



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

30 June 2016  
Trial Day 428

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

The Accused: NUON Chea  
KHIEU Samphan

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SREA Rattanak

For Court Management Section:  
UCH Arun

I N D E X

Mr. MEAS Soeurn (2-TCW-917)

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Questioning by Mr. KONG Sam Onn ..... page 21

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
Mr. DE WILDE D'ESTMAEL	French
The GREFFIER	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. MEAS Soeurn (2-TCW-917)	Khmer
The President (NIL Nonn)	Khmer

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the remaining testimony of  
6 this current witness.

7 Mr. Em Hoy, please report the attendance of the parties and other  
8 individuals to today's proceedings.

9 [09.01.40]

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all parties to this case  
12 are present, except Anta Guisse, the defence counsel for Khieu  
13 Samphan, who is absent for personal reasons.

14 Mr. Nuon Chea is present in the holding cell downstairs. He has  
15 waived his rights to be present in the courtroom. The waiver has  
16 been delivered to the greffier.

17 The witness who is to conclude his testimony today -- that is,  
18 Mr. Meas Soeurn, as well as his duty counsel, Ms. Sok Socheata,  
19 are present in the courtroom.

20 Today, there is no reserved witness.

21 (09.02.38)

22 MR. PRESIDENT:

23 Thank you, Mr. Em Hoy. The Chamber now decides on the request by  
24 Nuon Chea.

25 The Chamber has received a waiver from Nuon Chea, dated 30 June

2

1 2016, which states that due to his health -- that is, headache,  
2 back pain, he cannot sit or concentrate for long. And in order to  
3 effectively participate in future hearings, he requests to waive  
4 his right to be present at the 30 June 2016 hearing.

5 Having seen the medical report of Nuon Chea by the duty doctor  
6 for the Accused at ECCC, dated 30 June 2016, which notes that  
7 Nuon Chea has a runny nose and feels dizzy when he sits or stands  
8 up and recommends that the Chamber shall grant him his request so  
9 that he can follow the proceedings remotely from the holding cell  
10 downstairs.

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

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

18 And I would like to hand the floor to the defence team for Nuon  
19 Chea to put questions to the witness.

20 [09.04.20]

21 QUESTIONING BY MR. KOPPE RESUMES:

22 Thank you, Mr. President. Good morning, Your Honours. Good  
23 morning, counsel.

24 Q. Good morning, Mr. Witness.

25 Mr. Witness, yesterday, I showed you some footage, a little film

3

1 depicting Pol Pot visiting the East Zone probably early '78. Pol  
2 Pot could be seen with So Phim. Yesterday, you testified that you  
3 knew So Phim quite well.

4 I also noticed, but please correct me if I'm wrong, that you got  
5 a bit emotional when you saw that footage and maybe because it  
6 went a bit fast.

7 I think, with the leave of you, Mr. President, I would like to  
8 show that two minutes of footage again and then I would like to  
9 ask you to have a particular look at the person who is walking  
10 next to Pol Pot.

11 (09.05.42)

12 And if you could do that for me, Mr. Witness, I would be much  
13 obliged.

14 So I think, Mr. President, the AV Unit is ready to show those two  
15 minutes of footage that I show the witness again.

16 MR. PRESIDENT:

17 Judge Jean-Marc Lavergne, you have the floor.

18 JUDGE LAVERGNE:

19 Maybe before doing this -- because, Counsel, you <just told us  
20 again> that you believe that this film was shot in 1978, but I  
21 didn't see any date. Can you tell us what you base yourself on,  
22 to tell us that this film was shot in 1978?

23 (09.06.32)

24 MR. KOPPE:

25 Yes, I'm not entirely sure as well that this is footage from

4

1 1978. I base myself upon a document coming from Bophana Centre,  
2 which is not on the case file but it has an English ERN,  
3 00422113. I also see a "D" number. I believe it's D285/2/2 (sic).  
4 In French, it says, "Pol Pot is visiting a rubber plantation.  
5 Production Date: 1978."  
6 I don't know if it's correct, but that's why I had some  
7 reservations when I said it was early '78, but -- so this is what  
8 I base myself upon.

9 MR. PRESIDENT:

10 Yes, you may proceed with the video clip, and it can be replayed  
11 -- that is, the relevant portion that was played yesterday.  
12 AV Unit personnel, please inform the Chamber if you can manage to  
13 play it now or you need time to locate the clip again.

14 (Short pause)

15 (09.08.22)

16 MR. PRESIDENT:

17 AV Unit personnel, please play the video clip requested by the  
18 Defence counsel -- that is, the same video clip that was played  
19 yesterday.

20 And Witness, please focus your attention on the one person who  
21 was walking a bit behind Pol Pot.

22 (09.08.58)

23 (Audio-visual presentation)

24 (End of audio-visual presentation)

25 (09.11.15)

1 BY MR. KOPPE:

2 Q. Mr. Witness, you had another opportunity to have a look at  
3 this footage. Were you able to recognize the person who was  
4 walking side by side Pol Pot or sometimes just behind him?

5 MR. MEAS SOEURN:

6 A. Yes, I saw the video clip and that person was So Phim.

7 Q. Did you now also recognize other people on that video clip?

8 A. I do not clearly recognize any other people.

9 Q. Yesterday, I showed you a still from the film, and I believe  
10 yesterday you said that that person looked like your father, but  
11 it is in fact Heng Samrin. Were you able to recognize Heng Samrin  
12 on that video?

13 (09.12.46)

14 MR. PRESIDENT:

15 Defence Counsel, are you speculating? The witness clearly states  
16 that the person looked like his father but comparing the  
17 appearance to Heng Samrin, it is far-fetched.

18 So please refer to the transcript again and do not invent a new  
19 wheel. It is occurring now that you are twisting the evidence <>.

20 MR. KOPPE:

21 No, I'm not twisting it. I'm putting it to the witness that the  
22 person that he saw or the still that I showed--

23 (09.13.32)

24 MR. PRESIDENT:

25 Please refer to the transcript. We <carefully> listened to



6

1 witness' testimony yesterday and the witness expressly stated so.

2 Judge Lavergne, you have the floor.

3 JUDGE LAVERGNE:

4 Counsel Koppe, if you have reasons to believe that this person is

5 Heng Samrin, can you at least tell <us> why you think that this

6 person is Heng Samrin?

7 MR. KOPPE:

8 Because he's clearly recognizable as such.

9 (09.14.05)

10 JUDGE LAVERGNE:

11 So -- well, that is your own testimony, that is your own

12 expertise but I don't think it's necessary here.

13 MR. KOPPE:

14 Well, Heng Samrin was the first President in 1979. There's a lot

15 of well-known footage from him. My whole team -- my whole -- the

16 Khmer part of my team agrees that this is clearly Heng Samrin.

17 But if the witness doesn't recognize him, that's fine.

18 But I wanted to be able to ask him one more time if it was indeed

19 Heng Samrin. If he says he doesn't know, it's fine as well.

20 [09.15.05]

21 MR. PRESIDENT:

22 Defence Counsel, you should not lead the witness in that same

23 fashion that you objected to the other parties using it. Do <>

24 not add anything to the testimony of the witness since he already

25 expressly stated it already yesterday.

1 BY MR. KOPPE:

2 Well, yesterday I asked an open question but it's not so  
3 important. I will move on, Mr. President.

4 Q. Mr. Witness, when we stopped yesterday we were talking about a  
5 person named Ouk Bunchhoeun. You said that you knew him.

6 And we were talking about what Ouk Bunchhoeun had said about your  
7 father and Chan Chakrey. Let me see if I can refresh your memory  
8 by reading the full excerpt of his testimony or his statement,  
9 rather, to Ben Kiernan.

10 Mr. President, that is document E3/387; English, ERN 00350211;  
11 French, 00441426; Khmer, 00379493-494.

12 [09.16.48]

13 So this is what Ouk Bunchhoeun said. Chan -- he talks about Chan  
14 Chakrey:

15 "Regarding the matter I heard from Nuon Chea in 1974 when he  
16 invited all cadres from the Eastern Zone to attend study sessions  
17 in Svay Khleang village, Svay Khleang sub-district, Krouch Chhmar  
18 district. At the end of the study session, we were required to do  
19 revolutionary outlook on life, selecting a person as a model.  
20 Chan Senghong and Chan Chakrey were selected to be the role  
21 models because at the time in 1974, Chakrey already became the  
22 head of the 1st Division of the zone." End of quote.

23 So does that somehow refresh your memory, a meeting in '74; Nuon  
24 Chea involved in a meeting during which your father and Chan  
25 Chakrey were selected or were chosen as role models of the

1 revolution?

2 MR. MEAS SOEURN:

3 A. I <have never heard> that <before>.

4 [09.18.38]

5 Q. The same Ouk Bunchhoeun also gave testimony to Ben Kiernan,  
6 which is laid down in another document.

7 Mr. President, that is E3/432: English, ERN 00542185; Khmer,

8 00583878; French, 00712076 until 77. Ouk Bunchhoeun is being

9 asked about your father and about So Phim and he says:

10 "So Pol Pot ceased trusting So Phim and he took the zone deputy

11 secretary Chan, to go to him for education and instruction. And

12 then Chan was made secretary of the twin regions, R23 and R24, in

13 order to arrest the people whose names were on the list.

14 "Since the political (struggle) period, Chan was close to Pol

15 Pot.

16 "They said So Phim was protecting traitors. They put Chan to use

17 them as a base from which to attack the other three regions." End

18 of quote.

19 So Mr. Witness, Ouk Bunchhoeun seems to be implying that your

20 father was somehow connected to Pol Pot and opposed to So Phim. I

21 know yesterday you said you don't know anything about this but

22 does this somehow ring true or is it incorrect what Ouk

23 Bunchhoeun is saying?

24 A. I did not know anything about that.

25 [09.21.10]

1 Q. Ouk Bunchhoeun, a little further down in that same statement,  
2 E3/432; English, ERN 00542190; Khmer, 00583887 and 88; and  
3 French, 00712083; talks about your father and he says that Chan  
4 Senghong was a former Issarak and he says: "In the East Zone,  
5 only Chan Senghong was faithful to Pol Pot to the end."

6 Is that something that you can say anything about?

7 A. I did not have any understanding about this and I never heard  
8 that before.

9 [09.22.38]

10 Q. Your answer will be the same, but just for the record, also  
11 Heng Samrin whom we just discussed, gave a statement to Ben  
12 Kiernan. That is E3/1568; English, ERN 00651890; French,  
13 00743363; Khmer, 00713964; Heng Samrin says, and I quote him:  
14 "(Chan Senghong was initially loyal, then promoted by Pol Pot  
15 when So Phim was accused of treason, then later distrusted by Pol  
16 Pot and killed, after we won. There was a division commander who  
17 was with Chan Senghong who told me the enemy had killed him."

18 I am just putting this also before you, Mr. Witness. You still do  
19 not know anything about the alleged rivalry between your father  
20 and East Zone cadres like So Phim, Heng Samrin, Ouk Bunchhoeun,  
21 Chea Sim, etc.?

22 A. I didn't have a full grasp of the situation.

23 Q. Mr. Witness, have you ever heard whether Pol Pot was afraid to  
24 go to the East Zone?

25 A. No, I never heard that.

10

1 [09.24.55]

2 Q. There is quite some evidence to suggest that both Ouk  
3 Bunchhoeun, Ieng Sary and, as a matter of fact also Nuon Chea,  
4 all say that Pol Pot was very afraid to go to the East Zone  
5 because the East Zone was close to Vietnam.  
6 When you spoke to So Phim or when you were in contact with your  
7 father, is it something that you ever heard?

8 MR. PRESIDENT:

9 Witness, please hold on.

10 International Deputy Co-Prosecutor, you have the floor.

11 [09.25.42]

12 MR. DE WILDE D'ESTMAEL:

13 Good morning, Mr. President. Good morning, Your Honours.  
14 I object to this question because the first part is testimony  
15 from the Defence which states that there is evidence but he  
16 doesn't <cite> anything. I think it's a shortcut, he should  
17 start <maybe> with a quote <from that passage>, and then have the  
18 witness react.  
19 Instead of saying <point blank> that Pol Pot was afraid to go to  
20 the East Zone, <and that> there is a lot of evidence <of him  
21 saying that, that is not enough, in my view, to> put an  
22 <objective> question. <There is a subjective basis in the>  
23 interpretation of the Defence that should be <rendered objective>  
24 by quoting the relevant passages. <Thank you.>

25 MR. KOPPE:

11

1 As always, Mr. President, I never make things up. So let me read  
2 the evidence to satisfy this prosecutor. Let me start by reading  
3 out Ouk Bunchhoeun's testimony, E3/387; English, ERN 00350215;  
4 Khmer, 00379499; and French, 00441432. Ouk Bunchhoeun is saying,  
5 and I quote:

6 "It was because Pol Pot was afraid of So Phim. He was afraid of  
7 So Phim because So Phim had strong influence on people in the  
8 Eastern Zone."

9 That's the one quote.

10 [09.27.24]

11 And then Ieng Sary talking to Steve Heder, E3/89; English, ERN  
12 00417608; French, 00332690 -- I don't have the Khmer ERN because  
13 I don't think there is one -- it says:

14 "Even Pol Pot and Nuon Chea when they were in So Phim's zone, the  
15 East Zone, they were afraid of Ta Phim. I went with them once and  
16 I knew that and saw that -- that is, Pol Pot himself did not dare  
17 go down below. He was afraid of Ta Phim.

18 "So in that zone, if So Phim wanted to kill and wanted to do  
19 something it was not necessary for him to ask the upper echelon.  
20 The organization was like that. Each zone was independent; almost  
21 what we would call 'Kill as you please. Do as you please'."

22 And to finish it, Mr. President, E3/4202 which is Thet Sambath's  
23 book; 00757528, English ERN, French, ERN 008494--

24 [09.28.54]

25 MR. PRESIDENT:

12

1 Please repeat the document number as well as the relevant ERN  
2 numbers and please do it slower this time so that the interpreter  
3 can follow you.

4 MR. KOPPE:

5 Yes, of course, Mr. President; E3/4202; English, ERN 00757528;  
6 French, 00849428; no Khmer.

7 "The discovery of enemies had a profound effect on Pol Pot and he  
8 often worried that they would kill him. He was especially scared  
9 of going to the Eastern Zone because of its proximity to Vietnam.  
10 During his Khmer Rouge trial, Duch cited a March '76 document  
11 that said Pol Pot was prepared for assassination attempts against  
12 him, sending Khieu Samphan or Nuon Chea to attend events on his  
13 behalf. When meetings with Vietnamese officials required going to  
14 Vietnam, Nuon Chea often went in his place. 'He was worried--'  
15 [09.30.17]

16 MR. PRESIDENT:

17 Please hold on, Counsel.

18 And Judge Lavergne, you have the floor.

19 JUDGE LAVERGNE:

20 Counsel Koppe, when you quote a document, the interpreters are  
21 requesting that you should speak slowly. They obviously did not  
22 hear what you said. <None of it.>

23 [09.30.41]

24 BY MR. KOPPE:

25 I will go slower but, to remind the Chamber, I am quoting this

13

1 because Prosecution asked so. But I will do it again.

2 I will left (sic) where I finished: "When meetings with

3 Vietnamese officials required going to Vietnam, Nuon Chea often

4 went in his place. He was worried he would be smashed. He did not

5 say it but I know he was scared, Nuon Chea said."

6 Q. So Mr. Witness, three different sources all indicating that So

7 -- Pol Pot was afraid to go to the East Zone to meet with So

8 Phim. Again, is there anything that you can recollect maybe by

9 having heard this from your father or any other sources?

10 MR. MEAS SOEURN:

11 A. I have never heard of it. Thank you.

12 [09.32.00]

13 Q. Now, let me turn back to Heng Samrin's testimony, Mr. Witness.

14 Yesterday you said you only knew of Heng Samrin after 1979. But

15 let me read to you before I come to him, your question -- or your

16 answer to the Investigating Judges -- E3/5531 -- and it's

17 actually question and answer 62. I apologize.

18 You say that at one point on the 25th of May '78, you led about

19 500 troops to the military headquarters of the general staff. Do

20 you remember saying this?

21 A. Yes, I do.

22 Q. But at the same time you said that you didn't know Heng Samrin

23 was someone who actually belonged to the East Zone general staff;

24 correct?

25 A. Correct. I did say that.



1 Q. Did you know anyone else from the military headquarters of the  
2 East Zone general staff?

3 A. I did not know anyone <clearly>; however, I knew that the East  
4 Zone general staff was posted in Prey Veng province.

5 [09.34.47]

6 Q. Let me read to you what Heng Samrin said and maybe that  
7 somehow will jog your memory, Mr. Witness. I will be reading from  
8 E3/1568; English, ERN 00651888 and 89; Khmer, 00713962; French,  
9 00743361 and 62. As I said, this is Heng Samrin's interview with  
10 Ben Kiernan and he says the following:

11 "In 1976 on the day of the Party's anniversary of foundation, all  
12 over the country they had to eliminate the Party's anniversary.  
13 Pol Pot sent out a circular instructing us to stop, don't  
14 celebrate the Party's anniversary, and await further orders. When  
15 the orders came, they were to take the year 1960 as the birthday.  
16 So we saw at that time that Pol Pot was making new changes, by  
17 wiping out the history of the people's struggle from 1951.

18 "1976-77, we had a struggle, but a secret one. But at that time,  
19 it was tight and cramped; there was no opportunity to rise up and  
20 struggle. Even Ta Phim had to struggle. He used to say: 'We will  
21 have further bloodshed.' But there was no opportunity. The  
22 opportunity for us to struggle came when they saw us change to  
23 some extent, so they made a coup first in order to (unclear Khmer  
24 words) us. When they did that, we seized the opportunity to rise  
25 up and struggle. But because Ta Phim was sick, before that he was

15

1 exiled to China for cure."

2 [09.37.42]

3 A little further down, "Before the coup, I was with him. When he  
4 gave his orders to fight back against Pol Pot, I was with him. It  
5 was clear."

6 Mr. Witness, Heng Samrin, whom you said you didn't know at the  
7 time, talks about a secret struggle in '76 and '77; have you ever  
8 heard of something like this, a secret struggle in the East Zone  
9 led by So Phim, Heng Samrin, and others?

10 A. I <have never heard> of it.

11 Q. Did you ever hear Heng Samrin's forces fighting the Centre  
12 forces many times?

13 A. When?

14 Q. After 25 May '78, do you know whether there were many military  
15 clashes between Heng Samrin's forces and the forces of the Centre  
16 in the East Zone?

17 A. After 25 of May 1978, not only Heng Samrin's forces, but also  
18 other forces were fleeing and fighting against the forces from  
19 the Centre <who came to arrest and kill> the East Zone <people>.

20 Thank you.

21 [09.40.11]

22 Q. Do you know how many military clashes there were after 25 May  
23 1978, before the Vietnamese troops arrived; how many times did  
24 Heng Samrin's forces fight with the Centre forces?

25 A. I cannot recall how many time the clashes happened, but when

16

1 the Centre's forces entered the locations of <the East Zone>  
2 forces <>, the East Zone forces would resist the forces from the  
3 Centre and also fled to other location. That happened after 25 of  
4 May 1978, and as I said, forces in the East Zone had to flee.

5 [09.41.30]

6 Q. But my question was: Do you know whether the forces led by  
7 Heng Samrin had been striking back after 25 May 1978?

8 A. Yes, they were striking back, but <the situations differed>  
9 <depending>on the different locations at the time that the  
10 clashes happened.

11 Q. Do you know whether Heng Samrin's forces were, at one point  
12 later, joined by the Vietnamese military forces?

13 A. I am not certain about the time. All I know is that it  
14 happened in late 1978 and early 1979.

15 [09.42.50]

16 Q. Now, let me go back to May '78. Yesterday, you said this, as  
17 well, but let me refer to something you also told the  
18 investigators in E3/5531, your answer in 62. Let me read it to  
19 you.

20 "In the afternoon, I received a letter from So Phim through Sam,  
21 So Phim's former chauffeur. The letter said, 'To Comrades Sa and  
22 Soeun at the lathing workshop, please have the force ready to  
23 fight to protect our force from being captured. Based on our  
24 estimate, there must be a military coup led by Son Sen to topple  
25 the Party's secretary and deputy secretary.'" End of quote.

17

1 So Mr. Witness, you speak about a letter from So Phim talking  
2 about So Phim thinking that Son Sen was preparing a coup d'état  
3 against Pol Pot and Nuon Chea. Have you ever heard on which  
4 grounds So Phim thought that Son Sen was going to stage a  
5 military coup d'état against Pol Pot and Nuon Chea?

6 [09.44.40]

7 MR. PRESIDENT:

8 Please hold on, Mr. Witness. You have the floor now International  
9 Deputy Co-Prosecutor.

10 MR. DE WILDE D'ESTMAEL:

11 Mr. President, I object to this question because when I look at  
12 the manner in which it is phrased, it is clear that it is  
13 <leading> the witness to speculate and to step into So Phim's  
14 shoes, so the question should be rephrased.

15 BY MR. KOPPE:

16 I have no problem in rephrasing.

17 Q. Mr. Witness, did you hear from So Phim or did you hear from  
18 your father or from anyone else why it was that So Phim thought  
19 Son Sen was staging a coup d'état against Pol Pot and Nuon Chea?

20 MR. MEAS SOEURN:

21 A. In the whole East Zone, the Centre's forces purged all members  
22 in the military. After 25 of May <>, everyone who was in the East  
23 Zone <was> arrested by the Centre's forces and detained at Ton  
24 Teum (phonetic) pagoda in Suong <city>.

25 [09.46.10]

18

1 Q. I understand, but do you maybe know why it was that So Phim  
2 thought Son Sen would be against Pol Pot and Nuon Chea?

3 A. I do not know about that.

4 Q. Well, let me see if I read some other evidence that maybe  
5 potentially jogs your memory. Again, this is testimony from Heng  
6 Samrin, E3/1568; Khmer, 00713980; English, 00651899; French,  
7 00743378. This is what Heng Samrin said to Kiernan, Mr. Witness,  
8 and I quote:

9 [09.47.29]

10 "There were few of us at the meeting, not every district was  
11 represented, only some. The meeting lasted two hours. We  
12 discussed resolving the general situation, the events. In  
13 general, Ta Phim was still ambivalent at the time. And he didn't  
14 believe me. Had he believed me at the time he would have  
15 survived. Because he still believed Pol Pot. He said the coup was  
16 Son Sen's doing, who made the coup to overthrow Pol Pot. But I  
17 said that it was not Son Sen, it was a policy of Pol Pot. It was  
18 very clear that Pol Pot had a policy of screening out internal  
19 agents in the Party. We had read documents talking about internal  
20 agents. So it was clear. They had one this in every zone but the  
21 Eastern Zone already. It was last. At that time, the final action  
22 of Pol Pot was to use the machinery of a coup. I told Phim this,  
23 but he didn't believe me. He said he still had hope in Brother  
24 Number One.

25 "So while we were fighting hard against Pol Pot at that time,

19

1 [Phim] had us postpone action for a time." End of quote.

2 [09.49.21]

3 Is this something that somehow jogs your memory, Mr. Witness?

4 A. I know <about> the 25 May 1978 event -- after that time, I did  
5 not see So Phim personally; I only received a letter asking me to  
6 <join> in the fighting. However, later on, my <chief>, <named  
7 Sor,> instructed me to stop the attack or fighting, and I was  
8 instructed <by Sor> not to <hand> weapons <or myself over> to the  
9 Centre forces. I needed to wait for <So Phim to go and figure  
10 out> the resolution <> in Phnom Penh <>.

11 [09.50.33]

12 Q. Have you ever heard of plans formulated by Heng Samrin to  
13 bring So Phim to the East in order to get him out to Vietnam?

14 A. I do not know about that. Thank you.

15 Q. For completeness sake, on the same ERNS, Mr. President, it  
16 says, according to Heng Samrin, "The plan was to take Ta Phim to  
17 the East in order to get him out to Vietnam." End of quote.

18 Mr. Witness, you do not seem to know very much, so let me finish  
19 by asking you some very small questions. In your answer to  
20 question 38 in your statement, your WRI, you speak about  
21 Vietnam's first attack in 1977; you call it the 'Yuon's' first  
22 attack in 1977. What is it that you remember of that?

23 A. Yes, I can recall that. It was in 1972, late 1972, at the  
24 time, Vietnamese forces came into Damnak Char, Anhchaeum commune,  
25 Tboung Khmum district and almost reached Suong <market>.

20

1 [09.52.30]

2 Q. I heard in the translation 1972, but you meant '77, I presume?

3 A. <'77>, I may have confused; '77.

4 Q. Well, just to be clear, let me read the full answer that you  
5 gave, answer 38.

6 "The security office was located in Khnor Chas village, Dambae  
7 district. After 'Yuon's' first attack in 1977, the security  
8 office was moved to a place between Ponhea Kraek district and  
9 Tboung Khmum district to the east of the present road to Chhloung  
10 (Trapeang Sangkae village)."

11 So are you talking about 1977?

12 A. Yes, 1977. After the Vietnamese almost reached Tboung Khmum  
13 district, it then retreated.

14 Q. And do you know when it was in 1977 that the Vietnamese  
15 attacked Kampuchea?

16 A. It <was> in the dry season when the rice was ripe. <I am not  
17 certain which month it was.>

18 [09.54.35]

19 Q. Do you remember any details about this first Vietnamese attack  
20 in 1977; were there many casualties? What exactly happened at the  
21 battlefield; is there anything that you have knowledge about?

22 A. I am not certain about the destruction or casualties. I'm not  
23 quite sure about that. Thank you.

24 Q. Very well. My last question, and it's about So Phim, a  
25 question of family of So Phim; do you know, Mr. Witness, whether

21

1 So Phim had a daughter who was married to the son of the chief of  
2 the Northwest Zone, Cheal (phonetic)? Do you know whether there  
3 was a marital relation between the son of So -- the daughter of  
4 So Phim and Ros Nhim's son?

5 A. I only know that So Phim was <an> in-law <of> Ros Nhim;  
6 however, I do not know that who was Ros Nhim's son.

7 [09.56.20]

8 Q. Yesterday, you were shown a document by the Prosecution  
9 showing So Phim's signature. In that document, he was talking  
10 about going to meet with Ros Nhim. Do you know whether So Phim  
11 travelled often to the Northwest Zone to meet with Ros Nhim?

12 A. No, I don't.

13 MR. KOPPE:

14 Thank you very much, Mr. Witness.

15 Thank you, Mr. President.

16 MR. PRESIDENT:

17 Thank you. And the last floor is given to the defence team for  
18 Mr. Khieu Samphan to put questions to the witness. You may  
19 proceed now, Counsel.

20 QUESTIONING BY MR. KONG SAM ONN:

21 Thank you, Mr. President. Thank you, Your Honours.

22 Good morning, Mr. Witness. My name is Kong Sam Onn, the national  
23 defence counsel for Mr. Khieu Samphan. I have several questions  
24 -- short ones -- for you to clarify.

25 [09.57.40]



1 Q. Yesterday, at around 4.39 (sic) minutes and at around 15.30,  
2 you responded to the questions of Co-Prosecutor and Koppe in  
3 relation to the two meetings that you had with your father. You  
4 saw your father two times: once at Chheu Kach and another time at  
5 Neak Loeang. And <you said that> you <rarely saw> him, even <at>  
6 family reunions.

7 Did the two meetings happened in different occasions or <did it>  
8 happen <at> the same event?

9 A. I met my father two times <on different occasions>.

10 Q. Could you clarify for the Court: During the Democratic  
11 Kampuchea -- that is, between 1975 and 1979, how many times did  
12 you see or meet your father?

13 A. I cannot recall it, Counsel.

14 [09.59.20]

15 Q. Thank you. At the initial stage, after the victory of <17>  
16 April 1975, you went to work at a lathing workshop and in the  
17 same year, you were sent to receive technical training at Ruessei  
18 Keo Technical School, based on your testimony. During the time  
19 that you were trained at Ruessei Keo Technical School, did you  
20 ever see or meet your father?

21 A. I never saw or met him during the time that I came to join the  
22 training at Ruessei Keo School. Thank you.

23 Q. And after you returned to the East Zone to work in the lathing  
24 workshop -- lathing workshop again, how often did you see him --  
25 that is, that year and the following years?

1 A. I rarely met my father since I had my own work and he had his.

2 Q. Besides the two dates that you met your father -- that is, at  
3 Neak Loeang and Chheu Kach, do you recall any other times that  
4 you met your father?

5 A. I am not sure about that.

6 [10.01.42]

7 Q. Also concerning the times that you met your father -- that is,  
8 at Chheu Kach, and you stated that it happened two months after  
9 the events of 25th May 1978, can you recall the exact date that  
10 you met your father on that particular occasion?

11 A. I cannot recall the exact date. My previous statement is not  
12 that precise, as well; however, I recall that it happened after  
13 the event that happened on the 25th May '78.

14 Q. In relation to your WRI -- that is, <E3/5531>, at question and  
15 answer 43 in Khmer, and I believe it could be at question and  
16 answer number 42 in the English and French version; in that  
17 question and answer session, you spoke about a request to So Phim  
18 to release about 40 people and you said that your chief didn't  
19 dare to go and meet him and that he assigned you to go and meet  
20 So Phim in person.

21 [10.03.58]

22 Can you tell the Chamber whether you still stand by that  
23 statement that you made in that WRI and allow me to quote it.  
24 That is question and answer number 43. You made the following  
25 statement:

1 "At the time, I recall that I reacted to that statement and I  
2 wanted to know about the opinion of my chief, that is Sor, and  
3 Sor said that he did not believe they were traitors because they  
4 had never been assigned to work along the 'Yuon' border. After  
5 <this> discussion that took place and there was a <> meeting from  
6 all the relevant units, and at the conclusion of the meeting, we  
7 made a letter to provide a guarantee that they were not traitors  
8 and that So Phim should retain those people in their respective  
9 unit."

10 Mr. Witness, do you recall that statement that you made before  
11 the Co-Investigating Judges?

12 A. Yes, I recall it, thank you.

13 Q. And do you know the reasons leading up to the arrest of those  
14 people?

15 A. I did not know the reasons behind it.

16 [10.06.21]

17 Q. And do you know who made the decision to arrest those people?

18 A. I did not see any written document concerning the decision to  
19 arrest; however, my unit's chief, that is Sor, told me that Yin  
20 Sophy was the person who came to tell him that our unit had to  
21 cooperate with the forces of Yin Sophy to conduct the arrest of  
22 those people.

23 Q. Regarding the decision not to arrest those people after you  
24 had met with So Phim, did you see or did you know whether So Phim  
25 made that decision on his own not to arrest those people or

1 whether So Phim had to liaise with the upper echelon requesting  
2 them not to arrest those people?

3 A. I did not know whether he communicated with upper level or not  
4 since I, myself, only met So Phim.

5 Q. Can you tell the Chamber about the process leading to the  
6 decision made by him? Did he make that decision immediately or  
7 did he take time to think about it first?

8 A. What I recall is that after I made my report to him, So Phim  
9 asked me whether the request to pardon them was my initiative, or  
10 whose initiative it was. And I told him that it was the  
11 initiative of the Party's branch committee at the lathing  
12 workshop and that we united in making that submission to him and  
13 we provided our signature as well.

14 [10.09.15]

15 Q. And then what happened next? Do you recall what he told you at  
16 the time?

17 A. He told me that he was the one who supervised us indirectly  
18 and that he only had information about reports that we sent as  
19 well as our biographies. And if we were the ones who had the  
20 direct supervision of those 40 individuals, then he agreed and  
21 granted the request that we made to him.

22 Q. My next question is related to Cham people. In your WRI --  
23 again, that is E3/5531 at question and answer 50 -- in the Khmer  
24 version, it's question and answer 51; however, in the English and  
25 the French version, it is at question and answer 50.

1 In that answer you heard -- you said that you heard from other  
2 people that the Cham people at <Kaoh> Phal <> rebelled. Do you  
3 recall that statement?

4 A. Yes, I do.

5 [10.12.30]

6 Q. You have testified that you did not witness the rebellion in  
7 person, but you witnessed the evacuation of Cham people to Dambae  
8 district.

9 Can you tell the Chamber whether during such evacuation, only the  
10 Cham people were evacuated or there were other people who were  
11 evacuated as well, including the Khmer and <others>?

12 A. Generally speaking, regarding the events that took place in  
13 the entire Eastern Zone, there were evacuations of people  
14 starting immediately from 17 April 1975 and people were evacuated  
15 or relocated out of their native villages. And I saw <Cham>  
16 people who had been evacuated to live in the jungle in Dambae  
17 district.

18 [10.14.15]

19 Q. Also in your question and answer 51, you said that the Cham  
20 people had been purged.

21 Can you tell the Chamber what you mean when you say that the Cham  
22 people had been purged?

23 A. When I said that they had been purged, I meant that those  
24 people residing on <Kaoh> Phal <>, and after that event, no Cham  
25 person remained on that <Kaoh> Phal <> as all of the Cham people

1 had been evacuated.

2 Q. And, finally, I'd like to ask about your actual position. You  
3 use two different terms to describe it. You said that you were  
4 the deputy chief of a lathing workshop and you also said you  
5 <were> the deputy chief of a lathing factory.

6 So which one is the correct version -- that is, after you  
7 concluded your technical training at the Ruessei Keo Technical  
8 School? Can you tell the Chamber whether it was a workshop or a  
9 factory?

10 A. To be precise, that workshop belonged to the East Zone. You  
11 can either refer to it as a workshop or a factory because that  
12 was the only lathing workshop or factory existed in the East  
13 Zone.

14 [10.16.25]

15 Q. Yes, I understand that. However, can you tell the Chamber the  
16 precise term that was used during the regime, whether it was  
17 known as a lathing workshop or a factory?

18 A. At that time, most of people refer to it as the "Uksa Hak Kam  
19 Kraleng" (phonetic) of the East Zone, or the lathing <industry>  
20 of the East Zone.

21 MR. KONG SAM ONN:

22 Thank you, Mr. President, I conclude my questions now. And thank  
23 you, witness.

24 [10.17.09]

25 MR. PRESIDENT:

28

1 Thank you, Counsel, and thank you, witness.

2 And, Mr. Meas Soeurn, the hearing of your testimony as a witness  
3 is now concluded and your testimony may contribute to the  
4 ascertainment of the truth in this case.

5 You are no longer required to be present in the courtroom and the  
6 Chamber wishes you all the very best.

7 The Chamber would also like to extend our gratitude to the duty  
8 counsel, Ms. Socheata, and you too are excused.

9 Court officer, please collaborate with the WESU to make necessary  
10 transport arrangement for the witness to return to his house or  
11 to wherever he wishes to go to.

12 The Chamber will adjourn the proceedings for today and we will  
13 resume it on Tuesday, 26 July 2016, commencing from 9 o'clock in  
14 the morning.

15 And the proceedings on that day is that the Trial Chamber will  
16 hear <the> testimony of a witness -- that is, 2-TCW-1005, in  
17 relation to the internal purges.

18 [10.18.27]

19 The Chamber would also like to inform the parties and the public  
20 that from the 4 July to the 22 July, there will be no hearings  
21 since it is a judicial recess.

22 Security personnel, you are instructed to take Nuon Chea and  
23 Khieu Samphan back to the detention facility and have them  
24 returned to attend the proceedings on Tuesday, 26 July 2016,  
25 before 9 o'clock in the morning.

1 The Court is now adjourned.

2 (Court adjourns at 1018H)

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