



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**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

8 April 2013  
Trial Day 164

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

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:

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Victor KOPPE  
KONG Sam Onn  
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:

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CHAN Dararasmey  
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SENG Bunkheang

For Court Management Section:

UCH Arun  
SOUR Sotheavy

I N D E X

MR. CHHAOM SE (TCW-100)

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Questioning by Mr. Vercken ..... page 70

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MS. CHET VANLY	Khmer
MR. CHHAOM SE (TCW-100)	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. KOPPE	English
MR. MAM RITHEA	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. SON ARUN	Khmer
MR. VERCKEN	French

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

2 (Court opens at 0906H)

3 MR. PRESIDENT:

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

5 Today's session is part of Case File 002/1, and as scheduled,

6 today the Chamber is hearing the testimony of TCW 100. The

7 witness was once summoned and he had given parts of his

8 testimony. However, the testimony session was not yet complete

9 due to the health concerns of the Accused who had to be admitted

10 to the hospital. So, today, the Chamber continues to hear the

11 completion of his testimony.

12 Duch Phary is now directed to report to the Chamber on the status

13 of the parties to the proceedings.

14 [09.08.47]

15 THE GREFFIER:

16 Good morning, Mr. President and Your Honours. All parties to the

17 proceedings are present, except Mr. Nuon Chea, who is present in

18 his holding cell due to his health concerns.

19 TCW 100 is present, awaiting call from the Chamber. The witness

20 has Mr. Mam Rithea as his counsel.

21 And there is no reserve witness.

22 MR. PRESIDENT:

23 Counsel for Mr. Khieu Samphan, you may now proceed.

24 MR. VERCKEN:

25 Yes. Thank you, Mr. President. Good morning. Good morning, Your

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1 Honours, and good morning to everyone present in the courtroom.

2 [09.09.52]

3 Just a very short comment to let you know that as of today, the  
4 trial is starting again, but however, we still are not availed of  
5 the grounds for your new decision on severance, and officially -  
6 or formally, we would like to say this because this is something  
7 that we protest against because we are obliged to start again  
8 with the trial without understanding the grounds behind your  
9 decision.

10 I don't know when these grounds will be presented, but all I know  
11 is that the Khieu Samphan team must plead again this week for  
12 Khieu Samphan's release, and this absence of visibility on the  
13 way that this trial is going to be conducted is really something  
14 that disturbs us. And I wanted this to be said in public.

15 So you shouldn't decide to start the trial over again, once  
16 again, without having all parties understand this and without  
17 having all parties know in detail the way that you intend to  
18 conduct this trial, and possibly the following ones. Thank you.

19 [09.11.32]

20 MR. PRESIDENT:

21 Co Prosecutor, you may now proceed.

22 MR. DE WILDE D'ESTMAEL:

23 Thank you. Good morning, Mr. President. Good morning, Your  
24 Honours. Good morning to everyone here present.

25 I don't really wish to answer the Khieu Samphan defence right

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1 now, but what we would like to do, however, is to ask for  
2 clarification before we can proceed with the questioning of the  
3 witness regarding the paragraphs in the Closing Order that are  
4 considered as relevant for this trial.

5 Yesterday we addressed the Chamber via the Senior Legal Officer  
6 and we supposed that the relevant paragraphs that were considered  
7 relevant in January, when the witness was questioned for the  
8 first time - we supposed that the paragraphs that are relevant  
9 are still the same. But maybe for clarification purposes we would  
10 like to know what are the limitations in the questions we may  
11 ask.

12 Could the Chamber confirm that we're going to be working with the  
13 same paragraphs in the Closing Order which are relevant to this  
14 trial and which have been also confined by your new decision on  
15 severance? Thank you.

16 (Judges deliberate)

17 [09.17.19]

18 MR. PRESIDENT:

19 The Chamber thanks parties who raised this concern and the  
20 Chamber wishes to also inform the public and the parties to the  
21 proceedings that we still stand by the decision by the Trial  
22 Chamber that we uphold the severance matter concerning Case File  
23 002/01. And we wish to also confirm that this Severance Order now  
24 also include the crime site of Au - Tuol Po Chrey, rather.  
25 We hope that parties to the proceedings have already been

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1 informed, as we have enclosed in the appendix to the decision, so  
2 there is no change to such decision. The change is only seen in  
3 the factual findings of the decision, and also change may happen  
4 when the Chamber needs to decide on how to proceed with the  
5 remaining matters.

6 Counsel, you may proceed.

7 [09.18.55]

8 MR. PICH ANG:

9 My sincere apologies to the Chamber for being on my feet at this  
10 moment, but we have noted the emails by the Prosecution  
11 concerning the subject matters for the future proceedings  
12 concerning Case File 002/01.

13 After Madam Ieng Thirith has been ruled unfit to stand trial,  
14 relevant paragraphs concerning her have been removed. And at the  
15 same time Mr. Ieng Sary has passed away, and there are also some  
16 certain relevant paragraphs that are relevant to him that have  
17 already been read out by the Greffiers of the Trial Chamber.

18 We would like to ask whether these paragraphs should also be  
19 removed as they had been done in case relevant to Madam Ieng  
20 Thirith? Please, Your Honours, we would like to be well-informed  
21 on this.

22 [09.20.25]

23 MR. PRESIDENT:

24 Counsel for Mr. Nuon Chea, you may now proceed.

25 MR. KOPPE:

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1 Thank you, Mr. President. Good morning, Your Honours. Good  
2 morning, everybody in the courtroom.

3 My question would be, would the Trial Chamber be able to give an  
4 indication as to when the written decision will be finalized, or  
5 is that very difficult at this stage?

6 (Judges deliberate)

7 [09.21.40]

8 MR. PRESIDENT:

9 The Chamber wishes to make it clear again that we would like to  
10 stand by the decision concerning the severance with the appendix  
11 that have already been enclosed.

12 We do not remember the exact wordings concerning the paragraphs  
13 part of the subject matter for this because - we scheduled to  
14 hear the witnesses who are supposed to appear before the Chamber  
15 and we proceed to hear them until we have finished their  
16 testimony. So we feel that there will be no impact on this as  
17 long as we continue to hear all the witnesses.

18 And, regarding the written decision, the Chamber has made it  
19 already clear that in due course the Chamber would be rendering  
20 that written decision. And we will do our best to make sure that  
21 the written decision is rendered. Nonetheless, we cannot really  
22 say at this moment that it can be done tomorrow.

23 [09.23.11]

24 And parties to the proceedings may be familiar already that the  
25 Chamber has been doing its best during the very difficult time



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1 when we were faced by the budget shortfalls, and you may also be  
2 familiar that the national colleagues had been facing difficult  
3 situation, that they found it difficult to concentrate on their  
4 work without their pays, and recently this situation has been  
5 saved, so we will make sure that we are back on track after this.  
6 And we believe that there is a great possibility that this  
7 decision will be rendered very soon because it has almost reached  
8 its very final stage where parties will be very well informed  
9 accordingly.

10 And the reason that the Chamber had to issue its oral decision is  
11 because we would like to make sure that we could proceed more  
12 expeditiously. Everyone in these proceedings is of the opinion  
13 that they would like to see the trial proceedings being more  
14 expeditious. And indeed, the Chamber has done accordingly; we  
15 have done our best to make sure that we proceed more  
16 expeditiously.

17 [09.24.56]

18 And, regarding Mr. Nuon Chea, he has some health concerns, as  
19 confirmed by treating doctors. He cannot remain seated for a long  
20 period of time because he has some back pain and also he may feel  
21 dizzy while sitting for a long period of time. With that, the  
22 doctors ask that he be excused and be allowed to observe the  
23 proceedings from his holding cell. These recommendations are  
24 relevant to those of experts who gave testimonies during the  
25 current trial proceedings - Professors Campbell and Fazel.

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1 So, in light of this, the Chamber would like to allow the accused  
2 Nuon Chea to observe the proceedings from his holding cell.

3 And AV booth officers are now instructed to ensure that the AV  
4 equipment is well connected to the holding cell.

5 And court officer is now directed to bring in witness TCW 100.

6 (Mr. Chhaom Se enters courtroom)

7 [09.27.48]

8 MR. PRESIDENT:

9 Mr. Witness, are you Chhaom Se?

10 MR. CHHAOM SE:

11 Yes, I am, Mr. President.

12 MR. PRESIDENT:

13 Mr. Chhaom Se, before you were summoned to testify before the  
14 Chamber once, but it was not yet complete due to the health  
15 concern of the co accused. Was that correct?

16 MR. CHHAOM SE:

17 Mr. President, I apologize, I do not hear your question very  
18 clearly.

19 (Court officer assists the witness)

20 [09.29.04]

21 MR. PRESIDENT:

22 About over a month ago, you were summoned by the Chamber to  
23 testify, but your testimony was not complete due to various  
24 reasons that – the Chamber could not proceed. Is that correct?

25 MR. CHHAOM SE:

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1 Mr. President, I still cannot hear the incoming voice very  
2 clearly.

3 (Court officer assists the witness)

4 MR. PRESIDENT:

5 (No interpretation, microphone not activated)

6 Over a month ago, the Chamber summoned you to testify before the  
7 Chamber. Is that correct?

8 MR. CHHAOM SE:

9 That is correct, Mr. President.

10 [09.30.28]

11 MR. PRESIDENT:

12 You may be well aware that today you are being summoned to  
13 testify to complete your testimony because your last testimony  
14 was not complete due to the frailty of the health of the Accused  
15 and they could not participate in the proceeding. That's why the  
16 Chamber postponed your testimony. And now the Chamber summoned  
17 you to resume your testimony. You may testify to the best of your  
18 knowledge.

19 Without any further ado, I will hand over to the relevant parties  
20 to put questions to you.

21 On behalf of the Chamber, I wish to remind you of your obligation  
22 and right as the witness testifying before the Chamber. In your  
23 capacity as the witness before the Chamber, you may object to any  
24 question or any request for your statement which may lead to your  
25 self-incrimination. In other words, you may exercise your right

1 not to self-incriminate.

2 However, in your capacity as a witness to these proceedings, you  
3 are supposed to respond to the questions put to you by the  
4 parties or the Chamber. Only in the case when you know that the  
5 question that you may respond may incriminate yourself – however,  
6 you are advised to respond to the questions based on your  
7 personal experience or your observation of the events that  
8 unfolded at that time. So you should endeavour to respond to the  
9 questions by parties and Judges of the Bench.

10 We already advised you once when you came to testify before the  
11 Chamber earlier on. Are you still aware of these rights and  
12 obligations?

13 [09.32.45]

14 MR. CHHAOM SE:

15 Yes, I am, Mr. President.

16 MR. PRESIDENT:

17 Now I hand over the floor to the prosecutor and the Lead Co  
18 Lawyers for the civil party to put the questions. I would like to  
19 advise the two parties that you have one session to put the  
20 questions, so from now until the morning break.

21 You may now proceed.

22 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

23 Thank you very much, Mr. President.

24 With respect to the distribution and allocation of time, I will  
25 advise you that we will begin now at 9.30. I believe that we have

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1 at our disposal one hour and 30 minutes. We've come to an  
2 agreement with our colleagues from the civil parties that the Co  
3 Prosecutor shall take up about 40 minutes and the civil parties  
4 shall use the remaining time for their questions.

5 [09.33.33]

6 Mr. Witness, the last time we met, it was on the 11th of January,  
7 and you answered a certain number of questions. I would ask you  
8 today to answer the questions that I have for you in the most  
9 specific way possible in order to assist with the ascertainment  
10 of the truth. I know that there are some questions that may  
11 perhaps conjure some painful memories, and for that we do  
12 apologize. However, I do ask that you make your utmost effort in  
13 order to assist the Chamber.

14 Q. The last time you testified you talked about your  
15 participation in the Revolution and the fact that you were under  
16 the command of Sou Saroeun, within Division 11. You stated that  
17 you participated in the liberation of Phnom Penh, and that along  
18 with your division, 801, you were transferred to the Northwest  
19 near the end of 1975, and that near the end of 1976 you were  
20 appointed by Mr. Sou Saroeun as the chief of the re education  
21 centre in Kanseng. You also confirmed that you received a certain  
22 number of confessions at Kanseng, and that came to you by various  
23 means during the course of your work there.

24 [09.35.09]

25 This leads me to a subsequent line of questioning. You stated

11

1 that the Chief of Division 801 was Sou Saroeun. That was under  
2 the auspices of Sector 101. Was Sou Saroeun also the Director of  
3 Northwest? And did he travel frequently to the Centre? Did he  
4 travel frequently to Phnom Penh during those years?

5 MR. CHHAOM SE:

6 A. To my understanding, Mr. Sou Saroeun was in charge of Division  
7 801 and then, in 1978, he was appointed on a temporary or interim  
8 basis as the chairman of the zone.

9 Q. Thank you very much, but my question was: During the time that  
10 you were the chief of the re education centre in Au Kanseng, as  
11 of the end of 1976 until 1979, was Sou Saroeun absent frequently  
12 from the Northeast Zone, since he was the Chief of Sector 801?  
13 And did he travel to Phnom Penh during that period?

14 A. Well, he frequently travelled back and forth from Phnom Penh  
15 to the Northeast Zone - every year.

16 [09.37.07]

17 Q. Did you know what he was doing in Phnom Penh when he travelled  
18 there? Did he ever talk to you about the work that he did there?

19 A. As for the decision at the upper level - at the commander  
20 level, I did not know because my position was down below. But,  
21 following his meeting, he disseminated information or direction  
22 from the upper authority as to how we are going to execute the  
23 plan, so on and so forth.

24 Q. Thank you. I'll return to that topic very soon.

25 And, when Sou Saroeun was absent, did you have any means of

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1 communication with Sou Saroeun? For example, did you send him  
2 reports or did you receive any instructions coming directly from  
3 him when he was located in Phnom Penh?

4 [09.38.18]

5 A. When he travelled to Phnom Penh, we did not have any  
6 communication with each other. Actually, he did not have many  
7 work to do with my section.

8 Q. Thank you.

9 You said just now that he relayed instructions from Phnom Penh.  
10 And each time that Sou Saroeun travelled to Phnom Penh, would he  
11 summon or call a meeting upon his return from Phnom Penh in order  
12 to issue the instructions that he would have received from the  
13 Centre, in Phnom Penh, and from the leaders there?

14 A. Yes, there was. There was a plan from the upper authority, and  
15 it was to be disseminated to the lower level, as I mentioned  
16 earlier on.

17 Q. Thank you. And can you please provide the Chamber details with  
18 respect to the plan or the instructions that he would have  
19 conveyed to you upon his return from Phnom Penh? For example, can  
20 you tell us what subjects he raised during the meetings?

21 [09.39.55]

22 A. I do not recall it well because there was a long lapse of  
23 time. But to my recollection, at that time we had to execute the  
24 plan to defend our country, as well as to try to increase  
25 agricultural production. In terms of protection, we are referring

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1 to the defence – the defence of our national sovereignty,  
2 particularly along the border between Cambodia and Vietnam. There  
3 were many issues along the Cambodian-Vietnamese border, and these  
4 were the issues that we had to pay particular attention on. And  
5 in the military rank, we had to strengthen our soldiers and we  
6 had to be self-reliant in terms of food supplies, as well.  
7 And as far as the serving of the people as well as the  
8 cooperatives, we had to support people as well as cooperative.  
9 This was the main – the two main tasks: defending our national  
10 sovereignty as well as building our forces and our force.  
11 And as for the security office I was in charge, we had to monitor  
12 the execution of the plan, as well, and we had to train our  
13 people, and we have to strengthen ourselves with all the  
14 components to which we belonged. We had to make sure that we work  
15 along the line with the orders from the upper authority and we  
16 had to reduce conflict and try to expand friendship.

17 [09.42.11]

18 Q. Thank you.

19 And with respect to the defence of the sovereignty of the  
20 country, did –Sou Saroeun talked about external enemies, but did  
21 he also talk about internal enemies during the meetings? And what  
22 did he say about the external enemies, if he did raise the issue?  
23 A. Yes, that is correct, because in our work we also discuss  
24 external enemies, and internal enemy was also discussed. We had  
25 to take measures in order to handle the internal enemies. There



14

1 were penetrating forces in our internal forces. They caused  
2 sabotage against our forces. And there were some opposing  
3 elements, as well, against the political lines, and we had to  
4 also deal with such situation.

5 Q. Did you ever have the opportunity to hold an individual  
6 meeting with Sou Saroeun and meet with him alone with respect to  
7 Au Kanseng Detention Centre or with respect to the confessions  
8 that were extracted there?

9 [09.43.55]

10 A. Yes, there was. Whenever there was any issue relating directly  
11 to my office, particularly when he wanted to give a particular  
12 instruction or in-depth instruction, then we also - I also  
13 contacted with him. And there were also internal enemies  
14 attacking from inside against Sector 801, and at the time he  
15 tried to draw our attention to that particular issue.

16 Q. Thank you. And did Sou Saroeun ever tell you why the prisoners  
17 at Au Kanseng had to make confessions or why confessions had to  
18 be drawn from them?

19 A. Well, he wanted to know the reports so that he could  
20 understand the overall situation. Now, for example, if there were  
21 internal enemies burrowing from inside, then he had to know at  
22 what level this enemy was - was it at the command level or was it  
23 only at the low file and rank level?

24 MR. DE WILDE D'ESTMAEL:

25 (No interpretation)

15

1 [09.45.48]

2 THE FRENCH-ENGLISH INTERPRETER:

3 The question was inaudible for the interpreter. The Co-Prosecutor  
4 is requested to repeat his question.

5 MR. CHHAOM SE:

6 A. Normally it was in the form of education and re correction. We  
7 received - we had to try to provide orientation to them. We did  
8 not arbitrarily accuse anyone of being enemy and we were not  
9 allowed to exert any torture against the prisoner, either. That's  
10 what we did when we were working at Au Kanseng Security Centre.

11 MR. PRESIDENT:

12 Counsel, you may proceed.

13 MR. KOPPE:

14 Mr. President, the question in English was never translated. So I  
15 - we didn't get the question.

16 [09.46.54]

17 BY MR. DE WILDE D'ESTMAEL:

18 Perhaps, I'll repeat the question, then, and the lawyer from the  
19 defence will know exactly what the witness was answering. I was  
20 asking if the witness had received any instructions from Mr. Sou  
21 Saroeun or from his superiors as to how confessions were  
22 extracted from prisoners at Au Kanseng Detention Centre.

23 Q. Mr. Witness, I don't want to return to this topic, but I will  
24 simply mention that there is some information that is contained  
25 in your - in your written record of witness interview before the

16

1 Co Investigating Judges, in E3/405, with respect to those  
2 confessions, and you stated that when the prisoners refused to  
3 speak – under question and answer 10, D32/50.

4 I'll move on to my next line of questioning.

5 Mr. Witness, in January you stated before this Chamber – you also  
6 stated for the Co Investigating Judges – that at your detention  
7 centre, you exercised no authority in order to implement any  
8 decisions and that all decisions were exercised by Mr. Sou  
9 Saroeun, whether it concerned the liberation or execution of  
10 prisoners. Is this correct?

11 [09.48.32]

12 MR. CHHAOM SE:

13 A. Yes, that is correct.

14 Q. Let us now turn to a few examples of Mr. Sou Saroeun's  
15 exercise of decision-making power and his relationship with the  
16 Centre of the Party.

17 Firstly, I want to make mention of the case of the Jarai people  
18 that we were not able to address at the hearings in January.

19 And, Mr. President, with your leave, I wish to place P.V. E/405  
20 before the witness, and I would request that he look at response  
21 number 12. I will also take this opportunity to cite the other  
22 written records of witness interviews that I intend to present  
23 before the witness, if I may. Thank you very much.

24 MR. PRESIDENT:

25 You may proceed.

1 Court Officer, please obtain the hard copy document from the  
2 prosecutor and hand it over to the witness.

3 [09.50.02]

4 BY MR. DE WILDE D'ESTMAEL:

5 Sir, I would refer you to answer number 12; in Khmer, 00401303  
6 and which carries over to the subsequent page.

7 Allow me to quote what you said before the Investigating Judges,  
8 Mr. Witness - and I quote: "Shortly before 1979, I saw the Jarai  
9 just near the Vietnamese border, because they had entered the  
10 territory, and when the Vietnamese attacks... [Inaudible for the  
11 interpreter]."

12 "This is why the frontline soldiers of Division 801 searched and  
13 captured them and brought them to the re education office. These  
14 soldiers were the ones who captured them and transported them  
15 straight to the re education and corrections office. The soldiers  
16 brought the prisoners in and left them at the office for only one  
17 night. They then took them and killed them during the night at  
18 pits inside the re education and corrections compound. The  
19 orders, the decisions to do that, were orders from the zone  
20 chairman, but at that time Ta Lav, the zone chairman, had  
21 discussed the matter with Ta Sou Saroeun." End of quote.

22 [09.51.48]

23 Mr. Witness, how were you able to learn that the authorities from  
24 the Northeast Zone had discussed the topic of the execution of  
25 the Jarai people with Mr. Ta Saroeun? Who told you this? Or how

1 did you learn of this?

2 MR. CHHAOM SE:

3 A. According to the statement you read out just now, it was the  
4 information that I learned through the working procedure. It was  
5 the working relation from one section to another, and they had to  
6 report to the command post. So we had to maintain this  
7 communication, and we follow up with the development of the  
8 issue.

9 But, as for this particular issue of the 100 Jarai who were  
10 captured, they were captured by the military, and it was the sole  
11 discretion of Ta Sou Saroeun, because he was the commander of  
12 Division 801.

13 [09.53.18]

14 They provided information to my section, and then we received  
15 those prisoners. And this particular story was related to many  
16 sections. And we had to accept these prisoners and then we  
17 prepared the report accordingly. That was the issue around this  
18 matter at the time.

19 Q. (No interpretation)

20 THE FRENCH-ENGLISH INTERPRETER:

21 The interpretation booth would like to apologize; we had a sound  
22 problem. And I think the sound is returning now.

23 MR. PRESIDENT:

24 Court Officer, please check with the AV Unit to make sure that  
25 the sound goes through to the interpreters, because it appears

19

1 that there is an issue with the English channel.

2 You may proceed, Mr. Prosecutor, if the issue is resolved now.

3 BY MR. DE WILDE D'ESTMAEL:

4 Q. (No interpretation)

5 [09.55.02]

6 THE INTERPRETER:

7 May the Co Prosecutor please repeat the question? We have sound

8 now, but we only got the half - the last half of the question.

9 MR. PRESIDENT:

10 International Counsel, you may proceed.

11 MR. KOPPE:

12 Thank you, Mr. President.

13 Although I didn't get the question in English, I think I

14 understood it in French, but I object to the question because I

15 think the question is outside the scope of this trial. We're

16 talking about communication, military structure, but who were

17 among the victims is at this stage, in this particular trial,

18 irrelevant. That's why I object to the question.

19 [09.55.48]

20 MR. DE WILDE D'ESTMAEL:

21 Mr. President, I think that we should proceed in a methodical

22 way. First of all, everyone should hear the question in English.

23 I don't know if now the question is being interpreted, but the

24 question was whether there were women and young women among the

25 Jarai people who came - coming from Vietnam who had been

1 arrested.

2 And to answer the Defence's objection, in reality, we're going to  
3 show a document that describes Jarais who were arrested and  
4 executed. And, in order to try to understand whether it's the  
5 same event that's being described, we need to ask a few questions  
6 to the witness before presenting him with the document in  
7 question. This is why we're asking him whether there were young  
8 women among these Jarai people; not just to know it, but it's to  
9 know more precisely whether it was the same group of Jarai people  
10 the witness spoke about and that is described in the document  
11 that we will show to him shortly.

12 [09.56.57]

13 MR. KOPPE:

14 May I quickly respond?

15 What I don't understand, Mr. President, is what's the use of  
16 adding the fact that potentially or allegedly women and children  
17 are victims? Maybe that is the case, maybe that's not the case.  
18 We are talking about communication. Let's just focus on that and  
19 the structure, not add, you know, victims in the question  
20 unnecessarily.

21 MR. DE WILDE D'ESTMAEL:

22 If I may answer, well, in fact the document in question - I  
23 didn't want to mention it right now, but this, in fact, is a  
24 telegram that was addressed to Bong by a so named Vy from the  
25 Northwest Zone, and therefore we're returning again to the

21

1 communication system regarding an event that the witness  
2 describes.

3 So this is why I'm asking him such questions. I'm trying to lay  
4 the foundations of a possible comparison with a document that  
5 describes the communication system existing within the Khmer  
6 Rouge, between the Centre and the Northeast Zone.

7 (Judges deliberate)

8 [09.58.45]

9 MR. PRESIDENT:

10 Because this question is related to the scope - is related to the  
11 communication, thus the objection is not valid.

12 The witness is instructed to answer the question put by the Co  
13 Prosecutor.

14 BY MR. DE WILDE D'ESTMAEL:

15 Q. Witness, so the question was whether - among the Jarai who had  
16 been executed close to your centre, were there women or young  
17 women among them?

18 MR. CHHAOM SE:

19 A. Yes, there were.

20 Q. You said that there were more than 100 people who were Jarai  
21 who were arrested. So, was it a number between 100 and 200  
22 people, or could this mean more than that even?

23 A. There were more than 100.

24 MR. DE WILDE D'ESTMAEL:

25 Thank you.



1 Mr. President, now, I wish to show to the witness and to display  
2 on the screen, with your leave, document E3/240. This is a  
3 telegram from 15 June 1977 that was sent by Vy to the Respected  
4 Bong and copied to Om Nuon, Bong Van, Bong Vorn, Bong Khieu,  
5 Office, and Archives.

6 [10.00.44]

7 MR. PRESIDENT:

8 You may proceed.

9 BY MR. DE WILDE D'ESTMAEL:

10 Q. And, to be perfectly clear, it is document E3/240. And there  
11 was a defective link in ZyLab before, but we corrected this. So,  
12 this is document - previously called IS 21.20. That was the  
13 previous name.

14 I would simply like to read a few excerpts from this document.

15 [10.01.22]

16 On the first page of the telegram we see the following. If we  
17 could please display the first page in Khmer? So, at point 1, the  
18 following is stated:

19 "At 9 o'clock in the morning, on 14 June," that is to say 1977,

20 "the 801 Production Unit, permanently posted at 107, patrolled

21 and arrested 209 Vietnamese soldiers, including nine young women,

22 in the vicinity of Au L'ak, which is about 4 kilometres south on

23 Road 9. They were Jarai, mostly, who did not speak good Khmer.

24 They were sent to the command post." End of quote -

25 [translation].

1 A bit further, in the third paragraph, the following is said: "In  
2 my opinion, these are external enemies that are penetrating our  
3 territory."

4 And then further, at point 2, among the measures taken, it is  
5 said: "Finally we have to extract information from them to  
6 understand their plan regarding those that are still hiding in  
7 the jungle and to understand their links."

8 And below: "I am asking for extra recommendations from Angkar.  
9 The Production Unit 801 is proposing an immediate and definite  
10 decision. I am waiting for your answer." End of quote - [quote  
11 translation].

12 [10.03.03]

13 So, Witness, regarding the content of this telegram, and in  
14 particular these 209 people who were arrested, which included  
15 mostly Jarai, and nine young women who were sent to the command  
16 post, does this information correspond to the group that you  
17 received at Au Kanseng and that was then executed on site -  
18 executed by the soldiers who had arrested them?

19 MR. PRESIDENT:

20 The Witness, please hold on.

21 The International Counsel for Mr. Nuon Chea, you may proceed.

22 MR. KOPPE:

23 Mr. President, I object on the same grounds as before.

24 It's perfectly okay if the prosecutor is asking questions about  
25 how the communication was done, but I really do not see the

1 necessity to highlight the particular excerpts in relation to the  
2 killings. It's just a way to get into evidence things that  
3 happened at that particular centre.

4 [10.04.16]

5 MR. DE WILDE D'ESTMAEL:

6 Witness – Mr. President, [sorry,] I don't have much time to put  
7 questions to the witness, so I don't see how this objection is  
8 going to add anything to – in relation to what was already said  
9 before. You already stated that the question was relevant because  
10 it was linked to communication. And, if my colleague heard the  
11 last paragraphs I read, there is this so named Vy mentioned who  
12 is asking the Centre for advice and who is speaking about a  
13 proposal coming from 801 for an immediate decision regarding the  
14 Jarai, and he's expecting an answer.

15 This is a typical example of communication between the Northeast  
16 Zone and the Centre regarding important decisions that need to be  
17 taken, so, therefore, it is obviously relevant.

18 (Judges deliberate)

19 [10.05.23]

20 MR. PRESIDENT:

21 The objection is not valid.

22 The witness is instructed to answer the question put by the  
23 Co-Prosecutor.

24 BY MR. DE WILDE D'ESTMAEL:

25 Q. Witness, I will repeat the question.

1 So, in this document that I read out to you describing 209  
2 Vietnamese soldiers, including nine young women, sent to the  
3 command post on 14 June 1977, does this correspond to what you  
4 witnessed from this group that arrived at Au Kanseng, that had  
5 been sent by Division 801, and that you already spoke about  
6 before the Investigating Judges?

7 MR. CHHAOM SE:

8 A. Yes, but the number 209 here is not true; only more than 100  
9 were sent to my section. And I do not know the name of the  
10 person, Vy. This is what I can tell.

11 [10.06.55]

12 Q. Thank you. And in this document, E3/240, it is stated that  
13 "the definite and immediate decision was proposed to the Centre  
14 by 801 and by the Northeast Zone", but that "extra instructions"  
15 were expected from Angkar. So, did you know if back then this  
16 practice of asking instructions from the Centre was something  
17 that was frequent on the part of Division 801?

18 A. Yes, of course. We had to communicate. If we do not  
19 communicate, we cannot lead the unit. This is what I can tell  
20 you.

21 Q. Thank you.

22 I am going to speed up a bit now and I'm going to ask you a few  
23 questions regarding two other people in Division 801.

24 You said that you had been a deputy commander of a company within  
25 Regiment 81, in Division 801, and you said that this specific

26

1 regiment had been led by Keo Saroeun until he was arrested in  
2 1977. So, can you tell us again, according to your memory, who  
3 replaced Keo Saroeun at the head of Regiment 81?

4 MR. PRESIDENT:

5 Witness, please hold on.

6 The co-prosecutor (sic) for Mr. Nuon Chea, you may proceed.

7 [10.08.49]

8 MR. SON ARUN:

9 I would like to object to the question by the Co-Prosecutor. I  
10 object to the question which leads the witness to answer through  
11 conclusion. The previous question is related to the position of  
12 the witness. In fact, the witness is not the commander of the  
13 division.

14 So, please do not ask any question which is based on conclusion.

15 MR. DE WILDE D'ESTMAEL:

16 Mr. President, if I may answer, it's - I'm not asking the witness  
17 to come up with his own findings; I'm just asking him if he knew  
18 only, because on 11 January he said that Keo Saroeun had been  
19 arrested in 1977 and that Saroeun was one of his superiors with -  
20 in Regiment 81. And so, of course, someone under him should know  
21 who is leading a regiment. So I'm simply asking if he knows who  
22 replaced Keo Saroeun at the head of Regiment 81 once Keo Saroeun  
23 disappeared. And, Mr. President, of course this is part of the  
24 questions regarding the military structure of the regiment.

25 [10.10.35]

1 MR. PRESIDENT:

2 The objection to the question is not valid.

3 The witness is instructed to answer the question put by the  
4 Co-Prosecutor.

5 MR. CHHAOM SE:

6 In Regiment 81, Division 801, after Keo Saroeun was removed, Pao  
7 Sam Onn replaced him. Later, Horn - I could not remember his  
8 family name - Horn became the Commander of Regiment 801.

9 MR. DE WILDE D'ESTMAEL:

10 Thank you, Witness.

11 Now, regarding this Sam Onn, Om Sam Onn, I would like, with the  
12 permission of the Chamber, to display a document which is E3/1160  
13 (sic) - E3/1160 (sic). Again, this is a report that was sent by  
14 Roeun to Son Sen and regarding this Comrade Sam Onn, and it is  
15 dated 30 March 1977.

16 President, do I have your permission to show him this document?

17 [10.12.40]

18 MR. PRESIDENT:

19 You may proceed.

20 BY MR. DE WILDE D'ESTMAEL:

21 Thank you.

22 So, before I put questions to the witness on the content of this  
23 document, I would like to quote two paragraphs - these are the  
24 two first paragraphs.

25 The first paragraph in - it's a report coming from Roeun,

1 addressed to Om 89, and he says this:

2 "I am requesting the sacking of a certain number of cadres from  
3 the battalion. Indeed, these comrades are acting contrary to the  
4 line. The popular masses do not trust them, and education and  
5 re-education have no effect on them. They do not accept to amend  
6 themselves, and their prospects for change have regressed. So I  
7 am asking that we sack Comrade Sam Onn and that we send him to  
8 the Office. And, pursuant to Angkar's recommendation, I recommend  
9 that we ask Comrade Mao to replace him. So may Om please give us  
10 his decision regarding comrade Mao. I rest on your decision."

11 [10.14.05]

12 And in the next paragraph it is said: "In a few words, Comrade  
13 Mao deserves to become regiment secretary." End of paragraph -  
14 end of quote, [translation].

15 Q. So the question is - well, if the witness could look at the  
16 very end of the document, we see Roeun's name mentioned. I think  
17 there's also a signature. So, who is Roeun here? Is this - is  
18 that Ta Sou Saroeun that you already spoke about before or is  
19 this someone else?

20 MR. CHHAOM SE:

21 (No interpretation)

22 MR. SON ARUN:

23 I would like to object to the question.

24 That document which was provided by the Co-Prosecutor to the  
25 witness, I would like the Co-Prosecutor to ask the witness first

1 whether the witness has seen that kind of document. If the  
2 witness has not seen such a document, please do not ask the  
3 question which leads the witness to answer based on his  
4 prediction or conclusion. Thank you.

5 [10.15.35]

6 MR. DE WILDE D'ESTMAEL:

7 Mr. President, if I may answer this, I know that the witness has  
8 probably not seen this document, but I am asking him questions on  
9 the successor of Keo Saroeun, and he said that this person was Om  
10 Sam Onn. And here, in the excerpt I'm mentioning, once again  
11 mention is made of Comrade Sam Onn, so I would like to ask him  
12 questions to understand whether it is the same person whom he  
13 already mentioned as being Keo Saroeun's substitute.

14 And all of this is part of the military structure and part of the  
15 communication system between the office of Division 801 and the  
16 Party Centre.

17 So I would like the objection not to be sustained, Mr. President.

18 MR. SON ARUN:

19 The witness is a low-ranking military officer. This letter, this  
20 correspondence, is for the high-ranking officer. Based on my own  
21 conclusion, I am sure that the witness does not know about the  
22 letter. So, if the Co-Prosecutor tried to ask the witness, the  
23 witness could not give the answer.

24 (Judges deliberate)

25 [10.17.32]



1 MR. PRESIDENT:

2 The objection is not well grounded, so it is not valid.

3 The witness is instructed to answer the question put by the  
4 Co-Prosecutor.

5 MR. CHHAOM SE:

6 A. I want to give a short answer.

7 Pao Sam Onn became the Chief of 81, and later on Mao became the  
8 chief. This is true. The signature of Roeun - "Roeun" here  
9 referred to Keo Saroeun; it was Keo Saroeun who signed the  
10 letter, it was not Sou Saroeun.

11 BY MR. DE WILDE D'ESTMAEL:

12 Q. Thank you. Do you know what happened to comrade Sam Onn later  
13 on?

14 [10.18.58]

15 MR. CHHAOM SE:

16 A. I did not know much about that because he was my upper  
17 echelon. When they did everything, they did not tell the  
18 subordinates.

19 MR. DE WILDE D'ESTMAEL:

20 Thank you. And just for the purposes of the record, I'd like to  
21 mention that on the revised list of S-21 that was produced by the  
22 Co-Prosecutor's Office, his name is included at number 7,803.  
23 This is list E3/342.

24 So, well, since I don't have much time, Mr. President, I'm going  
25 to stop here regarding my examination of the witness. And thank

31

1 you very much, and thank you very much, Witness, for his  
2 patience.

3 And now I will let my civil party colleagues to proceed with the  
4 questioning.

5 Thank you.

6 [10.20.09]

7 MR. PRESIDENT:

8 You may proceed, the Co-Lead Lawyer.

9 MR. PICH ANG:

10 Your Honour, the lawyer who is in charge of putting questions to  
11 the witness are Ms. Chet Vanly and Beini Ye.

12 QUESTIONING BY MS. CHET VANLY:

13 Your Honour, good morning, ladies and gentlemen and all of the  
14 parties. Good morning, Mr. Chhaom Se. My name is Chet Vanly. I  
15 would like to ask you some questions.

16 You have answered many questions already, but right now I would  
17 like you to give some more details. My questions are based on  
18 your answers given to the Co-Prosecutor. Document E3/405,  
19 document D332/53, and document E3/405, and document D369/8.

20 [10.22.03]

21 I would like to ask for your leave to give some excerpts when - I  
22 refer to during my question.

23 Q. So I now would like to move back a little bit. Mr. Chhaom Se  
24 has answered many questions put by the Co-Prosecutor already - in  
25 your capacity as the Chief of Au Kanseng Centre and with regard

1 to the plan to attack into Phnom Penh.

2 So, right now, I would like to move back to your previous action,  
3 your participation in the Movement. I would like to ask you  
4 whether you have attended any military training.

5 MR. CHHAOM SE:

6 A. Yes, I did.

7 Q. How long did you attend the military training?

8 A. (No interpretation)

9 MR. PRESIDENT:

10 (No interpretation)

11 BY MS. CHET VANLY:

12 Q. Mr. Chhaom Se, you attended the Movement – the Struggle  
13 Movement – when you were 20 years old, in 1970. Did you ever  
14 attend any military training at that time?

15 [10.23.43]

16 MR. VERCKEN:

17 I was going to let you know that the answer was not translated to  
18 this question, but I see now that she's asking the same question  
19 over again, so I'll let her proceed.

20 MR. PRESIDENT:

21 The Witness, you are instructed to answer the question.

22 And for the next (sic) question the witness did not activate the  
23 microphone, so only both of them can hear; the voice did not get  
24 into the system. I would like her to put the question again, but  
25 the lawyer repeat the question.

1 She said that we had short time. However, if you use the time in  
2 this manner, the time would not be used effectively.

3 So, please ask again.

4 [10.24.55]

5 BY MS. CHET VANLY:

6 Thank you, Mr. President.

7 Q. So, I would like to move to another question. On the 11 of  
8 January you said that your troop cooperated with Vietnam in  
9 Kampong Speu, and Takeo, and Kampot. I would like you to clarify  
10 who provided the food and weapons to the Movement.

11 MR. CHHAOM SE:

12 A. I do not need to give a long answer. Only the head of the  
13 Movement could give details. I am - I was only an ordinary  
14 soldier; I could not describe what happened at the beginning.

15 Q. Thank you.

16 I would like to ask you again. On the 17 of April 1975, you said  
17 that you received a plan to attack into Phnom Penh. Who imposed  
18 the plan? And who led the attack?

19 A. It was under the order of the commander. The South cooperated  
20 with the North. Sou Saroeun was the commander of the division.

21 [10.27.05]

22 Q. Besides Sou Saroeun, who else did you receive the order from?

23 A. She wanted to know about the structure. So, under - under the  
24 division there was regiment, there was battalion. So, I could not  
25 describe all of the commanders. This is what I can tell.

1 Q. Who was above Sou Saroeun? Who gave the order to attack into  
2 Phnom Penh?

3 A. The general commander, Chhit Choeun, alias Mok.

4 Q. When Phnom Penh was liberated, where were you stationed? And  
5 what kind of responsibility did you have?

6 A. After Phnom Penh was liberated, my unit was stationed in the  
7 surrounding area of Phsar Thmei. Forces would then be assigned to  
8 monitor the location.

9 Q. Thank you. Were you in charge of evacuating the population out  
10 of the city?

11 [10.29.15]

12 A. Regarding the order to evacuate the population from the city,  
13 I believe that these orders were the blanket ones; every city had  
14 to be evacuated, no doubt.

15 Q. Thank you. From whom did you receive such orders?

16 A. We received orders from different levels of respective  
17 commanders.

18 Q. Did you engage in meetings before such evacuations took place?  
19 Did the evacuation plan – were they discussed before Phnom Penh  
20 were attacked?

21 A. Plans were set up before they were carried out.

22 Q. Were you convened to any meetings before such plans being  
23 carried out?

24 A. Each unit had a different meeting, and we were obliged to  
25 disseminate the information concerning the plan to the other

1 relevant sections.

2 [10.31.23]

3 Q. Just now you indicated that you were in charge of the location  
4 at Phsar Thmei after Phnom Penh was liberated. How many people  
5 were under your supervision? And what was your impression  
6 concerning the situation back then?

7 A. I was the deputy chief of the regiment, and we were tasked  
8 with protecting or defending the areas surrounding Phsar Thmei.  
9 After population was evacuated, we had to remain in the vicinity  
10 to make sure that security was properly installed and that - we  
11 had to be tasked with the - looking after the area that had been  
12 conquered.

13 Q. When you were at the Phsar Thmei vicinity and you were in  
14 charge of cleaning the city, can you please describe to the  
15 Chamber the evacuation plan? Were people evacuated by force or  
16 did they volunteer to leave the city?

17 [10.33.14]

18 A. Whether it was a forced evacuation, I cannot say, because I  
19 personally feel that people were not forced to leave the city  
20 because it took us seven days before the whole population was  
21 removed from the city.

22 Q. Did you receive any resistance? For example, were you faced  
23 with remaining people who protested against such order?

24 A. In my unit we did not face such ordeal, but in other units  
25 that was the case, because they had to collect arms from other

1 people who had to surrender their weapons.

2 Q. Again, were you attacked or fired at by people who did not  
3 want to leave the city?

4 A. As I stated already, the situation was calm in my area - no  
5 fighting, no resistance.

6 Q. For those who would not like to leave the city and who could  
7 hide themselves in those buildings, what would you do to these  
8 people?

9 MR. PRESIDENT:

10 Witness, could you please hold on?

11 Counsel for Mr. Nuon Chea, you may now proceed.

12 [10.35.33]

13 MR. KOPPE:

14 Mr. President, I object to this question. The question is asking  
15 for speculation by the witness and it's also hypothetical.

16 MS. CHET VANLY:

17 Mr. President, allow me to respond to this. Witness had already  
18 said that he received orders from his superiors regarding  
19 evacuation of the city, and during the course of the evacuation  
20 some people did not want to leave the city. And my question was  
21 very simple. We would like just to know what happened to those  
22 who did not want to leave the city.

23 [10.36.22]

24 MR. PRESIDENT:

25 The objection is not sustained.

1 Mr. Witness, you are now directed to respond to the question just  
2 put to you by counsel for the civil parties.

3 MR. CHHAOM SE:

4 I wish to say that people may protest, but that didn't happen in  
5 my section. But it happened at other sections. But my belief is  
6 that, when this happened, people had to be warned and asked to  
7 leave the city and they would not be fired at.

8 BY MS. CHET VANLY:

9 Thank you, Mr. Witness.

10 Q. I would like you to also tell the Chamber, during the course  
11 of the evacuation, did you see people dying, or the sick, the  
12 elder people who had problems walking out of the city?

13 MR. CHHAOM SE:

14 A. I cannot answer this question fully because I was not holding  
15 a higher position, and my task was rather broad, and I was  
16 obliged to fulfil my duty. And that's all I can say.

17 [10.38.09]

18 Q. Mr. Witness, can you tell the Chamber again, please, how many  
19 days did it take the units to evacuate all the people out of the  
20 city?

21 A. It took us about seven days.

22 Q. Thank you.

23 Which regiment was in charge of cleaning the city? Or were they  
24 backed up by other forces?

25 A. There were outside forces, but those forces were stationed at



1 the outside of the city, and there were main divisions from the  
2 Special Zone who were in charge of being – of monitoring the  
3 city.

4 Q. I would like to turn your attention to Au Kanseng Security  
5 Centre.

6 You said that Sou Saroeun assigned you to become the head of the  
7 security centre of Au Kanseng. Can you tell the Chamber, please,  
8 why it was you who was selected to become the head by Sou  
9 Saroeun?

10 [10.39.54]

11 A. I find it difficult to respond to this question. But on the  
12 outset, when he was the commander of the brigade, he would like  
13 me working as his messenger. It was a kind of rapport we had  
14 built long ago, and he felt like having me as his messenger. He  
15 would like me to assist him because he treated me more like his  
16 brother or nephew, in a sense, and I personally was seen to be  
17 having performed my duties very well and I was very much liked  
18 and trusted by him because he noted I was a very committed  
19 person. And for that reason I can say that he chose me.

20 MR. PRESIDENT:

21 Thank you, Counsel, and Mr. Witness, and parties to the  
22 proceeding.

23 It is now appropriate moment for the adjournment. The Chamber  
24 will adjourn for 20 minutes. The next session will be resumed by  
25 11 o'clock.

1 Court officer is now instructed to assist the witness during this  
2 adjournment.

3 The Court is adjourned.

4 (Court recesses from 1041H to 1112H)

5 MR. PRESIDENT:

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

7 Without further ado, we would like to continue hearing the  
8 testimony of Mr. Chhaom Se.

9 And the floor is now over to the counsels for the civil parties,  
10 and you have 20 minutes left.

11 BY MS. CHET VANLY:

12 Thank you, Mr. President. I may now continue putting a few more  
13 questions for Mr. Chhaom Se. Due to time limit, I would like to  
14 put a few questions and then hand over to my colleague to finish  
15 part of her questions for Mr. Chhaom Se.

16 Q. I would like Mr. Witness to tell the Chamber regarding Au  
17 Kanseng Security Centre. You testified that Au Kanseng was a  
18 re-education centre for the division, but according to your  
19 testimony, question number 12, document E3/405, you said you  
20 received civilians as prisoners at Au Kanseng as well.

21 [11.14.21]

22 Can you describe to the Chamber, please, who were or who these  
23 civilians were? Were they New People, workers, or others?

24 MR. PRESIDENT:

25 Mr. Witness, please hold on.

40

1 Counsel for Mr. Nuon Chea, you may now proceed.

2 MR. KOPPE:

3 Thank you, Mr. President. I'm not sure how this question relates  
4 to communication or structure, so that - that's why I objected to  
5 this particular question.

6 MS. CHET VANLY:

7 Please allow me to respond to this. The question was put for him  
8 because we noted that the re-education centre was the centre for  
9 the division and before the Co-Investigating Judges, Mr. Chhaom  
10 Se said that civilians were also received at the centre. I would  
11 just like to ask for some clarification whether New People also  
12 detained at the centre, and I believe it falls within the scope  
13 of these trial proceedings.

14 [11.15.56]

15 MR. PRESIDENT:

16 The objection is not sustained.

17 Witness is now instructed to respond to the question.

18 MR. CHHAOM SE:

19 A. By late of the year, some people were sent from Sector 101 to  
20 this centre. No other people were sent from other sectors. By  
21 late 1977, as I remember, these people were sent to the centre --  
22 to the re-education centre.

23 BY MS. CHET VANLY:

24 Thank you.

25 Q. Can you also tell the Chamber, please, were these people among

1 the evacuees?

2 MR. CHHAOM SE:

3 A. These people were the Base People.

4 [11.17.27]

5 Q. Please clarify on one more point why these Base People were  
6 sent to this re-education centre?

7 A. According to the reports we obtained, these people used to be  
8 workers in the union and they talked something that were  
9 implicated and some people didn't like the way they ate, the way  
10 they talked; that's why they were sent for re-education. That's  
11 all.

12 Q. Thank you. For those who were sent and detained at Au Kanseng  
13 Security Centre, were they also offered some education sessions  
14 so that they could be corrected and were they done under your  
15 supervision?

16 A. I gave them some lessons on how they can refashion themselves  
17 and also I advised them on how to correct their behaviour, their  
18 view, and work perspectives, and I also lessen their fears and  
19 worries. And after being re-educated, they were returned to their  
20 places.

21 Q. According to document E2 -- rather E3/407 - in Khmer,  
22 00401315; English, 00406222; and French, 00402279 - you talked  
23 about the purge, you talked about the situation which was very  
24 chaotic. Can you describe this to the Chamber again, please?

25 [11.20.30]

1 A. After the country was liberated, it was time that the line of  
2 the Party was being implemented and it was in two stages that  
3 such policy was implemented. And I could see that in the  
4 military, the situation was rather chaotic and disorganized  
5 because people could accuse others for committing some  
6 wrongdoing, and it was really disorganized. And I could also note  
7 that it was a transitional period, the period to transfer the  
8 society into a social one, and people had to build their view and  
9 stance – social stance, for example, and that also applied to  
10 military. And those soldiers who were free, who talked freely,  
11 who accused or criticized one another, would be very common. And  
12 for that, we could see that the situation was rather disorganized  
13 and it was difficult to control them and enemies increased.  
14 And also I can see that I was not holding a senior position, so I  
15 couldn't grasp very well what happened at the cooperatives, but  
16 what I remember is that we collected the information and through  
17 education sessions, we would impart or indoctrinate or educate  
18 people to make sure they could be corrected, should be following  
19 the social line or policy.

20 [11.23.11]

21 Q. Apart from this policy, did you also carry out measures to  
22 purge people in accordance with the Party's policy?

23 A. First and foremost, we were obliged to implement the policy;  
24 however, in implementing such policy, it was not our first resort  
25 to kill people because it was part of our first plan to educate

1 people to rebuild oneself and these were part of our measures  
2 being carried out.

3 Q. Thank you, Mr. Witness.

4 As the head of Au Kanseng Security Centre, were other cadres from  
5 the upper echelon sent to assist you or to work at the centre?

6 A. There were some of them being sent to the centre; however,  
7 they were not of senior rank. They were sent from a unit; a  
8 person by the name of Nau who was assigned to work at the Au  
9 Kanseng Re-education Centre because he would like to understand  
10 the enemy communication line. He were to understand more about  
11 the inside or internal and external enemies and for this reason,  
12 he was sent to the centre to follow this information.

13 [11.25.43]

14 Q. Thank you. How did you know Mr. Nau was sent from the General  
15 Staff? Did he present to you any letter certifying that he was  
16 actually sent from General Staff?

17 A. Yes, he did give me the letter and I also called to the chief  
18 of the division to see whether he was actually sent from the  
19 division. Sou Saroeun confirmed such assignment.

20 Q. When he returned, did he bring along with him the documents he  
21 acquired during the course of his work at the centre?

22 A. Yes, he did. He collected the documents he obtained during the  
23 work at Au Kanseng Security Centre.

24 Q. Thank you, Mr. Witness. You said Nau came from the General  
25 Staff to grasp the internal and external enemy situation. Can you

1 tell the Chamber a little bit more on how you characterized  
2 internal and external enemies? How were they different?

3 [11.27.40]

4 A. My unit was located in the Northeast area, which was rather  
5 remote from the central part of the country, and people really  
6 wanted to know the situation there and first and foremost, they  
7 would like to establish, to have the knowledge of how the enemies  
8 operated and communicated. That's why they would like to know  
9 about this communication system because every now and then  
10 confessions or words in the report could tell us about the  
11 enemies, about the communications, and for -- for that, they  
12 would like to know more about it.

13 Q. Thank you. As the head of the re-education centre, were you  
14 familiar with the disappearance of some commanders or leaders of  
15 the military?

16 A. Yes, I was and I was familiar with this, but what I learned  
17 back then was that when people disappeared, they were believed to  
18 have been called to study sessions and they never returned.

19 Q. Do you still recollect any of the names of the individuals who  
20 disappeared?

21 A. I can't recall everyone and I think my recollection regarding  
22 names are too poor to tell you about this.

23 [11.30.08]

24 Q. Do you still remember just a name of a senior individual in  
25 the military, for example, just a name, if you can? If you

1 cannot, it's okay.

2 A. To be sure and to be on the safe side, I may not wish to name  
3 an individual because if I say a person was bad one because he  
4 had been sent to re-education or to study session, then I would  
5 be presuming or speculating, so I would not do that.

6 Q. Thank you.

7 According to the same document, E3/405, under question number 8 -  
8 ERN number in Khmer, 00401301; English, 00306013; and French,  
9 00422251 - you said that at the beginning there were roughly 50  
10 prisoners, but this number increased to about a hundred. How can  
11 you describe or why these prisoners increased?

12 [11.32.06]

13 A. I said at the beginning there were about five to 60 prisoners  
14 and later on the number increased. It is not difficult to tell  
15 you about this because the situation developed from bad to worse  
16 and the purges operation was intensified and for that, more and  
17 more people were sent to re-education centre. And this also  
18 coincides with the intensifying situation at the border areas.

19 MR. PRESIDENT:

20 Counsel, the 20 minutes we allocated to counsels for the civil  
21 parties have now been used.

22 MS. CHET VANLY:

23 Thank you, Mr. Witness, for enlighten (sic) the Court on the  
24 various issue. I don't know whether or not the President would  
25 grant us some more time so that my colleague can proceed with



1 further question.

2 MR. PRESIDENT:

3 Unfortunately, your time is up now.

4 Next I hand over the floor to the defence team for Mr. Nuon Chea  
5 to put the question to the witness. You may proceed.

6 [11.34.00]

7 QUESTIONING BY MR. KOPPE:

8 Thank you, Mr. President.

9 Good morning – good morning, Mr. Witness. I don't have many  
10 questions for you, just some follow-up questions in respect of  
11 answers that you have been giving this morning and earlier in  
12 January.

13 Q. My first question would be: You were asked earlier in January  
14 by the Prosecution why you joined the revolution in 1970 and you  
15 have replied that it was the call from Prince Norodom Sihanouk  
16 that convinced you to join the revolution. Now, do you remember  
17 whether there were any other reasons for you, in 1970, to join  
18 the revolution?

19 [11.35.10]

20 MR. CHHAOM SE:

21 A. The first reason, as I mentioned earlier, it was due to the  
22 appeal by the then Prince Sihanouk. And there was another  
23 personal reason of mine because at that time my home village --  
24 my hometown -- was along the Cambodian-Vietnamese border. At the  
25 time, the Vietnamese forces from South Vietnam encroached on our

1 territory and then they attacked our village and there were also  
2 air raid, as well, in our hometown back then.

3 Q. Mr. Witness, the way that the Lon Nol regime acted after the  
4 coup d'état in 1970, did these acts or that behaviour of Lon Nol  
5 officials or soldiers also contribute to you joining the  
6 revolution?

7 A. No, at that time, it did not have any influence on my decision  
8 yet and as I told you earlier, the first reason was the appeal by  
9 the then Prince Norodom Sihanouk and then later, it was my  
10 personal reason because of my hometown was being attacked at that  
11 time and then the war broke out in my village, so I felt  
12 compelled to join the revolution. And there was no choice for me,  
13 at that time, but to take refuge in the forest and I had to join  
14 the resistance forces then.

15 [11.37.30]

16 Q. Thank you, Mr. Witness. In answer to a question about your  
17 military activities in the period 1970-1975, you have answered in  
18 January - and I quote from the transcript, page 37 - that: "I was  
19 still the military chairperson leading the soldiers to engage in  
20 the fighting in the battlefields."<V>

21 Could you expand, Mr. Witness, what you meant with "leading the  
22 soldiers to engage in the fighting in the battlefields"? What --  
23 what did you do exactly from a military perspective?

24 A. I'm afraid I do not quite understand your question. Could you  
25 please elaborate your question further?

1 Q. Of course, Mr. Witness. You had said earlier, in January, on a  
2 question from the Prosecution that you were a military  
3 chairperson and that you were leading the soldiers to engage in  
4 the fighting in the battlefields.

5 [11.38.54]

6 Could you expand, today, what you - what you meant with that  
7 answer? What did you do when you were leading the soldiers to  
8 engage in the fighting in the battlefields?

9 A. I led the soldier to engage in the battlefields. At that time,  
10 it was against the Lon Nol administration in order to liberate  
11 the nation.

12 Q. Were you actively engaged in combat in the period between '70  
13 and '75?

14 A. Yes, I was. We were engaged in constant combats until the war  
15 was over in Phnom Penh.

16 Q. And in those engagements -- in those -- in that combat, did  
17 your unit suffer casualties?

18 A. Yes, there were many casualty, gradually, in all battlefields,  
19 and I, myself, was also injured and wounded several times, as  
20 well, in many battles all the way to Phnom Penh.

21 [11.41.05]

22 Q. Were, at any point in time ever, soldiers of your unit  
23 captured by the Lon Nol military?

24 A. Soldiers subordinated to my unit were never captured by the  
25 soldiers of Lon Nol.

1 Q. Do you know of capture of soldiers of the -- of other units of  
2 the Liberation Army by the Lon Nol military?

3 A. It's a bit difficult to answer this question whether or not  
4 there were any captures of soldiers from other unit because I did  
5 not witness by myself; I only heard rumours from others, and our  
6 unit was stationed quite far away from each other and we did not  
7 know forces of other units. At that time, there were no proper  
8 communication functions and we had -- we had to mobile or move  
9 from one position to another position separately and in small  
10 units.

11 Q. Mr. Witness, in one of your answers, in January, on a question  
12 of the Prosecution, you have testified - it is on page 49 of the  
13 transcript - that - and I quote: "The Liberated Army" - I presume  
14 that means the Liberation Army - "was of a high morale. They did  
15 not conduct any vicious acts toward the people. That was the  
16 discipline of the army."<V>

17 [11.43.25]

18 Could you elaborate on what you meant with saying that the  
19 Liberation Army "was of a high morale" and that there was  
20 discipline within the army?

21 MR. PRESIDENT:

22 Witness, please hold on because there is objection from the  
23 Prosecution.

24 Mr. Prosecutor, you may proceed.

25 MR. DE WILDE D'ESTMAEL:

50

1 Thank you, Mr. President. I don't have an objection to level;  
2 it's just a question with respect to methodology.  
3 If my learned friend is to quote a passage from the P.V., perhaps  
4 he would be so kind as to provide the ERN numbers in all three  
5 languages or, at the very least, provide the time at which the  
6 answer was provided so that all those following can actually  
7 verify where he is in his document.

8 Thank you.

9 [11.44.25]

10 MR. PRESIDENT:

11 Counsel, you may provide information - necessary information, as  
12 suggested by the Co-Prosecutor, either the ERN numbers or the  
13 times when the question was answered by this particular witness.  
14 Mr. Koppe, could you entertain the prosecutor with this?

15 BY MR. KOPPE:

16 Yes, of course, Mr. President. I did say, I think, that I was on  
17 page 49 of the transcript, and it is on top of that page, the  
18 first five sentences. At this point, I don't have the exact ERN  
19 numbers in Khmer or in French. As an alternative, I could  
20 formulate more loosely about what the witness has testified  
21 earlier. I'll rephrase.

22 Q. Mr. Witness, you have testified earlier that the Liberation  
23 Army was of a high morale and that there was a level of  
24 discipline within the army. Could you please expand on what you  
25 meant when you said that earlier?

1 [11.45.54]

2 MR. CHHAOM SE:

3 A. Concerning the morality of the Liberation Army during the  
4 liberation era, at that time we had to abide by the 12 codes of  
5 morality. We do not steal the properties of the people. We have  
6 to cling to the good life morality and I, myself, also adhered to  
7 this code of morality. I never abused my role and I never  
8 committed any vicious act against the people and I had to comply  
9 with the rules of soldiers. At that time, we had to resist  
10 against the government forces.

11 Q. I presume, when you were giving this answer, that you were  
12 talking about yourself and about your unit. Are you in a position  
13 also to speak about other units or other zones in respect to  
14 discipline and morale?

15 A. I cannot - I cannot comment on the conduct of other units. Of  
16 course we cling to only one line, but as for the actual practice  
17 on the ground, I cannot comment on the conduct of other units.

18 [11.47.52]

19 Q. Have you ever seen reports or have you ever heard reports  
20 about other parts of the Liberation Army who were not so  
21 disciplinary and of a high morale during the evacuation of the  
22 population in 1975 in April in Phnom Penh?

23 A. To my knowledge, there was no information concerning any  
24 immoral conduct or corruption or so. There was no torture or any  
25 other barbaric act or so by the - on the part of the soldier

1 against the civilian people when they came to Phnom Penh at that  
2 time.

3 Q. Have you ever seen or heard reports indicating there was a  
4 difference in discipline and morale between the forces entering  
5 Phnom Penh from the South in April '75 as opposed to forces  
6 entering Phnom Penh from the North and the Northwest?

7 A. As for this particular question, I do not have any answer to  
8 it because I did not have a whole picture of the situation, at  
9 that time, because I was a low-ranking official. I did not have a  
10 full grasp of the overall situation like people in the higher  
11 command.

12 [11.50.08]

13 Q. Thank you, Mr. Witness. I would like to move on to another  
14 subject.

15 In January you have given testimony about a conference which took  
16 place at the Olympic Stadium in 1975. One of the things that you  
17 have testified to is that, according to you, that there were 21  
18 senior leaders present during that conference. And my question to  
19 you is: The number, 21, seems to be very specific. And how do you  
20 know there were 21 senior leaders, and not, for instance, 20 or  
21 22 or 90? What is the basis of your knowledge in respect of that  
22 particular number?

23 A. Yes, I can respond to this question. At that time, I was  
24 invited to attend the meeting, the conference, as well, from the  
25 regiment. We were the representative from regiment and I was also

1 in command post, as well, so I was invited to attend this  
2 conference to oversee what was going on and what were the matters  
3 or issue to be discussed at that time.

4 [11.52.08]

5 Q. Thank you for that, Mr. Witness. My question was - you have  
6 been speaking earlier in January, testifying about 21 senior  
7 leaders present. And my question was whether you could explain to  
8 the Trial Chamber how you arrived at that number of 21 senior  
9 leaders.

10 A. In the programmes, they established the organizing committee  
11 and these organizing committee members were named and then,  
12 normally, those organizing committee members were - were named,  
13 and members who participated in the conference would know those  
14 who were in the organizing committees of the conference.

15 Q. So, did you base your conclusion that there were 21 senior  
16 soldiers present on this programme, or were there other reasons  
17 for you to conclude this?

18 A. There were documentation as well. There were mention of names  
19 of senior leaders, at that time, and inside the Party itself it  
20 also announced the presiding members of the conference. But if  
21 you ask me as to who was in what position at that time, I could  
22 not recall, but there was a mention of the 21 leaders.

23 [11.54.34]

24 Q. Are you saying that you actually saw the number of 21 in the  
25 documentation that you had at that time in present?



1 A. Yes, I did.

2 Q. Thank you. I move on to another subject, Mr. Witness.

3 You were asked in January about the content of one of the

4 "Revolutionary Flags" and you answered in response that you were

5 not in the capacity to be offered a "Revolutionary Red Flag" to

6 read and you have been saying that you were a member of the Youth

7 League and that you were not privy to the content of the

8 "Revolutionary Flag". Now, would you be able to tell us what the

9 procedure was, what the standards were, for who, at that time,

10 were receiving issues of the "Revolutionary Flag" and who

11 weren't?

12 A. At that time, the period lasted for three year, eight months,

13 and 20 days, and during this period, the individual members have

14 to mind their own business. But in terms of the training based on

15 the "Revolutionary Flag," there were ongoing training and

16 circulation of the issue of this "Revolutionary Flag," so this

17 "Revolutionary Flag" were material used for training, as well, in

18 order to redirect the direction of leadership of the Party.

19 [11.57.10]

20 Q. I understand your answer, Mr. Witness, but my question was

21 whether you know who were in a position to receive issues of the

22 "Revolutionary Flag" and who weren't. Who, within the CPK, were

23 authorized to receive and read issues of the "Revolutionary

24 Flag"? Do you know?

25 A. So your question is: Who gave the "Revolutionary Flag"?

1 In the Party rank, the Youth League was the organization to  
2 implement the internal matters of the Party and Party members,  
3 the full-fledged member of the Party, can also implement the  
4 Party line as well.

5 And as for the documentation and the study material, normally, it  
6 was circulated to Party members. Normally, at each section or  
7 each unit, there was a secretary and it was the secretary who  
8 disseminated information received from the upper authority.

9 [11.58.37]

10 Q. Mr. Witness, maybe it's - it's a translation issue and maybe I  
11 just don't understand correctly what you have been saying, but  
12 you have said earlier - you've testified earlier, in January,  
13 that you were not in the capacity to be offered the  
14 "Revolutionary Red Flag". Do you know whether there was a  
15 division, for instance, a rank within the CPK - as to who were  
16 receiving these issues and who were not?

17 A. As I said, only the Party members, the full-fledged Party  
18 members, received the issue of "Revolutionary Flags". Those who  
19 are only candidate members, they do not receive the  
20 "Revolutionary Flag", but they receive the "Revolutionary Youth"  
21 magazine.

22 Q. Do you know how the full members who did receive issues of the  
23 "Revolutionary Red Flag" communicate the contents of a particular  
24 issue to the non-full members of the CPK or the lower-ranking  
25 members of the CPK?

1 A. I cannot describe in detail the inside of the Party's affairs,  
2 so I am afraid I cannot do this and I'm sorry.

3 [12.01.06]

4 MR. PRESIDENT:

5 Counsel, thank you, and thank you, Mr. Witness.

6 It is now appropriate moment for lunch adjournment. The Chamber  
7 will adjourn now, and next session will be resumed at 1.30.

8 Court officer is now instructed to assist the witness and his  
9 duty counsel during the adjournment and have them returned to the  
10 courtroom by 1.30 p.m.

11 Security personnel are now instructed to bring Mr. Khieu Samphan  
12 to his holding cell and bring him back to the courtroom by 1.30  
13 p.m.

14 (Court recesses from 1201H to 1332H)

15 MR. PRESIDENT:

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

17 Next we would like to hand over to counsels for Mr. Nuon Chea to  
18 continue putting questions to the witness.

19 BY MR. KOPPE:

20 Thank you, Mr. President.

21 Good afternoon, Mr. Witness. I have a few more questions for you  
22 today.

23 Q. This morning, you testified about the military structure of  
24 the Division 801.

25 My question to you is: Did this military structure exist also in

1 April 1975?

2 MR. CHHAOM SE:

3 A. Yes, it did.

4 [13.33.33]

5 Q. This morning, you testified about reporting relationships  
6 around Au Kanseng. Did this exist in April 1975, do you know?

7 A. No, it didn't because I was not yet in charge of the place.

8 Q. And did any of the command structures at Division 801 or Au  
9 Kanseng, which you described this morning, exist in April 1975?

10 A. In 1975, such system was not yet in place.

11 MR. PRESIDENT:

12 International Co-Prosecutor, you may now proceed.

13 [13.35.16]

14 MR. DE WILDE D'ESTMAEL:

15 Thank you, Mr. President. I believe that these questions are not  
16 relevant because they include errors.

17 The witness always said that he travelled to the Northeast Zone  
18 only at the end of 1975 and that he had been assigned as the head  
19 of Au Kanseng at the end of 1976 only. So, any question linked to  
20 April '75 is not chronologically speaking relevant.

21 So may the Defence put questions that are meaningful and that  
22 correspond to what the witness has already said? Thank you, Mr.  
23 President.

24 MR. KOPPE:

25 Mr. President, in answering the objection of the Prosecutor, our

58

1 point is to try to establish whether these military structures or  
2 reporting relationships, or command structures actually existed  
3 in April '75. So that's why we are asking questions in this  
4 respect to the witness. So I think, if they didn't exist, then  
5 the witness can and will answer in such a way. So, I think these  
6 questions are relevant.

7 [13.36.32]

8 MR. PRESIDENT:

9 You may proceed, Counsel, you can continue putting the question.  
10 The Co-Prosecutor did not appear to be objecting to the question,  
11 but he wished that you put question relevant to the time when the  
12 witness was in charge of the Au Kanseng Centre.

13 BY MR. KOPPE:

14 Thank you, Mr. President.

15 Q. Mr. Witness, again my question was whether in April 1975,  
16 whether you know whether command structures at Division 801 or at  
17 Au Kanseng which you described this morning existed?

18 MR. CHHAOM SE:

19 A. In 1975, 801's structure was in place. But as I told you, by  
20 1975 the structure at Au Kanseng was not yet in place.

21 [13.38.00]

22 Q. Thank you.

23 Mr. Witness, you talked this morning about plans from the upper  
24 level which were disseminated to the lower level. Now, when you  
25 used these terms this morning, this term this morning, what did

1 you mean with "upper level"?

2 A. "Upper levels" refer to senior authorities. For example, we  
3 had the battalion, the regiment, the brigade, and division. So,  
4 people who belonged to this different level are regarded as upper  
5 levels.

6 Q. Did you ever actually receive instructions from Nuon Chea or  
7 from any other leaders other than Sou Saroeun?

8 A. No, I didn't. Apart from Sou Saroeun, I did not receive any  
9 other instruction or orders.

10 Q. So, is it then correct when I say that, when you used the  
11 words "upper echelon", it doesn't imply command structures above  
12 Sou Saroeun? Correct?

13 A. Yes, it is.

14 Q. This morning, Mr. Witness, you stated that at meetings with  
15 Sou Saroeun many issues with Vietnam in regard to boarder issues  
16 or national sovereignty were often discussed. Could you tell what  
17 specifically these many issues with Vietnam in fact were?

18 [13.41.16]

19 A. I am afraid I cannot answer this question because I cannot  
20 recollect very well what happened a very long time ago and there  
21 is no document I can also refer to describe it in detail.

22 Q. Additionally, Mr. Witness, at these same meetings with Sou  
23 Saroeun, you stated this morning that you often had discussions  
24 regarding problems with internal and external sabotage. Could you  
25 elaborate on that, what types of sabotage were you referring to?

60

1 What did you mean when you said that?

2 A. I can neither explain this to you because my memory is not as  
3 good as it used to be.

4 Q. I appreciate that, Mr. Witness. These events have taken place  
5 a long time ago but you did use the word "sabotage" and one could  
6 say that this implies specific knowledge of certain events. Could  
7 you try and go back in to your memory what – and try to explain  
8 to us what you meant when you used the word "sabotage"?

9 [13.43.26]

10 A. I cannot recollect the event. I'm afraid I cannot do that.

11 MR. KOPPE:

12 Mr. President, I have no further questions.

13 MR. PRESIDENT:

14 Thank you.

15 National Co-Counsel for Mr. Nuon Chea, you may now proceed.

16 QUESTIONING BY MR. SON ARUN:

17 Good afternoon, Mr. President and Your Honours, and good  
18 afternoon, Mr. Witness. I have a few remaining questions and I  
19 will be very brief.

20 Q. You testified on the 11th of January 2013 that when you joined  
21 the revolution in Takeo; the Vietnamese troops did not exist as  
22 yet. But in 1970 and 1971, you were joined by the Vietnamese  
23 troops. Can you tell the Chamber, please, were these Vietnamese  
24 troops from Hanoi or Viet Kong or the South Vietnam?

25 [13.45.30]

1 MR. CHHAOM SE:

2 A. After 18th of March, I joined the army, the North Vietnamese  
3 soldiers or the Viet Kong. And we were not joined by the South  
4 Vietnamese soldiers; that happened in 1970.

5 Q. Thank you.

6 You testified that you joined the revolution in 1970, after you  
7 were convinced by the appeal by then Prince Norodom Sihanouk.

8 Before you had joined the Revolutionary Army in 1970, what was  
9 your life like?

10 A. Before I joined the army, I lived as a poor peasant. My life  
11 was as moderate as the other peasants.

12 Q. Thank you.

13 Before 1975, you were in charge of the company supervising about  
14 100 soldiers. That was in your testimony in January 2013. I now  
15 would like to ask you to describe in detail the structure of the  
16 company or the army you supervised.

17 [13.47.52]

18 A. I again cannot tell you in detail concerning the command  
19 structure or administrative structure of the military because I  
20 cannot recollect every detail of this.

21 Q. I am asking this because I would like to know from you as the  
22 head of the company. Indeed, above the company, there was a  
23 battalion; is that correct? And who would be the heads of each  
24 higher up division - or, rather, section?

25 A. You're talking about the hierarchy command structure. During



1 1971, '72 and '73, the top level was only the battalion. But  
2 after 1973 to 1974, there was a regiment and then after 1975, the  
3 division existed. And I don't recollect all the names of the  
4 commanders of each unit, company, battalion, or regiment, because  
5 people came and went. There were changes; there were reshuffle of  
6 the command posts.

7 Q. Thank you.

8 In 1970 and 1971, in your testimony you stated that you  
9 cooperated with the Vietnamese troops, and you worked under  
10 Division 801 under command of Sou Saroeun. Can you tell the  
11 Chamber in which battles had you engaged?

12 [13.50.42]

13 A. I think I may need to talk at length about this.

14 In the Southwest Zone, there was a regiment that was engaged in  
15 battlefields. And then there was a regiment, 152, and then by  
16 1975, we were joined by Division 14 and other forces to engage in  
17 the battlefields. So I can see that I had engaged in several  
18 battlefields and it is difficult for me to precisely say which  
19 battlefield I was engaged.

20 Q. Under document E3/405 on question number 1, I will read this  
21 statement to you, you said that, first you worked at Preah Bat  
22 Choan Chum in Takeo. Later on you were sent to Chhuk district of  
23 Kampot to join force with the North Vietnamese troops. And at  
24 that time you worked as an ordinary soldier and that you had to  
25 join these North Vietnamese troops to fight against the South

1 Vietnamese in the vicinity of Nareay in Chhuk district. And there  
2 was bombing by the South Vietnamese at that time, later we  
3 assembled forces at Srae Chaeng on the Kampot province border and  
4 divided forces into two groups. They had those of large built  
5 attack into Kampong Speu city. And they had those of smaller  
6 built like myself, go cooperate with the Vietnamese army at a  
7 Vietnamese military headquarter inside Vietnamese territory.

8 [13.53.45]

9 My question to you is: Why were you assigned to work in Vietnam?  
10 Did you go there on a study session?

11 A. In short, the reason I said I went to Vietnam, I think, it was  
12 not properly quoted, I studied Vietnamese. I did not go to  
13 Vietnam to study anything; I had to learn the language so that we  
14 could communicate with the Vietnamese. And that's all. However,  
15 the other account in this statement is truthful.

16 Q. So you take issue with this final statement which I just read  
17 out to you that you did not go to Vietnam, so is that my  
18 understanding or is it correct that you did not enter Vietnam?

19 A. Yes, it is correct, I studied in Cambodia, not in Vietnam.

20 [13.55.20]

21 Q. Thank you. Before you attacked Phnom Penh, you were the  
22 commander of a regiment; is that correct?

23 A. I was the deputy head.

24 Q. Thank you. As the deputy commander of the regiment under  
25 Division 801, as what you stated, however, your testimony this

1 morning before the Co-Prosecutor and the counsels for the civil  
2 parties you talked about the command structure from upper levels  
3 to the lower levels. You appear to have known a lot about this  
4 from division to the platoon level. How did you know about this?  
5 Did you acquire such knowledge through study sessions or you  
6 heard this through grape vine?

7 A. I learned about this through study sessions.

8 [13.57.07]

9 Q. After you had entered Phnom Penh, what title did you have or  
10 hold?

11 A. It was in the same year so I was not promoted to another new  
12 position. I had to be on training to continue studying so that I  
13 could control the troops.

14 Q. You testified that before any attack was carried out, upper  
15 echelon would deliver the plan to you and other commanders. Can  
16 you please be more precise as to whether in such orders you and  
17 other soldiers were forced or were instructed to shoot Lon Nol  
18 soldiers or how you should treat them for example?

19 A. I don't remember this quite well. However, enemies who were  
20 stubborn would be warned. Nonetheless, they could never be  
21 executed arbitrarily. In the battlefields, indeed, we engaged in  
22 fighting and hostility could always happen because we exchanged  
23 fires. And people on both side would get injured, however we did  
24 not arbitrarily treat other side in the battlefield. And we had  
25 to properly implement the plan, and we had to withdraw the troops

1 after we won the battlefield.

2 Q. As the head of the regiment, did you have to face a situation  
3 when you had to kill people?

4 [14.00.35]

5 A. Yes, I did, because in a situation when we engaged in serious  
6 and fierce fighting, it was time when we had to engage in this  
7 self-defence measure. And we had to be very committed to ensure  
8 that we would be safe.

9 Q. If you said like that I may go back a little bit to another  
10 point.

11 Before you had to carry out the plan to attack Phnom Penh and as  
12 the head of the regiment, were you resisted or were you severely  
13 or strongly resisted by the Lon Nol soldiers? And did you have to  
14 use forces to overcome this kind of resistance?

15 A. In the city, the fighting was really fierce. Nonetheless, we  
16 could not really fire at people without thinking very carefully  
17 about our strategic plan to attack and liberate Phnom Penh. We  
18 had to come all the way through Pochentong channel and we planned  
19 this carefully.

20 [14.02.38]

21 Q. Until when the fighting ceded and until when your troops  
22 withdrew?

23 A. I don't remember the details but I think by the 16th of April,  
24 the situation was more pleasant than the previous few days. And  
25 then we could easily move into the city.

1 Q. Thank you. When Sou Saroeun came back from Phnom Penh – sorry;  
2 I get confused.

3 In regards to the instruction from the Upper Echelon -- and when  
4 you got into Phnom Penh the fighting got pleasant -- did you  
5 receive any order to evacuate the civilian from the city in the  
6 area under your supervision in your capacity as the deputy  
7 commander of the company?

8 A. Yes. This happened in all the battlefields. After we liberated  
9 the civilians, the people had to move out for a period in order  
10 to guarantee security. However, with regard to the city, we had  
11 to be more careful. In some situation, our troops may be in  
12 danger. So after we go in, we stayed over there for a while and  
13 then we have to move out, we cannot stay over there. This is our  
14 measure.

15 [14.05.10]

16 Q. Thank you. Right now, I would like to ask about the time when  
17 you were in charge of the re-education centre in Au Kanseng. You  
18 were in charge of the district re-education centre in Au Kanseng;  
19 is this correct?

20 A. I cannot hear clearly, Counsel, there were educational centre  
21 for the district, for the province. There were hierarchy; it was  
22 the education-

23 Q. You were the chief of Au Kanseng Education Center; I would  
24 like to ask you whether it was the commune or the district?

25 A. That was for the division. The compound was located in the

1 district. Right now it was called Bansiek district - right now it  
2 was called Banlung district.

3 Q. Thank you. You testified that in that centre you were overall  
4 in charge of the centre. Did you question or interrogate the  
5 accused directly? Did you question them by yourself or other  
6 people were in charge of asking questions?

7 [14.07.20]

8 A. The other experts were in charge of questioning the detainees.  
9 They had their own techniques, so this is the working principle.  
10 Sometimes I also participate because I want to get more  
11 information about that.

12 Q. At that correction centre in Au Kanseng, before questioning  
13 the detainees, did they use any torture? Did they beat the  
14 detainees in order to get the confessions?

15 A. There were techniques. At first, we could not force - we could  
16 not torture and question the detainee because the answer would  
17 not be correct. So, first, we had to ask them repeatedly in order  
18 to identify the tactics or the strategies of the detainees. Later  
19 on, we invite them - we asked them again and again, and if they  
20 do not tell us, we may do it. But, of course, it is not beyond  
21 the limitation.

22 Q. With regards to the detainees who were stubborn and you got  
23 information saying that those detainees were cruel, did you ever  
24 kill detainees?

25 MR. PRESIDENT:

1 The Counsel, you may proceed.

2 MR. MAM RITHEA:

3 Mr. President, this question may incriminate against the witness.

4 [14.09.59]

5 MR. PRESIDENT:

6 You may proceed.

7 I would like to remind the lawyer that the security centre in Au  
8 Kanseng is not the main focus of the hearing. We limit to the  
9 structure and the working communication only. So we have to  
10 distinguish between the question relevant to the proceeding and  
11 the question which are not relevant to the proceedings.

12 MR. MAM RITHEA:

13 Thank you, Mr. President

14 (Short pause)

15 MR. PRESIDENT:

16 Mr. Witness, do you answer that question or you reserve your  
17 right not to answer that question?

18 MR. CHHAOM SE:

19 I would like not to answer that question.

20 MR. PRESIDENT:

21 The Counsel, you may proceed.

22 [14.11.52]

23 BY MR. SON ARUN:

24 Thank you, Mr. President.

25 Q. At the re-education centre in Au Kanseng, you were the chief

1 of the centre, but you were under Division 801. Is it correct?

2 MR. CHHAOM SE:

3 A. Yes, it is.

4 Q. You have testified that – you have talked about the  
5 "Revolutionary Flag". You said that those who were members of the  
6 Party would receive the "Revolutionary Flag". At the time, were  
7 you members of the Party and did you receive the "Revolutionary  
8 Flag" yet?

9 A. During that period, I was not a full-right member yet.

10 Q. So you mean that you did not receive the "Revolutionary Flag"?  
11 You have not read the "Revolutionary Flag" and you have not seen  
12 that. Is it correct?

13 [14.14.21]

14 A. Of course, I did not read but I used to see it in some  
15 occasion, because I also want to know about the development --  
16 about the contents of "Revolutionary Flag" as well.

17 Q. I would like you to clarify, you said that you have not read  
18 but you have seen it. And then you state that you want to know  
19 about the content. So how can you know about the content when you  
20 see the "Flag" only?

21 A. I have received two issues of "Revolutionary Flag", and in the  
22 future I would become the member of the Party. Sometimes there  
23 were study sessions so that we can move forward. We know – I had  
24 the commitment to move forward, I had the clear direction for my  
25 future.



70

1 MR. SON ARUN:

2 I do not have any further question. Thank you.

3 MR. PRESIDENT:

4 Thank you.

5 Right now we would like to give the floor to the counsel for Mr.

6 Khieu Samphan to put question to the witness.

7 [14.16.25]

8 QUESTIONING BY MR. VERCKEN:

9 Thank you very much, Mr. President. I believe that I will be the

10 only one of Mr. Khieu Samphan's co-lawyers to put questions to

11 Mr. Chhaom Se.

12 Sir, good afternoon.

13 Q. My first question is very straight forward: Did you indicate

14 what your age is?

15 MR. CHHAOM SE:

16 A. My name is Chhaom Se, I am 63 years old.

17 Q. What is your date of birth, if you know it?

18 A. I was born on the 15th of September 1950.

19 [14.17.50]

20 Q. I ask you that question because I noticed a minor detail on

21 the written records of your interviews with the investigators of

22 this tribunal. When you were interviewed on three separate

23 occasions in 2009, while at the start of the first meeting, you

24 stated that you were 49 years of age. Yet if we are to rely on

25 the date of birth that you have just provided us, you were not 49

1 years of age but 59. So how do you explain this 10-year  
2 difference in your age? Did you reread your testimony that you  
3 had signed off on previously?

4 A. Yes, I have read and I said 59 years old because that was in  
5 1999 (sic). But the writer wrote 49. I got confused between  
6 number 4 and number 5. I did not tell any lie, so if I want to  
7 tell lie I could have changed my name.

8 Q. Sir, I'm not accusing you of lying, not at all; that was not  
9 my question. My question simply was: Did you have a chance or did  
10 you read your testimony before you provided your signature?

11 Because there are three occurrences where your age is indicated  
12 as 49 years of age and three occurrences where you have signed  
13 off on that detail. Therefore, did you have a chance to re-read  
14 the document that you ultimately signed?

15 A. I did not pay attention to that. I read the written record and  
16 then it looked appropriate but, of course, I did not examine my  
17 age at the time.

18 [14.20.49]

19 Q. In 1970, you joined the revolution; you mention this to the  
20 Chamber several times. And when my learned friend across the way  
21 asked you a few questions on what you did before you joined the  
22 revolution, you stated that you were a farmer, that you were a  
23 peasant. I would ask for further details.

24 Can you please tell us if before you joined the revolution if you  
25 were able to pursue any studies and up to what level? Did you

1 attend school, for example?

2 A. At the time, I attended school for around five years. I finish  
3 grade 7 and move into grade 8 in the primary school.

4 Q. And at what age did you leave school?

5 A. I stopped studying in 1962/63.

6 [14.22.22]

7 Q. And was it at school where you learned to read and to write?

8 A. I learned how to write and read based on that and by my own  
9 self as well.

10 Q. On your own, how did you go about it?

11 A. I learned through dictionaries. So I joined the struggle and I  
12 started myself because I was a commander. I started it from the  
13 low-ranking official.

14 Q. And that is exactly the issue that I wanted to address.

15 Before you joined the revolution – and, in fact, before you  
16 became a member of the Revolutionary Army of Kampuchea, did you  
17 undergo any military training?

18 A. No, I did not attend any military training. However, after  
19 joining the revolution, I got some training.

20 Q. When we go over your statements with respect to the revolution  
21 one sees that in 1970, at the age of 20, you joined the  
22 revolution. And in 1971, one year later, you were appointed chief  
23 of a military unit and you stated that you led men into battle.  
24 So, during that year, between 1970 and 1971, did you receive any  
25 specific or particular military training to have been chosen as a

1 military superior, or military high-ranking or mid-ranking  
2 official? How was it that you were selected to be promoted?

3 [14.25.52]

4 A. In order to save time, I cannot answer this question. Sorry.

5 Q. Is the answer that you could potentially provide to that  
6 answer (sic) likely to incriminate you? Is that the reason why  
7 you are unable to answer my question?

8 A. I do not want to describe the period before I was given any  
9 assignment. That person must have good characteristic or have  
10 good strength. So, if that person is not a good person, is not  
11 committed to attack, to struggle, that person would not be given  
12 any position.

13 Q. Is your inclination to not go over the reasons why you were  
14 selected stem from a certain sense of personal humility or is it  
15 something else? I don't entirely understand why you refuse to  
16 answer a question that is rather simple. Is it because you don't  
17 want to boast on your own merits or qualities and achievements?

18 [14.28.08]

19 A. You link to that issue; that may be correct.

20 MR. PRESIDENT:

21 Mr. Chhaom Se, I would like to remind you about your duty and  
22 responsibility as a witness. I predicted that there might be such  
23 a situation during the proceeding, so before the hearing I told  
24 you about your responsibility and duties already.

25 In your capacity as a witness, you have to answer the questions

1 put by any parties or the Judges. So this is your responsibility,  
2 your duty. And with regard to the second duty, you have to tell  
3 the truth, something that you have seen, something that you have  
4 experienced, or something that you have observed. So you have to  
5 answer all the questions, except when there is any objection from  
6 the other party.

7 So, if the objection is admissible, the Chamber will tell you not  
8 to answer the question. So, in that case, we will conduct the  
9 deliberation and then we will tell you not to answer that  
10 question.

11 You can consult your counsel, and if you believe that that  
12 question may incriminate against you, you can use your right not  
13 to answer the question. So I would like you to concentrate and  
14 answer the question put by the party. So this is for the purpose  
15 of ascertaining the truth.

16 [14.30.25]

17 So this is related to the value of your testimony previously. We  
18 want to assess whether what you said previously was reliable or  
19 not. Do you understand that? Of course, this morning I told you  
20 about this. So, please concentrate and answer the question,  
21 except in some situation that I have told you before.

22 Counsel, you may put your question again, the last question you  
23 asked, because he - it appears that he may - he forgets the  
24 question.

25 BY MR. VERCKEN:

1 Thank you, Mr. President.

2 Q. Witness, can you please explain to the Chamber what justifies  
3 the fact that barely after having joined the revolution for a  
4 year you were promoted? What justifies that? Why were you  
5 selected to be promoted? Why were you selected to command several  
6 men and to lead them to battle?

7 MR. CHHAOM SE:

8 A. Just over a year of my service then I was appointed to be a  
9 team leader, a unit leader. I told the Court earlier on that this  
10 was based on my merit, based on the achievement I had made  
11 throughout my work. I knew how to address the challenges faced. I  
12 was a responsible person. I could handle the task that I was  
13 assigned to. For this reason, I was promoted to be a unit leader.  
14 [14.33.11]

15 Q. Thank you for that answer. And during that year, from the  
16 moment when you joined in 1971 and the moment when you were  
17 promoted, were you being – were you receiving any kind of  
18 technical military training or were you just learning on the job?

19 A. Following my service in the military, I had training on the  
20 job. On every year, I had to attend training and continued  
21 training on a regular basis.

22 Q. My question focuses on the year that follows the year when you  
23 joined. So during that year, did you receive any kind of military  
24 training, any kind of training in terms of strategy or in terms  
25 of leading men? So I'm speaking about the period between 1970 and

1 1971.

2 A. During the period between 1970 and 1971, I did not receive any  
3 technical or specific training. I – in other words, I did not  
4 attend any particular training session, but after that I did  
5 attend subsequent trainings given.

6 [14.35.16]

7 Q. And when you were in the Revolutionary Army, how many men did  
8 you command at most?

9 A. From 1970 to 1971, I was a team leader and I led a group of 12  
10 people.

11 Q. And then? Up to how many men did you lead? Okay, 12 people at  
12 the beginning, but afterwards, how many?

13 A. Then in 1973, 1974, I was the commander of a platoon. Then I  
14 managed some 70 men at that time.

15 Q. Please continue.

16 A. 1973, 1974, '75, then I was promoted the deputy commander of a  
17 company and I managed around 100 plus men, and we served the army  
18 attached to the sector until we were mobilized to attack Phnom  
19 Penh.

20 [14.37.30]

21 Q. And then, were you promoted further, and -- or did you remain  
22 at the same rank as deputy commander with about 100 men under  
23 your command before you changed locations?

24 A. Then I was transferred out of that military structure, then I  
25 was appointed the chief of the department.

1 Q. So -- well, what I received in French is not very clear. So  
2 before you became the head of a re education centre, up to how  
3 many men maximum did you lead?

4 A. At that time, I -- when I was the deputy commander of a  
5 company, I managed some 100 men. This was the number of people  
6 under my supervision.

7 Q. And my question, in fact, is to know -- so you never managed  
8 more than what -- than 100 men, as you're telling us now, is that  
9 the case?

10 A. No.

11 MR. VERCKEN:

12 Mr. President, maybe - should we take the break now or-

13 [14.39.48]

14 MR. PRESIDENT:

15 Thank you.

16 The time is now appropriate for a short break, and the Chamber  
17 will adjourn now until 3 o'clock this afternoon.

18 Court officer is instructed to facilitate the waiting room for  
19 the witness and his duty counsel during the break and have them  
20 back to the courtroom before 3 o'clock.

21 The Court is now adjourned.

22 (Court recesses from 1440H to 1502H)

23 MR. PRESIDENT:

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

25 We would like to now hand over to counsel for Mr. Khieu Samphan



1 to continue putting questions for the witness. You may proceed.

2 [15.03.20]

3 BY MR. VERCKEN:

4 Thank you, President.

5 Q. Mr. Witness, in January of this year, when you took the stand  
6 for the first time, you were questioned on communications within  
7 the army prior to the seizure of Phnom Penh, before victory, and  
8 you stated that you received your orders sometimes by radio,  
9 sometimes by messenger. These are military orders.

10 Now, as far as radio-issued instructions, you stated that  
11 sometimes there were problems that arose, and that's exactly why  
12 each unit had to enjoy a certain level of autonomy. I'll quote  
13 you, which is on page 52 of the French version of the transcript,  
14 between 11.35 and 11.40 a.m., you stated – and I quote: "A  
15 company had to take its own decisions and manage its own forces  
16 in order to keep a situation under control."

17 Do you recall having provided that explanation with regard to why  
18 each unit had to enjoy a degree of autonomy?

19 [15.04.07]

20 MR. CHHAOM SE:

21 A. Can you please repeat the question? I'm afraid I don't quite  
22 understand it.

23 Q. I'll just read the four lines of what was transcribed on the  
24 11th of January – and I quote:

25 "During combat, communications were difficult and often took

1 time. Quite frequently there were problems occasioned by radio  
2 use and sometimes the messages came too late. Other times, it was  
3 too late to care for the wounded."

4 And further on you state: "Each small unit, such as a platoon or  
5 a squad, was able or had to take its own decisions in order to  
6 manage its own forces in order to keep a situation under  
7 control." End of quote.

8 Do you recall having made that statement in January?

9 [15.06.21]

10 A. Yes, I do, partly. I already stated like that.

11 Q. Based on that description, you reveal some difficulties with  
12 communications. And my question now focuses on the period that  
13 followed victory, not the period during - before the fall of  
14 Phnom Penh, but during the time that you were in Ratanakiri.  
15 So can you please describe to this Court whether during that  
16 period your unit knew or was able to have its communications  
17 improved, or did the status quo remain? Can you please provide  
18 some details on that particular period?

19 A. At the beginning, communication was not adequate. Later on,  
20 this didn't improve very much because radio communication was  
21 frustrating and we could not convey the messages on time and it  
22 remained like that for some time.

23 [15.08.28]

24 Q. And in January you were also asked questions on how you  
25 entered into duties of your new assignment in Ratanakiri at the

1 end of 1976. You made a statement that even took me by surprise.

2 You said, "I travelled there by bicycle".

3 So, do you confirm that you began your new job by bicycle at the

4 end of 1975? I stand corrected. It was in 1975 that you were

5 assigned to Ratanakiri and you travelled to your new location by

6 bicycle?

7 A. Yes, it is correct. We left Phnom Penh by boat and we got off

8 the boat at Kratie province. Then we continue our journey on

9 bicycles, and it took us two to three days before we reached our

10 destination.

11 Q. And the other men who were under your command, did they also

12 travel by bicycle? How did your unit relocate? How did they

13 travel there or was the means of bicycle transportation the

14 preferential mode of transportation?

15 [15.10.12]

16 A. A lot of people were riding the bicycles, but not all. Some

17 also took the cars and there were several hundred people who were

18 seen riding the bicycles on this long stretch of journey.

19 Q. And you yourself, sir, who were deputy commander, you were

20 unable to travel by car or by military truck?

21 A. Yes, I was in charge of the regiment, but we were equal

22 anyway. The soldiers were riding bicycles and I had to blend in

23 with soldiers, and it was my personal commitment though I had to

24 take the bicycle rather than taking the car. And the road was not

25 very good for cars, it was good for bicycles.

1 Q. Thank you.

2 On several occasions during your interviews with the  
3 investigators from this tribunal and even before this Chamber,  
4 you were spoken to about the reasons given to you at the time  
5 with respect to the evacuation of Phnom Penh.

6 [15.12.25]

7 Your explanations on all of those occasions were rather  
8 consistent and clear. In fact, on page 63 of the French version,  
9 at 1.42 p.m., you stated:

10 "Based on experience, I can tell you that when a zone was  
11 conquered, the plan was always to evacuate the zone in order to  
12 avert the emergence or explosion of new combat in the conquered  
13 zone."

14 And further on at 1.43 p.m. you talk specifically about the  
15 evacuation of Phnom Penh, and you said that in that instance you  
16 were given the same instructions to evacuate the city and you  
17 indicated - and I quote: "Even if the enemy was defeated, there  
18 were still some pockets of enemies here and there."

19 [15.13.31]

20 You also said something -- and this is where my question is  
21 geared: "When we took control of Phnom Penh, we didn't -- we kept  
22 on moving for reasons of security. We were worried that our  
23 troops would be attacked by the remaining vestiges of the  
24 conquered army."

25 Therefore, can you please specify or elaborate on that particular

1 statement and in that particular choice of words by saying that  
2 "we didn't remain straight", and that at the time you had some  
3 apprehensions or you were fearful of some attacks launched by the  
4 defeated army?

5 MR. PRESIDENT:

6 International Co-Prosecutor, you may now proceed.

7 MR. DE WILDE D'ESTMAEL:

8 Thank you. I don't have an objection to lodge, Mr. President, but  
9 I believe that counsel Vercken is referring to the draft  
10 transcript since the page numbers he is providing does not  
11 correspond to the final and official version which reads as  
12 follows: "When we took control of the situation we did not stay  
13 at the same location."

14 [15.15.11]

15 And the French version is from the draft which is not reflective  
16 of the final.

17 I believe that this is a slight discrepancy between the first  
18 version, which is the draft version, and the edited version of  
19 the transcript of the hearings of 11 January.

20 MR. VERCKEN:

21 Thank you very much, Mr. Prosecutor, which does indeed clarify  
22 that issue.

23 BY MR. VERCKEN:

24 Q. Nevertheless, Mr. Witness, can you tell us if, in your  
25 opinion, it was possible, as you had stated, for your troops to

1 be attacked by any remnants of the defeated army?

2 MR. CHHAOM SE:

3 A. Yes, I agree with the statement because it was part of the  
4 tactics in the war and we were located in the city. The  
5 environment was not as that in the countryside. We employed the  
6 same war tactics to ensure that our troops are fully secured and  
7 this is the way we have done.

8 [15.16.59]

9 Q. Now, based on your statements that fear remained even after  
10 victory because between 1.46 and 1.49 p.m. on January 11, you  
11 stated that your unit was in charge of providing protection to  
12 the department of propaganda and that you were making rounds in  
13 the city of Phnom Penh in order to advise the ministry of any  
14 imminent or possible attack. Is this correct?

15 A. Yes, it is.

16 Q. And before the capture of Phnom Penh, as you stated, your  
17 superiors explained how things were to unfold after victory, and  
18 when your superiors gave you the orders to evacuate the city,  
19 were the reasons that were given to you then, simply military and  
20 strategic reasons? Were there any other reasons that were  
21 disclosed to you at the time?

22 A. Practically, that was part of the military tactic; it was  
23 decided within the military. And I have no knowledge of whether  
24 people had been allowed to return to their homes because, as a  
25 soldier and the person in charge of the regiment, I had to ensure

1 that the vicinity was free of civilians.

2 [15.19.27]

3 Q. And at any point in time, did any of your superiors tell you  
4 that the evacuation of cities was justified by a need to punish  
5 city dwellers?

6 A. I am not quite familiar with such assertion and we had never  
7 known if that was part of a sanction or the punishment to be  
8 inflicted onto the people. No, that's not my knowledge.

9 Q. I wish now to ask you a few brief questions on the ceremony  
10 that you attended at the Olympic Stadium, the ceremony during  
11 which time an announcement was made on the creation of Division  
12 801 along with other divisions.

13 First, a very straightforward question that you've already been  
14 asked and that I will repeat here, if you could just situate us  
15 in chronological terms.

16 When in 1975 did that particular meeting occur?

17 [15.21.13]

18 A. I don't remember the exact month, but indeed it was in 2005  
19 (sic) because it was part of the announcements that the military  
20 had to be established and how the military would be organized.

21 Q. Just a clarification, sir. For the record, I'd ask that you  
22 not read what is before you. Sir, please do not read the  
23 documents before you. Thank you very much.

24 Now, what I heard was "2005". That was a mis-statement. I'm sure  
25 you meant 1975; is that correct?

1 A. Yes, that is what I was referring to. This was 1975.

2 Q. Thank you.

3 You've just said that the ceremony dealt with the reorganization  
4 of the army. How long did the ceremony last? Did it span several  
5 days? Can you please be specific about the duration of the  
6 ceremony and of that meeting?

7 A. I don't remember this very well. I don't remember the  
8 duration, but I remember that the event took place the whole day.

9 [15.23.28]

10 Q. Were the creation of Division 801 and other divisions a  
11 significant decision and, if so, can you please tell us why?

12 A. These three divisions were the important divisions to be  
13 monitoring Phnom Penh, and the other three military sections were  
14 also combined. These include Divisions 801, 703, and 605.

15 Q. And during that ceremony, can you please tell us who announced  
16 or unveiled the establishment of the divisions? You talked about  
17 several leaders and you talked about 21 leaders, so were they the  
18 ones who announced, before a crowd of thousands, the  
19 establishment of these divisions?

20 A. Only the commanders and the general commanders of the army  
21 would be the ones who announced the establishment of these  
22 divisions. I was at that time rather young to know the detail of  
23 this, but I believe that these people were senior officials in  
24 the -- officers in the army.

25 [15.26.16]



1 Q. I'm not sure I entirely understood your answer. Why did you  
2 say that you were too young? Are you saying that you don't recall  
3 the names of those who announced the establishment of the  
4 divisions; could you please clarify?

5 A. I don't remember the general commander who made such  
6 announcement. It could either be Chhit Choeun or Son Sen.

7 Q. In January 2013, when you took the stand before this Chamber,  
8 Mr. Co-Prosecutor gave you a copy of an issue of the  
9 "Revolutionary Flag". He then asked you a series of questions on  
10 that document. Do you recall this?

11 A. No, I don't.

12 Q. Very well. I'll just provide you some details to see if this  
13 will trigger your memory.

14 The Co-Prosecutor provided you a copy of the "Revolutionary Flag"  
15 and in it was an article describing a ceremony that was held at  
16 the Olympic Stadium in 1975 and to that effect some of the  
17 matters raised during that particular meeting was the army. Do  
18 you recall this question being put to you by the Co-Prosecutor?

19 [15.28.55]

20 A. I think that rings the bell. And the reason I did not really  
21 respond to the question because this event happened a very long  
22 time ago and I could not risk telling a thing that I'm not quite  
23 sure.

24 Q. And you are right, in fact. Earlier on when my colleague on  
25 the Nuon Chea's defence team spoke to you about the

1 "Revolutionary Flag", you explained that before receiving this  
2 copy of "Revolutionary Flag" you had received two of them before.  
3 Do you remember that answer? You had two of them in your  
4 possession.

5 A. Yes, I do.

6 Q. And among these two copies of "Revolutionary Flag" that you  
7 had before subscribing to it, was anything said about the  
8 ceremony on the creation of Division 801 which you attended? Do  
9 you remember this detail or not?

10 [15.30.44]

11 A. It stated in the "Revolutionary" - the magazines, the detail  
12 of the event, but I just cannot remember. It was there in the  
13 paper, but because of lack of interest I don't think I still  
14 remember all these details, and that's all.

15 Q. Thank you. And in the copy you had, mention was made of the  
16 creation of your division; is that so?

17 A. Yes.

18 Q. Earlier on when the Nuon Chea defence questioned you regarding  
19 this meeting, and in particular on the reasons why you remember  
20 the number of 21 high-ranking leaders attending this meeting,  
21 then you start suddenly speaking about a written program. And I  
22 believe I understood from your answer - but of course there might  
23 be a translation issue, so I'm going to ask you please to clarify  
24 - but I believe I understood that you said that if you are able  
25 to remember this figure of 21, it is because you counted 21

1 leaders in this written program.

2 Is that what you were trying to tell us?

3 [15.32.58]

4 A. Yes, I did read the program of the conference.

5 Q. And when you were questioned in 2009 and 2010 four times by  
6 the OCIJ, you never spoke about this program, so is there a  
7 reason why?

8 A. I do not quite understand what you are really asking me now. I  
9 do not really understand it.

10 Q. I will repeat the question therefore.

11 This morning I believe was the first time you were speaking about  
12 the existence of a document, of a program, that was written down,  
13 that was distributed to the participants in this meeting. Because  
14 after re-reading, however, the four statements that you signed in  
15 2009 and 2010 – that is to say after you were questioned by the  
16 OCIJ -- I did not see that you spoke about such a program.

17 So I'm therefore asking you if this is something you suddenly  
18 remembered. And why didn't you speak about this program before  
19 the OCIJ?

20 [15.34.57]

21 A. As I testified earlier, I do not recall the past events very  
22 well. I did not have any documentation with me. I only try to  
23 recall the truth so that it is conducive to ascertaining the  
24 truth because I know that the Court would like to hear the truth.  
25 However, I cannot recall everything. I can only recall some of

1 the events, and when I respond to your question sometime, I could  
2 not provide the -- a complete detail of the event.

3 Q. I understand perfectly well and that is absolutely normal. If  
4 someone asks me to remember events that happened more than 30  
5 years ago, I would also have a lot of trouble.

6 And, indeed, regarding my client, Mr. Khieu Samphan, I wish to  
7 ask you a very simple question. Are you 100 per cent sure that he  
8 attended this meeting or in your mind is it possible that you  
9 don't remember quite precisely?

10 [15.36.30]

11 A. Mr. Khieu Samphan was present because he was the chairman of  
12 the State Presidium but I did not know the rank he held during  
13 that conference. I did not know what rank he came for, you know,  
14 during that conference.

15 Q. I would like now to re-visit an expression that you were  
16 questioned on so that you may clarify things for us, and this is  
17 the expression seven "super traitors", the seven - Lon Nol's  
18 "super traitors". And in - during the hearing of 11 January  
19 between 1.35 and 1.37 in the afternoon, you were questioned on  
20 this expression and on the first time when you had heard this  
21 expression. And you said that this was an expression that was  
22 used by a lot of people and as of the Lon Nol coup, so do you -  
23 can you confirm this? Do you stand by that answer you gave us in  
24 January?

25 A. For this particular so-called super traitor, I do not know,

1 and I do not even recall whether or not I made mention the seven  
2 "super traitors". I do not recall it now.

3 [15.38.38]

4 Q. I am going to read to you again the few lines in question. So  
5 this is after 1.35 in the afternoon on January 11, and the  
6 prosecutor is asking you regarding those who worked for the Lon  
7 Nol regime:

8 "Did you, during that period before you entered Phnom Penh, did  
9 you hear any broadcasts over the radio or receive information by  
10 other channels provided by leaders of the movement regarding the  
11 seven 'super traitors' of the Lon Nol regime? Did you hear about  
12 the seven 'super traitors' of the Lon Nol regime?"

13 And you answer - and I quote: "Yes, I heard about that after the  
14 coup d'état. Then there was the creation of the Front, especially  
15 in the countryside, and those who suffered were trying to follow  
16 the Front policy."

17 And a little bit later on, you continue and you say - quote:

18 "This goes back away. The information was passed from one person  
19 to another, but I can't recall the original source of that  
20 information. Everyone was well aware of that sentence."

21 That's what you said to us in January. Do you remember?

22 [15.40.35]

23 A. No, I did not say it and I did not mention anything about the  
24 seven "super traitors" because I did not know them as to who they  
25 were, so I did not make any such statement.

1 Q. Well, this is the transcript; this is the record. I can accept  
2 that you have forgotten it, but telling us that you did not say  
3 it, well, that means that the entire Court was in error. That  
4 means the people who noted down what you were saying and that the  
5 translators were wrong, and this seems to be a bit too much. So,  
6 are you so sure about this? Are you really sure that you never  
7 said this before the Chamber?

8 A. No, I did not say this. I did not know who the seven super  
9 traitors were. This is to my knowledge and my understanding now.  
10 I did not say that.

11 Q. Well, fine, okay, I will take note of this.

12 And now let me turn to my last question which involves  
13 clarification you provided us when you were being questioned by  
14 the investigators, when you were telling them how old you are and  
15 where you were living and what your occupation is, and you  
16 specified that you were also president of a veterans  
17 organization. So can you tell us a little about this? What is  
18 this veterans' organization?

19 [15.43.00]

20 A. I can only clarify that this veteran association was not an  
21 association that members are paid. Actually, they -- it was a  
22 gathering of veterans from different parts of the country from  
23 the centre level to the lower level, and I was only in charge of  
24 this association at the district level or sector level.

25 Q. And the veterans in question, are these veterans from the

1 revolutionary army who fought in the period that we are dealing  
2 with here in this Court?

3 A. No, the veterans are veterans from all parties, including the  
4 government as well. It was not confined to any faction, but it's  
5 a veteran of people from all factions.

6 Q. I don't understand your answer, I'm sorry. So what do you mean  
7 "veterans from all factions"? Can you please be more specific  
8 about this?

9 [15.44.40]

10 A. In the military rank of the Royal Government of Cambodia,  
11 actually they came from different factions and then they rally  
12 the government and they joined the one unified army. So the  
13 composition of these soldiers actually came from different  
14 factions and veterans who are now handicapped or some of them are  
15 already retired, then they joined this veteran association.  
16 However, they were the veteran of the government -- however, they  
17 came from different military factions.

18 Q. Yes, okay, but after 1979, so you continued being a soldier?

19 A. Yes, yes, I have been a soldier up until 2002. I retired in  
20 2002.

21 MR. VERCKEN:

22 Thank you, Witness. Now I understand better.

23 I have no further questions, Mr. President.

24 [15.46.30]

25 MR. PRESIDENT:

1 Thank you, Counsel.

2 Thank you, Witness, Mr. Chhaom Se. Your testimony has come to an  
3 end, and your presence at the Extraordinary Chambers in the  
4 Courts of Cambodia is no longer needed. You are now released. You  
5 may go back home or to any direction you wish to go.

6 On behalf of the Chamber, I would like to thank you very much for  
7 taking time to provide testimony before the Chamber and we thank  
8 you very much for being patient. Thank you for endeavouring to  
9 respond to all the questions put to you by all the parties and  
10 the Chamber, and your testimony will be contributing to  
11 ascertaining the truth. And we wish you the best of luck and safe  
12 trip back home.

13 Court officer is instructed to coordinate with WESU unit to  
14 facilitate the transport of the witness back to his direction.

15 [15.47.37]

16 And the time is now appropriate the for day's adjournment. The  
17 Chamber will adjourn now and we will resume tomorrow on Tuesday,  
18 9 April 2013, starting from 9 o'clock in the morning.

19 And from tomorrow the Chamber will hear the testimony of TCW-536.

20 Security guards are now instructed to bring the co-accused back  
21 to the detention facility and have them back tomorrow, before 9  
22 o'clock in the morning.

23 The Court is now adjourned.

24 (Court adjourns at 1548H)

25