



Evacuation of Phnom Penh, April 17, 1975 (Source: Documentation Center of Cambodia)

A “Living Hell”: Continued Testimony on Forced Evacuations

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Hearings in Case 002/1 continued on Wednesday, October 24, 2012, at the Extraordinary Chambers in the Courts of Cambodia (ECCC) with civil party Lay Buny concluding her testimony. After providing detailed comments on various evacuations that the witness was part of during the Democratic Kampuchea (DK) regime and life in cooperatives and security centers, the civil party concluded her testimony with a lengthy and moving statement of her suffering. Most memorably, she stated that:

It was like living in hell. We do not understand why they treated us so inhumanely, why they put us in such a degrading situation. ... I would like to ask the Court to search for the truth. I would like to know who was behind these heinous crimes. ... I hope that the court will be able to find justice for us.

During the afternoon, the Court heard testimony from witness Kong Kim. Responding to questions from the Office of the Co-Prosecutors (OCP), Mr. Kim testified extensively on a number of issues, including the evacuation of Phnom Penh by the Khmer Rouge and the treatment of Lon Nol soldiers and civilians during that evacuation.

Civil Party Lay Buny Testifies on Multiple Evacuations

Civil party Lay Buny, who like many other Cambodians was wearing a ribbon of mourning for King Father Norodom Sihanouk, resumed testimony this morning under questioning from National Civil Party Co-Lawyer Moch Sovannary, and before an audience of students from Pong Tek high school in Phnom Penh. Asked by Ms. Sovannary about the civil party’s second forced evacuation to Pursat province, Ms. Buny responded that “rain had started falling heavily

as it was the farming season” and that she had been “transplanting rice when asked to pack her luggage,” which she was told was in preparation for a transfer to Battambang.

In her testimony to the Office of the Co-Investigating Judges (OCIJ), Ms. Sovannary continued, Ms. Buny had said that she was transferred by ox cart, then boat, then Chinese military truck.¹ The civil party now added that she “saw three ships, big vessels.” People were to load their luggage immediately so that they could arrive in Kampong Chhnang before sunset. “It was not very crowded; ... there were less than 100 people. ... All the evacuees were from Psach Kandal district, from different communes and villages,” she stated, adding that Khmer Rouge zone soldiers were in charge.

Pressed for details of the ox carts at Koh Chum pagoda in Pursat, which Ms. Buny had testified to the OCIJ were poised to transport people to other locations,² Ms. Buny said that after asking around, she found out that the soldiers in charge of these ox carts were from “Sector 22 and Sector 23, for example. ... They asked us where we would like to go ... and I said I had no idea.”

Ms. Buny testified that the Khmer Rouge cadres in Psach Kandal did not honor their stated promise to transfer people to Battambang, where food was plentiful. People were instead transferred to Pursat. Were they then transferred to Battambang? Ms. Sovannary asked. The witness confirmed that people were not and that the alleged transfer to Battambang was likely a mere pretext to get people to move. “I don’t believe that they cared so much about failing to honor their promise,” she said. As to food supplies in Koh Chum cooperative, Pursat province, Ms. Buny testified:

Whenever the rice transplant season came, it was the most difficult time concerning food. We did not have food to eat in particular during the farming season, but I managed to bring along some food so that we could survive on it.

On the situation of evacuees more generally, Ms. Buny said that at Koh Chum cooperative, people in her neighboring village had to clear bamboo trees to build a village. “The evacuees in that village all died ... because of the ordeal,” she said. Evacuees were “made to form groups, eating communally. ... People were tasked to work at different locations. When people fell ill, we were not offered any medicine. Food itself was in short supply.”

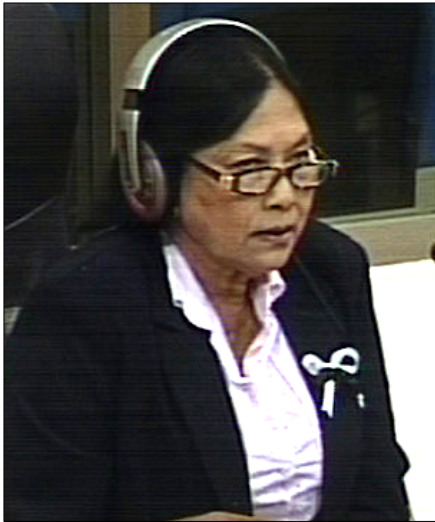
Ms. Sovannary next asked whether the transport of people from Pursat to Bakan was friendly. The civil party responded that if there were an intention to treat people well, the Khmer Rouge would have brought people “all the food supplies they wanted.” There should not have been food shortages “because there was plenty of food available. However, the Phnom Penh dwellers, the evacuees, were kept at a distance for tempering,” she said.

International Co-Lead Lawyer for the civil parties Elisabeth Simonneau Fort then redirected the civil party back to evacuation of people from Phnom Penh, first asking how long it lasted. Ms.

¹ This record of interview has the document number D246/3, and the relevant ERNs are 00373249 (in Khmer), 00379159 (in English), and 00422451 to 52 (in French).

² The relevant ERNs are 00373250 (in Khmer), 00379160 (in English), and 00422452 (in French).

Buny replied, “I cannot recollect this precisely, but I left on April 17, and ... we reached Ksach Kandal district by the end of the Khmer New Year. So ... approximately one month.”



People who could not travel independently, like hospital patients, “would be pushed by a wheeled hospital bed or carried in stretchers or hammocks. Somebody who was seriously ill could also be carried on someone’s back while walking,” Ms. Buny explained. People gave birth along the wayside, and evacuees could hear their cries, she recalled, adding that the evacuees eventually found midwives to assist them.

Life in the Cooperatives, and Arrests and Disappearances

Ms. Buny testified that she arrived in Anh Chanh Leu village twenty days after giving birth but “did not have the courage to tell people that she had just given birth to a baby,” and so engaged, like other evacuees, in carrying heavy loads of banana trees. They were also taught Angkar’s policies for digging canals and building dykes, she added.

Ms. Simonneau Fort asked the civil party to describe the differences she observed between “new people” and “base people” day to day. Ms. Buny said:

The “old people” had been living in the communities for a very long time. They had their own belongings, property; they had their household utensils ready for use. The April 17 people were new people, evacuees. ... We left with nothing. We were business people. We were not used to farming, chopping small trees to clear paddy fields. We had to make the most of it. For example, we would take advantage of having brought along belongings to exchange them for things we needed ... knives or other kitchen utensils. We did not do very well in performing our farming tasks. We were accused of not being skilled, being passive. The old people actually got used to the work; they could do things much faster than we did.

Regarding the level of respect afforded to “new people” and “old people,” Ms. Buny said, “New people were not treated equally to old people. ... New people had to build themselves.”

As to the fate of the civil party’s five-year-old daughter, Ms. Buny recounted:

When we reached Ksach Kandal, my daughter had been ill for a few days already. She had severe diarrhea. ... I was asked to pick some leaves for her to treat her illness. Every family member got ill with fever ... When [my visiting aunt] saw this, she wanted to take my daughter to live with her so that she could be treated. ... I agreed to let her go. ... I believed that my daughter would be properly treated or taken care of, only to learn that she died.

In the first place to which Ms. Buny was evacuated, she heard about people being arrested. She had lived with Comrade Yorn and a few families and was asked to conceal her identity. She was also told to tell people that she was “a taxi driver or food vendor.” She recalled that one of her family members was already known to locals, having been there previously on several occasions and that “later on, he disappeared.”

Ms. Simonneau Fort queried whether explanations were ever given when people disappeared. The civil party denied this, saying they only learned that people were taken to work at other locations and they lacked the “strength” to inquire further as to the fate of such people.

Ms. Simonneau Fort asked about the conditions of April 17 evacuees during their second evacuation, to Pursat. Ms. Buny responded that the food the evacuees “ate on the road was not good for us, it was bad for our stomachs.” Pressed as to details of the health conditions of the evacuees more generally, Ms. Buny testified that they were generally in good condition in the early days:

In Pursat, I managed to keep some rice for trading with other people, so we still looked reasonably normal. However, after time passed, we did not have enough food to eat. We ate very little food. We ate food that made our bodies become swollen. We noted that at the time, even the pigs were given more food than human beings.

Ms. Simonneau Fort redirected Ms. Buny back to her time in Koh Chum cooperative, asking her about the fate of her son. The civil party testified that they were separated into groups at that cooperative and that they traded some supplies with other cooperatives. She continued:

We had to work very hard. We did nothing but concentrate on farming. In the evenings, we would attend livelihood meetings, and I was criticized for not efficiently performing my tasks. I was in Phnom Penh before and I married a high-ranking officer; I did not know how to do this hard work before. In the cooperative, I had to carry water to irrigate the plants. The pond where the water was fetched was far from the location of the plants. It was so difficult. I could not manage to comply with the plan, and for that I was severely criticized.

Pressed further, she added that her son Sinariddh “got ill again, he contracted diarrhea. Noting that nothing could cure his illness, I asked that he be admitted to Kun Deang hospital, where he died. I returned to the cooperative where only my husband and I survived.” Similarly, her younger sister also died “after she had a kind of symptom where her whole body swelled. She couldn’t survive this ordeal.”

Ms. Buny stated that in Koh Chum cooperative, she was under surveillance every evening, and she observed that members of other families were disappearing every day. She was told to “keep mum, because the walls have ears. ... People disappeared.” She recalled, “The husband of my neighbor was taken away. A group of family members were also taken away. Later on, it also happened to me and my husband.”

Ms. Simonneau Fort noted that Ms. Buny's husband had been a Lon Nol soldier. Asked about his fate at Koh Chum cooperative, Ms. Buny replied, "I did not know why they learned about my identity and that of my husband. Later on, I noted that the security guards of the security center approached my husband and kicked him repeatedly and asked him where he hid his handgun."

At the security center, her husband was "accused severely [and] detained in a detention facility in complete darkness. ... We were separated forever until the day that my husband was executed." Ms. Buny was brought to the security center due to her husband being accused. However, she was not interrogated and was allowed to work and eat outside the cooperative. Her husband was not. He was given only one "full ladle of porridge and a grain of salt for each meal," she said.

The place where she and her husband were taken, Ms. Buny continued, was an execution site. She was "pushed into a room," and "was terrified":

Plates and bowls used for serving rice were used to keep feces. The stench was horrible. I was to remain in the prison. I had to place my nose close to a small hole so I could breathe. I saw a very young, underage soldier come. He was armed. ... He accused Comrade Khin of stealing some fish. I saw the young boy hack the person's stomach. His internal organs were spilling out, and he was stabbed with a bayonet. I could not cry.

Soldiers would come every day to ask for a different age group so that they could be sent to the zone. I did not know what the zone was. I was told that it was a place with plenty of food, with oranges. ... I asked that I be allowed to go to the zone so that I could be offered enough food to eat. They did not allow me to go with them. It was fortunate; ... otherwise I could have been executed already.

The soldiers who brought us to work ended up being prisoners themselves at a later date, some of them. When we asked about the executions, the guards – turned prisoners – said that the killings had started by 1975. By 1977, approximately 100,000 people had already been executed. People who disappeared and who were believed to be sent to the zone were sent to be executed. Their clothes would be brought back for the remaining people to use. After that, I learned that the zone was the place where executions took place.



Although she was initially told she could return to Phnom Penh, Ms. Buny recounted, this did not happen, and she dared not ask why.

Further Details on the Evacuation of Phnom Penh

Ms. Simonneau Fort asked the civil party for her view as to the real reason for the evacuation of Phnom Penh. Ms. Buny responded that she thought it was for tempering and that being told that they were leaving only for three days was a ruse to

ensure that people would not take their belongings with them. Ten of her family members ultimately died as a result of their treatment, she said, with only two remaining.

Ms. Simonneau Fort asked whether the witness was of the view that the evacuation “belonged to a broader policy by the Khmer Rouge.” Ms. Buny agreed with this proposition, stating that the Khmer Rouge “did not value human beings.”

They didn’t care about the lives of people. Of course they had plenty of medicine and rice, but they did not provide it to the people. ... Their intention was to eradicate us so that newborn people would have new ideas based on [the Khmer Rouge’s] thinking and the way they acted at the time.

At this point, International Senior Assistant Co-Prosecutor Vincent de Wilde put a series of follow-up questions to the civil party. He first asked Ms. Buny of the name of her first husband, who had been in the Lon Nol army. Ms. Buny responded that he was Prak Sinath, born in 1948 in Pursat province.

The prosecutor then asked the witness if she had seen fighting on April 17, 1975, in Phnom Penh. The witness said that she only knew that the Khmer Rouge had arrived and that the shelling had stopped. They were “jubilant” about this, she added; she was, however, “afraid,” because she heard that Lon Nol soldiers were guarded and then disemboweled, with their livers being taken.

Mr. de Wilde queried Ms. Buny about Khmer Rouge soldiers’ behavior upon seeing crowds of people celebrating their victory. Ms. Buny replied, “When we raised our hands to congratulate them, they raised their hands back, but they were attentive in manner. They were vigilant.” She was visited by two Khmer Rouge soldiers who ordered her to leave the city, she recounted; Ms. Buny had actually prepared her belongings already “due to the shelling of the previous days ... We just had to prepare food for ourselves. ... [She and her family] decided they had to leave, because they were afraid that they would be shot.” Initially, Ms. Buny stated, they were told that they would have to leave for three days or up to seven days. She wondered how they could go to the countryside without sufficient belongings and concluded that they were indeed leaving for only that amount of time. Ms. Buny added:

They did not tell us specifically where we had to go. ... When we reached Monivong Boulevard near the Royal School of Law, it was so crowded. ... When we reached Kbar Thnal junction, the road became less crowded. But they did not tell us where we had to go.

Khmer Rouge soldiers told people to leave by whatever means they had, Ms. Buny testified; they did not tell them what belongings to bring. Her family did not bring rice, she said; they only brought money, which they thought could be used along the way. She added that the Khmer Rouge soldiers did not tell her that money would be useless, and she “became hopeless” when she learned this en route.

Mr. de Wilde queried Ms. Buny as to the excuses proffered by the Khmer Rouge for the evacuation. Ms. Buny replied that the only excuse given was avoidance of an American bombardment, of which the people also were afraid.

As to the two Khmer Rouge soldiers who had ordered the civil party to leave, Mr. de Wilde asked, had they threatened the civil party? Ms. Buny denied this, but said that as she could see the soldiers were armed, they were already afraid. “We had to go because we were so afraid of the American aerial bombardment,” she added. “We saw the damage caused by their previous shelling, so we had to leave.”

The civil party did not see people trying to discuss the reasons for the evacuation with Khmer Rouge soldiers, but her family members did. The soldiers simply said that people had to leave or they “would be killed.” She was also threatened en route, describing that “it seemed that Khmer Rouge soldiers really despised [Lon Nol] soldiers. When they saw my green bag, they asked me to throw away my bag. I was terrified, so I poured out my belongings onto a scarf and threw the bag away immediately.”

Ms. Buny did not see the targeting of Lon Nol soldiers, she said, but her family did. If the Khmer Rouge noticed the ankles of some people indicated that they were boot wearers, “the Khmer Rouge would conclude that they were soldiers and they would be arrested.” One of Ms. Buny’s in-laws had been a Lon Nol army colonel. At the time of the evacuation, he went to Prey Eng. There was then an announcement that all soldiers should then return to Phnom Penh. He did so, she said, and was never seen again; his family concluded that he had been killed by the Khmer Rouge.



Mr. de Wilde pressed the civil party for details about bodies she had seen during the evacuation. Ms. Buny said, “The bodies that I saw at Prey Proteal were in civilian clothes. I saw young children’s bodies in the hammocks. They were simply civilians. I did not know for what reason they were killed.” She also saw dead bodies en route during the evacuation. Who were these dead people? Mr. de Wilde asked. Ms. Buny responded, “They were in civilian clothes.”

At this point, Mr. de Wilde moved to discuss Khmer Rouge checkpoints during the evacuation. Ms. Buny testified that when they reached a checkpoint that they could not move beyond, her family tried to escape to Ksach Kandal district, Kandal province to join their family there. The Khmer Rouge did not try to confiscate belongings at checkpoints except if they were military in nature.

The civil party then testified that she first stayed in Prey Proteal district for two weeks. It was the inhabitants there, she said, who told her that they were known as the “April 17 people” and that the native inhabitants were known as the “base people.”

Mr. de Wilde asked Ms. Buny whether her second evacuation, ostensibly to Battambang but really to Pursat, was ordered. Ms. Buny agreed that it was but added that they did not protest this because they knew that Battambang was rich at that time. They were told they should leave because there were insufficient supplies to support new families in their existing location, she added.

Mr. de Wilde queried whether Ms. Buny was obliged to draft her biography upon arrival at the cooperative. Ms. Buny denied this; people were separated into groups and questioned about their life in Phnom Penh, however, and she told people her husband had been a driver.

Returning to the evacuation of Phnom Penh, National Senior Assistant Co-Prosecutor Chan Dararasmey asked whether anyone was able to request not to leave Phnom Penh. The civil party did not know. As to whether business people or ordinary people were also arrested during the evacuation, Ms. Buny responded that when she was at the tempering office, she learned that “not only had soldiers been arrested but civilians too, as they were accused of being capitalists, feudalists, or those who sold gold at the market in Phnom Penh.” The civil party did not learn about the evacuation in advance of the visit by the Khmer Rouge soldiers.

Mr. Dararasmey pressed the civil party for details about criticism meetings. Ms. Buny said that these meetings were “led by the group chief and deputy group chief.”

The purpose was for people to criticize anyone who was a member of the group who made a mistake. Base people were allowed to protest any criticism. But for us, the April 17 people, we kept silent and just tried to commit ourselves to refashioning ourselves and trying not to make a mistake again.

When evacuees fell ill, they were permitted to rest, she said, but they “couldn’t afford to be sick, because others would say that we pretended to be sick, and give us a strange look.”

Ms. Buny explained further about people’s activities in the cooperatives, stating, “During the dry season, we would be asked to dig canals, to keep water for paddy fields. During the rainy season and the farming season in part, we were asked to transplant rice, to build dykes, and so on and so forth.”

Mr. Dararasmey asked the civil party about the nature of torture perpetrated at the security centers. National Co-Counsel for Ieng Sary Ang Udom objected to this question on the basis that this question was irrelevant. However, Mr. Dararasmey countered that this question related to the treatment of Ms. Buny’s husband. The president sustained Mr. Udom’s objection as it strayed from the focus of the evacuation of the cities to which questions had to relate directly.

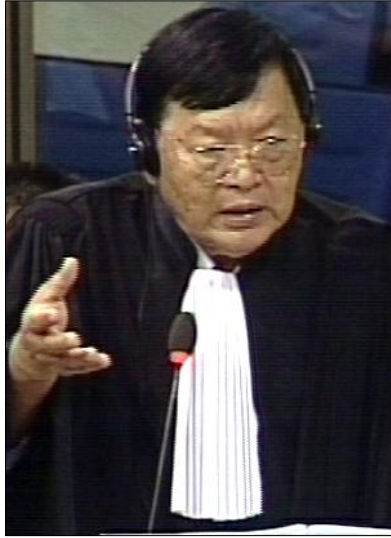
Accordingly, Mr. Dararasmey moved on, seeking further details from Ms. Buny as to the hardships she endured. Ms. Buny responded:

I had a lot of difficulties. ... I was raised in Phnom Penh. I never got used to hard labor. I had just delivered my baby for a few days, and when I was evacuated, I

had to be separated from my family members. After delivering a baby, my health was not good.

Ms. Buny then repeated her previous testimony regarding the transportation of sick people from hospital, and noted that base people had suffered hardships as well.

Nuon Chea Defense Team Seeks Clarifications from the Civil Party



Following the break, National Co-Counsel for Nuon Chea Son Arun put a few questions to Ms. Buny. Referring first to the record of Ms. Buny's OCIJ civil party interview, he noted her testimony that a man had been taken to the cooperative dining hall and it was announced that he had been trying to flee. The man was then beheaded, although Ms. Buny had said she did not see the fatal stroke, only the beheaded head on the ground. He asked the witness whether she saw the head falling down, or merely saw it when it was already on the ground.

Ms. Sovannary interjected at this point, seeking further precision on Mr. Arun's reference. Mr. Arun duly provided the document numbers,³ at which point Mr. de Wilde also interjected, questioning the defense's reasons for questioning the civil party on these details, because the questions were not relevant to the Case 002/1 trial and did not relate to the treatment of Lon Nol soldiers. Mr. Arun stated that he was simply asking the civil party for clarification on testimony she had already given to the OCIJ. The president directed Ms. Buny to respond. She said:

Trach Kraol prison was the last reeducation center where I was imprisoned. Wherever anyone attempted to escape the center, they would call a rally. During that rally, they would present the person. Normally, we met at the communal dining hall. Before we finished our lunch, they would present prisoners they had captured ... who had been trying to escape. The Party would smash these kinds of people. ... At that time, everyone was aware that these people were beheaded. ... We heard the scream, and when we turned back, we saw that the person had been beheaded and we saw the beheaded head on the ground. ... The situation there was very horrible. ... People over there lived in a very miserable situation.

Pressed further by Mr. Arun, Ms. Buny said that she did not see the actual decapitation as she was afraid to look.

Mr. Arun also referred to the witness's prior testimony to the OCIJ that Khmer Rouge soldiers were later imprisoned themselves, and she believed it was correct that up to 100,000 prisoners were killed between 1975 and 1976. He asked the civil party on what her view was based. Ms. Buny responded:

³ The relevant ERNs are 00379146 (in English), and 002456 (in French).

Every two days, they brought up to 100 to 200 people for execution. They started killing not only in 1976 but it started in 1975. If you do a little of the calculations that there are 365 days a year and they killed 100 to 200 people every two or three days, then you can imagine how many prisoners would have been killed during that period. ... It was very crowded. We saw people frog marched. We saw them only one or two days and then those people disappeared, so I thought that they must have been killed. ... We heard from people ... who frog marched those prisoners out. ... They were themselves imprisoned as well, and told us they took people to be executed. Even at night, we could smell the odor of people perishing.

Mr. Arun turned to the series of evacuations which the civil party undertook during the DK period. He first asked Ms. Buny whether she ever received direct instructions from leaders to evacuate. Ms. Buny responded that she certainly did not move from her own desires but did so under orders, adding that she “heard from the leaders, especially the unit chiefs supervising the crowd. They were members of the army.”

He asked Ms. Buny whether she was specifically imprisoned, or was simply among the crowd and considered this imprisonment. She said that from mid-1976, she was in Pursat province and was imprisoned all the time; she could not leave the prison camp: “There were ordinary prisons and there were dark prisons; ... we had to live with many, many prisoners.” Mr. Arun asked whether the Khmer Rouge called that place a prison. The witness disagreed with this, responding that it was called a “reeducation center.”

Mr. Arun queried the civil party as to whether those in charge wore uniforms. Ms. Buny agreed with this, stating, “They wore black clothes ... and they were armed at all times.” As to the language used by people in charge, specifically whether they spoke in Khmer or ethnic dialects, Ms. Buny responded, “When they gave us instructions to work, their accents were purely Cambodia, and if I recognized their accent correctly, they were people from Pursat province.” Ms. Buny added that she never saw any foreigners during the DK period.

Finally, Mr. Arun asked the civil party about her final statement to the OCIJ about her expectations from participating in the process. To refresh the civil party’s memory, Mr. Udom read her statement:

I want justice for those innocent people who died during the Khmer Rouge regime. I want the Khmer Rouge senior leaders to be held responsible and punished for the offenses to be committed. I would also like to find those who supported, who were at the back of the Khmer Rouge regime, both foreigners and Cambodians.⁴

Asked what she was referring to by the term “foreigners,” Ms. Buny said:

I was suggesting that the orders that were carried out during the Khmer Rouge period were in a concerted and systematic structure. ... There must be people who were behind the Khmer Rouge. I know there were people backing the Khmer

⁴ The relevant ERNs are 00373256 (in Khmer), 00379164 (in English), and 00422458 (in French).

Rouge because I saw fleets of trucks transporting goods. ... Those trucks, as far as I knew, were from China. ... We wanted this court to find out who was supporting them.

At this point, International Co-Counsel for Nuon Chea Jasper Pauw redirected the witness to the evacuation of Phnom Penh in April 1975, asking Ms. Buny for more details about what she had testified was a “huge influx of people into Phnom Penh” before April 1975. Ms. Buny said that she personally saw this influx, describing it as follows:

When the war was being brought closer to Phnom Penh, we could see people moving in with their family members. The construction of the Cambodiana Hotel was not yet complete and [the vicinity] was already crowded with refugees, displaced people who took refuge in the vicinity. The price of food increased. We received some American aid [that was] sold by the soldiers. ... I saw people in other places. ... A lot of people had to remain in other areas, like rented rooms.

As to whether these people all had shelter, Ms. Buny said that big houses would be subdivided, with partitions set up so that spaces could be rented by refugees when they came. “It was difficult,” she added. “Phnom Penh did not expect to accommodate this great influx of people from all over the country. ... It was really difficult.”

Mr. Pauw noted Ms. Buny’s testimony that her family had enough rice because they had been in the army and sought the witness’s clarification on whether they actually received rice or whether they received money to buy rice. Ms. Buny confirmed that it was the former. Her family “did not have a problem with food supply,” she said, “because we dug a small hiding place where we could keep foodstuff including fish paste, salt, and other kitchen necessities.”



Mr. Pauw asked Ms. Buny about whether normal citizens of Phnom Penh, that is, neither newcomers nor army members, had problems acquiring foodstuff. Ms. Buny confirmed that they did, “although I did not see this in person. As I had been about to give birth to my baby, I remained in the house, but I heard from my neighbors who said that people had a lot of difficulty with food.” However, she said, there were no problems accessing healthcare “because there were enough hospitals open, offering healthcare.” The civil party did not know whether there were difficulties actually accessing those facilities because she was not herself admitted to hospital.

As to whether the civil party believed that the Americans might be bombing Phnom Penh, she agreed with this stating, “At that time, I was afraid. The message was convincing. A few days before, we heard bombs dropped. When hearing that the city would be bombed, we were terrified, so we had to move.”

At this point, Mr. Pauw asked Ms. Buny about the conditions of the first place to which she arrived after being evacuated, namely Anh Chanh Leu village in Psach Kandal district, Kandal province. Ms. Buny said, “The conditions were decent,” and they could get fish every night. She traded silk fabric and clothing she had brought with her for rice, fish, and vegetables.

Mr. Pauw sought further details on Ms. Buny’s time at Koh Chum pagoda or cooperative. She said, “At Koh Chum pagoda, people were stopped at that location where ox carts were waiting for us. We were allowed to go in any direction we preferred, or if we preferred to remain at the Koh Chum cooperative, we were allowed to do so.” She added, “Our family, which was from Pursat, said we should not move further, because wherever we went, we would end up being farmers, so we might as well remain in that location. ... I was there during the rainy season ... during 1976. After the Khmer New Year, I was transferred to the tempering center.”

Ms. Buny confirmed that she never saw people die from starvation at Koh Chum pagoda because they could eat the rice they brought with them and trade items for more food.

Mr. Pauw sought further details on Ms. Buny’s previous testimony that when she returned to Phnom Penh in 1980, she lost her house. Ms. Buny testified, “I could not recognize my house anymore because it used to be located across from Longvek Hospital, which was reduced to just an empty plot of land.” He also asked Ms. Buny about her testimony that Ministry of Foreign Affairs people were staying in her house after she returned to Phnom Penh. Ms. Buny clarified that these people were staying at her aunt’s house, not hers. Mr. Pauw asked who these officials were and whether they were Vietnamese.

Ms. Sovannary objected at this point on the basis that these questions did not relate to matters within the scope of the current trial. Mr. Pauw argued that it was, in fact, “directly relevant to the evacuation of 1975,” which was when she was made to leave the house. It seems that she did not have the house returned to her, Mr. Pauw added, because the government in 1980 had taken the house, an act for which Nuon Chea could not be held responsible. Trial Chamber President Nil Nonn directed Ms. Buny to respond and to specifically indicate the home to which she was referring. Ms. Buny responded, “My home was reduced to an empty plot of land. The officials came to live at my aunt’s home. They were officials from the foreign ministry.”

Mr. Pauw continued to press the civil party on this topic, reading her prior testimony to the OCIJ, when she said that “I lost my house. I returned to see my house in 1980, but officials of the Ministry of Foreign Affairs were living in my house.”⁵ When pressed, Ms. Buny emphatically reiterated that her house was reduced to a pile of rubble and her aunt’s house, which was next to hers, was occupied by ministry officials.

Mr. Pauw then sought Ms. Buny’s confirmation that she had signed the written record of civil party interview and confirmed its accuracy when testifying in court. Ms. Buny confirmed this.

At this juncture, both the Ieng Sary and Khieu Samphan defense teams indicated that they did not have any questions for the civil party.

⁵ The relevant ERNs are 00373255 (in Khmer), and 00379164 (in English).

Civil Party Expression of Suffering: “It Was Like Living in Hell”

Finally, President Nonn advised Ms. Buny that she had an opportunity to express her suffering. She stated as follows:

As a civil party, I am pleased. This is the best opportunity after 30 years. I have been living with all the suffering. Because of the court, I am here to express my suffering. After April 1975, I have been living in great misery and grief because I had to leave my home, leave behind my family members and my property. I had to walk a long distance although I had just delivered my baby. I had been saving this happiness, but all was destroyed by the Khmer Rouge. We had to travel to a destination where my husband and children were all killed. I have kept this suffering in my heart for a very long period of time and I would like to thank the Chamber very much for giving me this opportunity to speak about it.

I had been detained in several detention facilities. I was treated even worse than the way animals were treated. I do not know why my whole family, including me, were detained and confined in the detention facility although we did not commit any wrongs. A lot of people were badly treated. They were tortured. They were forced to give confessions, when their toenails would be pulled. Some would be plunged into full jars of water. On one occasion, a woman stated very firmly that she was happier to die rather than live in this living hell. She had been beaten.

People were beaten, even at work, even when eating and sleeping. People who were too hungry had to pick some leaves to substitute the very meager food, but then when they got diarrhea from eating the leaves, they were accused of committing a mistake. They were all beaten. Many were shackled. They were forced to work and they would be tortured if they were seen stealing any food.

Later on, after 100,000 people were executed, a lot of us had to be sent to work in Boeng Kol to do farming. We transplanted about 100 hectares of paddy field. We had to work until 12 p.m. At 3 a.m., we were again asked to get up to work. At that time, we had to use empty sacks to cover our bodies to keep us from getting cold.

The president interjected at this point, reminding Ms. Buny to slow down for the benefit of translators. Ms. Buny agreed and continued, gesturing animatedly:

The situation was miserable. The food ration was very small. We had only a few ladles of paltry gruel. ... We had to go to the fields because we were afraid for our life. We had to take a big bunch of seedlings with us. If we dropped any seedlings, they would beat us all the way. ... We were given certain quotas, certain areas of land where we had to transplant the rice. We had to meet the quota. ... That was life at that time, It was very, very miserable. ...

When they frog marched us from Thkol prison to Boeng Kol, many members ... among our teams disappeared. They must have been executed. We also noticed

that those under the Northwest Zone authority were killed. ... They frog marched us to Boeng Kol reeducation camp. It was the most miserable place I had ever endured in my life ... Those who committed minor, negligible wrongs were punished. Food rations were minimal. ... Those who were imprisoned in the dark prison did not have to be executed; they would die there because they would have to live in a small, stuffy cell under a zinc field in the middle of the rice field, so it was very, very hot. ...

When I was over there, I was starving. I ate everything, including snails, I ate them raw. We were too starving at that time, we could eat anything; we did not care about etiquette. ... Every morning, we were frog marched to the work place. During lunchtimes, we would be frog marched back to our dining halls. ... I was wondering to myself: why were these people so cruel?

We were made to work very hard. We were given only a short period of time to sleep. Even if we had to go to work in the early morning, we were woken at 3 in the morning and we sat there doing nothing ... When one of the cooperatives was flooded, we were asked to build a dam to prevent the water flooding the rice paddy. ... People over there thought we were all thieves, and ... we very much resented their degrading comments and treatments. ... We also went to other places particularly to prevent water from flooding the rice field.

In the cooperatives, there were cooperative members and those working at the reeducation camps. Those working at the reeducation camps had to work but they could return to their place to have something to eat ... As for those particularly in the cooperatives, they had some things to eat. My team and I, the newcomers, had to work all day long. ... Many people were beaten as well. We lived in a big crowd and we were considered prisoners. When people put everything together in the hall, some items were missing. Then we were beaten if we made any noise or discussed it. We were beaten every day, all the time.

One day, we were told to build a dam. It was very hard work. We had to work under the rain and at night. In Tonle Sap areas, we had to try to prevent the water from coming in to the rice fields. That was our responsibility. So we had to stay in water the whole day. We were very cold ... and we were starving as well. One time, we prayed that the dam would break. One day, a dam did break from a water current, and then many people died. But during that time, when the water was coming, they had to try to dig up potatoes ... we ate them raw. But those who were found picking potatoes were shackled and imprisoned.

During the night, we ... had to sleep in a hall. ... During the flooding season, there were earthworms everywhere and our feet were among the earthworms. It was like living in hell. We do not understand why they treated us so inhumanely, why they put us in such a degrading situation ... Those black-clothed soldiers had to evacuate us from one place to another. We wondered when we would

eventually settle down. ... My relatives, my siblings ... died. ... We were treated like animals, we were treated very inhumanely.

I would like to make a few suggestions to the Court. I would like to ask the Court to search for the truth. I would like to know who was behind these heinous crimes. I would like to know whether or not there were foreigners behind these crimes because I do not understand why a human being would do these kinds of inhumane acts. I hope that the court will be able to find justice for us. ... I would like the Court to pronounce a remembrance day ... so that those who died in the regime would feel appeased.



Following this statement, Mr. Pauw requested permission for Nuon Chea to follow the afternoon's proceedings from his holding cell for health reasons, which the president granted.

Appropriate Uses of Civil Party Expressions of Suffering

After the lunchtime adjournment and the arrival of a smaller audience of approximately 50 villagers from Batheay district, Kampong Cham province, the president sought observations from the parties concerning Ms. Buny's expression of suffering. Mr. Udom said that he did not have specific observations concerning this but had a relevant general question, namely, about the civil party's description during her statement about facts falling outside the scope of Case 002/1. In this case, he inquired, could these statements be used in the future when the

parties were not given an opportunity to challenge them?

Ms. Simonneau Fort responded that the Chamber had given civil parties the possibility to express themselves regarding the case. The Lead Co-Lawyers were in the process of drafting a document in this regard. Moreover, she argued, all parties had been able to challenge Ms. Buny during her testimony on the entire scope of Case 002, so there should not be a problem.

The Trial Chamber judges conferred briefly. The president then responded that the Chamber would rule in due course upon receiving the written submission from the Lead Co-Lawyers on this matter. As for the use of evidence, he added, parties were reminded that witnesses and civil parties were to be questioned only on facts relevant to Case 002/1 and would consider facts relevant to Case 002/2 at a later date.

Experiences of Witness Kong Kim Pre-April 1975

At this point, witness Kong Kim *alias* Keu took the stand, supported by duty counsel and member of the Cambodian bar Lim Bunheng. The president confirmed that this witness was among those over whom defendant Ieng Sary, who was still admitted at the Khmer Soviet Friendship Hospital, had waived his right to be present.

Under questions from the president, Mr. Kim introduced himself as a commune councilor living in Kampong Chhnang. He stated that he gave an interview to the OCIJ at his home, although he

could not recall its date. Mr. Kim confirmed the consistency of his written record of interview to the testimony he gave to the OCIJ.

National Senior Assistant Co-Prosecutor Veng Huot then took the floor, giving the witness a copy of the written record of his OCIJ interview.⁶ He asked the witness for a few additional biographical details. Mr. Kim testified that he joined the army in 1974, when he was 15. He added that he joined in Kampong Thom, adding that he was later transferred to the “North Zone military complex” and then, by early 1975, transferred to Prek Kdam “to fight a battle that led to Phnom Penh.”

Mr. Kim had attended military meetings at battalion, company, and sub-group level, he noted, but not at the regiment level’ these meetings were led by “Ponn, who was the head of the platoon ... and another group leader by the name of Lam.” He explained that the meetings concerned “the plan to attack Phnom Penh ... military tactics, how to be prepared to attack the city.” He had been ordered to attack Prek Phneou and Anlong Kragan battlefields leading into Phnom Penh, the witness concluded.

Treatment of Lon Nol Soldiers and Civilians during the Evacuation of Phnom Penh

Mr. Huot directed Mr. Kim to his testimony to the OCIJ that he had received orders to shoot or kill any soldiers, or anyone dressed as a soldier.⁷ He inquired as to who had issued these orders. Mr. Kim replied that he received the order from Ponn, his platoon head, but “the order was rendered from the company.” Elaborating on this, the witness said that orders:

Were normally rendered through meetings, and also instructions could be given at the battlefield. We were instructed that if we saw any civilians facing us in the opposite direction, then we had to shoot them. ... We were ordered to shoot, but as I said, we were the Khmer Rouge soldiers. The soldiers we were supposed to attack were the Lon Nol soldiers, and they were considered external soldiers.

Pressed particularly on whether Mr. Kim carried out these orders on civilians as well, Mr. Kim said that he “never met civilians. I only encountered soldiers. We clashed with soldiers.”

Mr. Huot asked whether Lon Nol soldiers ever raised the white flag of surrender. However, he was cut off by National Co-Counsel for Khieu Samphan Kong Sam Onn, who objected to this question on the basis that Mr. Huot had said Mr. Kim had testified that his soldiers had killed civilians whereas the witness did not say that. Mr. Huot replied that in the witness’s interview with the OCIJ, he was asked whether his squad had shot or killed any civilians, and the witness had replied that it was usual that certain people were killed. As such, Mr. Huot sought clarification about whether these people had first raised a flag of surrender. The president cautioned Mr. Huot to frame his questions more precisely.

⁶ This written record has the document number D166/74.

⁷ The relevant ERNs are 00220163 (in Khmer), 00278681 (in English), and 00486096 (in French).

Mr. Huot attempted to reframe his question,⁸ but Mr. Pauw cut in, suggesting that it would be clearer if the witness was read not only the answer he gave to the OCIJ but also the question that prompted it. Mr. Pauw proceeded to read this exchange himself, which went as follows:

Q7: During the attack on Phnom Penh, did you or your squad shoot any soldiers or civilians?

A7: When I fired, I must have hit and killed some, but I never first captured and then shot and killed any of them.

The president further cautioned Mr. Huot, adding that his last question was also potentially incriminating for the witness. Attempting his question again, Mr. Huot asked Mr. Kim whether, when he shot at people, they had already raised their white flag of surrender or not. After a considerable pause, Mr. Kim stated:

On this particular point, as per the order I received, we had to attack them, but the killing and shooting against the soldiers and the civilians, that was when we were advancing on Phnom Penh. At that time, we killed [people] including civilians. At that time, there were fires everywhere, so we could not be sure if they had raised their white flag.

There were people who surrendered, Mr. Kim continued, but mixed among them were some who had not, so the witness's squad had to shoot them all.

Mr. Huot read the witness some of his testimony before the OCIJ that he had seen dead bodies of Lon Nol soldiers⁹ and asked why Mr. Kim had not carried them but had driven over them instead. Mr. Kim responded:

On the day when we attacked Phnom Penh, we were on trucks. At that time, the trucks did not transport ordinary civilians. We transported soldiers. Soldiers had to be reinforced into the city to capture the city ... Our soldiers were lost in terms of geographical location of the city. We were to come and assemble at the specific target where we were supposed to be stationed.

Pressed as to why they drove over, rather than around, the dead Lon Nol soldiers, Mr. Kim said that “the situation was chaotic; ... the dead bodies were scattered everywhere. ... We tried to avoid running over those dead bodies but we could not avoid [it] because they were everywhere.”



⁸ The relevant ERNs are 00220164 (in Khmer), 00486097 (in French), and 00278682 (in English).

⁹ The relevant ERNs are 00270125 (in Khmer), 00278683 (in English), and 00486097 (in French).

Mr. Huot asked the witness who had ordered him to drive people out of Phnom Penh.¹⁰ Mr. Kim responded, “There were instructions from the platoon – the platoon received orders from the company and battalion and another special force which was tasked to evict people from the city.” However, soldiers who were stationed in Phnom Penh were required “to conduct a final search” to weed out people who had hidden on upper floors of their houses, Mr. Kim recalled, adding, “There was a plan to evacuate people from Phnom Penh. ... When we conducted the search, we encountered soldiers, and we exchanged fire and killed some of them. As for civilians, we had to bring them down and order them to leave. This was done by the battalions, companies, and platoons.

Mr. Huot asked whether Mr. Kim stood by his statement to the OCIJ that if people resisted the order to leave, Ta Yim had ordered the witness to kill them.¹¹ Mr. Kim responded:

There were orders ... to ensure that there were no other people than our soldiers to remain in the city. Others [remaining in Phnom Penh] who were not our soldiers were considered enemies. But ... I myself had never captured any one of them and I never killed any of them. But we did receive orders [to this effect].

Next, Mr. Huot asked the witness whether he ever went to hospitals in Phnom Penh to check whether anyone had been left behind during the evacuation. The witness denied this as “we were not allowed to travel anywhere at our own will. We had to be stationed and do exactly what we were instructed to do.”

Finally, Mr. Huot asked Mr. Kim whether he ever saw groups of children during the evacuation who insisted on not leaving as they had to find their parents. Mr. Kim responded, “When the plan to evacuate people was executed, the city streets were crowded with people marching out of the city. The situation was chaotic and we never saw separate groups of children loitering on the streets.”



¹⁰ The relevant ERNs are 00270164 (in Khmer), 00278682 (in English), and 00486097 (in French).

¹¹ The relevant ERNS are 00270165 (in Khmer), 00278683 (in English), and 00486097 (in French).

International Senior Assistant Co-Prosecutor Tarik Abdulhak took over the examination and directed the witness to the orders given to members of the witness's division. As to how these orders were communicated, Mr. Abdulhak noted the witness's previous testimony to the OCIJ that he had been ordered to shoot anyone who tried to escape straightaway, from Division Chairman Ta Oeun to Battalion Chairman Yim, all the way down to the witness.¹² Mr. Abdulhak sought the witness's confirmation that the order did originate from the division chairman. Mr. Kim responded, "I did not receive orders from the upper echelon. I knew that Oeun was the commander, and Song was from the regiment, while Yim was from the battalion. These orders were rendered from them. I never attended any meetings with the regiment or battalion."

How then, Mr. Abdulhak pressed, did the witness know that orders were passed down from the division commander? "I learned this through the plan of the company who said that the orders were rendered from the division and that the lower level of the military structure had to implement such orders," Mr. Kim responded. All military operations were coordinated by Ta Oeun, but he did know who was above Ta Oeun.

Mr. Abdulhak reminded the witness of his testimony to the OCIJ that they had to conduct searches to drive people away, and "there were no rules at all against shooting the people."¹³ Mr. Kim confirmed, "There were no rules or regulations on not shooting people rendered to us," adding, "During operations, sometimes we encountered remaining soldiers who exchanged fire with us. Casualties were not avoided. Sometimes fire was exchanged when people were caught in between. That also led to some civilian casualties."

At the same point in Mr. Kim's OCIJ interview, Mr. Abdulhak continued, the witness testified that some people from above were throwing down grenades and refusing to be evacuated. As such, the witness was ordered to cut the remaining water supply to drive them out. The witness elaborated that as it was not easy to evict the remaining people, and as such, "it was the plan of the division to our platoon to cut off the water supply. ... Soldiers would be able to use the water ... but there was no longer running water."

Mr. Abdulhak asked the witness whether he remembered being interviewed by staff of the Documentation Center of Cambodia (DC-Cam) in July 2002. Mr. Abdulhak then passed a copy of the transcript of this interview to the witness.¹⁴ Mr. Kim testified that he had not seen the document before, at which point the president ordered the court officer to retrieve the document from Mr. Kim.

In the witness's DC-Cam interview, Mr. Abdulhak explained, Mr. Kim testified that soldiers from his unit were wearing thin, green, polyester material. When they found that Lon Nol soldiers' uniforms were still new, they put them on, and then when a new wave of soldiers

¹² The relevant ERNs are 00270164 (in Khmer), 00486096 (in French), and 00278682 (in English).

¹³ The relevant ERNs are 00270164 (in Khmer), 00486097 (in French), and 00278682 (in English).

¹⁴ This transcription of interview has the document number 19.96.

arrived, they shot some of the Khmer Rouge's own troops in the confusion.¹⁵ Mr. Abdulhak asked Mr. Kim whether he recalled this incident. Mr. Kim confirmed this, testifying:

There was a generally chaotic situation. ... First, people were scattered. Our forces were not properly managed. Soldiers who were ill-disciplined; when they saw the military uniform [of the Lon Nol soldiers, they] put them on. At that time, people were misidentified and fire was exchanged. Some soldiers who were from the jungle were too overjoyed with the victory when they came to Phnom Penh. They drove cars so fast that they crashed and killed themselves as well.

Mr. Abdulhak sought the clarification of the Trial Chamber as to time allocation for the prosecution, given that the OCP had commenced its questions a little late today. After National Lead Co-Lawyer Pich Ang confirmed that the civil parties would need one hour for its questions, the president permitted the OCP to conclude its questions today and permit the civil parties to begin questioning the witness tomorrow.

Addressing the witness, Mr. Abdulhak noted that in the witness's DC-Cam interview, he had testified that he had submitted progress reports to the battalion regarding the evacuation.¹⁶ Mr. Udom interjected that since the document had been removed from the witness, it should not be shown on the screen. Mr. Abdulhak said that he did not believe it was being shown but that if it was being inadvertently put up, he would seek its removal. Mr. Pauw also objected at this point that Mr. Abdulhak should read the prior portion of the interview to put the question in its proper context. Mr. Abdulhak argued that this objection should be rejected and that it was for Mr. Pauw to contextualize this statement in his own questioning, particularly since the portion in question was very lengthy. The president overruled the objection and instructed Mr. Kim to respond.

Mr. Kim replied, "At that time, I was a young person, and I did not report to the battalion. I only knew people in charge of the company and the platoon. So the report could only be sent to the highest level [I knew]: the company." He did confirm, however, that his group was informing the company level. The witness responded that his forces had to take people who remained in Phnom Penh "to be handled by the company."

Next, Mr. Abdulhak sought the witness's confirmation as to whether during the evacuation of Phnom Penh, he was a squad leader. The witness clarified that he was not the squad leader during the evacuation of Phnom Penh but was promoted to this position after the evacuation.

Moving on, Mr. Abdulhak noted that in the witness's DC-Cam interview, people were told that they had to leave and:

If they did not come out of the house after we had called them, we would shoot them dead. If they resisted when we were arriving, we would shoot them immediately. That is what we were involved for. We were not involved where to take them or what to do with them.¹⁷

¹⁵ The relevant ERNs are 00054834 (in Khmer), 00403350 (in French), and 00633874 (in English).

¹⁶ The relevant ERNs are 00054836 (in Khmer), 00403351 (in French), and 00633875 (in English).

¹⁷ The relevant ERNs are 00054839 (in Khmer), 00403355 (in French), and 00633879 (in English).



Asked whether this statement was correct, the witness said that there was no order to shoot civilians dead. The order was rendered when remaining soldiers interspersed themselves among the civilians and attacked Khmer Rouge soldiers. “For that,” he added, “we were ordered to kill anyone who remained.” They made efforts to tell those who remained to come down from above, but those who did not comply with the order to come down from their houses were shot.

Mr. Abdulhak advised the witness of his testimony to DC-Cam that if they wanted to shoot people, they could just do so, and there was a tractor that dragged people from Kilometer 6 onward into the river.¹⁸ He asked the witness whether it was correct that if Khmer Rouge troops wanted to shoot civilians in the city, they could just do so with no

punishment. Mr. Pauw objected that this question asked the witness to speculate. He could not testify as to other Khmer Rouge soldiers but only himself. Mr. Abdulhak disagreed that a squad leader could not comment on what Khmer Rouge soldiers were permitted to do.

After a short pause, the president directed the witness to respond to the question. Mr. Kim then said:

With regard to the corpses at the riverbank, I saw the corpses floating in the river, but I did not know whether they were shot or not. The corpses that were lying on the road could have been killed by gunfire. Soldiers were supposed to clear the road of corpses. That’s why the tractor was used, to push the dead bodies into the river.

Mr. Abdulhak responded that this did not answer the question, which was whether Khmer Rouge forces had the power to shoot people at will. Mr. Kim responded, “People who were seen at the front of the battlefield had to be shot. ... When we entered Phnom Penh, we were not ordered to shoot. People had already been killed, perhaps by stray bullets, bombardments, or rocket-propelled grenades.”

To refresh the witness’s memory, Mr. Abdulhak read another passage to the witness from his DC-Cam interview in which he said that “to speak in general, we had the power to shoot people in order to force them out.”¹⁹ Asked whether this statement was accurate, Mr. Kim replied, “The reality was that if people were being evacuated, if there was no exchange of fire ..., then people would not be shot. But if there was fire from the civilians, then we would be ordered to shoot at them.” Did the witness tell people that if they resisted, they would be killed? Mr. Abdulhak asked. The witness responded that his squad was at his target, and another special squad was in charge of evacuating people and communicating orders to the people via loudspeaker. After the

¹⁸ The relevant ERNs are 00054834 (in Khmer), 00403350 (in French), and 00633874 (in English).

¹⁹ The relevant ERNs are 00054840 (in Khmer) 00403355 (in French), and 00633879 (in English).

general evacuation, his and other squads had to deal with the remaining people and were told that these people were to be treated as adversaries and shot.

On the structure of the witness's particular military unit, Mr. Abdulhak noted that in his DC-Cam interview, the witness had testified that he was in the "dragging group," so his work was to go into houses to drag people out and send them to another group.²⁰ Therefore, Mr. Abdulhak asked, was it his task to remove people from their houses and then send them along the road for further instructions from other groups? The witness replied:

People were not evacuated arbitrarily. We were supposed to only evacuate people at our target area. As soldiers, we had to clear the area of people so that soldiers could come and station there. Our group only evacuated people at the location where we were stationed.

As to the treatment of Khmer Republic (that is, Lon Nol soldiers), Mr. Abdulhak reminded the witness that in his DC-Cam interview, Mr. Kim stated that if they took off their uniforms, Lon Nol soldiers would be permitted to surrender, but if they did not do so, they would be shot dead.²¹ Pressed as to whether this was an accurate statement, the witness replied, "Soldiers who did not resist and agreed to go along with the people evacuated were spared. But those who resisted, particularly those who were in groups who did not retreat ... we had to shoot them."

Demolition of a Catholic Church in Phnom Penh

Mr. Abdulhak directed the witness to his testimony in both his OCIJ and DC-Cam interviews about the destruction of a church in Phnom Penh, and in which the witness testified that he knew that equipment for its destruction was from the "Center" because the divisions did not have such equipment.²² Who was the "Center"? Mr. Abdulhak asked. Mr. Kim replied:

There was an instruction that we demolish a Catholic church. I received an order from the company. We were the ones tasked with detonating a bomb. ... We belonged to the Central army as well because when we arrived in Phnom Penh, we were no longer part of the zone but part of the Center.

Mr. Abdulhak noted that in the witness's DC-Cam interview, it appeared he had said it took three months to destroy the church. Was this accurate? he asked. The witness confirmed this. At that time, he said, they were asked to detonate bombs in several places until they completely demolished the building. Mr. Kim added that he received his order from the company commander, and that another commander called Som En Chut from the battalion oversaw the detonation of the building. There were others too, but the witness "did not know their exact position in the chain of command."

²⁰ The relevant ERNs are 00054836 (in Khmer), 00403352 (in French), and 00633876 (in English).

²¹ The relevant ERNs are 00054839 (in Khmer), 00403354 (in French), and 00633878 (in English).

²² The relevant ERNs for this testimony in the witness's DC-Cam interview are 00054856 (in Khmer), 00403369 (in French), and 00633892 (in English).

Authority Structure at Division 310 Prison and the Involvement of Center Staff

Moving on, Mr. Abdulhak reminded the witness that in his OCIJ interview, he discussed a prison at which he was assigned to work as a guard north of Wat Phnom, describing it as a division prison in which prisoners included sector and district commanders.²³ Mr. Abdulhak inquired as to the date the prison of Division 310 established. Mr. Kim replied:

I received the direction from the battalion and regiment to guard this prison. I was attached there in late 1975 and early 1976. In the platoon, there were different squads, and there was one commander who oversaw the functions of all three squads. I controlled one of the squads. The prison [facility] was left over from the previous regime. ... This prison was divided into different sections. There was ... a dark, underground section and two other sections as well.

Pressed again as to when the prison was established as a Division 310 prison, the witness stated “late 1975 or early 1976.” He did not know who gave the order for the place to be used as a prison. His direct supervisor was the commander of the company, named Ren. Song was the commander of the regiment, Mr. Kim explained, and Yim was the commander of the battalion. He received his direct orders from Ren.

Mr. Abdulhak noted that Mr. Kim also testified that later, Oeun, Song, Yim, and Pao were also arrested.²⁴ He asked the witness where he saw Commander Oeun being arrested. Mr. Kim responded that he saw them arrested and admitted to hospital. Once they noted that the arrestees were Mr. Kim’s leaders, he was transferred out of that prison.

In his DC-Cam interview, Mr. Abdulhak went on, Mr. Kim testified as to the interrogation of prisoners by “the general staff of the Central.”²⁵ What was the Central? Mr. Abdulhak asked. Mr. Kim responded that “they were in higher command of our division.” Again on the question of the “general staff,” Mr. Abdulhak noted that in the witness’s DC-Cam interview, he found out about the arrest of his division commander at a meeting convened by “the general staff of the Central.”²⁶ As to the identity of these people, Mr. Kim stated:

They removed us; they transferred us to the airfield in Kampong Chhnang. ... At that time, the commander supervising us was Pon. The general staff were people from the Southwest, who were close aids of the Center. Soldiers from the Southwest were tasked to supervise our forces.

Did this mean, Mr. Abdulhak pressed, that the Center assigned Southwest Zone cadres to take over Division 310? “At the time,” Mr. Kim replied, “my forces did not have leaders anymore, because they were all arrested. So they assigned the leaders of the Southwest Zone to control our forces.”

²³ The relevant ERNs are 00270165 (in Khmer), 00486098 (in French), and 00278683 (in English).

²⁴ The relevant ERNs are 00270166 (in Khmer), 00486098 (in French), and 00278684 (in English).

²⁵ The relevant ERNs are 00054850 (in Khmer), 00403363 (in French), and 00633887 (in English).

²⁶ The relevant ERNs are 00054844 (in Khmer), 00403358 (in French), and 00633882 (in English).

Mr. Abdulhak noted that in the witness's DC-Cam interview, he said that his leader had been arrested because "he had been in the string network."²⁷ Probing the witness as to the meaning of the "string network" concept, Mr. Kim said that his understanding at the time was:

They accused my leaders of being enemies and traitors. I did not know, I did not know why they were characterized [as such]. ... I did not know what happened up there. But what I know generally was that the commanders in the regiments and divisions were all arrested. But those who were lower in the ranks were not arrested.

Prisoners were held, according to the witness's testimony to the OCIJ, at his location for only two or three nights before being taken to S-21.²⁸ This testimony prompted an objection from Mr. Udom, who protested that he hoped Mr. Abdulhak would not move on with his questions, because the prosecutor was deviating from the Chamber's instructions²⁹ and discussing prisons and security centers, which were outside the scope of the trial. Mr. Abdulhak responded that this was "entirely wrong" because issues to be covered in the Case 002/1 trial included military structure and the role of the Revolutionary Army of Kampuchea in purges.³⁰ His line of questioning, he added, was about the military structure and the impact of changes to it.

The president and Judges Jean Marc-Lavergne and You Ottara briefly conferred on this point. The president then responded that Mr. Abdulhak's last question was not directly relevant to the facts but that since it was the prosecution's last question, the witness was permitted to respond.

Mr. Kim then replied, "The reason I knew that they were sent to Tuol Sleng was because the guards who were with me were engaged in escorting them there. When they returned, they told me about this." Mr. Abdulhak then presented to the court the confession of division commander Svaol Him *alias* Oeun.³¹

With the prosecution's examination concluded, Mr. Ang informed the court that as he would be absent tomorrow, Ms. Sovannary and International Civil Party Co-Lawyer Beini Ye would be questioning Mr. Kim on behalf of the civil parties.

The hearing was adjourned for the day to resume at 9 a.m. on Thursday, October 25, 2012 with the continued testimony of witness Kong Kim.

²⁷ The relevant ERNs are 00054843 (in Khmer), 00403357 to 58 (in French), and 00633881 (in English).

²⁸ The relevant ERNs are 00270166 (in Khmer), 00486098 (in French), and 00278683 (in English).

²⁹ This decision has the document number E124.

³⁰ He referred particularly to paragraphs 146 to 149 of the Closing Order.

³¹ This confession has the document number IS5.89. This name was unclear in the English version.