continue
3 putting questions to this witness. You may proceed.

4 BY MR. ABDULHAK:

5 Thank you, Mr. President.

6 Q. Mr. Sokh Chhin, I will ask you a few more questions before I
7 hand over the floor to my colleagues, counsel for the civil
8 parties.

9 If we can return, very briefly, to the numbers of trains that you
10 saw, you told us earlier that you saw the transfers during
11 October, November and December 1975. And, you described the
12 numbers of wagons and numbers of people on those trains. In your
13 statement at question and answer number 15, you said that you saw
14 trains twice a week. If I can first ask you, how many trains did
15 you see, twice a week?

16 [11.01.39]

17 A. I did not count the trains; sometimes I saw the train twice a
18 week, sometimes once a week and it lasted until December.

19 Q. Thank you. Do you recall if it was always the same train, or
20 if there were a number of different trains being used?

21 A. The wagons were the same, but the locomotive was sometimes
22 different.

23 Q. And, do you know who those trains belonged to?

24 A. The trains were - actually, those trains from the Sangkum
25 Reastr Niyum era, they were old trains; they were not new trains.

30

1 Q. Thank you. Just on that issue, you told my colleague earlier
2 that, Ta Moum would go to Phnom Penh to attend study sessions,
3 and in your statement in question and answer number 11, you said
4 that -- you said the following: "Ta Moum was a member of the
5 Communist Party of Kampuchea and reported directly to the Train
6 Unit in Phnom Penh."

7 Do you know whether those trains that were coming through Pursat
8 were under the authority of that train unit in Phnom Penh, or
9 some other body?

10 [11.04.07]

11 A. That is correct. The trains passing through Sector 4 were
12 under the management of the chief of the train unit in Phnom
13 Penh.

14 Q. And, do you know who that person was, or what position he held
15 -- he or she held?

16 A. No, I did not know the body position or the name of that
17 person.

18 Q. And, if we can take a look at another part of your statement,
19 this is question and answer number 23 -- I apologize, that was
20 26, you were asked:

21 "Who was the station manager at the Pursat train station?"

22 And you said the following: "There were three persons in charge
23 of telephones, but I do not recall their names. They were all
24 Khmer Rouge soldiers and, they were armed."

25 [11.05.46]

1 Can I ask you first, what were those telephones at the Pursat
2 train station used for?

3 A. The telephones, at that time, were for the traffic of the
4 train movement because there was only one railway track, so there
5 had to be communication by telephone so that every station can be
6 communicated for the flow and the traffic of the trains.

7 Q. Thank you. Do you know, and tell us if you don't, whether all
8 of these train stations were under the authority of the train
9 unit in Phnom Penh?

10 A. All the train stations were under the management of the train
11 unit in Phnom Penh.

12 Q. Thank you. Was Ta Moum the manager of the train station in
13 Pursat or was there someone else that was specifically
14 responsible for the train station?

15 A. Ta Moum was in charge of two sectors between Romeas and
16 Pursat. He was in charge of the traffic of the train, so all the
17 train movements through these areas were under his management.

18 [11.07.51]

19 Q. Thank you. Do you recall how often Ta Moum went to report
20 directly to the train unit in Phnom Penh?

21 A. I did not know for sure as this is his business.

22 Q. Did I understand correctly that, when you were responding to a
23 question from my colleague, that following these trips to Phnom
24 Penh, Ta Moum would organize local meetings where he would pass
25 on instructions to people working at the railways? Did I

1 understand that correctly?

2 A. Yes, that is correct.

3 Q. Thank you. And, just a couple of more questions -- in relation
4 to where the people that were transferred by train came from, you
5 say in question and answer number 14 of your statement that you
6 were told that they were transferred from Phnom Penh, and at
7 question and answer Number 23, you say: "What I know is that
8 people came from the direction of Phnom Penh".

9 Do you know, specifically, where these people were living before
10 they were put on trains and transferred to the Northwest?

11 [11.10.05]

12 A. I did not know where they originally came from. I only saw
13 them on the train. I did not know whether they were transported
14 from somewhere else to Phnom Penh, and then from Phnom Penh to
15 other locations. So, what I saw was that people were on the
16 trains and after they disembarked, the train went back to Phnom
17 Penh, and then I saw it return again, with the people on board.

18 Q. Thank you. Do you know, and please tell us if you don't,
19 whether these people were placed on the trains in Phnom Penh or,
20 whether that happened somewhere else?

21 A. I did not know, but the train came from Phnom Penh direction.
22 However, I did not know whether people were put on the train near
23 Pochentong or at the junction near the way to Kompong Som, I
24 could not know that.

25 [11.11.34]

1 Q. Thank you. Now, looking at where these people were taken to,
2 there are a couple parts of your statement that are relevant; in
3 question and answer number 19, we discussed this portion earlier,
4 you described how people were waiting to be loaded onto trucks at
5 Leach. And then at 21, you say this: "I know that people were
6 transported to different cooperatives in trucks by soldiers and
7 militiamen of Pol Pot."

8 Can you tell us how it was that you knew that they were being
9 transported to different cooperatives?

10 A. Because I saw it with my own eyes that people were transported
11 from Leach towards the south direction.

12 Q. In your statement, again, now at question and answer number
13 14, you describe a number of locations to which people were
14 transferred, and you mention Svay Sisophon, Battambang, Thma Koul
15 and Phnum Touch. If I'm not mistaken, all of these places are
16 either in Battambang or Banteay Meanchey province.

17 [11.13.29]

18 Who was it that told you that the people were being taken to
19 these particular destinations?

20 A. I learned of the information because for each line there was a
21 chief of the line, and I was told that people were dropped off in
22 Kien Svay or at Thma Koul market, or at Phnum Touch. So, I
23 learned of that through the chief of the line. The person was a
24 civilian and, not a military officer. He was a former worker whom
25 I knew from the past.

1 Q. When you say "a chief of the line", do you mean a chief of a
2 part of the railway line or some other line, just to make sure we
3 get that correctly?

4 A. At that time, for the transportation, there were two sections:
5 one was the railway line and the other one was the station. For
6 the station, there would be a chief of the station and for the
7 railway; there would be a chief of the railway -- that is for the
8 entire railway line. And the chief of the station would be at
9 that station waiting to receive people, but as the chief of the
10 railway line, the person would be on board the train.

11 [11.15.26]

12 Q. And, it was that person, the chief of the railway line, who
13 was on board the trains that told you these destinations to which
14 the people were taken; is that correct?

15 A. Yes, that is correct. Because the chief of the railway line
16 would keep control of the flow of the train movement -- that is
17 the departure point and the destination point. So, the person
18 would keep record of the movement from the destination -- from
19 the departure to the destination points.

20 Q. And, if we just look at what happened -- or, rather, I'll
21 rephrase that.

22 Did you ever learn why it was that these people were being
23 transferred?

24 A. No, I did not know about that. What I saw was what I described
25 earlier when I worked at my location. My main task was to repair

1 the railway tracks.

2 [11.17.12]

3 Q. Now, you told my colleague that peoples' biographies were
4 taken before they embarked on this journey. Also, in your
5 statement at question and answer number 23, you discuss what
6 happened upon arrival and you say this: "The people were
7 evacuated to other provinces, and once they arrived at the
8 provinces, their biographies were made. According to their
9 personal history, they were transferred to different locations."
10 First, can you help us with what you meant by "people being
11 transferred to different locations according to their personal
12 history"?

13 A. The people who were evacuated from Phnom Penh were a mixture
14 of different status; some of them were workers, rickshaw drivers
15 or civil servants. So, their biographies were taken at the
16 location where they disembarked, and I learned that through my
17 relatives who left Phnom Penh. So, their biographies were made,
18 and then they were sent toward the Northwest. All of them had to
19 make their biography and they were all those people who were
20 evacuated from Phnom Penh.

21 [11.19.29]

22 Q. And, this will be my last question. So, just to ensure that I
23 have a correct understanding, what you heard was that once people
24 had been evacuated from Phnom Penh, their biographies were taken,
25 and it was after that that they were transferred to the

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1 Northwest; is that an accurate summary of what you've told us?

2 A. Yes, that is very accurate.

3 Q. I'd like to thank you for coming to testify, Mr. Sokh Chhin,
4 on behalf of myself and my colleague. Thank you very much, and we
5 wish you all the best.

6 Mr. President, we have no further questions.

7 MR. PRESIDENT:

8 Thank you.

9 The floor is now given to the Lead Co-Lawyers for civil parties
10 to put questions to this witness. You may proceed.

11 MS. SIMONNEAU-FORT:

12 Yes. Thank you, Mr. President; and good morning to all of you.
13 Mr. Ven Pov will start with the examination, and I will finish
14 with a few questions later.

15 [11.20.45]

16 MR. PRESIDENT:

17 Counsel Ven Pov, you may proceed.

18 QUESTIONING BY MR. VEN POV:

19 Good morning, Mr. President, Your Honours. Good morning everyone
20 in and around the courtroom.

21 Q. Good morning, Mr. Sokh Chhin. My name is Ven Pov; I am a
22 lawyer representing civil parties. I have only a few questions
23 supplementary to what has been asked by the Prosecution. My first
24 question is related to your written record of interview -- that
25 is answer -- question number 7, which you stated that there were

1 18 people in your group when you worked at the railway station in
2 Pursat province.

3 [11.21.41]

4 My question is the following: Amongst the 18 members of the
5 group, were they former public servants or were they selected
6 from somewhere else?

7 MR. SOKH CHHIN:

8 A. The 18 members of the group were actually the former railway
9 workers for various parts of the railway station, locomotive of
10 the station, and then they were assigned to put into this group
11 to repair the tracks. Actually, there were other three people
12 within the group; the three were soldiers controlling our 18-man
13 group for this 21-kilometre track.

14 Q. In your question and answer number 10, where you stated that
15 Ta Moum reported directly to the train unit in Phnom Penh, how
16 did he report directly to the train unit in Phnom Penh? Did he
17 personally go to Phnom Penh, or did he use any other means?

18 A. I did not know about that. When he was required to attend a
19 study session, then he would go, for example, for a one day study
20 session in Phnom Penh, but I did not know how he reported to the
21 train unit in Phnom Penh. However, when he left, he always left
22 on the train.

23 [11.23.33]

24 Q. In your question and answer number 13, and allow me to quote:
25 "Then we attended self-criticism meetings and it was led by Ta

1 Meak and the meetings took place every day after finishing main
2 work."

3 My question to you is: What was your "main work", at the time?

4 A. The main work was to repair the railway tracks, and as for the
5 socialism work, we had to engage in agricultural production.

6 Q. Thank you. Let me look at your question and answer number 15,
7 in your response number 15, it seems that you knew about the
8 evacuation of people from Phnom Penh in two phases. The first
9 phase was in August and another one was in October or November
10 and the third phase was in 1978. Did you observe the three phases
11 of the evacuation, or you only knew about the only two phases?

12 MR. PRESIDENT:

13 Witness, please wait until you see the red light on the console
14 before you speak.

15 [11.25.33]

16 MR. SOKH CHHIN:

17 A. As far as I knew, the evacuation by train was only done in the
18 two initial phases. The first phase was the transportation of the
19 New People, and, as for the second phase, people were also
20 transported from Phnom Penh.

21 BY MR. VEN POV:

22 Q. Also in your answer number 15, and based on what you
23 experienced or saw with your own eyes, at the time, in particular
24 in April 1975, besides seeing the evacuation of people from Phnom
25 Penh, did you observe any other events where people were

1 transported by other means passing through the area where you
2 worked?

3 MR. SOKH CHHIN:

4 A. I did not know about that; I only knew about the evacuation by
5 train.

6 [11.26.58]

7 Q. In your question and answer number 18, you already responded
8 to the Prosecution that, in each wagon there were about two Khmer
9 Rouge soldiers guarding the wagons. Did you personally -- or,
10 rather, what was the attitude of those Khmer Rouge soldiers on
11 the wagon, if you can recall?

12 A. Their facial expression was normal; they were rather happy
13 compared to the people.

14 Q. In your response to the Prosecution's question, you stated
15 that in each wagon, there were between 40 to 50 people; did you
16 observe whether each wagon was crowded, people were sitting or
17 standing?

18 A. At that time, there was no seat in each wagon because the
19 wagon was designed for goods transportation. So people actually
20 sat on the floor. There was no bench or chair for them to sit, so
21 some were sitting on the floor while others were standing.

22 [11.28.54]

23 Q. Again, in your question/answer number 18, you stated that:

24 "Pol Pot armed soldiers guarded them on the train, and they would
25 tell when and where to leave the train at the different

1 locations." End of quote.

2 My question is: Did you observe that any local authorities or the
3 chief of the district or cooperative would wait and receive them
4 at those different locations?

5 A. I did not know about who were the chief of cooperatives
6 because what I saw were that people were asked to board the
7 tracks. So this group were asked to board this track or that
8 track, that's what I observed back then.

9 Q. Thank you. In your question and answer number 22, you
10 confirmed that you cannot recall anymore and that you could
11 recall that some of the people were forced to leave the train
12 while others continued their trip towards Battambang Province.
13 The question is: When the train returned, was it empty or did it
14 carry any other thing?

15 A. The returning train was reduced to not -- no more people other
16 than the crewmembers and the soldiers.

17 [11.31.18]

18 Q. With regard to the forced transfer or transportation of the
19 people by trains, according to your experience working through
20 the period between the 17th of April 1975 to later years, you
21 indicated that you saw old people, sick people, and young people
22 being boarded on the trains. Can you tell the Chamber, please,
23 have you ever seen any monks being -- or travelling on the train?

24 MR. PRESIDENT:

25 Please, Witness, wait until you see the red light on the mic

1 before you proceed with your response.

2 MR. SOKH CHHIN:

3 A. I have never seen any monks travelling on the train, and I
4 could never see them because I learned that monks were defrocked
5 already long ago.

6 BY MR. VEN POV:

7 Q. I have two remaining questions. First, could you tell the
8 Chamber about the freedom of movement? Were you given freedom to
9 move freely during that time?

10 [11.32.49]

11 MR. SOKH CHHIN:

12 A. I did not enjoy the right to roam about freely, other than
13 moving in the confined area of my work at the railway station.

14 Q. The last question, on question number 27, when you were asked
15 whether -- rather, 28, whether Nuon Chea, Ieng Sary, and Khieu
16 Samphan ever travelled to the areas you worked in, and you said
17 you did not know that. But the question is: Did you ever have a
18 radio or did you ever listen to radio broadcasts where the names
19 of the senior leaders of the Khmer Rouge would be read or
20 broadcast on those programs?

21 A. At that time, I did not have a radio where I could listen to
22 the radio broadcasts.

23 [11.34.05]

24 Q. Since you did not have a radio to listen to radio broadcasts,
25 can you please tell the Chamber, finally, whether during study

42

1 sessions or meetings, such names of the senior leaders would be
2 read or introduced with their roles and functions?

3 A. During study sessions, we were told to pay respect to the
4 national anthem or the flags, rather, and then we would be
5 briefed on individuals in the leadership.

6 Q. Do you still recall, for example, what Nuon Chea would be
7 doing and what was his role?

8 MR. PRESIDENT:

9 Witness, could you please hold on? Wait until you see the red
10 light before you proceed with your response.

11 MR. SOKH CHHIN:

12 A. I was not told by Ta Moun about Mr. Nuon Chea. I learned very
13 recently about his role.

14 MR. PRESIDENT:

15 Counsel for Nuon Chea, you may proceed.

16 [11.35.42]

17 MR. PAUW:

18 It -- the question has been answered. It's now too late. I would
19 have objected to his question because he was asking the witness
20 to his speculate, but we can proceed.

21 MR. PRESIDENT:

22 Counsel for the civil parties, you may proceed with further
23 questions if you still have them to put to the witness.

24 MR. VEN POV:

25 Mr. President, I thank you very much. I have no further

1 questions. I would like to cede to -- the floor to my colleague
2 to continue putting questions.

3 MR. PRESIDENT:

4 Counsel, you may proceed.

5 QUESTIONING BY MS. SIMMONEAU-FORT:

6 Thank you, Mr. President.

7 [11.36.37]

8 Q. Just a few points, if I may, sir, to add to what you have told
9 us hitherto for. You told us that the people who worked on the
10 railways continued to work with you, and you told us, in answer
11 number 9 -- or you told the Investigating Judge, that the newly
12 appointed Khmer Rouge kept Om Proeung because of his technical
13 abilities. What about the other former workers of the railways,
14 were they kept on as well?

15 MR. SOKH CHHIN:

16 A. Om Proeung was the chief of the technical unit of the railway
17 station, and he was kept.

18 Q. Yes, but what about the other employees, apart from Om
19 Proeung?

20 A. I only know about Om Proeung; I don't know what happened to
21 other people in other locations.

22 [11.38.30]

23 Q. Very well, that's all right. Let me now ask you a few more
24 questions about the trains that you saw, because you directly
25 witnessed this, we didn't hear it, so we need the details that

1 you can give us. The maximum amount of detail on what you
2 actually saw, because that'll give us a clear vision of what it
3 was like.

4 So coming back to these trains, and your answers numbers 15 to 20
5 that you gave to the Investigating Judges, and you said firstly,
6 in number 15, that people were put into freight trains, and you
7 said this morning that these were old trains. You told us that
8 people were obliged to sit on the ground and that there were 40
9 to 50 people in each wagon.

10 Now, were people very much pressed together in these wagons?

11 A. No, they weren't, because the wagons were spacious enough for
12 accommodating these number of people, although they squeezed in a
13 little bit, but not too pressed.

14 [11.40.12]

15 Q. So they could all sit down?

16 A. They could sit or remain standing if they wished.

17 Q. Thank you. When the train stopped in Leach, did they sometimes
18 stop for several hours at a time?

19 A. I don't recall how long the trains would stop at that
20 location, but my recollection is that the train would then move
21 on after people were disembarked from the trains.

22 Q. Did the train stop in the shade or was it in the open sunshine
23 or part of it?

24 A. The trains would be -- would stop on the rail tracks and they
25 were exposed to the sunlight. It depends on the direction of the

1 sunlight.

2 Q. You talked about the people who got off the trains and who
3 waited sometimes for as long as one week. You talked about the
4 sick and those who died. You told us about the corpses and the
5 stench of the bodies. When people were -- got off the train you
6 said they didn't receive any kind of care and they weren't fed
7 either, but did they receive any water, and if so, what was the
8 source of this water?

9 A. What I saw was that no water was given to them. They had to
10 make use of the water from the paddy fields to drink.

11 [11.43.26]

12 Q. Thank you. What about sleep? Did the people have hammocks?
13 Were they given anything to protect them from insects?

14 A. When it comes to sleep, people were -- would have to manage on
15 their own. Those who could have a piece of cloth to lay on the
16 ground before they could really spend overnight there, then they
17 would do so. Others would have to take refuge under trees or
18 elsewhere.

19 Q. Were they given mosquito nets?

20 A. No doubt such mosquito nets would not be given. They who --
21 those who could manage to bring along with them their own
22 mosquito nets, then would use them, but they were not given when
23 they were on the trains.

24 [11.45.02]

25 Q. What about hygiene? What about the conditions for washing and

1 so on?

2 A. There was no kind of hygiene. They had to have a wash. Again,
3 making use of the water from the paddy fields or maybe had a wash
4 in the paddy fields themselves.

5 Q. Are you saying that they were washing in the water that they
6 then drank?

7 A. Yes, that is correct.

8 Q. You told us that you weren't able to talk to people, but did
9 your hierarchical superiors allow you to provide assistance to
10 people?

11 A. No. I, myself, did not have enough to eat; I did not have
12 enough water to drink, let alone thinking of offering any
13 assistance at all to others, because I had been helping myself
14 first.

15 Q. Thank you. I am almost done. So, sir, you witnessed all of
16 this, and I'm very grateful to you for all of these details,
17 which are necessary to understand exactly how it was. Now, all of
18 these things that you saw, did you ever talk about them at the
19 time with your friends?

20 A. I was very sympathetic towards them. I talked about this to my
21 peers, but I couldn't do anything because I, myself, also
22 experienced the same hardship.

23 [11.47.52]

24 Q. When you did talk about this with your friends, what did you
25 say? How were you able to explain this to yourself or to them to

1 justify it?

2 A. I didn't talk to them to find out the justification behind
3 such treatment, but I did voice my sympathy, and the talking was
4 very limited because we were obliged not to say anything at all,
5 even we did not have enough to eat.

6 Q. Why were you obliged to say nothing?

7 MR. PRESIDENT:

8 Counsel for Mr. Nuon Chea, could you -- you may proceed.

9 MR. SON ARUN:

10 I take issue with the question as it is more speculative.

11 [11.49.18]

12 MS. SIMMONEAU-FORT:

13 Mr. President, I'm simply asking this gentleman to tell us the
14 simple facts about he was obliged to say nothing. He presumably
15 knows why he was obliged to keep his mouth shut. I don't think
16 that there's anything speculative here.

17 MR. PRESIDENT:

18 The objection is not sustained. Witness is now instructed to
19 respond to the question just put by counsel for the civil
20 parties, if he remembers the question.

21 Counsel for the civil parties, it appears to us that the witness
22 may have forgotten the question you just put to him. You may
23 repeat it.

24 BY MS. SIMMONEAU-FORT:

25 Q. Yes, Witness, you said that you felt sympathy for these people

1 but that you were obliged to say nothing. And my question to you
2 is, why were you obliged to say nothing?

3 [11.51.01]

4 MR. SOKH CHHIN:

5 A. Personally, I had nothing to say about this because I had
6 nothing to ask people about. I did see that people suffered and
7 the food was not decent enough and that happened to me as well,
8 so I had nothing to say.

9 Q. Let me close on the final question, sir. Were you afraid of
10 talking about certain things in those days?

11 A. I was absolutely afraid to say anything at all because I was
12 instructed to be silent.

13 Q. Thank you very much. I have no further questions.

14 Thank you very much, Mr. President.

15 [11.52.22]

16 MR. PRESIDENT:

17 Thank you, Counsel.

18 Next, the Chamber would like to ask counsels for Mr. Nuon Chea
19 whether they would wish to put some questions to the witness. If
20 so, how much time would they need to do so?

21 MR. PAUW:

22 Thank you, Mr. President. The Nuon Chea defence team thinks to
23 need one hour for its questioning. It might be a bit shorter, it
24 might be a bit longer, but one hour should be the target.

25 (Judges deliberate)

1 [11.53.25]

2 MR. PRESIDENT:

3 We thank you for this -- pieces -- or this piece of information,
4 and before the lunch adjournment the Chamber would like to
5 announce on the change of the scheduling commencing from Monday
6 the 5th of November 2012.

7 The Trial Chamber has been informed by the UNAKRT Administration
8 that due to financial constraints the Trial Chamber is unable to
9 replace a significant number of key international legal and other
10 staff. The shortfall reduces the number of staff to approximately
11 half that foreseen in the staffing table.

12 The Chamber, over the last three months, has repeatedly advised
13 the relevant UN bodies and the UNAKRT Administration of the
14 difficulties it is experiencing as a consequence. In response,
15 assurances have been given that staffing issues will be resolved,
16 but to date no finality has been achieved.

17 Consequently, the Trial Chamber indicated recently to those
18 authorities that while there is insufficient staff to support the
19 work of the Trial Chamber it cannot continue to sit for four days
20 each week, and that regrettably this will lead inevitably to an
21 extension of the time needed to conclude Case 002/01. Although
22 this advice was communicated by the Trial Chamber approximately
23 two weeks ago, there has been no confirmation that the staffing
24 issues will be resolved.

25 For that reason, and in order to give the parties and the public

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1 as much notice as possible, the Chamber will sit from Monday to
2 Wednesday only, beginning from the week commencing the 5th of
3 November 2012.

4 [11.57.00]

5 Now, the -- it is the appropriate time for lunch adjournment. The
6 Chamber will adjourn and the next session will be resumed by 1.30
7 p.m.

8 Counsel for Mr. Nuon Chea, you may proceed first.

9 MR. PAUW:

10 Thank you, Mr. President. Mr. Nuon Chea would like to follow this
11 afternoon's proceedings from his holding cell as he is suffering
12 from a back pain and a lack of concentration, and we have already
13 submitted the waiver.

14 MR. PRESIDENT:

15 Thank you, Counsel.

16 [11.57.45]

17 Now, counsel for Mr. Khieu Samphan, you may proceed.

18 MR. KONG SAM ONN:

19 Likewise, Mr. Khieu Samphan is not able to participate in these
20 proceedings in the courtroom because his sleep has been deprived
21 for the last few days, and for that he is not feeling well too,
22 and that he would like to be excused. His waiver would be
23 submitted to the Chamber in due course.

24 (Judges deliberate)

25 [11.59.07]

1 MR. PRESIDENT:

2 The Chamber has noted the request by Mr. Nuon Chea through his
3 counsel, and also the request by Mr. Khieu Samphan through his
4 national counsel in which they have asked the Chamber to retire
5 to the holding cells to observe the proceedings from there.

6 For Mr. Khieu Samphan, we have also received the confirmation
7 from the treating doctor that the Chamber is recommended that Mr.
8 Khieu Samphan should be allowed to observe the proceedings from
9 his holding cell remotely due to his health concerns. He has been
10 weak and fatigued because he has not had enough sleep for two
11 consecutive nights already.

12 The Chamber notes that such requests are reasoned, and for that
13 the Chamber would like to grant them by allowing both Mr. Khieu
14 Samphan and Nuon Chea to observe the proceedings from their
15 respective holding cell.

16 [12.00.53]

17 Both of the Accused persons have already expressly waived their
18 right to participate directly in the courtroom. The Chamber would
19 like counsels for both Mr. Khieu Samphan and Nuon Chea to submit
20 the waivers, giving thumbprint or signed by both of the Accused
21 on each waiver to the Chamber.

22 And the AV unit is now instructed to ensure that the AV equipment
23 is well-connected to the holding cells of the accused persons so
24 that they can observe the proceedings from there for the
25 remainder of the day.

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1 Security personnel are now instructed to bring Mr. Nuon Chea and
2 Khieu Samphan to their holding cells.

3 The Court is adjourned.

4 (Court recesses from 1201H to 1330H)

5 MR. PRESIDENT:

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

7 Before I hand the floor over to the defence teams, I noticed
8 that, Judge Lavergne, you might have some questions to be put to
9 this witness. You may proceed, Judge Lavergne.

10 QUESTIONING BY JUDGE LAVERGNE:

11 Yes, thank you, Mr. President. It's more a request for
12 clarification in relation to some information that might have
13 been provided before but maybe I didn't catch it.

14 Q. Witness, you explained to us that in -- regarding the
15 transport of people by train through Battambang, you said that
16 this took place in two steps: a step that followed the fall of
17 Phnom Penh in 1975 and a following step later. And, what I would
18 like to know is do you know what the final destination was of the
19 people who were transported in this way?

20 [13.34.00]

21 You spoke about a certain number of stations, but do you know how
22 far these people went, to where, where did they end up?

23 MR. SOKH CHHIN:

24 A. Good afternoon, Mr. President. I did not know where the last
25 destination would be. I only knew that people would be let off at

1 various cooperatives.

2 Q. So what you know is that these people were transported to
3 certain cooperatives, but without exactly knowing which
4 cooperatives these were. Is that what you are telling us?

5 A. Yes. That's what I meant. People were transported to
6 cooperatives.

7 [13.35.11]

8 Q. I have a last question for you. You spoke about the
9 transportation of people by railway and did you see people being
10 transported in other ways? Did you see, for example, people being
11 transported by other means than by train?

12 A. No, I did not. Besides that, they were transported by trains.

13 Q. Thank you, Witness. I have no further questions to put to Mr.
14 Sokh.

15 MR. PRESIDENT:

16 Thank you, Judge Lavergne.

17 [13.36.07]

18 The floor is now given to Nuon Chea's defence to put questions to
19 this witness. You may proceed.

20 QUESTIONING BY MR. PAUW:

21 Q. Thank you, Mr. President and good afternoon to all in and
22 around the courtroom, and especially good afternoon to you, Mr.
23 Sokh Chhin.

24 My name is Jasper Pauw. I am the lawyer for Nuon Chea,
25 international lawyer for Nuon Chea, and I will be asking you some

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1 questions relating to the statements that you provided to the
2 Investigating Judges and today here in the courtroom.

3 As always I will be speaking slowly for the benefit of the
4 translators, but if anything is unclear to you, please, do ask me
5 for clarification.

6 Mr. Sokh Chhin, this morning you stated that you do not remember
7 exactly when you were interviewed by the investigators of the
8 OCIJ. Could you perhaps give us an estimate? Can you tell us
9 about how long ago it was that you were questioned by the
10 investigators of the OCIJ?

11 The witness is looking at his statement, but I'm asking him to
12 answer from memory. So could the witness be instructed to not
13 read from his statement, but to answer the question from memory?

14 [13.38.19]

15 MR. PRESIDENT:

16 Witness, there is no need for you to refer to that document. If
17 you can recall the time, please say so, and if you cannot recall,
18 please state so as well.

19 MR. SOKH CHHIN:

20 A. I cannot recall the time.

21 BY MR. PAUW:

22 Q. Could you tell us whether, according to your recollection,
23 this was one year ago or two years ago or three years ago or four
24 years ago or five years ago; could you try to be a little bit
25 specific?

1 MR. SOKH CHHIN:

2 A. When I think back, it could be taking place in either 2008 or
3 2009.

4 [13.39.34]

5 Q. Thank you. And would you be able to remember the month that
6 this interview took place? And if you don't know you can state
7 so.

8 A. I cannot recall the month.

9 Q. When the investigators of the OCIJ came to your village, did
10 they explain to you why they wanted to talk to you?

11 A. Whatever I said to them is on the written record of the
12 interview.

13 Q. I understand that, but my question is slightly different.

14 When the investigators came to your village, did they explain to
15 you why they came to talk to you?

16 A. I cannot recall what they were speaking back then.

17 Q. And do you know how the investigators knew that you had been
18 working for the railroads during the regime of Democratic
19 Kampuchea?

20 A. The group came to me, to my house, and asked me questions that
21 when did I start working for the railway. My house was actually
22 located near the railway track as well.

23 [13.42.01]

24 Q. And did they explain to you why they came to your house and
25 not, for example, to the house of perhaps your neighbour; how did

1 they know they could talk to you about the railroads under the
2 regime of Democratic Kampuchea?

3 A. In my village, there are a number of former railway workers
4 and they came to me. They asked me questions and they told me
5 that they came from the ECCC.

6 Q. You stated that there are a number of railroad workers living
7 in your village. Did any of those other railroad workers
8 accompany the investigators when they came to talk to you?

9 [13.43.21]

10 A. Nobody actually accompanied the group. They came to my house.
11 They conducted an interview with me and then they interviewed two
12 other people. And I was told that one of them already died.
13 Actually, on that day, three of us were interviewed on the same
14 day and we were all former railway workers.

15 Q. And can you tell us how you know that on the same day three
16 people were interviewed by the investigators of the OCIJ?

17 A. I did not know much about that. After I concluded my interview
18 with them, then they interviewed the other two but I did not know
19 the substance of the other two interviews.

20 Q. You have testified also this morning about Om Proeung and you
21 have stated that he was in charge of the technical work. During
22 the DK regime, did you work together with him; did you work
23 closely together with him?

24 A. Yes, I worked with him.

25 Q. And can you give us an estimate as to how long you worked

1 together with him; was that throughout the regime of Democratic
2 Kampuchea or was that shorter?

3 A. I worked with him during the entire period of Democratic
4 Kampuchea.

5 [13.45.58]

6 Q. And you stated a little bit about his role today, but could
7 you tell me a little bit more about what he did during the
8 Democratic Kampuchea regime?

9 A. He was the chief of the Technical Section -- that is
10 specializing in road, bridge and building. He worked in his own
11 group, but he oversaw the technical aspect of the group. So let
12 me repeat. He specialized in road, bridge and building.

13 Q. Thank you for that answer.

14 And these days, are you still in touch with Om Proeung; do you
15 still see each other?

16 A. I also meet him and see him because he's my neighbour. He
17 doesn't live far from my house and he's also a retiree.

18 Q. And are you aware of the fact that Om Proeung has also given
19 testimony to the investigators of the ECCC?

20 A. No, I do not know about that. I do not ask him about that.

21 [13.48.05]

22 Q. And, during your interview with the investigators of the OCIJ,
23 was Mr. Om Proeung present considering that he lived near you?

24 A. He was outside; not within the interview group.

25 Q. And how did you know he was outside; did you see him outside

1 or did people tell you he was outside? Could you explain that,
2 please?

3 A. I was interviewed in a room and there was a window from that
4 room, and from that window I saw him walking outside.

5 Q. And do you know why he was outside while you were being
6 interviewed?

7 A. He -- I was not really sure. Probably he was chit-chatting
8 with the neighbours.

9 Q. According to the summary of the interview with Mr. Om Proeung,
10 Mr. Om Proeung has talked to the investigators off the records.
11 This means that the investigators of the ECCC spoke with Om
12 Proeung without recording those conversations.

13 [13.50.26]

14 MR. PAUW:

15 And the reference for that, Mr. President, is document number
16 D232/74: English ERN is 00422355, and the Khmer ERN is 00414480,
17 and can be found under question 60. It is, in fact, the
18 investigator himself who indicates that they have had
19 off-the-record contacts.

20 BY MR. PAUW:

21 Q. Mr. Sokh Chhin, you were interviewed on the same day as Mr. Om
22 Proeung and you were interviewed by the same investigator and it
23 all took place in the same village.

24 Did the investigator of the OCIJ perhaps speak with you as well
25 without recording this conversation or was the entirety of your

1 interview recorded?

2 A. Yes, we talked but I cannot recall the subject matters that we
3 talked about.

4 Q. Did the investigator explain to you that he had just spoken to
5 Om Proeung when he came to ask you questions?

6 [13.52.20]

7 MR. PRESIDENT:

8 Judge Lavergne, you may proceed.

9 JUDGE LAVERGNE:

10 Yes. I would like Counsel Pauw to explain to us the reasons for
11 such an assertion. He just said that the investigator had spoken
12 with the other witness -- I don't remember his name -- before he
13 spoke with the witness here present, if I understood correctly
14 what you said.

15 So what is the ground for such an assertion and what is its
16 relevance?

17 MR. PAUW:

18 Thank you, Judge Lavergne, for that question.

19 The source for the knowledge would come from the interviews,
20 summaries of the interviews, themselves. Witness Om Proeung was
21 interviewed on the 8 December 2009 at 9.15 a.m. and that
22 interview ended at 2.30 that same day, and 20 minutes later the
23 interview with this witness starts 8 December 2009 at 10 to 3 and
24 that goes on into the afternoon.

25 So that's where I base my knowledge on that these people were, in

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1 fact, interviewed on the same day and that Om Proeung was
2 interviewed first.

3 The relevance--

4 [13.54.06]

5 JUDGE LAVERGNE:

6 Yes, but I apologize, but that's not exactly what you just said
7 or the assertion that you used to question this witness. So the
8 fact that both witnesses were interviewed the same day is one
9 thing and that they were interviewed successively isn't something
10 else, but going beyond that seems a bit harder for me to
11 understand.

12 And, once again, I'd like to know what is the relevance of all of
13 these questions?

14 MR. PAUW:

15 To make sure I understand, Judge Lavergne, which assertion did I
16 make so I can respond comprehensively to your question?

17 [13.54.51]

18 JUDGE LAVERGNE:

19 Okay. I do not have the transcript in front of me. It might also
20 be a problem of interpretation, but it seems to me that I
21 understood that you had said to this witness that the
22 investigator said to him that he had interrogated the other
23 witness before he continued with the interview of this witness.
24 Maybe I didn't understand correctly or maybe you could clarify
25 this for me, please?

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1 MR. PAUW:

2 Yes, then I think we understand each other.

3 I did not assert that the investigator had told this witness that
4 he had spoken to the witness in the morning. My question was
5 whether the investigator had told this witness about such an
6 occurrence and that, obviously, is relevant if one wants to
7 examine sources of knowledge of this witness.

8 So I did not mean to assert that the investigator had told this
9 witness such a thing.

10 (Judges deliberate)

11 [13.56.55]

12 MR. PRESIDENT:

13 Defence Counsel, you may continue with your questioning of this
14 witness.

15 MR. PAUW:

16 Thank you, Mr. President.

17 BY MR. PAUW:

18 Q. And I'm not sure if the witness remembers the question but I'm
19 happy to repeat it if the witness so indicates.

20 MR. SOKH CHHIN:

21 A. No, I cannot recall it.

22 Q. When the investigator of the OCIJ came to interview you, did
23 he explain to you that he had been speaking to Mr. Om Proeung
24 earlier that day?

25 A. I cannot recall that.

1 [13.58.11]

2 Q. And to avoid confusion, the investigator of the OCIJ stated
3 that he had spoken to Mr. Om Proeung off the record, so without
4 recording those parts of the interview. Did the investigator of
5 the OCIJ also speak with you off the record, therefore, without
6 recording certain parts of your interview?

7 A. I cannot recall what I was asked, but I was later asked to be
8 interviewed by the team.

9 MR. PRESIDENT:

10 Thank you, Witness.

11 The Prosecution, do you have anything to say?

12 [13.59.21]

13 MR. ABDULHAK:

14 Your Honours, we were going to object, but perhaps the matter is
15 moot now that the witness has answered the question.

16 In our view, there's no proper basis to be reading to this
17 witness information about interview techniques conducted with
18 another witness during which interview this witness was not
19 present. My learned friend can quite competently and succinctly
20 put a question to this witness as to whether or not he was asked
21 any questions off the record.

22 References to other interviews in this particular context, to our
23 mind, are not appropriate.

24 MR. PAUW:

25 Mr. President, under normal circumstances, I would entirely agree

1 with the prosecutor, but in this instance, we are speaking about
2 a set of interviews that was conducted on the same day by the
3 same investigators. These two witnesses are neighbours and they
4 have worked at the same place during the regime of Democratic
5 Kampuchea.

6 [14.00.20]

7 Apparently, the one witness has been questioned off the record.
8 It's not the Defence claiming it; it's the investigator of the
9 OCIJ writing it down himself in the summary of the interview.
10 Therefore, there is reason to at least probe whether or not this
11 witness may have been questioned as well off the record.

12 [14.00.45]

13 Again, this is not the Defence going off on a fishing expedition;
14 it's the OCIJ itself acknowledging that off-the-record
15 conversations have taken place. So we think it's relevant for
16 establishing and probing the sources of knowledge and credibility
17 of this witness but, of course, we are in your hands.

18 MR. PRESIDENT:

19 Now, the witness is before you and he has made it clear that he
20 tried to recall what he has experienced and what he recollects
21 from his experience, and that is the reason for having him to
22 testify before the Court today.

23 [14.01.46]

24 And the Chamber wishes to remind you that Rule 76.7 is the sub
25 rule to be taken into account -- as for Rule 76.7 provides that

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1 unless it is subject to appeal, the Closing Order may rectify the
2 procedural errors, unless there is -- no -- any other issue may
3 be raised immediately before the Chamber or the Supreme Court
4 Chamber.

5 I do not really know your intention, but if I am not mistaken,
6 you have spent considerable time discussing this, and if you
7 refer to Rule 76.7 that can be self-explanatory and you may move
8 on.

9 [14.02.55]

10 MR. PAUW:

11 Thank you, Mr. President. I hear you stating that my intentions
12 are not clear. Let me then, very briefly, explain what my
13 intentions are.

14 I am not raising any procedural defect. I could not care less
15 about a procedural defect, as such.

16 I'm talking about the sources of knowledge of this witness and
17 whether or not his testimony may have been contaminated by either
18 the investigator of the OCIJ or, perhaps, the other witness.

19 I'm simply doing what every defence lawyer in the world should be
20 doing. It's questioning the sources of knowledge of this witness.

21 But I understand your ruling and we will move on.

22 BY MR. PAUW:

23 Q. This morning, Mr. Sokh Chhin, you mentioned in answering a
24 question by the civil parties that you had found out only
25 recently about the role of Nuon Chea during the regime of

1 Democratic Kampuchea.

2 [14.04.10]

3 Could you tell us how you found out about this role? Did you read
4 about this or did you talk to people? How did you find out about
5 the role of Nuon Chea?

6 MR. SOKH CHHIN:

7 A. I learned about his role only when I watched the TV broadcast
8 once in a while, but when he was the chairman of the People's
9 Assembly I did not know his role.

10 Q. And when you speak about the TV broadcasts, which TV
11 broadcasts are you referring to?

12 A. I am referring to the broadcasts on the TV station, the CTN TV
13 station, of their live feeding of the proceeding at the
14 Extraordinary Chambers in the Courts of Cambodia.

15 Q. And when you watch those TV programs, do you discuss these
16 with members of your family or friends?

17 A. No, I did not; I only watch it for myself.

18 Q. And since 1979, have you discussed with members of your family
19 events that took place during the regime of the Democratic
20 Kampuchea?

21 A. No, I have never attempted to recall it. I have never
22 discussed it either with my family members or with my friends.

23 [14.06.57]

24 Q. And we are moving to your work that you undertook at the
25 railroads during the regime of Democratic Kampuchea.

1 You have stated that you were responsible for 21 kilometres of
2 the railway. Did that mean that you had to go out every day to
3 check and repair those tracks?

4 A. Yes, that's correct. I had to do that on a daily basis.

5 Q. And is it correct to state that you were living in Trapeang
6 Chong?

7 A. Yes, that is correct, in Sangkat Trapeang Chong, Pursat
8 province.

9 Q. And can you explain to us how far Trapeang Chong was from that
10 stretch of 21 kilometres that you were repairing and checking?

11 A. The 26-kilometre stretch was within Pursat province and it
12 started from Khlang Oeun (phonetic) Road all the way to the
13 railway near Boeng Khnar location.

14 [14.09.03]

15 Q. And how would you get to your work in the morning? Was the
16 railroad next to your commune or did you have to go there by car
17 or walk or some other way?

18 A. As for the technical work relating to the railway, in my
19 "sangkat" or commune, we had lorry. Lorry was used to transport
20 workers and staff members, and this lorry carries a few people
21 and we had to push it along in order to move us along this
22 railroad. So, at that time, we call this tool as lorry to carry
23 people, and it has four wheels and we put the wood on it and then
24 we have to push it. That was the typical means of transport for
25 the staff working in my location at the time.

1 Q. And would you be working every day or did you have days that
2 you could stay in Trapeang Chong?

3 A. No, we did not have the time to take off except when we were
4 really sick, but we rarely said that we were sick because
5 otherwise we would have been accused of being consciously ill
6 also, so we had to work even if we were sick.

7 Q. And how often would you go to Leach?

8 [14.11.33]

9 A. Along the railroad, there was a crossroad leading to Leach,
10 but I had never been to Leach and I never knew it, but people
11 would put a stop over there in order to connect it to Leach.

12 Q. Just to make sure I understand you correctly, let me ask the
13 question once more in a slightly different form.

14 During the regime of Democratic Kampuchea, how often would you go
15 to Leach? Would it be -- well, let me ask the question like this.

16 A. During the Democratic Kampuchea period, I never visited Leach.

17 [14.12.42]

18 Q. You were also asked this morning the following question, and
19 I'm paraphrasing because I do not have the transcript. The
20 question was:

21 "Did Ta Moum or Ta Meak give you any instructions about trains
22 coming through and carrying people?"

23 And your answer was:

24 "No, he did not, he did not know about this because I saw this
25 situation what happened only along the railway tracks."

1 Could you explain to us what did you mean by stating that you saw
2 the situation only along the railway tracks?

3 A. My role was to repair the railroad, and as for the goods or
4 items transported, I did not know whose -- who those items
5 belonged to. I only knew that there were items and people who
6 were being carried by the railroad. And along that railroad there
7 was one crossword connecting to Leach.

8 Q. You just now speak about items that were being carried by the
9 railroad. Could you tell us which items were carried by the
10 railroad?

11 A. As for the goods or items carried by the train, as you may be
12 aware that there were different wagons for different purposes.
13 Certain wagons of the train were reserved for carrying goods and
14 others were meant to carry people, but, at the time, I did not
15 see goods -- those wagons which were used to carry goods were
16 then used to carry people.

17 [14.15.31]

18 Q. Maybe I did not understand your earlier question just now --
19 your earlier answer just now then. I thought that you indicated
20 that these trains carried items as well as people. Is that a fair
21 rendering of your answer earlier?

22 A. When I mention goods earlier on, I wanted to emphasize that
23 there were certain wagons used to carry goods in the past, but at
24 that time, there were no wagons used to carry any items or goods.
25 During the Democratic Kampuchea, they made use of those wagons to

1 carry passengers.

2 Q. And you have stated earlier that the wagons that were used for
3 transporting people were the type of wagons that were usually
4 used for transporting goods.

5 [14.17.00]

6 Can you describe for us what these wagons looked like? For
7 example, did these wagons have windows to look out through for
8 the people or were they entirely closed, as is often the case
9 with transportation wagons?

10 A. Those wagons look like a small cubic room with about
11 four-metre width and about 16 metres long and there were only
12 four gateways.

13 Q. And did these wagons have windows?

14 A. The wagons did not have windows.

15 Q. And you said that there were four gateways. Could you explain
16 to us what you mean with "gateways"?

17 A. They were the doors actually and when people were asked to get
18 on the train, they had to go through the doors.

19 In the past, those wagons were reserved for items transport and
20 then they would put the items or goods through these doors, but
21 during the Democratic Kampuchea, people were asked to get on the
22 train through those doors.

23 [14.19.12]

24 Q. And after the people got on the train, were those doors closed
25 or did they remain open?

1 A. No, the door remained open and people who were standing nearby
2 the doors were asked to move a little bit away from the door but,
3 of course, the door remained open.

4 Q. So there would be enough air entering the train during the
5 trip; is that your assessment?

6 MR. PRESIDENT:

7 Witness, please hold on.

8 Mr. Prosecutor, you may proceed.

9 MR. ABDULHAK:

10 Your Honours, my friend is asking a question that, based on the
11 evidence elicited thus far, would be asking the witness to
12 speculate. Unless the witness has been on one of these wagons
13 with 40 to 50 people or unless he's an expert in how air is
14 calculated in terms of cubic metres, etc. Then the question is
15 completely out of place.

16 [14.20.40]

17 MR. PAUW:

18 Mr. President, I did not hear the prosecutor object when the
19 civil parties asked about exposure to sunlight, and I think the
20 witness, if he has seen the trains, he would well be able to
21 answer the question as to whether or not there was enough air,
22 enough ventilation, in those trains.

23 MR. PRESIDENT:

24 The objection and the grounds of objection by the Prosecution is
25 sustainable (Recording malfunction) witness need not answer this

1 question.

2 [14.21.26]

3 BY MR. PAUW:

4 Q. Mr. Witness, when you saw those trains passing by, in your
5 assessment, did there seem to be enough ventilation for the
6 passengers aboard that train?

7 MR. SOKH CHHIN:

8 A. There was enough ventilation and-- (Recording malfunction).

9 Q. You have stated that you were living in Sangkat Trapeang
10 Chong. Did you sleep in this commune every night after you were
11 transferred there?

12 A. In Sangkat Trapeang Chong, they built houses for us to stay,
13 so we stayed there. We stayed there 24 hours, around the clock.

14 Q. Thank you. And after you were done with checking on the rails
15 and repairing the rails, you would be transported back to your
16 commune; is that correct?

17 A. No, that was not the case. At that time, nobody transported us
18 back to our hometowns, we had to get on the trail by ourselves
19 and then we have to push it using the stick in order to push us
20 forward using the rail.

21 [14.23.36]

22 Q. And can you give us an estimate as to how long it would take
23 you to get home to your commune?

24 A. It varied. Over the 26 stretch (sic), there were certain
25 portions of the rail that were derailed and we had to repair and

1 we had to stay for a long period of time in order to get it
2 repaired. But in other places, there were only minor
3 deterioration of the rail or - so, it took us a short period of
4 time to repair.

5 And as for the travel times, it also varied from day-to-day,
6 depending on our strength. Once we were energetic, we could push
7 it forward faster than the other day.

8 Q. I'm sure it is -- I'm sure you have explained this already,
9 but just for me to understand.

10 The commune that you were living in, was that along the railroad
11 track?

12 A. The commune where I lived was close to the railroad track, it
13 was -- the houses that were built for us were about only 10
14 metres away from the rail track. And there were dining halls and
15 the worksite near the railroad as well.

16 [14.25.42]

17 Q. Thank you; that makes things a lot clearer.

18 I would now like to ask you some questions as to the role of Ta
19 Moun.

20 You have it this morning that management was under Ta Moun and he
21 could decide whatever he wished to. How do you know that Ta Moun
22 could decide whatever he wished to?

23 A. I did not know how the decision was made, but on a day-to-day
24 work we had to do as what he asked us to do on a daily basis, but
25 as for -- as to how the decision was made or how the direction

1 was made, I did not know. But we had to do what he asked us to
2 do; otherwise, we would be accused of not respecting the party's
3 policy or Angkar's policy.

4 Q. So is it fair to say that you experienced him as he was making
5 the decisions involving your life and work during the regime of
6 Democratic Kampuchea?

7 A. Yes, that is correct.

8 [14.27.42]

9 Q. And you have also stated that Moum reported to the train unit
10 in Phnom Penh. And could you explain to us how you know that Moum
11 responded -- or reported to the train unit in Phnom Penh? Did you
12 ever witness him reporting to the train units in Phnom Penh, for
13 example?

14 A. I saw him go to Phnom Penh on a special train. And upon his
15 return, he would convene the meeting and in that meeting,
16 normally, he set forth the direction of work for our colleagues.

17 Q. And you have also stated that trains passing through were
18 under the command of the train units in Phnom Penh. How do you
19 know that those trains were under the command of the train unit
20 in Phnom Penh?

21 A. That -- that is correct because no one would have the power to
22 order it because we were at the sub-national level and nobody at
23 that sub-national level would be able to set the direction or
24 order to -- for the train to go to any direction to pick up the
25 people, so there could have been no one else but people from

1 Phnom Penh who set out such order.

2 [14.30.00]

3 Q. And did you ever see any of those orders? Did you see any
4 written documents coming from Phnom Penh relating to the
5 movements of trains?

6 A. That I -- I do not know and I never saw any written documents.

7 Q. And you have also stated that the train stations were under
8 the authority of the train units in Phnom Penh. The same
9 question, did you ever see any documents coming from Phnom Penh
10 that would suggest that the train unit in Phnom Penh was in power
11 over these train stations?

12 A. During the regime, all the work was similar to that -- what we
13 did in the previous regime. Unless there was an order issued by
14 the Phnom Penh authority, then the work would be done or
15 conducted. The order or the structure was similar to that
16 assisted in the previous regime.

17 [14.31.48]

18 Q. And how would you receive your orders? Would that -- would
19 they always be issued by Ta Moun, himself, or was there someone
20 under Ta Moun that issued orders for you?

21 A. As for the work I did along the 21-kilometre railway track,
22 everything was done according to the instruction of Ta Moun.

23 Q. And you say "everything was done according to the instructions
24 of Ta Moun", but just to be clear; does that mean that Ta Moun,
25 himself, gave you the order personally or was there perhaps

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1 someone under Ta Moun that conveyed his orders to you?

2 A. There was nobody else below Ta Moun who would issue orders to
3 us. It was Ta Moun, himself, who gave orders.

4 Q. And can you tell us how many staff members Ta Moun had under
5 him? Can you give us an estimate?

6 A. I couldn't recall the number of staff members under the
7 control of Ta Moun. I can recall that within my group, there were
8 18 members.

9 [14.34.09]

10 Q. That is a clear answer.

11 Mr. President, I am almost done with my questions, but I would
12 seek your leave to have the possibility to confer, for a short
13 period, with my national co-counsel, Mr. Son Arun, to ask him to
14 clarify something for me which I simply do not know, not being a
15 Cambodian national, and I see that the time is -- would be
16 appropriate for a break, so with your leave, I would ask you to
17 break now and then when we return, I will have at most five
18 minutes left of questioning if any. So it is -- I'm in your hands
19 obviously.

20 MR. PRESIDENT:

21 Thank you. We'd like to check with you whether you have consulted
22 with the other two defence teams regarding time allocation
23 because for this witness, all the three defence teams are
24 allocated one afternoon session, only, to question this witness.

25 [14.35.31]

1 MR. PAUW:

2 You are entirely right, Mr. President. I must say I've been too
3 enthusiastic and I have not checked with my colleagues, but I am
4 sure that they, themselves, can indicate that I would have leave
5 to proceed for five minutes and I see nodding so five minutes, at
6 most, after the break, if any.

7 MR. PRESIDENT:

8 Thank you.

9 Ang Udom, you may proceed.

10 MR. ANG UDOM:

11 Good afternoon, Mr. President, Your Honours, everyone in and
12 around the courtroom. The Nuon Chea's defence team may have more
13 time to put question to this witness as our team does not have
14 any question to be put to this witness. Thank you, Mr. President.

15 [14.36.40]

16 MR. KONG SAM ONN:

17 Mr. President, my team also does not have questions for this
18 witness, so Nuon Chea's defence may use our time.

19 MR. PRESIDENT:

20 Thank you for the information.

21 The time is appropriate for a break. We shall take a break and
22 resume at 3 p.m.

23 Court Officer, could you assist the witness during the break and
24 have him returned at 3 p.m.?

25 (Court recesses from 1437H to 1501H)

1 MR. PRESIDENT:

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

3 I hand over to the defence team for Mr. Nuon Chea to continue his
4 line of questioning. You may proceed.

5 MR. PAUW:

6 Thank you, Mr. President, and thank you for the opportunity to
7 let us discuss briefly, amongst ourselves, about certain issues.
8 The good news is that I, after this conversation, do not have any
9 further questions for this witness.

10 I do want to point out, for the record, that several Khmer
11 speakers have commented on the translation of the expression "off
12 the record" and we just want to make sure there's no confusion
13 about this term. So when we speak about a conversation that is
14 off the record, what is meant usually means that a conversation
15 has been conducted, in this case, between the OCIJ and the
16 witness and that conversation has not been recorded. So I hope
17 that makes it also a bit clearer for the Khmer speakers the
18 issues that we were raising with regard to that interview we were
19 talking about, off the record conversations between investigators
20 of the OCIJ and another witness in the village of this witness.

21 [15.03.54]

22 Other than that, I have no further comments. So I would like to
23 thank you, Mr. Sokh Chhin, for coming here and answering these
24 questions today on behalf of the Nuon Chea defence team. And I
25 would cede the floor to my colleagues, but I believe they have no

1 further questions.

2 MR. PRESIDENT:

3 Thank you. It appears that the other defence teams do not have
4 any question to put to the witness and if you do, you may
5 proceed, but if not, the hearing of the testimony of Mr. Sokh
6 Chhin comes to an end.

7 Mr. Sokh Chhin, your testimony before us has come to an end. You
8 may now return to your home or any destination you wish to go and
9 we would like to take this opportunity to thank you very much for
10 taking time to testify before this Court; particularly, you have
11 made every effort to respond to all the questions put to you.
12 Your testimony contributes significantly to ascertaining the
13 truth.

14 [15.05.18]

15 Court officer is instructed to coordinate with the WESU unit for
16 the transport of this witness back home.

17 Mr. Sokh Chhin, you are now released and we wish you the best of
18 luck and safe trip back home.

19 (Witness excused)

20 MR. PRESIDENT:

21 Court officer is now instructed to bring in the civil party,
22 TCCP-64, to the courtroom.

23 The Chamber wishes to advise the parties that, in accordance with
24 the request by Ieng Sary, dated the 1st of October 2012, through
25 his defence counsel, that he has expressed his waiver of his

1 right to be present directly in this courtroom in relation to a
2 number of witnesses and civil party, including the civil party
3 before us now, TCCP-64. Mr. Ieng Sary is now being hospitalized
4 at the Khmer Soviet Friendship Hospital, and he has waived his
5 right to be present directly in the hearing of the testimony of
6 this civil party due to his health reason. And the Chamber
7 decides to hear the testimony of TCCP-64 without the direct
8 presence of Mr. Ieng Sary in accordance with Rule 81.5 of the
9 Internal Rules of the Extraordinary Chambers.

10 [15.07.50]

11 QUESTIONING BY THE PRESIDENT:

12 Q. Good afternoon, Civil Party. What is your name?

13 MS. LAY BONY:

14 A. Good afternoon. Good afternoon, Mr. President, and Your
15 Honours. My name is Lay Bony. I was born on the 20th of March
16 1950 in Sangkat Number 4, Phnom Penh.

17 Q. Thank you, Madam Lay Bony. Where is your current residence?

18 A. I live in Trapeang Chhuk village, Street 371, Tuek Thla
19 commune, Phnom Penh city.

20 [15.08.44]

21 Q. What is your occupation now?

22 A. I am a housewife.

23 Q. What is your father's name?

24 A. My father's name is Lay Krui. He is deceased.

25 Q. How about your mother; what is her name?

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1 A. My mother's name is Khut Sin. She is deceased.

2 Q. Thank you. How about your husband; what is his name and how
3 many children have you got?

4 A. Do you mean my present husband? My present husband is Chan
5 Savorn and I have three children.

6 Q. Now, in the capacity -- your capacity as civil party, you may
7 take this opportunity to express to the Court the injury you have
8 sustained physically, materially, which may have resulted from
9 the crimes that took place during the period of the Democratic
10 Kampuchea that amounted to your application to join as a civil
11 party before the Chamber. And you may also express other
12 suffering and injuries that you sustained during that period. And
13 this right is being granted to you and you may make the statement
14 at the conclusion of the testimony. The Chamber will grant you
15 appropriate time to make such a statement and you -- we advise
16 you from an outset so that you may prepare yourself accordingly
17 when you wish to express the suffering and injuries you sustained
18 during the period.

19 [15.11.11]

20 The Lead Co-Lawyer for the civil parties, in accordance with Rule
21 91 bis of the Internal Rules, the Chamber hand over the floor to
22 the civil party Lead Co-Lawyers to put question before any other
23 parties to these proceedings. You may now have the floor.

24 MR. PICH ANG:

25 Good afternoon, Mr. President. Good afternoon, Your Honours. For

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1 this particular civil party, lawyer Moch Sovannary and counsel
2 Simonneau-Fort will put the question to the civil party.

3 MR. PRESIDENT:

4 Thank you.

5 Counsel, you may proceed.

6 QUESTIONING BY MS. MOCH SOVANNARY:

7 Q. Good afternoon, Mr. President. Good afternoon, Your Honours,
8 and good afternoon, civil party. I will start the question first
9 and then Madam Simonneau-Fort will follow.

10 [15.12.20]

11 My questions will base largely on the statement of the civil
12 party before the Co-Investigating Judge, dated the 6 of August
13 2009, document D246/2, and with your leave, Mr. President, I
14 would like to have this statement present to the civil party and
15 have it projected on the screen.

16 MR. PRESIDENT:

17 Court officer is instructed to obtain the hard copy from the
18 civil party lawyers and present it to the witness for her
19 examination.

20 BY MS. MOCH SOVANNARY:

21 Q. With the document you are being presented, do you recall that
22 there were staff member from the Extraordinary Chambers in the
23 Courts of Cambodia went to interview you?

24 MR. PRESIDENT:

25 Madam Lay Bony, please be reminded that you should wait until you

1 see the red light is on before you speak so that your voice can
2 get through the sound system and then the interpretation can get
3 through. You may proceed.

4 [15.14.01]

5 MS. LAY BONY:

6 I remember that following my application to join as a civil
7 party, there was a summons calling me to meet at somewhere around
8 Kap Kor (phonetic) market. I thought that they were asking me to
9 discuss my application. They put me certain -- they put to me
10 certain questions and I responded to their questions and I recall
11 having that interview.

12 BY MS. MOCH SOVANNARY:

13 Q. Thank you. I would like to break my question into three parts
14 in relation to this document: The first part concerns the -- your
15 family status as well as your living condition before the victory
16 of the Khmer Rouge on the 17 of April 1975. The second part of my
17 question concerns the reason for the eviction of you and your
18 family out of Phnom Penh city and the third part of my question
19 concerns the second wave of evacuation of you and your family
20 from Khsach Kandal in Kandal province to Bakan district in Pursat
21 province.

22 My first question to you that was before the arrival of the Khmer
23 Rouge soldier in Phnom Penh and in order to follow up with this
24 question, I would like to ask you to look at ERN in Khmer of the
25 same document, 00373245; English, 00379155; and French, 00422447.

1 According to this statement, you said that your son died before
2 the arrival of the Khmer Rouge soldier which was on the 17 of
3 April 1975. Can you tell the Court the conditions and the overall
4 living condition of the delivery of your baby? At that time, were
5 you not allowed to deliver your baby in the hospital?

6 [15.16.50]

7 MS. LAY BONY:

8 A. At the time, the country was in a chaotic situation. I was
9 pregnant and it was mature at that time. I stayed in front of
10 Long Nget hospital clinics and at that time, there were rocket
11 launched over Cambodian hotel so my mother did not send me to the
12 hospital because she was concerned that we would separate. So she
13 asked the midwife -- the traditional midwife to come and help me
14 deliver the baby.

15 So she asked one midwife -- and I, at that time, had to sustain a
16 long labour pain. It was rather long, but then, finally, I could
17 deliver the baby. But unfortunately, my baby died prematurely
18 before it was born and I thought that I -- that was because of
19 the improper delivery of the baby due to the unprofessional
20 medical level of the midwife. And at that time, I did not feel
21 very well after delivering the baby because probably there were
22 lack of hygiene during my delivery. So I went to a hospital
23 afterwards in order to have my health check. But 20 days
24 afterwards, I -- on the 17 of April 1975, I had to be evicted out
25 of my home and out of the city, as well, just 20 days after I

1 delivered my baby.

2 [15.18.38]

3 Q. Thank you. I would like to refer to the same document, but in
4 another section in the relevant ERN in Khmer, 00373245; in
5 English, 00379156; in French, 00422447. At that time, you told
6 the investigator that your husband was the captain in the army
7 during Lon Nol and I would like to expand a bit further. Your
8 husband was a captain in the Lon Nol soldiers and when did he
9 leave the Lon Nol soldier; in other words, when did he remove his
10 military uniform of Lon Nol soldier?

11 A. At the time, my husband had to remove the uniform, but it was
12 before the Khmer New Year. At that time, the country was in a
13 very chaotic situation and Lon Nol was evacuated somewhere else,
14 so those soldiers who were standing guard of his house had to
15 return home, at that time, and he had to abandon his soldier
16 status and remove his uniform.

17 [15.20.18]

18 Q. In relation to the condition of the Lon Nol soldiers, at that
19 time, is it a fair summary to say that the Lon Nol soldier
20 abandon Phnom Penh city when Lon Nol left Phnom Penh? Is that a
21 fair summary of the event, at that time, as it unfolded?

22 A. I do not recall the events, at that time, but to my
23 recollection, my husband told me that Lon Nol, the Marshal -- the
24 Field Marshal, Lon Nol, had left Phnom Penh, so he did not go to
25 work as regularly as before. He just went there once in a while.

1 Q. So my next question is in relation to the overall condition of
2 the people in Phnom Penh before the entry of Khmer Rouge soldier
3 in Phnom Penh. What was the overall situation like in Phnom Penh;
4 I mean, in relation to the foodstuff and also security issue in
5 Phnom Penh? Can you tell the Court the overall situation of Phnom
6 Penh, at the time, just before the Khmer Rouge came?

7 A. At the time, the situation was very, very chaotic. And at that
8 time, the price -- the food price surged. The -- we could hardly
9 find any rice to buy. And the commodities, in general, was very
10 volatile, and there were many people -- influx of people from the
11 countryside into Phnom Penh.

12 [15.22.11]

13 And as for my family, we had to dig up the trench just underneath
14 our house and at that time, we were prepare to hide ourselves in
15 the trench, and we were looking for other stuff. And at that
16 time, I did not really have problem with food shortage because my
17 husband was a soldier and then the soldier were given sufficient
18 rice, at that time, so in my family, we did not have problem with
19 rice, but we had problems with other foodstuff like meat and
20 things like that. And at time, we heard the firing as well as the
21 shelling from everywhere across the country and then we were very
22 attentive to the situation, at that time, and it was real
23 chaotic. And before the fall of Phnom Penh, we could hardly
24 describe situation because we did not know what was what at that
25 time. It was real chaotic.

1 Q. Thank you. So you experience living in such a chaos situation.
2 What was your expectation of the Khmer Rouge soldiers in Phnom
3 Penh following the 17 of April victory?

4 A. Following the victory on the 17 of 1975, the country was in
5 chaotic situation. And as I said, there was a huge influx of the
6 country people into Phnom Penh. When the Khmer Rouge soldier came
7 in, we were very happy. We congratulated them. We thought that
8 they would bring peace to the country. We raised white clothes to
9 welcome them. We saw people chanting and clapping along the
10 street and everyone believed that Cambodia -- or peace would
11 return to Cambodia.

12 [15.24.22]

13 Q. Thank you. So now, I would like to move on to the eviction of
14 you out of Phnom Penh. So immediately after the Khmer Rouge enter
15 Phnom Penh, where did you live? We would like to know the
16 specific location where you resided when the Khmer Rouge came to
17 Phnom Penh.

18 A. When I was sick, at that time, I stay in a house in front of
19 Long Nget hospital and once I -- my -- I got better then I came
20 to stay in my house near Koh Pich Theatre near Paet Chen
21 (phonetic). I continued to stay in my house, but I stayed there
22 for just a few days, then on the 17 of April, the Khmer Rouge
23 soldier came to Phnom Penh and they order that we have to leave
24 our house immediately and they order us to leave on the pretext
25 that the Americans would bomb the city so they wanted to -- they

1 wanted the resident of Phnom Penh to leave for a temporary
2 period, say seven to -- three to seven days.

3 [15.25.54]

4 And at that time, I had two children; one was three years old,
5 the other one was five years old. So I could not carry many stuff
6 with myself and I thought to myself that I could simply have the
7 money so I could buy anything in the countryside, so I did not
8 bring many stuff with me. I only brought the bank notes with me.
9 But immediately when I left the city, I heard from people that
10 they did not use bank notes anymore. Bank notes were not in use.
11 And what is more, I also saw that there were a lot of roadblocks
12 along -- out of city and there were jams and there were people
13 all over the street, and we had to move very slowly. From Koh
14 Pich to the Royal University of Law took me the whole morning.
15 And at that time, it was a very tough day in my life because I
16 had just delivered my baby, and I had to travel on foot. I had to
17 carry my two kids with my, as well, and under the daylight and
18 sunlight and I -- it was a very, very tough moment in my life. I
19 had never endured such a tough life before. Before I had many
20 house helpers at my place, but it was a very difficult moment in
21 my life. And then after the night, I walked past Chbar Ampov
22 Bridge.

23 [15.27.36]

24 Q. Thank you. Thank you. Madam, thank you. I will move on to that
25 part of the journey out of Phnom Penh, but I would like to ask

1 you to slow down a little bit for the interpreters to render it
2 properly.

3 So after the victory of the Khmer Rouge, did the Khmer Rouge
4 announce anything for the public once they took power?

5 A. At that time, they announced through radio broadcast -- the
6 national radio broadcast saying that the Khmer Rouge took
7 complete control of the country. So people in Phnom Penh, the
8 Phnom Penh dwellers, remained silent and calm and stayed in their
9 house until further instruction or information be given.

10 [15.28.38]

11 Q. In the radio broadcast, did they make mention any plan of
12 evacuation of people out of the city?

13 A. I did not hear the announcement on the radio in relation to
14 that particular instruction, but the direct instruction we
15 received were from the soldiers who came to our house.

16 Q. You said just now that there were orders from the soldiers.
17 They ordered you to leave your house. So in your recollection, in
18 your record of interview, the relevant ERN in Khmer, 00373245,
19 that is the same page in Khmer; and English, 00379155; in French,
20 00422447; on this part of the interview, you said that they had
21 weapons with them; they had guns with them, so we were asked to
22 leave our house at gunpoint so we had to leave. So I would like
23 to ask you, precisely, how many soldiers came to your house and
24 order you leave?

25 A. Initially, I saw only one soldier coming to my house, but

1 after -- during the time that we were talking, two more Khmer
2 soldiers arrived and every one of them carried a gun.

3 Q. What uniforms were they wearing?

4 A. They were wearing black uniform and they wore a cap or beret.

5 [15.30.45]

6 Q. When they entered your house, what was their attitude and what
7 did they tell you?

8 A. At that time, I was in my house. They were quite animated
9 talking to my husband and to my neighbours who were living on the
10 ground floor. I live on the upper floor. And after that -- after
11 they left, my husband came up to me and told me that they firmly
12 ordered us to leave immediately, that we could no longer stay in
13 our house. And as my husband saw them in their firm character
14 with guns, then we started to pack our house and put on the
15 truck. So four or five families living in that house also packed
16 our belonging and put on the truck.

17 Q. Did you protest that you did not want to leave?

18 A. At that time, we dare not protest because we saw them carrying
19 guns on their shoulder and their attitude was very firm.

20 [15.32.10]

21 Q. Thank you.

22 When the Khmer Rouge soldiers entered your house, did they know
23 that your husband was a former Lon Nol military officer?

24 A. No, they did not go to the upper floor so they were not aware
25 that my husband was a military officer.

1 Q. Can we say that your husband concealed his identity when he
2 spoke to the Khmer Rouge soldiers? Did you see what kind of
3 treatment the Khmer Rouge soldiers did to the Lon Nol soldiers?

4 A. I saw some events and I was told by others that the Lon Nol
5 soldiers were -- had their hands -- their arms tied behind their
6 back as they -- they look at the -- the ankles of those people
7 and they could see whether they were former military officers or
8 soldiers.

9 Q. Your entire family was forced to evacuate from Phnom Penh. Can
10 you tell the Court what were the members of your family and how
11 many altogether?

12 [15.33.48]

13 A. At that time, there were four of us in my family; namely, my
14 husband, myself, and our two children. However, when we left on
15 the truck, there were my cousins who were living together with us
16 and then they -- the two families and the housemaid of my cousin,
17 they were also boarding that truck.

18 Q. Let me now move to the part that you were en route leaving
19 Phnom Penh. In your document on page in Khmer with the ERN
20 00373246; and English, 00379156 and 56 to 57; in French,
21 00422448; you stated that if anyone had to return back home, then
22 that person would be shot by the soldiers. The question is: How
23 did you learn about that? Did the Khmer Rouge make such an
24 announcement?

25 A. I learned that through my husband and my relatives, who were

1 travelling with us, as we saw dead bodies along the road and we
2 asked what happened to them and we were told that those people
3 wanted to return back and they were shot and that's how I learned
4 about that.

5 [15.35.56]

6 Q. On the same page, you also stated that en route you saw people
7 being evacuated from the Russian hospital and that you saw sick
8 people living on the bed and some of them were travelling and
9 were pushed by other people. The question is: Did you see the
10 sick people who were evacuated from the hospital and if so, how
11 many of them did you see?

12 A. At that time, I could not describe the real event, but from
13 what I see from the truck, I saw them and I asked what happened
14 to them and they said that they were from the hospital. There
15 were hospital beds and some of them had the IV injection on.
16 Those who could walk would walk and those who could not walk
17 would be carried and some of them would stay on the hospital bed
18 and were pushed or pulled by another person.

19 [15.37.05]

20 Q. During the evacuation of people from the hospital, did you see
21 that the Khmer Rouge soldiers were managing such evacuation and
22 if so, can you describe what was their attitude toward the sick
23 people or the patients who were evacuated from hospital?

24 A. At that time, I saw Khmer Rouge soldiers. They -- their facial
25 expressions were firm. They carried guns and their eyes moved

1 around, but they did not pay much attention to the patients. They
2 said all people had to be evacuated, including the patients. They
3 all had to leave Phnom Penh.

4 Q. In the same document, on the same page, you also stated that
5 you saw dead bodies along the road in Preaek Pra. My first
6 question relating to this point is that the Preaek Pra village
7 that you spoke of, where was it located?

8 A. Preaek Pra village was located near -- at the base of the
9 Chbar Ampov Bridge. There -- it was on the road to the side of
10 the bridge and it was mostly -- it is mostly occupied by the Cham
11 people now.

12 [15.38.51]

13 Q. When you arrived firstly at that village, what was the
14 situation like?

15 A. Upon my first arrival, I was very thirsty due to the heat from
16 the sun, so I asked my husband to look after the two children,
17 and I went to look for water. At that time, it was in early
18 evening and I saw dead bodies and I moved to another place --
19 another house, I also saw dead bodies. So I was so terrified and
20 shocked because I did not see such dead bodies around before. So
21 I left and I met other people who also told me that they also saw
22 dead bodies elsewhere, but we did not know how they died.

23 Q. The dead bodies that you saw, were they fresh dead bodies or
24 were they already decomposing?

25 A. At that time, there was no bad smell yet; otherwise, we would

1 not enter the house. And there were young children in the hammock
2 and there were also women.

3 Q. Let me now move on in the same document on the page with the
4 Khmer ERN 00373246 to 47; in English, 00379157; and in French,
5 00422448 -- my apology 49. You stated that you could no longer
6 move further because you just recently delivered a baby and my
7 husband got off the truck and the truck went ahead. We stay in
8 that pagoda for two weeks. My question is which of your relatives
9 went ahead and which remained with you?

10 [15.41.23]

11 A. At that time, we cross the Kaoh Krabei commune in order to go
12 to S' ang commune. There was a pagoda and we stay in that pagoda.
13 I was very unwell and my husband said that we could no longer
14 move; we had to stay in the pagoda.

15 At that time, my cousin who used to live with us, he also stopped
16 and rested in that pagoda. And the people on the truck asked
17 whether we wanted to -- to go with them, but my husband responded
18 that we could no longer go because I am -- I was unwell as I
19 recently delivered the baby. And then we were told that they had
20 to go ahead in order to meet with Angkar, and the situation would
21 become better. But by then, I did not know what Angkar was.

22 [15.42.27]

23 Q. Regarding your personal health, I have a question for you.
24 During the time that you stay in Svay Prateal village, what was
25 the situation like? What were measures taken by the Khmer Rouge

1 soldiers toward the evacuees; for example, food supply,
2 accommodation and medicines, in particular, regarding your
3 unhealthy status and your two young children? Did they provide
4 any medical care to you?

5 A. At that time, I did not see any Khmer Rouge soldiers taking
6 any steps in taking care of the people. I lived there for four to
7 five days and instantly, when we arrived, we had no rice to cook
8 because we already spent the rice en route. So I went into the
9 village and I was told that even the Base People did not have
10 rice to eat and in fact, they actually used corn in place of the
11 rice and then I begged for corn from them in exchange of some of
12 the possessions that I had.

13 And that was the time that my younger daughter had her bowel
14 problem because that was the first time that she ate such food,
15 so her stomach would not be able to sustain such food and after
16 we ate such food for four to five days.

17 [15.44.20]

18 And while I was unwell, some of the Base People came to me and I
19 actually asked them about the situation back in the village and I
20 was told that I should register our name and then I could get the
21 food ration from the soldiers there and I did that so then I got
22 some rice. For each person, we was given one can of rice per day,
23 so as we had four members in our family, we got four cans of
24 rice. We got rice, but we had to look for other foodstuff.
25 And at that time, my younger daughter was sick and we did not

1 have any medicines for the treatment, so for that my younger
2 daughter got that disease since.

3 Q. In that same document, you also stated that you left Svay
4 Prateal village and arrived at the Chheu Teal commune in the Kien
5 Svay district. On page with the Khmer ERN 00373247; in English,
6 00379158; and in French, 00422449; you stated that we wanted to
7 go to Svay Kandal district as my mother lived there. The question
8 to you is that during such chaotic situation, how could you know
9 that your mother was still there?

10 [15.46.22]

11 A. At that time, I knew that my family members, including my
12 mother and my aunt, already reached Anhcheaeng Leu village in
13 Khsach Kandal district as my cousin was looking for us and then
14 we met my cousin and I was told that my family members already
15 reached that location. So we prepared our belonging together with
16 my cousin. Whatever we could carry, we carried. And my cousin had
17 their children -- had her children who were rather teenagers so
18 we returned to Kien Svay district at Chheu Teal commune and there
19 was a road leading to (inaudible) commune so we returned to that
20 location in order to meet my mother.

21 I was thinking that I was unwell and my daughter was unwell and
22 if I could meet my family members, they would be able to support
23 me either physically or mentally or they could find herbal
24 medicine, too, for our treatment.

25 [15.47.45]

1 Q. On the same page, you also stated that Khmer Rouge did not
2 allow you to go ahead and that you could not return; that if you
3 attempted to return, the Khmer Rouge would kill you. How did you
4 learn about that? Were you threatened not to return or what
5 happened at the time?

6 A. At that time, once we left, there were military checkpoints
7 and we were told that we could not proceed further and that we
8 should enter the village and not to wander around, and that
9 Angkar would take measure. But I rested on the road, but I did
10 not enter the village. During the day, we rested, but at night,
11 we tried to flee, but we were caught and we were returned.
12 But on the fourth night, we could flee, but my cousin, by then,
13 didn't want to wait for us so my cousin already had left. So my
14 husband and I had to flee with a little bit of our belonging. I
15 carried my younger daughter at the front and my younger -- my
16 older child at the back. At that time, we did not have any means
17 of transportation. We had to carry our belonging by ourselves and
18 walk on foot. And at that time, you could imagine, I just
19 delivered a baby, so my health was very weak. And my cousin who
20 stopped at the Svay Prateal village didn't go further because
21 they -- as they decided to live in that village, but my husband
22 and I decided to flee and yes, we fled.

23 [15.50.04]

24 Q. In your written record of interview, you stated that you were
25 evacuated from Phnom Penh passing through Russian hospital,

1 Preaek Pra, Kaoh Krabei, Kien Svay, Svay Prateal, S' ang until
2 you reach Anhcheaeng Leu village in Khsach Kandal district,
3 Kandal province where your mother reach that location before you.
4 So my question is, en route from Phnom Penh to Khsach Kandal
5 district, did you notice that Khmer Rouge soldiers checked the
6 biography of the people travelling on road?

7 A. I did not see that at that time; however, let me go a little
8 bit further. When I met my mother, my father -- my mother told me
9 that my other in-law, who was a colonel, was gathered and
10 returned to Phnom Penh in order to work in Phnom Penh as he was
11 informed.

12 [15.51.25]

13 Q. So during the -- in order to link to your -- the second phase
14 of evacuation, during the time that you stay at the cooperative
15 in Svay Kandal district, Kandal province, did the Khmer Rouge
16 cadres receive you properly together with other evacuees; I
17 meant, in term of accommodation, work arrangement for newly
18 arrived people like yourself?

19 A. At that time, when I first arrived, I registered my name with
20 Comrade Yorn. Yorn was the chief of the group and I knew that
21 person, so I registered my name with his group so we were allowed
22 to stay in his house. It was a big house so the house could be
23 called the house of the rich, well, people in that area. We
24 stayed in that house and I worked in the farm.
25 Firstly, we went to build dykes. At that time, it was not yet

1 rainy season. And later on, we was given a plot of land to build
2 a house. My mother and I, including other people comprising of 10
3 members, was given a plot of land and we build a small hut from
4 bamboo. So my other sister and her family also built a house
5 nearby. So we worked during the day and we returned to the house
6 at noon. It became a regular habit.

7 [15.53.18]

8 And during the rainy season, I went to transplant the rice
9 seedlings. At that time, I did not know how to do that. I had to
10 learn how to do it. I tried my best how to follow the local
11 people there because I was afraid that if I could not do it, I
12 would be killed. And one time, I went to transplant rice at
13 Preaek Kong Van (phonetic) Bridge -- it is still located in Puk
14 Ruessei commune these days -- and I was asked to cross the -- the
15 lake in order to transplant the rice, but I did not know how to
16 swim and I drowned. However, I was helped by other women. I
17 almost drowned. And from that day, I tried my best to work hard
18 and try to do as best as I could with the Base People there.

19 [15.54.22]

20 Q. Allow me to interrupt you as I have some other questions
21 later. As the President informed you, you will have the
22 opportunity to express your suffering at the end of your
23 testimony.

24 You spoke of a person by the name of Yorn in your written record
25 of interview in the document with the Khmer ERN 00373247 to 48;

1 and in English, 00379158; and in French, 00422450. You stated
2 that Yorn was the chief of the group of the Khmer Rouge and was a
3 relative of yours, and that Yorn concealed your identity and the
4 identity of your relatives. How did you know that he had
5 concealed the identities of your family members?

6 A. I knew because the wife of Yorn told me because we knew the
7 wife of Yorn. Yorn's wife was an in-law of my uncle and they, of
8 course, knew well of our background. So she told me that staying
9 here, I had to conceal our identity and if we were asked about
10 the profession of my husband, I should tell anyone that he was a
11 taxi driver and never ever say that he was a military officer, so
12 I told all my relatives and family members about that. And Yorn
13 also tried to conceal that information and of course, it was
14 concealed.

15 [15.56.30]

16 And another relative member of Yorn had her husband as a military
17 official, but because the villagers there knew the person, that
18 person was taken away and never returned. He was taken away at
19 night and for that reason, he warned us not to reveal our
20 identity.

21 Q. Allow me to move to the second phase of your evacuation from
22 Khsach Kandal district, Kandal province to Kampong Chhnang
23 province. In the same document, you stated that Pat, the village
24 chief, arrived at your house and informed you that you had to
25 pack your belonging in order to depart for Battambang province.

100

1 You also state only newcomers were evacuated. I have a few
2 questions regarding this point. The words that you use,
3 "newcomers," what kind of people were you referring to when you
4 used these terms?

5 [15.57.41]

6 A. Newcomers, as I stated in that statement, I meant the 17 April
7 People who were evacuated from Phnom Penh and who newly arrived
8 as in our case.

9 Q. When that village chief told you to leave your house from
10 Kandal province for Battambang province, did he tell you whether
11 he received instruction from anyone in particular?

12 A. At that time, he did not tell me that. What he told me was to
13 pack our belongings, that newcomers would be taken to be -- to
14 live or to resettle in Battambang province, which was a better
15 and rich province with enough food and rice to eat, and down
16 there; it was insufficient as we newly liberated the country.

17 Q. You said Pat was the village chief. Can you tell the Court
18 whether Pat, in his capacity as the village chief, what was his
19 role in terms of the Khmer Rouge administrative structure?

20 A. I did not know about that. I was only told that he was the
21 village chief. And within the village, it -- it was divided into
22 various groups. I only learned of that information from somebody
23 else, but I did not know of what status he was amongst the Khmer
24 Rouge cadres.

25 [15.59.35]

101

1 Q. Did the village chief tell you the reason that your family and
2 the newcomers had to be moved to Battambang province and not the
3 Base People?

4 A. Yes, he did. He said that we had to go to Battambang as
5 Battambang had plenty of rice and down here, Angkar could only
6 accommodate a certain amount of families and the food was
7 insufficient and there was plenty of food in Battambang. And when
8 we learned about that, we were rather happy as Battambang was a
9 rich province.

10 Q. Can you then tell the Court who actually organized for your
11 trip to leave your house in Khsach Kandal district toward
12 Battambang province? Who made such arrangement?

13 A. It was the village chief. After I packed my belonging, an ox
14 cart came to the front of our house. We put the belonging on to
15 the cart and the person who rides the ox cart knew the duty where
16 they had to drop us off from the cart.

17 [16.01.03]

18 MS. MOCH SOVANNARY:

19 Mr. President, I have five or six more questions to be put to
20 this witness -- to this civil party, but the time is now
21 appropriate for the break.

22 MR. PRESIDENT:

23 The Lead Co-Lawyers for civil party and the Prosecution, you are
24 reminded that the time allocated to you is for one morning
25 session and now you spent one hour already so you will have a

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1 part of tomorrow morning's session to question this civil party.

2 Please try to use your time effectively.

3 Thank you, Ms. Civil Party. The time is appropriate for the

4 adjournment today and we will resume tomorrow morning starting

5 from 9 a.m. And for tomorrow proceeding, we will continue to hear

6 the testimony of Lay Bony.

7 Ms. Lay Bony, your testimony has not yet concluded and you are

8 invited to return to testify again tomorrow morning.

9 [16.02.24]

10 Court Officer, in coordination with WESU, could you assist this

11 civil party to return to her accommodation and have her returned

12 tomorrow morning at 9 a.m.

13 Security guards, you are instructed to take the two accused, Nuon

14 Chea, and Khieu Samphan, to the detention facility and have them

15 returned to the courtroom tomorrow morning prior to 9 a.m.

16 The Court is now adjourned.

17 (Court adjourns at 1602H)

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