



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

26 October 2016
Trial Day 471

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
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I N D E X

2-TCW-859

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Questioning by Mr. LYSAK page 18

Questioning by Mr. KOPPE page 88

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCW-859	Khmer
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. LYSAK	English
The President (NIL Nonn)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0901H)

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 witness Chuon Thy. We also have a reserved witness today, that

7 is, 2-TCW-1045.

8 Mr. Em Hoy, please report the attendance of the parties and other

9 individuals to today's proceeding.

10 THE GREFFIER:

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

12 are present.

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

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

15 been delivered to the greffier.

16 The witness who is to conclude his testimony today, that is,

17 Chuon Thy, and his duty counsel, Ms. Socheata, are present in the

18 courtroom.

19 We also have a reserved witness, namely, 2-TCW-1045, who confirms

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

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

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

23 The witness will take an oath before the Iron Club Statue this

24 morning.

25 [09.03.15]

2

1 MR. PRESIDENT:

2 Thank you. The Chamber now decides on the request by Nuon Chea.

3 The Chamber has received a waiver from Nuon Chea dated 26 October

4 2016, which states that due to his health, that is, headache,

5 back pain, he cannot sit or concentrate for long. And in order to

6 effectively participate in future hearings, he requests to waive

7 his rights to be present at the 26 September 2016 hearing.

8 Having seen the medical report of Nuon Chea by the duty doctor

9 for the Accused at the ECCC, dated 26 October 2016, which states

10 that, today, Nuon Chea has a constant lower back pain and it

11 becomes severe when he sits for long and recommends that the

12 Chamber shall grant him his request so that he can follow the

13 proceedings remotely from the holding cell downstairs. Based on

14 the above information and pursuant to Rule 81.5 of the ECCC

15 Internal Rules, the Chamber grants Nuon Chea his request to

16 follow today's proceedings remotely from the holding cell

17 downstairs via an audio-visual means.

18 The Chamber instructs the AV Unit personnel to link the

19 proceedings to the room downstairs so that Nuon Chea can follow.

20 That applies for the whole day.

21 I now hand the floor to the defence team for Khieu Samphan to put

22 further questions to the witness.

23 [09.04.55]

24 QUESTIONING BY MS. GUISSÉ RESUMES:

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

3

1 2-TCW-859. I will continue from where we left off yesterday.

2 Q. You shared your own marriage experience, and the procedure
3 <as> you saw it in the context of your unit. Before continuing,
4 I'd like to ask a clarification.

5 In the context of training sessions, did you study the CPK's 12
6 moral principles and, specifically, principle number 6?

7 MR. CHUON THY:

8 A. Good morning, Counsel. Yes, I did attend the study session
9 regarding the 12 moral principles of Democratic Kampuchea.
10 However, I cannot recall the details.

11 [09.06.09]

12 Q. I will remind you of what principle 6 is. It is as follows --
13 and we know this document well. It can be found in E3/765, which
14 is an example of revolutions -- an issue of Revolutionary Youth.
15 And principle 6 is as follows.

16 In French, the ERN is 00540024; in English, 00539994; and in
17 Khmer, 00376493. And I would like to clarify for Khmer and
18 French, I will also be moving on to the next page, so 6, "To
19 never cause harm to women", and then it continues on the next
20 page in French and Khmer.

21 We can <also> see a particular explanation on married life, and
22 this is what it said:

23 "Concerning married life, there is <indeed> no obstacle to this
24 today, as long as <it is> based on both principles of the Party.

25 And first, both of the parties agree, and second, the collective

4

1 agrees, and then it is done. <There is no reason for us to
2 infringe on sexual morals.>" End quote.

3 I want to know if this refreshes your memory and if <so, during
4 the trainings you attended marriage was ever brought up, or they
5 ever discussed the conditions that governed marriage.>

6 [09.08.25]

7 A. At the time, <> the arrangements were made <based on the
8 agreement from both parties>. <There was no policy.>

9 Q. And when you say when the marriages were arranged, no one
10 could refuse, did you, personally, arrange marriages where people
11 indicated that they were not in agreement?

12 A. I used to arrange wedding for people in my unit, and <> the
13 arrangement was not in a rush. And both parties had to agree --
14 or to consent with each other and that they had to understand
15 each other feelings then the arrangements were to be made.

16 If people did not like each other, <> they did not have to go
17 through the process and they could return to their respective
18 work unit.

19 [09.09.45]

20 Q. I understand from your answer that there is a type of
21 contradiction from your previous response, at least in the French
22 <translation> that I heard, that when you were talking about
23 marriage, you said, "At this time, no one could refuse".
24 Doesn't that contradict what you just said, which is "When people
25 were not in agreement, we didn't force them"? Could you please

1 clarify that point?

2 A. Previously, I did not speak about any forced marriage. What I
3 said is that once both parties consented to the arrangement, then
4 the marriage process would take place. And if they did not like
5 the arrangements, then they could walk away. There was no forced
6 marriage.

7 Q. You say that there was no forced marriage, but in the context
8 of your questioning, E3/10713 with the OCIJ, you said that even
9 though you were not witness to forced marriages, you heard about
10 the fact that there were some, or at least that there were some
11 people who told you that there were forced marriages. And here I
12 refer to your answers 44 to 53 of this document, E3/10713.

13 The first question that I have is who spoke to you about the
14 existence of forced marriage? That's the first question, and I
15 will have others to follow.

16 [09.11.42]

17 A. What I said initially is that I did not know about what
18 happened in other units. However, in my unit and as stated in my
19 previous statements, it was held according to their voluntary
20 feeling. And if people were forced to get married in other units,
21 that's beyond my understanding. I heard people talking about it,
22 but I can say to you that it did not happen in my unit.

23 Q. All right. Aside from the fact that that was not the case in
24 your unit, can you tell me if, in any training or any sort of
25 instructions that you may have received from any superior or

6

1 cadre of the CPK, did you at any time hear that it was necessary
2 to pursue forced marriages and that people had to get married
3 even if they were not in agreement?

4 Have you heard that or did you hear that any sort of instruction
5 like this was given to you or anyone else?

6 [09.13.05]

7 A. I did not hear that people were arranged to get marriage when
8 they were not in agreement. What I heard is that if people wanted
9 to get married, then they would make such a proposal to Angkar
10 and the arrangements were made. But people were not forced to get
11 married at all, and that was not stated in any of the education
12 sessions that I attended.

13 Q. Another thing, were there particular instructions which --
14 while not forcing people to get married, was there an instruction
15 to monitor people who had been married to make sure that they
16 consummated their marriage?

17 So, <in other words,> did you receive particular instructions or
18 education or <did you hear> that anyone else received such
19 instructions to monitor <newlyweds' private lives> and to force
20 them to have sexual relations?

21 A. As I stated earlier, the upper echelon never instructed us, in
22 particular in my unit, to force people who did not like each
23 other to get married. And of course, there was no process where
24 those newlywed couples were monitored whether they consummated
25 their marriage or not. It did not happen. And here, I

7

1 specifically refer to my unit.

2 [09.15.00]

3 Q. Yes, I understand specifically that you're talking about your
4 unit, and I say this because there were several people who came
5 to testify in this Court, and they say that they were forced by
6 the people in their village, commune, etc. to engage in sexual
7 relations.

8 So my question was, did you, as a member of the CPK, ever hear of
9 such a policy?

10 So I'll ask it more generally. Did you hear from any authority of
11 the CPK that such a policy was meant to be disseminated and put
12 into place under the DK?

13 [09.15.48]

14 A. I did not hear the upper echelon to relay instructions to
15 monitor whether the couples consummate their marriage or not.
16 However, I did not have any grasp regarding what happened at the
17 base. But as I said, in my <army> unit, this kind of thing did
18 not happened. I arranged some marriages for people in my unit,
19 and they remained in their relationship until today.

20 Of course, some separated from one another or some died during
21 the times that the "Yuon" troops attack Cambodia.

22 Q. Just one last point since you mentioned marriages that you,
23 yourself, arranged. In the context of your statement to the
24 Co-Investigating Judges -- this is still E3/10713 -- you talked
25 about the different types of circumstances that could occur for

8

1 marriages. Either you had two people who asked for authorization
2 to get married because they had already fallen in love, or people
3 who asked if a spouse could be chosen for them.

4 And <you mention this> in answer 33 in the document I just
5 referenced, and because I don't want to twist your words, I will
6 read them, and this will be in English. So answer 33:

7 "There were two cases. The bride and groom could mutually agree
8 and then request the commander to organize a marriage or, if a
9 man or a woman wanted to get married, they could ask the
10 chairperson to select a partner for them. We then introduced them
11 to each other." End of quote.

12 [09.18.04]

13 Mr. Chuon Thy, did you, yourself, arrange any marriages? Perhaps
14 the first question is, can you tell the Chamber how many
15 marriages you arranged, if you remember, or at least a range? Was
16 it one, two, five to 10, or more?

17 A. Regarding the arrangement, as I clarified it earlier, for
18 those who already had contacted one another and they were in
19 agreement, then they would give us the names. As for other people
20 who were shy, then they relied on their respective leaders to
21 look for their partner and then, once that process was done, then
22 the names were given to us. And that's what happened at my
23 location.

24 And for the arrangement, although we assigned the partner and if
25 they did not like it, either a man or a woman could walk away

1 from the arrangement.

2 [09.19.33]

3 Q. All right. And in terms of numbers, do you remember how many
4 marriages you personally arranged?

5 A. I arranged for about 15 to 20 couples for those in my unit.

6 Q. You said in your previous statements that there were
7 collective weddings. And we had heard that previously in this
8 Chamber. Do you know why collective weddings were arranged? Do
9 you know the reason for that, why they had a collective marriage
10 rather than individual wedding ceremonies?

11 A. I did not have a full understanding about that, and the
12 arrangement was made within respective unit because there were
13 many people who had to get married, then it would take a long
14 time if we had to marry each couple each time because after the
15 marriage, then we also had to arrange their sleeping quarters.
16 But I did not have any grasp regarding any forced marriage. And
17 the mass marriage took place, that is, in the interests of saving
18 time.

19 [09.21.23]

20 Q. And I come back to a previous question. You said that you were
21 not aware of forced marriages. And in your statement, you said
22 that you were not a witness of any, but that other people had
23 talked to you about these forced marriages.

24 So my question is, do you remember who talked to you about the
25 existence of forced marriages?

10

1 A. I forget their names because that happened long ago before the
2 "Yuon" invaded Cambodia. I heard that in some units, people were
3 forced to get marriage and, for that reason, some people did not
4 agree and asked what would happen to them. And they said that
5 nothing happened. If they disagreed to the arrangement, they
6 could return to their respective units. <That's what I was told.>
7 [09.22.30]

8 Q. In answer 49 of your statement, still the same one, here is
9 what you say, and I will quote in English:

10 "What I heard was that there was forced marriage in the local
11 villages, communes and districts. When I ask them if they were
12 forced to marry if they did not love each other, they told me
13 that after the marriage, the couples were separated if they could
14 not get along with each other." End of quote.

15 Here again, I understand that you don't remember the person who
16 told you this, but do you at least remember if it was someone in
17 the military, if it was a civilian person, and where were you
18 when this was discussed?

19 A. I was told about that when I was at the military barrack where
20 we stationed. People came to the barrack and spoke about this,
21 and I was told that there was a mismatch between men and women
22 and, for that reason, they did not agree and they had to return
23 to their respective unit.

24 And as I said, this happened to <> the civilian population, and
25 it did not happen within my military unit.

11

1 And allow me to clarify that I only heard this from other people,
2 and I did not know where it happened or what involved in the
3 process.

4 [09.24.28]

5 Q. You spoke of one case. Did this person tell you of any other
6 cases or did you hear of any other cases from other people?

7 A. Besides this person, nobody else spoke about it.

8 Q. I will conclude, Mr. President. I know we're sharing the time
9 with my colleagues on Nuon Chea's team, so if I began at 1.30
10 <PM>, I would need to finish in five minutes to leave a little
11 bit more than half an hour to my colleague <on Nuon Chea's team>,
12 but I just want to make sure that we agree in terms of time that
13 there's at least 15 minutes in terms of the discussion that we
14 had yesterday at the beginning on the implementation of the
15 decision of the Co-Investigating Judges. Can we consider that I
16 can make up these 15 minutes before the break this morning?

17 I see that, Mr. President, is shaking his head yes, so I will
18 continue.

19 [09.25.49]

20 I would like to conclude, Mr. Chuon Thy, by speaking with you
21 about something you mentioned in your two statements, and also in
22 this Chamber during the <first> trial. And this was the
23 statements of Pol Pot concerning marriages and other, <during>
24 the Kampong Chhnang meeting.

25 And first I want to refer to what you said in the first trial, if

12

1 I can find my document. I'm not finding it, so I'll continue in
2 another way.

3 First, an open question. Do you remember the topics outside of
4 your meeting in Svay Rieng but concerning training in general in
5 Kampong Chhnang? Do you remember the topics that Pol Pot
6 addressed on that day in June 1978?

7 A. I attended the meeting <>with Pol Pot, and it happened in June
8 in Kampong Chhnang. And while I was at the border, I did not
9 attend any meeting with Pol Pot. And the meeting in Kampong
10 Chhnang was the only meeting that I made with Pol Pot.

11 [09.27.27]

12 Q. All right. And do you remember the various topics that he
13 brought up, or would like me to refresh your memory?

14 A. I recall the meeting in Kampong Chhnang. The first issue was
15 on the examination and the protection of the defence of Cambodia,
16 and the second item was the construction of the country. And I
17 was there for <one day only then> I had to mobilize the force to
18 the <Eastern> border area.

19 [09.28.17]

20 Q. In your first statement, E3/4593, you were <rather> precise.
21 And first you explain, and I will read so that I don't distort
22 your words initially:

23 Pol Pot talked about the issue of rice in the context of
24 <Cambodia's economic recovery>, and then <this is what was said
25 regarding rice.> "Pol Pot asked the question of the heads of

13

1 co-operatives, communes and district who were there at the
2 meeting, 'are the inhabitants at the base level eating enough?'

3 And <most of the heads of co-operatives answered that the people
4 were eating enough, and just a few co-operatives did not have
5 enough to eat.>

6 And then Pol Pot further asked '<But what about the rice that was
7 harvested? Where did it go?>' And the heads of co-operatives
8 responded, 'The harvest of the rice was not good'.

9 Pol Pot then stated that the surplus of rice, hulled rice, that
10 had come from the people had to be exported to exchange <against>
11 agricultural materials from other countries. And Pol Pot also
12 stated when he talked about rebuilding agriculture and industry
13 in order to modernize it, that they had to use modern
14 agricultural materials to replace human labour for agricultural
15 production." End quote.

16 On this first part, does that refresh your memory, and were you
17 present when Pol Pot said this?

18 A. In my previous statement, I spoke about the agricultural
19 issue. And in order to turn economics to be based on the
20 agriculture, the first <priority> was to feed the people so that
21 they had enough food to eat. And at that time, I did not mention
22 in details whether people living in the cooperatives had
23 sufficient food to eat. What I learned was for the people to eat
24 sufficiently since we had plenty of land so that<> we can
25 cultivate.

14

1 And after the study session, I went to the border area. And as I
2 said, I was from the military side. We were there to listen to
3 the contents of the meeting and our main duty was to defend our
4 border.

5 However, we had to understand also about the issue of the country
6 construction.

7 [09.31.32]

8 Q. Fine. Now, regarding this specific issue, that is to say, when
9 Pol Pot questioned the people in the co-operatives, were you
10 present when that happened? Did you hear what he was saying, you,
11 yourself?

12 A. At the time, <> I was there already for one day. I was there
13 on the first day. I did not hear the actual discussion. Then I
14 left the meeting venue.

15 I heard some parts of the message. I was not there constantly. I
16 did not know if there was such a discussion on the matter in
17 relation to food given to people. <The military was aware that
18 people were shortage of food but there were abundance of rice.
19 Where had it gone?> They may have discussed this issue. <They
20 thought that there must be a problem with it.>

21 [09.32.46]

22 Q. Why I -- the reason I'm insisting upon this, Witness, is,
23 well, these questions and answers as I have just mentioned
24 correspond to what appears in your statement on 2 March 2010. So
25 my question is, do you no longer remember what you said, and does

15

1 this part correspond to something you heard and which you
2 remembered in 2010, or maybe you don't remember anything now?

3 A. I <would like to clarify that the date of the meeting was not
4 the 2nd of> March. I did not say that it was in March. In fact,
5 <> it was in June when I joined the attack at <the border in>
6 Svay Rieng. <Again I want to clarify this to the> investigator
7 <who> went to ask me about the issue and also wanted to know
8 about the reason why there was such a discussion, and on the day
9 of the interview, I explained him about the issue. <As I said
10 earlier, I did not attend the whole meeting.>

11 Q. Fine. I'm going to continue with this answer 4 in your
12 statement, and you also made reference to other statements that
13 Pol Pot made, and you said the following:

14 [09.34.28]

15 "Pol Pot added, 'We have to increase the importance of our
16 population between now and the coming 20 years so that we can
17 have a population of 20 to 30 million people, which will be
18 necessary to defend our country.' In this sense, Pol Pot stated
19 that he <would promote> marriage to <boost the> population<, and
20 that he would order the> lower echelons to arrange the wedding
21 for people." End of quote.

22 So my first question is, do you remember Pol Pot saying such
23 things during this meeting in Kampong Chhnang? Do you remember
24 that or not? And then I will ask extra questions in relation to
25 that.

16

1 A. I recall that. That is what I told the investigator. Pol Pot
2 did mention about the arrangement of wedding. Wedding should be
3 organized for couples, particularly for the adult, since they
4 needed the population.

5 He did say that Cambodia was a large country and such a small
6 population did not really cover the whole area of the country.

7 [09.36.03]

8 Q. When he spoke about this issue of increasing the population
9 and weddings, did he say that it was necessary to <arrange> these
10 marriages even if the people did not agree to get married?

11 A. He did not say that. I did not hear such a statement.

12 Q. In your WRI before the OCIJ, which is a little bit more
13 recent, this was in this document, E3/10713, you say the
14 following at answers 28 and 29, and I will quote in English.

15 First the question that was put to you:

16 "When you attended the meeting with Pol Pot, did Pol Pot talk
17 about you how couples should be married?"

18 Your answer: "Pol Pot did not say anything specific. He just said
19 there was a need for marriage to increase the population.

20 Question: "At that time, did Pol Pot talk about how to select
21 partners?"

22 Your answer: "Pol Pot said it was up to them. If they agreed --
23 if they agreed, arranged marriage for them, but do not force
24 them." End of quote.

25 Mr. Chuon Thy, I would like to know if this refreshes your memory

1 and if you heard such statements during the meeting in Kampong
2 Chhnang?

3 [09.38.11]

4 A. I heard it.

5 Q. Now, regarding the issue of increasing the population, was
6 this something that you had already heard about during various
7 training sessions, not in Kampong Chhnang, but maybe during other
8 meetings? Had you ever heard about this issue of increasing the
9 population?

10 A. There was a meeting at Kampong Chhnang, and I did not hear
11 about it by the upper echelon. I was not really paying attention
12 to that issue.

13 [09.39.08]

14 Q. So aside from this meeting in Kampong Chhnang, you had never
15 heard about this issue.

16 So generally speaking, aside from this issue of marriage, did you
17 ever hear about the necessity of fighting against illness and the
18 necessity of improving living conditions for the population?

19 Was this something you would discuss during political training
20 sessions <as> a member of the Communist Party of Kampuchea?

21 A. Could you repeat your question?

22 Q. No problem. I will try to simplify it.

23 During your political training sessions, because you said that
24 you were a member of the CPK, or upon reading Revolutionary Flag,
25 did you ever <read documents or> hear anything <saying that the

18

1 goal of the CPK was to improve> the living conditions of the
2 population? Is this something you heard between 1975 and 1979?

3 A. I heard about it, that is, to build the country so that the
4 economy was better for people, people had <> enough food to eat,
5 living conditions were better. There were such discussions.

6 [09.40.48]

7 Q. Last point because I'm coming to the end, of course, of the
8 time that was given to me. So did you lose any loved ones or
9 family during the conflict with Vietnam?

10 A. In the course of the conflict with Vietnam, I lost my
11 biological siblings, three of them.

12 Q. Do you know when this happened?

13 A. It was the time when the Vietnamese was invading the country
14 in 1978, 1979 or 1980.

15 MS. GUISSÉ:

16 Mr. President, I will stop here so I can give a bit of space for
17 the other parties to question the witness.

18 MR. PRESIDENT:

19 The Chamber now gives the floor to the representatives of the
20 Co-Prosecutors to put the question to the witness. You may now
21 proceed.

22 [09.42.34]

23 QUESTIONING BY MR. LYSAK:

24 Thank you, Mr. President. Good morning, Your Honours. Good
25 morning, counsel, Mr. Witness.

19

1 Q. I'm going to spend the morning talking about issues related to
2 the combat that took place in Svay Rieng, but I want to first
3 just follow up on a couple of points related to the Pol Pot
4 speech that you heard about increasing marriages in order to
5 increase the population.

6 Before the time of this meeting with Pol Pot, were people who
7 wanted to marry allowed to marry?

8 MR. CHUON THY:

9 A. Let me clarify for the Court. For individuals who wanted to
10 get married, the wedding was organized by the leaders. And if one
11 wanted to get married, the marriage could be arranged for them.
12 Wedding was organized by the leaders if one proposed to marry
13 them with another. <The wedding could be arranged even for only
14 one couple.>

15 Q. And was that true? Was that the case throughout the regime,
16 that is, from April 1975 through to the -- 1978?

17 A. It had not yet happened in 1975. It started to happen after
18 1976 and 1977 when the wedding was organized for them.

19 [09.45.03]

20 Q. So do I understand correctly that in -- your testimony is that
21 in 1976 -- just to confirm, Mr. Witness, your testimony is that
22 in 1976, 1977 and the first half -- at least the first half of
23 1978, people who wanted to get married were allowed to get
24 married?

25 A. That is correct.

20

1 Q. All right. Let me come to the instruction you received from
2 Pol Pot in -- at the June 1978 meeting. Let me read to you what
3 you said in your September 2015 interview. This is E3/10713,
4 answer 21. This is what you said on what you heard from Pol Pot,
5 quote:

6 "I remember Pol Pot saying that we were in need of additional
7 forces, and Kampuchea still had a vast territory with a
8 population of about 7 million. Pol Pot said that over the next 10
9 to 20 years, the plan was to increase the population to between
10 20 and 30 million. Therefore, from then on, we had to increase
11 the number of marriages between young men and young women to
12 improve the population." End of quote.

13 [09.46.51]

14 My question to you, Mr. Witness, if at this time people who
15 wanted to marry were already being allowed to marry, how is it
16 that you were going to increase the population so dramatically,
17 that is, from 7 million to 20 million, by increasing marriages,
18 if people who wanted to get married were already getting married?
19 What is it that you were going to do to so dramatically increase
20 the number of people marrying?

21 [09.47.40]

22 MR. PRESIDENT:

23 Please hold on, Mr. <Witness>.

24 You may now proceed <counsel>, Kong Sam Onn.

25 MR. KONG SAM ONN:

21

1 Thank you, Mr. President. I would like to object to the question.

2 This is a repetitive question. The answer was given already by
3 the witness. He did say that the territory of Cambodia or
4 Kampuchea was large, and the country needed more population to
5 cover the whole country.

6 [09.48.14]

7 MR. LYSAK:

8 My question is, how were they going to increase the number of
9 people being married if people who wanted to be married were
10 already allowed to.

11 MR. PRESIDENT:

12 The question is appropriate, and Mr. Witness, you are instructed
13 to give your response. <The objection is overruled.> It is not a
14 repetitive question.

15 MR. CHUON THY:

16 Those who already got married, the wedding was not organized for
17 them. Once again, the wedding would be organized for the
18 single<>. <But it was not organised again for married couples>.

19 BY MR. LYSAK:

20 Q. Yes, I understand. How is it that you were to go about
21 increasing the number of people marrying so that the population
22 could increase from 7 million to between 20 and 30 million?

23 MR. CHUON THY:

24 A. <Oh! I've just answered that question. Let me clarify it.

25 Newly wed couples needed to have children. For that reason, the

22

1 more people who got married, the more children they would have,
2 thus the population increased. That's it.>

3 [09.50.07]

4 Q. All right. Well, we'll come back to this subject of forced
5 marriage -- marriages this afternoon.

6 I want to now go back to some questions related to your military
7 background.

8 And in particular, I wanted to ask you about an individual who
9 has testified in this courtroom twice. In your previous
10 testimony, you weren't sure about him, but I want to ask you some
11 more details about this person. And I'm referring to a witness
12 who appeared here named Meas Voeun.

13 He was the commander of Regiment 16 of Division 1 based in Koh
14 Kong, and has testified that he was the deputy secretary of West
15 Zone Division 1. He was -- that he was Ta Soeung's deputy.

16 Do you remember this person?

17 [09.51.30]

18 A. I do not know the individual by the name Meas Voeun.

19 Q. Mr. Witness, you were the commander of Regiment 15, one of the
20 three regiments in Division 1. Did you not know who Ta Soeung's
21 deputy was, the head of one of the other three regiments?

22 And what do you remember? Who is it that you remember was the
23 head of the regiment based in Koh Kong?

24 A. At the time, I saw Ta Soeung, who was walking back and forth
25 leading and who was leading the force. <There was no deputy. I

1 was not aware of that person.>

2 Q. Let me -- I wanted to ask you about something that came out of
3 one of Meas Voeun's OCIJ interviews.

4 Your Honours, this is E3/9738, E3/9738, at answer 15. He was
5 discussing the Division 1 soldiers who were based in Sector 37 of
6 the West Zone, and he said the following:

7 "I only knew Battalion 180 of Sector 37 whose commander was Ta
8 Ev. This battalion was later sent to the Vietnamese border." End
9 of quote.

10 This Battalion 180, does that ring a bell? Was that your
11 battalion, Mr. Witness?

12 A. Battalion 80 was not known by me. <I did not know the
13 Battalion 180.> I was in Regiment 15.

14 Q. What were the battalion numbers in Regiment 15?

15 A. Within Regiment 15, there were <three> Battalions <120,> 121
16 and 122.

17 [09.54.30]

18 Q. Okay. I want to turn now to the time that you were assigned or
19 deployed to take your regiment to fight the Vietnamese in Svay
20 Rieng.

21 You've testified already that it was Pol Pot who ordered you to
22 leave the West Zone and take your battalions to fight the
23 Vietnamese in Svay Rieng.

24 When you received this order from Pol Pot, did you or did your
25 division commander, Soeung, question Pol Pot's authority to order

1 the West Zone division forces into combat in Svay Rieng?

2 A. All I know is that Pol Pot was the leader, so he was entitled
3 to give orders to the forces to go anywhere.

4 Q. Is it correct, then, that Pol Pot's authority extended to the
5 zone armies, that he had the authority to order the zone armies
6 such as yourself into combat?

7 [09.56.20]

8 A. I do not really understand. Pol Pot was the leader. That is
9 all I know. He had the power to order the forces to go anywhere
10 as he wanted.

11 Q. Thank you, Mr. Witness. You talked a little bit yesterday in
12 response to questions from our colleagues across the room here
13 about the individual Thy Poussé, who was the commander of the new
14 division that was formed in Svay Rieng. This person -- and that
15 you were his deputy. This individual, Thy Poussé, did he also
16 come from West Zone Division 1, or did he come from somewhere
17 else?

18 A. Thy Poussé was not from Division 1 from the <>west. He was from
19 the southwest, in fact.

20 Q. And you've said that you brought 1,000 soldiers from your
21 regiment. Did Thy Poussé also bring soldiers from his unit or
22 regiment in the southwest?

23 A. That is correct.

24 Q. Do you remember how many soldiers he brought with him?

25 A. I am not sure about this particular issue. I do not know how

25

1 many soldiers he brought with him. I knew that some forces were
2 brought to my location so that they could work together with me
3 in the leadership.

4 [09.58.43]

5 Q. You've testified that the new division or brigade that was
6 formed, in which Thy Poussé was the commander and you were the
7 deputy, was Brigade or Division 340. Were there any soldiers in
8 340 that came from the East Zone military?

9 A. The <Division> 340, in fact, I was from that unit. And Thy
10 Poussé was from the <southwest> as you mentioned.

11 Q. I understand. My question is, in this new Brigade 340 that
12 combined your forces and Thy Poussé's forces from the southwest,
13 did it also include any soldiers from the East Zone?

14 A. No. Thy Poussé and I were sent to that location, and no other
15 forces <from the East Zone>.

16 [10.00.13]

17 Q. I want to ask you a few questions about one of the other --
18 one of the other brigades or divisions that was sent out to Svay
19 Rieng that you mentioned yesterday, counsel asked you about, and
20 that is what you and others have identified as a special
21 intervention brigade, 221.

22 And in order to confirm who the commander -- you've identified in
23 your interview who the commander of 221 was, but with your leave,
24 Mr. President, I'd like to provide to the witness the WRI of that
25 individual. I won't refer to him by name because he's an upcoming

26

1 trial witness, but I'd like to provide the WRI to the witness.

2 And I'm referring here to document E3/419, E3/419.

3 If I may provide that to the witness, and I want to ask him to
4 see if he can confirm the -- who this person was?

5 MR. PRESIDENT:

6 Yes, you can do that.

7 BY MR. LSYAK:

8 Q. Now, Mr. Witness, when you receive this, if you could look at
9 the name at the bottom of the first page. And there's also some
10 biographical information you'll see at the top of the next page.

11 And I don't want you to say the name of this individual, but I
12 want you to confirm whether this is the person who you've
13 identified who was the commander of the intervention brigade,
14 221, that was sent from the southwest to Svay Rieng.

15 [10.02.29]

16 MR. CHUON THY:

17 A. As I testified yesterday, the new divisions were organized and
18 new numbers were used. <They were not from the West Zone.> And we
19 were told about names of the commanders, but I did not know nor
20 did I see them previously.

21 As I said, I heard of their names, the new numbers, but I never
22 heard of <> those names before because <our units> were
23 separated. They came from the southwest while I, myself, came
24 from the West Zone.

25 Q. I understand that, Mr. Witness. I wasn't asking you if you

1 knew him before.

2 You identified this individual by name, given and family name, in
3 your interview as the commander of intervention unit 221.

4 The person whose statement I've just handed to you, is that the
5 person who you were told was the commander of 221?

6 A. Allow me to clarify it. I heard of the name, but personally, I
7 did not know the person, nor his biography, so I could not say
8 whether he is that person. So I cannot say for sure that he is
9 the person.

10 Q. Okay. Well, we'll come back to him a little bit more later.

11 In your OCIJ interview, and you confirmed this yesterday, you
12 identified the four brigades or divisions, that were part of a
13 consolidated division commanded by Ren, Ta Mok's son-in-law.

14 Did you and the other three brigades -- did all of you arrive in
15 Svay Rieng at the same time, or had some of those divisions or
16 brigades already been deployed there when you and your troops
17 arrived?

18 A. I could not grasp that situation because upon my arrival, the
19 announcement was not made as to which divisions had arrived. The
20 announcement was for us to take care of the areas that we were
21 assigned and to defend.

22 [10.05.52]

23 Q. I also wanted to see if I can understand the locations of the
24 events that were taking place there.

25 You indicated yesterday that as soon as you arrived, your troops

28

1 were sent to engage in combat at the border.

2 What part of the border, specifically, was it where you were
3 deployed -- your troops were deployed to fight the Vietnamese?

4 A. The areas that I fought against the "Yuon" troops was to the
5 east of Waiko river. We dug trenches there, and it stayed until
6 Bavet area.

7 Q. And when you say the Bavet area, am I correct that Bavet is
8 the town that is the border crossing on Highway 1 between
9 Cambodia and Vietnam?

10 [10.07.19]

11 A. Yes, that is Bavet. And that was the area of my spearhead. And
12 at that time, there were no civilians living there. And we
13 actually led our forces along the border line.

14 Q. So just -- do I understand correctly that when your troops
15 arrived, the Vietnamese were on the other side of the border and
16 DK forces were still in control of Bavet?

17 A. At that time, "Yuon" troops retreated from Svay Rieng to the
18 eastern part of Bavet. I and my forces did not station in Bavet
19 because Bavet area is rather extensive and my forces were based
20 to the east part of Svay Rieng, that is, along the Waiko area. It
21 is a little bit out of the Svay Rieng provincial town. <The
22 Vietnamese troops were already in our territory.>

23 Q. So your forces were stationed to the east of Svay Rieng
24 provincial town, but then you would go -- would you then go
25 closer to the border to Bavet when you had to engage the

1 Vietnamese? Is that what took place?

2 A. Yes.

3 Q. Did you and the 340 commander, Thy Poussé -- did you have an
4 officer in this location just east of Svay Rieng provincial town?

5 A. Thy Poussé and I stationed right in Svay Rieng.

6 [10.09.47]

7 Q. So just so it's clear, the troops were stationed outside Svay
8 Rieng to the east and you and Thy Poussé were inside the
9 provincial town. Is that correct?

10 A. That is the arrangement. However, as a commander, usually we
11 went along the <battlefield> area where our troops stationed.

12 Q. Do you remember how much of the border area you were
13 responsible to defend? Was there a particular -- a range of the
14 border by kilometres or range in terms of from certain town to
15 another town? How much of the border were your troops responsible
16 for defending?

17 [10.10.57]

18 A. There was no actual set limit. However, we were assigned a
19 spearhead and to defend that spearhead and to contain the
20 advancement of the "Yuon" troops since they outnumbered our
21 forces and we tried <>our best to contain them. But there was no
22 clear landmark location where we had to laid our troops within
23 that specific area.

24 Q. And the commander of this -- the consolidated division, Ren,
25 where was his headquarter or office located?

30

1 A. I could not grasp that point.

2 Q. Let me see if I can refresh your memory. I'm going to read to
3 you a short statement that comes from another witness, someone
4 who was a regiment -- one of the regiment commanders in Division
5 703 in Svay Rieng. OCIJ statement E3/361, E3/361; Khmer,
6 00194471; English, 00766457; French, 00268889. This witness said,
7 quote:

8 "The transport was done by removing them and taking them to the
9 division location of Ren at the air field west of Svay Rieng."

10 End of quote.

11 Does that refresh your memory, Mr. Witness? Do you remember
12 whether Ren was based at a division location at an airfield west
13 of Svay Rieng.

14 [10.13.22]

15 A. I cannot recall that because Ta Ren called us to a meeting at a
16 location separated from <where> he was based. And for that
17 reason, I did not know <where> his <station was>.

18 As for Division 702, I did not hear about that in particular.

19 Q. Just so -- there may have been a translation error. It was
20 Division 703, that this witness was part of.

21 Another location that some of the witnesses have mentioned is a
22 place, and I'm hoping I pronounce this correctly, Kraol Kou. And
23 if you look at the statement of the commander of Division 221
24 that I handed to you, if you look in answer 8 of that interview,
25 he says the following, I quote:

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

31

1 "I attended meetings with Son Sen in Svay Rieng province many
2 times, especially at Kraol Kou when I was sent to Svay Rieng
3 province." End of quote.

4 Do you know this -- remember this location, Kraol Kou? Can you
5 tell us where it was and who was based there?

6 [10.15.02]

7 A. When I took my forces, we stationed in the Svay Rieng
8 provincial town. As for Kraol Kou, I only heard about the
9 location because I did not go there. And probably the location
10 was behind the provincial town of Svay Rieng. <I did not have any
11 role to go there. I stationed only at the battlefield.>

12 Q. And what did you hear about Kraol Kou? Who was based there?

13 A. I did not know who based at Kraol Kou.

14 Q. One more question about the geography of the area that you
15 were deployed to.

16 The area in Svay Rieng where your brigade and the other brigades
17 under Ren were assigned, was that an area that is known as the
18 "parrot's beak"?

19 A. The area that I stayed and, of course, it was part of this
20 Chumpuk Teah (phonetic) area, that is, the location to the <east>
21 of the provincial town of Svay Rieng.

22 [10.16.51]

23 MR. PRESIDENT:

24 Thank you.

25 It is now appropriate for a short break. We'll take a break now

1 and resume at 10.30.

2 Court officer, please assist the witness at the waiting room
3 during the break time and invite him back as well as his duty
4 counsel to the courtroom at 10.30.

5 The Court stands in recess.

6 (Court recesses from 1017H to 1033H)

7 MR. PRESIDENT:

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

9 And the Chamber gives the floor to the Deputy Co-Prosecutor to
10 resume the questioning.

11 You may now proceed.

12 BY MR. LYSAK:

13 Thank you, Mr. President.

14 Q. I was asking you -- I handed you the WRI of a person that you
15 identified as the commander of the intervention brigade or
16 Division 221. Indeed, in his own interview, he acknowledges that
17 he was the commander of Intervention Brigade 221.

18 I've a general question for you. What is the function of an
19 intervention division or brigade?

20 You've identified 221 as having that function. Also, when you
21 talked about your -- a previous division, Division 1, in the West
22 Zone -- this is in your interview E3/4593, answer 12 -- you
23 described Division 1 as consisting of Regiments 15, 16, 17, an
24 artillery regiment and an intervention unit.

25 But it -- specifically in relation to the unit in Svay Rieng,

1 what was the function of -- what is the function of an
2 intervention brigade?

3 MR. CHUON THY:

4 A. The intervention <unit> did not belong to the infantry. It was
5 under the responsibility of <the Division of> Ta Ren.

6 And <it was their responsibility> to reinforce other forces. <I
7 did not really grasp the task of the intervention unit.>

8 [10.35.41]

9 Q. My question is more general. How was an intervention brigade
10 different from -- or regiment, how is it different from the other
11 regular regiments? What is it -- what are -- how are its
12 functions different than the other units?

13 A. The intervention <unit> was engaged in the ordinary fighting.
14 However, in other target when there was a difficult situation,
15 this <unit> would go and reinforce other forces.

16 Q. Would it be accurate to say that an intervention brigade is
17 one that would be considered mobile and that it would be deployed
18 around at different locations depending on the situation?

19 A. You can say so.

20 [10.36.54]

21 Q. Now, you've indicated that the -- the battlefield at the time
22 you arrived in Svay Rieng was at the border in the Bavet area.

23 Did that change at all, between June 1978 and at least the start
24 of December 1978?

25 Was there any movement back and forth or movement in the

1 battlefront where you were fighting in the first five months that
2 you were in Svay Rieng?

3 A. When I was stationed for that particular period, the situation
4 was really tough. The Vietnamese was attacking us, and we
5 counter-attacked the Vietnamese. And they used also artillery to
6 shell us. The situation, as I said, was very tough.

7 Q. My question was, at least prior to the time in December '78 at
8 the end of the year where Vietnamese forces broke through, did
9 they push your troops back from the border or did the fighting
10 remain in the same general area of Bavet?

11 A. Before "Yuon" attacked the country, we were attacking each
12 other at the border. And some of our forces retreated to National
13 Road Number 1 and to the east of National Road Number 1.

14 [10.39.17]

15 Q. My colleague from the Defence asked you a question yesterday
16 about the civilian population. You said you didn't see any
17 civilians in Svay Rieng or Bavet towns.

18 She also read to you part of a report that came from Sector 23 --
19 Sectors 23 and 24, which were twin sectors at the time, from May
20 1978. And I wanted to just read to you what the May '78 report
21 from the region you were sent to said about the civilian
22 population.

23 Your Honours, this is document E3/862, E3/862; Khmer, 00021019;
24 English, 00185207 through 08; French, 00814597. This report
25 regarding Sector 23 said the following, quote:

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

1 "We have withdrawn people from four districts to live inside our
2 territory. Those districts are Pursat district, Chantrea
3 district, Kampong Rou district, Samraong district."

4 And then continuing later in the section on people's livelihood,
5 this is Khmer, 00021027; English, 00185212; French, 00814603;
6 quote:

7 [10.41.30]

8 "Because people in Pursat, Kampong Rou, Chantrea and Samraong
9 districts had to move back into the rear bases, they faced
10 shortages of food, vegetable, pork, chicken and duck. All their
11 crops have been looted and destroyed by the enemies many times."
12 End of quote.

13 As I said, this was -- this report indicates that, in the month
14 before you arrived, the civilian populations from the district,
15 particularly the district that Bavet -- Bavet was located in,
16 Chantrea, the people had been moved to the rear bases.

17 Does this ring a bell at all? Are you able to tell us where these
18 rear bases were that the civilian population was moved to where
19 the civilian population was located in June 1978?

20 A. Let me clarify for you as I told the Court. When I arrived at
21 Svay Rieng, I did not see any single person or villager there.

22 And at the time, I did not know the location exactly. I was put
23 in the location and I was not told anything about the living
24 condition and food situation or people. I was under the
25 leadership of the military at the time, and I was assigned to be

1 engaged in the battlefield against the enemy.

2 [10.43.30]

3 Q. And you were asked some questions already about Son Sen. I may
4 come back to ask you a little more about him later.

5 But as I'm finishing some questions about the structure or
6 arrangements there, I wanted to read to you the OCIJ statement of
7 a witness who was the -- a general staff communications officer
8 who worked for Son Sen and followed him to the Eastern Front, he
9 says, in 1977.

10 This is a witness, 2-TCW-942. His interview, E3/426, E3/426;
11 Khmer, 00357492; English, 00364071; French, 00403068. This is
12 what he testified, quote:

13 "Later on, in 1977, the Central Committee assigned Son Sen to
14 station at the front line when the Vietnamese attacked in Svay
15 Rieng. Later on, Son Sen took me to work at the communication,
16 radio and logistics in Svay Rieng office in late 1977." End of
17 quote.

18 The thing I wanted to specifically ask you about is this witness
19 refers to a communication, radio and logistics office in Svay
20 Rieng. Do you -- did you know this office, and do you remember
21 where it was located and who worked there?

22 [10.45.52]

23 A. I do not really get your question. <Please repeat your
24 question.>

25 Q. Did you know a communications, radio and logistics office in

1 Svay Rieng that was used during the time your troops were
2 deployed there?

3 A. I do not know about that.

4 Q. I want to ask you now -- turn now to get some details about
5 the fighting that took place.

6 Can you describe for us -- you've described a little bit. Can you
7 describe for us a little more the combat that took place between
8 your troops and the Vietnamese forces?

9 What was the nature of the fighting, what types of fighting took
10 place that you remember?

11 A. I am not able to describe that for you. I could not recall it
12 well since <it was a long time ago.>

13 Q. Well, during the six months that you were out -- approximate
14 six months you were in Svay Rieng, how often was there fighting
15 between your troops and the Vietnamese? Was this something that
16 took place every day, or was it more sporadic?

17 [10.47.48]

18 A. We were in constant combat. We were stationed in opposite
19 direction, and we were attacking one another on a daily basis.

20 Q. Were there many casualties in your brigade or division in 340?
21 Can you tell us how many casualties your brigade suffered during
22 the six months of fighting?

23 A. In the course of six-month combat, there were a small number
24 of injuries and fatality. We had trenches. We did not attack one
25 another in an open combat. <Therefore, there were very few

1 casualties.>

2 Q. So are you saying that when the fighting ended, when the
3 Vietnamese broke through, that most of the people -- most of the
4 soldiers in -- that were under your command were still alive? Is
5 that correct?

6 [10.49.30]

7 A. After the invasion of the "Yuon", we fled to different
8 directions. And we were fleeing to seek cover for life.

9 Q. I understand that. But prior to the time you fled, are you
10 saying that, of the 1,000 troops that were under your command who
11 you had brought from you to the West Zone, there had only been a
12 few casualties?

13 A. Prior to that, there were very few casualties. Some of the
14 injured soldiers were sent to the hospital, and remaining
15 soldiers <fled to different directions>.

16 During that combat, there were attacks by air as well, and also
17 there were infantry soldiers coming to attack us.

18 Q. Was there also aerial attacks or bombing conducted by
19 Vietnamese planes in your area and, if so, when did that begin?

20 A. They were shelling us, and there were aerial bombing along
21 National Road No. 1. We, at the time, were attacked by them, and
22 we were dispersed to different locations.

23 [10.51.48]

24 Q. And when was it that you were dispersed to a different
25 location? How long after your initial arrival?

1 A. I was not transferred to any other location.

2 Q. You're just saying you -- the troops moved to avoid the aerial
3 attacks. Is that what you're saying?

4 A. I said we were fleeing during the time that there was a heavy
5 attack by the Vietnamese. During that time, there were aerial
6 bombing and there was heavy shelling.

7 We could not stay at our post assigned to us. We <>needed to
8 <retreat> and we needed to flee to different locations.

9 We were fleeing for our lives at the time.

10 [10.53.13]

11 Q. So just to be clear, you're saying that the shelling and the
12 aerial attacks became intense towards the end of the '78 at the
13 time that you had to retreat. Is that correct?

14 A. That is correct.

15 Q. Do you remember what types of planes the Vietnamese were using
16 for these aerial attacks?

17 A. I did not know the types of planes used at the time. I could
18 only hear the sounds of the planes.

19 Q. And did your division have any weapons or any anti-aircraft
20 weapons or any way of defending against attacks by these
21 airplanes?

22 A. For my unit, we did not have any anti-aircraft <> weapons. We
23 had only weapons to attack the infantry at the time, but I do not
24 know whether or not the upper echelon had the anti-aircraft
25 weapons.

1 Q. Another subject that you talked about a little yesterday was
2 the use of mines. And do I understand correctly that mines were
3 laid to defend against the Vietnamese and, if so, where was it
4 that these mines were planted?

5 [10.55.31]

6 A. When the "Yuon" attacked us successfully, we did not have time
7 to lay mines. We had to flee <and left our belongings and weapons
8 behind>.

9 <They> came in large number. We did not have time to lay mines.

10 Q. I'm not talking now about the end of '78 when the Vietnamese
11 broke through. I'm talking about when you first arrived in June
12 '78. Were mines in use at the border at the time?

13 A. Upon my first arrival, mines were not laid along the border
14 because we <>were <moving from one place to another.> And we were
15 afraid that we would be in dangerous situation with the mines
16 laid.

17 Q. What about punji pits or spikes -- spike traps? Were any of
18 those -- did you have any of those protecting the border in the
19 Bavet area?

20 [10.57.12]

21 A. There were no spikes traps, but spike traps were place at the
22 border, and those spikes traps were made out of bamboo wood. We
23 were afraid that we would be trapped also by those spike traps.
24 Those spike traps <>were only laid at the border.

25 Q. In relation to the spike traps, I want to read to you another

41

1 excerpt that came from that May 1978 report for Sector 23. Again,
2 this is E3/862; Khmer, 00021020; English, 00185208; and French,
3 00814598. This is in Section 1 of the report on the external
4 enemies in Sector 23, and it says the following, quote:

5 "We have raised people's motivation to make 1,635,380 spike traps
6 to give to the battlefield."

7 Let me just repeat that number because we double checked this;
8 1,635,380 spike traps.

9 This -- based on this contemporaneous report, there seems to have
10 been quite an effort under way in Svay Rieng to build these spike
11 traps.

12 Can you describe what these spike traps were like and,
13 specifically, where were they put at the border? How far from the
14 border?

15 [10.59.38]

16 A. Spike traps were made from bamboo wood, and spike traps were
17 around 30 centimetres high. And usually those traps were laid out
18 of our preparatory lines.

19 My unit was, in fact, located <>far from the border, I meant in
20 the middle area. And we did not lay any spike traps.

21 Q. I want to also ask you about a document that came from the
22 Standing Committee of the very top leaders in Phnom Penh. This is
23 from -- this appears in minutes of an August 1975 trip they took
24 to the Northwest Zone.

25 It's document E3/216, E3/216, Section 2.1.B.2 of the minutes.

1 Included, detailed instructions from the Standing Committee about
2 putting spikes along the border in the northwest, and this is the
3 instruction that was given, quote:

4 "A mix of old and modern weapons should be used, including
5 especially spikes to place along the border. All kinds of spikes
6 must be used, those at the height of a person's foot, sole,
7 instep and shin, and up to the stomach." End of quote.

8 Is this the type of spike traps that were prepared at the Svay
9 Rieng border?

10 [11.01.59]

11 A. In Svay Rieng, spikes were not placed that deep. The spikes
12 were planted in order to wound soldiers' <feet> only, and we did
13 not have any long spikes used.

14 Q. Were there many Vietnamese soldiers who were wounded by the
15 spike traps?

16 A. I could not grasp that situation because when we saw them, we
17 <shot at> them. And we did not know whether they were injured by
18 spikes.

19 Q. I want to ask you a few questions about attacks into Vietnam.
20 Did your division or any of the divisions that were under Ren's
21 command engage in any combat or fighting that took place inside
22 Vietnam?

23 A. My unit did not enter the "Yuon" territory. We were there at
24 the border to defend our territory.

25 Q. I want to ask you, then, about some evidence that seems to

1 show that that was not the case.

2 And I have a number of things I'll ask you about. I'm going to
3 start with an interview that was conducted --

4 [11.04.09]

5 MR. KOPPE:

6 Mr. President, although no question has been asked, the subject
7 has been raised.

8 As we all know, in this courtroom incursions into Vietnamese
9 territory of the Revolutionary Armed Forces of Kampuchea are
10 outside the scope of this trial, so asking questions about what
11 allegedly happened in Vietnamese territory, any questions related
12 to that, should be prohibited. It doesn't lead anywhere.

13 I understand the decision in respect of questions asked to the
14 expert last week because certain aspects of these incursions
15 might have gone to motivations of Vietnamese foreign policy, but
16 actually asking factual questions -- and that is the only thing
17 that this witness is capable of answering -- would lead to a
18 situation that would deal with an issue outside -- specifically
19 outside the scope.

20 [11.05.32]

21 MS. GUISSÉ:

22 And just to add to the objection of my colleague, obviously I am
23 in agreement with him. I would like to note that from previous
24 responses and the last response of the witness where he said he
25 was in charge only of his unit, and his unit <certainly> did not

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1 go into Vietnam, there's no point in <confronting him with other
2 things. He is talking about what he knows.>

3 And on top of that, asking him things that are outside the scope
4 of this trial is not acceptable, so <we> object even more
5 strongly.

6 [11.06.10]

7 MR. LYSAK:

8 If I may respond, it's simply false to say it's outside the
9 scope.

10 What is -- it is incursions into Vietnam as a crime are not
11 included, but it is obviously specifically part of the armed
12 conflict. It is part of the allegations related to the existence
13 of an armed conflict. And indeed if you look at the Closing Order
14 and you look at the paragraphs related to the armed conflict that
15 are incorporated as part of this case, paragraph 153 of the
16 Closing Order on the armed conflict specifically includes
17 incursions by the RAK into the territory of Vietnam.

18 So this is obviously evidence that is relevant to the conflict,
19 and it is certainly responsive to an issue that Defence Counsel
20 have constantly raised, which was who was provoking this
21 conflict.

22 [11.07.14]

23 MR. PRESIDENT:

24 The objections by the two defence teams are overruled.

25 Previously, this kind of question is permissible since there is a

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1 relationship between the armed conflict along the border areas,
2 and parties are not allowed to ask in details regarding armed
3 conflict occurred in Vietnam territory. However, as for the
4 conflicts along the border, the questions are permissible. That
5 is one thing.

6 And another thing is that the witness does not yet response to
7 the question, so <whether or not he knew, it really did not
8 require him to be at that specific area, just hearing about it
9 can be known to him as well.>

10 And that is the practice, and that was also used previously by
11 the two defence teams.

12 And Co-Prosecutor, you may resume.

13 BY MR. LYSAK:

14 Thank you, Mr. President.

15 Q. I'd like to start with a statement from a witness who is one
16 of the soldiers sent out to fight the Vietnamese in the east,
17 Kung Kim. This is from a DC-Cam interview, E3/3960; Khmer,
18 00054862 through 63; English, 00633897 to 98; French, 00403373
19 through 74. This is what this individual said:

20 Question: "When you attacked and entered Tay Ninh, what happened
21 to the people there?"

22 Let me stop first, Mr. Witness. Was Tay Ninh, in fact, the
23 Vietnamese province that was directly on the other side of the
24 border from Bavet? Was that Tay Ninh province?

25 [11.09.36]

1 MR. CHUON THY:

2 A. I do not know that well regarding the geographical area of Tay
3 Ninh. <My forces and> I, myself, never entered the "Yuon"
4 territory or <fought> in that territory.

5 Q. Well, this witness, this soldier, describes entering Tay Ninh.
6 He describes attacking villages. And I won't read the details,
7 but let me skip to the part that is of interest to me:

8 Question: "Did the division commander give an order like that?"

9 "Yes, the commander gave the order down through the chain of
10 command to our immediate commander."

11 Question: "What was the name of your division commander when you
12 went to fight the Vietnamese?"

13 Answer: "Phan."

14 "Where was Phan from?"

15 Answer: "He was from Takeo." End of quote.

16 [11.10.38]

17 My question to you, Mr. Witness, you've identified in your OCIJ
18 statements the brigades that were under the -- or divisions that
19 were under the command of Ren. Was one of those four divisions
20 Division 460, who was -- which was commanded by a person named
21 Phan from the Southwest Zone?

22 A. Phan came from the Southwest Zone.

23 Q. And the division he commanded, 460, that was part of the
24 consolidated divisions commanded by Ren; correct?

25 A. Yes.

1 [11.11.55]

2 Q. Another witness. This is Lay Ean, OCIJ statement E3/376,
3 E3/376; Khmer, 00270173 through 74; English, 00278690 through 91;
4 French, 00486094. He says in this interview, quote:

5 "About seven months before 7 January 1979, I was ordered to
6 organize former combatants into groups for fighting the
7 Vietnamese. All chiefs of the group, the regiment and the
8 division were all Southwest Zone cadres. We went to fight along
9 the road to Krek (phonetic) in Kampong Cham and went through
10 Vietnamese 427 into Tay Ninh province. My group were the raiders
11 of about 200 combatants. Sorn was the regiment chief, Nhor, was
12 the chief of Brigade 207, and Ta Pin was the chief of the
13 division. My group entered about 15 to 20 kilometres beyond the
14 border. Our fighting went on not less than three months, and we
15 received the order from Ta Sorn to destroy and burn up
16 everything, and he did not say anything about war disciplines.
17 During our fighting in Vietnam, my group and I threw grenades,
18 burned houses, military hospital."

19 And he continues.

20 My question for you here, he identifies a brigade that was
21 commanded by someone from the Southwest Zone named Nhor, Ta Nhor.
22 Do you -- did you hear of this brigade commanded by Ta Nhor?

23 [11.14.30]

24 A. No, I did not hear of his name or whether he was a commander
25 of a brigade.

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1 Q. Well, I now want to ask you about a specific incident that was
2 reported by the Vietnamese news agency, VNA, in October 1978, in
3 which it was reported that both your Division 340, and the
4 special Intervention Brigade 221, had engaged in an attack across
5 the Vietnamese border into Ben Cau of Tay Ninh province.

6 The document, Your Honours, is E3/1608, E3/1608; Khmer, ERN
7 00810114 through 15; English, S00013179 through 180; and French,
8 00793493 through 494. This is what that -- it's a VNA report
9 dated 12 October 1978, states, quote:

10 "On 1 October"--

11 MR. PRESIDENT:

12 Please hold on.

13 And Counsel for the Defence, <Anta Guisse,> you have the floor.

14 [11.16.19]

15 MS. GUISSSE:

16 Thank you, Mr. President. A new objection in the wording of the
17 question of the Co-Prosecutor.

18 He said that it was about "your division, 340" and given the
19 earlier answers of the witness<, who> said that during combat he
20 had absolutely no contact with other brigades within his division
21 and <referring today, in general, to an attack that he says he
22 did not lead or participate in, given his testimony,> the premise
23 is false <and the question is not justified,> because the witness
24 will not be able to shed any light on this subject for the
25 Chamber. He has already indicated that in his previous answers,

1 so I object <to the question>.

2 MR. KOPPE:

3 And if I may, Mr. President, in addition, Case 002/02 is a very
4 big case. We are acting -- we are defending our client on the
5 assumption that we will not be dealing with incursions in
6 Vietnamese territory, so we haven't prepared.

7 [11.17.37]

8 We do not -- we do not know whether the cadres whose testimony
9 was just read out are reliable, whether they are corroborated by
10 other evidence. We haven't investigated this Vietnamese report
11 because we were assuming that we didn't have to.

12 So now we are in the position that it's very difficult to come up
13 with arguments why, maybe, this radio report or this testimony is
14 selective or not. It mean -- we need to know what is part of the
15 trial and just saying, "Well, you know, you can talk about it in
16 general", that doesn't make us have a good position, an
17 understandable position from a defence perspective to counter
18 this.

19 So I believe you need to be very strict when it comes to factual
20 evidence being prevented, and it's very clear that we do not deal
21 with these incursions.

22 So once again, we would request to be very strict in this and to
23 forbid these questions.

24 [11.18.48]

25 MR. LYSAK:

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1 Mr. President, this is rather remarkable given that Mr. Koppe
2 himself has repeatedly, repeatedly tried to tender evidence that
3 it was Vietnam that was initiating the conflict, so for him to
4 say he's not prepared to deal with evidence that contradicts
5 that, I would say, is absurd.

6 This is clearly part of the armed conflict. It's directly
7 relevant to this witness because the -- these two brigades which
8 he's identified and which others are directly referenced in the
9 document I'm about to read.

10 [11.19.33]

11 MR. PRESIDENT:

12 <> The objections by the two defence teams are overruled.
13 The question is related to the armed conflict. As I stated
14 earlier, details into this matter shall not be allowed. However,
15 the <armed conflict or> conflict is back and forth, and that is
16 its nature. And we want to see its relationship regarding this
17 armed conflict, and witness can respond to that question.

18 We remind all parties that we shall actually wait to hear the
19 response first from the witness, and the witness actually have
20 some answers regarding other divisions that he knew because his
21 knowledge may be greater than what he actually witnessed.

22 And <International> Deputy Co-Prosecutor, you may continue.

23 BY MR. LYSAK:

24 Thank you, Mr. President.

25 Q. So this is a report, Mr. Witness, relating to October 1978,

1 and it states as follows, quote:

2 "On 1 October, Pol Pot, Ieng Sary troops of the 221st Division,
3 Division 221, launched a large-scale attack in an attempt to
4 occupy the enclaves along the Vietnamese defence perimeter in the
5 western Ben Cau, Tay Ninh province. One Kampuchean regiment
6 sustained heavy losses. More than 100 troops were killed on the
7 spot. A number of others were captured, together with a large
8 quantity of weapons. On the same day, the Vietnamese armed forces
9 wiped out a Kampuchean battalion of the 340th division, that is,
10 Division 340, three kilometres from western Ben Cau to the
11 southeast, killed or captured almost 250 assailants and seized 78
12 weapons." End of quote.

13 [11.22.05]

14 First, Mr. Witness, does this refresh your memory at all? Do you
15 remember an incident in which some troops from your division,
16 340, and some troops from Division 221, the intervention brigade,
17 attacked the Vietnamese defence in western Ben Cau inside
18 Vietnam?

19 MR. CHUON THY:

20 A. Allow me to reiterate the point. The statement that you said
21 that our unit entered the Vietnam territory, that is false. We
22 did not enter Vietnam territory. We contained them in the area
23 inside the Kampuchean territory, that is, at Prasout (phonetic).
24 I heard of the name of that location, but I never went there. As
25 for the divisions, I heard of division numbers, but I did not

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1 know about them or the commanders of those divisions. And for
2 that reason, that is the limit of my response to your question.

3 [11.23.40]

4 Q. Well, Mr. Witness, you stated in a number of occasions in your
5 interview and you confirmed with counsel yesterday that the
6 division commanded by Thy Poussé that you were deputy of was 340.
7 Let me ask you this. Were any of the soldiers in your division,
8 340, ever captured by Vietnamese troops?

9 A. I could not grasp that situation at that time because during
10 the combat, <> it's possible that soldiers from both sides were
11 captured.

12 Q. Let me ask you this. This report from the Vietnamese news
13 agency that correctly identifies both the number of your
14 division, 340, and the number of the special intervention
15 brigade, 221, were the numbers of -- was the number of your
16 brigade public knowledge or is there something that would have
17 only been acquired if Vietnamese had captured soldiers from your
18 division?

19 Can you tell us, was it publicly known that -- the numbers of
20 your division, or was that information only within the military?

21 [11.25.23]

22 MR. PRESIDENT:

23 Witness, please hold on.

24 And counsel Anta Guisse, you have the floor.

25 MS. GUISSÉ:

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1 I once again object to the way in which the question is being
2 asked by the Co-Prosecutor. He is talking about Division 340 <in
3 general terms, while> the witness has <stated very clearly> in
4 his previous interviews and <notably> in responding to my
5 questions as to how things were organized in the battlefield --
6 he explained very clearly that his brigade was in one very
7 specific place and that he didn't know what was happening with
8 the other brigades, including the intervention brigade.

9 [11.26.07]

10 So the Co-Prosecutor has asked as if it was a contradiction about
11 elements of the intervention brigade that he did not <know or>
12 command, that he did not know about and that he has indicated he
13 had no contact with, so to present this as a contradiction is
14 false and is unfair to the witness.

15 Once again, he has already testified, he has already given
16 explanations on how his work was organized within his brigade and
17 his manner of defending the piece of territory allocated to him,
18 so it's unfair to ask him about things that were happening in
19 other brigades <that he was not familiar with. That is not fair
20 to him.>. And to present this as a contradiction is not something
21 we should be doing when questioning a witness, and I therefore
22 object to this question.

23 [11.27.00]

24 MR. KOPPE:

25 Yes, Mr. President. And on top of this, this is Vietnamese

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1 propaganda, and why it should be anything other than Vietnamese
2 propaganda, the Prosecution hasn't made clear.

3 Why should we even begin to believe whatever the Vietnamese --

4 JUDGE FENZ:

5 Counsel --

6 MR. KOPPE:

7 -- radio was saying at the time.

8 JUDGE FENZ:

9 -- that's certainly not the time to evaluate the evidence, to
10 testify on the evidence.

11 [11.27.24]

12 MR. KOPPE:

13 No, no, but he -- but the Prosecution is constructing a
14 contradiction between the witness testimony and this -- we don't
15 know what it is.

16 JUDGE FENZ:

17 And you'll be able --

18 MR. KOPPE:

19 Presumably --

20 JUDGE FENZ:

21 You still have time to come.

22 MR. KOPPE:

23 -- Vietnamese propaganda.

24 JUDGE FENZ:

25 You will be able to point this out.

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

1 BY MR. LYSAK:

2 Q. Let me rephrase so my question is clearly about your Division
3 340.

4 This report correctly identifies a DK Division 340. Was the
5 number of your division public information or was it something
6 that was only known within the DK military?

7 [11.28.20]

8 MR. CHUON THY:

9 A. Regarding Division 340, it was newly established in 1978, when
10 we were about to fight against the "Yvon" troops. <I, myself> and
11 Thy Poussé were the commanders of that division.

12 Q. And my question was, did you publicize the number of your
13 battalion, or was that confidentially -- confidential information
14 only known within the military?

15 A. The number was only known within the military because that
16 happened in 1978, when we were about to be defeated by the "Yvon"
17 troops. It was newly established then, and I did not think that
18 the number was announced widely.

19 Q. Let me turn to another subject, which is whether your division
20 captured Vietnamese soldiers during the six months you were in
21 Svay Rieng. How many -- if you did capture -- how many Vietnamese
22 soldiers were you able to capture during the six months of
23 combat?

24 [11.30.09]

25 A. During the combat for a period of six months with the "Yvon"

1 troops, we did not capture any of them. However, we shot at each
2 other, but there was no live capture.

3 Q. Can you explain why -- how it's possible that in six months of
4 combat you didn't capture a single enemy combatant?

5 A. How could we capture them? They had guns and they were
6 careful, and we also had to be careful. We fought against them <>
7 to contain the advancement inside our territory, and for that
8 reason, we did not capture any of the enemy.

9 Q. Well, let me confront you with some evidence on this question,
10 Mr. Witness. Let me start with a DK -- a publication by the
11 Democratic Kampuchea government titled "The account of Vietnam's
12 aggression against Democratic Kampuchea".

13 This is E3/8403, E3/8403; Khmer, 00744492; English, 00749682; and
14 French, 00419636; which stated as follows:

15 [11.32.04]

16 "Recently, on 24 July 1978 -- 24 July 1978, Vietnam once again
17 suffered another crushing defeat when it took the desperate move
18 to sends its troops to attack Kampuchea at Bavet in Svay Rieng
19 province. Our Revolutionary Army of Kampuchea took on the enemy
20 ferociously and swiftly annihilated an entire battalion of the
21 Vietnamese army of aggression, the 5th Battalion of the 7th
22 Brigade.

23 All of the men and officers of the 7th company of this battalion
24 were killed. There was only one survivor. Sergeant Major Nguyen
25 Van Que survived, who was captured by our army that day." End of

1 quote.

2 [11.33.03]

3 And subsequently, Mr. Witness, the DK radio broadcast the
4 confession of that Vietnamese soldier captured in Bavet. You'll
5 find this, Your Honours, E3/75, English, 00168931; no translation
6 available presently.

7 And Mr. Witness, I'll also tell you that on the 12th of September
8 1978, the DK radio from Phnom Penh broadcast another confession
9 of a Vietnamese POW captured on the 9th of August, also at Bavet.
10 This is E3/1322, E3/1322.

11 Does that refresh your memory at all, Mr. Witness? Is it not
12 correct that there were some Vietnamese soldiers who were
13 captured in combat in Bavet in July and August 1978?

14 A. Allow me to clarify it again. At that point in time, I could
15 not grasp the situation or the information in full. I did not
16 have a radio to listen to.

17 My unit and I, myself, never entered the "Yuon" territory. My
18 role was to defend the border area and, for that reason, I cannot
19 respond to your question because I did not lead my troops in
20 engaging in such activity.

21 Q. Mr. President, I can break here or continue, if you wish.

22 [11.35.15]

23 MR. PRESIDENT:

24 We will decide as to when we take a break because I like to
25 compensate for time lost as well.

1 BY MR. LYSAK:

2 Thank you.

3 Q. You were still in charge of the troops at the Bavet spearhead
4 in July and August 1978. Is that correct?

5 MR. CHUON THY:

6 A. I could not grasp the dates that well. Since my arrival there
7 and after we get engaged in combat with the "Yuon", we never
8 captured any "Yuon". Not at all.

9 [11.36.15]

10 Q. Well, let me ask you this. Did you have any instructions from
11 your superiors on what you were to do if you did capture enemy
12 soldiers?

13 Did you have instructions what to do, where to send any soldiers
14 who were captured?

15 A. There <were> regulations for the prisoners of war. For DK,
16 there was a regulation that we should not mistreat any prisoner
17 of war, but as in my case, we never captured any prisoner of war
18 at all.

19 Q. And what was your instructions of where you were to send
20 Vietnamese soldiers who were captured?

21 A. There was no such guideline. However, if soldiers were
22 captured at the battlefield, then they would be sent to the rear
23 battlefield. And I did not know what would happen to them, but
24 allow me to clarify again, my unit never captured any soldier.

25 Q. On the subject, Mr. Witness, let me read to you from the

1 interview of one of the regiment commanders from 703. This was
2 one of the -- part of the consolidated division commanded by Ren
3 in his OCIJ statement, E3/361, E3/361; Khmer, 00194469; English,
4 00766454 through 455; and French, 00268887. This is what he had
5 to say, quote:

6 [11.38.41]

7 "All of the Vietnamese soldiers who were captured along the
8 border near Svay Rieng and Prey Veng provinces were sent to Phnom
9 Penh. Initially, they were sent to Ren at the division
10 headquarters, and he decided what was to be done with them. DK
11 radio broadcast information from the confessions of Vietnamese
12 prisoners of war who had been captured in the East Zone and sent
13 to Phnom Penh during 1977 to '78."

14 Is it correct, Mr. Witness, that the captured Vietnamese
15 soldiers, whether captured by your division or the others
16 commended by Ren, were to be sent first to the division -- to Ren
17 at the division headquarters?

18 A. Regarding this matter, it is beyond my role and duty. I could
19 only give my personal opinion.

20 <According to the rule,> if prisoners were captured from battle
21 brigade, then probably they would be sent to Ren, the superior
22 commander, and that would be the chain of command, that is, to go
23 from a brigade to higher up, that is, to the division level. But
24 this is beyond my knowledge and beyond my duty, so what I said is
25 only my personal opinion.

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1 [11.40.36]

2 MR. PRESIDENT:

3 Thank you. It is now convenient for our lunch break. The Chamber
4 will take a break now and resume at 1.30 this afternoon to
5 continue our proceedings.

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

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

13 The Court stands in recess.

14 (Court recesses from 1141H to 1331H)

15 MR. PRESIDENT:

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

17 The Chamber gives, now, the floor to the <International> Deputy
18 Co-Prosecutor to resume the questioning to the witness. You may
19 now proceed.

20 BY MR. LYSAK:

21 Thank you, Mr. President. Good afternoon, Mr. Witness.

22 We were talking about the issue of Vietnamese soldiers who may
23 have been captured in battle.

24 Q. Did you ever hear broadcasts on the Democratic Kampuchea Radio
25 of confessions of Vietnamese soldiers who had been captured?

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1 MR. CHUON THY:

2 A. During the time, there were no radios for us to tune in;
3 therefore, we did not learn any information in relation to
4 situation in various locations. <Therefore, I could not grasp the
5 situation.>

6 [13.33.21]

7 Q. I want to ask you about a -- another broadcast that was
8 recorded from the Democratic Kampuchea Radio from Phnom Penh on
9 the 13th of October 1978. The caption is, "Results of 16 to 30
10 September Military Successes against SRV" -- the Socialist
11 Republic of Vietnam. The site is E3/294; English, 00170239; and
12 there are -- there are no translations presently available.
13 Let me read to you what was broadcast on the radio that day.
14 "Recently, the Vietnamese enemies, again, sent their armed forces
15 to openly intrude into our Kampuchean territory in the Svay Rieng
16 border areas, but they were, again, shamefully defeated.
17 Following are facts and figures recorded from 16 to (sic)
18 September 1978:
19 Our revolutionary armed forces killed 422 and captured a large
20 number of Vietnamese troopers, seized 11 B40s, 6 B41s, 3 M79s,
21 128 M72s, 3 60mm mortars, a DK82, 3 DK75s."
22 And so on and so on, lists a number of items -- weaponry that had
23 been recovered.
24 My question to you is, were reports prepared either by yourself
25 or Thy Poussé regarding the results of combat on the battlefield

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1 that were provided to -- provided to Ren, the division commander;
2 in other words, did -- did your division report to Ren on the
3 specific results of combat in the battlefield?

4 [13.36.12]

5 A. Regarding the announcement of the victory broadcast by the
6 radio of the DK, we, in fact, did not receive any information
7 over the radio since we did not have a radio to listen to as I
8 stated. <In addition, we did not have time to listen to it
9 either.>

10 Concerning the reports to the upper echelon, we rarely made the
11 report to the <upper level> since there were no specific fighting
12 or combat at the border; however, we would report about the lack
13 of weapons and explosives. <There was nothing to report about the
14 situation.>

15 Q. Were there any occasions where your division was able to
16 recover weapons or ammunition -- to seize weapons or ammunition
17 from the Vietnamese?

18 A. My soldiers never seized any weapon or ammunition from Vietnam
19 because we were there to prevent the attack by those people.

20 [13.37.54]

21 Q. And in regards to Ren, the -- the commander of the
22 consolidated divisions, do you know whether he reported to the
23 leaders in Phnom Penh? Do you know whether he would go to Phnom
24 Penh for meetings?

25 A. I could not grasp the situation. Perhaps, they may have such

1 information and it was within their scope of business and for me,
2 I was never told of that.

3 Q. Let me read to you testimony that came from the commander of
4 Intervention Brigade 221, whose statement I provided to you
5 earlier today. This is 2-TCW-1046, for the Court and parties;
6 OCIJ statement E3/419 -- E3/419 at answer 12. This is what the
7 former commander of Division 221 had to say.

8 "Ren made announcements during meetings about treason by East
9 Zone cadres saying that this person had been arrested or that
10 person was sent to upper echelon and others had fled to Vietnam.
11 At that time, there were no -- no more East Zone cadres, so the
12 meetings, primarily, focused on strategy to counter and fight
13 Vietnam. I knew that Ren frequently went up to meetings in Phnom
14 Penh since he wrote documents telling me that he was going to
15 Phnom Penh for meetings and requesting that those at the base
16 area master the battlefield with vigilance. Going to Phnom Penh
17 for meetings, certainly, meant meetings with Pol Pot and Son
18 Sen."

19 [13.40.14]

20 And then continuing in answer 13, "After returning from Phnom
21 Penh, Ren always called all brigade division commanders to
22 meetings to tell them what he had participated in while he was in
23 Phnom Penh." End of quote.

24 Does that refresh your memory, at all, Mr. Witness; did you ever
25 attend any meetings where Ren reported on -- reported on

1 instructions from Phnom Penh or did Thy Poussé ever report back
2 on such meetings with Ren?

3 [13.41.13]

4 A. I never participated in the meetings convened by Ren. Thy
5 Poussé was the commander or chief; he may have participated in
6 the meetings. And I have never heard about the arrests of East
7 Zone cadres; we were busy with arranging our forces to counter
8 and prevent the Vietnam from entering into the country. I have
9 never received any information about the treason committed by the
10 East Zone cadres. I was there and I was simply an ordinary
11 soldier. It was beyond my knowledge. It was within the business
12 of the upper echelon.

13 Q. With regards to information on what was going on in the
14 battlefield being reported to Phnom Penh, let me ask you about
15 another piece of evidence in the case. This is a -- this is
16 document E3/3751 -- E3/3751; it's a -- a 3 January 1979 AP report
17 titled, "Russians back Aggression by Hanoi, Cambodia Says" and it
18 reported as follows:

19 "Cambodia charged yesterday that Vietnamese forces penetrated
20 deep into its Eastern territory and political analysts here
21 confirm that Hanoi-backed rebels grabbed control of a key Mekong
22 river town. President Khieu Samphan accused the Soviet Union of
23 backing the Vietnamese aggression and said that since Christmas
24 Day, Vietnamese infantry, armour, and war planes had penetrated
25 deep into areas of Eastern Cambodia. President Khieu Samphan

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1 said, 'The major Vietnamese attacks have come in Ratanakiri and
2 Kratie provinces and along Highway 7 which leads to another key
3 Mekong river town, Kampong Cham. Reliable sources in Bangkok
4 confirmed that the major Mekong river town of Kratie had been
5 seized. Mr. Khieu Samphan said yesterday, 'Nearly 10,000
6 Vietnamese troops have been killed or wounded in Cambodia in the
7 last three months of 1978.'" End of quote.

8 [13.44.08]

9 My question -- first question to you about this, Mr. Witness: Do
10 you -- we've talked about a large offensive that was mounted by
11 the Vietnamese in late '78; do you remember whether it was on the
12 25th of December 1978, that this large offensive from the
13 Vietnamese forces began; does that date ring a bell?

14 A. I did not recall the exact month or which year; I could not
15 say whether it was in late 1978 or early 1979. It was a large
16 offensive at Svay Rieng and at that time, soldiers did not listen
17 to one another and they did not know who <> were commanders <or
18 who were subordinates anymore>. We were fleeing for our lives. We
19 did not have any forces or soldiers to counter the attack; there
20 were no reinforcing soldiers to assist us. We were running for
21 lives <to our village, commune or district and to look for our
22 wife or children.>

23 Q. Do you remember how long was it after this large offensive
24 began that your troops began retreating; how many days or how
25 many hours after the offensive did your forces begin to retreat?

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1 A. We were defeated from that time onwards. We could not gather
2 forces from that time onwards. Some went to their villages to
3 have a gathering with their parents. We were defeated and we were
4 there and prayed for our lives. We were defeated; we could not do
5 anything.

6 Q. And where did you go or what did you do at the time that
7 Vietnamese forces broke through your lines?

8 A. I went to hide myself close to my house to save my life. I did
9 not dare to go back into the village <because I was afraid that I
10 would be killed by the Vietnamese>, but I was there around the
11 village. I did not take any actions; I was there idle.

12 We had no forces to assist us, to reinforce us; we did not know
13 where our leaders or commanders were. We were seeking the refuge
14 to save our lives.

15 [13.47.42]

16 Q. And when you say you went to your house in your village,
17 specifically, where -- which--

18 MR. PRESIDENT:

19 Please hold on.

20 MS. GUISSÉ:

21 I'm sorry to interrupt, Mr. Co-Prosecutor, but after asking the
22 people around me, I think that there is a sound in the headsets;
23 especially, in the French and perhaps, even the English
24 <channels>. So I don't know if we can try to solve this problem
25 while continuing, but everyone on this side is having the same

1 issue.

2 MR. LYSAK:

3 I'm not having any issue here; there's some static in the
4 background, but it's not loud.

5 [13.48.48]

6 MS. GUISSÉ:

7 The problem seems to be solved. Thank you, Mr. President.

8 MR. PRESIDENT:

9 You may now resume your questioning, Mr. <International> Deputy
10 Co-Prosecutor.

11 BY MR. LYSAK:

12 Thank you, Mr. President.

13 Q. My question: You indicated that when the Vietnamese forces
14 broke through, you went to -- to hide in your house in the
15 village; are you talking about a place in Svay Rieng or where --
16 where is it that you went to -- to hide?

17 A. When I was defeated, I returned to my village in Kampong Speu,
18 close to Aoral; that was my birthplace. I was there hiding.

19 [13.49.43]

20 Q. Now, you -- you told us a few minutes ago that -- that you
21 never heard of any arrests of the East Zone cadres. Were there --
22 during the six months that you were engaged in the -- in the
23 combat in Svay Rieng, were there any soldiers in your division,
24 Division 340, who were arrested or who were sent away to Phnom
25 Penh?

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1 A. Soldiers who were assigned to perform duties at Svay Rieng, as
2 a commander, as I was in the leadership, I never asked to arrest
3 anyone.

4 Q. I -- I understand that you wouldn't or didn't ask to have
5 anyone arrested. My question: Were there some soldiers from
6 Division 340 who were arrested or sent away to Phnom Penh during
7 those six months?

8 [13.51.20]

9 A. In the course of six months, within my division, no one was
10 arrested and sent to Phnom Penh.

11 Q. The reason I ask, Mr. Witness, is the Office of
12 Co-Investigating Judges have done an S-21 list; this is document
13 E3/10604, and it contains 16 combatants from Division 340, who
14 were sent to S-21 between the 24th of July 1978 and the 1st of
15 January 1979.

16 Your Honours, just for the record, those 16 Division 340 soldiers
17 are numbers 1044, 4171, 5208, 5858, 7909, 8286, 9562, 12007
18 through 12008, 12549, number 12551, number 12559, 12840 through
19 841, 14057, and number 14194.

20 And with your leave, Mr. President, I'd like to present one of
21 the underlying records to the witness identifying -- it's a --
22 one of the records is document E3/10205 -- E3/10205 which
23 contains a -- a list of nine people from Division 340, who were
24 sent to S-21 in October. With your leave, may I provide that to
25 the witness?

1 MR. PRESIDENT:

2 Yes. <>Court officer<>, please bring the document to the witness
3 for examination.

4 [13.54.16]

5 BY MR. LYSAK:

6 Q. If you look at this document, it's only in Khmer, but the
7 relevant references are on pages Khmer 01016474 through 6475.

8 I've highlighted the references for you, Mr. Witness. As I said,
9 there's a total of nine people listed from Division 340.

10 I want to ask if you remember any of the names of these people,
11 if you recognize any of them, and, in particular, the last person
12 and number 9 on the list is Roat Hon (phonetic), who's identified
13 as a battalion secretary in Division 340, who entered S-21 on 26
14 October 1978. Do you remember that battalion secretary and does
15 this refresh your memory? What can you tell this Court about how
16 these combatants from Division 340 ended up at S-21?

17 [13.55.49]

18 MR. CHUON THY:

19 A. The nine names or individuals from 340, were not known by me.
20 I do not know them. Back then,<>I did not hear of a place or
21 prison <Prey Sar>; I never knew the existent of it. I did not
22 know the nine individuals.

23 Q. And do you have any memory of some of the soldiers in your
24 unit being called away in October 1978?

25 A. In October, I never knew about the invitation to that location

1 and I never knew about the arrests or disappearances. Ta Koy
2 (phonetic), for example, if he had been arrested or he had been
3 to anywhere, I would have learned about information. I would have
4 learned that some people had been sent <> for re-education or for
5 meetings. I never knew about that information. I never knew, I
6 never learnt of it.

7 Q. It -- it may have been a translation issue. In English, you
8 made a reference to a person, Ta Koy (phonetic); who -- who was
9 Ta Koy (phonetic)?

10 A. <> I never knew the person by the name Kuo (phonetic) or Koy
11 (phonetic). There was no one named Kuo (phonetic) or Koy
12 (phonetic) <in my unit>.

13 [13.57.52]

14 Q. It was probably an interpretation issue. In -- in English, it
15 was something you said was translated Ta Koy (phonetic).

16 Let me turn to my next subject. Did you know a -- you were from
17 the West Zone; you worked in the West Zone. Did you know a site
18 in the West Zone where the Kampong Chhnang airport was being
19 constructed during 1977 and 1978?

20 A. For the airport or the airfield, which was being built or the
21 newly built airfield <in Kampong Chhnang>, I did not know.

22 <However,> I heard that there was a plan to build a new
23 <military> airfield <in Kampong Chhnang>. <>I heard of it, but I
24 did not go there and see it myself.

25 [13.59.10]

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1 Q. Were you aware of any soldiers, either from your regiment when
2 you were in the West Zone or from your division when you were in
3 Svay Rieng, were you aware of any soldiers who were sent to that
4 place to work on the construction of the airport?

5 A. For soldiers, my soldiers, they were not sent to build the
6 airfield in Kampong Chhnang.

7 Q. Let me ask you about some testimony that has come from the
8 regiment commander in the Division 703 who I've asked you about
9 before. This is OCIJ statement E3/421 -- E3/421, answer number 2.
10 This witness says, as follows, quote:

11 "Son Sen went to Svay Rieng and conducted a meeting for all
12 commanders." And he then identifies the Battalion 221 commander
13 and deputy. I won't repeat their names right now.

14 Continuing, Son Sen announced that -- and he quotes -- "All
15 soldiers removed from the East must be sent to build the airport
16 in Kampong Chhnang while their commanders must be arrested and
17 sent to S-21." End of quote.

18 Aside from the people in your division, did you hear of other
19 soldiers, who were in the East Zone while you were there, being
20 sent to the Kampong Chhnang airport site?

21 [14.01.32]

22 A. Allow me to clarify and so everybody is clear: My unit who
23 came to fight against the "Yuon" at the border, it seems that we
24 were fully separated from the rear and we only focus on defending
25 our position. As for the moving or the transferring of people, we

1 were not allowed to be known -- to know by the upper echelon. We
2 minded our business and we did not know about other people's
3 business.

4 Q. While you were in combat, how did you communicate with your
5 superiors; did you have radios to communicate with either Thy
6 Poussé or Ren while you were in combat?

7 A. Regarding the communication to the upper level, we did not
8 have it because Thy Poussé and I were on the ground and we met
9 every evening. We rarely used radio communication and also we did
10 not have a proper set up for a radio communication. As for a
11 normal radio, I did not even have one, so I did not receive any
12 news or information from them.

13 [14.03.15]

14 Q. What about the -- the regiment or battalion chiefs that were
15 fighting for you in -- in your unit, how did they communicate
16 with you while in combat; did they use messengers; did they have
17 radios?

18 A. The military headquarters was close to the battlefield; it was
19 located only about 100 metres from where we positioned ourselves.
20 And usually, I deployed messengers to call those military
21 commanders for meeting and after that, they would go back to
22 their respective units. We did not use a radio or use any
23 telephone; we only used messengers.

24 Q. Thank you, that is -- that is clear now. I want to, now, move
25 back to some of the events in -- while you were in the West Zone

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1 in Division 1. You've talked, this morning, a little bit about
2 the June 1978 meeting, which you've described, at which Pol Pot
3 spoke about marriages among other matters. That June '78 meeting,
4 was that -- was that the annual West Zone Congress or was it some
5 other meeting?

6 [14.05.10]

7 A. As I stated from the outset, I was in the military and I
8 actually did not participate in the meeting, itself, but we were
9 invited to received news and information during the meeting and
10 Pol Pot raised two important topics; <the first topic> was to
11 defend the country and second was to build the country. But I did
12 not know whether <>it was an annual meeting.

13 Q. Well, in answer number 40 of your September 2015 interview, at
14 E3/10713, you were asked:

15 Question: "Referring to meetings you attended in Kampong Chhnang
16 province, were they held regularly?"

17 Your answer, "That kind of meeting was held annually." End of
18 quote.

19 Mr. Witness, as someone who was a regiment commander in the West
20 Zone military, were you not aware of the annual West Zone
21 Congress that was held for all -- all cadres, civilian and
22 military?

23 [14.06.49]

24 A. Yes, that's what they did; however, sometimes, <> the military
25 personnel were on mission, so they could not attend. It was not

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1 mandatory for the military because that kind of meeting was for
2 administrative purpose and not for the military.

3 Q. What -- what kind of missions would you be on that would
4 excuse you from attending? The reason I ask is you testified,
5 yesterday; I believe, and before, that up until June 1978, all
6 you did was farming, so what type of missions were you engaged in
7 that prevented you from going to the annual zone congresses?

8 A. I was not invited. I was not told about it. Only if I were
9 invited, then I would go; if not, how could I?

10 Q. Let me read to you an excerpt from the OCIJ interview of a
11 person I referred to at the start of my questions, Meas Voeun,
12 who was the commander of Regiment 16 in your division, West Zone
13 Division 1, and the deputy commander of the division.

14 In his interview, E3/80 -- E3/80, at answer 14, quote:

15 "I attended the congress of the West Zone in Kampong Speu
16 province held at a coconut plantation in Chbar Mon district in
17 1977, but I do not recall the exact date. The participants were
18 comprised of the zone committee, the sector committees, the
19 committees of all the districts, the chairman and deputy chairman
20 of the divisions and regiments in the West Zone." End of quote.

21 Do you remember meetings that were held at a coconut plantation
22 at Chbar Mon?

23 [14.09.35]

24 A. I never attended any meeting there.

25 Q. Did you know what office was located at the coconut plantation

1 in Chbar Mon?

2 A. I did not have a clue about it. I did not know if there were
3 any offices there. As I said, I only knew about my duties and as
4 for soldiers at the front battlefields, our main task was to
5 shoot at the enemy. <The soldiers did not involve with any task
6 at the office.>

7 Q. Again, I'm -- we're talking now about zone congresses before
8 you were sent off into combat in June '78, a period you've said
9 that you were engaged in farming.

10 So you've talked about political education training that you
11 received. We've heard from other former cadres in this Court
12 about annual political education. Did you participate in annual,
13 political-education sessions and if so, where -- where were --
14 where was that political education conducted?

15 [14.11.18]

16 A. I worked in the rice field; for that reason, sometimes, I did
17 not attend a meeting. <Sometimes I was invited for a meeting.
18 However, I was not invited for other meetings. Therefore,> I did
19 not attend any political study. The division actually instructed
20 us to engage in rice farming to sustain ourselves and we were
21 told also to be vigilant; that was all.

22 Q. Well, let me get some clarification, then, on something you
23 said in your more recent OCIJ interview from September 2015; this
24 is, again, E3/10713. At answer 62, you said the following, quote:

25 "I was a regiment commander. I worked under the division

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1 commanded by Ta Soeung; therefore, Ta Soeung was in charge of all
2 the meetings and training. Sometimes, I saw another person, Ta
3 Mok, come to supervise the meetings and training." End of quote.

4 What meetings and training were you referring to in this answer?
5 [14.12.58]

6 A. Regarding the study sessions, we were told to look after the
7 troops and that the troops had <> to know how to look after their
8 weapons and that I should make sure that the soldiers had
9 sufficient food to eat.

10 Q. Where did these study sessions take place at which -- that
11 were conducted by Ta Soeung and at which Ta Mok sometimes came?

12 A. I cannot recall the locations. I cannot recall the actual
13 locations.

14 Q. And what -- what did Ta Mok do when he came to these meetings?

15 A. Traditionally, Ta Mok did not give any presentation; he only
16 came to ask how the soldiers were doing and whether they had
17 enough to eat. <He did not give any study session.>

18 [14.14.33]

19 Q. How did you know that the person who came was Ta Mok?

20 A. Because I heard people referring him as Ta Mok.

21 Q. Okay, let me turn, again, to some more specifics about the
22 June 1978 meeting, at which Pol -- Pol Pot spoke.

23 This morning, you told Khieu Samphan's counsel that you were only
24 present for the first day of that meeting before you were sent --
25 sent off to -- to go to Svay Rieng, but you said something --

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1 some different -- something different about the time you were
2 there in some of your earlier statements, so let me seek some
3 clarification from you.

4 In your 2015 OCIJ interview, and I'm reading from answers 60 to
5 answer 61 of E3/10713, you said the following, quote, "I only
6 attended the meeting for two or three days." And then the
7 investigator asks you.

8 Question: "This morning, you said that you attended the meeting
9 for just one day; why do you now say that you attended the
10 meeting for two or three days?"

11 Answer: "I would like to clarify that I attended the meeting for
12 three days." End of quote.

13 [14.16.42]

14 I realize it was a long time ago, Mr. Witness but can you clarify
15 for us, whether you were at the Pol Pot meeting for one day or
16 for three days or are you not sure how many days you were there?

17 A. I cannot recall for sure. I think <>the longest <meeting>
18 would be two <or> three days because after I received the plan, I
19 had to leave and frankly speaking, I cannot recall the actual
20 number of days that the meeting lasted.

21 Q. And during the one or two days that you were present at this
22 June 1978 meeting, were there any speakers other than Pol Pot or
23 was Pol Pot the only one who spoke during those days?

24 [14.18.01]

25 A. During the one-or-two-day meeting that I attended, I only saw

1 Pol Pot who made the speech.

2 Q. And approximately how many people were at this meeting and who
3 -- who were they; who were the people who were invited to this
4 meeting?

5 A. There were many participants. It could be into hundreds;
6 although, I did not know where they came from. As I said, I was
7 on the military side; I was there to observe the meeting and we
8 were not the core participants of the meeting and I hope you are
9 clear on this point. So we did not have a full content of the
10 meeting.

11 Q. You just indicated -- referred to core participants; are you
12 -- by core participants, are you referring to the people on the
13 civilian side; that is, the people from the district and commune
14 committees?

15 A. Important people that I spoke about, I did not know them at
16 all; however, they were leaders from the bases, <at the village,
17 commune, district, and provincial level.>

18 Q. Now, we -- we talked, a little bit, about the issue of what
19 Pol Pot instructed at this meeting regarding marriages. I want to
20 ask you a few general questions about marriages. During the
21 Democratic Kampuchea regime, either before or after this meeting
22 with Pol Pot, were people allowed to get married in traditional
23 weddings with Buddhist religious ceremonies?

24 A. Regarding family building, to my knowledge, it was not
25 organized according to the tradition and it was, indeed,

1 organized according to the way that I described this morning.

2 [14.21.10]

3 Q. Let me read to you and ask you about something you said in
4 your 2015 interview, E3/10713. At answer 37, you said, I quote --
5 and you're talking here about the meeting of Pol Pot:

6 "As far as I remember, at the meeting, Pol Pot did not state that
7 religious weddings were to be prohibited. They just called the
8 couples to hold hands and then the wedding was finished. Pol Pot
9 did not talk about weddings of multiple couples."

10 And then continuing in the next questions and answers, answers 38
11 and answer 39:

12 Question: "Did they issue orders telling you to stop permitting
13 rituals or religious ceremonies?"

14 "No, they did not."

15 Question: "Then why did they stop conducting rituals for
16 religious ceremonies that era?"

17 Answer: "Because there were no pagodas or monks." End of quote.

18 Mr. Witness, why is it that there were no pagodas and monks
19 during the Democratic Kampuchea regime?

20 [14.22.44]

21 A. I, myself, did not know, nor did I understand about that. I
22 was an ordinary person; I was not a leader, so I could not know
23 about their leading policy. I just simply followed what I was
24 told.

25 Q. Well, let me read to you some testimony that came from a --

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1 another person who was in the military, like yourself; a person
2 you've identified as the deputy commander of Brigade 221 who was
3 sent from the Southwest Zone at the same time you were sent to
4 Svay Rieng.

5 In his OCIJ statement, E3/428 -- E3/428; Khmer, 00373488;
6 English, 00374952; and French, 00485479; this is what he said on
7 the subject.

8 Question (sic): "When I first began participating in the
9 Khmer-Rouge movement in early-1970, they taught me about the
10 communist's theory that said there was no benefit to Buddhism in
11 making national progress, so it had to be eliminated. At that
12 time, books were printed and distributed; the substance, of
13 which, was about eliminating religion. Later on, I saw that there
14 were no pagodas and all the monks had been disrobed or had left
15 the monkhood." End of quote.

16 Did you receive similar training -- political training, after you
17 joined the CPK, regarding the elimination of religion?

18 [14.25.00]

19 A. After I joins the military, in my unit, we never heard about
20 the elimination of religion at all. The discussion was to join
21 our hands to defend our country and to do what we needed to do in
22 order for Samdech Sihanouk to return to the country, but I never
23 heard about the elimination <or the close> of pagodas.

24 MR. PRESIDENT:

25 <The International> Deputy Co-Prosecutor, did you discuss with

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1 the Lead Co-Lawyers regarding the sharing of time?

2 MR. LYSAK:

3 Yes, Mr. President, I understand that we have up to, if we need
4 -- I'm not sure we will need it, but up to the half hour of the
5 next session and I've discussed that she has maybe 15 minutes or
6 -- 15 minutes or less, so.

7 [14.26.07]

8 MR. PRESIDENT:

9 I think you are mistaken because I already compensated the time,
10 during your lunchtime, that the session lasted until a quarter to
11 twelve and your time will actually expire at the end of this
12 first afternoon session.

13 MR. LYSAK:

14 Thank -- thank you for that clarification. Counsel advised she
15 has no questions, so I'll use that remaining time then.

16 Mr. Witness, I want to ask you about a document that's in
17 evidence in this case. It is a report from the West Zone and it
18 contains some information related to the subjects we've been
19 discussing.

20 Mr. President, with your leave, I'd like to provide to the
21 witness document E3/1094 -- E3/1094.

22 [14.27.27]

23 MR. PRESIDENT:

24 Yes, you can do so.

25 BY MR. LYSAK:

1 Q. Now, I understand, Mr. Witness, that this is a report that was
2 sent from the West Zone to Angkar; a monthly report for July, and
3 I realize you would not have seen this yourself, but there are
4 some references in here that I want to ask you about.

5 First reference: If you could look at section 4.1, I've put a
6 post-it there, and let me provide the ERNs, Your Honours. The
7 ERNs for section 4.1 of the report are Khmer, 00143611 through
8 12; English, 00315376; and French, 00593532.

9 [14.28.57]

10 And what I particularly wanted to ask you about is a reference in
11 the middle of the second paragraph. They're talking here about
12 education sessions that were conducted of cadres from all the
13 sectors and they talk about documents which the party had used to
14 educate us in June in the first semester of 1978.

15 This reference to an education meeting in June 1978, do you -- is
16 that the same meeting that you attended at least the first two
17 days of?

18 MR. CHUON THY:

19 A. I, myself, cannot say whether <>what you read was the content
20 of that series or <>the number of days of meeting. As I said, I
21 attended only for the two-day period and then I left. <Hence, I
22 did not know the rest of the meeting.>

23 Q. If you could turn to the -- the back page; the very last page
24 of this report, there's a number of charts in which information
25 is recorded, so the very last page at the very back of the

1 document. If you look at that, you'll find a chart that is
2 titled, "Birth, Death and Marriage"; do you see that? You need to
3 look at the very -- yes, on the back there.

4 In this report from the West Zone, there is a chart in which both
5 the number of births and the number of couples married is
6 recorded. My question to you is: Were your -- your units, Mr.
7 Witness, required to report to your upper echelon on the number
8 of couples who were married?

9 [14.31.33]

10 A. As I stated earlier, in fact, the weddings were arranged after
11 we already sought approval from the upper echelon, so there was
12 no need to make any further report.

13 Q. Well, let me read to you what you said in your September 2015
14 interview, E3/10713, answer 30; you were asked:

15 Question: "How could they increase the population if they did not
16 have a clear policy?"

17 Answer: "For example, in my unit, I had to report the number of
18 couples to the upper echelons. Other units did the same."

19 How -- how is it that you reported to your upper echelon the
20 number of couples who were married each month?

21 [14.32.48]

22 A. Regarding the reports, before the wedding, certain numbers of
23 couples were requested to the upper echelon and then we <arranged
24 the marriages. After that we> did not report any other matters up
25 the line since we already put in our report.

1 Q. And if you could turn to another page in the document that
2 I've marked with a post-it and the reference here, Your Honours;
3 this is again in the -- the same document, E3/1094. Actually, let
4 me start -- before we get to that reference, if you could look
5 first at the first page of this report; the very first page,
6 section 1.2, which I've also highlighted for you; it's the
7 section on the first page titled, "The Activities of the Hidden
8 Enemy Burrowing from Within."

9 And the specific references: In the first paragraph, there's a
10 reference to screening out from various units and military
11 including elements of the 17 April including former civil
12 servants and some Chinese and "Yvon" aliens.

13 [14.34.38]

14 And in the next paragraph -- the -- the last sentence of the next
15 paragraph states, I quote:

16 "We have had plans in place to apply the Party's assignment line
17 to routinely remove, screen, and sweep clean them." End of quote.

18 At the June '78 meeting you attended, was there discussion of
19 enemies of the regime?

20 A. Regarding the meetings in Kampong Chhnang: When I was in Svay
21 Rieng, in fact, <as I mentioned earlier that I could attend the
22 meeting for only two days. Then I was busy with arranging the
23 forces and transferring to the front line>, so I did not know
24 about the discussion in relation to <the hidden enemy burrowing
25 from within>.

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1 Q. I -- I'm asking you about the two days -- one or two days that
2 you attended where Pol Pot spoke; was there a discussion about
3 enemies during those one or two days?

4 [14.36.12]

5 A. I was in the meeting for one or two days. There was a lot of
6 issues discussed at the time, and <the main topics were
7 protection and building country, then> I <> left <the meeting>.
8 After the two day, I did not know what subjects were discussed
9 after I had left.

10 Q. Well, let me remind you of what you said when you testified
11 back in 2013 in this courtroom. This is your testimony from 24
12 April 2013, E1/183.1; at 11.18, you said, I quote, "Internal
13 enemies were raised in the meeting." And at 11.12, you said the
14 following, "Do you remember in more --"; Question: "Do you
15 remember in more detail the things that Pol Pot said about
16 foreign aggressors?"

17 Answer: "In 1978, people gathered in the meeting; people from
18 different ranks, lower ranks and higher ranks, and we were
19 lectured on how to be cautious regarding these spies, KGB agents,
20 and CIA agents. We were asked to be vigilant; we had to make sure
21 these people could not infiltrate in our system."

22 Does that refresh your memory; do you remember these subjects
23 being discussed by Pol Pot at the June 1978 meeting?

24 A. I did not remember it.

25 [14.38.12]

1 Q. Okay, the last thing I want to ask you about. If you could now
2 turn to that page that I have the post-it on. Your Honours, for
3 the record, this is Khmer, page 00143610; English, 00315374
4 through 75; and French, 00593530; again, of E3/1094.

5 This is in a section of the report for Sector 37 titled, "About
6 the Screening of 'Yuon' Elements, CIA Agents, and the Not-Good
7 Elements." And the following was reported for that month:

8 "Number 1) Smash 100 ethnic 'Yuons' including small and big
9 adults and children.

10 Number 2) Smash 60 persons who had been from the ranking group,
11 as well as the CIA of the American Imperialist who were hiding in
12 the units and cooperatives.

13 Number 3) Within the sector military unit, 40 Chinese combatants
14 were screened out and sent to the production unit." End of quote.

15 [14.39.40]

16 This is a report for the activities of the sectors in the West
17 Zone for July 1978, which was the month following the June '78
18 meeting with Pol Pot. My question to you: Whether at this meeting
19 with Pol Pot or elsewhere, did you hear of a policy of the regime
20 with regards to Vietnamese people who remained in the country?

21 A. Concerning the smashing of certain number of those people, <>I
22 did not receive any plan about how many enemies or "Yuon" to be
23 smashed or how many Chinese to be smashed. I did not receive any
24 instruction or information about the number of Vietnamese and
25 Chinese to be smashed.

1 Q. And my last question, Mr. Witness: This -- the excerpt I just
2 read from this report refers to Chinese combatants within the
3 sector military unit. Were you aware of Chinese combatants within
4 either the sector or zone military divisions in the West Zone and
5 if -- if you are, could you explain who these people were?

6 A. Let me clarify it once again. I was part of the West Zone
7 army. The army of the sector and the zone were under different
8 commanders. The zone leader never told me about the Chinese <or
9 Vietnamese> within the zone army. I was not aware of it. <I am
10 telling you the truth.>

11 [14.42.14]

12 MR. LYSAK:

13 Thank you, Mr. President.

14 MR. PRESIDENT:

15 Thank you. It is now time for a break. The Chamber will take
16 break from now until five to 3.00.

17 Court Officer, please assist the witness in the waiting room
18 during the break time and please invite him back into the
19 courtroom with the duty counsel at five to 3.00.

20 The Court is now in recess.

21 (Court recesses from 1442H to 1457H)

22 MR. PRESIDENT:

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

24 And I'd like to hand the floor, now, to the defence team for

25 Khieu Samphan -- rather, the defence team for Nuon Chea to put

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1 questions to the witness and Counsel, you have 45 minutes to put
2 questions to this witness.

3 MR. KOPPE:

4 I -- I didn't hear what you said; how many minutes, Mr.
5 President?

6 MR. PRESIDENT:

7 Forty-five minutes.

8 QUESTIONING BY MR. KOPPE:

9 Thank you. Good afternoon, Mr. Witness. I am the Counsel of Nuon
10 Chea, International Counsel, and I would like to ask you some
11 questions.

12 Let me start with the following subject. You've asked -- you've
13 answered questions in relation to captured Vietnamese soldiers.
14 You said that you didn't -- your unit wasn't involved in any
15 capture of Vietnamese soldiers.

16 Q. I would like to ask you about what happened, if you know, in
17 the situation that Vietnamese troops had captured Khmer soldiers;
18 do you know if that happened and if yes, what would happen to
19 those Khmer soldiers?

20 [14.59.31]

21 MR. CHUON THY:

22 A. I speak only within the limit of my unit because outside my
23 unit, I did not have a grasp. My unit at the front battlefield,
24 none of my soldiers was captured by the "Yuon" side.

25 Q. Have you ever heard what may have happened to Khmer soldiers

1 during the invasion of troops in December 1977, or thereafter; in
2 other words, in the six or seven months before you came, have you
3 ever been told by any commander or anyone else about what had --
4 what had happened to Khmer soldiers who were captured by the
5 invading Vietnamese troops?

6 A. Before I went to the border, I did not hear that the "Yuong"
7 troops arrested Khmer soldiers. In my division, where Ta Soeung
8 was the commander, he told me that the "Yuong" had entered
9 Kampuchea and that we had to be vigilant, but I was not told
10 about the capture of Khmer soldiers by the "Yuong" side.

11 [15.01.14]

12 Q. Let me read to you an excerpt from a book written by a British
13 person who has also testified in this courtroom as an expert.

14 Mr. President, I'll be referring to E3/9, Philip Short's book. On
15 page 377; English, ERN 00396585; and French, 00639949; no Khmer;
16 we can read the following, and let me -- let me quote.

17 "In mid-December 1977, 50,000 Vietnamese troops, backed by armour
18 and artillery, poured across the border along a front stretching
19 more than a hundred miles from the Parrot's Beak in Svay Rieng to
20 Snuol in the North. In the first week, they met little resistance
21 and penetrated about 12 miles into Cambodian territory. Khmer
22 Rouge soldiers, who fell into their hands, were systematically
23 killed." End of quote.

24 Mr. Witness, is this something that you heard that during the
25 December '77 offensive, Vietnamese troops systematically executed

1 Khmer Rouge soldiers?

2 [15.03.22]

3 A. In December '77, as you stated that the "Yuon" soldiers came
4 to kill the Khmer soldiers, I did not receive any announcement
5 about that; what I received was that the border situation at the
6 East was not great and that we had to prepare ourselves for any
7 eventual combat, but I was not told any further reasons for that.

8 Q. Thank you, Mr. Witness. Now, let me follow-up something that
9 you were asked about by the prosecutor, that is, about the type
10 of combat that you encountered as of June 1978.

11 You confirmed that there was heavy artillery firing coming from
12 the Vietnamese troops. You also talked about aerial bombing. You
13 talked about planes. Let me read to you what another expert of
14 this Court has written.

15 That is Nayan Chanda and his book, Mr. President, E3/2376 on page
16 318, which is English ERN 00192503, Khmer 00191660, French
17 00237154. He writes and I quote:

18 [15.05.17]

19 "In June 1978, when Vietnam began its unpublicized aerial bombing
20 of Cambodia flying as many as 30 sorties a day --"

21 And then he goes on about some diplomatic issues.

22 I'm interested in 30 sorties a day. In other words, 30 times a
23 day Vietnam came bombing DK territory.

24 Is that something that you recall, that the aerial bombing had a
25 frequency of 30 sorties a day?

1 MR. CHUON THY:

2 A. Regarding the aerial bombardment, it did happen, however, I
3 cannot <grasp> how many days that <> or how many times per day
4 that we were bombarded.

5 Q. I understand, but 30 times a day, does that sound accurate to
6 you or is that difficult for you to say?

7 [15.06.53]

8 A. Referring to the situation at the time, I cannot recall about
9 the situation and it is also a distance far from Snuol to Svay
10 Rieng, and I did not hear people talking about how many times a
11 day the bombardment took place. <I heard that the Vietnamese
12 dropped bombs on Cambodian territory, but I do not know how many
13 times or how many bombs exactly.>

14 Q. That's all right, it's a long time ago, Mr. Witness. Let me
15 read something else from Chanda's book and I will ask you if that
16 is something that you were informed of in your capacity as
17 commander. That is page 218 of Chanda's book, E3/2376; English,
18 00192403; French, 00237082; Khmer, 00191553.

19 Chanda refers to April-May, that's before you arrived, and he
20 says the following:

21 "Within four months of the rupture in Vietnam's diplomatic
22 relations with Cambodia, a string of secret camps had sprung-up
23 in South Vietnam to recruit and train a guerilla army."

24 [15.08.45]

25 A bit further:

1 "Former U.S. military bases at Xuan Loc and Long Giao near Ho Chi
2 Minh City and a helicopter base at Vi Thanh, in the Mekong Delta
3 was secretly transformed into new bases to launch a clandestine
4 war against Pol Pot. On April 22, 1978, the first brigade of the
5 Khmer dissident army was commissioned in a secret ceremony. By
6 the end of 1978, several such brigades were ready to join the
7 Vietnamese army in its push against Cambodia." End of quote.

8 Were you aware, Mr. Witness, of secret camps with Khmer
9 insurgents participating in a clandestine war against DK?

10 A. I did not hear that, nor did I know along the border between
11 the "Yuon" and Kampuchea there were activities by those who
12 opposed Democratic Kampuchea regime.

13 Q. You said you never -- your unit never captured Vietnamese
14 soldiers. Did you also never capture Khmer insurgents who were
15 assisting the Vietnamese troops?

16 A. <In> my unit there were no insurgents and we never arrested
17 any insurgent along the border area. If you talk about the
18 violence that took place at the rear, <> I do not have <anything
19 to> say for that.

20 [15.11.24]

21 Q. Maybe I didn't formulate my question properly. I wasn't
22 referring to your unit, but I was rather referring to former East
23 Zone units joining the Vietnamese troops. Is that -- did you ever
24 encounter such troop and, if yes, did you ever arrest such
25 rebellion troops coming from the former East Zone, or coming from

1 the East Zone?

2 A. When I arrived in 1978, the situation to the eastern part of
3 Svay Rieng was that there was no rebellious activity at all.

4 <There were no insurgents in my unit either.>

5 [15.12.22]

6 Q. Well, let me move to early September 1978, and let me read to
7 you something from that same book from Nayan Chanda; see if that
8 somehow could refresh your memory.

9 Again, E3/2376, page 255; English, ERN 00192440; French,
10 00237111; Khmer, 00191597; and this is what Nayan Chanda wrote
11 about events in early September 1978.

12 "In early September, the Vietnamese launched another tank-led
13 operation inside Cambodia. The objective this time was to contact
14 Heng Samrin and his followers hiding in the forest and escort
15 them back to Vietnam." End of quote.

16 Have you ever heard forces belonging to former division for the
17 East Zone Commander, Heng Samrin, hiding in the forest? Have you
18 ever been instructed that this might have been the case?

19 A. Regarding the situation along the border area or whether the
20 force belongs to Heng Samrin hiding in the forest, I did not hear
21 anything about that. I did not hear that any specific location
22 was the location where those people were hiding.

23 We were <in Prasout (phonetic) district> to engage in combat
24 against the "Yuon" side, and my situation at the time was to know
25 about the situation that happened within my unit and to combat

1 the other side, and we did not have any communication with other
2 units <because there was no communication system.>

3 [15.15.02]

4 Q. No problem, Mr. Witness, I'm just trying to see the breadth of
5 your knowledge.

6 One other thing I would like to read out to you is, again, an
7 excerpt from Chanda. It's the page before, page 254; English, ERN
8 00192439; French, 002371111; and Khmer, 00191596.

9 Before I read the quote, I understand that you didn't have normal
10 radio but, nevertheless, I would like to read this quote to you:

11 "Beginning in late June, Hanoi" -- or the Vietnamese -- "had
12 begun Khmer language broadcasts calling for an uprising. Voices
13 of known Khmer cadres who were believed to be dead came over the
14 radio and provided some assurance."

15 And then he refers to Heng Samrin's brother, Heng Samkai. Were
16 you informed in your capacity as commander about the existence of
17 Khmer language broadcasts calling for an uprising in DK?

18 [15.17.00]

19 A. No, I did not hear it nor did anyone come to make an
20 announcement regarding this matter. We were there at the location
21 and when we knew that the "Yuon" side had outnumbered us, we knew
22 that we would be defeated because the situation became more
23 chaotic in late 1978 or early '79.

24 Q. Very well, no problem. Were you at all informed about who
25 these Vietnamese military troops, in fact, were? Did you know,

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1 for instance, from which military region in Vietnam the troops
2 that you had to deal with were coming from? Were you aware of
3 such details about the way the Vietnamese enemy was structured?

4 A. Regarding the Vietnamese troops, we knew that they came from
5 the eastern side, but I did not have a grasp about their <numbers
6 and> structure.

7 Q. Did you, for instance, know that the forces that you were
8 dealing with were mainly from the Vietnamese 7th Military Region
9 and that, for instance, it's commander was called General Tran
10 Van Tra; those kind of basic information? Were you aware of this?

11 JUDGE FENZ:

12 We will need a reference.

13 [15.19.17]

14 BY MR. KOPPE:

15 Yes, I will be -- it is Chanda's book, English, ERN 00192378,
16 French, 00237061; Khmer; 00191525.

17 Q. And on that same page, he also speaks about deputy commander
18 of the 7th Military Region, but let me limit myself to the
19 commander, the person who apparently personally commanded the
20 assault in Saigon in 1975, General Tran Van Tra.

21 Is that a name that was at all known to you or that he commanded
22 the 7th Military Region?

23 MR. CHUON THY:

24 A. At that time, regarding the military structure of the opponent
25 or their commander, I did not have any knowledge about that. We

1 only knew that the "Yuon" troops came from National Road Number 1
2 and, later on, we fled. So I did not know the name of the
3 Vietnamese commander since I did not have any radio to listen to.
4 [15.20.55]

5 Q. No problem, Mr. Witness. Let me follow up on something that
6 you said yesterday answering a question from my colleague of the
7 Khieu Samphan defence team, yesterday at around 15.51 in the
8 afternoon.

9 This is what you said, and I just want to know if I understand
10 correctly what you meant. You said:

11 "You asked me to talk about the period between 1975 and 1979.
12 It's difficult to talk about the situation within the scope of
13 this period because the story has connections with situation --
14 situations or situation before that time period."

15 What exactly did you mean when you said this yesterday, Mr.
16 Witness?

17 A. Regarding my previous statement is that the war started since
18 1970. It continued to 1975 and it kept on going until 1978. So
19 actually it started since 1970.

20 Q. But -- but do you mean the war between CPK forces or Front
21 forces and Lon Nol or between CPK forces and Vietnamese communist
22 forces?

23 [15.22.56]

24 A. It is difficult to provide you a clarification in this matter.

25 Q. I understand that. Let me ask it differently. Do you know

1 anything about clashes between Vietnamese communist troops and
2 Khmer communist troops before 1975?

3 A. No, I did not.

4 Q. Just for the record, and maybe somehow it could jog your
5 memory, an Australian expert who testified here last week wrote
6 in his book, E3/7338,; English ERN only, 01001722; the following:
7 "During the two years after the Lon Nol coup, in spite of Hanoi's
8 careful attempts to guide the Cambodian insurgency, as the size
9 of the Cambodian guerilla forces expanded rapidly there were
10 frequent clashes between Vietnamese communists and the Khmer
11 Rouge." End of quote.

12 "Frequent clashes", maybe even up till 200 clashes. Is that
13 something that you heard of? Is that something that you as a
14 soldier knew about or not at all?

15 [15.25.13]

16 A. Allow me to clarify it. I was to the west side of the country,
17 that is in the West Zone, and these clashes, you spoke about, <>
18 happened in the East Zone, so I did not have any knowledge about
19 that since we were very far away from each other.

20 Q. I understand, no problem, Mr. Witness. Let me move on to
21 another subject and that I think will be my final subject.

22 You briefly mentioned the name of the Minister of Defence and
23 Commander of all Forces, Son Sen. In your testimony, before this
24 Chamber, on 24 April 2013, just before ten past 10 in the
25 morning, you said the following:

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

1 "I met Mr. Son Sen on some occasions when we discussed plans to
2 deal with the Vietnamese."

3 A bit further: "I met him during the time when we were planning
4 to make sure that the Vietnamese troops would not be invading
5 Cambodia deep inside the territory of Cambodia again."

6 Do you recall saying this, Mr. Witness, around three-and-a-half
7 years ago in this courtroom?

8 [15.27.19]

9 A. I did make some mention regarding this point. We spoke to Son
10 Sen and, however, regarding the portion that you says that the
11 "Yuon" <could no longer> enter Cambodia, I don't recall that I
12 mention this point. <I did not say that the Vietnamese's activity
13 was strong.>

14 Q. That's not terribly important, but you do remember talking to
15 Son Sen about the situation with Vietnam?

16 A. Yes, I did.

17 Q. I realize this is a very long time ago, but are you able to
18 recall, maybe not the exact things he said but roughly what he
19 said, what kinds of words of he used when it came to Vietnam? Is
20 that something that is possible or is it too long -- a long time
21 ago?

22 [15.28.45]

23 A. From what I heard from him, <but it was not detailed>, he said
24 that the "Yuon" entered our territory and <>our troops numbers
25 were less than them. Our weaponry was also less than them. <We

1 did not know how to face with them.> And that's what he said.

2 Q. Let me refer you to a document that has actually written down
3 Son Sen's literal words in relation to Vietnam. These are words
4 that he uttered when he was speaking to another military unit in
5 1976, Division 920.

6 Mr. President, with your leave, I would like to show an excerpt
7 from document E3/799. These are minutes of a Plenary Meeting of
8 the 920th Division, 7 September '76, specifically English, ERN
9 00184781; French, 00323916; Khmer, 00083160; and I have the
10 specific Khmer page in my hand and, with your leave, I would like
11 to provide it to the witness?

12 MR. PRESIDENT:

13 Yes, you can proceed.

14 (Short pause)

15 [15.30.45]

16 BY MR. KOPPE:

17 Q. While you read that excerpt, let me read in English what we
18 have in our version of this document, and he says:

19 "Our revolution is a socialist revolution and already is a deep
20 one. So toward Vietnam we take the following stances. One, we
21 won't be the ones who make trouble. Two, but we must defend our
22 territory absolutely and absolutely not let anyone either take it
23 or violate it. Three, if Vietnam invades, we will ask them to
24 withdraw and if they do not withdraw, we will attack. Our
25 direction is to fight both politically and militarily."

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1 Mr. Witness, are you in a position to recall whether Son Sen in
2 his meetings with you uttered similar words, similar things as
3 you just read in the document before you?

4 [15.32.06]

5 MR. CHUON THY:

6 A. For 920, I have never heard of that unit and I do not know it.
7 In the meetings, which I attended during the time that Son Sen
8 was in the meeting, <he did not mention about it either>, he was
9 mentioning about the efforts to protect our country. He said that
10 we needed to protect and take care of our home country.

11 Q. Just to be clear, I understand that you have nothing to do
12 with Division 920, but these are words that he used when he was
13 addressing a Plenary Meeting of Division 920.

14 And my question to you is the words that were noted or written
15 down, were these the same kind of things he told you?

16 A. I told you already he did not mention these words to me. He
17 said we had to protect our home country or our territory <no
18 matter what obstacles we faced.>

19 Q. I understand. Let me make it a little bit more concrete and
20 more closer to you.

21 Already on a few occasions you have been confronted with
22 testimony from Meas Voeun who was also in Division 1 of the West
23 Zone. I know you don't know him but, nevertheless, he gave some
24 evidence that I would like to read out to you.

25 [15.34.04]

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1 BY MR. KOPPE:

2 Mr. President, I'll be reading from E3/8752; English, ERN
3 00849510 and 11; French, 01309292; and Khmer, 00733339.

4 Q. This person, this West Zone military person, talks
5 simultaneously about not only about Son Sen but also of Ta Mok,
6 and this is what he said:

7 "Since the start of the struggle, there was only Ta Mok. Later
8 on, they created army, air forces and navy. During that time, Son
9 Sen was the Chief of the General Staff and Ta Mok was the
10 Commander of Battlefields. Ta Mok went directly to the fields and
11 Son Sen just gave commands. Since Ta Mok went directly to the
12 fields, he was both the Commander-in-Chief and the Commander of
13 the Battlefields."

14 [15.35.32]

15 And now comes the important part:

16 "At the borders, he gave instructions on enemies from outside. He
17 said that, 'We must defend our territory and we must be patient.
18 Do no fight back when they fire off a few shots. Do not fight
19 back. Remain calm. If they fire off a few shots and we fire back
20 it means we will create a very big problem.'" End of quote.

21 Although from the testimony it is not entirely clear whether this
22 is Ta Mok speaking or Son Sen, but for the question that doesn't
23 matter.

24 Was it also an instruction to you and your forces in Svay Rieng
25 in June 1978, to be patient, to remain calm and not to create big

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1 problems?

2 A. That is the instruction given to the units. As I said, the
3 situations at the border became very tough. We were told to be
4 ready and we had to get ourselves ready. <We were aware that we
5 would not be able to contain the Vietnamese troops. Personally,
6 we thought that if we could not hold the Vietnamese troops, we
7 would flee to the west because our hometown is there. But we
8 could not say it.>

9 Q. Let me make sure there's no misunderstanding. I refer to you
10 what Son Sen told another division. I refer to what another
11 commander said about the instructions.

12 Let me read to you something from 1975, an order, an instruction
13 which was directed to all cadres -- in this case in particular to
14 all the revolutionary youth.

15 [15.38.00]

16 Mr. President, I'll be referring to E3/749. That's an Issue
17 Number 8 from Revolutionary Youth, August 1975. More
18 particularly, I will be referring to English, ERN 00532686;
19 French, 00593942; and Khmer, 00399114.

20 So this is what has been instructed to every single youth cadre
21 or soldier, I believe -- I presume from the -- in August '75:

22 "Along the borders, it is imperative to be vigilant and not do
23 anything to cause trouble with the foreign neighbouring people.
24 However, it is also imperative to absolutely defend and counter
25 and not allow them to violate or insult our nation and our

1 people." End of quote.

2 Mr. Witness, do you agree with me that the policy as to how to
3 react to Vietnamese incursion or Vietnamese aggression was always
4 crystal clear to all cadres from the very beginning?

5 [15.39.40]

6 MR. CHUON THY:

7 A. What you said, that after we defeated U.S.A. in 1975, I heard
8 what those people said, that we lived in our country, we did not
9 have to cause any problem to other countries and we did not need
10 to go into other countries. That <was the instruction from the
11 upper level to all> units.

12 Q. And then my final question, Mr. President, and that is
13 following up what you said yesterday. At around 14.39, my
14 colleague asked the question and I will -- let me repeat it:

15 "So if I understand you correctly, it was only when the
16 Vietnamese crossed the border and entered Cambodian territory
17 that you could attack them. Is that correct?" And then your
18 answer is, "Yes".

19 Now, on three other -- or four other occasions, in English you
20 use the same word, which is a very interesting word for me. At
21 15.09 -- a little bit after 15.09 -- yesterday you said: "If
22 there was any incursion, we had to contain them."

23 [15.41.23]

24 At 15.13:

25 "We had to be independent in our own spearhead and try to contain

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1 them and to stop their advancement."

2 And 15.25:

3 "In order to contain any advancement."

4 And 15.44:

5 "We were independent if the enemy attack us in a tense session,
6 then we had to contain them."

7 This word comes back often yesterday in your testimony, Mr.

8 Witness. Can you expand on that word "to contain them"?

9 JUDGE FENZ:

10 Sorry, Counsel, just to be sure that since you are focusing on
11 the word you use the same Khmer word every time.

12 [15.42.07]

13 MR. KOPPE:

14 Not always.

15 JUDGE FENZ:

16 Well then the question is a bit of a problem.

17 BY MR. KOPPE:

18 Well, that's correct. Let me rephrase.

19 Q. In English, we have a word that you use and let me ask it
20 open.

21 Your duty as commander was to contain the Vietnamese. What did
22 you mean when you use that word?

23 MR. CHUON THY:

24 A. To be mastery. Means that when we were attacked by the
25 enemies, we had to be master on our own. We had to be master at

1 the battlefields. We needed to control our forces so there was no
2 danger on our forces.

3 [15.43.31]

4 Q. But does contain mean also to stop them and to chase them back
5 in a proportionate manner or what else -- I mean what
6 specifically could it mean when you use that word -- or those
7 words?

8 A. The word mastery means <not only> to control <the enemy but
9 also> our own forces. We need to take care of our own forces and
10 to try to control the situation. <For example, how do we deal
11 with a situation when there is an attack.> The upper echelon
12 <>was not there with us all the time so <>we needed to be a
13 master on our own to retreat and to attack. <It does not mean to
14 contain or to stop the enemy from entering our territory. Of
15 course, we tried to contain the enemy; however, if> the opposing
16 forces were strong, we had to retreat and flee.

17 Q. And then my final question. Contain meaning mastery of the
18 situation. Does that reflect what Ta Mok or Son Sen, apparently
19 said according to Meas Voeun, that you must defend the territory,
20 you must be patient and remain calm? Is that what you meant as
21 well with the word "containment" or "mastery?"

22 [15.45.24]

23 A. I used the word "mastery". The word mastery <is different from
24 what> he suggested. <To him, mastery means> to engage in the
25 combat, although we know that we would be killed, and to be

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1 mastery in my own sense is to control the situation and to
2 retreat or to attack the enemies as long as <it> seems practical.
3 <In the battlefield without any order, we needed to be a master
4 on our own to attack or to retreat>.

5 MR. KOPPE:

6 Thank you. Thank you, Mr. President.

7 MR. PRESIDENT:

8 The Chamber is grateful to you, Mr. Chuon Thy. The hearing of
9 your testimony has now come to a conclusion. Your testimony will
10 contribute to the ascertainment of the truth. You may now be
11 excused. You may return to anywhere you wish to go or to your
12 residence. I wish you all the best.

13 The Chamber is grateful to you as well Duty Counsel, Sok
14 Socheata, you may also be excused.

15 Court Officers, please work with the WESU to send the witness
16 back to his residence or to any destination he wishes to go.

17 Mr. Chuon Thy and Duty Counsel, you may now be excused.

18 (Witness exits courtroom)

19 [15.47.14]

20 Next, the Chamber is hearing oral submissions of the party in
21 relation to the request by the counsel Nuon Chea in the afternoon
22 of 25 October 2016. The Chamber received an email from the
23 defence team for Mr. Nuon Chea in relation to the request and the
24 request is available in Khmer and English, document E448.

25 The defence team for Mr. Nuon Chea <> is requesting the Chamber

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1 to admit two documents <into evidence before> hearing <the>
2 testimony of a witness, 2-TCW-1065 <and invite two more
3 additional witnesses.>

4 This morning, the Chamber informed the parties already that the
5 Chamber was intended to hear the oral submissions and responses
6 of parties <this afternoon>.

7 And first the floor is given to the defence team for Mr. Nuon
8 Chea to submit oral submissions in relation to the request. You
9 may now proceed.

10 [15.48.35]

11 MR. KOPPE:

12 Yes, thank you, Mr. President. Very briefly, I understood indeed
13 that we have now filed this request, which we sent yesterday
14 through email. Briefly, we request to the Chamber to admit into
15 evidence two articles published by DC-Cam, articles that we
16 obtained from the public domain.

17 It is a "Searching for the Truth" article in July 2015, regarding
18 -- I will not mention his name because we've also requested to
19 hear them as witnesses -- regarding a former bodyguard and
20 grandson of the East Zone Secretary, So Phim. And another
21 "Searching for the Truth" article from a messenger and driver of
22 So Phim.

23 We were prompted to obtain these documents by a recent
24 publication in the 9 September 2016 ECCC Daily Media Clippings
25 and especially in the light of the appearance of a witness next

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1 week, we believe that both articles could contribute to the
2 ascertainment of the truth, especially the parts where witnesses
3 speak about the relationship between the East Zone chief, So Phim
4 and Ros Nhim, and the frequency of their visits.

5 [15.50.29]

6 As you know, one of our central arguments is that there was a
7 rebellion organized by both So Phim and Ros Rhim and we believe
8 that whatever those two people have to say in relation to So Phim
9 might be not only relevant to that theory but also to the
10 upcoming witness, 2-TCW-1065, who will be testifying about East
11 Zone rebellion and East Zone purges.

12 So that's, in short, the background of our request.

13 MR. PRESIDENT:

14 And now the floor is given to the Co-Prosecutors to make the
15 response to the request by Nuon Chea's defence team.

16 [15.51.35]

17 MR. LYSAK:

18 Thank you, Mr. President. We don't have any objection to the
19 admission of these articles from DC-Cam but with one just --
20 proviso. Usually when DC-Cam publishes articles like these in
21 "Searching for the Truth", they're based on full interviews that
22 were done of these individuals.

23 So I would just -- I guess our observation would be that if the
24 articles are going to be admitted, some effort should be made.

25 It's fairly easy with DC-Cam just to enquire about the full

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1 interviews of these people, whether there are transcripts and, if
2 so, I think those would need to be admitted also so that we
3 actually have the transcript of what these individuals said.

4 With respect to the request to call them as witnesses, certainly
5 they have relevant information but it's, in our view, a matter of
6 discretion for the Trial Chamber whether it thinks it would be
7 beneficial to hear them. I would just make two points.

8 [15.52.58]

9 One, as we look at the descriptions of their evidence, we don't
10 really -- we have a hard time seeing how this information helps
11 the Defence. It certainly does not seem to support any of the
12 conspiracy theories that we've heard from them; their evidence is
13 relevant however. So if the Trial Chamber thinks it would be
14 helpful, we wouldn't have any objection.

15 We would also observe that we are getting towards the end of this
16 trial. We started this in October 2014, it's been two years, and
17 I think I speak on behalf our team that we're looking forward to
18 finishing this trial in the near future so -- but we view the
19 issue of whether to call these witnesses to be a matter of
20 discretion for, Your Honours.

21 MR. PRESIDENT:

22 Thank you. And now Lead Co-Lawyers for Civil Parties.

23 [15.54.03]

24 MS. GUIRAUD:

25 Thank you, Mr. President. We will defer to the discretion of the

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1 Chamber.

2 MR. PRESIDENT:

3 And what about the defence team for Mr. Khieu Samphan, do you
4 have any observation or response to the request by Nuon Chea?

5 MS. GUISSÉ:

6 Mr. President, clearly we have no objection on behalf of Khieu
7 Samphan's team, especially with reference to the witness that was
8 announced and called by the Chamber <extremely> recently. So I
9 think it's completely admissible to allow the Nuon Chea team to
10 question these witnesses at this stage.

11 MR. KOPPE:

12 Two very brief remarks in response, if I may, Mr. President?

13 We are, in fact, in the process of trying to acquire the
14 underlying interviews. As a matter of fact I think we are in
15 DC-Cam right now, so hopefully we'll be able to achieve that. So
16 if it's all right with you, then we will do this effort.

17 [15.55.24]

18 Secondly, in response to the, of course, totally unfounded
19 accusation of us coming up with conspiracy theories, we would
20 withdraw this request immediately, Mr. President, if you were to
21 summons the persons, of course, who are, in fact, very close to
22 So Phim and who we have -- whose testimony we've been seeking for
23 the last nine years. Testimony of Heng Samrin, Ouk Bunchhoeun,
24 Pol Saroeun etc. as laid down in paragraph 5 of our motion, of
25 our request, these of course are much more important witnesses

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1 and if they had come -- they were coming, we wouldn't be having
2 to deal with people like 2-TCW-1065 or the driver or bodyguard or
3 something.

4 [15.56.33]

5 MR. PRESIDENT:

6 The Chamber is grateful to the submissions and responses of the
7 parties regarding the request of the defence team for Mr. Nuon
8 Chea. The Chamber will take all the submissions and responses
9 into consideration and will issue the ruling in due course.

10 It is now time for the adjournment. The Chamber will resume its
11 hearings on Thursday 27 October 2016, at 9 a.m.

12 Tomorrow, the Chamber will start to hear <the testimony of the
13 witness> 2-TCW-1045. Please be informed and be on time.

14 Security personnel are instructed to bring the two accused, Nuon
15 Chea and Khieu Samphan, back to the ECCC detention facility and
16 have them returned into the courtroom tomorrow before 9 a.m.

17 The Court is now adjourned.

18 (Court adjourns at 1557H)

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