



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

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Nation Religion King
Royaume du Cambodge
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អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

16 December 2015

Trial Day 350

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
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Marie GUIRAUD
LOR Chunthy

For the Office of the Co-Prosecutors:
Nicholas KOUMJIAN
SONG Chorvoin

For Court Management Section:
UCH Arun

I N D E X

2-TCW-1000

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Ms. SONG Chorvoin	Khmer
2-TCW-1000	Khmer

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1 PROCEEDINGS

2 (Court opens at 0908H)

3 MR. PRESIDENT:

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

5 Today the Chamber will hear a witness 2-TCW-1000.

6 Greffier, Ms. Chea Sivhoang, please report the attendance of the
7 parties and other individuals at today's proceedings.

8 THE GREFFIER:

9 Mr. President, for today's proceedings, all parties to this case
10 are present.

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

14 A witness who is to testify today, 2-TCW-1000, confirms that to
15 the best of his knowledge he has no relationship by blood or by
16 law to any of the two Accused, that is Nuon Chea, Khieu Samphan,
17 or to any of the civil parties admitted in this case. The witness
18 took an oath before the Iron Club Statue this morning and he is
19 now in the waiting room waiting to be called by the Chamber.

20 Thank you.

21 [09.10.58]

22 MR. PRESIDENT:

23 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the
24 request by Nuon Chea.

25 The Chamber has received a waiver from Nuon Chea dated 16

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1 December 2015 which states that due to his health, headache, back
2 pain, he cannot sit or concentrate for long, and in order to
3 effectively participate in future proceedings, he requests to
4 waive his right to participate in and be present at the 16th
5 December 2015 hearing. Having seen the medical report of Nuon
6 Chea by the duty doctor for the Accused at the ECCC, dated 16
7 December 2015, who notes that Nuon Chea today has back pain when
8 he sits for long and dizziness, and the doctor recommends that
9 the Chamber grant him his request so that he can follow the
10 proceedings remotely from the holding cell downstairs.

11 Based on the above information and pursuant to Rule 81(5) of the
12 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
13 follow today's proceedings remotely from the holding cell
14 downstairs via audio-visual means, this applies to the whole day.
15 AV Unit personnel are instructed to link the proceedings to the
16 room downstairs so that he can follow the proceedings.

17 Now, the Chamber would like to give the floor to the defence
18 team for Mr. Nuon Chea. I note that he would like to make the
19 submission yesterday but the floor was not given yesterday, and
20 now you have the floor. You may proceed.

21 [09.12.53]

22 MR. KOPPE:

23 Thank you, Mr. President. Good morning Your Honours, good morning
24 Counsel.

25 Yes, indeed I would like to make a few submissions in relation to

1 a witness who testified here 13 days ago, on the 3rd December
2 2015. That person was named Prak Doeun. And Mr. President, you
3 might recall that in the morning there was a discussion about
4 certain questions I wanted to ask this particular witness. He had
5 earlier given testimony about the killing of his wife, his
6 Vietnamese wife, indicating that the killing was done by cadres
7 from the village or from the region. When it was my turn to ask
8 him questions I wanted to know from him whether he was ever
9 accused of having killed his own wife. And you might remember
10 that when I was asked by Judge Fenz why I was asking this
11 question, I answered that that question was triggered by
12 something that he said himself in his civil party application,
13 E3/4989. I argued then that spontaneously, out of the blue, he
14 offered in his application, and I quote again, "I would like to
15 deny that the Khmer Rouge ever forced me to kill my Vietnamese
16 wife in order for me to survive. I swear that this was not true."
17 [09.14.56]

18 The question that I wanted to ask, like I said, was, "Were you
19 were ever accused of being involved yourself in the killing of
20 your wife and were there ever any criminal proceedings against
21 you in the early 1980s."

22 All those questions were about the reliability of this witness.
23 As I said, as you might remember, I was prohibited from asking
24 these questions. However, at a later stage, we stumbled upon
25 another civil party application, that is after the witness had

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1 gone. It's a handwritten civil party application, or rather a
2 victim statement, a statement written and drafted, as it seems,
3 by the same lawyer as the lawyer of Prak Doeun. This victim
4 statement is numbered E3/4732 and the English version is the
5 original. The English version has the thumb print on it and on
6 English page 00427379, this particular civil party says the
7 following and I quote, "I know of one Khmer husband who was
8 ordered/forced to kill his Vietnamese wife under the threat of
9 being killed himself. His name was Mr. Ga Duon (phonetic). He was
10 not ordered to kill his two mixed children. He killed his first
11 wife by taking her somewhere and beating her on the head. He is
12 still alive and lives in Baribour district, in my area, Kampong
13 Chhnang province. He now has another wife and one of his
14 daughters." The name "Duon" (phonetic), Baribour district,
15 Kampong Chhnang province, is the same district that Prak Doeun is
16 from.

17 [09.17.27]

18 Now the reason I'm making these submissions, Mr. President, is
19 that I would like to get clarification from especially the Lead
20 Co-Lawyers for civil parties, whether they know that the person
21 referred to in E3/4732, Ga Duon (phonetic), is indeed the same
22 person as Prak Doeun. If this is indeed -- if this civil party is
23 indeed referring to Prak Doeun, was this something that counsel,
24 the civil party counsel who is a lawyer for both people, was that
25 something that she knew at the time. And depending on the answers

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1 or the clarifications hopefully provided to us and the Chamber by
2 the civil party lawyers would assist us in reaching a decision to
3 recall or not recall Prak Doeun. Because the question whether he
4 was himself involved in the killing, that he actually killed his
5 wife himself, goes of course directly to his reliability because
6 here in this courtroom, he said that he had nothing to do with
7 that, or rather he said that it were other people who did the
8 killing of his wife.

9 So I hope my submissions are clear Mr. President.

10 [09.19.15]

11 MR. PRESIDENT:

12 Thank you. Mr. Co-Prosecutor, do you have something to address
13 the Chamber in regards to the submission made by the defence
14 counsel?

15 MR. KOUMJIAN:

16 Your Honour, I have nothing to add. The only question I have is
17 the document that counsel referred to, that came to his attention
18 recently, how long has that been in the possession of the
19 Defence? That is the civil party application that they think
20 might refer to the witness who has testified and -- already.

21 MR. PRESIDENT:

22 What about the Lead Co-Lawyers for civil parties? Do you have a
23 response to make? Please wait, you have the floor first, Judge
24 Lavergne. You can now proceed, Judge Lavergne.

25 [09.20.27]

6

1 JUDGE LAVERGNE:

2 Just a request to Counsel Koppe to make sure (phonetic) is clear:

3 I believe I remember -- I hear static in my headset, I hear
4 static. There is a lot of static.

5 THE INTERPRETER:

6 The interpreter hears Judge Lavergne with great difficulty.

7 [09.21.02]

8 MS. GUIRAUD:

9 Yes, indeed, there is static on the French channel, and all
10 channels, I have noticed.

11 [09.21.14]

12 JUDGE LAVERGNE:

13 Maybe this microphone works better? Yes, indeed.

14 Well, it's just a question for Counsel Koppe to make sure that
15 everything is clear: I believe I remember that this witness
16 answered your questions regarding whether or not he had been
17 accused of killing his Vietnamese wife and whether or not he had
18 indeed killed his Vietnamese wife, is that the case?

19 MR. KOPPE:

20 If you read the transcript, what the witness does answer is that
21 he talked to people, seeming to imply government officials in the
22 1980s, but my questions as to whether he ever was in prison or in
23 jail or whether he was ever criminally prosecuted, all those
24 questions were not allowed by the Bench. I think these questions
25 in the light possibly of that new -- or the civil party

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1 application that I just mentioned, should have been allowed,
2 providing of course that this Ga Duon (phonetic) is indeed the
3 same person as Prak Doeun.

4 MR. PRESIDENT:

5 Thank you. Now the floor is given to Lead Co-Lawyers for civil
6 parties to make a response to the submission made by the defence
7 team for Mr. Nuon Chea, that is Mr. Koppe.

8 [09.23.16]

9 MS. GUIRAUD:

10 Thank you, Mr. President, and good morning to all of you.
11 In order to be very clear about this, I don't know on which basis
12 our colleague is relying on to request from us, the civil party
13 Co-Lawyers, to provide them with that information. If the Chamber
14 requested us to do so, fine, but I don't know why I have to
15 respond to the Defence's request, because I don't see the legal
16 context this can be part of. The Defence of course can submit a
17 new request based on Article 87.4, the Internal Rules, but I
18 don't see how we could proceed otherwise. One comment, however,
19 regarding the document that is used today by our colleague Koppe;
20 well, this document has been on the case file for many years
21 already. It was part of the documents proposed in our lists as of
22 2011, that is to say before the severance, and then it was
23 proposed again July 2014. So it's a document that's accessible to
24 all parties since long, it's not a new document, and I note that
25 the information provided by the civil party does not correspond

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1 to Prak Doeun. We're speaking about Ga Duon (phonetic), we're not
2 speaking about Mr. Prak Doeun. It is indicated here that his wife
3 survived. Prak Doeun said in a very clear way that his wife did
4 not survive, etc., etc. So my proposal is the following: if the
5 Chamber believes that I must provide this information, I will do
6 so, but I want to be clear about the legal context in which we're
7 operating, otherwise the Defence can submit a written submission
8 to request a re-examination of Mr. Prak Doeun, and then we will
9 respond to the Nuon Chea defence's submission in writing based on
10 Article 87.4.

11 [09.25.31]

12 MR. KOPPE:

13 I'm not sure if I'm allowed a short response, Mr. President, what
14 the civil Lead Co-Lawyer -- the civil party is referring to
15 because this person did say that Ga Duon (phonetic) killed his
16 first wife by taking her somewhere and beating her on the head.
17 It seems to correspond with the statement of Prak Doeun himself
18 that he says, "I swear I didn't do that, I swear this is the
19 truth." And he offered that explanation in his own civil party
20 application. So if it is the same person, and it really looks
21 like it is the same person, then again that goes directly to the
22 reliability of this civil party. Of course, there is no way of
23 forcing the civil party lawyers to give information as to whether
24 these two persons are the same, I understand that, but I would
25 like to remind the Lead Co-Lawyer that if this is the case, this

1 might be a situation of conflicting interest and we will think
2 about whether we should take this matter to the Australian Bar.
3 However, we do not wish to go that far at all. We just would like
4 to have the information whether this person is indeed the same
5 person as Prak Doeun. And if these submissions don't go anywhere
6 today then we will request a recall of Prak Doeun at a later
7 stage.

8 [09.27.31]

9 MS. GUIRAUD:

10 Thank you, Mr. President. A short answer, however, to explain or
11 to clarify a point of confusion: the French translation I heard
12 of the civil party application of this civil party, that is the
13 E3/4732, is different in English and in French. So it's indicated
14 that it is she, the wife, who survived, where she lives -- and
15 she lives in Baribour district; but in the English version, it
16 says that he survived and that he lives in Baribour district.
17 That's why I said that she survived, on the basis of the French
18 document. So I hope that my colleague follows me properly. In any
19 case, this is what is indicated in the French translation of the
20 application.

21 MR. KOPPE:

22 Very briefly, the English, as I said, is the original version
23 that was drafted by counsel Lyma Nguyen and it says, "He killed
24 his first wife by taking her somewhere and beating her on the
25 head. He is still alive and lives in Baribour district in my

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1 area. He now has another wife."

2 That seems quite obvious to me.

3 [09.29.04]

4 MS.GUIRAUD:

5 I agree entirely with you but I was simply explaining why I had
6 indicated that she is still alive because back then I was reading
7 the French document. This is why I brought this up, whereas of
8 course the original English version is different. So I simply
9 wanted to clarify this point. Now regarding the fact that the
10 civil party lawyers or the Lead Co-Lawyers are obliged to
11 disclose to the Chamber if this person is the same, I will then
12 rely on the Chamber's wisdom. If the Chamber wishes to consult
13 this on a formal basis to see if there is a conflict of interest,
14 of course we will abide, but in the meantime I consider that it's
15 up to the Nuon Chea defence to formulate a request on the base of
16 Rule 87.4 so that we can respond in writing.

17 [09.30.14]

18 MR. PRESIDENT:

19 Thank you for addressing the Chamber and the Chamber will take
20 all the submissions and responses into consideration in due
21 course, and particularly during the time that there are no
22 hearings.

23 Now the Chamber proceeds to hear 2-TCW-1000. Before the Chamber
24 invites the witness into the courtroom, the Chamber would like to
25 inform the parties that this witness is interviewed within the

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1 investigative phase and the protective measure is being requested
2 to apply to this witness. However, the protective measure is to
3 be balanced with the needs to disclose the information in public
4 and the integrity of the investigation. And parties are reminded
5 to be careful when using document E319/3.

6 Court officer, you are instructed to invite 2-TCW-1000 into the
7 courtroom.

8 [09.33.46]

9 Good morning Mr. Witness.

10 The Chamber just received the news that the witness -- duty
11 counsel -- this witness has a duty counsel with him and so I
12 would like to ask the Court officer to invite the duty counsel
13 into the courtroom so that he can sit along with the witness.

14 [09.35.43]

15 QUESTIONING BY THE PRESIDENT:

16 Mr. Witness, during the hearings and based on the request of the
17 Co-Investigating Judge, the Chamber is asked to refer you to your
18 pseudonym 2-TCW-1000 or a witness. So parties together with the
19 Chamber are not allowed to use your surname and your first name
20 in public during the proceedings. Now the Chamber would like to
21 ask briefly your background. In document E319/23.3.48, on page 2,
22 Court officer - rather, Greffier please show the highlighted
23 points on page number 2 to the witness concerning the background
24 of the witness; full name, parents' name, place of birth, so on
25 and so forth. And Mr. Witness I would like to instruct you to

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1 tell the Chamber on the points which are not incorrect; if it is
2 correct, it is okay and you can inform the Chamber accordingly.

3 Q. Mr. Witness, can you read and write?

4 [09.37.33]

5 2-TCW-1000:

6 A. Yes, I know how to read Khmer but not well.

7 Q. So please read all the highlighted sentences and points and
8 tell me whether or not they are correct, and if they are all
9 correct, you can tell me so.

10 A. Thank you, Mr. President. Everything is correct here including
11 my full name.

12 Q. Greffier, please get the document back and to the best
13 knowledge of the witness, the witness has no relationship by
14 blood or by law to any of the two Accused and to any of the civil
15 parties admitted in this case, is this correct?

16 A. That is correct. I have no relationship by blood or by law to
17 any of the Accused or to anyone here.

18 Q. Before your appearance, have you already taken an oath before
19 the Iron Club statue?

20 A. Yes, I took an oath already, everything is done.

21 [09.39.27]

22 MR. PRESIDENT:

23 Now I would like to inform you now your rights and obligations.
24 As a witness in the proceedings before the Chamber, you may
25 refuse to respond to any question or to make any comment which

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1 may incriminate you, right against self-incrimination. Your
2 obligations; as a witness in the proceedings before the Chamber,
3 you must respond to any questions by the Bench or relevant
4 parties except where your response or comments to those questions
5 may incriminate you as the Chamber has just informed you of your
6 rights as a witness. You must tell the truth that you have known,
7 heard, seen, remembered, experienced or observed directly about
8 an event or occurrence relevant to the questions that the Bench
9 or parties pose to you.

10 Mr. Witness, have you even been interviewed or have you ever
11 provided any statements to the investigator of the OCIJ? If that
12 is so, how many times did they happen?

13 [09.40.50]

14 A. I have been interviewed twice, once at my house and another
15 one in Kampot.

16 Q. Thank you. Before you are here before the Chamber, have you
17 reviewed or did someone read the statements to you that you
18 provided two times to the investigators, one at your house and
19 another one in Kampot?

20 A. Yes, I have reviewed the documents on some points but not all
21 of them, and I may have forgotten some other points.

22 Q. To your best knowledge, do the statements you have reviewed
23 correspond to what you have told investigators of the OCIJ once
24 at your house and another one in Kampot?

25 A. Yes, I could recall some points; I could recall much of them

14

1 but not all of them.

2 MR. PRESIDENT:

3 In accordance with Rule 91bis of the Internal Rules, the floor is
4 given first to the Co-Prosecutors before other parties. The
5 combined time for Co-Prosecutors and Lead Co-Lawyers for civil
6 parties is three sessions. You may now have the floor.

7 [09.43.04]

8 QUESTIONING BY MR. KOUMJIAN:

9 Thank you, Mr. President. Good morning Your Honours, counsel,
10 civil parties and Mr. Witness.

11 Sir, if you don't understand any of my questions, please ask me
12 to repeat them.

13 Sir, at what point in your life did you join a military force?

14 2-TCW-1000:

15 A. I joined the military in 1972 until 1979.

16 [09.43.43]

17 Q. Sir, what was the military force that you joined at that time?

18 A. I joined the army in Kampot province and then in 1975, I
19 joined division 164.

20 Q. Okay, thank you. Just so we're clear when you say you joined
21 the army in '72, you mean the Lon Nol army or which army do you
22 mean?

23 A. Originally, I joined the Khmer Rouge military.

24 Q. I'm interested particularly for the purpose of this Trial in
25 the period between 1975 and '79. So I'm going to concentrate on

15

1 those years. You said in 1975 you were a member of division 164,
2 is that correct?

3 A. That's correct.

4 Q. Do you know who was the commander of the division between 1975
5 and '79?

6 A. From 1975 -- in 1975 there was not a division yet, only
7 starting from 1976 there is an establishment of the division and
8 Ta Meas Muth was the commander of the division based in Kampong
9 Som.

10 Q. This division that you call 164, did it have any other names
11 at any time?

12 A. Based on my memory there was another person named Ta Saroeun
13 and another person named Ta Nhan. There was also the East Zone
14 named Ta Doeun, and Ta Doeun later on disappeared and I did not
15 know the reason of his disappearance.

16 Q. Thank you. I don't think you understood my question. I'm sure
17 it's my fault, let me repeat it. The name of the division, 164,
18 did the division have another name before it was called 164?

19 A. No, there wasn't.

20 [09.47.20]

21 Q. Did you ever know of a division 3?

22 A. Yes, that was not division 3, it was in fact regiment 3, and
23 later on it was integrated into division 164.

24 Q. Division 164, under the command of Meas Muth, you said from
25 1976 on, can you tell us was that part of a larger army of a zone

16

1 army or any other entity?

2 [09.48.15]

3 A. Yes, the division was within the division of the military
4 zone.

5 Q. What zone was it a part of, if any?

6 A. Yes. It was within the military zone of Kampong Som.

7 Q. Have you ever heard of the army of the centre?

8 A. Yes, I heard. Yes, they are the central army. It's the
9 division of 164.

10 Q. So can you explain that? Are you saying that division 164 was
11 part of the army of the centre?

12 A. Yes, it's part of that.

13 Q. Thank you. So from the time that the Khmer Rouge captured
14 Phnom Penh in April 1975 until the Vietnamese came in January
15 1979, can you explain the positions you held within the Khmer
16 Rouge military forces?

17 [09.50.18]

18 A. From 1975 to 1979, I was in division 164; I was in the
19 battalion 129 of the regiment --

20 Q. Can you explain what kind of training you had, any kind of
21 specialised training?

22 A. No, I was just a soldier, I did not participate in any
23 training.

24 Q. Did you only fight on land or did you also fight from boats,
25 or were you assigned to boats?

1 A. Before 1975, I fought on land but in 1975 I fought in water.

2 Q. Did you receive some training before joining any naval force?

3 A. Yes, I received some naval training, about once or twice.

4 Q. During those years, 1975 to '79, did you receive any political
5 training?

6 A. No, I did not.

7 Q. Did your commanders ever talk to you about what the Khmer
8 Rouge policies were or goals?

9 A. He did not talk about politics or I did not know about any of
10 those policies.

11 Q. When you were part of the naval forces, can you explain to us
12 what your job was, what were your orders?

13 [09.53.36]

14 A. During the naval fighting in the sea, from the division to the
15 regiment and order from the regiment to the battalion, so I was
16 -- in the battalion, I received the order from the regiment.

17 Q. Were you stationed on boats that patrolled waters off the
18 coast of Cambodia?

19 A. When I was on the boat, when it was night time, I patrolled
20 along the border.

21 Q. Did you receive any orders about what to do if you encountered
22 other boats in the water, boats carrying refugees, for example,
23 or fishermen?

24 A. When I was in the navy, I was in battalion 140, there was no
25 such an order; but when I was back on the island, if there was

18

1 the boat from Thailand, there was orders of arrest, and if there
2 was such an order, I went to make an arrest.

3 Q. Okay. Let's go back and let me understand your answer. You
4 said you had these orders when you were on an island. Can you
5 explain what was your job when you were on the -- first, which
6 island are you speaking of?

7 A. The original island I was based was Tang island, and after
8 Tang island, I was assigned to Poulo Wai island.

9 Q. What years were those when you were on these islands?

10 A. In 1975 I was based in Tang island and in 1976 I was at Poulo
11 Wai island.

12 Q. And how long did you stay at Poulo Wai island?

13 A. It was until 1977 that I left Poulo Wai island.

14 Q. Where did you go after 1977?

15 A. In 1977 the Angkar assigned me to the naval force.

16 Q. Where were you based when you were assigned to the navy?

17 A. I was based at Ou Chheu Teal port.

18 [09.58.05]

19 Q. When you were based at Ou Chheu Teal port, would you patrol in
20 naval vessels waters off the coast of Cambodia?

21 A. All the fighting boats, they stayed but there are a number of
22 boats that went out to patrol, and if there were any order, then
23 those boats went out to fight.

24 [09.58.43]

25 Q. Did you receive orders to stop other boats that were not part

19

1 of your navy and if they refused to stop, to sink them?

2 A. At that time, when there was not the coming of the Vietnamese
3 yet, I did not receive any order from any levels of the Angkar.

4 Q. So you were a soldier in the naval forces and you had no
5 orders, you could just do whatever you wanted?

6 A. Only when I received the order from the upper level that my
7 force started to go out. If there was no order, we did not dare
8 to do anything.

9 Q. So I understand the time that you are talking about, when is
10 it that you said, you were saying that you received orders to go
11 out from your upper level?

12 A. I did not receive the order to patrol but it was the
13 responsibility of the different groups who --responsible for
14 patrolling. For me I was in the chasing naval force, we did not
15 go anywhere; only when there was any incident happening that
16 there was an order for the naval chasing force to go out to do
17 the work.

18 Q. Are you aware of orders to stop motorboats and if they refused
19 to stop, to sink them?

20 A. At that time I did not experience receiving orders to stop or
21 to sink any ships.

22 Q. You told us about being interviewed in Kampot, that interview
23 took five days, is that right?

24 [10.01.42]

25 A. Yes -- no, it was only three days, not five days.

1 Q. And you said you've reviewed those interview records today. So
2 I'm going to read to you one of your answers from the second day,
3 that's E319/23.3.44, and this is your answer number 26 in all
4 three languages. You told the investigator, "If we ordered any
5 motorboat to stop and they did not stop on our orders, we could
6 fire and sink it right away. I myself never shot any motorboats
7 myself but people in my unit did, to shoot at and sink
8 motorboats. These sinkings were carried out following the general
9 orders of the division." And in answer 27 you said, "It was a
10 general order of the division to all units. These orders came
11 from the division down to the battalions."

12 Now sir, is that true what I just read?

13 [10.03.10]

14 A. Yes, the orders came from the division down to the regiment,
15 and the regiment down to the battalion. So if you follow this
16 chain of command, that's correct.

17 Q. When a boat was stopped, did those in your forces on your boat
18 have an order to report to the upper echelon who was on the boat
19 that was stopped? In other words, their ethnicity and who they
20 were?

21 A. If there was an arrest of motorboat, there was an arrest of a
22 motorboat from Thailand, and if there was such arrest, we report
23 to the battalion and the battalion reported to the regiment, and
24 the regiment reported further to the division.

25 Q. My question is: did you have to report to the regiment, to the

21

1 division, who was on the boat? In other words, these are refugees
2 from Vietnam or fishermen from Thailand or westerners? Did you
3 have to do that kind of report?

4 A. Si it was - yeah, there were reports from one level to another
5 level; if there were arrests of the Vietnamese, and then we
6 reported about the arrest of Vietnamese. If there were arrests of
7 the Thai, we reported the arrest of the Thais, so it was a clear
8 reports that went from one level to the upper level.

9 Q. And what were the orders as far as what you were to do with
10 the Vietnamese that you found on boats?

11 [10.05.46]

12 A. It did not happen when I worked there. Concerning the
13 Vietnamese, if there was an order from the division to send those
14 Vietnamese on land, we had to do so. And after that time,
15 afterwards, I did not where those Vietnamese were sent to.

16 [10.06.16]

17 Q. Sir, next answer in the interview I was just talking about,
18 answer 29, you said, "The orders were clear on whether they were
19 to be killed on the spot or sent ashore. If those persons
20 captured were Vietnamese soldiers, we had to send them to the
21 shore, then they would broadcast their confessions via the
22 national radio before they killed them."

23 Is that correct, do you know that?

24 A. That is true.

25 Q. So the orders that were given to kill people on the spot, who

1 were the kinds of people that they ordered to kill on the spot on
2 the sea?

3 A. I did not know on this point. When I was ordered to make an
4 arrest, I would carry out an order and I myself never executed
5 anyone.

6 Q. You said that some Vietnamese soldiers were taken and they
7 would broadcast their confessions on the national radio before
8 they killed them. Do you know where it was that they recorded
9 their confessions?

10 A. I do not know on this point.

11 Q. In this trial, excuse me, in this first part of this trial,
12 Case 002/01, the 3rd April 2012, the commander of S-21, Duch,
13 testified and he was asked at 9.59 in the morning, "You mentioned
14 in evidence that Nuon Chea had asked S-21 to record the responses
15 of two Vietnamese prisoners of war per week for broadcasting. Do
16 you remember saying that?"

17 And Duch answered, "Thank you. Mr. President, the truth is on 8th
18 January 1979, Brother Nuon called me to work. It means that it
19 was after the meeting of the victory of the revolutionary army
20 over the Vietnamese army. Brother Nuon asked me to interrogate
21 the Vietnamese war prisoners and recorded their prisoners'
22 confessions."

23 Did you ever hear broadcast the confession of anyone that you saw
24 captured on the sea?

25 [10.09.29]

1 A. I do not know regarding this point.

2 Q. What happened to people who taken in the boats, particularly
3 Vietnamese refugees who were taken to shore? First, let me ask:
4 were Vietnamese refugees taken to shore or were they killed, if
5 you know?

6 Let me rephrase the question. First of all sir, did you yourself
7 ever capture any boats, people in boats?

8 [10.10.21]

9 A. At that time, I myself did not make the arrest.

10 Q. Sir, weren't you involved in the capture of Vietnamese
11 refugees?

12 A. No, I was not involved in it.

13 Q. Were you on a boat and your boat captured Vietnamese refugees,
14 including a man who had a hand amputated? Did that happen?

15 A. At that time, I was part of the naval unit already; I saw the
16 incident with my own eyes at Ou Chheu Teal port when that person
17 was sent ashore.

18 [10.11.47]

19 MR. PRESIDENT:

20 Thank you, international Co-Prosecutor. It is now break time; the
21 Chamber will take a short break from now until 10.30.

22 Court officer, please assist the witness during the break time in
23 the waiting room and please invite him back into the hearing room
24 at 10.30 together with the duty counsel.

25 (Court recesses from 1012H to 1033H)

1 MR. PRESIDENT:

2 Please be seated.

3 The Chamber now continues hearing testimony from the witness, and
4 now the floor is given to the International Deputy Co-Prosecutor
5 to put further questions to the witness. You have the floor now.

6 BY MR. KOUMJIAN:

7 Q. Sir, as a member of the Khmer Rouge army or navy military
8 forces, did you have any ability to disobey orders? Was it
9 possible for you to disobey orders?

10 2-TCW-1000:

11 A. No, I could not disobey order. If there was an order coming
12 down, we needed to enforce it.

13 Q. What happened to those who would disobey an order?

14 A. Those who disobeyed the orders would face problems.

15 Q. When you say "problems", what do you mean?

16 A. There would be action taken afterwards, like arrest or they
17 would be sent to re-education.

18 Q. Sir, I'm going to read from your statement, again the same
19 one, E319/23.3.44. In answer 36, you said this, "I once
20 transported persons captured by my ship and brought them to Ou
21 Chheu Teal port. They totalled 12 to 13. I still remember that
22 amongst them was a man with an amputated hand."

23 Sir, do you remember now being part of transportation, your group
24 transporting people captured by your ship, 12 or 13, including a
25 man with an amputated hand?

1 A. Yes, I remember that those people were arrested and they
2 brought in and those captured people were beaten before they were
3 transported out of Ou Chheu Teal.

4 [10.36.43]

5 Q. What kind of people were these: were these armed soldiers or
6 what were they?

7 A. Based on the question of those ethnic Vietnamese people on the
8 boat, the amputated -- the man with the amputated arm was a
9 soldier. Besides him were ordinary people. When we asked them,
10 "Where you were heading to?" And then they answered they were
11 heading to Thailand, and they were arrested between the island of
12 Tang and Poulo Wai and they were brought into the port.

13 [10.37.31]

14 Q. Were they -- did they have any arms or attempt to resist
15 arrest?

16 A. No, there were no guns.

17 Q. Do you remember any baby being among that group, do you
18 remember if there was an infant?

19 A. Yes, I remember. At that time, when they were brought in to Ou
20 Chheu Teal port, the baby cried loudly because the mother was
21 tied up and then the baby was fed with breastfeeding and then the
22 soldiers threw the baby into the sea.

23 Q. Thank you. Now, when you were working at the Ou Chheu Teal
24 port, do you remember approximately how many Vietnamese were
25 brought in to that port, captured at sea?

26

1 A. In 1977, I witnessed once or twice and later on there were no
2 incident where harm caused to the arrested people. The people
3 were brought in and then they were taken out immediately.

4 Q. The people were brought in and taken where?

5 A. I did not know where they were taken to because my
6 responsibility was assigned to base at the port.

7 [10.39.57]

8 Q. I'm a bit confused because of an answer that you gave during
9 your interview, and this E319/23.3.46 at answer 9. You were asked
10 how long you worked at Ou Chheu Teal port. And you said, "I
11 worked there the whole year 1978 until the Vietnamese came." You
12 were then asked how often they sent people through the Ou Chheu
13 Teal port and how many people came to the port each time. Your
14 answer, answer 10, was, "The number of captured totalled
15 thousands as far as I know. Each month consisted of 10 to 50
16 persons." You were then asked, "Based on your experience and
17 knowledge, in your unit and other units of the navy, between 1975
18 and 1979, approximately how many civilian refugees and fishermen
19 who entered Cambodian territorial waters were captured and
20 killed?" And you answered, "Thousands. They included Thai
21 fishermen and Vietnamese fishermen and refugees who were arrested
22 and killed on the sea, on the islands or on the mainland."
23 Sir, is that true what I just read? Did you have that
24 information?

25 [10.41.42]

1 A. Yes, that's correct. I would like to apologise that I could
2 not recall everything from 1977 to 1978 because there were many
3 things happened. People were arrested and sent through the port.
4 Among them were Thai fishermen and ethnic Vietnamese who were
5 travelling to Thailand. So at that time they were arrested and
6 killed and they were not sent out to anywhere.

7 Q. Now sir, did you ever get any information about where people
8 were killed who were taken to shore and where they were buried?

9 A. I did not go beyond my place. At Ou Chheu Teal port, people
10 were transported to Kampong Som, they were killed but I did not
11 know the exact site where they were executed. Besides Kampong
12 Som, they were also killed at orange and coconut plantations and
13 I knew some of this.

14 Q. Thank you. How did you learn that people were killed at the
15 coconut plantation?

16 A. In 1976-1977, I used to live somewhere near the orange
17 plantation because I was punished so they sent me to do rice
18 farming near Ream, and at that time people who were killed come
19 from the regiment where I worked, that is regiment 162. And those
20 who were arrested from this regiment were sent to be killed at
21 the orange plantation and their dead bodies were used as
22 fertiliser.

23 Q. Thank you. Just so we're clear: who was it that was being
24 killed and the bodies used for fertiliser? What types of people?

25 A. They were Thai and ethnic Vietnamese people.

1 [10.45.27]

2 Q. Do you remember how you learnt about that? I know you were not
3 involved yourself, but how did you learn about those killings?

4 A. I lived close to the execution site and my biography, in my
5 original regiment 162, shows some of the soldiers who lived with
6 me and I knew, I asked them and those soldiers told me that there
7 were these executions.

8 [10.46.19]

9 Q. By the way, can you just explain to us briefly why it was that
10 you were being punished at that time?

11 A. Thank you for your question. At that time I was based in 162
12 regiment; they had discipline and they did not have confidence in
13 me as a good soldier because my group, consisting of 12 people,
14 which were responsible for sawing wood, and at that time there
15 were bad words, they considered us devils. And then they arrested
16 one person from the battalion and they saw the written word
17 "devil" written, so they asked all of us in the unit to gather at
18 the battalion and they asked us, "Which one among all of you
19 written that bad words?" At that time I was illiterate, I could
20 not read, I told them that I could not write. And at that time I
21 did not the meeting and I did not participate in the writing of
22 that bad word. So five or six among my group were responsible for
23 the writing of that bad word; all of them were arrested and later
24 on they withdrew confidence from me, I was considered as a
25 suspected element so they punished me by sending me to the rice

1 field near the orange plantation.

2 Q. They had written the word "thmil" or "devil", which -- is that
3 correct?

4 A. No, the word "thmil" - "thmil" means "communist devils", which
5 violate their law, that's why those people were arrested and sent
6 to prison. And as for me, they withdrew confidence from me and
7 sent me to do rice farming because they considered me as a
8 suspected element of KGB or Vietnamese spy.

9 Q. Thank you. So during that time that you were under suspicion
10 and near Ream, did you also learn about the fate of 17 April
11 People in that area?

12 [10.49.49]

13 A. Thank you for your question. I knew about the 17 April People
14 in Kokir village, Smach Daeng, they withdrew from Ream and Kang
15 Keng and sent them to Kokir village in Smach Daeng. I knew about
16 what was happening in 1970. In the end of 1977, I knew about this
17 because I was assigned to work with the 17 April People. But when
18 I did my rice farming with these people I noticed that there were
19 disappearances of them one after another and I suspect this. I
20 asked a soldier who was responsible for herding the ducks, who
21 were assigned - who were located near the Kokir. I asked the
22 soldier, "I noticed the disappearance of the 17 April People who
23 work with me, where were they sent to?" The soldier told me,
24 "Those 17 April People were transported two or three trucks and
25 killed at Chamnaot execution site." This is the true story.

1 [10.51.34]

2 Q. Thank you, sir. Sir, when you were with the Khmer Rouge naval
3 forces, was there a difference in your orders about how to treat
4 people that you found on the boats? Was there a difference if
5 they were Thai or if they were Vietnamese, as far as what
6 happened to them?

7 A. There were different treatments, I would like to tell you
8 about this. In 1976, which I already gave the answer, I myself
9 arrested the ethnic Vietnamese from a boat consisting of around
10 10 people and among them they were armed and they shot at us. So
11 there came an order from the upper level to sink them because
12 they shot at us. So we sank their boat. Later on I arrested three
13 Thai ships, which is in 840 (inaudible), horsepower, and a
14 different horsepower, and those people on board, each boat
15 consisted of 15 people, 20 people. So those Thai fishermen were
16 sent to Ream and later on I was assigned to work at Ream and I
17 met those Thai people. They worked at the dam at Ream. No, no,
18 they worked at a dam at Kaoh Ta Kov (phonetic). So I was assigned
19 to work at Kaoh Ta Kov (phonetic) and I met those Thai people. I
20 asked the guard who guarded those Thai people whether those Thai
21 people would be sent to be killed or sent to somewhere else. The
22 guard told me that they would not kill those Thai people, they
23 would send these Thai people back to Thailand and that was what I
24 was told.

25 Q. And what about Vietnamese people who were not armed, were not

1 soldiers, the refugees you spoke about, what would be their fate
2 in your experience?

3 [10.54.54]

4 MR. KOPPE:

5 Mr. President, I would like to object to this question, it's been
6 asked before as well. Prosecution makes it sound that there is
7 only a possibility, either it would be an armed soldier or a
8 refugee. You don't have to be a soldier, you don't have in a
9 uniform, you don't have to be armed to be a soldier. So it would
10 be appreciated if the Prosecution asked it neutrally. So if a
11 boat, and an unknown boat enters into territorial water, it is
12 unclear who these people are. I think it is the standing practice
13 in every country also today that the boat is stopped. The fact
14 that the person on the boat is not armed or is not wearing a
15 uniform doesn't necessarily mean that he's not a military.

16 [10.55.47]

17 MR. KOUMJIAN:

18 Now just to be clear, our case is and the evidence is people
19 unarmed, not in uniform, not soldiers were killed, and that's
20 what I'm getting at. No international law allows the killing of
21 people even if they were soldiers and were captured without any
22 legal process, which is what our case is about.

23 MR. KOPPE:

24 I wasn't referring to the killings of civilians.

25 MR. KOUMJIAN:

1 That's what I'm asking.

2 MR. KOPPE:

3 I was referring to who was on the boat. The fact that someone is
4 on a boat and not armed, not wearing a uniform does not
5 necessarily mean he couldn't be a Vietnamese military. I think --
6 I'm not talking about the killing, I'm talking about what this
7 witness potentially saw on a boat in open sea.

8 BY MR. KOUMJIAN:

9 I think counsel will have three quarters of a day to ask those
10 questions, when we get to the next year.

11 Q. Sir, what would happen -- what were your orders? You talked
12 about the Thais who were not killed; what were the orders of what
13 happened as far as what to do with Vietnamese refugees? I'm not
14 talking about people who were armed or soldiers; what was the
15 orders that you received about them?

16 2-TCW-1000:

17 A. The Vietnamese were treated differently from the Thai. The
18 Vietnamese were considered as the hereditary enemy of Pol Pot, so
19 regardless of whether they are military or civilians, when they
20 had guns, they must be shot.

21 Q. What about when they did not have guns? Most of the -- many of
22 the people you stopped you said were refugees, is that correct?
23 Many of the people that the naval forces stopped?

24 [10.58.13]

25 A. As I gave in my previous answer, those without guns were

1 arrested and sent to Ou Chheu Teal to be sent further to the
2 division headquarter. Here I talk about what happened in 1976
3 when I was not yet joined division 164, when I was still with
4 regiment 162. At that time, I would like to tell you that when I
5 captured the Thai ship or sank the Vietnamese vessel, it was
6 orders from my regiment and my battalion. When there was one
7 Vietnamese vessel which had guns, our Cambodian boats chased them
8 down and they shot at us. When we knew them that they were ethnic
9 Vietnamese and they had guns, and then we received the order that
10 because they had guns, regardless of whether they are military or
11 they were civilians, so the order was that the vessel needed to
12 be sunk.

13 Q. I want to ask you about something you said in another
14 interview, and that is -- do you recall an interview you gave in
15 2007 to someone named Dany from DC-Cam?

16 A. I can recall but I forget her face now. I remember when she
17 went to interview me.

18 [11.00.37]

19 Q. Okay. I'm going to read part of that interview. And in Khmer,
20 the ERN -- this is, excuse me, the document is E305/13.23/382;
21 the Khmer ERN 00955507 and on to the next page; in French, it's
22 00980444; and in English 00978576. At that point, sir, Dany
23 asked, "Did you say that you had captured some 'Yvon'?" You
24 answered, "If they had arrested 'Yvon', they killed them."
25 Question, "Where did they kill them?" You answered, "Sometimes

1 they killed them on the island." Dany asked, "Did not they send
2 them to the shore?" You answered, "Sometimes they killed them on
3 the island." And Dany asked, "Were they mostly 'Yvon' soldiers?"
4 And you said, "They were mostly the refugees escaping to the
5 third country. Most of those people were escaping from a war and
6 travelling through our area. When we arrested them, we shot them
7 to death." Question, "Was it the order from the division to
8 arrest and kill them or did you act on your own?" And you
9 answered, "It was the order from the division." Dany asked, "Who
10 gave the order?" And you said, "The order came from Ta Muth."
11 Question, "Was it the order to kill?" And you said, "Yes."
12 And then Dany asked, "Did they also send any of them to the
13 shore?" You said, "Yes, they did."
14 So when you're talking there about killing refugees escaping to a
15 third country, can you explain where those orders came from?
16 [11.03.07]
17 A. This is true. It is true what you read. The Vietnamese ships,
18 most of those ships went to the third country. The situation was
19 chaotic. There were orders from the division; actually the
20 division did not issue the orders directly to my unit. So the
21 orders came down in hierarchical order from top to the bottom and
22 then it was the soldiers who implemented the orders. Concerning
23 the Vietnamese, some of them were sent to us on board and on some
24 other occasions, if there were many of the Vietnamese, they would
25 be sent ashore. But if there were only a few Vietnamese, they

1 would be killed on the island. This was the real situation. It
2 was the time when I did not leave the division yet. The situation
3 I described happened when I was in the regiment 622. Later on, in
4 1977, I was stationed at Ou Chheu Teal, the situation you
5 described happened in Poulo Wai island. So what I said is to
6 respond to your question.

7 Q. Thank you. When you were with the regiment 622 at Koh Poulo
8 Wai island, do you remember one particular case of a Vietnamese
9 couple and their infant, about one-year-old infant?

10 A. Yes, I can recall it. One day, three Vietnamese were arrested,
11 a husband, wife and a one-year-old child. After they were sent to
12 Poulo Wai island, I saw the soldiers from a special unit of
13 regiment 622 tied the three Vietnamese and put them under a
14 coconut tree. Later on they were killed with the hoes and the
15 bamboo clubs and the three Vietnamese died. They were told to
16 kneel down under the coconut tree at that time and their hands
17 were tied to their backs. The one-year-old child, when it saw the
18 mother was bleeding, the baby crawled to the mother and at that
19 time the soldier picked up the baby and smashed against the trunk
20 of the coconut tree.

21 [11.06.59]

22 Q. Were any of the people in that family soldiers?

23 A. They were civilians. They were ordinary citizens since they
24 had no military uniforms on them and perhaps they were ordinary
25 citizens.

1 [11.07.31]

2 Q. Do you know where they were captured?

3 A. They were captured off Poulo Wai island, about five kilometres
4 away, off the island, Poulo Wai island. The ship or the boat was
5 small, it could not be away from Poulo Wai island, and at that
6 time the boat was captured, the boat with three Vietnamese was
7 captured, and they were perhaps ordinary citizens.

8 Q. Thank you. Now you talked about how these orders came from the
9 upper echelon, from the division down; how were these orders
10 communicated? First of all, when you were working on a boat, did
11 the boats have radios?

12 A. In each ship there was a radio operating system. When there
13 was a capture we had to make a report to the battalion and then
14 it was the battalion who made the report up to the regiment, and
15 the regiment reported to the division. So this was the reporting
16 system.

17 Q. Do you know if written reports were made about incidents at
18 sea in particular?

19 A. There were written reports compiled as well.

20 Q. Your Honour, I would like to show the witness a report, a
21 document, and it appears that we have two copies and a slightly
22 different translation of each, but they're E3/928 and E3/929. And
23 I believe they're the identical document I'm going to show the
24 witness, unless someone wants me to show both 928, E3/928. May,
25 Your Honour, this document be shown to the witness and put on the

1 screen?

2 MR. PRESIDENT:

3 You can do so.

4 [11.10.36]

5 MR. KOPPE:

6 Mr. President, I object to showing this document to the witness.

7 I know you will deny my objection but --

8 MR. PRESIDENT:

9 Please remove the document from the witness first.

10 MR. KOPPE:

11 I object to show this document. Obviously, this witness is all

12 the way down in the hierarchy. He has nothing intelligent to say

13 about the division report allegedly going up. It's just probably

14 intended to have this rendered into or brought into the evidence

15 of this particular witness. As I said, I know you will object;

16 he's not the author of the report, he's not the recipient of the

17 report, he has no idea about reporting from division all the way

18 up, he doesn't have any idea about reporting from division down.

19 He can only say something intelligently about his own unit going

20 up and from that unit going down. That's all.

21 [11.11.46]

22 MR. PRESIDENT:

23 You have the floor now, counsel for Mr. Khieu Samphan.

24 MS. GUISSÉ:

25 Yes, thank you, Mr President. To complete my colleague's

1 objection, even before we can decide whether the Chamber will
2 grant the request of the Co-Prosecutor, I think that we have
3 adopted a method in examining witnesses, so before presenting a
4 document to the witness we have to ask questions to the witness
5 to see what the link may be between the witness and the document
6 and see if he's aware of this document, and then we can see maybe
7 how we can present a document to him. But now, showing him the
8 document right off the bat, especially given the witness's level
9 of awareness, I think it's a bit premature.

10 MR. PRESIDENT:

11 You have the floor now, Judge Lavergne.

12 [11.12.58]

13 JUDGE LAVERGNE:

14 Yes, I think the Co-Prosecutor has clarified this, but this
15 report concerns arrest. If that's the case, I think that we have
16 already put many questions regarding arrests to this witness.

17 MR. KOUMJIAN:

18 Yes, specifically it refers -- is that a question for me, Your
19 Honour? Yes, it specifically refers to the arrests and the, I
20 would say, the execution of Vietnamese captured.

21 [11.13.42]

22 MR. PRESIDENT:

23 You have the floor now, Counsel.

24 MS. GUISSÉ:

25 Thank you, Mr. President. Well, here I have a problem in terms of

1 methodology. Beyond considering the arrests in generic terms, if
2 we want to refer to a document speaking about one specific
3 incident, we should ask questions about that specific incident to
4 see if the witness is aware of this. The document says that
5 secret telephone conversation with a specific date are here, so I
6 think we can put questions beforehand, but if the document speaks
7 about -- it's not because the document speaks about arrests in
8 general that we can find a link directly with the witness. So the
9 Chamber was very demanding the Defence with regard to this kind
10 of issue, so I'm requesting the same kind of level of exigency
11 for the Co-Prosecution.

12 MR. PRESIDENT:

13 This time you are allowed to do so, International Lead Co-Lawyers
14 for civil parties. So you have the floor this time. Next time
15 make sure that you are after the Co-Prosecutor or the party in
16 his, you know, sequential order. So you have to be sure of when
17 to rise up and make your response or submission. So you are
18 allowed to do so this time.

19 [11.15.27]

20 MS. GUIRAUD:

21 Thank you, Mr. President. I simply wanted to indicate that this
22 document was already presented to the witness during the
23 investigation and the witness already reacted to this document,
24 so he's familiar with this document. And I'm referring here to
25 document E319/23.3.43.3, in which the present document is

1 annexed. So it appears to me that this document was already
2 presented to the witness.

3 [11.16.02]

4 (Judges deliberate)

5 [11.16.45]

6 MR. PRESIDENT:

7 The objection by the Defence counsel to the presentation or the
8 show of the two documents to the witness is overruled since the
9 two documents are relevant and since also that the information
10 from the witness is also relevant.

11 Court officer, please provide the document to the witness so that
12 the witness can have a look. And AV Unit is instructed to project
13 the document on the screen as well.

14 [11.17.27]

15 (Short pause)

16 [11.18.47]

17 BY MR. KOUMJIAN:

18 Q. Mr. Witness, just to save time, I'll let you know that I'm
19 only going to ask you about the first paragraph and some of the
20 headings and signatures. I'm not asking you about paragraphs 2, 3
21 and the last paragraph.

22 [11.19.01]

23 (Short pause)

24 [11.19.39]

25 Mr. Witness, can I ask the question, then if you need more time

1 to look at the document, you may do so.

2 Q. Sir, the document appears to be dated at the top, in the
3 heading and also just above the signature, the 1st April 1978,
4 and it says on the left it's division 164, political section. On
5 1st April 1978, were you part of division 164?

6 2-TCW-1000:

7 A. From 1978 up to 1979, I was part of --

8 Q. Part of that division? We didn't quite get, in English at
9 least, your answer. In 1st April 1978, were you part of division
10 164?

11 A. Yes, it was in 1978 and perhaps 1979, I was a part of this
12 division. However, in 1979 I was part of the division for a brief
13 moment.

14 [11.21.42]

15 Q. Okay, thank you. Now it appears at the bottom that it's signed
16 by, at least the name is printed, Muth? Who in division 164 was
17 known as Muth, if you know?

18 A. Muth is Meas Muth; he was the commander of the division in
19 Kampong Som.

20 [11.22.18]

21 Q. Now the first paragraph speaks about an incident and I want to
22 ask you if you have any knowledge of this. It says, and frankly
23 there's two different translations in English and I'm using the
24 translation which my colleague tells me is more accurate from
25 E3/928. It says, "The total number of arrested and shot to death

1 Vietnamese from 27 March '78 through 30 March 1978 is 120 head."

2 And then it goes on to say, "In this period we also confiscated
3 five machine boats of 10cc to 37cc machine mighty, a number of
4 weapons, including an M79 and other materials."

5 Sir, do you have any knowledge of that incident?

6 MR. KOPPE:

7 Mr. President.

8 MR. PRESIDENT:

9 Please hold on, Mr. Witness. You have the floor now, Mr. Koppe.

10 MR. KOPPE:

11 Thank you. I object to the phrasing of this question. The
12 Prosecution is using two documents and the sentence that he
13 doesn't like, he takes from one document, and the sentence that
14 he likes, he takes from the other document. Because E3/929 says,
15 "Total number of arrested and fired Vietnamese from --" And the
16 other document says, "Shot to death." Now, I don't know what the
17 original Khmer says, but it's either using one document, reading
18 the whole excerpt, or using the other document; you cannot just
19 have the best of both the worlds.

20 [11.24.19]

21 MR. KOUMJIAN:

22 Your Honours, I would say it in Khmer if I could, unfortunately I
23 cannot. But I just suggest if counsel refers to his team, his
24 Khmer-speaking team, if they have any question about that, then
25 I'll withdraw my question. But from my speaking to other Khmer

1 speakers, that's the correct translation. But if there is a
2 disagreement then please let us know. We have very educated Khmer
3 speakers on the other side.

4 MR. KOPPE:

5 The solution would be if the national colleague of Mr. Koumjian
6 would read the original Khmer and then the interpreters can
7 translate, that's also possible.

8 [11.25.05]

9 MR. KOUMJIAN:

10 Thank you for that suggestion, that's very fair. (Inaudible).

11 MS. SONG CHORVOIN:

12 Thank you, Mr. President.

13 Mr. Witness, I will read the original Khmer that the
14 international colleague read to you a while ago, E3/929. For
15 transcript, the document is E3/929 and there is another document,
16 E3/928, and from my review, it is the same document. So I will
17 read the whole document in the whole part.

18 "The total number of Vietnamese who are captured and shot to
19 death from 22nd March 1978 up to 30th March 1978 were 120 heads.
20 10cc to 30cc, five boats of 10cc and 30cc; M71, one weapon and
21 other materials."

22 BY MR. KOUMJIAN:

23 Q. Sir, hearing that, does that incident -- do you have
24 recollection of that incident? And if not, just tell us whether
25 you do or do not.

1 2-TCW-1000:

2 A. I cannot recall the story described in the paper, in the
3 document.

4 Q. Okay, thank you. Now sir, at one time, if I understood from
5 your interviews, you did work, this after 1979, after the fall of
6 the Khmer Rouge, you worked as a messenger, is that correct?

7 A. I was a messenger and a guard of Ta Muth in 1979, taking
8 people from Kampong Som to Thailand. There were around 30,000
9 people that I took from Kampong Som to Thailand under the command
10 of Meas Muth. He ordered me to bring those people across to
11 Thailand.

12 [11.28.52]

13 MR. PRESIDENT:

14 Mr. Witness, please listen carefully to the question and please
15 give your response to the limit of your question.

16 The question is: did you ever become a messenger? So the answer
17 should be brief and short from you. There will be subsequent
18 questions put by parties afterwards. So please listen carefully
19 and give your response carefully as well.

20 [11.29.25]

21 MR. KOUMJIAN:

22 Q. Thank you. Mr. Witness, can you tell us, based on the
23 experiences you have had, whether this type of message was
24 typical of communications between the division 164, and it says
25 it's addressed to Uncle Nuon, Brother Van and Documentation. Do

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1 you know if it was common to have this kind of communication
2 between Meas Muth and these people?

3 MR. KOPPE:

4 Mr. President, this is clear invitation for the witness to
5 speculate. He has no knowledge whatsoever of communication
6 between the division and up. Trying to have his position after
7 1979 as a messenger, then link to what happened in 1978 is a very
8 cheap way of trying to get some evidence out of this witness.
9 It's pure speculation that he is inviting this witness to
10 entertain.

11 MR. KOUMJIAN:

12 Your Honour, I'm asking the witness if he has that knowledge; if
13 he doesn't, I hope he tells us he doesn't. Whether he does or
14 does not, that's the question, I don't know the answer.

15 MR. PRESIDENT:

16 The objection of the defence team is overruled. The Chamber needs
17 to hear the response to the last question put by the
18 international Co-Prosecutor. Mr. Witness, if you understand the
19 question, please give your response to the last question put by
20 the international Co-Prosecutor.

21 [11.31.21]

22 2-TCW-1000:

23 A. I do not know all those you described.

24 MR. PRESIDENT:

25 Thank you. It is now lunch time. The Chamber will take lunch time

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1 break from now until 1.30. And the Chamber would like to inform
2 parties that at 1.00 in the afternoon the Chamber will hold a
3 swearing ceremony for one investigator, and the hearing of the
4 swearing-in ceremony will be about 10 to 15 minutes.

5 Court officer, please assist the witness during the lunch break
6 and please invite him back into the courtroom together with his
7 duty counsel at 1.30.

8 Security personnel are instructed to bring Mr. Khieu Samphan to
9 the waiting room downstairs and have him return into the
10 courtroom in the afternoon at 1.30 or a little bit before 1.30,
11 since I have just told that there will be a hearing of swearing
12 ceremony in the afternoon at 1.00.

13 The Court is now in recess.

14 (Court recesses from 1132H to 1331H)

15 MR. PRESIDENT:

16 Please be seated. The Chamber announces the continuation of the
17 hearing of the testimony of the witness. And the floor is given
18 to the International Co-Deputy -- Deputy Co-Prosecutor to
19 continue asking questions to the witness.

20 BY MR. KOUMJIAN:

21 Q. Good afternoon, sir. I just have a few more questions. You
22 told us this morning that the Vietnamese were considered at that
23 time the hereditary enemy. Can you explain where it was you heard
24 this?

25 2-TCW-1000:

1 A. I was a soldier in division 164. After 1976, there was a
2 training, and they announced clearly about the hereditary enemy
3 of the Khmer.

4 Q. Thank you, sir. We would appreciate a few more details, if
5 your memory -- if you can recall back to that training. First of
6 all, can you remember where it took place?

7 A. The training was given at the battalion, and there were small
8 trainings at different local units. So there were trainings at
9 each battalions, in all battalions in the division.

10 Q. Who would attend the training? Who was being instructed?

11 A. The trainer was the commander of each battalion who received
12 the order from the upper level.

13 Q. Did all of the soldiers or sailors in the battalion, were they
14 all in attendance or required to attend, to the best of your
15 knowledge?

16 A. Yes, it was the policy of the Communist Party of Kampuchea.
17 They announced that all soldiers in division 164 needed to attend
18 the training.

19 [13.35.23]

20 Q. Now sir, when you had a training like this, how serious was it
21 for those of you that had to attend? Were you were allowed to
22 debate and say, "I don't agree with what's being taught"?

23 A. At that time, when we studied about the hereditary enemy, so
24 no one dared to debate about what we were taught about the
25 hereditary enemy, and we needed to follow what we were taught.

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1 Q. Thank you for helping us with that. Now, what exactly did the
2 instructor say, instructors say about the hereditary enemy, the
3 Vietnamese?

4 [13.36.35]

5 A. We were instructed to kill, even if it was a baby, because
6 they are our hereditary enemy, so we must kill them. So it was
7 the responsibility of each battalion to enforce this instruction.

8 MR. KOUMJIAN:

9 Thank you, Mr. President. I don't have any further questions at
10 this time.

11 MR. PRESIDENT:

12 Thank you. Now the floor is given to Lead Co-Lawyers for the
13 civil party. You have the floor now.

14 QUESTIONING BY MS. GUIRAUD:

15 Q. Thank you, Mr. President. Good morning, everyone. Good
16 morning, Witness. My name is Marie Guiraud, and I'm representing
17 the consolidated group of civil parties, and I have a few brief
18 questions to put to you this afternoon. Mainly I will be asking
19 you to clarify answers you gave this morning. First of all, this
20 morning you stated that you attended two technical training
21 sessions, a naval training before you were assigned to work on
22 the island before you joined division 164. Did I properly
23 understand your testimony this morning?

24 [13.38.32]

25 2-TCW-1000:

1 A. Yes, I was trained at the military school when I joined the
2 navy. Yes, I attended the training.

3 Q. Can you tell us where that training took place?

4 A. My school that trained me in military about the navy, it was
5 at Damnak Sdech. Later on, it was -- the training was conducted
6 at Kaoh Manoa (phonetic). So there were two training schools. So
7 I finished -- I completed my training at Kaoh Rong, and then back
8 to Sokha Hotel.

9 Q. For how long did the two training sessions last, if you do
10 remember?

11 A. Thank you for your question. I was trained for three months.

12 Q. Who were the instructors who conducted those training
13 sessions, if you do remember?

14 A. Thank you. My instructors named Chorn. He was the trainer
15 about the naval military tactics. And Chorn, he studied from
16 China. After he completed his training in China, he came to train
17 us.

18 [13.40.49]

19 Q. Was your instructor a Khmer who had undergone studies in
20 China? Or you also had Chinese instructors?

21 A. Thank you. When I was trained at my first school in Damnak
22 Sdech at Ou Chheu Teal port, the Chinese participated in the
23 training for about half a month only and then Chorn completed his
24 study. So he is a Khmer person, but he received his training from
25 China. For the Chinese instructors, they could not speak Khmer,

1 but they had the interpreter to help interpret during the
2 training.

3 Q. Thank you. I have a question regarding the Chinese instructors
4 that you saw during the first part of your training at Ou Chheu
5 Teal. When the Chinese instructors were present, did you see any
6 senior officials or high-ranking officers present, and who were
7 accompanying the Chinese instructors during that training
8 session?

9 A. There -- no, there weren't. There were only the Chinese
10 instructors coming by vehicle with their interpreters.

11 Q. Thank you. You stated shortly before I took the floor from the
12 international Co-Prosecutor that you attended a training session
13 in the battalion, and during which you were instructed to kill
14 the Vietnamese. Do you know whether your instructors had, they
15 themselves, attended training sessions before they conducted the
16 training session you attended?

17 [13.43.20]

18 A. Before the training, my teacher -- as for my teacher before
19 the training, I did not know about what he did. So I knew only
20 that he came to teach me at Ou Chheu Teal training school.

21 Q. I would like to read out to you an answer you gave during one
22 of your interviews, and I'm referring here to document
23 E319/23.3.44, question-answer 33 in all three languages. You were
24 reacting to what you stated a while ago to the international
25 Co-Prosecutor -- that is, that you received training on the fact

1 that the Vietnamese were the hereditary enemies. And the question
2 that was put to you was as follows, "How come you knew all that?"
3 And your answer was: "Because the commanders of the battalions
4 and regiments underwent training with the division. And when they
5 returned from the training, they taught us about this in training
6 sessions."

7 Does this refresh your memory? And did you know during that
8 period that the instructors had they themselves received training
9 at the level of the division?

10 [13.45.11]

11 A. Yes, thank you. At the level of the battalion and regiment,
12 who went to study at the division level, they came back and
13 instructed -- gave instruction at all battalions of the division.

14 Q. And where was the headquarters of the division?

15 A. It was based at a roundabout near the theatre in Kampong Som
16 city. It was the command headquarters.

17 Q. During that period, had you already heard your superiors say
18 that they had gone to Phnom Penh to receive training?

19 A. At that time, I was a soldier within the battalion 622. I did
20 not know about the affairs of the upper level. I knew only about
21 the affairs at the battalion level.

22 Q. Thank you. This morning, you stated that when you intercepted
23 a ship, what mattered was to know whether those on board were
24 armed or not, and it didn't matter whether they were military or
25 civilian persons. And you were answering a question put to you by

1 the Co-Prosecutor regarding persons of Vietnamese origin who were
2 arrested on territorial waters you patrolled. Did I properly
3 understand your testimony this morning?

4 [13.47.44]

5 A. Yes, I did answer like that.

6 Q. Can you explain in further detail the instructions you
7 received when you intercepted a vessel on territorial waters you
8 were patrolling? How were you able to identify the origins of the
9 persons on those vessels? How could you know whether they were
10 soldiers or not or whether they were armed or not? Can you
11 describe to us the procedure you followed to do such an
12 identification?

13 [13.48.29]

14 A. At that time, I was a naval soldier. I did not go out. Only
15 those in a different patrol unit that went out. For my unit, we
16 rarely went out, only when we received the order from the upper
17 level that we went out. So in my unit there's people who were
18 responsible for patrolling, and there were other people who were
19 responsible for other. For me, I rarely went out.

20 Q. Thank you. I'll read out to you an extract of an answer you
21 gave to the investigators, and then I'll ask you to make some
22 clarifications. I'm still dealing with document E319/23.3.44, and
23 it is answer number 25. And I will start reading in the middle of
24 your answer. This is what you stated, "In cases where we seized
25 the Vietnamese boats, sometimes we received orders to shoot and

1 kill them on the spot and bring only the boat to the island. In
2 general, when we captured less than 20 people, they ordered us to
3 kill them on the spot. If we arrested more than 20 people, we had
4 to send them to Ou Chheu Teal."

5 Do you confirm, Mr. Witness, that that was the order you received
6 during that period? And that one of the criteria given to you was
7 to count the number of persons on board the vessels?

8 A. Yes, that's true. At that time, I noted that when there was a
9 capture of each vessel, there was order from the top that the
10 arrested people needed to be sent to on land, but if the number
11 of arrested people were just only a few people, and then the
12 order was that they needed to be killed on the island, and only
13 the vessels were brought to land.

14 [13.51.26]

15 Q. Did you understand at the time the reason for the order to
16 make the distinction between a vessel with many people and
17 another vessel with a lesser number of people?

18 A. I could not understand the question because the microphone is
19 not hearing well.

20 Q. I will repeat the question. Can you hear me, Witness? Yes?

21 I just read out to you an answer you gave to the investigators,
22 in which you said that, "If we arrested more than 20 people -- or
23 rather, if we arrested less than 20 people, we had to execute
24 them on the spot. And if we arrested more than 20 people, we had
25 to send them to Ou Chheu Teal."

1 During that period, did you know why the distinction was made
2 between vessels on which there were more than 20 people and
3 vessels on which there were less than 20 people?

4 [13.53.15]

5 A. Based on my understanding at that time, when the number of
6 people were less, there was an order to kill on the spot because
7 they did not want to bother with interrogating them. Only when it
8 was a larger number that they were arrested and brought on land
9 to us to interrogate about what was happening in Vietnam and in
10 Cambodia.

11 MS. GUIRAUD:

12 Thank you. I have no further questions for the witness, Mr.
13 President.

14 MR. PRESIDENT:

15 Judge Lavergne has some questions to put to the witness. Judge
16 Lavergne, you have the floor now.

17 QUESTIONING BY JUDGE LAVERGNE:

18 Q. Thank you, Mr. President. Good afternoon, Mr. Witness. I will
19 indeed put a few questions to you with a view to clarifying your
20 life experiences. If I properly understood what you said this
21 morning, you did say that you joined the army, that is, the
22 Revolutionary Army, in 1973. Did I properly understand what you
23 said this morning?

24 2-TCW-1000:

25 A. That is not correct. I said in the morning that I joined the

1 army from 1972, that is, in May 1972. It's not 1973, but it was
2 in 1972.

3 [13.55.13]

4 Q. So during that period, it was the army of the FUNK, that is,
5 the National United Revolutionary (sic) Front, which was a CPK
6 army. Were you a member of the Kampuchea Communist Party?

7 A. I was not the party member. I was an ordinary soldier, and I
8 joined the army in 1972 to 1975. So from 1972 to 1975, I was
9 still an ordinary soldier, not in any -- not as a cadre.

10 Q. Where were you in 1975? And in which combats or fighting did
11 you participate?

12 A. In 1975, after the liberation day of 17 April 1975, I left the
13 military from Kampot province and joined the division in that
14 year.

15 [13.56.45]

16 Q. On 17 April 1975, you participated in the fighting for the
17 liberation of Phnom Penh or you were in the region of Kampot?

18 A. I was at Kampot at that time.

19 Q. So you were in Kampot, and you subsequently went to Kampong
20 Som. Did you leave immediately after 17 April 1975, or you stayed
21 on and left later on?

22 A. After the liberation of Kampot province, I went to Kampong
23 Som. My unit assigned me to Kampong Som, and at that time at
24 Kampong Som, the situation was still chaotic. Only after my group
25 arrived there that the soldiers were mobilised at Kampong Som

1 city.

2 Q. While you were in Kampot -- that is, after Kampot town was
3 liberated, and when you arrived in Kampong Som, did you receive
4 specific instructions regarding the former soldiers of the Lon
5 Nol regime and former officials of the Lon Nol regime? What do
6 you remember in that regard?

7 A. About this story, the instruction from the battalion as well
8 as the instruction from the regiment, they ordered soldiers and
9 the 17 April People to be evacuated from the city so that the
10 soldiers would be easy to organize things in the city.

11 [13.59.09]

12 Q. Do you know whether thereafter lists of persons who had been
13 soldiers or officials of the Lon Nol regime were drawn up? And
14 while you were in Kampong Som, did you witness any arrests?

15 A. After the investigation, the military units and soldiers were
16 not allowed to have any contact with the people. It depended on
17 the upper level, who organized the base area.

18 Q. So what you mean is that you received orders to evacuate the
19 cities, and that once the cities were evacuated, you had no role
20 to play. There were therefore higher units or other people who
21 would take care of the people who were evacuated. Is that what we
22 must understand?

23 A. Yes, that is correct.

24 [14.00.50]

25 Q. This morning, you explained that at one point in time you were

1 punished because you were suspected. And you spoke about some of
2 your comrades who had been sent to a re-education centre at Toek
3 Sap. I'm probably not pronouncing it right, but can you confirm
4 this? Is it there where your mates were sent?

5 A. That is true. My close colleagues were arrested and held at
6 Toek Sap. And trust was withdrawn from me. They had no longer
7 trusted me since I had a close colleague who were considered a
8 bad element. I was not detained at Toek Sap, but I was assigned
9 to work the fields. At the time, I was sent to Toek Sap.

10 Q. Do you know which kind of person was detained at Toek Sap?
11 Were there only servicemen who were detained there? Or also 17
12 April People? Who was detained over there?

13 A. They were all soldiers. No 17 April People or former
14 officials. Officers were detained at Toek Sap. Only the military
15 or soldiers from the division -- the regiment were sent there to
16 be detained.

17 Q. I understood from what you told us this morning that some of
18 your comrades had been arrested and detained at Toek Sap because
19 they had written things that were not acceptable. So do you know
20 why the other servicemen were detained at Toek Sap?

21 A. Generally, the soldiers who I had known from 164 were sent
22 there, since they had some, you know, activities against the
23 regime. That is the true incident happening at that place.

24 [14.04.29]

25 Q. Well, I'm going to try to clarify this. Do you remember if,

1 when you were a serviceman, you were obliged to write out your
2 biography? And if that is the case, what did you have to include
3 in your biography?

4 A. 1975 was the liberation day. After the screening of the
5 soldiers by -- including in the biography of personal details, I
6 myself had relatives and a father who had been a former soldier.
7 So for those who were linked to the former officials were removed
8 from the division or from the military units. So that is true
9 that all soldiers, servicemen, had to make a biography.

10 [15.05.58]

11 Q. Were you asked to write this biography once or several times?

12 A. Not once. It happened two, three or four times per year.
13 Perhaps five times per year. So after we made the first
14 biography, we had to declare for the second time our personal
15 details in the biography, whether we had any bad elements linked
16 to family background. And if it happened that we had a bad
17 background or biography, then that bad biography would be
18 retained and kept forever.

19 Q. So those who had bad biographies, in particular those who had
20 relatives who had worked as servicemen for the Lon Nol regime,
21 who had been Lon Nol officials, were cast aside. So what did that
22 mean? Were they set aside? Were they taken away? Do you know
23 where these people went? And do you know what happened to them?

24 A. In 164 of a military unit, there was a mobile unit headed by
25 Ta Chhay. Those who were linked to bad elements would be -- would

1 be put in one, you know, group. For instance, if I had parents,
2 had a father who was linked to CIA or KGB agents, I would be
3 removed into a mobile unit which was tasked with working the
4 fields near Bok Bos (phonetic), to the north of Smach Daeng. That
5 was the place to place or house those who were linked to the
6 former tendency.

7 [14.09.06]

8 Q. So I understood that there were soldiers who were sent to Toek
9 Sap, and that was a detention centre or a re-education centre.
10 And there were also soldiers who had bad biographies and who were
11 set aside, and who were sent to mobile units. You, were you sent
12 to a re-education centre, or were you sent to a mobile unit?

13 A. That is the example. In fact, I was not relocated to a mobile
14 unit. Why wasn't I relocated to that mobile unit? It was because
15 I was trying my best to refashion myself at that time. I bore the
16 situation. I was doing my utmost to work. Seeing this, I was not
17 relocated to the mobile unit. I was instead sent to -- in fact, I
18 was trusted by my battalion and regiment, so I was kept. So it
19 depended on the offences committed by the servicemen. If they
20 committed serious acts, or serious infractions, they would be
21 sent to Toek Sap. And for those who had links to the former Lon
22 Nol regime -- would be sent to a mobile unit. Once again, for
23 those who were linked to secret agents, CIA or KGB, were sent to
24 a mobile unit which was considered a place to house the light
25 offenders.

1 [14.11.49]

2 Q. Can you give us an idea? Were there many soldiers who were
3 sent to Toek Sap? Were there many soldiers who were sent to the
4 mobile units? And would they say that certain people had ties
5 with the CIA or the KGB?

6 A. Let me inform the Chamber once again. There was a mobile unit;
7 actually, the mobile unit housed those who had relatives who were
8 linked to the former tendency. For instance, if I had relatives
9 who were linked to the former tendency, I would be sent to the
10 mobile unit headed by Ta Chhay, and this mobile unit was tasked
11 with working the fields. So the offenders who were sent to Toek
12 Sap were those who committed severe infractions.

13 Q. Do you know the number of people who were working in the
14 mobile unit, under Ta Chhay's leadership? And were these people
15 only soldiers with bad biographies?

16 A. There were great numbers of people, 400 or 500, within that
17 mobile unit under Ta Chhay leadership. And the number of people
18 who were at Toek Sap was about 50 or 60 people. For those who
19 were housed at mobile unit, I could see them very often. But I
20 would see those who were detained at Toek Sap once in a while.

21 [14.14.44]

22 Q. I understood this morning that you were punished because they
23 no longer trusted you, because your group was involved in the
24 writing of these unacceptable words, and your comrades were sent
25 to Toek Sap. So where were you sent to?

1 A. After I was trying to refashion myself, and after I was trying
2 to perform as much as possible my duties, I was considered a good
3 person and I was reinstated into my 162 regiment.

4 Q. I understood that well. But before you were reinstated, where
5 were you sent to? Where? I understood that it was neither at Toek
6 Sap nor in a mobile unit, so where were you sent to?

7 [14.16.09]

8 A. I was relocated and sent to be stationed at my original
9 island.

10 Q. I believe I understood this morning that when you were sent to
11 your original island, as you said, you saw 17 April People. Is
12 that so?

13 A. We lived together, I and the 17 April People lived together at
14 Bok Bor (phonetic) and Kokir (phonetic). We worked there
15 together. And I was with the units working. And those people whom
16 I lived with were doing their best so that they could be
17 reinstated. And I told the Court already about those who had
18 links to the former regime. And for my case, I was reinstated
19 after I could refashion myself.

20 Q. I would like to revisit what you said in relation to the 17
21 April People. This morning you said that you had noted that some
22 people, some 17 April People, would disappear. Did I understand
23 your testimony properly? And do you know why these people
24 disappeared?

25 A. We in fact lived and worked together. I mean, I and the 17

1 April People. And those who had low capacity in work, we used to
2 work together and they disappeared from time to time. Seeing
3 their disappearance, I asked other people, and I was told that
4 two truckloads, or three truckloads of the 17 April People were
5 sent away and killed. After hearing this, I was trying my best to
6 refashion myself with a few or several other colleagues who had
7 been considered having a bad biography as well.

8 [14.19.37]

9 Q. So, they would look for biographies among the soldiers, but do
10 you know if they also were looking for the biographies of 17
11 April People? And you know if, in particular, they were looking
12 for those who might have been servicemen or officials under the
13 Lon Nol regime?

14 A. Regarding biography, there were -- no one had links to the
15 former servicemen within all units. And if the soldiers within
16 those units had ties to the former regime, they would be in a
17 difficult situation, or in a dangerous situation. For those who
18 had -- once detained at the Vietnamese detention facility were
19 removed out of the military units.

20 [14.21.13]

21 Q. I am not sure I fully understood your answer. In fact, I am
22 not even sure you understood my question. So let me put that
23 question back -- put that question again to you in a different
24 way. I am no longer speaking about the soldiers. I am speaking
25 about the 17 April People with whom you worked. These 17 April

1 People -- did they look for the biographies of the 17 April
2 People? And did they look for those who might have been
3 servicemen or officials under the Lon Nol regime among these 17
4 April People?

5 A. To my knowledge, the biographies were not collected from those
6 17 April People. This is my, you know, my true statement to you,
7 Your Honour.

8 Q. I believe that this morning, you spoke about a soul named Ta
9 Doem, who was a high-ranking officer in charge of Kampong Som. Do
10 you remember Ta Doem?

11 A. Indeed, I made a mention about a person by the name -- I
12 cannot recall his name, not Doeum (phonetic) to my recollection.
13 It was Ta Doem, not Doeum (phonetic). Ta Doem was in -- was part
14 of the Eastern Zone, and his troops or soldiers were sent to
15 Kampong Som. One regiment of his troops was sent to Kampong Som.
16 Ta Doem had overall supervision together with Ta Muth. However,
17 he was below Ta Muth. He was under Ta Muth's leadership, to my
18 recollection.

19 [14.23.54]

20 Q. Can you tell us what happened to Ta Doem and to the soldiers
21 of the regiment coming from the East? Did something happen to
22 them?

23 A. Ta Doem was the chief of one regiment, and he was the deputy
24 or the person below Ta Muth. He had been arrested. After his
25 arrest, other arrests were made one after another, on his

1 soldiers. Later on, his troops disappeared, and I had no idea at
2 that time where the soldiers of Ta Doem were sent to.

3 Q. Do you remember the date when these arrests occurred?

4 A. To my recollection, first Ta Doem was arrested. Later on,
5 soldiers within his regiment were also arrested. Because Ta Doem
6 had been arrested, perhaps there was something in Ta Doem's
7 confession, but I did not know what was in his confession. The
8 confession of Ta Doem complicated - implicated the soldiers of
9 the regiment. And later on, the soldiers of the regiment were
10 sent away, but not sent back to the Eastern Zone, to my
11 recollection.

12 [14.26.15]

13 Q. Is that the only time when there were series of arrests, or
14 were there several episodes of arrests? Were high-ranking
15 officers arrested later, for example? And were people placed
16 under their authority also arrested later?

17 A. I noticed that cadres from battalions from other units were
18 arrested, one after another. One time, three or four were
19 arrested. Later on, after the arrest of Ta Doem, the regiment, or
20 his unit, was dismantled. And soldiers from this regiment were
21 sent to be part of regiment 61, 62 or other regiments. Soldiers
22 from Ta Doem's regiment were dispersed. The arrests happened many
23 times; three or four soldiers, three or ten soldiers at a time
24 were arrested.

25 Q. You spoke earlier about confessions. Did you sometimes receive

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1 orders in which reference was made to confessions of people who
2 had been arrested? Do you remember that?

3 [14.28.16]

4 A. I had no idea at that time about the confessions. But from my
5 understanding, is that soldiers under Ta Doem were linked to the
6 activities of Ta Doem, so these soldiers were sent away. Soldiers
7 from the East Zone had no longer -- were no longer trusted by the
8 upper echelon, but I cannot tell you where these soldiers were
9 sent to.

10 Q. Now, regarding confessions again, you said that a certain
11 number of Vietnamese people who were armed were brought ashore
12 and then sent away. So do you remember hearing confessions of
13 Vietnamese soldiers?

14 A. When I was with the navy, I did not hear any confession
15 relating to the Vietnamese.

16 Q. Did you have access to the radio broadcasts of DK? Or you did
17 not have access to the radio? Were you able to listen to the
18 radio?

19 [14.30.19]

20 A. Yes, I heard over the radio, but I did not pay close attention
21 to the broadcasts. At that time, as a soldier, I had no free time
22 to enjoy listening to the broadcasts on the radio. Certain
23 offences would be announced on the radio. The confessions were
24 broadcast over the radio, but as soldiers, we were not be able --
25 we were not able to listen to the broadcasts. As a soldier, we

1 had to, in the morning, have the training session, and after
2 that, carrying dirt. And we had one hour for lunch. And after
3 lunch, we had to go back to work. So we had no free time at all.
4 As a soldier, including -- as a soldier, I myself was not able
5 and did not have any free time to listen to the radio.

6 Q. During the training sessions you attended while you were a
7 member of your regiment, did you ever discuss any newspapers
8 published by Democratic Kampuchea, such as the "Revolutionary
9 Flag", or the "Revolutionary Youth Flag"?

10 A. Yes, I heard of those magazines at that time, but I did not --
11 I was not really interested in those magazines. I did not bother
12 to, you know, to make analysis of those magazines. My main task
13 at that time was to refashion myself. In fact, I heard of the
14 "Revolutionary Flag" of Cambodia.

15 Q. Was it rather a request of the superior officials that
16 soldiers study the contents of articles written in the
17 "Revolutionary Flag" or the "Youth Revolutionary Flag"?

18 [14.33.37]

19 A. I was not aware of that. Perhaps it may have happened that
20 way, but I cannot recall it.

21 Q. A while ago, you stated that, at the beginning of the training
22 sessions you attended, there were Chinese instructors who came to
23 train the future marines. Apart from those instructors, did you
24 have, within the marines and the army, Chinese advisers?

25 A. I have never seen Chinese advisers. I did not see them at the

1 training sessions. After the inauguration of the training
2 sessions, they left. And after that time, there were only Khmer
3 instructors.

4 Q. As regards the equipment you had at your disposal in division
5 164, did you know the origins of those equipment? I am talking of
6 weapons, ammunition, and possibly technical equipment such as
7 radios? Did you also have radars? Did you know the origins of the
8 equipment you had at your disposal?

9 [14.35.41]

10 A. Indeed. There were military equipment, big and small ships.
11 Technical equipment were originally from China. Radar and other
12 equipment, radio communication systems, were all from China.

13 JUDGE LAVERGNE:

14 Thank you very much, Mr. Witness. I have no further questions for
15 the witness, Mr. President.

16 MR. PRESIDENT:

17 Thank you. Although there is time -- there is some time for
18 questioning of this witness, the Court may adjourn -- is
19 adjourned now. And since there are new requests to call
20 witnesses, and the requests that come from the defence counsel --
21 You may now proceed, Co-Prosecutor.

22 [14.37.05]

23 MR. KOUMJIAN:

24 Your Honour, I am very sorry to interrupt, but I just wanted to
25 make a very brief statement before we adjourned for this break. I

1 take note -- we took note in the Co-Prosecutors' Office that Your
2 Honours had requested from the Supreme Court some of our filings,
3 one related to the rift and related to the Defence's sixth
4 evidence request relative, I believe, to the Defence request to
5 call Robert Lemkin as a witness. I just wanted to make it clear
6 to Your Honours that our objections to his testimony before the
7 Supreme Court, generally, they do not apply to the trial. We are
8 not objecting to Mr. Lemkin testifying at the trial. There's
9 different issues in 002/01 and 002/02.

10 And also, Your Honours will recall, we have long requested the
11 testimony of Thet Sambath. All of what Mr. Lemkin knows, he knows
12 through Mr. Sambath. Apparently Mr. Sambath does not want to
13 testify, so we think that that should be taken into account in
14 deciding whether Mr. Lemkin has information that could help the
15 Court. So I just wanted to make it absolutely clear to Your
16 Honours that the Co-Prosecutors do not object to the testimony of
17 Mr. Lemkin at the trial in Case 002/02.

18 MR. PRESIDENT:

19 I would like to give the floor first to Judge Lavergne.

20 [14.38.51]

21 JUDGE LAVERGNE:

22 It appears that last week, and this is another matter, Vincent de
23 Wilde, who represented the Office of the Prosecutors, indicated
24 that there would perhaps be requests for other witnesses to be
25 called regarding the Vietnamese. Are we going to receive a

1 request in that regard? And if so, when?

2 MR. KOUMJIAN:

3 Your Honours, if it's permissible, I will endeavour to respond by
4 email to Your Honours and Defence, copying all parties of course,
5 today on that, to let you know when and if you can expect such a
6 filing. I'm not prepared to answer right now, but I should be
7 able to by the end of the day.

8 [14.39.58]

9 MR. PRESIDENT:

10 Thank you. You can do so, Co-Prosecutor. Once again, although
11 there is some time to continue the hearing, the Chamber cannot
12 proceed to give the floor to the defence counsels. Since this
13 witness is one of the witnesses requested by the Co-Prosecutors
14 to appear in this Court, the defence counsel requested to have
15 some time to review some documents before asking this witness.
16 Tomorrow is the last day of the hearings in 2015, so the Chamber
17 decides to adjourn the hearing today, and the hearings will
18 resume on 5 January 2016. On that day, the Chamber will continue
19 hearing 2-TCW-1000, and then it may hear 2-TCW-948 (sic).
20 Regarding the lists of witnesses, civil parties and experts to be
21 called to come and testify before the Chamber, we'll be informed
22 by senior legal officer very soon.
23 Thank you, Mr. Witness, 2-TCW-1000. The hearing of your testimony
24 has not come to an end yet. You are therefore invited to be here
25 again on Tuesday, 5 January 2016, at 9 a.m. Court officers,

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1 please work with the WESU unit to send Mr. Witness back to his
2 residence, or to any place he wishes to go, and please invite him
3 into the courtroom on Tuesday, 5 January 2016.

4 Thank you as well, Mr. Moeun Sovann, the duty counsel, you may
5 now be excused. You are also invited to sit along with the
6 witness on Tuesday, 5 January 2016, at 9 a.m.

7 Security personnel are instructed to bring the two Accused back
8 to the detention of the ECCC, and please have them returned on
9 Tuesday, 5 January 2016, before 9 a.m.

10 The Court is now adjourned.

11 (Court adjourns at 1442H)

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