



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
ថ្ងៃ ខែ ឆ្នាំ (Date): 02-May-2013, 08:00
CMS/CF0: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

24 April 2013
Trial Day 170

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:

SON Arun
Victor KOPPE
KONG Sam Onn
Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:

DUCH Phary
Miriam MAFESSANTI
SE Kolvuthy

Lawyers for the Civil Parties:

PICH Ang
Élisabeth SIMONNEAU-FORT
SAM Sokong
HONG Kimsuon
SIN Soworn
LOR Chunthy
Emmanuel JACOMY
VEN Pov

For the Office of the Co-Prosecutors:

SENG Bunkheang
Dale LYSAK

For Court Management Section:

UCH Arun
SOUR Sotheavy

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. CHUON THI (TCW-126)	Khmer
MS. GUISSÉ	French
MR. JACOMY	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. SENG BUNKHEANG	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer

1

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 As scheduled, today the Chamber is hearing the testimony of

6 witness TCW-126.

7 Ms. Se Kolvuthy is now directed to report to the Chamber on the

8 current status of the parties to the proceedings today.

9 THE GREFFIER:

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

11 proceedings are present. Mr. Nuon Chea is present in his holding

12 cell, through the decision by the Chamber, due to his health

13 concerns.

14 Witness TCW-126 is scheduled to be heard today and awaits a call

15 from the Chamber. The witness has already taken the oath. The

16 witness took the oath on Monday.

17 According to the statement by the witness, the witness is not in

18 a relationship with co accused Nuon Chea and Khieu Samphan or a

19 civil party who has been admitted in this case. The witness has

20 no duty counsel.

21 And during today's session, we also have TCW-570 as a reserve

22 witness. The witness also took the oath on Tuesday. According to

23 the witness, the witness is not in a relationship with the co

24 accused, Mr. Nuon Chea and Mr. Khieu Samphan or a civil party in

25 this case. The witness has no duty counsel either.

2

1 Thank you, Mr. President.

2 [09.07.29]

3 MR. PRESIDENT:

4 Thank you.

5 Court officer is now directed to bring in TCW-126 into the
6 courtroom.

7 International Co-Counsel for Mr. Khieu Samphan, you may now
8 proceed.

9 MS. GUISSÉ:

10 Thank you, Mr. President. Good morning. Good morning to everyone
11 in the courtroom and to all the parties.

12 Before the witness is ushered into the courtroom, I would like to
13 make a motion before the Tribunal regarding the order in which
14 witnesses will be examined. This question has not arisen so far
15 because in most cases witnesses were on the lists of the Co
16 Prosecutors.

17 [09.08.18]

18 I have understood from your statement yesterday, Mr. President,
19 how you decided that this witness should be heard first and that
20 Nuon Chea would question the witness first, followed by us.

21 Although we acknowledge that the Chamber has all the latitude to
22 determine the order in which witnesses are examined, let me point
23 out that in civil law it is provided that for the Defence to be
24 the last to question the witness. Even though the witness is
25 appearing before us, as you have decided, this witness is not on

3

1 our list of witnesses. In any case, we consider that witness
2 useful for our case and that is why we would like to examine that
3 witness first as provided for in civil law. And we would like to
4 be the last to question the witness [I beg your pardon] so that
5 we should have the last word.

6 Since we are dealing with this issue, we should note that this
7 issue will arise again with regard to other witnesses with regard
8 to which we have requested the appearance. So this is not a
9 witness called by Nuon Chea.

10 [09.09.58]

11 And I think we should give the Defence the last word, as far as
12 examination of witnesses is concerned, particularly in the case
13 of the next witness, Mr. Chuon Thi. We would like to examine that
14 witness after all the parties shall have examined the witness.
15 This is my motion before the Chamber. I do not know whether my
16 learned friend of the Nuon Chea team would like to add anything
17 to what I have said, and that is the substance of my motion. I
18 thank you, Mr. President.

19 MR. KOPPE:

20 Mr. President, thank you. Good morning, Your Honours. Good
21 morning, Counsel.

22 I support the motion of my learned colleague, in general terms,
23 not today. It's our witness so we understood the decision well
24 and we agree with it, that we will start examining this witness.

25 [09.10.54]

4

1 Tomorrow, we have another situation. This is - we will have a
2 witness testifying on behalf of the Khieu Samphan team and then
3 we would like to start examining the witnesses after the
4 Prosecution. So the idea is that once the witness of one defence
5 team is being questioned, the team that asked the witness will
6 start examining and then the other defence team will just go in
7 the normal order, start examining after the Prosecution and the
8 civil parties have examined.

9 The reason and rationale behind this is that the Defence,
10 although we are here sitting at the same bench, we are obviously
11 not always having the same interest. So right now, we will start
12 and I take it the position of the defence team of Khieu Samphan
13 is that they will examine after the Prosecution and the civil
14 parties are done.

15 MR. PRESIDENT:

16 International Co-Prosecutor, you may now proceed.

17 [09.12.11]

18 MR. LYSAK:

19 Thank you, Mr. President. Good morning to the Bench, and parties,
20 and public. I guess just a couple of quick points.

21 First, I think it's a little belated on the morning that this
22 witness is appearing to be making motions to change the order of
23 this witness. I appreciate that counsel for Mr. Nuon Chea has
24 indicated that he will still proceed first.

25 It was announced by the Chamber quite a while ago, several months

5

1 ago, that it was expecting the defence teams to go first with
2 respect to the examination of the witness today and the witness
3 tomorrow, and it was somewhat unclear to me whether counsel was
4 limiting her motion -- Khieu Samphan's counsel was limiting her
5 motion just to the witnesses that Khieu Samphan would call,
6 whether she is saying that she is prepared to go first tomorrow
7 and then have, as Nuon Chea's counsel indicated, have the other
8 defence team follow the Prosecution.

9 [09.13.22]

10 I certainly think that it is reasonable for the Court to ask the
11 party that has requested a witness to testify to go first. They
12 are the ones who presumably have the, I guess, largest
13 understanding of why they wanted this witness to appear, so it
14 seems reasonable that if Nuon Chea has requested this witness,
15 that they go first, and with the witness tomorrow, if Khieu
16 Samphan has requested that witness that they go first.

17 I have no objection to what Mr. Koppe has proposed. If the Court
18 thinks that it's reasonable for the other defence team to follow
19 us that is fine from our standpoint. I do think it would be
20 better not to change the order of who goes first; however, to the
21 extent that counsel was making a motion that the Khieu Samphan
22 team do not go first tomorrow with respect to tomorrow's witness.

23 MR. PRESIDENT:

24 We would like to hand over to counsel for the civil party first,
25 please.

6

1 [09.14.50]

2 MS. SIMONNEAU-FORT:

3 Good morning, Mr. President. Good morning to everyone.

4 Very briefly, as far as we are concerned, we do not object to

5 Khieu Samphan's defence counsel's request. We regret the fact

6 that this request is made belatedly.

7 That said, I believe we had understood that the defence team that

8 called the witness will start and the defence team that did not

9 request the appearance of the witness will be the last to speak.

10 In any case, in civil law the principle that the Defence should

11 have the last word still applies, and it is in line with this

12 rule. I thank you.

13 MS. GUISSÉ:

14 Yes, thank you, Mr. President.

15 In light of the Co-Prosecutor's submission, I was not perhaps

16 very clear. I did -- I only requested a change regarding the

17 witnesses that Khieu Samphan defence team would request. All I am

18 saying is that we should be the last to have the floor. I think

19 all the parties are agreed on this and there shouldn't be any

20 problem.

21 [09.16.08]

22 MR. PRESIDENT:

23 Thank you.

24 The Chamber wishes to clarify this to the parties to the

25 proceedings. There could be some misleading, and parties have

7

1 argued based on the laws applicable, including the internal rules
2 that have been adopted by the plenary sessions.

3 And parties should be reminded that with regard to the order of
4 examination of the witness, party shall follow Rule 91bis, which
5 is the rule governing these proceedings. And this rule has also
6 been currently adopted by the plenary.

7 This tribunal is the Extraordinary Chambers in the Courts of
8 Cambodia, and by that, we do not fully follow or entirely follow
9 the civil code tradition. Nonetheless, according to this Rule
10 91bis, this is the order of the proceedings at trial and that
11 parties to the proceeding who are here today have to also be
12 following this.

13 [09.18.07]

14 And as I already mentioned, at the beginning when Case File 002
15 commenced, the Chamber made it very clear, the party who is the
16 owner or is the person who proposed the witness has the duty to
17 put questions or examine the witness first. Previously, as Co
18 Prosecutors or the civil parties who proposed the witnesses, they
19 had the right to put questions first.

20 In general, the Bench would be the first to begin putting
21 questions to the witnesses, and this is the tradition in
22 Cambodian law and practice. However, here, we are in the
23 Extraordinary Chambers in the Courts of Cambodia. And secondly,
24 the reason that we has -- we have ruled like that, because we
25 only need to examine this witness for full day only, for one day,

8

1 so both parties will only have half day each for putting the
2 questions to the witness. In other words, defence counsels, both
3 defence teams will have half day to put questions to this
4 witness, when Co-Prosecutors and Lead Co-Lawyers for the civil
5 party will have the remaining half of the day for such
6 examination.

7 [09.20.02]

8 Now, parties appear to be proposing differently and if you would
9 like to ask some more time or how you could allocate or share the
10 time allocated to you, then you should make it clear to the
11 Chamber before we can entertain your request. Now, to be
12 precisely clear, not every two parties or -- I mean this witness
13 will be examined for only one full day. It doesn't mean that
14 counsels will have full day, when Co-Prosecutors and civil party
15 will have another full day for this. Only one full day will be
16 allocated for the whole party.

17 (Judges deliberate)

18 [09.22.55]

19 MR. PRESIDENT:

20 The Chamber would like to be advised on this, because previously,
21 times allocated to the parties are not necessarily equally
22 allocated; it depends on how parties would like times to be
23 shared. Now, counsels for Mr. Khieu Samphan would like to
24 reconsider this time allocation and that you would like to
25 examine the witness at last. So can you advise the Chamber how

1 you can share this time allocated to both counsels for putting
2 the questions to the witness?

3 [09.23.50]

4 MR. KOPPE:

5 Thank you, Mr. President.

6 Maybe there's some unclarity. We would still use the same amount
7 of time allocated to us by the Chamber, but because we are
8 leading we might use a little more time and tomorrow the Khieu
9 Samphan team might need a little more time, but the end result in
10 time is the same. So it's -- so there's no difference in --
11 there's no time loss, so to speak.

12 MR. PRESIDENT:

13 We are still not clear, because you're supposed to share this
14 time with other counsels, and if the time is not clearly shared
15 now, then the other parties will also have problem sharing this
16 allocated time. And we would like counsel to be precise on how
17 they would like to use the time so that it does not impact on the
18 time allocated to the other party, because it is precisely clear
19 now that you will only have half a morning for two counsel -- for
20 both counsels.

21 [09.25.28]

22 MR. KONG SAM ONN:

23 Thank you, Mr. President.

24 Now, by virtue of my calculation, both counsels here would be
25 allocated half day, which is three hours, including break time.

10

1 So we would like to make the most of these allocated times. For
2 example, if Nuon Chea defence team would like to use most of the
3 time, then counsel for Khieu Samphan would make use of the
4 remaining time accordingly.

5 MR. PRESIDENT:

6 When it comes to half day, time allocation may vary. For example,
7 if you put a question in the morning, time allocated in the
8 morning, although it is half day, it may be shorter than in the
9 afternoon. Nonetheless, the Chamber will facilitate this and see
10 how we can find a middle path to solve the problem, but you
11 should also be mindful that time allocated in the morning is not
12 the same as time allocated -- the amount of time allocated in the
13 morning may be slightly different from the amount of time
14 allocated in the afternoon. So again, please be reminded that
15 time allocated in the afternoon would be shorter than time
16 allocated in the morning.

17 Court officer is now directed to bring in the witness.

18 (Mr. Chuon Thi enters courtroom)

19 [09.28.30]

20 QUESTIONING BY THE PRESIDENT:

21 Good morning, Mr. Witness.

22 Q. What's your name?

23 MR. CHUON THI:

24 A. I am Chuon Thi.

25 Q. Thank you, Mr. Chuon Thi.

11

1 Apart from this name, do you use other name?

2 A. Chuon Thi is the only name I have.

3 Q. Mr. Chuon Thi, please be reminded that before you proceed to

4 respond to the questions, wait until you see the red light

5 activated on your mic, without which your response would not be

6 heard, because here your -- our questions and your responses will

7 be rendered through interpreting.

8 Again, do you have other name?

9 A. I do not have other name, but I'm sometimes called Euv.

10 [09.29.53]

11 Q. Mr. Chuon Thi, how old are you?

12 A. I am 68 years old.

13 Q. Where do you live?

14 A. I live in Anlong Reab commune, Veal Veang district, Pursat

15 province.

16 Q. What is your occupation?

17 A. I'm a farmer.

18 Q. What are your parents' names?

19 A. My father was -- is Chheng; he passed away. My mother is Heng;

20 she is alive.

21 Q. What is your wife's name, and how many children do you have?

22 A. She is Sao Heng, and we have three children.

23 Q. Thank you.

24 Mr. Chuon Thi, according to the report by the greffier of the

25 Trial Chamber, you took the oath already on Monday; is that

1 correct?

2 A. Yes, it is.

3 [09.31.39]

4 Q. According to the same report, according to your best
5 knowledge, you are not in the relationship with the co accused or
6 civil party in this case; is that true?

7 A. Yes, it is.

8 Q. Thank you, Mr. Chuon Thi.

9 Now, the Chamber would like to notify you of your right under
10 Rule 28, right against self-incrimination of witnesses.

11 As a witness, Mr. Chuon Thi, you may object to making any
12 statement that might tend to incriminate you. In other words, you
13 have the right not to incriminate yourself. If you feel that your
14 responses may be self-incriminating, you can exercise this right.
15 And secondly, as the witness, you are to give or to respond to
16 all the questions put to you by the parties to the proceedings
17 and the Judges of the Bench, except your responses are
18 self-incriminating. And as the witness, you shall only tell the
19 truth, the whole truth, nothing but the truth, based on your
20 experiences and what you bore witness to.

21 Do you understand this right, Mr. Chuon Thi?

22 A. Yes, I do, Mr. President.

23 [09.33.49]

24 Q. Mr. Chuon Thi, have you ever given any interviews to the co
25 investigators of the ECCC? And if so, where did it happen?

13

1 A. Some researchers came to my -- to me at my home. I don't
2 remember the exact month when I was interviewed, but it was
3 conducted at home.

4 Q. How many times did you give such interview?

5 A. It was on one occasion only.

6 Q. Before you appeared before this Chamber, have you reviewed or
7 read the written record of interview that you said you gave to
8 the investigators at your home to reflect your memory?

9 A. Yes, I have, Mr. President.

10 [09.35.08]

11 Q. According to your reading of your written record, again can
12 you tell the Chamber whether the content of the record you read
13 is consistence with the accounts you gave to the investigators at
14 your home?

15 A. I can say that the contents are consistent, relevant.

16 Q. Thank you, Mr. Chuon Thi.

17 Next, the Chamber would like to hand over to counsels for Mr.
18 Nuon Chea to put some questions to this witness before other
19 parties, please.

20 QUESTIONING BY MR. SON ARUN:

21 Good morning to the Chamber, and good morning, Mr. President, and
22 good morning, Mr. Chuon Thi. I am Son Arun. I am the national
23 counsel for Mr. Nuon Chea. In your capacity as a witness, I have
24 some questions to be put to you this morning.

25 [09.36.48]

14

1 Q. Earlier, Mr. President asked you about your historical
2 background, but I would like to ask some more questions about
3 your educational background. So up to which grade did you study
4 when you were young?

5 MR. CHUON THI:

6 A. I finished grade number 3 when I was young.

7 Q. Grade 3 – so, grade 3 at the time was – did it mean that you
8 finished the second – the lower secondary school at the time?

9 A. Yes, I finished the lower secondary school.

10 Q. You joined the Revolution -- so when did you join the
11 Revolution and how old were you at the time?

12 A. After I finished grade 3, and then there was the coup d'état.
13 So I joined the Revolution at the time, since that time.

14 [09.38.22]

15 Q. So how old were you at the time?

16 A. (Microphone not activated)

17 Q. So, please observe some pause before you respond.

18 A. I was around 25 years old at that time.

19 Q. When you joined the Revolution -- so where did you join the
20 Revolution? Was it in your home district or where else did you
21 join the Revolution?

22 A. When there was the coup d'état, the situation was chaotic and
23 many people -- a lot of people joined the Revolution. Parents
24 encouraged their children to join the Revolution because they
25 want to restore Samdech Sihanouk to power.

15

1 Q. When you joined the Revolution, what was – what did you do at
2 the beginning and what was your rank or your role at that time?

3 A. At first, I joined the army and I was an ordinary soldier.

4 [09.39.45]

5 Q. You were an ordinary combatant, so you had no rank. Do you
6 still remember your – the name of your direct superior, your
7 direct commander?

8 A. I forget his name. I remember Ta Sros, but I do not know
9 whether he is still alive.

10 Q. Do you remember the name of the unit – which unit did you join
11 at that time?

12 A. (Microphone not activated)

13 Q. Please observe the red light on the mic.

14 A. I was in Division 1.

15 Q. So at that time, you were an ordinary combatant, so which
16 regiment, which unit were you under?

17 A. I was in Battalion 302, Regiment 35.

18 Q. So why did you join the Revolution? So why did you join the
19 Revolution at that time in 1970?

20 A. My main reason is to demand that Samdech Sihanouk come back
21 and he is in power.

22 [09.42.25]

23 Q. You said that you were 25 years old in 1970. At that time, you
24 finished grade 3, so your education level is quite good and you
25 are quite old. You understand the situation -- you understand the

16

1 political situation at the time clearly, that is why you joined
2 the Revolution, or you are led by somebody else, or you
3 volunteered to join by yourself?

4 A. Before I joined the army in 1970, this is from my own
5 decision. I heard from my parents saying that if a country
6 without a king and then the country would be in chaos, that's why
7 I want the king to come back. At the time, there was a coup
8 d'état, and I wanted to bring Samdech back to power.

9 Q. Thank you.

10 My next question is - in document D369/6 regarding
11 question/answer number 4, you mentioned the meeting with Pol Pot
12 in June 1978 in Kampong Chhnang. Could you clarify the details of
13 the meeting - so where was the meeting convened and what was the
14 agenda, the contents of the meeting? So, why were you called to
15 attend the meeting with Pol Pot at that time?

16 [09.44.40]

17 MR. PRESIDENT:

18 Mr. Witness, please hold on.

19 National Co-Prosecutor, you may proceed.

20 MR. SENG BUNKHEANG:

21 Thank you, Mr. President.

22 I would like to clarify - I want to make some observation.

23 You mentioned document D369/6; however, as far as I know, you may
24 refer to document D369/6.

25 BY MR. SON ARUN:

17

1 Of course, my -- I am referring to document 369/6, and there is
2 only one document.

3 [09.45.28]

4 Q. I have asked my questions already. Do you still remember my
5 question?

6 MR. CHUON THI:

7 A. In 1978, I was a combatant. I was called to attend a meeting.
8 I was under my commander, Bet Soeung. At that time, the
9 Vietnamese troops came into Cambodia up to Svay Rieng and at that
10 time I was the commander of a battalion. Soeung told me that Pol
11 Pot wanted to meet me and when I met Pol Pot, Pol Pot told me
12 that, "Comrade, you have to mobilize your forces to resist the
13 Vietnamese troop invasion." So, when I came back, I mobilized my
14 forces and then we went to Svay Rieng.

15 Q. Who chaired the meeting at that time?

16 A. (Microphone not activated)

17 MR. PRESIDENT:

18 Please - Mr. Witness, please observe some pause. So please
19 observe some pause so that the interpreter can convey the
20 message.

21 [09.47.13]

22 MR. CHUON THI:

23 A. Pol Pot chaired that meeting, but of course, the meeting
24 lasted for -- I attended the meeting only for one day. The first
25 item of the agenda was about national defence, and the second

1 item was about rebuilding the country.

2 BY MR. SON ARUN:

3 Q. During the meeting, in other words, how many people attended
4 the meeting, and people up to -- people from what ranks could
5 attend that meeting? For example, the civil officials and the
6 military officials from what ranks could attend that meeting?

7 MR. CHUON THI:

8 A. I do not know clearly about that. Regarding the military
9 sector, the commander of the battalions were invited to attend
10 that meeting, but I do not know about the civil authorities.

11 Q. Did you know Pol Pot for the first time when you attended that
12 meeting in Kampong Chhnang?

13 A. Yes, that was my first time to know him.

14 [09.48.57]

15 Q. You said you know Pol Pot. So what do you mean by that? You
16 talked to him, you talked with him, or you just saw him when he
17 did the presentation?

18 A. So I was called to attend the meeting and then he gave the
19 lecture and I listened to the lecture. And then he told me the
20 Vietnamese troops had arrived in Svay Rieng, and he told me to
21 mobilize the forces to resist the Vietnamese troops.

22 Q. I would like to move back a little bit before I move to
23 another question.

24 When you joined the army in 1970, I would like you to talk about
25 your rank from that time until the time when you met Pol Pot. I

1 would like you to talk about that.

2 A. I was a combatant until 1975, '76, and then I became the
3 commander of a battalion.

4 Q. Is that all? When you joined the army, and you were a
5 combatant, were you sent to attend any military training? Did you
6 receive any kind of military training, and what did you learn
7 from 1970 until 1975, '76?

8 A. When I joined the army, I did the training inside my unit. So
9 we attacked Lon Nol and then we started some techniques. So we
10 learned on the job, in fact.

11 [09.51.58]

12 Q. In 1978, when you attended the meeting with Pol Pot, and then
13 the Vietnamese troops attacked into the East Zone, so what was
14 your rank at that time? So were you in charge of a battalion, a
15 regiment, or a division at that time?

16 A. At that time, I was in charge of a battalion. I was ordered to
17 mobilize three battalion stations along National Road Number 4.

18 Q. So how many troops, how many soldiers did you supervise at
19 that time?

20 A. I was in charge of a battalion, so I supervised over 300
21 soldiers, but then I was ordered to attack - to resist the
22 Vietnamese troops. I led around 1,000 troops.

23 [09.53.21]

24 Q. You were in charge of a battalion, so how many soldiers were
25 under your supervision, under your command, and why they gave you

1 more troops, even though you were only the commander of a
2 battalion?

3 A. So this is the military order: If the circumstance is urgent
4 and then they can assign me to lead the other battalion to resist
5 the Vietnamese troops.

6 Q. You were a combatant, you knew only about the war techniques,
7 fighting techniques, but did you know why, at the time you were
8 assigned to lead three battalions to resist the Vietnamese
9 invasion, and you know already at that time Vietnam had long
10 cooperated with Democratic Kampuchea for a long time, so do you
11 know about the reason?

12 A. I do not wonder about that. I know Vietnam had invaded
13 Cambodia for a long time already since the old regime.

14 [09.55.25]

15 Q. In the same document, D369/6, question and answer number 4, I
16 would like to quote from that statement: "Regarding the foreign
17 invader, Pol Pot stated that that aggressor, that invader was
18 Vietnam. Vietnam wanted to annex Cambodia into the Federation of
19 China, in the Chinese Federation."

20 So is this what Pol Pot said during the meeting, or did he say it
21 at another -- on another occasion?

22 A. When he said he wanted to annex Cambodia into the -- in the
23 Chinese Federation, he said that in other meetings as well. He
24 told us to be cautious with "Yuon", and he also talked about that
25 during that meeting in Kampong Chhnang.

21

1 So after the war with Lon Nol, we had to focus on the rebuilding
2 of the country, and we had to defend the country. If our country
3 is invaded, we had to defend the country. So this is the advice
4 from him. We had to love our territory; we had to love our
5 people.

6 [09.57.12]

7 Q. Thank you.

8 Earlier, you told the Chamber you attended the meeting in Kampong
9 Chhnang, and you stayed over there for a short time. Did you hear
10 what Pol Pot said directly or somebody told you later on?

11 A. I heard from others, because I stayed over there for a short
12 time.

13 Q. In the same document, question and answer number 4, at the end
14 of the -- nearly at the bottom of the page, you said: "In this
15 sense, Pol Pot stated that he required arrangement of marriage to
16 increase the number of the population by instructing lower
17 echelons to arrange the wedding for people."

18 Did you hear this from Pol Pot directly, or somebody told you?

19 [09.59.13]

20 A. Regarding marriage, it was not forbidden at that time, but of
21 course, Cambodian people had to respect the tradition, so if you
22 love someone you had to request the marriage. So I was married
23 only - I was married during that period as well. No one forced us
24 to get married. They said that Cambodia had more land, we had big
25 land, and we need more people to live in that land, and they said

1 that we need 20 to 30 million people in order to defend our
2 territory, our land. And of course, the marriage was arranged in
3 respective units.

4 Q. Is it fair to say that marriages were not arranged and people
5 or couples were not forced to get married?

6 (Short pause)

7 Mr. Witness, did you hear my question?

8 A. Counsel, can you repeat that, please?

9 [10.01.15]

10 Q. You mentioned that Pol Pot would like marriages to be arranged
11 and that he required arrangement for marriage to increase number
12 of population by instructing lower echelons to arrange the
13 wedding for people, and you said that before the co
14 investigators. Do you still stand by this statement? If so, is it
15 contradictory to the allegations that marriages were forced and
16 that on some occasions 20 to 30 couples were married at a time?

17 A. In some units, the head of the units would need to study first
18 who would like to get married, but the marriages were arranged
19 with consent from both sides, the brides and grooms, so they were
20 not forced to get married. We got married voluntarily or on our
21 own volition.

22 [10.03.02]

23 MR. PRESIDENT:

24 Counsel for Mr. Nuon Chea, it appears to us that you have been
25 straying away from the scope of this segment of the trial,

1 because in this part of the proceedings, matter of forced
2 marriage is not the subject matter for examination.

3 MR. SON ARUN:

4 Mr. President, indeed, my question was stemming from this
5 document, D369/6.

6 MR. PRESIDENT:

7 Counsel, please be reminded that this document, the content of
8 which covers the whole scope of Case File 002, and we are now in
9 the middle of Case 002/01. You should frame your question
10 accordingly.

11 [10.03.58]

12 BY MR. SON ARUN:

13 Thank you, Mr. President, for this.

14 Q. Mr. Witness, as you stated in the document, Pol Pot ordered
15 directly in your presence that you had to gather some troops to
16 fight against the Vietnamese at the border area, and you said
17 that at that time you had to lead three battalions. Where were
18 you when you were at the East Zone, and how long did you engage
19 in the hostility with the Vietnamese?

20 MR. CHUON THI:

21 A. When we arrived at Svay Rieng, we established a new division
22 and the troops are under -- of one regiment, was integrated into
23 a new 340 division stationed in Svay Rieng's market. At that
24 time, Svay Rieng was an empty town. There were houses without
25 people and we had to patrol along National Road Number 1 in the

1 vicinity of Bavet.

2 [10.05.53]

3 MR. PRESIDENT:

4 Counsel, please be very careful when it comes to segment of these
5 trial proceedings. It is more about the time period of early
6 1977. Although troops had been mobilized to the border area,
7 parties were convinced that this was part of the communication
8 matter. Nonetheless, we are afraid that counsel is now talking
9 about topic which is not relevant to the segment of the trial.
10 And please, also be reminded that time should be wisely used,
11 because time is very precious at this moment.

12 BY MR. SON ARUN:

13 Thank you, Mr. President.

14 Q. Mr. Witness, you were deployed to Svay Rieng province. How
15 long had you been there and were you the commander of new
16 Division 340?

17 [10.07.37]

18 MR. CHUON THI:

19 A. Division 340 was co commanded by another person by the same
20 name as mine. He was also called Thi.

21 Q. As a soldier, you went to the East to engage in the
22 battlefields. Did you happen to know one of the commanders of the
23 regiment by the name of Chhouk Rin?

24 A. No, I -- no, I don't know him.

25 Q. When at the East Zone, did you ever see Minister of the

25

1 Defence, Mr. Son Sen, who would be there on several occasions?

2 A. I met him. I met Mr. Son Sen on some occasions when we
3 discussed plans to deal with the Vietnamese.

4 Q. Did you meet with him face-to face, or you only saw him from a
5 distance?

6 A. (Microphone not activated)

7 MR. PRESIDENT:

8 Mr. Witness, please observe some pause. You may proceed.

9 MR. CHUON THI:

10 A. I met him during the time when we were planning to make sure
11 that the Vietnamese troops would not be invading Cambodia deep
12 inside the territory of Cambodia again.

13 [10.10.30]

14 BY MR. SON ARUN:

15 Q. You said you met Son Sen when plan to attack Vietnam was
16 discussed. Can you tell the Chamber, please, how often did you
17 see him, and on each occasion, how long would that meeting last?

18 MR. CHUON THI:

19 A. I cannot say how often I met him, but every time I met him,
20 there must be some plan to be discussed, and heads of the
21 divisions, in particular, head of my division, would also be in
22 attendance. But I can't precisely say how many times I met him.

23 Q. On the last page of the same document, which is page number 10
24 in Khmer, question and answer number 21, the co investigator
25 asked you: "If ECCC would like you to provide testimony before

1 the Court, will you agree to do so?"

2 And you said this: "I do not want to get involved, because I
3 think it is useless."

4 Is that your statement?

5 [10.12.24]

6 A. Yes, it is.

7 Q. What makes you decide not to get involved in these
8 proceedings?

9 MR. PRESIDENT:

10 Mr. Witness, please do not respond to this question, because it
11 does nothing to do with the purpose of the trial proceedings.

12 Please, Counsel, confine your question to only the substantive
13 question that is falling within these scope of the proceedings,
14 which is in Case File 002/01, and make the most of the document
15 in hand to put valuable questions to this witness before us.

16 [10.13.29]

17 MR. SON ARUN:

18 Thank you, Mr. President.

19 Indeed, I have no further questions, but my learned colleague
20 will also have a few more questions. And with that, I would like
21 to cede over the floor over to him, and thank you, Mr. Witness.

22 MR. PRESIDENT:

23 Counsel Koppe, you may now proceed.

24 QUESTIONING BY MR. KOPPE:

25 Thank you, Mr. President.

1 Good morning, Mr. Witness. I have a few additional questions to
2 put to you today.

3 Q. My first question would be about your revolutionary name. Did
4 you have, in fact, a revolutionary name? And if yes, what was it,
5 and why were you called like that?

6 [10.14.21]

7 MR. CHUON THI:

8 A. I am known as Thi and I am also called Euv because I am a
9 senior person, and people would treat me - or call me as Euv,
10 which means "a father".

11 Q. Does it also mean, "Euv", "a modest and a gentle man"?

12 A. As a senior, elderly person, people have treated me like a
13 father, like a dad.

14 Q. And was this name given to you by your subordinate soldiers?

15 A. Yes.

16 Q. Mr. Witness, have you ever, in the years 1970-1975, engaged in
17 combat with Lon Nol soldiers?

18 A. In 1975, after the victory, I had to move to the border area,
19 doing farming.

20 Q. My question was whether you have engaged in combat, in fights
21 with Lon Nol soldiers, in the period between 1970 and '75?

22 A. Between 1970 and 1975, I -- yes, I did engage in fighting with
23 the Lon Nol soldiers.

24 Q. Can you expand on that? Where and when was the fighting?

25 [10.17.21]

1 A. I don't think I remember the exact locations where we engaged
2 in the fightings, because this happened a very long time ago.

3 Q. I understand that, Mr. Witness.

4 Do you remember if ever, between 1970 and 1975, soldiers of your
5 unit where captured by Lon Nol soldiers?

6 A. I was still a combatant at that time. I was having little
7 interest to know about this. But to put it simply, during the
8 war, when there were fighting's, there were people who could have
9 been arrested and captured in the fighting; both sides I mean.

10 Q. But do you know what happened to comrades of yours who were
11 captured?

12 A. I'm afraid I don't understand this question. Can you have it
13 repeated?

14 Q. Do you know what happened to comrades of yours who were, in
15 fact, captured by Lon Nol soldiers? What happened to them once
16 they were captured?

17 [10.19.17]

18 A. Are you talking about soldiers who were captured in the
19 battlefields? If so, I don't think I know about this. People
20 could have been captured, but I don't know their fate.

21 Q. In the period 1970 to 1975, have you ever or your unit has
22 ever experienced bombings, bombings from airplanes, American
23 bombings?

24 A. Between 1970 and '75, Americans dropped bombs, B 42 bombs,
25 days and nights. And you can see that people could not even sleep

1 very well at night because of these bombs. And you can see that
2 the craters left over from these bombs are still obvious at paddy
3 fields in the countryside across the country, and a lot of people
4 were killed.

5 And as the soldier, I did not live in the village. I had to go
6 and take refuge somewhere near the enemies barrack, because by
7 that I would be saved, because, they would not really drop bombs
8 on their own forces.

9 [10.21.04]

10 Q. Have you seen, with your own eyes, the results with the
11 villages, or the villages it selves -- themselves, because of the
12 American bombings? Have you seen what happened?

13 A. Yes, I did. In Kampong Chhnang, in Thma Edth commune, bombs
14 were dropped on the homes of the villagers when cattle's and
15 people were severely injured. People were decapitated because of
16 the impact of the shrapnel's from these bombs.

17 Q. Mr. Witness, were you, as a soldier, involved in the
18 liberation of Phnom Penh?

19 A. (No interpretation)

20 Q. Please repeat your response.

21 A. During the time when Phnom Penh was liberated, I was in the
22 company, and we also engaged in this liberation when we patrolled
23 National Road number 4.

24 Q. Did you have any involvement with the actual evacuation of the
25 people from Phnom Penh?

30

1 A. I was not in a senior -- was not holding a senior position or
2 senior enough to know about the evacuation plan of the city, but
3 I noted that people were evacuated, because I could see people
4 waving at us when -- during the course of the evacuation.

5 Q. Do you remember where you were standing, when people were
6 waving at you?

7 [10.24.15]

8 A. I think I am -- I don't understand this question.

9 Q. Where were you, or where was your unit, when the people from
10 Phnom Penh were moving out of the city?

11 A. I was at the location near the intersection when the roads
12 Number 3 and 4 meet.

13 Q. So if I understand correctly, you were not actually in the
14 city of Phnom Penh in April -- on 17 April of 1975?

15 A. No, I was not in the city of Phnom Penh. I was at that
16 location I specified.

17 Q. What was your rank at 17 April 1975 on?

18 [10.25.36]

19 A. I was the commander of the company.

20 Q. When exactly did you become battalion commander?

21 A. I don't recall this. It was a long time ago.

22 Q. Was it maybe six months or a year after the liberation of
23 Phnom Penh? Can you give a guess?

24 A. I was the head of the company of a few months before Phnom
25 Penh was liberated.

1 Q. My question was whether you could estimate when you became
2 battalion commander? How many months after the liberation of
3 Phnom Penh in 1975?

4 A. I became the commander of the battalion about four months
5 after Phnom Penh was liberated.

6 Q. Now, you have testified earlier that you were a battalion
7 commander when you met Pol Pot in June 1978 in Kampong Chhnang.
8 In your statement to the OCIJ, question and answer number 4, you
9 have said that you were not a battalion commander but you were in
10 fact a Regiment 15 commander of the Division 1. Could you clarify
11 what your position as a rank was?

12 [10.28.43]

13 A. After that, there was a new arrangement and people were
14 promoted. As the head of the battalion, I was prepared to be
15 promoted to the commander of the regiment, like other people.
16 Then I later on was installed as the commander of Regiment 15 of
17 Division 1.

18 A few -- a short while after I arrived in Svay Rieng, our
19 regiments were integrated to become a new - newly established
20 Division 340. As this newly established division was in place, I
21 was not the commander of the division actually, it was another
22 person by the name of Thi, who was the actual commander. I am his
23 deputy.

24 Q. In your statement to the OCIJ, in that same answer 4, you said
25 - and I quote:

1 "I was invited to that meeting because I was the Regiment 15
2 commander of the Division 1, and even battalion commanders were
3 allowed to attend it, except that the division commander and
4 deputy commander were not present."

5 [10.30.34]

6 So my question to you is this: Were you, when you came to that
7 meeting, Regiment 15 commander of the Division 1?

8 A. There was only one division, Division 1 in the West Zone. Ta
9 Soeung was the commander of the division. The commanders of the
10 other military units are stationed on the islands or in the
11 forest in order to defend the country, and this is why they could
12 not attend that meeting. And so their main duty was to defend the
13 country and that meeting may not be so necessary because we just
14 listened to the lecture, that's why I do not - they do not attend
15 that meeting.

16 Q. But is it correct when I said when you attended the meeting in
17 June 1978, you were in fact a Regiment 15 commander of the
18 Division 1?

19 A. No, it is not correct. Rom (phonetic) was the commander; it
20 was not me.

21 Q. Have you re read your statement to the OCIJ before you
22 testified - before you are testifying today?

23 [10.32.50]

24 A. Yes, I have read, but maybe at the time I did not give clear
25 answer, or did not give the detail - enough detail. I say I was

1 in Regiment 15, I did not say I was the commander of Regiment 15
2 at the time. So the commander was Rom (phonetic), and he has
3 passed away.

4 Q. I keep asking you about this because in your statement at the
5 same answer, you are saying that "even battalion commanders were
6 allowed to attend to it". That could imply that they were of
7 lower rank than you; or am I mistaken?

8 A. At the time, they did not tell anything. They did not talk
9 about their position in public. So I did not know people of what
10 ranks were invited to attend that meeting at the time. So when I
11 was called to do this, or to attend that meeting, for example, I
12 just went over there and I did not know about the others.

13 [10.34.32]

14 Q. Could you tell the Chamber, that when you were a battalion
15 commander, in which way did you report to your superiors?

16 A. I reported in writing to the regiment and then the regiment
17 reported to the Upper Echelon, but I did not know about that. I
18 did not know how they reported upwards.

19 Q. When you say Upper Echelon, what do you mean?

20 A. (Microphone not activated)

21 MR. PRESIDENT:

22 Please hold on, Mr. Witness.

23 MR. CHUON THI:

24 A. I want - so, when I refer to the upper level here, when I talk
25 about the upper level, I refer to the division where Ta Soeung

1 was the commander. So letter was sent to him.

2 [10.35.58]

3 BY MR. KOPPE:

4 Q. So, you never directly reported to the division, always to the
5 regiment commander, correct?

6 MR. CHUON THI:

7 A. Yes, it is. We had to respect the hierarchy.

8 Q. And then the other way around. Did it ever happen that you got
9 instructions or orders from the division or only from your direct
10 commander at the regiment?

11 A. Yes, it is. So sometimes we have the whole meeting, commanders
12 of the battalion, commanders of the regiment, were called to
13 attend the meeting, and then the head of the division came to
14 give lectures during that meeting, for example.

15 Q. But these were meetings in the normal, daily giving of orders.
16 Did it ever come from a higher level than regiment?

17 A. Regarding the plan, I did not know clear about that. I got the
18 plan from the regiment and the regiment got it from the division.
19 I think it was like that.

20 [10.38.11]

21 Q. Do you know from whom the division receives orders or
22 instructions?

23 A. We got it from the division.

24 Q. My question to you is whether you knew or from whom or from
25 which entity the division got its orders or instructions?

1 A. That is beyond my capacity. I do not know where they received
2 the plan from. I do not know about that.

3 Q. Could you tell the Chamber in which way the orders were
4 conveyed to you? Was that done in a secret and encoded manner so
5 that other people wouldn't be able to decipher the codes, or the
6 instructions, or the orders?

7 A. When they receive the order, for example, the division call
8 the commander of the brigade to attend the meeting, and when they
9 come back they invite their subordinate and then they convey the
10 plan to their subordinates through the meeting.

11 [10.40.28]

12 Q. But I take it that not every order to your battalion was given
13 in a meeting. There were also day to day orders or instructions.
14 How did they reach you?

15 A. When I was in the battalion, the leader of the regiment
16 invited me to attend a meeting, and then I went to attend that
17 meeting, and then I received the plan.

18 Q. And when you received that plan, who you -- who were you
19 allowed to tell the contents of it, of that plan?

20 A. I conveyed the plan to all the soldiers.

21 Q. All the soldiers in your battalion, I presume?

22 A. Yes.

23 Q. Were you allowed to share the contents of such a plan to
24 others outside of your battalion?

25 [10.42.17]

36

1 A. At the time, I could not do like that. We could disseminate
2 the plan only if it's in your own - our own unit.

3 Q. Do you know what would happen if you would tell the contents
4 of the plans to others than the members of your battalion?

5 A. So, not only my own battalion commander is invited, but the
6 commanders of the other battalions are also invited to receive
7 the plan. So other units also knew about the plan, but of course
8 the plan is disseminated through their own line. So the plan was
9 also disseminated in other units as well.

10 MR. PRESIDENT:

11 Thank you, Counsel.

12 It is time for adjournment. The adjournment will take 15 minutes,
13 and the next session will resume by 11 o'clock.

14 [10.43.53]

15 Court officer is instructed to assist the witness during the
16 break and bring him back to the courtroom at 11 o'clock.

17 The Court is adjourned.

18 (Court recesses from 1044H to 1101H)

19 MR. PRESIDENT:

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

21 Counsel Koppe, how many more questions would you wish to put to
22 this witness, please?

23 MR. KOPPE:

24 A few. Well, more than a few. I don't know. How much time do I
25 have, Mr. President?

1 The Khieu Samphan team needs 20 minutes, maximum 30 minutes.

2 (Judges deliberate)

3 [11.03.50]

4 MR. PRESIDENT:

5 Counsel Koppe, you may proceed.

6 BY MR. KOPPE:

7 Thank you, Mr. President.

8 Q. Mr. Witness, was your battalion - or the other battalions,
9 were they also involved in the internal security of the country
10 or only busy with defending the country against the enemy?

11 MR. CHUON THI:

12 A. In my battalion, we were engaged in defending the country, not
13 in internal security.

14 Q. Were you aware of the existence of security centres in the
15 area where you were stationed?

16 A. No, I wasn't. I was busy defending the country, the
17 battlefields to know about this.

18 Q. At the time of the meeting, in June 1978, did you have
19 knowledge of a security centre called S-21?

20 [11.05.23]

21 A. I never heard of this security office, S-21.

22 Q. When you saw and met Pol Pot in June 1978, did you know what
23 his position within the CPK was, what his function -- what his
24 title -- what his titles were?

25 A. I met him in 1978. He was pronounced the Secretary of the CPK.

1 Q. Did you know, at the time who, were the members of the Central
2 Committee or the Standing Committee of the CPK?

3 A. No, I didn't. I did not meet or know these elder Brothers at
4 the top.

5 Q. Did you in June 1978 know the difference between the Central
6 Committee and the Standing Committee?

7 A. No, I didn't.

8 Q. Would you be able to tell the Chamber why you didn't know
9 that, at that time?

10 [11.07.41]

11 A. I didn't know about this because as a soldier we were never
12 instructed or informed of this. No dissemination of information
13 relating to this has ever been made to us.

14 Q. Did you, around that time, June '78, know what the objectives
15 of the CPK were; what the policy of the CPK was?

16 A. I only knew two main points: that we were obliged to defend
17 the country and reconstruct it.

18 Q. Did you know in June 1978, Nuon Chea?

19 A. No, I didn't. I never met him at that time.

20 Q. Did you meet him after June '78; did you ever see him after
21 June '78?

22 A. (Microphone not activated)

23 MR. PRESIDENT:

24 Mr. Witness, please wait. You may now proceed.

25 MR. CHUON THI:

1 A. After 1978 -- and I was fully engaged in fighting the
2 Vietnamese. I had lost any connection with any of these people
3 including Nuon Chea. No, I had not met him ever since.

4 [11.10.03]

5 BY MR. KOPPE:

6 Q. Does the Name Vorn Vet ring a bell with you?

7 MR. CHUON THI:

8 A. No, it doesn't. I never heard of him.

9 Q. Does the name So Phim ring a bell?

10 A. No, it doesn't. Nonetheless, I have heard of him, I have heard
11 of a person by the name So Phim though I never met him in person.

12 Q. Mr. Witness, you were earlier this morning asked about the
13 speech that Pol Pot gave in June '78 during the meeting in
14 Kampong Chhnang. You have testified that he spoke about foreign
15 aggressors and about rebuilding the country. Do you remember in
16 more detail the things that Pol Pot said about the foreign
17 aggressors?

18 A. In 1978, people gathered in the meeting and the people from
19 different ranks, lower ranks and higher ranks and we were
20 lectured on how to be cautious regarding these spies, KGB agents
21 and CIA agents. We were asked to be vigilant and that we had to
22 make sure that these people could not infiltrate in our system,
23 otherwise they would pose great risk to the country.

24 [11.12.18]

25 Q. Do you remember what Pol Pot said during that meeting about

1 Vietnam?

2 A. I met him very briefly before I left for the border area. With
3 that I did not be there long enough to hear him talk much about
4 this.

5 Q. What was, in June 1978, your own experience with Vietnamese
6 aggression?

7 A. We understood the term "aggression" to be bad term and that
8 aggressors were bad people and we didn't like them.

9 Q. But when Pol Pot spoke about foreign aggressors, did that
10 correspond with your own experience in respect of actions of
11 Vietnam?

12 [11.13.50]

13 A. I was engaged in the hostility in the border area and I
14 witnessed the encroachment by the Vietnamese troops into Cambodia
15 territory.

16 Q. Did Pol Pot say, during the meeting, about whose initiative
17 those incursions were; who was the aggressor? What happened? Did
18 he say things like that?

19 A. No, he didn't. He just said that people, our neighbours in the
20 East were invading us and we had to make sure that they could be
21 driven back.

22 Q. The other subjects during this meeting, this public meeting
23 with Pol Pot in June '78 was about rebuilding the country. Did he
24 also speak, at that time, about the food situation in Cambodia?

25 A. The meeting was convened rather briefly and during the meeting

41

1 he talked about foods and he asked a question regarding
2 cooperatives. He asked whether people had enough food in each
3 cooperative and if there was food shortage what would be the
4 solution to this. And people responded by saying that there were
5 decent food in their respective cooperatives. That's what I heard
6 and if the food was short then they would have their own means of
7 dealing with this.

8 [11.16.23]

9 Q. Was Pol Pot concerned with the food production and the food
10 situation in Kampuchea at that time?

11 A. I don't know whether he was concerned about this or not
12 because I met him on a very short period of time.

13 Q. You have testified that during that meeting Pol Pot spoke
14 about foreign aggressors referring to Vietnam. Did he also speak
15 about enemies within Kampuchea and if yes, what should be done
16 with enemies within Kampuchea?

17 A. Internal enemies were raised in the meeting. We were told that
18 after the regime was, or the country was liberated, people were
19 liberated but their mentality was not yet free; in other words,
20 liberated.

21 [11.18.13]

22 Q. Did Pol Pot ever speak to you or the others about purging
23 specific individuals in Kampuchea?

24 A. I think that there were people who were specialized in these
25 areas. For me, I was engaged in defending the country as a

1 soldier and I would not know much about this.

2 Q. So is it fair to say that you do not have any knowledge in
3 June 1978 about purging cadres, in for instance, the Eastern
4 Zone?

5 A. It is correct to say that.

6 [11.19.43]

7 Q. When you had the meeting with Pol Pot after the bigger
8 gathering, could you be more specific as to the words he uttered
9 when speaking to you?

10 A. In a meeting with me in Kampong Chhnang, the meeting was very
11 brief and he said that I had to gather forces to be transferred
12 to the border area to fight the Vietnamese. And I didn't have
13 much time to talk to him and I then moved to the border area with
14 the troops and we had lost connection for the following years.

15 Q. Did he ever say during that meeting that you or your troops
16 had to engage with cadres from the East Zone or was it only
17 directed toward the Vietnamese troops?

18 [11.21.06]

19 A. No, he didn't say anything specific on this, other than what I
20 told you.

21 MR. KOPPE:

22 Mr. President, I think I have finished my questions. Thank you.

23 MR. PRESIDENT:

24 Thank you, Counsel.

25 Next we would like to hand over to the Prosecution to put some

1 questions to the witness. You may proceed.

2 QUESTIONING BY MR. LYSAK:

3 Thank you, Mr. President.

4 Good morning, Mr. Witness. My name is Dale Lysak and I will have
5 a few questions for you on behalf of the Co-Prosecutors.

6 [11.22.26]

7 Q. I want to turn first to ask you a few questions regarding the
8 period prior to April 1975 during which you told us this morning
9 that you were participating, you had participated in combat with
10 Lon Nol forces, but couldn't remember the exact locations. You
11 are the second witness who has testified here from Division 1. A
12 person named Meas Voeun whose alias was Spy Voeun has testified
13 here. He indicated that he was someone who had been a battalion
14 commander in Division 1, was promoted to regiment commander in
15 Division 1 prior to April 1975 and that in 1976 Meas Voeun became
16 the deputy commander of Division 1 under Ta Soeung.

17 My first question for you is: Did you know Meas Voeun?

18 MR. CHUON THI:

19 A. No, I didn't. Perhaps he was under the same division, but in
20 different battalion.

21 Q. My national colleague has advised me I may not have pronounced
22 his name correctly -- Voeun.

23 Voeun, did you know a person named Voeun who, as of 1976, was the
24 deputy commander of Division 1 under Ta Soeung?

25 [11.24.50]

1 A. No, I still don't know these persons. They could have been in
2 other Division.

3 Q. You indicated that you could not recall the areas in which
4 Division 1 had engaged in combat. Let me see if I can refresh
5 your memory and I'd like to read to you what Meas Voeun told this
6 Court on the 3rd of October 2012. This is from document E1/129.1
7 and this is a testimony that was on pages 110 to 111 of the
8 English transcript, the time -- the approximate time of the
9 questions and answer is between 15.51.47 and 15.55.00. Let me
10 just read this testimony from Meas Voeun to see if that refreshes
11 your recollection -- quote.

12 "During the fighting along National Road 5, at that time there
13 were Southwest soldiers to the East of Krakor up to Kampong
14 Chhnang and Oudong. We were under the overall charge of Ta Mok,
15 then Ta Soeung, so we fought along the road up to Oudong. But at
16 that time, sometimes we won, sometimes we lost. And by the time
17 we reached Oudong there were many casualties from the bombardment
18 as well as from the shelling from the artillery.

19 [11.27.14]

20 "By the time we reached Oudong, I cannot recall the exact date,
21 but it was 1973 or 1974. We kept fighting consistently along
22 National Road 5. We fought during the rainy season and when the
23 dry season commenced, we started fighting again.'"

24 Does this refresh your memory of the areas where you participated
25 in combat; do you recall participating in fighting along National

1 Road Number 5?

2 A. Yes, it does, and yes, I do recall briefly.

3 Q. Can you tell us, did you participate in the battle for Oudong?

4 A. I did not engage in combat in the Oudong vicinity, but I did
5 in the vicinity of Sala Number 5.

6 Q. Do you have any recollection of what happened to the civilian
7 population of Oudong after it was captured by the Revolutionary
8 forces?

9 A. I'm afraid I don't know about this.

10 [11.29.29]

11 Q. I will now ask you some questions regarding the events around
12 -- leading up the 17th of April 1975 and the events of that day
13 and the days after.

14 You told Mr. Nuon Chea's counsel this morning, that during the
15 evacuation of Phnom Penh, you were located at the intersection of
16 National Roads 3 and 4 and I just want to clarify. When you refer
17 to the intersections of National Roads 3 and 4, are you referring
18 to the circle -- intersection that is not too far from this Court
19 between here and the Pochentong Airport?

20 A. Yes, it is correct because at that time, other units had to
21 move forward into the city when my unit had to remain in this
22 area and we also saw people who had been evacuating from the
23 city.

24 [11.31.11]

25 Q. So, in his testimony here, Meas Voeun described or indicated

1 that at least his regiment from Division 1 attacked Phnom Penh
2 from the west of the city through either Pochentong or Stueng
3 Meanchey; can you tell us in terms of the days leading up to 17
4 April 1975, from what direction was your battalion or your
5 company attacking Phnom Penh?

6 A. My battalion attacked from the area of Ra Samraong -
7 Samraong's railway station.

8 Q. Can you give us, for those of us who don't know that location;
9 can you tell us where that is located in relation to Phnom Penh
10 or in relation to Pochentong Airport, for example?

11 A. It was a railway station north of Pochentong. It was south of
12 Tuol Leab.

13 Q. Can you tell us, do you recall when it was that your battalion
14 received its orders as to where it was to attack from in the
15 final push towards Phnom Penh?

16 A. At that time I was in a company; I was not in the - I was not
17 the commander of the battalion. So I did not know where or from
18 which direction I should attack Phnom Penh. I just stayed over
19 there.

20 Q. Do I understand then correctly, that you do not remember at
21 any time your company receiving orders regarding either the
22 attack on Phnom Penh or the evacuation of the city; is that
23 correct?

24 [11.34.31]

25 A. My unit did not participate in the evacuation of the people

1 from Phnom Penh.

2 Q. I understand that your unit didn't participate. My question
3 is: Did your unit, at any time, receive any orders regarding
4 either the attack on Phnom Penh or the evacuation? Did you
5 receive any orders as to what your unit was to do when you
6 reached Phnom Penh?

7 A. We received the order to attack, to liberate Phnom Penh. Of
8 course we received such an order, but we did not receive the
9 order to evacuate the people from Phnom Penh at all.

10 Q. Just to be sure we're clear, am I correct that your company
11 remained at the intersection of National Roads 3 and 4, but other
12 units continued on into the city and it was those units that
13 conducted the evacuation. Do I understand your testimony; is that
14 correct?

15 [11.36.15]

16 A. Other units went into Phnom Penh. My unit was over there, was
17 at the intersection and I do not know about the evacuation of the
18 people.

19 Q. How many days was your unit stationed at the intersection of
20 National Roads 3 and 4?

21 A. I stayed over there for around three or four days.

22 Q. And can you describe for us, in a little more detail, what you
23 observed from there in terms of the people leaving the city?

24 A. People and military official seemed to be happy. We were
25 happy. We laughed together. There seemed to be no problem at the

1 time.

2 Q. Let me ask you this. What was your unit assigned to do during
3 this three or four day period while you were at the National Road
4 3 and 4 intersections?

5 A. During that period, my unit just stop over there and my unit
6 just stay over there after Phnom Penh was liberated. We just stay
7 over there at the intersection. So my unit arrived at that
8 location and then we stayed over there and that's all.

9 Q. Who was it that was providing you orders during the period
10 your unit was at the National Road 3 and 4 intersections?

11 [11.38.59]

12 A. It was the battalion commander who gave the order.

13 Q. And can you tell us for what period of time did you see people
14 leaving the city while you were at that location?

15 A. I did not know about that. I just only saw people leaving the
16 city. I did not know where they went. They left the city since
17 the day Phnom Penh collapsed.

18 Q. Did you receive any instructions from your battalion commander
19 to assist the people who were leaving the city; to help them with
20 transportation, help them with food or water? Did you receive any
21 instructions from your battalion commander to help the people who
22 were leaving the city?

23 A. No, I did not.

24 [11.40.34]

25 Q. Can you tell us where it was that your company went after the

1 three or four days you spent at the intersection of National
2 Roads 3 and 4?

3 A. After that, we went to construct National Road Number 3. We
4 transported rock from Chisor Mountain to construct -- to rebuild
5 -- to repair the road. So my unit was transferred there.

6 Q. How long did your unit spend working on the construction of
7 National Road 3?

8 A. I did not remember. I do not remember about that because it
9 happened a long time ago.

10 Q. Why don't you then tell us what your unit did after completing
11 your tasks, working on the construction of National Road 3?

12 A. After we finished, after we repaired the road, we did farming.

13 Q. Can you tell us where you were located when you were doing
14 this farming?

15 A. At that time there was no cattle. There was no plough at all.
16 We did it by using our hands, by using our own labour and then we
17 transplanted rice. We did the farming near Pochentong.

18 Q. And how long were you -- was your unit located near Pochentong
19 doing farming? How long after 17 April 1975?

20 [11.43.43]

21 A. I cannot remember.

22 Q. Can you tell us what the next location was where you were
23 assigned after doing farming near Pochentong?

24 A. Later we were stationed at Banteay Longveaek.

25 Q. Was Longveaek the location of the Division 1 headquarters or

1 the main Division 1 base?

2 A. Yes, it was the headquarter of Division 1.

3 Q. Do you remember where it was that you were assigned to the
4 Division 1 headquarters at Longveaek?

5 [11.45.05]

6 A. Please repeat your question.

7 Q. Yes, my question -- do you remember what year you were
8 assigned to the Division 1 headquarters, located at Longveaek.

9 A. My regiment was under the Division 1. My company was under
10 that division -- my company was over there. And Longveaek was the
11 headquarters of that division.

12 Q. What did your company do, when it was at Longveaek, and how
13 long were you there?

14 A. At Longveaek, we did farming. We stayed over there until we
15 had a mission to go to Svay Rieng. We were sent to Svay Rieng.

16 Q. Do I understand correctly, then, that you were primarily based
17 at Longveaek all the way up until the time in June 1978, where
18 you were assigned to go to Svay Rieng; is that right?

19 [11.47.21]

20 A. Yes, it is correct.

21 Q. Before we break for lunch, I want to turn to some questions
22 about the structure of the military. And I was to start by just
23 trying to clarify some -- your testimony from this morning
24 regarding your exact position in division 1.

25 MR. LYSAK:

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1 Mr. President, if I can provide a copy to the witness of his OCIJ
2 interview, document D369/6, with your leave?

3 [11.48.05]

4 MR. PRESIDENT:

5 You may proceed.

6 Court Officer is instructed to bring the document to Mr. Witness.

7 BY MR. LYSAK:

8 Q. Mr. Witness, Nuon Chea's counsel referred you to one of the
9 answers, where you talked about your position in Division 1. I
10 want to take you through a number of the statements you made in
11 your OCIJ interview regarding that.

12 First, in answer number 3 of your - of this interview, you made
13 the following statement - quote - and you were talking here about
14 the mid-1978 period, where you attended this meeting - quote: "At
15 that time, I was in Prey Nob, Kampong Som as the commander of
16 Regiment 15 of Division 1 of the west zone."

17 If you could then also look at answer number 9. This is also a
18 statement you provided regarding that June 1978 meeting, where
19 you stated - quote: "I would like to clarify that, when I was
20 called for the meeting with Pol Pot in Krang Kampong Cham in June
21 1978, a list of participants was prepared. And as a member of
22 Division 1 and commander of Regiment 15, Pol Pot must have known
23 about me and my position."

24 And then, three answers later -- answer number 12 -- you gave the
25 following statement - quote:

1 "In early 1976, when Division 502 was established, and Sou Samet
2 became its commander, Ta Song became the commander of division 1,
3 Ta Si became the deputy-commander, and I became the commander of
4 regiment 15."

5 Now, you told us this morning that you were promoted to battalion
6 commander approximately for -- five months after the liberation,
7 and you indicated that, sometime after that, you were promoted to
8 regiment commander.

9 [11.51.22]

10 So I wanted to give you an opportunity to clarify exactly when it
11 was that you received the promotion from battalion commander to
12 commander of Regiment 15.

13 MR. CHUON THI:

14 A. Regarding the promotion: After I got promoted for a while --
15 and then I was sent to the border area.

16 Q. Are you saying that your promotion to regiment commander was
17 shortly before the time that you were sent to Svay Rieng? Is that
18 right?

19 A. Yes, it was a short time before I was sent there, I was
20 promoted.

21 Q. And where were you based at the time you were promoted to
22 regiment commander? Where were you located at that time?

23 A. My unit was stationed along National Road Number 4, along
24 National Road Number 4, near Srae Ambel. It was Srae Ambel
25 district in Prey Nob.

1 Q. Let me come back to that in a second. Was there a period when
2 Division 1 was transferred from the Southwest Zone to the West
3 Zone?

4 A. Yes, it is correct.

5 [11.54.32]

6 Q. Do you recall approximately what year it was when Division 1
7 was transferred to the West Zone?

8 A. I cannot catch the -- I do not know about that, and I do not
9 remember the year as well.

10 Q. When Division 1 was reassigned from the Southwest Zone to the
11 West Zone, did your unit or battalion move or relocate?

12 A. My unit was stationed along National Road Number 4, from Prey
13 Nob to Traeng Trayueng, in the area. We were stationed, and we
14 were in the forest along that national road.

15 Q. The reason I'm trying to clarify this is, you talked about
16 being assigned to Longveaek where the Division 1 headquarters
17 were. Am I correct that Longveaek is in Kampong Chhnang province?

18 [11.56.10]

19 A. Yes, it is.

20 Q. And then it appears that there was a time period where your
21 battalion was moved or relocated from Longveaek to Srae Ambel
22 district on National Road 4 on Prey Nob. Can you tell us when it
23 was that your unit moved from Longveaek down to Srae Ambel?

24 A. I have forgotten; I do not remember that, because it happened
25 a long time ago.

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1 Q. The Srae Ambel location -- was this in the West Zone? And if
2 so, what sector of the West Zone were you located in?

3 A. Srae Ambel was in the West Zone. It was north of National Road
4 Number 4. I do not remember the exact location.

5 Q. Do you recall whether this was part of what was Sector 37 of
6 the West Zone?

7 A. Yes, it was under Sector 37.

8 MR. LYSAK:

9 Thank you. Mr. President, I was going to turn to another line of
10 questioning now. If you wish, I can continue, or-

11 [11.58.28]

12 MR. PRESIDENT:

13 Thank you. Thank you, Mr. Witness. Thank you, Co-Prosecutor.

14 So, right now it is time for adjournment. The Court will resume
15 at 1.30 this afternoon.

16 Court officer is instructed to bring the witness to the waiting
17 room during the adjournment and bring him back to the courtroom
18 at 1.30 this afternoon.

19 Security personnel are instructed to bring Mr. Khieu Samphan to
20 the holding cell and bring him back to the courtroom before 1.30.

21 The Court is adjourned.

22 (Court recesses from 1159H to 1333H)

23 MR. PRESIDENT:

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

25 We would like to hand over to the prosecutor to continue putting

1 questions.

2 [13.34.05]

3 BY MR. LYSAK:

4 Thank you, Mr. President. Good afternoon, Mr. Chuon Thi.

5 Q. I want to turn now to some questions on the issue of reporting
6 communications or your reporting - reporting within the military.

7 In answer number 18 of your OCIJ interview, document D369/6, you
8 provided the following description of the reporting process -

9 quote:

10 "In Division 1, I had to report to its commander, Ta Soeung, but
11 did not copy to others beside the commander, but I knew that he
12 had to report to his upper echelon because it was the way the
13 military affairs went. For mode of reporting, I used
14 communicating radio C25 to report to the division leadership."

15 End of quote.

16 Now, you told us this morning that you sent written reports to
17 your superior. Can you tell us, did you send those written
18 reports by telegram, by messenger, or by some other means?

19 [13.35.52]

20 MR. CHUON THI:

21 A. It was sent through messenger.

22 Q. The C25 radio that you referred to in your OCIJ statement, can
23 you tell us what the - what that radio was used for?

24 A. The C25 radio was used occasionally, for communication.

25 Q. And where was that radio located?

1 A. When it was for me to use, it would be kept at the place where
2 I worked. And if it was needed for the division, it would be then
3 transferred to that division.

4 Q. Where was Division Commander Soeung located? Where was his
5 office?

6 A. He was stationed at Longveaek.

7 Q. In the answer 18 that I just read, you stated that Division
8 Commander Soeung had to report to his upper echelon. And I want
9 also to read to you now – ask you about answer number 19 that is
10 in your OCIJ interview. In answer number 19, you stated as
11 follows – quote:

12 "I used to receive some telegrams involving plans and activity
13 only from division leadership, and such telegram were translated
14 from the original ones which contained secret codes."

15 [13.38.30]

16 You continue on to note that these telegrams were – quote –

17 "copied to other leaders", and you also state – quote – that "the
18 telegrams mentioned the enemy's activities" – end of quote.

19 Mr. President, at this time, I'd like to show the witness three
20 telegram reports that I'd like to ask him to review and have a
21 few questions about. These are documents E3/1031, E3/1033, and
22 E3/1001. If I can present these to the witness, and then I'll
23 describe the records for the Court also.

24 MR. PRESIDENT:

25 You may proceed.

1 Court officer is now directed to bring these documents for the
2 witness for examination.

3 [13.40.00]

4 BY MR. LYSAK:

5 Q. Mr. Witness, I'm presenting you these three telegrams because
6 of your statement that you received some telegrams from the
7 division leadership that discussed enemy activities.

8 The first telegram, E3/1031, is telegram number 28 that was sent
9 by Soeung from the West Division Political Section on the 12th of
10 August 1977, regarding enemy jets flying over the Koh Kong
11 Islands. It contains an annotation in the left-hand margin, in
12 which the report is forwarded by Khieu to Angkar.

13 The second telegram, E3/1033, is telegram 32 that was sent by
14 Soeung from the West Division Political Section on the 24th of
15 August 1977, addressed to "Beloved and Missed Brother".

16 And the third telegram, E3/1001, is telegram number 1 that was
17 sent by Soeung on the 31st of March 1978, regarding the capture
18 of three Thai boats and the arrest of one person, which was
19 copied to "Uncle", "Uncle Nuon", "Brother Van", and
20 "Documentation".

21 My question for you is: When you - were these - are these
22 documents similar to the telegrams that you saw from division
23 leadership, discussing enemy activities?

24 [13.42.25]

25 MR. CHUON THI:

1 A. These telegrams are not the same as those that were used as
2 means for our communication in reporting. I think we did report
3 on the internal enemy at that time, but I'm not familiar with
4 this form of reporting.

5 Q. Can you explain to us how the telegrams that you saw that
6 discussed internal - internal enemies and other enemy activities
7 - how are those telegrams different than the telegrams that I've
8 just presented to you?

9 A. The telegrams you are presenting to me were produced by people
10 who were in charge of the national affairs. I was holding a
11 low-ranking position and would not be able to know something
12 about this.

13 [13.43.58]

14 Q. One more question on that: The telegrams that you saw, were
15 they - were these telegrams that were written by Division
16 Commander Soeung or were these telegrams written by other
17 leaders?

18 A. I had never received telegrams from any people above the
19 division.

20 Q. So the telegrams that you saw were reports from other
21 commanders within Division 1; is that - is that right?

22 A. I'm afraid I don't understand your question.

23 Q. The telegrams that you saw that discussed internal enemies,
24 were these telegrams written by other commanders within Division
25 1?

1 A. The reports on the enemies were made from the top - from the
2 division level down to brigade, and regiment, and downwards.

3 Q. Now, I want to turn to some questions regarding
4 communications, specifically communications of Party lines and
5 policies to your division.

6 And you've already answered a number of questions today regarding
7 the meeting you attended in Kampong Chhnang in June 1978, that
8 was chaired by Pol Pot.

9 [13.46.47]

10 I want to refer you to some of your statements in answer number
11 4, regarding that meeting. You state in answer number 4 of your
12 OCIJ interview that "Pol Pot chaired the meeting and spoke from
13 the beginning until the end for almost one week". You indicate
14 that there were around 100 people at the meeting and that the
15 participants included battalion and regiment commanders as well
16 as cooperative chiefs, sub-commune committees, and district
17 committees. And you made the following statement, which I would
18 like to read, regarding the discussion that took place about food
19 supply - quote:

20 "Pol Pot also asked the participants, who were cooperative
21 chiefs, sub-commune committees, and district committees, whether
22 'people at the base level had sufficient food'. Most cooperative
23 committees responded that their people had sufficient food; only
24 a few said they did not have enough food. Pol Pot further asked
25 'where the harvested rice goes'. These cooperative committees

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1 responded 'the rice production was not good'. Pol Pot stated,
2 'The surplus of rice must be exported to exchange agricultural
3 materials from other foreign countries'." End of quote.

4 [13.48.43]

5 Now, you indicate in here that participants at the meeting
6 included district and sub-commune committees. Can you tell us
7 whether these were people from all the districts of the West
8 Zone, or was this meeting limited to a particular sector or
9 region of the West Zone?

10 A. That was a statement he raised in the meeting, but I don't
11 know all the participants because people were not introduced nor
12 - or neither did they tell the meeting where they were from.

13 Q. Fair enough. I want to - in order to pinpoint this meeting a
14 little more, I want to ask you now about a statement in a report
15 from the West Zone office, dated the 4th of August 1978, and this
16 is document E3/1094 - E3/1094. And the section of this report
17 that I'm going to read to you is Section 4.1, and for the record,
18 the ERN numbers are: Khmer, 00143611 through 143612; English,
19 00315376; French, 00593532. And in this West Zone report, which
20 is the monthly report for July 1978, it contains the following
21 statement I would like to read to you - quote:

22 "In July 1978, we organized educational sessions to educate
23 cadres and Party members from all sectors in the zone. The
24 attendees, in general, included members of the sectors, district
25 secretaries, committee of cooperatives, and Party members. At the

1 same time, we opened educational sessions to educate the core
2 organization, including Youth League members and the Base
3 People."

4 [13.51.50]

5 The next paragraph – and this is the one that is of particular
6 importance here:

7 "The documents used for education were taken from all seven
8 documents of the Party. They were documents which the Party used
9 to educate us in June, in the first semester of 1978. We took
10 some parts of the documents to use in general study.

11 "The result of the education sessions shows that cadres, Party
12 members, and core organizations have understood and absorbed well
13 from all documents especially about the lines on country defence,
14 ongoing socialist revolution, and construction of socialism on
15 all sectors. They also understood well that the main factor here
16 is to build the leadership forces, and especially to destroy the
17 hidden enemy burrowing from within. They also understood clearly
18 and absorbed well about the Party's plan and method to gather and
19 increase friends and reduce enemy." End of quote.

20 This report from the West Zone indicates that the Party had
21 conducted an education session in June 1978, at which a number of
22 documents had been provided.

23 My question to you is: Do you recall, at the June 1978 meeting,
24 whether Pol Pot or other persons distributed Party documents to
25 the people who attended?

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1 [13.54.00]

2 A. After the meeting in Kampong Chhnang, on one occasion – I have
3 never attended any other meetings because I had to be transferred
4 to the border area.

5 Q. I understand that. At the June '78 meeting in Kampong Chhnang,
6 did Pol Pot or other leaders distribute any documents at that
7 meeting?

8 A. No, they didn't.

9 MR. LYSAK:

10 Mr. President, I'd like to show the witness a document. This is
11 document E3/763 – E3/763. It is a document that was issued by the
12 Central Committee of the CPK, dated 20 June 1978, titled
13 "Guidance of the Central Committee of the Communist Party of
14 Kampuchea on the Party's Policy Towards Misled Persons Who Have
15 Joined the CIA, Served as Yuon Agents, or Joined the KGB and
16 Opposed the Party, Revolution, People, and Democratic Kampuchea".
17 I can show this to the witness, with your leave, to see if he
18 recognizes this document?

19 [13.55.55]

20 MR. PRESIDENT:

21 You may proceed.

22 However, you should present the document to the witness and ask
23 him whether he has seen this document. If he says no, then it
24 would have to be withdrawn.

25 And you may also ask if the document can be put up on the screen

1 for that.

2 Counsel for Mr. Khieu Samphan, you are on your feet; you may
3 proceed.

4 MS. GUISSÉ:

5 Yes, Mr. President, this is only a remark I would like to make.
6 It may well be that it is superfluous, given what you just
7 stated.

8 Regarding the previous question to the witness as to whether he
9 had seen documents at the meeting and the fact that he answered
10 by saying no, I do not understand the basis for showing this -
11 the witness this document, so I object to this procedure in
12 principle.

13 [13.57.00]

14 MR. LYSAK:

15 If I may respond, Mr. President, the point is, these events took
16 place a long time ago, and sometimes witnesses forget things, and
17 this is an opportunity to see if this refreshes his recollection.
18 If he doesn't see - say he's ever seen the document, then we'll
19 move on to the next areas.

20 MR. PRESIDENT:

21 We have already ruled on this.

22 Court officer is directed to bring the document to the witness.

23 And we would like to remind parties to the proceeding that please
24 proceed as what the Chamber has instructed.

25 [13.57.53]

1 BY MR. LYSAK:

2 Q. Mr. Chuon Thi, you can take your time to look at the document,
3 but my question for you is a very simple one, whether - it's
4 whether you recognize this document and recall ever having seen
5 it before.

6 MR. CHUON THI:

7 A. No, I don't. I have never read it before.

8 MR. PRESIDENT:

9 Court officer is now directed to return this - or withdraw this
10 paper from the witness.

11 BY MR. LYSAK:

12 Q. Mr. Chuon Thi, I'd now like to ask you a few questions
13 regarding the "Revolutionary Flag" publication.
14 If you look at answer number 6 and answer number 7 of your OCIJ
15 interview, document D369/6; in those answers, you stated that
16 "the 'Revolutionary Flag' magazine was published monthly" and
17 that you read it "when it was distributed to various units".
18 [13.59.20]

19 Can you tell us how the "Revolutionary Flag" publication was
20 distributed to your regiment? From whom did you receive the -
21 this magazine?

22 MR. CHUON THI:

23 A. These "Revolutionary Flag" magazines were distributed to
24 soldiers for reading.

25 Q. And, also in answer number 6 of your OCIJ interview, you state

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1 in the very last sentence of that answer that you read about the
2 issue of CIA or KGB traitors "who conspired with the Vietnamese"
3 in "Revolutionary Flag".

4 And I would now like to – Mr. President, with your leave, I would
5 like to present to the witness one of the issues of
6 "Revolutionary Flag" to ask him about, and this is the document
7 E3/727 – E3/727 – which is the May to June 1976 – I'm sorry, 1978
8 issue – with your leave.

9 [14.01.05]

10 MR. PRESIDENT:

11 You may proceed.

12 And court officer is now directed to bring this copy to the
13 witness for examination.

14 BY MR. LYSAK:

15 Q. My first question to you, Mr. Chuon Thi, if you look at the
16 cover page of this document, can you tell me, do you recognize
17 this as an issue of the "Revolutionary Flag" magazine?

18 MR. CHUON THI:

19 A. Yes, I do.

20 Q. The – a section of this issue that I'd like to refer you to –
21 and I have a yellow Post-it on that page to make it easy for you
22 – is: Khmer page 00064566; English, 00185333; and French,
23 00524460.

24 And if we may show that on the screen, Mr. President, with your
25 leave?

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1 The quote that I would like to refer you to-

2 [14.02.53]

3 MR. PRESIDENT:

4 Indeed, you may proceed, and the document can now be put up on
5 the screens.

6 BY MR. LYSAK:

7 Q. The excerpt from this issue of "Revolutionary Flag" I wanted
8 to ask you about states as follows - quote:

9 "The heads we must attack are CIA, Yuon, and KGB. Since 1975, the
10 forces that have attacked us have all nothing other than CIA and
11 Yuon. The contemptible Chakrey, the contemptible Chhouk, the
12 contemptible Thuch, the contemptible Doeun, the contemptible
13 Phim, the contemptible Si, the contemptible Keo Meas, and the
14 contemptible Chey were all CIA. The only difference among them
15 was that some of the CIAs were more on the American side, while
16 others were more on the Yuon side.

17 "Document after document demonstrates that they initially were
18 together with the contemptible Nol to attack the communists." End
19 of quote.

20 [14.04.22]

21 And, later in the same issue of "Revolutionary Flag" - at, Khmer,
22 00064578; English, 00185342; and French, 00524469 - the document
23 states - quote:

24 "Our duty is therefore to attack absolutely, powerfully, and
25 successively these CIA, Yuon, and KGB agents, to attack them and

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1 attack them again so that they are liquidated and successively
2 liquidated again and again." End of quote.

3 My question to you, Mr. Chuon Thi: When you said in your OCIJ
4 interview that you read in "Revolutionary Flag" about CIA
5 traitors who conspired with the Vietnamese, is this an example of
6 the type of statements that you read in "Revolutionary Flag"?

7 MR. CHUON THI:

8 A. Regarding the "Revolutionary Flag" magazine, those who were
9 regarded as KGB, Yuon, or CIA agent, I did not know about those
10 people. I did not know about that. They did not tell me at all.

11 Q. One of the -in the excerpt that I read to you, the first
12 excerpt, one of the people who was identified as a CIA agent was
13 "the contemptible Si". The person named "Si", was this the
14 Secretary of the West Zone, a person known as Chou Chet, alias
15 Si?

16 [14.07.16]

17 A. I did not know who they were because they change their names
18 during the period. I heard the word - the name Si, but of course
19 I did not know the person. I used to hear of that name.

20 Q. In your OCIJ interview, in answer number 3 of that interview,
21 you referred to Ta Si as the West Zone Secretary and you
22 specifically noted that he was not present at the June 1978
23 meeting in Kampong Chhnang. Were you aware why Ta Si was not
24 present at the June 1978 meeting that was led by Pol Pot?

25 A. I did not know about that. I did not know whether he was

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1 called to attend the meeting or not. I did not know about the
2 reason because that was at the national level, so low-ranking
3 cadres could not understand that.

4 Q. Did you know the wife of Ta Si, a woman named Im Nen alias Li,
5 who was the Secretary of Udong district?

6 [14.09.08]

7 A. I did not know him (sic). I did not know Ta Si either and I
8 did not know his wife either.

9 Q. Mr. President, for the record, there is a S-21 confession for
10 Im Nen alias Li, Secretary of Udong district, which is case file
11 document D159/5.35, and it has been admitted by the Trial Chamber
12 as E3/2468. It bears an annotation showing it was reported to
13 Angkar on the 11th of April 1978.

14 There is also - the Trial Chamber has also admitted the S-21
15 confession of West Zone Secretary Chou Chet alias Si, as E3/1682
16 - E3/1682 - and it bears an annotation from Duch indicating it
17 was reported on the 14th of April 1978.

18 My last question to you on this subject, Mr. Chuon Thi. Given
19 that S-21 records establish that the West Zone Secretary, Ta Si,
20 had been arrested and was detained at S-21 as of April 1978 and
21 the May-June '78 issue of "Revolutionary Flag" expressly refers
22 to Si as one of the contemptible traitors - you were at a
23 week-long meeting of West Zone cadres presided over by Pol Pot in
24 June 1978, a couple of months after Ta Si, the zone secretary,
25 had been arrested. Was there not some discussion at this

1 week-long meeting about what had happened to the Secretary of the
2 West Zone?

3 [14.11.53]

4 A. Before the meeting in Kampong Chhnang, I did not see what
5 happened. The situation was normal.

6 Q. Did you at any time learn what happened to Ta Si, the former
7 Secretary of the West Zone?

8 A. I know - I knew only after Vietnam - the Vietnamese troop came
9 into Cambodia in 1978-1979. At the time, I knew that Ta Si was -
10 Ta Si had been arrested already, and I did not know other things.

11 Q. The last subject that I want to ask you about before turning
12 over to the civil parties - I have one question regarding the
13 military structure during the time that you were in Svay Rieng.

14 In answer number 15 of your OCIJ interview - if you would look at
15 answer number 15 - you describe the various divisions that were
16 part of the new consolidated division, and then you state as
17 follows - quote: "Artillery and tank units belonged to the
18 Central Committee..."

19 What did you mean when you said that "artillery and tank units
20 belonged to the Central Committee"?

21 [14.14.10]

22 Mr. President, I'm told I should repeat the question because it
23 wasn't translated well.

24 My question to you, Mr. Chuon Thi: In answer number 15 of your
25 OCIJ interview, you state that "artillery and tank units belonged

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1 to the Central Committee". What did you mean by that statement?

2 A. The tank units and the artillery units belonged to the
3 Ministry of Defence, so there must - there had to be a plan from
4 the top. And for the local military, we did not have the
5 artillery or tanks at all.

6 MR. LYSAK:

7 Thank you for your time today, Mr. Chuon Thi.

8 Mr. President, I have no questions - the Co-Prosecutors have no
9 further questions at this time.

10 MR. PRESIDENT:

11 Thank you.

12 So, right now, we would like to hand over to Lead Co-Lawyer to
13 put question to the witness.

14 QUESTIONING BY MR. PICH ANG:

15 Good afternoon, Mr. Witness and all the parties over here. My
16 name is Pich Ang. I represent the civil parties. And right now I
17 have some question for you, and later on my co-lead lawyer will
18 put question to the witness after me.

19 [14.16.15]

20 Good afternoon, Mr. Chuon Thi. I have some questions for you so
21 that you can give more clarification.

22 Q. First of all, I would like to ask about the attack into Phnom
23 Penh.

24 So, those units who attacked into Phnom Penh with your unit - so,
25 which unit attacked into Phnom Penh before the 17 April of 1975?

1 MR. CHUON THI:

2 A. Regarding the attack into Phnom Penh, as I said earlier, at
3 the time I was only a low-ranking soldier. They just told me that
4 all the division from different zones cooperated or worked
5 together to attack into Phnom Penh, but of course I did not know
6 which unit exactly.

7 Q. Thank you. That is fine.

8 Regarding the people who walked out of Phnom Penh - regarding
9 those people who walked out of Phnom Penh on the 17th of April
10 and later - and later, can you tell the Chamber what kinds of
11 people - what types of people walked out of Phnom Penh at that
12 time?

13 [14.18.11]

14 A. As I said earlier, I was over there, so after the victory was
15 announced and then a lot of people came out, a lot of cars, so
16 many people, I could not say who they were. And of course, at the
17 time, we were happy with them.

18 Q. Among - those people who walked out or who came out in their
19 cars, were there old people, women, or children among them? Did
20 you see that?

21 A. Some drove their cars, there were young people, there were
22 children, there were old people - of course there were.

23 Q. You said that a lot of people came out of Phnom Penh. Can you
24 give a more detailed description? So, what did you see regarding
25 the movement of the people? Did they walk out comfortably? Was it

1 convenient for them to walk out of Phnom Penh or it was hard for
2 them to walk out of Phnom Penh?

3 [14.19.45]

4 A. I did not pay attention to that at the time. So, when we met
5 them, we shook hands with each other, and I did not pay attention
6 to their difficulties. I did not know about that at the time.

7 Q. You saw the people walking out of the city only for one day or
8 you saw them in the later days as well?

9 A. As I have said earlier, I stayed over there for three or four
10 days, and then I was transferred out to do farming and I did not
11 know what happened later on because I had been transferred out of
12 that place already.

13 Q. Of course. You said that you stayed over there for three or
14 four days. So, after the first day - I mean, the second day, the
15 third day, and the fourth day, did you see people coming out of
16 Phnom Penh? So, this is when you were over there; so, did you
17 still see the people walking out of Phnom Penh?

18 A. As I said, I saw them walking out of Phnom Penh all over the
19 road.

20 [14.21.38]

21 Q. For the later days, did you still see them - in other words,
22 they still looked happy like what - like what happened on the
23 first day?

24 A. So, when I met them, they still looked happy; they did not
25 change. They looked normal. They talked with us, they told jokes.

1 Q. Thank you for your clarification.

2 Regarding other civil parties and witnesses, they have - gave the
3 account which is different from yours account. So, now I would
4 like to ask you about another issue, regarding the period when
5 Phnom Penh was taken over by the Khmer Rouge.

6 Did you meet Lon Nol soldiers? And did you see them walking out
7 of Phnom Penh like ordinary citizens or not?

8 [14.23.20]

9 A. I am not - I am not sure about that. I just saw a lot of
10 people coming out of the city. Some soldiers drove their car out
11 and they were not armed. They did not have weapons with them.

12 Q. Regarding the people who went out of Phnom Penh, I would like
13 to ask you, was there any kind of arrangement? In other words,
14 did you arrange food, medical treatment for them or not? Did the
15 Khmer Rouge soldiers arrange such services for the people or not
16 at that time?

17 A. I cannot give the response because I know nothing about that.
18 I do not know about that because I was only in a small unit, a
19 low-level unit. I was told that the authorities at the base were
20 responsible for receiving those people, in fact.

21 Q. You said that you joined the Revolution in 1970 - in 1970
22 because you wanted to liberate the country and to restore Samdech
23 Sihanouk to power. After liberating the country, did Sihanouk
24 come to power - did he come to power at the time?

25 A. After we liberated Phnom Penh, I did not know about that. I

1 knew he came back into the country but I did not know about his
2 role or his duty. I just knew that he came back into Phnom Penh,
3 he lived in Cambodia, but I do not know about his work.

4 [14.26.06]

5 Q. I would like to ask you another question. In your document, in
6 the - your statement, I would like to quote from your statement,
7 answer number 9. You said that when you came to Phnom Penh, you
8 saw Nuon Chea. Can you clarify? When you saw Nuon Chea, what was
9 Nuon Chea doing in 1977, when you saw him at that time? What was
10 he doing?

11 A. I saw him when I visited Phnom Penh after the victory. At the
12 time I did not know he was Nuon Chea. During the fighting, during
13 the war with Lon Nol, I did not hear of his name. I did not know
14 him, either. And I never visited Phnom Penh. I had never visited
15 Phnom Penh, but at that time I just came into Phnom Penh and I
16 just saw him, but of course I did not talk with him at all.

17 Q. You said - when you attended the meeting with Pol Pot in
18 Kampong Chhnang in 1978, you said that at the time Pol Pot talked
19 about the marriage policy and also mentioned some slogan as well.
20 In other words, he wanted to increase the number of the
21 population to 20 or 30 million in the future. So, was that slogan
22 seen in other places in the country as well?

23 [14.28.37]

24 A. That slogan was seen anywhere in the country. The slogan said
25 we have to increase the number of the people, the population, up

1 to 20 or 30 million people; we have to develop the agriculture,
2 our industry. So, those slogans can be seen in all the work
3 places.

4 Q. Those slogans were seen in the countryside as well? And did
5 you see those slogans in Phnom Penh as well, when you visited
6 Phnom Penh?

7 A. (Microphone not activated)

8 MR. PRESIDENT:

9 Please hold on.

10 MR. CHUON THI:

11 A. So, when - so, those slogans were stuck on the wall only when
12 there were study sessions or there were meetings.

13 [14.30.02]

14 BY MR. PICH ANG:

15 Q. As part of the marriage policy, you mentioned that people who
16 got married were supposed to be marrying people that were - who
17 were proposed. Is it fair to say that people would agree to get
18 married in such a situation?

19 MR. PRESIDENT:

20 Mr. Witness, please hold on.

21 Counsel Kong Sam Onn, you may proceed.

22 [14.30.40]

23 MR. KONG SAM ONN:

24 Thank you, Mr. President.

25 Marriage is not a subject matter before us in this juncture of

1 the proceedings. It is – as the witness said, that earlier on –
2 that marriages were not arranged; people got married because they
3 were pleased to get married when such proposals were made.

4 MR. PICH ANG:

5 Thank you, Mr. President.

6 I wish to also inform the Chamber that I am citing the statement
7 made by this witness, and the question was put by Counsel Son
8 Arun as well, this morning, regarding marriage. And I am of the
9 opinion that this matter is relevant to marriages, and I still
10 believe that the question is appropriate.

11 [14.32.15]

12 MR. PRESIDENT:

13 Witness is now instructed not to respond to the question because
14 that question is not relevant.

15 BY MR. PICH ANG:

16 Thank you, Mr. President. I may proceed to another question,
17 concerning the structure of communication.

18 Q. You mentioned about the orders rendered by a commander who
19 then passed these orders down to other commanders. My question to
20 you is: Could people ignore the orders or could they disagree
21 with the orders?

22 MR. CHUON THI:

23 A. Orders had to be followed.

24 Q. Was there any case, for example, when a soldier may not
25 respect the order? And if that happened, what could have happened

1 to the person?

2 [14.33.54]

3 A. In the army, each soldier had to fully obey the instruction
4 and orders. No one objected it.

5 Q. I would like to now move back a little bit to the meeting you
6 said earlier on in Kampong Chhnang.

7 You said soldiers attended that meeting, but you did not mention
8 whether there were soldiers from commune level of Kampong Chhnang
9 attending the session.

10 A. I believe that there were soldiers from the -- the commune
11 level, although, the only thing is that I do not recognize or
12 know them.

13 Q. Were these soldiers wearing civilian clothing when they
14 attended the meeting?

15 A. (Microphone not activated)

16 MR. PRESIDENT:

17 Witness, please observe a pause. You may proceed.

18 [14.35.27]

19 MR. CHUON THI:

20 Everyone was seen wearing the same clothes, black clothes.

21 BY MR. PICH ANG:

22 Q. Where were they from, if you still remember? Were they all
23 from one sector or one zone or from across the country?

24 MR. CHUON THI:

25 A. I'm afraid I don't know the answer to this.

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1 Q. For those who attended the meeting in Kampong Chhnang, did you
2 notice any other individuals who were in the leadership, other
3 than Pol Pot?

4 A. As I already said, I did not know other people. There could be
5 some senior people in the meeting, but I - they were not
6 introduced. How could I know them?

7 [14.37.04]

8 Q. I believe that my question was not properly stated. I may ask
9 you again. Can you tell the Chamber, please, how many people were
10 seen sitting in the front rows, for example, on the chairperson's
11 row of seating?

12 A. I saw only Pol Pot alone as the person who chaired the
13 meeting.

14 MR. PRESIDENT:

15 Thank you, Mr. Witness and Counsel.

16 Since it is now appropriate moment for the adjournment, the
17 Chamber will adjourn for 20 minutes. The next session will be
18 resumed by 3 o'clock.

19 Court officer is now directed to assist Mr. Witness during this
20 adjournment and have him returned to the courtroom when the next
21 session resumes, at 3 o'clock.

22 (Court recesses from 1438H to 1459H)

23 MR. PRESIDENT:

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

25 The Chamber would like to now hand over to Lead Co-Lawyers for

1 the civil parties to continue putting questions to the witness.

2 And please be reminded that Lead Co-Lawyers for the civil parties
3 will have 20 more minutes to put questions to this witness.

4 BY MR. PICH ANG:

5 Thank you, Mr. President. I have only two more points to cover
6 during my questioning time to this witness, and then I would cede
7 the floor over to my learned colleague for more questions.

8 Q. Mr. Witness, this morning, you said Pol Pot said in Kampong
9 Chhnang that the matter of internal enemies was also raised. He
10 said that, "Now we won the victory, but we have to be very
11 careful with the danger that could have been caused by the
12 internal enemies." What do you want to say about this?

13 [15.01.55]

14 MR. CHUON THI:

15 A. We were told that we won the victory over the Lon Nol regime,
16 and with that we had to be very careful not to allow this
17 imperialist regime's return.

18 Q. When you mentioned about "the ideology" in your statement,
19 what do you refer to?

20 A. That would refer to the way of our thinking.

21 Q. Could you please be more precise? When you said it's the "way
22 of thinking", how is it related to that? Can you explain further
23 on this?

24 A. I'm afraid I cannot give your further explanation.

25 Q. Thank you, Mr. Witness.

1 I may now proceed to the next point, regarding the radio. This
2 matter was already captured under question and answer number 4 in
3 your statement.

4 [15.03.37]

5 You said you knew that at that time Pol Pot was the Secretary of
6 the CPK, and you heard about this through the radio broadcast,
7 and that the people all across the country knew the position of
8 Mr. Pol Pot back then.

9 My question to you: When you said that radio broadcast was heard
10 so that the whole population would know who Pol Pot was, how was
11 the radio broadcast - or how was this carried out?

12 A. After the 17 April 1975, there were several radio stations,
13 for example the radio station at Stueng Mean Chey that was still
14 operational, and they took the advantage of having the
15 functioning radio station to broadcast this to the whole nation.

16 Q. Were people able to access to radio broadcasts?

17 A. People in the countryside had access to these radio broadcasts
18 because loudspeakers would be installed in - or at worksite at
19 the countryside, where people could hear the broadcasts very
20 clearly.

21 [15.05.28]

22 Q. What kind of information was broadcast on the radio broadcasts
23 to the people? Can you please describe a few key points in the
24 broadcast for the Court?

25 A. I can't say more precisely on this, but what I still recollect

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1 is that we heard about how we would be expected to do farming, to
2 grow crops, so on and so forth.

3 Q. Did you also hear through radio broadcasts about the 3 tonnes
4 per hectare plan?

5 A. Yes, I did.

6 Q. What about the other issues, like marriages, as you mentioned,
7 policy regarding marriages? Did you also hear about this through
8 radio broadcasts at cooperatives or worksites?

9 [15.07.00]

10 A. No, such marriage plan was not broadcast on radio, but we
11 heard about this through our superiors, and it were - this matter
12 was discussed in the local area, for example when - who we fall
13 in love and how we could propose.

14 Q. I have just a few more points - questions before I finish.
15 The next question is: Did you hear any senior leaders' names
16 being mentioned on any of the radio broadcasts?

17 A. Yes, I did. I heard through the radio broadcasts, and through
18 those I could hear that - Pol Pot's, Nuon Chea's, Khieu Samphan's
19 names are being mentioned on those programs.

20 Q. Did you also hear whether in the radio broadcast people were
21 told about the roles and functions of Mr. Khieu Samphan and Nuon
22 Chea?

23 A. (Microphone not activated)

24 MR. PRESIDENT:

25 Please hold on. You may now proceed.

1 [15.08.24]

2 MR. CHUON THI:

3 A. I heard about the senior – the leaders of the Khmer Rouge, but
4 I do not recollect whether there were information about the roles
5 and functions of these individuals.

6 BY MR. PICH ANG:

7 Q. Thank you.

8 This is going to be my last question. After the 17th of April,
9 1975, did you also have the opportunity to listen to the radio
10 broadcasts on the seven super-traitors or super-traitors?

11 MR. CHUON THI:

12 A. I have heard anything about this.

13 [15.09.17]

14 MR. PICH ANG:

15 Thank you, Mr. Witness.

16 And thank you, Mr. President and Your Honours. I have no further
17 questions. With that, I would like to cede the floor over to my
18 learned colleague to continue putting questions.

19 MR. PRESIDENT:

20 You may proceed.

21 QUESTIONING BY MR. JACOMY:

22 Thank you, Mr. President. Good afternoon to the Bench, to the
23 parties, and to you, Mr. Witness.

24 Q. I have a few further questions to ask you for the civil
25 parties to add to the questions already asked by my colleagues,

1 and I'd like to start by bringing you back to the evacuation from
2 Phnom Penh. You told us that when that took place, you were
3 positioned on route 4, at the exit of the town, and you said that
4 people were laughing, that they were content. And a few minutes
5 ago, you repeated, "We were happy, people were joking, and
6 basically speaking, it was a pleasant evacuation." About the
7 conditions, you said that you didn't pay any particular attention
8 to that.

9 [15.10.38]

10 To refresh your memory, Mr. Witness, I'd just like to read an
11 extract from a civil party testimony, a person who was evacuated
12 on the same route that you were standing on at that time. It's
13 the hearing of October 19th, 2012 - in French, 00855830; in
14 English, 00855698; and in Khmer, 00855227. On the subject of the
15 evacuation, the civil party I have mentioned said the following:
16 "My father decided to continue towards Pochentong Airport. I saw
17 soldiers' corpses along the roadside. I was traumatized by that."
18 And at a later stage the witness said:

19 "There were crowds of people along the road, including corpses.
20 Some people were run over, trampled. People used cars to leave
21 the city, but there were just too many people, and the Khmer
22 Rouge soldiers pulled the drivers out of the cars and executed
23 them. The people were afraid and they ran away, and some families
24 were separated from each other. All that we could do is clasp our
25 young children to us and continue our journey along routes 3 and

1 4."

2 [15.12.50]

3 And a little later on the witness said: "We were terrorized.

4 There was no money. There was no food to be bought along the

5 route."

6 So, Mr. Witness, the tenor of that statement has been confirmed

7 by a number of civil parties who have come to testify in this

8 courtroom. They describe the sick people, the elderly, and the

9 children, and the heat as well, and the absence of care and food

10 during the evacuation.

11 So, I have a simple question for you, Mr. Witness: Did you see

12 these people? And do you genuinely believe that they were happy?

13 MR. PRESIDENT:

14 Witness, can you please hold on?

15 Counsel for Nuon Chea, you may proceed.

16 [15.13.58]

17 MR. KOPPE:

18 Thank you, Mr. President. I object.

19 What the witness believes is not relevant; it is about what he

20 has seen.

21 So I would like to ask the lawyer for the civil parties to ask

22 the witness about knowledge - what he has seen or what he has

23 heard, not what he believes.

24 BY MR. JACOMY:

25 Yes, I'll put the question in a different way.

1 Q. Does the testimony you heard refresh your memory, Mr. Witness?

2 And do you maintain your statement about the conditions that
3 prevailed during the evacuation?

4 [15.14.52]

5 MR. PRESIDENT:

6 Mr. Witness, have you listened to the question in Khmer or did
7 you not hear anything in the Khmer channel?

8 MR. CHHUON THI:

9 Yes, I did, Mr. President. I heard what was being said in Khmer.

10 MR. KONG SAM ONN:

11 Mr. President, I appear to hear French in my channel.

12 MR. PRESIDENT:

13 I think I had the same problem, but witness said he hear Khmer
14 anyway.

15 Counsel, can you please proceed to put this question again?

16 And time is running – almost running out, and I think your
17 questions should be less lengthy. And the Chamber already reminds
18 parties time and again that questions should be short and precise
19 so that witness can respond to it more appropriately, because we
20 do not want to risk having one question, and then there will be
21 no time for answering it.

22 [15.16.20]

23 BY MR. JACOMY:

24 Q. Yes. Mr. Witness, does the passage I read refresh your memory?

25 And do you confirm your statement to the effect that people were

1 happy?

2 MR. CHHUON THI:

3 A. What I saw was that people were happy. They didn't even share
4 with us their sorrow.

5 And when it comes to the corpses or injured people, that was not
6 to my knowledge because I never saw such things.

7 Q. Thank you. Let me switch to the subject of internal security.

8 This morning you told us that when you were positioned in Sector
9 37, in the Western Zone, as battalion commander, you did not have
10 any internal security duties to fulfil. Nevertheless, you did
11 undertake arrests - did you undertake arrests of civilians within
12 that sector?

13 [15.18.04]

14 A. There was no civilian arrested in the sector where I worked.

15 Q. Thank you.

16 Just to refresh your memory, I will read you a statement by a

17 civil party who was living in the sector at the time. The

18 transcript is document E3/1745; in French, it's 00485416;

19 English, 00338390; and in Khmer, 00304334. And this is what was

20 said:

21 "One day, during the night, I was sleeping with my wife, who had

22 been ordered to go and harvest potatoes in the local area. A

23 soldier named Hak came to call me, perhaps between 9.00 and 10.00

24 in the evening, telling me to go and repair a machine in a paddy

25 field that very night. I said to myself that it might not have

1 been to go and repair the machine because, normally speaking,
2 civilians came to me for that sort of purpose, not Khmer Rouge
3 soldiers. And once I got to the paddy field, I saw soldiers
4 waiting on the route and I knew that I was going to be arrested.
5 When I got into the trailer, I knew that I was definitely going
6 to be arrested because of the soldiers there. As soon as I got
7 down from the trailer, I was tied up and put into a hut."

8 Mr. Witness, does this statement refresh your memory and remind
9 you of arrests made by soldiers in the region at that particular
10 time?

11 [15.20.45]

12 A. No, it doesn't. I just want to make it clear that in my unit,
13 no arrests had ever been made.

14 Q. Thank you.

15 Now, for my final question, let us turn to the Koh Khyang
16 Security Centre. And you told us this morning, when you were
17 answering a question from the Defence, that you were not aware of
18 the existence of a security centre in your region.

19 However, I think you said the opposite to the Investigating Judge
20 when you were questioned - this is document D369/6, question 16;
21 that's 00520461 in French; in English, 00513318; and in Khmer,
22 00485628. And when you were asked if you had heard of the Koh
23 Khyang Security Centre in Prey Nob province (sic), you said: "I
24 used to hear when soldiers said that they knew about a security
25 centre in Koh Khyang."

1 And later you said: "I knew that Koh Khyang prison was
2 established in 1978 for detaining the lazy and those who ate in
3 secret."

4 [15.23.07]

5 So, to refresh your memory, Mr. Witness, about this security
6 centre that you appear to have forgotten about, I would like to
7 read a statement by a civil party who lived in the Prey Nob
8 district in those days and who was arrested by soldiers and
9 imprisoned in Koh Khyang. It's document E3/1746, and the
10 transcript in French is 00850561; in English, 00850561 (sic); and
11 in Khmer, 00525741. And I will read it in English, because
12 there's only partial translation in French. This is what the
13 civil party said:

14 "In July 1977, one day, at 7 p.m., the unit chief named Khan came
15 to call me and took me to the soldier station near the Prey Nob
16 commune centre, in Prey Nob district, Kampot province. When I
17 arrived there, the soldiers detained me at their place for three
18 nights. In the first evening two soldiers, names unknown, took me
19 to be interrogated. They asked me if I had stolen rice to eat. At
20 that time I repeatedly answered then that I had not done it. They
21 when grabbed the hoe handle to strike me three times on my back
22 until I became unconscious. In the second evening, they took me
23 out to be interrogated again. They still asked me the same
24 question about if I had stolen rice. When I still denied it, they
25 struck me with the hoe handle until I fainted again. In the

1 evening of the third day, the soldiers took me to Koh Kyang
2 Prison, in Koh Kyang village, Srae Cham commune, in Prey Nob
3 district, Kampot province. When I arrived in Koh Khyang Prison,
4 they shackled my ankles and tied up my arms for 24 hours. In that
5 prison, once every two days, they took me out to be
6 interrogated."

7 Mr. Witness, does that statement remind you of anything? And can
8 you now remember the fact that the military took civilians into
9 that security centre?

10 [15.26.38]

11 A. Allow me to make it clear that I am not involved and I don't
12 know anything about this. Soldiers had nothing to do with
13 internal security duty. But I had heard that something happened
14 in the area. I was - I just don't know whether it was under the
15 control of the military or civilians.

16 Q. What exactly had you heard about it?

17 A. I heard that there was a security centre at Koh Khyang. I had
18 already left the area to the border and I had no more information
19 about this ever since.

20 MR. PRESIDENT:

21 Counsel, your time has already been used.

22 Next we would like to hand over to counsels for Mr. Khieu Samphan
23 to put some questions to this witness.

24 MR. JACOMY:

25 Thank you, Mr. President. I was at the end of my questioning.

1 Thank you to the witness, as well.

2 [15.28.24]

3 QUESTIONING BY MR. KONG SAM ONN:

4 Thank you, Mr. President, and thank you, Your Honours.

5 Mr. Chuon Thi, I am Kong Sam Onn, counsel for Mr. Khieu Samphan
6 along with my learned colleague. I have a few questions to put to
7 you regarding the statement you made before the Chamber.

8 Q. First of all, allow me to ask you the question about your rank
9 during the Democratic Kampuchea regime. I have noted what's
10 written in the statement you gave before the Co-Investigating
11 Judges and also your statement you made before counsels for Mr.
12 Nuon Chea. You said – and also there was additional questions put
13 by the Co-Prosecutor to you – that you were the Commander of
14 Regiment 15 of Division 1. And when there were questions seeking
15 clarification from you, you stated that you were not the
16 Commander of Regiment 15; it was the person by the name of Rom
17 (phonetic) who was the Commander of Regiment 15 under Division 1
18 and that you were just an ordinary soldier in the division.
19 Now, can you tell the Chamber, please, which position do you
20 maintain? Were you the Commander of the Regiment 15, or Rom
21 (phonetic) was?

22 [15.30.13]

23 MR. CHUON THI:

24 A. In the commanding positions, there were three individuals –
25 the head, deputy-head, and member – and I was part of the

1 committee, but as a member. And as I already said, I was in the
2 committee, but a member. I said I was in the commanding committee
3 of Regiment 15, but not the commander itself.

4 Q. Thank you. So, you were part of the commanding committee of
5 Regiment 15. So is it fair to say that you were the deputy
6 commander of the regiment?

7 A. Yes, it is.

8 Q. Thank you.

9 Under document D369/6, which contains your statement before the
10 Co-Investigating Judges, you talked about attending a meeting
11 when Pol Pot was also attending. I heard a lot about this since
12 this morning, but I would like to seek some clarification, when
13 you said you met Pol Pot first time in Kampong Chhnang in June
14 1978, during the time when you were attending the meeting.

15 My question to you is: Did you know Pol Pot very well during the
16 meeting?

17 [15.32.28]

18 A. I attended the meeting when Pol Pot was also attending. It was
19 during that time that I knew him. I had never known him before,
20 and indeed, before I met him, I had heard of him but never had an
21 opportunity to see him in person. Then, during the meeting, I was
22 also introduced or told that - by referring to him as Pol Pot.

23 Q. Were you told he was Pol Pot, or Pol Pot himself introduced
24 him to you directly?

25 A. I was told by my colleagues who attended the meeting. They

1 knew Pol Pot and they just told me he was Pol Pot.

2 Q. Thank you. You said you met Pol Pot in person and that you
3 received some orders from him to mobilize some troops to fight
4 the Vietnamese at the border. At that time, was the individual
5 who asked you to bring some troops to the border identifying
6 himself as Pol Pot?

7 [15.34.05]

8 A. No. At that time, he didn't tell me he was Pol Pot, but
9 Soeung, who was the commander of the division, told me that Pol
10 Pot was waiting to render the order to me, before I met him.

11 Q. Thank you. Can you also identify to the Chamber, please, the
12 individual who was allegedly ordering something and you said he
13 was Pol Pot? Can you describe this to us?

14 A. (Microphone not activated)

15 MR. PRESIDENT:

16 Mr. Witness, can you please observe some pause? You may proceed
17 now.

18 MR. CHUON THI:

19 A. I don't know how I can describe this person to you. I think it
20 is difficult.

21 BY MR. KONG SAM ONN:

22 Q. I think I may repeat this question. Can you identify the
23 individual who talked to you about the order and you said he was
24 Pol Pot? Describe his brief appearance, for example his face, how
25 he was like, or what he was like.

1 [15.35.31]

2 MR. CHUON THI:

3 A. He was a person of fair complexion and he had a very nice
4 smile. He was a very popular person, a very person - a friendly
5 person, indeed.

6 Q. Thank you. I would like - I would like now to draw your
7 attention to your question and answer number 4. On the last
8 paragraph in Khmer, I would like to read as follows - it is under
9 the building section.

10 "Pol Pot mentioned about the rebuilding of Cambodian economy from
11 least to progressive one and facilitating people to get - rather,
12 Pol Pot stated that the surplus of rice must be exported to
13 exchange agricultural materials from other foreign countries."
14 Can you help the Chamber - whether you still maintain that this
15 statement was made by Pol Pot?

16 A. Yes, I still maintain this position and that the statement was
17 made by Pol Pot.

18 [15.37.30]

19 Q. Thank you. I would like also to seek some clarification, in
20 particular when you said it was Pol Pot who said this. Did you
21 hear this during the study session or you heard from others?

22 A. No, I didn't hear this in person. I heard from others. But
23 when I worked with - in my unit, I could hear our colleagues
24 talking about this same statement: the surplus of rice must be
25 exported to exchange agricultural materials.

1 Q. Thank you. Can you also state again where you heard this
2 statement, when you said – or believed to be made by Pol Pot? And
3 when did you hear this?

4 A. I don't think I remember this; it happened a long time ago.

5 Q. Very well. Can you tell the Chamber whether you heard this
6 statement being made during the time when you were in Kampong
7 Chhnang, during that meeting?

8 [15.39.21]

9 A. As I said, I met Pol Pot only on one occasion. So, this
10 statement was heard during study sessions, educational sessions,
11 long before I met him. And later on this statement would be heard
12 time and again.

13 Q. Thank you. So, through your confirmation, you had heard this
14 statement long before you attended the study session in Kampong
15 Chhnang and that – you did not hear it directly from Pol Pot, but
16 from your commander. Is that true?

17 A. Yes, it is.

18 [15.40.18]

19 MR. KONG SAM ONN:

20 Thank you, Mr. President.

21 Thank you, Mr. Chuon Thi. I do not have other questions, but of
22 course my colleague will have some questions for you.

23 MR. PRESIDENT:

24 Thank you.

25 Counsel, you may proceed.

1 QUESTIONING BY MS. GUISSÉ:

2 Thank you, Mr. President. Good afternoon, Witness. My name is
3 Anta Guissé. I am co-counsel for Mr. Khieu Samphan -
4 international co-counsel for Mr. Khieu Samphan. I will be the
5 last person to put questions to you, and it won't be very long.

6 Q. I would like us to revisit an issue you raised in answer to a
7 question to the Co-Prosecutor - a question put to you by the
8 Co-Prosecutor and also counsel for Nuon Chea. You stated that,
9 after April 1975, you and your men - that is, those who were
10 under your authority - were assigned to do farm work. Was that
11 indeed your statement?

12 [15.41.38]

13 MR. CHUON THI:

14 A. Yes, it is correct.

15 Q. Please, Witness, may I request you to repeat your answer?
16 Because we did not hear the interpretation of that answer.

17 A. After that, soldiers were transferred to do farming. So, this
18 is correct.

19 Q. Still in answer to a question put to you by the Co-Prosecutor,
20 you stated that after April 1975 - that is, between April 1975
21 and the date of the meeting you referred to, which took place in
22 June 1978 - you were also responsible for external defence - that
23 is, defending the country from the external enemy.

24 My question to you is as follows: Between the time when you were
25 assigned to do farm work and the date of that meeting - that is,

1 June 1978 - you participated in confrontations, military
2 confrontations; is that the case?

3 [15.43.18]

4 A. From 1975 until June 1978, during that period, I was
5 responsible for defending the country, but of course I did not
6 engage in any fighting during that period.

7 Q. Very well. So, if I understood you correctly, between June -
8 before June 1978, if I understood you correctly, you only did
9 farm work; is that correct?

10 A. Yes, it is correct.

11 Q. Could you please tell us where you did such farm work and what
12 exactly was the nature of the farm work that you had to do?

13 A. My base was in Longveaek, and I did farming in Longveaek. So,
14 we did farming over there.

15 Q. My question was more specific. I wanted to know precisely what
16 kind of farm work you did. What crops did you grow? And for whom
17 did you grow them?

18 A. We transplanted rice for eating, to support the unit. We grew
19 rice for the unit, for eating, in fact.

20 Q. Where you were, were you working with civilians, or it was
21 only your unit that worked at that location?

22 [15.45.56]

23 A. Please repeat your question.

24 Q. You have just stated that you and your unit cultivated rice
25 for consumption. And my question to you is whether, where you

1 were working, you worked with members of the civilian population,
2 or it was only your unit that worked there.

3 A. Civilians and soldiers worked - did farming separately.

4 Q. You explained your career in the army. Did you have any
5 problems with farming, as opposed to working only as a soldier?

6 Who ordered you to grow rice, to do farming, instead of
7 restricting your services to military services?

8 A. I did not receive any order. If we did not grow rice, so what
9 do we have for food? And according to the slogan, we have to do
10 rice farming in order to support ourselves. So soldiers have to
11 do farming in order to support our own unit, as well.

12 [15.48.01]

13 Q. Thank you for this clarification. I would like us to briefly
14 consider the issue of the meeting in June 1978, you held with Pol
15 Pot, which you referred to in answer to a question put to you by
16 my learned friend.

17 For purposes of clarification, you stated that you were a member
18 of the command of the division as assistant-commander. Can you
19 tell us how you were convened to that meeting with Pol Pot? What
20 was the procedure whereby you were convened? Did it go through
21 the usual hierarchical channels?

22 A. As I have said earlier, the division, Ta Soeung - the division
23 commander, Ta Soeung, called me to attend a meeting. So, when I
24 was told by the division commander, I went to attend that
25 meeting.

1 Q. From what you explained regarding the situation from 1975 to
2 1978, as far as that meeting was concerned, you and your men did
3 farm work. During that period, did you continue training as a
4 soldier?

5 [15.49.47]

6 A. During that period, after 17 April 1975, so all weapons were
7 kept in a warehouse, and we did farming only.

8 Q. Witness, that would mean that when you were called in 1978 to
9 attend the meeting on the border, you were commanding a unit that
10 had not been in combat for three years. Is that your testimony?

11 A. Yes, of course.

12 Q. During that meeting or thereafter, following the explanations
13 of the commander of your division, were you told why you were
14 convened to that meeting, whereas you had not engaged in combat
15 for a very long time? Can you explain that to us?

16 A. I didn't know about the division because my unit was located
17 close to the headquarters. I did not know about other things.

18 [15.51.42]

19 Q. One last point - and this will be my last line of questioning.
20 In answer to a question put to you by the Co-Prosecutor, you
21 referred to a problem with ammunition. You have just told me that
22 when you were assigned to do farm work, the weapons were stored
23 somewhere. When you were sent on assignment to the border, after
24 the meeting in June 1978, now, did you use the weapons and the
25 ammunition that had been in storage for about three years?

1 A. Yes, it is correct. After the war, all weapons were stored,
2 were kept in warehouses, and then we did farming. So, when
3 Vietnam declared war or invaded us, so, soldiers had to go to
4 war. And it took a long time for the soldiers to mobilize – to be
5 mobilized, and it became too late. When we were ready, the
6 Vietnamese troops had come into Cambodia already.

7 MS. GUISSÉ:

8 Thank you, Witness, for answering my questions. I have no further
9 questions for you, Mr. Witness.

10 Mr. President, I have come to the end of my cross-examination.

11 The few minutes left should be a way of excusing myself for the
12 delays of yesterday.

13 [15.53.42]

14 MR. PRESIDENT:

15 Thank you.

16 Thank you, Mr. Witness.

17 The hearing is concluded, and the hearing will resume tomorrow.

18 Tomorrow's hearing will start at 9 o'clock. In tomorrow's

19 hearing, the Chamber will hear the testimony of TCW-570, and
20 counsel for Mr. Khieu Samphan will be the first to put questions
21 to the witness.

22 Mr. Witness, your presence is not necessary. Your testimony has
23 been concluded, and the Chamber would like to express deep thanks
24 to you for your patience, for your effort to give the testimony.
25 Your testimony will contribute to ascertaining the truth. And the

100

1 Chamber would like to wish you good luck and prosperity.

2 [15.55.09]

3 Court officers are directed to assist Mr. Chuon Thi to go back to
4 his accommodation or to any place where he wishes to go.

5 And court officer and WESU officer are instructed to bring
6 reserve witness to his accommodation and bring him back to the
7 waiting room tomorrow morning, before 9 a.m.

8 Security personnel are instructed to bring the Accused to the
9 detention centre and bring them back to attend the hearing.

10 However, Mr. Nuon Chea is instructed to be brought to the holding
11 cell downstairs so that he could observe the proceeding remotely.

12 The Court is adjourned.

13 (Court adjourns at 1556H)

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