



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

1 December 2016

Trial Day 486



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

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KHIEU Samphan

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SREA Rattanak

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UCH Arun

I N D E X

2-TCCP-1063

Questioning by Ms. GUISSÉ..... page 3

Questioning by Mr. KONG Sam Onn page 38

Mr. SIN Oeng (2-TCW-1069)

Questioning by The President (NIL Nonn) page 55

Questioning by Mr. KOPPE page 59

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCCP-1063	Khmer
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. SIN Oeng (2-TCW-1069)	Khmer
Ms. TY Srinna	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the remaining testimony of

6 2-TCCP-1063. And after that, we begin hearing testimony of a

7 witness, namely, 2-TCW-1069.

8 <Greffier> Ms. Se Kolvuthy, please report the attendance of the

9 parties and other individuals to today's proceedings.

10 [09.03.12]

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all parties to this case

13 are present.

14 Mr. Pich Ang, the National Lead Co-Lawyer for civil parties, is

15 absent for personal reasons.

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

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

18 been delivered to the greffier. The civil party who is to

19 continue his testimony today, that is, 2-TCCP-1063, is present in

20 the courtroom.

21 And the upcoming witness, that is, 2-TCW-1069, confirms that, to

22 his best knowledge, he has no relationship, by blood or by law,

23 to any of the two accused, that is, Nuon Chea and Khieu Samphan,

24 or to any of the civil parties admitted in this case. The witness

25 took an oath before the Iron Club Statue this morning and is

1 waiting to be called by the Chamber in the waiting room.

2 Thank you.

3 [09.04.26]

4 MR. PRESIDENT:

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

7 The Chamber has received a waiver from Nuon Chea, dated 1st
8 December 2016, which states that, due to his health, that is,
9 headache, back pain, he cannot sit or concentrate for long. And
10 in order to effectively participate in future hearings, he
11 requests to waive his rights to be present at the 1st December
12 2016 hearing.

13 Having seen the medical report of Nuon Chea by the duty doctor
14 for the accused at the ECCC, dated 1st December 2016, which notes
15 that, today, Nuon Chea has a lower back pain and feels dizzy when
16 he sits for long and recommends that the Chamber shall grant him
17 his request so that he can follow the proceedings remotely from
18 the holding cell downstairs.

19 [09.05.28]

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

24 The Chamber instructs the AV Unit personnel to link the
25 proceedings to the room downstairs so that Nuon Chea can follow.

1 That applies for the whole day.

2 The Chamber now hands the floor to the defence teams, first to
3 the defence team for Nuon Chea to put questions to this civil
4 party.

5 You have the floor.

6 MR. KOPPE:

7 Thank you, Mr. President. Good morning. We don't have any
8 questions.

9 MR. PRESIDENT:

10 Thank you.

11 And now, I hand the floor to the co-counsel for Khieu Samphan to
12 put questions to this civil party.

13 [09.06.31]

14 QUESTIONING BY MS. GUISSÉ:

15 Thank you, Mr. President. Good morning. Good morning, everyone.

16 Q. Good morning, Mr. Civil Party. My name is Anta Guisse. I am
17 International Co-Counsel for Mr. Khieu Samphan, alongside my
18 colleague, Kong Sam Onn.

19 I have a few supplementary questions to put to you regarding your
20 testimony.

21 I would like us to start with the period before 1975, and I would
22 like us to revisit two points.

23 Yesterday, at about 15.39, you stated that you had remained
24 combatant in the Lon Nol army for three months. However, I did
25 not hear when you became a soldier.

1 Can you specify that to the Chamber?

2 2-TCCP-1063:

3 A. Good morning, Mr. President.

4 I became a Lon Nol soldier in 1971.

5 [09.07.43]

6 Q. And I also believe I understood from your testimony that you
7 had stopped being a soldier and had returned to civilian life
8 after you were wounded. Did I properly understand your testimony?

9 A. Yes, that's what I testified yesterday.

10 Q. And when you state that you returned to civilian life, did you
11 mean to say that you returned to farming?

12 A. At that time, I stopped being a soldier and I became a farmer.

13 Q. You also talked about your father. And if I understood you
14 correctly, he was a militiaman in a militia. And I believe his
15 name, <and I'm sorry if I do not pronounce it correctly>, was
16 Kong Svay Try (phonetic). Is that the case?

17 And I also understood that in that militia, his task was to
18 prevent revolutionary soldiers from entering <your> territory. Is
19 that correct?

20 [09.09.24]

21 A. Yes, that's what I testified yesterday because people were
22 enlisted in the <self-defence force> in order to <support> Lon
23 Nol soldiers, that is, to base ourself in the rear battlefield.

24 Q. When you say that he was placed on the list, do you mean that
25 he was placed on the list by Lon Nol troops?

1 A. Please repeat your question.

2 Q. You state that he was placed on the list to collaborate with
3 Lon Nol troops. My question was who placed militiamen on the
4 list? Was it a military authority who did that?

5 A. The names were put on the list by the commune authority and
6 not by the military. It was the commune chiefs <> enlisted
7 <village militiamen, but in that time, they called self-defence
8 force>.

9 Q. This will be my last question on the point.

10 Do you know whether there were any clashes between those
11 militiamen and members of the revolution?

12 A. Yes. At the time, there were frictions between the groups, and
13 there were those who opposed the revolution.

14 [09.11.36]

15 Q. Another point I'd like you to clarify is that I do not quite
16 understand when <you said> the Khmer Rouge arrived in your area.
17 Was it surely at the time of the evacuation of the 17th of April
18 1975, or <did> the revolutionary forces arrive in your area
19 before then?

20 A. In Svay Rieng province, they entered on the 14th, that is,
21 before the New Year's Day. The revolutionary army entered <> Svay
22 Rieng provincial town on that day, and they <evicted> people <>.
23 And that happened before the 17 April.

24 [09.12.40]

25 Q. When you say the 14th, are you talking of the 14th of April,

6

1 that is, the 14th of April 1975?

2 A. Yes, I referred to the 14th of April, which was the Khmer New
3 Year's Day. And that was the day that the revolutionary army
4 entered Svay Rieng <provincial town>.

5 MR. PRESIDENT:

6 The question is whether it was the 14 April 1975 because you only
7 referred to "14".

8 So please be specific whether it was the 14 of April '75.

9 2-TCCP-1063:

10 Mr. President, I refer to the 14 April 1975.

11 BY MS. GUISSÉ:

12 Q. Now we talk about the last point regarding this period.

13 So we agree that up to the 14th of April 1975, which means that
14 your area was under the influence of Lon Nol, that is, Lon Nol
15 troops. Is that correct?

16 2-TCCP-1063:

17 A. On the 17th, I was the victim of a revolutionary army because
18 there was a time that I was chased away from the Svay Rieng
19 provincial town. <It was the time that I felt very fearful.> And
20 at that time, the Vietnamese soldiers actually <shot in the air
21 to force> the people to leave the town. <If someone refused to
22 leave, he/she would be shot at.> And I was so shocked and, for
23 that reason, I could not bring any belongings with me.
24 <Another reason was that,> we were told that we would leave town
25 for two or three days, and that we would be allowed to return,

7

1 but since that day, none of the people was allowed to return to
2 the town. And we were subsequently evacuated elsewhere.

3 [09.15.15]

4 Q. Very well. My question was different.

5 I wanted you to confirm that up until the time of the evacuation
6 and before the arrival of the revolutionary army, your zone and
7 your commune were under the authority or <at least> the influence
8 of Lon Nol soldiers, that is, the Lon Nol army.

9 A. Before that time, I lived under the authority of Lon Nol.

10 [09.16.00]

11 Q. I would like us to revisit the various statements you gave as
12 part of your participation in this trial, and I would like to go
13 through the chronology with you. <On the case file, we have three
14 different forms.> The first form <you filled out> is E3/10670,
15 <dated> 2nd of August 2008. That is the first form you filled out
16 as part of your civil party statement.

17 We have a second form, document E3/5932a. I forgot to mention the
18 - a -- <in the first document from 02 August 2008> E3/10670a,
19 small a.

20 And then you have <a second> form, <a supplementary information
21 form,> dated 2nd of April 2010, document E3/5932a.

22 And lastly, we have a Supplementary Information Form, which is in
23 the investigation of Case 004, not 002, and it's E3/10670, which
24 was forwarded by your lawyer on the 5th of January 2015.

25 Does this refresh your memory as regards the various forms you

8

1 filled out, and do you agree with me that you filed the first
2 form in 2008, a Supplementary Information Form in 2010 and,
3 lastly, a document <in> 2014 or early 2015? Does that refresh
4 your memory?

5 A. Yes, I can recall some.

6 [09.18.35]

7 Q. I would like us to start by talking about the first form, that
8 is, out of the 2008 in which you <declared yourself to be> a
9 civil party in this case.

10 Regarding the circumstances under which you filled out that first
11 form, can you tell the Chamber whether, during that period, you
12 already had a lawyer? If not, who assisted you in filling out
13 that Civil Party Application form?

14 A. I cannot recall. I cannot recall about what happened during
15 the filling-in of the form. <I could not imagine how it turned to
16 this way.>

17 Q. Very well. Do you at least remember whether someone assisted
18 you or you filled it out yourself?

19 A. Yes, there was someone who assisted me in filling out the
20 form, but I cannot recall the detail.

21 [09.20.05]

22 Q. Very well. Without recalling the name of the person, do you
23 remember whether that person was a lawyer or a member of any
24 organization?

25 A. The person was a staff of an organization, but I cannot recall

1 the name of that organization.

2 Q. Very well. In that form, you talk about your visit to a
3 market, but you never make mention of Khieu Samphan in that form.
4 And I'm referring to document E3/10670a, and the ERN in English
5 is 00422204; ERN in Khmer, <00397758>. And this is what you say
6 regarding your visit to <a> market, and I will quote what you
7 state in English:

8 "We were asked aboard and the next morning we arrived in Phsar
9 Thmei and stayed there for three nights. Each of us was given a
10 package of cooked rice, one green scarf, and a set of clothes.
11 We, later on, were transported in a truck by the Khmer Rouge to
12 the railway station at 1 p.m. I took the train and arrived at
13 Prey Svay at 12 p.m. after travelling for one day and one night."
14 End of quote.

15 My first question in light of this passage is as follows:

16 You state that you were at Phsar Thmei, that is, the Central
17 Market. Yesterday, I believe I understood from the explanations
18 you gave to the civil party lawyer that you had mentioned that
19 visit to the Central Market because you did not know Phnom Penh,
20 and that is why you got mixed up.

21 [09.23.01]

22 But at the same time, on the second form, which we'll talk about
23 shortly, when the civil party lawyer asked you how you knew that
24 that was <Chbar Ampov (phonetic) market>, you said that people
25 had told you so.

10

1 My first question, therefore, is as follows: If you knew that <it
2 truly> was the market called <Chbar Ampov (phonetic)> because
3 people told you so, why didn't you say so the first time you
4 filled the form?

5 A. At that time, I was not familiar with the location and, later
6 on, when people said about it, then I knew that it was Phsar
7 Chbar Ampov. Even today, I am not so familiar with that market<>.

8 Q. When you say "later", what do you mean? What time are you
9 referring to?

10 A. When I said "later", I meant <> after the liberation by Hun
11 Sen soldiers<, I was familiar with it>.

12 [09.24.50]

13 Q. Very well. You knew that it was <not> the Central Market after
14 the liberation by the Hun Sen soldiers. But <that means> when you
15 filled out the form in 2008, you already knew that <you hadn't
16 been to> the Central Market, but <to> Chbar Ampov. Is that not
17 the case?

18 A. I meant to say Chbar Ampov market or Phsar Chbar Ampov.

19 Q. Right. But <since you already had been informed of that by>
20 the Hun Sen soldiers, why did you still talk about <a central
21 market when> filling out that first form?

22 MR. PRESIDENT:

23 Civil Party, please hold on.

24 And Civil Party Lawyer, you have the floor.

25 Please turn on the microphone.

11

1 [09.26.16]

2 MS. TY SRINNA:

3 Mr. President, I object to this question because the civil party
4 did not say it was Hun Sen soldiers who told him about Phsar
5 Chbar Ampov. So, if this line of questions is allowed to
6 continue, it's going to get the civil party <out of line of what
7 he previously testified>.

8 Thank you.

9 BY MS. GUISSÉ:

10 I believe it may be an interpretation problem because that is
11 what I heard in French.

12 Q. Mr. Civil Party, can you tell us who informed you that it was
13 Phsar Chbar Ampov and not the Central Market, and when were you
14 informed of that?

15 [09.27.22]

16 2-TCCP-1063:

17 A. When you asked me a question previously, <I could not grasp
18 fully>. I did not mean that I was told by Hun Sen soldiers. What
19 I meant is that I was told after the Hun Sen soldiers liberated
20 us. I was told by people, but not by Hun Sen soldiers.
21 And in fact, it was people, that is, after the liberation in
22 1979, whom I met and I spoke to them. They said about the
23 evacuation from Svay Rieng, and I asked whether we were
24 instructed to rest at Phsar Thmei or Phsar Chbar Ampov. And those
25 people who were evacuated when I was, said that we were evacuated

1 and stayed at Phsar Chbar Ampov.

2 <>At the time, people were evacuated from three provinces: Prey
3 Veng, Svay Rieng and Kampong Cham<. Since the central market or
4 Phsar Thmei was already full>, some of the evacuees were allowed
5 to rest <> at Phsar Chbar Ampov, or Chbar Ampov market.

6 [09.28.55]

7 Q. Very well. My question remains the same, therefore.

8 Since after the liberation by the Hun Sen troops you had received
9 that information, why, therefore, in 2008 do you still talk of
10 the Central Market?

11 A. I apologize. Maybe I did not pay much attention to that. And
12 it is probably my mix-up.

13 Q. In the passage I quoted, you talk of your visit, <and your
14 stay,> but you did not talk of the presence of Khieu Samphan. Can
15 you explain why?

16 A. Because when I spoke, maybe I did not say everything and
17 probably I only spoke in response to the questions that were
18 asked.

19 Q. But since you made mention of the distribution of food,
20 scarves and clothes and the fact that you were transported in
21 trucks to subsequently go to the railway station and you give
22 details on that day <about what they gave you. In> your statement
23 before the Chamber, you appear to <make a link between> the
24 distribution of food and supplies <with> Khieu <Samphan's
25 arrival>. Even though you may not have been asked specific

13

1 questions, why did you not make mention of that?

2 A. I cannot catch your question, counsel. Could you repeat it?

3 [09.31.30]

4 Q. At the hearing when you talked about the arrival of food <and>

5 supplies, etc., you say that they arrived in two vehicles in

6 which Khieu Samphan also <arrived>, and that it was after his

7 arrival <and his speech> that these goods were distributed to

8 you. So there was a link between the distribution and the

9 presence of Khieu Samphan, in what you recounted in the hearing.

10 So my question is: why didn't you mention it then in your first

11 information form even without any specific questions about it?

12 Because it corresponds to what you're <readily> describing in

13 that document then -- receiving food and supplies, etc.

14 [09.32.30]

15 MS. GUIRAUD:

16 Thank you, Mr. President. Just a brief comment.

17 I've made several observations throughout this trial on the

18 <conditions under which> the NGOs noted down <information>

19 regarding the civil parties to begin with, and I would like to

20 note again that it's not necessarily the witness who did not

21 mention it, but perhaps the staff of the NGO< - CHRAC, in this

22 case -- > did not write it down because they're the ones that

23 recorded the words of the civil party. It's not the civil party

24 who wrote it.

25 So once again, the Defence is, of course, authorized to <test the

14

1 civil party's statements today>, but I think that we are all very
2 aware of the specific circumstances under which these documents
3 were noted down by the NGOs <before lawyers were assigned>.

4 Thank you.

5 BY MS. GUISSÉ:

6 I do understand these arguments by my colleague, but <that is all
7 they are, arguments. In this instance, I'm asking the Civil Party
8 a question and he is free to provide me with this explanation,
9 but> I would like to have the explanation from the witness
10 himself.

11 Q. So I will continue with my questioning, Mr. Civil Party.

12 Because there was a link< -- given what you stated before this
13 Court -- >with the alleged arrival of Khieu Samphan and the
14 distribution of these supplies, <why did you not mention it, and>
15 why was it not mentioned in this initial document?

16 [09.34.15]

17 2-TCCP-1063:

18 A. Allow me to inform the Chamber at the time of the writing, I,
19 myself, did not fill in the information. It was the person <>
20 from <an organisation> who wrote about it. Questions were put to
21 me and I gave my answers at the time accordingly. In fact, that
22 was the experience that I underwent at the time. That what I
23 experienced.

24 Q. You signed this document and it was re-read to you before you
25 signed it; is that correct?

15

1 A. I did not recall at the time. I did not recall <whether or not
2 I was read that> application<.>

3 [09.35.20]

4 Q. On the same page that I referred to earlier, in the story you
5 recount at the time that this first information sheet was
6 created, there is mention of <the head of a cooperative, Preaek
7 Chik (sic) at> Svay Por (phonetic).

8 So this part of your statement, which is not of interest in the
9 absolute sense, but simply <mentions> the name of one of the
10 leaders of the cooperative that you ostensibly mentioned on that
11 day, so my question is as follows:

12 At the time that you saw Khieu Samphan, or you say that you saw
13 him at this market, did you know what post he held?

14 A. Mr. President, I testified about that yesterday. I cannot
15 remember his position and role at the time.

16 Q. Without knowing what position he held, did you think that it
17 was someone of importance in the state of Democratic Kampuchea,
18 or did you think that it was just someone who might have had the
19 same level as the head of a cooperative, for example?

20 A. Mr. President, at the time, he held a high position, one of
21 the senior persons <in that time>, but I do not recall his rank
22 and his position. What I can recall is that he held <the> highest
23 position in the leadership, the senior leadership at the time.

24 [09.37.46]

25 Q. And during the DK period, did it happen often that you met

16

1 people who you thought had a higher level?

2 A. I never met them at the time, as I was an ordinary citizen
3 residing in a rural area. It was only when I was evacuated to
4 Phnom Penh, I met him. That was the only time.

5 Q. In that context, are we in agreement that this meeting with
6 the person that was considered to be a senior leader was
7 exceptional?

8 A. I agree with what you said. People in general rarely had the
9 occasion to meet those senior people.

10 Q. All right. So my question, and this will be the last point on
11 this particular item in the document -- this was an exceptional
12 event. As far as you remember, did you mention this event to the
13 person who assisted you in filling out the form and who perhaps
14 had just simply forgotten to write down the name of Khieu
15 Samphan?

16 [09.39.55]

17 MR. KOUMJIAN:

18 Your Honours, I believe it's only fair to the witness that
19 counsel indicate the section of the form where this is written
20 because the section of the form is entitled, in English,
21 "Description of crimes, what crimes occurred and how they
22 occurred".

23 So this is what the general question that's being answered by the
24 witness when he recounts what happened to him and to his family.
25 It wasn't a question about how the criminal policies were

17

1 formulated and how the leadership formulated the policies.
2 If you look at the beginning of the section, it says,
3 "Description of crimes, what crimes occurred and how they
4 occurred".

5 [09.40.44]

6 BY MS. GUISSÉ:

7 There again, Mr. President, that is an argument that <may> be the
8 Prosecution's position, <at the end, when we will be arguing
9 about why> Khieu Samphan's name does not appear in this form.
10 Nevertheless, my question was legitimate and even more so <now>
11 because, there is <also> the name of the head of the cooperative,
12 which is mentioned. So my question remains.

13 Q. Insofar as you remember, Mr. Civil Party --

14 MR. KOUMJIAN:

15 Can counsel indicate, where's the name of the head of the
16 cooperative?

17 MS. GUISSÉ:

18 So the document is E3/10760 <(sic)>. The ERN in English is
19 00422204; and in Khmer, 00397758. And as follows --

20 JUDGE FENZ:

21 You were a bit too quick for me. For the repetition of the E
22 number.

23 [09.41.52]

24 BY MS. GUISSÉ:

25 It's document E3/10670a <(sic)>. It's the <first civil party

18

1 application, dated> the 2nd of August 2008. So I maintain my
2 question.

3 Q. Mr. Civil Party, insofar as you remember, did you mention the
4 name Khieu Samphan to this person during this first interview,
5 and does this name not appear in the document in spite of what
6 you recounted because the person that was in charge of drafting
7 the document forgot it?

8 Do you remember having mentioned this incident?

9 2-TCCP-1063:

10 A. Mr. President, to my recollection, when I was interviewed, no
11 such questions were put to me about my meeting with Khieu
12 Samphan. It was later on that I was asked about my meeting with
13 him. It was after that time I told the information about the
14 meeting and I, myself, did not know if the meeting with him was
15 included in my application.

16 [09.43.45]

17 Q. Very well, then.

18 What you want to say, and I want to be sure that I understand
19 this correctly, since you were not asked questions about Khieu
20 Samphan, when you talked about what happened at the market --
21 whether it was at Chbar Ampov or the Central Market -- you didn't
22 spontaneously mention Khieu Samphan, but you mentioned the fact
23 that you had received rice, scarves, clothing. That you
24 mentioned. And you talked about your transfer to the <train
25 station when> you were asked about it because, a priori, that is

19

1 what <came> out.

2 But when recounting all of this, what happened, you didn't
3 mention Khieu Samphan because you weren't asked any questions
4 about him. Is that what I should understand?

5 A. I was not asked about him.

6 [09.44.48]

7 Q. And just to be sure that I understand, because you weren't
8 asked any questions about him, you didn't mention him. Is that
9 correct?

10 A. They did not ask me about that. Frankly speaking, the
11 interviewer did not ask me about my encounter with Khieu Samphan
12 or my meeting with Khieu Samphan<. If they did not ask me>, I did
13 not tell the interviewer<>.

14 Q. Just one last point on this document, and then I'll come back
15 <to Khieu Samphan in your second document. In this initial
16 document, just one clarification, at> the ERN in <English>
17 00422202, and in Khmer 00397758. In the document that we are
18 looking at now, it's noted, and I will quote in English:

19 "On 7th of May '75, the Khmer Rouge soldiers came to our village
20 commune and evacuated people from Svay Rieng provincial town to
21 live in our <birth> village commune."

22 Do you confirm this, meaning that there was an evacuation? I want
23 to make sure that I understood it. The 17th of April 1975 and
24 then afterwards, you returned to your birth village in May 1975.

25 A. I stand by that statement.

20

1 [09.47.10]

2 Q. And in this document, you talk about the fact that you
3 underwent <education> sessions at the Ta Chey pagoda, and you say
4 the following, and I will quote again in English:

5 "After spending four months there, I was released by Angkar to
6 return home and asked to work hard in the cooperative of Ta Chey
7 village." End quote.

8 I would like to be sure. I believe that I understood from your
9 testimony that you were held <for> nine months, and here it's
10 written that it was four months. Could you please clarify what
11 the exact length of your <detention> was for the Chamber?

12 We're talking about how long you were detained before you
13 returned to the cooperative.

14 A. Thank you, counsel.

15 Mr. President, I was not detained in the prison for a period of
16 four months. And at the time, perhaps the one who assisted <in
17 filling out the information did not get clearly my answer. I was
18 <detained there for> nine months, not four months<>.

19 [09.48.50]

20 Q. I would now like to come back to your second form. This one is
21 from the 2nd of April 2010, and this is the first time that we
22 have a document where you mention Khieu Samphan's name. The
23 document number is E3/5932a, and the part that interests me in
24 English is at ERN 01332268, and in Khmer 00578456.

25 And before questioning you more specifically on this part, just a

21

1 clarification. We also have in the file another document,
2 document D22/19414, which is the Power of Attorney, the document
3 that gives permission to your lawyer to represent you. And I
4 believe it's only in English. The ERN is 00407825, and it's a
5 document dated the 25th of October 2009. And the lawyer
6 representing you is Counsel Chet Vanly.

7 So my first question is, do you remember in October 2009 that you
8 had a lawyer who began to represent you on this case?

9 [09.50.42]

10 A. Yes, I was assisted by a lawyer at the time.

11 Q. So we also have in the file, as I indicated to you, your
12 <second statement, your> Supplementary Information Form, which is
13 dated 2 April 2010; <so after> a lawyer had already been assigned
14 to you.

15 Do you remember if the Supplementary Information Form was carried
16 out with the assistance of your lawyer at the time?

17 A. She assisted me in the filling out the form.

18 Q. All right. So now we'll come back to the document in question
19 at the ERNs that I have already quoted. And here is what is
20 indicated at your <visit> to the market, and I will quote in
21 English <because there is no French version>:

22 "<At Phnom Penh,> in the vicinity of Chbar Ampov, they (Khieu
23 Samphan) distributed blue scarves to us. During the night, at 2
24 a.m., they took us to a rail station and we resumed our journey
25 by train to Prey Svay, etc., etc." End quote.

1 [09.52.42]

2 So on the 2nd of April 2010, you were assisted by a lawyer who,
3 if I understand your logic, when you talk about Khieu Samphan
4 because you're asked questions about him, and correct me if
5 that's not the case, but on the 2nd of April 2010, you mentioned
6 Khieu Samphan as simply having distributed scarves.

7 Do you remember this form and having said this when filling out
8 the form?

9 A. At the time, he was the one who distributed a krama scarf,
10 medicines, clothes and food before we departed for the railway
11 station.

12 [09.54.00]

13 Q. In this document of April 2010, you mentioned Mr. Khieu
14 Samphan for the first time, but you never mention any speech that
15 he gave at the time he was distributing these scarves or food
16 supplies.

17 Can you explain to the Chamber why -- although there's no doubt
18 that you're talking about Khieu Samphan -- why did you not
19 mention the speech that you spoke of afterwards in this Chamber?

20 A. Mr. President, the lawyer did not ask me about the speeches
21 made by Khieu Samphan. I was asked <only> what kind of stuff
22 distributed by Khieu Samphan. The question about speeches were
23 not asked, <so,> I did not give my answers about the speeches.
24 That is why such information was not included in the form.

25 Q. So what you're explaining to the Chamber is that when you

1 mention this passage about Khieu Samphan, you're not telling a
2 whole story of what happened at the market because you were not
3 asked specific questions. Is that correct?

4 A. Yes, that is what I want to say. Such questions were not
5 asked, and I did not give my answers. And at the time, <I did not
6 anticipate that my application would lead me to this stage.> I
7 was only giving my answers to the limit of the questions. <I
8 dared not speak much.>

9 [09.56.27]

10 Q. So what I would like to know is, since you didn't mention
11 Khieu Samphan's name at all when you were giving information for
12 your first form, how did the name of Mr. Khieu Samphan show up in
13 this second form? Are you the one who spontaneously mentioned
14 him, or was it because you were asked a question which included
15 Khieu Samphan's name that you mentioned him?

16 What I want to know is if it is you, yourself, who spontaneously
17 spoke about Mr. Khieu Samphan when filling out this second form,
18 which is not simply a second form. I really want to clarify that
19 it is a Supplementary Information Form <about what you
20 experienced under Democratic Kampuchea>.

21 A. Mr. President, regarding Khieu Samphan, it was in a later
22 interview that I was asked about him. Clarification question was
23 put to me. I was asked what kind of thing <> he spoke at the time
24 when he was distributing the stuff to the people.

25 Again, it was later on that I was asked about him, and I gave my

24

1 answers. At the outset, I was not asked about him. That is why
2 the issue of him was not included in the first form.

3 [09.58.34]

4 Q. All right. So here in the second form since we're talking
5 about him, you didn't think that there was a need to tell the
6 full story about your experience at Chbar Ampov?

7 A. It did not come to my mind at the time, and only when I was
8 asked about that, I recalled about the hardship that I
9 experienced at the time. At the beginning, I was not interested
10 in telling such event and, also, it was because I was not asked
11 <by> that organization and the lawyer. That is why I did not tell
12 them about that.

13 Q. And that leads me back to a previous question that I asked
14 you.

15 On the first form, you said yourself that the meeting of -- with
16 a senior leader, was something exceptional. So here, when you're
17 asked about Khieu Samphan during the filling out of this
18 Supplementary Information Form, do you still consider that it's
19 not very important, that there's no need to go into detail?
20 That's what I understood from your previous response.

21 [10.00.50]

22 MS. GUIRAUD:

23 Mr. President, just an observation. Our colleague noted earlier
24 that I was reading an argument, but I think she is also doing so
25 when she <is putting questions and> systematically interpreting

25

1 what the civil party witness did or did not do, <think or did not
2 think,> when he met with the NGO or the lawyer when he was
3 filling out the forms. So if she could please be neutral instead
4 of putting words into the mouth of the civil party and <making
5 him say whether> it was important or it was not important, etc.

6 JUDGE FENZ:

7 And perhaps additionally, things that are clearly important to
8 the Defence, like a speech might not necessarily have seemed
9 important for a legally non-trained witness or civil party. Just
10 a general remark.

11 [10.01.50]

12 BY MS. GUISSÉ:

13 I do not know whether after the pleadings by the various parties,
14 we are already in closing arguments on this subject, but I think
15 that as counsel for Khieu Samphan, I have good reason to ask
16 these <types of> questions, to ask why <it> was only some time in
17 2015 that the civil party <voiced> inculpatory <testimony against
18 my client>, whereas he had been interviewed by various persons
19 <since> 2008. It appears to be normal to me.

20 When the civil party lawyer says that I am putting words in the
21 witness' mouth, that is not the case. <It is not me who put words
22 in the witnesses mouth,> it is the witness himself who said that
23 he did not deem it necessary to provide this information.

24 It is normal that I should try to obtain information before
25 making my own interpretations. I am putting questions to him to

1 <inquire as towards his state of mind and> ask why he did not
2 talk about this earlier, and < it is normal to put> questions on
3 this matter.

4 So I think that <in that> sense, these are only remarks, are not
5 objections. <So> I can proceed.

6 [10.03.03]

7 Q. So to be very specific, my question is as follows:

8 At this time, you talked about Khieu Samphan in that
9 Supplementary Information Form even though specific questions
10 were not put to you on what he said, you did not consider it
11 important to talk about all of the events that occurred at the
12 market, all of what you saw and all of what you heard from Khieu
13 Samphan during that distribution?

14 2-TCCP-1063:

15 A. Frankly speaking, at that time, I did not pay much attention
16 to that. And only later when I was called by the Court staff, I
17 could recall the event. Previously, I did not think of that.

18 As <simple> people, we do not pay much attention to that. The
19 main focus of us, the farmers, were to <increase high yield> in
20 the field and not to pay much attention to that. And that is the
21 reason I did not respond or speak about that, nor was I asked by
22 the organization staff on this issue.

23 [10.04.53]

24 Q. I would like us to now talk of the last Supplementary
25 Information Form that you submitted as part of the investigations

1 of Case 004, <so another case,> document E3/10670, forwarded on
2 the 5th of January 2015 by your counsel. And this document, if I
3 fully understand the explanations you gave before on the way the
4 interviews unfolded in order for you to provide the information,
5 precisely, in 2014 or in 2015, your counsel put specific
6 questions to you on Khieu Samphan. And that is why you went into
7 much detail.

8 So am I right in providing this explanation of the way things
9 unfolded on that occasion?

10 A. My lawyer did not ask me about that, but after I recalled it,
11 I told the lawyer <subsequently>. And that's why this information
12 was included in the later form. As I said, it happened so long
13 ago, and only later on, I recalled it and I reported it to the
14 lawyer. And subsequently, the lawyer included that information on
15 the <application> form.

16 [10.06.53]

17 Q. Very well. If I understand correctly, therefore, you forgot
18 that part of those events because you remembered it only when you
19 mentioned it to the lawyer. My question to you, therefore, is as
20 follows:

21 Are you sure that your memories are very reliable? Because you
22 have said that those events occurred a long time ago, and yet
23 whether it is before this Court or in form E3/10670, you are very
24 specific in providing certain details citing practically word for
25 word the topics and the issues that Khieu Samphan addressed. And

1 I quote: The ERN in English is 01190623, ERN in Khmer 01118429
2 and it continues on the following page. And this is what you
3 state, and I will raise questions on this part. I'm quoting in
4 English:
5 [10.08.20]
6 "<While we were resting,> Angkar provided steamed rice and
7 steamed mackerel for people to eat. On the third morning before
8 we continued on our journey, the Khmer Rouge leader, Khieu
9 Samphan, and his team, most of whom I did not know, came in
10 vehicles to distribute food, clothes, scarves, balm oil and
11 packages of medicine to us. After providing the items, Khieu
12 Samphan and the leader of the Democratic Kampuchea regime said
13 'We carried out the revolution to topple the Lon Nol regime and
14 to eliminate capitalism, feudalism and intellectualism. We
15 forbade the capitalists from oppressing the poor people. We want
16 to eliminate the classes of rich and poor. We want to promote
17 equality amongst old people.
18 Angkar brought our brothers and sisters here to protect you from
19 the Vietnamese imperialists and invaders, who will kill our
20 brothers, sisters, fathers and mothers. You are going to live in
21 the southwest. Please follow the Democratic Kampuchea's policy.
22 Please be loyal to the Party forever. If anyone betrays the
23 Party, that person will be killed and the saying goes 'to keep
24 you is of no benefit, to kill you is of no loss'.'" End of quote.
25 I'll press on. Sorry.

1 [10.10.08]

2 "After Khieu Samphan distributed the items and delivered the
3 speech, people got in vehicles to go to the train station at 9
4 a.m." End of quote.

5 Here you therefore provide an account with details on the
6 contents of the speech that Khieu Samphan is alleged to have
7 delivered.

8 Insofar as you've told the Chamber that you forgot this part and
9 only remembered it subsequently, my question to you is whether
10 you are sure that these were, indeed, the specific words that
11 Khieu Samphan uttered or <did> your memory fail you?

12 A. These words were from Khieu Samphan because, at the time he
13 did make his speech, he spoke at length, but I cannot recall
14 everything and I can only remember portions of it. He spoke for
15 nearly an hour, and I could only recall what I stated.

16 [10.11.51]

17 Q. Yesterday, you stated that he did not speak for an hour, but
18 for about 30 minutes because you thought he was in a hurry and it
19 was urgent for you to be taken to the railway station.

20 Do you remember whether it was for 30 minutes or an hour that he
21 spoke?

22 MR. PRESIDENT:

23 Civil Party, please hold on.

24 And lawyer for civil parties, you have the floor.

25 MS. TY SRINNA:

30

1 I'd like to make an observation. A while ago, in the Khmer
2 language, the civil party stated that Khieu Samphan spoke for
3 "almost an hour", and not "over an hour", so there may be a
4 problem with the interpretation.

5 BY MS. GUISSÉ:

6 Q. I will rephrase the question in order to align myself with the
7 Khmer.

8 So it was rather close to an hour as opposed to 30 minutes <as>
9 you stated yesterday?

10 2-TCCP-1063:

11 A. I did not say that he spoke for over an hour. I said that he
12 spoke for almost an hour. But maybe you did not get it right and
13 it says that it was over an hour.

14 [10.13.35]

15 Q. My question was whether it was close to an hour or
16 approximately an hour, <that's not a problem>. I <understand you
17 said that in Khmer> but <yesterday,> you rather talked of 30
18 minutes.

19 My question is, <which version> is <closest to> the truth, <from>
20 what you can remember today --

21 JUDGE FENZ:

22 Just to be clear, can you give us the reference for the 30
23 minutes but because perhaps there was a mistranslation there,
24 too, just to avoid further confusion.

25 [10.14.18]

31

1 MS. GUISSÉ:

2 I've asked my team to look for the reference in the transcript. I
3 am just speaking by memory <based on my notes>.

4 MS. GUIRAUD:

5 <I have it Co-Counsel.>

6 <MS. GUISSÉ:>

7 I believe it's 11.53, and it is Judge Fenz who is asking for
8 this.

9 <MS. GUIRAUD:>

10 <I have 15.52 in which he says "more than 30 minutes", actually.>

11 The ENGLISH INTERPRETER:

12 Mr. President, could counsel repeat what he said because we were
13 still translating what the other counsel was saying?

14 JUDGE FENZ:

15 Could you please repeat this? Translation didn't get it.

16 MS. GUIRAUD:

17 Of course. I have the transcript in French. Yesterday at
18 15.52.43, answer by the civil party:

19 "Khieu Samphan delivered a speech for more than 30 minutes.

20 Perhaps he was in a hurry to go somewhere else."

21 [10.15.25]

22 MS. GUISSÉ:

23 Indeed, I did not have the time to look up the transcript in

24 <French>, but in <English>, that is exactly it.

25 So my question to the civil party was as follows: Was it closer

32

1 to an hour or closer to half an hour?

2 I see Judge Fenz holding her head somewhat overwhelmed. Perhaps I
3 can assist you.

4 JUDGE FENZ:

5 What's the difference between more than an hour -- more than half
6 an hour and less than an hour? Where's the contradiction? Or
7 perhaps I'm missing something.

8 [10.16.12]

9 BY MS. GUISSÉ:

10 I'm trying to obtain information. I believe that, once more, we
11 are dealing with a civil party who recounts that Khieu Samphan
12 delivered a speech for the first time in 2015. It is normal that,
13 as Khieu Samphan's counsel, I should be seeking details <and
14 contradictions> on what he said<, for you to consider>. <I
15 understand we are already upstream when it comes to potential
16 conclusions the Chamber may reach, but in any case,> as a lawyer,
17 I should seek to elicit details on the manner in which the civil
18 party is presenting his account.

19 I'm almost done, Mr. President. I do not know whether you want us
20 to take the break now, but I believe I still need about five
21 minutes, so as you wish.

22 I see you indicating that I can continue.

23 Q. Mr. Civil Party, do you remember -- perhaps I should rephrase
24 the question.

25 Yesterday, I understood from your testimony that you said Khieu

1 Samphan spoke in what is referred to in French as a megaphone,
2 that is, a <large> portable microphone. Can you specify that it
3 was, indeed, for half an hour, slightly more than half, <or> an
4 hour that Mr. Khieu Samphan spoke into that megaphone? <Can you
5 be more precise?>

6 [10.17.55]

7 2-TCCP-1063:

8 A. I stated that he used a microphone yesterday. And the
9 microphone was battery operated. That's what I stated.

10 Q. You also stated that when he <allegedly> delivered that
11 speech, you were in a market. And I do not understand exactly how
12 many people were around you. I believe you said that you were
13 asked to line up.

14 And were you on your feet as you lined up, or there was a place
15 where you were seated?

16 A. At that time, we were not sitting. We were standing in rows.
17 All the people were standing in rows in the market.

18 [10.19.10]

19 Q. And once more, according to my notes and what I remember from
20 what you said yesterday, you said you were at a distance of about
21 20 metres. When he delivered that speech, were you also 20 metres
22 away from him?

23 JUDGE FENZ:

24 Given the problems we have had with references, could you kindly
25 give us the reference of the transcript as opposed to a reference

1 to your notes? Obviously, we have interpretation problems.

2 BY MS. GUISSÉ:

3 I have also asked my team to look that up. My colleague says in
4 Khmer it was, indeed, 20 metres that the civil party said
5 yesterday, but <no problem,> we'll give you the reference
6 subsequently.

7 In any case, if it wasn't the distance of 20 metres, can you
8 specify at what distance you were at the time when that speech
9 was delivered?

10 2-TCCP-1063:

11 A. Yesterday, I already stated that I was about 20 metres away
12 from him. That's what I said.

13 [10.20.33]

14 Q. And in front of you, were there also people on their feet
15 since I understand that you were not on the first row?

16 For Judge Fenz, the time was 15.19.

17 Excuse me. The question wasn't very clear. Let me ask it again.

18 When you heard that speech, Mr. Khieu Samphan was using a
19 microphone as he delivered the speech, <he spoke> and there were
20 people between you and Mr. Khieu Samphan. You were not on the
21 first row. Is that not the case?

22 A. No, I was not at the first row. And there were people who were
23 standing in front of me.

24 [10.21.35]

25 Q. One last clarification.

1 I understood from what you said yesterday that there were many
2 people at that market at the time the speech was delivered. Can
3 you assess the number of persons?

4 I <thought I understood that you said> that many people were
5 evacuated, but what I want to know is whether you can give an
6 estimate of the number of people who were present at the market
7 at that particular time?

8 A. At that time, I did not do any <> counting. I knew that there
9 were many, many people.

10 For that reason, I cannot give you a proper estimate.

11 Q. One clarification I forgot to ask of you regarding your form
12 E3/10670, the ERN in English 01190623, in Khmer 01118429. When
13 you talk about people who came at the same time with Khieu
14 Samphan, it is stated in that statement:

15 "The Khmer Rouge leader, Khieu Samphan, and his team, most of
16 whom I did not know, came in vehicles", etc., etc. End of quote.

17 When you say that "I did not know most of them", does it mean
18 that you knew some of the people in the team that came on that
19 day?

20 A. No, I did not know those people. I only knew Khieu Samphan
21 because other people also saw him, too. And in addition to that,
22 I saw him in a film. And when I saw him in person, then I
23 recognized him. And besides him, I did not recognize anyone else.

24 [10.24.10]

25 Q. And do you remember in what year you saw that film?

1 A. I saw the film in 1975, that is, after I returned <> from
2 Pursat. At the time, Samdech Hun Sen's troops <liberated and>
3 showed the film to the villagers in other villages.

4 Q. Do you, therefore, mean that you saw the film featuring Khieu
5 Samphan after the events, after the period of Democratic
6 Kampuchea?

7 A. I apologize. I got mixed up <at the last moment>.

8 In fact, I saw him earlier, and not after the liberation in 1979.
9 <My apology.> I just got mixed up as in the previous case, that
10 is, in term of the issue of whether it was almost an hour or
11 <half> an hour.

12 [10.25.51]

13 Q. Just one question.

14 Who showed that, and on what occasion was that?

15 A. Allow me to be clear. I saw that film during the times that
16 Democratic Kampuchea controlled the country. At that time, the
17 front troops showed the film in cooperatives, and that's when I
18 saw the film. But I made a mistake earlier that I said I watched
19 it after 1979. But in fact, I watched the film during the Pol Pot
20 regime.

21 The film showed about farmers who worked in the rice fields, <>
22 digging canals, etc. And the film was also <shown senior> leaders
23 <participating in the event>. So I recall that what I said
24 earlier was a mistake.

25 [10.27.15]

1 Q. And when you say that that film was about the leaders, were
2 the <roles> of the different leaders specified?

3 A. Sometimes I could hear a voice from the film. Sometimes it was
4 silent. And for that reason, I cannot recall that point <because>
5 leaders of the regime kept changing. For that reason, I cannot
6 recall their respective positions during the regime.

7 We, the people, we did not pay attention to that. We were afraid
8 <of being killed and becoming> victimised <of food deprivation.
9 We were concerned about the prospect of being killed>, so we did
10 not pay attention to such matter.

11 Q. Mr. President, this will be my last question. I'm sorry that I
12 went on for much longer than I thought.

13 My last question, therefore, <to make sure that I've understood
14 correctly>: you spontaneously decided to contact your lawyer to
15 provide supplementary information on Mr. Khieu Samphan sometime
16 in 2014 or 2015. Did I properly understand your testimony?

17 A. There was a staff from organization asking me to obtain a
18 lawyer. Then I contacted the lawyer so that I could file my
19 supplementary information.

20 [10.29.40]

21 MS. GUISSÉ:

22 I am done with my examination of the civil party, Mr. President,
23 and my colleague, Kong Sam Onn, says he has a few more questions
24 to put to the civil party.

25 MR. PRESIDENT:

1 Counsel Kong Sam Onn, you have the floor.

2 QUESTIONING BY MR. KONG SAM ONN:

3 Thank you, Mr. President. Good morning, Your Honours and
4 everyone.

5 Q. And good morning, Mr. Civil Party. I'd like to ask you about
6 your presence at the Chbar Ampov market when you said that you
7 received some items from Khieu Samphan.

8 While you were standing in rows, can you tell the Chamber how
9 many rows there were?

10 2-TCCP-1063:

11 A. I did not count the number of rows because there were many
12 rows.

13 Q. Can you give an estimate whether there were more than 100 rows
14 or less than 100?

15 A. From my <estimation>, the rows were less than 100.

16 [10.31.04]

17 Q. Was this a bit lower than 100 or was it half of 100?

18 A. It was a bit lower <> than 100 <but it was not half of 100>.

19 Q. Yesterday, you testified that you were in a row that there
20 were about 20 people who were in front of you since you were not
21 in the front row. Am I correct?

22 A. Yes, that is correct.

23 I estimated at the time. I did not count the exact number, but
24 what I could say is that there were around 20 people in front of
25 me. At the time, no one had time to count those people who were

1 standing in front of us.

2 [10.32.19]

3 Q. Thank you.

4 Could you clarify for the Chamber while you were standing, were
5 you in the middle row or were you at the corner? Where was your
6 position of your standing?

7 A. Mr. President, <it is hard to answer your question.> I cannot
8 tell you exactly how far I was from the front. If I say it was 15
9 metres away from the front row, <it could be wrong and it becomes
10 controversial just like the question of "half an hour, almost an
11 hour, and over an hour."> I could not say that, or how long I was
12 standing. I cannot also inform you, Mr. President.

13 Q. If you compare to those who were standing to the right and to
14 your left, could you tell the Chamber, were you in the middle row
15 or were you close to the right side or to the left side <in
16 comparison to those estimated 100 rows>?

17 A. I was standing to the right, to the far right side<>.

18 Q. So if you talk about those who are standing to your right, how
19 many of them were standing to your right?

20 A. There were 10 rows <to my row, from left to right side.>

21 Q. Thank you. Yesterday, you indicated that Khieu Samphan
22 distributed stuff to the people <as a symbolised gesture.> He was
23 distributing stuff to 10 or 20 people at the time, then he left;
24 do you recall that you testified this point to the Chamber?

25 A. Yes, I did tell the Chamber about that <yesterday>.

40

1 [10.34.48]

2 Q. Thank you. You also indicated that among the 20 people who
3 received stuff from Khieu Samphan, including you, as well; do you
4 recall that?

5 A. Mr. President, yes, I, personally, received stuff from him.

6 Q. Thank you. Were you in your row, at the time, while he was
7 distributing the stuff to people?

8 A. We were called out to go <forward, out of the queue.

9 Accidentally,>my name was called and I went to receive, directly,
10 the items from him.

11 Q. <How> were names called out, at the time, or was there a list
12 of names?

13 MR. PRESIDENT:

14 Please observe the microphone. You have to wait until the
15 activation of the microphone before you can speak.

16 [10.36.10]

17 2-TCCP-1063:

18 A. My apology, Mr. President. While the stuff was distributed
19 <from row to row>, names were called out. One or two people
20 assisted him in distributing the stuff. My name was called out
21 and I went to receive the stuff. I, at the time, did not recall
22 all the detail and what really happened, at the time, and I did
23 not recall how many people received the stuff from him. I was not
24 so interested in all the detail.

25 BY MR. KONG SAM ONN:

41

1 Q. My doubt comes from the fact that Khieu Samphan<, through your
2 testimony,> had distributed the stuff to 10 or 20 people and you
3 stated that you were standing in the <> 20th row, <and there were
4 many more rows.> So how could the stuff be distributed to you
5 <among 10 or 20 people> since you were standing in the <back>
6 row? There were people in front of you, in fact, at the time. You
7 stated that there was a working group; one or two people coming
8 to call you to receive the stuff; so how could you explain this
9 point?

10 2-TCCP-1063:

11 A. I did not know what happened at the time. <I did not pay
12 attention.> They came to call me out of the row and to receive
13 the stuff. <I did not know how the arrangement be made.>

14 [10.38.10]

15 MR. KONG SAM ONN:

16 Thank you, Mr. President. I am done with my questionings, Mr.
17 President.

18 MR. PRESIDENT:

19 At the end, you are entitled to express your Victim Impact
20 Statement as a civil party. You indicate that you underwent the
21 sufferings and injury under the Democratic Kampuchea in the
22 period between 17 April 1975 up to 6 January 1979; you can now
23 express your sufferings, if any.

24 [10.38.53]

25 2-TCCP-1063:

1 Mr. President, I wish to inform the Chamber the suffering
2 inflicted on me<.> In 17 April 1975 <,> I was evacuated from
3 Svay Rieng. At the time, the Khmer Rouge troops entered Svay
4 Rieng, they <chased and> forced people to go out of Svay Rieng.
5 They shouted at us, <brothers, sisters, mothers, fathers, to> go
6 out of the town; otherwise, you are all shot to death.
7 After I had left my birthplace and reached a main road, I saw an
8 old man who could not walk. That old man <was very old> could
9 hardly walk and they shouted at him, "Why you do like that? Why
10 you walk like that? You will be shot to death." <Shortly after
11 this threat, that old man was shot to death and fell to the
12 ground in front of me.> I was so scared at the time. I was so
13 frightened <so I continued my journey forwards>.
14 [10.40.25]
15 All people, including me, were in the same situation. They were
16 being evacuated. <We did not bring much> belongings with us, but
17 only some clothes and some rice, since we were forced to leave.
18 We were told that we would leave only for two or three days, then
19 we would be allowed to return home. <We> were told that we did
20 not need to bring with us <> our belongings. We were so scared
21 and we had to leave. Then we arrived at Ta Chey village where <we
22 were> allowed to take a rest for one month. <Shortly>, they
23 learned that my elder brother used to be a former Lon Nol
24 soldier. My elder brother was then taken for <re-education> at
25 Wat Krous (phonetic)<or> Krou (phonetic) pagoda. In fact, he was

1 not sent for <re-education>; he was instead sent for execution.

2 He disappeared ever since.

3 Half a month later, my father was taken away. He was taken for

4 also <re- education> at Wat Ta Chey. They said that my father was

5 part of the <self-defence force>. My father, in fact, was an

6 ordinary <peasant>, but he was <merely> given a rifle to protect

7 villagers <at the rear>.

8 [10.42.22]

9 Half a month later, they found out that I was once a former Lon

10 Nol soldier, but for only three months. After I got injured while

11 being a soldier, I was sent to the hospital and then I was

12 released out of the hospital and came back home and I, later on,

13 became a part of <the self-defence force>.

14 After they found out that I was a former Lon Nol soldier, I was

15 also sent for <re-education> at Ta Chey pagoda or Wat Ta Chey.

16 <In the period of the re-education, it was even harder. I was not

17 given enough to eat.> I was forced to work to carry dirt to build

18 dams <and dikes.> and on some occasions, <we were assigned to

19 work in some villages. Two people, including me,> were made to

20 become the ox so that <we> could pull the oxcart which carried

21 the woods from the forest. <> I underwent a very bad experience

22 and ordeal. Later on, in 1976 --

23 MR. PRESIDENT:

24 Please hold on, Mr. Civil Party, we need to change the new DVD

25 because the old DVD runs out of space.

1 (Technical problem)

2 [10.44.06]

3 MR. PRESIDENT:

4 You may now resume your suffering statement starting from the
5 period of 1976.

6 2-TCCP-1063:

7 Thank you, Mr. President.

8 In June 1976, Angkar initiated a plan to evacuate people out of
9 the province, again, <in the evacuation, there were also> my
10 family, included my elder brother, sister <> my father, my
11 mother, one of my sister and brother <, together, 5 people> were
12 evacuated from <Ta Chey village, Khpos> Chamlang (phonetic)
13 <commune>, Svay Chrum district, Svay Rieng province. My wife and
14 I were not allowed to go with my siblings and parents. Angkar
15 told me and my wife that I did not need to go because I was
16 married. My father and mother were sent <before others> to Peam
17 Chor <district>, Prey Veng province to reside in that location.
18 My mother-in-law was also among the evacuees.

19 [10.45.36]

20 From the information that I learned from the survivor; I did not
21 learn it myself, after two months there, they <investigated and
22 found> that <> my elder sister's husband, was once a former
23 soldier, so she was taken to Koh Dach to be executed. My <sister>
24 disappeared ever since.

25 Later on, in 1977, I was evacuated for the second time. <In each

1 commune,> seventy people -- 70 families were evacuated<. Among
2 these,> 20 families were from Ta Chey. <We> were evacuated to
3 <Pursat and> Battambang. I left my house and I went on foot with
4 my bare soles; <in that time, no one> had no shoes to wear. I
5 left my village and arrived at Kraol Kou; <we walked> about 25
6 kilometres per day>. I took one <night there>. <We were> allowed
7 to rest there and the rain came down all day and night. <We could
8 not sleep because we> had no shelter to stay in. I had to take
9 shelter at the milling warehouse.

10 [10.47.21]

11 The next morning I was made to leave and take rest at Phum
12 Trabaek <village>. I was in a very bad situation. <> I had very
13 little rice <from a cooperative> and some clothes. When we
14 arrived at Kampong Trabaek, we were allowed to spend the night
15 there and the next morning, we were made to leave for Neak
16 Loeang. We spent seven days and nights <> at Neak Loeang. <We>
17 then left Neak Loeang <in the morning>; we went on foot.
18 We were allowed to take a rest at one location in order to wait
19 for the motorboats <or ships> to transport us to Phnom Penh. On
20 the sixth night, names were called to board a ferry <in mid night
21 at 12.00>. We left on a ferry and reached Chbar Ampov at around 9
22 or 10 <o'clock>. It is my estimate that we arrived at 9 or 10, or
23 1 or 2 <o'clock>, because we did not have clock to time.

24 [10.48.59]

25 We boarded the ferry at Neak Loeang's pier and we arrived at

1 Chbar Ampov at around 9 p.m. We were told to take rest for <>
2 three days, and it was <on the third day of our rest,> that I met
3 with senior leaders -- Khieu Samphan and others -- who came to
4 distribute stuff to us. And speeches were made, at the time, as I
5 indicated for the Chamber <yesterday>. We were informed and
6 advised about some specific situation. I did not have time to
7 inform everything, Mr. President.

8 Then I boarded the train. I left by train at 1 p.m. and we
9 arrived at Prey Svay at around 12 a.m. or 1 a.m. the next day. We
10 were told to disembark the train when we arrived and we had to
11 walk with our bare foot. We had to walk five kilometres from that
12 train station.

13 There was a hill, when we arrived at a location, and the hill had
14 no trees on it. <At that day, it rained a lot.> It was a rainy
15 season. There was rain all day long and all night. We had no
16 shelter to stay in, but we used our mats to prevent us from
17 soaking <and sat down>. We had to wait until the morning came and
18 at around 5 a.m. in the morning, there were cooperative <chiefs>
19 from <various> cooperatives coming to receive us.

20 [10.51.05]

21 It was at that location that we separated from one another<, the
22 evacuees from Svay Rieng province>. Although, we were from the
23 same village, two families or three families were put in one
24 cooperative; for example, I was put in Preaek Chik cooperative,
25 <Snay Sampor (phonetic) commune.> I was received by the head of

1 a cooperative in the morning and I was told to pack my
2 belongings. I was told to leave for my cooperative at night time.
3 It was so dark. I went on foot <along the railroads>. I went
4 without shoes. <I stumbled on rubbles making my foot blistered.>
5 Young children were crying at the time. We were walked on stones.
6 We were walking at night time. In fact, there was a clean and
7 good dirt road, but we were made to walk on the railroad full of
8 rocks. We had our belongings with us: cooking pot, rice, and some
9 other belongings were put on the oxcarts. The oxcart had left
10 before us.

11 For me, I left at around 6 a.m. and I arrived at Preaek Chik
12 cooperative at around 7 p.m. in the evening. I had no rice to eat
13 along the way <the whole day> since cooking pot and rice and
14 other belongings were already put on the ox cart and the ox carts
15 had already left before us. It was my ordeal at the time. I was
16 exhausted and when I arrived, I was starved. I had no food to
17 eat. <We were led by a head of the cooperative.>

18 [10.53.16]

19 When we arrived at Preaek Chik, we were given rice to eat and we
20 had two full spoons of rice to eat. That is the truth that I am
21 telling you, Mr. President. We ate cooked red rice and, later on,
22 we were given a full <ladle> of rice, not two full <ladles> of
23 rice. <A half month later, we were given just only one ladle of
24 cooked rice.>

25 I worked at <Preaek Chik Cooperative or> Preaek Chik worksite.

48

1 There were only five families. There had already -- five families
2 had already been at that worksite and five more families were
3 added. <Together, there were 10 families.> I asked other why
4 there were few people working in the worksite. I was told that
5 some of them died because of starvation; they had no rice to eat.
6 I became even more frightened and I thought that I would die one
7 day because other people< who came before me> had passed away
8 already because they were starved.

9 I was made to work at that worksite. I was made to uproot the
10 tree and clear the land and also farm the field. I was told to
11 farm a rice close to Veal <Srae Muoyroy> (phonetic); <> that was
12 the location close to a reservoir, but I do not know the names of
13 that reservoir. I was trying my best to work until I fell ill.

14 [10.55.07]

15 I would like to pause here about my experience and now, I'm
16 telling you about my parents. My parents were also evacuated out
17 of Prey Veng later on. They were further evacuated. In fact, we
18 were evacuated on the same occasion, but we were separated from
19 one another.

20 Information was cut off; we were not allowed to know. They were
21 evacuated to a cooperative; <Bak Chenhchien> Cooperative in
22 Pursat province. From the <survivor's account>, they, my parents,
23 <> stayed there for two or three months. Then my father had been
24 called out for execution. My siblings -- my <two> younger
25 <sisters were called from the children unit> called for execution

1 as well. My father, my mother, my younger brother, and my younger
2 sister, four of them, were executed <at Bak Chenhchien>. <I felt
3 shocked soon I learned about this.>

4 It was my suffering that I have lost my parents and my siblings.
5 I was so terrified. My elder brother, one of <among> them, <> was
6 also killed in Prey Veng.

7 [10.56.44]

8 When I arrived at Preaek Chik, I fell ill and I was hospitalized,
9 Kochdei (phonetic) hospital. I <> stayed <at> Kochdei (phonetic)
10 hospital for a half a month, then I was better and I was
11 <discharged and returned to> my cooperative. From that time
12 onwards, since I was fatigued, I was made to take care of a
13 plantation or a farm.

14 I was there for <over> one month and the Vietnamese troop were
15 approaching from Kaoh Kralor (phonetic). They were afraid that
16 Vietnamese could seize us. We, together with the elder people --
17 elderly and the sick people <and pregnant women>, were sent to
18 Tracheak Chet (phonetic) forest. We were walked and we walked on
19 the road, which were full of sharp woods. We were walking from
20 <9 in> the morning and we arrived at the cooperative of the
21 forest at around 4 p.m. The fatigue people were evacuated first,
22 and only those who were with strength were allowed to stay at the
23 worksite. <At later stage, all were evacuated.>

24 [10.58.17]

25 I underwent another hardship because I was still ill<>. I arrived

1 at Prey Tracheak Chet (phonetic), but I did not recall <the date>
2 when I arrived there. <We were> allowed to stay at Prey Tracheak
3 Chet (phonetic) for one or two months.

4 There were aeroplanes at the time, <with loudspeakers and>
5 leaflets, telling us to get out of Prey Tracheak Chet (phonetic);
6 otherwise, bombs will be dropped on the forest. The militiamen of
7 the Khmer Rouge got the messages and they <immediately> forced us
8 to leave Prey Tracheak Chet (phonetic) for Phnum Koun Khla
9 (phonetic).

10 I, at the time, did not know all the location of Phnum Koun Khla
11 (phonetic), but I heard from other that we were being evacuated
12 to Phnum Koun Khla (phonetic). Some people were from the east.
13 Twenty families were from the east. They were with me. We were
14 all together, at the time, from different cooperatives and also
15 from the east.

16 [10.59.26]

17 We were further moved, at the time; we were further transferred,
18 but at the time, we did not dare to leave and we did not want to
19 go because we knew, at the time, that the Vietnamese troop were
20 approaching and we would die. We thought that we would die if the
21 Vietnamese troop were coming to our area. <Militiamen and
22 cooperative chiefs said, "you all have> wings <now, and you all
23 want> to fly <away from us>. <It appeared they understood the
24 situation and they did not force us to stay with them as well.>
25 So we <escaped from them and> returned to the <south> area at

51

1 Damnak Ron (phonetic).

2 [11.00.22]

3 MR. PRESIDENT:

4 I believe that is sufficient. In fact, our instruction to you was
5 to make a statement of harm and suffering and not about the
6 entire life experience through the regime.

7 And Mr. Civil Party, the Chamber is grateful of your presence and
8 the hearing of your testimony and your impact statement as a
9 civil party that you claim that you went through during the
10 Democratic Kampuchea is now concluded and your testimony may
11 contribute to the ascertainment of the truth in this case.

12 You are no longer required to be present in this courtroom and
13 you may return to your residence or wherever you wish to go to
14 and we wish you all the very best.

15 Court officer, please work with WESU to arrange for Mr. Civil
16 Party to return to his residence or wherever he wishes to go to.

17 And next, the Chamber will hear a witness, 2-TCW-1069.

18 I notice that Lead Co-Lawyer for civil parties is on her feet.

19 You have the floor.

20 [11.01.32]

21 MS. GUIRAUD:

22 Thank you, Mr. President. Yesterday, we sent to the Chamber the
23 question that the civil party wanted to put to Khieu Samphan
24 through you, <the Chamber should have received an email> <with a
25 question --

1 MR. PRESIDENT:

2 Well, then, I allow the civil party to put the questions through
3 the Bench.

4 And Mr. Civil Party, do you have any questions to put to the
5 accused?

6 [11.02.00]

7 2-TCCP-1063:

8 Mr. President, I'd like to put the questions through you, the
9 President of the Chamber, to Mr. Khieu Samphan. Mr. Khieu Samphan
10 said that he did not know, nor did he see the killing or the
11 evacuation of people. That <was> his previous statement from what
12 I heard and I knew. So he denies about the evacuation and the
13 killing; is that true; is that what he denies?

14 MR. PRESIDENT:

15 Thank you. And the Chamber wishes to inform Mr. Civil Party that
16 in the substantive hearings in Case 002/02, from the beginning,
17 the two accused, that is, Nuon Chea and Khieu Samphan confirm
18 that they exercise their rights to remain silent and not to
19 answer any questions by the parties or the Bench.

20 [11.03.09]

21 <The hearing> on 8 January 2015 <>, in response to the question,
22 Mr. Khieu Samphan reaffirmed his position to exercise the rights
23 to remain silent. And so far, the Chamber has not been informed
24 of any change in their status, that is, their exercise to remain
25 silent. And, according to the existing national and international

1 laws, the Chamber cannot compel the accused to answer questions.

2 Next, the Chamber will hear testimony of witness 2-TCW-1069;

3 however, it is now time for a short break. We'll take a break now

4 and resume at a quarter past 11.00.

5 The Court is now in recess.

6 (Court recesses from 1104H to 1118H)

7 MR. PRESIDENT:

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

9 The Chamber now proceeds to hear testimony of 2-TCW-1069 and the

10 latest information that the Chamber received, this witness has

11 Mr. Chan Sambo as his duty counsel.

12 Court officer, please usher the witness and his duty counsel into

13 the courtroom.

14 (The witness enters the courtroom)

15 [11.19.12]

16 MR. KOPPE:

17 Mr. President, if -- if I may take the opportunity to raise the

18 following issue with regard to this witness: During my

19 preparation, yesterday, of this witness and, as a matter of fact,

20 also of TCW-1070, I came to realize that the breadth of knowledge

21 of this particular witness in relation to events in the East Zone

22 is quite extensive.

23 In the light of your earlier decision to plan two days for

24 TCW-1065 (sic), who testified a few weeks ago, I feel it is

25 important that we hear this witness longer than the projected one

54

1 day. So, my request would be, both, in relation to this witness,
2 but also in relation to TCW-1070 to plan at least one day and a
3 half, maybe even two days.

4 [11.20.28]

5 JUDGE FENZ:

6 Short comments by the parties and then we can make a decision
7 during the lunch break.

8 MR. KOUMJIAN:

9 Your Honours, my guess is that the one day is sufficient.

10 Perhaps, we could see how it goes this morning, but I don't see a
11 particular need. On the other hand, we don't have an objection;
12 it doesn't hurt us other than slightly prolonging the trial.

13 MS. GUISSÉ:

14 No objection from the Khieu Samphan defence.

15 MR. PRESIDENT:

16 And Lead Co-Lawyer for civil parties?

17 [11.21.17]

18 MS. GUIRAUD:

19 Thank you, Mr. President. I do admit not to have heard the
20 beginning of my colleague's submission as I was <searching for
21 the French channel>. <So> I haven't understood the reasons for
22 the request for additional time and we will defer to the
23 discretion of the Chamber.

24 We have seen the decision of the Supreme Court Chamber in which a
25 number of theories of the Defence regarding the rebellion <,and

1 the rift, I apologize that those words came to me in English,
2 were> largely set aside by the Supreme Court Chamber. I believe
3 that, of course, the Chamber will be able to consider that when
4 it considers whether to grant the Nuon Chea defence's request or
5 not.

6 <From what we understood from this decision, the request> of the
7 Nuon Chea team <is very much>adversely affected by that decision,
8 but we will defer to the Chamber's discretion.

9 [11.22.32]

10 MR. PRESIDENT:

11 Thank you and the Chamber will consider all the opinions
12 addressed by the parties before we make our decision on <times>
13 allotted to this witness and we will deliberate this matter after
14 the lunch break.

15 QUESTIONING BY THE PRESIDENT:

16 Q. Good morning, Mr. Witness, what is your name?

17 MR. SIN OENG:

18 A. My name is Sin Oeng.

19 Q. Thank you, Mr. Sin Oeng. And when were you born?

20 A. I was born on the 8th of probably March of 1957.

21 Q. Thank you. And where you born?

22 A. I was born in Sangkom village, Kokir Saom commune, current
23 Svay Teab district, Svay Rieng province.

24 Q. And where is your present address?

25 A. I still live in the same native village, that is, Sangkom

1 village in Svay Rieng province.

2 [11.24.10]

3 Q. What is your current occupation?

4 A. I am a rice farmer.

5 Q. What are the names of your parents?

6 A. My father is Yos Sari; he is deceased and my mother is alive
7 and her name is Sin Pen.

8 Q. Is your mother's name Sin Pen or Sin Pet?

9 A. Her name is Sin Pen -- Sin Pen.

10 Q. What is the name of your wife and how many children do you
11 have?

12 And please observe the microphone before you speak; you should
13 only speak after you see a red light on the tip of the microphone
14 so your voice would go through the interpretation system and to
15 the parties. Your response will be interpreted into English and
16 French, respectively, since the three languages are the official
17 languages of the Court.

18 A. My wife is Long Samath and we have five children.

19 [11.26.10]

20 Q. Thank you, Mr. Sin Oeng. The greffier made an oral report this
21 morning, that to your best knowledge, you have no relationship by
22 blood or by law to any of the two accused, Nuon Chea and Khieu
23 Samphan or any other civil parties admitted in this case; is the
24 report accurate?

25 A. Yes, the report is accurate. I am not related to any of the

1 two accused.

2 Q. Have you taken an oath before the Iron Club Statue located to
3 the east of this courtroom before your appearance?

4 A. I have already taken an oath.

5 [11.27.09]

6 Q. Thank you. And the Chamber now would like to inform you of
7 your rights and obligations as a witness. Mr. Sin Oeng,
8 regarding your rights, as a witness in the proceedings before the
9 Chamber, you may refuse to respond to any question or to make any
10 comments which may incriminate you. That is your right against
11 self-incrimination.

12 Your obligations: Mr. Sin Oeng, as a witness in the proceedings
13 before the Chamber, you must respond to any questions by the
14 Bench or relevant parties except where your response or comments
15 to those questions might incriminate you as the Chamber has just
16 informed you of your right as a witness. <As a witness,> you must
17 tell the truth that you have known, heard, seen, remember,
18 experienced, or observed directly about an event or occurrence
19 relevant to the questions that the Bench or parties pose to you.

20 Mr. Witness, have you been interviewed by investigators of the
21 Office of the Co-Investigating Judges of this Court?

22 A. I have never been here. There were people who came to
23 interview me at my house, but I have never been in this place.

24 [11.28.45]

25 MR. PRESIDENT:

58

1 Thank you. And you are now assisted by a duty counsel through
2 WESU, that is, Mr. Chan Sambo, and he is now sitting beside you
3 to provide you consultation if you think that the questions put
4 to you may incriminate you.

5 Due to a short period of time, that is, we only have a few
6 minutes left before the lunch break, let we have a break now and
7 resume at 1.30 this afternoon.

8 Court officer, please assist the witness at the waiting room
9 reserved for witnesses during the break time and invite him, as
10 well as his duty counsel, back into the courtroom at 1.30 this
11 afternoon.

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

15 The Court stands in recess.

16 (Court recesses from 1129H to 1331]

17 MR. PRESIDENT:

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

19 Before the Chamber gives the floor to the defence team for Mr.
20 Nuon Chea to put questions to the witness, the Chamber is now
21 issue an oral ruling in relation to 2-TCW-920.

22 [13.32.16]

23 The Chamber notes that the Co-Prosecutors informed it of the
24 existent of a prior DC-Cam statement of 2-TCW-920 on case file
25 004. Considering that this is a public document and in order to

1 avoid multiple requests to the International Co-Investigating
2 Judge for disclosure, the Chamber obtained the document directly
3 from DC-Cam and provided it to the parties in advance of the
4 testimony of the witness. Recalling the practice of the Chamber
5 to admit prior statements of testifying witnesses, the Chamber
6 now admits the DC-Cam statement of 2-TCW-920 and accords it
7 document number <E3/10762>.

8 And the defence team for Mr. Koppe<, in the morning,> requested
9 the additional time to put question to this witness and now, the
10 Chamber decides the combined time for the concerned parties. So
11 the total time for all parties is one day and a half, three
12 sessions <> are given to the defence teams <> and three sessions
13 are given to the Co-Prosecutor and Lead Co-Lawyers for civil
14 parties.

15 And now the floor is given to the defence team for Mr. Nuon Chea
16 to put questions before the parties. You may now proceed.

17 [13.34.21]

18 QUESTIONING BY MR. KOPPE:

19 Thank you, Mr. President.

20 Q. Good afternoon, Mr. Witness. I'm the international counsel for
21 Nuon Chea and I will be asking you some questions this afternoon.

22 Let me start by asking you a few questions about what you did
23 between 1975 and 1979. Can you describe that to the Chamber?

24 Where were you as of 17 April '75 and what did you do?

25 MR. SIN OENG:

60

1 A. From 1975 to 1979, I believe that this is the question -- I
2 was part of a mobile unit carrying dirt and after 1975 I remained
3 working in that mobile unit up until 1976.

4 Following <> 1976, I was taken by So Phim's group to a zone.

5 When I was placed in a zone, first I was made to plant vegetables
6 and I was <trained in military rules.> I was tasked with
7 planting the rice as well.

8 At night time, I was told to be a guard and when the older guards
9 were removed and sent away, I was assigned to be a guard for So
10 Phim and I would accompany him wherever he went and at night time
11 I took <one-hour> shifts with others securing the protection for
12 him, So Phim.

13 [13.37.02]

14 Q. Thank you for that comprehensive answer, Mr. Witness.

15 Just one or two follow-up questions: Is it correct that in
16 respect of your position working for So Phim, you received
17 military training and you were trained for several months; is
18 that correct?

19 A. Yes, I was <> trained for a few months, but the training did
20 not happen on a regular basis. Sometimes I missed the training
21 sessions.

22 Q. And one other follow-up question, Mr. Witness. You gave a
23 lengthy statement to interviewers from an organization called
24 DC-Cam and your statement is laid down in document E3/10716 and
25 on English ERN 01353342 and Khmer 01340556.

61

1 Mr. President, because of time issues, we were not able to do the
2 French ERN, so my apologies for this.

3 Mr. Witness, you said you were working at a defence office. Is
4 that correct?

5 A. That is correct. I worked at a defence office of the zone.

6 [13.39.42]

7 Q. And how many colleagues did you have in that Defence office?

8 A. All of them were around, 60, including male and female, <young
9 and old> but we did not work together. In the morning, we would
10 be divided and assigned to work in various locations.

11 Q. Can you tell us who it was that at the time was the defence
12 unit chairperson?

13 A. It was Prak <Choeuk> (phonetic). He was the chief of the guard
14 unit.

15 Q. Thank you, Mr. Witness.

16 Now, let me turn to the person that you just mentioned already,
17 So Phim. Is it correct that you were related to So Phim and, if
18 yes, can you tell us please how you were related?

19 A. My deceased grandmother was related to him. My deceased
20 grandmother <may have been> his cousin, so I was a distant
21 relative. I <therefore> did not know clearly about the family
22 relation with him, but my mother told me that my deceased
23 grandmother was related to him.

24 [13.41.27]

25 Q. And at the time in 1976 when So Phim asked you to become a

1 member of his defence unit, did So Phim know that you were
2 related to him?

3 A. He knew that I was the child of someone related to him. I was
4 quite young at the time. <So,> I was not sure at the time how I
5 was related to him. The elder people would know clearly.

6 Q. Thank you, Mr. Witness.

7 MR. KOPPE:

8 Mr. President, I would like to show one of three photos that I
9 have assembled to the witness. With your leave, I would like to
10 start with showing the witness photograph E3/3259. There is one
11 ERN only at P, as in "P" from photo, 004166559.

12 I have a copy for the witness and I can also, with your leave,
13 put it on the screen.

14 MR. PRESIDENT:

15 Yes, you can proceed.

16 (Short pause)

17 [13.43.42]

18 BY MR. KOPPE:

19 Q. Mr. Witness, do you recognize anyone in this photo?

20 MR. SIN OENG:

21 A. I recognize one individual. He is So Phim. He looked young in
22 this photo and when I was <not> assigned to work with him <yet.
23 When I was with him>, he already had grey hair and was older
24 compared to this picture. <That photo was taken before I went to
25 live with him.>

1 As for others, I could not see <their faces clearly>, and I do
2 not recognize them.

3 Q. Mr. Witness, are you referring to the third person on the
4 left?

5 MR. PRESIDENT:

6 Please look at the photo on the screen and there is a red circle
7 around one face.

8 [13.45.07]

9 MR. SIN OENG:

10 A. From the left, the third, the man standing-- the third man is
11 So Phim, the one in the red circle.

12 BY MR. KOPPE:

13 Q. Mr. Witness, do you recognize the person who is immediately
14 standing on the left of him, the second person on the left, a
15 person who is smiling?

16 MR. SIN OENG:

17 A. It is not clear to me, the picture. I do not recognize him. I
18 do not know who he is.

19 Q. Well, you do know him and we will be speaking quite
20 extensively about him later today. That is Nuon Chea. Do you
21 recognize Nuon Chea?

22 A. When <Nuon Chea> made a visit to the place where I was, I, at
23 the time, did not recognize him well and did not know him well.
24 <When I was assigned to guard,> I asked elder people about the
25 delegation to that location and I was told that they were senior

64

1 people; namely, Nuon Chea and Pol Pot. I did not know them well
2 at the time. I was told by others who they were.

3 I was an outsider guard so I, at the time, did not know
4 specifically who they were but I was told and I tried to
5 recognize their faces.

6 [13.47.13]

7 Q. Well, let me follow up, Mr. Witness. Let me follow up about
8 Nuon Chea.

9 In your DC-Cam interview, E3/10716 on English, ERN 01353347; and
10 Khmer, 01340559; you said the following about Nuon Chea. Let me
11 read it back to you:

12 "Back then, did you know Ta Nuon Chea well?"

13 And then you answer: "Nuon Chea came to sleep at my office
14 location three to four times. Of course I knew him."

15 "At which office did he sleep?"

16 "He slept in Suong, the defence office."

17 "He slept at the defence office in Suong three to four times?"

18 "Yes. Nuon Chea came pretty often. Nuon Chea, Son Sen and Thiounn
19 Thioeunn and the like came pretty often."

20 Is that something you remember saying one year ago, one year and
21 a half ago to the interviewers of DC-Cam?

22 [13.48.40]

23 A. I may forget some information. I, at the time, did not know
24 them clearly. I could not recognize them well since I was told by
25 others. <> I can <hardly> recognize <them, but I cannot

1 constantly recognise them like what I see their faces daily>.
2 It happened 30, 40 years ago. I may forget some information <,>
3 all I knew back then was that individual was Nuon Chea and that
4 the other individual was Son Sen, for example. And, I, from that
5 time onwards, tried to recognize their faces but when I look at a
6 photo it appears that they don't look very similar to those I saw
7 back then.

8 [13.49.44]

9 Q. Well, let me move then to a second photo that I would like to
10 show you, Mr. Witness. Maybe that photo is more clear to you.
11 There is also another person I would like you to identify, if
12 possible, at all.

13 Mr. President, E3/3250 I will be referring to; that is ERN
14 P00416551. And with your leave, we can also put this photo on the
15 screen.

16 MR. PRESIDENT:

17 Yes, please.

18 JUDGE FENZ:

19 Just one general remark because I think it happened a bit early
20 the last time. The red circle should only come when after an open
21 question has been asked. It came a bit early the last time.

22 [13.50.54]

23 BY MR. KOPPE:

24 Yes. No problem.

25 Q. Mr. Witness, I will assist you a little bit here. This is a

66

1 group of high-ranking CPK leaders; it's at Pochentong Airport.
2 And let me go from right to left. The person on the right with a
3 krama on, that's Pol Pot. Right next to him is Nuon Chea. Right
4 next to him is So Phim. Then we see Ieng Sary. Then we see Vorn
5 Vet. Then we see Koy Thuon. And then we come to a little man, a
6 relatively little man on the left.

7 MR. PRESIDENT:

8 Please hold on.

9 And Judge Lavergne, you may have the floor now.

10 [13.52.03]

11 JUDGE LAVERGNE:

12 Counsel Koppe, I don't understand very well the good in
13 indicating all of the identities of the people who are in this
14 photo. Are you testifying yourself or would you like for the
15 witness to testify?

16 It seems to me that if you want the witness to testify it would
17 be good to let him take the floor and to ask him who <these
18 people are>. We are <not> here to listen to you.

19 BY MR. KOPPE:

20 I will only be seeking his evidence in relation to the person on
21 the left. The rest, that is very obvious to us. So, I don't need
22 him to identify those people. I'm just assisting him a bit.

23 Q. So Mr. Witness, my interest is on -- is about the little,
24 relatively little person on the left with a krama on. Is that
25 someone that you recognize?

1 MR. SIN OENG:

2 A. I seem not to recognize him seeing this photo. Perhaps I may
3 recognize him if I can see him directly, physically.

4 [13.53.28]

5 Q. Well, that won't be possible anymore, I'm afraid.

6 Do you know someone named Phuong P-H-U-O-N-G, chief of the rubber
7 plantations, member of the Central Committee and also the number
8 two of the East Zone, Phuong?

9 A. I do not know Phuong. I have never seen this person, although
10 I encounter him now. I do not know him because no one told me at
11 the time about him.

12 Q. That's no problem. Thank you, Mr. Witness.

13 Mr. President, with your leave, I would like to show my last
14 photo, third and last photo to the witness and ask him whether he
15 is in a position to recognize this person.

16 I will show on the screen and a copy of a still from a
17 documentary, a documentary that I have shown earlier to other
18 East Zone witnesses. It's film E3/3015R and it's the person that
19 one can see at 1.53.

20 [13.55.18]

21 MR. PRESIDENT:

22 Yes, you may proceed.

23 JUDGE FENZ:

24 Do we get it on the screen?

25 MR. KOPPE:

1 Yes, it's going to be on the screen.

2 (Short pause)

3 [13.56.02]

4 BY MR. KOPPE:

5 Q. Mr. Witness, do you know him?

6 MR. SIN OENG:

7 A. It appears that I do not know him. I seem not to know this
8 person. That is the photo back then and the person looked very
9 different from the time. <> I may recognize his face but I do not
10 know where he <lived> and what he did back then. I never stayed
11 with him and I may have met him for a brief moment so I could not
12 recognize who he was.

13 [13.57.24]

14 Q. Could it be that this person is someone that you testified
15 about extensively in your DC-Cam statement, a person named Heng
16 Samrin?

17 A. <On the other hand,> he looks very young in this photo. He is
18 now old compared to the time. He was<rather> young in the past
19 when I met him. He looked quite older than this person in the
20 picture. Since I happened to see him once in a while, I could not
21 identify who he is in this photo.

22 I saw him a long time ago. I cannot recognize and I could not
23 have a clear memory of him.

24 If you do not tell me the name, I cannot say who he is.

25 JUDGE FENZ:

1 May I just ask a question for clarification?

2 Are you saying this is not him or are you saying "I don't know if
3 this is him", him being Heng Samrin?

4 [13.59.07]

5 MR. SIN OENG:

6 In this photo, I do not know who he is, and if I am told that
7 that is he, the name the counsel mentioned a while ago, I can say
8 that, yes, he is <Heng Samrin>.

9 MR. PRESIDENT:

10 The question is different, Mr. Witness. Regarding the photo, you
11 see it now. Is that individual Heng Samrin? You stated already
12 that you did not know who he is in the photo and then the
13 question was put to you one more time whether or not he is Heng
14 Samrin. And now is he Heng Samrin or not?

15 You cannot <>give an unclear answer like this. You can say
16 whether if this individual is Heng Samrin or not. That is the
17 short answer from you.

18 [14.00.17]

19 MR. SIN OENG:

20 My apology. I am not sure about the person in this photo whether
21 he is Heng Samrin or not, since I cannot recognize the person
22 clearly <in that photo>. It could be Heng Samrin or it could be
23 somebody else.

24 BY MR. KOPPE:

25 Q. That's fine, Mr. Witness. But now we're on the subject, in

70

1 your DC-Cam statement you talked of several different places
2 about Heng Samrin. And you said that he was the Division 4
3 commander, that his division was stationed at Memot and that he
4 was a member of the East Zone general staff.

5 Is that correct? Did you say that to DC-Cam?

6 MR. SIN OENG:

7 A. Yes, I can recall that they asked me those questions and I
8 made those responses about him that he was in charge of a
9 division in Memot. That is all I can say.

10 [14.01.43]

11 Q. I will come back to him, Mr. Witness, a bit later.

12 Let me now move to So Phim. You mentioned a few family members of
13 So Phim and I'm interested in what you said to DC-Cam about them.
14 Let's start with So Phim's wife, Yeay Kirou. What can you tell us
15 about So Phim's wife, Yeay Kirou?

16 A. I can recall Yeay Kirou because I was there for over 10 days.
17 So I can recognize his wife. <She often came to take a rest.>

18 Q. Mr. Witness, in your DC-Cam interview, English, ERN 01353324;
19 Khmer, 01340545; you said that, Yeay Kirou and So Phim had
20 different offices. Yeay Kirou was at an agricultural worksite and
21 Ta So Phim was at the zone office. There was a separate defence
22 office and he was at the defence office.

23 Is that correct?

24 A. Yes, that is correct.

25 [14.03.40]

71

1 Q. And is it also correct that she was the chairperson of the
2 agricultural worksite in the East Zone?

3 A. I saw Yeay Kirou at the agricultural office. She was always
4 there so I could make my conclusion that she was in charge of the
5 agricultural worksite, and it seems that everybody respected her
6 <in that period>. And it was her who ordered people to do this
7 thing or that thing, so she <must have been> the chief.

8 Q. Is it correct that Yeay Kirou was related to Ta Chea Sim?

9 A. Whether she was related to Ta Chea Sim or not, I am not sure.
10 What I knew is that they were from the same village but I am not
11 sure whether they were related or not. I heard people <said> that
12 Chea Sim and her came from the same village. When the journalists
13 asked me about that, I said the same thing that they came from
14 the same location.

15 Q. Following up on Ta Chea Sim, did you see Chea Sim often in the
16 period between '75 and 25 May 1978?

17 A. Yes. I met him three times. I went to Stoung as a guard of Ta
18 So Phim and at Stoung, there was a newly-built house. It was
19 quite small. That is all.

20 [14.06.48]

21 Q. You said three times. That's something you also said in your
22 DC-Cam statement. You also said that you went very often to Ta
23 Chea Sim's house.

24 In your DC-Cam statement you also refer to So Phim's visits to Ta
25 Chea Sim. You said that -- that is on ERN 01353319 in English and

1 Khmer 01340542 -- that So Phim went often to visit Ta Chea Sim
2 very often. Is that correct?

3 A. Yes, that is the statement that I made.

4 Q. Can you tell us how often So Phim and Chea Sim met and if --
5 and where did they meet?

6 A. They met at the house that I just described at Stoung.

7 MR. PRESIDENT:

8 Please hold on. I could not hear the interpretation.

9 (Short pause)

10 [14.08.45]

11 MR. PRESIDENT:

12 Witness, please respond to the last question if you still recall
13 it.

14 MR. SIN OENG:

15 A. He went to that house and sometime Ta <Chea Sim> also came to
16 the guard office, but I did not know much about the nature of his
17 visit and sometimes they discussed among themselves in that
18 office, although I did not know the content of their discussions
19 because I was outside.

20 BY MR. KOPPE:

21 Q. You answered my follow-up question, Mr. Witness, but one last
22 question about Chea Sim.

23 You told the DC-Cam investigators that he was the district
24 governor of Ponhea Kraek; is that correct?

25 MR. SIN OENG:

1 A. Yes, that is correct. He was <the governor of> Ponhea Kraek
2 <district>.

3 [14.10.00]

4 Q. Did you ever have any affairs to deal with Chea Sim or was it
5 only that you saw Chea Sim when you were with your boss, So Phim?

6 A. I was not that close to Chea Sim and the reason I saw him,
7 because I was with Ta So Phim because the two met. And sometimes
8 So Phim visited him and I would escort Ta So Phim to go there.

9 That's how I met him.

10 Q. Thank you, Mr. Witness. Now, let me move to the children of So
11 Phim.

12 Do you remember the names of So Phim's children?

13 A. I can recall the names. I recall their names but I think they
14 are all dead. One was Nat. The second was Si. The third was
15 Kadev. Fourth was Khuch (phonetic) and at the time <Khuch
16 (phonetic)> was about my age. And I recalled that he had two sons
17 and two daughters.

18 Q. Very briefly about the children, is it correct that Nat was
19 the chairperson of the P-2 hospital?

20 A. Yes, at the time he was the chairman of the P-2 hospital at Ou
21 Reang Ov.

22 [14.12.27]

23 Q. You mentioned Si. Do you know to whom Si was married?

24 A. I did not see the person but their siblings <such as Khuch
25 (phonetic)> spoke about Si to me. Because Si got married before I

74

1 arrived, that is, for up to 10 days before I arrived and Si left.

2 Si, after the marriage, <> went to live with her husband so I
3 did not see her, but her siblings spoke of her.

4 Q. Was she married to the son of the Northwest Zone chief, Ros
5 Nhim?

6 A. Si got married <to> the son of <> the Northwest Zone
7 Committee. Other people in the office said that Ros Nhim was the
8 chief of the Northwest Zone who came to visit his in-law. <This
9 was what the people in the office told me>.

10 Q. You didn't remember during the interview the name of Ros
11 Nhim's son, but does the name Cheal ring a bell?

12 A. The name Cheal does not sound familiar to me.

13 [14.14.36]

14 Q. You said in the DC-Cam interview that Si and Ros Nhim's son,
15 who is called Cheal, or Chhnang, that they got married in 1976.
16 Is that something that you recall saying?

17 A. They got married that year because people who came to attend
18 the meetings, <came from my village,> including some of my
19 relatives, my cousin. And that's all I can recall.

20 And she is still living although her husband passed away. That is
21 Prak Choeuk (phonetic) who was the chief of the guard unit and
22 his wife is still living today.

23 Q. Are you saying that Si is still living or are you may be
24 confused with another daughter of So Phim, who is indeed still
25 living and is named Kadev or Kadeu (phonetic), the person that

75

1 you just mentioned?

2 MR. PRESIDENT:

3 Witness, please hold on.

4 And International Co-Prosecutor, you have the floor.

5 [14.16.12]

6 MR. KOUMJIAN:

7 I just suggest that counsel ask questions rather than testifying.

8 He is testifying to facts about who is alive or not.

9 JUDGE FENZ:

10 Or at least give us the reference for the names you are putting
11 to her.

12 MR. KOPPE:

13 I am never testifying. I am just merely repeating what I read in
14 the case file.

15 I have a reference for Kadev being still alive in the DC-Cam
16 statement of 2-TCW-1070.

17 I only have the English ERN so far and, Mr. President, that is
18 01354173 (sic).

19 Question: "What is the child's name?"

20 "The name is Kadev."

21 "Is Kadev still alive?"

22 "Yes, still alive."

23 "Where?"

24 "Over in Phnum Srok."

25 [14.17.17]

76

1 In addition, we requested a while ago in one of our requests to
2 have admitted into evidence an interview she gave to a Khmer
3 newspaper called "Rasmei Kampuchea", I say it by heart. That
4 request was refused. So, very recently, she gave an interview,
5 which is, of course, also a sign that she is still alive.

6 Would you like me to continue?

7 [14.17.43]

8 BY MR. KOPPE:

9 Q. So Mr. Witness, are you maybe mixing up Si with Kadev who is
10 still alive?

11 A. I do not know about that. I only heard of the name Kadev, but
12 Kadev disappeared <up to now>. <> I do not know whether she is
13 still alive today. But Si <was> a different person. She <was> the
14 daughter-in-law of Ros Nhim.

15 But Kadev lived with her parents in Tuol Samraong, but later on,
16 we separated and I did not know about her fate, whether she is
17 still living or not. But just be sure that she and Ta Dev
18 (phonetic) are two separate persons although they lived in Tuol
19 Samraong but I did not know what happened to them later on.

20 MR. PRESIDENT:

21 Please pronounce the name properly. Is it Kadev or Kadeu
22 (phonetic) because when you do not pronounce it correctly, it is
23 a bit crude.

24 What is the actual name, per your recollection?

25 [14.19.23]

1 MR. SIN OENG:

2 A. At the time the people spoke of Ta Dev (phonetic), Ta Dev
3 (phonetic). Even the mother also called her Ta Dev (phonetic)
4 because Yeay Kirou, the mother of Ta Dev (phonetic) referred to
5 her as Ta Dev (phonetic) too. Maybe that is an alias. I do not
6 know the native name of Ta Dev (phonetic).

7 MR. PRESIDENT:

8 Thank you.

9 And International Co-Prosecutor, you have the floor.

10 MR. KOUMJIAN:

11 Your Honour, my understanding of the witness' answer, which, I
12 think, has caused a lot of confusion is he is being asked about
13 the wedding. He said he heard about it from others. He said "she
14 is still alive" and then he explained who's speaking of the wife
15 of the head of the defence office, Ta Dev (phonetic), not Si. He
16 was not talking about Si but Ta Dev (phonetic).

17 [14.19.57]

18 BY MR. KOPPE:

19 Q. That's perfectly possible. Maybe it's my mistake, Mr. Witness.
20 But I am mostly interested in Si, who was married to Cheal. You
21 said in your DC-Cam statement that she got married in '76, and
22 you said that it was raining. Is that something that you
23 observed? Were you there or is it something that was told to you
24 that it was raining?

25 MR. SIN OENG:

78

1 A. As I stated from the outset about the marriage.< The marriage
2 happened before my arrival>, I only came 10 days after the
3 marriage. However, at the time <> the sheds that they built for
4 the marriage was not yet removed, but I did not attend the
5 wedding. As for her, I only heard of her name and I did not see
6 her in person.

7 [14.21.36]

8 Q. For reasons I think beyond your knowledge, it's quite
9 important for us to establish the moment that Si and Cheal or
10 Chhnang got married.

11 Mr. President, I will be referring to a document E3/10665, which
12 is a transcript of an interview that Robert Lemkin had with the
13 witness called Toat Toeun; English, ERN 01151760; and Khmer, ERN
14 01168447.

15 Toat, who was an adopted son of Ros Nhim, said that, "The
16 marriage was in August 1975."

17 Could that be, Mr. Witness?

18 A. As for the date of the marriage, I <did not know>. As I said,
19 I came only after the marriage. <I only knew Ros Nhim was their
20 in-law.> So, I can only tell you what I know and I can't tell you
21 what I do not know. And when I arrived, I heard people talking
22 about the in-law relationship.

23 [14.23.30]

24 Q. Another witness who is coming to testify, 2-TCW-1070, told in
25 an interview that -- and I will be referring to the ERN, Mr.

79

1 President -- the marriage between Si and Cheal took place at
2 Rokar Khnaor. Is that something that you can recall?

3 That is E3/10717, English ERN 01354165 (sic).

4 Mr. Witness, the wedding was --

5 MR. PRESIDENT:

6 Counsel, please repeat the document number and the ERN again.

7 BY MR. KOPPE:

8 Yes, that's E3/10717 and I only have English ERN so far. That's
9 the document that became available in English yesterday. It's
10 English ERN 01354165 (sic).

11 Q. The wedding was held at Rokar Khnaor; is that something you
12 recall?

13 MR. SIN OENG:

14 A. I did not know the location of the wedding since I did not
15 arrive on time. However, there was a big shed for wedding at
16 <Tuol Samraong.> I arrived but I did not know <> how many couples
17 there were. <That time, if there was a wedding, there had to be
18 several couples. 10 days after my arrival,> actually I stayed at
19 that shed<>.

20 [14.25.48]

21 MR. PRESIDENT:

22 Could you locate the area that you saw that wedding shed?

23 MR. SIN OENG:

24 Your Honour, I am not sure where Tuol Samraong was located
25 geographically, whether it belongs to Ponhea Kraek <district> or

80

1 Kamchay Meas (phonetic) <district>, because, probably, it was in
2 the junction of these two districts. In fact, it was a former
3 forest and I did not know which village or commune it <was>
4 located in.

5 MR. PRESIDENT:

6 <It appears confusing> because one person may refer that <>
7 wedding took place in this village while others spoke about the
8 wedding that took place in the commune. That's why you should be
9 more specific.

10 JUDGE FENZ:

11 It appears he said he doesn't know.

12 [14.27.00]

13 BY MR. KOPPE:

14 Yes, that's -- I will move on.

15 Q. Mr. Witness, you weren't at the wedding. You don't know
16 exactly where it was. However, is it correct that Si's
17 father-in-law, Ros Nhim, came often to the East Zone to visit So
18 Phim?

19 A. I saw him come three times and he came by himself to the guard
20 office. That's how I saw him in person.

21 Q. Can you describe the times that Ros Nhim came to visit the
22 father-in-law of his son and East Zone chief So Phim? Can you
23 tell us about where exactly Ros Nhim would meet with So Phim?

24 A. When he came, I was working outside and I knew that the in-law
25 came to visit. So he parked his car and he entered the house and

1 nobody went near him. For that reason, I did not know the content
2 of their discussion because I was working outside. <> That's
3 because I am not sure about the content that's why I said that I
4 did not know.

5 [14.28.59]

6 Q. Were Ros Nhim and So Phim by themselves when they spoke to
7 each other?

8 A. I did not know what they discussed because I was outside. What
9 I can say is that he came with his car and I knew that's the car
10 of So Phim's in-law. He parked his car at a location about 50
11 metres away. Then he walked into the house of his in-law, and
12 from then onward, I did not know what they discussed. That's all
13 I know.

14 Q. And did Ros Nhim and So Phim always meet in the same house?

15 A. Yes, they met in the same house.

16 Q. Can you give us an exact description of that house; where is
17 it, how did it look like; what did it look like?

18 A. The house was a traditional Khmer-type house. It was roof with
19 tiles and the floor and walls were made from wood. And all the
20 houses, as the guard office, were wooden houses. There was no
21 concrete house.

22 [14.30.56]

23 Q. And was this house in Suong or was this somewhere else?

24 A. It was in Suong and located to the north of the national road,
25 300 or 200 metres away from the national road. I may say it was

1 300 metres away from the national road. It was not right in the
2 centre <to Suong market>. In fact, the house was located on the
3 northwest side of the village. <Back then, there were a few
4 houses. But now, there are several houses situated there.>

5 Q. And I think I asked you before but just to be certain, Ros
6 Nhim was always by himself? He was never accompanied by any of
7 his commanders when he visited So Phim or any of his -- or any of
8 Northwest Zone cadres?

9 A. When I saw him, he was by himself. Sometimes he would come
10 with just a small boy. No guards were with him whenever he came.
11 Perhaps that young and small boy was his grandchild. He went to
12 the location for a visit. I can only tell you what I saw at the
13 time.

14 [14.32.55]

15 Q. And for how long would Ros Nhim stay in Suong? Was it just for
16 the day or was it for more than one day? Is that something that
17 you remember?

18 A. He did not spend time there for many hours. He was there for
19 <over> one hour or two hours the most because <he concerned it
20 would be dark and the <> roads <were long and difficult for his
21 return>. He <arrived in the afternoon and he> would <spent> one
22 hour or two hours the most.

23 Q. The witness who will be testifying in person, I believe that
24 you know quite well, Mr. Witness, but I will refer to him as
25 2-TCW-1070, confirmed indeed that Ta Nhim, "often came to visit".

1 But this particular witness also said that So Phim in his turn
2 went quite often to visit Ros Nhim in the Northwest Zone in
3 Battambang. Is that something that you know?

4 JUDGE FENZ:

5 The reference, please.

6 [14.34.34]

7 BY MR. KOPPE:

8 Yes, E3/10716, 01353350 -- or let me see. I am reading from the
9 wrong document. Sorry. It's E3/10717, English, ERN 01354165.

10 Q. Rather a lot of times he says that So Phim went to visit Ros
11 Nhim in Battambang.

12 Mr. Witness, is that something that you knew that So Phim in his
13 turn often went to Battambang to meet with Ros Nhim?

14 MR. SIN OENG:

15 A. I never went with him to the northwest since the time I
16 started to be a guard for him. <He may have gone before my
17 arrival, but> I never went with him to the northwest.

18 [14.36.19]

19 Q. Let me read to you what this other witness told DC-Cam,

20 E3/10717, English, ERN 01354168:

21 The question is: "Did Ta Ros Nhim come to visit Ta So Phim more
22 often than the latter went to visit in Battambang? Which was more
23 often than the other?"

24 And then he says: "Our side went more often."

25 And then a bit further, "Both Yeay Kirou and Ta So Phim went."

1 Yes, he confirms.

2 Do you know or do you remember whether it was correct that So
3 Phim went to the Northwest Zone more often than Ros Nhim came
4 privately to the East Zone?

5 A. When I became his guard, I never accompanied him to the
6 northwest <or I was not asked to do so>. It was perhaps when that
7 grandfather or Ta came and I was not at the office <because> I
8 was assigned to farm in the field <at Roka Khmuoch>. Perhaps he
9 came to make a visit.

10 As I said, we had a rotation duty. One guard would accompany our
11 supervisor for one week and then the other would come to replace
12 us. Perhaps it was not within my shift.

13 And I, myself, never accompanied him to the northwest.

14 [14.37.58]

15 Q. That other witness --

16 MR. KOUMJIAN:

17 Just a brief comment on that point: We don't -- we can be more
18 precise than just that he went there often because the witness
19 2-TCW-1070 on page 01354165 quantified it as "one or two times
20 per year".

21 And just while I am on my feet, I understood counsel to make a
22 reference to test -- the notes of Lemkin from an interview that
23 Lemkin says or the note say counsel says were Toat Toeun about
24 the date of the wedding, and I thought I heard counsel say it was
25 1975. But, actually, the witness that Lemkin interviews -- again

85

1 it's on the document counsel cited, E3/106665 at page 01156806.

2 He was asked, "Was he married in 1975?" The witness answered

3 "'75".

4 "What month?" "May, the month of -- no, it was January 1976."

5 [14.39.51]

6 MR. KOPPE:

7 Yes, but I read what Toat said and he talks about the marriage in

8 1975, August 1975.

9 MR. KOUMJIAN:

10 Let's get the citation for that, please.

11 BY MR. KOPPE:

12 Well, I just mentioned that. That's English, ERN 01151760; and

13 Khmer is 01168447; and it is document E3/10665.

14 Q. One other question, Mr. Witness, in relation to the visits

15 that So Phim and Ros Nhim brought each other: The witness who

16 will be testifying said to DC-Cam that they -- that So Phim and

17 Ros Nhim, whenever they would meet each other made a joke when

18 they were introducing themselves. Is that something that you

19 recall?

20 MR. SIN OENG:

21 A. When in the meeting between So Phim and Ros Nhim, I was not

22 <near them, I just saw them>, I did not hear their conversation.

23 In fact, I was guarding at the outer compound. I was not close to

24 them.

25 [14.41.30]

1 Q. This upcoming witness says the following in E3/10717 at
2 English, ERN 01354177: "So Phim would call Ros Nhim "A Siem", "A"
3 as in contemptible and "Siem" as the equivalent for Thailand. And
4 Ros Nhim in his turn would call So Phim jokingly, "A Yuon",
5 Vietnamese.

6 Is that something that you ever witnessed yourself?

7 A. No. I never heard such words.

8 Q. It's just a detail; It's not terribly important. But what is
9 important, Mr. Witness, is the following and that's why I have
10 been talking about these meetings for quite a while now. That
11 same person who said that the marriage took place in August '75,
12 Toeun Toat, Ros Nhim's adopted son, said in E3/10665 on page -
13 English, ERN 01151766; and Khmer, 01168457 -- that when they were
14 meeting each other and they were discussing they were, and I
15 quote, "preparing armed forces".

16 And from the rest of his testimony it is clear -- and I'll be
17 happy to read other quotes -- but that they were in fact planning
18 a rebellion against Pol Pot.

19 Is that something that you ever heard later that that was the
20 real content of the conversations between So Phim and Ros Nhim?

21 [14.43.55]

22 A. I will not tell the Court of what I have never heard in
23 relation to their discussion. <I learned about the rebellious
24 movement in times we were chased and arrested for execution.> In
25 fact, leaflets were dropped from the airplane <and the message

1 was that So Phim betrayed. He conspired with the Vietnamese>. I
2 was so scared at the time. I was afraid that I would be arrested.
3 Regarding the internal <discussion>, I did not know.

4 MR. PRESIDENT:

5 Thank you very much.

6 It is now break time and we will resume our hearing at 3 p.m.

7 Court officer, please assist the witness in the waiting room
8 during the break time and please invite him back together with
9 the duty counsel at 3 p.m.

10 The Court is now in recess.

11 (Court recesses from 1445H to 1503H)

12 MR. PRESIDENT:

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

14 Again, the floor is given to the defence counsel for Nuon Chea to
15 put questions to the witness.

16 [15.03.51]

17 BY MR. KOPPE:

18 Thank you, Mr. President.

19 Q. Just one brief follow-up question, Mr. Witness, in respect of
20 Si. Maybe an English translation wasn't completely understood by
21 me, but is it correct that you were -- that you said that Prak
22 Choeuk's (phonetic) wife is still alive and that she was married
23 at the same time as Si, the daughter of So Phim?

24 MR. SIN OENG:

25 A. I do not know when she got married because I didn't see it.

1 [15.04.58]

2 Q. That's fine, Mr. Witness.

3 Talking about Prak Choeuk who was the chairperson of your defence
4 unit, was he So Phim's nephew?

5 A. Prak Choeuk was a distant nephew, not a direct line nephew.

6 Q. Do you know when Prak Choeuk was arrested and where he was
7 arrested?

8 A. I do not recall when he was arrested, however, he was arrested
9 in Suong and, in fact, staff of our office was arrested there and
10 Prak Choeuk went there in order to resolve the matter. However,
11 it turned out that he, himself, was arrested, but I cannot recall
12 the date of his arrest. It happened a long time ago.

13 Q. If the Chamber's interested, document E3/2014 says that Prak
14 Choeuk was arrested on 26 May 1978; English, ERN 01305698.

15 Mr. Witness, one last question about Prak Choeuk. Is it correct
16 that So Phim trusted Prak Choeuk? Is that something that you said
17 to DC-Cam?

18 A. Yes, that is correct.

19 [15.07.30]

20 Q. A question about the name "Prak". Was So Phim at one point in
21 time also called Prak but then not Prak Choeun but then Prak
22 Cham, C-H-A-M?

23 A. I heard other people say that initially So Phim's name was
24 Prak Cham.

25 Q. Did So Phim have a sister who was called Prak Chhun,

1 C-H-H-U-N?

2 A. I am not sure about that name because she was old and only
3 elder people would know about their native names. In the village,
4 there were his elder siblings and one younger sibling and I only
5 know these three people. Prak Chhun was chief of a cooperative in
6 the district and another person was Prak Tith. I only know these
7 two.

8 [15.09.18]

9 Q. The reason I'm asking about Prak Chhun is because you talked
10 about her to the interviewers at DC-Cam on English, ERN 01353378
11 and 79; and Khmer, 01340578 and 9. You said:

12 "So Phim's elder sister was very strict. The people were very
13 much mistreated by her." And you said that: "Even the district
14 governor was afraid of that old woman."

15 Is that something you said about So Phim's sister?

16 A. Yes, that is correct.

17 Q. And that she was in charge of a cooperative called Kokir Saom
18 cooperative, K-O-K-I-R S-A-O-M?

19 A. Yes, that is correct. The person was the chief of the Kokir
20 Saom Cooperative.

21 Q. Before I go to another brother of So Phim, the younger
22 brother, Prak Tith, one question about, again, another brother of
23 So Phim who was the district chief of Chhloung, Dul, D-U-L. Is
24 that someone you knew?

25 A. I know Dul. Dul <was>, in fact, Prak Tith. His previous name

1 was Dul or Ta Dul.

2 [15.11.46]

3 Q. Then that mystery is solved. Thank you very much for the
4 clarification.

5 And let me ask you some questions about Dul or Prak Tith. Is it
6 correct -- no, let me rephrase.

7 Did you say that Prak Tith was the chief of the district police
8 of Krouch Chhmar?

9 A. He was not chief <>of police, but he went to become chief of
10 Krouch Chhmar district and he was chief of that district.

11 Q. I might have confused that. Indeed, your DC-Cam statement --
12 let me refer to the particular page -- document E3/10716;

13 English, ERN 01353315; in Khmer, 01340539, where you speak about
14 So Phim's younger brother, Prak Tith alias Dul.

15 Indeed, you're saying that he was in charge of the Krouch Chhmar
16 district, but was he, after 1979, chairperson of the Svay Teab
17 district police?

18 A. Yes, he was chief of Svay Teab district police.

19 [15.14.10]

20 Q. So is it correct then that he managed to escape to Vietnam at
21 one point in time in May '78?

22 A. I did not know about what happened in 1978 because, at that
23 time, <we got separated, and> I was sent to S'ang Kaoh Thum
24 (phonetic), so everybody was separated.

25 Q. Do you know from when until when Prak Tith or Dul was the

1 Krouch Chhmar district chief? When did he become that and when
2 did he stop being the chief of Krouch Chhmar district?

3 A. I know that he stopped it when the East Zone people were
4 arrested.

5 Q. So, to be precise, was he district chief all the way up until
6 May '78?

7 A. I cannot recall that detail because people fled and separated
8 when they started the arrests and I did not know <whereabouts he
9 was.>

10 Q. I understand. As you might know, Krouch Chhmar was liberated
11 already, I believe, in 1970. Was Dul or Prak Tith Krouch Chhmar
12 district chief from the very beginning, from 1970, or did he
13 become district chief later?

14 A. I did not know when he started doing that work because I
15 arrived there in 1976 and I did not know as from when he began
16 that work.

17 [15.17.12]

18 Q. I understand, but when you arrived in '76, was he already
19 Krouch Chhmar district chief?

20 A. Yes, <he already did>.

21 Q. Do you know anything about events that took place in 1974,
22 September-October 1974, and also in 1975, events about a
23 rebellion of Cham forces and the subsequent crushing of the Cham
24 rebellion in places like Trea village? Do you know anything about
25 the crushing of the Cham rebellion in Krouch Chhmar?

1 A. No, I was not aware of that because I was not there in 1974.

2 Q. Let me read something to you from a book of an Australian
3 scholar and then I will ask you whether there's something that
4 you heard as well.

5 [15.18.52]

6 Mr. President, that is, Ben Kiernan's book, E3/1593; English, ERN
7 01150139; French, 00639033; and Khmer, 00637771.

8 A high-ranking post-'79 communist cadre, Hem Samin, H-E-M
9 S-A-M-I-N, is being interviewed by Kiernan and this what this
10 Australian scholar writes, and let me quote:

11 "Hem Samin, a Hanoi-trained communist, blames the Zone CPK
12 Secretary So Phim for the first repression of local Chams. It was
13 he who signed the orders for Phuong, P-H-U-O-N-G, to kill the
14 Chams in Trea in 1974. He was nasty." End of quote.

15 Phuong, we just discussed, the little person on that photo I
16 showed you. Do you know anything about this, maybe something that
17 you heard after 1979, that So Phim signed the orders for Phuong
18 to crush the East Zone Cham rebellion?

19 A. I did not hear or know about that because nobody told me
20 anything about that.

21 [15.21.13]

22 Q. That's no problem. Thank you, Mr. Witness.

23 One or two additional questions in relation to So Phim's brother,
24 younger brother, Dul or Prak Tith, when you mention him in your
25 DC-Cam statement, you mention him in connection with a person

1 name Mao Phok -- the English, ERN 01353315; Khmer, 01340539 --

2 Mao Phok, who was Mao Pok?

3 A. As for Mao Phok, I am not familiar but there is one person Mao
4 Pou (phonetic) who was at the staff office. I do not know about
5 this Mao Phok.

6 Q. It's absolutely my mispronunciation, I apologize, Mr. Witness.
7 Maybe I can ask my colleague from the Khieu Samphan team,
8 national colleague, to read this, to read that name just to make
9 sure that we pronounce it correctly.

10 MR. KONG SAM ONN:

11 Thank you. And the name is Mao Phok. Thank you.

12 [15.22.55]

13 BY MR. KOPPE:

14 Q. You refer to him in your DC-Cam statement and this is what you
15 said when you talk about Dul or -- you said: "He was also
16 arrested but he fled into the forest. He fled into the forest
17 with Mao Phok."

18 Can you expand a little bit on that?

19 MR. SIN OENG:

20 A. I did not know when he fled because we were separated from one
21 another and we did not know which direction everyone went, so
22 nobody knew the details of that matter <because I did not see>.
23 <We minded only our own survival.>

24 Q. Do you know whether Mao Phok was somehow in charge of
25 Battalion 09?

1 A. Yes, I knew that he was at that 09 <>. He was there <>.

2 Q. Do you know whether there were battles or armed clashes
3 between the forces from the Centre and Battalion 09?

4 A. I only heard about it after I fled. I heard people saying that
5 there were <lengthy> clashes between the 09 <> and the Centre
6 forces, but as I said at the time I also fled.

7 [15.25.15]

8 Q. Were you, yourself, involved in the armed clashes between the
9 East Zone forces and the Centre forces?

10 A. At the time, I was not involved, but I was arrested, then I
11 managed to flee <because I was also armed>.<>

12 Q. I will come back to that a bit later, Mr. Witness.

13 Let me finish my questions in relation to East Zone people,
14 people who were in charge of the East Zone.

15 We spoke briefly already about Heng Samrin who was a high-ranking
16 member of the East Zone military. Did you ever see any meetings
17 between So Phim and Heng Samrin?

18 A. I cannot recall the specific date but, yes, there was a
19 meeting in <Prey Veng provincial town>. That's all I can say, but
20 I did not know the content of that discussion.

21 [15.27.02]

22 Q. Let me ask a general question. You, as a guard of So Phim, saw
23 many meetings between So Phim and other people. Were you ever at
24 any point in time present during the meetings that So Phim had
25 with any ranking East Zone cadre or any ranking leader from the

1 Centre? Were you ever present in the room? Were you ever able to
2 listen to the conversations that So Phim had?

3 A. When he attended any meeting, I, myself, was never present in
4 the meeting because I would stand outside to guard.

5 Q. And never in time did you accidentally hear what was being
6 said in the room? You were always outside, never hearing ever
7 what was discussed inside?

8 A. I never did because I was not inside and I always stayed
9 outside, so I could not hear anything.

10 [15.28.46]

11 Q. Heng Samrin had brothers at the time and I believe, Mr.
12 Witness, you often visited one of his brothers. Is that correct,
13 did you often visit the house of the Zone courier chairperson,
14 Heng Samkai?

15 A. Yes, I visited his house because his house and my office was
16 not far from each other. So I went to visit him and to visit <>
17 staff there and sometimes I went there because <near his house,
18 some grandfathers played >musical instruments <so I could listen.
19 I therefore frequently visited that house>.

20 Q. Do you remember ever having had any conversations with Heng
21 Samkai?

22 A. No, I did not, but I chit-chatted with his bodyguards. I don't
23 think I ever spoke to him in person but only chit-chatted with
24 the bodyguards of Heng Samkai .

25 Q. Is it correct that you also delivered letters from So Phim to

1 Heng Samkai?

2 A. Yes, but it was <delivered to> the office staff, not <directly
3 to> the chairperson.

4 [15.31.14]

5 Q. Do you know whether it is -- do you know what position Heng
6 Samkai had after 1979?

7 A. After 1979, he became the provincial governor of Svay Rieng.

8 Q. Do you know whether he was also a member of the Central
9 Committee of the People's Revolutionary Party of Kampuchea?

10 <A>. I did not know his function and position at the time. All I
11 knew is that he was the chief of zone messenger unit.

12 Q. Heng Samkai gave an interview to an American journalist who
13 was -- who has testified in another case as an expert, an
14 interview in 1981 referred to in his book, "Brother Enemy",
15 E3/2376, English, ERN 00192440 -- and I will provide the other
16 ERNs shortly, Mr. President -- and in this interview Heng Samkai
17 said or told Chanda -- and I quote -- that: "It was impossible to
18 overthrow Pol Pot on our own. We had to seek Vietnamese help."
19 End of quote

20 Is that something that you ever heard, something similar that
21 Heng Samkai said, that there was a plan to overthrow Pol Pot, a
22 plan in the East Zone, and if that didn't work and Vietnamese
23 help was needed to effectuate that plan?

24 A. I have never heard of that.

25 [15.34.03]

1 Q. That's no problem, Mr. Witness. I'm just finishing the various
2 divisions or the military structure that you saw.

3 Heng Samrin was Division 4 Commander. His younger brother, Thal,
4 T-H-A-L, was Commander of Division 2. Is that correct?

5 A. I do not know clearly. All I know is that Samdech Heng Samrin
6 was part of the Division 4. Regarding his younger brother, I do
7 not know in detail what he did because he was in the front and I
8 was at the rear.

9 Q. The upcoming witness identifies him as Thal. You refer to
10 Division 2 commander as Ta Tat. That's what you say at ERN
11 01353341, in Khmer 01340556. Does that refresh your memory, Ta
12 Tat, or maybe you meant Ta Thal?

13 [15.35.40]

14 MR. PRESIDENT:

15 The name is Khmer is Thal, not Tat<. It is> Thal.

16 MR. SIN OENG:

17 I, at the time, did not hear of that name. I will not tell the
18 Court, testify before the Court what I do not know.

19 BY MR. KOPPE:

20 Q. Of course, Mr. Witness. One other question about another East
21 Zone division, Division 5.

22 You told the DC-Cam interviewer that chairperson of Division 5
23 was someone named Heng Kim. The upcoming witness is saying that
24 Heng Kim (phonetic) was not the family of Heng Samrin. Do you
25 know whether Heng Kim (phonetic) is also family of Heng Samrin or

1 is that something that you don't know?

2 MR. SIN OENG:

3 A. I do not know about the relation of that individual with
4 others.

5 [15.37.02]

6 Q. That's no problem.

7 Mr. Witness. Is it correct that there were four divisions in the
8 East Zone in 1978, Division 2, 3, 4 and 5?

9 A. There were five divisions in the east, but I do not know all
10 the divisional <commanders>, their names, I mean.

11 Q. I understand.

12 Heng Samrin gave an interview to Ben Kiernan, E3/1568 and on
13 English, ERN 06 - 00651894; Khmer, 00713971; and French,
14 00743368; he talks about the various East Zone divisions. He says
15 zone forces, three divisions of 8,000, 6,000 and 5,000, total
16 20,000, region up to two regiments, 15,000, District 2 companies
17 6,000 men.

18 Is that something that you are in a position to somehow confirm,
19 that the strength of the East Zone forces was at least 40,000
20 troops?

21 [15.39.25]

22 A. I have no idea how many soldiers there were in the army. I was
23 not so interested about the number of soldiers at the time.

24 <Since I didn't know, I cannot answer.>

25 Q. I understand.

1 Are you in a position to say what part of these East Zone forces
2 or how many East Zone troops were in armed conflict with Centre
3 forces at any point in time after 25 May 1978?

4 A. I do not know that very clearly. <I quit at that time.>

5 Q. One last question about the military structure in respect --
6 relating to two names. Have you ever heard of someone called Keo
7 Samnang, K-E-O Samnang, S-A-M-N-A-N-G?

8 A. I did not hear of that name. What is not true will not be
9 testified here.

10 [15.41.14]

11 Q. That's correct, Mr. Witness. One last name, Pol Saroeun, who
12 is presently a two- or three-star, or maybe even a four-star
13 general in the Cambodian Armed Forces, Pol Saroeun, have you
14 heard of that name?

15 A. Again, I will tell the Court what I know, but not what I don't
16 know. Regarding the name, I did not hear of it and perhaps <in
17 that regime, names were often changed>.

18 Q. Let me move onto my next subject, Mr. Witness.

19 On a few occasions in your DC-Cam statement, you use the word
20 "coup d'état". Let me be specific and read the English, ERN
21 01353339; Khmer, 01340554. You're talking about Prak Choeuk, the
22 chairperson of the defence unit, and you say:

23 "Choeuk must have died with him, So Phim. As of dawn, he had not
24 yet come. On that day, they made something like a coup d'état.

25 They had been arresting for several days already, those arrested

100

1 being taken unaware."

2 [15.43.02]

3 JUDGE FENZ:

4 I guess your questions will hinge on the word "coup d'état". So
5 if this is the case, perhaps one should tell him the Khmer word
6 he used just in case there are various ways to interpret.

7 MR. KOPPE:

8 My national colleague is sick so he left.

9 MR. KOUMJIAN:

10 I believe it's the same word according to my colleague; French.

11 MR. KOPPE:

12 Same word?

13 MR. KOUMJIAN:

14 Yes.

15 [15.43.37]

16 BY MR. KOPPE:

17 That's easy.

18 Q. Let me just for completeness sake refer you to something that
19 you said about a coup d'état on page - English, ERN 01353376; in
20 Khmer, 01340577. You were speaking about drinking habits of So
21 Phim.

22 The question is: "What kind of alcohol did So Phim like?"

23 And then you say: "Whenever that -- one time when things were
24 difficult, the coup d'état was being made and there had been a
25 number of arrests, I saw him [So Phim] drink for a number of

101

1 days, almost a month, downing alcohol by himself, drinking
2 whatever there was to drink, finishing off a whole bottle by
3 himself as if he was in such difficulty he couldn't think
4 straight."

5 That's a very detailed statement in relation to So Phim in the
6 days of the coup d'état.

7 What exactly did you mean when you talked about coup d'état?

8 [15.45.22]

9 MR. SIN OENG:

10 A. I meant that there was only one party at the time, the
11 Communist Party of Democratic Kampuchea, and later on<, there
12 were some changes. The Centre went to> arrest <people in other
13 zones> because of that I said there was a coup d'état and people
14 were killed arbitrarily.

15 I, myself, did not know the clear definition of coup d'état. As
16 long as there was a conflict within the unified government, it
17 was considered by me a coup d'état. <Actually,> I did not know
18 clearly the definition of <this word>.

19 Q. I understand, but who was it that attempted a coup d'état? Was
20 it the East Zone forces or was it, what many others from the East
21 Zone say, Pol Pot or Son Sen who staged a coup d'état?

22 A. Regarding the coup d'état, the Centre went to conduct the
23 arrests against the East. The Centre, <the people from the
24 Southwest,> went to make the arrests <>the East. That is all I
25 know.

102

1 [15.47.17]

2 JUDGE FENZ:

3 Can I just ask a question?

4 Witness, in your opinion, who makes the coup d'état, the Centre
5 or somebody against the Centre?

6 MR. SIN OENG:

7 A. I was working there and the Centre went to make the arrest in
8 the east and the east at the time, people in the east at the
9 time, were not aware of the plan to arrest. <People disappeared
10 from various places.>

11 BY MR. KOPPE:

12 Q. Let me move away from people like Heng Samrin or Chea Sim, who
13 were saying that it was Pol Pot indeed who made -- who staged the
14 coup d'état. Let me more go to your level in the hierarchy, Mr.
15 Witness, and let me refer to what the upcoming witness,
16 2-TCW-1070, told DC-Cam, English ERN -- that's E3/10717; English,
17 ERN 01354198. He said, and I quote:

18 "A Pot, the contemptible Pol Pot, made a coup d'état and was
19 killing people."

20 So he's saying that it was Pol Pot who staged the coup d'état.

21 Is this something that you thought was happening as well?

22 [15.49.07]

23 MR. SIN OENG:

24 A. I think that I do not know very clearly who initiated the coup
25 d'état. All I know is that the Centre <and> the Southwest <waged>

1 the arrests. <I did not know the exact reason of the arrests.

2 But> those who were arrested later on disappeared.

3 Q. Well, let me be a bit more specific, Mr. Witness. You gave a
4 very long statement about the events between Thursday 25 May '78

5 and Saturday 3 June '78, the day that So Phim committed suicide.

6 I don't have the time to go in all the details, but you said to

7 DC-Cam something interesting in relation to this collusion

8 between the east and the Centre; English, ERN 01353387; and

9 Khmer, 01340584.

10 It seems that you witnessed something that So Phim told Heng

11 Samrin and this is what happened according to you, and let me

12 read it to you:

13 "He [So Phim] met Ta Heng Samrin. Having met him, he stayed there

14 for several nights upon which he asked 'Ta Rin, however many you

15 have got left, gather them up and go into the forest to struggle.

16 We are to fight again, fighting Khmer again, the Pol Pot Khmer.'"

17 End of quote.

18 Mr. Witness, is that something you told DC-Cam and can you

19 explain the circumstances during which So Phim said this to Heng

20 Samrin?

21 [15.52.09]

22 A. It was almost to the end when we were separating from one

23 another. I heard about it, and we <said goodbye before we> left

24 to different places.

25 Q. But is it something that you heard personally being So Phim's

104

1 guard? Or was it something that you heard from someone else? Can
2 you tell us, please?

3 A. I heard about it. I heard with my own ears at the time, so I'm
4 testifying about it now.

5 Q. And do you know what So Phim meant when he said to Ta Rin,
6 "Gather them up and go into the forest to struggle. We are to
7 fight again, fighting Khmer again, the Pol Pot Khmer."

8 What did So Phim, for instance, mean with "them"; "Gather them
9 up"? Who are "them"?

10 [15.53.50]

11 A. It is my understanding that divisional chiefs and the deputy
12 chiefs, <some of them> remained at the location. He told me about
13 that when he went to Phnom Penh.

14 <He told that> soldiers were gathered up in order to go into the
15 forest to initiate the resistance movement. This is what I heard
16 at the time. <He may have talked more but I can remember that
17 particular phrase.> I went into the location to <collect water
18 bottles and glasses, so> I heard clearly what he said.

19 Q. What did you mean, "getting the glasses"?

20 A. He was sitting at a table and there were drinking glasses and
21 I had to clear -- clean the table at the time, clean his desk
22 before he left. <I would collect these glasses and put them in a
23 car for his trip.>

24 Q. And it was only So Phim and Heng Samrin in the room or were
25 there also others?

1 A. There were only two of them, he and Heng Samrin.

2 [15.55.40]

3 Q. Heng Samrin -- sorry, So Phim, as I said, committed suicide on
4 3 June '78. How many days before So Phim died did So Phim tell
5 Heng Samrin to gather forces and fight Pol Pot?

6 A. It was 10 days before he died or a bit more than that. He left
7 for Akreiy Ksatr at on one point in time. <There, they began the
8 arrest, so we fled.> I remained at one specific location for
9 three days and seven days later I heard the news that he
10 committed suicide. I cannot recall the exact date when that
11 happened.

12 Q. Was it during the time that you described in your DC-Cam
13 statement that I just read to you, the time that he, So Phim, was
14 continuously drunk? Was that the time that he told Heng Samrin to
15 gather up forces?

16 A. Yes, he drank wine. They had a gathering and also they drank
17 wine while talking.

18 [15.57.56]

19 Q. Do you know whether Heng Samrin followed So Phim's order? And,
20 if yes, do you know how Heng Samrin implemented that order?

21 MR. KOUMJIAN:

22 Mr. President, I think just to be fair to the witness before he
23 answers, the order, the full quote of the witness should be given
24 to him. On that page, the witness said to DC-Cam, he said he was
25 going to Phnom Penh to sort things out. He said: "I'm going to

106

1 Phnom Penh. If I disappear for just one week, you Rin, go into
2 the forest, gather however many there are left and go into the
3 forest to struggle."

4 So he indicated if he disappeared in one week.

5 [15.58.48]

6 BY MR. KOPPE:

7 I have no problem with that addition. It was just a shortcut
8 because of time, Mr. President.

9 Q. My question is, do you know whether Heng Samrin followed So
10 Phim's order to gather forces and to fight against Pol Pot?

11 MR. SIN OENG:

12 A. He was discussing that with Heng Samrin<, but> how the plan
13 was implemented by Heng Samrin was not really known by me.

14 [15.59.51]

15 BY MR. KOPPE:

16 One last question, Mr. President, if you would allow me, please?

17 Q. Mr. Witness, in discussing a coup d'etat in your DC-Cam
18 statement, English, ERN 01353348; and Khmer, 01340560; you said:

19 "I did not know about a coup d'etat. I only knew that when they
20 arrested him, they said So Phim was in cahoots with the 'Yuon',
21 that he was in league with the 'Yuon'."

22 Who said -- or how did you hear that So Phim was in league or in
23 cahoots with the "Yuon"?

24 MR. SIN OENG:

25 A. During the time of the <so-called> cooperation with the

107

1 Vietnamese, it was almost to the end, and during the time,
2 leaflets were also dropped from the aeroplane <from Phnom Penh to
3 various places in the East Zone>. The leaflets were thrown from
4 the aeroplane and people and I got also the leaflets. The
5 leaflets <was written that> that So Phim<, the traitor,> had
6 cooperated with the "Yuon".

7 MR. KOPPE:

8 Mr. President, I think it's 4 o'clock.

9 [16.01.57]

10 MR. PRESIDENT:

11 Thank you, Counsel.

12 It is now time for the adjournment.

13 And the Chamber will resume its hearing on Monday, 5 December
14 2016 at 9 a.m.

15 And next week, the Chamber will resume the testimony of Sin Oeng
16 and the Chamber has also a reserve witness, <2-TCW-1060>.

17 The Chamber is grateful to you, Mr. Sin Oeng. The hearing of your
18 testimony as a witness has not come to a conclusion yet. You are
19 therefore invited to come and testify to the conclusion on <next>
20 Monday <, starting> at 9 a.m.

21 And the duty counsel is also invited to be here on Monday next
22 week as well.

23 Court officer, please work with the WESU unit to send this
24 witness back to his residence and please invite him back into the
25 courtroom on Monday next week.

1 [16.03.01]

2 Security personnel are instructed to bring Nuon Chea and Khieu
3 Samphan back to the detention facility of the ECCC and have them
4 returned into the courtroom on Monday, 5 December 2016 before 9
5 a.m.

6 The Court is now adjourned.

7 (Court adjourns at 1603H)

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