



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

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3 August 2016

Trial Day 435

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ORIGINAL/ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ (Date): 25-Nov-2016, 08:48

CMS/CFO: Sann Rada

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

The Accused: NUON Chea
KHIEU Samphan

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INDEX

Mr. CHIN Saroeun (2-TCW-1028)

Questioning by Mr. KOPPE page XX

Questioning by Mr. KOUMJIAN page XX

Questioning by Ms. SONG Chorvoin page XX

Questioning by Mr. VEN Pov page XX

Questioning by Ms. GUIRAUD..... page XX

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. CHUN Saroeun (2-TCW-1028)	Khmer
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUISSSE	French
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
Mr. PICH Ang	Khmer
Ms. SONG Chorvoin	Khmer
Mr. VEN Pov	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 continues to hear testimony of witness Chin
6 Saroeun.

7 Ms. Chea Sivhoang, please report the attendance of the parties
8 and other individuals to today's proceedings.

9 [09.00.45]

10 THE GREFFIER:

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

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

16 The witness who is to continue his testimony today, that is, Mr.
17 Chin Saroeun, is present in the courtroom. There is no reserve
18 witness today.

19 Thank you.

20 [09.01.24]

21 MR. PRESIDENT:

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

24 The Chamber has received a waiver from Nuon Chea, dated 3rd
25 August 2016, which states that, due to his health, that is,

2

1 headache, back pain, he cannot sit or concentrate for long. And
2 in order to effectively participate in future hearings, he
3 requests to waive his right to be present at the 3rd August 2016
4 hearing.

5 He advises that his counsel advised him about the consequence of
6 this waiver, that in no way it can be construed as a waiver of
7 his rights to be tried fairly or to challenge evidence presented
8 to or admitted by this Court at any time during this trial.

9 Having seen the medical report of the accused, Nuon Chea, by the
10 duty doctor for the accused at ECCC, dated 3rd August 2016, which
11 notes that Nuon Chea has chronic back pain and cannot sit for
12 long and recommends that the Chamber shall grant him his request
13 so that he can follow the proceedings remotely from the holding
14 cell downstairs.

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

19 The Chamber instructs the AV Unit personnel to link the
20 proceedings to the room downstairs so that Nuon Chea can follow.
21 That applies for the whole day.

22 The Chamber now hands the floor to the defence team for Nuon Chea
23 to put questions to the witness. You may proceed.

24 [09.03.58]

25 MR. KOPPE:

3

1 Thank you, Mr. President. Good morning, Your Honours. Good

2 morning, counsel. Good morning, Mr. Witness.

3 As always, Mr. President, when we are leading, we will start

4 asking questions and not use the full two sessions, and the Khieu

5 Samphan team will question the witness after the Prosecution and

6 the civil parties have questioned.

7 [09.04.30]

8 QUESTIONING BY MR. KOPPE:

9 Q. Having said that, good morning, Mr. Witness. As you just

10 heard, I am the international lawyer for Nuon Chea, and I would

11 like to ask you some questions.

12 Let me start by following up something that was asked yesterday

13 by the presiding Judge. He asked you whether you were interviewed

14 by the investigators of the Co-Investigating Judges, and you said

15 yes, sometime in 2000. Was it, in fact, not the investigators of

16 the Co-Investigating Judges that asked you questions but, rather,

17 someone from an organization called DC-Cam?

18 MR. CHIN SAROEUN:

19 A. Yes, I was interviewed.

20 Q. But interviewed by a person called Huy Vannak, working for a

21 Non-Governmental Organization called DC-Cam; correct?

22 A. I do not recall the name. At that time, I was interviewed by

23 an organization.

24 [09.06.12]

25 Q. Thank you.

4

1 Yesterday, when asked what your date of birth was, you answered 4
2 January 1959. However, on the very last page of your DC-Cam
3 interview, that is, document E3/10578, you said that your
4 identity card is not correct. You were not born in '59 but,
5 rather, in 1954. Is that correct?

6 A. Regarding my Khmer identity card, the date of birth mentioned
7 on that card is my official date of birth.

8 Q. That I understand. But were you, in fact, born in 1954?

9 A. I was born in 1959, and I was interviewed and there were other
10 people who were there, too, during my interview. And I did not
11 know whether the interviewer took <down> the date of birth
12 incorrectly from me.

13 [09.08.12]

14 Q. I'll move on, Mr. Witness. I'll be asking you almost
15 exclusively questions about the time that you were in Mondolkiri
16 sometime in '75 or '76.

17 But could you tell the Chamber briefly what you did before you
18 went to Mondolkiri?

19 A. Allow me to respond to your question.

20 Before I went to Mondolkiri and during the 1972 or '73 period, I
21 was a monk. And I was <defrocked> by Angkar in 1975, and the
22 Angkar's commune transferred me to Mondolkiri.

23 Q. And before you went to Mondolkiri, were you also, for a short
24 period of time, in Kratie?

25 A. Before I went to Mondolkiri, I received military training for

5

1 a period of three months in Kratie province.

2 [09.10.10]

3 Q. When you arrived in Mondolkiri, what did you do? Can you
4 describe your activities in Mondolkiri after you arrived there?

5 A. Allow me to respond to your question.

6 I left Kratie province and arrived at Sokh Sant commune. At the
7 time, I was not yet a soldier. I was in a mobile unit, and I
8 worked in the rice fields and plantation while I was a member of
9 that mobile unit. I was also asked about this aspect by the
10 investigator. In the morning, when the whistle was blown, I woke
11 up at 5.00 to engage in physical exercise and then, by 6.30, we
12 were fed porridge and we started working at 7 o'clock in the
13 morning.

14 Q. Do you recall when you became a soldier in Mondolkiri?

15 A. I became a soldier in 1979 (sic).

16 Q. I heard in the translation '79. Was it, rather, 1976 that you
17 became a soldier of a newly created Division 920?

18 A. I was <selected to be> a soldier in Division 920. However, at
19 that time, although I was attached to Division 920, I was still a
20 member of the mobile unit. I was not given any weapon to carry,
21 and that happened in 1976.

22 [09.13.05]

23 Q. And when did you become a full member of Division 920? When
24 were you carrying arms? When did you start to carry arms?

25 A. I was not given any weapon to carry while I was in Division

6

1 920; only after I was transferred to Mondolkiri. And at that
2 time, Vietnamese troops encroached on the Kampuchean territory
3 and we in the sector army were equipped with arms.

4 Q. Before I turn to your position in the sector army, let me ask
5 you about Division 920.

6 Were you in a regiment, regiment numbered 93?

7 A. Yes, I belonged to Regiment 93 in Division 920.

8 Q. Do you recall who the division commander was? Who was the
9 commander of Division 920?

10 A. Yes, I can recall that. The commander of Division 920 was
11 Chhin, and Say was his deputy. And they refer to 920 Division as
12 belonged to Ta Chhin and Ta Say.

13 [09.15.08]

14 Q. Are you in a position to say whether Division 920 was
15 originally, for the most part, a former North Zone division?

16 A. I do not know about that because when I arrived in Phnom Penh,
17 Chhin and Say <came to receive me>. And I <do> not know <in which
18 zone Division 920 was located>.

19 Q. Do you know where the headquarters were of Division 920?

20 A. The headquarters of Division 920 <were> situated in Sokh Sant
21 commune near Ou Chbar, <but I do not know its UTM>. And when I
22 left Kratie for Mondolkiri, their headquarters were in Sokh Sant.

23 Q. Was there also a base of Division 920 in Phnom Penh?

24 A. I was not aware of that.

25 [09.17.07]

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1 Q. Whilst at Division 920, do you know whether there was any
2 contact between Division 920 and other divisions, Divisions 310
3 and Division 450?

4 A. I did not know about their communications. I was part of the
5 new forces in the division. And allow me to clarify this matter
6 with you, counsel.

7 I was a teenager from the civilian side, and I was transferred to
8 work in Mondolkiri. And for that reason, I did not know about the
9 previous communications or contacts between these divisions.

10 Q. Do you remember the names of the Division 310 and 450
11 commanders, the two people who held the same position as Ta
12 Chhin?

13 A. As I have just stated, I did not know them.

14 Q. Do the names Oeun (phonetic) and Soeun (phonetic) mean
15 anything to you?

16 A. As I have stated, I did not know them and I did not have any
17 contact with them.

18 Q. Were you at one point in time a chief of a company within
19 Division 920?

20 A. As I have stated, I was promoted to be head of a company in
21 Regiment 93.

22 [09.20.00]

23 Q. Let me read to you an excerpt from your DC-Cam statement. As
24 said earlier, that is E3/10578; English, ERN 01249759; Khmer,
25 00042520; and French, 01249782; you said:

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1 "I was in Battalion 93. There were Battalions 93, 92 and 91. The
2 regiment was not formed yet. However, because I was new, I was
3 only the chief of a company."

4 Is that answer that you gave to the DC-Cam interviewer correct?

5 A. My interview happened quite a long time ago, so I cannot
6 recall everything. However, I can say now that, at the time, I
7 was head of a company.

8 Q. Do you recall how many men, how many soldiers or combatants
9 you commanded? You were the chief of how many soldiers in the
10 company?

11 A. When I was head of that company, there were <80> soldiers
12 under my supervision<>.

13 Q. And was that the highest rank you ever held, was in Division
14 920, before you went to the sector forces?

15 A. When I was <part> of the mobile unit in Division 920, that was
16 the highest promotion that I was given, that is, head of a
17 company.

18 [09.23.03]

19 Q. In your DC-Cam statement, English, ERN 01249753; Khmer,
20 00042514; French, 01249777; you said that from early 1977, you
21 became a sector soldier in Battalion 52. Is that correct?

22 A. When I was transferred to Mondolkiri, I was part of the
23 Battalion 52.

24 Q. Is it correct that within the sector forces there were five
25 regiments, Regiment 51, Regiment 52, 53, 54 and 55?

1 A. Yes, that is correct. There were Regiments 51 to 55. <>I
2 became a full-fledged soldier in <1996 or '97> , that is, before
3 the reintegration. Those regiments, 51 to 55, <were moved from
4 Dang Rek Mountain; that happened in '96>.

5 Q. Maybe I didn't understand it clearly in the translation, but
6 you just confirmed that you became a sector soldier in early '77,
7 that you were a member of battalion or Regiment 52. Is it correct
8 that within the sector forces in 1977, there were four other
9 regiments other than your 52 Regiment?

10 A. Allow me to clarify the matter.

11 During the period of 1976 to '77, there were only two battalions
12 <in the sector - that is Battalion> 501 and <Battalion> 502.
13 However, in the previous statement, it was noted as Battalion <>
14 52, <that was why I read Battalion 52 accordingly>. But allow me
15 to say that during <the> period of <'76 to '77>, there were only
16 two battalions <in Sector 105 in Mondolkiri province>.

17 [09.26.43]

18 Q. I understand. And you were in 502.

19 Did you hold any position in Regiment 502, or were you a soldier
20 in Regiment 502?

21 A. In Battalion 502 and which is noted as Battalion 52 in the
22 previous statement, I was in charge of logistics for the
23 <company>. And by that time, I was transferred to <base at Krang
24 Teh> along the border.

25 Q. And what was your job at the border? What was -- what were

10

1 your functions in 502 at the border?

2 A. As I have said, since the time that I was with Division 920
3 and later on I was sent to Sector 105, I was not given any
4 weapon. And I was <part> of the mobile unit, <which consisted of
5 men and women>, and our aim at the time was to engage in rice
6 production <to supply soldiers at the border. During that period,
7 I did not become a full-fledged soldier yet> although <I was>
8 part of the military force<>.

9 [09.28.42]

10 Q. I will get back to that a bit later. One last question on the
11 sector forces.

12 Have you ever heard of a commander called Lan, L-A-N? Do you know
13 a person called Lan?

14 A. I did not know him. However, I heard of his name and <Lan> was
15 chief of Battalion 501. As I said, in Sector 105 in Mondolkiri
16 province, there were two battalions, and Lan was in Battalion
17 501.

18 Q. Who was your battalion chief; in other words, who had the same
19 position as Lan, but then commanding your unit?

20 A. Kham Vieng was my unit chief. And in order to clarify the
21 matter once and for all, before I was transferred to Mondolkiri,
22 that is, Sector 105, there was one battalion only. Lan was the
23 commander and Kham Vieng was the deputy. However, when my forces
24 arrived, they split the battalion into two, and Lan was commander
25 of Battalion 501 while his former deputy, Kham Vieng, became

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1 commander of Battalion 502. And as I said in the previous
2 statement, it referred to as Battalion 52.

3 [09.30.47]

4 Q. Thank you for that clarification, Mr. Witness.

5 You already mentioned Sector 105, the autonomous sector of
6 Mondolkiri. Do you remember who the chairperson was of Sector
7 105, who was in charge of Mondolkiri between '75 and '79?

8 A. When I <first> arrived there, it was <Hom> (phonetic), but
9 people called him <Ham>. But the writing <> is Ham. He was the
10 chief, and Kham Phoun was his deputy.

11 And later on, Sao Sarun was the chief and <Ansi> was the deputy.

12 And they were in that position until 1979.

13 Q. Have you ever heard of a person called Ya, also known as Ney
14 Sarann?

15 MR. PRESIDENT:

16 Mr. Witness, please wait until the tip of the microphone turn
17 red.

18 MR. CHIN SAROEUN:

19 A. I have never heard of that name.

20 [09.32.42]

21 BY MR. KOPPE:

22 Q. Just to make sure that I understand properly, Mr. Witness, was
23 Ham already the sector chairperson when you first arrived in
24 Mondolkiri?

25 MR. CHIN SAROEUN:

12

1 A. Before I arrived in Mondolkiri, when I left Kratie for
2 Mondolkiri, Ham was the chief of the sector.

3 Q. Thank you for that clarification. Now let me move a bit down
4 in the hierarchy within Sector 105.

5 Can you tell us who was in charge of Kaoh Nheaek district within
6 Sector 105?

7 A. I <do not know> the name <>, but the responsibility of the
8 Battalion 501 was <to defend> Kaoh Nheaek district, and it was
9 Lan who was in charge of that.

10 [09.34.28]

11 Q. Maybe something went wrong in translation.

12 My question was: Do you know who the chief or the governor was of
13 Kaoh Nheaek district? So, I'm not talking about military person;
14 I'm talking about civilian leadership.

15 Who was, in other words, the governor of Kaoh Nheaek district
16 when you were there?

17 A. It was the administrative matter. As far as I can remember, it
18 was Svay who was the chief of the district, but I cannot recall
19 his surname. I am a Khmer, and he was an ethnic minority, so what
20 I can confirm with you is that Svay was the chief of Kaoh Nheaek
21 district.

22 Q. Earlier you mentioned a person named Kham Phoun as the deputy
23 chief of Sector 105.

24 Do you know whether there's any relationship in family terms
25 between Svay and Kham Phoun? Are they related to each other?

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1 A. Based on what I know, Kham Phoun was Svay's uncle, so it was
2 -- their relationship was nephew and uncle. I do not know much in
3 detail about their relationship. It was just - the information I
4 got was based on what I <heard from people in> my unit.

5 [09.36.36]

6 Q. I understand. I will be returning shortly to what happened to
7 Ta Ham, to Kham Phoun and to Svay, but before I do so, I would
8 like to ask you some questions about the relations between
9 Democratic Kampuchea and Vietnam.

10 Are you in a position to say what was the situation at the
11 frontier between Vietnam and Cambodia, what happened in late '76,
12 early '77 in relation to Vietnamese Troops? Do you recall?

13 A. In 1976-'77, there was not any serious matter taking place at
14 the frontier yet, but there <might have been> some problems at
15 the district town. As far as I can recall, in late 1976 and early
16 1977, there <were> not any serious problems at the border yet.

17 Q. Do you recall when it became serious? When did armed clashes
18 start between DK troops and Vietnam?

19 A. The situation between DK regime and the Vietnamese forces
20 started from 1979 (sic) onward.

21 [09.38.58]

22 Q. In your interview with DC-Cam, English, ERN 01249767; Khmer,
23 page 00042526; no French, I have here; you were asked a question
24 by the interviewer, and the question was as follows:

25 "Between Vietnam and Cambodia, who attacked first leading to the

14

1 war?"

2 Do you remember what your answer was when you were asked that
3 question?

4 A. At that time, I was not asked about who started the fighting
5 first. At that time, the Vietnamese entered Cambodia territory,
6 so our forces were armed in order to confront the Vietnamese
7 force who trespassed into the territory.

8 Q. Let me read both question and answer to you to see if I can
9 refresh your memory:

10 Question: "Between Vietnam and Cambodia, who attacked first
11 leading to the war?"

12 And then you answered: "The Cambodian side did not do anything.
13 The Vietnamese came first. On our side, the preparations started
14 from Kham Phoun's movement in our unit. From that time, the
15 Vietnamese equipped them with weapons, but they did not carry
16 their weapons in public. The weapons were kept in their
17 warehouse." End of quote.

18 Do you recall answering this to that question?

19 [09.41.26]

20 A. I cannot get your question clearly. Can you repeat it?

21 Q. Well, I just read back to you your own answer. I'm happy to do
22 that again. Is that what you said?

23 Let me read it again so that there is no misunderstanding. I'm
24 reading your own answer to DC-Cam:

25 "The Cambodian side did not do anything. The Vietnamese came

15

1 first. On our side, the preparations started from Kham Phoun's
2 movement in our unit. From that time, the Vietnamese equipped
3 them with weapons, but they did not carry their weapons in
4 public. The weapons were kept in their warehouse." End of quote.

5 Do you -- do you recall saying that?

6 A. As I said earlier, at the border area, there <were> not any
7 remarkable events <that> happened yet, but there was problem
8 happened at the district town. <Between '76 and '77,> the
9 Vietnamese forces came into Kaoh Nheaek district, and the group
10 consisted of around <10 or> 12 people. And <in my previous
11 statement, I said that> it was Svay who brought them in, in his
12 capacity as the district chief. So he concealed those Vietnamese
13 forces <near his house>.

14 [09.43.14]

15 Q. I will most certainly get back to those 12 Vietnamese
16 soldiers, but let me see if I can refresh your memory a bit
17 because the DC-Cam interviewer followed up, and he said, very
18 same page:

19 Question: "When the Vietnamese came at first, how many of" --

20 MR. PRESIDENT:

21 The floor is given to the Co-Prosecution.

22 MR. KOUMJIAN:

23 Your Honour, the practice is that with witnesses to first ask
24 their recollections before feeding the witnesses with lines from
25 the prior statements, which also, in this particular case, the

16

1 witness wasn't given the context of what they were discussing
2 immediately before the answer was read, which was the FULRO
3 movement.

4 But I'd ask counsel to first ask the questions, get the witness'
5 recollection and then, if there's a contradiction or a need to
6 refresh his recollection, of course, he can read the statement.

7 [09.44.20]

8 BY MR. KOPPE:

9 I believe I did that, but I'm happy to be more specific first.

10 Q. Mr. Witness, do you recall what the most intense battlefield
11 was at the time, '77, between Vietnamese troops and DK troops?

12 MR. CHIN SAROEUN:

13 A. Let me clarify it again. The situation at the border area was
14 not serious yet, so <between 1976 and> 1977, the problem that
15 occurred was in the internal area. So what I told the
16 <researcher>, I told him that there was a problem <that>
17 happened.

18 Ham realized that Svay concealed the Vietnamese forces <>, so he
19 arranged a plan to arrest Svay. So the plan was made to arrest
20 Svay, and Kham Phoun became frustrated because Svay was his
21 nephew, so there was <some> kind of internal disagreement within
22 the <sector committee>.

23 [09.46.16]

24 Q. As said before, I will return to that subject because that is
25 important, but let me refresh your memory by saying -- by reading

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17

1 out to you what you said to DC-Cam. You said that the most
2 intense battlefield was in Prey Chas Prey Thnaul, a little bit
3 beyond Kaoh Nheaek district town.

4 So you're talking about the most intense battlefield. You also
5 talk about a lot of units, a lot of Vietnamese units. You also
6 said that they came on foot.

7 So aside from Svay and Kham Phoun, what can you tell us about the
8 actual clashes between DK troops and Vietnamese troops?

9 A. During that period, there <were no clashes at the border.> The
10 12 Vietnamese soldiers came in secretly, so only when the
11 situation in the internal area erupted and then we realized about
12 the situation, so there was not a clash at -- between forces at
13 the border area yet.

14 [09.47.57]

15 Q. Very well. Let me move on, then, to those 12 Vietnamese
16 soldiers.

17 What, exactly, happened with these 12 Vietnamese soldiers? What
18 can you tell us from your memory?

19 A. For the 12 Vietnamese soldiers, they were withdrawn back into
20 their territory after Svay's arrest. After Svay's arrest, the
21 Vietnamese forces was withdrawn back into their territory.

22 Q. How did you know that these were 12 Vietnamese soldiers? Did
23 you see them? Did you witness whether they were wearing
24 Vietnamese uniforms?

25 How did you learn of Svay hiding 12 Vietnamese soldiers?

1 A. I was based at the border unit. I did not encounter it by
2 myself, but my chief, Kham Vieng, he came to work in the
3 district, and when he <went> back to the unit, he told us that
4 there were 12 Vietnamese came <in Kaoh Nheaek district> and it
5 was Svay who brought them in. So it was my unit chief who
6 publicized the story to us.

7 [09.49.58]

8 Q. And did he say whether they were wearing uniforms? Did he say
9 from which Vietnamese unit they came from? Can you give us
10 details as to what your chief said about those 12 Vietnamese
11 soldiers?

12 A. He did not touch on the aspects of the uniform or any other
13 things <>. He simply disseminated the information <and the plan
14 given by the sector committee> to our forces based at the border
15 areas <like I said earlier>. He did not tell us at all about
16 <their> uniforms, <but I was told that they were Vietnamese
17 forces>.

18 Q. And what, exactly, was it that these 12 Vietnamese soldiers
19 were doing on DK territory; did he say that? Did he tell you
20 that?

21 A. <At the time>, they did not carry out any significant activity
22 yet. When we knew that there <were> Vietnamese coming into <the>
23 district, then a plan was quickly drawn up to arrest the person
24 who brought those Vietnamese in, <and then those Vietnamese went
25 back to their territory>.

19

1 [09.51.49]

2 Q. Where were these Vietnamese soldiers located when they were
3 found? In which village or close to -- to which place were they
4 located; do you recall?

5 A. Based on what I know <and what he told me>, they were
6 <located> in a <commune where> that Svay resided. It was <Roya
7 commune>, but I cannot recall it clearly because it happened long
8 time ago.

9 Q. Let me see if I can refresh your memory; English, ERN page
10 01249763; French, 01249784; and Khmer, 00042523; the question is:
11 "To which village did Svay take the 'Yvon'?"

12 And your answer: "Ka village, Ou Buon commune, Kaoh Nheak
13 district. He hid the Vietnamese near his house. They were a group
14 of about 12 Vietnamese soldiers."

15 Does this refresh your memory that it was Ka village?

16 A. Yes, you are right. But in Khmer, we call it Kor (phonetic)
17 village. It was <close to Svay's house.> He did not hid <those>
18 Vietnamese in his house, but he hid them in the nearby forest.

19 [09.53.58]

20 Q. And what was the objective of Svay? Why did he hide these 12
21 Vietnamese soldiers in the forest? What was his intention?

22 MR. PRESIDENT:

23 The floor is given to the Co-Prosecutor.

24 MR. KOUMJIAN:

25 Asking the witness what was in Svay's mind, I don't know what

20

1 counsel expects the witness to know his intent unless he's asking
2 what Svay confessed to after being arrested and possibly
3 tortured. But it's -- there's no basis for this witness to
4 explain what Svay's intent was.

5 [09.54.40]

6 BY MR. KOPPE:

7 Let me see if I can rephrase, Mr. President.

8 Q. Did the chief of your regiment tell you whether he had learned
9 anything about the intentions of Svay to hide these 12 Vietnamese
10 soldiers in the forest?

11 MR. CHUN SAROEUN:

12 A. I do not know much about this matter. What I knew was that he
13 went to the sector and, when he came back, he disseminated the
14 information to us that Vietnamese forces were brought in, but he
15 did not tell us about the intention behind the bringing in the
16 Vietnamese forces.

17 Q. Do you know whether Kham Phoun also played any role in the
18 hiding of 12 Vietnamese soldiers in the forest?

19 (Short pause)

20 [09.56.21]

21 MR. PRESIDENT:

22 Mr. Witness, do you understand the question?

23 Counsel, could you please repeat your question?

24 BY MR. KOPPE:

25 Certainly, Mr. President.

1 Q. Do you know whether Kham Phoun played any particular role in
2 the hiding of 12 Vietnamese soldiers?

3 MR. CHIN SAROEUN:

4 A. I do not know whether Kham Phoun was involved with the
5 Vietnamese forces. What I knew was that Kham Phoun and Svay were
6 relatives, so as you are well aware that in that regime, if any
7 member of your relatives committed wrongdoings then there would
8 be <trouble for> other <family> members.

9 It was about 100 kilometres from Kaoh Nheaek district to the area
10 where <my mobile unit> was based at the border. It was just 100
11 kilometres, but in those days, the distance was like between here
12 and the USA. <We were not allowed to move freely, and we had to
13 base at particular places where we were assigned; for instance,
14 if soldiers were assigned to base at the border, they had to be
15 at the border. Only superiors could travel between places>. So
16 that's my short answer.

17 [09.58.04]

18 Q. I'll get back to that, but let me ask you a few more details.
19 Your company or regiment, 502, play any particular role in
20 chasing after Svay or trying to arrest Svay? Was your unit
21 involved in the attempts to capture Svay?

22 A. <The incident> happened in the <district>. The sector level
23 disseminated information to the forces based at the border in
24 order to take measures to prevent Svay from escaping the country
25 <through Mondolkiri province>, so <my superior> ordered <me> to

1 prepare forces <and> two cars to look for and arrest him, but we
2 did not arrest him because Svay was already arrested at <Kaoh
3 Nheaek> district.

4 Q. Was it your regiment or your group that was assigned to
5 capture Svay? Was it only your battalion, or were there also
6 other forces involved?

7 A. My border unit received the order to prevent Svay from
8 escaping across the border to other country. At that time, if the
9 sector force had committed wrongdoing and then the Division 920
10 was instructed to perform the task, so whenever members of the
11 sector forces committed wrongdoing, it was Division 920 <that>
12 had the responsibility to make arrests. And when members of
13 Division 920 committed wrongdoing, the sector forces would go and
14 arrest them.

15 [10.01.03]

16 Q. Were Kham Phoun and Svay considered to be part of rebellious
17 movements? Were they accused of staging a rebellion together with
18 these Vietnamese troops?

19 A. As I have stated earlier, I was not aware of these internal
20 issues. Only when my commander came to our unit, he would provide
21 us with information and I can only respond to you based on the
22 information that my commander disseminated to our unit.

23 There were problems between Ham and Kham Phoun at the time, and
24 I did not know the extent of that conflict. This information was
25 told to us by our commander that Ham and Kham Phoun died in Phnom

1 Penh, although he did not mention any specific location of their
2 deaths in Phnom Penh. He said two sector chiefs died and that
3 Kham Phoun killed Ham with a metal bar and, later on, he
4 committed suicide. That's all I learned.

5 [10.02.54]

6 Q. Mr. Witness, let me finish before the break -- at the break
7 with reading to you what you said to DC-Cam. And I will ask you
8 whether there's anything within that DC-Cam statement which is
9 not correct. It's a bit long all together, but it is all about
10 what you just testified to.

11 Mr. President, I'll be reading from, again, English, ERN
12 01249763-64; Khmer 00042522 till 23; and French, 01249783 until
13 84.

14 So Mr. Witness, if you hear anything wrong, when I finish, please
15 let me know.

16 "Kham Phoun led the Vietnamese to enter Cambodia through Svay,
17 who was Kham Phoun's nephew. They hid the Vietnamese near the
18 village. They led their struggle. Then Ham found out about that.
19 Therefore, he no longer trusted Kham Phoun and took Kham Phoun to
20 a meeting. Kham Phoun was Svay's relative. I thought they knew
21 Kham Phoun, and why did they not arrest Svay.

22 "I chased Svay until Daoh Kramom Mountain. After that, they were
23 taken to join a meeting in Phnom Penh."

24 [10.04.43]

25 A bit further: "Was Svay arrested and sent to Phnom Penh?"

1 "Svay was arrested and killed here. He was not sent to Phnom
2 Penh."

3 "To which village did Svay take the 'Yuon'?"

4 "Ka village -- Kor village, Ou Buon commune, Kaoh Nheaek
5 district. He hid the Vietnamese near his house. They were a group
6 of about 12 Vietnamese soldiers."

7 "When was Svay arrested?"

8 "In late '76 or early '77. They used the whole of Battalion 52 to
9 intervene in Kaoh Nheaek. The weapons of the battalion
10 chairperson in Kaoh Nheaek were all seized. Only my group held
11 weapons to defeat the rebellious movements. The Vietnamese had
12 already left. I came after Kham Phoun and Ham died." End of
13 quote.

14 Again, my question, Mr. Witness, is there anything that I read
15 out to you from your DC-Cam statement that is not correct?

16 A. I stand by my previous statement, that is, the statement that
17 I provided to the interviewer earlier. And that interview took
18 place a long time ago, and I cannot recall every single detail
19 written in the statement. However, I concur with my prior
20 statement.

21 [10.06.35]

22 Q. And let me follow up with this by asking you something you
23 said as well in relation to Svay. That is on English, ERN
24 01249765; Khmer, 00042524; French, 01249789 -- 8, excuse me. You
25 said the reason that Svay was arrested was because he was

1 affiliated with a "Yuon" movement, and then the question: "Who
2 gave the information that led to the arrest of Svay?"
3 And then you answer: "At that time, the village and commune
4 investigated the situation and found the Vietnamese behind Svay's
5 house."

6 Two questions: What did you mean when you said -- when you used
7 the word "affiliated with a 'Yuon' movement"? What does that
8 mean?

9 A. I said that the Svay -- that Svay was affiliated with a "Yuon"
10 movement because my commander disseminated the information that
11 Svay concealed a group of "Yuon" nearby his house.

12 Q. Very well. And do you know who it was from the village and
13 commune that investigated the situation and found the Vietnamese
14 behind Svay's house? Who are they?

15 A. I have <already stated> the extent of my knowledge in relation
16 to this matter, and the extent of which was mentioned in my
17 previous statement. And I stated that I did not know the
18 authority in the village and the commune who <were> involved in
19 the investigation. While I was at the border area, I only learned
20 of this information through the dissemination of information by
21 my commander.

22 [10.09.16]

23 MR. PRESIDENT:

24 Thank you, counsel.

25 It is now convenient for a short break. We'll take a 20-minute

1 break and we'll resume after.

2 Court officer, please assist the witness during the break time at
3 the waiting room reserved for witnesses and experts and invite
4 him back into the courtroom before we resume our proceedings.

5 The Court is now in recess.

6 (Court recesses from 1010H to 1030H)

7 MR. PRESIDENT:

8 Please be seated.

9 Now I would like to hand over the floor to counsel for Nuon Chea
10 should you have any further question to put to the witness.

11 I would like to ask counsel whether you have consulted with
12 defence counsel for Khieu Samphan regarding the division of time.

13 BY MR. KOPPE:

14 Yes, we have, and I believe the Khieu Samphan team would like to
15 have about 30 or 40 minutes, so it's my intention to finish just
16 before 12.00 -- 11.00. Excuse me. Half hour.

17 Q. Mr. Witness, good morning again. Let me follow up your earlier
18 testimony by reading out some excerpts from two other witnesses
19 who have testified about the events with Svay and Kham Phoun and
20 I will ask your reaction.

21 Let me first start with the commander of the other regiment, not
22 Kham <Vieng>, your commander, but Lan. He was also interviewed by
23 DC-Cam a bit later than you, February 2005.

24 [10.32.22]

25 Mr. President, this is document E3/7822, and I'm particularly

1 interested in what he says at the English, ERN 00667375; French,
2 00665353; and Khmer, 00229230.

3 He talks about that same incident with the 12 Vietnamese
4 soldiers, and he says -- the question is: "You saw tracks [not
5 trucks, but tracks, T-R-A-C-K-S]."

6 And Lan says: "Later on, we made a report about the tracks."
7 "What tracks did you see?"

8 "The tracks of the venue where they held a meeting with the
9 Vietnamese."

10 "At Svay's house?"

11 Lan answers: "It was in Sang Dy."

12 "Was it at Svay's house?"

13 "Near Svay's house."

14 Question: "Near Svay's house in Kaev Seima?"

15 "Behind Svay's house in Kaoh Nheaek."

16 [10.33.55]

17 And then a bit further, he says: "We chased the Vietnamese. I
18 took two trucks of soldiers to go after them, but we could not
19 catch up with them.

20 "We followed them until we arrived at O Ten, but we were not able
21 to catch up with them, so we returned. When I got back, I heard
22 that they had killed each other." End of quote.

23 Mr. Witness, Lan seems to be talking about certain tracks,
24 certain signs of the Vietnamese presence. Were you aware of that
25 as well?

1 MR. CHIN SAROEUN:

2 A. I was not aware of it because it was the internal matter.

3 Q. And when he speaks about two trucks of soldiers chasing the
4 Vietnamese, were you in one of those two trucks?

5 A. Your question seemed to be different from the question that
6 <was> asked <of> me in the document. I was simply instructed to
7 prevent the escape, so my forces did not chase them. <Actually,
8 we were based at Krang Teh>, but we were instructed to <intercept
9 them at Mondolkiri provincial town. At the time, the provincial
10 town was in Kaoh Nheaek district. We had two cars for that, but
11 we did not encounter anything>.

12 [10.36.12]

13 Q. And do you recall anything about the Vietnamese being followed
14 to -- and I hope I pronounce it correctly -- O Ten, in English,
15 the Ten Stream? Do you recall that?

16 A. As I told you earlier that I did not know <about that, and I
17 also stated in my previous statement that,> my force was not in
18 charge of chasing them, but we were simply on alert to intercept
19 them in case they wanted to escape.

20 Q. That's all right, Mr. Witness. One last question.

21 Lan was interviewed by DC-Cam in 2005. Do you have any
22 information as to whether he is still alive today?

23 A. As I told you earlier, that from the <sector> to my area that
24 I was based, it was only 100 kilometres away from each other, but
25 without the dissemination of information from my commander, I

1 would not have known anything. <I do not know whether Lan is
2 still alive.>

3 [10.38.08]

4 Q. I'm not sure if I understood correctly.

5 My question is: do you know whether Lan is still alive today?

6 A. I don't know. I don't know whether he's still alive.

7 Q. Let me read something else to you in relation to the subject
8 of the Vietnamese -- the 12 Vietnamese soldiers, and that is
9 something a witness that you know told the Chamber recently, on
10 the 30th of March 2006 (sic) at around 9.28 in the morning. Sao
11 Sarun told the Chamber the following, and I'll be quoting from
12 his transcript:

13 "I was invited to a meeting in the sector, and I was informed
14 that the Vietnamese came to our location and" --

15 [10.39.37]

16 MR. PRESIDENT:

17 The floor is given to the Co-Prosecutor.

18 MS. SONG CHORVOIN :

19 I would like the defence counsel to give us the number of the
20 document, <the date and the exact time>.

21 MR. PRESIDENT:

22 Counsel, could you please give the number of the document,
23 please?

24 BY MR. KOPPE:

25 Certainly. It is a transcript of 30 March 2016, and the document

1 is known as E1/411.1. And as I said, it's in-trial -- in-Court
2 testimony at around 9.28 in the morning. So again, I'm reading
3 from Sao Sarun's testimony:

4 "I was invited to a meeting in the sector, and I was informed
5 that the Vietnamese came to our location and canned fish, rice
6 and noodles were given to the Vietnamese. It was near the houses
7 of Kham Phoun and Svay. That was the discussion in the meeting.
8 Many people went to see the dining place. There were really packs
9 of noodles and other stuff there, and villagers -- the
10 neighbouring villagers saw that."

11 [10.41.03]

12 "They said that the new Angkar had arrived, and they came to
13 rescue Cambodia. They talked with the civilians, but I, myself,
14 did not go there to see and, frankly speaking, I did not witness
15 it myself." End of quote.

16 Q. Is that something that you heard as well, that the Vietnamese
17 had left remainders of fish, rice and noodles or that that was
18 given to the Vietnamese?

19 MR. CHIN SAROEUN:

20 A. I don't know about <that matter>. As I told you earlier that
21 what I knew was based on the dissemination from my commander, so
22 what happened internally, it was beyond my knowledge.

23 [10.42.14]

24 Q. Thank you for that answer. Let me now move to the following
25 point.

31

1 And let me read to you something that was discussed between Son
2 Sen and the commanders of Division 920 during the period that I
3 believe you were a member of Division 920.

4 Mr. President, I'll be referring to document E3/799. These are
5 minutes of a plenary meeting of the 920th Division, and it is a
6 meeting of 7 September 1976 at 200 hours -- 1400 hours.

7 More particularly, I'll be referring to English, ERN 00184781;
8 Khmer, 00083160; French, 00323917.

9 Now, of course, Mr. Witness, you were not present at this
10 meeting, but your commander, Ta Chhin, was present, and so was
11 Son Sen and Nat and <Saom> and Brother 81. And after Chhin
12 described the situation in Mondolkiri and other issues in
13 relation to the border with Vietnam, Son Sen says the following,
14 and I will quote Son Sen:

15 [10.44.14]

16 "Our revolution is a socialist revolution and already is a deep
17 one. So, toward Vietnam, we take the following stances:

18 "1. We won't be the ones who make trouble.

19 "2. But we must defend our territory absolutely, and absolutely
20 not let anyone either take it or violate it.

21 "3. If Vietnam invades, we will ask them to withdraw, and if they
22 do not withdraw, we will attack. Our direction is to fight both
23 politically and militarily."

24 My question, Mr. Witness: these three points in relation to the
25 stance toward Vietnam, were these three points conveyed to all

1 Division 920 soldiers when you were part of that division?

2 A. I did not receive that information because I was at the --

3 simply at the level of the company, and we were not aware of such
4 decision and we did not receive such information, either.

5 [10.46.14]

6 Q. Are you aware of Vietnamese armed incursions into DK
7 territory? And I'm not talking now about the 12 Vietnamese
8 soldiers, but are you aware of the battlefield situation in 1976,
9 1977 and subsequently?

10 So please don't answer my question and talk again about Svay and
11 the 12 Vietnamese soldiers, but aside from that, are you aware of
12 what happened exactly at the battlefield?

13 A. I knew about the Vietnamese incursion into Cambodian
14 territory. It happened in <early> 1978. At that time, there were
15 many Vietnamese forces, but they did not come through the area I
16 was in charge of.

17 There were many Vietnamese forces who entered Cambodia territory
18 into Kaoh Nheaek district, <Prey Khmorn (phonetic) and other
19 places where there were resistant forces,> but they did not enter
20 through the area where I was based at <Krang Teh>. The Vietnamese
21 came from many divisions, and they entered our territory.

22 [10.48.07]

23 Q. I understand that that was the situation in 1978.

24 Do you also know what the situation was in 1976, rather, the end
25 of 1976 and early 1977? Do you know anything about Vietnamese

1 incursions in late '76 or early '77?

2 A. As I answered earlier, in 1976 <and early> '77, there was not
3 any problem yet. Vietnamese started to come in large numbers in
4 1978 -- mid-1978. As for 1976 and '77, there <were> not any
5 remarkable events yet except, the incident involving the 12
6 soldiers.

7 Q. Let me finish, then, by reading a last excerpt of, again, Sao
8 Sarun before this Court.

9 That's the same transcript I referred to earlier, Mr. President,
10 the transcript of 30 March 2016, this time at 9.09 in the
11 morning. Sao Sarun said the following, first my question:

12 "Are you in a position to say who started the incursions, who
13 started the fighting in Mondolkiri in 1976 and subsequently?"

14 And then Sao Sarun answers: "The Vietnamese. The Vietnamese
15 started first the fighting along the border, and that fighting
16 was on a large scale and, as a result, liberation took place of
17 -- on 7 January."

18 Can you give a reaction to what Sao Sarun is testifying to?

19 [10.50.34]

20 A. I do not have my own answer to your question. I agree with his
21 answer because he was in a more superior position, <he was a
22 secretary of the sector>, so he would be more aware of the
23 situation than me. As for my knowledge, it was just like what I
24 gave in the document.

25 MR. KOPPE:

34

1 I believe I'm finished with my questions. Thank you very much,
2 Mr. Witness.

3 Thank you, Mr. President.

4 MR. PRESIDENT:

5 Thank you, counsel.

6 And next I would like to hand the floor to the Co-Prosecution to
7 put questions to the witness. You may now proceed.

8 [10.51.30]

9 QUESTIONING BY MR. KOUMJIAN:

10 Thank you, Mr. President. Good morning to everyone.

11 Q. Good morning, Mr. Witness.

12 Sir, you testified earlier this morning that when you were very
13 young you were a monk, but you were defrocked. Can you give us a
14 little bit more details about what happened when you were
15 defrocked?

16 MR. CHIN SAROEUN:

17 A. At that time I was a monk but I also worked like ordinary
18 people, and later on I was defrocked. And Angkar assigned me to
19 work as the commune <clerk>.

20 Q. Do you recall when it was that you were defrocked?

21 A. I was defrocked after the liberation.

22 Q. Are you talking about the capture of Phnom Penh in April 1975;
23 it was after that?

24 A. Yes, it was after the 17 April 1975 that I was defrocked.

25 [10.53.10]

1 Q. Were you told why Angkar forced you to give up your robes as a
2 monk?

3 A. I did not know much about the reason behind it. But I was told
4 to leave the monkhood because the regime said that there would be
5 no more monks in the regime.

6 Q. In the various places you lived after April '75, including
7 Mondolkiri, was this true of other monks? Did the regime, the
8 Khmer Rouge regime, Angkar, force all monks to defrock?

9 A. I did not know about what would happen in the distant
10 districts from mine, but as for all monks in <the pagoda with
11 me,> including the chief <of> monks and the novices, all were
12 defrocked.

13 Q. In your heart, did you remain a Buddhist during the regime?

14 A. Yes. I was very regretful because when I entered the monkhood,
15 I did not ever think of leaving it. But because the situation at
16 that time required us to defrock, so we had to follow. I still
17 <believe in> Buddhism <>.

18 [10.55.25]

19 Q. Were you allowed to openly practice Buddhism in any way,
20 praying for example or traditions about funerals or marriages?

21 A. At that time we were not allowed to use incense lights and
22 there <were> no religious rituals either. It was completely
23 different from nowadays when we see religious rituals conducted
24 for dead people.

25 Q. Sir, what view do you have about the leaders of the

1 three-year, eight-month regime, about the Angkar leaders?

2 A. During the period of the roughly <> three years, after I left
3 the monkhood, I was assigned to be the commune <clerk>. And at
4 that time the commune recruited youths - the good youths that did
5 not have any connection to former tendencies. And they were sent
6 to work as factory workers.

7 <But all of> my forces were later on relocated to Phnom Penh and
8 Chhin came to receive my forces <at Phnom Penh's railway
9 station>.

10 [10.57.36]

11 Q. Okay, thank you.

12 What I am asking you is your view overall of the regime and its
13 leaders. Do you like them? How do you feel about them? You talked
14 about that in your interview and I am just curious for you to
15 explain that to us.

16 A. Based on my understanding, the regime did not allow <us to
17 practise> religion and they used labour without respecting the
18 labour rights as we do right now; <for instance, child labour.
19 Even before I was defrocked, I was instructed to dig canals and
20 build dams; and even after I was defrocked and worked at the
21 commune, I was still instructed> to <dig canals and> build <>
22 dams. <In addition, we did not have enough food to eat>.
23 And after we finished our working sessions, we were given
24 porridge <with water lily> to eat.

25 And as I said, there were no rights for labour and for religion

1 and we were all required to work and after finished our working
2 sessions, we were given porridge <with water lily> to eat.

3 Q. You mentioned this morning something about how the regime
4 treated the family of those they felt made a mistake. Can you
5 explain that?

6 A. During the regime - let me give you an example. For example,
7 <> I was a soldier, <and had I joined the People's Republic of
8 Kampuchea>, and then my wife and children <would have been>
9 arrested, <and detained>. That meant that when the husband
10 committed wrongdoing and then the wife and children would be in
11 trouble.

12 [11.00.38]

13 Q. You used the word in your interview about revolutionary. You
14 used the word or term "revolutionary affiliation". Can you
15 explain how the regime used that principle of revolutionary
16 affiliation and how it affected people's lives?

17 MR. PRESIDENT:

18 Counsel, you may proceed.

19 MR. KOPPE:

20 An objection; insofar that the witness can only testify as to
21 what it meant for him and the people that he knew personally, he
22 cannot answer this question in general terms.

23 [11.01.29]

24 BY MR. KOUMJIAN:

25 That's quite interesting. When counsel was asking him about what

1 happened around the country in conflicts with Vietnam, and his
2 reaction to what the district chief said about that.

3 Q. So Mr. Witness, what -- obviously I am asking you what you
4 learned during the regime. What was -- how did the regime treat
5 those, use that term "revolutionary affiliation" and how did it
6 treat those who were related to people it considered its enemies?

7 MR. KOPPE:

8 It's the same question so I need a ruling. He can testify as to
9 what happened to him and people he knew. He cannot testify in
10 general as to what happened to people in the regime.

11 MR. KOUMJIAN:

12 Perhaps we should strike all the testimony this morning
13 particularly about Svay 100 kilometers away that the witness had
14 no knowledge of, that counsel asked him about, if that's his
15 view.

16 [11.02.39]

17 JUDGE FENZ:

18 It would appear that the question can be asked. When the answer
19 comes we can obviously ask him, provided it goes beyond his own
20 knowledge, where his knowledge is coming from. We have had the
21 debate before.

22 BY MR. KOUMJIAN:

23 Q. Sir, what did the term mean to you during the regime, the
24 issue of revolutionary affiliation? Can you explain?

25 MR. CHIN SAROEUN:

1 A. I did not know much in relation to matters concerning the
2 revolution. And as I have testified from the outset, the country
3 after the war had to be rebuilt and I, myself, was not familiar
4 at all with the policies regarding this matter.

5 [11.03.55]

6 Q. Okay. Let me ask you then to explain, to read something you
7 said in your statement, and then I want to ask you some questions
8 about it. You had said in your statement and this is at Khmer,
9 00042517; in French, at 01249779; and in English, at 012497 -- I
10 can't read. I believe it's 57 -- 01249757.

11 You said, "I hate the leaders of the three-year regime."

12 You said: "I hate them because they gathered the people in all
13 the villages to work but they did not give them enough to eat.

14 "The second reason I have is because of the issue of
15 revolutionary affiliation. Say, for instance, you are my elder
16 brother. If they found out, I, your younger brother or my father
17 had any affiliation with the enemy, all the family members were
18 regarded as enemies. That was a mistake."

19 And you said: "When a person did something wrong, they would be
20 killed."

21 Is that -- can you explain? Did you -- what made you have this
22 view of the regime and the way they treated family members of
23 enemies?

24 [11.05.40]

25 A. Allow me to respond to your question in relation to that

1 regime.

2 I said that I hated the regime. First, the country <that> used to
3 practice religion was no longer allowed to do that as there were
4 no longer any monks.

5 Second, we were forced to engage in hard labour without any
6 provision of sufficient food.

7 Third, if an elder brother or younger brother or sister had an
8 issue, not only <would that> person be in trouble, but all family
9 members would be in trouble, and I did not like that.

10 And you may ask me the reason <for> that dissatisfaction <and>
11 why I continued to be in the movement until Vietnamese troops
12 arrived in Cambodia and that I should <have returned> to my
13 native village.

14 Q. Sir, I am not going to ask you that. I understand you were a
15 teenager throughout the regime. So let me just -- but I would
16 like to ask you is to explain: did you ever see it happen that a
17 person was arrested and accused of betraying the regime and they
18 also arrested the person's family?

19 [11.08.00]

20 A. My apology if my previous response was not clear to you. Allow
21 me to give you an example.

22 I was at the western part of the border and there was <a> person,
23 Reth (phonetic), <who was part of Division 916>, and I would use
24 him as an example. And I would tell you from my personal
25 experience, <after> Reth (phonetic) <joined> the government <of

41

1 the People's Republic of Kampuchea> in Siem Reap, he was
2 <released, but> later on his wife and <children> were <> detained
3 <at a location>. And that is the case when the husband had an
4 issue, the wife <> had to be detained <>.

5 At that time they were detained at a location known as Au Keng
6 Kang (phonetic) in Anlong Veaeng area. And this is a case that I
7 would like to provide to you.

8 Q. Sir, let me ask you about, did you ever drive in a car that
9 had the plate "502" on it when you were in Mondolkiri?

10 A. I did not drive that vehicle. However, the unit stationed at
11 the border had a vehicle with a plate number 502. And there was a
12 driver for that vehicle and the vehicle belonged to Unit 502. But
13 in my previous statement it refers to 52, but in fact it was 502.
14 [11.10.19]

15 Q. Sir, how did the people, the ordinary people, react when they
16 saw that car with that 502 plate?

17 A. For people living in the district, when they saw the vehicle,
18 they would immediately <know> that there were problems into the
19 district.

20 And that vehicle did not produce <a loud> noise. And usually if
21 the vehicle arrived, then the people concerned would not have
22 time to escape. And people were afraid of seeing that vehicle
23 because they did not hear it from afar but they only saw it when
24 it already arrived.

25 Q. But why did that vehicle cause people to be afraid? What did

1 it mean when they saw that vehicle? Did the vehicle do something
2 or people inside the vehicle? Were they afraid of the -- why were
3 they afraid of them?

4 [11.11.53]

5 A. The instruction came from the sector committee for the
6 deployment of their vehicle. And it was used to call or to pick
7 up someone who <had> committed an offence. Usually the vehicle
8 would be driven to the house of the concerned person. And that is
9 the reason people were afraid of seeing that vehicle.

10 During the regime people lived in constant fear. And if they even
11 committed a minor offence, they would be concerned that they
12 would be arrested by Angkar. That's why people were afraid when
13 they saw that vehicle.

14 And that's what I also stated in my previous statement.

15 Q. During the time that you were in Mondolkiri, were many people
16 arrested?

17 First, let's talk about civilians. Were many civilians arrested?

18 A. As I have stated earlier, I did not know much about the
19 civilian side since I was posted along the Vietnamese border to
20 the eastern part of the country. So <what> happened with the
21 civilians in <villages, communes or districts> were beyond my
22 knowledge.

23 [11.13.54]

24 Q. Let me ask you about the soldiers. Were many soldiers
25 arrested, either sector soldiers or division soldiers or both,

1 and accused of being enemies?

2 A. I can say only about what happened in my unit. And as I have
3 outlined, the distance from Kaoh Nheaek district to <Krang Teh>
4 where I posted was a little bit over 100 kilometres.

5 However, 100 kilometres distance at the time was very far and we
6 did not learn much about what happened at the district. <My unit
7 did not lose any members, there were sufficient food, and> I
8 focused on working and accomplishing the tasks that I was
9 assigned to while I was at the area protecting the border.

10 Q. So were your -- was your unit involved in any arrests or any
11 members of your unit arrested?

12 A. There was no arrest in my unit and we also did not involve in
13 any arrests of other people. Our unit was separate.

14 The provincial office was at Kaoh Nheaek district while we were
15 at the border. And if there were any concerns or issues in
16 relation to the border area, then we would be assigned to deal
17 with those issues.

18 [11.16.10]

19 Q. Okay. I want to go back then. I want to change subjects and
20 talk about something else for a moment.

21 You talked about people coming into Mondolkiri from Vietnam.

22 First of all, most of the people from Mondolkiri, what was their
23 ethnicity? Were they Khmer or did they belong to tribal groups?

24 A. In Mondolkiri, the majority of the people were ethnic
25 minorities. And there were 11 of those ethnic minority groups

1 including Phnong, Jarai, Lao, Tumpoun, <Kavet>, Kuy, Stieng, etc.
2 As for the Khmer people, they were in the minority and only when
3 <my> group arrived then <was> there a large number of Khmer
4 people. And besides that, many people in the province belongs to
5 the ethnic minority groups.

6 [11.17.35]

7 Q. And do you know if these ethnic minority groups also lived on
8 the other side of the border in Vietnam?

9 A. There <were> none of them during the regime periods. They all
10 gathered to live in Kaoh Nheaek district, and there were only
11 soldiers living and posting along the border area.

12 Q. Sorry. Perhaps there is some misunderstanding about my
13 question. My question is, these people, like Jarai and Phnong,
14 did they also live in Vietnam in addition to living in
15 Mondolkiri? Were there Jarai and Phnong and other ethnic
16 minorities on both sides of the border?

17 If you don't know, you can just say so.

18 A. I did not know about the situation in Vietnam. I could only
19 say about the situation in Cambodia, in particular in Mondolkiri
20 province, <there were ethnic minorities>.

21 In the period prior to the war, those minority people lived in
22 their respective villages and they worked <on> a plantation.
23 However, during the three-year period, Angkar gathered them all
24 and had them live in Kaoh Nheaek district. They were not allowed
25 to live in their previous villages. They had to live in a place

1 in Kaoh Nheaek district.

2 [11.19.35]

3 Q. Do you recall, sir, if in 1976 and '77 members of a group
4 called FULRO came into Mondolkiri?

5 A. As for the resistance movement of FULRO, not only <had> I
6 heard about it but I saw them. That was during 1976-'77 and early
7 '78. The forces actually came from the Vietnamese side and they
8 were referred to as the FULRO movement.

9 Q. Who were these FULRO people?

10 A. I did not know who led the FULRO movement. There were Jarai
11 people, Rhade and Kacho people involved in the FULRO movement
12 .There were other minority people involved in this movement, <but
13 I only recall Jarai, Kavet and Kacho>.

14 Q. So did you sometimes refer to them as Vietnamese soldiers?

15 [11.21.30]

16 A. Initially, when the FULRO forces arrived at the border, we
17 assumed that they were the Vietnamese forces and we did not know
18 that FULRO was part of a resistance movement. However, after they
19 made contact with my superior, Kham Vieng, <he understood the
20 ethnic language, and> he told us that they were part of a
21 resistance movement belonging to the Vietnamese ethnic minorities
22 and their plan was to liberate their <territory>. That's how we
23 learned about this FULRO movement. But initially in <late> '76
24 <and early> '77 when we encountered them, we presumed that they
25 were Vietnamese forces. <They looked like Vietnamese people, but

1 they were ethnic minorities such as Rhade and others>.

2 Q. Sir, when you were told about Svay, you said that you were 100
3 kilometres away and you never actually saw these 12 people that
4 your commander said were soldiers. Is that correct?

5 A. Yes, that is correct. I did not see them. And as to the number
6 of 12, that's how I learned through the information dissemination
7 from my commander. But personally, I did not see them.

8 [11.23.10]

9 Q. And you don't know then whether your commander was telling you
10 the truth about them or not, do you?

11 A. Through my observation, <> what he disseminated <was true>,
12 and later on Vietnamese troops came to Kampuchean territory.
13 And later on through my conversations with people residing in
14 Kaoh Nheaek district, they spoke about the same thing. So the
15 information was correct.

16 Q. Well, what we've heard this morning is that there was evidence
17 that people were eating noodles and that they ran back to
18 Vietnam. There was nothing about a battle. Is that what you heard
19 at the time? You didn't hear anything about any fighting,
20 sabotage, just that there was a meeting with food. Is that
21 correct?

22 A. I did not know details regarding this matter.

23 Q. Did you know the ethnicity of Svay? Do you know if he was
24 Jarai?

25 A. From what I heard from other people, he was mixed Jarai and

1 Tumpoun, but I did not know whether his mother was Jarai or <his
2 father was> Tumpoun.

3 [11.25.12]

4 Q. When your commander was telling you about these 12 soldiers,
5 he was telling you why they killed the district governor, Svay;
6 is that right? He was trying to explain why they killed the
7 district governor?

8 A. Regarding the information disseminated by my commander to my
9 unit, he did not say that Vietnamese forces killed Svay but he
10 said that the Vietnamese group <was> affiliated with Svay and
11 Svay was killed by someone else.

12 Q. Well, your commander was telling you why Angkar had chased
13 after Svay to kill; is that correct, why he was arrested -- they
14 attempted to arrest him? Is that right?

15 A. I did not know the details about that. However, when he
16 returned he told us that Svay concealed 12 Vietnamese near his
17 house.

18 And as I said, we were tasked differently. For example, 501 was
19 responsible for the <provincial> matters while 502 was posted
20 along the border area, <so my unit based at the border did not
21 know details about internal matters>.

22 [11.27.04]

23 Q. And you don't know, or if you know tell us. Do you know
24 whether or not these 12 Vietnamese were FULRO who were meeting
25 there with people from Mondolkiri and eating?

1 A. I took an oath before the Iron Club Statue that I only tell
2 the truth from my experience and from what I heard and what I
3 saw. Regarding this matter, I only heard people talking about the
4 12 people and I did not know whether they were Vietnamese or they
5 were members of FULRO.

6 And as I said earlier, initially I did not know about FULRO and
7 <it was> only later on that I learned about the FULRO movement by
8 the ethnic minorities from Vietnam.

9 [11.28.19]

10 Q. I think I have time for one more question.

11 So earlier this morning counsel read to you from the interview by
12 DC-Cam with your commander, Lan, San Lan. That's E3/7822. And I'd
13 like to explain -- to read a bit more. This is from the interview
14 at Khmer, 00229231; French, 00665354; and English, 00667377.

15 Lan told DC-Cam that -- quote: "They accused Svay of letting
16 people contact the Vietnamese. In fact, they had all been in
17 contact with the Vietnamese.

18 "They wanted to cover up the evidence for everyone. Svay did not
19 understand and he was angry.

20 "He was so angry because everyone participated in the meeting."

21 And then going ahead seven pages he said: "It was Lang who had
22 the reason to meet with the Vietnamese. But since they met behind
23 Svay's house, Svay was accused."

24 Now, do you know whether or not what Lan is talking about is a
25 meeting among the leadership of the sector or district with FULRO

1 or other elements or other refugees from Vietnam, perhaps
2 opponents of the Vietnamese regime? If you don't know, just say
3 so.

4 A. I <do> not know anything about this. As I said, I only learned
5 of that bit of information after my commander told us that Svay
6 concealed the Vietnamese. He didn't say anything about FULRO. He
7 only said that Svay took in 12 Vietnamese to hide nearby his
8 house.

9 [11.30.54]

10 MR. PRESIDENT:

11 Thank you, Co-Prosecutor.

12 It is now convenient for our lunch break. We will take the break
13 now and resume at 1.30 this afternoon to continue our
14 proceedings.

15 Court officer, please assist the witness at the waiting room
16 reserved for witnesses and experts during the break time and
17 invite him back into the courtroom at 1.30 this afternoon.

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

21 The Court is now in recess.

22 (Court recesses from 1131H to 1330H)

23 MR. PRESIDENT:

24 Please be seated.

25 Now, I give the floor to the Co-Prosecutor to continue putting

1 questions to the witness.

2 [13.31.47]

3 BY MR. KOUMJIAN:

4 Q. Good afternoon, sir.

5 I just want to go back to a document that defence counsel read
6 part of to you this morning, and that's E3/799. As he explained,
7 he was reading from a speech of Son Sen at this meeting of 7
8 September 1976, and on the page before he read in English -- the
9 same page in Khmer and French. In English it's 00184780.

10 Son Sen said this at the meeting: "Vietnam itself is having
11 internal difficulties. The people have no work, prostitutes
12 abound. There is no money. They go around begging for money and
13 they have conflicts among themselves."

14 So what I wanted to ask you is did your -- as being a member of
15 the sector forces, did you become aware from your superiors or
16 otherwise that there were these internal conflicts going on in
17 Vietnam at that time?

18 MR. CHIN SAROEUN:

19 A. I cannot get your question.

20 [13.33.06]

21 Q. Sorry. Let me try to simplify it.

22 Thank you. So let me start again.

23 Can you hear me, sir?

24 Okay, good afternoon.

25 What I was asking you about was a speech we heard this morning

51

1 from Son Sen. But in that speech he said in 1976, Vietnam itself
2 is having internal difficulties and they have conflicts among
3 themselves.

4 In your position as sector military at the border, did you see
5 some evidence of that, of Vietnamese conflicts maybe from people,
6 refugees coming over into Cambodia?

7 A. I was assigned to defend the border and I knew that the
8 Vietnamese forces entered Cambodia in 1977-'78.

9 [13.35.00]

10 Q. Well, I want to ask you about refugees fleeing the government
11 of Vietnam. So let me go to another document and get your
12 reaction.

13 And this is E3/1664. It's a book entitled, "Khmer Rouge Purges in
14 the Mondolkiri Highlands" by Sara Colm and Sorya Sim. I want to
15 read to you from page 98 and that book is not translated, so I'll
16 just give the pages of the book. It's stated that -- it's in
17 chapter--

18 JUDGE FENZ:

19 I'm sorry, a reference, the "E" number?

20 BY MR. KOUMJIAN:

21 Okay. The ERN number is 00397671. It's page 98. It's only -- it's
22 not translated. This part is not translated.

23 [13.35.58]

24 Q. In Chapter 10, the quote I'm coming -- then reading is from
25 chapter 10 which is entitled: "Purge of the Bunong Border

1 Crossers" and it says that: "Other Bunong were executed because
2 they had family members in Vietnam. Simply requesting to visit
3 relatives in Vietnam could draw suspicion. The father of a Bunong
4 man named Priel, who stayed in Cambodia after his wife fled to
5 Vietnam was executed after asking permission to visit her."
6 So did you see any people arrested from these tribal minorities
7 simply because they went to visit relatives in Vietnam or had
8 relatives in Vietnam?

9 MR. CHIN SAROEUN:

10 A. I was not aware of this matter.

11 Q. Okay. Let me just ask you what was the orders that you
12 received if you found civilians crossing from Vietnam into
13 Cambodia?

14 A. No. I never saw <them>.

15 [13.37.32]

16 Q. Did you have any orders about what to do if people were
17 crossing the border one way or the other; do you recall?

18 A. <No incidents> took place. It was only in 1978 that there were
19 people from Vietnam coming in and <Angkar> sent them <to Phnom
20 Penh, and they were not harmed. However,> I did not know where
21 they were sent <> to. <Actually, there were one or two persons
22 crossing the border, and if they were FULRO, they would be sent
23 to commune or district-->

24 Q. Thank you. I want to go back to FULRO which you've mentioned
25 in your testimony this morning and also in your statement, and

1 read to you some excerpts from the chapter of the same book on
2 FULRO. So this is from page 111. The English ERN is 00397684.

3 "With the reunification of Vietnam on April 30, 1975,
4 highlanders in Vietnam who had worked with US Special Forces or
5 FULRO were sent to re-education camps. Many highlanders in
6 Vietnam quickly became disaffected with the new regime because of
7 its policies of sedentarization - [that means keeping people in
8 one place] - re-education and assimilation of tribal minorities;
9 creation of new economic zones; and relocation of ethnic
10 Vietnamese to their ancestral lands."

11 [13.39.41]

12 Did you ever hear any of the ethnic minorities living in
13 Mondolkiri talk about these problems; the persecution that their
14 relatives were suffering in Vietnam?

15 A. I did not <know> nor hear about <that> either.

16 Q. And just so one thing is clear for everyone listening, is it
17 correct that your ethnicity is Khmer and you do not speak any of
18 the tribal languages; you only speak Khmer?

19 A. I don't know the languages of the ethnic minorities, but in my
20 unit there were people who could speak <the tribal> languages and
21 they interpreted for me.

22 [13.40.58]

23 Q. Thank you.

24 And then on the next page from what I read previously, in the
25 same chapter on FULRO it says: "It was not long before FULRO

1 forces, many of whom fled to the forest after the final defeat of
2 South Vietnam, began to resurrect their guerilla movement. This
3 time FULRO's resistance was directed against Hanoi."

4 When Viet - quote: "'When Vietnam was liberated, FULRO was
5 located in many places, in small groups' said a Bunong born in
6 Vietnam. 'They thought they would be able to topple the
7 Vietnamese.'"

8 Let me go to complete this, what it says on the same page.

9 It indicates that: "By 1977, FULRO began to seek support from the
10 Khmer Rouge in their armed struggle against the new regime in
11 Vietnam. Sadly, they did not realize that the Khmer Rouge had
12 executed their top leaders two years previously. In 1977, the two
13 groups reportedly signed an agreement for exchange of information
14 and training. And in 1978, a FULRO combatant denounced Ho Chi
15 Minh over Radio Phnom Penh."

16 Ieng Sary, then foreign minister for the Khmer Rouge, said in
17 1979 - quote: "The FULRO approached us for cooperation to
18 exchange intelligence, military experience and get guerilla
19 training."

20 [13.42.49]

21 Sir, did you receive any information when you were stationed
22 there at the border -- I realize you were just a teenager --
23 about the agreements and negotiations between FULRO and the Khmer
24 Rouge regime?

25 A. I was not aware much about the relationship between them. What

55

1 I knew was <that> when I met them and asked them and <if> they
2 told us they were part of FULRO<, then> they <would be> arrested
3 and sent <to the provincial level through the village and commune
4 level>.

5 So regarding their relationship, I did not know much.

6 [13.43.57]

7 Q. Okay, thank you.

8 Can you explain a bit about the FULRO that you saw that were
9 arrested? You said they were sent. Sent to where?

10 A. When we received the forces, whether <it was> one person or
11 two, we would send them to Kaoh Nheaek. Kaoh Nheaek <was> the
12 provincial <town> during the regime. <I only knew that they were
13 sent from the border to the provincial town>.

14 MR. KOUMJIAN:

15 Thank you.

16 Now, there is a photograph I would like the witness to see
17 briefly. It 's -- has an E3 number of 8639.3944. I have many hard
18 copies, or we could put it on the screen, whatever Your Honours
19 can -- is technologically best.

20 MR. PRESIDENT:

21 Yes. You may proceed.

22 [13.45.22]

23 MR. KOUMJIAN:

24 I do have extra copies if counsel would like them.

25 (Short pause)

1 [13.45.42]

2 BY MR. KOUMJIAN:

3 Q. Sir, this is a photograph of a man and we know from S-21
4 records that his name is Binh -- B-I-N-H-E-Y -- that's spelled
5 with a "Y" -- Ban, Binhey Ban.

6 Do you recognize the patch that appears to be a flag that he is
7 wearing above his pocket on his left side?

8 MR. CHIN SAROEUN:

9 A. I have never seen this picture before and I cannot comment on
10 it.

11 Q. Did you ever see the FULRO flag?

12 A. The patch that the FULRO used was similar to this one.

13 [13.46.56]

14 Q. Thank you.

15 So I want to go back for a moment to Svay, and you talked about
16 having been told by your commander that he was arrested because
17 of 12 Vietnamese that were in the village. And it was read to you
18 that he had been at a meeting where there were noodles were
19 served to these people.

20 I want to read to you from other testimony that occurred in this
21 Court on 28 March 2016, this year. The document number is
22 E1/409.1.

23 And just before 3.30 in the afternoon, the witness--

24 MR. PRESIDENT:

25 Could you please repeat your ER number, please?

1 [13.47.49]

2 BY MR. KOU MJIAN:

3 It's a transcript, court transcript. So the document number is
4 E1/409.1.

5 The witness Bun Loeng Chauy , testified just before 3.30 in the
6 afternoon. He said the following: "Ham, Ta Sarun and Kham Phoun
7 accused Svay of hiding the Vietnamese spies. Svay was questioned
8 in a meeting and he said that he did not hide any Vietnamese.

9 "In fact, Svay had a relation with a member of FULRO and not the
10 present Vietnam. I learned this from an individual who used to be
11 with Svay."

12 Had you ever heard that that Svay had -- that the -- that Svay
13 had -- was involved in conversations with FULRO?

14 A. I did not know at all about the matter that you just talked
15 about.

16 Q. This morning my colleagues and I heard things slightly
17 differently. I just want to clarify with you.

18 I believe when I was asking you about Svay and the ethnicity of
19 the 12 people, you said you later learned that the 12 people were
20 -- what did you say?

21 A. For the 12 people, I did not <mention> their ethnicity, but I
22 was asked about the ethnicity of Svay. And I answered that he was
23 Jarai-Tumpoun. As for the ethnicity of the 12 people, I did not
24 know.

25 [13.50.19]

1 Q. Did you say that you later learned the 12 people were FULRO?

2 A. When I received the information from my commander who shared
3 the information, he did not say that they were FULRO. He simply
4 said that <there were 12> "Yuon" <coming in>.

5 Q. But I understand that this morning that you said later that
6 you learned some additional information about them. Is that
7 correct? Did you later learn what group they belonged to?

8 A. In this morning I did not say something beyond what I told
9 about the 12 men. At the time that my commander told us, he said
10 that they were "Yuon".

11 And later on, my commander <instructed that if they said that>
12 they were part of the FULRO movement, <> we needed <to send them
13 up through the line, we did> not <need> to cause any harm to
14 them.

15 [13.52.05]

16 Q. I see. Thank you very much.

17 Now, I want to ask you about some other documents we have and
18 some of the language that's used in that. The first one is a
19 document E3/1022.

20 And it's a telegram to Brother 89 who we believe is Son Sen. And
21 in the document it says in the first paragraph: "I would like to
22 report the situation at the border.

23 "They have deployed their front troops along Au Dak Dam,
24 including all types of weapons. And they told us that in four
25 days they would be deploying on our soil five kilometres [away

1 from their border]. They also said that their army is the army of
2 Thieu and told us to withdraw."

3 Do you know what the army of Thieu was? Is that the former
4 president of the anti-communist South Vietnamese regime, Nguyen
5 Thieu?

6 A. I did not know about this issue either.

7 [13.53.48]

8 Q. Okay, thank you.

9 Let me ask you about another telegram. This is E3/1204, Telegram
10 34, and it's addressed: "To the respected and beloved M-70"
11 (sic).

12 In the fifth paragraph it says: "Three people who escaped from
13 Stung Treng were the real enemies, who" were holding, excuse me,
14 "as they were holding Sihanouk pictures. One of them called Chour
15 was a soldier in the Northeast Zone. It is now up for a decision,
16 either to purge them here or send them to the Northeast Zone."

17 Did you receive any orders or observe any actions by the Khmer
18 Rouge forces in your area to purge people who supported Sihanouk?

19 A. I was not aware of it.

20 [13.54.58]

21 Q. Thank you.

22 Another witness testified on the 10th of March of this year, and
23 this document is E1/399.1. At 11.28 in the morning he was asked
24 if there were any Vietnamese in his district between April '75
25 and '78 and Chan Tauch, the witness from Mondolkiri answered:

60

1 "Based on my observation, there were none because the regime, at
2 that time, practised a very strict policy. Every single
3 Vietnamese were singled out and taken away to be killed."

4 So my question for you, sir, is: From what you observed, what was
5 the policy towards ethnic Vietnamese? I'm not talking about
6 ethnic minorities that come from Vietnam, such as the Phnong,
7 Bunong, or Jarai; ethnic Vietnamese.

8 Was there any policy towards them to allow them to live or to
9 kill them?

10 A. I did not know much about the details related to this issue.
11 For the study sessions that I attended in my unit, it was mainly
12 about the productions of rice and the defence of our territory.
13 [13.56.54]

14 Q. Okay. Thank you.

15 And just one more telegram that's related. This is E3/877. Again,
16 it's "To the Beloved and Missed 870"

17 And on the first paragraph it indicates that: "On 20 May 1977, on
18 the Dak Dam spearhead, a 'Yuong' was smashed on the spot."

19 The second paragraph: "On 18 May 1977, Division 2 arrested two
20 'Yuong' on the Kaev Seima and Sre Preah spearheads. They were just
21 contemptible Thieu-ists, one second and one first lieutenant.
22 They asked to go to France."

23 And at the bottom of this telegram which is signed by Chhan, it
24 says, "P.S: The problem of these contemptible 'Yuong' has already
25 been decided."

61

1 Do you know whether even anti-Hanoi regime Vietnamese officers of
2 the former anti-communist Thieu regime who fled into Cambodia
3 were arrested and killed by the Khmer Rouge regime?

4 A. I did not receive any information about the issue that you
5 have just raised.

6 [13.58.35]

7 Q. Okay, thank you. And then there is another subject which I
8 will only ask you about if you have any knowledge.

9 Sir, did you ever have a visit or have anything to do with the
10 security office at Phnom Kraol, at the Phnom Kraol mountain?

11 A. I was not much aware of what happened at the security office
12 at Phnom Kraol. The area was not <very> far, but <it seemed so
13 far away back then>. So I cannot give any other comments <because
14 I did not witness it with my own eyes, I only heard about it>.

15 Q. Did you hear anything about what kind of people were detained
16 in Phnom Kraol security centre?

17 A. Let me answer frankly that I heard about it, but I did not
18 witness it with my own eyes.

19 I heard about it through <people who went there with> my
20 commander <> and when they came back, they shared the information
21 with us. So that was the security office at Phnom Kraol.

22 [14.00.29]

23 Q. Okay. Do you remember any of that information? Can you tell us
24 what your commander told you? Did he explain what kind of people,
25 how many people were detained there; whether they were ever

1 released or whether they were smashed?

2 A. I did not know the details regarding this matter.

3 Q. Okay, thank you.

4 Sir, you've told us that at the time of the regime that you were
5 born in '59 so you would have been 16 to 19 between 1975 and 1979
6 during that regime -- 1978 during that regime. Was it -- what was
7 the average age of your fellow soldiers or what was the age range
8 of your fellow soldiers?

9 A. The age range was below 20 years old.

10 [14.01.48]

11 Q. Below 20 -- sorry. Below 20 beginning at what age; how young
12 were the youngest of the soldiers?

13 A. The age range <was> between -- was between 17 to 20 years old.

14 Q. Can you tell us if these soldiers, you and your colleagues,
15 obeyed orders, followed what you were told in political sessions?
16 And if so, can you explain to us a little bit what it was like at
17 that time and why people followed these orders?

18 A. Allow me to respond to your question. We, combatants, who were
19 under 20 years old, received instructions from <the unit> that
20 the war had just ended and we <had> to rebuild our country, and
21 in the future we would be sent to defend our nation.

22 And that message was passed on to us when I was still in a mobile
23 unit and at that time we had to engage in rice production at the
24 rear.

25 Q. Was there any discipline for those that disobeyed orders?

63

1 A. Generally speaking, I cannot say about the situation <> at the
2 provincial level. However, <as for> my unit <which was based at
3 the border>, there was no punishment or sanction. If a mistake
4 was committed, the person would be called in and advice would be
5 given to him for him to refashion himself.

6 [14.04.39]

7 Q. I just had one other question in relation to your last answer.
8 There are records that the Court has obtained from S-21 about --
9 that include, for example, the arrests of people from Division
10 920. And in fact, in the book that I was reading from early --
11 earlier about purges of Mondolkiri, there is a list, I believe,
12 of about 400 names of soldiers from 920 who were sent to S-21.
13 Can you tell us, do you know why all of these people from
14 Mondolkiri were killed?

15 JUDGE FENZ:

16 And while he is thinking, could we get a reference, please?

17 (Short pause)

18 [14.05.55]

19 BY MR. KOUMJIAN:

20 There is "Appendix D, S-21 Executions from Region 105". The list
21 begins on ERN page 00397712 and it ends on ERN 00397726.

22 Q. Sir, my question is just if you had any knowledge of why all
23 of these people from Mondolkiri were sent to Phnom Penh and
24 killed?

25 MR. CHIN SAROEUN:

64

1 A. After I was transferred from Division 920 to Sector 105, that
2 is, in Battalion 502, I no longer had any knowledge regarding
3 what was going on with Division 920.

4 MR. KOUMJIAN:

5 Thank you, sir. Thank you, Mr. Witness and Your Honours. I am
6 finished my questions. Thank you.

7 MR. PRESIDENT:

8 Thank you.

9 Co-Prosecutor?

10 [14.07.38]

11 MS. SONG CHORVOIN:

12 Mr. President, since we have a little bit of time left for the
13 Prosecution, I have a small area that I would like to explore
14 with the witness, with your permission of course.

15 MR. PRESIDENT:

16 You may proceed.

17 [14.08.05]

18 QUESTIONING BY MS. SONG CHORVOIN:

19 Thank you, Mr. President.

20 Good afternoon, Your Honours. Good afternoon, everyone in and
21 around the courtroom.

22 Q. And good afternoon, Mr. Witness.

23 I have a small area that I would like to explore with you
24 <regarding forced marriages>. During the Democratic Kampuchea
25 regime, and based on your interview with DC-Cam, and <regarding>

1 your marriage during the DK regime, can you tell the Chamber in
2 which year you got married?

3 MR. PRESIDENT:

4 Witness, please observe the microphone.

5 MR. CHIN SAROEUN:

6 A. Regarding forced labour, the life and the conditions <were> so
7 miserable, as I explained to the interviewer. I was young and I
8 was forced to work hard with little food provided.

9 [14.09.25]

10 BY MS. SONG CHORVOIN:

11 Q. I am sorry to intervene, Mr. Witness. I am asking you about
12 marriage and not about your work.

13 Can you tell the Chamber whether you got married during the DK
14 regime and, if so, do you recall which year you got married?

15 A. I cannot recall the day or the month, but I got married in
16 1977.

17 Q. And can you tell the Chamber about your wife? Did you
18 volunteer to marry her or <was> the decision to marry her was
19 made by someone else?

20 A. It was my commander who asked me about that. He did not force
21 me but he asked me. And that's what I stated in my previous
22 statement that these things happened to soldiers in my unit
23 <only>. I was asked by my commander and I was not forced.
24 However, I was one amongst the 16 couples who were arranged to
25 marry on that particular day.

1 And actually at that time we were provided with some food, that
2 is, beef and some chicken.

3 However, it was not a traditional ceremony. There was no
4 <"achar"> involved and we just sat opposite one another.
5 [14.11.14]

6 Q. Who was your wife? Was she a Cambodian or was she a person of
7 ethnic minority and from when you became to know her?

8 A. If I want to respond in detail, this is going to take quite a
9 long time.

10 <The reason that> I left 920 to <go to> Sector 105 <was> to
11 increase the population <in Mondolkiri province>, and the plan
12 was for us, the Khmer men, to marry the minority <women> there
13 <and vice versa>.

14 So at that time, <there were> 50 <women and> 50 men <working in
15 the unit, and they were from the district>. I did not marry an
16 ethnic woman, but I married a Cambodian woman <who was from the
17 district> instead.

18 Q. So there was a plan <> for Cambodian men to marry minority
19 women and vice versa? And can you tell the Chamber whose idea was
20 it and from which level such plan was conceived?

21 A. There was no written instruction, however, it was relayed from
22 one to another, and the plan was for us to re-integrate ourselves
23 with the ethnic minority people.

24 [14.13.18]

25 Q. And those Khmer men who had to marry the ethnic minority

1 women, did they have to speak the languages of the ethnic
2 minorities?

3 A. Although there was such a plan, it did not happen amongst
4 those in my unit. We actually married Khmer women.

5 Q. Can you give us an example as to which unit or anyone who
6 actually followed the plan through, that is, Khmer men to marry
7 the ethnic minority women?

8 A. I cannot say about other units, I could only say about my
9 unit. The plan was for us in the unit to follow, but we did not
10 do it, we only married Cambodian women.

11 Q. Since this morning you spoke about the difficult situation in
12 performing your task during the DK regime, can you tell the
13 Chamber the difficulty that you faced since you started working
14 in the mobile unit? Here I refer to the nature of the difficulty
15 in relation to your work and your living condition.

16 MR. PRESIDENT:

17 Witness, please observe the microphone.

18 [14.15.22]

19 MR. CHIN SAROEUN:

20 Allow me to repeat what I have stated and my <apologies> for not
21 observing the microphone.

22 I was put on a truck when we were leaving Kratie province and
23 there was no proper road, we had to follow a trail from Kratie to
24 Mondolkiri and we had to stop, build, or clear the road with our
25 hands and we <kept> moving on.

1 And it took us more than one month before a road could be cleared
2 for our trip to go to Kaoh Nheaek district and when we arrived
3 there, we had to build our own shelter. We cut bamboo to build
4 our makeshift shelter.
5 And the plan was for us to station there and to clear the area
6 for rice farming. It was all manual work.
7 We started to wake up in the morning at 5.00 when the whistle was
8 blown. We engaged in physical exercise in a military style by
9 then, and at 6 a.m., we washed <ourselves> and by 6.30, we ate
10 our meal and by 7.00, we went to the work site.
11 We raised <the> dyke and, as I said, the work was completely
12 manual; there <were> no <plows, cows, or> machinery to aid us.
13 Sometimes we had to sleep at the worksite due to exhaustion and
14 fatigue, and we rested for a little bit before we were asked to
15 work again.
16 [14.17.48]
17 And we stopped for lunch at 11.00, then we resumed our work by
18 1.30 and we continued until 5 p.m. We had meal and then we
19 resumed our work at <6.30 p.m.> We continued working until 11
20 p.m. And that put a lot of stress on our physical strength. Some
21 people could last only for up to 10 days <or 20 days>.
22 As for work <at night>, there was no light for us work. We had to
23 build fires in order to shed some light at the worksite for us to
24 work. Sometimes we stumbled and fell on the ground when we hit a
25 dyke.

1 So, we was over-exhausted from this manual work. In the morning,
2 we only had a porridge and for lunch we were given a small bowl
3 of rice.

4 BY MS. SONG CHORVOIN:

5 Q. In your interview with the DC-Cam, that is E3/10578; Khmer at
6 00042513; English is at <01249752 - 53>; French, <0124976> (sic);
7 you stated that, "They <didn't> care whether we had sufficient
8 food to eat or not." Can you elaborate a bit further on that
9 statement?

10 [14.20.12]

11 MR. CHIN SAROEUN:

12 A. They did not care whether we had sufficient food to eat or
13 not, the aim was for us to achieve the work quota imposed by the
14 upper echelon. And they did not care about the food that we were
15 provided and, of course, with a small bowl of rice, nobody could
16 ever <left any food uneaten>. It was not even enough for us to
17 eat.

18 MS. SONG CHORVOIN:

19 Thank you, Mr. Witness.

20 And, Mr. President, I have no further question for the witness.

21 MR. PRESIDENT:

22 Thank you.

23 I'd like now to hand the floor to the Lead Co-Lawyers for Civil
24 Parties.

25 [14.20.54]

1 MR. PICH ANG:

2 Thank you, Mr. President. And, Mr. President, with your
3 permission, I'd like to assign Counsel Ven Pov to put questions
4 to the witness.

5 MR. PRESIDENT:

6 Yes, counsel, you may proceed.

7 MR. VEN POV:

8 Good afternoon, Mr. President. Good afternoon, Your Honours. Good
9 afternoon everyone in and around the courtroom.

10 [14.21.22]

11 QUESTIONING BY MR. VEN POV:

12 Q. And, good afternoon, Witness. My name is Ven Pov. I am a
13 lawyer for civil parties. I have some questions that I'd like to
14 put to you in relation to your statement you made with DC-Cam.

15 And the statement that I refer to is E3/7960 and Khmer ERN is at
16 00851665, English is at 00450295, and French is at 00763898.

17 In your statement, you said Mondolkiri province or Sector 105 was
18 an autonomous sector. Could you explain to the Chamber why you
19 said that Mondolkiri or Sector 105 was autonomous?

20 MR. CHIN SAROEUN:

21 A. I stated that it was an autonomous sector because of the
22 administrative structure. Usually districts <formed> a province
23 and a province would fall under a zone, and <based on what my
24 superior told me,> the provincial governor would go straight to
25 Phnom Penh and not to the zone.

1 [14.23.05]

2 Q. So for autonomous sector, as in this case, <did> it <have>
3 more authority as it did not have to report to the zone level,
4 but directly to Phnom Penh. Am I correct?

5 A. Yes, that is based on what I knew. They made a direct report.

6 Q. And also in the same document, you stated that in late 1976
7 the sector military requested the New People to come and reside
8 in <Mondolkiri province> in order to increase the population.
9 Could you tell the Chamber about these New People? <Were> you
10 <referring> to people from <different provinces> or <were> you
11 <referring> to the 17 April People?

12 A. No, it was not meant for the 17 April people. As I stated,
13 while I was at the commune for those people who did not have any
14 tendency with the 17 April People or any former civil servants of
15 the previous regime would be selected and they were sent to
16 Mondolkiri.

17 So usually those people were poor peasants and they mainly came
18 from Takeo province and from North Zone, that is from Siem Reap.
19 So <my forces were> from <one> province and there were those from
20 the North Zone as well, <and we were gathered at Chaktomuk
21 River,> and then we boarded <motor boats> to go to the province.

22 [14.25.03]

23 Q. And did you refer to the Base People or those people who were
24 families of soldiers since you'd spoken about the people from
25 Takeo province, or are you referring to ordinary people?

1 A. I am not sure about those from the North Zone, however, I can
2 <talk> about my province.

3 The people who were selected were <the> children of villagers who
4 were living at the base.

5 Q. Also the document with your previous statement, you said at
6 one point you were <suspended from working> for a period of three
7 months. Can you tell the Chamber the reason for that?

8 A. Regarding my suspension, I do not know whether the interviewer
9 did not understand me fully during my interview. I spoke about
10 the suspension and that was not due to any wrongdoing but because
11 of my physical weakness.

12 At that time, <those from Division 920> were all so skinny, and
13 <I am referring to> both male and female forces, so for this
14 period of time of the so-called suspension. <And when we arrived
15 at the sector>, we were not instructed to work <and they provided
16 us food>.

17 [14.27.01]

18 Q. While you were in Sector 105, did you engage in any study
19 sessions or <trainings>?

20 A. As I have stated, after I was allowed to rest for three
21 months, the sector selected some of us to work in the defence
22 unit, that is Battalion 502, and I did not receive any further
23 training from what I had said earlier, that is, our two primary
24 tasks were to defend the country and to engage in production.
25 <However, it was not as hard as when I was in Division 920>.

1 Q. And during the regime, did you hear about cleansing of the
2 enemy or about the internal purges in the party ranks? Did you
3 receive such instructions through any of your training or study
4 sessions?

5 A. Yes, I heard about the purges, but I did not witness any. And
6 it did not happen within my unit which was stationed at the
7 border and I cannot say about what happens at the rear or at the
8 district or at the provincial town.

9 [14.28.48]

10 Q. Did you hear the term "kmang", "enemy", during the regime and,
11 if so, can you tell the Chamber what kind of people were
12 considered enemy?

13 A. Yes, I heard the term used and I knew about that. If we were
14 digging the dirt and if we damaged a tool, then we <would> be
15 accused of being an enemy since we <had> damaged the state's
16 property.

17 So <the> enemy here <did not refer to the enemy links, but it>
18 referred to someone who destroyed the property. If somebody broke
19 a hoe, in that sense then the person would be regarded as an
20 enemy as well.

21 So sometimes when I dug the dirt and it got stuck in big tree
22 root, I wouldn't dare to force it. I had to remove it by hand
23 since I was afraid that I could break the hoe.

24 Q. So for those who were considered enemies, what kind of
25 discipline, or sanction, or punishment was imposed upon that

1 person?

2 A. It did not happen in my unit. No one was arrested or punished.

3 As I said, we would be re-educated and we were so <worried> about
4 that <that> we tried not to break or damage anything.

5 [14.30.42]

6 Q. This morning in your response to the Co-Prosecutor, you stated
7 that during the regime if <a> husband was accused of wrongdoing,
8 <his> wife and the children would be arrested.

9 Can you be a bit more specific; what kind of wrongdoings that led
10 to the arrest of the person and his family members?

11 A. According to the answer I gave in the document, for example, a
12 person named Reth (phonetic) <was deputy commander of> Division
13 916. He joined the government <of the People's Republic of
14 Kampuchea> in Siem Reap province, <and his wife was at a camp>.
15 So when <they> knew that the husband joined with the PRK's
16 government, then the wife was arrested <and detained at Au Keng
17 Kang (phonetic) security centre. That was what I witnessed with
18 my own eyes>.

19 Q. I have another question related to the leadership of DK
20 regime. Did anyone tell you <or did you know whether there were
21 any DK leaders visiting> Sector 105?

22 A. When I arrived in Sector 105, I did not know whether there
23 were leaders from somewhere else who came to visit the sector.

24 [14.32.43]

25 Q. My last question to you about your marriage. You told the

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1 National Co-Prosecutor that you were married in 1977. Did you
2 know your wife before marriage or just at the time of marriage?

3 A. For me, we knew each other before our marriage. The story is
4 like this: My commander, he <loved> me <as a brother>, so he
5 recommended me to her and he asked me whether I loved her. And as
6 for other couples, they were not treated like me, they were
7 simply invited and they were asked to commit to the marriage.

8 Q. So it means that you <were luckier than others, and as for the
9 others, they were> forced to get married; is that correct?

10 <A. Yes, that is correct>.

11 MR. PRESIDENT:

12 Thank you, counsel.

13 Judge Lavergne (sic), you may proceed.

14 MS. GUIRAUD:

15 Mr. President, a request? I see that the civil parties still have
16 five minutes left and I have certain questions about marriage to
17 ask if you will give me your permission.

18 These are simply follow-up questions that came to me as I was
19 listening to the answers of the previous questions.

20 [14.34.35]

21 MR. PRESIDENT:

22 Yes, you may now have the floor.

23 QUESTIONING BY MS. GUIRAUD:

24 Thank you, Mr. President. Good afternoon, Witness.

25 Q. Just very briefly, a few questions on this marriage with the

1 16 couples that you just spoke of.

2 You spoke to us of the wife that had been recommended to you by
3 your commander. Was she a soldier or something else and can you
4 tell us who she was?

5 MR. CHIN SAROEUN:

6 A. My wife was in the mobile unit within my unit and she also
7 came from Takeo province along with me.

8 [14.35.40]

9 Q. And those 16 couples that you spoke of, in all of those
10 couples were the men and women who were married on that day, were
11 they all from the same unit?

12 A. Yes, we were in the same unit.

13 Q. A while ago, you said that you received favourable treatment
14 because it seems that your commander liked you very much.

15 The other men who were married that day, did they know the women
16 that they married?

17 A. Yes, they knew each other, but they were not aware of who
18 would be their spouse. They <found out> only on the exact day
19 that the commander called them for the marriage and the commander
20 started to ask, "Mr. Kor (phonetic), <do> you love Ms. Khor
21 (phonetic)?" <They did not dare refuse the requests, so they had
22 to agree>. And then if they said yes <in the evening,> they got
23 married <the next morning>.

24 [14.37.19]

25 Q. Were there men or women on that evening who refused to get

1 married?

2 A. Among the 16 couples, there <was> one person who disagreed,
3 but the commander asked them for a meeting where he tried to
4 convince them and, finally, they agreed to get married.

5 <As for this> couple, the woman wore beautiful clothes, but the
6 man -- the man wore torn clothes. And as for the 16 couples, only
7 that couple and my couple remained in the district. And as for
8 the other couples, they were sent somewhere <else>.

9 Q. Thank you. Did you receive an explanation of why you needed to
10 get married that day? What was the reason for your marriage and
11 for the marriage of the other 15 couples?

12 A. As I said earlier, men and women who were invited to the
13 wedding day <did not know> their <intended> spouse, except my
14 couple, we knew each other beforehand. <For example, the
15 announcement was made in the morning that Angkar would arrange
16 the marriages for them, so in the evening they were invited for a
17 gathering and they were asked if they would love each other>.

18 [14.39.37]

19 Q. A while ago, you indicated that there was a project that you
20 had heard about of marriage between Khmer men and women of ethnic
21 origin with the goal of increasing the Khmer population, if I
22 understood correctly.

23 Did you receive any similar information concerning your own
24 marriage, which is to say that you also, in getting married,
25 would be participating in increasing the population?

1 A. Yes, I understand that the purpose of the marriage was to
2 increase the population in the province, but for the plan to have
3 Khmer men to get married with women from ethnic minority origin,
4 it was to assimilate them together. But in reality, we simply got
5 married between Khmer and Khmer.

6 Q. Mr. President, one last question with your permission?
7 Were you explicitly asked to have sexual relations with your wife
8 to consummate the marriage on the night that you were married
9 and, if you were, can you tell us how that went?

10 MR. CHIN SAROEUN:

11 A. Regarding the <consummation>, it was the affair of <the> two
12 people. After we committed to our marriage, the unit chief gave
13 each of the couple one house and the woman would go to wait for
14 the man at the house and then there was an elder man who would
15 lead the man to the house where his wife was waiting.

16 [14.42.22]

17 Q. Were you monitored that night once the elder man accompanied
18 you to the house; did you notice that there was someone who was
19 monitoring you, keeping an eye on you, or not at all?

20 A. No, there was no one who came to observe us because at that
21 time the policies <were> very strict. When night fell, we would
22 not go anywhere outside our house.

23 MS. GUIRAUD:

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

25 Thank you, Witness, for answering my questions.

1 [14.43.25]

2 MR. PRESIDENT:

3 Thank you, counsel.

4 It is now an appropriate time for the break, and the Chamber will
5 take a 20-minute break from now.

6 Court officer, please assist the witness at the waiting room
7 reserved for the witness during the break time, and invite him
8 back to the courtroom before the session start.

9 The Court is now in recess.

10 (Court recesses from 1443H to 1507H)

11 MR. PRESIDENT:

12 Please be seated.

13 I would like now to hand the floor to the defence team for Khieu
14 Samphan to put the questions to the witness. You may proceed.

15 MS. GUISSÉ:

16 Mr. President, I understood that Judge Lavergne had some
17 questions; otherwise, I would have rose earlier to tell you that
18 we have no questions in the Khieu Samphan Defence team. Had I
19 known before the break, I would have said so before the break. I
20 apologize.

21 [15.09.01]

22 MR. PRESIDENT:

23 And the Co-Prosecutor, you have the floor.

24 MR. KOUMJIAN:

25 Thank you. Given that situation, I know we talked about having

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1 the Trial Management Meeting tomorrow or whenever the witness
2 finish.

3 Since the witness has finished, my request is to have it in the
4 afternoon or at 10.30. It's obviously -- we'll be here whatever
5 time Your Honours order, but if it's convenient we would prefer
6 the afternoon. I don't know about the other parties.

7 (Judges deliberate)

8 [15.10.58]

9 MR. PRESIDENT:

10 The hearing of testimony of Chin Saroeun now concludes and Mr.
11 Chin Saroeun, the Chamber is grateful <for> your testimony. Your
12 testimony may contribute to the ascertainment of the truth in
13 this case. It is now concluded and your presence is no longer
14 required. You may therefore be excused and return to your
15 residence or wherever you wish to go to and the Chamber wishes
16 you all the very best and have a safe trip back home.

17 Court officer, please cooperate with WESU and make necessary
18 transport arrangement for the witness to return to his residence
19 or wherever he wishes to go to.

20 [15.11.59]

21 And the Chamber will adjourn today's proceeding now and resume on
22 Monday, 8 August 2016, commencing from 9 o'clock.

23 On Monday next week, the Chamber will hear - rather, it will be a
24 Key Document Hearing.

25 As for tomorrow, Thursday, 4 August 2016, there will be a Court

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1 Management Meeting commencing at 1.30 in the afternoon in
2 preparation for the Key Document Hearing the week after.
3 And part of the proceedings tomorrow will be held in-camera.
4 [15.13.05]
5 This information is for the concerned parties as well as for the
6 public.
7 The two defence teams informed the Chamber that the two accused
8 do not intend to attend that proceeding.
9 And security personnel, you are instructed to take the two
10 accused, Nuon Chea and Khieu Samphan, back to the detention
11 facility and have them returned to attend the proceedings on
12 Monday, 8 August 2016 before 9 o'clock.
13 The Chamber is now adjourned.
14 (Court adjourns at 1513H)

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Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.