



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber

Chambre de première instance

**TRANSCRIPT OF TRIAL PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

28 June 2016

Trial Day 425

**ឯកសារដើម**

**ORIGINAL/ORIGINAL**

ថ្ងៃ ខែ ឆ្នាំ (Date): 28-Oct-2016, 10:39

CMS/CFO: Sann Rada

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

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:  
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SON Arun  
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Trial Chamber Greffiers/Legal Officers:  
Roger PHILLIPS  
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For the Office of the Co-Prosecutors:  
SENG Leang  
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For Court Management Section:  
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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. Doreen CHEN	English
Mr. CHHUN Samorn (2-TCCP-236)	Khmer
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. SENG Leang	Khmer
Mr. William SMITH	English
Ms. TY Srinna	Khmer

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will hear testimony of a civil party, that is,  
6 2-TCCP-236.

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

9 THE GREFFIER:

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

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

16 The civil party who is to testify today, that is, 2-TCCP-236, is  
17 ready to be called by the Chamber. Thank you.

18 [09.06.00]

19 MR. PRESIDENT:

20 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the  
21 request by Nuon Chea.

22 The Chamber has received a waiver from Nuon Chea dated 28 -- 27  
23 June 2016 which states that, due to his health, that is,  
24 headache, back pain, he cannot sit or concentrate for long. And  
25 in order to effectively participate in future hearings, he

2

1 requests to waive his right to be present at the 28 June hearing.  
2 Having seen the medical report of Nuon Chea by the duty doctor  
3 for the Accused at ECCC, dated 28 June 2016, which notes that  
4 Nuon Chea has a flu and back pain and it becomes severe when he  
5 sits for long and recommends that the Chamber shall grant him his  
6 request so that he can follow the proceedings remotely from the  
7 holding cell downstairs, based on the above information and  
8 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber  
9 grants Nuon Chea his request to follow today's proceedings  
10 remotely from the holding cell downstairs via an audio-visual  
11 means.

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

15 And the Chamber will issue an oral ruling regarding the Khieu  
16 Samphan request for clarification of the scope of internal purges  
17 in Case 002/02.

18 [09.07.50]

19 The Trial Chamber is seized of an urgent request for the  
20 clarification of the scope of the topic of internal purges in  
21 Case 002/02, filed on 24 June 2016, by the Khieu Samphan defence,  
22 document E420. On 22nd June 2016, the Khieu Samphan defence  
23 circulated a courtesy copy of the request to the parties. On 23rd  
24 June 2016, the Trial Chamber informed the parties that it would  
25 hear oral submissions at the hearing of 27 June 2016.

3

1 Having heard the parties' submissions at the hearing of 27 June  
2 2016, the Chamber finds that the proposed civil party,  
3 2-TCCP-236, scheduled to testify today falls within the scope of  
4 internal purges in Case 002/02, as defined in the Closing Order,  
5 as it contains information relevant to the occurrences of purges  
6 in the East Zone.

7 Two, proceeds to hear civil party 2-TCCP-236 as scheduled.

8 Three, a reasoned decision will follow in due course.

9 [09.09.47]

10 The Chamber issues an oral ruling to admit summary document of  
11 2-TCCP-236, and that is pursuant to Nuon Chea's defence, document  
12 E419 submitted on 24 <June 2016> to admit document <D22/2479/1>  
13 into evidence. It is a summary of the civil party application of  
14 civil party applicant, that is, 2-TCCP-236, who is scheduled to  
15 testify today.

16 The Chamber also notes the responses by the Lead Co-Lawyers for  
17 civil parties via an email yesterday afternoon concerning the  
18 matter. The Chamber deems the document <is> related to the  
19 testimony of civil party 2-TCCP-236 and could assist in the  
20 ascertainment of the truth in this case. For that reason, the  
21 document is admitted as evidence in the case. And the new name  
22 for this document is E3/4950A. Again, E3/4950A.

23 And reasoned decision will issue in due course.

24 Court officer, please usher the civil party into the courtroom.

25 Defence team for Khieu Samphan, you may have the floor. And court

4

1 officer, please wait for a moment.

2 [09.12.14]

3 MS. GUISSÉ:

4 Thank you, Mr. President. Simply to request clarification  
5 regarding the decision that was issued.

6 If I understand well, we will be provided with a more  
7 comprehensive decision with regard to the issues that we raised.

8 <But> you said that today that these issues <will> not <be>  
9 raised for the civil party, I see that Judge Lavergne is nodding,  
10 so I have understood the decision, but I wanted to be sure of  
11 this.<Thank you.>

12 MR. PRESIDENT:

13 Yes, your understanding is correct.

14 And court officer, please usher the civil party into the  
15 courtroom.

16 (Witness enters the courtroom)

17 [09.13.44]

18 QUESTIONING BY THE PRESIDENT:

19 Q. Good morning, Civil Party. What is your name?

20 MR. CHHUN SAMORN:

21 A. My name is Chhun Samorn.

22 Q. And Mr. Chhun Samorn, when were you born? Do you recall <in>  
23 detail, or at least the year?

24 A. I was born in 1957.

25 Q. And where were you born?

*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.*

5

1 A. I was born in Thmei village, Ksetr commune, Kampong Rou  
2 district, Svay Rieng province.

3 Q. And where is your current address?

4 A. I still live in the same native village.

5 Q. And what is your current occupation?

6 A. I am a rice farmer.

7 [09.14.58]

8 Q. What are the names of your parents?

9 A. Chhun Dam is my father, and Sok Him is my mother.

10 Q. And what is your wife's name, and how many children do you  
11 have?

12 A. Mean Eng (phonetic) is my wife. We have eight children.

13 Q. Thank you, Mr. Chhun Samorn. As a civil party, towards the  
14 conclusion of your testimony, you may make a victim impact  
15 statement, if any, concerning the <harm inflicted upon you during  
16 the Democratic Kampuchea>.

17 And Mr. Chhun Samorn, have you been interviewed by investigators  
18 from the Office of the Co-Investigating Judges of the ECCC?

19 [09.16.16]

20 A. I provided my statement during the proceedings in this Court.

21 Q. Did you testify before this Chamber or did you provide your  
22 statement before the investigators?

23 A. With the investigators.

24 Q. And do you recall when you provided that statement?

25 A. No, I cannot recall the date, but I remember I <provided> a

6

1 statement.

2 Q. And where did you provide the statement?

3 A. They came to meet victims at our villages, and I provided the  
4 information.

5 Q. In fact, you <misunderstood> it. That process was between you  
6 and the Victim Support Section and not with the investigators.  
7 Pursuant to Rule 91 bis of the ECCC Internal Rules, the Chamber  
8 grants the floor first to the Lead Co-Lawyers for <the> civil  
9 parties to question the civil party. And the combined time for  
10 the Co-Prosecutors and the Lead Co-Lawyers for civil parties are  
11 two sessions.

12 MS. GUIRAUD:

13 Thank you, Mr. President. And good morning to all of you. I'm  
14 going to give the floor to my colleague, Ty Srinna, to question  
15 this civil party.

16 [09.18.17]

17 MR. PRESIDENT:

18 Yes. She may proceed.

19 QUESTIONING BY MS. TY SRINNA:

20 Good morning, Mr. President. Good morning, Your Honours. Good  
21 morning, everyone in and around the courtroom.

22 Q. And good morning, Mr. Chhun Samorn. To start with, I'd like to  
23 ask you some questions regarding your background. Before 17 April  
24 1975, where did you live?

25 MR. CHHUN SAMORN:

1 A. Before 1975, I lived in Thmei village, Ksetr commune, Kampong  
2 Rou district.

3 [09.19.13]

4 Q. And what were you doing at the time?

5 MR. PRESIDENT:

6 Civil party, please observe the microphone.

7 BY MR. CHHUN SAMORN:

8 A. I lived with my parents.

9 BY MS. TY SRINNA:

10 Q. And how old were you at that time?

11 A. Fifteen years old. I was 15.

12 Q. So you were still under -- you were still living under the  
13 care of your parents. Is that correct?

14 A. Yes, I was living with my parents.

15 Q. How many siblings did you have?

16 A. I have eight siblings.

17 Q. Were they all living with your parents at the time?

18 A. Two got married, and there were six of us remained.

19 Q. And the two who got married, what were their occupations?

20 [09.20.54]

21 A. They were rice farmers.

22 Q. I'd like to ask you about <those> two <> siblings. Can you  
23 tell the Court their names?

24 A. Chhun Hun (phonetic) and Chhun Leng (phonetic). <They are> my  
25 elder sisters, and they got married.

1 Q. Besides the two siblings, who else actually went to work, that  
2 is, amongst your siblings?

3 A. Yes. There was Chhun Davy (phonetic), my elder <sister>, also  
4 went to work.

5 Q. And what was Chhun Davy (phonetic) working on?

6 A. <Chhun Davy (phonetic) alias Sok Chantha (phonetic)> left to  
7 work <in> 1970, that is, during the period of Democratic  
8 Kampuchea.

9 [09.22.28]

10 Q. And what was her position or function?

11 A. Later on, she went to work at the <general> staff office of  
12 the zone.

13 Q. Which zone?

14 A. It was the East Zone.

15 Q. I'd like to ask about your parents. What did they do at the  
16 time, and <what were your family's> living <conditions like?>

17 A. They were rice farmers, and they were doing alright at the  
18 time.

19 Q. I'd like to ask you about the time that you became a  
20 revolutionary soldier. Do you recall in what year you became a  
21 revolutionary soldier?

22 A. I became a soldier for Democratic Kampuchea in May 1975.

23 Q. Who enlisted you in the army? What was his rank and position?

24 A. At that time, upper Angkar provided instructions through the  
25 chain-of-command down from the district to the commune and the

1 village to recruit people.

2 Q. And what was the name of the person who enlisted you?

3 A. It was Yaen (phonetic), the commune chief, and Son (phonetic),  
4 who was also a part of the leadership in the unit.

5 Q. And when you became a revolutionary soldier, which unit were  
6 you attached to and <to> which location were you sent?

7 [09.25.43]

8 A. Initially, when I joined, I was part of the district military  
9 unit. I was in Unit 75. It's called K-75. And I was a messenger  
10 in that unit.

11 Q. Which military -- which district military did you join?

12 A. It was in Kampong Rou district, Svay Rieng province.

13 Q. You said you worked as a messenger. Can you tell the Chamber  
14 <for> whom did you work as a messenger, and what was his rank,  
15 name and position?

16 A. I was a military messenger <for the unit>, and Khoem Sakem  
17 (phonetic) was a chief of that unit.

18 Q. You worked as a messenger. Can you tell the Chamber from whom  
19 to whom you delivered messages? <And in how many locations?>

20 [09.27.28]

21 A. I was a messenger delivering messages to the three companies  
22 within the battalion and the front battlefield. They were the  
23 communications about the enemy situation and about the number of  
24 enemies at a particular location, so reinforcements could be sent  
25 to that particular location.

10

1 Q. In your unit and, as you say, it was K-75, can you tell the  
2 Chamber in which battalion or regiment it belonged?

3 A. It did not have a label as a regiment. In fact, it was part of  
4 the district military <at Kampong Rou district>. And as I said,  
5 the leaders or the commanders were Ya (phonetic) and Sath  
6 (phonetic), Hoeun (phonetic) and Saliev (phonetic).

7 Q. You said you delivered messages to three different units. Can  
8 you tell the Chamber the other two units where you delivered the  
9 messages to?

10 A. They were Unit 72 and 68.

11 Q. Did you ever attend any meeting when you worked as a messenger  
12 and, if so, what was the content of the meeting and who chaired  
13 it?

14 [09.29.53]

15 A. There were occasional meetings, and usually the company chiefs  
16 would chair the meetings, and the content of the meetings mainly  
17 focused on the enemy situation. And they did not speak about the  
18 people's situation during those meetings.

19 Q. Regarding your role as a messenger, did you ever deliver any  
20 messages back to your unit?

21 A. I mostly sent messages out, and only in some instances I  
22 returned messages back to my unit. And the content of the  
23 messages mainly was about the forces and the enemy's situation.

24 Q. I would like to ask you about the period that you worked as a  
25 messenger. How long did you work as a messenger?

11

1 A. I worked from <late> 1975 to <early> 1976, and then I was sent  
2 to Sector 23. And I was in Ngor-112.

3 [09.31.40]

4 Q. Did you know the reason why you were transferred to Sector 23?

5 A. Because they needed the reinforcement because some of the  
6 soldiers <had> died <or were wounded>, and that's why they needed  
7 more soldiers <from the district level>, in order to <make up  
8 for> the loss of the number of soldiers <at the provincial  
9 level>.

10 Q. When were you transferred to work in the sector?

11 A. In 1976. I came to work in 1976, and I was sent to work in the  
12 special unit.

13 Q. So you mean that you were assigned to be a soldier in the  
14 special unit in <Sector 23>. Is that correct?

15 A. When I was transferred to Sector 23, I was assigned to join <a  
16 reconnaissance group in> the special unit.

17 Q. When you were in the special unit, was it part of any division  
18 or unit? Can you tell us the specific name of that unit?

19 A. I was in the special unit of <Ngor-112>, in Sector 23.

20 Q. Was <Ngor-112> a regiment or division, or what?

21 A. In Ngor-112, it covered about three <or four> battalions <or  
22 regiments>. And those three <or four> battalions <or regiments>  
23 together, it created that Ngor-112 <in Sector 23>. It had the --  
24 both the battalions and the regiments within it.

25 Q. Who was the chief of Ngor-112?

12

1 A. His name was Thoung Sun (phonetic), alias Poeun (phonetic).

2 [09.35.15]

3 Q. What was your specific role when you were in the special unit?

4 A. The special unit was responsible for collecting intelligence

5 <about the enemy territory> and gathering <intelligence>

6 information from the enemy. And after <that,> we gathered <clear>

7 information and <prepared our soldiers for the attack, after> the

8 order to attack the enemy <was> issued. <The special unit had an

9 important role.>

10 Q. So where was your special unit based?

11 A. It was within Ngor-112, and we had no specific location to

12 base. We <were> mobile. When <the> situation required us to go

13 <somewhere within the battalion or regiment, we would go there>.

14 So as I said, we did not have a specific base. We were <> mobile

15 <to any location where the enemy situation became intense>.

16 [09.36.54]

17 Q. So what about the Ngor-112, where was it based?

18 A. Yes, there was a location for the special unit to be based

19 near the Ngor-112. And the chief of the Ngor-112 had a specific

20 office to be stand-by.

21 Q. Was there ever any meeting organized at your special unit or

22 at the Ngor-112, and if yes, who was in charge of organizing

23 those meetings?

24 A. There were meetings, but the meetings were mainly about

25 internal matters. The chief of the <special> unit organized the

1 meetings and advised us about our work regarding the collecting  
2 of intelligence information, about the role of soldiers. And he  
3 advised us to be careful and be vigilant about our work as  
4 soldiers. So those were the messages delivered to us during  
5 meetings.

6 Q. And mostly who organized those meeting?

7 A. Mostly, my superior organized those meetings in order to  
8 remind us to be vigilant. And the meetings took place quite  
9 often, and covered a number of aspects related to our work.

10 Q. Now I would like to direct my question to your work. You said  
11 that your unit was mobile. So where were you sent to, and for  
12 what purposes?

13 [09.40.12]

14 A. We were sent to the border areas, especially when there were  
15 tense situations with Vietnam. So wherever there were the bases  
16 of Vietnamese soldiers, we went there to the border areas, for  
17 example, in <Kampong Rou district,> Romeas Haek <district>. Those  
18 are border land districts where fighting occurred<>. And in 1976,  
19 the Khmer Rouge and Vietnamese soldiers fought each other  
20 fiercely, and my unit did not have free time.

21 <> There was tense fighting between Khmer Rouge soldiers in  
22 Sector 23 <and> the Vietnamese soldiers in <Svay Rieng>, that was  
23 very tense fighting. Sometimes we pushed them and sometimes they  
24 pushed us back. And there were many casualties on both sides. And  
25 that happened in 1976. It happened along the border.

14

1 [09.41.53]

2 Q. Could you please tell us the name of the areas that you were  
3 first sent to? I mean <you said you were sent to the border  
4 areas,> in which district was it?

5 MR. PRESIDENT:

6 Please hold on.

7 MR. CHHUN SAMORN:

8 A. <First,> it was in Romeas Haek district of Svay Rieng  
9 province. The fighting took place in Doung village, <Toul Prasat,  
10 Batras (phonetic), Kaoh Kmas (phonetic)>. It was a very fierce  
11 battle.

12 MS. TY SRINNA:

13 Q. Please tell us about the names of the second place, the third  
14 place and the subsequent places you were sent to.

15 A. <One of> the important places was in Bavet along National Road  
16 1. There was a very hot battlefield there. And another place at  
17 Kampong Rou district was the battlefield <where> we used to  
18 engage in fighting with the Vietnamese soldiers.  
19 We fought fiercely with the Vietnamese soldiers in 1976 and '77.  
20 We never fought against our Khmer soldiers at that time.

21 [09.43.50]

22 Q. So what was your specific role, when you were assigned there?

23 A. I did the <intelligence> work. Wherever there were Vietnamese  
24 soldiers, I was sent there to collect information -  
25 <intelligence> information, for example, about their bases, about

15

1 their weaknesses and strengths, so that we could plan our attack  
2 well, from which direction we should attack, for example. And the  
3 work for the special unit was very tough because we worked all  
4 night long without any time to rest.

5 And my unit fought against the Vietnamese soldiers, and <> the  
6 Vietnamese also sent in their special unit. And <sometimes> the  
7 special units from both sides encountered each other, and we  
8 <shot at> each other <; however, not for long>.

9 [09.45.30]

10 So there were occasions where the special units from both <>  
11 countries encountered each other, and <we shot at each other>.

12 And our work in the special units was more difficult, tougher  
13 than the ordinary military units. <Winning or losing depended on  
14 the special unit.>

15 Q. After you collected intelligent information, did you send that  
16 information to your superior or <did> you <make> the decision  
17 right <on> the spot?

18 A. We <reported> the intelligence information to our <Ngor-112>  
19 commanders in order to devise plans for the attacks.

20 Q. You said earlier that there <was> fighting with the enemy, so  
21 could you tell us when did the fighting end?

22 A. When we encountered them, we fought against them. Sometime we  
23 defeated them, and sometime we lost and we retreated. So the  
24 battlefield did not last for a long time. It was just sometimes.

25 But the fighting occurred again and again. Every time we

16

1 encountered each other, we fought against each other.

2 Q. So in what year were <you> no longer engaged in fighting?

3 A. 1977.

4 [09.47.49]

5 Q. So you mean that the fighting lasted until 1977. Does that  
6 mean that in <1977> the fighting was still going on, or <that> it  
7 stopped and the situation became peaceful?

8 A. The situation became more intense in 1977, because in <1976>  
9 the Vietnamese soldiers attacked us and pushed us <into> Svay  
10 Rieng province. And <in 1977,> DK forces fought back and pushed  
11 the Vietnamese soldiers back into their territory. So it was a  
12 very tense fighting. It was deadly fighting in 1977.  
13 Attacks and counter-attacks happened that year.

14 Q. So <did> the counter-attack in 1977 end, or <did> it <lead> to  
15 ongoing attacks and fighting that went on and on until 1978?

16 [09.49.22]

17 A. In 1977, there <were> soldiers sent from the Central Zone and  
18 from the Southwest Zone, they joined us in fighting. And some of  
19 the soldiers were engaged in fighting and some of the soldiers  
20 were called back to join the training sessions. So, those at the  
21 front line were <continuing to> fight, while some of the soldiers  
22 were called back for training sessions and they disappeared, one  
23 after another. And that took place at the end of 1977.  
24 So the soldiers from the Central Zone and the Southwest Zone came  
25 to confiscate guns and weapons from the <soldiers in> Sector 23.

1 So the <enemy could get in.>

2 Q. Thank you. I would like to get your clarification. You said  
3 that you were at the front line and when you were engaged in  
4 fighting with the Vietnamese soldiers, at that time there were  
5 soldiers from the Central Zone sent to join you. Is that correct?

6 A. When we were engaged in fighting with the Vietnamese soldiers,  
7 the soldiers from the Central Zone were sent in from behind, and  
8 some of us were called back for training sessions and they  
9 disappeared.

10 Q. So the soldiers that <were> sent <> from the Central Zone,  
11 were they sent to fight with <you against> the Vietnamese  
12 soldiers, or what?

13 [09.51.50]

14 A. Yes. They also engaged in fighting. And many of the soldiers  
15 <who were> sent there were young teenagers. <They did not really  
16 know the area.> And many of them were killed by the Vietnamese  
17 soldiers.

18 Q. You said that when the soldiers from the Southwest Zone were  
19 sent to your area, and then your commanders were called back for  
20 <a> training session. Is that correct?

21 A. Yes, that is correct. The commanders were called for <a>  
22 training session.

23 Q. Can you specify which commanders were called back?

24 A. The commanders of the East Zone, for example, the commanders  
25 of my Ngor-112 and other commanders from the East Zone. And they

1 disappeared. And I'm not sure where they were sent to or why they  
2 were disappeared.

3 [09.53.20]

4 Q. When the commanders were called for training sessions, did  
5 they appoint new commanders to be in charge of your unit?

6 A. No, there were no new appointments of new commanders. So the  
7 commanders disappeared and, as for the various units, <they>  
8 still operated as normal. So we remained in our units until our  
9 guns were confiscated. And we were <categorized into different  
10 groups: those who joined the resistance forces since 1970 and  
11 those who joined the forces after 1975 and then we were> put at  
12 specific locations <in order to be part of the Centre army and to  
13 join training sessions in Phnom Penh>.

14 Q. So how long <was it>, between the time that the commanders  
15 were called for training sessions and the unit soldiers' guns  
16 <were confiscated>? <And what was the purpose of confiscating the  
17 weapons?>

18 A. It took place about one month <apart>. We were called in and  
19 our guns were confiscated, and the soldiers from the Centre and  
20 from the Southwest Zone told us that we had to join force  
21 together and <leave> our guns there, and we would be sent to  
22 study in Phnom Penh and we would be given new guns.  
23 So we were told that our force would be integrated into the force  
24 of the Centre. And after our forces' guns were confiscated, they  
25 told us that those who <joined> the army in 1970 and those who

19

1 <joined after> 1975 would be separated. <Those who joined the  
2 army in 1970 were sent to Phnom Penh to be part of Division 703,  
3 to be part of the Centre army. Those who were told that they  
4 would be sent to Phnom Penh were instead sent to Veal Ta Pronh  
5 (phonetic), not Phnom Penh.>

6 [09.56.23]

7 Q. Allow me to interrupt you, Mr. Civil Party, since I would like  
8 to get it clarified. It is a bit fast for me <to> follow you. So  
9 when you were called and your weapons <were> removed, who  
10 actually made that call?

11 A. It was the Centre army, that is, Division 703.

12 Q. What was the instruction that they used to call you so that  
13 you would surrender your weapons, and how many of you were  
14 called?

15 A. There were about almost 300 of us but, of course, I did not do  
16 a head count. It is just my estimate.

17 Q. So when you were instructed to lay down your weapons, <where  
18 were you called to?> Can you tell the Chamber the location?

19 A. It was in Romeas Haek district in Trapeang Srae commune.

20 [09.57.53]

21 Q. How many soldiers from the Centre army <were there when they>  
22 called you to lay down your weapons, and were they armed?

23 A. <> There were <> about 20 or 30 soldiers from the Centre army  
24 who actually came to gather our weapons. And of course, they were  
25 armed, and then they had to carry the weapons that we surrendered

1 as well.

2 And by that time, we were <unarmed>. We did not have any weapons  
3 with us. <And they piled the weapons up like firewood.>

4 Q. You have stated that those who joined the revolution before  
5 '75 <were> put in one group, and those who joined the revolution  
6 after 17 April 1975 <were> placed in another group. And for those  
7 who joined the revolution before '75, can you tell the Chamber  
8 how many of them there were and what happened to them after that?

9 A. After the -- there were about 300 of them who surrendered  
10 <their> weapons and, later on, they were called to line up and  
11 board trucks for study sessions at the Centre. But they were not  
12 sent to the Centre; they were sent to Veal Ta Pronh (phonetic)  
13 instead. As I said, they were called to line up and boarded the  
14 trucks.

15 [09.59.54]

16 Q. For those who joined the revolution after <17> April <>, how  
17 many of them there were and what happened to them?

18 A. There were only three or four of us, including myself, and  
19 nothing happened to us. And for the ground troop, <they> were  
20 instructed to reintegrate into Division 703. And for me, as I was  
21 part of the special unit, <so> I was reintegrated into the  
22 special unit of 703. Then I would show them the location where we  
23 laid mines. And after we showed them those locations, we were  
24 instructed to board a truck in order to attend study sessions at  
25 the Centre and so that later on we would be integrated into the

1 Centre army.

2 [10.01.00]

3 So we were instead taken to Veal Ta Pronh (phonetic), and that  
4 was where I saw those soldiers who had previously been  
5 transported, so then we knew that it was a lie. They used us to  
6 show them where we had laid the mines, and after we showed them  
7 all, then they sent us to Veal Ta Pronh (phonetic).

8 Q. After you arrived at Veal Ta Pronh (phonetic) and you saw  
9 those soldiers who had been taken there before your group, can  
10 you tell the Chamber what happened to your group? What did they  
11 do to you?

12 A. All the soldiers were kept at Veal Ta Pronh (phonetic), and  
13 none of us had any weapons anymore. We were instructed to work in  
14 the rice field, and we were given hoes to dig the ground. And  
15 about <12 or> 13 <> of us would form a group to dig the ground  
16 for one hectare of land <per day>.

17 However, we did not stay there for long. Then there was this  
18 so-called event or coup d'état, <and we fled> in <August>.

19 Q. You refer to a coup d'état. Can you tell the Chamber what you  
20 meant <by that> and who actually initiated that coup d'état and  
21 <who was the> coup d'état <leader>? <When did it happen?>

22 A. I recall that it happened in 1978, that is, in August. That  
23 was the coup d'état between the Centre army and the soldiers from  
24 the East Zone. They fought one another, and many of them died. As  
25 for me, at Veal Ta Pronh (phonetic), we were told to dissolve the

1 group.

2 [10.03.44]

3 Q. Can you tell the Chamber if anything <serious> happened to you  
4 personally or happened to your own group?

5 A. During the coup d'état, some forces came to tell us to  
6 disband, so that we could return to our respective families. But  
7 they were not <from> the East <Zone>, they were soldiers from the  
8 Centre, that is, from the Southwest Zone, since they spoke with  
9 <an> accent. They came on a motorbike to tell us to return to our  
10 villages and that then we would be given new instructions after  
11 the Angkar purged the bad elements, that is, those with "Yuong"  
12 heads on Khmer bodies, so we returned to our respective families  
13 in the villages after we left Veal Ta Pronh (phonetic).

14 [10.04.58]

15 Q. And what happened next?

16 A. I returned to the village. Then we were instructed to -- in  
17 fact, there was a call for those who returned from the  
18 battlefield to <be> gathered <up to be sent to them>, and the  
19 instruction was given to the cooperative, and the cooperative  
20 <leaders were> afraid, and <so they> implemented the instruction.  
21 So we were called and sent to those soldiers from the Centre,  
22 from the southwest. Then our names were registered and we were  
23 later taken to be executed.

24 Q. So your name was registered. And was it done, according to  
25 your respective unit?

1 A. So as I said, we were instructed to return to our respective  
2 villages. Then Angkar from the Centre came to replace district  
3 leadership, and cooperative chiefs were instructed to name those  
4 who <had> returned to the villages as a result of the coup d'état  
5 <in 1978>. Then we were told to join the mobile unit and, after  
6 the purge, we would be re-enlisted into the army. And that was  
7 the policy, and the cooperative chiefs implemented that policy.  
8 [10.06.52]

9 Q. So after your name or your group's names were registered, what  
10 happened to you and your group, and how did it unfold?

11 A. There were 29 of us in my unit. They then tied us up, and I  
12 protested that I did not know anything. I was simply a combatant  
13 in my unit. And if there were any traitors, maybe only the chiefs  
14 were traitors, but not us, the ground soldiers.

15 Anyway, we were tied, and there was one soldier who accused us of  
16 betraying the Party, that we <had> "Yuon" heads on Khmer bodies.  
17 Then I was hit with a butt of a gun.

18 We were all in shock, and nobody dared to protest any more. And  
19 when it was dark, then they tied us up and walked us to be  
20 executed.

21 [10.08.29]

22 Q. Where were you, that is, <the> 29 of you, sent to be executed?  
23 Can you describe about the event that happened at the time?

24 A. We were arrested. Our hands were tied. Then, when it was dark,  
25 we were instructed to walk toward Sambuor for execution. <There

1 were 29 of us.> We were instructed to sit down at the location.

2 There were about seven or eight of them who pointed their AK

3 rifles at us <from behind>. Then four of us were untied and taken

4 away to be executed about 20 or 30 metres from where we were. We

5 could hear <> the screaming, and they killed those people

6 instantly.

7 I was in great shock. I tried to untie myself and tried to run

8 away. Some of us who could not untie themselves, they had to run

9 as well, but they, in fact -- after I made my protest, we were

10 instructed to strip off our clothes and we were only in shorts,

11 so that when we fled, then they would easily identify us since we

12 did not have any clothes on.

13 And then, as I said, we were lined up, tied and walked to the

14 execution location. And when we were trying to flee, <they

15 quickly drew their firearms and shot at us,> some of us whose

16 ties <were> not removed were shot dead. And <they followed me

17 until I reached a creek>.

18 [10.10.33]

19 Q. So they shot those who could not run away because of the ties.

20 And can you tell the Chamber about yourself, how you survived the

21 ordeal, for instance, and did you arrive at a creek or a

22 riverbank? Did they stop following you, or what happened? How did

23 you survive?

24 A. There were three of us who <were able to escape>. They were

25 chasing us, firing <at us> from <> behind. <One of us got

1 injured. When we reached a creek>, I jumped into the river while  
2 they were still standing at the riverbank and <waiting to shoot  
3 us. When I rose from the water, they opened fire at me>, but it  
4 didn't hit me, so then I swam and crossed into the territory of  
5 Vietnam.

6 In fact, we were running the whole night before we could cross  
7 the border. And at the border, we also encountered another group  
8 of Khmer Rouge soldiers who fired at us, but we were rescued by  
9 Vietnamese soldiers who fired back at those soldiers. And we  
10 arrived at that location at dawn.

11 [10.12.07]

12 Q. So what happened to you when you arrived at Vietnam, and what  
13 was the reason for you to return to Cambodia?

14 A. I fled and arrived in Vietnam. Then the Vietnamese soldiers  
15 received us and treated our wounds. By then it was dark. Then  
16 they -- they kept us at <a secured> location <>. Then <the next  
17 morning,> we were called one by one to be questioned about our  
18 biographies.

19 And we told them that we were soldiers who were taken to be  
20 executed. For that reason, we ran <> to Vietnam, and many of us  
21 were killed. Then the Vietnamese soldiers nodded their head to  
22 express their understanding, and they spoke to us about the fate  
23 of the East Zone soldiers and cadres. And we told them that many  
24 of them had been killed.

25 We stayed there for two days, and they asked what we wanted to do

1 next, whether we wanted to become soldiers again. <At first we  
2 said that we did not want to be soldiers again, but after they  
3 advised us,> we decided to join the army again and to return to  
4 Cambodia to liberate our country.

5 So we were asked all those questions, then we were encouraged to  
6 join the army and return to Cambodia.

7 Q. I would like to ask you another question. Did you know or ever  
8 hear about any events that East Zone soldiers were executed, that  
9 is, besides the event that you just mentioned?

10 [10.14.16]

11 A. Allow me to go back a little bit. When we were called to  
12 register our names and then we were tied <up>, there was a female  
13 combatant who told me that that was the third time that <people>  
14 were called to register <their> names and then <they> were tied  
15 <up>. And she was there to facilitate the process. She only knew  
16 that the previous groups had <their names registered,> their  
17 hands tied behind their backs and <then they were> sent away.  
18 <She did not know where they were sent to.>

19 And she told us <to> be careful, that we were the third group,  
20 that is, the third group of soldiers who <had the names>  
21 registered <> and that we would be sent away. So, I was rather  
22 concerned upon hearing from that lady and I was afraid that I  
23 would die. She told us that <when we were sent away, only death  
24 awaited us>, and she could no longer speak. And she wept a little  
25 bit.

1 [10.15.23]

2 Q. Did she tell you about the previous two groups of soldiers  
3 from East Zone that were tied and how many soldiers per each  
4 group?

5 MR. PRESIDENT:

6 Civil Party, please observe the microphone.

7 MR. CHHUN SAMORN:

8 There were between 20 <and> 30, for the first group and there  
9 were about 15 soldiers for the second group. And then we in the  
10 third group, and there were 29 of us.

11 MR. PRESIDENT:

12 Thank you, lawyer for civil party.

13 It is now appropriate for our short break. We'll take a break now  
14 and resume at 20 to 11.00 to continue our proceedings.

15 Court officer, please assist the civil party at the waiting room  
16 reserved for witnesses and civil parties and invite him back into  
17 the courtroom at 20 to 11.00.

18 The Court is now in recess.

19 (Court recesses from 1016H to 1040H)

20 MR. PRESIDENT:

21 Please be seated. The Chamber is now back in session.

22 And I would like to give the floor to the Lead Co-Lawyer for  
23 civil party to continue putting question to the civil party.

24 And I would like to remind that the Lead Co-Lawyer for civil  
25 party and the Co-Prosecution, you have <a> combined time of one

28

1 session to put questions to this civil party.

2 BY MS. TY SRINNA:

3 Thank you, Mr. President. I have only one question to put to the

4 civil party, and then I will give the floor to the

5 Co-Prosecution. Good morning, Mr. Samorn. I have one last

6 question related to my earlier questions that I put to you before

7 the break time.

8 [10.41.26]

9 Q. I would like you to clarify the aspects related to the purge

10 of the other East Zone soldiers, for example, the killing of the

11 East Zone soldiers. You have said there were two groups before

12 your group, who were taken away and killed, <do you recall

13 whether there were any other events related to the purge or the

14 killing of the East Zone soldiers? If so,> could you please

15 provide us the details about that?

16 MR. CHHUN SAMORN:

17 A. I did not witness the incident by myself. I only heard that

18 <cadres> were called for a study session, and I heard that some

19 of them were killed and dumped into the river at Neak Loeang. And

20 this <was> based on accounts that I heard from other people. So

21 the killing did happen.

22 BY MS. TY SRINNA:

23 Q. My apologies. I had problem with my earphone. Could you please

24 repeat your answer regarding what happened?

25 [10.43.44]

1 MR. CHHUN SAMORN:

2 A. I heard that the commanders were called to study sessions, and  
3 they were killed and thrown into the river <at Neak Loeang>. I  
4 heard that their hands were tied up<, some of them were put in  
5 sacks> and they were pushed into the river, so that was based on  
6 the accounts that I heard from other people <regarding the  
7 killing of the East Zone soldiers>. It was those people who  
8 witnessed the incidents. They told me about the incidents  
9 <recently>.

10 Q. Thank you for your detailed answers. And Mr. President, I  
11 would like to hand over the floor to the Co-Prosecution.

12 MR. PRESIDENT:

13 Thank you. Now the floor is given to the Co-Prosecution.

14 [10.44.48]

15 QUESTIONING BY MR. SMITH:

16 Thank you, Mr. President. Thank you, Your Honours. Good  
17 afternoon, counsel. And good afternoon, Civil Party.

18 Q. You've told the Court you were born in 1957, so in 1975, you  
19 would have been around 18 years old. Is that correct?

20 MR. CHHUN SAMORN:

21 A. Yes, I was born in 1957.

22 Q. And how did you feel about being asked to join the Khmer Rouge  
23 and be involved in combat with Vietnam? How did you feel about  
24 that, when you were first asked in 1975?

25 A. At that time, I had confidence in the Khmer Rouge

30

1 revolutionary army because I thought that they were faithful to  
2 the Cambodian people. And that's why I joined the army and I  
3 served the army with my heart.

4 Q. Thank you.

5 And you said that you joined the messenger unit in 1975 and then,  
6 in 1976, you became a soldier in Sector 23, Regiment 112. Is that  
7 correct?

8 [10.46.51]

9 A. Yes, that is correct. I joined Sector 23, <Ngor-112>.

10 Q. And whilst you were working for this intelligence unit,  
11 perhaps it was a spy unit, intelligence unit, checking on the  
12 positions of the Vietnamese army at the border, what were you --  
13 what were you told to do by your commanders in relation to  
14 fighting the Vietnamese troops?

15 Were you told to fight them in combat? Were they your orders?

16 A. Yes. At that time, when I worked in the special unit, I was  
17 sent to gather intelligence information from the Vietnamese  
18 soldiers <along the border>. And sometimes we conducted our spy  
19 work within the military barracks<, and when we gathered clear  
20 information,> the superiors <would order> us to prepare our  
21 forces to attack Vietnamese soldiers.

22 So our intelligence work took place both <inside> and <outside>  
23 the military barracks. So wherever there were Vietnamese soldiers  
24 stationed, we were sent there to gather intelligence information.

25 [10.48.45]

1 Q. And you also said that you planted mines. Is that correct? You  
2 planted mines at different places along the border.

3 A. When the situation was not tense, our commanders <would> order  
4 the special unit to plant mines along the border. So <at night,  
5 we would sneak into Vietnamese territory,> we planted the mines  
6 not in front of <> the enemies, but we planted the mines at the  
7 line behind the enemy. <So if they were at the front battle, we  
8 would plant the mines behind that line so that when their  
9 economic unit sent food to the front, they would step on those  
10 mines.>

11 Q. And what was the purpose of planting the mines? Was the  
12 purpose to kill the enemy, the Vietnamese troops?

13 A. Yes, the purpose was to kill the Vietnamese soldiers and to  
14 reduce the number of the Vietnamese soldiers. That was the order  
15 from our superior.

16 Q. And from the intelligence you gathered from the Vietnamese  
17 troops or seeing where the Vietnamese troops were, what were your  
18 commanders doing with that intelligence?

19 Were they using it to assist in their fighting of the Vietnamese?

20 [10.50.41]

21 A. In fighting with the Vietnamese, the Khmer Rouge commanders  
22 focused on fighting against the Vietnamese soldiers, and it was  
23 in the same way, the Vietnamese commanders also fought or focused  
24 their work on fighting against the Khmer Rouge soldiers.

25 Q. And just so we're clear, when did you stop gathering

1 intelligence? When did you stop being in combat with the  
2 Vietnamese? You said in 1976 and 1977, the situation with the  
3 Vietnamese was very tense and there was lots of fighting on the  
4 border. So the question I have to ask you is when did you stop  
5 fighting, gathering intelligence, laying the mines? When did you  
6 stop doing that against the Vietnamese?

7 [10.51.48]

8 A. I stopped in 1978, when Khmer Rouge soldiers or DK soldiers  
9 took us to be killed and then I escaped to Vietnam. So that was  
10 the time when I stopped engaging in the activities you mentioned.  
11 I escaped to Vietnam in 1978 and I joined the army there and we  
12 fought back into Cambodia.

13 Q. So to be clear, you were still fighting Vietnamese forces  
14 using your intelligence activities, laying of mines, etc., into  
15 1978?

16 A. Yes, it was until 1978, and in that year I was arrested by the  
17 Khmer Rouge soldiers and taken to be killed, but I managed to  
18 flee to Vietnam and I joined the army in Vietnam and came back to  
19 fight against the Khmer Rouge soldiers in the country.

20 Q. But at the same time, whilst you're fighting the Vietnamese in  
21 1978, you've also testified that purges of East Zone soldiers and  
22 officials, those purges had started in 1977, against commanders;  
23 is that correct?

24 A. In 1977, the senior cadres were called to study sessions and  
25 they disappeared one after another.

1 Q. And how did you know this was happening, that the commanders  
2 were disappearing from the East Zone? Were you told that or did  
3 you see people being taken away to study sessions? How did you  
4 know back then?

5 [10.54.36]

6 A. I heard from other soldiers and villagers who witnessed the  
7 incident that the commanders <had> guns <pointed at them> and  
8 they were -- their weapons were confiscated and they were boarded  
9 onto the military trucks. And those who witnessed the incident  
10 felt suspicious; why <were> they -- why <were> they <doing> this  
11 to their fellow soldiers? So they witnessed how the commanders'  
12 <guns> were confiscated <and they were> put onto the military  
13 trucks.

14 Q. And sometime after the commanders were taken away, you said  
15 that your weapons were taken away from you and your unit; is that  
16 correct?

17 A. Yes, that is correct. After <the> commanders were called or  
18 sent away, soldiers in our unit had no leaders, so we were called  
19 to a meeting where we were -- where our weapons were confiscated.  
20 It took place in Angk Prasrae village<, Angk Prasrae commune> of  
21 Romeas Haek district. <We were told that we would be sent for  
22 study sessions at the Centre.>

23 [10.56.25]

24 Q. And just to be clear, at the time they took away your weapons,  
25 did they tell you why they were doing it?

1 A. When they confiscated weapons from our soldiers, they told us  
2 that we would be integrated into Division 703 and we would be  
3 sent to study <at the Centre>, and after the training session  
4 <was> completed, we would be given new weapons. <We were told  
5 that our weapons were confiscated because they were rather old  
6 and they should not be used anymore.> So that was their  
7 propaganda.

8 Q. Now, I would just like to understand your evidence correctly.  
9 When you testified you said that your unit's weapons were taken  
10 away, and then at some point after that, you said that some  
11 commanders were telling you that after the purge was completed,  
12 that you could reintegrate back into the army. Is that correct;  
13 were you told that a purge was being conducted by other Khmer  
14 Rouge forces?

15 A. Yes, when the incident took place, they told us that we needed  
16 to disband and we could go and join our families because they  
17 needed to sweep clean the bad elements<, and that we would be  
18 called to join our respective units again after the sweep was  
19 done>. But <contrary> to what they said, they disbanded us and  
20 soon after that, they tied us up and <took> us to be killed.  
21 [10.58.53]

22 Q. And once you were sent back to your village to register, about  
23 how many days or weeks or months went by before you were taken to  
24 be killed, once you were registered in the village?

25 A. I spent two nights, three days at the village and then we were

1 gathered up to have our names registered at the unit. And after  
2 names were recorded, then we were taken away and killed that  
3 night.

4 Q. Now, you mentioned that there were 29 other people in your  
5 group that were disarmed and taken away to be killed. How do you  
6 remember that it was 29? That's a very specific figure.

7 A. Because during the arrest, we counted the number of our fellow  
8 soldiers and <it was midday> during the registration of names,  
9 <and> they registered two people at a time, two people at a time.  
10 And during the registrations, they already <had> our hands tied  
11 up, and <after that, they walked us to a clump of banana trees,  
12 so> we could count the numbers of our fellow soldiers. And as  
13 nighttime fell, they took us out to be killed.

14 [11.01.01]

15 Q. How many of the 29 people were killed that day?

16 A. <Of those> who were still tied <up> and could not escape, all  
17 died except three of us who survived. When we returned back to  
18 Cambodia, we asked about the fate of those who were there and we  
19 were told that all had been killed. And in fact, they all thought  
20 that we <had> all died, but there were three of us who survived.  
21 As for the rest who were there, <they> had been shot to death.

22 Q. And you said that in the group, you were the only one that  
23 protested against what was happening. What did -- what did the  
24 soldiers that took your group away to be killed, what did they  
25 say that you had done?

1 [11.02.26]

2 A. When they tied me up, I was shocked and I begged them that I

3 was simply a ground soldier, a combatant. I did not <know>

4 anything and I wanted the Party to find justice for me. If there

5 were traitors, they were probably only the commanders. Then there

6 was <a> soldier who came to beat me with a gun butt and he beat

7 me on my right arm, and from that day, my hand became paralyzed.

8 They accused us of <being> traitors, of <being> enemies, of

9 having "Yuon" heads on Khmer bodies. <But we were loyal, all of

10 us fought on the battlefield. We were sacrificing our lives out

11 there.> Then the boss who said that our group <was> the ones who

12 betrayed the Party and the ones that had "Yuon" heads on Khmer

13 bodies<, and ordered to have our clothes> stripped <so we were

14 wearing> only shorts. We were all <undressed, all 29 of us,> when

15 we were taken away in a line file, since we were all tied to a

16 string to be executed. <It was more miserable than in the

17 battlefield.> We only had shorts on our bodies. And when I fled

18 across to Vietnam, I was only in my shorts, <and the rest who

19 died were also in their shorts,> and I want, Mr. President, to

20 find justice for <that for myself> that, and for the East Zone

21 soldiers who were in such miserable conditions and who were

22 treated like animals<, even worse than animals actually, when

23 they were> executed. <There were in shorts with their hands tied

24 up.>

25 [11.04.03]

1 We were herded like animals and <there were> only the three of us  
2 who could flee and, in fact, one of us was also wounded as he was  
3 shot.

4 Q. Thank you for that. Mr. Civil Party, I would like you to  
5 comment on some information we have in this case, and it relates  
6 to the time when a large number of people from the East Zone were  
7 taken to a security centre in S-21. Now, I'll ask you the  
8 question. I'll read out this information and then I'll ask you a  
9 couple of questions. In approximately -- in around 1978, early  
10 1978, there was 1,171 arrested cadre or soldiers, regular and  
11 local, zone, district, sub-district, cooperative chiefs,  
12 deputies, staff and residents that lived in and worked in Sector  
13 23 in the East Zone. And in the prisoner records that we have it  
14 records that 1,100 --

15 MR. PRESIDENT:

16 Please hold on, Deputy Co-Prosecutor, and counsel for Khieu  
17 Samphan, you have the floor.

18 MR. GUISSÉ:

19 Thank you, Mr. President. I simply would like the Co-Prosecutor  
20 to tell us what the sources are behind these figures so that we  
21 can follow along.

22 BY MR. SMITH:

23 Thank you, Your Honour. The OCIJ prisoner list, I think it's  
24 E393.2, that was admitted in the case on the 16th of March this  
25 year. It's the new OCIJ prisoner list.

1 [11.06.37]

2 Q. And that -- those records from S-21, which was the security  
3 centre in Phnom Penh during the DK period, it records that in  
4 March 1978, 105 people from the East Zone were brought to S-21.

5 In April 1978, it records that 448 people from Sector 23 were  
6 brought to S-21. In May, before the 24th of May 1978, 458 people  
7 from Sector 23 were taken into S-21, and then another 16 from the  
8 Sector 23 in the East Zone were taken into S-21 after the 24th of  
9 May, till the end of May, and then 37 from Sector 23 were brought  
10 in in June '78. Sixty were brought in in July '78. Ten were  
11 brought in in August '78. Five were brought in in September '78.  
12 Six were brought in in November '78 and five were brought in in  
13 December '78.

14 So my question is, in the periods of March, April and May in  
15 1978, over 1,000 people from Sector 23 were brought in to Phnom  
16 Penh to S-21 Security Centre. Now, my question is does that  
17 information help you or refresh your memory as to when the major  
18 purge of Sector 23 occurred, either in 1977 or early in 1978?

19 [11.09.16]

20 M. CHHUN SAMORN:

21 A. In late '77 and early '78, many soldiers were arrested,  
22 including cadres at the district and the provincial levels, but I  
23 did not know where they were sent to. And I worked as a soldier  
24 at the time and when I went <out> on mission, I saw the arrest of  
25 those people at the district and at the provincial levels, here I

1 <am referring> both to the military cadre and to the civilian  
2 cadres <in Sector 23>.

3 Q. Thank you. I'll just have a few more questions, then I'll pass  
4 -- I'll ask my colleague to ask the remaining few questions. You  
5 mentioned that when members of your group, in the 29, were  
6 killed, you mentioned in your civil party application that that  
7 occurred on the 25th of August 1978. Again, that's a very  
8 specific date. So my question to you is how do you remember that  
9 those killings occurred on the 25th of August 1978?

10 [11.10.52]

11 A. I recall the month and year very clearly; that is, August  
12 1978; however, the day may be incorrect, but I'm sure that it  
13 happened in August 1978, since that was the time that I fled  
14 crossing into Vietnam. So let me repeat again, maybe the date --  
15 the day is not correct, but the month and the year is correct,  
16 because I ran for the whole night and by morning, I arrived at  
17 the border.

18 Q. Thank you. That day when your colleagues were killed, you  
19 mentioned that around that time there was fighting between the  
20 Southwest Zone forces and the Central Zone forces and the Eastern  
21 Zone forces. My -- my question to you is: For how long had that  
22 fighting been going, before your colleagues were killed,  
23 approximately; was it days, weeks, months?

24 [11.12.48]

25 A. The period of the coup d'état <lasted less than> a month. It

40

1   lasted for about a week, then we were taken to be executed and  
2   that's when I fled to Vietnam. So I would say the gap between the  
3   coup d'état was about a week or a fortnight at the most because,  
4   by that time, I was not in Cambodia since I fled to Vietnam. But  
5   the coup d'état took place in August 1978, although I did not  
6   know how long it lasted since I fled to Vietnam.

7   But to my understanding, it lasted for only about a week or maybe  
8   10 days because by that time, there were not many East Zone  
9   forces since all the commanders had all been removed. So there  
10   were no forces to counter the -- the forces from the Centre and  
11   there were only ground soldiers; there were no commanders since  
12   the commanders had already been removed.

13   Q. Other witnesses that have provide statements to this Court; I  
14   refer to E3/1568, E3/390, and E3/387, these witnesses say that  
15   the resistance or the coup d'état or the fighting, in any event,  
16   commenced around the 24th-25th of May; is that possible that the  
17   -- the fighting had been continuing for a few months before you  
18   and your colleagues or before your colleagues were killed?

19   MR. PRESIDENT:

20   Civil Party, please hold on and Defence Counsel for Khieu  
21   Samphan, you have the floor.

22   [11.15.16]

23   MS. GUISSÉ:

24   I object to the way the question is being put which pushes the  
25   civil party to speculate.

1 MR. SMITH:

2 I'm not sure about that; I think it's just giving the civil party  
3 an opportunity to comment. It's evidence in the case that, Your  
4 Honours, will be trying to work out the timeline with this  
5 witness and I think that he should have an opportunity to be able  
6 to comment whether the fighting continued -- commenced about two  
7 or three months earlier. It's --

8 [11.16.04]

9 MR. PRESIDENT:

10 The objection is overruled. The question is permissible and Civil  
11 Party may respond to that question since he, himself, was there  
12 and the question is to seek his personal observation from his  
13 personal knowledge.

14 Civil Party, you may respond to the question put to you last by  
15 the Deputy Co-Prosecutor.

16 MR. CHHUN SAMORN:

17 A. Coup d'état took place in August 1978 and not long after, our  
18 group was arrested for execution; then I fled to Vietnam. I knew  
19 that it was in August because we -- our names were <noted down>  
20 when we fled to Vietnam and so that happened in August 1978.

21 MR. SMITH:

22 Thank you, Mr. Civil Party, for answering the questions. My  
23 colleague has a few questions about Regiment 112. Thank you.

24 QUESTIONING BY MR. SENG LEANG:

25 Good morning, Mr. President, Your Honours. My name is Seng Leang.

1 I'm the National Deputy Co-Prosecutor and Mr. Civil Party, I have  
2 some questions to put to you.

3 Q. First I'd like you to speak about the special unit. Can you  
4 tell the Chamber how many members were in that unit and who was  
5 in charge?

6 [11.18.01]

7 MR. CHHUN SAMORN:

8 A. The special unit in <the> 112, there were members of a company  
9 and each company had three platoons and there were about <36>  
10 soldiers in each platoon, so you can do your calculation.

11 Q. So can you tell the Chamber in which platoon or company you  
12 were attached to?

13 MR. PRESIDENT:

14 Civil Party, please observe the microphone.

15 MR. CHHUN SAMORN:

16 A. There were three platoons under that one company.

17 [11.18.53]

18 BY MR. SENG LEANG:

19 Q. And in which platoon were <you>?

20 MR. PRESIDENT:

21 Civil Party, again, please observe the microphone.

22 MR. CHHUN SAMORN:

23 A. In the special unit of <the> 112, we had Hour as our  
24 commander. Hour was in charge of the special unit.

25 BY MR. SMITH:

1 Q. What was the full name of Hour and any alias for him?

2 MR. CHHUN SAMORN:

3 A. I do not recall his full name or his alias; I only <remember>

4 him <as> Hour. And there was also another person; it was Voeun

5 (phonetic) who was the deputy. Hour was the chief and Voeun

6 (phonetic) was the deputy.

7 Q. Do you know the full name of Voeun (phonetic) or his alias or

8 code name?

9 [11.20.17]

10 MR. PRESIDENT:

11 Civil Party, please observe the microphone.

12 MR. CHHUN SAMORN:

13 A. I only know that name and not the full name. Hour and Voeun

14 (phonetic) were in charge of our reconnaissance group and they

15 also provided training to <us>, that is, how to lay mines. And

16 from his appearance, he was of Chinese background. <He had light

17 skin, he was tall and handsome.> He personally trained us in Unit

18 112, that is, how to lay mines and that was his expertise.

19 [11.21.00]

20 Q. In the interest of time, I'd like to refer to list of S-21

21 prisoners <the Office of the Co-Investigating Judges>. That is

22 dated 31st March 2016 and the list has some information

23 concerning four important persons who were sent from <Ngor->112;

24 in particular, from the reconnaissance unit of <Ngor->112.

25 The first person on the list -- and allow me to read the full

44

1 details of the four individuals and then I will put some  
2 questions to you. You made mention of two people; that is, Hour  
3 and Voeun (phonetic).

4 MR. PRESIDENT:

5 Deputy Co-Prosecutor, please provide relevant ERN numbers of the  
6 document, first the document named and then the relevant ERN  
7 numbers.

8 And I'd like now to hand the floor to Counsel for Khieu Samphan.

9 MS. GUISSSE:

10 Yes, thank you, Mr. President. Indeed, my objection was geared to  
11 obtain the exact references and we heard in the French  
12 translation that it was an S-21 list from 31 March 2016, so I  
13 don't know if the Co-Prosecutor is referring to the list from the  
14 OCIJ or if there was a mistake with the date, so if you could  
15 please clarify.

16 [11.22.55]

17 BY MR. SENG LEANG:

18 It is a list of S-21 prisoners <from> the Office of the  
19 Co-Investigating Judges date -- dated 31st March 2016. And on the  
20 list, there <are> segments of information concerning the four  
21 individuals that I just mentioned. They were members of the  
22 reconnaissance group from <Ngor->112.

23 And the first person that I would like to read in order to  
24 refresh the Civil <Party's memory> is Chin Kim Hour, alias Vuon,  
25 and <that> is number 9190 of the prisoners list. And this

1 information <from> 1978 states that he was 24 years old in that  
2 year and he was chief of a reconnaissance platoon of Regiment 112  
3 in Sector 23. He was detained in the East Zone, that is, in  
4 Sector 23, and was sent to <the> S-21 office on 6 April 1978.  
5 Subsequently, he was executed on the 27th May 1978.

6 Q. My question to you, Civil Party, is that: Do you know this  
7 person, Chin Kim Hour, alias Vuon?

8 [11.24.56]

9 MR. CHHUN SAMORN:

10 A. That is the person named Hour that I referred to, although I  
11 only know him as Hour. He was an expert in providing military  
12 training to us. He had a light complexion, but I do not know his  
13 alias or full name, although people referred to him as Comrade  
14 Hour. And in <Ngor->112, there was only one person named Hour who  
15 led the special <> unit.

16 Q. Thank you. Please limit your response since I am running out  
17 of time.

18 To your knowledge, the person named Hour that you knew, what was  
19 his position in <Ngor->112?

20 A. He was a military technical instructor in laying mines and he  
21 provided us with the military training.

22 Q. Also, to your knowledge, was he arrested or sent for training?

23 A. During the regime, there was no arrest; in fact, we were lied  
24 to <that we would> go <> to attend study sessions or training  
25 sessions and then we were arrested.

1 Q. Did you ever see him again after 1978 and do you know if he's  
2 still alive?

3 A. Mr. President, no, I have not seen him since 1978 or '79, that  
4 is, since he was called to attend study sessions.

5 [11.27.18]

6 Q. Mr. President, may I seek additional 10 more minutes since we  
7 lost about the 10 minutes this morning?

8 Now, we move on to the second person, Prum Sou, alias Vin and on  
9 the prisoner list, his -- his serial number is 9255 and it states  
10 that in 1978, he was 23 years old. He was deputy chief of a  
11 reconnaissance company in Regiment 112 in Sector 23. He was  
12 arrested in the East Zone and sent to S-21 on 7 April 1978, and  
13 was subsequently executed on 11 May 1978.

14 Civil Party, do you know this person, Prum Sou, alias Vin?

15 A. No, the name does not ring a bell. I <was> usually <at the  
16 front, I did not> know <many> people <>.

17 [11.28.41]

18 Q. That is all right. Now, <we'll> move on to another prisoner,  
19 that is, Chann Savoeun (phonetic) -- Chann Savoeung, rather,  
20 alias Chann Daim, alias Voeun (sic). In the prisoner list, his  
21 serial number is 9450. He was 23 years old <and> a group chief of  
22 a reconnaissance unit in Regiment 112, who was <arrested> and  
23 sent to S-21 on 12 April 1978 and executed on 29 April 1978.  
24 Do you know this person, Chann Savoeung or Chann Daim, alias  
25 <Savoeun>?

1 MR. PRESIDENT:

2 Civil Party, please observe the microphone.

3 MR. CHHUN SAMORN:

4 A. Savoeung used to work in the reconnaissance unit with me,  
5 although I did not know his native village. As for his alias  
6 Daim, I'm not familiar with it. In fact, Savoeung was a group  
7 chief.

8 Q. And from your knowledge, was he arrested or sent for  
9 re-education or study sessions, and disappeared during the  
10 regime?

11 A. Mr. President, we were lied to<, that we would> go to attend  
12 study sessions and <then we were> arrested. They never went to  
13 arrest us at the front battlefield. How could they go to the  
14 front battlefield and arrest us, because we were all armed? So  
15 then they used a pretext of sending us to attend study sessions  
16 and then they arrested us.

17 [11.30.41]

18 Q. Does it mean that Savoeung was sent for study session; can you  
19 clarify that?

20 A. I never heard that they came to arrest people; I only heard of  
21 cases where they came to tell us to go to attend study sessions.

22 Q. I have another question related to this person. <Since> 1978,  
23 have you ever seen him again or have any information regarding  
24 his survival?

25 A. No, I <did> not <see> him again. If I <saw> him, then I would

1 recognize him.

2 [11.31.30]

3 Q. Now, I <will> move on to the last person on the list, Siv Tum.

4 His serial number on the prisoner list is 10 -- 14,914 and he was

5 28 years old and he was a combatant in unit 15; however, formerly

6 he was in the reconnaissance unit of Platoon 68 in Regiment 112

7 and later on, was promoted to a group chief in Division 703 in

8 '78. He was detained at S-21 Khor office and sent to S-21 <on 7

9 June> '78.

10 And my question to you is: Do you know -- if you know this

11 person?

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

13 MR. SENG LEANG:

14 That is all right. In the interest of time, I would like to

15 conclude my question now. Thank you, Mr. President.

16 MR. PRESIDENT:

17 Thank you. It is now convenient for our lunch break. We <will>

18 take a break now and resume at 1.30 this afternoon to continue

19 our proceedings.

20 Court Officer, please assist the civil party at the waiting room

21 reserved for civil parties and witnesses during the lunch break

22 and invite him back into the courtroom at 1.30.

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.

1 The Court is now in recess.

2 (Court recesses from 1133H to 1328H)

3 MR. PRESIDENT:

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

5 Before giving the floor to the defence team to put question to

6 the civil party, the Chamber first hands over the floor to Judge

7 Lavergne to put question to this civil party.

8 You have the floor now, Judge Lavergne.

9 QUESTIONING BY JUDGE LAVERGNE:

10 Thank you, Mr. President. Good afternoon, everyone. Good

11 afternoon, Witness. I will put a few follow-up questions to you,

12 Mr. Civil Party.

13 Q. This morning you talked of the special unit which was in

14 charge of gathering information on the enemy; that is, therefore,

15 including the Vietnamese. Do you know when activities relating to

16 information gathering started; was that before you, yourself,

17 joined the special unit or subsequently?

18 [13.30.36]

19 MR. CHHUN SAMORN:

20 A. When I started to work in the unit, I gathered information and

21 the information was <reported> to my superior, Your Honour.

22 Q. I did understand that, but did the unit start gathering

23 information before you were assigned to the unit? <This work> --

24 gathering information; did it start in 1975 or <had it already

25 started> before that? If you know, please say so; if you don't

1 know, also say so.

2 A. I do not know, Your Honour.

3 Q. And you, yourself, when exactly did you start gathering  
4 information? Do you have a date in mind; was that in 1975  
5 immediately after you were enlisted in the army or later on?

6 A. When I started the work in 1975, I was engaged in information  
7 collection.

8 [13.32.31]

9 Q. And can you tell me how many persons did that work; was it two  
10 or three of you, 30 persons? How many persons, in all, carried  
11 out such duties?

12 A. If a group of three or four persons were assigned to gather  
13 information, we would go in a group of three or four and then we  
14 had to collect information in relation to the enemies <and then  
15 report to our superior>.

16 Q. Was it only one group of three <or four> persons or several  
17 groups?

18 A. There were several groups. Sometimes, my group was assigned to  
19 collect information; on other occasions, other groups were  
20 assigned to different targets, so we were assigned to different  
21 targets. There were several groups <from the special unit> going  
22 to the battlefields to collect information and usually, there  
23 were four or five people in one group.

24 [13.34.10]

25 Q. And to your knowledge, how many soldiers, how many persons,

1 all in all, were involved in the information-gathering  
2 activities; I mean all in all, all the groups included? If you  
3 know, please tell us how many persons were involved in such  
4 activities.

5 A. There were <more than> 100 <people> in <one unit>. <In  
6 Ngor-112, there was a unit with about 150 people; that was the  
7 special unit>

8 Q. I have understood that you went to the sites where the  
9 Vietnamese soldiers were stationed to gather intelligence. Did  
10 your intelligence gathering work go as far as getting into  
11 contact with the soldiers, listening to what they were saying,  
12 retrieving documents, or it simply consisted in going to see  
13 where they were and to locate them?

14 A. Mr. President, when we <were> assigned to gather the  
15 information, we did not have the contact with the Vietnamese; we  
16 were assigned to get information <in relation to where the  
17 Vietnamese forces were, and> how many <of them> were there.

18 Q. So you counted the forces present and indicated where they  
19 were stationed; was that the intelligence that was expected of  
20 you, if I properly understood your testimony?

21 A. That is correct, Your Honour.

22 [13.36.44]

23 Q. And to gather such intelligence, were you restricted only to  
24 Cambodian territory or <did> you <also have> to enter Vietnamese  
25 territory?

1 A. <From> 1976 <to> 1977, we entered into Vietnamese territory to  
2 gather intelligence and when the Vietnamese were in our  
3 territory, we were gathering intelligence within our territory  
4 and they did the same thing <too, they> gathered intelligence on  
5 our territory and also in their territory.

6 Q. Very well. And I understood, this morning, that you said there  
7 were clashes, confrontations, between Cambodian intelligence  
8 groups and Vietnamese intelligence-gathering groups; did such  
9 clashes occur on Cambodian territory, on Vietnamese territory, or  
10 on both territories?

11 [13.38.29]

12 A. I, at one time, went into Tay Ninh<, Vietnam> and then I  
13 encountered <> one of <their reconnaissance> groups. And at the  
14 time, we started to fire <at each other, but it did not last  
15 long. Both sides quickly retreated. Usually, when reconnaissance  
16 groups encountered one another, we did not open fire for long.>  
17 After the gunfire, <it would be> silent, <both sides would  
18 retreat and we would not follow them and vice versa. And that was  
19 when> I was crossing into <> Vietnamese <territory>; that is, Tay  
20 Ninh, and was crossing over the bridge and then the gunfire  
21 started<, then my group jumped into the water and they retreated  
22 into the forest>.

23 Q. Now, you're referring to fighting that took place in Vietnam;  
24 was there any fighting on Cambodian territory as well?

25 A. Yes, that happened in 1976; clashes happened in Cambodian

1 territory, the clashes between Cambodian and Vietnamese forces  
2 <along the border became intense. And> Vietnamese forces attacked  
3 the Khmer Rouge forces and <at one point, they advanced into Svay  
4 Rieng province>.

5 Q. If I also properly understood what you said this morning, you  
6 explained that whenever there was less tension, you were taught  
7 how to lay mines. If I properly understood you this morning, you  
8 stated that you laid mines beyond enemy lines; should I,  
9 therefore, understand that you laid mines in Vietnamese  
10 territory?

11 [13.41.03]

12 A. The intelligence-gathering people were specialized in  
13 <defusing mines> and also laying mines. And usually <during the  
14 war, when we were under attack,> we laid mines <at night> in the  
15 battlefield to protect ourselves <> and then the next morning, we  
16 would remove the mines. <So, we laid mines every night.> And  
17 sometimes, we also laid traps <along the border or in> the areas  
18 where the enemies came into our territory. And <> there were a  
19 lot of mines <in the areas where the fighting often occurred>.

20 Q. So if I understand you correctly, the mines and traps were  
21 laid on Cambodian territory and not on Vietnamese territory?

22 A. Yes, that is correct, but sometimes, we also laid mines and  
23 traps in Vietnamese territory; it depended on the area where our  
24 forces were stationed. Sometimes, we could not remove all the  
25 mines and <sometimes,> we even laid more mines.

1 [13.42.49]

2 Q. And do you know whether the Vietnamese, for their part, also  
3 laid mines <or built> traps on Cambodian territory?

4 A. Yes, it happened as well by the Vietnamese forces. If they had  
5 gone into our territory, they would also lay mines and set traps  
6 to prevent us from going into their territory and if the  
7 explosion was heard, then they would know.

8 Q. <Did> it happen <while you were a member of the special unit,>  
9 that Cambodian soldiers captured prisoners, <notably> Vietnamese  
10 prisoners; is that something that happened?

11 A. I never captured Vietnamese forces as prisoners of war at my  
12 post or the place where I was stationed, but usually, there were  
13 casualties <on both sides>. Khmer Rouge forces <were> never <able  
14 to> capture Vietnamese forces <alive, and vice versa.> Because we  
15 trusted Angkar and we followed the instructions <from> Angkar<,  
16 so we would> not <allow ourselves to be captured as> prisoners of  
17 war<, we would rather die>.

18 Q. Can you explain further, what were the orders received by  
19 Angkar? You have stated that Angkar's orders were not to capture  
20 any prisoners of war; what does that mean? Does it mean that you  
21 did not have the opportunity to arrest people, or did it mean  
22 that you had to kill the enemy?

23 [13.45.29]

24 A. There were instructions for the Khmer Rouge forces that the  
25 Khmer Rouge forces should not be arrested by the Vietnamese

1 forces; otherwise, <they would be shot and killed by the  
2 Vietnamese soldiers, or worse,> they would be disemboweled<, and  
3 their abdomen would be filled with grass, then they would be  
4 beheaded and the head would be put on a stick as an example along  
5 the border>. That was the instruction and information conveyed by  
6 the DK period.

7 However, when the Khmer Rouge forces were arrested, they survived  
8 the arrest. They were not killed or disemboweled. However, for  
9 Khmer Rouge side, after the arrest of Vietnamese forces, they  
10 would interrogate Vietnamese soldiers and after that, kill them.  
11 And <when> the Khmer Rouge forces said that after the arrest, the  
12 Vietnamese soldiers would kill us<, it was not true>.

13 [13.46.50]

14 Q. Did it happen that not only soldiers were arrested, but  
15 civilians were also arrested and subsequently and possibly  
16 killed; is that something that happened?

17 A. Which forces are you referring to; you are referring to the  
18 Vietnamese force or Khmer Rouge force?

19 Q. I am talking of arrests carried out by soldiers of Democratic  
20 Kampuchea and arrests of either Vietnamese soldiers or Vietnamese  
21 civilians. You have stated that there were instructions that  
22 Vietnamese soldiers be interrogated and subsequently killed. I  
23 would like to know whether there were also instructions for  
24 Vietnamese civilians to be arrested.

25 A. <> Actually, there were no instructions to arrest the

1 Vietnamese forces <when the Khmer Rouge soldiers advanced into  
2 Vietnamese territory>. Usually, after the arrest of Vietnamese  
3 forces, all of them were killed and <mostly,> when <the> Khmer  
4 Rouge encountered Vietnamese forces, they would exterminate the  
5 whole family<, they would kill any Vietnamese they encountered no  
6 matter how young or old they were>. <And for those Vietnamese who  
7 were arrested, they were interrogated and then executed.> That  
8 happened during the battlefield.

9 Q. You were born in Kampong Rou district in Svay Rieng commune.  
10 Where you lived, were there any Vietnamese civilians living there  
11 <alongside> you, the Cambodians? In your commune and village,  
12 were there any Vietnamese living side by side with you  
13 Cambodians?

14 [13.49.20]

15 A. Yes, in the former regime, we were living side by side. I mean  
16 Vietnamese were living side by side with our people, but later  
17 on, there was a policy to send all Vietnamese back home after the  
18 war.

19 In the past period, yes, Vietnamese people were living together  
20 with Khmer people.

21 Q. Can you tell us when the policy aimed at sending all  
22 Vietnamese back to their home was established; was that before  
23 the 17th of April 1975 or thereafter, and did any Vietnamese stay  
24 back?

25 [13.50.24]

1 A. To my recollection, after 17 April 1975, there was the  
2 exchange program to send back Vietnamese to Vietnam and Khmer  
3 people would be sent back to Cambodia. And after that date,  
4 Vietnamese people did not dare stay <> in Cambodia and they were  
5 sent along <Prey Voa's road through> Kampong Rou <district> back  
6 to Vietnam<, and they were received at Bun Hit (phonetic)>. Khmer  
7 people were being sent back, at the time, to Cambodia<, but not  
8 all of them were sent back because after some of them were sent  
9 back, they> were <> killed<, so they stopped sending Khmer people  
10 back and many Khmer people were still there at the time>. By  
11 1975, all the Vietnamese were sent out to their home country.

12 Q. Can you tell us who were executed? You have said some people  
13 were executed; can you tell us; who were those who were executed,  
14 when, and why?

15 A. Uncle Pel (phonetic) and Uncle Thaen (phonetic) <and others in  
16 my village> were exchanged with the Vietnamese and after the  
17 exchange program, they were sent for execution. Many, many  
18 Cambodians were the subject of exchange programs and some of them  
19 were sent for a study session but, in fact, they were killed.  
20 After learning <this> information, the Vietnamese side did not  
21 send back Cambodian people to Cambodia and as I said, all of  
22 them, after they were sent back from Vietnam, were killed. <So,  
23 there were still Cambodian people in Vietnam at the time, and  
24 only after the liberation in 1979 did they dare come back to the  
25 country>.

1 Q. Do you know why they were killed?

2 [13.52.50]

3 A. I do not know the reason. <I heard> they considered those  
4 people the New People and also CIA agents <or Vietnamese agents>.

5 <That was why> those people needed to be killed. They did not  
6 survive the killing. Some women survived, but not <men>.

7 My villagers died and at the time, after hearing that people died  
8 after they were sent back to Cambodia, <the rest> did not <dare>  
9 come back home. <They tried to hide themselves or flee  
10 somewhere.> After 1979, <> Khmer people came back to the country,  
11 <when they asked for the Khmer people who were sent back during  
12 the exchange program, they learnt that those people were killed.  
13 They were really upset because they did warn those people not to  
14 come back and that> if they were sent back home to Cambodia, they  
15 would be killed<, but they still came back and they all died>.

16 Q. During the Democratic Kampuchea regime, after the 17th of  
17 April 1975, are you aware of the existence of mixed families,  
18 that is, families that consisted of <two partners, one of whom  
19 was> Vietnamese <while the other was> Cambodian? Do you know what  
20 happened to those families?

21 [13.54.42]

22 A. In 1975, they went back to Vietnam in group; they did not dare  
23 to stay in Cambodia and they returned to Cambodia after 1979. So  
24 back in the past, in 1975, they went together with their spouses,  
25 they did not dare stay behind in Cambodia. And there was one

1 family, they were old, at the time, and they remained in  
2 Cambodia, but most of them or all of them decided to go back to  
3 Vietnam. Some of them could stay in Cambodia because they hid  
4 their <biographies>.

5 Q. And did the families that remained back in Cambodia survive  
6 the regime? And if they did survive, why did they survive?

7 A. They survived the regime. For example, Yeay Huy (phonetic) was  
8 quite old back then, so she could remain living in Cambodia. She  
9 had a Cambodian husband. She was quite old, at the time, so she  
10 could live her normal life and her children possessed Cambodian  
11 identity.

12 She has already passed away, at the present time, but back in the  
13 regime, she lived in the cooperative, having collective meals  
14 with <the> cooperative -- within the cooperative.

15 Q. And was it known that that person was of Vietnamese origin or  
16 did she succeed in concealing her <origins>?

17 [13.57.24]

18 A. I do not know on this particular point why she <was able to>  
19 survive the regime, but not the others. I do not know. Perhaps,  
20 at that time, she may have used the biography as <a> Cambodian  
21 person. People living in the area loved her and socialized with  
22 her and I do not know if she had concealed her biography <or> how  
23 she could survive the regime.

24 JUDGE LAVERGNE:

25 Thank you, Civil Party, for your answers.

60

1 Mr. President, I have no further questions for the civil party.

2 [13.58.20]

3 MR. PRESIDENT:

4 I thank you very much and now the floor is given to the defence

5 team for the Accused, starting first from the defence team for

6 Mr. Nuon Chea. You may now proceed to put question to this civil

7 party.

8 QUESTIONING BY MS. CHEN:

9 Good afternoon, Mr. President, Your Honours, counsel, and good

10 afternoon, Mr. Civil Party.

11 You've spoken this morning about your work in the special unit

12 and you also just spoke about it now with Judge Lavergne, but

13 there are a few details that were still unclear to me, so I just

14 wanted to ask you, first, two follow-up questions about that.

15 Q. So my first question is: Do you know how many members were in

16 the special unit in total?

17 MR. CHHUN SAMORN:

18 A. There were around 150 soldiers in total <in the special unit>.

19 Q. Thank you, Mr. Civil Party. And my second question on this

20 issue is: Were all of the members of the special unit involved in

21 intelligence gathering or did they have a mix of duties?

22 A. In the special unit, if there were intense <battles>, they

23 were -- they would be selected to be engaged in the fighting.

24 [14.00.10]

25 Q. I'm sorry. So I wanted to understand a bit more clearly; are

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1 you saying that when there was intense fighting, all members of  
2 the special unit would be engaged in the fighting, but if there  
3 was not intense fighting, then they would be gathering  
4 information; do I understand you correctly?

5 A. That is correct, Counsel. Usually we gathered the intelligence  
6 and when there was <an> intense situation, we would be engaged in  
7 the fighting. For normal battlefield or fighting, the ordinary  
8 forces would be engaged in the fighting.

9 Q. Thank you, Mr. Civil Party. Just one more question about this  
10 and I will move on to my second topic. Were you yourself ever  
11 involved in fighting against the Vietnamese or other forces?

12 A. Yes, I participated in combat quite often. I did not have free  
13 time.

14 [14.01.32]

15 Q. This might be a difficult question to answer, but can you  
16 remember during your time as a soldier in the special unit how  
17 much of your time was spent gathering <intelligence> and how much  
18 of your time was spent fighting?

19 A. After we collected the intelligence information, then we  
20 prepared our forces for combat, and we led our troops to identify  
21 and tell them the weak points that we could attack, and if our  
22 troops chose to attack and then the attack took place. <If not,  
23 we withdrew our forces.>

24 It <depended> on the situation, if our special forces wanted to  
25 join with the ordinary combat force to fight and then we <would>

1 stay and fight. If we didn't want to or the situation did not  
2 require <it>, we withdrew and we left only the combat force to  
3 engage in fighting.

4 Q. Thank you for your answer. So now I am going to move to my  
5 second topic and that is to ask you some follow-up questions  
6 about the time when you were arrested by the Southwest Zone  
7 soldiers.

8 My first question in this regard is that in both your testimony  
9 today and in your civil party application you said that you were  
10 arrested together with 29 East Zone soldiers.

11 My question is do you know what the duties of the 29 East Zone  
12 soldiers were, right before they were arrested together with you?  
13 [14.03.43]

14 A. When I, along with the other <29> soldiers, <were arrested, I>  
15 did not <recall their names>, but all of us were from the East  
16 Zone soldiers <from Ngor-112,> but we were from different units  
17 in the zone. And I could not remember all their names.

18 Q. No problem, Mr. Civil Party. I'll move onto a different  
19 question.

20 In your civil party application, you said something that I want  
21 to ask you a bit more about.

22 Mr. President, this is document E3/4950 and the relevant ERNs  
23 are; in Khmer, 00550646; in English, 01057923; and in French  
24 00895317.

25 And Mr. Civil Party, this is the quote from your application. You

1 said, and I quote, "I protested that I was innocent and should  
2 not be arrested. My captor yelled at me not to protest as he  
3 said, 'The order was made from the Party.'"

4 Mr. Civil Party, my first question in this regard is, did you see  
5 any document about the order for your arrest?

6 [14.05.49]

7 A. No. I did not see the document of the order of my arrest. They  
8 simply recorded our names and then they arrested us. I had no  
9 idea where the order came from.

10 Q. Thank you. So now I am going to move to ask you a little bit  
11 more about why they said that you were arrested.

12 Now, today at 10.02, I understood that you said that Southwest  
13 Zone soldiers arrested you and they said that they needed to  
14 purge <the> bad elements, who were those with "Yuon" heads and  
15 Khmer bodies.

16 I also heard you say at 10.07 and at 11.02, that you were accused  
17 of betraying the Party or being a traitor. My question is did the  
18 Southwest Zone soldiers say anything else about why you were  
19 arrested?

20 A. I protested <our> arrest by the soldiers from the Southwest  
21 Zone. They <then> accused us of betraying the Party, of betraying  
22 the people<, of having "Yuon" heads on Khmer bodies>. They  
23 arrested us and at night time they tied our hands up and walked  
24 us away to be killed. <They did not ask us any more questions  
25 after they accused us like that.>

1 Q. Did any of the Southwest Zone soldiers interrogate you right  
2 after you were arrested?

3 [14.07.59]

4 A. They did not interrogate us because they were in a hurry to  
5 take us to be killed. I was the only one who dared protest. The  
6 rest of us did not dare to protest.

7 They took off our clothes and we had only shorts <on>. We wore  
8 only shorts. They did not ask us whether we came from any units  
9 or any division because they were in a hurry to take us away to  
10 be killed.

11 Q. Thank you for your testimony. I am going to come back to  
12 discuss some of those events with you a little bit later in my  
13 questions. But now I wanted to move onto my next topic, and that  
14 is to discuss with you a little bit more about the conflict  
15 between the Southwest Zone and the East Zone which you have  
16 already discussed quite a bit this morning.

17 So this morning you mentioned that you joined the revolution in  
18 1975 and that you attended study sessions from time to time.  
19 <During the early study sessions,> did you ever hear about  
20 conflict or tension with the Southwest Zone, already, in 1975?

21 [14.09.41]

22 A. When I joined the revolution <>, there was no tension between  
23 us. There were no such conflicts at that time. We considered us  
24 as one army and we had no problem between us.

25 Q. Thank you, Mr. Civil Party.

1 Now, about something else that you said this morning about the  
2 conflict with the Southwest Zone. At 9:50 this morning, you  
3 mentioned that soldiers, who you described as being from the  
4 Centre, confiscated weapons from those on the front lines in  
5 Sector 23.

6 We also have evidence on the case file about weapons being  
7 confiscated from soldiers on the front line in another East Zone  
8 sector, Sector 21, and I wanted to ask you something about that  
9 now and see if this jogs your memory about further events in this  
10 regard.

11 Mr. President, this is the interview of Ouk Bunchhoeun by the  
12 academic Steve Heder, on 14 August 1990.

13 [14.11.00]

14 Mr. Civil Party, as you may know, Ouk Bunchhoeun was the Deputy  
15 Secretary of Sector 21 of the East Zone and is currently a CPP  
16 senator.

17 Mr. President, the document references are E3/387 and the ERNs  
18 are, in Khmer, 00379503; in English, 00350218 to 19; and in  
19 French, 00441436.

20 Mr. Civil Party, Ouk Bunchhoeun is, in this interview, describing  
21 events in Sector 21 in the East Zone, and this is the relevant  
22 part of what he says.

23 "In early 1978, I gradually began hiding weapons. I also  
24 instructed districts under my sector that when combatants in the  
25 front line fighting the Vietnamese forces ran back and had

1 weapons, we had to take and keep their weapons."

2 And then a little bit later Ouk Bunchhoeun continues: "We did not  
3 supply the weapons to battlefields. We secretly kept them in our  
4 sector."

5 [14.12.40]

6 Mr. Civil Party, my question is, does this refresh your memory  
7 about whether in your Sectors 23 and 24, weapons were taken from  
8 soldiers returning from the battlefield with the Vietnamese, not  
9 by forces from the centre but by East Zone forces?

10 A. When my weapon was confiscated, I did not know who they were,  
11 but I am confident that it was the soldiers from the Centre who  
12 came to confiscate <weapons> from soldiers in Sector 23 in <Angk  
13 Prasrae village, Angk Prasrae commune,> Romeas Haek district.  
14 They came from Division 703. They were the ones who came and  
15 confiscated our weapons in Sector 23.

16 As for Ouk Bunchhoeun, I did not know him. I did not know about  
17 what was going on in that sector.

18 Q. No problem. Thank you, Mr. Civil Party.

19 Just on something that you said then, you said that you were  
20 confident that the soldiers who confiscated your weapon were from  
21 the Southwest Zone or from Division 703. I am not sure if I heard  
22 you clearly. How did you know that?

23 [14.14.48]

24 A. At that time they said that those soldiers came from the  
25 Centre <at the Southwest Zone>. So when they confiscated our

1 weapons, they told us like that. So I simply followed what they  
2 told us. I could not use any other different words besides what  
3 they told us.

4 Q. Thank you, Mr. Civil Party. So now I am going to move -- we're  
5 still on the same topic but I am going to move a bit more  
6 generally. And I would like to ask you what did you know about  
7 why there was a conflict between the Southwest and East Zones?

8 A. I did not know the details at that time. I only knew when the  
9 arrests took place and then they said that the East Zone soldiers  
10 betrayed the Party <and that the East Zone soldiers were 'Yuon'  
11 heads with Khmer bodies>. So I only learned about that <> when  
12 the arrests took place and they accused us of betraying the Party  
13 while in fact we did not have such treacherous intentions. We  
14 only <respected and> loved the Khmer people and defended our  
15 country <so that the 'Yuon' could not take over our country>. But  
16 at the end they accused us in that way.

17 [14.16.38]

18 Q. Thank you. In both your civil party application and also  
19 throughout your testimony today you have been talking about the  
20 existence of a coups d'état. I understand that the Khmer term you  
21 have been using for coups d'état is "rotpraha" (phonetic). My  
22 question is, when you were using the term coups d'état or  
23 "rotpraha" (phonetic) what events were you describing?

24 A. At that time there was fighting between Khmer Rouge soldiers,  
25 between soldiers from the Centre and the East Zone. And at that

1 time I heard people using the word coup d'état to describe that  
2 incident and I did not know much about it. But I simply followed  
3 the words that people used at that time; <that is, in 1978>.

4 Q. Thank you. Now, you just said in answer to one of my earlier  
5 questions that you did not have traitorous intentions and I  
6 understand that. My question now is, did you ever hear anything  
7 about secret plans being made in the East Zone during the  
8 Democratic Kampuchea period to rise up against the Centre?

9 [14.18.24]

10 A. I was not aware of such plans. I was based at the front line  
11 area. I did not know about what was going on <regarding any  
12 internal affairs at the rear. I was only focused on my tasks on>  
13 the <> battlefield <with the Vietnamese> and I was simply a  
14 normal combatant. I could not know about such a plan that was  
15 developed at a high level.

16 Q. No problem, Mr. Civil Party.

17 So today you have spoken about battles with the Vietnamese and we  
18 will come back to talk about that later. And you've also talked  
19 about battles with forces from the Centre, forces from the  
20 Southwest Zone.

21 I am wondering did you ever hear anything about a battle in the  
22 neighbouring province of Prey Veng between the East Zone  
23 Secretary So Phim, and his troops, against troops of the Centre?

24 [14.19.39]

25 A. Yes, I heard about it. I heard about the fighting between So

1   Phim's forces with soldiers from the Centre. There was fighting  
2   taking place.

3   Q. Okay. I am going to have a few questions for you just about  
4   this incident now. First, do you remember if this fighting  
5   happened before you were arrested by the soldiers of the  
6   Southwest Zone or after?

7   A. The incident of fighting with So Phim took place first before  
8   <our> arrest.

9   Q. Thank you. And now I just want to make sure that we are  
10   talking about the same incident. So what I would like to do is to  
11   read to you testimony of another witness in this trial, who talks  
12   about what I think is the same incident, and check with you  
13   whether you think that that is so.

14   [14.21.02]

15   Mr. President, this is document E3/9467. It's an interview which  
16   has numbered questions and answers. So the questions that I am  
17   focusing on are 15, 17, 19 and 21. It is the interview of an East  
18   Zone combatant with the Investigating Judges of this Tribunal on  
19   11 October 2013.

20   Mr. Civil Party, I am just going to read to you some of this  
21   witness' testimony and see if you think this is the same incident  
22   we are talking about now. Quote in answer 15:

23   "In around July or August in 1978, the Party committee of So Phim  
24   agitated us to rearm. So Phim was the zone secretary there. I  
25   joined that movement in order to fight the Khmer Rouge. So Phim

1 arranged for me to be positioned along National Road 15. The  
2 Khmer Rouge soldiers came from the southwest and the west to  
3 surround the East Zone."

4 [14.22.26]

5 And then the witness continues in answer 17 to say the following:

6 "About 8,000 people joined the movement. This movement was  
7 organized quickly and spontaneously while being surrounded by  
8 aircraft, tanks and infantry."

9 In answer 19 he says: "The weapons used were from the zone  
10 warehouse because they had been collected and stored there."

11 And finally at answer 21 the witness says: "The Khmer Rouge  
12 appealed for us to surrender by dropping leaflets from the planes  
13 for three days, but we did not surrender."

14 Mr. Civil Party, does this sound at all like the incident you  
15 were talking about?

16 [14.23.39]

17 A. I did not know much about the details of how many thousands of  
18 people <attended any meeting. Even though> I was <in the East  
19 Zone and stationed in Prey Veng,> my unit was based in <Sector  
20 23, which was isolated> from the rest of other units. My unit did  
21 not have much contact or participate in the meeting where you  
22 said there were thousands of people were gathered. There <was> no  
23 such thing happened with my units.

24 Q. No problem. Thank you, Mr. Civil Party.

25 So now my questions are moving in a different direction and we

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1 are going to focus a little bit on the night that you were  
2 arrested by the Southwest Zone forces. And the first area I would  
3 like to discuss with you is the executions that took place. I am  
4 going to read to you something that you said in your civil party  
5 application.

6 [14.24.48]

7 Mr. President, that is, E3/4950; at the ERNs 00550646 in Khmer;  
8 01057923 in English; and 00895317 in French.

9 Mr. Civil Party, this is the quote. "The Khmer Rouge cadres had  
10 started to arrest and kill the East Zone soldiers."

11 And then a bit later you continue to say: "We were made to walk  
12 in two lines to where we would be executed."

13 So first question, how did you know that you were going to be  
14 executed?

15 [14.26.03]

16 A. After they had our hands tied up, they walked us in <two lines  
17 at> night and <when we reached the location,> they ordered us to  
18 sit down. And <seven or> eight <Khmer Rouge soldiers carrying> AK  
19 rifles <pointed their rifles at us from behind, and> they took  
20 <four> <people from the front of the line about 20 to 30 metres  
21 from where we were,> and killed <them> and we heard the screams.  
22 So we were panicked and we tried to escape. And <they quickly  
23 drew their rifles and shot at us.> And <at that time,> we had no  
24 clothes on our bodies.

25 Q. I am going to ask you some questions about all of that

*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 information shortly but I just wanted to clarify one thing for  
2 you first. Did anyone tell you that you were going to be  
3 executed?

4 A. No one told us. But during the time that they registered our  
5 names, a lady told me <> that <the> other people with me <and I>  
6 were the third group <of soldiers> who were registered and people  
7 in the previous two groups disappeared. She told me to be  
8 careful. So I became very worried and I tried to be careful  
9 <like> she told me.

10 So after she told me that, all of us, two or three of us at a  
11 time were tied up <and ordered to strip off of our clothes. So I  
12 realised that we might be taken away to be smashed. Then at  
13 night, we were> walked <> to the execution site. When we arrived  
14 there <at that place,> things became clearer.

15 Q. So just to talk about that lady for a minute, was she a  
16 soldier?

17 [14.28.37]

18 A. Perhaps she <was> also a soldier <because there were also  
19 female soldiers there>. She said that she was <the only one> who  
20 was <kept there> in order to <cook the rice and fetch> the water  
21 for the Khmer Rouge soldiers. <As for her comrades who were sent  
22 there with her, they were sent up the line, but she did not know  
23 where exactly.> And when she told me that <she was hopeless,> she  
24 said it with teary eyes. <And then she walked away.>

25 It was the time when I went to relieve myself at <a clump of>

1 banana trees and she saw me at that place and she whispered to me  
2 to be careful about what happened<, and then she left>. So, <>  
3 she told me that <when no one else was around>. <It was not like  
4 a normal conversation.>

5 Q. But just to be sure, she was boiling water for the troops from  
6 the Southwest Zone. Is that correct?

7 [14.29.50]

8 A. The lady who told me <that> was kept by the Khmer Rouge  
9 soldiers to be a cook, to <> cook rice for the soldiers <from the  
10 Southwest Zone> because at that time commanders and senior cadres  
11 in the Svay Rieng province were all removed. And at the time when  
12 I, along with others, were taken away to be killed, <there> were  
13 new cadres <from the Southwest Zone there already>. As for the  
14 old senior cadres, they had all long been removed.

15 Q. Thank you, Mr. Civil Party. So just a moment ago you were  
16 talking about how soldiers were untied and taken away to be  
17 killed. This is also something you discussed earlier this morning  
18 at around 10.09 and I recall that you said that you could hear  
19 them screaming. And then you explained that you and the other  
20 arrested soldiers tried to run away and then that only three of  
21 you managed to escape.

22 I have two questions about this, and they might be a little bit  
23 difficult, so I just want to explain them first.

24 Mr. Civil Party, it seems to me that you are describing two  
25 different ways in which your fellow East Zone soldiers died. One

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1 way was where the Southwest Zone soldiers took the East Zone  
2 soldiers away to be executed four people at a time. And the other  
3 way was where the East Zone soldiers tried to escape but were  
4 shot and killed while trying to run away.

5 I don't know if you can answer this but my first question is,  
6 among the 29 East Zone soldiers that you were with that you were  
7 arrested with, can you estimate how many were killed the first  
8 way, that is, by being taken away by the Southwest Zone soldiers  
9 to be executed?

10 [14.32.27]

11 MR. PRESIDENT:

12 Please observe the -- please wait, Mr. Civil Party.

13 You have the floor first, International Deputy Co-Prosecutor.

14 MR. SMITH:

15 Your Honour, an objection to the question in terms of the fact  
16 the witness has given two different events to how his colleagues  
17 were killed. I think maybe the question should be which way --  
18 can you clarify which way or how were your colleagues killed?  
19 But I don't think he has given two different versions of events  
20 and so I don't think he should be given the opportunity to pick  
21 one or the other. I think he should be asked just as to clarify  
22 how in fact it happened but I don't think he gave two versions of  
23 events. So just a clarification.

24 [14.33.20]

25 MS. DOREEN CHEN:

1 Mr. President, maybe my question was unclear in a sense. I heard  
2 the witness say that first of all, a group of people were taken  
3 away to be executed. Upon seeing that the other soldiers who he  
4 says were waiting their turn to be executed, then tried to escape  
5 and many of them were shot in the process.

6 So what I'm trying to get at is how many were shot while escaping  
7 and how many were already executed.

8 Q. Mr. Civil Party, can you shed any light on this?

9 MR. CHHUN SAMORN:

10 A. When we were gathered for execution, four members <of my  
11 group> had already been <walked away to be smashed> before <we  
12 untied our hands so that we could flee>. <While we were running,  
13 the rest of the people there, whose hands were still tied, were  
14 shot to death. There were> three <of us who could flee and they  
15 opened fire at us while following,> and one <of us> was <shot and  
16 injured>. <At that point> I was submersing myself into the water  
17 at the riverbank and <when> when I started to get out of the  
18 water, they started to <open> fire <at> me and I had to do that  
19 again. <So, I escaped, and the rest who could not were shot to  
20 death.>

21 [14.34.54]

22 MR. PRESIDENT:

23 You may have confused. The question is about the number of people  
24 in your group who had been gathered for execution. So how many of  
25 you survived and how many people from your group died?

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1 From what I heard four people <died> and <> three people could  
2 <escape> and survive <>. And as you said, <after the names were  
3 registered,> there were <> 29 people <>. <Please clarify this.>  
4 [14.35.46]

5 MR. CHHUN SAMORN:

6 In fact, there were 29 of us in our group <>. Three could fled --  
7 could flee.

8 So again, 26 people from my group died and only three survived.

9 We were <walked in two lines> at the time, but the total number  
10 of the people in the two <lines was> 29.

11 BY MS. DOREEN CHEN:

12 Q. So Mr. Civil Party, just to see if I have this correctly, did  
13 four people get taken away to be executed, then everybody else  
14 from the 29 East Zone soldiers tried to escape but only three of  
15 you survived; is that right?

16 A. That is correct. Only three people could flee and the rest  
17 were killed<, including the four who were walked away to be  
18 smashed first and those whose hands were still> tied up.

19 MS. DOREEN CHEN:

20 Thank you, Mr. Civil Party. Mr. President, I am about to move to  
21 my next line of questions. Perhaps this is a good time to break.

22 [14.37.11]

23 MR. PRESIDENT:

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

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1 Court officer, please assist the civil party in the waiting room  
2 during the break time and please invite him back into the  
3 courtroom at 3 p.m.

4 The Court is now in recess.

5 (Court recesses from 1437H to 1458H)

6 MR. PRESIDENT:

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

8 And I give the floor to the Defence Counsel for Khieu Samphan --  
9 rather for Nuon Chea, to continue putting questions to the civil  
10 party.

11 You may now proceed.

12 [14.59.10]

13 BY MS. DOREEN CHEN:

14 Thank you, Mr. President.

15 Q. Mr. Civil Party, I wanted to move on now to a different topic  
16 and it's one that you've already talked about for some time this  
17 morning and afternoon. And that is your escape from the Southwest  
18 Zone soldiers. So first I would like to put to you a quote from  
19 your civil party application and then ask you some questions  
20 about that.

21 Mr. President, that is, E3/4950; at the ERNs 00550646 in Khmer,  
22 01057923 in English; and 00895317 in French.

23 And this is the quote, Mr. Civil Party. "My right arm was injured  
24 and became paralyzed. My hands were then bound behind my back.

25 The other soldiers' hands were also tied up."

1 And then you continue a little later to say, quote, "I tried to  
2 untie my arms. I managed to free myself and help two more people  
3 escape."

4 My first question is, is it correct that you managed to untie  
5 yourself and two other people?

6 [15.00.43]

7 MR. CHHUN SAMORN:

8 A. At that time, the person who tied <me> up <kneed> me in the  
9 chest <to make me bend so that he could tie me as tight as he  
10 could,> and I told him that the string was too tight and I found  
11 it difficult to breathe<, and he said maybe it did not have to be  
12 that tight, so he kept it a little loose>. So along the way that  
13 I was walked, I could move my arm a little bit <>. So that is  
14 what happened.

15 And after I tied -- I untied myself, I helped untie the <string  
16 on> the comrades that I knew<, I did not untie their hands>.

17 And, in fact, when we tried to escape, <> their hands <were  
18 still> tied up, and <one of us was wounded while the three of us  
19 were running>.

20 Q. Thank you, Mr. Civil Party. As you described in your civil  
21 party application, your right arm was injured and unfortunately  
22 became paralyzed. Now, I am sorry if this is a sensitive question  
23 but my question is, when you were hit on the arm that night did  
24 your arm become paralyzed immediately or could you still use it  
25 on the night of your arrest:?

1 [15.02.47]

2 A. The one who got injured was the one who escaped with me. As  
3 for me, I was beaten with the butt of the gun. It was the one who  
4 escaped with me who was injured. And as for me, my right hand was  
5 beaten with the butt of the gun and it became paralyzed.

6 Q. I think my question may have been unclear. That's what I was  
7 asking you about, about your arm being beaten with the butt of a  
8 rifle and then becoming paralyzed.

9 My question about that is, on the night of your arrest did your  
10 arm become paralyzed straight away or could you still use it that  
11 night?

12 A. I could still use it but it was numb. But somehow I could  
13 still use it. I could still use it for about 70 percent but it  
14 was not like a normal arm.

15 Q. Thank you, Mr. Civil Party. Now, at this morning at 10.09, you  
16 described how there were, I think you said, six or seven  
17 Southwest Zone soldiers guarding you and the other 29 arrested  
18 East Zone soldiers and I believe that you said they were holding  
19 AK-47s. What I wanted to know is how did you untie yourself and  
20 then later the other soldiers without your guards noticing that  
21 that had happened?

22 [15.05.01]

23 A. When we were taken out to be killed, it was night time. And we  
24 sat down close to each other.

25 The guard <who pointed a gun at me> was about 3 <or 4> metres

1 away from me. So at that time that I tried to untie <myself,>

2 they could not see it because it was <dark>.

3 I <untied one of the two strings> and then the three of us

4 escaped<, but those> who escaped with me still had their hands

5 tied up.

6 And as for those who <were still tied to the other string> could

7 not escape, they were shot dead with their hands still tied up.

8 Q. Thank you. And you said today and in your application that

9 after you ran away the Southwest Zone soldiers chased you. How

10 many soldiers chased you?

11 [15.06.23]

12 A. There were three of them who chased us <from> behind <until I

13 reached a creek and I jumped into the water,> and as for the

14 other <seven or eight> guards, they were busy shooting at those

15 who <were still> tied <to the other string>. <>

16 MR. PRESIDENT:

17 <> Could <both counsel and civil party> please speak slower

18 because <> it needs to be interpreted into <> other languages.

19 BY MS. DOREEN CHEN:

20 Q. Mr. Civil Party, so the Southwest Zone soldiers chased you for

21 how long?

22 MR. CHHUN SAMORN:

23 A. They chased us for about <30 to> 40 metres and then we reached

24 the bank of the river and they kept shooting at us for about 10

25 minutes. We managed to cross to the other side of the river<, and

1 then they stopped shooting>. <Those who could not escape were  
2 already shot to death by then,> and we kept running forward.

3 Q. Okay. I just had a side question now about the two people that  
4 you were with when you escaped.

5 I think that you just said a few moments ago that you didn't  
6 untie them straight away but you untied them during the escape.

7 My question is did you untie them before or after you all jumped  
8 into the river?

9 [15.08.32]

10 A. I -- when the four people were taken to be killed first, <we  
11 realised that they were going kill us all.> The other two  
12 <comrades> whom I knew asked me to help untie <the string>. And I  
13 told them that <I already untied the string, but> I could not  
14 untie <their hands, there was no time for that. I told them that  
15 when I started to run, they should too. They agreed>.

16 So <four of them walked four people at a time to be smashed.>

17 When <they> took away the four people to be killed and then we  
18 heard the sound of beating and we heard the sounds of screams. So  
19 after each of the four people were killed, they walked back to  
20 take us, but we <> shouted to <all the comrades> to escape. And  
21 then they started shooting at us.

22 [15.09.58]

23 So we escaped only after we heard the screams of the four people  
24 who were being killed. We <were in shock>. So, I tried my best to  
25 untie <the string> and I told the others to run to escape. <Only

1 the people who were tied to my string could run, others were  
2 shot.> The guards <were at> the <west> side<, and I ran to the  
3 east>.

4 So, the three of us managed to escape while the rest were killed.

5 Only three of us managed to escape and survive the ordeal.

6 Q. Thank you, Mr. Civil Party. I am now going to move away from  
7 that night to talk to you about armed conflict between Vietnam  
8 and Cambodia. So I wanted to ask you a little bit about this  
9 armed conflict during the Democratic Kampuchea period.  
10 First of all, I wanted to start with something you said earlier  
11 this morning. At 9.40 you described how there was fierce fighting  
12 in Romeas Haek along the border. And you also mentioned, I  
13 believe, that Bavet and National Road 1 were very hot  
14 battlefields.

15 And my first question in this regard is do you remember in which  
16 month or months in 1976, there was fierce fighting at Romeas  
17 Haek?

18 A. The fighting took place in <the> dry season, <during> harvest  
19 season <in 1976 as well as in 1977>. The fighting mostly took  
20 place <during> harvest season. It was <tense during the dry  
21 season> in late 1976.

22 [15.12.27]

23 MS. DOREEN CHEN:

24 Q. Thank you, Mr. Civil Party.

25 And then it's the same question about Bavet. Do you remember in

1    which month or months in 1976, was Bavet a hot battlefield?

2    MR. CHHUN SAMORN:

3    A. I did not remember the exact month. It was perhaps after the  
4    Khmer New Year. It was in <the> dry season. The battlefields<,  
5    namely in Bavet, Romeas Haek and others,> took place one after  
6    another. <That was the battlefields in Svay Rieng in 1976. And  
7    the battlefield in Kampong Rou was not as tense as the  
8    battlefield in the east along the National Road 1>.

9    [15.13.30]

10   Q. Thank you, Mr. Civil Party. Just a question for clarification.  
11   My understanding is that the rainy season begins in the mid to  
12   late part of every year and <that> Khmer New Year, as I recall,  
13   is in April which is the first half of the year. So you said  
14   Bavet was a hot battlefield perhaps after Khmer New Year but  
15   still in the dry season. Does it sound correct to you to say that  
16   this is approximately in mid-1976?

17   A. Yes, it was about that time. The fighting took place <until>  
18   dry season. It was -- the fighting -- it was the attack and  
19   counterattacks <in 1976>. I did not remember the exact month it  
20   was. So the fighting lasted from 1976 until 1977.

21   Q. Thank you. And just the same question again about the third  
22   location that you mentioned which was National Road 1. Do you  
23   remember in which month or months in 1976, was National Road 1 a  
24   hot battlefield?

25   MR. PRESIDENT:

1 Mr. Civil Party, please hold on.

2 The floor is given to the International Deputy Co-Prosecutor.

3 [15.15.34]

4 MR. SMITH:

5 Thank you, Your Honour. Perhaps this is just a question for  
6 clarification. National Road 1 is quite a long road and I think  
7 the witness gave it a location on National Road 1. But in any  
8 event, because it's such a long road I would just ask Counsel  
9 perhaps if he could specify which part.

10 BY MS. DOREEN CHEN:

11 Thank you, Mr. Prosecutor. That was actually going to be my next  
12 question but I can ask it now.

13 Q. Mr. Civil Party, you had mentioned that National Road 1 was a  
14 hot battlefield in 1976. Can you tell us any specific locations  
15 along that road that were hot battlefields?

16 [15.16.28]

17 MR. CHHUN SAMORN:

18 A. The fighting occurred in Bavet city to the north of the city<,  
19 in Preak Taey (phonetic) village>. And it also occurred in Svay  
20 Ta Yean to the south of the city. <> So the fighting took place  
21 at that two locations. They were the battlefields.

22 Q. Thank you, Mr. Civil Party.

23 And just one last question on this topic, before we move onto the  
24 next one: Do you remember any other hot battlefields in 1976?

25 A. There was another battlefield in Svay Rieng province in

1 Kampong Rou district <in Ta Yab (phonetic)>. There <was> also  
2 fighting with the Vietnamese soldiers who <had> already entered  
3 Khmer territory. And it was also a hot battlefield.  
4 <Heng Samrin's> soldiers from Division 4 <went to battle>, <the  
5 battle lasted three days and three nights, and many soldiers from  
6 Division 4> were killed and only about 100 of them survived that  
7 battle. <It was also a hot battlefield in Samyaong which located  
8 to the south of Svay Rieng>.

9 Q. Thank you very much, Mr. Civil Party.

10 I am moving to my next topic now and we are going back to the  
11 night of your arrest with the Southwest Zone forces. But what I  
12 would like to talk about now is you crossing the  
13 Vietnamese-Cambodian border.

14 [15.18.35]

15 So, my first question relates to something that you said this  
16 morning at 10.12. I believe that you said that after walking for  
17 the whole night you arrived at the border with Vietnam. And you  
18 then said that you came across some Khmer Rouge soldiers there at  
19 the border, who fired at you, but that you were helped by  
20 Vietnamese soldiers who fired back.

21 My first question is just to know if I understood your testimony  
22 correctly on this point.

23 A. Yes, we ran. We kept running the whole night. And when it's  
24 dawn time, we crossed the border into Vietnam but when we tried  
25 to cross the border, we encountered Khmer Rouge soldiers there.

1 <They were where I used to station. They were defeated. I saw  
2 them and I thought they were Vietnamese soldiers because they  
3 were in Vietnamese territory.> I approached them in order to ask  
4 for rice to eat because <I was> very hungry. It was I alone who  
5 approached them, <because I did not know where> the other two  
6 <who fled with me, were at the time>.

7 [15.20.07]

8 And when I approached them, I saw that <they were> <East Zone>  
9 soldiers, not <Vietnamese> soldiers. <They asked me which  
10 Division I was from and I said that I was not part of any  
11 Division and that I was fleeing to Vietnam.> And <then> the Khmer  
12 Rouge soldiers tried to shoot at <me> while the Vietnamese  
13 soldiers tried to shoot back at the Khmer Rouge soldiers <>.  
14 The <Vietnamese> soldiers <first> shot at me <three times,> but  
15 the bullets missed me and <when I ran to them instead, they  
16 stopped shooting at me and they started shooting at the Khmer  
17 Rouge soldiers.> My life was saved by the Vietnamese soldiers,  
18 because the Vietnamese soldiers shot back at the Khmer Rouge  
19 soldiers to cut the Khmer Rouge soldiers from moving further to  
20 <shoot me>.

21 Q. Thank you, Mr. Civil Party. Do you happen to know what the  
22 location where you crossed the border, was called?

23 A. At that time, we had no commanders because <the> East Zone  
24 commanders had already been removed and we <had> no idea <> which  
25 unit those Khmer Rouge soldiers belonged to; <only soldiers from

1 the Centre remained in operation>. <I> had no idea <where> they  
2 came from <>, but <for soldiers who were in the same unit as me,  
3 they were removed already>. I want to clarify that at the time  
4 that I escaped, the soldiers, the East Zone soldiers, no longer  
5 had any commanders because their commanders had already been  
6 removed.

7 [15.22.13]

8 Q. Thank you, Mr. Civil Party. Concerning you crossing over to  
9 the border and the Vietnamese soldiers seeing you, I have a  
10 question and that is, did you make some kind of signal to the  
11 Vietnamese soldiers that you were not an enemy?

12 So, I don't know, for example, waving a white flag, putting your  
13 hands on your head, putting your hands in the air; did you do  
14 anything like that?

15 A. I did not give them any signal. Perhaps the Vietnamese soldier  
16 saw that <I was> wearing only shorts <since I was stripped off of  
17 my clothes when I was taken to be killed>.

18 The Vietnamese soldiers perhaps understood that <I was harmless  
19 because I had only my shorts on.> And that's why <> the  
20 Vietnamese soldiers <> shot at the Khmer Rouge soldiers who tried  
21 to chase <me instead>.

22 [15.23.30]

23 Q. Thank you. Just based on that answer, I wanted to confirm. So  
24 you said that after you crossed into Vietnamese territory, you  
25 were then interrogated by Vietnamese soldiers. Did the Vietnamese

1 soldiers tell you why they didn't shoot at you?

2 A. The Vietnamese did not ask me such questions. They simply  
3 asked me about what had happened to me. They asked me which unit  
4 I came from and what rank I held, and when I was in Vietnam, I  
5 did not dare to tell them my biography, that is, about my role in  
6 the special unit <because soldiers in the special unit were those  
7 who came to collect intelligence about Vietnamese soldiers in  
8 order to plan the attacks>. <So> I simply told them that I was an  
9 ordinary combatant <from logistics responsible for transporting  
10 food>.

11 They asked me about the unit I belonged to and about <cadres and>  
12 the situation in the country and about why the Khmer Rouge killed  
13 their own soldiers.

14 I told <them> through the interpreter that there <was> fighting  
15 <and killing> between Khmer Rouge soldiers <>. They asked me how  
16 many of us <had escaped> into Vietnam and then I told them three  
17 of us, but two got lost along the way. And, later on, I found out  
18 that the Vietnamese asked three of us separately and the answer  
19 the three of us gave were the same. <So, that evening they let us  
20 meet with each other.>

21 [15.25.33]

22 <> And <> all three of us wore only shorts. And <> our bodies<  
23 were very dirty> as we tried to escape.

24 Q. Thank you for your answer. So, just focussing now on the  
25 interrogation that you had with the Vietnamese soldiers; a few

1 questions.

2 My first question is, did the Vietnamese soldiers speak Khmer?

3 A. The Vietnamese soldier had <a> Khmer interpreter. Perhaps the  
4 interpreter was a Khmer Kampuchea Krom. <The interpreter was also  
5 a soldier.>

6 [15.26.51]

7 Q. Thank you. And then I think, earlier on today, you said that  
8 the Vietnamese told you about the fate of East Zone cadres and  
9 soldiers. Did I hear you correctly?

10 A. I could not get your question clearly.

11 Q. Sorry about that, Mr. Civil Party. I think I recalled you  
12 saying during your testimony earlier today that when the  
13 Vietnamese soldiers interrogated you, they also told you about  
14 what had happened to East Zone soldiers and cadres. Did I hear  
15 you correctly on this point?

16 A. The Vietnamese soldiers asked me and I gave my answer  
17 accordingly, that the East Zone<'s cadres were called to attend a  
18 study session and then disappeared one after another, and> that  
19 East Zone soldiers were arrested and taken away to be killed.  
20 Some of the soldiers were killed and some managed to escape and,  
21 as in my case, I managed to escape<, and that there was a coup  
22 d'état>. So that was what I told the Vietnamese soldiers when  
23 they asked me.

24 Q. Just another similar question. I think I heard you say earlier  
25 today that the Vietnamese asked you if you wanted to be a soldier

1 again and then you eventually joined the liberation army. Did I  
2 hear you correctly on that point?

3 [15.28.54]

4 A. After they took <us> in, <> they cleaned <us up> and put  
5 bandages on our wounds, and after I spent one night sleeping  
6 there, then they asked me whether I was interested in joining the  
7 liberation army.

8 And they said that if I joined the liberation army, <> they would  
9 let me <do so>, but if I rejected, I would be detained for about  
10 half-month or one month before I would be released <because they  
11 did not trust me yet>. So, the other fellows <and I> agreed to  
12 join the liberation army. And the next morning, we were taken to  
13 join the army.

14 Q. So where did they take you?

15 [15.30.15]

16 A. I was brought to join the group in Long Batin (phonetic), east  
17 of Ho Chi Minh, the <residence> of Khmer people <who went there  
18 in 1976> and those who were supported by the Vietnamese to become  
19 soldiers. We met each other at Long Batin (phonetic) and then we  
20 went to Long Yav (phonetic) after which we were given weapons.  
21 Only when I arrived at Long Yav (phonetic), I was given weapons.  
22 First, I <had> to go to Long Batin (phonetic) <to join the force>  
23 and then I went to Long Yav (phonetic) where I was given weapons  
24 in 1978.

25 Q. Thank you, Mr. Civil Party. Now, we're nearly at the end of my

91

1 questions, thank you for your patience.

2 I have some questions now about your time in the liberation army.

3 So you've talked about going to different locations and then

4 giving you weapons. Did you receive training in preparation for

5 your role in the liberation army?

6 A. After I was equipped with weapons, it was at Long Yav

7 (phonetic), the leader of a division instructed me and advised me

8 that I was part of the liberation army and I had to liberate the

9 country. I should not use violence to retaliate. I <should> not

10 <hold any> grudge <against those who tried to kill us, and that

11 only the leaders were traitors, we were instructed> not to kill

12 Khmer people. And I was told <> that Vietnam <had been at> war

13 for 30 or 40 years, <and no one had died,> and <Cambodia> <was at

14 war for a short period of time> only, <> but over three million

15 people <had been> killed.

16 [15.32.20]

17 My superior at the time advised me of the issues, that I had to

18 be lenient, <not to retaliate, but he still did not trust us so

19 he assigned me> to Kampong Cham <because I was from> Svay Rieng<,

20 and those who were from Kampong Cham were assigned to Svay Rieng

21 instead so that we did not retaliate>. And, in fact, at the time

22 I was advised not to kill Khmer people. And I was instructed if I

23 killed my own people, <no one> else would be remain living in

24 Cambodia. <He asked which one would we choose? The land or the

25 people?> And after that time, I did not <hold any> grudge

*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 <against> other people because I was advised and instructed by my  
2 superior.

3 Q. Thank you. So you received instructions not to kill or hurt  
4 ordinary Cambodian people I take it. As a member of the  
5 liberation army, did you fight against soldiers of the  
6 Revolutionary Army of Kampuchea?

7 [15.33.40]

8 A. When I came back, I encountered <> the Khmer Rouge forces, so  
9 I was engaged in the fighting against Khmer Rouge forces. Some of  
10 the soldiers died. It was normal in the battlefield, and some  
11 others got injured and they were treated. <If they were captured  
12 alive, they would be released when there were some villagers who  
13 knew them <and> vouched for them.>

14 <They> were released to go to see their family after they were  
15 seized or captured. <There was no prison, no cell in 1979, so  
16 after combatants or soldiers were captured alive, we would keep  
17 them> for a few days and if they had relatives living close by,  
18 then we would send them back to see their family. <As for people  
19 at the cooperatives, I do not know about their situation. It  
20 depended on the villagers there.>

21 And for the soldiers, particularly for soldiers who were  
22 arrested, we gave them meal and water to drink and if there were  
23 requests to have them to see their family, we would release them.  
24 For example, in Battambang, we arrested 30 or 40 soldiers and  
25 kept <them> at a Christian church for a week, <then> <their>

1 families came to see them and made the request to have them back  
2 home. So we released them after we <got> the request. And, as I  
3 said, <we treated soldiers> who got injured.  
4 For people living in the cooperative or living at bases, I do not  
5 know what happened to them. <I was in Division 3,> I knew only  
6 what happened to soldiers who were engaged in the fighting.  
7 [15.35.23]

8 Q. Thank you, Mr. Civil Party. I think I heard you mention three  
9 different locations, maybe I'm wrong, Kampong Cham, Svay Rieng  
10 and Battambang. In any case, my question is, where were you  
11 engaged in fighting with the forces of the Revolutionary Army of  
12 Kampuchea while you were a member of the liberation army?  
13 A. First, I arrived at Memot and then I went to Kampong Cham at  
14 Tonle Bet, west of Tonle Bet, and there was intense fighting at  
15 the time at Tonle Bet, and <the battle only ended> after aerial  
16 bombing by the Vietnamese. So, again, it was hot and intense  
17 fighting at Tonle Bet.  
18 [15.36.28]

19 Then I had to move to Kampong Thom, but it was small-scale  
20 fighting and the same happened in Siem Reap and Serei Saophoan. I  
21 was also called to join the fighting in Battambang. In  
22 Battambang, the liberation army <> could not defeat the Khmer  
23 Rouge soldiers at the time.  
24 My troops were asked to attack <Battambang> from the west and we  
25 were attacking from the west and the Khmer Rouge forces at the

1 time were defeated. <But in Pursat, the fighting was intense  
2 because the Khmer Rouge soldiers could not be defeated at the  
3 time.> They, the Khmer Rouge, were defeated on the 30th in the  
4 afternoon.

5 So we seized four provinces after the fighting. The Battambang  
6 and Kampong Cham battles were intense.

7 Q. Did I just hear you mention the 30th?

8 A. I did not say 30th, I said 1979.

9 Q. Okay. In this case my question is just, do you remember, maybe  
10 more specifically, which month this fighting took place when you  
11 were a member of the liberation army fighting against the  
12 Revolutionary Army of Kampuchea?

13 [15.38.28]

14 A. On 2nd December, I was engaged with the Front army. I arrived  
15 at Memot on 1 January 1979. My army reached Memot, Kampong Cham.  
16 We were stationed at Memot, Kampong Cham on 1 January 1979, and  
17 the Front army arrived at Memot on 2 December, and from that time  
18 onward we started our <fighting> campaigns.

19 Q. So just to be clear. The Front army arrived in Memot on 2  
20 December 1978, and then, subsequently, began fighting on 1  
21 January 1979. Is that correct?

22 A. The army arrived on that date and then we started the fighting  
23 from that date onward.

24 Q. Thank you. I'm almost finished. Just a few last questions.

25 Further on, I believe that you mentioned that the liberation army

1 received support from the Vietnamese military, which conducted  
2 aerial bombing at one point. Did I hear you correctly?

3 [15.40.14]

4 A. That is true. At the time, we had nothing and there were joint  
5 forces of Vietnamese and Cambodians, but <there were more>  
6 Vietnamese than <us>. That was the real situation. <The>  
7 Vietnamese soldiers arrested Khmer Rouge forces alive, but <on  
8 the contrary, the Vietnamese soldiers were killed when they were  
9 captured by the> Khmer Rouge <forces>. <I would not capture them;  
10 I let others do it because Khmer Rouge soldiers would rather use  
11 all the bullets in their weapons to shoot, then drop them to the  
12 ground and be captured. To capture one Khmer Rouge soldier, it  
13 took 10 lives. And those people liked to die.>  
14 In fact, there were more Vietnamese soldiers in my army and in  
15 the -- in a company there were only <five to six> Cambodian  
16 soldiers<> and the rest were Vietnamese soldiers. <That was in  
17 1979.>

18 Q. Thank you, Mr. Civil Party. So if I understood you correctly,  
19 Vietnam also played a role in the military campaign carried out  
20 by the liberation army against the Revolutionary Army of  
21 Kampuchea.

22 Perhaps you may be unable to answer this question, but I'm  
23 wondering when you were part of the liberation army, did you ever  
24 have the occasion to hear about Vietnam's foreign policy  
25 intentions for Cambodia?

1 [15.42.05]

2 A. Concerning foreign policy of Vietnam, in fact, they joined the  
3 forces with Cambodia and they had a good collaboration with the  
4 Cambodian forces, but I did not know what their intentions <were>  
5 toward Cambodia. They mentioned the <resistance movement in the  
6 past>, together with the Cambodian forces <>.

7 And I do not know how deep the <relationship was> between the two  
8 forces was at the time. During the study sessions, we were  
9 informed about this solidarity that we <had> had in the past.

10 I do not have the detailed information in relation to the foreign  
11 policy of Vietnam and I cannot tell you about <their> intentions  
12 <>.

13 Q. Thank you very much, Mr. Civil Party, for your patience today.  
14 I have no further questions.

15 [15.43.25]

16 MR. PRESIDENT:

17 Thank you. And the floor is now given to the defence team for Mr.  
18 Khieu Samphan, to put questions to the civil party. You may  
19 proceed.

20 QUESTIONING BY MS. GUISSÉ:

21 Thank you, Mr. President. Good afternoon, Mr. Chhun Samorn. My  
22 name is Anta Guisse. I am International Co-Counsel for Mr. Khieu  
23 Samphan and it is in this capacity that I will put a few  
24 follow-up questions to you.

25 Q. You have stated that when you were in the special unit, part

1 of your time was devoted to gathering intelligence on the  
2 positions of Vietnamese enemy troops and that, when it was  
3 necessary <or> when you so wished, you could also take part in  
4 fighting whenever there were confrontations.

5 My question to you therefore is as follows: When you took part in  
6 confrontations, who was your chief at the time when you were  
7 fighting? Was it still Hour, the chief of your unit, or someone  
8 else took over from him whenever there was fighting?

9 [15.44.49]

10 MR. CHHUN SAMORN:

11 A. When I was engaged in the battlefield, we were working in  
12 groups and <there were> three of us in one group. And one person  
13 would be assigned to be chief of, for example, a platoon or a  
14 company. So usually a group <would include three people> -- and  
15 <one> person in the group of three would be responsible for that  
16 group.

17 And we were instructed to participate in the fighting all at  
18 once, <> when a gun -- a bullet was shot, we <all> had to shoot  
19 together. <And there were particular locations where we were  
20 supposed to go when we could not defeat the Khmer Rouge  
21 soldiers.>

22 As I said, there were three of us for example in a <group,> and  
23 one was the chief who was responsible <and the group supervisor>.

24 If one was injured, that <group> had to withdraw.

25 <We did not use a lot of soldiers to engage in the fighting,

1   there were only about 12 of us.> At the time, the Khmer Rouge did  
2   not use many forces to be engaged in the fighting. <Usually in  
3   one battle,> only 15 soldiers at most were assigned to be engaged  
4   in the fighting.

5   [15.46.43]

6   Q. In your answer, you have just stated that whenever there was  
7   shooting, you had to respond. Who issued you the orders to  
8   respond; was it a general order or <did> it depend on the  
9   situation on the ground?

10   A. They set a time when we were assigned to go into fighting. In  
11   fact, at the time, they had known already about the weaknesses  
12   and the strengths of the enemies.

13   For example, if there was a shot, if we could hear a shot, for  
14   example, at <12 pm or at 1>, we had to start fighting, and  
15   usually <it> lasted for <about> 15 minutes, and the fighting  
16   usually start at <4> a.m. or 5 a.m. in the morning. The fighting  
17   usually started after midnight, at 1 a.m., 2 a.m. or 4 a.m..  
18   Fighting never started in the afternoon.

19   Again, it started -- the fighting, most of the time, started at 2  
20   or 3 a.m. and soldiers had to wait for the signal of a gunshot,  
21   and if we heard the gunshot, we had to immediately engage in  
22   fighting.

23   [15.48.36]

24   Q. And, concretely, on the ground, who gave the signal for you to  
25   retaliate, to shoot back? Who decided that you could shoot back?

1 A. For example, if I was in a platoon, I had a chief and I would  
2 wait for the signal from that chief of the platoon. So a person  
3 would be assigned to be the commander of the combatants and we  
4 had to wait for the signal from that commander. So the particular  
5 individual, for example Mr. A or B, would be assigned by the  
6 commander, the high commander, to be in charge of the combat.

7 Q. In 1976, in that area, who was at the head of the hierarchy in  
8 the zone in which you were?

9 A. In 1976, Sun (phonetic) was my superior. I was part of the  
10 <Ngor->112 at the time and my superior was Sun (phonetic).

11 [15.50.27]

12 Q. Should I understand from your answer that, apart from Sun  
13 (phonetic), you did not receive any orders from another person?

14 A. I received orders from Sun (phonetic) and Sath (phonetic), who  
15 was the deputy. The group of three, Sun (phonetic) and Sath  
16 (phonetic), <and> another one, were giving orders, so I was  
17 working with <them> in the <Ngor->112. I would inform <them>  
18 about forces and they would assign the soldiers accordingly in  
19 the <Ngor->112.

20 Q. Was the person who had the highest rank, that is, a person you  
21 knew in your regiment 112? <Do I understand your testimony  
22 correctly?>

23 A. He was commander of a regiment and Sath (phonetic) was the  
24 deputy. There was another deputy whom I could not recall the  
25 name. Sun (phonetic) <alias Poeun (phonetic)> was the major or

100

1 the main commander of <Ngor->112.

2 Q. As regards the fighting you engaged in that area, did you  
3 always fight against Vietnamese troops or <did you fight> against  
4 other types of groups?

5 A. In 1976 up to 1977, I was <> a soldier and I was always  
6 engaged in fighting against the Vietnamese. The whole country had  
7 been liberated <at the time>, so I had to engage in fighting  
8 against the Vietnamese troops <along the border> in order to  
9 defend the country.

10 [15.53.20]

11 Q. A while ago, in <response> to a question put to you by Judge  
12 Lavergne, you stated that you never participated in the arrests  
13 of Vietnamese during the period in which you engaged in fighting  
14 in that area. Did I properly understand your testimony?

15 A. The battlefields that -- in fact, I never <> arrested any  
16 Vietnamese soldier <on> the battlefields that I was assigned to  
17 be part of. I never came across the Vietnamese and then arrested  
18 them, but <on> the battlefield I encountered Vietnamese soldiers  
19 <and fought against them>.

20 [15.54.25]

21 Q. And on the <battlefield>, you confronted one another but there  
22 were no arrests of Vietnamese troops by the forces you belonged  
23 to<, or of> Khmer Rouge troops by the Vietnamese troops with whom  
24 you were <fighting>. Is that what I should understand from your  
25 testimony?

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1 A. <We never captured any of them alive>, however, there were  
2 many casualties both from the Cambodian side and the Vietnamese  
3 side, and those soldiers were never <captured> alive.

4 Q. Perhaps for purposes of further clarification, in the group or  
5 the unit in which you fought were there any Khmer Rouge  
6 combatants that you knew, <who had> been captured by Vietnamese  
7 troops? Did you personally know <any> soldiers like yourself who  
8 were captured, or <did> you never <have> any such case?

9 A. In my unit, back then, all of us trusted the Communist Party  
10 of Kampuchea or CPK. We were absolute that we did not want the  
11 Vietnamese forces to <capture us alive>. We <would> rather <have>  
12 died than be arrested.

13 There <were> instructions from the CPK and we were told to be  
14 absolute. We were informed by the Party that soldiers arrested  
15 <by the Vietnamese> were disembowelled and grass would <be>  
16 stuffed into our abdomens. So the <Khmer Rouge> forces during the  
17 times <> were <afraid of that>.

18 So we were absolute in our stance that we did not want the  
19 Vietnamese forces to arrest us and we would keep one bullet to  
20 shoot ourselves, if we knew that we would be arrested. We would  
21 die anyway if we were arrested, as we were told, so we <would>  
22 rather <have> died than <be> arrested -- than be arrested alive.

23 [15.57.38]

24 Q. So I understand from your answer that you did not experience  
25 any situation in which persons from your camp were arrested by

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1 Vietnamese. Is that the case?

2 A. That is correct.

3 Q. Which means, if I understand you correctly, that when you were  
4 fighting with the Khmer Rouge, when Judge Lavergne questioned you  
5 on what happened whenever Vietnamese were arrested, you,  
6 yourself, <were> never an eye witness of the arrest of Vietnamese  
7 <by people from your unit>, so you never <had direct knowledge  
8 of> what happened to those Vietnamese troops. Isn't that the  
9 case?

10 A. That is correct.

11 [15.58.45]

12 MS. GUISSÉ:

13 Mr. President, I see the time is 4 p.m. I have obviously not  
14 completed my examination of the civil party. I think I will  
15 complete it tomorrow.

16 MR. PRESIDENT:

17 Thank you, Mr. Civil Party. It is now time for the adjournment,  
18 and the Chamber will resume its hearing tomorrow on Wednesday 29  
19 June 2016, at 9 a.m.

20 Tomorrow, the Chamber will continue hearing the civil party Chhun  
21 Samorn, and then proceed to hear 2-TCW-917. Please be informed  
22 and please be on time.

23 I'm grateful to you, Mr. Chhun Samorn. The hearing of your  
24 testimony as a civil party has not come to an end yet. You are  
25 therefore invited to be here and testify once again tomorrow.

1 [15.59.48]

2 Court Officer, together with the WESU, please send Mr. Chhun  
3 Samorn back to the place where he is staying at the moment and  
4 please invite him back into the courtroom to testify tomorrow at  
5 9 a.m.

6 Security personnel are instructed to bring Nuon Chea and Khieu  
7 Samphan back to ECCC's detention facility and have them returned  
8 into the courtroom tomorrow before 9 a.m.

9 The Court is now adjourned.

10 (Court adjourns at 1600H)

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