



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

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

17 August 2016

Trial Day 440

ឯកសារដើម

ORIGINAL/ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ (Date): 26-Jan-2017, 12:11

Sann Rada

CMS/CFO:.....

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
LIV Sovanna
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
EM Hoy
Maddalena GHEZZI

Lawyers for the Civil Parties:
Marie GUIRAUD
HONG Kimsuon
SIN Soworn

For the Office of the Co-Prosecutors:
Nicholas KOUMJIAN
SENG Leang

For Court Management Section:
UCH Arun

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. HONG Kimsuon	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
Mr. MEY Savoeun (2-TCCP-1040)	Khmer
The President (YA Sokhan)	Khmer

1

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

2 (Court opens at 0859H)

3 MR. PRESIDENT:

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

5 Today, the Chamber hears testimony of a civil party, that is,

6 2-TCCP-1040.

7 Mr. Em Hoy, please report the attendance to the parties and other
8 individuals to today's proceedings.

9 [09.00.20]

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all parties to this case
12 are present, except the Lead Co-Lawyer for civil parties, Pich
13 Ang, who is absent for personal reasons.

14 Mr. Nuon Chea is present in the holding cell downstairs. He has
15 waived his rights to be present in the courtroom. His waiver has
16 been delivered to the greffier.

17 The witness who is to testify today, that is, 2-TCCP-1040, is
18 present in the waiting room to be called by the Chamber.

19 We also have a reserve witness, 2-TCW-1029, who confirms that to
20 the best <of his> knowledge and ability, <he> is not related, by
21 blood or by law, to any of the two accused, that is, Nuon Chea
22 and Khieu Samphan, or to any of the civil parties admitted in
23 this case.

24 The witness will take an oath before the Iron Club Statue this
25 morning.

2

1 Thank you.

2 [09.01.39]

3 MR. PRESIDENT:

4 The Chamber now decides on the request by Nuon Chea.

5 The Chamber has received a waiver from Nuon Chea, dated 17 August
6 2016, which states that, due to his health, that is, headache,
7 back pain, he cannot sit or concentrate for long. And in order to
8 effectively participate in future hearings, he requests to waive
9 his right to be present at the 17 August 2016 hearing.

10 He advises that his counsel advised him about the consequences of
11 this waiver, that in no way it can be construed as a waiver of
12 his rights to be tried fairly or to challenge evidence presented
13 to or admitted by this Court at any time during this trial.

14 [09.02.26]

15 Having seen the medical report of Nuon Chea by the duty doctor
16 for the accused at the ECCC, dated 17 August 2016, which notes
17 that Nuon Chea has a chronic back pain when he sits for long and
18 recommends that the Chamber shall grant him his request so that
19 he can follow the proceedings remotely from the holding cell
20 downstairs.

21 Based on the above information and pursuant to Rule 81.5 of the
22 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
23 follow today's proceedings remotely from the holding cell
24 downstairs via an audio-visual means.

25 The Chamber instructs the AV Unit personnel to link the

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

2 That applies for the whole day.

3 Court officer, please usher civil party 2-TCCP-1040 into the
4 courtroom.

5 (Short pause)

6 (The civil party enters the courtroom)

7 [09.04.49]

8 MR. PRESIDENT:

9 Before we commence hearing testimony of the civil party, the
10 Chamber notes that this civil party has been interviewed in the
11 ongoing investigations in a separate case. The International
12 Co-Investigating Judge placed this civil party in Group A amongst
13 the three groups in his memorandum. Please refer to document
14 E319/35. He also requests that this civil party shall be referred
15 to by a pseudonym in order to protect the confidentiality of the
16 investigation. The Chamber is of the view that such conditional
17 measures <are> appropriate in this instance and that this
18 instruction shall be so taken into account, the balance between
19 the public proceedings and the integrity of such investigation.
20 And the Chamber wishes also to inform the parties that they
21 should strictly adhere to its instruction, that is, document
22 E319/7, in terms of using disclosures from other cases.

23 [09.06.10]

24 QUESTIONING BY THE PRESIDENT:

25 Good morning, Mr. Civil Party.

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1 In the proceedings before this Chamber and pursuant to the
2 request by the International Co-Investigating Judge, you shall be
3 referred to only by your pseudonym and your pseudonym is
4 2-TCCP-1040, and parties shall refer to you as a civil party.

5 And this means that the Chamber will not allow parties, as well
6 as Judges of the Bench, to refer to you by your surname or your
7 first name in this public proceedings.

8 And Mr. Civil Party, the Chamber would like you to confirm your
9 <identity> in document E3/9467; at Khmer, ERN 00955746; English,
10 00978749 to 50; and French, 01033002.

11 Court officer, please hand the document to the civil party for
12 his examination.

13 And civil party, please refer to the segment highlighted in
14 orange; namely, your name, your nationality, date of birth, place
15 of birth, occupation, the name of your father, the name of your
16 mother and your wife's name, as well as the number of children,
17 whether they are correct. And please, respond only to the limit
18 whether it is correct or not.

19 (Short pause)

20 [09.08.53]

21 MR. MEY SAVOEUN:

22 It is correct.

23 BY THE PRESIDENT:

24 Q. Thank you. Have you been interviewed by investigators from the
25 Office of the Co-Investigating Judges? If so, how many times,

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1 when and where?

2 MR. MEY SAVOEUN:

3 A. I was interviewed twice.

4 Q. And where? And please observe the microphone. You should speak
5 only when you see the red light on the tip of the microphone.

6 A. I was interviewed once at my home and I was interviewed on
7 another occasion at a neighbour's house <in Boeng Chhuk village>.

8 [09.10.05]

9 Q. Thank you. And before you appear, have you read or reviewed
10 the written record of your previous interviews with OCIJ
11 investigators in order to refresh your memory?

12 A. I have read them once. However, I can only recall parts of the
13 interview.

14 Q. Thank you. And based on your recollection, can you tell the
15 Chamber whether the written record of your previous interviews
16 that you have read in order to refresh your memory are consistent
17 with what you told the investigators?

18 A. Yes, they are consistent.

19 [09.11.23]

20 MR. PRESIDENT:

21 And Mr. Civil Party, you are invited to testify today as a civil
22 party in the proceedings before this Chamber and towards the
23 conclusion of your testimony you are entitled to make a statement
24 of harm and suffering that were inflicted upon you during the
25 Democratic Kampuchea regime, if you wish to do so.

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1 And pursuant to Internal Rule 91bis of the ECCC Internal Rules,
2 the Chamber hands the floor first to the Lead Co-Lawyers for
3 civil parties to put questions to the civil party. And you have
4 one Court session to question the civil party.

5 You may proceed.

6 MS. GUIRAUD:

7 Thank you. Thank you, Mr. President and good morning to all of
8 you.

9 It is our colleague, Hong Kimsuon, who is going to put questions
10 to the civil party this morning. Thank you.

11 MR. PRESIDENT:

12 Lawyer for civil parties, you have the floor.

13 [09.13.00]

14 QUESTIONING BY MR. HONG KIMSUON:

15 Thank you, Mr. President. Good morning, Mr. President, Your
16 Honours, and good morning, everyone.

17 My name is Hong Kimsuon. I am a lawyer for civil parties from
18 Cambodian Defenders Project.

19 Q. And good morning, Mr. Civil Party. I'd like to ask you some
20 questions regarding your experience during the Democratic
21 Kampuchea regime, that is, from 17 April '75 to 6 January '79.
22 And if my question is not clear, please say so, so that I can
23 rephrase it.

24 Before the liberation of Phnom Penh or Cambodia on 17 April 1975,
25 what did you do and where did you live?

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1 [09.13.54]

2 MR. MEY SAVOEUN:

3 A. Good morning, Mr. President; and allow me to respond to the
4 question.

5 Before the liberation day of 17 April 1975, I was a soldier and I
6 was in Kaoh Kaev village, Lvea Aem district, Kandal province.

7 Q. You said you were a soldier. Were you a soldier in the
8 liberating zone or you were a soldier belonging to the Lon Nol
9 government?

10 A. I was part of the liberation army that was formed by Samdech
11 Sihanouk and we were fighting against soldiers who were
12 transporting logistics by the river into Phnom Penh.

13 Q. And after the liberation of Phnom Penh, that is, after 17
14 April 1975, where were you or where was your unit based?

15 A. After Phnom Penh was liberated, my unit was still at Kaoh
16 Kaev, that is near National Road Number 1 in Kaoh Kaev area.
17 That's where we were based.

18 [09.16.00]

19 Q. When you were at Kaoh Kaev, that is, after the liberation of
20 Phnom Penh, were you still a soldier or you already became a
21 civilian?

22 A. Our weapons were gathered and stored in a warehouse and they
23 said that our fighting against the enemy was lively; however,
24 construction of the country needed to be done as well. And for
25 that reason we were asked to work in the field in Kaoh Kaev.

1 Q. Can you clarify through the Chamber what your unit was called?

2 A. I was attached to a military unit, <Khor->148, <Kor-1 and
3 Khor-3,> belonging to the East Zone.

4 Q. While you were a soldier, did you know the name of the
5 chairperson of the East Zone?

6 A. I heard my unit chief who says that it was So Phim who was the
7 zone secretary.

8 Q. Can you briefly describe your work assignments after the
9 liberation of Phnom Penh, that is, for the period between 1975
10 and '76? Were you transferred from Kaoh Kaev area?

11 [09.18.47]

12 A. After the liberation in 1975, my unit was stationed in Kaoh
13 Kaev and we worked in the fields, that is, <on> the plantation.

14 And later on - however, I cannot recall the year because there
15 was nothing for me to refer to; there was no calendar -- I was
16 transferred to Prey Veng province. There I was tasked to dig
17 canals, to build roads and to build dyke systems <at> a worksite
18 called Veal Kasetan (phonetic) in Prey Veng province.

19 And later on I was <sent to work in> the <western> part of the
20 Prey Veng province <at> a water wheel in a dry season rice field.
21 So I had to drive the water wheel from the lower part upward and
22 then from the second layer or section, then I had to <drive the>
23 water wheel to the top part.

24 I was tasked <with building> canals, <building> roads in the
25 area, and our food rations <were> limited. Only three cans of

1 rice were provided to about 100 workers.

2 Q. My <apologies>, Mr. Civil Party. You said you were part of a
3 mobile unit to build dykes and <drive the> water wheel. Can you
4 tell the Chamber whether that mobile unit was civilian or a
5 military one?

6 [09.21.03]

7 MR. PRESIDENT:

8 Mr. Civil Party, please observe the microphone.

9 MR. MEY SAVOEUN:

10 A. I was in the same military unit.

11 BY MR. HONG KIMSUON:

12 Q. Thank you.

13 You said that there was no calendar or any specific instrument
14 that you referred to in terms of the date and year; and allow me
15 to refer to your previous interview by the Court personnel, and
16 here I refer to document E3/9467, at Khmer, ERN 00955748 to 49;
17 and the English is 00978752 to 53; and French, 01033004.

18 [09.22.32]

19 And allow me to quote an excerpt from that statement, that is, in
20 response number 22. My apology; it was in response 15. And I
21 quote:

22 "Later on, in around July or August in 1978, the Party Committee
23 of So Phim agitated us to rearm by withdrawing us from that
24 worksite. So Phim was the Zone Secretary there. I joined the
25 movement in order to fight the Khmer Rouge. So Phim arranged for

10

1 me to be positioned along National Road 15. The Khmer Rouge
2 soldiers came from the Southwest and the West to surround the
3 East Zone." End of quote.

4 And Mr. Civil Party, here you refer to the Khmer Rouge soldiers
5 from the Southwest and West Zone. What was your unit or group
6 called?

7 MR. MEY SAVOEUN:

8 A. My military unit was called the National Liberation Army.
9 That's what we were referred to at the time.

10 [09.24.16]

11 Q. And <> when <> was your unit referred to <the National
12 Liberation Army>? Was it before <or after> the liberation of
13 Phnom Penh or after you were transferred to live in Prey Veng
14 province?

15 A. The term "National Liberation Army" had been used since the
16 year of the coup d'état to topple Samdech Sihanouk in 1970.

17 Q. Now let me go back to an excerpt that I just read out. When
18 you stated that So Phim agitated your group to rearm, can you
19 tell the Chamber what were the reasons behind that call by So
20 Phim to rearm your group?

21 A. After So Phim came to be aware that the southwest and west
22 soldiers came to surround the soldiers in the East Zone <in Prey
23 Veng province> and soldiers from the southwest and the west were
24 transported to Svay Rieng area, that is, to <defend> the border
25 area in Svay Rieng and commanders had been arrested, that is, the

11

1 division commanders had been arrested and for that reason he
2 agitated our unit to gather all the available forces including
3 those who were in hospital, as well as the new recruits who were
4 still being trained at Office 200 in the East Zone to join hands
5 in that movement because he said the soldiers from the Southwest
6 and the West Zones came to kill all <of the> soldiers in the East
7 Zone.

8 [09.27.30]

9 Q. Regarding the gathering of available forces and the rearming
10 of soldiers, can you tell the Chamber when it happened and where?

11 A. It took place near Me Bon Bridge along National Road Number
12 <15> and that was a part of Prey Veng province. At that time, So
13 Phim came by himself to agitate the movement amongst the soldiers
14 on the ground.

15 Q. Did you see So Phim in person at the location where you said
16 he agitated the force?

17 A. I saw him and I met him once at that location. And previously,
18 I only heard of his name. I saw him when it was almost in the
19 late evening. He came to agitate the movement in the area.

20 Q. Allow me to go back a little bit. <When> So Phim came to
21 agitate the force, did it happen <before or> after the Khmer
22 Rouge soldiers from the southwest and the west came to surround
23 the East Zone soldiers?

24 A. It was after the arrival of the southwest and west soldiers.

25 [09.29.20]

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1 Q. You used the term "agitation" or that your unit was agitated
2 and not only your group but also other people including those
3 forces at the hospital. Could you tell the Chamber whether the
4 people or the forces, that is, your forces, volunteered to rearm?

5 A. During the regime, there was no such thing as a volunteer. We
6 had to undertake the assignment that was forced upon us. We were
7 soldiers on the ground and we followed orders.

8 Q. Regarding the forces or people, or staff who worked in the
9 hospital, <were> they rearmed as well as those who worked at this
10 so-called "Sala Sar", and can you tell about <this> later group?
11 Who were they?

12 A. Sala Sar group was the youth group who had been recruited from
13 various regions to come and attend the study at <"Sala Yut
14 Phumipheak Bophea" or the Eastern Military School at> the Prey
15 Veng provincial town.

16 [09.31.28]

17 Q. After they were equipped or after the forces were mobilized,
18 how long did it take to involve all those people in the fighting?

19 A. After the forces of the west and the southwest surrounded us
20 for a period of one week, and after we were agitated through the
21 leaflets from the air, we were encouraged to be engaged in the
22 activities with them. However, we did not join them and we
23 remained at our locations, respectively.

24 Q. Could you tell the Court what happened after that one week?
25 Was there a rebellion or was there fighting at the time?

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1 A. After that one week, the forces of the west and southwest were
2 engaged in the attack at that location.

3 Q. I would like you to clarify the location, which you have just
4 mentioned. What was the name of that location?

5 A. That location was at Me Bon Bridge<, where we were ordered to
6 station> and it was on National Road 15.

7 [09.35.30]

8 Q. Concerning the surrounding of your forces by the southwest and
9 west forces, where did that happen?

10 A. We were surrounded right in the provincial town of Prey Veng.
11 <That is to the east>.

12 Q. Thank you. I would like to ask you another question. You made
13 mention <of> the advance attack by the southwest and west forces.
14 Was there fire exchanged at the time or was there heavy shelling?
15 How did it happen? Could you clarify that for the Court?

16 A. During the time, they were engaged in the advance attack
17 against our forces <and> other units around <the> provincial town
18 of Prey Veng. There were tanks. There were airplanes dropping
19 leaflets and there were infantry. <There were> arsenals or heavy
20 weapons and shellings -firing was shot from the tanks and <they
21 also ran people over with tanks>. And as for people in my forces
22 who were posted at that location<, they> were killed. Then I left
23 the location. I fled to another location with other forces and
24 units as well as institutions and regions from the Prey Veng
25 province, that is, in the East Zone.

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1 [09.36.56]

2 Q. I thank you very much. I would ask you later about the various
3 units that you were fleeing with. You made mention <of> the
4 leaflets thrown from the airplanes. What was the content inside
5 those leaflets?

6 A. Mr. President, after I had fled the battlefield, I picked up a
7 leaflet, which stated and encouraged all the people and all
8 forces, as well as civil servants in the East Zone, to surrender
9 with the west and southwest forces. And we were told that we did
10 not betray the nation. Only the ringleader, So Phim and Yeay
11 Kirou, who was the wife of So Phim, and other senior officials,
12 betrayed the country. That was the content of the leaflet that I
13 read.

14 Q. You stated that in the leaflet it made mention <of> the fact
15 that So Phim had betrayed the country or the revolution. What was
16 it exactly stated in relation to the term "treason" by So Phim?

17 A. Thank you, Mr. President. So Phim was accused <of being> the
18 instigator who encouraged a rebellion in the East Zone, and he
19 encouraged others to fight against the southwest and the west
20 forces.

21 [09.39.14]

22 Q. I thank you very much. You made mention <of> the fighting
23 during a time <when> there were tanks and airplanes or heavy
24 shellings by the southwest and west forces. During the time, did
25 you witness soldiers or other people raise their hands and

15

1 surrender with those forces?

2 A. Mr. President, the order was to counter fire against those
3 forces. When we were fired <on>, we had to be engaged in the
4 counterattacks. At the time, I threw away the weapon and I fled
5 because <> there was a large number of forces from the west and
6 the southwest and I had to run. The situation at the time was
7 chaotic. Everyone was running <here> and there and I did not know
8 which soldiers belonged to which forces and some other soldiers
9 had to throw away weapons as well and they had fled away from <>
10 Prey Veng <provincial town>. And I witnessed people die <on> the
11 battlefield. People died from time to time.

12 [09.40.57]

13 Q. Thank you. I would like to seek your clarification about the
14 time when you had fled and you surrendered. You stated that
15 people were killed at the time in a large numbers and workers
16 from the sewing unit<, civil unit> and other units also died.
17 Were civilians involved in the fighting at the time?

18 A. Thank you, Mr. President.

19 At the time, civilians from other institutions and units,
20 together with their family members and children, had to flee and
21 <soldiers as well as civilians> died because, at the time, there
22 was firing, heavy firing and shelling all across the provincial
23 town.

24 Q. How did you survive the shelling and the firing during the
25 times when the west and southwest forces were fighting?

16

1 A. During the time of the advancement by the west and southwest
2 forces when there was <a> chance, I mean during the time that
3 there was no heavy shelling and firing, we all together had to
4 take the opportunity and escape. That is how I survived.

5 [09.43.15]

6 Q. Thank you. I would like to bring up a document -- in the same
7 document that I quoted earlier -- E3/9467 at ERN in Khmer,
8 00955750; English, 00978754; and French, 01033006; allow me to
9 quote your statement - quote:

10 "The ones who <staged> a rebellion <were> shot dead by the Khmer
11 Rouge and they were <piled up> in a pond near <a> pagoda, and
12 those who had escaped were rearrested by the Khmer Rouge. And
13 those people were later on detained and interrogated. Some others
14 were taken to Kampong Chhnang to build the airport and another
15 group of people were shot dead at <the Eastern part of> Pursat
16 <town>." <End> quote.

17 I will break your statement down and put questions accordingly.

18 You stated that you had fled to the eastern part of Prey Veng and
19 then you saw people were shot dead and then thrown into the lake
20 or pond near the pagoda.

21 During the time when you were fleeing, <were you alone or were
22 you> together with a large group of people? How did you have the
23 chance to see the dead people <piled up> in the pond or lake near
24 the pagoda?

25 [09.45.39]

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17

1 A. Thank you, Mr. President.

2 After all the civil servants and soldiers from various units from
3 garment units <as well as other units> had fled, we saw <soldiers
4 and> civilians <dead> in the pond or lake <near a pagoda> in the
5 eastern part of Prey Veng province. They were piled together near
6 the lake <near a pagoda>; that is, in the <eastern part> of <Prey
7 Veng province>.

8 Q. Were those people civilians or soldiers and were there also
9 <women,> children, and patients from the hospital as well, when
10 you saw those people in the past?

11 A. I noticed <> soldiers <and some civilians dead> at that pond.
12 Some of them were male and some were female. The dead bodies were
13 lying at that location, that is, that <> pond.

14 [09.47.00]

15 Q. I thank you very much.

16 Another point you made mention in your statement is about the
17 fact that the people who had fled were rearrested by the Khmer
18 Rouge. So <did you see how many of them were captured and> where
19 were they sent to after they were rearrested by the Khmer Rouge?

20 A. After I had left the battlefield, I arrived at Lvea Haek
21 (phonetic) district where we were arrested by the female
22 <commune> militia and <later on> we were sent to <a prison in> Me
23 Sang district, Prey Veng province.
24 Then we were detained there for a period of one week. During the
25 night time, we were put in the house <which> was locked and we

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1 were gathered by the security forces. And during the daytime, we
2 were walked to dig the termite mound <and carry the soil to the
3 rice field.>

4 Later on the chief of Me Sang district security prison made an
5 announcement to all of us and we were told that we were not
6 traitors. They said we were the children of the regime and the
7 <only> traitors were So Phim and Yeay Kirou. <>

8 And we were told that we could go back to our respective
9 communes, districts and provinces. So I had left the prison--
10 [09.49.40]

11 Q. <Sorry to interrupt.> I would like to ask about the time when
12 -- before you were arrested. Concerning the people who <were>
13 arrested at the initial stage, were they soldiers or were they
14 civilians and how many of them were arrested?

15 A. I knew only two members from my unit at the time. I did not
16 know other people. There were about 30 people altogether at the
17 time, Mr. President.

18 Q. Thank you. You made mention about an individual by the name
19 Yeay Kirou. Who was she and how did you learn about Yeay Kirou?

20 A. The chief of the security forces made a declaration that Yeay
21 Kirou was the wife of So Phim.

22 [09.51.05]

23 Q. During the fighting between <the southwest forces,> the west
24 forces, and the east forces, did you see Yeay Kirou at the time?
25 What role was she playing at the time? <Did you know what

19

1 happened to her?>

2 A. The head of the security unit said that So Phim had shot
3 himself dead and Yeay Kirou killed herself as well at Ou Reang Ov
4 commune. And it was said that those people all were disembowelled
5 and grass was stuffed inside <their> abdomens because they were
6 traitors, as we were told.

7 Q. Thank you. Now, I am asking about the time when you were
8 detained at Me Sang. You stated that during the daytime you were
9 allowed to go and dig the <soil>. I would like to know about the
10 conditions of the detention. Were you shackled or cuffed and
11 <what> was your clothing like?

12 A. After they detained me, I was not shackled or handcuffed. I
13 had only one set of clothes and I had to wear the clothes during
14 the time that I slept and during the time that I worked. <At
15 night,> I was locked inside the house, that is, the prison. And
16 <during> the daytime, I was escorted to dig the termite mound and
17 carry the <soil> to the field near the prison.

18 [09.53.45]

19 Q. I thank you very much. I would like to quote your statement.

20 In document <D22/3863A>, ERN in Khmer is 00584803; English,
21 01194873 <to> 74; allow me to quote:

22 "I ran to Prey Veng there where I was arrested and then detained
23 at Me Sang district for a period of seven days. During the
24 daytime, I was asked to dig the <soil> in the field and <carry>
25 the <soil> to other fields. And at night time, I was locked in

20

1 the prison. After I left the prison for half a <kilometer>, I was
2 arrested at Kranhung pagoda and my hands were tied behind my back
3 together with my colleagues. I was tied to the rope and I was
4 dragged behind a bicycle. I was beaten as well, <it was from 3
5 p.m. to 5 a.m.>. My head was bleeding and I was <beaten in front
6 of a Buddha statue> in the temple or 'vihear'. Then I was
7 interrogated. After the interrogation,<> 16 <> colleagues
8 confessed that they had attacked their forces and then they were
9 tied up to the coconut tree <and then shot to death. Their bodies
10 were thrown in to a pond>. I did not confess and later on I was
11 released <and returned to my zone>."

12 I would like to ask about the statement that you have made. You
13 stated that you <were able to> escape later on as well and then
14 <you> were arrested <for the second time>. <Were you armed? Were
15 you in a military uniform?> So what was the reason of your
16 arrest?

17 [09.56.49]

18 A. During the time, I was still in <a> military uniform. The
19 Khmer Rouge had tactics, a lot of tactics and <when> we were told
20 to go back to our own and respective communes, districts and
21 provinces, we had, together with my colleagues, left the prison.
22 <In my unit, there were two soldiers from Svay Rieng.> And after
23 I had left the prison compound, about 50 metres, there were 10
24 soldiers coming towards us and they were equipped with AK rifles.
25 They pointed their rifles at us.

21

1 There were around 30 of us at the time. I could not recall the
2 exact number of us while we were fleeing but there may have been
3 30 of us and in the group, I knew only two members.
4 When they came to us, I mean those forces, they pointed the
5 rifles at us <> in the west of Kranhung pagoda and we were walked
6 <to another pagoda located> to the north of the forest. <It was
7 about one kilometre away from Kranhung pagoda.>
8 And after we arrived at the pagoda or the "vihear" temple, we
9 were told to go up into the temple. <There was a Buddha statue in
10 the temple. > And we were tied up <in the temple>.
11 [09.58.53]
12 They called <> out <four or> two of us at a time. We were
13 blindfolded and <we were beaten with a rifle butt while we were
14 being walked to sit> inside the temple.
15 During <that> time, we did not know where we were facing to since
16 we were blindfolded. Some of our members were hit with rifle
17 butts because <> we were walked into different directions other
18 than the northern <or the southern> side that they wanted us to
19 go.
20 My memory is not good but what I can recall is that <> I was hit
21 by the rifle butt about 10 times before I reached the location
22 where they wanted us to go. <I still suffer today.>
23 Q. You stated that you were blindfolded and walked to a temple in
24 a pagoda. Do you recall the name of the temple or the pagoda?
25 Which commune, district or province was that pagoda or temple

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1 located?

2 [10.00.27]

3 A. Thank you, Mr. President.

4 After I was told to go up into the temple and was hit, in fact I
5 did not know the location of that temple or pagoda. I do not know
6 which commune or district the temple or pagoda was located in.

7 And allow me to continue my response a bit further. They began
8 beating me again and we were interrogated while we were beaten in
9 a straight line. They used <many> tricks in order for the forces
10 to confess, to confess to what they wanted. They said that, "If
11 we do not confess, our throats will be slit <> at the <lake in>
12 the <north. But I did not know where the lake in the north was.>
13 And if we were all to confess, they would allow us to live and
14 that we would be released."

15 For me, I did not dare to confess because I knew that the Khmer
16 Rouge had many tricks in their heads. As <> a last resort, they
17 would kill us because I observed even when we broke a hoe or we
18 ate something, which was not meant to <> be eaten personally,
19 then we would be accused of being <enemies. I did not know what
20 enemy meant>.

21 [10.02.56]

22 Q. You said that at the location where you were beaten, that's
23 where you saw people from your group tied <to a tree> and shot
24 <to death, then their bodies were thrown into> the pond. Can you
25 describe that scene a bit further in detail?

1 MR. PRESIDENT:

2 Again, Mr. Civil Party, please observe the microphone.

3 MR. MEY SAVOEUN:

4 Later, we were instructed to get off the temple. Even our hands

5 were tied behind our backs. They actually tied us in a straight

6 line to a rope and they pulled us behind a <bicycle>. And that

7 happened in late afternoon. I don't know, maybe around 3 or 4

8 o'clock, since we did not have a watch to see.

9 We were instructed to run after their bicycles and of course we

10 could not catch up with the bicycles. Then we were beaten with a

11 club.

12 I could not catch up with the bicycles so they beat me with a

13 club and cracked open my skull. It was bleeding and I was so

14 fatigued because that whole day I did not have any food to eat.

15 [10.04.42]

16 BY MR. HONG KIMSUONG:

17 Q. My apologies, Civil Party. I do not have much time and you

18 will be asked questions by other parties as well.

19 Can you tell the Chamber how you were freed from that location?

20 <After that where did you go?>

21 MR. MEY SAVOEUN:

22 A. By dawn, I arrived at a location. <Someone's> wife came to

23 remove the scaffold and the hammock ropes that they used to tie

24 us. Here, I <am referring> to the wives of those southwest and

25 west soldiers.

1 As for those 10 or so members who confessed, they were tied to
2 coconut trees and I could hear the sound of beating and later on
3 sounds of gunfire. <Later on, I saw them dead there, their bodies
4 were still tied to the trees.> And I presumed that they were
5 shot.

6 Later on they said that we did not betray the nation and that we
7 did not attack the soldiers. As for those traitors, those people
8 engaged in treason were those who were tied to the coconut trees,
9 and I saw those who were tied to the trees died.

10 [10.06.33]

11 I then left the area and I did not dare to walk along the main
12 road. <I was walking 50 or 20 metres away from the main road.> We
13 were allowed to return to our respective provinces.

14 While I was en route, I was hungry. I went to a kitchen hall and
15 I begged for food to eat. I was given some food and I continued
16 my journey to Svay Rieng to the west side of Waikor (phonetic)
17 river. By that time my <mother> had been evacuated from the
18 <east> to the <west> side of the province.

19 I was again arrested and put in prison after an overnight stay
20 with my mother. I was put in a prison there <called Kouk Kdei
21 Rumduol (phonetic)> in the Svay Rieng province.

22 However, while I was on the way to that prison, we were
23 intercepted and a fight broke out between the Vietnamese and the
24 Khmer Rouge troops. There were soldiers on the ground. There were
25 tanks and I was not yet in the prison and I could hear that

1 people who were detained there said out of 100 detainees only one
2 could survive.

3 [10.07.59]

4 So after the <gunfight> broke out, <they> again pointed their
5 guns <at us> and we were herded away from that location, and made
6 the trip to Svay Rieng provincial town.

7 I went along with other people, including my mother and siblings.

8 I mean we were fleeing among other people and then we arrived at
9 Prey Veng province. Thank you.

10 Q. Allow me to ask you about one more matter, that is, in
11 relation to your marriage.

12 Can you recall when you were married and where was that?

13 A. When I was in Chaeng Maeng village in Prey Veng province, that
14 is, crossing from Svay Rieng to Prey Veng province at Prey Chhor
15 cooperative, I was assigned to be in a mobile unit to dig termite
16 mounds and to dig the dirt from the higher area and to use <that>
17 dirt in the lower ground in a field.

18 [10.09.47]

19 There was a woman in charge of four women's groups. Each group
20 consisted of 100 women. <And there were only 100 men in the male
21 mobile unit.> As for me, my name was on a record that I was a
22 former prisoner and for that reason, I was subject to constant
23 surveillance by the security force. And I had no idea about my
24 name being indicated in my biography. However, somehow a marriage
25 was organized at Prey Chhor cooperative in Prey Veng province. I

1 was amongst the 60 couples who were organised for that marriage
2 and <I learnt that information one day before> the ceremony took
3 place <>.

4 And they announced that my would-be partner was Kung Sophat
5 (phonetic). However, I did not know who she was because she was
6 amongst the hundreds of women in the four women's groups.

7 And by the time we were called to present ourselves at the
8 marriage ceremony in the kitchen hall near Preah Theat pagoda-
9 [10.11.18]

10 MR. PRESIDENT:

11 Lawyer for civil party, how many questions do you still have?

12 MR. HONG KIMSUON:

13 I have two <topics> to cover. However, I may only have four
14 questions for the two <topics>.

15 MR. PRESIDENT:

16 You may proceed in that case.

17 BY MR. HONG KIMSUON:

18 Thank you.

19 Q. And Mr. Civil Party, in the interest of time I will ask some
20 shorter questions.

21 Can you tell the Chamber whether you made a proposal to the Khmer
22 Rouge to marry that woman, Sophat (phonetic), and did you fall in
23 love with her?

24 [10.12.05]

25 MR. MEY SAVOEUN:

1 A. How could I have such feelings at the time? I myself was so
2 exhausted. I was forced to overwork. For that reason I did not
3 have any feeling regarding this matter, let alone <marrying> a
4 woman. However, it was their plan that I had to get married. And
5 of course, I was targeted to be <imprisoned> and for that reason
6 I did not dare to protest against any assignment. I would do
7 whatever I was asked.

8 Q. On another matter, you said that you were evacuated from Svay
9 Rieng or Prey Veng to Pursat province. I'd like to ask you about
10 your living conditions in Pursat province.

11 You stated that in late 1978 a cow pen was organized and people
12 were gathered there to be killed. Can you briefly describe that
13 particular event?

14 A. After I got married, we were sent to Neak Loeang. Our
15 belongings and properties <such as cows, chickens, ducks, dogs,
16 oxcarts, etc.> had been removed from us and we were allowed to go
17 to board <a> boat <> only with some clothes, and at Chbar Ampov,
18 we were given some clothes and scarves. And that was for the
19 purpose of easy identification.

20 [10.14.27]

21 We were then put onto a train heading for Pursat province and I
22 got off at Boeng Khnar station. Over there, we were tasked to our
23 work. They actually searched us to make sure that we did not have
24 any metal objects or <axes or> knives with us.

25 <Three> days later, we were herded and placed in a cow pen. The

1 pen itself was about one hectare in size. It was pretty large.
2 We were treated like animals. We were herded like animals and
3 over there they actually had some pork and cow meat. They made a
4 propaganda drive, that a big ceremony <would> be held there and
5 that we would attend. We saw some loud speakers displayed at the
6 area<, but there was no amplifier>. So there were many people who
7 were herded into that enclosure.
8 And actually, the pen itself was built by a children's group.
9 They dug pits and the area was enclosed with some tree branches
10 <with thorns> and there was only one entry and exit point.
11 [10.16.20]
12 While we were in there, we saw <> groups <of people> equipped
13 with clubs and knives. We were instructed to sit in rows and to
14 <turn> our heads and then they started to tie us <up>, one by
15 one.
16 And actually, some of us tried to remove the ties and some tried
17 to resist them and some tried to flee the enclosure.
18 However, outside there was another group. They were on horseback
19 and they fired at those who tried to flee. And there <was> also
20 another group of them on the ground surrounding the pen or the
21 enclosures <waiting to shoot>. I myself was fleeing and luckily I
22 did not encounter this group on horseback. I ran through <the>
23 forest <called Prey Krabav (phonetic) in Kaoh Svay village>. I
24 ran through rice fields and hid myself.
25 So I was lucky to flee from the pen, as the rest were not that

1 lucky. Some were killed inside the enclosure while others were
2 shot dead while they were <fleeing>.

3 We could see that killing took place everywhere and we, the
4 people from the East Zone, were subjects to be killed.

5 [10.18.18]

6 Q. Allow me to interrupt. So how did you survive?

7 A. I fled away from that enclosure and I met other people who
8 also survived the ordeal. Then we together ran toward Pursat
9 province.

10 By that time we did not dare to make our move during the daytime,
11 we only could move during the night time since we were not
12 familiar with the geographical location. And we could hear
13 sporadic gun fight.

14 And during the daytime, we remained still and we did not dare to
15 make any move. <We slept in a pile of straw or along rice field
16 embankments.>

17 Q. Allow me to interrupt. What happened to you personally before
18 you arrived at Pursat province?

19 [10.19.40]

20 A. Along the 10 day and 10 night trip, I came across some Khmer
21 Rouge groups or some groups belonging to the commune, so I had to
22 come across these two preparatory lines, before I reached a
23 location where I was recaptured and tied <up once more>. I was
24 starved. I was deprived of food and they tied me under the baking
25 sunlight at Prey Sloek to the east of Pursat province. I was

30

1 deprived of food and water and they told us that we would be sent
2 to another location.

3 I almost died by that stage. That <was> due to the lack of food
4 and the heat from the sun. Two of them then took us from that
5 location <after they had their meal>.

6 And when we were about 500 metres away from that location, <we
7 reached an open space which was about 50 square metres,> we were
8 in the middle of nowhere because from what I observed, people
9 never came to reside in that area. We were instructed to sit down
10 facing them and of course they were about to cock their AK rifles
11 and a pistol to shoot at us. Then I realized that we were about
12 to be killed. <There were two of them with three firearms. When
13 they were kneeling down to shoot us,> I did not know what
14 happened. Maybe they were afraid that if they shot at us then the
15 blood might splash upon them <because we were three to four
16 metres away from them>. So they told us to turn our backs towards
17 them and <I decided> to run. I began running but by about 15
18 metres I fell down. I picked myself up and I ran again.

19 And by about five metres away from where I fell, I was shot in my
20 arm and some small bones on my left arm were broken as a result.

21 [10.22.28]

22 MR. HONG KIMSUON:

23 Mr. President, I still have two more questions. Maybe I would
24 like to take some time off the Co-Prosecutor's side.

25 MR. PRESIDENT:

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1 If you still have two questions you may continue before we take a
2 break.

3 BY MR. HONG KIMSUON:

4 Q. I have two questions to put to you, Civil Party, before we
5 conclude.

6 Besides you, who were the victims of the Democratic Kampuchea
7 regime? Can you tell the Chamber whether any of your relatives or
8 siblings suffered? <Where were they during that regime?>

9 MR. MEY SAVOEUN:

10 A. During the regime, my family members and my mother were
11 separated into different groups. Those who could work would be
12 sent to thresh the rice. For example--

13 [10.23.40]

14 Q. Allow me to interrupt. Can you tell the Chamber whether any of
15 your family members survived?

16 A. My relatives and my mother, they all died. My cousins and
17 other distant relatives also died. There were about 50 of my
18 <relatives> all together close and distant, <who> all died during
19 the regime <in Pursat province>. And of course every time I think
20 of them, it reminds me of their suffering and I feel so painful
21 and I did not want to return to my native village at all.

22 Q. So you survived and you are by yourself? How do you feel for
23 the loss of the mass number of your families and relatives?

24 A. At present I feel the pain <> for all the losses of my family
25 members and relatives and only my eldest brother who lives in

32

1 Pursat<. For some people, their parents are still alive>. But as
2 for me, I felt so lonely and painful because I lost everyone on
3 my side. Sometimes I have insomnia because of that. Sometimes my
4 mind is not with me. I seem to get lost and that is the result of
5 the mistreatment I received under the regime that I was in
6 prison, that I was shot <> and I felt so disappointed because I
7 became a soldier to liberate the country to join the resistance
8 but as a result I was tortured severely.

9 [10.26.16]

10 MR. HONG KIMSUON:

11 Thank you, Mr. Civil Party, for answering my questions.

12 I do not have any questions for the civil party. However, my
13 partner, my Lead Co-Lawyer, have some questions. I don't know.
14 Maybe she can make some arrangement with the Co-Prosecutors.

15 MR. PRESIDENT:

16 We will have a 15-minute break from now.

17 (Court recesses from 1026H to 1042H)

18 MR. PRESIDENT:

19 Please be seated.

20 The floor is now given to the defence team for Mr. Nuon Chea. You
21 will have one session to put questions, counsel.

22 MR. KOPPE:

23 Thank you, Mr. President. Just to be clear --

24 [10.43.38]

25 MR. PRESIDENT:

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1 You may proceed first, lawyer for civil parties.

2 MS. GUIRAUD:

3 Thank you, Mr. President. We discussed with the Co-Prosecutors
4 during the recess, and we would like 10 <additional> minutes to
5 pose follow-up questions on civil party's marriages. This time
6 would obviously be taken away from the time that the
7 Co-Prosecutor has to speak. We believe it's more logical to first
8 ask our questions <now> and then leave the time for the Defence,
9 but it's obviously up to your judgment. And if you would like us
10 <to ask our questions after> --

11 MR. PRESIDENT:

12 I understand, but you can wait when the Co-Prosecutor is
13 questioning because that's for the purpose of arrangement of the
14 time.

15 And Counsel for Nuon Chea, you may now proceed.

16 [10.44.49]

17 QUESTIONING BY MR. KOPPE:

18 I'm not sure if that's very logical, but just to be sure, Mr.
19 President, Defence has two sessions, so we will be using two
20 sessions, but we will divide it in such a way that I might be
21 using most of the time of those two sessions.

22 Q. Mr. Civil Party, good morning to you. Let me ask you first
23 some questions about what you did in 1974 and 1975.

24 Did I understand you correctly when you said this morning you
25 were involved in the battle for the liberation of Phnom Penh in

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1 1974 and 1975?

2 MR. MEY SAVOEUN:

3 A. That is correct.

4 [10.46.00]

5 Q. And did I also understand that the forces that you were a
6 member of were trying to cut off supplies coming from the Mekong
7 River to Phnom Penh to Lon Nol forces? Is that my understanding?

8 A. Your understanding is correct.

9 Q. Could you describe a bit in more detail as to what your
10 battalion or company or division did, exactly? Who was your
11 commander? Were you involved in the actual battle?

12 Can you be a little bit more specific as to what you did during
13 the fight for the liberation of Phnom Penh in '75?

14 [10.47.13]

15 A. Thank you, Counsel.

16 I would like to describe the battlefields along Mekong River. I
17 cannot recall the names -- all the names of my commanders. I was
18 simply a combatant as long as I had the orders. The <deputy> of a
19 company, Company K, his name <was> Mat (phonetic). <He was a
20 Cham. And Morn (phonetic) was the chief.> And as for the chief of
21 the battalion, his name is Chhon (phonetic). I could only recall
22 these names.

23 And the battlefield that I was engaged in was to prevent the
24 supplies <to Phnom Penh> by ship on the river. The transportation
25 of supplies would take place once a week, so I had to be on guard

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1 and defend that from <Peam to> Chrouy Chreae to Sambuor, Kaoh
2 Kaev, <Lvea Sa> and Boeng Krum. Those were the <battlefields,
3 which> I was engaged in, and I was there to cut off supplies for
4 Lon Nol forces <and> Thieu-Ky forces into Phnom Penh. That's all,
5 Counsel.

6 [10.49.18]

7 Q. And what was your specific role? Were you involved in shooting
8 those convoys? Were you involved in trying to sink those convoys?
9 What exactly was your function? What was your duty as a soldier?

10 A. Thank you, Counsel.

11 I am simply a combatant in a group within the liberated forces,
12 and I had no specific role or duty.<> I was only posted <to>
13 those battlefields.

14 Q. Was your unit, company, or battalion, subsequently involved in
15 the actual liberation of Phnom Penh? Did you enter Phnom Penh
16 with other forces?

17 A. Thank you, Counsel.

18 My force was actually within Battalion <Khor->148. We were tasked
19 <with firing upon> the convoys transporting supplies from the
20 southern Vietnam. We were posted along the Mekong River, but not
21 within Phnom Penh.

22 We were tasked <with defending along> the river, and my battalion
23 was <Khor->148. <It was under the zone supervision.> We were
24 there to fire <upon> the convoys or ship transporting supplies by
25 <Lon Nol and> Thieu-Ky soldiers <to Phnom Penh>. I was not posted

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1 within the territory of Phnom Penh.

2 [10.51.52]

3 Q. I understand, but also, one -- after 17 April '75, once Phnom
4 Penh had been liberated, were you at one point in time stationed
5 in Phnom Penh? I mean after 17 April '75.

6 A. By then, my unit was stationed on the Kaoh Kaev Island. Our
7 arms were removed after the 17 April 1975. We were stationed on
8 Kaoh Kaev Island. We were tasked <with growing> vegetables and
9 <digging> the <soil> within my battalion.

10 Q. Would it be correct to say that your battalion, Battalion 148,
11 was part of the East Zone forces?

12 A. You're asking me, counsel?

13 Q. Yes, your Battalion 148, was -- was that part of the East Zone
14 forces, forces led by So Phim, Heng Samrin, and others? Were you
15 part of the East Zone forces in '74-'75?

16 A. Thank you, counsel. After the liberation, my battalion was
17 designated number <Khor->148 under the command of the East Zone
18 and my battalion was stationed along the river as I have just
19 indicated.

20 [10.54.24]

21 Q. Do you know one of the East Zone commanders, Heng Samrin?

22 A. Back then, the forces of Ta Heng Samrin <> were engaged in
23 <the battlefield in> Chrouy Chreae, <where the Lon Nol soldiers>
24 were so . <They were undefeatable there.> My force was
25 asked to get ready and be prepared at Chrouy Chreae to reinforce

1 Ta Heng Samrin forces -- I mean to reinforce his division, and I
2 cannot recall the number of his division, but I know that that
3 forces belonged to Ta Heng Samrin.

4 Q. Were you part of his division or was your battalion only there
5 to reinforce his division, and were you, yourself, part of
6 another division?

7 A. My battalion was under command of the East Zone. <My> unit was
8 not under the command of his division.

9 The western part of Chrouy Chreae, in fact, at that location,
10 there were Lon Nol <forces> and it was difficult for our forces
11 to attack and to defeat Lon Nol forces.

12 And at the time, Ta Heng Samrin requested my battalion to go and
13 reinforce his division and at Chrouy Chreae, it was near the
14 Mekong River and my unit was asked to reinforce his division.

15 [10.57.04]

16 Q. Have you ever heard of any clashes after 17 April '75 in Phnom
17 Penh between East Zone forces and Southwest Zone forces?

18 A. At the time, I used to hear that the southwest forces were
19 tasked <with attacking> Phnom Penh and the same applied to the
20 east forces; however, we were attacking from different
21 directions.

22 The forces of the southwest and the east were not cooperating
23 well with one another because the southwest forces accused and
24 criticized the east forces. For the east forces or soldiers,
25 <they> wore khaki; a <military> uniform, and the southwest

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1 soldiers wore black uniforms and the southwest soldiers, as I
2 said, <> criticized the east forces. <They called the other
3 forces, "soldiers" and the other forces called them, "the water
4 crows".> However, we were attacking from a different direction
5 into Phnom Penh.

6 [10.58.50]

7 Q. But have you -- have you heard of clashes between forces of
8 the southwest and the East Zone in Phnom Penh right after the
9 liberation, and have you heard of clashes between southwest
10 forces and East Zone forces in 1973?

11 A. Could you, please, repeat your question; I cannot recall and
12 cannot hear the name actually, for example, Phnom Penh?

13 Q. Yes, there were actually two questions in one.

14 Again, have you heard of armed clashes between Southwest Zone
15 forces and East Zone forces in Phnom Penh right after the
16 liberation of 17 April '75?

17 A. Thank you, counsel. After the liberation of 1975, my unit was
18 stationed at <Lvea Sa, Boeng Krum, Kaoh Kaev, Sambuor,> and I
19 heard the gunfire. The <sounds of gunfire were> so <intense> and
20 could be heard all across my location. I, <at> the time, did not
21 know whether or not victory <> -- complete victory had <been> won
22 by the Khmer Rouge forces. And after the fall of Phnom Penh, I
23 could hear the gunfire like <a> Saravan melody; <> that is the
24 Khmer melody.

25 Before that, <> gunfire <was not shot in rhythm>, but later on, I

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1 could hear the sounds of heavy shelling and heavy firing <in
2 rhythm>, and a little while later, I learned that Phnom Penh had
3 been completely liberated.

4 [11.01.15]

5 Q. My -- my last question on this subject: Do you know of any
6 clashes between Southwest Zone forces and East Zone forces in
7 1973, so already two years before the liberation of Phnom Penh?

8 A. I was not aware of that, at that point in time, since I was
9 further from Phnom Penh. I was at Kaoh Kaev Island. <I could only
10 hear gunfire.> And in the East Zone, there were divisions of
11 infantry who participated in the attack; however, my unit was
12 stationed to guard the waterway and to interrupt the supplies to
13 Phnom Penh.

14 [11.02.20]

15 Q. You mentioned Ta Heng Samrin as one of the East Zone forces
16 commanders. Do you know any other East Zone forces commanders,
17 other than Heng Samrin?

18 A. No, I don't. I was a low-ranking combatant and I only knew my
19 direct superior, that is, the commander of my battalion. That's
20 the highest level that I knew.

21 As for the division belonging to Ta Heng Samrin, I asked soldiers
22 who participated in the attack. That's how I knew about it, about
23 the forces of Ta Heng Samrin's; that's how I learned of his name
24 and I never saw him in person. I only learned of his name through
25 his combatants, the low-ranking combatants who spoke of his name.

1 Q. Do you know Heng Samrin's older brother, Heng Samkai?

2 A. At that time, I did not know of his name or maybe my memory
3 does not serve me well now. <I knew only Ta Heng Samrin at that
4 time.>

5 [11.04.21]

6 Q. Before I move to 1978, let me ask you one or two questions
7 about the name of the forces that you belonged to. I heard you
8 say earlier this morning that "The Khmer Rouge forces tricked
9 us." In your answer 15 of document E3/9467, you said, "I joined
10 the movement of So Phim 'in order to fight the Khmer Rouge'." But
11 in 1975, when you were attacking Phnom Penh or where you were
12 involved in the destruction of the logistics to Phnom Penh,
13 weren't you, yourself, also a member of the Khmer Rouge forces?

14 A. At that time, I was a member of the liberation army and I did
15 not know, at the time, whether we were also known as the Khmer
16 Rouge forces.

17 Q. I understand that answer, but when you say in answer 15, "The
18 Party committee of So Phim agitated us to rearm by withdrawing us
19 from that worksite," and then you say, "I joined that movement in
20 order to fight the Khmer Rouge", are you implying that the East
21 Zone forces or that So Phim or Heng Samrin were not Khmer Rouge?
22 [11.07.01]

23 A. At the time, I did not know whether Heng Samrin's forces were
24 Khmer Rouge. In fact, his forces were in the same condition as my
25 unit because we belonged to the East Zone forces. And when So

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1 Phim agitated the movement, he agitated it amongst the forces of
2 the East Zone only in order to fight against the southwest and
3 the west forces, who came to surround us in order to kill us, the
4 East Zone soldiers.

5 Q. So -- so am I to understand that it's only the Southwest and
6 the West Zone forces that you call Khmer Rouge forces and that
7 you, yourself, were never part of the Khmer Rouge force even when
8 you were involved in the liberation of Phnom Penh?

9 A. It is difficult for me to distinguish which force actually
10 attacked Phnom Penh. What I could see, that I belonged to the
11 troops, which <were> part of the resistant movement initiated by
12 Samdech Sihanouk and we were known by the National Liberation
13 Force or Army.

14 As for the broad term of the Khmer Rouge, I could not tell you
15 about that. I knew that the southwest soldiers came to our zone
16 with the intention of killing us.

17 [11.09.13]

18 Q. Let me move on, Mr. Civil Party, and let's go to the
19 incitement or agitation by So Phim. In question and answer 17 of
20 document E3/9467, you said that the movement was organized
21 quickly and spontaneously while being surrounded by aircraft,
22 tanks, and infantry. What exactly do you mean with quickly and
23 spontaneously?

24 A. Thank you, counsel, for asking that question.

25 MR. PRESIDENT:

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1 Lead Co-Lawyer for civil parties, you have the floor.

2 MS. GUIRAUD:

3 Thank you, Mr. President, a short remark. In the French version
4 of the document, the word "spontaneously" does not appear.

5 Indeed, <it says> "the movement quickly took form", but I don't
6 know what the exact translation is from the Khmer, but
7 spontaneously does not exist in the French version, so that is
8 quite a difference as far as I see it.

9 [11.10.52]

10 MR. KOPPE:

11 I do not know what's in -- what's in the Khmer version. Let me
12 read the whole answer.

13 He said that about 8,000 people joined the movement. "This
14 movement was organized quickly and spontaneously while being
15 surrounded by aircraft, tanks, and infantry."

16 JUDGE FENZ:

17 Counsel, I think we need to clarify that since you, again,
18 confront him with a translation which might be a problem. We --
19 we are having the -- the Khmer here on the Bench.

20 MR. PRESIDENT:

21 The Chamber will read his prior statement in the Khmer language
22 and it reads: "This movement was organized quickly while being
23 surrounded by aircraft, tanks, and infantry; that's how the
24 movement was organized."

25 [11.12.01]

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1 MR. KOPPE:

2 But then -- then let's drop the word "spontaneously"; I have no
3 problem with that.

4 BY MR. KOPPE:

5 Q. Mr. Civil Party, what did you mean when you said the movement
6 was organized quickly; what does the word "quickly" mean?

7 MR. MEY SAVOEUN:

8 A. Thank you, Counsel. I do not have any further understanding <>
9 on this matter; however, the agitation took place very quickly
10 and I did not know how it was organized. He said that the
11 southwest and the west soldiers came to surround the East Zone
12 soldiers with the intention <of killing> them.

13 [11.13.08]

14 Q. Very well, let's see if we can pin it down in time a bit. This
15 call from So Phim, which you refer as instigation to struggle
16 against the regime; the incitement or the agitation, was that
17 done by So Phim on or around 25th of May 1978?

18 MR. KOUMJIAN:

19 I would just ask -- suggest that the--

20 MR. PRESIDENT:

21 Yes, Co-Prosecutor, you have the floor.

22 MR. KOUMJIAN:

23 I suggest the witness first be asked a date before it's suggested
24 to him.

25 BY MR. KOPPE:

1 Well, he has offered 1978 already, but I'm happy to ask it again
2 in an open way.

3 Q. The incitement -- the call from So Phim to incite, agitate or
4 whatever you would like to call it, when was that done exactly?
5 [11.14.35]

6 MR. MEY SAVOEUN:

7 A. I have stated that it happened in around 1978; however, I
8 cannot tell you the exact date. As I stated at the time, I did
9 not have a calendar or a watch to refer to and my statement was
10 based on the season of rice <growing>.

11 Q. I understand that you do not know an exact date, but let me
12 try it differently.

13 Do you remember approximately the time when So Phim and Yeay
14 Kirou committed suicide; do you know when that was?

15 A. From my <estimate>, that happened in 1978 because the
16 southwest and the west soldiers attacked the provincial town of
17 the East Zone during that year and after <his forces were
18 defeated>, he shot himself to death. And I did not hear that on
19 the radio communication; however, I only heard him asking us to
20 rise up and to resist the attack. However, we were overwhelmed by
21 the forces and, after that, I could no longer hear his voice on
22 the radio. At that time, I was next to a commander on the ground
23 and that's how I learned about that event. So, after we no longer
24 heard of his voice, we surrendered; we laid our arms <and we
25 started to flee>.

1 [11.16.48]

2 Q. But this first call from So Phim to rebel, how many days was
3 that before his suicide; do you know?

4 A. From my knowledge, that is after I was sent from Kaoh Kaev to
5 the area where the movement or agitation took place. It was about
6 a week because after that, there were gun fights at the
7 provincial town, that is, after an announcement or appeal by the
8 southwest and the west groups through the dropping of tracts and
9 leaflets from the plane for us to surrender. And as I said, by
10 that time, his voice was no longer heard.

11 [11.18.04]

12 Q. Could it be that the call from So Phim was on or around the
13 25th of May, about eight days before his suicide?

14 A. Counsel, as I have stated, I do not know the exact date. I did
15 not know when we laid down our arms, it happened seven or eight
16 days after the initiation of the movement.

17 Q. And now, let me go back in time a little bit. Have you ever
18 heard of a visit from Pol Pot to the East Zone in January, maybe
19 February 1978; in other words, five months before the uprising,
20 four to five months?

21 A. I did not hear such news. I, myself, did not even know Pol
22 Pot. I was a simple combatant and I did not know about such
23 affairs.

24 [11.20.01]

25 Q. When southwest or west forces -- West Zone forces distributed

1 leaflets calling So Phim a traitor, did they also say or write
2 something about Vietnam?

3 A. They surrounded us. They said that through the So Phim's
4 movements, the East Zone forces colluded with the "Yuon" side. I
5 did not know whether that was their pretext in order to get rid
6 of us, the East Zone forces. They arrested and killed military
7 commanders of the East Zone forces. <They were called to attend a
8 meeting> and they all disappeared.

9 Q. Well, but did they give any specific details as to what
10 consisted of the collusion between East Zone forces and Vietnam?
11 When did this start, according, maybe to the leaflets, what did
12 it exist of; did you hear anything in May about what Vietnam had
13 done or what the plans of Vietnam were in relation to East Zone
14 forces?

15 A. At that time when I read the tract or leaflet, the main
16 content was about the treason committed by So Phim and Yeay
17 Kirou, and <> they made an appeal to us, the forces and the
18 people living in the East Zone and in the provincial town of Prey
19 Veng to surrender, but I did not remember <> whether there was
20 any mentioning of the collusion with the "Yuon" side; however,
21 the phrase was used by So Phim during his agitating of the
22 movement.

23 [11.22.50]

24 Q. Let me ask it differently. Have you ever heard then or maybe
25 much later that in early 1978, the Vietnamese had made plans to

1 overthrow the DK government?

2 A. After the liberation in 1979, I received news that Vietnamese
3 forces joined hands with Khmer forces to liberate the country
4 from the Khmer Rouge regime.

5 Q. And I understand, but had you heard, in early '78 before the
6 uprising, that Vietnam had made plans to overthrow the government
7 of Democratic Kampuchea or even in 1977 already?

8 A. At that time, I did not hear anything about that or about any
9 plans that Vietnam initiated to overthrow the Khmer Rouge.

10 Q. What was it exactly that So Phim said in reaction to the
11 accusations of treason; do you remember what he said after being
12 accused of colluding with the Vietnamese and treason?

13 A. I did not know about that. I do not know from whom or from
14 which he received such information.

15 [11.25.25]

16 Q. No. But my question was: Do you know how he reacted to the
17 accusation of treason and collusion with the Vietnamese?

18 A. Counsel, please repeat your question again; are you referring
19 to the information from the southwest and the west side group or
20 whether from the East Zone group?

21 Q. Well, I'm trying to understand what exactly happened in May
22 '78. You're saying So Phim called upon everyone to revolt against
23 the Southwest and the West Zone forces. He apparently, is what
24 you're saying, might have been accused of treason and colluding
25 with the Vietnamese; do you remember what So Phim said in

1 reaction to that accusation?

2 A. Because at the time, I was a simple combatant and my knowledge
3 was limited; for that reason, I did not know about his reaction
4 to such accusation.

5 [11.27.20]

6 Q. In that answer that I just read out to you earlier, answer 17
7 in document E3/9467, you said that "About 8,000 people joined the
8 movement that was fighting the Khmer Rouge." Where did you get
9 that number from, about 8,000?

10 A. That is my own estimate because <there were> many people <who>
11 participated in the movement and that is in every spearhead in
12 the East Zone, as well as in the provincial town of Prey Veng
13 province. There were many people who involved in the activity of
14 the movement in Prey Veng province at the time.

15 At the spearhead where my unit was based, people from all <>
16 sections took part, including those patients, including the
17 people in the hospital, and other sections. <There were about 30
18 people at my spearhead.>

19 Q. I understand. I think I understand. You're trying to say that
20 -- that according to you, everyone reacted positively to So
21 Phim's call, but what makes you say 8,000 people and why not 8 --
22 80,000 or 800,000? What made you say 8,000 because that seems a
23 bit little, a small number in relation to your answer?

24 [11.30.10]

25 A. As I said, this is my own estimate and it <> might not be the

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1 correct figure of all the forces who joined the movement. For
2 that reason, you need to take all the figures from all units
3 involved and I was only <a> part of a unit and I could observe
4 the involvement of people in the Prey Veng provincial town. And
5 as I said, everyone in the East Zone forces <were> involved in
6 the movement and we tried to counterattack <> in all spearheads
7 in Prey Veng province. And I do not know whether my own estimate
8 here is more or less the figure.

9 Q. Maybe one last question before the break, if you allow me, Mr.
10 President.

11 Was it your observation that besides all Eastern Zone forces,
12 also, all or most civilians joined the uprising?

13 A. I could say that the uprising in my spearhead, that is, to the
14 eastern part of Prey Veng at Me Bon Bridge and along the National
15 Road <15>, there were the presence of soldiers; however, I cannot
16 tell you about the presence of either soldiers or civilians in
17 other spearheads or whether civilians took part in the movement.

18 [11.32.21]

19 MR. PRESIDENT:

20 Thank you, Counsel. It is now time for a lunch break. We <shall>
21 take a break now and resume at 1.30 this afternoon to continue
22 our proceedings.

23 Court officer, please assist the civil party <to> the waiting
24 room reserved for experts, witnesses and civil parties and invite
25 him back into the courtroom at 1.30 this afternoon.

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1 Security personnel, you are instructed to take Khieu Samphan to
2 the waiting room downstairs and have him returned to attend the
3 proceedings this afternoon before 1.30.

4 The Court is now in recess.

5 (Court recesses from 1133H to 1332H)

6 MR. PRESIDENT:

7 Please be seated.

8 Next, the floor is given to the Lead Co-Lawyer for civil party to
9 resume the questioning.

10 MR. KOPPE:

11 I have no problem, but --

12 JUDGE FENZ:

13 Just a second, please.

14 (Judges deliberate)

15 [13.33.47]

16 MR. PRESIDENT:

17 You can have the floor now, Judge Lavergne.

18 JUDGE LAVERGNE:

19 Yes, thank you, Mr. President. Just so that things are absolutely
20 clear for the parties. This afternoon there are two sessions: the
21 first session will be accorded to the <Lead Co-Lawyers> so that
22 they can finish their questioning and the Co-Prosecutors so that
23 they can carry out their <own> questioning, and the last session
24 after that, will be given to the Defence. <It's up to each team
25 to divide up the time of this last session. That doesn't seem to

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1 be clear enough?>

2 Thank you.

3 [13.34.24]

4 MR. KOPPE:

5 But I was -- I wasn't finished yet; I was in the middle of my
6 questioning, so I think it might be the best way that I finish my
7 questions and then I suppose the civil party and the Prosecution
8 and then end -- ending all this will be the Khieu Samphan defence
9 team. I think that makes the most sense.

10 Hearing nothing, I presume that is the way to go forward.

11 JUDGE FENZ:

12 Just wait -- wait a second, Counsel, please.

13 (Judges deliberate)

14 [13.36.31]

15 MR. PRESIDENT:

16 Counsel for Mr. Nuon Chea, you may now resume your questioning.

17 BY MR. KOPPE:

18 Thank you, Mr. President.

19 Good afternoon, again, Mr. Civil Party. Let me continue with my
20 questions in relation to the events in May-June '78.

21 Q. If I understand your testimony correctly, you said the
22 uprising in the East Zone started in this period and you're not
23 aware of any earlier attempts to stage rebellions or you don't
24 know anything about Vietnam's role.

25 Let me -- let me get back to this and ask you something; what you

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1 said in your -- in your civil party application, part B, E3/6859;
2 English, 0131274 (sic); and Khmer, 00571255. I don't believe I
3 have French, but it says: "In 1976 until 1978, an idea to
4 struggle against the regime was instigated in the East Zone in
5 Prey Veng province. I joined the struggle movement led by So
6 Phim. In 1978, the movement failed and So Phim committed
7 suicide." End of quote.

8 [13.38.36]

9 Your answers or -- or what you say here seems to imply that the
10 idea to struggle against the regime was instigated between '76
11 and 1978, so a long time before the events in May '78; can you --
12 can you clarify that please?

13 MR. MEY SAVOEUN:

14 A. Before the event, I had not been aware of that movement. It
15 was later on that I learnt about it. <> I learnt about that
16 <during the week that the event occurred in Prey Veng town>.

17 [13.39.46]

18 Q. Let me see if I can try it differently. In your WRI, E3/9467,
19 between question and answer 9 and 15, you talk about events in
20 1976 and in Prey Veng province, you were sent to dig canals
21 there. But in question and answer 12 -- or at least the question
22 talks about tempering of troops -- You said, "The army of --" --
23 the question is: "You said tempering troops; whose troops?" And
24 then you answer, "The army of Samdech Sihanouk. It was like a
25 killing because a unit of about a hundred people was given only

1 three cans of rice to eat."

2 I'm not sure if I understand what is being said there, but you're
3 -- you're talking about tempering troops or at least that's what
4 the interrogator speaks about.

5 Were troops in the East Zone tempered between '76 and '78?

6 [13.41.24]

7 A. From 1976 to 1978, soldiers were being tempered; I mean the
8 <National> Liberation Army. Members of this army were tempered
9 and they were given only three cans of rice. In fact, they used
10 cups to measure the rice. That cup was American-made. The three
11 cans of rice were given to a hundred of us soldiers. The meal was
12 so watery, so we had to mix the meal or dishes with <vegetables,
13 i.e.> tree leaves.

14 And we were also forced to overwork. That location was <full of>
15 mines; I mean the land. <Underground>, there were a lot of mines
16 <leftover from the Lon Nol regime,> and different kinds of mines
17 were under the ground at that location. Some of us died because
18 of explosions while digging the ground. Some of us died, one
19 after another, while we were digging the canals.

20 And we could not even build the road because of the land
21 condition at Prey Veng province; the land <> was so solid.
22 Although we used our energy to dig the ground or soil, we had to
23 use the bar, iron bar, in order to break the hard ground. We were
24 assigned to dig canals on a daily basis and at the same time,
25 build the roads and we were given quotas to work on. So the quota

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1 <> that we had to dig the canal <was> one metre <deep with three
2 metres wide at the top, and it had to be tapered to one metre
3 wide at the bottom. The road was half metre height> and we were
4 told to finish our assignment in one day.

5 [13.44.21]

6 Q. Thank you, Mr. Civil Party. Let me interrupt you. I apologize
7 for interrupting, but are you saying that you, as a former East
8 Zone combatant, were tempered by other East Zone forces because
9 this digging of canals happened in Prey Veng, which was part of
10 the East Zone, correct?

11 A. The Eastern Zone soldiers <> were assigned to dig the canals.

12 [13.45.08]

13 Q. Right. Now, let me try one more time to see if I can get some
14 information from you in relation to Vietnam and the role of the
15 Vietnam. It is -- let me try it like this; it's -- it is the
16 position of the Prosecution that by February 1978, the Vietnamese
17 made plans to overthrow the DK government. There is an expert,
18 who has testified in -- in the trial against Duch, who states
19 that plans to overthrow the DK government through a coup d'état
20 started already in September or October '77. Have you heard
21 anything in 1977 or '78 about plans of Vietnam to overthrow the
22 DK government?

23 Now, let me, maybe, make it easier for you and let me read to you
24 something that the brother of Heng Samrin said and I'll ask your
25 reaction.

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1 That is, Mr. President, E3/2376; English ERN -- that's -- that's
2 the book of Nayan Chanda; English, ERN 00192440; French,
3 00237111; Khmer, 00191597. It's page 255. It says that Heng
4 Samrin's elder brother, Heng Samkai, another Eastern Zone leader,
5 had already made it to Vietnam. He helped in the liaison; it
6 refers to the liaison between Vietnam and East Zone forces.

7 [13.47.47]

8 And then he says, "We had come to realize that it was impossible
9 to overthrow Pol Pot on our own. We had to seek Vietnamese help.
10 As the chairman of the Eastern Zone couriers -- who carried
11 messages back and forth between Party units as well as to Vietnam
12 -- he had long known the Vietnamese. Making it to the border in
13 January '78, he was flown to Ho Chi Minh City in a Vietnamese
14 helicopter. He and other Khmer Rouge defectors assembled in the
15 former police training school at Thu Duc."

16 Have you -- the -- the -- what the brother of Heng Samrin's
17 saying; is that something that somehow might jog your memory?

18 A. In that decade, as I have repeatedly said, I was not aware of
19 it because at the time, I was simply a rank and file soldier or
20 combatant in my unit. I was not aware of certain matters during
21 the time that the elder brother of Heng Samrin went to make
22 contact with the Vietnamese in 1978.

23 [13.49.51]

24 Q. Maybe these people are too high up in the rank for you; I
25 understand that, but let me ask you: Did you hear Vietnamese

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1 radio broadcasts, sometime in 1978, calling upon anyone in
2 Democratic Kampuchea to rise against the regime? Did you hear
3 radio broadcasts from Vietnam?

4 A. At the time, I had no possession of a radio communicator. I
5 was simply a combatant; I was not given a radio communicator. I
6 would perform the tasks as ordered to me <since I was a low
7 ranking soldier.>

8 Q. Let me see if I can try yet in another way. Again, reading
9 from Chanda, E3/2376; English, ERN 00192381; French, 00237064;
10 Khmer, 00191529; it says the following:

11 "Later official Vietnamese account reveals that preparations for
12 the most important coup attempt against the Pol Pot regime began
13 in November 1977. Dissident Khmer Rouge cadres of the Eastern
14 Zone had started building secret foot reserves in the jungle, but
15 no date was set for the uprising." End of quote.

16 Mr. Civil Party, did you know anything about secret foot reserves
17 being built up in the jungle as of November '77?

18 [13.52.41]

19 MR. KOUMJIAN:

20 Your Honour, may I just make a comment? I think it's rather
21 misleading not to indicate that what Nayan Chanda is speaking
22 about here is what is written in the "Black Book". The "Black
23 Book" was authored by the Khmer Rouge leadership. This is their
24 version of what happened.

25 MR. KOPPE:

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1 I believe it's the actual opposite. It's -- I don't have the
2 footnote right here, but it's from the Kampuchea dossier. It's
3 the Vietnamese dossier; it's not the DK government, but it's the
4 opposite, so it is actually a Vietnamese source.

5 [13.53.21]

6 BY MR. KOPPE:

7 Q. So Mr. Civil Party, secret food reserves in the jungle as of
8 November '77, does that somehow jog your memory?

9 MR. MEY SAVOEUN:

10 A. I am not aware of it. The location where I was living was a
11 bit away from other locations, so I was not aware, at the time,
12 <of> the location of secret food reserves.

13 Q. Well, the reason I'm asking you is in question and answer 19
14 of your WRI, E3/9467, you did know -- you did seem to know where
15 So Phim and the others got their weapons from in the uprising or
16 the coup d'état, whatever you want to call it. The question is,
17 "Where did So Phim get the weapons?" And then you answer, "The
18 weapons were from the zone warehouse because they had been
19 collected and stored there."

20 Did you say that and how did you know that?

21 [13.55.10]

22 A. I didn't know, at the time, where he got the weapons from. The
23 weapons which were given to my unit were used by us and we were
24 stationed at Me Bon <Bridge along the National Road 15>. Again, I
25 do not know where the weapons were taken from.

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1 Q. But weapons were necessary for the uprising, but surely also
2 food to feed the combatants; where did the food come from after
3 So Phim called for the uprising? After he agitated or incited
4 you, where did the food for you and your fellow combatants come
5 from?

6 A. As for food supply in my unit, the unit, itself, did not know
7 where the food supply was taken from. The food supply was given
8 by the logistics unit and we cooked meals using those supplies to
9 eat. We would cook a meal based on what we had; I mean the supply
10 that we were given.

11 [13.57.14]

12 Q. You talked about 8,000 people joining the movement; that's a
13 lot of mouths to feed. I believe Ouk Bunchhoeun spoke about
14 20,000 civilians joining the movement. Do you have any idea how
15 the logistics in terms of food was organized after 25th of May
16 1978?

17 A. I do not know about that since I was simply a low-level
18 combatant. I had no reason to find out what was going on in the
19 upper level. What I know is that my unit was given with a food
20 supply <from the logistics unit> since we were stationed at that
21 location. I do not know where the food supply was taken from for
22 a lot of mouths to feed.

23 Q. I understand that you're saying that you're a low-level
24 combatant, but what exactly did you mean in answer 15 of your
25 WRI, E3/9467, when you said "So Phim arranged for me to be

1 positioned along National Road 15"? End of quote.

2 "So Phim arranged for me to be positioned along National Road
3 15"; what did you mean when you said that to the investigator?
4 [13.59.38]

5 A. Indeed, I received an order from my unit head to position at
6 that location. I did not really receive direct orders from So
7 Phim. I got the order from my commander, the low-level commander
8 of my unit. So usually, there was a chain of command; the orders
9 would go through the hierarchical order. The order would be sent
10 to the head of the group of 10 people, for example, and then it
11 would come down to low-level combatants, so I do not know where
12 the order was coming from. What I got was the order that I
13 received from my direct head of my unit.

14 Q. I understand, Mr. Civil Party. You're the only witness that we
15 have, so I need to ask you those questions.

16 Let me ask you a very final question, going back to what I asked
17 you earlier about, referring to your civil party application that
18 you -- where you said, "In -- in '76-'78, an idea to struggle
19 against the regime was instigated in the East Zone in Prey Veng
20 province."

21 [14.01.25]

22 In E3/1568; English, ERN 00551889; Khmer, 00713962; and French,
23 00743361; Ta Heng Samrin, who -- whom you mentioned, said that in
24 1976-'77, "We had a struggle, but a secret one. But at that time,
25 it was tight and cramped. There was no opportunity to rise up and

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1 struggle. Even Ta Phim had to struggle. He used to say, 'We will
2 have further bloodshed,' but there was no opportunity." End of
3 quote.

4 Do you know anything about words like "secret struggle" or do you
5 know anything about the secret struggle Ta Heng Samrin talks
6 about that took place in '76 and '77?

7 A. I was not aware of that statement made by So Phim during that
8 year or about the statement that you made that he <had> to
9 collaborate with the Vietnamese troops.

10 Q. It was actually a statement of Ta Heng Samrin, the one
11 commander of Division 4 that you knew. But the words "secret
12 struggle" don't mean anything to you; is that correct?

13 A. I do not think of the view by Heng Samrin regarding the
14 resistance since I did not hear what he might have said at the
15 time. So I cannot make any further comment on this issue.

16 [14.04.04]

17 MR. KOPPE:

18 Thank you, Mr. Civil Party. Thank you, Mr. President.

19 MR. PRESIDENT:

20 Thank you, Defence Counsel for Nuon Chea.

21 And I would like now to hand the floor to the Lead Co-lawyer for
22 the civil parties to put the questions to the civil party.

23 MS. GUIRAUD:

24 Thank you, Mr. President.

25 QUESTIONING BY MS. GUIRAUD:

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1 Good afternoon, <Mr.> Civil Party. I have a few very short
2 questions, follow-up questions to put to you regarding marriage,
3 which you spoke about this morning.

4 Q. You said that you got married together with 61 other couples,
5 and I want to know if you were explained why you had to get
6 married then. Was any kind of explanation provided to you?

7 [14.05.08]

8 MR. MEY SAVOEUN:

9 A. I received news from the big cell unit and the mobile unit's
10 chief that before the day of the marriage, Angkar organized and
11 selected my name for the marriage day. That's all I knew.

12 Q. And were you explained why people <were being> married? What
13 was the reason that was given to you?

14 A. They did not provide any detailed explanation on the issue.
15 What they said was the announcement of the day for me to get
16 married that Angkar required us to marry. And they spoke about
17 <a> certain number of people <who were> to get married on that
18 particular day.

19 Q. This morning, you spoke about the marriage ceremony, do you
20 remember who chaired that ceremony?

21 A. I recall that there was a chief of the big cell group or the
22 chief of the company and compared to the current structure, that
23 is, chief of the commune. <There was also a chief of a male
24 mobile unit and a chief of a female mobile unit, but the female
25 mobile unit chief,> who participated in the marriage ceremony,

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1 <was in charge of both males and females in the four units> and
2 there was also a unit chief who participated in the ceremony.

3 [14.08.07]

4 Q. Do you remember if you were obliged to say something during
5 that ceremony and, if yes, can you tell the Chamber what you
6 said?

7 A. At 3 o'clock in the afternoon that day, at the venue for the
8 wedding ceremony, there were only two lotuses on the table and
9 <there were 61 couples.> There were two lines <of> men and <two
10 lines of> women <sitting in the dining hall>. And during the
11 ceremony, they said that Angkar organized the marriage for us, so
12 that we would become husbands and wives. And that was the
13 instruction from the upper echelon.

14 [14.09.33]

15 And we were not required to make any resolution. What they did
16 was simply to call a person from the men's group and a woman from
17 the female group to be introduced as husband and wife, and I
18 could not recognize who had to marry who.

19 In fact, they had to look into our biographies and if the
20 biographies matched, then we would allow to marry that woman. And
21 the chief of the company <and the chief of the mobile unit>
22 actually had the biographies to refer to.

23 Let me give you an example, if we were a soldier from the East
24 Zone and the woman also had her relatives or siblings who <were
25 also> soldiers, then we were matched.

1 Q. And once the ceremony was over, did you spend the first night
2 with your wife?

3 A. After<> the conclusion of the marriage ceremony, I was allowed
4 to <live> with my new wife that night, but <neither of us loved>
5 one another. Although we were sleeping in the same house, we did
6 not have feelings for one another at all.

7 [14.12.00]

8 Q. Were you monitored during that first night or during the other
9 nights that you spent with your wife?

10 A. When the company chief or the <mobile> unit chief organized
11 such a wedding, they would deploy militiamen to monitor the
12 newlywed couples. They actually had a list of those militiamen to
13 go and monitor the newlywed couples. And if the newlywed couples
14 did not consummate the marriage, then they would take measures,
15 although I did not know what measures they would take.

16 As for me personally, I did not touch her during the first night
17 nor did I touch her during the second night. Only days after
18 that, <did> I <have> feelings toward her, I had a pity for her.

19 [14.13.38]

20 Q. When you say -- and this will be my last question -- that
21 measures were taken against people who would refuse to consummate
22 their marriages, did you <have information on, or did you> know
23 people who were sanctioned, who were punished for not having
24 consummated their marriage?

25 A. At the time, I did not know which measures or which sanctions

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1 were imposed. Only later did I learn through those who got
2 <married> at the same ceremony that I got married, that some of
3 them were accused of being traitors, that they opposed the policy
4 of Angkar<, because they did not consummate their marriage>.
5 That is the only information that I received from those who got
6 married at the same time.

7 As for me, due to my biography, I didn't dare to do anything
8 contradicting to the policy of the upper echelon, since I did not
9 want to make any further offence. And I had to just fulfil
10 whatever task I was assigned to do.

11 MS. GUIRAUD:

12 Thank you very much, Civil Party.

13 Thank you, Mr. President, I have no further questions.

14 MR. PRESIDENT:

15 Co-Prosecutor, you have the floor now.

16 [14.15.36]

17 QUESTIONING BY MR. KOUMJIAN:

18 Thank you.

19 Q. Sir, just to continue with this topic for a bit, did you and
20 the woman you were forced to marry know each other before the
21 wedding?

22 MR. MEY SAVOEUN:

23 A. No, I did not know her before, before that.

24 I had been a soldier for a long time until the time that I was
25 reassigned to work in the mobile unit. Only a day before the

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1 marriage ceremony, <the mobile> unit's <chief> told me about the
2 proposed marriage and the name was mentioned, that is, her name
3 was mentioned<, Kong Sophat>. And then <> I tried to see who she
4 was because I only knew her name and then I found her.

5 Q. Do you know how old she was at the time?

6 A. Are you asking about my age or about her age?

7 [14.17.02]

8 Q. Her age.

9 A. (No interpretation)

10 Q. Please, repeat the answer.

11 A. I did not know her age at the time.

12 Q. Do you know if she was younger than you?

13 A. I only saw her briefly before the marriage and from her
14 appearance, she looked younger than me.

15 Q. Before the ceremony or during the ceremony or at any of the
16 political meetings you might have attended, was there any
17 discussion about children, about the need to grow the population
18 of Cambodia?

19 A. After the marriage was organized for us, <there was no
20 dissemination of information.> The time gap was not that <long>
21 because at that time, we were also under constant attack from the
22 Vietnamese troops.

23 [14.19.13]

24 Q. Okay, perhaps my question was not clear. Let me try it once
25 again.

1 What I am asking is, at the ceremony or at any other time, did
2 the cadre ever speak to you and to others about the need to have
3 children, that these marriages should produce children?

4 A. They didn't hold any meetings to disseminate that information.
5 However, through the company chief and the chief of the mobile
6 unit who told me about marriage; they did not mention that we had
7 to produce any children. The main focus was for us to get
8 married.

9 Q. Did you ever speak to this woman that you were forced to marry
10 about how she felt at that time about being forced into that
11 ceremony?

12 [14.20.50]

13 A. At that point in time, I did not speak to her about that. And
14 during the first night, <I told> her that we both had not so good
15 a biography and she also had her relatives who worked as soldiers
16 under So Phim's supervision in the East Zone, and that I was also
17 a soldier from the East Zone. And since we were <arranged> to
18 become husband and wife, there was nothing we could do and that
19 we should just follow the instructions and orders of Angkar.
20 Because otherwise, Angkar might accuse us of being traitors or
21 being enemies, rather, and we should adhere to all plans imposed
22 by Angkar.

23 Q. Okay, thank you.

24 Just so it's clear, I'm not too clear about the timing of the
25 marriage but did this happen after the attempt to fight off the

1 forces that were attacking the Eastern Zone and after you were
2 arrested and detained; is that correct?

3 A. No, they did not mention soldiers from the East Zone during
4 the marriage ceremony. However, to me, it seems that they rushed
5 to get us married. They should <have allowed> us time to
6 understand each other and each other's feelings first. <Second,
7 we should at least understand the marriage,> because during this
8 multi-couples ceremony, they only spent two lotuses, nothing else
9 was involved, and that was far, far <from> the tradition that
10 we're used to. However, this is my personal understanding, but
11 personally I did not have any other feelings regarding the East
12 Zone soldiers.

13 [14.23.42]

14 Q. But the wedding, did it take place when you were still in Prey
15 Veng or did this happen after you were sent to Pursat?

16 A. The marriage was organized for me in Prey Veng. I fled from
17 Svay Rieng to Prey Veng, and I stayed in <the> Prey Chhor
18 cooperative near Preah Theat pagoda. And the marriage ceremony
19 was held at the kitchen hall in that cooperative. And the kitchen
20 hall was situated near Preah Theat pagoda.

21 Q. You talked about the mobilization -- I'm switching topics now.
22 You talked about mobilizing people in the East Zone to resist;
23 that you received some information from So Phim to resist, you
24 said, the southwest and the west forces.

25 Did So Phim or your commander give you any other information

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1 about what the goal of the resistance was? Was it just to defend
2 yourselves there in the east or was it to go anywhere else?

3 [14.25.30]

4 A. When I left Kaoh Kaev Island, So Phim himself said the
5 southwest and west soldiers came to surround the East Zone
6 soldiers with the aim of killing them. And members from two
7 divisions in Svay Rieng; namely, their divisional commanders,
8 were arrested and killed.

9 He raised this matter at around 5 o'clock in the afternoon one
10 day. And of course regarding the timing here, it's based on my
11 estimate and by looking <at> the sun.

12 And then <he> said that those soldiers were sent to kill East
13 Zone soldiers and that we had to re-arm ourselves to fight
14 against those southwest and west soldiers. And if we dared to
15 rise up then, we had to unite as one.

16 And I could say that I was kind of forced to <be involved> in the
17 movement because I no longer had any feelings to engage in any
18 war. So I went along with the rest.

19 And that was the only plan that we received directly from him
20 and, later on, instructions came from our group leaders that
21 we're to station ourselves along the National Road <15>.

22 [14.28.14]

23 Q. Thank you.

24 Do you recall if So Phim indicated why he thought the Eastern
25 Zone was being attacked?

1 A. He spoke about soldiers in the division that were stationed
2 along the border in Svay Rieng province and that the divisional
3 commanders were called for a meeting by the southwest and west
4 groups, and when they came, they disappeared.

5 So, So Phim knew about that and he disseminated that information
6 to my group and that we had to gather forces, even those who had
7 been hospitalized or wounded, <including me>.

8 [14.29.24]

9 Q. Thank you. You answered my question.

10 Let me see if this refreshes your recollection at all, if it
11 sounds familiar.

12 This is from E3/5531. It's a statement of a person by the name of
13 Meas Soeun. And in answer 62, he said that: "On 25 May '78, there
14 was an arrest of all travellers along National Road Number 7."

15 And then he said: "In the afternoon, I received a letter from So
16 Phim through Sam, So Phim's former chauffeur. The letter said,
17 'To Comrades Sa and Soeun at the lathing workshop, please have
18 the force ready to fight to protect our force from being
19 captured. Based on our estimate, there must be a military coup
20 led by Son Sen to topple the Party's secretary and deputy
21 secretary'."

22 So sir, does that ring any bell with you or refresh your
23 recollection? Did So Phim indicate that he thought the forces
24 attacking the Eastern Zone were attempting to do a coup against
25 Pol Pot?

1 [14.31.06]

2 A. At that point in time I was stationed at Kaoh Kaev Island and
3 when I was transferred from Kaoh Kaev, I arrived in Prey Veng
4 province at around 1 o'clock. And at that location, So Phim
5 organized a meeting in late afternoon and during the meeting, he
6 spoke about the forces from the southwest and west <coming> to
7 the East Zone in order to kill us, the soldiers.

8 And for that reason, he asked us what we want to do, whether we
9 wanted to be killed or we wanted to rise up.

10 Q. Thank you.

11 In that answer, he goes on to say that So Phim told him he would
12 go -- he, So Phim would go to Phnom Penh to discuss the issue
13 because he had heard from the radio that Pol Pot and Nuon Chea
14 would go to see the Chairman of Burma's Communist Party at the
15 airport.

16 Do you recall So Phim at the meeting that you remember saying
17 anything that he would go and speak to Pol Pot?

18 A. I do not know about that simply because I was a <low> rank and
19 file soldier.

20 [14.33.05]

21 Q. Let me ask you then about your mother and your siblings. You
22 said that you lost your mother and many other family members.
23 Where did they die?

24 A. My mother and siblings died in Sraong cooperative at Tuol Ta
25 Lou. In fact, not all of them died at that location; some died at

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1 Tuol Chres (phonetic), <in> Ta Lou <commune>.

2 The two locations were the hot battlefield and there was a dense
3 forest and there were <tigers> and wolves as well in those
4 forests. So they had the chances or opportunities to kill people.
5 As for my relatives and nephews and nieces, more than 50 of them
6 died at those locations.

7 [14.34.40]

8 Q. The two locations you mentioned, are they both in Pursat
9 province and did this happen in 1978?

10 A. Yes, that is true. They were in Pursat and that happened in
11 1978.

12 Q. When you say that they were -- died or were killed, how were
13 they killed; do you know? And can you tell us if you know why
14 they were killed?

15 A. They were killed at those locations under the accusation that
16 they were "Yuon" enemies and that people from the East had links
17 with the "Yuon". So their plan was to kill all of them.

18 Q. This may sound -- I don't want this to sound offensive, Mr.
19 Witness, but let me just ask the question: Did your mother or
20 sister, were they conspiring with Vietnam against the Cambodian
21 people? Do you have any such information?

22 A. Regarding the information, they had tricks -- I mean Khmer
23 Rouge had their own tricks. They did whatever they could in order
24 to kill our people.

25 I was there together with others, and we were strictly blamed

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1 that we were enemies, since they had planned to kill all of us.

2 They did not want to keep anyone <alive>.

3 [14.37.07]

4 Q. Was there any way when you were in Pursat province for people
5 from the east to be recognized? Was there anything about their
6 clothing or otherwise that made it possible for the cadre to
7 recognize easterners?

8 A. They could recognize -- I mean they could be recognized based
9 on their own clothing and "krama" or scarf and also because of
10 the short sleeves -- khaki shirts -- the short sleeves - khaki
11 shirts -- were given to the Eastern Zone people when they were
12 sent from Phnom Penh. By looking at the clothing, they could be
13 recognized as the people from the Eastern Zone <wore blue
14 "krama">. So the Eastern Zone people could be distinguished very
15 clearly.

16 People at Pursat really loved their blue scarf or "kramas".
17 However, <>our unit chief told us not to give "kramas", the blue
18 kramas or scarfs to any other who requested them. And I myself
19 did not give my "krama" to the requestor, <because I was afraid I
20 would be accused of being the enemy when something given to me
21 was missing.>

22 [14.39.00]

23 MR. KOUMJIAN:

24 This could be a good time to break, Your Honour, if you wish or I
25 could go on.

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1 I would like to play a short video-clip. I can do it either
2 before or after the -- I can do it now then.

3 MR. PRESIDENT:

4 You may proceed, Co-Prosecutor.

5 [14.39.30]

6 BY MR. KOU MJIAN:

7 Thank you.

8 Q. Were you ever sent to Bakan district?

9 A. I was once sent to Bakan district, the upper part of Bakan.

10 Q. You talked about that in your statement, so I would like you
11 to look at this video clip, which will be on the screen in front
12 of you. It's from "Enemies of the People", E3/4001R, beginning at
13 4320.

14 Mr. Witness, I want you to look at the people and tell me if you
15 recognize any of them.

16 MR. PRESIDENT:

17 AV officials or staff members, could you please project the video
18 on the screen?

19 [14.40.38]

20 (Audio-visual presentation)

21 [14.44.05]

22 (End of audio-visual presentation)

23 MR. PRESIDENT:

24 You may have the floor now, Counsel for Mr. Nuon Chea.

25 [14.44.17]

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1 MR. KOPPE:

2 Thank you, Mr. President. Of course, I had to wait until the
3 video clip was shown in order to be able to make an objection.
4 The video clip is about the alleged killing of Kampuchea Krom,
5 translated into English as "Ethnic Minority". The alleged killing
6 of Kampuchea Krom in the Northwest Zone is out of -- outside the
7 scope of this trial, not only of 002/02, but also of the Closing
8 Order.

9 So, I think the Prosecution is trying to use evidence for cases
10 003 and 004, which I understand, but he should be prohibited from
11 doing that here.

12 So I object. The video clip is outside the scope of this trial.
13 [14.45.12]

14 MR. KOUMJIAN:

15 Your Honour, the purpose I'm offering it is regards to the
16 killing of eastern --

17 MR. PRESIDENT:

18 Please wait, Mr. Co-Prosecutor.

19 MS. GUISSSE:

20 Thank you, Mr. President. I would like to join my co-counsel in
21 that objection especially because we did not have any knowledge
22 of the possible use of this video excerpt by the Prosecution.
23 It's true that videos <cannot be> downloaded from the interface,
24 but the general practice is that one sends an email saying we'd
25 like to use this video.

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1 So we found out about it just at the hearing. We would have been
2 able to place our objection sooner if we had known that the video
3 would have been used.

4 So our objection is raised at this point because we <discovered
5 this during the hearing> and also, <in addition to joining> my
6 co-counsel's objection, <I wanted to note> these elements.

7 (14.46.20)

8 MR. KOUMJIAN:

9 Your Honour, I put it on the list of documents for today's
10 hearing. I believe I did personally. So counsel could have had
11 notice by reading that.

12 But the relevance of this to this witness, the reason I'm asking
13 this witness to look at it is because of the killing of Eastern
14 Zone people in that province and in that district that he talks
15 about in his statement and that's part of the killing of enemies
16 and it's part of the joint criminal enterprise. I believe it's
17 paragraph 202 or 201 of the Closing Order.

18 (14.47.04)

19 MR. KOPPE:

20 The video clip doesn't say anything about East Zone people. My
21 Khmer is very limited, but I did hear the woman say, "Kampuchea
22 Krom" translated as "Ethnic Minority." That is of course done for
23 the people who aren't aware of the situation during DK.
24 But to now transform it from Kampuchea Krom into East Zone
25 people, that is stretching it way too far.

1 MR. KOUMJIAN:

2 The Eastern Zone people comes from his statement where the same
3 individuals are named as being involved in the killing.

4 I'm not interested in asking him about the killing of Kampuchea
5 Krom right now. I'm asking him at the moment, just that did he
6 recognize any individuals involved who do talk about how they got
7 orders and followed orders, including killing.

8 (14.47.58)

9 MR. PRESIDENT:

10 It is now time for a short break. The Chamber will take a short
11 break from now until 10 past 3.00.

12 The Court is now in recess.

13 (Court recesses from 1448H to 1509H)

14 MR. PRESIDENT:

15 Please be seated.

16 I would like to hand the floor to Judge Fenz.

17 JUDGE FENZ:

18 Thank you, President.

19 The Chamber has taken note of the observations by the Parties on
20 the video which came after the video or the clip, the playing of
21 the clip had been finished. This is on record.

22 When it comes to the objection to the question, the Chamber
23 recalls that the question was, "Do you recognize any of the
24 people in this clip?" This question is allowed and the Chamber is
25 sure that its relevance will become obvious soon.

1 (15.11.07)

2 BY MR. KOUMJIAN:

3 Q. Sir, did you recognize anyone in that clip, video clip?

4 MR. MEY SAVOEUN:

5 A. I watched that video clip and it doesn't seem clear to me.

6 However, Roem (phonetic) and Khon (phonetic) were in Bakan
7 district. Roem (phonetic) was the chief of Bakan district, that
8 is Yeay Roem (phonetic).

9 And also on the video clip, I heard the name Khon (phonetic) was
10 mentioned. I heard of that name before, but I did not know who he
11 was or what position he held.

12 As for Roem (phonetic), I'm pretty sure that <that was> the
13 person who came to chair meetings at my cooperative and the
14 meeting was held every 10 days.

15 Q. Thank you. Just so we're clear, is Roem (phonetic) a male or
16 female?

17 A. Roem (phonetic) was a woman.

18 [15.12.57]

19 Q. You said that she was the -- is it correct that you said she
20 was the district secretary? Was that for Bakan district?

21 A. Yes, she was the secretary of Bakan Leu district or Upper
22 Bakan.

23 Q. You said she came to your cooperative. At those -- when she
24 came to these meetings, did she say anything about traitors?

25 A. During such meetings, she raised a number of points mainly to

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1 promote the work on digging canals, building roads and
2 <harvesting> <> rice <>. She also mentioned the purpose <of
3 eliminating> traitors in their respective district.

4 Q. Did she ever indicate who were considered traitors?

5 MR. PRESIDENT:

6 Counsel for Nuon Chea, you have the floor.

7 [15.14.35]

8 MR. KOPPE:

9 It was my understanding, Mr. President -- or from the ruling,
10 that the Prosecution was allowed to ask the civil party whether
11 he recognized anyone on the video.

12 Now, we're four questions further and talking about Roem
13 (phonetic) whom you, by the way, couldn't recognize because her
14 face was covered.

15 So we're stepping into territory which is, again, very much
16 outside of the scope of this trial.

17 MR. KOUMJIAN:

18 (Microphone not activated) the policy towards traitors and
19 particularly how the Eastern Zone people and civilians were
20 treated as traitors and killed is part of the Case 002/02; it's
21 part of the joint criminal enterprise and it's part of the
22 charges (unintelligible) of the purges.

23 [15.15.41]

24 MR. KOPPE:

25 Roem (phonetic) is talking about Kampuchea Krom people. That is

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1 outside the scope. There's a specific ruling from the Chamber on
2 this.

3 We're discussing events that, indeed, this witness has talked
4 about, but if he and she are talking about the same things, we
5 don't know, because whatever happened in Bakan district is not
6 part of our trial.

7 MR. PRESIDENT:

8 The objection is overruled and, Co-Prosecutor, you may resume
9 your questioning.

10 [15.16.24]

11 BY MR. KOUMJIAN:

12 Q. Mr. Witness, did Eastern Zone people -- were Eastern Zone
13 people killed in Bakan district, to your knowledge?

14 2-TCP-1040:

15 A. All people who came from the East Zone <were killed> - here, I
16 refer to those who came with me -- we all came to reside in Bakan
17 district.

18 Q. Were any of those people killed?

19 A. Those who came were subject of continuous killing. They relied
20 upon on a pretext that the person <would> be relocated elsewhere
21 by Angkar.

22 So each time, two or three families were relocated and sometimes
23 they said that Angkar required them to go for study session and
24 they were taken on ox-driven carts or sometimes they had to walk.
25 And they disappeared since and they never returned.

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1 [15.18.15]

2 Q. Did Roem (phonetic) ever indicate who were the traitors that
3 she was speaking about that had to be eliminated?

4 A. During the meeting, Yeay Roem (phonetic) talked about
5 eliminating all the traitors from the district but she didn't
6 mention who those traitors were.

7 Q. Okay, thank you. I'm almost finished, but let me go back to
8 something you said at the very beginning of your testimony this
9 morning when you were talking about the attempt to mobilize
10 against the Southwest and Western Zone.

11 You said at that time division commanders had already been
12 arrested. Can you explain a little bit more -- can you tell us
13 any more details about who was arrested and who they were
14 arrested by?

15 A. Please, repeat your question.

16 [15.19.48]

17 Q. I took a note that you said this morning when you were talking
18 about mobilizing forces to resist the southwest and west, that
19 division commanders had been arrested.

20 Who arrested who? Can you give us any details? Were there forces
21 from the east arresting commanders or forces from another zone?

22 A. I did not witness such event, however, I received information
23 from So Phim when he came to agitate the movement, that he
24 encouraged us to rise up, and he said the Southwest Zone
25 mobilized soldiers to the East Zone. And So Phim also said that

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1 commanders of divisions of the East Zone troops would be called
2 to a meeting, that is, all of those divisional commanders,
3 including their messengers.

4 They were called to a meeting and they all disappeared and So
5 Phim concluded that they were all -- or they had all been killed
6 by the southwest and the west groups.

7 [15.21.51]

8 Q. Okay, thank you.

9 After the fighting stopped -- I'm not interested in who died
10 during battles -- but after the East Zone tried to defend itself,
11 after the fighting stopped, did you witness any soldiers who had
12 surrendered or any civilians being killed?

13 A. People who lived in the zone or who were stationed in the zone
14 or in the provincial town of Prey Veng were killed and fired upon
15 during the attacks.

16 And the rest, regardless whether they were civilians or soldiers,
17 were arrested afterward. They were then interrogated and they
18 were <mistreated> and that's what I mentioned this morning as
19 well.

20 Q. Did you see any of them executed or see bodies of those who
21 had been executed?

22 A. When I fled, the situation was rather chaotic throughout the
23 whole provincial town. I saw people died in the places where the
24 fighting occurred, and that when I was trying to flee the
25 provincial town, and it was the location where the southwest and

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1 west soldiers focused in the attack, that is, the provincial town
2 of the province.

3 [15.24.31]

4 MR. KOUMJIAN:

5 Okay, thank you. I believe I owe the rest of the time to the
6 Khieu Samphan defence.

7 MR. PRESIDENT:

8 Thank you, Co-Prosecutor. I'd like to hand the floor now to the
9 defence team for Khieu Samphan.

10 QUESTIONING BY MS. GUISSÉ:

11 Thank you, Mr. President. I won't be very lengthy.

12 Good afternoon, <Mr.> Civil Party. My name is Anta Guisse and I'm
13 the Co-International Counsel for Khieu Samphan, and it is in this
14 capacity that I'm going to put to you a few questions of
15 clarification.

16 Q. My first question is tied to your marriage. You said that you
17 got married during a collective ceremony and you said that you
18 did not remember the age of your wife, but do you remember how
19 old you were when you got married?

20 2-TCP-1040:

21 A. I was 25 years old that year. I can say I was about 25 years
22 old.

23 [15.26.12]

24 Q. Fine. And you said that your wife was a bit younger than you.

25 So without remembering her exact age, do you remember, however,

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1 if she seemed younger than you by one, two, three or four or five
2 years; can you give us an <age range>? Was she between 20 to 25
3 years old or was she between 18 and 20 years old, or can you give
4 us an idea of how old she might have been?

5 A. From my estimate, she was about five years younger than me.

6 Q. So you agree that she was about 20 years old, approximately;
7 correct?

8 A. Yes.

9 [15.27.41]

10 Q. Now, regarding another point: Do you have a brother by the
11 name of Mey Sam?

12 A. No, I don't. I have an elder brother, but I do not have a
13 younger brother.

14 Q. Well, there might have been a problem in the interpretation
15 because I didn't say if he was older or younger. So you therefore
16 do confirm that you have a brother by the name of Mey Sam, even
17 if he is your older brother. Is that correct?

18 A. I have an older brother and he's the eldest brother, and his
19 name is Mey Sam not Mey Saam (phonetic).

20 [15.29.05]

21 Q. My apologies for my poor pronunciation.

22 I would like now you to clarify what you said today. You said
23 that you lost many relatives and I heard the figure of 50, so I
24 don't know if there was an issue here with the translation.

25 You said that you lost 50 relatives, 50 members of your family or

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1 did you rather mean that you lost 50 per cent of your family?

2 Could you please specify?

3 A. I spoke about the loss of my family members, my cousins, my
4 nephews who were evacuated to Pursat province and at least I lost
5 50 people, that is, my relatives and family members, and not 50
6 per cent. And they were all killed by the Pol Pot clique.

7 [15.30.38]

8 Q. Your brother, Mey Sam, who was your older brother, did you
9 have the same father and the same mother?

10 A. Mey Sam is my elder brother. We had the same parents.

11 MS. GUISSÉ:

12 With the permission of you, Mr. President, I would like to be
13 able to provide the civil party with document E3/5954. This is
14 the <victim> form of his brother, Mey Sam, and we would like to
15 be able to show the ERN in English, 00427070; in Khmer, 00478481;
16 the first page of the document.

17 And the second page that interests me in this document is ERN in
18 English, 00427074; and in Khmer, 00478490.

19 MR. PRESIDENT:

20 Court officer, please take the document and present it to the
21 civil party.

22 (Short pause)

23 [15.32.25]

24 BY MS. GUISSÉ:

25 Q. So I gave you those two pages <for which I cited the ERNs>.

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1 Can you confirm for me that on the first page that this is,
2 indeed, your brother? Is this the identity of your brother and
3 the identity of your parents on this first page?

4 So on line 1, the number of your brother; the line 8, the name of
5 your father, Mey Lang and the name of your mother Roy Ouey. And,
6 once again, please excuse my pronunciation, especially to those
7 in the interpreters' booth.

8 Is this, indeed, your brother?

9 2-TCP-1040:

10 A. After I have seen the first page of the document, that is the
11 name of my brother in number 1, and number 3, it states about the
12 place of birth of my brother <and me>. And number 8, it is not
13 right; it is surely the name of my grandfather, but the father's
14 name is not right. My father's name is Mey Lam (phonetic) and my
15 mother's name is Ruos Hoi (phonetic) and it is written in the
16 document is as Rous Ouey. It is not really my mother's name.

17 [15.34.43]

18 MR. PRESIDENT:

19 Mr. Civil Party, please read the document to yourself, but do not
20 state all the names in public.

21 2-TCP-1040:

22 Yes, Mr. President, but what I was saying is that they are
23 different names <from> some of the names <> used in our
24 biography. <My parents' names are not correct.>

25 BY MS. GUISSÉ:

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1 Q. I would like to clarify for the attention of the Chamber and
2 the parties that perhaps the <spelling> problems come from the
3 fact that the <original document was done a priori in English,
4 and> -- what I gave was a translation in Khmer, so let's try to
5 clarify it another way.

6 Do you know the date of birth of your older brother? Is 15 May
7 1947 of any significance to you?

8 MR. PRESIDENT:

9 Judge Lavergne, you can have the floor now.

10 JUDGE LAVERGNE:

11 Counsel Guisse, the Chamber is a bit concerned with all the
12 details that you've been giving because I believe that this civil
13 party -- remember this civil party, rather, agreed to testify
14 under the condition that the civil party's identity would not be
15 revealed. So all of these details <you provide could help
16 identify them, and> I think <that> can present a problem.

17 [15.36.24]

18 MS. GUISSSE:

19 Yes, indeed, that's something I had forgotten. <I forgot that
20 there were special protective measures in place.> Hopefully, the
21 transcript can be redacted as necessary. I'm a bit embarrassed I
22 had, in fact, forgotten that detail.

23 [15.36.39]

24 BY MS. GUISSSE:

25 Q. So without going into the details, but because you do have the

1 document in front of you, the information about the occupation of
2 your brother <on the first page of the document, at> number 6,
3 does that correspond to his occupation? Without mentioning what
4 the profession is, does it correspond with the profession that he
5 had?

6 2-TCP-1040:

7 A. I had left my parents in late 1972 or early 1973. I do not
8 really know their previous occupations and I do not know whether
9 they are consistent with what is written in this document.

10 Q. In number 10 of the same document, there is an indication of a
11 physical characteristic of the person in question. Does that
12 correspond to your memory?

13 A. That is correct. It corresponds.

14 [15.38.40]

15 Q. I would like now to go to the second page of your document, so
16 00427074 in English; in Khmer, 00478490; and what is of interest
17 to me is a small "d" where your brother talks about the members
18 of his family that he lost throughout the DK period.

19 This is what is indicated and I will be quoting in English
20 because the document exists only in English. I won't be saying
21 the name of the commune in order to try to make up for my earlier
22 errors:

23 "Those of us living in [X] commune were dealt with more
24 severely. I lost eight of my family members, including my
25 parents, elder brother, younger sister, nephews and uncles. All

1 of these family members, except my parents, were killed in Srong
2 collective, in Bakan district, Pursat province."

3 I did not mention the names of the villages or the commune.

4 So my question, as I would like to know about this figure "Eight
5 members of my family" that your brother says he lost during the
6 Democratic Kampuchea regime, do these correspond to your family
7 members and how can you explain the difference between the number
8 that he gives and the number that you give?

9 [15.41.12]

10 A. In fact, here it describes members of the family and parents,
11 but the document does not describe the <cousins and> distant
12 relatives who passed away. So as for the siblings, it is correct.
13 And it's correct also concerning the <> parents.

14 Q. And also concerning the nephews and uncles; is that correct?

15 A. That does not include the relatives, nephews and uncles and
16 the description here is about the siblings and parents only.

17 Q. So if I understand correctly, there is an error on this form
18 as it was filled out by your brother?

19 A. Talking about my siblings and parents, the number mentioned in
20 the document is correct.

21 Q. Perhaps in order to avoid a problem in the interpretation, I
22 will ask my co-counsel, Kong Sam Onn, to provide some
23 clarifications about your family because in the English
24 translation we have a mention of nephews and uncles and it seems
25 that you are not including it in your response. So I would like

1 to just be sure that this is indeed the case.

2 [15.44.06]

3 MR. KONG SAM ONN:

4 Thank you. I would like to you clarify about your relatives. When
5 you said "uncles", does the word "uncle" include the "om" or the
6 brother of your parents as well? <As for cousins, was that
7 including both male and female?> So could you clarify it for the
8 Chamber?

9 2-TCP-1040:

10 I was talking about my relatives and siblings who had been
11 evacuated from Svay Rieng to Pursat.

12 To my recollection, my biological siblings and parents, together
13 with the in-laws and their children, and also my uncles, <my
14 aunts,> their wives and husbands together with all the children,
15 nephews and nieces, <there> were at least 50 of them who had been
16 killed.

17 [15.46.02]

18 BY MS. GUISSÉ:

19 Q. A question in relation to your in-laws, are these the family
20 members of the wife that you married during the Democratic
21 Kampuchea regime?

22 2-TCP-1040:

23 A. Yes. I included the in-laws, that is, the siblings of my wife
24 as well who had died over there.

25 Q. You spoke about the marriage ceremony which took place in

1 order to celebrate your marriage when you married your wife as
2 part of a collective marriage ceremony.

3 Were the members of your family present at this marriage? And
4 when I say members of your family, I am talking about your
5 in-laws. Were there family members of your wife <present> at that
6 time? Is that when you met them or did you meet them later?

7 A. During the time when I got married, family members were not
8 invited <to> the ceremony or the wedding.

9 If we had a parent, mother or father, the mother or the father
10 would be allowed to be present in the wedding. As for the family
11 members of the couples, they were present at the kitchen hall in
12 the village where the wedding was organized.

13 [15.48.31]

14 Q. And when you say that the family was in the village hall, did
15 you, yourself, go there after the marriage ceremony?

16 A. After the wedding, my wife <> introduced <her> family members,
17 <her> cousins, relatives and <her> distant relatives <to me> as
18 well. We were at the kitchen hall having <a> meal together after
19 the wedding.

20 MS. GUISSÉ:

21 Mr. President, I have no further questions.

22 MR. PRESIDENT:

23 Thank you very much, counsel. You have the floor now, Counsel
24 Koppe.

25 [15.50.01]

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1 QUESTIONING BY MR. KOPPE RESUMES:

2 Yes, thank you. I have one follow-up question, Mr. President.

3 Q. Mr. Civil Party, following up the questions from my colleague,
4 in that same document, E3/5954, relating to your brother, he
5 lists as his nationality Khmer Krom.

6 Was your brother a Khmer Krom and were you a Khmer Krom?

7 2-TCP-1040:

8 A. I was not a Khmer Krom. I was the real Khmer. I was not a
9 Khmer Krom and the same applies to my elder brother.

10 MR. KOPPE:

11 For your reference, Mr. President, I was referring to English ERN
12 00427076 where it lists personal particulars of the brother that
13 says "Nationality: Khmer Krom".

14 MR. PRESIDENT:

15 You may proceed now, Co-Prosecutor.

16 [15.51.48]

17 MR. KOUMJIAN:

18 Just to bring everyone's attention, however, the first page
19 "Personal Information" lists the nationality, box number 4, as
20 "Khmer".

21 MR. PRESIDENT:

22 Finally, Mr. Civil Party, I would like to know whether or not you
23 have any victim impact statements to make, or do you have any
24 questions to put to the accused through the Chamber. If so,
25 please proceed.

1 2-TCP-1040:

2 Good afternoon, Mr. President, Your Honours, and the Chamber.

3 I would like to briefly describe my biography and I would like

4 Mr. President to raise the two suggestions or proposal from me.

5 <First,> in fact, I want the accused to answer frankly about the
6 torture inflicted on me as well as the attempt to kill me.

7 [15.53.47]

8 I was tied, my hands were tied behind my back and I was asked to
9 run after the bicycle and I was dragged along the road, and I was
10 also deprived of <food>.

11 <Second>, I was taken into an enclosure or a pen, <a> cow pen, in
12 order to be killed, and I was treated as animals.

13 And <third>, I -- after I was arrested I was tied in order that
14 they could take me to be killed and, as a result, I was injured
15 and I became a disabled person. One of my arms was injured and
16 the injury <remains> today.

17 I have been going to different hospitals <that have> treatment
18 <for>my injured arm, but it is in vain. And because of my
19 disabled arm, <it is difficult for me> to make a living.

20 I would like Mr. President to ask the accused, who is responsible
21 for my suffering and, in particular, who is responsible for the
22 disabled arm that I have sustained until today because the veins
23 have been removed from my disabled arm.

24 So who is responsible for my injury? I would like Mr. President

25 <> to put the question to the accused.

1 [15.56.09]

2 MR. PRESIDENT:

3 Thank you very much, Mr. Civil Party.

4 The Chamber would like to inform you, Mr. Civil Party, that as of
5 today, the two accused still invoke the right to remain silent.

6 Please be informed.

7 I thank you very much. The Chamber is grateful to you, Mr. Civil
8 Party, and the hearing of the victim impact statement and also
9 your injury as a civil party which you stated that you suffered
10 and underwent during the Democratic Kampuchea has now come to an
11 end. Your testimony and statement is contributing to the
12 ascertainment of the truth. You may now be excused and may return
13 to any places you wish to go. I wish you good luck, good health,
14 and prosperity, as always.

15 Court officer, please work with the WESU to send the civil party
16 to the place where he wishes to go.

17 It is now time for the adjournment. The Chamber will resume its
18 hearing tomorrow on 18 August 2016 at 9 a.m.

19 [15.57.24]

20 Tomorrow, the Chamber will start to hear a witness, 2-TCW-1029,
21 in relation to internal purges. Please be informed and be on
22 time.

23 Security personnel are instructed to bring the two accused, Mr.

24 Nuon Chea and Khieu Samphan, back to the ECCC's detention

25 facility and have them returned into the courtroom tomorrow on 18

1 August 2016 before 9 a.m.
2 The Court is now adjourned.
3 (Court adjourns at 1557H)
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