



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
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Uch Arun
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TRANSCRIPT OF TRIAL PROCEEDINGS
PUBLIC
Case File N° 002/19-09-2007-ECCC/TC

4 September 2012
Trial Day 106

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

The Accused: NUON Chea
IENG Sary
KHIEU Samphan

Lawyers for the Accused:

SON Arun
Andrew IANUZZI
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:

SE Kolvuthy
Natacha WEXEL-RISER
DAV Ansan

Lawyers for the Civil Parties:

For the Office of the Co-Prosecutors:

CHAN Dararasmey
Tarik ABDULHAK
VENG Huot

PICH Ang
Élisabeth SIMONNEAU-FORT
LOR Chunthy
VEN Pov
TY Srinna
Philippine SUTZ

For Court Management Section:

UCH Arun

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MR. KARNAVAS	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NORNG SOPHANG (TCW-480)	Khmer
MR. PICH ANG	Khmer
MS. SUTZ	French
MS. TY SRINNA	Khmer

1

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 For this morning's session, the Chamber will continue to hear the

6 testimony of the witness, who will be questioned by the

7 Prosecution and then by the Lead Co-Lawyers for the civil

8 parties.

9 The Chamber would also like to notify the parties that, today,

10 Judge Cartwright is available and she returns to the Bench.

11 [09.04.00]

12 Before I hand the floor to the Prosecution, the Greffier, could

13 you report the attendance of the parties and individuals to the

14 proceedings?

15 THE GREFFIER:

16 (Microphone not activated)

17 THE INTERPRETER:

18 The interpreter cannot hear.

19 THE GREFFIER:

20 Mr. President, all parties to the proceeding are present, except

21 the accused Ieng Sary, who is present in the holding cell

22 downstairs. He requests to waive his direct presence through his

23 counsel in today's proceedings. The letter of waiver by the

24 Accused has been submitted to the greffier.

25 [09.05.08]

2

1 Thank you.

2 MR. PRESIDENT:

3 Thank you.

4 The Chamber will now decide the request made by Ieng Sary.

5 The Chamber received the request by Ieng Sary dated 4 September
6 2012, through his counsel, to waive his direct presence in the
7 courtroom and instead request to follow the proceedings through a
8 remote means from the holding cell downstairs for today
9 proceedings.

10 Suos Sem, the treating doctor of the Accused at the ECCC
11 detention facility, has examined Mr. Ieng Sary this morning and
12 observed that Mr. Ieng Sary feels dizziness, fatigue and cannot
13 sit for long due to his backache and recommends that the Chamber
14 shall authorize him to follow the proceeding through a remote
15 means from the holding cell downstairs.

16 [09.06.08]

17 And as Mr. Ieng Sary himself requests to waive his direct
18 presence in the courtroom due to his health and as observed by
19 the treating doctor, but that he is fit physically and mentally
20 to follow it through a remote means from the holding cell
21 downstairs, and that he could communicate with his defence team
22 directly, the Chamber grants the request so that he can follow
23 the proceedings through the holding cell downstairs through a
24 visual audio - audio and visual means for the whole day
25 proceeding.

3

1 AV Unit, you are instructed to link the proceeding to the holding
2 cell downstairs.

3 Mr. Norng Sophang, we were notified that this morning you are not
4 feeling well due to your high blood pressure; is that correct?

5 MR. NORNG SOPHANG:

6 Yes, that is correct, Mr. President.

7 [09.07.33]

8 MR. PRESIDENT:

9 Thank you. And we thank you for your commitment to testify as
10 scheduled by the Chamber.

11 During this morning proceeding, if any time that -- you feel you
12 are not well, please notify the Chamber immediately by raising
13 your hand. Either we will allow you to rest or to adjourn the
14 hearing, depending on the situation.

15 MR. NORNG SOPHANG:

16 Thank you.

17 MR. PRESIDENT:

18 The floor is now given to the Prosecution. You may proceed.

19 QUESTIONING BY MR. ABDULHAK RESUMES:

20 Good morning, Mr. President. Good morning, Your Honours. Good
21 morning, Counsel, and good morning to you, Mr. Norng Sophang.

22 [09.08.40]

23 Q. In this final stage of my examination, I want to go through a
24 few more documents, and the first of the documents are two
25 telegrams and that they are the final telegrams that we will be

4

1 looking at.

2 Your Honours, the first document is document E3/1077. It was
3 attached to the witness's first interview. I have a hard copy for
4 the witness, and with your permission, we will also project it on
5 the screen for everyone to see.

6 MR. PRESIDENT:

7 Yes, you may proceed.

8 Court Officer, could you deliver the hard copy document from the
9 Prosecution for the witness's examination?

10 BY MR. ABDULHAK:

11 Thank you, Your Honour.

12 [09.09.50]

13 Q. Mr. Norng Sophang, by way of introduction and for everyone
14 else concerned, this is a slightly longer document. It's dated
15 the 10th of April 1978 and it is entitled "Telegram 324",
16 addressed to -- "Respectfully Sent to Beloved Committee 870".

17 If we can start, Mr. Norng Sophang, by looking at the final page
18 for a brief moment, at the end of the document, the sign-off
19 line, below the date, 10 April 1978, we see a name, "Se". Do you
20 recall who that individual was?

21 MR. NORNG SOPHANG:

22 A. No, I do not know this person.

23 Q. Below the name -- and the line indicating date of receipt
24 being the 11th of April 1978 -- we see "Grand Uncle, Grand Uncle
25 Nuon, Grand Uncle Van, Grand Uncle Vorn, Office, [and] Archive".

5

1 This is the "copy to" line that we discussed a number of times
2 with other documents.

3 [09.11.50]

4 On the first page, however, we also see an annotation in the top
5 left-hand corner which is translated in English as "Uncle Nuon".

6 Do you see that annotation and do you read it as saying "Uncle
7 Nuon"?

8 MR. NORNG SOPHANG:

9 A. Yes, I see that annotation as you read out.

10 Q. Are you able to identify this particular handwriting?

11 A. I'd like to request you to read the statement that I made with
12 the investigators from the Office of the Co-Investigating Judges.

13 Q. I'm sorry; in this case, there is no detailed discussion in
14 the written summary that we have in your statement in relation to
15 this document. If you're not sure, that is fine, that can be a
16 response. If you're not quite sure whose handwriting that is,
17 then that is fine.

18 A. Thank you.

19 Q. Just looking briefly at the contents on the first page in all
20 three language versions -- and we've put a square around this
21 paragraph, Mr. Sophang - prior to that, the document discusses
22 the situation along the border with Thailand and Laos, and then,
23 in that box, we have the following -- quote:

24 [09.14.22]

25 "The base of these traitors is on Dang Rek Mountain. We have a

6

1 plan to search and destroy it. "A" In Tam group previously used
2 the traitors in Sector 103, whose leader was A Hang. He was their
3 supporter. But after we arrested Hang and all of his henchmen in
4 Choam Khsant district and in Sector 103 military unit, In Tam
5 group has no more support."

6 Just looking at that name, Hang, from Sector 103, is that the
7 same Hang from Sector 103 that we discussed over the last couple
8 of days – the gentleman who was a secretary of that sector?

9 A. Yes. This Hang is the same person.

10 Q. Thank you very much.

11 I will show another telegram from the same location and see
12 whether you are familiar with it, and this is the final telegram.

13 [09.15.41]

14 Your Honours, this is document E3/918. It is a telegram dated the
15 10th of January 1978. And, again, I have a hard copy for the
16 witness, and we have it ready to project it on the screen, with
17 your permission.

18 MR. PRESIDENT:

19 Yes, you may proceed.

20 BY MR. ABDULHAK:

21 Q. Again, this document is copied to "Uncle, Uncle Nuon, Brother
22 Van, Brother Vorn, Brother Khieu, Office, [and] Archive". It's
23 addressed "to Respected and Beloved 870 Committee".

24 Just looking at that document, Mr. Sophang, was this a telegram
25 that you recall translating during the period -- in this case,

7

1 1978? Is this one of the ones that went through your office?

2 MR. NORNG SOPHANG:

3 A. I recall that it was a newly established zone. After the
4 autonomous zone in Siem Reap, Preah Vihear was removed and named
5 as Zone 801. I and my team used to decode messages from that
6 zone.

7 [09.17.58]

8 Q. If we can just look at one paragraph in particular -- this is
9 the second to last paragraph, and the relevant ERNs are: in
10 Khmer, 00001061 to 62; French, 0064725 (sic); and English,
11 00182758 -- we see a discussion of a study session that proceed
12 as follows -- quote:

13 "According to the presentation of Comrades from the commune
14 during the study session, it made known that: this year, in Preah
15 Vihear sector, in the majority of places there is starvation
16 because there were only large quantity of transplantation but no
17 quality which was as a result of poor harvest."

18 Can I ask you fist on this paragraph: Do you recall contents or
19 information such as this being communicated from the new North
20 Zone about shortages and the poor harvest?

21 A. The telegram that I have in my hand does not seem to have that
22 portion that you read out, because on the telegram that I have,
23 it is sent to the 870 Office - Committee, rather, and it's rather
24 different from what you read out earlier.

25 [09.20.09]

8

1 Q. Maybe because I was reading from a - from a different section
2 to that that you were looking at.

3 If the court officer could assist, in Khmer this should be the
4 paragraph starting at the bottom of the second page and then
5 continuing on to the third page. Perhaps if we can just clarify
6 that to make sure we have the right document?

7 So, that paragraph should start - in English, at least, it starts
8 with "The cattle was also destroyed a lot by the fact [etc.,
9 etc.]". And then, when you look over the page, it continues to
10 discuss the shortages that I was discussing.

11 I'm informed by the court officer that the documents correspond,
12 but in order not to waste too much time, let me ask you
13 generally: Do you recall reports such as this one from the new
14 North Zone about shortages of food that people were experiencing?

15 A. I saw in the previous telegrams about the increase in the
16 production, but in this instance there is a shortage of the rice
17 production, and as a result, the shortages couldn't - could occur
18 in certain areas, and in this instance it was in Preah Vihear
19 sector.

20 [09.22.46]

21 Q. Thank you. We will leave that document and conclude our
22 examination of the telegrams. I just want to ask you one or two
23 final questions on telegrams more generally.

24 Over the past few days, we've looked at a number of telegrams
25 that you've examined. From your experience working with these

1 documents from '75 to '79, do these documents appear as genuine
2 documents that were produced during the Democratic Kampuchea
3 period?

4 A. The telegrams that I have examined and seen during these few
5 days' proceeding before this Court, indeed, reflect the telegrams
6 that my group and I decoded. There was one exception only; that
7 was the telegram sent to M-81, which I never saw at the time, and
8 my group did not decode that telegram. As for the rest - and it
9 is my observation -- they are the telegrams that my group and I
10 decoded.

11 Q. Thank you. That concludes our discussion of telegrams.

12 I'll move on to another issue which, hopefully, we can also deal
13 with quickly.

14 [09.25.02]

15 Your Honours, yesterday, I sought to introduce or read to the
16 witness from a FBIS transcript, and this was one of the documents
17 that had not been placed on the interface; we were directed to
18 inform the parties of which documents we wish to use, and we have
19 now done that. So, this is one of those documents. It is E3/118.
20 It's a section of the April 1975 FBIS, and this section is dated
21 the 17th of April 1975. As I indicated yesterday, we don't have a
22 Khmer and French version, although we have requested
23 translations.

24 With your leave, what I would propose to do is simply read a
25 brief excerpt from this and see whether the witness recognizes

10

1 it, given that it reports the victory of the 17th of April and
2 contains, possibly, a message which the witness helped prepare
3 for broadcasting.

4 [09.26.30]

5 MR. PRESIDENT:

6 Yes, you may do so.

7 BY MR. ABDULHAK:

8 Q. This is at ERN 00166976.

9 And by way of introduction, Mr. Norng Sophang, on the 29th of
10 August you described to us how a message was transmitted in the
11 morning on the 17th of April. It was not a secret message. You
12 were asked to prepare - to translate it into written language for
13 broadcasting. I want to read this transcript and see whether that
14 - whether you recall that as being the message that you - that
15 you helped prepare.

16 It is a broadcast by the Voice of the National United Front of
17 Kampuchea. It's addressed to the - it is in Khmer - it was in
18 Khmer - on the 17th of April 1975, and this is what the text says
19 -- quote: "Special News: We have completely liberated Phnom Penh.
20 In the morning of 17 April 1975, at 0930, we completely liberated
21 Phnom Penh."

22 Moving on to the next paragraph:

23 "On the Northern front, we stormed in from the head of the Chrouy
24 Changva Bridge and captured and occupied Wat Phnom on the morning
25 of 17 April. We then advanced forward and occupied both the new

11

1 and old central markets. On the Northwestern front, on the night
2 of 16 April, we occupied all of Tuol Kork. In the morning of 17
3 April, we vigorously pressed forward and occupied the entire
4 Phnom Penh railway station and all of the ministerial area south
5 of the railway station."

6 And then it continues to describe the capture of the rest of the
7 city.

8 [09.29.06]

9 From what I've read thus far, Mr. Sophang, does this text
10 correspond with the message that you received on the 17th of
11 April and which was then broadcast?

12 MR. NORNG SOPHANG:

13 A. Yes, it was the same message.

14 Q. Thank you. Can I ask you whether you recall who sent that
15 message to you?

16 A. It was Mr. Pon's group -- the group who were in the
17 battlefields -- who then sent these messages to me and our group
18 at the rear so that the messages could be prepared for radio
19 broadcasts.

20 Q. And apart from this message of the 17th of April, did you
21 receive any additional messages for public broadcasting in the
22 days following the 17th of April?

23 A. No, there was none. The message appeared to be the same and it
24 was on the radio on a few days - for few days.

25 [09.31.03]

12

1 Q. Thank you.

2 And one final broadcast. I want to return back a little bit in
3 time to February 1975 and see whether you recognize this – this
4 broadcast.

5 Your Honours, this is document E3/117. It is the February 1975
6 FBIS. The section which I wish to refer to can be found: in
7 Khmer, at 00242308; in French, at 00281432; and in English, at
8 00166772. I have a hard copy, but given that it's a – it's a
9 broadcast, you may not wish to give a hard copy to the witness.
10 I'm happy to read or proceed as you – as you prefer, Mr.
11 President.

12 MR. PRESIDENT:

13 You may proceed.

14 Court officer is now instructed to take the hard copy of the
15 document from Mr. Co-Prosecutor to the witness.

16 [09.32.34]

17 BY MR. ABDULHAK:

18 Q. Mr. Sophang, this is a translation into Khmer, so it is not a
19 Democratic Kampuchea document or a document from 1975, but,
20 rather, it's another transcript of a radio broadcast. And I just
21 want to see whether this – whether you recall this broadcast or
22 not.

23 It is, again, by the Voice of the National United Front of
24 Kampuchea. It's dated the 26th of February 1975, and it is a text
25 of a 26 February press communiqué on the 24 to 25 February Second

13

1 Session of the National Congress held by representatives of the
2 National United Front for Kampuchea and other organisations.

3 At paragraph 1, it says the following -- quote:

4 "Concerning the seven traitors in Phnom Penh, the National
5 Congress has decided as follows: Traitors Long Nol, Sirik Matak,
6 Song Ngoc Thanh, Cheng Heng, In Tam, Long Boret, and Sosthène
7 Fernandez are the chieftains of the traitors and ringleaders of
8 the treacherous antinational coup d'état which overthrew the
9 independence, peace, and neutrality of Cambodia."

10 And a little bit further down: "On behalf of the National United
11 Front for Kampuchea, the Royal Government of the National Union
12 of Kampuchea and the Cambodian Peoples' National Liberation Armed
13 Forces, the National Congress declares it absolutely necessary to
14 kill these seven traitors for their treason against the nation."

15 And I'll stop there.

16 [09.34.40]

17 Do you recall this particular broadcast, Mr. Norng Sophang, which
18 is dated 26th of February 1975?

19 MR. NORNG SOPHANG:

20 A. No, I don't, because at that time I did not even have a radio
21 to listen to the radio broadcast, and on top of that I did not
22 know when or where the National Assembly or Congress was being
23 held.

24 Q. Thank you for clarifying that.

25 We will move on. And I wish to discuss with you another document

14

1 which is attached to your statements.

2 Your Honours, this is document D200/9.12. It is a chart which was
3 prepared by the witness and then attached to his OCIJ interview.
4 With your permission, we have a hard copy and we are ready to
5 display it on the screen as well.

6 MR. PRESIDENT:

7 You may proceed.

8 BY MR. ABDULHAK:

9 I'm going to ask the AV Unit to keep this document on the screen,
10 if possible, a little bit longer so we can – so everybody has a
11 reference to the items we are discussing.

12 [09.37.05]

13 Q. What we see is a chart which has four rectangles. At the top,
14 one is "870 - K-1"; the next one is "870 - K-1 (Pol Pot)"; then
15 the next one to the right is "President of the State Presidium",
16 "Khieu Samphan"; and then to the far right, "People
17 Representative Assembly", "Nuon Chea".

18 Did I read those – those sections of the chart correctly?

19 MR. NORNG SOPHANG:

20 A. Yes, you did.

21 Q. Now, the first section of the diagram on the left-hand side,
22 below "870 - K-1", we have a circle and, in it,
23 "Telecommunication" with names: "Pon", "Phang", and "Yuos".

24 [09.38.27]

25 Do I understand correctly that the "Phang" in the middle is a

1 reference to yourself?

2 A. Yes, it is me. I am Norng Sophang.

3 Q. Thank you. And where we see arrows, from that circle on the
4 left-hand side, arrows pointing down towards zones and autonomous
5 sectors and also pointing back from those zones and sectors to
6 the Telecommunication Unit, do I understand correctly that's a
7 description of the communication as it was in 1975 to 1979?

8 A. Yes, it is correct. It is - it was the communication that made
9 through the telegrams from the top-down and from bottom up. And
10 so far as I remember, there could have been one more zone, Zone
11 801 as well, and there could have been other new communication
12 lines by 8 (sic) of 1978, because at that time there was a line
13 of communication directly from navy, and from the port at the
14 Kampong Som, and from the fishery, and another group stationed in
15 Aranh location that had to report or communicate directly all the
16 way to the Centre.

17 [09.40.45]

18 And, indeed, having looked at this chart, I knew that it is not
19 an exhaustive one yet because after 1978 there were more lines of
20 communication established.

21 Q. Thank you for your comprehensive description of that
22 structure.

23 Staying with the left-hand side of the chart, we see a number of,
24 again, rectangles at the bottom of the left-hand side of the
25 chart and we see -- from top to bottom, we have "Sector",

16

1 "District", "Commune", and "Village", and we see arrows pointing
2 in both directions – the directions between those bodies -- and
3 then up to the zone, and then up to the Telecommunication Unit.

4 What were you illustrating with that part of the chart?

5 A. I was just telling, about the communications between the
6 zones, villages, sub-districts, that the line of communication
7 could not be made directly to the Telecommunication Section
8 because their messages could have gone through the zones first.
9 In other words, we can say that the zones were in charge of
10 preparing the messages that were coming to them before they could
11 be forwarded to the upper echelon, because the messages from the
12 villages or communes could never go all the way directly to the
13 Central (sic).

14 [09.42.53]

15 And at each zone, the same system was applied, and no one could
16 report directly to the Centre, except three autonomous zones: in
17 Siem Reap, Oddar Meanchey, and Mondulhiri. These three particular
18 autonomous zones were tasked with the authority to report
19 directly to the Centre or the Telecommunication Section.

20 Q. I think we may have a slight translation issue, so I want to
21 just confirm. Those last three regions that you described, you –
22 in English, it was said that they were "autonomous zones". Is
23 that – is that what you meant, that they were autonomous zones?

24 A. The "autonomous zones" referred to the independent sector that
25 was not under any supervision by the zone. So, by that, I mean

17

1 these sectors -- or autonomous sectors could report directly all
2 the way to the Central Committee without going through other
3 zones, so - the other channel. This is the authority invested in
4 these sectors.

5 [09.44.43]

6 Q. Thank you for clarifying that.

7 Now, returning to the chart and moving to the right now - to the
8 right of the "Telecommunication" circle, we see another circle
9 which is entitled "S-71", with the names "Pang", "Phum", and
10 "Ken". And in your statement, E3/67 -- at Khmer ERN 00294538;
11 French, 00374935; and English, 00483966 -- you described that
12 office as follows:

13 "Under the guidance of the Committee 870, there was S-71, which
14 was a unit under the guidance of 870 with Pang as chairman, Phum
15 as deputy chairman, and Ken as member and chief of Security Unit
16 at K-1. Surrounding S-71 were Offices K-7, K-8, K-12, K-18; many
17 other Ks surrounded S-71. The K network around Pang and all these
18 Ks were under the direct guidance of the Party Centre. Pol Pot
19 was Party Secretary and Chairman of Committee 870. No one used
20 the term 'Chairman of Office 870'. The telegrams were usually
21 designated as 870, i.e. the Central Committee."

22 [09.46.46]

23 Does that summarize accurately the description that you gave to
24 the investigators?

25 A. I wish to emphasize that it is not S-21; it could have been

1 S-71.

2 And this unit is under the supervision of 870 Committee. And I
3 already discussed concerning the offices surrounding S-71 and
4 also the committee members of S-71. And it is correct as what you
5 indicated concerning this committee.

6 Q. Thank you very much. It may have been an interpretation error
7 or I may have misspoke. I want to make sure we are discussing
8 S-71, not S-21.

9 And just to recap, S-71, a unit led by Pang, was under the 870
10 Committee or the Central Committee. Is that an accurate
11 description of what the chart shows?

12 A. Yes, it is correct.

13 Q. Thank you.

14 [09.48.24]

15 Now, if you look back at the chart and look at the rectangles on
16 top, we have -- above "S-71", we have "870 Committee". And to the
17 right of that, we see "Presidium" - "President of State
18 Presidium, Mr. Khieu Samphan". And below the "Presidium", we see
19 listed a number of ministries. And then to the right, of course,
20 we see another rectangle up the top, "People's Representative
21 Assembly" with "Mr. Nuon Chea".

22 In the interest of time, I just want to read your description of
23 the rest of that chart and see whether you can confirm that for
24 us or if you want to add or correct. This continues from the
25 previous section in statement E3/67 and it reads as follows:

19

1 "Under the leadership of the Centre, there were various
2 ministries, and these ministries were also under the Presidium of
3 State with Mr. Khieu Samphan as chairman. As far as I can
4 remember, under the leadership of the Party as well as the State
5 at that time were: the Ministry of Propaganda..." And then -- I'll
6 stop there because a number of ministries are listed. I'll stop
7 there in the interest of time.

8 [09.50.05]

9 A little bit below: "As for the Ministry of Defence, it was apart
10 from these ministries; it was under the Party Centre and was led
11 by Mr. Son Sen."

12 A little bit further down: "The State and the Party had to meet
13 and communicate. In fact, everything was under the leadership of
14 the Party..."

15 Is that a correct summary, up to now, of how you described those
16 relationships?

17 A. Yes, it is. I wrote it.

18 However, there's still some correction that I also wish to make,
19 in particular when it comes to the Industry and railway station.

20 Then Vorn Vet should be the person in charge of this ministry;

21 Vorn Vet should not be the one who chair the Ministry of Economic
22 and Finance; it's my mistake.

23 The Ministry of National Defence was headed by His Excellency Son
24 Sen, who was the Commander-in-Chief, and there were several
25 divisions under this ministry, including the air force, and these

20

1 sections did not report directly to my telecommunication section.
2 And as I indicated, only the navy, led by Mr. Muth, who had
3 direct contact to the telecommunication. I wish to add this to
4 make sure that things are clarified and that we understand the
5 sketches I made.

6 [09.52.34]

7 Q. I'm very grateful to you for providing those clarifications to
8 us so that we understand fully.

9 If I return to the section I was reading from, another brief
10 passage, continuing from the last passage:

11 "...and the (Presidium of State) was the State part (now it is
12 called the Government); and also there was the Peoples' Assembly.
13 The Peoples' Assembly was led by Mr. Nuon Chea as chairman (now
14 we say Peoples' Representatives). At that time, the Party led
15 them all. They all were under the Party; even the Assembly was
16 under the Party. The Party was Committee 870."

17 And then final sentence below that:

18 "Committee 870 referred to the Central Committee with Mr. Pol
19 Pot, Nuon Chea, Ieng Sary, and other senior leaders; and S-71 was
20 a small unit of the Party Centre, which did not have rights to
21 [cover] the various ministries and did not have rights over the
22 army." And I'll stop there.

23 Is that also an accurate summary of your description of these
24 bodies?

25 [09.54.14]

21

1 A. Yes, it is correct. That's what I stated before the
2 co-investigators.

3 Q. And are those descriptions based on your experience and
4 knowledge gained working during the Democratic Kampuchea period,
5 things that you learnt over the years as you worked in your – in
6 your unit and communicated with others around you?

7 A. According to the experience living through the Democratic
8 Kampuchea regime, everything was managed by the Party, so Party
9 was the supreme body with the highest authority. Even the State
10 Presidium, the People's Representative Assembly, all which were
11 the key institutions in the CPK regime, were all under the
12 supervision and -- the power of supervision of Committee 870.
13 This is what I have heard, I have learnt, and experienced during
14 the regime. My understanding is that no one was above the Party;
15 no one was above Committee 870. And, in other words, it was
16 Brother Number One who was the person with the highest authority
17 and power.

18 [09.56.34]

19 Q. Thank you. And we will conclude our discussion of the chart
20 here. I am coming to the end of my questions.

21 I want to ask you about the records that were held at your
22 office. You explained to us in your testimony that -- for those
23 telegrams which you had helped decode, that you would retain
24 copies at your office. Could you tell us what happened with the
25 documentation in your office in early January 1979, before the

1 Vietnamese forces arrived?

2 A. For my unit, by early 1979, in January, before I left the
3 unit, I did not even keep a single sheet of secret document.
4 Everything was burnt down. So, the secret information or
5 documents you obtained were not the part of the documents under
6 my supervision or responsibility.

7 Q. Thank you. And did you and your staff destroy those documents?
8 And was that under any instruction in particular?

9 [09.58.38]

10 A. I was the last person who left on the 7th of January 1979. At
11 9.30 a.m., I left. So, I believed that when I left I could never
12 return, so I made the decision on my own accord.

13 Q. Thank you.

14 And a final topic -- and this will only take a few minutes. We've
15 discussed extensively the roles of Pon and Yuos within the
16 telecommunication structure. Could you tell us what happened to
17 these people? Did they continue to work in their offices until
18 the arrival of the Vietnamese forces?

19 A. These two, I did not know that they were remained there and I
20 also did not know the - when or if they disappeared. So, just to
21 recap, I did not know about them.

22 Q. I just want to show you one document and see whether you
23 recognize people whose name appear in it.

24 Your Honour, this is document IS 16.90. It's a - it's a chart, a
25 table of names entitled "From Ministry S-70". I have a hard copy

23

1 for the witness, and I just want to show it to him and see if we
2 can identify two names.

3 MR. PRESIDENT:

4 Yes, you may proceed.

5 Court Officer, could you deliver the document from the prosecutor
6 for the witness examination?

7 [10.01.35]

8 BY MR. ABDULHAK:

9 Q. Mr. Sophang, just looking at number 8 in that list, the name
10 is indicated as "Roth Than", alias "Yuos". The next column
11 appears to be "age, 26"; then "M" - presumably M for "male"; and
12 then, to the right of that, "Chairman Office K-18"; and to the
13 far right - well, there is a date first, "11 of May '78"; and to
14 the far right, "Under making dossier".

15 Is this the same individual as Yuos, whom you've described in
16 your testimony?

17 MR. NORNG SOPHANG:

18 A. I only know the person by the name Yuos; I did not know the
19 real name of that person. And here it reads "Office K-18", and,
20 yes, K-18 belonged to him.

21 Q. Thank you. And just one more name in the same document, number
22 18, we have "Uch Than"; alias "Pon"; "age, 30"; male; "Chairman,
23 telephone office of the ministry"; "4 April '78"; and to the far
24 right, "Under interrogation".

25 [10.03.32]

24

1 Is that the Pon that we have been discussing over the last few
2 days?

3 A. I do not know the real name of Pon. However, by looking at the
4 gender, and the age, and the status – that is, the chairperson of
5 the telephone office – in fact, Pon was in charge of all the
6 telephones in Phnom Penh and he was also above me. I am uncertain
7 it could be him because here there is no photo of him. And it is
8 also unclear to me when it reads "telephone office of the
9 ministry". If it – if it reads out that he was in charge of the
10 confidential messages for Pol Pot, then it would be clearer to
11 me. So, this status is rather vague to me.

12 MR. ABDULHAK:

13 Thank you, Mr. Norng Sophang. I have no further questions for
14 you. I wish to thank you sincerely, on behalf of the Office of
15 the Co-Prosecutors, for coming here to testify and for giving
16 such detailed accounts of your experiences.

17 Your Honours, thank you for the time allocated to us. And with
18 your leave, we will hand the floor over to the civil party
19 lawyers.

20 [10.05.38]

21 MR. PRESIDENT:

22 Thank you.

23 The floor is now given to the Lead Co-Lawyers for civil parties
24 to put questions to this witness.

25 MR. PICH ANG:

25

1 Good morning, Mr. President, Your Honours. The assigned civil
2 party lawyers are Ty Srinna and her international counterpart.

3 MR. PRESIDENT:

4 Yes, you may proceed.

5 QUESTIONING BY MS. TY SRINNA:

6 Good morning, Mr. President, Your Honours. Good morning, everyone
7 in and around the courtroom. My name is Ty Srinna. I am a civil
8 party lawyer. And good morning, Mr. Witness, and I thank you very
9 much for your patience to testify before this Court for the last
10 few days.

11 [10.06.53]

12 Q. I have some questions for you in order to clarify some points,
13 and I'd like to go back a little in response to your testimony on
14 the 29 August 2012, which is related to the situation pre-1975.

15 In your response to the Prosecution, you said you met with Pol
16 Pot and Nuon Chea at B-17.

17 My supplementary question is: At that time when you met with Nuon
18 Chea and Pol Pot, how many times did you meet them?

19 MR. NORNG SOPHANG:

20 A. At B-17, I did not directly meet with them or chatted with
21 them; I saw Pol Pot and Nuon Chea, who walked past me while they
22 were inspecting the work that my group did. When they walked
23 past, I, in fact, did not recognize them because I was new. And
24 after they left, I asked people as to who they were, those big
25 build brothers. I asked for their names, and then I learned their

1 names, but I did not, actually, have a conversation with them.

2 [10.09.03]

3 Q. Thank you for your clarification.

4 My question is – my next question is also to deal with B-17. You
5 said B-17 is a refashion or tempering site. Can you confirm that?

6 A. B-17 is a tempering site, as I stated earlier. During the
7 regime, in order to recruit people to work on a specific task,
8 and as my status – my social status was reviewed as I was in the
9 middle class, and in order to fulfil main tasks of the Party, I
10 needed to be tempered, and they would see whether I could sustain
11 the tempering that I worked in the field day and night and under
12 the rain and whether I could work as ordinary peasants.

13 Q. I'm sorry to interrupt, Mr. Witness. You said B-17 was a
14 tempering site before being recruited to work for the Party. Can
15 you tell us, in -- what types of tempering were done at that
16 B-17?

17 A. It was not a tempering specifically for the decoding team.
18 Before we were assigned to work on the decoding team, they would
19 temper our stance, and not just for the decoding team.

20 Q. Thank you. I am clear now on this issue.

21 [10.11.35]

22 Now I move on to the post-'75 situation. You said that when you
23 arrived in Phnom Penh, you were in charge of decoding the message
24 about the victory of the Communist Party of Kampuchea.

25 My question is: Did you ever come across telegrams talking about

1 the measures taken against the Lon Nol – or the Lon Nol enemy
2 after the victory in Phnom Penh? And if so, who were the authors
3 of those telegrams?

4 A. I did not decode any telegrams concerning Lon Nol.

5 As far as I know, Lon Nol already fled before the victory, before
6 the liberation, and there was no – nothing in regard to Lon Nol.

7 Regarding the message of victory, the message of victory was not
8 a confidential message; it was an open message, so you could read
9 plain letters in that message.

10 [10.13.30]

11 Q. My question is not about Lon Nol himself; the question is
12 about the Lon Nol enemy, because in the CPK, they fought against
13 the Lon Nol side in order to capture Phnom Penh. And after taking
14 control of Phnom Penh, the question is whether inside – or within
15 the Party, did they take any measure to determine who were the
16 Lon Nol enemy and what measures to be taken against the Lon Nol
17 enemy? Did you ever come across such telegrams or message? And if
18 not, did you ever know about measures taken against the Lon Nol
19 soldiers?

20 A. No, I did not, and I never saw that kind of message. And as
21 you know through my statement, I was in the banana forest and I
22 did not actually know the real situation at the bases.

23 As for the messages that I decoded, I never came across about the
24 issue of what measures to be taken against the Lon Nol soldiers.

25 Q. Last week, you stated that the incoming messages were reports

28

1 and the outgoing messages were instructions, and you said that
2 some telegrams were short, coming from sectors - various sectors
3 to 870 Committee.

4 [10.15.52]

5 My question is: How many types of telegrams there were?

6 A. Telegrams from the sector committee to the upper echelon were
7 confidential, as they dealt with the meetings of the leading
8 cadres with the upper echelon. And for that, it was classified as
9 confidential. During that regime, I did not see any telegrams
10 from any sector or zone requesting to meet with the upper
11 echelon.

12 Q. My apology; maybe my question is not clear enough.

13 The question is: During the time that you worked as the decoder,
14 did they classify the types of telegrams -- for example, a
15 request, a sending type of telegram that could be a report, or
16 there were only two types of the telegrams, as I just mentioned?

17 A. There were opened and confidential telegrams. They were -
18 these were the only two types.

19 Opened telegrams are just opened, talking about various
20 victories, and that could be broadcast openly throughout the
21 country and the world.

22 [10.18.06]

23 As for the confidential telegrams or messages, they need to be
24 encrypted on a number of layers.

25 Q. You talked about confidential messages.

1 The question is: Who determined or categorized those messages as
2 confidential? Was it your team or somebody else?

3 A. It is not difficult to understand. There was a principle
4 within my team; anybody could see which telegram or message is
5 opened or confidential. And that's the principle; they clearly
6 distinguish between opened and confidential messages.

7 As for confidential messages, sometimes there were annotations by
8 the leaders, like "confidential" or "strictly confidential".

9 Q. Thank you. Based on your experience that you worked as
10 telegram decoder, the question is -- after you decode the
11 messages, they need to be sent to various recipients.

12 The question is: After you are - after you decoded the message,
13 was there anybody as who would verify the message that you
14 decode, whether it was complete or not?

15 [10.20.12]

16 A. Within my team, before that message was delivered to K-1, I
17 was the one who supervised the task and the team members within
18 my group who decode the messages. So, I'm the one who actually
19 verified it -- including whether there was any spelling mistake
20 or not -- before it was sent further.

21 Q. You said that you would check the message after it was
22 decoded.

23 The question is whether the content of the decoded message really
24 was checked in order to make sure it is consistent with the
25 original message that was received.

1 A. Regarding any possible mistake or related matter, it could be
2 Pon or Pon's group who would come and check. So, sometimes, if
3 there is a spelling mistake, Pon and his group would underline it
4 and then would give me a phone call to check.

5 Q. Regarding certain telegrams that were shown to you by the
6 Prosecution, you also stated regarding the form of the telegrams.

7 [10.22.38]

8 My supplementary question is regarding the sequential number of
9 the telegram. As I observe, the sequential number could start
10 from 1, 2, 3, and so on. How the sequential number was determined
11 - whether it has to reset monthly or yearly - or how it was done?

12 A. As a general principle, telegrams did not -- rarely run up to
13 the three-digit numbers; normally it would run between 01 to 99.
14 But just then I saw some telegrams running up to 200 or 300
15 numbers. The sequential number put by the decoding team could be
16 from the day of the first message up to the number of that
17 telegram. That was the case regarding that zone -- Zone 1. But as
18 a general principle, as I stated, within my decoding team, when
19 the number reached 99, it would reset to 01.

20 Q. Regarding the sequential number from 01 upward - upward to 99,
21 and as you just said, some telegrams ran into three digits. And
22 what was the difference between these two methods?

23 Let me also continue. This form of the sequential number, and as
24 your experience - in regard to your experience, do you think it
25 is acceptable to accept these -- both methods?

1 A. The difference in the sequential number in the telegrams is
2 okay with me. It is no different from the telegrams that my team
3 decoded.

4 [10.26.04]

5 This particular unit, signed by the person named Sae, used a
6 different sequential number for the telegram. It could be that he
7 started his telegram from 01, and up to this point in time it
8 reach 324. So, this is not a major issue when it comes to the
9 sequential number for the telegrams.

10 Q. Let me confirm that the telegram shown to you by the
11 prosecutor yesterday - and you -- in your response you even
12 recognized the handwriting annotation on certain telegrams.
13 My question is: This type of telegram and its form did exist and
14 were used during the Democratic Kampuchea period?

15 A. Yes, that is correct. The form with its heading and ending,
16 though in various units they use a rather slightly different
17 heading - for example, "To 870 Committee", or "To Beloved
18 Angkar", or "To Angkar 870" -- but the form was consistent. There
19 would be a heading section addressing to whom, and at the end of
20 the telegram there had to be some kind of a complimentary wording
21 - wishing victory, for instance, or "with fraternity" or "warm
22 fraternity", etc., etc. So, this is the form, but it's slightly
23 used differently at various zones, but the form, the heading, and
24 the ending are consistent, and there had to be a date and a
25 signature of the person who made the telegram. And each telegram

1 had to have this kind of format.

2 [10.29.12]

3 As for the middle section of the telegram and as I already
4 informed the Chamber, it varied; there is no strict format to
5 follow for the middle section. In principle, the telegrams had to
6 be short but precise. So, if a situation occurred, then that kind
7 of situation would be put in short, precise form. For example,
8 point 1 stated about this matter, point 2 stated about other
9 matter, for instance. So, the middle section of the telegram
10 varied.

11 Q. So, to your knowledge, this kind of form of the telegram was
12 used during the Democratic Kampuchea?

13 A. Yes.

14 Q. Thank you.

15 With regard to the evacuation of the population from one sector
16 to another, I have a question. You testified yesterday, when the
17 prosecutor presented document - document E3/16, concerning the
18 evacuation of the population to the Northwest Zone -- in that,
19 you indicated that - or in that, you testified, but I'm not sure
20 whether you were aware of the population movement from the East
21 to the Northwest. Were you aware of such evacuations?

22 [10.31.55]

23 A. With regard to the telegrams concerning the population
24 movement, I already indicated that, when it comes to the
25 evacuation of the Muslim people, it was not part of my task to

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1 decode messages concerning the transfer. And to be honest, when
2 things happened at the bases, it was out of my knowledge; I
3 worked only at the office. I did not know what happened to the
4 evacuations; I did not even know what happened to the purges. And
5 I wish not to elaborate on this.

6 MR. PRESIDENT:

7 Thank you, Counsel, and thank you, Mr. Witness.

8 It is now appropriate moment for the adjournment. The Chamber
9 will adjourn for 20 minutes.

10 Court officer is now instructed to assist the witness during the
11 break and have him returned to the courtroom when the next
12 session resumes.

13 THE GREFFIER:

14 (No interpretation)

15 (Court recesses from 1033H to 1052H)

16 MR. PRESIDENT:

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

18 The floor is now given to the assigned civil party lawyer to
19 continue putting questions to this witness. You may proceed.

20 BY MS. TY SRINNA:

21 Thank you, Mr. President.

22 Q. Mr. Sophang, I will continue my questions now. Yesterday, you
23 testified, in relation to your uncertainty during your interview
24 with the Office of the Co-Investigating Judges and -- that those
25 statements should not be used.

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1 My question is: You will not stand by these statements – that is,
2 the entire statements you made before the Office of the
3 Co-Investigating Judges – or just portions of those statements?

4 MR. NORNG SOPHANG:

5 [10.54.30]

6 A. I'd like to clarify this issue. The content of the interview
7 with the Office of the Co-Investigating Judges – that is, those
8 where I used "perhaps" or "maybe" – for -- those portions with
9 the "maybe" or "perhaps" shall be removed from the statement that
10 I made.

11 Q. Are you implying that the whole statements shall – the entire
12 statements shall be removed, or just a portion?

13 MR. PRESIDENT:

14 The response by the witness is already clear. You don't need to
15 ask again.

16 BY MS. TY SRINNA:

17 Thank you, Mr. President. I'll move on.

18 I seek your permission, Mr. President, to this -- to use a
19 document, E3/64. ERN in Khmer is 00328040; and English, 00334057;
20 and in French, 00411707.

21 Q. The Prosecution asked you the question that--

22 Before I put the question, I'd like to seek permission first from
23 the Bench.

24 [10.56.25]

25 MR. PRESIDENT:

1 Yes, you may proceed.

2 BY MS. TY SRINNA:

3 Q. The Co-Investigating Judges asked you a question that, in that
4 telegram, there is a request for opinion. And you replied that
5 "for certain matters, if Pol Pot could decide, then Pol Pot would
6 respond immediately. However, on certain matters and when it was
7 related to the entire committee, then Pol Pot would convene a
8 meeting within the committee for a decision".

9 Can you clarify on those certain issues that Pol Pot could not
10 decide on his own?

11 MR. NORNG SOPHANG:

12 A. Regarding that telegram, I clearly stated that I was not sure.
13 And the word "perhaps" that I used, it means I was not certain,
14 so I'd like the Court not to rely on that portion of my
15 statement.

16 [10.58.00]

17 Q. Thank you.

18 Through your experience in decoding telegrams and as you saw the
19 communication between the base and 870 Committee, did any meeting
20 by the Standing Committee take place in response to the incoming
21 telegrams?

22 A. I did not know, as I was not a member of the Standing
23 Committee.

24 Q. Thank you.

25 Now I move to my next question. It is related to document E3/67 -

1 that is, your second interview with the OCIJ. The ERN in Khmer is
2 00294545; in English, 00483973; and in French, 00374940.

3 In your response, you state: "As for letters from Nuon Chea, I
4 used to decode them as well, but it was not frequent."

5 The question is the following: The - what were the content of the
6 messages that Nuon Chea asked you to decode?

7 [11.00.08]

8 A. Nuon Chea dealt with the meetings of the People's
9 Representative Assembly. So, before the meeting, he would invite
10 members of the Assembly from the bases. So, it only occurred once
11 very year; it did not take place on a daily or weekly basis.

12 Q. You said it was held once every year. So, how many times were
13 the Assembly convened during the entire period of the regime?

14 A. I only received one message, and it was in 1977. And after
15 that, due to the situation in the country, the Assembly did not
16 convene. And as I remember, that was the only one time that Nuon
17 Chea sent a message for members to convene the Assembly.

18 MS. TY SRINNA:

19 Thank you.

20 With the Court's permission, I'd like to use the document
21 D200/9.12. ERN in Khmer is 00294581; in English, 00434365; and in
22 French, 00767253. I believe the witness already has the document,
23 as it was delivered from the Prosecution to him. I have
24 supplementary questions regarding that document, in addition to
25 the questions asked by the Prosecution.

1 [11.02.37]

2 MR. PRESIDENT:

3 Yes, you may proceed.

4 BY MS. TY SRINNA:

5 Thank you, Mr. President.

6 Q. In relation to your chart, in relation to the boxes - that is,
7 "870 Committee", the "State Presidium", and another box - that
8 is, the "People Representative Assembly" - the question is: How
9 did these three bodies communicate among themselves through
10 telegrams?

11 MR. NORNG SOPHANG:

12 A. In relation to the communication between the 870 Committee,
13 the State Presidium or the Assembly, I never saw any telegram
14 calling for a meeting among themselves because they were all
15 based in Phnom Penh, and if they wanted to communicate amongst
16 themselves, that was not difficult; there was no need to use the
17 confidential message by my team.

18 [11.04.18]

19 Q. My next question is related to your testimony that -- from
20 your testimony from the 29th August up to this morning, your
21 response mainly dealt with the communication via telegram
22 domestically. What about the telegram correspondence between
23 Cambodia and other countries? How was it done? Did (sic) any of
24 the telegrams from overseas sent to 870 Committee?

25 A. In relation to overseas telegram, I could not grasp them

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1 fully, so I am in no position to enlighten you.

2 Q. Thank you. What about the Ministry of Foreign Affairs? Did it
3 ever send any telegram to 870 Committee through your unit or did
4 they send it directly to 870 Committee?

5 A. Ministry of Foreign Affairs was located in Phnom Penh; there
6 was no telegram communication with my team.

7 Q. If not, how did they communicate - that is, the communication
8 between the Ministry of Foreign Affairs and 870 Committee?

9 [11.06.41]

10 A. I did not know.

11 Q. At the Ministry of Foreign Affairs, did they have their own
12 decoding team?

13 MR. PRESIDENT:

14 Witness, please hold.

15 Counsel Michael Karnavas, you may proceed.

16 MR. KARNAVAS:

17 Thank you, Mr. President. Good morning, Your Honours. Good
18 morning to everyone in and around the courtroom. This question
19 was asked yesterday. I don't know whether the lawyer was present
20 yesterday, when the gentleman did answer that question and
21 answered in response to a question posed by the Prosecution.
22 Therefore, there's no need to ask the question again, unless
23 simply to see whether the gentleman recalls something differently
24 today than what he stated yesterday under oath. Thank you.

25 [11.08.01]

1 MS. TY SRINNA:

2 --I ask this question is just to get his further confirmation
3 whether, in each ministry, it had its own decoding team, in the
4 cases that the transmission of overseas telegram did not go
5 through his unit and could go straight to Office - to 870
6 Committee.

7 And I'd like Mr. President to instruct the witness to respond.

8 MR. KARNAVAS:

9 With all due respect, Mr. President -- and I'm not trying to
10 debate the point, but now there's a fact, which is not at
11 evidence -- counsel is testifying and is making assumptions, and
12 therefore I would object to that commentary. She is trying to
13 testify as to what may or may not have been happening at the
14 Ministry of Foreign Affairs.

15 [11.09.08]

16 She can ask the question whether the gentleman had any experience
17 with the Foreign Affairs. If the answer is no, then we move on,
18 as opposed to speculating as to what may or may not have been
19 happening at the Ministry of Foreign Affairs. There may be other
20 witnesses that could enlighten the parties and the Chamber. Thank
21 you.

22 MR. PRESIDENT:

23 Thank you, Counsel.

24 The Chamber already reminded the witness of his obligation, and
25 we have seen then that the witness tries to his best to listen to

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1 the questions and respond appropriately, and he even requested to
2 change his previous statements where he was not sure – that is,
3 during his interview with the investigators of the Office of the
4 Co-Investigating Judges.

5 He is trying to provide an appropriate testimony without
6 providing any assumption. As we observed yesterday, before the
7 lunch break, that -- some of his responses were presumptuous. And
8 the Chamber took note of that, and after we returned the Chamber
9 instructed the witness of his obligation and that he should only
10 respond to the questions based on his personal knowledge,
11 experience, or observation in relation to the events related to
12 the questions posed to him. And that is clear to everyone.

13 [11.11.06]

14 The objection raised by the counsel is ungrounded, and the
15 witness can respond to that question. That question is different
16 from the question put to him yesterday.

17 MR. NORNG SOPHANG:

18 A. Regarding the communication from overseas, at that time I knew
19 the communication existed, including the diplomatic relationship.
20 However, when it comes to telegram communication and as I did not
21 have any instruction or directions to deal with any matters
22 concerning the Ministry of Foreign Affairs -- for that reason, I
23 decline to comment on this question.

24 BY MS. TY SRINNA:

25 Q. Thank you for your response.

1 [11.12.18]

2 Now I move on to my next question. Yesterday, you raised the
3 issues of the 870 Committee and the Centre.

4 The question is: How many members within 870 Committee, to your
5 knowledge?

6 MR. NORNG SOPHANG:

7 A. I did not know how many members were within 870 Committee, nor
8 I knew who were the members.

9 Q. I'd like to go back a little bit. On 29 August 2012, you
10 testified, in your response to the Prosecution, that it is
11 related to the front battlefield and the rear battlefield.

12 My question is: In order to resolve the matters at the front
13 battlefield -- without having to go through or seeking opinion
14 from the rear battlefield, or was (sic) it need to be done by
15 seeking the opinion first from the rear battlefield?

16 A. In relation to the work that I did at the rear battlefield,
17 there were only telegrams concerning the victory achieved at the
18 front battlefield - at the various front battlefields, and that
19 messages would be broadcast on the radio.

20 [11.15.11]

21 However, when it comes to other domestic matters at the rear
22 battlefield, there was no instruction or direction throughout the
23 period that I stayed at the banana field -- for about half a
24 year. There was no telegram communication between the front and
25 the rear battlefields. Mainly, there were messages to be

1 broadcast.

2 Q. Based on your experience in the decoding team, was there any
3 sector or zone that failed to report to 870 Committee? And if
4 there were no reports, did - or was the 870 Committee aware of
5 it? And if so, what were the measures or the reaction by the 870
6 Committee?

7 A. Regarding the report from the lower to the upper level or from
8 the upper level to the lower level, there was no reaction from
9 870 Committee regarding any reports. I did not see such an
10 incident. I never see any reprimand or scolding from upper
11 echelon regarding any report.

12 Q. Thank you.

13 [11.18.01]

14 In your testimony yesterday, you stated that, in general,
15 incoming messages would be addressed to "Respected Brothers", and
16 other kinds of messages would address to 870 Committee.

17 My question is: In the case that Pol Pot was absent, who would
18 receive the telegrams on his behalf? And who had the authority to
19 reply to those telegrams?

20 A. During the regime, I was within my decoding team. And as I
21 stated, there were various teams, and my role was not inside, but
22 it was outside. So, whenever I decoded the message, the message
23 would sent (sic) to the inside part, and they would manage those
24 messages. I did not know anyone who would replace Pol Pot during
25 his absence; I did not know who had the authority to respond.

1 Q. My next question is related to the situation in Phnom Penh.
2 Since you came, worked, and stayed in Phnom Penh, did you ever
3 observe any event or incident that you would like to report to
4 the Chamber - or to tell the Chamber?

5 A. Events that I encountered during the period that I stayed in
6 Phnom Penh - that is, from '75 to late '76 - everything was kind
7 of regular, but in late '77 up to early '79 the - it seems that
8 everyone was insecure.

9 [11.20.53]

10 I also saw reports from the base regarding the incursion or the
11 conflict from the eastern border front. I also saw wounded
12 combatants, and the hospitals were full of these wounded
13 combatants. I also saw people who were displaced from the East,
14 and they resided along the riverside, and some even went further
15 than Phnom Penh.

16 I also heard and saw - that is, in Phnom Penh, during 1978 -
17 there were sabotage, there were hand grenade throwing, killing
18 foreign diplomats, and there were assassination of cadres. That
19 occurred in 1978.

20 For all those reasons, I did not live happily; I was always
21 concerned. And that was my impression during that period.

22 Q. You said that there was a grenade attack. Who, actually, did
23 that act, and in what period? Can you specify the period?

24 A. I did not know who actually conducted that sabotage. I recall
25 that it happened in 1978; it was prior to the liberation on 7

1 April - 7 January '79.

2 [11.23.25]

3 Q. My next question is related to the smash of the internal enemy
4 within the Party. Was there any telegram talking about the purge
5 of the enemy addressed to 870?

6 A. Regarding the purge, the smashing, I believe you already have
7 the telegrams talking about all those things, presented by the
8 Prosecution. There are a lot of telegrams talking about that, so
9 there is no need for me to say anything.

10 However, the true meaning of the purge, or the screening, or the
11 smashing, I, myself, never witnessed it.

12 MR. PRESIDENT:

13 Counsel, you're reminded that your questions shall be directed to
14 the knowledge of the witness, not to put questions just for the
15 sake of it, outside the knowledge of the witness. Otherwise, you
16 would waste your time, and you only have about 37 minutes to put
17 questions to this witness.

18 [11.25.20]

19 BY MS. TY SRINNA:

20 Thank you, Mr. President.

21 Q. I have my last question, related to the communication between
22 Nuon Chea, Pol Pot; or Khieu Samphan and Pol Pot; or Ieng Sary
23 and Pol Pot. Did you ever know about that communication or the
24 relationship between those individuals? Or did you ever hear
25 about the relationship between these two people, and through your

1 experience working for Office 870? Can you enlighten us on this
2 point?

3 MR. NORNG SOPHANG:

4 A. Regarding the relationship amongst those leaders, it's beyond
5 my knowledge. During that time, I had a very minor role, so I
6 could not know about the affairs of those senior leaders.

7 MS. TY SRINNA:

8 Thank you for your response.

9 Next, I would like to give the floor to my international counsel
10 to put questions to you. Thank you for your effort. Thank you,
11 Mr. President.

12 [11.27.10]

13 QUESTIONING BY MS. SUTZ:

14 Good morning, Mr. President, Your Honours, and everyone. Good
15 morning, Mr. Norng Sophang. I am a civil party co-lawyer, and I
16 would like to put a few questions to you.

17 Q. First of all, I would like to briefly revisit the period 1975
18 and to talk about a statement you made to the Co-Prosecutors on
19 the 28th (sic) of August.

20 You said: "Regarding the plans to liberate Phnom Penh and to
21 fight against Lon Nol soldiers, I received instructions regarding
22 attacks. In fact, there was an existing plan. Ammunition was also
23 ready."

24 Could you please give us more details on that statement and tell
25 us what instructions you were talking about and to whom,

1 precisely, you gave such instructions?

2 [11.28.23]

3 MR. NORNG SOPHANG:

4 A. The plan to attack Phnom Penh was already stated before the
5 Chamber, and I made it clear that I have no knowledge of this and
6 I never saw any telegrams concerning the order from Angkar to the
7 military to attack any direction. I worked at the rear.

8 And when it comes to the plans to attack Phnom Penh by any
9 sections -- was precisely clear - indicated to the Chamber that
10 it was Pol Pot who went to the battlefield to the west of Phnom
11 Penh and that he did not need to send any telegrams concerning
12 the attack of Phnom Penh because all divisions were located
13 surrounding Phnom Penh already. And I was attached to the rear
14 and I could not know anything about this, and such messages would
15 never reach my office at the banana plantation.

16 Q. Thank you. My question was not on telegrams, but on a
17 statement you gave during the hearing.

18 [11.30.03]

19 But since we are running out of time, I will move to my next
20 question. I would like to ask some questions regarding your
21 family, Mr. Sophang.

22 During the 29 August hearing, you briefly referred to your
23 parents in answer to a question asked by the President. Could you
24 please give us more details on your family? Did you have, in
25 particular, brothers, and aunts, and uncles?

1 MR. PRESIDENT:

2 Witness, you are instructed not to respond to the question, as it
3 was not falling within the facts at issue. The President of the
4 Chamber already put a few questions concerning the identification
5 of the witness concerning some questions concerning this family
6 background of the witness, and it's already done.

7 [11.31.17]

8 MS. SUTZ:

9 With all due respect, Mr. President, I am trying to receive some
10 information with respect to the witness's family - if he was in
11 contact with his family, particularly during the Khmer Rouge
12 regime, from 1975 to 1979, as such information was not provided
13 during the earlier hearing.

14 MR. PRESIDENT:

15 Witness, you do not need to respond to this question, as it does
16 not contribute to any ascertaining of the truth.

17 BY MS. SUTZ:

18 Q. Mr. Norng Phang (sic), I wish to put a few questions to you
19 with respect to the situation in Phnom Penh between 1975 and
20 1979.

21 You stated that you arrived in Phnom Penh at the end of 1975. Can
22 you please describe to us the situation that was reigning in the
23 city from the end of 1975 to the start of 1979?

24 [11.32.42]

25 MR. NORNG SOPHANG:

1 A. I already stated about this to the Chamber. I talked about how
2 I felt when I came to Phnom Penh and I stated that Phnom Penh was
3 very quiet. It was not as populated as Phnom Penh today is. And
4 what was strange, to my feeling, at that time, was not observed,
5 so there was none strange atmosphere. It was strange only by late
6 1977 and early 1978, that I felt there was some things that were
7 out of the ordinary, and I already talked about this to the
8 Chamber.

9 Q. Can you please provide us a few more details and tell us who
10 was present in Phnom Penh at the time? Who were they?

11 A. I saw factory workers, soldiers, and - mainly, there were
12 factory workers in the city, those who worked very hard to
13 produce some goods to be distributed to the cooperatives at the
14 bases. So, these were the activities of the people I saw in the
15 city, and the majority of whom were workers.

16 [11.35.05]

17 Q. Thank you. Did you have the opportunity to travel about the
18 city at various occasions from various destinations to the next?

19 A. I could not travel frequently because it was part of the
20 discipline that everyone had to perform our tasks very well. And,
21 for that, I could not leave my place for other locations.

22 On some occasions, when I was assigned to give some instructions
23 on technical aspects to others -- I already indicated about my
24 services. For example, when I was needed to provide some training
25 to people at the location where such techniques were needed, I

1 would then go.

2 At that time, even when my brother was sick, I was not able to
3 see him because I could not make such a decision at my - or of my
4 own accord; I did not dare ask permission to leave work to visit
5 my sick brother, because I did not want to miss the assignment,
6 the tasks handed down to me by Angkar.

7 Q. Thank you. Am I, therefore, to gather that you did not have
8 the right to move about freely, either in the city or in the
9 provinces?

10 A. Yes, it is correct. People could not move about freely.

11 [11.37.23]

12 Q. Thank you.

13 Mr. Witness, you stated that you were only able to telephone
14 three places: Mr. Khieu Samphan's office, Nakan (sic), and Los
15 (sic). Do you know why you were only able to be in communication
16 with those three locations?

17 A. It was because the telephone line that linked to my location,
18 it was the landline telephone; it was not the wireless telephone
19 connection as we could do these days. The line was well connected
20 directly to my place -- my office -- and the purpose of this was
21 to facilitate the communication, the correspondences, and the
22 orders or instructions that had to be rendered or communicated.
23 And if I had to submit or transmit the urgent message to K-18,
24 and the message was very urgent but it was not yet decoded, and
25 it was time when it had to be communicated, I would then ask

50

1 people to wait - or to hold on for about -- like five to 10
2 minutes before the communication could be disconnected, waiting
3 for me to make sure that the message could be decoded and
4 communicated on line.

5 [11.39.20]

6 A. I wish to return very briefly on the topic of the children
7 that you were in charge of training and who were also responsible
8 for decoding messages and telegrams.

9 Can you please tell me, sir, how those children were chosen to
10 come to Phnom Penh, and by whom?

11 Q. Those children were recruited by the local organization, or
12 Angkar.

13 First, they were not sent directly to my office; it - I knew this
14 because I asked these young people, who told me that first they
15 were made to stay at a location along the riverbank. I didn't ask
16 more information - for more information concerning their
17 whereabouts before they came to my office.

18 Then, after they gathered all together, they would then be sent
19 to me.

20 Some of them were not literate, they could not read or write, and
21 I had to also teach them to read and write.

22 Q. Thank you for that response. Do you know if they were chosen
23 based on any specific criteria?

24 A. The basic criteria at that time was more on the good, clean
25 class, those who were the children of the Base People. This was

1 part of the principle for recruiting others to work. They would
2 like people who were honest. Honesty was really important at that
3 time.

4 [11.42.04]

5 Q. Thank you. You told this Court that the children were aged
6 between 10 to 12 years of age. And who was responsible for
7 providing care or supervision to these children? Or were they
8 left to tend for themselves?

9 A. I do not know whether I did mention that the children were 10
10 years old. I said - I think that there could have been a typo
11 error. I have said that the children were as young as 12 years
12 old.

13 And when they were already at this age, they could be on their
14 own. For example, they could dress by themselves; they could take
15 care of themselves.

16 And at the same time I also treated them as my younger siblings,
17 brothers and sisters. When at night they forgot to cast the
18 mosquito nets, I would then help prepare the bed for them because
19 I was at that time as their second parent already.

20 [11.43.36]

21 Q. Thank you. I'll therefore confirm that, during your first
22 interview before the Co-Investigating Judges, you did state that
23 those children were aged between 10 and 12 years of age. This is
24 in document E3/67, on the French ERN page 0041696 (sic); on the
25 ERN page, in English, 00434046 (sic). Unfortunately, I do not

1 have the Khmer ERN pages at my disposal.

2 Let's return to the issue of children again. Now, were they also
3 subjected to very strict discipline, as was the case for other
4 individuals?

5 A. At my place, there was no strict discipline. These children
6 were regarded as the most sincere people already.

7 And they also enjoyed some freedom in eating and living. At the
8 school, they could really make use - or eat the coconut and fruit
9 that could be picked from the fruit trees in the premises. And
10 they were allowed to do that, and I never stopped them from doing
11 so. So, their living condition was decent, and there was no
12 pressure being imposed on them.

13 [11.45.33]

14 Q. Thank you. And were they ever punished?

15 A. I personally never imposed any torture on any of them. If they
16 failed to perform their tasks properly to their best capacity, I
17 would then be the one who advised them to improve, to correct the
18 shortcoming, and would ask them to become good citizens for the
19 Party and for the country. I never resorted to using tortures as
20 part of the approach to educate young people.

21 Q. Thank you for that answer.

22 Let us return to a statement that you made before the
23 Co-Investigating Judges during your second interview. I'm
24 referring to document E3/67; ERN French pages 00374933, English
25 ERN pages 00483966, and Khmer ERN pages 00294537.

1 In that statement, you declared – and I quote:

2 "'To remove' – the term 'to remove' meant 'to remove from one
3 place or transfer from one tempering place to another', but I did
4 not know the exact location where was removed and taken. When one
5 was removed, it meant that one had committed a mistake or
6 offence. To my knowledge, Yuos was already removed, and Phaok had
7 already been assigned as his replacement. As for Pang and Thé, at
8 K-1, I do not know, but they may have been removed as well. As
9 for Pon, I do not know. Thé and Pang, I do not know which one
10 disappeared first."

11 [11.48.10]

12 Mr. Witness, I have a few clarification questions to put to you,
13 as some of these statements are somewhat contradictory, and
14 therefore I seek to understand.

15 Now, do you know if Pang and Thet (sic) were removed or do you
16 know if they disappeared?

17 A. At that time, I did not know when these people disappeared or
18 removed – or were removed. The investigators tried to ask me this
19 question time and again; I already stated very early that I did
20 not know from the beginning.

21 First, he asked me to explain about the removal of people, and I
22 started to explain on this. But then more and more questions were
23 bombarded on me on Pang and Thé, and I had nothing but to say I
24 didn't know. And you could also see my statement; and, indeed,
25 the statement could not be used as the evidence, because I said I

1 didn't know. And I do not know what happened to the removal of
2 people at the base. I do not know how this worked.

3 And I was concerned. I was very worried that if I, myself, did
4 not perform my task very well, I would also end up being removed.

5 So I tried my best to refashion myself to ensure that I followed
6 the good moral or ethical code of conduct, and I - by doing so, I
7 was sure that, if I committed no wrongdoing or mistake, I would
8 not be the one who would be removed. So, at that time, I
9 personally did my best to correct myself, to build myself to the
10 full capacity so that I could be free from being removed.

11 [11.51.00]

12 Q. Thank you for these details, Mr. Norng Sophang. Now, aside
13 from Thé and Pang, you, yourself, talked about the fear of being
14 removed for not carrying out your work properly. Now, did you
15 observe other disappearances? Without identifying anyone in
16 particular or disclosing any names, did you notice people
17 vanishing or disappearing while you were there?

18 A. I learned that, when Yuos disappeared, Phaok was called to
19 become the Chair of K-18. That really made me feel that it was
20 not normal, because I used to receive instruction from Yuos, but
21 by 1978 it was Phaok who was the person I needed to talk to,
22 other than Yuos. The missing or disappearance of Yuos made me
23 worry because I felt that he did not disappear for no reason,
24 because if Yuos did not commit any wrongdoing, then Phaok would
25 not be the one who was assigned to replace him.

1 Q. Thank you.

2 [11.53.03]

3 Let us move back to topic of Office 870 and the role played by
4 that office.

5 During your two interviews before the Co-Investigating Judges and
6 during these hearings, Mr. Witness, you talked about Office 870
7 quite extensively, but it seems to me that there is some
8 vagueness because you sometimes refer to it as the "Standing
9 Committee" or the "Central Committee". Therefore, can you please
10 tell me, sir, what, for you, is the difference between those two
11 committees, if indeed there is one?

12 A. I think you are employed at even the United Nations body, and,
13 I think, at the United Nations, there would be a kind of standing
14 committee body. And I should not wish to elaborate further on
15 this, as it is commonly known.

16 Q. I'm not sure if there's a problem of interpretation. I'm just
17 seeking some clarification, some precision from you, sir.

18 Now, during previous interviews - and I'll quote those P.V.'s,
19 you sometimes talk about the "Central Committee", and sometimes
20 you talk about the "Standing Committee". There's a distinction
21 between the two. And earlier you had even defined Office 870 as
22 the "Standing Committee", but you also referred to it as the
23 "Central Committee". And I just want to make sure that it is one
24 and the same.

25 [11.55.14]

1 A. I am not really sure concerning the term "committee". That's
2 why I stated as what -- I'm not sure. Sometimes I read "Committee
3 870", or sometimes "Office 870"; sometimes they only noted "870"
4 alone, without "committee" or "office", and this makes it
5 difficult for me to be more precise because the terms are
6 interchangeably used and it's difficult to recognize it as which
7 is which.

8 Q. Very well. Thank you, sir. Now, just to be absolutely certain,
9 for you, "Office 870", "Standing Committee", and "Central
10 Committee" all refer to one same and single entity; is that
11 correct?

12 MR. KARNAVAS:

13 Mr. President, if I may, it mischaracterized the gentleman's
14 testimony. It is what it is; we have his various answers on that.
15 Now, they're trying to summarize it into what would appear to be
16 inaccurate, based on his previous answers. So I think it's been
17 asked and answered, they got the answer; time to move on.

18 MR. PRESIDENT:

19 Witness is now instructed not to respond to the question.

20 [11.57.13]

21 BY MS. SUTZ:

22 Q. Mr. Norng Sophang, I would like to ask some questions
23 regarding Nuon Chea, and I would like to refer to your interview
24 -- your first interview to the Office of Co-Investigating Judges.
25 During that interview, a number of telegrams were shown to you,

1 and the Co-Prosecutor referred to those telegrams yesterday -
2 Telegram 15, document E3/1669 (sic) -- E3/69 (sic).
3 When you were questioned on those documents by the
4 Co-Investigating Judges, and you were asked why Nuon Chea was
5 copied, and you said that "Nuon Chea was in charge of the service
6 relating to people", could you please explain to the Chamber
7 exactly what you meant when you said he "was in charge of the
8 sector relating to people"? What were, precisely, his
9 responsibilities?

10 MR. NORNG SOPHANG:

11 A. It was a public announcement that Mr. Nuon Chea was attached
12 to the People's Representative Assembly and he was also the
13 chairperson of that institution. So, as the people's
14 representative, he shall know whatever matters that -- relevant
15 to the people, and he was at the supreme body to be in charge of
16 all matters relevant to the people, as he was representing them.

17 [11.59.50]

18 Q. Thank you. I would like to refer you to another statement you
19 gave -- and it is document E3/64, and the French ERN is 00411708,
20 ERN in English is 00334058, and the Khmer ERN is 0032804 (sic).

21 You also stated as follows: "Internal problems of misconduct were
22 under the jurisdiction of Nuon Chea."

23 And you subsequently state, regarding moral offences: "They were
24 pertaining to rape."

25 Can you tell us whether you had to deal with many telegrams

1 dealing with the moral misconduct - specifically, rape?

2 A. The telegram on the moral offence, I think what you saw is
3 what I saw; it was sent from Mondulkiri. I only saw one telegram
4 on this. And at that time, when someone was reported as having
5 committed moral offence, it means that person could have been
6 committing the sexual offence or misconduct.

7 I do not recall having seen any other telegrams from any other
8 sectors, other than the one you indicated, on this matter.

9 [12.02.31]

10 Q. Thank you for these clarifications, Witness. I am almost done
11 with my examination.

12 I would like to refer you to the last statement you gave -- and
13 that was your second interview given to the Co-Investigating
14 Judges - document E3/67. And this time, the ERN in French is as
15 follows: 00374935; ERN in English, 00483968; and the ERN in Khmer
16 is 00294539.

17 And in that statement, Mr. Norng Sophang, you refer to a person
18 called Kham My, and you state as follows:

19 "Under Committee 870, there was also a military unit headed by
20 Kham My, who had sacrificed his life on the battlefield in
21 1978-'79. Because (sic) K-1 was Pol Pot's station, and K-3, that
22 of Khieu Samphan [...]. Under 870, I knew that there was A-71 (sic)
23 and the military unit headed by Kham My..."

24 Could you please provide further clarifications as to whom Mr.
25 Kham My was and what his role was at the time?

1 [12.04.14]

2 A. Mr. Kham My was of an ethnic minority group from the Northwest
3 - rather, Northeast. I did not know his full name. He was known
4 as Kham My and he led a unit of soldiers, the office - the
5 headquarter that was adjacent to the school I taught. Mr. Kham My
6 led the unit that was under the direct supervision of S-71 and
7 direct supervision of 870. When there were visiting guests, then
8 Kham My would be the one who managed security matters for the
9 visiting persons.

10 Q. Thank you. Do you know how that military unit was called? Did
11 it - was it referred to by a particular figure?

12 A. No, I don't know.

13 Q. Have you ever heard the code name Y-10?

14 A. Yes, I have heard of it, but I'm not quite sure whether I knew
15 this; that's why I didn't say I knew it.

16 Q. Thank you. Do you mean, therefore, that you are not in a
17 position to ascertain that Y-10 was the code name of that military
18 unit headed by Mr. Kham My?

19 A. It is true to say that I don't know that. And I do not even
20 know the other K offices surrounding this institution, let alone
21 the military units. I could not really recall all these K
22 offices, and not the military units.

23 [12.07.24]

24 MR. PRESIDENT:

25 Counsel, could you advise the Chamber how much time - how much

60

1 more time, indeed, you prefer? Because it's really eight past
2 12.00.

3 MS. SUTZ:

4 I am done with my questions, Mr. President. I thank you.

5 MR. PRESIDENT:

6 Thank you, Counsel. Thank you, Mr. Witness.

7 The hearing session now for this morning comes to a conclusion.

8 The Chamber will adjourn, and the next session will be resumed by
9 tomorrow, at 9 a.m.

10 The Chamber wishes to remind parties to the proceedings and the
11 public that there is not going to be a trial hearing because the
12 Chamber has other issues to attend to.

13 [12.08.33]

14 For tomorrow's session, the Chamber continues hearing testimony
15 of Mr. Norng Sophang, and the questions to be first put by
16 counsels for Khieu Samphan before the other two defence teams.

17 Mr. Norng Sophang, your testimony has not yet been concluded, so
18 you are now invited to come to the courtroom again tomorrow.

19 Court officer is now instructed to assist Mr. Norng Sophang
20 during the adjournment and have him returned to the courtroom by
21 9 a.m. tomorrow.

22 Security personnel are now instructed to bring all the accused
23 persons to the detention facility and have them returned to the
24 courtroom before 9 a.m.

25 The Court is adjourned.

1 THE GREFFIER:
2 (No interpretation)
3 (Court adjourns at 1209H)
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