



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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2 November 2016

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CMS/CFO: Sann Rada

Before the Judges: NIL Nonn, Presiding
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCW-1065	Khmer
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. SENG Leang	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the testimony of witness

6 2-TCW-1065.

7 And the Chamber wishes to inform the parties that duty counsel

8 Chan Sambour is not available today, and Ms. Sok Socheata is

9 replacing him as a duty counsel.

10 Ms. Se Kolvuthy, please report the attendance of the parties and

11 other individuals to today's proceedings.

12 THE GREFFIER:

13 Mr. President, for today's proceedings, all parties to this case

14 are present.

15 Mr. Nuon Chea is present in the holding cell downstairs. He has

16 waived his right to be present in the courtroom. The waiver has

17 been delivered to the greffier.

18 The witness who is to continue his testimony today, namely,

19 2-TCW-1065, as well as Ms. Socheata, the duty counsel, are

20 present in the courtroom. We do not have any reserve witness

21 today.

22 [09.03.58]

23 MR. PRESIDENT:

24 Thank you. The Chamber now decides on the request by Nuon Chea.

25 The Chamber has received a waiver from Nuon Chea, dated 2nd

2

1 November 2016, which states that, due to his health, that is,
2 headache, back pain, he cannot sit or concentrate for long. And
3 in order to effectively participate in future hearings, he
4 requests to waive his right to be present at the 2nd November
5 2016 hearing.

6 Having seen the medical report of Nuon Chea by the duty doctor
7 for the accused at the ECCC, dated 2nd November 2016, which notes
8 that, today, Nuon Chea has a back pain and feels dizzy when he
9 sits for long and recommends that the Chamber shall grant him his
10 request so that he can follow the proceedings remotely from the
11 holding cell downstairs. Based on the above information and
12 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
13 grants Nuon Chea his request to follow today's proceedings
14 remotely from the holding cell downstairs via an audio-visual
15 means.

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

19 I'd like now to hand the floor to Judge Lavergne to put some
20 questions to the witness.

21 You have the floor, Judge.

22 [09.05.35]

23 QUESTIONING BY JUDGE LAVERGNE:

24 Thank you, Mr. President. Good morning, Mr. Witness. I have
25 several follow-up questions to ask you and, first of all, some

1 clarifying questions.

2 Q. Yesterday, I did not understand very clearly if you were a
3 doctor or simply a <nurse>. And could you tell us if it was <at
4 hospital> 165 or 167?

5 2-TCW-1065:

6 A. I, myself, was chief of hospital 156. It's not <157>.

7 [09.06.39]

8 Q. This hospital <156>, was it a hospital that was attached to
9 the sector or the zone? Was it a civil or military hospital?

10 A. Hospital 156 was under Division 4, so it's a military
11 hospital.

12 Q. Very well.

13 If I understood correctly yesterday, you said that at a certain
14 point you became the head of a regiment. So by that, should we
15 understand that you had stopped your functions as director of the
16 hospital in order to undertake purely military activities? And if
17 that is the case, when did this change take place?

18 A. From 25 May 1978, I was no longer <a> chairman of the
19 hospital, and I worked for the military. And I engaged in the
20 battlefield.

21 Q. So as of 25 May 1978, was there a change in the hierarchical
22 line, or was it the same? And can you tell me who was above you
23 in that hierarchy?

24 A. On the 25th of May 1978, <the clique of> Democratic Kampuchea
25 conducted a coup d'état in the East Zone, so all departments and

4

1 sections fled <in dispersion>. There was no clear explanation as
2 to who were the chiefs and who were not because many cadres <and
3 combatants> were arrested on that day.

4 So at the time, nobody else was above me. I, myself, was in
5 charge of the soldiers since some soldiers fled to the south or
6 to the north and some <could not escape,> were captured. I,
7 myself, then had to organize the forces to attack the Khmer
8 Rouge. And there was no other military commander besides me.

9 [09.09.43]

10 Q. So before the 25th of May 1978, can you please tell us again
11 and clarify who was your superior?

12 A. Before the 25th of May 1978, Sam Niet was my direct superior.
13 He passed away. And another superior was Chhoeun<, I forgot his
14 family name>. They were my direct superiors.

15 Q. So they were leading a brigade, or Division 4? And for
16 example, where was Heng Samrin?

17 A. Regarding Sam Niet and Chhoeun, their rank was <just>
18 commanders of a regiment. As for the division<>, <> Heng Samrin
19 was based <> at Kraek. While I, myself,<in the Regiment 156,> was
20 <positioned> at La village, <at the south of Kranhung>

21 Q. All right. Before 25 May 1978, were you, as the director of
22 the military hospital -- were you also participating in military
23 activities and attacks or was your role limited to only receiving
24 wounded soldiers and managing the hospital?

25 A. For me, <at the hospital,> I was <a medic at the> front <of

5

1 the> battlefield. When people or soldiers were wounded, they
2 would be sent to us for treatment. However, we, ourselves, were
3 at the front battlefield as well.

4 Q. So when you say, "we were also on the battlefield", should I
5 understand that you also participated in combat, in military
6 operations?

7 A. I was at the battlefield. Let's say the front battlefield was
8 50 metres to the front, and then <> our position <was at the
9 rear. This meant that we were the frontline medic>. <>

10 Q. Just to clarify, were you or your men armed, and did you ever
11 have to use your weapons when you were <at> the battlefield?

12 A. We were at the battlefield, and although as medics, we also
13 were armed <just like combatants>. We<, medics,> had to defend
14 ourselves, too.

15 [09.13.44]

16 Q. So I understand that you were armed, that you followed or even
17 sometimes went ahead of the troops. And you talked about a
18 certain number of military operations. Did you personally ever
19 participate in incursions into Vietnamese territory?

20 A. Personally, I was behind the battle <line>. We were the
21 medics, and we were there for urgent treatment to wounded
22 soldiers<, 50 metres behind a battlefield>. For that reason, I
23 did not directly engage in the combat.

24 Q. I'll come back to combat a little bit later. For the time
25 being, I would like to discuss again the reasons for the clashes

6

1 on the border that you talked about concerning conflict between
2 Cambodia and Vietnam.

3 If I understood correctly, there were conflicts, which originated
4 in the East Zone because certain villages were no longer in
5 Cambodia. Was there a verification of the border limits and, if
6 so, could you tell me who commanded that these <border>
7 verifications were carried out?

8 [09.15.38]

9 A. Regarding the border demarcation, we<, so far, already> lost
10 some of our villages <as indicated in a map>. In 2012, the UN
11 representatives actually worked with me in showing me the map,
12 and when I looked at the map, some of the Khmer villages were no
13 longer there. And on the ground, they were actually not there.
14 And we do not know where they were. That's why we said that we
15 lost those villages.

16 Q. I would really like us to focus on 1977 or 1978, or at least
17 during the DK period. What happened after that, that's another
18 issue.

19 So during this particular period, were there orders given for the
20 demarcation of the border to be carried out and, if so, who
21 issued these orders?

22 A. Personally, I did not hear that. However, through the
23 commander in the same unit, they made mention of it, that it came
24 from the zone, although I, myself, did not hear it. It was the
25 commander who spoke about the verifications of the border

1 demarcation.

2 [09.17.39]

3 Q. I will read your WRI, E3/10668. It's question and answer
4 number 2, and it's toward the end of this answer. You say the
5 following:

6 "The day after the liberation of the capital, <Cambodia was
7 divided into zones>, but I'll just talk about <the East Zone,
8 under the leadership of> So Yann, alias So Phim. Later, he
9 ordered all of the units attached to the East Zone to carry out a
10 verification of the markers <along the border, in the villages
11 of> Prey Veng and Svay Rieng and of Kampong Cham. Intelligence
12 agents of all units were sent on mission<. Clashes then broke
13 out> after a disagreement on certain border markers indicating
14 the border between Cambodia and Vietnam."

15 So does this refresh your memory? Is this as you remember it, or
16 is it <just> something that you just heard about?

17 [09.19.20]

18 A. I only heard about this matter, that is, through the commander
19 where I was based.

20 Q. When you say "the commander", who are you talking about? Are
21 you talking about the commander of your regiment or are you
22 talking about So Phim?

23 A. I refer to the commander of Regiment 156.

24 Q. All right. After that, did you hear if there were any
25 negotiations, attempts to resolve this border conflict issue

1 amicably? Is that something you heard about, or were you a direct
2 witness of it?

3 A. I, myself, did not hear that, nor did I see it.

4 Q. Very well. I will continue reading your WRI, E3/10668, still
5 in <answer> number 2. You said the following:

6 "As the East Zone thought that Vietnam was not respecting
7 Cambodia's territorial integrity, it decided to use military
8 force."

9 So was that something that you knew? Was it something someone
10 told you? Were there meetings about this? What can you tell us
11 about it?

12 A. The commander of the Regiment <6>, after he returned from the
13 meeting, he would disseminate information to all of us.

14 [09.21.48]

15 Q. I forgot to read the end of this sentence because you say:

16 "The East Zone then decided to use military force after the
17 failure of diplomatic means."

18 And then you talk about a military campaign which started in
19 1977.

20 Can you be more precise? Can you tell us if you received clear
21 instructions about this military campaign, and what was the goal
22 of this campaign?

23 A. Regarding the dissemination of information and the campaign, I
24 obtained this knowledge from the regimental commander. As I said,
25 after he came from the <zone> meeting, he would disseminate to <>

1 information to <the entire unit>.

2 Q. Did he tell you what the goal of the campaign that was
3 launched in 1977, would be? Did he give any clear indications of
4 that?

5 [09.23.22]

6 A. Yes, the entire unit staff were informed, that the purpose of
7 the East Zone, as we were briefed by the commander, that we had
8 to warn the Vietnam side to respect the border demarcation.

9 Q. I'll continue reading your written record of interview. You
10 say the following:

11 "In 1977, a military campaign was launched against Vietnamese
12 troops in all sectors in order to warn Vietnam that Cambodia was
13 not as weak as Vietnam thought. That was the beginning of a
14 bloody war between Cambodia and Vietnam."

15 So does this, indeed, correspond to your memories? Was there an
16 attack in all sectors? Was there one day that was decided to
17 launch this attack? And did this attack involve an incursion into
18 Vietnamese territory?

19 A. Regarding the attack into Vietnamese territory, there was no
20 limit or no restrictions <on the fighting duration. We launched
21 the> campaign <just to warn them>.

22 Q. So if I understand correctly, the campaign involved objectives
23 that might have been situated in Vietnamese territory. Did I
24 understand that correctly?

25 [09.25.46]

10

1 A. As I said, there was no limit for the attack. If we could, we
2 could penetrate into Vietnamese territory. And there was no
3 deadline, for example, as to when the attacks should cease or
4 where we should stop our advancement.

5 Q. So was the goal to advance as far as possible into Vietnamese
6 territory? Were <these targets> military or were they civilian
7 targets?

8 A. For our unit, it was not for any civilian targets. Our targets
9 were all military <barracks>. <This is for our unit.> However, I
10 cannot say about the targets for other units.

11 Q. And did you hear if there were attacks against civilian
12 targets? Were there any villages or markets attacked on
13 Vietnamese territory?

14 [09.27.32]

15 A. I heard about it, but I never saw it. I heard people saying
16 that they were at Smach market, but I did not know as to which
17 unit actually attacked that Smach market. <I was not an
18 eyewitness, I just heard from them.>

19 Q. And what, exactly, did you hear? What happened at the Smach
20 market?

21 A. I only heard that Smach market was attacked, but I did not
22 know the purpose of such attack. I did not ask for any further
23 details about the attack. However, people was saying from one to
24 another that there was an attack on Smach market.

25 Q. And the forces that attacked the Smach market, were those

11

1 troops from Division 4 or from another division?

2 A. Regarding the attack on Smach market, those soldiers belonged
3 to <each> sector level because, for the division forces, our main
4 targets were the military targets.

5 Q. You give this interview to Investigative Judges and, in <WRI>
6 E3/10669, you gave certain pieces of information about a map. And
7 the map is in E3/10669.3.

8 I don't know if it would be possible to show this map on the
9 screen. I don't know if it would be visible. But if it is
10 possible, please show the map.

11 [09.30.15]

12 MR. PRESIDENT:

13 Vath, please deliver the document for the witness to view it. And
14 AV Unit, please show that document on screen as requested by
15 Judge Lavergne.

16 And Counsel Anta Guisse, you have the floor.

17 MS. GUISSÉ:

18 Thank you, Mr. President. Good morning, everyone.

19 I will take advantage of this technical moment just to note that
20 we're approaching very specific facts that are not in the Closing
21 Order, and this really is a problem for the Defence. So I don't
22 know where the questions of Judge Lavergne are leading, exactly,
23 but in any case, we're talking about facts that are not covered
24 by the Closing Order.

25 There we <will> really have a problem, legally speaking, for the

12

1 Defence, so I just want to note that now we're going into the
2 details of incursions into Vietnamese territory, and that does
3 not appear in the Closing Order.

4 [09.31.33]

5 MR. PRESIDENT:

6 Thank you, Counsel, for your observation regarding document
7 E3/10669.3, that is, the document to be shown on screen.

8 JUDGE LAVERGNE:

9 I see that Counsel Guisse has noted this objection, but I think
10 that the Chamber's already responded to this objection several
11 times. Here, we're looking at the issue of armed conflict, and
12 <this> armed conflict also took place both in the Cambodian
13 territory and in the Vietnamese territory.

14 MR. PRESIDENT:

15 I already heard your observation, Counsel. <Should that be a
16 confusion? In Khmer, I heard it is just an observation. Now that
17 becomes an objection.>

18 Let me give you the floor again. Counsel, you have the floor.

19 [09.32.41]

20 MS. GUISSSE:

21 Yes. Simply referring to Judge Lavergne's last comment, where he
22 said that armed conflict concerns both sides, but the referral of
23 charges against the Accused specifically excluded anything that
24 happened on Vietnamese territory. So I certainly want to talk
25 about armed conflict in general, but if there's <a> specific

13

1 exclusion <in the Closing Order>, I don't see how we can
2 <overlook this exclusion>.

3 BY JUDGE LAVERGNE:

4 This is to understand, armed conflict needs to be explained and
5 examined in all of its aspects, wherever it took place,
6 understanding that the Accused are not <on trial> for what took
7 place in Vietnam. <Now, if I may continue.>

8 Q. So Mr. Witness, you've seen this map. Do you remember <filling
9 it out,> having written instructions on this map?

10 [09.33.46]

11 2-TCW-1065:

12 A. The map is so small that I cannot see it clearly. <Shout it be
13 enlarged, I am able to see it.>

14 Q. Yes. <Indeed>, <what is> on the screen this is not very
15 useful. I will simply read certain place names that you
16 apparently put in Vietnamese territory. Apparently, you mentioned
17 Tnaot village, Smach village, Svay village, Phal village and Chas
18 village.

19 Do you remember having mentioned these places, and do you
20 remember what happened there?

21 A. Regarding the villages that I wrote down on the map, I,
22 myself, went to those villages, but after that, I haven't been
23 back. I do not know what happened to those villages now.

24 Q. Very well. Yesterday, a certain number of telegrams were given
25 to you. Do you still have them with you?

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14

1 MR. PRESIDENT:

2 Please hold on, Mr. Witness.

3 [09.35.37]

4 2-TCW-1065:

5 I still have the telegrams that I was given yesterday.

6 BY JUDGE LAVERGNE:

7 Q. So the first telegram that I'd like to look at with you is

8 E3/891. It's telegram number 61, and it is addressed to

9 <"Respected and beloved" <M-870">, <dated> October 1977. And it's
10 signed by Chhon, C-H-H-O-N. It says the following:

11 "I would like to first inform you about the battlefield on Route
12 22 as follows:

13 <We> have been continually attacking <the Route 22 sector, from>
14 27 to 28 <October>, and we launched an attack last night and
15 pursued the enemy beyond Trapeang Phlong. Currently, we once
16 again are in full control of our defence lines. We are pursuing
17 the enemy and once again attacking Barracks No. 27. <We are still
18 taking stock.>"

19 This was a telegram sent to Om, Om Nuon, Bong Van, Bong Vorn, and
20 Bong Khieu.

21 Does this refresh your memory about the events that you
22 participated in or that you heard about?

23 [09.37.38]

24 2-TCW-1065:

25 A. Some documents that were given to me, I reviewed them, and

15

1 <found that all> those reports that were made by Chhon, I can say
2 that Chhon was not in the East Zone. As for these typed names,
3 that is <Om Nuon, and Bong Van>, for example, I do not know them.
4 Probably they were from another zone <that I did not have
5 knowledge about>. <All what happened in the East Zone, at first
6 front,> Chhon was the one who was engaged in the <killings. All
7 documents I received from the Court, bear that name> Chhon
8 <reported to Om Nuon. People in the East Zone rarely spoke or
9 typed the word "Om.">

10 I can say that these people were in a different zone and not in
11 the East Zone.

12 [09.39.05]

13 Q. Do you mean that <, in your understanding,> these people came
14 from another zone, not the East Zone, because apparently they're
15 talking here about a certain number of places which are situated
16 in the East Zone. And you, yourself, say that Chhon was at the
17 front. But if I understand correctly, the front was in the East
18 Zone.

19 A. <Thank you, allow me to clarify. Not only you have doubt, but
20 I also do. I just received the latest documents bearing the name
21 Chhon and all reported to Om Nuon whom I have no knowledge of.
22 Now to put it simple, first, the situation happened in the East
23 Zone...>

24 JUDGE FENZ:

25 Sorry, there is no translation into English.

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16

1 [09.44.16]

2 MR. PRESIDENT:

3 We can resume now.

4 And Judge Lavergne, please repeat your question. And I suggest
5 that the question should be precise and clear, and the question
6 should be focused on the telegram in relation to the situation
7 occurred in the east <or other regions that the witness has the
8 knowledge of>. Regarding Chhon, we got the <clear> answer already
9 from the witness that he does not know that individual.

10 And please focus the question about the situation whether or not
11 that situation did occur in the east. Otherwise, <we still talk
12 only> about Chhon.

13 So please focus on the situation that was included in the
14 telegram.

15 Judge Lavergne, could you repeat the question? I think the
16 witness do not recall it.

17 BY JUDGE LAVERGNE:

18 Q. Okay. I'll come back to the telegram. The telegram E3/891 is
19 signed by Chhon, and it mentions an attack against Barracks 27.
20 It seems to me that yesterday, you talked about this Barracks 27.
21 Could you be a little more precise and tell us where this
22 Barracks 27 is situated, and when and why was it attacked?

23 2-TCW-1065:

24 A. Thank you, Judge. I suggest that some documents should be
25 given to me for further study. There is still a question in my

17

1 mind who initiated the coup d'état in the east, so the question,
2 I believe, is in your mind as well, Judge.

3 [09.46.54]

4 MR. PRESIDENT:

5 Mr. Witness, please answer the question put to you. Listen
6 carefully to the question.

7 You<, as a witness, need to grasp the question, and> are obliged
8 to answer the question. And if you do not know about the
9 occurrence, you can say so. And if you do not know the names of
10 individual or location, please say so. This is <appropriate for>
11 the Court proceedings.

12 Please listen carefully to the question. Yesterday, <> you
13 answered already my question and you stated <clearly> that you
14 led the forces to attack at that location <but it was not
15 penetrated>.

16 International Judge may have not heard clearly your answer, and
17 he may want to make clarification with you on this particular
18 point. And the question is about the location of the office at
19 the location of <Vietnamese Barrack> 27.

20 [09.48.07]

21 2-TCW-1065:

22 Yesterday, I did talk about the location of <Barrack> 27. I do
23 not know how far it was from the border. This is all I can tell
24 you, Mr. President.

25 BY JUDGE LAVERGNE:

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18

1 Q. Very well. Can you tell us if this place was in Vietnam or
2 not?

3 MR. PRESIDENT:

4 Please hold on. You have anything to address the Chamber, Koppe?

5 MR. KOPPE:

6 Yes, Mr. President. Just a brief remark in relation to the
7 English translation.

8 The English translation of document E3/891 is full of mistakes.

9 First of all, the date of that telegram from Chhon says 1978,
10 whereas in fact, it is, indeed, 1977. Two times there is a
11 mistake. And also, in the English translation, it says "Fort 22"
12 but in the original Khmer -- we checked it -- it is, indeed,
13 "Fort 27".

14 [09.49.38]

15 BY JUDGE LAVERGNE:

16 To be very precise, all the telegrams that <I> read out yesterday
17 <or were> submitted to the witness today, all of those telegrams
18 refer to Barracks 27 or Fort 27. I don't know if it's a fort or
19 if it's an office or a barracks, but the word in French
20 corresponds to "barracks" in English.

21 And what I understand, and perhaps what the witness could clarify
22 for us, is that this was a strategic military position.

23 Q. Mr. Witness, could you give us more detail concerning this
24 Barracks 27, what its role was, what was its purpose? Were there
25 Vietnamese military defences there, of what type? Could you

19

1 please give us details?

2 [09.50.49]

3 2-TCW-1065:

4 A. The question is about Barrack 27; what is it? I do not know
5 either, but this is the Vietnamese barrack. And it was located on
6 the territory of Vietnam to defend and protect its own people.

7 Q. Was the strategy put into place by the DK forces an offensive
8 decision, and was it to, also, <resist> any counter-offensives?

9 So <offensives that would lead> the DK forces to make incursions
10 into Vietnam and to repel any incursions by Vietnamese forces
11 into Cambodian territory? Was that the strategy?

12 A. Regarding the strategy, I have no idea, Your Honour. The
13 strategy to attack into our country, how was it? I do not know. I
14 have no idea.

15 And that was the plan of the other side. I do not know the
16 opposing party's strategies.

17 Q. So I don't have the time to go through all of the telegrams. I
18 would like you to concentrate on a telegram, which was presented
19 to you during your interview. This is E3/10669.1. Do you have
20 this telegram with you? I'll repeat the number, E3/10669.1.

21 (Short pause)

22 [09.53.39]

23 A. I do not have that document in my hand<>.

24 Q. Very well. I don't have the Khmer version, so we'll move on to
25 something else.

1 Mr. Witness, you had the opportunity to meet So Phim. Can you
2 tell us if -- from your point of view, from what you know of So
3 Phim -- do you have the impression that So Phim sought to work
4 with the Vietnamese forces instead of attacking them, or did he
5 seek to <fight against> them?

6 A. Personally, I met with So Phim. I did not discuss with him
7 about the issue of Vietnam. We had a casual conversation in
8 relation to our family members. We did not discuss about the
9 politics or any strategies, military strategies. We had casual
10 conversation only.

11 [09.55.03]

12 Q. All right, then. You talked about a coup d'état on the 25th of
13 May 1978. Up to that date and even before, did you have the
14 impression that the East Zone armed forces tried to avoid armed
15 conflict with the Vietnamese troops, or were they in serious
16 combat against these armed forces?

17 A. Concerning the East Zone, it happened in this way. Concerning
18 the struggle and bloody war, I have no idea. But I want to inform
19 the Chamber about one particular point. <You said,> Chhon made
20 the report about the East. <Why Chhon?> I said that Chhon was not
21 <a person from> the East. <Why could Chhon make such reports
22 about the East-Zone situation?>

23 Concerning the day 25 <May> 1978, the Centre sent Ke Pauk from
24 the Central Zone to the East.

25 [09.56.39]

21

1 MR. PRESIDENT:

2 Please listen carefully to the question. The question is limited
3 to the situations stated in the telegram. The situation reflect
4 <the truth that you acknowledged> in the East, and the question
5 is, do you know the occurrence of the incidents. And the question
6 is also focusing on whether or not the Cambodian side attack into
7 Vietnam or the Kampuchean side only <contained> the attack <from
8 coming into its own territory? This should be your own
9 observation as you were in the battlefield.>

10 The Chamber <no longer> asks you about the individual by the name
11 Chhon. The question again is focusing on the situation in the
12 telegram <because these documents are evidence in the case
13 files>. Please listen carefully to the question. Do you
14 understand?

15 We are grateful to you that you are happy to answer the question,
16 but you <need to respond correctly, answer to what is necessary
17 in response to the question. You cannot say whatever you want>.
18 Judge Lavergne, please reformulate your last question.

19 All the telegrams mention the year 1977, not '78. If it mentioned
20 1978, the month appears to be in January of 1978<, not after 25
21 May 1978>. So the <most> telegrams say about the year 1977. <You
22 may confuse yourself about the date of 1978.> And there is one
23 telegram or document mention about the year 1978. Please be clear
24 on that, Mr. Witness.

25 [09.58.52]

1 BY JUDGE LAVERGNE:

2 Q. Mr. Witness, what can you tell us -- since you read this
3 telegram, what can you tell us about what you know about the
4 attacks carried out by the East Zone army against Vietnam?

5 2-TCW-1065:

6 A. I do not know much. I know only <the plan> that forces were
7 sent to join the attack. I do not know the detailed plan.

8 Q. All right. You were in charge of a military hospital. I
9 suppose you must have had many wounded.

10 Can you tell us first if there were many deaths or many people
11 who were wounded? What were the types of injuries you saw? Were
12 they due from shots, from artillery?

13 I think one of the telegrams mentions toxic gases <and smoke
14 grenades>. Were there gases used in combat? So these <smoke
15 grenades> and toxic <gases> were mentioned in telegram E3/922.

16 A. There were wounded people at the hospital, and there was a
17 small number of fatality. Usually<, in the> war<, if we had a lot
18 of casualties, we could not fight>. There were injured people and
19 people who died.

20 I have never seen the use of toxic gas. I do not know how it
21 happened or how it was stated in that document<, but I did not
22 see it>.

23 [10.01.24]

24 Q. Very well. Let us set aside the telegrams because we need to
25 press on.

1 I would like you to talk a bit more about So Phim. You have
2 stated that you didn't have the opportunity to discuss military
3 matters with him. Do you, nevertheless, know what was his general
4 opinion regarding the Vietnamese?

5 A. Concerning So Phim visits to Vietnam or his plan to visit
6 Vietnam, he did not mention his plan. He did not mention his plan
7 about the attacks, either. I do not know about his plan. I had a
8 casual conversation with him. I did not have a formal
9 conversation with him. I have no idea about his plan.

10 Q. What can you tell us regarding the presence of forces from the
11 Central Zone in the East Zone? Was there a period during which
12 you observed some kind of collaboration between Ke Pauk's forces
13 and So Phim's forces, or did a conflict between the two break out
14 immediately?

15 [10.03.25]

16 A. Allow me to briefly tell the Chamber. First, the East Zone
17 forces were engaged in the attack against <> Vietnam, not <Ke
18 Pauk,> the forces from the Central Zone. And in the later stage,
19 the Vietnamese forces attacked into Kampuchean territory.
20 <Ke Pauk's forces-->Yesterday, the President asked the question,
21 and there was <Steung (phonetic) village, Ta Hiev> (phonetic)
22 village, Maisak (phonetic) village and other villages. In fact,
23 the Central Zone forces were sent to be prepared at the rear.
24 Only the East Zone forces <from division> were ready at the front
25 to wage the attack against Vietnam.

24

1 So the Central Zone forces were there, but at the rear. <Later
2 on,> from 1978, the incident happened within the country, and
3 that was the time when the coup d'état started. <I was still in
4 doubt who staged the coup d'état? Khmer attacked Khmer?> People<,
5 from offices and departments, scattered>. Some had been arrested.
6 Some had been killed. It was from that time onward that the
7 central forces attacked<.They said they came to fight against
8 Yuon; instead they came to stage coup d'état in the east>.
9 <I was still in doubt. Now,> I have been given the documents.
10 Chhon, I believe, <may have been> at the front, and front was
11 engaged in the coup d'état. And Uncle, Om Nuon -- I believe some
12 of the people at the top agreed with the plans to conduct the
13 coup d'état <at the east>. I made my own analysis.
14 [10.05.31]

15 MR. PRESIDENT:

16 Mr. Witness, <here> you are <not an analyst>. <You had better
17 listen carefully to question.> You are obliged to answer to the
18 limit of the question.

19 You are not an expert to come here and make an analysis for the
20 Chamber. The Chamber will take into consideration all the
21 relevant factors and facts. Then the judgment will be issued.

22 BY JUDGE LAVERGNE:

23 Q. Very well. You have said that as of 25th May 1978, you found
24 yourself isolated and you were at the head of a regiment. Can you
25 tell us how many people were under your orders as of the 25th of

1 May <1978>, and who were those people? Were they former members
2 of the hospital <156>, or they were other soldiers?

3 [10.06.50]

4 2-TCW-1065:

5 A. I led my forces. They were from <Division> Number 4. They were
6 taken from the front in order to engage in the attack against
7 Central Zone forces.

8 Q. How many men, all in all, were under your orders?

9 A. There were 300 men under my order, 300 soldiers from the
10 infantry. And I had 40 soldiers from the special unit<, together,
11 there were 340 soldiers>.

12 Q. When did you start fighting against the forces of the Central
13 Zone army, immediately as of the 25th of May 1978, or somewhat
14 later? Can you tell us exactly what the situation was?

15 A. I started to engage in the fighting from 25 May 1978. <If we
16 did not fight, we would die; we had nothing, no food,> no
17 hammocks<>. We had only <weapons and> ammunition<. We therefore
18 launched the campaign for our very survival>.

19 Q. And for how long did those attacks go on?

20 A. The attacks started from 25 May 1978, up to November of <'78>.

21 [10.09.12]

22 Q. Before the 25th of May 1978, do you know whether some cadres
23 or some Cambodians had fled to Vietnam? Were you aware of that?

24 A. I am not aware of that.

25 Q. Can you tell us when, for the first time, you personally had

1 contacts with the Vietnamese armed forces, contacts with a view
2 to joining the Vietnamese?

3 A. I cannot recall the exact date and month, but I can remember
4 the year. It was from November 1978, when the coordination or
5 communication <between Khmer and the> Vietnamese troop was made.
6 I had a fever <and went to stay> at Memot<, the> area <that was>
7 liberated from the DK. Vietnam communicated with my forces in
8 order to cooperate and liberate the <Kampuchea>. <That time>, I
9 was brought to Ho Chi Minh by a helicopter.

10 [10.11.00]

11 Q. Very well. Up until that date in November 1978, did you and
12 your men fight <simultaneously> against the forces of the Central
13 Zone and against the Vietnamese? Is that what I should gather
14 from your testimony?

15 A. <That time,> they were all <our> enemies. <We did not know who
16 was who.> At the initial stage, we fought against Vietnam. <Next,
17 against the Central Zone that they staged> a coup d'état, the
18 situation was confusing and <wherever we encountered,> we <>
19 attacked<>. So the situation was in a chaotic manner.

20 Q. Can you tell us, specifically, which persons got in contact
21 with you, those you met, whether in Cambodia or in Vietnam, and
22 in particular, when you went to Ho Chi Minh?

23 A. My first meeting in the forest with Vietnamese did happen. I
24 did not know the names of Vietnamese <side>. <For the Khmer
25 side,> I <can> remember there were two names, Koy <Bien>

1 (phonetic) and Tay Teuk (phonetic). They <stayed with the
2 Vietnamese side and> contacted with me at the time.

3 [10.13.04]

4 Q. What convinced you to join them, and who were the other
5 persons you subsequently met?

6 A. I was <persuaded> in the first meeting that I had to cooperate
7 with them in order to liberate Kampuchea from the hand of Pol
8 Pot, who <was slaughtering> the people. These people then left
9 and I know only that they were from Vietnamese troop.

10 Q. Just one last question because I think it's time to take the
11 break. Just one question.

12 <Had you> met Cambodians who had defected and gone into Vietnam?
13 Did you meet military and political officials who were members of
14 a front to fight against the forces of Democratic Kampuchea?

15 A. I met some of them, <they are current> politicians, those who
16 were engaged in the struggle with me <in the jungle> at the time.
17 I met some of them, in fact.

18 [10.14.56]

19 Q. Well, can you tell us who, exactly?

20 A. Your Honour, I met Samdech Heng Samrin, Ouk Bunchhoeun. We met
21 with one another. The general staff, Pol Saroeun, I also met him.
22 We had a discussion as well.

23 MR. PRESIDENT:

24 Thank you, Mr. Witness.

25 <Thank you, Mr. Witness.> Let's take a quick break. The Chamber

28

1 will take a short break from now until <25> to 11.00.

2 Court officer, please assist the witness in the break time and
3 please invite him back together with the duty counsel into the
4 courtroom.

5 The Court will resume at 25 to 11.00.

6 (Court recesses from 1016H to 1036H)

7 MR. PRESIDENT:

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

9 And the floor is handed over to Judge Lavergne to resume the
10 questioning.

11 You may now proceed.

12 [10.36.57]

13 BY JUDGE LAVERGNE:

14 Thank you, Mr. President.

15 Q. Mr. Witness, we were still questioning just before the break
16 about certain soldiers <and politicians> such as Heng Samrin,
17 <Ouk> Bunchhoeun, Pol <Saroen> and I'd like to know what was
18 your role? What was your participation in the front that was
19 created at that time?

20 2-TCW-1065:

21 A. I left Kampuchea and went to Long Khanh, the police station,
22 but let me backtrack a little bit.

23 I would like to start from the beginning.

24 First I was on an airplane, and the airplane landed in Ho Chi

25 Minh. Then I was brought to Long Khanh police station. I <took

1 rest in Long Khanh> for two weeks. Then I further went to Long
2 Giao, the military <fort>, after <>I left Long Giao and came back
3 to Kampuchea.

4 [10.38.43]

5 Q. When you returned to Cambodia, you fought against the forces
6 of Democratic Kampuchea? In what capacity did you return to
7 Cambodia? Were you a soldier, a civilian? What was your role?

8 A. I returned to Kampuchea and I became the deputy chief of
9 police in Zone 7 of <> Vietnam<>. And I was in charge of <five
10 provinces,> Kratie, Svay Rieng<, Kampong Thom, Prey Veng> and
11 Kampong Cham.

12 I was tasked with receiving soldiers who had been arrested and
13 placed <> at Wat Chey <Bet Meas (phonetic), in Suong commune>.

14 Q. Very well. In order to be very clear, on what date did you
15 return to Cambodia? Was it before the 7th of January 1979, or
16 after the 7th of January 1979?

17 A. Your Honour, I returned to Kampuchea immediately after the
18 liberation, I mean in 1979 to collect and receive prisoners of
19 war who were <collected from Battambang, Siem Reap, and> Kampong
20 Thom<. In total, there were 400 from both platoons and
21 companies>.

22 I had to educate them about the policy of the Front.

23 [10.40.50]

24 Q. And were those prisoners, prisoners of the East Zone army or
25 they were from other zones?

1 Who were those prisoners <you were in charge of>? Which military
2 unit did they belong to?

3 A. They were sent to my headquarter. They were from different
4 units. They were sent from Siem Reap and Kampong Thom. In fact,
5 they were part of a platoon and companies <of the Khmer Rouge>.
6 They had been sent to my location for education <because we had
7 school for them>.

8 Q. And in concrete terms, what does the education consist of?

9 What was the objective of such education?

10 A. The purpose of the education was to instruct those people to
11 do good deeds and to understand about the effects of killings
12 <committed by Pol Pot>. And the main purpose of the education was
13 for them to understand the <11b and 8b> points of the policy of
14 the <National> Front.

15 [10.42.34]

16 Q. And above you, was there someone who supervised the manner in
17 which the education was dispensed or you were free to decide the
18 nature of such education?

19 Did you receive any instructions from anyone and, if so, who was
20 the person who gave you such instructions?

21 A. <That time, my superior was not Khmer, but the>Vietnamese<. A
22 Vietnamese was the chief> and I was the deputy chief. The
23 education was in accordance with the policy of the Front.

24 Q. And can we say that that person was also in agreement with the
25 policies desired by Vietnam?

1 A. Vietnam handed over the task to Khmer to be in charge of
2 education, particularly to educate about the policy <of the
3 National Kampuchean Liberation Front>. At the time, there was no
4 clear structure <in 1979> and we were under the supervision of
5 Vietnam. And I <as a Khmer> was the only one who became the
6 deputy chief.

7 I had to collect forces from platoon and companies to be
8 stationed in that location.

9 Q. Can you give us an idea of the number of persons who were
10 subjected to such education or re-education? How many soldiers
11 were involved in such education?

12 A. We could collect 400 soldiers from platoons and companies.
13 <Among them, there were no> soldiers, in fact. They were
14 civilian. We gathered them from different parts of the provinces.
15 [10.45.29]

16 Q. Were they cadres or ordinary Base People?

17 A. They were <> cadres from platoons and companies. They were not
18 Base or Ordinary People. They were <> cadres <within platoons and
19 companies> of the Khmer Rouge.

20 Q. And did your relations with your superiors worsen
21 subsequently?

22 A. Regarding the relationship between I and my supervisor, you
23 mean my Vietnamese supervisor or my Khmer supervisor?

24 Q. I mean your superiors in general. Were you arrested
25 subsequently and, if so, why?

1 [10.47.05]

2 A. I was at the camp educating cadres from platoons and
3 companies. Later on, there was a dispute between Vietnamese and
4 I. We were not in agreement in relation to the policy. I was in
5 the security section, and I was the first one <organising> in the
6 security section together with Son Sen and some other individual.
7 I was <first> who organized T3 or "ta bei" (phonetic). Later on,
8 there was news that <led to my> detain<>.

9 In 1978, people from Svay Rieng had been transferred to Pursat
10 <in Leach>. I asked at the time the permission from Sam Niet <at
11 the security section> to <search for my family members>. I did
12 not arrive at Pursat yet. I was with five soldiers at the time,
13 and <then,> I <was accused of running away>, because of this
14 incident, I was put in prison <for one year and> eight months.
15 <That was an unreasonable accusation.> I was imprisoned in 1980.

16 Q. I am sorry. There may be translation problems because your
17 answer was not very clear.

18 Can you tell us what you went to do precisely, in Pursat and when
19 did you go to Pursat? What was the purpose of your trip to
20 Pursat?

21 [10.49.20]

22 A. I went to Pursat in 1979, the sole purpose of which was to
23 search for my family members who had been evacuated by Pol Pot
24 <to Leach>. <> I was under accusation that I was attempting to
25 flee by the foreigners.

1 <> I was repeatedly questioned why I went to Pursat, and I told
2 them that I wanted to go and search for my family members.
3 <From then,> the dispute <started because I did not agree with
4 their policy>, and then I was imprisoned <> for <one year and>
5 eight months.

6 Q. Should I understand, therefore, that you were imprisoned
7 because <they> thought you wanted to flee Cambodia and they had
8 lost <trust> in you?

9 When I say "they", I don't know whether they were Vietnamese or
10 other persons. Can you be more clear on that subject?

11 [10.50.58]

12 A. Let me clarify. Vietnam no longer trusted me. <There were only
13 the Vietnamese.> There were very few Khmer people working at the
14 time. I was accused <of the flight> to Thailand.

15 I, at the time, did not know Thailand. I did not know about the
16 relationship, the situation at the border<. Under this pretext, I
17 was imprisoned>. I was questioned. Submission were not made at
18 the time. Arguments or evidence were not presented to me. <once
19 in three to four months, I was questioned by the Vietnamese. I
20 did not know how to answer>.

21 Q. And was that prison administered by Cambodians, by Vietnamese?
22 Were you tried, what happened?

23 A. Your Honour, when I was arrested, I was accused that I wanted
24 to flee to Thailand. I was put in prison in 1979. The conditions
25 in the prison were so bad I did not rice to eat. The red maize or

1 corn was cook for me to eat<. Each meal, I got only a small soup
2 bowl of red maize>.

3 Sometime I had salt to eat, but some other occasion I did not
4 have. The prison was under the supervision of Vietnam. Maize was
5 cooked for prisoners to eat.

6 I was so disappointed, I could get out of one regime and I fell
7 into <another> regime.

8 [10.53.19]

9 Q. Just one last question on the subject, if I understood you
10 correctly, you were in prison for eight months and you were
11 subsequently released, and there was no trial. Did I properly
12 understand your testimony?

13 A. That is correct, Your Honour.

14 Q. Very well. I would like to move into the last line of
15 questioning.

16 Can you tell us, when you were in the East Zone during the
17 Democratic Kampuchea regime, did you witness any visits by
18 leaders from the Centre who went to the East Zone?

19 For instance, did you see the Accused, here present, visit the
20 East Zone?

21 [10.54.26]

22 A. I never saw them. I did not recognize or know them.

23 Q. As a cadre in the East Zone, did you receive instructions or
24 did you witness the implementation of policies that specifically
25 concerned former soldiers of the Lon Nol regime?

1 A. There was no policy disseminated to me. <> I was working in
2 the medical sector. The medical sector was in charge of treating
3 people. <It therefore was not affiliated with the Lon Nol
4 soldiers. Medical section was meant to save people.>

5 Q. And did you witness the disappearance of persons who were
6 called up for education sessions? Is that something that
7 happened?

8 A. I know that people disappeared, but I do not know where they
9 went to. I do not know where they went. I know that they were
10 called for education. I do not know their policies at the time.
11 <I just knew they disappeared from the unit.>

12 Q. When you were in the East Zone, do you know whether, among the
13 people or the population of the East Zone, there were Vietnamese
14 living there? And do you know whether there were any particular
15 policies implemented regarding that particular category of people
16 living in Cambodia?

17 A. In DK, there were no Vietnamese people.

18 [10.57.15]

19 Q. There <weren't>, or there <were> no longer?

20 You said there were no Vietnamese. Now, why weren't there any
21 Vietnamese? Had they left? What had happened to them?

22 A. There were no Vietnamese people in the DK. There were only
23 Khmer people. I do not know if they had left, but I, at the time,
24 did not see any single Vietnamese.

25 Q. Very well. Last question. It has to do with the Cham

1 population.

2 Did you receive instructions or did you witness the
3 implementation of a particular policy vis à vis the Cham people?

4 A. I did not receive any policy vis à vis Cham population. I was
5 working in the medical sector.

6 The policies of the DK were not made known to the medical sector.

7 I do not know about the policies.

8 [10.59.08]

9 Q. Very well, Mr. Witness. Thank you for all your answers.

10 I have no further questions for you.

11 MR. PRESIDENT:

12 Thank you, Judge.

13 The floor is now given to the Co-Prosecutors to put the questions
14 to the witness. You may now proceed.

15 QUESTIONING BY MR. SENG LEANG:

16 Good morning, everyone in and around the courtroom and good
17 morning, Mr. Witness. My name is Seng Leang. I'm a National
18 Deputy Co-Prosecutor, and I have some supplementary questions to
19 those questions that you have been asked by the bench.

20 Q. Yesterday, you spoke about one of So Phim's messengers who
21 fled and survived. Since you frequently had contact with So Phim,
22 can you tell the Chamber how many close bodyguards he had?

23 [11.00.23]

24 2-TCW-1065:

25 A. So Phim had five bodyguards.

1 Q. And what are their names?

2 A. I can only recall two, <> Choeuk (phonetic) and Ung
3 (phonetic). <> And I forget the other three names.

4 Q. Do you know Norng Nim (phonetic) and Cheng (phonetic)?

5 A. The names do not sound familiar, that is, Norng Nim (phonetic)
6 and Cheng (phonetic).

7 Q. That is all right. So you know Ung (phonetic). How well do you
8 know this person?

9 A. Cheuk (phonetic) and Ung (phonetic), they were my nephews, but
10 they died.

11 Q. Yesterday at around 3.09, you spoke about So Phim and you told
12 him that Pol Pot was a traitor, but So Phim did not believe you.
13 And you said it was probably Son Sen who conducted the coup
14 d'état against Pol Pot.

15 In order to clarify this matter, I'd like to read two interviews.
16 One is in relation to Norng Sim (sic), who worked as a bodyguard
17 for So Phim. And he gave an interview to DC-Cam on 9 July 2015,
18 and I'd like to read it at page 62. Question -- he was questioned
19 by Dany.

20 "From your recollection, what did he say?"

21 And Norng Im (sic) replied: "I did not do any wrong."

22 JUDGE FENZ:

23 Sorry. Can we have a reference, or did I miss it?

24 MR. SENG LEANG:

25 The document is interview by DC-Cam dated -- it was between Norng

1 Sim (sic) and DC-Cam staff dated 9 September 2015. <This document
2 contains no English translation, it has only the Khmer
3 version.>This document does not carry any E3 number. However, it
4 was sent by the Chamber to parties and notified the parties that
5 this document will be used during the proceedings.

6 [11.03.54]

7 MR. KOPPE:

8 If I may correct my colleague, it has an E3 number. It's
9 E3/10717. It also has ERN numbers. It was admitted last week.

10 MR. SENG LEANG:

11 My apology. I printed this document, and it does not contain <ERN
12 and> the document number.

13 MR. PRESIDENT:

14 You should then move on to other question. And you can refer to
15 this document later.

16 BY MR. SENG LEANG:

17 Q. Thank you, Mr. President. Now I move to another topic, and I
18 return to this topic later on if I have time left.

19 Another document is in relation to the war period in late '77.

20 When you were sent to the battlefield in '77, can you tell the

21 Chamber as to the date that you were sent there? And upon your

22 arrival, were you instructed to directly engage in the

23 battlefield <or you had time to prepare>?

24 [11.05.48]

25 2-TCW-1065:

1 A. I have spoken at length on this point. I cannot recall the
2 date that I was sent to the battlefield. It happened a long time
3 ago, <but> I was sent there as a medic. And that happened in late
4 '77.

5 Q. Was there an attack with the Vietnamese side upon your
6 arrival, that is, in Division 4, or did you have time to prepare
7 for the attack and, if so, how long did it take for such
8 preparation?

9 A. I cannot recall how many hours we were there before they
10 attacked. I <travelled> at night time. <I did not keep any
11 record.>

12 Q. Based on your interview, that is, in document E3/10668, at
13 question, answer 9; you were asked a question about the
14 preparatory time that how long it took before the initial attack
15 <against the> Vietnamese in '77, and you said that you made
16 preparation for around one month before you launched the attack.
17 What is your response to that?

18 [11.07.29]

19 A. Regarding this statement, I referred to a meeting held within
20 the regiment. They raised this matter about one month earlier so
21 that <our intelligent agents> could <observe> the situation. And
22 the meeting was organized by Regiment 156.

23 Q. <Can you tell, who> sent <you> in this Regiment 156 <to the
24 battlefield?>, and how many staff were there in your medical
25 unit?

1 A. I was sent to the battlefield as a medic, and it was the
2 commander of Regiment 156 who gave the instruction. There were
3 six of us in the medical unit. We <did not engage in combat>, <we
4 stationed at the> rear <because we were medics>.

5 Q. During the course of your preparation, did you have to prepare
6 your medical equipment, medicines that would be sufficient enough
7 <and ready for> war?

8 [11.09.07]

9 A. For the medical unit, we had to prepare all the utilities or
10 materials that we had to use at the battlefield, and it <should
11 be> sufficient<ly supplied>.

12 Q. And before the assault started, was there any leader from the
13 Centre or from the zone to visit the front battlefield line?

14 A. Before the assault at our spearhead, there was no such visit
15 by anyone from the Centre. We were under the supervision of the
16 commander of <Regiment> 156.

17 Q. Can you tell the Chamber why your Regiment 15<7 (sic)> was
18 sent to attack Vietnamese Barrack 27? Do you know the motive
19 behind it?

20 A. The regiment is 156<, not 157>, and our spearhead was directly
21 opposite Barrack 27. Division 4 was divided into three
22 regiments<. Regiment> 154 <positioned at Memot>, <Regiment> 155
23 stationed at Sa'am, Ampuk, <at Bos Takok> (phonetic), and while
24 156 was stationed at Road 27. So the barrack was within our
25 spearhead.

1 Q. And before the assault started on Barrack 27, was there any
2 study to compare the <fighting> forces, the weapons and means on
3 the Vietnamese side to your side and whether Division 4 could
4 defeat the Vietnamese side?

5 [11.11.50]

6 A. Regarding our spearhead, that is, for Regiment 156, before we
7 engaged we sent our reconnaissance team to do the survey <the
8 ground, and then, they analysed it>. <This applied to > every
9 battlefield.

10 Q. So for the attacks on other targets as you described,
11 including Barrack 27, how many forces did your Regiment 156 use
12 and <what kind support in term of> weaponry <supplied to you>?

13 A. We had over 1,000 <people> in Regiment 156. Of course, we did
14 not deploy all the forces. We only used a <small> portion of the
15 forces, and that is for the replacement purposes. <And for heavy
16 weaponry, we> had <only 80-mm mortar, and> DK artillery, for
17 example.

18 [11.13.10]

19 Q. And regarding the assault on Barrack 27, as you stated
20 yesterday, you could penetrate <half of> the enemy line. However,
21 due to the intervention by tanks and <Vietnamese> aerial support,
22 you could not continue your penetration and that you had to
23 retreat.

24 In your capacity as a medic, do you have the figure of the
25 wounded and the dead, and was there any of the senior commander

1 in your regiment got wounded?

2 A. It happened a long time ago, and I cannot tell you the number.

3 <We made our> summary <and> daily<> report<s>. And one of the

4 commanders named Chhoeun was wounded. He was hit in his chest.

5 Vietnamese side was supported by tanks and planes.

6 Q. Was Chhoeun the commander of Regiment 156 or what was his

7 function?

8 A. Chhoeun was the military commander of Regiment 156.

9 Q. And after Chhoeun was wounded, how serious was his wound and

10 was he sent somewhere else for treatment?

11 A. Chhoeun, the deputy commander, was wounded and he was sent for

12 treatment at a P2 hospital, which belongs to the zone.

13 Q. And after he was wounded, who replaced him, that is, for the

14 attack on Barrack 27?

15 [11.15.45]

16 A. In each regiment, there were four people in the leadership, so

17 when one was not available, the other three would take charge.

18 Q. You also stated that because you could not attack Barrack 27,

19 you had to retreat to the border. How was the situation within

20 your forces at the border? Were you in a position only to contain

21 the Vietnamese troops, or did you also have plan at the time to

22 continue your <further attack>?

23 A. For forces in 156, after we retreated, our measure was to

24 contain them, not to allow them to make any further advancement.

25 Q. Can you tell the Chamber your strategy that was used to

1 contain Vietnamese advancement into Kampuchean territory?

2 [11.17.15]

3 A. Regarding the strategies, we all learnt the same strategies,
4 but the tactics depended on each military commander, and they
5 were all different. So each commander had to engage in his own
6 tactics despite all the common strategies they learned from their
7 training. They deployed different tactics at <actual combats>, <>
8 to minimize the number of casualty <and to gain victory>.

9 Q. So as for your <self-defence within> group, that is, Regiment
10 156, did you resort to laying mines and spike traps in order to
11 disrupt the advancement by the Vietnamese troops?

12 A. My unit did not use any mines or spike traps.

13 Q. So you contained them, for a period of time, at the border
14 area and you also stated that Vietnamese broke through line at
15 where Regiment 155 was based <and they advanced behind your
16 troops>.

17 Can you tell the Chamber, at that time, what happened to your
18 Regiment 156?

19 A. Yesterday, I made mention about this already. We were busy at
20 the battlefield. Then the Vietnamese troops who broke through,
21 155, at Bos Ta Kok (phonetic), they <turned to National> Road 7
22 and then attacked us from behind. We were not aware that they
23 <already> broke <on the east> at <Bos> Ta Kok (phonetic), but we
24 learned that we were shelled by tanks from behind. Then we
25 realized that they <must already break one line>, so we had to

1 retreat ourselves to the west, that is, to Kbal Damrei and Tuol
2 Sangkae in order to counter their attack.

3 [11.20.06]

4 Q. Regarding the attack on Vietnamese troops in December '77,
5 were all East Zone soldiers sent to the border or were portions
6 of the forces remain inside the country in order to contain the
7 Vietnamese troops in case that they broke through?

8 A. During the start<> of the campaign, all forces were sent. And
9 there was no one left behind.

10 Q. You also stated that the Vietnamese troops penetrated to Khnar
11 village about 20 kilometres from the border, that is, in <Sralab
12 commune,> Tboung Khmum district of Kampong Cham province.

13 When Vietnamese troops made that advancement, were there any
14 Khmer Rouge forces who tried to contain them there and, if so,
15 <how was the containment>?

16 [11.21.24]

17 A. When Vietnamese penetrated through, there were no forces to
18 contain them along Road 7. That is why 156 and 154 had to retreat
19 and then to contain them, to contain their advancement, because
20 by that time they broke through the other section. And we, could
21 not make it in time so we had to retreat in order to stop their
22 advancement.

23 Q. Regarding the advancement by the Vietnamese troops, do you
24 recall how many soldiers in those troops comparing to the East
25 Zone forces and what kinds of weapons and support artillery that

1 were used at the time?

2 A. When Vietnam penetrated <the country>, it used heavy
3 artillery<, tanks, and modern weapons>. They were modern, for
4 example, 130 millimetre, 105 millimetre artilleries as well as
5 tanks. They used their main <vanguard, and main> forces to make
6 <one> push.

7 Q. Regarding your Regiment 156 and 155, who had to retreat to the
8 back in order to counter the advancements by the Vietnamese
9 troops, did you succeed?

10 [11.23.15]

11 A. At that time, there were not only <troops of> 156. There were
12 sector forces who came to counter Vietnamese advancement, so for
13 that reason, Vietnamese troops could not advance further<.> They
14 <stayed there or> had to retreat.

15 Q. Based on your observation at the time, if Vietnamese troops
16 intended to advance further, could DK forces stop them or contain
17 them?

18 A. If Vietnamese troops were to advance further, then there would
19 be DK forces who would prevent them further. There were standby
20 forces, and they comprised of two divisions for that purpose. So
21 once the penetration was made, forces from the two divisions
22 walked through<,Ta Am village,> the jungle at night time in order
23 to stop them from any further advancement. And I here refer to
24 divisions, including Division 2. And since Vietnamese troops were
25 aware of the situation, they had to retreat.

1 [11.24.53]

2 Q. Based on your claim that DK forces had stronger forces and <>
3 they <could fight to expel those Vietnamese from the> occupied
4 <areas> or whether the Vietnamese troops quietly withdrew from
5 the area?

6 A. Divisions 1 and 2 actually made their move since soldiers had
7 to walk through the night. Vietnamese troops were aware of the
8 situation. For that reason, they, themselves, withdrew<. They did
9 not want further trouble>.

10 Q. After the withdrawal of the Vietnamese troops, did your
11 Division 4 try to <> recount the damage?

12 A. You ask me about the division. I am not aware of the division.
13 Of course, there has to be a report for each unit, including the
14 damage, loss of life and the loss of equipment.

15 Q. After the withdrawal of the Vietnamese troops, did So Phim go
16 to inspect the forces at the battlefield?

17 A. It was typical that the zone leader did not go to the
18 battlefield himself. He only issued instructions or orders to the
19 division commanders. And the division commanders themselves did
20 not go to the battlefield. They issued further orders to the
21 commanders of regiments.

22 [11.27.07]

23 MR. SENG LEANG:

24 Mr. President, in the interests of time, I'd like to put more
25 questions regarding the documents that I do not have the ERN<, I

47

1 need time to search for the ERN and will ask this question

2 regarding such> document <> later this afternoon.

3 MR. PRESIDENT:

4 Yes, you can do that.

5 JUDGE FENZ:

6 You have the ERN number. Counsel Koppe has mentioned it to you,

7 if this is the same document.

8 MR. SENG LEANG:

9 Madam Judge, I do have the document. However, I'd like to compare

10 the ERN number and the excerpt that I would like to extract. I'd

11 like to make sure that it is correct. <So, I need time to check

12 so that I will put the right question. My apology.>

13 [11.28.14]

14 MR. PRESIDENT:

15 Thank you.

16 It is now convenient time for lunch break. The Chamber will take

17 a break now and resume at 1.30 this afternoon to continue our

18 proceedings.

19 Court officer, please assist the witness at the waiting room

20 reserved for witnesses during the lunch break and invite him as

21 well as his duty counsel back into the courtroom at 1.30 this

22 afternoon.

23 Security personnel, you are instructed to take Khieu Samphan to

24 the waiting room downstairs and have him returned to attend the

25 proceedings this afternoon before 1.30.

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.

1 The Court stands in recess.

2 (Court recesses from 1129H to 1330H)

3 MR. PRESIDENT:

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

5 And the floor is given to the Co-Prosecutor to resume the
6 questioning.

7 [13.31.10]

8 MR. SENG LEANG:

9 Thank you, Mr. President.

10 To start, I would like to show two photos; one of which was taken
11 from E3/10714, and another document is taken from E3/10715.

12 I would like to ask for clarification from the witness and I
13 would like to know if the witness knows the two individuals in
14 those photos. These two individuals worked in the Protection Unit
15 of So Phim. I would like to seek the permission from Mr.

16 President to show the photos to the witness.

17 (Judges deliberate)

18 [13.35.59]

19 MR. PRESIDENT:

20 Yes, you can show the photos.

21 BY MR. SENG LEANG:

22 Mr. President, I would like to seek your permission to project
23 the photos on the screen, as well, for party's ease.

24 The first photo is from E3/10715; ERN in Khmer <01327936> ,
25 <01338191>; that is <ERN in> English.

1 (Short pause)

2 [13.36.58]

3 Q. Mr. Witness, in relation to the photo on the screen, do you
4 recognize or know the individual in the photo?

5 2-TCW-1065:

6 A. I did not hear you, Mr. Co-Prosecutor; could you repeat it?

7 Q. Do you hear me now, Mr. Witness?

8 A. Yes, I could hear you now.

9 Q. Mr. Witness, please look at the individual in the photo; do
10 you recall who he is?

11 A. He is Nim. Nim, let me tell you, may have been the driver for
12 So Phim.

13 [13.38.15]

14 Q. Thank you, Mr. Witness. And I would like to ask the AV Unit to
15 show another photo from E3/10714; ERN in Khmer 01327930; and
16 English 01327936. The Khmer ERN is 01327930 and English,
17 01327936.

18 (Short pause)

19 [13.39.52]

20 MR. PRESIDENT:

21 The AV unit.

22 (Short pause)

23 [13.41.37]

24 Mr. Deputy Co-Prosecutor, did you give the photo for the AV in
25 order that they could project that for you? Now, could you please

1 print the photo in hard copy and present it to the witness; then
2 you can only tell the parties about the reference number and ERN
3 numbers?

4 BY MR. SENG LEANG:

5 Another photo is taken from E3/10714; ERN in Khmer is 01327930
6 and English 01327936.

7 Q. Mr. Witness, could you have a look at that photo? Could you
8 recognize who he is?

9 2-TCW-1065:

10 A. Thank you. After I had a look at the photo; his real name is
11 Ung. This individual may have known a lot about the facts. <I had
12 no relations with him, but that> Ung was working with So Phim.
13 [13.43.00]

14 Q. Thank you, Mr. Witness. And I would like to read the written
15 records of these two individual. These two individual used to
16 speak to the Document Centre of Cambodia; that is, DC-Cam. But
17 before I read the written records to you, I would like to
18 backtrack a little bit.

19 Yesterday, at 3.09 p.m., you stated that you told So Phim that
20 Pol Pot betrayed and So Phim did not believe in your explanation
21 and So Phim then replied that it was Son Sen that betrayed us.
22 And you stated that if So Phim <had believed me, he could have
23 fled to the East Zone so that troops> from three divisions could
24 defend him and co-secure his safety at the time. <To be clear for
25 this case, I would like to quote from an interview of a person,

1 Norng Sim (sic).>

2 You have also stated that Norng Sim (sic) was a driver for So
3 Phim.

4 And that document is at ERN 010340501; that is ERN in Khmer in
5 document <E3/10717>. That document is the interview conducted by
6 Long Dany<, a DC-Cam staff>. I would like to read as follow.

7 [13.44.50]

8 MR. PRESIDENT:

9 Mr. Co-Prosecutor, could you specify the name once again. I have
10 heard one time you said <this> name and another time you said
11 <that name> . <What is the name?> I believe that you do not have
12 a correct pronunciation<>.

13 BY MR. SENG LEANG:

14 Mr. President, my apology; perhaps, it is my mistake. Norng Nim,
15 this individual gave the interview to a staff from DC-Cam, Long
16 Dany. I would like to read the statement now.

17 Long Dany: "What did he say to your recollection?"

18 Norng Nim answered: "I did not commit any mistakes. I arrived at
19 the Kul (phonetic) location." Long Dany: "Where?"

20 Norng Nim: "The location of A Pot. <But> I did not arrive at
21 that location."

22 Long Dany: "What did he say?"

23 Norng Nim: "He said that he <would go to> that location <because
24 he did not do anything wrong>."

25 Long Dany: "What did he say? Did he say that he did not commit

1 any mistake?"

2 Norng Nim: "He said that he did not commit any mistakes."

3 Long Dany: "Did he attempt to go to Phnom Penh?"

4 Norng Nim: "Yes."

5 Long Dany: "Did he attempt to flee?"

6 Norng Nim: "He did not try to flee. If he had fled, he would have
7 been successful. <But he did not>"

8 Q. My question is, what is your reaction to the interview, to the
9 statements made by this individual?

10 [13.46.56]

11 2-TCW-1065:

12 A. I do not have any reaction to that interview. Norng Nim was
13 the driver for So Phim. I do not have any reaction to that
14 statement. <And I did not know everything.> Norng Nim knows a
15 lot.

16 Q. Thank you. I still have another question for your
17 clarification. Yesterday, you stated that Ung was an individual
18 who was successful in fleeing. You had a discussion with Ung at a
19 later stage. Could you tell the Chamber the content of your
20 discussion with Ung?

21 [13.47.56]

22 A. Thank you. I did not have a long discussion with him. I did
23 ask him who So Phim went with. In the photo, the individual's
24 name was Ung, the security guard for So Phim. So, Ung told me
25 that he went with So Phim. <But I did not know further details.>

1 Q. Thank you, Mr. Witness. To refresh your memory, about the
2 visit of So Phim to Akreiy Ksatr (sic), I would like to read to
3 you a statement from a document. <If you can remember it, you may
4 clarify, and if you cannot,> I would like your reaction on that
5 document.

6 The excerpt is taken from the statement of Sin Ung, who gave an
7 interview to DC-Cam, E3/10716; ERN in Khmer <> 01340587 through
8 88. It's a bit long; however, it is necessary <> for the
9 ascertainment of the truth.

10 Dany asks Ung: "You stayed at Akreiy Ksatr for one night?"

11 Ung answers: "Yes. When we arrived at Akreiy Ksatr, there was
12 rain. When we arrived at Akreiy Ksatr, we did not have time to
13 rest; we wanted to go directly to Phnom Penh. It was raining on
14 that day and we had to stay at Akreiy Ksatr. Those who were at
15 Akreiy Ksatr had fled, at that time, and that those people fled
16 to the plantation<. At that plantation house,> those people told
17 him that, "Please, <Brother> do not go. If <you> go, <you> would
18 be arrested. <They had made all the arrest to our East-Zone
19 people who dwelled in the city.>" We stayed there and at night,
20 they came to surround us and shoot at us."

21 Long Dany: "Who came to surround you?"

22 Ung: "I do not know."

23 [13.50.32]

24 MR. PRESIDENT:

25 You may now proceed, Judge Lavergne.

1 JUDGE LAVERGNE:

2 Yes, I note that this document, first of all, only exists in
3 Khmer; it is 70 pages long. Is it possible for us to have a page
4 number or at least the ERN number because we do not have an idea,
5 from what is read, of the provenance of the <excerpt> of this
6 document?

7 [13.51.08]

8 BY MR. SENG LEANG:

9 ERN, that is, <0134058 (sic)>; page number is 57 and <01340588>;
10 that is, page 56 and 57.

11 Ung answer: "I do not know, but when he arrived there, he
12 produced a letter in order that he could go to Phnom Penh and he
13 told the messenger to bring the letter to Pol Pot. The messenger
14 was <sent> back; then he produced another letter for <a clerk to
15 deliver>. The <person> was then sent back. <The messenger was not
16 arrested.>"

17 Dany: "What is the name?"

18 Ung: "I do not know his name. He was young< and stayed in Phnom
19 Penh.> He was <sent> back and there was no reply. <He knew it
20 that they did not> reply. At the time, we did not have any phone
21 communication system. Then he realized that there was, perhaps, a
22 plan. He still wanted to go to Phnom Penh."

23 Dany: "What was the content of the letter?"

24 Ung: "The content of the letter is that he arrived now at Akreiy
25 Ksatr. 'Please, comrade, come to receive me. I have arrived at

1 Akreiy Ksatr. I came through the shortcut road. I did not use the
2 ferry.' That was written in the letter and the clerk <told
3 that>."

4 Dany: "He arrived at Akreiy Ksatr and asked comrade to come and
5 receive him?"

6 Ung: "That is correct. He asked those comrades to come and take
7 him at Akreiy Ksatr. <Two letters were sent in that evening.>"

8 Q. <This is the end of my quote.> Mr. Witness, did Ung have a
9 similar discussion with you when you met him, and if he did not,
10 do you have any reaction to the reading?

11 [13.54.00]

12 2TCW-1065:

13 A. Thank you. I do not have any reaction to that reading. I do
14 not know about this issue. I am not informed of it, so how could
15 I give a reaction to the statement he made? He, I mean Ung, was
16 very well informed. <I did not know much because I was far away.>

17 MR. SENG LEANG:

18 Thank you, Mr. Witness, and thank you, Mr. President. <I would
19 like to end my question and give the floor to the International
20 Co-Prosecutor.>

21 [13.54.36]

22 JUDGE FENZ:

23 Sorry for interrupting. Generally, I think I've said it before.
24 From experience, it's not very conducive to read a lengthy part
25 of whatever to a witness and then generally ask for a reaction.

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1 Specify what you want to know. Do you want to know if he was
2 there? Do you want to know what he has to say about the phone
3 communication system, about the messenger, whatever?
4 I think it's not very conducive to getting valuable evidence to
5 read long parts into the transcript and then generally ask for a
6 reaction.

7 MR. PRESIDENT:

8 Please, International Co-Prosecutor.

9 [13.55.24]

10 QUESTIONING BY MR. KOUMJIAN:

11 Thank you, Mr. President.

12 Good afternoon, Mr. Witness. I'm going to go over and ask you
13 some more questions clarifying what you've told us and I
14 appreciate that you've been very clear about what you know and
15 what you don't know and please continue to do that. What we're
16 interested in is what you actually observed or heard about what
17 -- the events that happened.

18 I just want to start with a little -- a few questions about your
19 background.

20 Q. Did you have any education; can you explain what your
21 education was?

22 2-TCW-1065:

23 A. I received a limited education. I could simply read and write.

24 [13.56.24]

25 Q. Thank you. So you told us -- yesterday afternoon at about

57

1 13.43, you said you joined the revolution on 29 March 1970, in
2 Svay Rieng. "The reason I joined is because of the late king
3 father appealing for children to go into the jungle maquis."

4 First, before you joined the revolution, did you have any
5 occupation; were you farming or what were you doing?

6 A. Before I joined the revolution, I did not hold any specific
7 position; I was simply a farmer.

8 Q. Okay, thank you. Now, in the little passage I just read from
9 your testimony yesterday, you talked about joining the revolution
10 in March 1970, in response to the call of the late king father.
11 The Communist Party began its revolt to overthrow the king father
12 and his government in 1968; were you part of that rebellion
13 between 1968 and before the Lon Nol coup? Were you part of the
14 Communist Party's rebellion?

15 A. Between 1968 <to> 1970, I was not aware of that rebellion.

16 Q. When you joined, were you given a position just as a simple
17 soldier or were you given command of any other soldiers?

18 A. After I joined the revolution in <> 1970, I was within <> a
19 company.

20 [13.58.52]

21 Q. Were you the commander of the company or of a squad or -- or
22 just an ordinary soldier?

23 A. I was <part> of a company.

24 Q. Okay, thank you. And I believe, yesterday, you said a company
25 had about 120 troops; is that correct?

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58

1 A. There were 120 soldiers under my order.

2 Q. Thank you, that's very clear. Were you ever made a member of
3 the Party -- of the Communist Party of Democratic Kampuchea?
4 [14.00.01]

5 A. I became a soldier in the company. <In the year of 1971,> I
6 was never made a Party member since I <was engaging in medical
7 training>.

8 Q. Was there anything on your biography that you think prevented
9 you from being invited to be a Party member; anything about your
10 family background?

11 (Short pause)

12 [14.00.45]

13 A. I could not be a Party member because I engaged in medical
14 training and only those in the battlefields could be Party
15 members.

16 <MR. PRESIDENT>

17 <My channel does not have Khmer translation. It is full of
18 English translation. Right, let's continue!>

19 BY MR. KOUMJIAN:

20 Q. Thank you, that's clear. During the DK regime; that is, from
21 April '75 until January '79, did you ever undergo any political
22 training?

23 A. I never attended any political training because <> they did
24 not pay much attention to us in terms of political study.

25 Q. Were you ever sent to Phnom Penh for any kind of training or

1 meeting during the regime?

2 A. No, for me, I did not; I did not attend any political study
3 session in Phnom Penh.

4 [14.02.42]

5 Q. Now, you told us that the conflict with Vietnam actually began
6 in 1973, and you explained how the Vietnamese were confiscating
7 part of the supplies that came from China. At that time, before
8 1975 -- before the DK, was there any kind of exchange of
9 populations of Vietnamese from Cambodia and, perhaps, Khmer
10 people from Vietnam crossing the border?

11 A. As I have stated earlier, the exchanges took place at some
12 border checkpoints, according to those commanders on the ground,
13 but as a medic; I am not aware of those affairs.

14 Q. And just so we're clear of what you're talking about, you're
15 talking about ethnic Vietnamese going from Kampuchea to Vietnam
16 and ethnic Khmer, Khmer Krom, going from Vietnam to Kampuchea; is
17 that correct?

18 [14.04.18]

19 A. I can only say what I saw and if I did not see it, I cannot
20 respond to your question and, sometimes, <what> people <> have
21 said<, was considered unofficial. I am not aware of this>.

22 Q. Well, thank you, that's what -- exactly what we want you to
23 do, but I didn't quite understand your answer when you said there
24 was exchange on border points. Were you talking about Vietnamese
25 going from Kampuchea to Vietnam; is that what you meant?

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1 A. When I refer to exchanges, I do not refer to any human
2 exchanges; I speak about economic exchanges; that is, bartering
3 of <> cattle <for salt>. <I do not refer human exchanges at all.>

4 Q. Okay, thank you, that's clear. Now, after the regime began --
5 I want to ask you, first of all, so we understand what you could
6 know -- did you have a radio or did -- did your unit have a radio
7 where you would listen to radio from Phnom Penh or from other
8 places?

9 A. For my group or my unit, we did not have any radio; for that
10 reason, we did not listen to any news.

11 [14.06.07]

12 Q. And how about a military radio to communicate with your
13 commanders, did your units have that between that period of '75
14 until -- until what you called the coup d'état <> 25 May '78; did
15 your units have a radio -- a military radio?

16 A. Before the coup d'état in 1978, I was at the hospital and
17 where I was, there was no military radio and I was there since
18 1977. We did not have any communication radio.

19 Q. If I understood you correctly your testimony, correct me if my
20 wrong, in '77, you were sent to the frontline as a medic; is that
21 correct?

22 A. Yes, that is correct because, at the time, I became a military
23 medic.

24 Q. And just so we understand; when you talk about the hospital --
25 the regiment hospital that you commanded, was that -- was that a

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1 -- something located in a building or a particular place or was
2 it something mobile that moved with the forces?

3 [14.07.54]

4 A. When I speak about a hospital, it was a mobile hospital; it
5 was not <hospital> building. You can say it's a triage.

6 Q. How many personnel were under you when you were in charge of
7 the hospital?

8 A. There were 20 medical staff under my supervision.

9 Q. Thank you. And were all of them like you, combatants that also
10 would be armed?

11 A. All medical staff were not armed; however, we were provided
12 four to five weapons for the protection and only when we went to
13 the battlefield, we were given the weapons.

14 Q. Okay, thank you. Now, in the hospital or any of your time
15 during the DK period, did you receive any Party publications, the
16 "Revolutionary Flag" or "Revolutionary Youth"; any kind of
17 policies or news that was written down and distributed?

18 A. My unit was meant to save lives of people; for that reason, we
19 were provided with limited information and we never received any
20 magazine <or any document>. We were out of the loop.

21 [14.10.17]

22 Q. Can you tell us the approximate month that you arrived at the
23 frontline, what month in 1977 or if it was 1976?

24 A. I went there in December '77, but I cannot recall the day.

25 Q. Okay. And so before December '77, you were still in Prey Veng,

1 but at the military hospital; is that correct or were you
2 somewhere else before December '77?

3 A. I was, myself, never based at Prey Veng province.

4 Q. Okay, so correct me, before 19 -- December 1977, where were
5 you based and what was your job?

6 A. Before '77, I was stationed at Unit 156 under Division 4 and I
7 was never stationed at Prey Veng.

8 Q. Where were you stationed?

9 [14.11.58]

10 A. I was stationed at La Village.

11 Q. Can you help me, where -- where is that; can you tell us the
12 province and where that is?

13 A. La village was in Ponhea Kraek district, Tboung Khmum
14 province; but is now known as Tboung Khmum.

15 Q. Now, at that time, did your hospital receive any casualties of
16 those that had been injured in fighting? This is before you went
17 to the frontline.

18 A. As for Hospital 156, we treated the wounded soldiers. We also
19 receive dead soldiers and civilians living near by the vicinity
20 facility were allowed to receive treatment as well.

21 Q. And these wounded and killed soldiers, do you know whether
22 they were wounded and killed from fighting with the Vietnamese
23 army?

24 A. Regarding the wounded and the killed soldiers, in fact, the
25 wounded soldiers were put into two categories; for the light

1 wounded soldiers, we would treat them and for those seriously
2 wounded soldiers, they would be sent to the zone hospital and
3 they were wounded as a result of fighting with the Vietnamese
4 troops.

5 Q. So when did those war casualties begin; when did you first
6 start seeing them, 1975, 1976, '77; can you tell us?

7 [14.14.32]

8 A. Let me talk about 1976. At the time, I was transferred from
9 Svay Rieng to the East Zone and I refer <the entire East Zone> --
10 to the period of this '76, and those war casualties were the
11 result of the fighting against the Vietnamese troops.

12 Q. Thank you. Now, do you know -- and tell us if you don't --
13 where did that fighting take place that these soldiers had been
14 wounded and killed?

15 A. <As I stated earlier, the> casualties were the result of the
16 fighting along the border starting from 27 to <Phsaot> (phonetic)
17 and to Kradas, so that was the spearhead of 156.

18 [14.15.54]

19 Q. And so we're clear, all the soldiers that you would have seen
20 in the hospital were part of Regiment 156; is that correct?

21 A. Yes, that is true. That is correct.

22 Q. Now, in relation to this Barracks 27 that you spoke about, you
23 told us that it was in Vietnam and you had been part of that
24 military operation. Was that the only time, to your knowledge,
25 that you were across the border in Vietnam -- before the

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1 helicopter took you to Ho Chi Minh City, of course -- or were
2 there other times when you crossed the border on operations into
3 Vietnam?

4 A. You stated that about Vietnamese <Army> 27, in fact, I refer
5 to Barrack 27 where Vietnamese troops lived and stationed and it
6 was known as Barrack 27. <That was not Army 27.> That's one thing
7 and the second thing<, which you still have question,> is that
8 regarding the helicopter that came to take me, that happened in
9 November 1978 in Memot; that is <when> I started fighting the
10 Khmer Rouge troops and that's a separate event that took place
11 later on. That's when I was taken to go there in order to form
12 the front and it's a separate matter from the events<. It was not
13 related to> the attack <against the Vietnamese at> the Barrack
14 27.

15 [14.17.49]

16 Q. Okay, I -- I apologize. I thought I said Barracks 27, but let
17 me repeat my question because you didn't answer my question.

18 Yes, you went to Vietnam on these two occasions; Barracks 27 and
19 when the helicopter took you to Ho Chi Minh. The question is: Did
20 you go to Vietnam on any other time; were there any other
21 operations that you went on to Vietnam before the helicopter took
22 you there?

23 A. Those were the two occasions that I went to Vietnam.

24 Q. And in this Barracks 27, did the Vietnamese soldiers live with
25 their families; do you know?

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1 A. I do not know whether they lived with their families because I
2 did not go to that barrack myself.

3 Q. Okay, thank you. I want to read to you a little bit -- before
4 I do -- from a statement; before I do, let me just ask if, by
5 chance, you know this person. Do you know someone named Lay Ean?

6 A. No, the name Leng Ing (phonetic) is not familiar.

7 [14.19.44]

8 MR. SENG LEANG:

9 The name is Lay Ean and not Leng Ing (phonetic).

10 2-TCW-1065:

11 A. No, it does not ring a bell.

12 BY MR. KOUMJIAN:

13 Q. Okay. I'd like to read some passages from his statements and
14 then ask you questions about it. So the first is from E3/376; in
15 English, the ERN is 00278690; in Khmer, it's 00270173; in French,
16 it's 00486094. He said:

17 "About seven months before 7 January 1979, I was ordered to
18 organize former combatants into groups for fighting the
19 Vietnamese. All the chiefs of the group, the regiment, and the
20 division were all the Southwest Zone cadres. We went to fight
21 along the road to Kraek in Kampong Cham and went through
22 Vietnamese Barrack 27 into Tay Ninh province."

23 And to be correct, in -- in the English, here, it's translated as
24 Fort 27.

25 "My group was the raiders of about 200 combatants. During our

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1 fighting in Vietnam, my group and I threw the grenades, burned
2 the houses, military hospital, ammunition storages, and
3 sawmills."

4 [14.21.32]

5 And I want to ask you about something else you said -- before I
6 ask the question, read something else; it's from E3/470. At -- at
7 Khmer, the ERN is 00170623; in French, 00205014; and in English,
8 00205009. He said:

9 "Upon arriving at Kampong Cham, they gave us weapons and sent us
10 off to fight at Suong and inside Vietnam at Chan Tung village in
11 Tay Ninh province. At the time, Ta Nha, chairman of the 207th
12 Division, and Ta Sary, the deputy, ordered us to attack and enter
13 the village and burn the houses down. Many of the people died and
14 other people were captured and made to help carry the wounded."

15 So my question is; before the operation that you went on in
16 Barracks 27 -- this is -- appears to be a different operation
17 because you're saying it's Southwest Zone troops, but he said
18 they were ordered to attack and burn the houses down.

19 A couple of questions: First, was there a village there at
20 Barracks 27; was it, in addition to a barracks, a village?

21 [14.23.16]

22 A. If you speak about the Southwest Zone, I do not have any
23 knowledge. As for Barrack 27, it was located at a far distance
24 from villages and as I said, I do not have any knowledge about
25 the Southwest Zone. I do not know whether the Southwest military

1 troops attacked Vietnam in '77 <because the East Zone troops
2 launched the first attack>. I do not have that knowledge.

3 Q. Okay, thank you. Then let -- let me move on to some more
4 questions that I have to you -- for you. During the time that you
5 were at the frontline, were you exposed to fire; were you in
6 danger? Was this a dangerous time for you and your fellow members
7 of Regiment 156?

8 A. As for the living conditions and the fighting at the
9 battlefield, we were exposed to all kinds of risk. <It was the
10 matter of life and death.> When one was in a battlefield, we were
11 exposed to all kinds of risk.

12 [14.24.45]

13 Q. Were those of you from your regiment and other units from the
14 East Zone that were involved in that 1977 fighting; were many of
15 you killed or wounded; were there many casualties? As a medic,
16 can you comment on that?

17 A. I was tasked as a medic at the front battlefield. There were
18 not many killed soldiers; however, there were many wounded
19 soldiers.

20 Q. Now, you talked about the events of the 25th of May 1978, when
21 many commanders were arrested; were these commanders the same
22 ones that had been fighting the Vietnamese in 1977 and earlier in
23 '78?

24 A. Those commanders, who were arrested, were military commanders
25 in the East Zone and, of course, they used to fight against the

1 Vietnamese troops.

2 [14.26.15]

3 Q. What effect did this have on the ability of Kampuchea to
4 defend itself against Vietnam, the arrest of these commanders
5 that had been fighting against the Vietnamese?

6 A. All military commanders at the front battlefields while they
7 were arrested, of course, it would have an impact. They were
8 there to take charge and to lead soldiers to fight against the
9 Vietnamese troops and if they were arrested, then the
10 <lower-rank> forces <would> become weak.

11 Q. So you called this 25th of May, the words you used yesterday
12 were a coup d'état and that Pol Pot was a traitor; can you
13 explain what you meant by that?

14 A. I said that the 25th <> was a coup d'état because, at that
15 time, the Central army, led by Ke Pauk, arrested people at
16 various departments and ministries, as well as military personnel
17 and they were arrested and killed. That's why I said that it was
18 the day <of> coup d'état <launched by the Centre Zone belonged to
19 Pol Pot>. And the internal gunfight also erupted in <the same
20 day, in> the East Zone<>.

21 Q. And why did you or did you or do you consider Pol Pot a
22 traitor; what did he betray?

23 A. I used the words that Pol Pot was a traitor because everyone
24 who was born wanted to live his or her <good> life, but <> he<,
25 the leader,> ordered soldiers to kill people, to torture people;

1 it means that that person <committed treason against> them and
2 there is no other reasons besides that.

3 [14.28.58]

4 Q. Before this operation by Ke Pauk, when they arrested the
5 commanders on the 25th of May 1978, had there been earlier
6 arrests in the East Zone of East Zone cadre, commanders, and
7 others?

8 A. My response might be a bit long. Initially, the East Zone
9 forces were at the <battlefront> to fight against the Vietnamese
10 troops and Ke Pauk<, the Central Zone> forces<,> came to stay at
11 Ta Hiev (phonetic), at Stueng (phonetic), at Maisat (phonetic)
12 and that's what I <already> testified yesterday. The<se forces>
13 were supposed<> to assist the East Zone forces <in the> fight
14 against the Vietnamese troops, but <actually, they did not fight
15 against the Vietnamese, they campaigned against the rear
16 departments and ministries>. They <did make the> arrest <of>
17 cadres at the rear at various departments and ministries and
18 that's what happened.

19 First, <they said they came> there to fight against the
20 Vietnamese troops, but they did not; they arrested people, some
21 fled and that was the time that the gunfight erupted.

22 [14.30.28]

23 Q. I'll continue until Mr. President tells me to break unless you
24 want -- okay, that's it. Okay, thank you. So when did the arrests
25 begin, sir; in what year did these arrests begin?

1 A. The arrest of cadres happened in 1978; that <was the vigorous>
2 arrests.

3 Q. Okay. In yesterday's testimony, at about 15.06, you were
4 talking about in late-1977, you said; you said, "At that time, we
5 had a war with Vietnam. I was at the battlefield, but one evening
6 about 5 o'clock, I came to my house" and you said you met So
7 Phim. And he asked you about the battlefield and you told him it
8 was not good. Do you remember this conversation?

9 A. I did go there to visit my family members. I had an
10 opportunity to talk to him <at night at 9:00 p.m.> He asked me
11 and I told him <the truth> about the situation at the front; the
12 situation at the front was not good. <>

13 [14.32.27]

14 Q. And, at that time, when you said the situation was not good,
15 were you referring to how the battles were going with Vietnam;
16 were you referring to something else, to arrests or purges; what
17 were you referring to?

18 A. Thank you. I use the word "not good." There was a fighting.
19 The fighting was not in good situation. I mean there were
20 dangerous situations. There were no arrests, at the time, because
21 every soldier was at the front. <It is very dangerous to make
22 arrest against those who were> fighting <at the front.
23 Therefore, the word "not good," is referred to the fighting>.

24 Q. Okay. And then you said that Pol Pot -- that -- excuse me, So
25 Phim analysed the situation. You said "it." And he said, "There

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1 was a storm in China, but the remnant effect felt in Cambodia";

2 did he explain what he meant?

3 [14.34.06]

4 A. I was referring about the fighting. <But> I was talking

5 <about> big trees growing at the border<, where the fighting took

6 place>. The wind was not so strong, but those big trees fell

7 down. So I made a metaphor, at the time, <about these trees. Such

8 trees were not good since the trees fell. He said, it was

9 alright> because there was a storm in China <but Cambodia got

10 side effects>.

11 Q. I'm still confused about what you meant or he meant, but I'll

12 pass on that for now. You said that in that conversation -- and

13 so at 15.07, you said:

14 "The issue is that we started to fight with Vietnam. At that

15 time, Vietnam didn't attack us, however, then there was an

16 internal armed conflict and that happened in May. I knew the

17 situation was not good and I thought that maybe some people were

18 traitorous and I chit chatted to him that it could be Pol Pot.

19 And he said, 'If Pol Pot was a traitor, Pol Pot would have told

20 him'."

21 So just to be clear, when you said that, you're talking about a

22 conversation you had with So Phim at the end of 1977; this is

23 before the May '78 arrests; is that correct?

24 [14.36.08]

25 A. The meeting happened before 1978. It was the time when I left

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1 my battlefield. It was within the full-moon season. I was sitting
2 on a bed outside of the house <with him>. <He asked about the
3 situation and my response was> situations <were not good>. I said
4 the military situations <were> not good. There may have been a
5 traitorous plan <behind that coup>. He then asked me who betrayed
6 us. I replied that it was Pol Pot. <He did not believe me, he>
7 then continued to tell me that if Pol Pot had betrayed, <why not>
8 told him< about it, since he was one of the zone chiefs.> And I
9 tried to explain <> him that the one who betrayed others, never
10 disclosed that information to them. <Instead, he thought it was
11 Son Sen who was in charge of commanding the army.>

12 Q. In all of your conversations with So Phim, did he ever
13 indicate that he had a hostility towards Pol Pot or he had plans
14 to overthrow or kill Pol Pot?

15 A. I never heard about such statement from him, the plan to
16 depose Pol Pot. <So,> I never heard of it. I am not aware of it.
17 It was his own heart and his own thinking. I could not read his
18 mind unless he told me.

19 [14.38.04]

20 Q. But, correct me if I'm wrong, you were a relative of his and
21 someone that he talked to; do you believe that Pol -- that So
22 Phim was honest with you and confided in you what he was
23 thinking?

24 A. I do not think that way. I have different thinking. <He was an
25 uncle, but the> relationship was normal. I did not think <>

1 whether or not he was loyal to me <>. <Since he was an uncle, I
2 would listen to what he said, but I did not ask for further
3 details. I did not talk about whether he was honest with me or
4 not>.

5 Q. Thank you. Well, my question, really, is getting at whether So
6 Phim did or did not have any secret plan. The defence claims he
7 had a secret plan to overthrow Pol Pot and was working with the
8 Vietnamese at the time. You were an East Zone soldier. You were
9 his relative. Did he ever try to recruit you to an army to fight
10 against Pol Pot?

11 A. A while ago, you stated that So Phim had a secret plan with
12 Vietnam. <I did not know that.> Regarding the public, open plan
13 or secret plan, I am not aware of it. He did not tell me, so how
14 could I know about that? It is normal that accusation were made
15 against one another.

16 [14.40.01]

17 Q. Just to be clear, Mr. Witness, I didn't say that -- that he
18 had a secret plan. Maybe I told you that that was the Defence
19 theory. That's not mine. I did not tell you that So Phim had a
20 secret plan, just so we're clear. Thank you.

21 Now, did you ever see any Vietnamese that were captured by
22 Regiment 156, your regiment, or any other DK forces?

23 A. I never saw it. I never witnessed the arrests. <They may have
24 made the arrest somewhere which I did not know.> I, myself, did
25 not witness the arrests.

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1 Q. How about did you ever see any people fleeing Vietnam;
2 civilians or maybe former Thieu-Ky soldiers, South Vietnamese
3 anti-Communist soldiers; did they ever come across your area
4 seeking refuge in Cambodia?

5 [14.41.28]

6 MR. PRESIDENT:

7 Not Turkish soldiers, Thieu-Ky.

8 MR. KOUMJIAN:

9 Thank you, Mr. President.

10 2-TCW-1065:

11 A. Thank you. I do not know. I do not know how to explain. You
12 asked me, perhaps, about the period of 1970. <That was
13 backwards.> Yes, <in '70,> there were Thieu<-ky> soldiers
14 entering our territory.

15 BY MR. KOUMJIAN:

16 That's my fault. I wasn't precise enough. Let me be clear about
17 the time period. I'm talking about when you were with Regiment
18 156, so we're talking about, I believe you said, '76 until late
19 '78. When you were with Regiment 156 and in the East Zone, did
20 you see people -- ever see people that had fled Vietnam, either
21 civilians or soldiers of the regime that had lost the Thieu-Ky
22 regime that had lost to the communists; did they ever come into
23 your area?

24 A. No, they did not flee <into my> location. <At vicinity of my
25 spearhead, I did not see them. But> I did not know if they fled

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1 to other locations.

2 [14.43.19]

3 Q. Okay, let's go to the 25th of May 1978, that day. You told us
4 a story about how you were informed about the mass arrests of
5 commanders by, I believe it was, Phan (phonetic); a man injured
6 in the arm who escaped.

7 At that time, did you have any way to contact other East Zone
8 forces by radio, by telegram, by messenger?

9 A. Allow me to briefly explain you. We were engaged in the
10 fighting against Vietnamese troops; I mean the East Zone forces,
11 and forces from the Central Zone<, who came from behind, summoned
12 division commander, regiment commanders,> battalion<commanders,
13 and company commanders> to a meeting at Kraek <at Division 4
14 headquarter>. All of them came to a meeting; <> and only I did
15 not go to attend the meeting since I was to stay at the
16 battlefield. In fact, the invitation to the meeting was not real;
17 <those cadres> were all arrested.

18 [14.45.01]

19 There was <regiment commander>, <> name Sok (phonetic) who was
20 <already blindfolded and ordered> to kneel down in front of the
21 well and he at the time <loosened the scarf and> saw the well<.
22 Soon, he> jumped across the well and ran away. Fire was shot at
23 him and he got injured in his hand. He fled to see me <at the
24 front,> and told me that, <"Brother, Pol Pot clique has betrayed
25 us; they killed us. Our superiors were all arrested>.

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1 Realizing that, I invited all <staff and soldiers from all the
2 battalions to a meeting to make a plan. That time, we planned to
3 smash the division. But some of the members within the
4 battalions> did not agree with me to engage in the attacks. <They
5 said, after the attack, where should we go? I at the time kept
6 aside that matter and I had to think about the situation.> The
7 traitorous plan< had already been devised> at the time. <They
8 arrested senior people commanding troops at the battlefield. So,
9 what was the point to wait. Since they did not agree, I said,
10 "You could go wherever at your will. I am going into the jungle,
11 you can join me or you can go home." Some of them agreed to go
12 into the jungle with me.> <> I told the other soldiers <to
13 withdraw> 300 soldiers<, who were engaging in fighting the
14 Vietnamese,> to come with me and run into the jungle in order to
15 prepare forces to attack Pol Pot's forces.

16 MR. PRESIDENT:

17 Thank you. It is now time for a break. The Chamber will take a
18 short break from now until 3 p.m.

19 Court officers, please assist the witness in the waiting room
20 during the break time and please invite him back together with
21 his duty counsel to the witness stand in the courtroom at 3 p.m.
22 The Court is now in recess.

23 (Court recesses from 1447H to 1501H)

24 MR. PRESIDENT:

25 Please be seated. The Court is now back in session and the floor

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1 is given to the International Co-Prosecutor to resume the
2 questioning. You may now proceed.

3 BY MR. KOUMJIAN:

4 Q. Thank you. And thank you, Mr. Witness, for explaining, again,
5 about how you found out about the killing of commanders and led
6 the 300 troops to the forest. But my question is -- let me repeat
7 it -- once you went into the forest, 25th of May '78, did you
8 have any contact then with So Phim after that date or any other
9 East Zone commanders, or was your group isolated?

10 [15.02.30]

11 2-TCW-1065:

12 A. In relation to the 300 soldiers who were with me in the
13 jungle, I was the one who led them. I lost communication with any
14 other forces. <It was the end of communication at that point.>

15 Q. Did other people join you? Did you have any civilians with you
16 or any other soldiers that you came across that joined your
17 group?

18 A. No, they were all soldiers from the battlefield<>.

19 Q. My recollection is that yesterday you said you did attacks to
20 save civilians. Do you recall saying something like that? Did
21 your group attempt to save any civilians?

22 A. When I organized the three <300> soldiers in the jungle <of
23 Prey A Nguy (phonetic)>, there were some civilians fleeing into
24 <that> forest. <Then, I> started the campaign to attack back
25 against Pol Pot forces <at each sector and unit>. If <we> did not

1 attack <them back>, we would have nothing. <If we attacked, we
2 would survive, if we did not, we would die.> We absolutely,
3 absolutely had to engage in the fighting against Pol Pot in order
4 to get rice, salt and medicines.

5 Q. These civilians that fled and joined you, why were they
6 fleeing? Can you explain?

7 A. Regarding the fleeing civilians, they fled <into the jungle>
8 because villagers in villages were wanted. They had to flee <with
9 their families> to avoid the arrests. <In their effort to hide
10 themselves, they did not have food.> So I had to support them<,
11 gave them food to eat> .

12 Q. So just so we're clear, who was arresting these civilians?
13 [15.05.24]

14 A. The Central Zone forces who were sent to arrest <both the>
15 soldiers and civilians. <At this point,> civilians <, together
16 with soldiers, in pandemonium,> were fleeing from the East Zone
17 at the time because of the arrests<. They could not stay.
18 Meanwhile, the gunfire was erupted at every office and
19 ministries>.

20 Q. During the time that you were in the forest, or after the time
21 January '79, when you returned to Kampuchea, did you ever come
22 across any killing fields, any sites where there were bodies of
23 persons who had been killed?

24 A. Upon my return from Vietnam, <when they fought into Phnom
25 Penh,> I never came across corpses, but I witnessed pits or

1 graves and I saw remains in the pits or graves, but not corpses
2 on the ground, and I was told by people.

3 Q. So can you explain a bit where were these pits, these graves
4 with human remains and what were you told about them?

5 A. The graves were under the mango trees <in Tboung Khmum at the
6 security office>. The security office belonged to Pol Pot and the
7 graves had been filled already, and now that location became the
8 farming area. <Previously, they were thrown into such pits.>

9 [15.07.30]

10 Q. Where was that? What village, district, province; do you
11 recall?

12 A. I <would like to inform you that, I> cannot recall the name of
13 the village, but the commune is Vihear Luong, Tboung Khmum
14 district and the current Tboung Khmum province. I cannot tell you
15 the name of the village.

16 Q. When you were with the hospital for Battalion 156, Regiment
17 156, where was your family?

18 A. I was attached to Hospital 156, which is now located in Ponhea
19 Kraek district. I was stationed to the east of that hospital in
20 <Huoch> Krom (phonetic) <village>. The Hospital <156> was <right>
21 there.

22 Q. At that time, were you married? Did you have children?

23 A. I got married in 1972. I already had three children. My
24 children were sent to live in the zone area, and I also had <my
25 wife and> a grandmother-in-law living at the location.

1 Q. So what happened to your wife, your children and your

2 grandmother-in-law during the DK regime; do you know?

3 [15.09.57]

4 A. Regarding my grandmother-in-law, my wife and my three
5 children, they were within the agricultural <unit> of the zone.

6 During the eruption of the fighting <on 25 May 1978>, they <ran
7 from> that location <> to Svay Rieng <in search of the> father.

8 <But from Svay Rieng,> they were further transferred to Leach,
9 Pursat. <I was told that my wife and children were relocated by
10 the Pol Pot clique to Leach, in Pursat Province.> It is because
11 of the transfer of them to Leach that I decided to go <look for
12 them> and <I was accused>. All of them had been killed. No one
13 survived.

14 Q. Did you ever learn why they were killed?

15 A. I don't know since I was stationed at the battlefield. That
16 was the policy<.This did not happen only to my family, whoever
17 were transferred, were executed>. <> No matter they were working
18 or they were ordinary civilians, they had to be killed<, even a
19 small child, in order to align> with the policy.

20 [15.11.41]

21 Q. Mr. Witness, you've talked about spending time at the front
22 line with your fellow Regiment 156 soldiers, risking your life
23 fighting against the Vietnamese. You also told us eventually you
24 were arrested by the Vietnamese and held in prison for eight
25 months. And yet in November 1978, you went to Vietnam and you

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1 joined with them to, you said, "cooperate to liberate the
2 country". Can you explain why you did that?

3 MR. KOPPE:

4 It's a bit peculiarly formulated, this question, Mr. President.
5 His arrest or his prison sentence was in '81 or 1980. So that
6 could not have been a factor in his mind before he went to
7 Vietnam in '78. That still had to happen.

8 MR. KOUMJIAN:

9 That's certainly obvious. I understand that. That certainly gives
10 this witness a reason not to be pro-Vietnamese. He himself was
11 victimized by an eight-month unlawful arrest without trial. So
12 keeping that in mind, Your Honours, I think it would be
13 interesting to hear from the witness why did he join with the
14 Vietnamese to come and, what he said, "cooperate to liberate the
15 country".

16 [15.13.19]

17 2-TCW-1065:

18 You are asking me about the period from December 1978. I was,
19 back then, in the jungle and the Vietnamese sent groups of
20 soldiers who come and contact me. Why? Because in the country,
21 Pol Pot <clique> continuously killed people from time to time and
22 <both Pol Pot and Vietnamese> forces were engaged in the fighting
23 against one another. I was <also part of a resistant force> in
24 the jungle <,> attacked Pol Pot as well. I had a chance to meet
25 <>, so I had to discuss <with Vietnamese and Kampuchean side>,

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1 and if I had not cooperated with the Vietnamese <and> liberated
2 <people from the Pol Pot genocidal regime, people would have all
3 been dead.> We, at the time, had to cooperate with the Vietnamese
4 in order to create the <Kampuchean> Salvation Front. The
5 Vietnamese could create a Front <depending on our forces because
6 we were local in support to them>. <So, as long as local
7 resistant supported the Vietnamese, we could smash Pol Pot and
8 liberate our people>.

9 [15.14.48]

10 BY MR. KOUMJIAN:

11 Q. And why did you believe the country needed to be liberated
12 from the DK regime even if it meant cooperating with foreigners?
13 Why did you feel it was necessary to liberate the country from
14 Pol Pot?

15 2-TCW-1065:

16 A. There were reasons that I had to cooperate with the
17 Vietnamese. One of the reasons is that Pol Pot killed Khmer
18 people. That was real, and if we did not help people, all of our
19 people would have been killed. The entire population would have
20 been killed. <So, we> had to cooperate with the Vietnamese troops
21 because they had <enough forces and> weapons. <To be successful,
22 our resistant forces could not fight alone.> We had to fight back
23 to liberate people to save them from execution.

24 MR. KOUMJIAN:

25 Thank you.

1 Mr. President, I have no further questions and I understand my
2 colleague civil parties do not have further questions.

3 [15.16.08]

4 MR. PRESIDENT:

5 Is it true that Co-Lawyers for civil parties have no questions?

6 Do you have or don't you have?

7 MS. GUIRAUD:

8 Thank you, Mr. President. I confirm that we do not have any
9 questions.

10 MR. PRESIDENT:

11 Thank you.

12 Then the Chamber gives the floor to the defence teams for the
13 Accused, starting first from the defence team for Mr. Nuon Chea.

14 [15.16.50]

15 QUESTIONING BY MR. KOPPE:

16 Yes, thank you, Mr. President. We weren't expecting to start
17 until Monday, but I have enough questions to go all the way until
18 4 o'clock, no problem.

19 Q. Good afternoon, Mr. Witness. I'm the International Co-Lawyer
20 for Nuon Chea. I would like to start with asking you some
21 questions about various people in the East Zone and my questions
22 will be whether you know them -- whether you knew them and what
23 their functions were. Let me start by asking you whether you know
24 or knew Heng Samrin's brother named Heng Samkai?

25 2-TCW-1065:

1 A. You put this question to me. I knew Heng Samkai. I used to
2 join the struggle with him. He is now deceased. He was the elder
3 brother of Samdech Heng Samrin.

4 Q. And can you tell me what you meant when you said that you
5 joined the struggle together? When was that, which moment? Can
6 you be a bit more specific in this regard?

7 A. You want me to inform you in detail about Heng Samkai? When I
8 ran into the forest on 25 <May> 1978, I came across Heng Samkai,
9 who joined hands with me at the time in order to engage in the
10 combat <> against the Central forces <, against those murderers>.
11 I did not know his clear identity at the time. I had <met> him
12 <briefly>.

13 [15.19.37]

14 Q. Was Heng Samkai already in Vietnam before the 25th of May
15 1978?

16 A. I went together with Brother Heng Samkai into the jungle,
17 together with also Heng Samrin. <No one went before and no one
18 left behind; we were all resistant forces in the forest>.

19 Q. I'll get back to that, but let me first ask you if you know
20 what his role and position were in the East Zone?

21 A. I did not have a specific relation with Heng Samkai. I do not
22 know his specific function and position. If I know, I would tell
23 you.

24 [15.21.03]

25 Q. I understand. The person that you recognized -- the two people

1 that you recognized on the photo this afternoon, both speak about
2 Heng Samkai and Sin Ung, the bodyguard of So Phim. In E3/10716,
3 ERN Khmer only 01340542; describes Heng Samkai as a chief of
4 messenger office, and Norng Nim, the bodyguard and driver of So
5 Phim in document E3/10717, Khmer ERN only 01340511, describes Ta
6 Heng Samkai as the chief of the messengers of the zone. Is that
7 something that maybe triggers your memory, that he was the chief
8 of the East Zone messengers?

9 A. I did not have communication with the military in the zone. We
10 met when we fled into the forest <together>. As for the relation
11 before that period, I did not know his role and function.

12 Q. I understand. But let me now get back to what you said about
13 you joining him. An American journalist, who was appointed as an
14 expert in the trial against Duch, wrote a book, "Brother Enemy",
15 E3/2376, and he speaks about Heng Samkai and he actually
16 interviewed Heng Samkai in 1981, English, ERN 00192440; Khmer,
17 00191596 and 97; and French, 00237111. Let me read the whole
18 excerpt so that you know what I'm talking about. He says --
19 Chanda writes:

20 [15.24.21]

21 "The fact that Heng Samrin's elder brother, Heng Samkai, another
22 Eastern Zone leader, had already made it to Vietnam helped in the
23 liaison."

24 Now comes a quote from Heng Samkai:

25 "'We had come to realize,' Samkai told me in 1981, 'that it was

1 impossible to overthrow Pol Pot on our own. We had to seek
2 Vietnamese help.' As the chairman of the Eastern Zone couriers
3 who carried messages back and forth between Party units, as well
4 as to Vietnam, he had long known the Vietnamese."

5 And now comes the interesting part for you:

6 "Making it to the border in January 1978, he was flown to Ho Chi
7 Minh City in a Vietnamese helicopter. He and other Khmer Rouge
8 defectors assembled in the former police training school at Thu
9 Duc."

10 Now, Mr. Witness, a few questions. First, apparently, according
11 to Chanda, Samkai was already in Vietnam in January 1978. Is that
12 possible?

13 [15.26.05]

14 A. I met Heng Samkai in the forest for a brief moment. There were
15 a few of us in the forest having only cooking pot and some of
16 them are aware of that, including Heng Samrin<. Some of the
17 people are> also aware of that. <They had nothing with them; and
18 they carried only one> red cooking pot at the time. We headed
19 nowhere at the time. All I knew at the time is that he was Heng
20 Samkai <and nothing else>.

21 Q. Let me try it differently. I believe your evidence is that 25
22 May '78, you and your regiment rebelled against the Central and
23 Centre forces -- Central Zone forces. You were a few months in
24 the jungle and then you made it to Vietnam. Is it then that you
25 met Heng Samkai in a VS? Wasn't Heng Samkai already in Vietnam

1 for at least seven months?

2 [15.27.50]

3 A. He met me, and that is his <own> statement. It is his own
4 statement. I do not mind with <what he> stated. <But from what I
5 observed, it appeared to be not that long.> As I said, I had a
6 brief meeting with Heng Samkai. I was <commanding> soldiers and I
7 accidentally met him in the forest. He did not have many, many
8 soldiers at the time. He <also> was fleeing for his life. <That
9 time, they did not have fighting troops; and> I did not know <>
10 the entire detail of him.

11 Q. I understand. Let me go back to that citation from Heng
12 Samkai:

13 "It was impossible to overthrow Pol Pot on our own. We had to
14 seek Vietnamese help."

15 Is that something he told you as well or is that something that
16 you heard from him or from others, attempts to overthrow Pol Pot,
17 early '78, but they weren't successful, so therefore the
18 Vietnamese had to intervene?

19 [15.29.28]

20 A. It is his idea. It is his own words. I do not have any
21 objection to his words. However, in relation to the fighting and
22 combat against Vietnam, it was first me who contacted the
23 Vietnamese at Kathout (phonetic) village. <But those who made the
24 contact all passed away.> And Preap <Vichey> (phonetic) <also>
25 died, and <there is only one survivor. Currently, he is one of

1 the members at the> Senate. <You can ask him, and he will tell
2 you about the story of liaison> with the Vietnamese<,> in
3 cooperation in order to <advance into the country> and <liberate
4 the Kampuchean people>. We had no <troops; so we had> to
5 cooperate with the Vietnamese forces who attacked the Pol Pot
6 forces. We had to ask for help from Vietnamese forces. After
7 there was <a common> agreement<, we went to> Ho Chi Minh City <to
8 organise the Front and Heng Samrin was the chairman of that
9 Front.>

10 Q. I'll get back to that. Let me first ask you about some more
11 East Zone -- high-ranking East Zone military cadres. Yesterday
12 you mentioned Pol Saroeun. Who was Pol Saroeun? What was his
13 function?

14 A. During the Pol Pot regime, I did not know Pol Saroeun's
15 position. I met him when we fled to the jungle in order to fight
16 against Pol Pot's group and previously did not know his position
17 at all. I only got to know him when we were in the jungle.

18 Q. Was he the Chief of the East Zone Military Staff or, rather,
19 the Deputy Chief together with Heng Samrin? Is that possible?

20 A. Pol Saroeun was not attached to Division 4, nor did he work
21 with Heng Samrin. Heng Samrin was the Division Commander, who was
22 my commander as well, but Pol Saroeun was different.

23 <Previously,> I did not know which military unit he was in. I
24 only met him <during the combat> in the jungle.

25 [15.32.25]

1 Q. That's fine. Do you know what the function of Pol Saroeun is
2 today?

3 A. At present, he was with the military staff.

4 Q. Another presently very high-ranking military person, Kun Kim,
5 is that someone that you know?

6 A. You asked me about him. I can say that I knew him in 1979, and
7 before that <Kun Kim> was a civilian. After we liberated the
8 country, he came to live in <Wat> Chroy (phonetic) pagoda, and I
9 got to know Kun Kim <about whom I was told>. That's all I knew
10 about him because I had no further contact with him since then.

11 Q. So you didn't meet him in '78 in the forest; is that correct?

12 A. That is correct. I did not meet him there.

13 [15.34.08]

14 Q. Two other names; do you know someone called Hem Samin?

15 A. No, the name Hem Samin does not sound familiar to me.

16 Q. Do you know or did you know Pen Sovan?

17 A. I only met Pen Sovan for one time only when <we were> in the
18 jungle in Memot. I <left the> battlefront and I saw him driving a
19 <jEEP>. I asked for his name and he said his name was Pen Sovan,
20 and that was all. And that happened before we created the front.

21 Q. I will go back to him as well. Did you know or did you meet in
22 '78 someone called Yos Phal?

23 A. No, I have never heard Yos (phonetic) Phal.

24 MR. PRESIDENT:

25 Maybe the pronunciation is off. There is one person named Yos

1 <Poa (phonetic)> as indicated in the document. Witness, do you
2 know Yos <Poa (phonetic)>?

3 2-TCW-1065:

4 As for the name of Yos <Poa (phonetic)>, I heard of that name,
5 but I never met him.

6 [15.36.12]

7 BY MR. KOPPE:

8 Q. Bou Thang, do you know him?

9 A. For me, I heard people saying the name, but I never met this
10 person Bou Thang in person. I heard people talking about Bou
11 Thang.

12 Q. Did you know Chea Sim?

13 A. Yes, I know him. I know him very well.

14 Q. What can you tell us -- what can you tell the Chamber about
15 Chea Sim?

16 A. Allow me to give you my response. Chea Sim had his native name
17 as Chea Salath (phonetic), and during 1975 or '76, he was deputy
18 chief of the district of Ponhea Kraek and <at that time> "Ta
19 Tmenh Sar" or "white teeth man" <was the chief. Chea Salath
20 (phonetic) was a deputy>. And later on he was known as Chea Sim,
21 but I do not know of his actual roles or functions. And when we
22 organized the front, I met him there as well.

23 [15.38.13]

24 Q. Norng Nim, E3/10717, Khmer ERN only 01340448 says that Chea
25 Sim -- the wife of Chea Sim was related to So Phim. Is that

1 correct?

2 A. As for Chea Sim's wife, she did not have any relationship to
3 So Phim. So Phim's native birthplace was in <Kokir Saom commune,>
4 Svay Teab <district>, Svay Rieng province. So for that reason, he
5 could not be related. And So Phim <had only> three siblings.

6 Q. Is it possible that So Phim's wife was related to Chea Sim's
7 wife?

8 A. I am not sure about that because Yeay Kirou, So Phim's wife
9 came from Prey Veng province and Chea Sim's wife also came from
10 that area, that is Krabau, but I do not know whether the two
11 women are related. <I just knew that they were from that area.>

12 Q. Three more names and then I'm done, Mr. Witness. Keo Chanda,
13 does that name sound familiar?

14 A. I only heard of the name Keo Chanda, but I did not have any
15 contact with him, and I heard of his name after Cambodia was
16 liberated. I never had any conversation with him.

17 [15.40.47]

18 Q. Was he the presiding judge in the 1979 in absentia trial
19 against Pol Pot and Ieng Sary?

20 A. I do not know about that.

21 Q. Ouk Bunchhoeun?

22 A. I know Ouk Bunchhoeun very well. We were in the jungle
23 together and we also worked together. And when I was on a
24 helicopter, in order to form the front, I travelled with him.

25 Q. And my last name, Mat Ly?

1 A. Mat Ly was a Cham person. I know him, but I do not have any
2 relationship with him. At the time, I met him in the jungle.
3 However, he passed away. He's a <Muslim> and he was also a former
4 member of the National Assembly.

5 [15.42.32]

6 Q. Thank you for these clarifications. Now, let me turn to what
7 you said in your WRI, E3/10667, Question and Answer 3. You talk
8 about the period November 1978 and you said that Vietnam invited
9 you to take part in the establishment of the resistance movement
10 known as the National Salvation Front. Can you describe meetings
11 that you had -- that you attended when this front was
12 established?

13 A. At that time, the Kampuchean and the Vietnamese side agreed to
14 form a <Kampuchean> National Salvation Front in order to save the
15 people from the genocidal regime, and we all agreed to that, <not
16 only> Vietnamese side<, but also> Kampuchean side for the
17 establishment of the said Front. And after the Front was created,
18 we launched an assault campaign <to liberate Kampuchea>.

19 Q. When was this meeting and where was this meeting?

20 A. The meeting was held in Ho Chi Minh City, that is, for the
21 establishment of the Front.

22 [15.44.55]

23 Q. Just to make sure if I understand, were there two meetings,
24 one in Ho Chi Minh City and another one in early '79 in Snuol? At
25 question and answer 5 you say:

1 "In early '79, while I was in Long Giao, Vietnamese and Khmer
2 troops established the 2nd December front in Snuol district,
3 Kratie province to prepare for offences into Cambodia."

4 Or is this the same meeting, or are there two meetings, one in Ho
5 Chi Minh and one in Snuol on the 2nd of December '78?

6 A. In Ho Chi Minh, we had a meeting to prepare the Front policy.

7 As for the meeting that took place in Snuol at the 2nd December,
8 there were monks and civilians who supported the 2nd December
9 campaign in Snuol district. So there were two separate meetings.
10 And during the second meeting, there were various participants,
11 including monks and civilians <in the purpose of launching the
12 campaign>.

13 [15.46.31]

14 Q. That's clear. Can you describe that first meeting in Ho Chi
15 Minh City first? Where was it held? Who were the participants and
16 what was discussed?

17 A. I do not know all the participants in the meeting held in Ho
18 Chi Minh City. <That time, the meeting comprised of motley
19 groups.> The main content of the meeting was for the creation of
20 the National Salvation Front<, including> the eighth and
21 <eleventh> principals, and that it had to be agreed by both
22 sides, Cambodia and Vietnam. Later on, the meeting was held in
23 Snuol district <on 7 January>, where civilians and monks
24 <vehemently> attended <and supported>.

25 Q. Who attended in Ho Chi Minh City? Do you remember?

1 A. I cannot recall them all.

2 Q. I understand. Any of the names that I just mentioned to you,
3 Heng Samrin, Heng Samkai, Chea Sim, Pen Sovan, any of those names
4 that we just discussed, were they present in Ho Chi Minh?

5 A. Yes, they were, that is, for the meeting held in Ho Chi Minh.
6 However, there were more participants whose names I cannot
7 recall.

8 Q. And are you able to remember how long before the big 2
9 December meeting, the meeting in Ho Chi Minh took place? Was it a
10 few weeks before? Was it a few months before? Do you remember?

11 A. I cannot recall it. As for the meeting at the 2nd December, it
12 was to inform them about the creation of the Front with the
13 participation of the military, monks and civilians, and that was
14 the purpose at the 2nd December meeting.

15 [15.49.32]

16 Q. Is it correct that the 2nd December meeting in Snuol was a
17 mass meeting, that thousands of people participated?

18 A. There were many people. It could be in the hundreds or in the
19 thousands. It took place at <Snuol,> the location of 2nd December
20 or "Pir Thnou". At present it is known as Pir Thnou village or
21 2nd December village.

22 Q. And at the time, was it a rubber plantation east of Snuol?

23 A. Yes, it was a rubber plantation <east of Snuol>.

24 Q. Do you recall whether a new national anthem was sung during
25 the 2nd of December meeting?

1 [15.50.55]

2 A. At that time, the song was composed by Chan (phonetic). Chan
3 (phonetic) was well known for composing songs<, "Oh...Phnom
4 Penh>. <She, the singer,> was part of the arts performance in the
5 East Zone.

6 Q. And new flags, red and yellow flags, were shown? Is that
7 something that you recall?

8 A. As for the national flag, it was flown at the Pir Thnou
9 location. It was erected there.

10 Q. And do you recall that the 14 members of the Front Central
11 Committee were introduced during the meeting?

12 A. I cannot recall that. And if I were to recall the members of
13 the Committee, I cannot recall their names. It happened a long
14 time ago.

15 Q. I understand. Did Front chairman, Heng Samrin, read out the
16 programme of the Front?

17 A. Yes, Heng Samrin read a document of the National Salvation
18 Front and disseminated the information so that the people got to
19 know about it.

20 Q. And do you recall the attendance of very high-ranking
21 Vietnamese leaders?

22 A. Yes, there were high-ranking officers, but I do not know their
23 names. There were military personnel from both sides, that is,
24 from Cambodia and Vietnam, but I do not know their names.

25 [15.53.43]

1 Q. Does the name Le Duc Tho, Le Duc Tho, mean anything to you?

2 MR. PRESIDENT:

3 The name is Le Duc Tho, Witness. Do you know this person?

4 2-TCW-1065:

5 As for Le Duc Tho, I heard of this name who was a Vietnamese
6 person, but I did not meet the person. I only heard people
7 talking about his name, Le Duc Tho.

8 BY MR. KOPPE:

9 Q. Did you see Heng Samrin, once he finished his speech, walking
10 up to Le Duc Tho to talk to him? Was he congratulated? Is that
11 something that you recall?

12 [15.54.58]

13 2-TCW-1065:

14 A. Personally, I did not see that.

15 Q. And is it correct to say that all the people that I mentioned
16 and that you knew were present at this 2nd December meeting in
17 Snuol in the East Zone, former East Zone?

18 A. Yes, that is correct.

19 Q. Let me move on to my next subject. Yesterday, you were shown
20 some telegrams by the President, telegrams which were signed by
21 Chhon and you discussed these telegrams as well this morning. You
22 said that you didn't--

23 MR. PRESIDENT:

24 Witness, please wait as you have not yet been asked a question.

25 BY MR. KOPPE:

1 Q. Yesterday, you said you didn't know who this Chhon was. Chhon
2 is in fact So Phim. Is that something that surprises you?

3 [15.56.40]

4 2-TCW-1065:

5 A. If you say that he was So Phim, I do not believe it because So
6 Phim was never known as Chhon at all. If you look at these
7 documents, which were reported through Uncle, <Om> Nuon, etc.,
8 and they were all made by Chhon, but Chhon is not So Phim. So
9 Phim is his alias and his native name is So Yan and it's not
10 Chhon. I don't believe you. I <disagree>.

11 Q. Well, I think both parties agree that Chhon was in fact So
12 Phim. So let me move on from that topic. Mr. Witness, one last
13 question, I think, before we have to finish. Does the name Hay
14 So?

15 A. No, I do not know this Hay So person.

16 [15.58.15]

17 Q. Did you ever see So Phim speak with Vietnamese cadres, either
18 end of '77 or early 1978?

19 A. Personally, I did not see So Phim speaking to any Vietnamese
20 person.

21 MR. PRESIDENT:

22 Thank you, counsel, and thank you, Mr. Witness. It is now the
23 appropriate time for today's adjournment and the Chamber will
24 resume tomorrow, Thursday, 3rd November 2016, commencing from 9
25 o'clock in the morning.

1 And tomorrow the Chamber will hear key document presentations by
2 parties in relation to armed conflict. This information is for
3 the parties and the general public.

4 Mr. Witness, the Chamber is grateful of your testimony. It is not
5 yet concluded and you are invited to return on Monday, 7 November
6 2016.

7 The Chamber is grateful of Ms. Sok Socheata the duty counsel. The
8 hearing of the testimony of this witness is not yet concluded.

9 Therefore, you are invited to return on Monday next week <to
10 assist this witness>.

11 Court officer, please work with WESU to make arrangements for the
12 witness to return to his accommodation and have him return to
13 attend the proceedings on Monday next week.

14 Security personnel, you are instructed to take the two accused,
15 Nuon Chea and Khieu Samphan, back to the ECCC detention facility
16 and have them return to attend the proceeding tomorrow before 9
17 o'clock.

18 The Chamber is now adjourned.

19 (Court adjourns at 1600H)

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