



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

27 July 2016

Trial Day 430

ឯកសារដើម

ORIGINAL/ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ (Date): 10-Nov-2016, 08:00

Sann Rada

CMS/CFO:

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
LIV Sovanna
Anta GUISSSE
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Trial Chamber Greffiers/Legal Officers:
Matteo CRIPPA
SE Kolvuthy

Lawyers for the Civil Parties:
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TY Srinna
VEN Pov

For the Office of the Co-Prosecutors:
William SMITH
SONG Chorvoin

For Court Management Section:
UCH Arun

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCW-1005	Khmer
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUISSSE	French
Mr. KOPPE	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SMITH	English
Ms. SONG Chorvoin	Khmer

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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 continues to hear remaining testimony of
6 witness 2-TCW-1005.

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 Marie Guiraud, the International Lead
12 Co-Lawyer for <the> civil parties, who is absent for personal
13 reasons. And Liv Sovanna, the National Counsel for Nuon Chea,
14 informs the Chamber that he is a little bit late this morning.
15 Mr. Nuon Chea is present in the holding cell downstairs. He has
16 waived his right to be present in the courtroom. The waiver has
17 been delivered to the greffier.

18 The witness who is to continue his testimony today, that is,
19 2-TCW-1005, is present in the courtroom.

20 Thank you.

21 [09.06.00]

22 MR. PRESIDENT:

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

25 The Chamber has received a waiver from Nuon Chea, dated 27 July

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1 2016, which states that due to his health, that is, headache,
2 back pain, he cannot sit or concentrate for long and in order to
3 effectively participate in future hearings, he requests to waive
4 his right to be present at the 27 July 2016 hearing.

5 Having seen the medical report of Nuon Chea by the duty doctor
6 for the accused at the ECCC, dated 27 July 2016, which notes that
7 Nuon Chea has chronic back pain <which> becomes severe when he
8 sits for long, and recommends that the Chamber grant him his
9 request so that he can follow the proceedings remotely from the
10 holding cell downstairs. Based on the above information and
11 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
12 grants Nuon Chea his request to follow today's proceedings
13 remotely from the holding cell downstairs via audio-visual means.
14 The Chamber instructs the AV Unit personnel to link the
15 proceedings to the room downstairs so that Nuon Chea can follow.
16 That applies for the whole day.

17 I'd like now to hand the floor to the Deputy International
18 Co-Prosecutor to continue putting further questions to the
19 witness. You may proceed.

20 [09.07.46]

21 QUESTIONING BY MR. SMITH RESUMES:

22 Good morning, Mr. President. Good morning, Your Honours. Good
23 morning, Counsel. And good morning, Mr. Witness.

24 Q. Yesterday, you testified that 11 people were sent from Sector
25 505, from Kratie, and they were sent to Phnom Penh on a plane

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1 when you worked in Division 117 in Kratie. You also testified
2 that they were sent as a result of an order you received from
3 Office 870 for them to attend in Phnom Penh.

4 Of those 11 people that you said were sent, in court yesterday
5 you could remember five of those names. And you also testified
6 that the division commander of 117, Leang, he was sent to Phnom
7 Penh, but you believed he was sent on a boat a few days earlier
8 than the other leaders on the plane.

9 After those people were sent to Phnom Penh, had you ever heard of
10 them being alive since?

11 [09.09.25]

12 2-TCW-1005:

13 A. I made mention of these matters in my previous statement. They
14 all disappeared. I meant those who were sent from the regiment<,
15 the district, the sector,> and from the division <levels>; they
16 never returned, and they were replaced by new <members at the>
17 regiment and division <levels>, as well as <two> new <committee>
18 members <at> the sector <level>.

19 And that's what I stated in my previous statement, that they were
20 sent to Phnom Penh and they never returned. And that statement
21 that I made is correct.

22 I made mention of the replacement of members of those divisions,
23 <of some regiments> and also a new secretary from Kratie; since
24 Snuol district was seized by the "Yuon" army. Phon, alias Ti,
25 from <the> sector, was sent to be deputy chief of Sector 505.

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.

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1 That <was> when I was still in the sector. And they were sent to
2 Phnom Penh. They never returned, and they were no longer alive.

3 [09.10.52]

4 Q. Were you ever told by anyone in the Communist Party or the
5 Khmer Rouge, what actually finally happened to them after
6 Democratic Kampuchea? Did anyone tell you what happened to them?

7 A. As I've stated, after they left, they never returned since
8 their positions were <filled> by other people, that is, <a> new
9 chief of sector, <a> new division commander, and the new people
10 that replaced them told us that our superiors were considered
11 traitors. <The situation was chaotic when the "Yuon" army were
12 attacking us, and we no longer trusted each other.>

13 Some of us had to transport ammunition to Stung Treng, since the
14 "Yuon" army <was> attacking us heavily in that area. <Some of us
15 were counter-attacking the "Yuon" army at Preak Te (phonetic).>
16 And at that time, some of us were wounded and some had to jump
17 into the river in order to survive.

18 As for Phon and Nhan, they were in Anlong Veaeng. Nhan passed
19 away, but I did not know about the fate of Phon.

20 [09.12.21]

21 Q. Thank you, Mr. Witness. I'm now going to ask you some very
22 specific questions, and I would ask that you focus and
23 concentrate as best you can on them.

24 Yesterday, we showed you a record from S-21, and this morning, I
25 would like to show you some records from a combined prisoner

5

1 list, that has been made from S-21 documents, of people that have
2 entered S-21 during Democratic Kampuchea.

3 And Your Honours, I'm referring to E393.2, the OCIJ combined
4 prisoner list.

5 And I would like you to comment on the identity of these six
6 people that we will look at. And the first one -- and if -- Your
7 Honour, if I can ask that this entry be shown on the screen. The
8 Prosecution have an enlargement of the entry so the witness will
9 be able to read the name in Khmer. And if that can be allowed,
10 our assistant here can show it on the screen.

11 MR. PRESIDENT:

12 Yes, you may proceed.

13 And Son Arun (sic), please assist the witness, read the name
14 displayed on the screen to the witness.

15 [09.14.04]

16 BY MR. SMITH:

17 Thank you, Your Honour.

18 Q. And the first name I would like to refer you to is at prisoner
19 number 7862, and if I can ask my colleague to pronounce the name
20 of this person.

21 MS. SONG CHORVOIN:

22 The name is Roat Leang.

23 BY MR. SMITH:

24 Q. And my question is -- or firstly, we can see from the record
25 that this person is recorded as being a male, 30 years of age,

6

1 and it's recorded his position was deputy secretary of Division
2 117. It states he was arrested from Division 117. And it states
3 that he entered S-21 on the 1st of December 1978.

4 So my first question is, do you recognize the name of that
5 person?

6 [09.15.10]

7 2-TCW-1005:

8 A. Yes, I know this person.

9 Q. And was this person you referred to as being sent to Phnom
10 Penh from Kratie on a boat a few days before the plane with
11 others was sent to Phnom Penh?

12 A. Yes.

13 Q. And the next entry I'd like to show you is prisoner number
14 1039. And if I can ask my colleague to pronounce the name whilst
15 it's being shown on the screen.

16 MS. SONG CHORVOIN:

17 The name is Chhim Khon.

18 [09.16.04]

19 BY MR. SMITH:

20 Q. I'll read -- I'll read the details that are in the prisoner
21 record whilst it's being shown on the screen.

22 It also records that Chhim Khon was a male, 24 years of age. It
23 records his position as deputy secretary of Sector 505. It states
24 he was arrested from Sector 505. And it states his date of entry
25 into S-21 was the 2nd of December 1978.

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7

1 My first question to you is, do you recognize or do you know that
2 person?

3 2-TCW-1005:

4 A. Yes, I do. He was the deputy secretary of the sector. His
5 wife's name is Ra.

6 Q. And he -- is he the person that you identified yesterday as
7 being sent on a plane to Phnom Penh on the order of 870 from
8 Kratie?

9 [09.17.25]

10 A. Yes, that is correct.

11 Q. And if I can ask you about another prisoner record, and the
12 number is 13396. And if I can ask my colleague to pronounce the
13 name whilst the record is -- will be shown on the screen.

14 MS. SONG CHORVOIN:

15 The name is Meas Moeun.

16 BY MR. SMITH:

17 Q. And I'll briefly read out the details contained in this
18 record. It states that Meas Moeun was a male, 32 years of age,
19 and he was the sector secretary of Sector 505. He was arrested
20 from Sector 505, and he entered S-21 on the 8th of December 1978.

21 My first question is, do you know this person, Meas Moeun?

22 2-TCW-1005:

23 A. Yes, that is correct. And what you have stated is correct
24 since he was the sector secretary.

25 Q. And was he the person that you referred to yesterday that was

1 sent on a plane to Phnom Penh on the orders of 870?

2 [09.19.13]

3 A. I cannot recall any specific dates. However, <> the number <of
4 people> who <were> sent <that I counted were included in there>.

5 The list <of> names was sent to the division and then they were
6 sent <there>. That's all I knew. And these names were included on
7 the list.

8 Q. How well did you know Meas Moeun? Did you speak to him a lot,
9 whilst you were in Sector 505?

10 A. He was the sector secretary, and I did not have <much> contact
11 with him. However, I used to go to his office when my unit had to
12 work with his office. And my office was about two or three
13 hundred metres away from his office, <in the middle of Kratie
14 city>. And it was not that far from where I worked <at Krakor
15 bridge>.

16 And he was originally from Kampot province, and when he was in
17 Angkor Borei, he was the regiment commander. And that's how I
18 knew him. However, when I was there and since he was <like an>
19 uncle <to me>, we had some communication and <I had some> contact
20 with him, though I did not have close contact with him in terms
21 of work.

22 [09.21.09]

23 Q. And just to be clear, do you remember seeing his name on that
24 list of 11 people, or not? And if you can't remember, just say.

25 A. Yes, I saw that name.

1 Q. Do you remember delivering him to the airport to be placed on
2 the plane, or do you not remember taking him specifically?

3 A. Rom, Yeng and Phon were on the same plane. Although I took
4 them to the airport, I was outside the airfield and only <they>
5 entered the airfield and boarded the plane. And at that time, I
6 was rather happy that my superiors had to go away so that I would
7 have some free time. That's how I felt since I was rather young.
8 And only later on, I was surprised when they were replaced by
9 other people.

10 Q. Thank you. I'd now like to refer to another record, and this
11 is prisoner number 4032. And if my colleague can pronounce the
12 name, please, and then I'll read some further details.

13 MS. SONG CHORVOIN:

14 The name is Khun Rum.

15 [09.23.01]

16 BY MR. SMITH:

17 Q. This person is recorded as being a male, 24 years of age, and
18 is the secretary of Division 117, arrested from Division 117. And
19 entered S-21 on the 8th of December 1978.

20 Is that the person that you said was your uncle?

21 2-TCW-1005:

22 A. Yes, that is the correct name.

23 Q. And you took him to the plane on that day. Is that correct?

24 A. Yes, that is correct.

25 [09.24.07]

10

1 Q. And the next prisoner number I'll refer to is 12903. And if I
2 can ask my colleague to pronounce the name, please.

3 MS. SONG CHORVOIN:

4 The name is Huon Yeng.

5 BY MR. SMITH:

6 Q. Now, this person is recorded as being a male, 29 years of age,
7 secretary of Kratie district, Sector 505, Northeast Zone, 12th of
8 December 1978 he's recorded as entering S-21. And the 31st of
9 December 1978, he's being recorded as executed at S-21.

10 Is this the person you referred to yesterday and today as being
11 sent on the plane to Phnom Penh?

12 2-TCW-1005:

13 A. Yes, the name is the proper name. Among these names, some were
14 sent to S-21, while others were sent to Kampong Chhnang.

15 Although, out of the 11 people who were sent, not everyone was
16 sent to S-21, since I heard from other people that some were sent
17 to Kampong Chhnang <airport>. And I learned that from the radio
18 operator.

19 [09.25.55]

20 And they said that people who were sent from 502 were all
21 imprisoned. However, Yeng was not from the East Zone. He came
22 from Division 117<, from Longveaek>. But you <are referring> to
23 the same person, that is, the person from that Division 117. And
24 from what I understand, the situation intensified on the 1st of
25 December <>.

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1 There were two groups of people who were sent. The latter was
2 sent by plane. And at the time, the attack intensified. And if we
3 did not try to counter-attack <at Preaek Te (phonetic)>, then
4 they would take over Kratie province since November. And I
5 believe you have just counted five names out of those names on
6 the list.

7 [09.27.05]

8 Q. Thank you. And I have one last name for you to consider, and
9 that's prisoner number 1000 -- or sorry, 12904. And if I can ask
10 my colleague to pronounce the name, please.

11 MS. SONG CHORVOIN:

12 The name is Chhum Chen.

13 BY MR. SMITH:

14 Q. This prisoner, Chhum Chen, is recorded as being a male, 26
15 years of age, the secretary of Snuol district, Sector 505,
16 Northeast Zone. He's recorded as being entered into S-21 on the
17 12th of December 1978 and recorded as being executed on the 31st
18 of December 1978.

19 Do you recognize this person, and is this person the same person
20 that you said that was sent on the plane from Phnom Penh -- from
21 Kratie to Phnom Penh, sorry?

22 2-TCW-1005:

23 A. Yes, that is the name of my uncle, Chhum Chen, alias Phoan,
24 <who was from Snuol district>. He was a friend of Khun Rum, and
25 they were together since 1971 or '72. And he was the younger

12

1 brother of my father<, Chhum Chi>. That's why, when he went to
2 Kratie, he took me along. And he was sent to Phnom Penh with Khun
3 Rum. However, I did not know whether they entered S-21 on the
4 same day. Thank you.

5 [09.29.06]

6 Q. That's correct. You're not expected to know when people
7 entered S-21.

8 If I can just put this question to you. From the prisoner
9 records, it appears that these people did enter S-21 on different
10 dates. For example, Leang is reported as entering on the 1st of
11 December '78. Khon is recorded as entering on the 2nd of
12 December. Moeun and Rum are recorded as entering on the 8th of
13 December. And Yeng and Phoan, that is, Chhum Chen, is recorded as
14 entering on the 12th of December, so different groups on
15 different dates.

16 My question to you is, is it possible that some of these leaders
17 left Kratie for Phnom Penh on different days? Is that possible?

18 [09.30.32]

19 A. To my knowledge, Chen and Rum came together. However, what we
20 learned at the office that when we heard that they were accused
21 of being traitors, that is, after I returned from Mondolkiri, and
22 when they were replaced by Nhan<, I was not aware of that at the
23 beginning> -- and allow me to backtrack a little bit.

24 I went to Mondolkiri for two days, and after I returned, I
25 learned <they were> accused of being traitors, so there is a

13

1 possibility that they were sent on different days. And from my
2 recollection, Leang was sent first. And I am pretty sure that
3 Rum<, Phon> and Chen were sent together.

4 Q. We have a statement from another witness in this case, and I'm
5 referring to -- and I won't say -- I won't say the witness' name.
6 We can't say the witness' name, but I'm referring to a document
7 E3/10628. And I'm referring to English 01142606 and Khmer
8 01127710.

9 And Your Honours, if I can show the witness a copy of this
10 statement, and all we have opened is the highlighted page where
11 the witness' name appears, so the witness is aware of who's
12 making this statement. If that can be shown to the witness, then
13 I'll put my question to him.

14 [09.32.24]

15 MR. KOPPE:

16 Just to make an observation, Mr. President, I think the witness
17 knows that witness under his alias, so I don't think there will
18 be any risk mentioning in Court the alias of the witness. I don't
19 even think that this witness knows the real name of that
20 particular witness, only his pseudonym -- or rather, his
21 revolutionary name.

22 MR. SMITH:

23 That's one way around it, but I still would -- and I appreciate
24 that. But I still would prefer that this name be shown to the
25 witness, if possible. So --

14

1 [09.33.13]

2 MR. KOPPE:

3 Sorry to interrupt again. I'll be asking this witness about that
4 person, referring to that particular revolutionary pseudonym, so
5 I don't think -- I think we're being overly cautious now.

6 BY MR. SMITH:

7 All right. And you're referring to the name Dorl?

8 Okay. We'll proceed. Thank you, Your Honour.

9 Q. The person called Dorl has stated that Moeun and Rom left on
10 the same plane, and Yeng and Phoan left on a different plane a
11 few days apart. Can you comment on whether -- can you comment on
12 that?

13 2-TCW-1005:

14 A. If he said so, that is clearer. Brother Dorl was the chief of
15 the office in the sector, and he had overall responsibility back
16 then, so if he said so, it is clearer.

17 Back in the regime, I was not so sure in -- compared to him. I
18 was in charge of the messages and telegrams, and I was assigned
19 to drive people around. He was actively engaged in the tasks, and
20 he may have had more knowledge than I do. <He also went to Phnom
21 Penh.>

22 I thank you very much for bringing up the matter, and also his
23 name.

24 Q. Thank you, Witness.

25 But perhaps the broader question is, are you sure that those six

15

1 names that we have just discussed, those six people that we have
2 just discussed, were sent to Phnom Penh as a result of an order
3 from office 870? Are you sure about that?

4 [09.35.51]

5 A. Among them, there was Rom. The name Rom was <on> the list.
6 Rom, Phon, Chen were <on> the same journey. The chief of the
7 sector and people from the regiment also disappeared, and perhaps
8 they may have been to Phnom Penh on different days. You can ask
9 Dorl <regarding the sector level>. He may have more knowledge
10 than I do. And that is the name -- one name appeared <on> the
11 list.

12 Q. Thank you. And after these men were sent to Phnom Penh from
13 Kratie, whether they were on the same or different planes, after
14 that happened, did you ever have a meeting with Meas Muth?

15 A. I told the interviewer in the previous interviews I <only> had
16 a <> meeting with him <once>. The small forces were ordered to
17 transport <things> to Stung Treng, and I, together with people
18 from the office, 70 of us, came to defend the area at the east of
19 the airport at Kantuot.

20 There <was> a meeting held among all of us, 70 of us, and we were
21 told that our leaders were considered traitors. The meeting did
22 not last more than one hour and, afterwards, we went to fight
23 against the "Yuon". So I learned about this matter from the
24 meeting. That is all I can say.

25 [09.38.19]

16

1 Q. How long did Meas Muth speak for at that meeting? How long did
2 he speak?

3 A. He was there not more than one hour. I can say he was there
4 for perhaps one hour. He convened the meeting among <everyone>
5 from the office. The meeting was to declare that leaders of --
6 commanders of divisions had to be replaced with the new ones.
7 Drivers<, messengers> and other staff, people from the hospital,
8 were called to the meeting and we were told that all our leaders
9 were traitors and there were new replacements; for example, Nhan
10 would replace the old <divisional commander>.
11 And after we were informed of the issue, we were assigned to move
12 to the location, the designated location, for example, to Stung
13 Treng or to any other direction.
14 The meeting, as I said, lasted for one hour at the most, because
15 we were in a hurry to move on to our specific or respective
16 locations.

17 [09.39.48]

18 Q. Did Meas Muth say why the leaders were traitors? Did he say
19 what they did for them to be called traitors, if you can
20 remember?

21 A. What I can recall is that he mentioned that my group did not
22 fight hard enough <against> the "Yuon", and allowed "Yuons" to
23 come in. And it was said that Snuol was captured by <the> "Yuon"
24 <at 8 p.m.>, although we started the fighting at <6 a.m.> Then,
25 that message inspired us to fight against the "Yuon" more and

1 more. That is what he said.

2 Q. Did you agree with his remarks? From your knowledge of the
3 fighting of Division 117, did you agree that the unit wasn't
4 fighting hard enough, or did you think that the unit was fighting
5 as hard as it could?

6 [09.41.29]

7 A. Allow me to inform you, Mr. Co-Prosecutor, back then we did
8 not dare protest. In our hearts, we were aware at the time that
9 they had new and more modern weapons, and they had bigger forces.
10 After hearing <his> message, we felt <the anger> in our hearts
11 and we were striving to fight against the "Yuon" harder.
12 <Nevertheless, we were defeated.>

13 Q. So are you saying, then, that you didn't agree with Meas
14 Muth's comments that you weren't fighting hard enough? In fact,
15 you thought your division was.

16 A. Generally speaking, our forces, our units, were trying our
17 best. We really wanted to defeat the "Yuon". We did not get angry
18 <over> the order by him for us to go into fighting. We were told
19 to be absolute <and loyal>, and we were -- we heard that <the>
20 "Yuon" were the annexationist, and we decided to be absolute and
21 fight against the Vietnamese -- or "Yuon" further.
22 We did not focus on any other task fighting, although sometimes
23 only 10, 20 or 30 people <remained in our forces>. We were doing
24 our best to fight against them. We were fighting <to> the best of
25 our ability, and not to retreat <because whether or not we

18

1 participated in the fighting, we would end up dead>. And at the
2 end, we were defeated. Not only <was> my force defeated, but
3 other forces also were defeated, although we were reinforced by
4 other regiments and divisions.

5 [09.44.13]

6 Q. Thank you for that.

7 Just a few short questions before my colleague will ask you some
8 questions about another topic.

9 So, you felt that when your leaders were arrested in Sector 505
10 that your division, 117, was fighting hard enough. Were you angry
11 that your leaders were arrested because your unit was, in fact,
12 fighting hard enough? Were you angry about that?

13 A. Frankly speaking, in terms of sentiment toward our leaders and
14 in terms of our struggles together <from Longveaek>, <from> March
15 <1977> <through> 1978, 800 <out of 1800> soldiers lost their
16 lives in a period of seven <> months. We were disappointed after
17 hearing that our leaders were traitors. However, we did not dare
18 to protest. We even did not dare to look straight into one
19 another's faces, so what could we do? In order to be <resolute>,
20 in order to defeat the opposition, we had to do our utmost.
21 Our leaders were engaged in the fighting <that took place> in the
22 battlefields from March 1977 up to 1978. The district committee,
23 the sector committee were drawn from that division, and at in the
24 end, they were considered <to have committed> mistakes.

25 [09.46.25]

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1 Q. Thank you. And just to be clear, in 1977, you became an
2 official member of the Communist Party of Kampuchea. That's
3 correct, isn't it?

4 A. That is true.

5 Q. And finally, you stayed in the Khmer Rouge for a long period
6 of time, after Democratic Kampuchea; is that correct? When did
7 you leave the Khmer Rouge; what year?

8 A. I left the Khmer Rouge or the DK perhaps <in> <1997 or 1998>,
9 perhaps <it was> 1998 when I left the Khmer Rouge or the DK.

10 Q. Sorry. Are you saying you left the Khmer Rouge forces in 1998?
11 Is that correct, or were you saying '78?

12 [09.48.04]

13 A. Generally speaking, I remained in the Khmer Rouge or DK after
14 the fall of the regime, and I remained <a> member of Khmer Rouge
15 or DK <until> perhaps 1997 or 1998 <when> the reintegration
16 <occurred>. I was living at the border back then.

17 MR. SMITH:

18 Q. Thank you, Mr. Witness, for your answers. And I'll ask my
19 colleague to ask you a few questions, please.

20 Your Honours, just to inform you, the civil parties have advised
21 us they wish not to ask questions of this witness.

22 [09.49.02]

23 QUESTIONING BY MS. SONG CHORVOIN:

24 Thank you, Mr. President. Good morning, Your Honours, parties,
25 everyone in and around the courtroom. Good morning, Witness. My

20

1 name is Song Chorvoin. I am the National Deputy Co-Prosecutor. I
2 would like to discuss the last topic with you, that is, the
3 forced marriage during the DK.

4 Q. Before I go deep into the series of questions, I would like to
5 put a preliminary question to you, that is, when did you get
6 married, if you recall?

7 2-TCW-1005:

8 A. <Are you> asking me about the marriages in general, or about
9 only my marriage?

10 For my marriage, I married Prak Yut in 1982. It was not a love
11 marriage, since I was from Dang Rek. Initially, I lived in Dang
12 Rek and I asked permission <from Nhan> to go on a truck
13 transporting ammunition in order to find my mother.

14 After my mother passed away, I got married <to> my wife, and we
15 had one child. In fact, I remarried afterwards. <I was married
16 more than once>. In 1997, I got <married again>.

17 [09.51.08]

18 Q. I am now asking you about the forced marriages during the DK.
19 To your experience, did women and men have rights to freely
20 choose their partners?

21 MR. PRESIDENT:

22 <You can answer now, Witness.>

23 2-TCW-1005:

24 I am observing the microphone, Mr. President.

25 <Based> on my experiences from the time I lived in Takeo and up

21

1 to the time I lived in Kratie, we did not have official marriage
2 ceremonies back then. Usually, back then, women did not have<the>
3 right to freely choose men. At the time, I was about 17 or 18
4 years old. Since I was working in the army, if, for example, five
5 couples loved one another, the soldiers, the men, had the right
6 to choose which particular women they wanted to get married <to>.

7 [09.52.51]

8 For example, a medic in the hospital saw a patient. Then, that
9 medic loved the patient. He could make a request to get married
10 with that patient. And this was not a forced marriage, but I
11 could say that it was not a voluntary one <either>.

12 During major meetings or congresses, there <were> marriage
13 <ceremonies>. Sometimes spouses were <already> selected for those
14 who were to get married.

15 BY MS. SONG CHORVOIN:

16 Q. Thank you, Mr. Witness.

17 A while ago, you stated that if there was a request, usually the
18 request was made by the men, not the women, since the women had
19 no rights to freely choose the spouse. <In other case, spouses
20 were selected for them.> I would like to ask a question in
21 relation to this matter.

22 <Did> that happen only in Sector 13, the area that you were
23 living in back then, or did it happen as well in <the other two
24 or three locations that you have discussed so far>?

25 [09.54.31]

1 MR. PRESIDENT:

2 Please hold on, Mr. Witness.

3 You may now proceed, Mr. Counsel, counsel for Nuon Chea.

4 MR. KOPPE:

5 Yes, I object to this question. The witness can only give
6 evidence as to what he personally has observed or seen. He cannot
7 say anything about other sectors other than the sectors that he
8 has been working in.

9 JUDGE FENZ:

10 Counsel, it was actually me who has warned him yesterday
11 accordingly, so why get up and object to the question any time?
12 If he doesn't know it, he has been told, "I don't know".

13 [09.55.11]

14 MR. KOPPE:

15 Why don't you direct the comment to the Prosecution? She heard
16 the same remarks.

17 JUDGE FENZ:

18 She asked a question, and I told him under which circumstances he
19 can answer or say "I can't answer". You're always making
20 assumptions as to what he can answer. As we have told -- as we
21 have said yesterday, if you don't know the answer to a question,
22 say "I don't know".

23 MS. GUISSÉ:

24 I apologize, Your Honour, but I have a procedural question to put
25 to you.

23

1 When we object, we always object to the questions that are put by
2 the opposing party. <We don't object, on principle,> to the
3 witness' answer. We simply believe that the question is not
4 appropriate, and that's always how we've been operating since the
5 beginning, so it's true that reminding the witness that he should
6 not speculate is a fact, but if the question leads to
7 speculation, we are in our rights to object. And that's a
8 procedural problem.

9 So it's always been the case since the start, so I have a hard
10 time understanding. I don't understand why we're being
11 criticized<, as we were yesterday as well,> for objecting to a
12 question that we don't believe is appropriate.

13 [09.56.24]

14 JUDGE FENZ:

15 Because the basis for your objections in this field is that the
16 witness will speculate, which is a speculation in itself. I have
17 a problem with questions that are objected to because the witness
18 cannot possibly know it. That's an assumption of yours. That's
19 the only thing I'm trying to say.

20 BY MS. SONG CHORVOIN:

21 Q. Mr. President, in order to deal with the issue, I would like
22 to bring a document, E3/10622, question 80. When the witness was
23 interviewed by the investigator, the witness stated that- the
24 marriage regulation <applied> to all across the country,
25 including the army as well. And he said that when he was at

24

1 Takeo, Division Number 2, he witnessed that occurrence. When he
2 went to <Longveaek, Division Number 1>, the Western Zone,
3 marriage regulation also <was in force>. When he was <a soldier
4 in Kratie,> in Division <117> in Sector 505, he also witnessed
5 the implementation of <the> marriage <regulation> at that Sector
6 505.

7 [09.58.04]

8 And you stated that women did not have right to freely select the
9 men. You, in your previous statement, <mentioned> <Sector 13 in>
10 Takeo<, Longveaek> and Kratie, <Division 117 in Sector 505,> so I
11 would like to put a question to you whether or not <the> marriage
12 regulation applied <to> all <those areas>?

13 JUDGE FENZ:

14 Can we have a clearer reference for the record please? Did I miss
15 it?

16 MS. SONG CHORVOIN:

17 It is document <E3/1062 (sic)>, questions 80 and 81.

18 MR. PRESIDENT:

19 <Do you get the question, Mr. Witness?>

20 [09.59.12]

21 2-TCW-1005:

22 The microphone is now being activated. Can I answer, Mr.

23 President?

24 MR. PRESIDENT:

25 Yes, you may proceed.

1 2-TCW-1005:

2 A. What has been mentioned by the Deputy Co-Prosecutor is
3 correct. When I moved around to different units, I saw the
4 marriage regulation <implemented>. Whether or not they loved one
5 another, I have no idea. In principle, the request was made and
6 then the decision was issued by the unit. And if there was no
7 decision, marriage could not happen.

8 [09.59.58]

9 In the context of the army, the marriage ceremony would <be
10 convened> for five, six, or eight couples, and we had meat to eat
11 for the party. And as I said, sometimes the people working at the
12 hospital may have requested to marry a patient who was
13 hospitalized. However, I do not know what really happened in
14 relation to the people on the ground.

15 BY MS. SONG CHORVOIN:

16 Q. In Sector 13, while you were there, that is, in Takeo
17 province, who proposed to who? Was there a differentiation
18 between the status of the one who proposed, for example, only
19 Party member could propose to another Party member and not to
20 ordinary civilian?

21 2-TCW-1005:

22 A. To my knowledge, and based on my personal experience, if a
23 woman was a progressive person or member of the Youth League and
24 she was young and on the men's side, the person <who> was a
25 member of the Party could propose to that woman. And even if the

1 <woman> was in a senior position or older, the men could still
2 propose. However, usually the men proposed only <to> younger
3 women and not <to> older women. For that reason, there were some
4 older women who were still single. And everything was based on
5 the background of individuals.

6 As for the marriage itself, usually the chief of the unit would
7 decide on the proposals made to him. And that is the main thing.

8 [10.02.37]

9 Q. In your interview in the same document that I mentioned, that
10 is, E3/10622, at question/answer 75, you said that during
11 meetings, they said that women who were <25> years old and men
12 who were 30 years old could get married. Women <or men>, if they
13 wished to get married, they could propose, make such a proposal
14 to the commune or the district. And Youth League members could
15 propose to other Youth League members, and Party members could
16 propose to other Party members. And they could not make a
17 proposal to people in another rank or status.

18 Could you tell the Chamber why the person could not make a
19 proposal to another person who was not in the same league or
20 group?

21 [10.03.54]

22 2-TCW-1005:

23 A. I <mentioned> that statement in that written record of
24 interview, and allow me to elaborate it a bit further.

25 Yesterday, I spoke about the Base People and the 17 April People,

27

1 that they should not mix. There was no written rule about that,
2 but the matter was raised during unit's meetings, for example, at
3 the regiment level meetings or at the division's meetings. And we
4 were told that Base People could marry only Base People, and they
5 should not propose to 17 April People, as those people had
6 different backgrounds or that they could not understand fully
7 their backgrounds and there would be a risk that they were
8 implicated with affiliation <with the> KGB or CIA. If that <was>
9 the case, then the cadre who proposed, or the Base People, could
10 be implicated.

11 That's why we were told firmly that Youth League people or
12 progressive people should only propose to their own peers. And
13 likewise, Party members should propose to other Party members
14 only. And this message was conveyed during meetings. For example,
15 if I were to love a 17 April woman, I would not be allowed. I
16 would be directed to propose to another woman who was my peer.
17 And I fully agree with the statement that you just read out.

18 [10.05.58]

19 MS. SONG CHORVOIN:

20 Q. Again in the same written record of interview, in
21 question/answer <164>, when you were asked whether when a soldier
22 proposed to a woman, a woman <could> deny such a proposal, and
23 you said no, that the woman could not protest against such a
24 proposal, and you also said that they were afraid. <You also
25 mentioned that sometimes a man requested one woman, but ended up

1 getting married to another woman. Such a case also happened.>

2 Can you tell the Chamber why the women could not refuse such
3 proposals and why they were afraid?

4 [10.06.53]

5 A. Allow me to clarify. Allow me to say within a specific
6 context, for example, the woman was in a women's group, and then
7 <the> chief of that unit would liaise with a male unit chief, and
8 then the arrangement would be made between the members of the two
9 groups. So usually, they were matched by their respective unit
10 chiefs, for example, the medic group, those soldiers who stayed
11 in the hospital.

12 And they -- when I said that they were afraid because if they
13 were to refuse, then they might be removed from the medic unit to
14 work in a cooperative or in a mobile unit. So usually, if they
15 were with the military hospital, then they would feel more
16 satisfied than being removed to be sent to a mobile unit working
17 in the cooperative. And that is the reason that they were afraid
18 to refuse to such a proposal.

19 [10.08.23]

20 Q. And if anyone refused to such a marriage proposal, was the
21 person considered an enemy or a traitor?

22 A. According to the Party's policies, if we were to disobey the
23 Party's line, it <meant> we opposed the Party. And usually in the
24 self-criticism meetings, such <people> would be subject to being
25 criticized. If I was arranged to marry someone and I refused,

1 then I would be considered <as opposing> the Party, and people
2 were afraid of doing that.

3 Q. <If a person> opposed the Party or the Party's decision, if
4 that is the case, what happened to that person? What would the
5 punishment be?

6 [10.09.41]

7 A. Based on my knowledge, the person would be removed from the
8 unit and reassigned to work at the base, that is, to work in the
9 rice fields or to dig canals or to build dams. And for that
10 reason, nobody dared to refuse.

11 During the time, we did not have the right to make any refusal or
12 to protest as we can now.

13 Q. And after the marriage arrangement was made by Angkar or the
14 upper echelon, were the newly married couples instructed to live
15 together?

16 A. I think probably I need to provide a little bit longer answer.
17 For example, in a medical hospital or unit, if medics had to
18 marry someone, then <they> would be allowed to stay together to
19 consummate the marriage for three days and, after that, the
20 husband would be sent back to the battlefield. However, the
21 husband could then request to visit his new wife after 10 days or
22 so, and the husbands will be allowed to visit their wives.
23 But they were not allowed to live together. They had to return to
24 their respective units.

25 For example, the soldiers had to be sent to the front

1 battlefields or persons from textile unit had to return to a
2 textile unit.

3 Q. You said that after marriage, the newlywed couples had to
4 consummate the marriage for three days. Were they subject to be
5 under monitor for this three-day period?

6 [10.12.15]

7 A. If you delve into such detail, I cannot give you a response
8 since, at the time, I was still young and I was not yet married.
9 I believe they were not subject to being monitored after they got
10 married organized by Angkar. And that happened to married couples
11 in my unit.

12 Q. Again regarding the practice under the DK regime, regarding
13 the marriage proposal to the commune or the district level, <how>
14 did you learn anything regarding the marriage regulations at the
15 time?

16 A. I attended my unit meetings, and I learned about that. I
17 attended meetings at various levels from platoons to company
18 levels, and people, who were older than me, said that if we
19 wanted to propose someone -- and allow me to say that members of
20 platoons or companies were not entitled to become Party members
21 yet. They were still members of Youth Leagues. And only when you
22 were at the battalion or regiment levels, then you were entitled
23 to become Party member.

24 And if members of platoons or company wanted to propose to a
25 person in the commune or the district<, they could do so because

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1 they used to have communication with each other> --

2 [10.14.26]

3 Q. You said that the matter was raised during the meetings. Can
4 you tell us who actually raised the matter of marriage
5 regulations during those meetings?

6 A. I provided you a background context regarding differentiations
7 between those at the platoon or company levels and those at the
8 battalion or regimental levels. For example, <in my previous
9 unit, at the regiment level, it was Phon, and> when I was in
10 Kratie, Rom was the one who raised the matter during the
11 meetings. He said that, at our level, if we were to propose a
12 woman in this commune or this district, then we had to search the
13 background of that woman. And these guidelines were given to us
14 by our supervisor, although it was not in writing, and we learned
15 of them only through our meetings.

16 Q. And regarding those meetings, who attended them, were there
17 representatives from the district or the sector level <attending>
18 those meetings and, if so, do you recall <the> names <of the
19 people who raised the matter>?

20 [10.16.00]

21 A. Allow me to give you a context. When I was in Takeo, Phon, who
22 was in charge of the regiment, would chair the meeting -- and
23 that happened prior to 1975. And later on, when I was with Khun
24 Rum, he was the one who chaired the meetings where I participated
25 and he spoke about these guidelines or regulations. As I said,

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 there was nothing in writing, and they were delivered verbally by
2 <the> chiefs of the respective units.

3 Q. Through your recollection, can you recall how many meetings
4 you attended where the marriage regulations were raised?

5 A. I attended those meetings rather often, and I cannot tell you
6 how many times that I attended. Usually, stocktaking meetings
7 were held every three months and reports had to be made about
8 this matter, about the remaining logistics or ammunition. And
9 then a plan had to be proposed for the next three months.

10 As for the marriage regulations, the matter <was> mentioned and
11 if someone actually wanted to propose to someone at their commune
12 <or district>, such a proposal could be made, then the marriage
13 would be organized at the military unit where we worked. That's
14 <what> I can recall.

15 And as I said, there was no written rule on how the proposal
16 should proceed.

17 [10.18.26]

18 MS. SONG CHORVOIN:

19 Thank you, Mr. Witness. And Mr. President, I am done.

20 MR. PRESIDENT:

21 Thank you. It is now convenient for the short break. We'll take a
22 break now and resume at 20 to 11.00 to continue our proceedings.
23 Court officer, please assist the witness at the waiting room
24 reserved for witnesses during the break time and invite him back
25 into the courtroom at 20 to 11.00.

1 The Court is now in recess.

2 (Court recesses from 1019H to 1039H)

3 MR. PRESIDENT:

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

5 Before the Chamber gives the floor to the defence teams for the

6 accused to put questions to the witness, first the Chamber gives

7 the floor to Anta Guisse, who intends to make observations on the

8 documents to be used in the testimony of the expert witness

9 tomorrow.

10 You may now proceed.

11 MS. GUISSÉ:

12 Thank you, Mr. President, for giving me the floor.

13 That's not exactly what I wanted to do. I wanted to react to

14 disclosures that were announced by the Co-Prosecutors in request

15 F2/4/2/5 of 22 July last.

16 [10.41.04]

17 The Co-Prosecutor, pursuant to his disclosure obligation,

18 indicated that a certain number of documents coming from other

19 investigations, 27 documents in total, could be disclosed to the

20 parties. And I understand that, in this context, it's up to the

21 Chamber to make these documents available to the parties, but we

22 haven't received these documents yet.

23 So this is recent information, but since certain documents

24 involve a witness who's going to testify earlier than expected,

25 <due to recent cancellations,> that is to say, witness 2-TCW-976,

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1 we wanted to draw the Chamber's attention to the fact that we
2 need to have access to these documents quickly if there are going
3 to be <any> 87.4 requests<, and I believe there will be>. I don't
4 know if the <Co-Prosecutors> intend to file such requests, but at
5 least if there's one prior testimony from this witness,
6 <2-TCW-976>, the matter is pressing.
7 So I wanted to draw the Chamber's attention to this fact. In the
8 same way, I also would like to let you know that there is another
9 request for disclosure coming from the Co-Prosecutors. This is
10 document E319/50, dated 1 July. And, here again, there are 14
11 documents, a priori, that are concerned, stating that these
12 documents are potentially exculpatory regarding this segment on
13 the purges. So, it's obvious that we would like to have access to
14 these documents as soon as possible so that if there are 87.4
15 requests, we may be able to make these requests <as soon as>
16 possible.

17 [10.43.09]

18 MR. SMITH:

19 Yes, Your Honour. That disclosure motion, F2/4/2/5, that was
20 disclosed, that decision, that was sent to the Supreme Court and
21 the Trial Chamber, and the Supreme Court responded first,
22 allowing the disclosure, but they're still not available, the
23 documents.
24 But it was also filed to Your Honours, so perhaps we can organize
25 it at lunch time that those documents be disclosed. It's just

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1 that the Supreme Court answered our motion first, but they
2 haven't allowed for access yet. Perhaps we'll speak with your
3 legal officers later.

4 [10.43.54]

5 And in relation to E3/19/50, that's our request for disclosure,
6 yes, there are two documents relating to the witness that the
7 Defence referred to, and we would ask that -- if the Chamber can
8 allow those documents to be disclosed today. Again, we can speak
9 to the legal officer of the Chamber and ask that be done.

10 Whether there will be 87.4 applications, I'm not sure about that,
11 but the main thing is that they need to be disclosed because they
12 are relevant to that -- to the witness that will be coming up
13 after Locard.

14 Thank you.

15 MS. GUISSÉ:

16 Well, just to make things clearer regarding F2/4/2/5, the request
17 for disclosure, the Supreme Court made a document <accessible>.
18 This is <number> 17 of the annex for this disclosure request. And
19 I believe the Supreme Court made available the document regarding
20 the procedure. But since the Co-Prosecutor made a joint motion
21 before the Supreme Court as well as the Trial Chamber, it's up to
22 the Trial Chamber to rule on <the rest of the documents> and to
23 make <them> accessible.

24 [10.45.41]

25 JUDGE LAVERGNE:

1 Yes, but just a point of clarification, Co-Prosecutor. I
2 understand that there is an application that was filed before the
3 Supreme Court that < is, F2/4/2/5>, which is relatively recent,
4 of 22 July, and <has> this application also been filed with the
5 Trial Chamber, or not?

6 Is the Trial Chamber seized of this application, or not?

7 MR. SMITH:

8 Your Honour, I was informed that it was filed to both at the
9 Trial Chamber and the Supreme Court Chamber, and certainly both
10 were notified. That's what I've been informed.

11 [10.46.27]

12 JUDGE LAVERGNE:

13 Fine. And in both cases, that is to say, <motion> F2/4/2/5 and
14 <motion> E319/50, the Co-Investigating Judges authorized the
15 disclosure of these documents? Because the only body that ruled
16 on this disclosure is the OCIJ, unless I'm mistaken.

17 MR. SMITH:

18 Your Honour, I will confirm with the legal officer at lunch, but
19 I believe that both have been authorized already, so it's really
20 with the Trial Chamber and the Supreme Court now.

21 MS. GUISSSE:

22 Yes, indeed, the Co-Prosecutors can only disclose when they're
23 authorized by the OCIJ. The problem is that when they make an
24 application, there is only one annex, and the documents are not
25 accessible to the other parties.

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1 As far as I understand it, it is up to the Chamber to make the
2 documents accessible, so we've only seen the annex. And as with
3 the documents we spoke about yesterday, if these documents are
4 not accessible, we cannot become aware of them, so this is the
5 request that we're making on an urgent basis given how soon the
6 following witness is going to testify.

7 [10.47.59]

8 JUDGE LAVERGNE:

9 I'm not sure that the Chamber has to rule on this formally. I
10 think it's a practical issue here, <about access>, so I believe
11 that the decision on disclosure is taken by the Co-Investigating
12 Judges, then it's up to the Prosecutor to do what's necessary and
13 then to the Chamber, possibly, to make these documents accessible
14 <in practice>. And this is what we will look at today.

15 MR. PRESIDENT:

16 I thank you very much.

17 And now the floor is given to the defence team for Mr. Nuon Chea
18 to put questions to the witness.

19 You may now proceed.

20 [10.48.48]

21 QUESTIONING BY MR. KOPPE:

22 Thank you, Mr. President.

23 Q. Good morning, Mr. Witness. I'm the International Co-Lawyer for
24 Nuon Chea, and I will be asking you some questions today and
25 maybe in the afternoon. Not very many.

1 Let me -- let me start by following up some questions of the
2 National Co-Prosecutor in relation to a possible policy of
3 marriage within the DK regime.

4 This morning, you confirmed a question from the International
5 Co-Prosecutor that you became a formal member of the CPK in early
6 1977. As a member of CPK and as a revolutionary, were you aware
7 of something called the 12 revolutionary principles?

8 [10.50.19]

9 2-TCW-1005:

10 A. Concerning membership of CPK, the 12 principles are good in
11 sense. Later on, there were documents about roles and ethics. The
12 <Party's> principles, those relevant principles, are -- were
13 really good in their terms. <Concerning ethics,> even a chilli
14 <was> not allowed to be picked <> -- by cadres or anyone, so the
15 messages in those principles, in those documents, were so good.
16 However, the leadership and management <were> dependent on the
17 Party.

18 Again, <the> principles were so good, were so amazingly good.

19 When we joined the Party, we made a declaration, a solemn
20 declaration that if we betrayed the Party, we would submit
21 ourselves to the Party.

22 So cases where <we had this feeling that> we were doing good jobs
23 and the others were not doing good job. For this reason, we no
24 longer trusted one another <and we did not dare talk to each
25 other>. So, if we <talk about the> statutes to become a member of

1 the Party, the statute was so good, the principles were so.
2 However, after becoming a member of the Party, we were afraid of
3 other. We did not trust other, because of the biographies.
4 [10.52.30]
5 <Biographies> sometimes said one particular individual betrayed
6 or was a traitor. <Later on, that individual was arrested; as a
7 result, the rest of us were afraid.> One from the south did not
8 dare to go to the north, and <those from the> north did not dare
9 to come to the south, so we were afraid of one another.
10 Again, when we <joined> the Party, we were informed of the
11 principles; to have a good life, good living and to have good
12 ethics. However, it was different after we entered and joined the
13 Party,. And people were accused of mistakes.
14 And in late 1978, the "Yuon" was encroaching, advancing into the
15 country, and divisions or regiments or even the higher level
16 cadres did not trust one another. This is what I can explain.
17 Q. Do you remember whether one of those 12 principles had
18 something to do with setting up a family? Were there any
19 principles ruling marriage or setting up a family?
20 A. I can only recall some, but not all. The principles were so
21 amazingly good, but it depended on one particular individual.
22 For example, managing life, that is about the virtue. For
23 leadership, all of them wanted the country to develop and
24 progress, and the married couples wanted a child -- wanted to
25 raise a good child and have good spouses.

1 [10.55.03]

2 Everyone wanted good development, good life. And <the> leadership
3 wanted the same. For example, all <the> zones, East, West,
4 <North, Central,> Southwest, Northwest Zones had respective
5 chiefs, and they wanted progress and advancement.

6 So, I may have gone beyond the question, but this is my
7 understanding, and it is based on my knowledge.

8 I used to work in the east, and I was assigned to transport dry
9 fish and also logistics to the north and northwest. I was doing
10 my utmost.

11 So the principles were applied differently in different
12 locations. It was not consistent with the good principles or good
13 virtue, as well as ethics, that we were asked to adhere to. The
14 word "Comrade" was a good term which all of us <were required> to
15 adhere to and to use to address one another. <But in reality,
16 someone who was only a village or commune militia was mistreating
17 the people. I only found out about it> in <> 1978 <when the>
18 "Yuon" <were> encroaching and advancing into the country, and <if
19 we knew about that before,> our forces <would not have been
20 fighting against the "Yuon" and even advanced into those several
21 provinces. The thing is the situation was chaotic and we no
22 longer trusted each other>.

23 [10.56.52]

24 Q. Do you remember the content of the sixth revolutionary
25 principle instructing cadres to not behave in any way that

1 violates women?

2 A. I am not able to recall every term or principle in the 12
3 principles or precepts. We were required to act <appropriately>
4 to our people and to units. I am not able to <remember the> exact
5 words. However, I can recall and can still remember that we had
6 to respect one another. Again, I cannot recall the exact terms
7 from the principles.

8 We were afraid of one another because after one held the power,
9 they ignored us. For example, one particular chief of a
10 cooperative was promoted to be chief of a district or sector, and
11 that had <an> implication on his ethics and principles. We were
12 introduced and we were taught about the good principles, to
13 respect one another. However, when one was promoted to a higher
14 position, that individual may have used derogatory words or
15 remarks towards former colleagues.

16 [10.59.18]

17 Q. I understand, Mr. Witness, this is a long time ago. It's
18 difficult to remember the exact wording of those principles. So
19 let me see if I can assist you a bit.

20 Do you know whether, within those revolutionary principles, there
21 were two rules or principles in relation to setting up a family?
22 First, that both parties, man and woman, agreed, and if they
23 agreed, secondly, the collective had to agree. And when the
24 collective then agreed, the marriage could take place?

25 [11.00.09]

1 A. As I indicated earlier, yes, there was a written document
2 about the 12 principles. I could not <remember> the principles
3 well. The situation became chaotic or upside down after 1976. The
4 document may have existed <before 1975,> before I became a member
5 of the Party. When one individual assumed the power, his
6 behaviour changed.

7 The principles required all of us to have good morals. The CPK
8 wanted to build the country and wanted to be independent and to
9 be <a> master on its own. And when one became powerful, he or she
10 <would> forget everything <about the morality>.

11 Before the break, I made mention <of> the real occurrences
12 happening at the time. In the meetings, we were instructed to
13 build a good country, but for actual implementation by <the>
14 individuals, it did not completely adhere to the principles.
15 Although we went to the same schools, had the same trainings, we
16 may have implemented the activity in different manners. The 12
17 principles were the same, but we applied differently based on
18 different individuals.

19 Q. I understand, Mr. Witness. But will you agree with me that one
20 of the two revolutionary principles in relation to marriage was
21 that both parties, man and woman, had to agree to the marriage?

22 [11.02.32]

23 MR. PRESIDENT:

24 Witness, please hold on.

25 And Deputy International Co-Prosecutor, you have the floor.

1 MR. SMITH:

2 Your Honour, I object to the question in the sense that the
3 witness has said that he wasn't aware of the marriage principles,
4 and if he's not aware of it, I don't think the question should be
5 premised that, "Would you agree that the principle was" A or B.
6 The witness said he wasn't aware of the principles in relation to
7 forced marriage. Maybe the question could be put in another way.
8 And also, just another -- could we have the reference number of
9 the 12 principles document, please?

10 [11.03.16]

11 BY MR. KOPPE:

12 Q. I'm happy to actually read out the principle that I just
13 discussed. That is document E3/765. For now, only the English
14 ERN, 00539994. So it's document E3/765. It says:

15 "As for the current issue of setting up a family, there is no
16 obstacle. This is just based on two principles of the Party.
17 First, both parties agree, second, the collective agrees, and
18 then it's done."

19 Having read out that sixth principle about not violating females,
20 Mr. Witness, is that something that you now recall?

21 2-TCW-1005:

22 A. What you have stated is correct. Regarding the sixth
23 principle, that is, do not behave in any way that violates
24 females. What I can say is that people lead individually. <> The
25 implementation or the interpretation of the principles were based

1 on individuals' understanding. Although everyone attended the
2 same meeting where the principles were announced, then individual
3 understanding was different.

4 And also, people did not trust one another. And by that time,
5 people did not rely on documents because everything was
6 collective and there was nothing private. And that includes
7 materials and everything else.

8 And if everyone behaved in the same way, that would be an ideal
9 situation, but in practice, the situation was different. Although
10 the principles existed, the implementation was not consistent.

11 [11.06.08]

12 Q. Let me move on to another subject, Mr. Witness. And let me ask
13 you about the time that you were moved first to Kratie in early
14 1977.

15 When you went to Kratie, can you describe for the Chamber the
16 situation in relation to Vietnam? Were there already clashes
17 going on? Was there already an armed conflict? Were there
18 incursions by Vietnamese troops?

19 What was the situation when you arrived? Do you remember?

20 [11.07.07]

21 A. When I arrived in 1977, the "Yuong" army were attacking in a
22 number of directions, and Snuol was seized by the "Yuong" army. In
23 the Northeast Zone, there was Division 801 in Ratanakiri and
24 Division 920 in Mondolkiri. And in Kratie, there were sector
25 armies of 707 <only>. And based on the upper echelon instruction,

1 <117> was sent to Kratie to counter the advancement of the "Yuon"
2 army since they <had> actually advanced to the rubber plantation
3 in the area.

4 And <> the "Yuon" army <had invaded several fronts>. However,
5 they reached Kratie first by taking over the rubber plantation
6 <in Snuol>. We counter-attacked and they retreated, and a number
7 of casualties occurred <because they laid traps and mines in the
8 west area of the rubber plantation>.

9 <It took us three to four days to take back the sawmill>, then we
10 chased them back into their territory. However, by the end of
11 1978, they attacked us again. And as I said, by the time that I
12 arrived in Kratie, the "Yuon" advanced rather aggressively.

13 Q. Just in terms of the time period when this happened, had you
14 already arrived in Kratie when Vietnamese armed forces invaded or
15 attacked, or was that later? Do you remember exactly when it was?
16 [11.09.28]

17 A. What I have stated is that upon my arrival, the rubber
18 plantation in Snuol was captured by the "Yuon" army and then we
19 tried to counter-attack them along the National Road Number 7.
20 And by late 1978, they attacked us again. However, the
21 advancement was back and forth, and sometimes they had to retreat
22 themselves.

23 Q. I'm asking you because in one of your statements, you gave
24 evidence in relation to the time that Vietnamese armed forces
25 invaded. E3/10622, question and answer 96, you said that the

1 Vietnamese entered during the Khmer New Year period in 1977, so
2 that would be mid-April 1977.

3 Is that correct?

4 [11.10.58]

5 A. I cannot recall clearly whether it happened in 1977, as I
6 stated in the statement. However, as I stated, by March '77, the
7 rubber plantation in Snuol was seized by the "Yuon" army. Then we
8 counter-attacked them and the advancement was back and forth. <>
9 The rubber plantation was in a large area in Snuol, and I do not
10 know whether I mentioned particular details in my previous
11 statement. And usually we occupied the area <once every one or
12 two> months<>. <They attacked us and> we counter-attacked, and
13 then they retreated.

14 And during the period of the New Year, we had to retreat
15 ourselves. Then we counter-attacked the "Yuon" army. However, I,
16 myself, did not <have much involvement> at the front
17 battlefields, as I had to transport the wounded soldiers to the
18 rear, I had to transport the logistics and food <and> I was
19 occupied with the radio operation at the rear.

20 And I don't believe any written documents or telegrams survived,
21 since, at the time, a number of things were burned down.

22 Q. Just to make sure that I understand you correctly, Mr.

23 Witness, I believe you said earlier that you arrived in Kratie
24 around March 1977, and that when you arrived the Vietnamese had

25 already occupied the rubber plantation in Snuol. Is that correct?

1 [11.13.32]

2 A. Yes. I just mentioned that because by that time, "Yuon's"
3 actually occupied the rubber plantation. However, as I said, the
4 <attack and counter-attack at> the rubber plantation was back and
5 forth. Sometimes we occupied it for a fortnight or a month, then
6 we had to retreat. We counter-attacked <in order to> recapture
7 the area.

8 Q. And do you know why it was that the Vietnamese forces occupied
9 this rubber plantation in Snuol?

10 (Short pause)

11 BY MR. KOPPE:

12 Q. Did you hear my question, Mr. Witness?

13 [11.14.40]

14 2-TCW-1005:

15 A. (Microphone not activated)

16 Q. Let me repeat my question. Maybe you didn't hear it.

17 Mr. Witness, do you know why it was that Vietnamese forces
18 invaded DK territory and occupied the rubber plantation in Snuol?
19 Why was that?

20 A. I was at a lower level, so I did not understand the motive for
21 that. However, they did not attack only the rubber plantation
22 area; they attacked at a number of other <targets, including> the
23 Eastern Zone. They also attacked in the areas <in Bavet,
24 Chantrea> in Kampong Cham, in Memot and Ratanakiri. However, I
25 knew about the rubber plantation because I was in Kratie

1 province. In 1977, they attacked in a number of directions,
2 including those places that I mentioned earlier as well as some
3 areas in Takeo province.

4 They also attacked in the area of Angkor Borei and in Kampot
5 province in 1977. And from what I heard, they almost reached the
6 area of Kaoh Andaet <near> where my mother resided <in Kiri
7 Vong>.

8 So not only <did the "Yuon forces attack> the rubber plantation,
9 but a number of locations were attacked by the "Yuon" army along
10 the border. And that's what I can say about the attacks.

11 [11.16.58]

12 Q. In your statement or your interview to DC-Cam, E3/9647,
13 English, ERN 01212283; Khmer, 00975723; French, 00996564; you
14 said that the "Yuon" struck hard in 1977.

15 What did you mean when you said to DC-Cam that the Vietnamese
16 troops, quote unquote, "struck hard"?

17 A. I think you ask me to repeat my previous statement. <In 1977>,
18 the soldiers were sent to protect the border areas in a number of
19 areas in the Eastern Zones and in the other zones. <Division 1
20 forces were divided and assigned to the 117, to Kratie,> to the
21 border area to counter the attacks by the "Yuon" army. I used the
22 word "thrust" when I refer to the attacks advanced by the "Yuon"
23 army. And as I said, the "Yuon" were attacking at a number of
24 directions throughout the border area.

25 And in the Northeast Zones, there were only two military

1 divisions, that is, Division 801 <in Ratanakiri> and Division 920
2 <in Mondolkiri> and in Kratie, there were no zone <armies>; there
3 were only sector soldiers; that is, 707. <So, Kratie was no
4 longer under the Northeast Zone; it was under the Centre at the
5 time.>

6 [11.19.12]

7 And when I spoke to DC-Cam staff, I spoke to them at a table and
8 I just casually <told> them about what happened. I was not aware
9 that they were audio recording my voice through their telephone
10 that was placed on the table.

11 They asked me whether I knew Leang and I told them that yes, and
12 Leang was arrested. And later on, I was told by someone who came
13 to me that my voice was being audio recorded.

14 Q. Now, I realize, Mr. Witness, that you were not at the front
15 battlefield but rather at the rear battlefield, but are you in a
16 position to tell us whether these attacks from Vietnamese forces
17 in March-April 1977, came as a surprise? Were these surprise
18 attacks or was it something that the DK military somehow knew it
19 was coming?

20 [11.20.47]

21 A. Allow me to clarify the matter or maybe my response is
22 lengthy. Of course, the upper echelon was aware of the military
23 situation and the telegram that was sent to us was that the
24 "Yvon" were attacking us and that we had to prepare our forces to
25 counter the advancements in all battlefields.

1 And the instructions were given to us by the upper echelon and
2 the telegrams were sent from the general staff office to all
3 divisions along the border and we had to prepare ourselves to
4 counter the attack by the "Yuon". And in fact, they did not
5 attack at the point where we anticipated their advancement; they
6 actually attacked from another area from behind.
7 And some of the soldiers colluded with the "Yuon" army and that's
8 why we were attacked from behind in some locations and that's why
9 we were defeated in a number of locations before -- because we
10 did not trust one another.

11 [11.22.14]

12 Q. In your DC-Cam interview, again, E3/9647; English, ERN
13 01212318; Khmer, ERN 00975746; and French, 00996586; you're
14 saying two times, "We were not attacking the 'Yuon' -- We were
15 not attacking the 'Yuon'; the 'Yuon' had already invaded."
16 Does that mean that it was the Vietnamese troops who started this
17 -- these clashes, started this -- this armed conflict in
18 March-April 1977?

19 A. Yes, that statement of mine is correct. There were several
20 clashes along the border at the time. We did not have a large
21 number of soldiers and to my knowledge, the total number of
22 soldiers <was> probably less than 100,000 and each division
23 actually received a telegram where we could understand about the
24 total number of our forces. We did not invade them; that is,
25 encroach into their territory crossing at the border. <That was

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1 the situation at the border in 1977.>

2 However, the conflict started in 1976, since I was in Kiri Vong;
3 however, it became intensified at a later stage <in 1977>.

4 Q. But just to make sure--

5 MR. PRESIDENT:

6 Defence Counsel, please hold on and International Deputy
7 Co-Prosecutor, you have the floor.

8 [11.24.32]

9 MR. SMITH:

10 Thank you, Your Honour. It's not an objection to the question,
11 but just for the record for clarification, the passage that was
12 put to the witness in relation to the Vietnamese movements, that
13 was -- that passage come from a -- a time period where the
14 witness is talking in late 1978. It's -- it's in relation to the
15 arrests of -- the arrests of those senior leaders and it's in
16 relation to when Meas Muth was speaking to them about "Yuon" --
17 Vietnamese advancements. So just so the record's clear, that
18 answer is in relation to late '78, not early 1977.

19 [11.25.29]

20 BY MR. KOPPE:

21 Q. Well, let me -- let me follow up on this by asking -- without
22 referring to your earlier statement, I'm not quite sure if the
23 Prosecution is right, but it doesn't matter at this stage. Mr.
24 Witness was it in March-April '77 the Vietnamese who started
25 these clashes, these incursions; were they the ones who were the

1 aggressors?

2 MR. SMITH:

3 Your Honour, all I'd say is that the witness is talking about
4 clashes along the border, along the Vietnamese border and just
5 for clarity, there were many clashes; just ask him which clashes
6 the Defence is -- is referring to so the answer's clear.

7 BY MR. KOPPE:

8 Well, I think the witness mentioned a few very particular
9 incursions if you want to put it neutrally, but let's limit
10 ourselves to the -- to the one that he has firsthand knowledge
11 of; the invasion of Snuol and the occupation of the rubber
12 plantation.

13 Q. Was it the Vietnamese troops who started this particular
14 passage in the armed conflict; were they the aggressors when it
15 came to occupying the Snuol Rubber Plantation?

16 [11.27.23]

17 2-TCW-1005:

18 A. As I have stated earlier, by the time I arrived, the "Yuon"
19 had occupied the area; however, the fighting in the area was back
20 and forth. Sometimes, we advanced, and at other times, we
21 retreated.

22 And we did not have superior forces to attack them; however, by
23 early '78, we actually attacked them with anger and we actually
24 entered the Vietnamese territory. However, a few days later, they
25 counterattacked and we retreated, and they recaptured the area.

1 And as I said, they fiercely attacked us by late 1978. We did not
2 start the fight first; it was <they> who fought us first. And if
3 you wish to ask more about this particular event, please do so.

4 MR. KOPPE:

5 Q. I'm very happy to.

6 It's almost 11.30, Mr. President, maybe it's time to break.

7 [11.28.50]

8 MR. PRESIDENT:

9 Thank you. It is now appropriate for our lunch break. We take a
10 break now and resumed at 1.30 this afternoon.

11 Court Officer, please assist the witness at the waiting room
12 reserved for witnesses during the break time and invite him back
13 into the courtroom at 1.30.

14 Security personnel, you are instructed to take Khieu Samphan to
15 the waiting room downstairs and have him return to attend the
16 proceedings this afternoon before 1.30.

17 The Court stands in recess.

18 (Court recesses from 1129H to 1331H)

19 MR. PRESIDENT:

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

21 Before the floor is handed over to the defence team for Mr. Nuon
22 Chea, I, as the President of the Trial Chamber, would like put
23 some questions in relation to your testimony provided by you from
24 the beginning until this morning.

25 QUESTIONING BY THE PRESIDENT:

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 Q. You stated that you <were> moved to be based at Kratie
2 province at a later stage. While you were at Kratie, between 1977
3 and 1978, which region was it; what was its name and which zone
4 was the office you were located in?

5 2-TCW-1005:

6 A. <> There were two offices; one was <at> Snuol and another one
7 was at <Krakor bridge in> Kratie, <it was 200> or 300 metre away
8 from Kratie where I stored the logistics <collected from Phnom
9 Penh>. And at <Preaek> Chhloung (phonetic), <Snuol district,>
10 there was a warehouse to store logistic and materials for
11 military -- for soldiers and their families, so there were two
12 offices.

13 [13.33.30]

14 Q. You stated that you were stationed at two different or three
15 different locations; what were their names and which zone were
16 they located in?

17 A. It was within Kratie province, Sector 505. After I was moved
18 to Kratie, that Kratie sector was an autonomous one; it was no
19 longer under the Northeast Zone. It was, later on, under the
20 direct supervision of the Centre and I would come to collect the
21 material logistic directly from Phnom Penh.

22 Q. It was under the army -- the Centre's army as you said. Was
23 there any time when your Division <177 (sic)> had to report to
24 Sector 505?

25 A. When I was there, it was a separate matter for Sector 505. We

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1 -- my division would report directly to the general staff. <My>
2 unit had nothing to do with the Sector 505 Committee; however,
3 the economics and logistics was supported by the sector and as I
4 said, <ammunition,> logistics, and telegrams would be <collected>
5 directly <from the general staff>.

6 [13.35.46]

7 Q. Thank you. Yesterday, you testified <about> a letter you
8 <saw>; that is, the letter <from> 870 to call cadres to Phnom
9 Penh. Was that the first time you saw the letter to invite all
10 cadres of Division 117 to Phnom Penh or were there any other
11 times that you witnessed or saw the letters <from 870 or the
12 Centre> indicating that <the> cadres <of Division 117> had to go
13 to Phnom Penh?

14 A. Yesterday, I testified about a letter <from> M870. <Before>
15 that time, <messages were not sent through a messenger,> messages
16 were sent <via> telegram and <I saw> that letter during the time
17 that the "Yuon" <were> advancing deeply into the country and <I
18 saw> the letter.

19 And using the telegraphs, sometimes, was so complicated because
20 they had to be encoded and decoded. <I saw only this one letter,
21 and> I do not know whether the letter had been sent and kept
22 there for a while before I saw it, but <usually> there was a
23 meeting, I believe, and after there were instructions, I would
24 have the information.

25 [13.38.02]

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1 Q. Thank you. Based on your experiences as the <office> deputy
2 chief of Division 117 and to your knowledge, why Division 1 --
3 why <did> M870 issue the orders <directly> to your Division 117;
4 why weren't the orders issued through these special Sector 505?

5 A. I indicated that already. The division was not under <the>
6 sector <at> the time. <Usually, messages were sent using
7 telegraphs> and the letter, as I saw, included information and it
8 said that the situation was so confused at the time. <They might
9 be afraid the information might leak through using telegrams.>
10 Thi, <Muth's messenger,> in fact, was the one who encoded the
11 letter and <Kung> delivered the letter, <after that,> he drove
12 his vehicle to Thma <Kraae>, or to the north part of the country.
13 The letter was put on the table and I was asked to read it.
14 <After> reading, I told him that <Yun (phonetic)> would come to
15 collect cadres <to take them to Phnom Penh> at 9 o'clock. <On the
16 envelope, it stated "M870".> This is what I know and read from
17 the letter.

18 MR. PRESIDENT:

19 Thank you very much for your clarification, Mr. Witness.

20 You may now proceed, Judge Lavergne.

21 [13.40.20]

22 QUESTIONING BY JUDGE LAVERGNE:

23 Q. Yes, thank you.

24 Just a few <follow-up> questions, Witness. You said that when you
25 were at Kratie, Division 117 <reported> directly to the

1 chief-of-staff headquarters. Were there communications between
2 Division 117 and <the> M870 Office? When you say that there were
3 reports made to headquarters, were they also sent to M870?

4 2-TCW-1005:

5 A. Allow me to inform the Chamber that I had to respect the
6 reporting system. On the reporting system or concerning the
7 reporting system, on a daily basis, the reports <were not> sent
8 <directly> to M870, <reports were sent to the general staff or
9 502 to the north of the airfield so that they> would assist in
10 copying the message. <There would be a direct letter from 870
11 only under certain circumstances.> For example, the letter may
12 have contained <information that> the "Yuon" <were> fighting hard
13 or advancing deeply. <And we would prepare our forces.>

14 [13.41.56]

15 Q. Sometimes, we're talking about a letter and sometimes, a
16 telegram. For you, is there a difference between the letter and
17 the telegram or were all communications done by telegram or were
18 there letters that were received in a different manner; for
19 example, were there letters that were brought by plane from Phnom
20 Penh, <directly to> M870?

21 A. <During> the regime, <hard copies of> the letters <> were not
22 sent directly to me. In fact, the communication was through
23 telegram; for example, the instruction <from 502> was to ask
24 <for> intervention from us and as I said, there were no letters
25 in hard copies.

1 And usually, we communicated <with> one another through telegram
2 and on that particular situation <in 1978>, we saw a letter and
3 we <were> surprised <at first> and did not believe that it came
4 from M870. So before, all the time, communication, as I said, was
5 made through telegram and I saw an annotation on one occasion.
6 The annotation, the writing <belonged> to an uncle. It <mentioned
7 the> advancement of the "Yuon" and there was <a> code number on
8 the top of the <telegram> when I saw it.

9 [13.44.14]

10 Q. You spoke of uncles; do you know which uncles were in Office
11 M870? Do you know specifically who wrote those telegrams or the
12 letter asking the cadres to come to Phnom Penh?

13 A. You wanted to dig deep into the issue of letter. All leaders
14 were referred to by uncles. We were familiar <with> which uncle
15 <it> was to be referred to <at particular locations>; for
16 example, there was an annotation <from> one uncle <at the general
17 staff> stating that there was an advancement of the "Yuon" and
18 this is what I can tell you.

19 Concerning M870, if the messages were from that office, we would
20 know that the messages came from the leadership and usually, as I
21 said, we referred <them> to senior cadres by uncles.

22 [13.45.51]

23 Q. Are you making a difference between the general staff
24 headquarters, as such, and Office M870 and could you clarify what
25 the relationship was between M870 and Son Sen or other leaders of

1 Democratic Kampuchea?

2 A. To my knowledge and understanding, first the orders would come
3 from M870 before they reached the general staff and for my
4 division, we had to report regularly to <the general staff> and
5 then the reports or messages would be forwarded further and we
6 never went beyond our responsibility.

7 Q. Did you know if, for example, there contacts between Meas Muth
8 and Son Sen?

9 A. Normally, the commander in chief and the deputy commander in
10 chief of general staff could communicate with one another; <every
11 decision, or any matters regarding the army would be decided by
12 them, it was just that> one <of them was responsible for> the
13 naval, <> one <for> the infantry, <and another one for the air
14 force,> so they would communicate with one another. For example,
15 if the forces at the battlefield at Kratie had to report, the
16 report would be submitted to <Muth> and the reports had to be
17 made since <he> had to be informed of how many weapons or
18 ammunition needed. <And then they would communicate with each
19 other at the upper level.> This is the real implementation at the
20 time.

21 Q. And this immediate supervisor was who? Who was it; was it Meas
22 Muth?

23 [13.48.58]

24 A. I was within Division 117 and that uncle was at the general
25 staff level. <At the general staff during the DK period,> Son Sen

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1 was <> the commander in chief, and Meas Muth, the deputy
2 commander in chief and Sou Met was <deputy commander in chief of
3 air force>.

4 I could send messages or reports to Son Sen, Meas Muth, or Sou
5 Met<, not to 870>. I could send the reports or messages asking
6 for ammunition or any logistics to one among the three. If you
7 asked me the same question around this matter, I would have the
8 same answers for you. Thank you.

9 Q. Thank you, just one last question. Had you seen leaders of
10 Democratic Kampuchea come to visit Sector 505 while you were
11 there?

12 [13.50.21]

13 A. On this particular matter, yes, before the arrest of the 11
14 individuals and before the advancement of <the> "Yuon", <Vorn
15 Vet> went there before December and he went in late November.
16 After the arrest of that uncle, the other 11 individuals were
17 also arrested.

18 Vorn Vet was the former <> <Minister of Industry>. He went to
19 supervise -- examine the situation at Kratie for three days. It
20 happened around November and December; however, I cannot recall
21 the exact date. And he went to Phnom Penh and there was news that
22 he had been arrested, and a few days later, other leaders were
23 also arrested.

24 First, as I remembered, Vorn Vet made a visit once before there
25 was an <> incident happening to him. Dorl <> was <a sector

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1 secretary so he> would know in detail about the issue.
2 <All I can recall is that> he <had a three day visit> and he
3 stayed at Preaek Te (phonetic) and by the time <the> "Yuon" had
4 already entered the east of Preaek Te (phonetic) and there was no
5 fighting on that particular day. After that uncle had returned to
6 Phnom Penh, there was news that he had been arrested and later
7 on, there <were> subsequent arrests.

8 Q. Did you see Nuon Chea or Khieu Samphan come to visit Sector
9 505 while you were there?

10 [13.52.43]

11 A. Yes. I cannot see the red light.

12 I did not see them <during the regime>. They never made any
13 visits at that location <while I was there>. If <they> had been
14 there, I may have not seen <them> personally.

15 JUDGE LAVERGNE:

16 Thank you for these explanations. Thank you, Witness.

17 Mr. President, I have no other questions to ask at this time.

18 MR. PRESIDENT:

19 Before giving the floor back to the defence team for Mr. Nuon
20 Chea to resume the questioning, the Chamber wishes to hear
21 observations and comments in relation to the request of the
22 defence team for Mr. Nuon Chea by email. It requests that the
23 defence team should question expert Henri Locard on Monday next
24 week and now, the floor is first given to the -- the
25 Co-Prosecutor to make observations, if any.

1 Have you seen the -- the email, Mr. Smith, the email from the
2 defence team for Nuon Chea requesting that the defence team for
3 Mr. Nuon Chea question the expert witness, Henri Locard, on the
4 1st ; that is Monday?

5 [13.55.00]

6 MR. SMITH:

7 Good afternoon, Mr. President. Yes, we have seen the email. By
8 our calculation, the Nuon Chea defence would be starting
9 examination about Friday afternoon if this witness finishes
10 tomorrow at about lunch time which could -- could be the case.
11 The book was recently placed on the shared-material drives by the
12 -- by the Trial Chamber. There are some differences with the 19
13 -- the 2013 edition and the 2016 edition.
14 We have no objections to, Your Honours -- if, Your Honours, wish
15 that the Defence start their examination on Monday. If that be
16 the case and bearing in mind this witness may well be going
17 through to lunch time tomorrow, we would ask the Prosecution
18 would start on Friday rather than, say, at some point -- at some
19 point tomorrow because of that -- the new edition of the book,
20 but we're in, Your Honours, hands.

21 [13.56.04]

22 MR. PRESIDENT:

23 Thank you. What about Lead Co-Lawyer for civil parties?

24 MR. PICH ANG:

25 Thank you. Lead -- the Lead Co-Lawyers for civil parties have no

1 objection to the request.

2 MR. PRESIDENT:

3 What about the defence team for Mr. Khieu Samphan, do you have
4 any observation to make in relation to the request by Nuon Chea
5 defence team?

6 [13.56.30]

7 MS. GUISSÉ:

8 Yes, Mr. President, I think that we're <at> the end of the
9 suspense as we <have joined the request made by> the team of Nuon
10 Chea<, and I remind you that we made this request yesterday,
11 noting> that <regarding> these new 250 pages that have been put
12 into the <case> file, we are awaiting the specific pages the
13 Co-Prosecutors intend to refer to<, like other parties have done
14 with other documents>. So <at least for the Khieu Samphan> team,
15 but for all of the people who do not speak French<, there will be
16 translation issues,> because <in> your decision related to these
17 documents <E406/1>, you noted in <paragraph> 13 that <it was up
18 to the parties requesting the passages from these documents> to
19 request <the> translation, <and> I think between today and
20 tomorrow that we'll have problems <getting> these translations.
21 <If> anyone's going to be able to use these sections, I think
22 that the interpreters at least will need to know which passages
23 in advance if we don't have the translation <before the witness
24 examination>. So, for all of these reasons that I think that
25 indeed putting this off until Monday for the Defence to begin

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1 their <examination> would be a positive move.

2 MR. PRESIDENT:

3 And the Deputy Co-Prosecutor Bill Smith, do you have any comments
4 to make <regarding> what has just been said by the Defence

5 Counsel for Khieu Samphan regarding the chapters and the number
6 of pages because, in fact, the matter was raised since yesterday?

7 [13.58.25]

8 MR. SMITH:

9 Your Honour, those passages of what will be used are still being
10 reviewed, and as early as possible we would try and get those
11 passages to the Defence.

12 But I think the Prosecution and the Defence are in the same
13 position in that the book is a recent book or a recent revised
14 edition of the book and we are reviewing that just like the
15 Defence. Obviously, it takes some time.

16 So, it's still in the process of review and I can update the
17 Defence and the Chamber at the second break -- the first break,
18 after the first break.

19 [13.59.18]

20 MR. KOPPE:

21 Yes, Mr. President, if I may respond?

22 We are not exactly in the same position because it was the
23 Prosecution that originally asked to have those 250 pages
24 admitted, presumably after having reviewed the content of those
25 250 pages including the 117 other pages of the book.

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1 The only thing that we are now being confronted with is a book
2 written by the expert containing 367 pages in French only.
3 Although we do have French consultants in our team and I can read
4 a bit of French, my national colleague obviously cannot. So we
5 are not in the same position. So I think that is not fair to say
6 from the Prosecution's side.

7 In addition, I would like to remark that we anticipate that we
8 might finish with this witness today. So, I don't think we will
9 necessarily go all the way until lunch tomorrow.

10 [14.00.42]

11 JUDGE FENZ:

12 Counsel, can I take it that this is an observation or do you
13 object against the request of the prosecutor to only start on
14 Friday?

15 MR. KOPPE:

16 No, not at all. We can start on Friday. No problem.

17 (Judges deliberate)

18 [14.04.16]

19 MR. SMITH:

20 Mr. President, I just received some new information. In relation
21 to the review that was being conducted on the book, because there
22 are many, many passages in the book that are relevant to the
23 case, it simply won't be useful to list any individual passage.
24 So, in large part, many passages throughout the book will be
25 used.

1 JUDGE FENZ:

2 Sorry. Within the currently scheduled time of one day for the
3 Prosecution and Co-Lead Lawyers? My understanding it's 250 pages
4 or something.

5 [14.04.55]

6 MR. SMITH:

7 That's right, Your Honour. And I think there definitely is -- of
8 course, it's depending on -- depending on the experts' answers,
9 etc., some information may be used and some may not be. But
10 that's what I have been advised, that there is many parts of the
11 book that will be sought to be used, yes, and we will try and be
12 as economic as possible.

13 (Judges deliberate)

14 [14.05.42]

15 MR. PRESIDENT:

16 Counsel Anta Guisse, you have the floor.

17 MS. GUISSSE:

18 Court's indulgence, I am obliged to react because I cannot hear
19 the Co-Prosecutor say that a <book>, which is 250 pages long,
20 will be used <in its entirety> in <the> examination of a witness
21 <that is expected to last one> day<, or a little less, if they
22 are going to> share their time equitably with the civil parties.
23 We should bear in mind that <while the revised version is from
24 2016,> we have an original version dating back to 2013 and the
25 Co-Prosecutors <did not bring this information to the debate

1 until a few days ago>.

2 It is the Khieu Samphan team that had made the request. And to

3 tell us today, that <basically, we need to give special treatment

4 to the> Co-Prosecutors, who did not comply with the directives of

5 the Chamber <to provide the exact ERNs that they plan on using,

6 that they anticipate using. I understand that later on they may

7 need to change tack, taking> into account the answers of the

8 <expert witness> -- which I understand -- <but to tell us that

9 they are planning on tendering> 250 pages <into evidence is

10 absolutely incoherent, and above all, that would amount to

11 nothing more than an exception to the Co-Prosecutors' intentions,

12 while all of the other parties have had to comply with> the <very

13 explicit> directives of the Chamber. They have <had> to provide

14 the ERNs and all the specific elements <and pages that they

15 planned on using.> That is what I wanted to react on.

16 [14.07.02]

17 JUDGE FENZ:

18 Can I will ask the prosecutor a question.

19 Let's say the Chamber decides that most of today, even probably

20 not all but most of today will be trial-free. Will that enable

21 the Prosecution to and -- try again to identify the relevant

22 portions or to narrow down the relevant portions?

23 MR. SMITH:

24 Your Honour, from the information I have received from the

25 prosecutor that will be questioning the witness, it may not be

1 specific parts but it may relate to -- questions may relate to
2 chapters as a concept rather than a specific quote or a specific
3 line. That's the information I have been told by the prosecutor
4 now.

5 What I am saying is it may not be a particular paragraph that
6 would be used with the witness. It may be ideas that are raised
7 in a chapter. And so in that sense, particular quotes may not be
8 put in that regular way.

9 But what I can do, Your Honour, is I can seek, again, whether or
10 not any particular passages would be used and then I'll get back
11 to you as soon as I can. But at the moment I have been told that
12 the whole book conceptually will be used.

13 [14.08.53]

14 JUDGE FENZ:

15 Sorry, prosecutor, but obviously you can ask all fields of
16 questions or all concepts. The question here is what parts of the
17 book are you planning to use?

18 MR. SMITH:

19 Okay. I have been told that we are planning to use all parts of
20 the book but I'll get back to the prosecutor and see if there can
21 be any narrowing down as you have suggested. Thank you.

22 [14.09.19]

23 MR. KOPPE:

24 So just to be clear, are we now referring to all 367 pages or
25 just the 250?

1 MR. SMITH:

2 We are talking to the -- we are talking about the new edition of
3 the book.

4 JUDGE FENZ:

5 The part that has been admitted, obviously?

6 MR. SMITH:

7 Yes. Yes.

8 [14.09.44]

9 MR. KOPPE:

10 Why -- my understanding was that 250 pages, nine chapters, have
11 been admitted but the rest has not been admitted. But now we are
12 talking about the whole book.

13 MR. SMITH:

14 No. We are only obviously talking about the book, the parts that
15 have been admitted. Thank you.

16 (Judges deliberate)

17 [14.10.15]

18 MR. SMITH

19 Your Honours, passages can be identified to an extent -- to an
20 extent. Nonetheless, the whole book -- still wants -- the
21 Prosecutor wants to use the whole book. We will identify those
22 passages and perhaps if we can aim to have them to you by the end
23 of the day today, that's what we will aim--

24 JUDGE FENZ:

25 So, by the end of today?

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1 MR. SMITH:

2 Yes. And I'll communicate that and we'll aim to do that.

3 (Judges deliberate)

4 [14.11.36]

5 MR. PRESIDENT:

6 Judge Claudia Fenz, you have the floor to clarify this matter.

7 JUDGE FENZ:

8 Sorry. First of all, the Chamber grants both the request of the
9 prosecutor and the Khieu Samphan team when it comes to
10 scheduling. To clarify that, the Chamber will proceed tomorrow
11 with questions from the Chamber. It will expect the prosecutor
12 and the Co-Lead Lawyers to start questioning on Friday and after
13 this is finished -- and this implicitly grants the request by the
14 Nuon Chea team because it won't be before Monday -- the defence
15 teams will follow.

16 The Chamber also takes up the prosecutor on its offer to narrow
17 down and identify those parts of obviously the admitted part of
18 the book it plans or it aims to use during questioning until the
19 end of today. We expect an information per -- email perhaps best?

20 Yes.

21 MR. PRESIDENT:

22 Thank you.

23 And I would like now to hand the floor to Counsel Koppe to
24 continue putting further questions to the witness.

25 [14.13.04]

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1 QUESTIONING BY MR. KOPPE RESUMES:

2 Q. Yes. Good afternoon again, Mr. Witness.

3 Before the lunch break we were discussing the Vietnamese attacks,
4 armed attacks in March-April 1977. I believe you said before the
5 lunch break that Vietnamese forces attacked from behind and in
6 different places than it was expected while members of DK forces
7 "colluded" with Vietnamese forces, you said.

8 What did you mean when you used the word collude? What did DK
9 forces or members of DK forces do, that made you say that they
10 colluded with Vietnamese forces?

11 [14.14.30]

12 2-TCW-1005:

13 A. Allow me to respond to your question.

14 Our forces were less than the total number of forces of the
15 Vietnamese side. So <the forces had to be spread along> the
16 border area from Mondolkiri to Chantrea <near> Kampong Cham<>. We
17 also had to use sector soldiers along those borders. However,
18 there were gaps and the Vietnamese forces would attack through
19 those gaps. Sometimes the attacks were large scale and we were
20 defeated due to the <lower> number of soldiers on our side.
21 And in fact, by 1978, we did not trust one another because at
22 some sections of the borders we <had> defeated the Vietnamese
23 side but at other locations we were defeated. Some soldiers were
24 not happy with that.

25 Also, <secrets> was leaked, it was a big danger for the soldiers

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 on the ground. And sometimes the soldiers <were> defeated by the
2 loss in other parts of the battlefields. And sometimes they could
3 not seek support from other sections because they themselves were
4 under attack. And also it's due to the long distance from one
5 location to another. In some instances, it was 50 to 60
6 kilometres away.

7 [14.16.38]

8 Q. Am I correct when I summarize it as follows, that members of
9 DK forces leaked intelligence on locations of DK troops to
10 Vietnamese forces?

11 A. Is that your own proposal and not mine? If that is the case
12 then I may try to respond to your question.

13 Q. No. I am trying to make sure I understand properly what you
14 said. And my question is: Is my conclusion correct that the
15 suspicion was or maybe there was proof that DK forces leaked
16 important intelligence on location of troops to Vietnamese
17 forces?

18 [14.17.45]

19 MR. SMITH:

20 Your Honour, I object to the question. That's not what the
21 witness said at all.

22 And I'd also ask Defence Counsel, we have got no problem with the
23 question in terms of the content and if he has got some
24 information or a document that supports that proposition, that he
25 provides that information and then puts it to the witness because

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1 that's certainly not what the witness said.

2 BY MR. KOPPE:

3 Q. Well, I heard the witness say DK forces colluded with the
4 Vietnamese forces and they went into the DK territory in places
5 where there were no troops.

6 So those two factors combining, my question is -- let me ask it
7 more neutrally and I will rephrase, Mr. President. Did DK forces
8 leak intelligence or provide intelligence to Vietnamese forces?

9 [14.19.01]

10 2-TCW-1005:

11 A. I couldn't grasp such a situation throughout the country. I
12 can speak about the spearhead where I was stationed.

13 In November that year, 200 or 300 soldiers died at Preah Te
14 (phonetic) during such <an> attack. I was on the radio and
15 someone <> ran to us and told us that the Vietnamese troops were
16 advancing. And this is what I can say only about my location.

17 <About 200> soldiers lost their lives in that regiment. Then the
18 suspicion rose and that led to mistrust among the various units.

19 Maybe the commanders betrayed <us>, but the result was the
20 fatality of soldiers on the ground. And then those who betrayed
21 <us> fled to the Vietnamese side and only the soldiers died in
22 such a battlefield.

23 [14.20.38]

24 Q. And which soldiers betrayed and fled to Vietnam? Who were
25 they?

1 A. What else can I say? When I left Anlong Veaeng, those people
2 were from Kampong Chhnang and I did not know many of them. <> I
3 did not know whether they successfully fled to Vietnam or whether
4 they returned at one point.
5 <For instance, Oeung (phonetic)>, who was in a <regiment,
6 disappeared after the> artillery shelling into our unit <>. And I
7 did not know about his fate later on. <Originally, he was from
8 Srae Ronoung. When> we were defeated and we fled to the other
9 side of the river and he <and all his messengers were> not with
10 us. I did not know whether he fled or he was killed by the
11 Vietnamese troops.
12 So frankly speaking, I could only <talk> about what happened
13 where I was stationed and about the loss of the soldiers on the
14 ground.
15 And those people disappeared since <that> time, and after the
16 fall of the regime I did not see them <either>.
17 And <on the day that> the shelling by the artillery from the
18 Vietnamese side <killed about 200 soldiers, two regiment soldiers
19 and a number of> platoon soldiers <disappeared>, at that time we
20 were <about 100 metres from> Preaek Te (phonetic) <bridge>,
21 although I do not recall the specific date of that event. Many
22 soldiers were wounded and taken to be treated at the area
23 hospital.
24 [14.22.38]
25 Q. Are you aware of any Division 117 members who fled to Vietnam

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1 in May or June '77 or April '77? Are you aware of any specific
2 names of soldiers or of commanders?

3 A. I cannot answer that question because at the time when the
4 Vietnamese attacked <in 1977>, many, many soldiers were killed
5 and I did not know who actually fled to Vietnam.

6 During the three months that I was there about <700> soldiers
7 were killed.

8 We moved rather frequently during <that> period of time in order
9 to avoid landmines and to move dead soldiers to the rear.

10 I only knew about those soldiers that I knew before <such as Nim,
11 Rom, Leang etc.,> and some of <the regiment soldiers> were
12 killed. But I cannot grasp the situation or the number of those
13 who fled to Vietnam.

14 [14.24.20]

15 Q. Have you ever heard from anyone after January '79, whether
16 forces from Division 310 or forces from the East Zone fled to
17 Vietnam in June 1977?

18 A. It is rather difficult for me to respond to your question. I
19 knew about the event but it seems that you <are trying> to dig
20 even deeper than what I knew.

21 The main issue was the mistrust and not only one or two soldiers
22 who fled to Vietnam. In fact, half the number of soldiers from
23 the division fled.

24 And I spoke about the occupation of certain areas, <including
25 Phnom Pram Poan (phonetic) in Svay Chreah> in Kratie by the

1 Vietnamese troops. We were under heavy attack by the Vietnamese
2 side with four bombers flying over as well. <Eight bombs were
3 dropped.> Some bombs actually hit the Snuol district office as
4 well as ammunition warehouse <and the people in several communes
5 nearby>.

6 So I do not know whether I can respond to your question fully. I
7 can only say what happened at the time from my recollection. And
8 my eyesight is very poor at the moment.

9 Q. Do you know how many members of Division 117 fled to Vietnam
10 after these attacks in April or May '77, how many forces fled to
11 Vietnam?

12 [14.26.52]

13 MR. SMITH:

14 Your Honour, I object to the question. I mean the witness hasn't
15 referred to attacks in April or March, March or April or May 1977
16 and he hasn't referred to people fleeing to Vietnam after those
17 attacks.

18 So, it's a leading question. He hasn't stated that in his
19 testimony. So I think he is misrepresenting his testimony.

20 And I think we have all heard his answers. He said he has very
21 little information at all about people fleeing to Vietnam at
22 whatever time.

23 So, I think the question is unfair. I think if Counsel has some
24 specific information, a document or a reference about people
25 fleeing to Vietnam in May or April or March in 1977, he should

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1 put that document on the record, but that witness hasn't put that
2 information before the Chamber. So, I object to it. It's an
3 unfair question.

4 [14.28.00]

5 BY MR. KOPPE:

6 I might be mistaken, but I think I explicitly heard the witness
7 say that Division 117 members fled to Vietnam. Hence, my question
8 how many. But I'm happy to establish that for certain.

9 In response to, is there any information of revolutionary forces
10 -- of DK escaping to Vietnam in May or June '77, there is plenty.
11 One of the most well-known combatants was the present prime
12 minister, Hun Sen, who fled in June '77.

13 MR. SMITH:

14 Yes, Your Honour.

15 MR. PRESIDENT:

16 And what is going on here? I think you <should> take turns to
17 speak.

18 And Counsel Koppe, please rephrase your question.

19 BY MR. KOPPE:

20 Q. Mr. Witness, I might be mistaken--

21 MR. PRESIDENT:

22 If you are mistaken you may rephrase your question, Counsel.

23 JUDGE FENZ:

24 Just ask your open question for the time.

25 [14.29.22]

1 BY MR. KOPPE:

2 Sorry. My -- my equipment malfunctioned.

3 Q. Mr. Witness, an open question. Did members of Division 117
4 flee to Vietnam in May or June 1977? And if yes, are you in a
5 position to say how many?

6 2-TCW-1005:

7 A. I did not have a full understanding of the event. For that
8 reason I cannot respond to your question. As for my unit, some
9 soldiers were killed during the attack but none fled to Vietnam.
10 However, I cannot speak about other units within the sector.
11 And as for soldiers <from> Kampong <Chhnang>, it is my
12 understanding that none of them fled to Vietnam. However, a
13 number of soldiers were killed. And I cannot speak on behalf of
14 other units at other locations.

15 [14.30.45]

16 MR. PRESIDENT:

17 Mr. Witness, you are reminded to only <speaking> from your personal
18 experience or recollection and you don't need to presume what
19 happened at other locations.

20 BY MR. KOPPE:

21 Q. Now, Mr. Witness, we talked about Vietnamese attacks or
22 Vietnamese incursions in April or May '77; more particularly
23 about the attack on the rubber plantation in Snuol. This morning,
24 you volunteered also other information of -- about -- on attacks
25 by Vietnamese forces in Svay Rieng, I believe, and other parts.

1 Have you ever heard whether the attack on Snuol and the rubber
2 plantation was part of a coordinated plan of attacks, whether the
3 attack on Snuol and the rubber plantation was a part of several
4 attacks at the same time? Have you ever heard this?

5 [14.32.13]

6 2-TCW-1005:

7 A. This morning I gave my testimony already and now you <are
8 questioning> me again concerning the fighting. I made mention
9 already this morning and again the same issue is <being>
10 repeated.

11 The <attacks> were <from> all directions, in different parts of
12 the country, <so how could we defend ourselves?> I am referring
13 to the events in 1977.

14 If you repeated the question, my answer would be the same and we
15 will have no end. Fighting, incursions; yes, of course, from all
16 directions. The content of telegrams was disseminated to us that
17 <the "Yuon"> were <attacking> from <> different directions,
18 <including Ratanakiri, Mondolkiri, Kandal,> Takeo, Kratie,
19 Kampot, <the east etc.> <In> Takeo, the opposition forces entered
20 up to Kiri Vong, <Kaoh Andaet>. <At my location, we could defend
21 up to the rubber plantation.>

22 And this is my <honest> answer. <What do> you say about that?

23 [14.33.38]

24 Q. Well, thank you very much for that answer. Maybe my question
25 was unclear, but my question was whether you ever heard whether

1 these attacks were coordinated attacks, whether they were planned
2 all together or whether they were incidental attacks, which, in
3 themselves, were unrelated.

4 So my question is were all these attacks that you mentioned that
5 happened in April '77, were they coordinated or do you have no
6 information about that?

7 A. You put the question and I have been informing you about the
8 telegram which states that <the> "Yuon" <were> fighting us from
9 different directions all across the country. That is what I know
10 from the telegram. There were not more than 100,000 soldiers of
11 the DK army, frankly speaking.

12 This morning I was asked the same question and now the question
13 was repeated. I do not know everything and what I know is that
14 fighting <was> from every direction and we were asked to be ready
15 and prepared.

16 [14.35.21]

17 Q. Going back to your earlier testimony that members of DK forces
18 had colluded with Vietnamese forces, do you know whether there
19 was any information on DK forces providing rice or food to
20 Vietnamese forces or weapons to Vietnamese sources?

21 A. If you put a question in such a way, it appears that I was
22 once in a leadership level but, in fact, I was not.

23 During <that> time , the Vietnamese forces had a large number of
24 weapons. <There was no need for them to take any resources from
25 us.> And if you put such a question you want to get a different

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1 answer, I believe.

2 MR. PRESIDENT:

3 Mr. Witness, if you do not know please say so. That is the
4 response already to the question if you say you do not know. You
5 do not need to elaborate or spend <more time> on it.

6 [14.36.56]

7 BY MR. KOPPE:

8 Q. Do you know, Mr. Witness, the commander of Division 801?

9 2-TCW-1005:

10 A. I know Brother 05, Brother Saroeun. He was in the committee of
11 Northeast Zone. I know him well.

12 Q. And how is it that you know him well? Why did you know him
13 well at the time?

14 A. What I know is that his native village was Srae Knong and he
15 was assigned to be posted or based at that location. Our native
16 villages were close to one another. That is all I know about him.
17 And later on we <communicated> and from time to time through
18 telegrams as well in relation to the transportation of logistics.
19 Only small boats could sail past his area. <And 801 was close to
20 920, Thma Kreae was close to Krakor.> So logistics; rice,
21 uniforms were kept at my location and I could provide -- I could
22 help provide the logistics; namely, uniforms, rice or weapons to
23 his location.

24 However, I did not have a close <relationship> with him.

25 [14.39.04]

1 Q. The commander of Division 117 was Rom. Did Rom have the same
2 kind of position and hierarchy as Rouen, Brother 05?

3 A. I worked with him. Rom was not equal to Brother 05, Roeun, in
4 terms of hierarchical order.

5 Rom was just promoted <to be at the division level> in 1977.

6 Before that he was at Koh Kong. He was later on promoted.

7 I am reporting and telling the truth, not something that I do not
8 know.

9 Uncle 05 was in charge of three provinces because he was <> in
10 the committee of the zone. <He was also in charge of Division 801
11 and Division 920 in Mondolkiri.> And I was removed from him in
12 1978, when there was incursion or advancement of the "Yuon".

13 [14.40.39]

14 MR. PRESIDENT:

15 Thank you, Counsel. It is now time for a short break.

16 The Chamber will take a short break from now until 3 p.m.

17 Court officer, please assist the witness in the waiting room
18 during the break time and please invite him back into the
19 courtroom at 3 p.m.

20 The Court is now in recess.

21 (Court recesses from 1441H to 1500H)

22 MR. PRESIDENT:

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

24 And again the floor is given to Counsel Koppe to put further
25 questions to the witness.

1 [15.01.09]

2 BY MR. KOPPE:

3 Thank you, Mr. President.

4 Q. Yes, Mr. Witness. We were speaking about Division 801,
5 Commander Rouen and Division 117, Commander Rom. Do you know
6 whether Rom and Rouen communicated with each other directly or
7 did they communicate with each other through the General Staff or
8 through Brother 89, Son Sen?

9 2-TCW-1005:

10 A. I can only <speaK> of what I knew. <They communicated> through
11 telegram. Actually, 801 headquarters was not far from where I
12 worked and they had a warehouse for their logistics and clothing
13 not far from there. Usually, the communications between the two
14 did not go through the general staff. They communicated via radio
15 or via telegram because they were at different places. For
16 example, <Rom was at the battlefront while> Brother 05 was at
17 Ratanakiri.

18 And I did not know about the hierarchy in terms of their contact
19 to the general staff or their reporting regime to the general
20 staff.

21 That is all I know.

22 [15.03.03]

23 Q. Did you know at the time whether Commander Rouen or your
24 Commander Rom were aware at the end of March that Vietnamese
25 troops were planning to attack DK territory in April 1977?

1 A. Yes, they knew because we also had our plans and they knew
2 about the attacks by <the> Vietnamese since they communicated
3 with one another through telegram and radio. They prepared their
4 weapons and ammunition and those weapons were transported already
5 through the preparatory line at the front battlefield.

6 The warehouse at Thma Kreae stocked <that> military equipment
7 including vehicles. They learned of the plan. However, it was a
8 different matter whether they could counter the advancement of
9 the Vietnamese forces.

10 Q. And do you know how Rom and Rouen and possibly other division
11 commanders knew at the end of March 1977, that Vietnamese forces
12 would attack in April? What was the source of that information?
13 Are you aware of that?

14 [15.05.09]

15 A. I think I <am repeating> myself here. The upper level knew and
16 they actually made preparations for such event. And I have told
17 you what I knew at the time and I could not tell you about the
18 full situation throughout the country. However, I believe that
19 they all received the same plan.

20 Q. And do you know whether this was to be more precisely on or
21 around the 24th of March, 1977?

22 A. I cannot recall whether I went to the area before or after
23 that date, although I knew it was in March and the attacks <had>
24 already <taken> place when I was there. I knew the attacks took
25 place around March or April of that year but I cannot recall a

1 specific date that it happened.

2 Q. After the April 1977, attacks by Vietnamese forces was there
3 taken the restriction of the use of the radio or the telegraph
4 within Division 117? Was it made more difficult for instance to
5 use the radio or telegraph?

6 [15.07.27]

7 A. Regarding military equipment, of course there <were>
8 restrictions on the use of <that> equipment and sometimes there
9 <was> a reshuffling of message decoders and encoders because
10 usually decoders and encoders were different people and they were
11 replaced.

12 And also, radio communication was encrypted as they used codes
13 and the codes <kept> changing as well. That was the norm for the
14 military usage of such communication equipment. Usually, the
15 changes occurred on a monthly basis.

16 Q. But this morning you said that Vietnamese forces attacked from
17 behind and in different places than expected. After that
18 happened, was there an extra measure of vigilance in who was
19 supposed to use the radio or the telegraph? Was there -- were
20 there additional safety measures in respect of the use of radio
21 or telegraph after these April attacks?

22 [15.09.10]

23 MR. SMITH:

24 Your Honour, I object to the question. There was a -- sorry. I
25 object to the question. It was a number of facts were put in it.

1 And the two facts that were joined together which the witness has
2 not mentioned was that in March-April 1977, when attacks were
3 occurring in the Snuol area, that there were attacks coming from
4 behind and in front, talking about that collaboration idea.
5 The witness didn't mention that in relation to the March or April
6 1977 attacks. So that question brings two different facts
7 together to state that the witness actually said that attacking
8 from behind and in front in that collaboration aspect was
9 happening in March-April 1977 which he didn't -- didn't in fact
10 say in that time period.

11 So I object to the question and I ask that he rephrase or break
12 it down so that there is no confusion.

13 [15.10.28]

14 MR. KOPPE:

15 That earlier objection was made because I had quoted the witness
16 possibly in relation to events in late '78. Then I asked him a
17 more open and neutral question. And then in that particular
18 answer relating to March-April '77, I am quite sure the witness
19 said that the Vietnamese attacked first and they attacked from
20 behind in a different place than expected. So that is, I believe,
21 his testimony.

22 So I acknowledge there was an objection. I rephrased. Then the
23 witness came with these specific words relating to April '77. So
24 therefore, I think I am allowed to ask that question.

25 (Judges deliberate)

1 [15.12.05]

2 MR. PRESIDENT:

3 The objection by the Deputy International Co-Prosecutor is
4 overruled.

5 However, Counsel Koppe, please rephrase your last question so
6 that the witness can respond.

7 JUDGE FENZ:

8 Counsel, the idea was to make it a bit simpler. I don't think --
9 we don't think the witness actually understands what you are
10 getting at.

11 [15.12.28]

12 BY MR. KOPPE:

13 Let me rephrase it neutrally.

14 Q. Mr. Witness, after the attacks in '77, April '77, were
15 additional measures taken in relation to the use of radio or
16 telegraph equipment? Were there orders to be extra-vigilant in
17 the use of radio or telegraphs?

18 2-TCW-1005:

19 A. As I have stated regarding the use of the military equipment,
20 the codes were changed on a monthly basis and the personnel were
21 also changed, for example, the encoders and decoders. Usually one
22 encoder and one decoder worked in a pair and they would be
23 changed with a pair of another encoder and decoder and new codes
24 would be used. That also <applied> to the radio communication.
25 And we kept changing the codes and sometimes we also had to

1 change it within a fortnight.

2 [15.14.16]

3 Q. Now, let me follow up with something different but in relation
4 to what you said earlier. Mr. Witness, in your statement to
5 DC-Cam, E3/9647; English, ERN 01212312; Khmer, 00975742; French,
6 00996581; you were asked a question about Vorn Vet being in
7 charge of the battlefield at the time and then literally you say
8 the following, and I will quote you:

9 "Let me tell you about Om Vorn Vet. The "Yuon" were striking from
10 every direction. They had not yet taken Snuol. Snuol was still
11 just a saw mill -- mill workers from Phnom Penh. I heard this
12 from radio. Everyone decided unanimously that Om Vorn Vet should
13 come to command the army. That was on the radio that he should
14 command the army."

15 I presume this was in '78. However, in that same statement you
16 say that the Vietnamese had not yet taken Snuol. Can you explain
17 that to me? Was Snuol or the rubber plantation captured in '77
18 April and then Vietnamese troops left again? And was it not yet
19 taken by Vietnamese forces in late '78?

20 [15.16.26]

21 A. Regarding my interview with DC-Cam, I did not intend to say
22 that Vorn Vet should be the front commander. <I said that Vorn
23 Vet went there in 1978.> I spoke about the "Yuon's" attack at the
24 rubber plantation in Snuol, but I did not refer to the entire
25 Snuol district. And I said the fighting was back and forth at the

1 rubber plantation <in 1977>.

2 However, the "Yuon" occupied a saw mill and then we recaptured

3 the saw mill <>.

4 However, by late '78 "Yuon" troops attacked us again <and

5 captured the entire Snuol District,> and that happened on the

6 <11th of October> '78 when they fiercely attacked us with the

7 support from four bombers flying overhead. <They did not capture

8 the entire Snuol dictrict in 1977.>

9 But in around April <> the fighting was back-and-forth and <at

10 one point> it reached the <east> side of National Road Number 7,

11 and that happened during late '77 or early '78. And at that time,

12 Snuol was still occupied, and only by late '78 they actually

13 <captured the entire> Snuol.

14 And that is my statement I made to the DC-Cam. Maybe your English

15 version is slightly different from what I said at the time.

16 <Regarding Vorn Vet, he had just come back in 1978 when the

17 "Yuon" were attacking us intensely. And after his return, he was

18 arrested.>

19 [15.18.24]

20 As for the radio communication, I heard wedding music was played

21 on the radio on the 2nd of December, <that was after Vorn Vet was

22 arrested and I was at the west of Preaek Te (phonetic) at the

23 time>.

24 Q. You mentioned another Vietnamese military attack. I believe

25 you said the 10th of November '78. It seems that Vorn Vet was

1 arrested on 2nd of November '78. So when you're saying that it
2 was announced on the radio that Vorn Vet should command the army,
3 was that then sometime before 2 November '78, or was it much
4 earlier and rather in April '77?

5 A. The excerpt that you read out is not correct. I <referred> to
6 <11 October> '78, when the "Yuon" troops recaptured Snuol,
7 however, regarding the announcement of the "Yuon" attack, Vorn
8 Vet visited the area in Snuol <for two or three days> and then he
9 returned to Phnom Penh and was arrested. Later on, those 11
10 people were also arrested. But when my statement was translated
11 into English, you read <it> out and it was re-interpreted into
12 Khmer, it's different from my original Khmer statement <regarding
13 the date>. <The "Yuon" troops recaptured Snuol on 11 October
14 1978, not on 10 November.>

15 <Before the 11 people were arrested,> Vorn Vet returned to Phnom
16 Penh and <two days after that,> he was arrested. When he went to
17 visit the area, those 11 people received him. <They attended a
18 meeting at Moeun's place, the Sector office.>

19 So, please, be mindful with the English translation, otherwise it
20 seems that you put me in trouble and that was different from my
21 original statement that I made in Khmer.

22 [15.21.20]

23 Q. I will certainly do so, Mr. Witness, but just to make sure
24 that I understand, when was it that you heard on the radio that
25 everyone decided unanimously that Vorn Vet should command the

1 army? When did you hear that on the radio?

2 A. Which radio broadcast you are referring to? And which specific
3 period <are> you <referring> to?

4 When I spoke about Vorn Vet, I spoke about his handsomeness and
5 his good complexion and he suited for <being a> military
6 commander, that's what I can say about him physically, and he
7 only made a two-day visit to the area.

8 I did not know about radio broadcasts that he should be promoted
9 to be a military commander. I did not know, I <do> not think that
10 I mentioned that during my interview at my house <>.

11 [15.22.55]

12 Q. Earlier today, you spoke about Brother Dorl, Bong Dorl, the
13 office committee member. Do you know whether Dorl had a meeting
14 with Vorn Vet when he came Kratie?

15 A. He was the one who knew more about that visit since he was at
16 the sector's office.

17 On that day when he disembarked from the boat <at Moeun's place>,
18 I had to transport logistics to the front battlefield and only
19 this individual at the office, that is Dorl, <and some members
20 from the division> who made the arrangement for his visit. And
21 you should have asked Dorl about that arrangement since he was
22 the office committee member and he was in charge of receiving
23 guests from the upper echelon. Although one of his legs <was>
24 wounded, he could ride a motorbike and made such arrangement.

25 Q. Earlier today, the prosecutor asked you about six of the 11

1 people that had been summoned to go to Phnom Penh. You talked
2 about Leang, Svay Naunh, Moeun, Rom, Chhum Chin alias Phoan,
3 Yeng. Do you know whether any of those six people that went to
4 Phnom Penh had a connection with Vorn Vet?

5 [15.25.16]

6 A. Regarding the 11 people on the list, they actually attended a
7 meeting with Vorn Vet. That is my <understanding> and I do not
8 know what else I can say since I, myself, did not attend that
9 meeting, and I could say that they were connected.

10 When Vorn Vet visited the area, there was no attack by the "Yuon"
11 troops, and <the> "Yuon" were at Preaek Te (phonetic) and in that
12 area the tanks could not make any movement since the slope was
13 pretty steep.

14 And <the> people who did not attend the meeting with Vorn Vet
15 were not arrested. <Even the Sambour district committee was not
16 arrested because he did not attend the meeting.> So, I could say
17 that they were connected with Vorn Vet, although this is my
18 personal understanding since I, myself, did not attend the
19 meeting. I had to leave and when I returned, the meeting
20 concluded. <Then he left.>

21 [15.26.35]

22 Q. So all 11 people that went to Phnom Penh had, before they left
23 for Phnom Penh, a meeting with Vorn Vet; all 11. Is that correct?

24 A. Yes. As I have just mentioned, the 11 people had a meeting
25 with him.

1 Q. And is it correct that Bong Dorl that you refer to often
2 today, was one of these 11 people?

3 A. Yes, that is correct because he was a member of the Office
4 committee and he was the one who organized the meeting venue for
5 these people. I understood that he was the one who actually
6 organized the meeting but he, himself, did not attend the
7 meeting. So, I'd like to make clear on that point. However, he
8 went to Phnom Penh with these 11 people but <> he returned to
9 Kratie <the next day>.

10 Q. Do you know what happened to him, to Dorl, when he went to
11 Phnom Penh?

12 A. He told me and told my aunt who was the wife of Chin or Phoan
13 that we had to take care of Phoan's wife<>, and after the fall
14 <in '79, we fled together. Later on, I was separated from my aunt
15 at Phnom Chi (phonetic), Kampong Thom,> then <I> fled along to
16 Dang Rek mountain range together with Dorl.

17 [15.28.55]

18 Q. Do you know whether Dorl was arrested when he arrived in Phnom
19 Penh in late '78?

20 A. Your question is not clear. How could I say he was arrested
21 when I said earlier that he returned?

22 Q. Well, it seems that he, himself, told investigators that he
23 was briefly detained by Division 501 (sic) forces at Pochentong;
24 I believe three days. So, notwithstanding his return, do you know
25 whether Dorl was arrested and detained for a short period of

1 time?

2 JUDGE FENZ:

3 Can we just have the reference for the record?

4 MR. KOPPE:

5 It's in the newly admitted document which has now number
6 E3/10639. Let me give you the exact question and answer a bit
7 later, with your leave.

8 [15.30.29]

9 MR. SMITH:

10 No objection, Your Honour, but I think it's -- I think you're
11 referring to the 502 forces rather than 501. Is that correct?

12 BY MR. KOPPE:

13 Yes, yes, I apologize.

14 Q. So returning to this, Mr. Witness, have you heard whether Dorl
15 was arrested and detained for a few days by 502 forces close to
16 Pochentong Airport?

17 2-TCW-1005:

18 A. He did not tell me the details of the event. He went to Phnom
19 Penh, then he returned and he <talked> about the arrests of the
20 11 people, but he did not mention his own detention.

21 And by that time everything was a bit chaotic since we had to
22 prepare ourselves to counter the quick advancement by the
23 Vietnamese troops.

24 And at that time, everybody was trying to survive. We fled
25 together and my men had to carry him. <We fled with Nhan, Phon

1 etc.> We stopped over in <Chup plantation,> Suong (phonetic), <to
2 liberate Uncle Khieu, Son Sen,> and, later on, we moved. And,
3 lastly, we arrived at Dang Rek mountain range.

4 [15.32.14]

5 Q. Getting back to the question, Judge Fenz, it's as I said,
6 E3/10639, 10,639, it is question and answer 304 until 311. In his
7 evidence, he describes his arrest for three days and the requests
8 to tell why he was innocent.

9 Now, Mr. Witness, Dorl, one of those 11 returned to Kratie. You
10 also said earlier that some or maybe one, I'm not quite sure, of
11 those 11 were sent to Kampong Chhnang airfield. Is that correct;
12 did you say that? And, if yes, how did you know?

13 A. All I want to say is that among the 11 individuals, to my
14 analysis, some of them were sent to Kampong Chhnang airfield. Six
15 of them entered S-21 and some, as I said, went to Kampong Chhnang
16 airfield.

17 [15.33.58]

18 People from 502 did not get along with my unit. We had a brawl
19 when we requested the air fighter. So my unit <> did not have a
20 good <relationship> with <> 502. <When Dorl went there, they knew
21 he was from Kratie and people from Kratie did not get along with
22 502.> My unit requested <an> air fighter to assist us, but it was
23 rejected.

24 Q. So 11 people were summonsed, Dorl returned. Did four people of
25 those 11 go to Kampong Chhnang airfield? And, if yes, do you know

1 what their names were?

2 A. I would like to tell you that I do not know him. I did not
3 know him at the time, he was in the regiment level. <Khon,> Rom,
4 Yeng, Chen, Moeun entered S-21. Phoan <was> among the four
5 individuals <from the regiment level>. In fact, I did not read
6 their biographies. They came to replace the previous cadres and I
7 did not read their biographies <in detail>. I do not know them
8 well, in fact.

9 Q. Do you know what these four individuals were instructed to do
10 at Kampong Chhnang airfield?

11 A. How could I respond to your question? People had been sent out
12 during the time of Vietnamese or "Yuons'" advancement. People at
13 Phnom Penh were in trouble and the same happened at Kampong
14 Chhnang, so what could we do at the time? They disappeared ever
15 since.

16 Kampong Chhnang airfield was a tempering centre and those who had
17 to be tempered were sent to Kampong Chhnang to break the rock.
18 The cadres who had been removed from their duties were sent to
19 Kampong Chhnang airfield to break rock.

20 [15.37.09]

21 Q. Going back to the other six. It is correct that at the time,
22 that meaning December '78, you didn't know that they were sent to
23 S-21; correct? So in December '78, you didn't know that those six
24 were in S-21. Is that correct?

25 A. You are asking me about the period of 1977 and, in fact, he

1 went in 1978, so how could I find the answer for you?

2 This morning, I saw a document. Six individuals were sent to S-21
3 but they entered on different dates. <As for> Dorl<, he was
4 detained by 502 for three days and after he returned> at the
5 time, I was asked to take care of Chen's wife and children and,
6 later on, we fled to Dang Rek, the 1,001 and 1,003, and we <were
7 together there until recently>. <I came back to look for my
8 mother.> I cannot recall all the events that happened.

9 [15.38.43]

10 Q. I understand it's a bit confusing, Mr. Witness, but I'm trying
11 to make a distinction between what you knew at the time in
12 December '78, and what you knew later.

13 Is it correct that in December '78, you didn't know that those
14 six were arrested and being detained at S-21?

15 A. I do not know. I do not know whether he was sent to S-21 or
16 Kampong Chhnang airfield. All I know is that he disappeared. He
17 had not gone in September. In fact, he disappeared in November or
18 December <1978>.

19 Q. Let me try it differently. Is it correct that you didn't
20 witness the arrest of those six; you didn't observe any
21 interrogation of those six? Once you saw them off at the plane
22 was the last time you saw them, but you don't actually know at
23 the time what happened to them. Is that correct?

24 A. Thank you. How could I know since all of them had gone to the
25 meeting at the time, so I do not know.

1 [15.40.43]

2 Q. This morning, you also said that when you saw that request in
3 relation to those 11 people, that you were happy because you
4 might have some free time. Is that correct? Were you initially
5 relieved or happy that you saw that request in relation to those
6 11 people?

7 A. I was so delighted after my leaders had gone away since I had
8 time to go to visit Mondolkiri. At Mondolkiri, there were wild
9 animals, for example, deer, and I <could bring some meat back for
10 my unit>.

11 Q. Are you in a position to say if members of the Kratie
12 administration, be it sector chiefs, be it military, whether they
13 were summonsed to Phnom Penh regularly, often? Did, for instance,
14 Chhum Chin alias Phoan often go to Phnom Penh? Did he often
15 receive instructions to go to Phnom Penh?

16 [15.42.38]

17 A. Frankly speaking, <there were> no regular meetings because the
18 situations were not tense. He did not receive any letters or
19 laissez-passers to visit his home town, since the situations were
20 not tense and <he> rarely went to visit home. In fact, I was
21 aware <of> only one letter and before that I had never known of
22 any other letters in terms of Moeun or Rom. This is all I know.

23 Q. Let me ask it differently, Mr. Witness. Do you know if
24 Division 117 members or Sector 505 members went to Phnom Penh
25 often? Did they regularly go to Phnom Penh? I do not mean home,

1 but Phnom Penh.

2 A. I was asked such a question. When I <went from> Kratie <to
3 somewhere> or <when> I went to my native district, I had go past
4 Phnom Penh. And when I went to the warehouse, the state warehouse
5 <at number 113, Phsar Chas>, I had to go past Phnom Penh as well
6 <>. <Even> the indigenous groups who were at Mondolkiri used to
7 come to Phnom Penh as well.

8 In 1978, my leader came to join a meeting at the Olympic Stadium
9 and I was relieved. This is what I can tell you.

10 Q. Let me try it one more time. Did the Sector 505 leaders or the
11 Snuol district leaders or the military leaders often, maybe
12 monthly, go to Phnom Penh?

13 [15.45.36]

14 A. I am not able to respond to your question. I only know what
15 happened in my division or unit. <The district was under the
16 Sector.> All I know is that they rarely came to Phnom Penh. I do
17 not know how many times they went to Phnom Penh per year. There
18 <was> radio communication <and telegrams were> in operation, so
19 usually they communicated with one another by radio communication
20 <or telegram> and they rarely came to Phnom Penh.

21 Q. Let me return to what you said, that you were happy that the
22 11 had to go to Phnom Penh because that would give you some free
23 time. Does that mean you didn't expect them to be arrested in
24 Phnom Penh?

25 A. When brothers went to Phnom Penh, there were no plans

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1 afterwards, and I wanted to visit Mondolkiri to find wild meat to
2 eat and I, actually, went to Mondolkiri. We were in a convoy of
3 three or five vehicles and we enjoyed the wild meat and, later
4 on, when we returned, there were incidents happening.

5 [15.47.25]

6 Q. Earlier I asked you about restriction and the use of the radio
7 in relation to the events in April '77, was there also a measure
8 of restriction in relation to the use of the radio after the 11
9 had left for Phnom Penh?

10 MR. SMITH:

11 Your Honour, I don't think that assessment of the evidence is
12 quite correct. He was asked the question about whether radio was
13 restricted after I think April '77, and then in that answer he
14 said it was the norm that radio operators and decoders etc. were
15 changed on a regular basis.

16 So he didn't say that there were, in fact, restrictions here, but
17 he explained the general system of moving radio operators around.

18 BY MR. KOPPE:

19 I'm happy to rephrase, Mr. President.

20 Q. Not referring to 1977 now, Mr. Witness, but were there
21 restrictions on the use of radio after the 11 had left for Phnom
22 Penh?

23 [15.48.45]

24 2-TCW-1005:

25 A. For radio communication after leaders had gone, the situation

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1 was chaotic. No one was in charge of issuing orders and we
2 considered that we <had been> defeated by the "Yuon". <It was not
3 possible to issue orders> by then. I went to Preah Prasab and
4 some went to Phnom Penh, so we had no radio communication.
5 <About 500> telegram, radio, communicators were stored in the
6 north of Kratie and I had to burn them out. Weapons were
7 transported by ship, but we were not able to get all those
8 weapons afterwards. We still used the old radio communicators,
9 but we could not use it <> widely by then.

10 [15.50.17]

11 Q. Totally different subject now, Mr. Witness.

12 Are you aware of anything that happened to Cham people in Kratie?
13 Are you aware of anything specific in relation to people who were
14 originally Cham?

15 A. I do not have the knowledge. In short, I do not know. I do not
16 know what happened on the ground. Concerning <the> Cham people, I
17 do not know. I have no knowledge of it.

18 Q. Do you know whether there were any Cham or Muslims in Division
19 117?

20 A. I did not pay attention to the fact of whether or not there
21 were Cham within my division. After the local authorities
22 mobilized forces for our division, we were so happy, and as for
23 the question, I do not know how to explain since I did not read
24 the biographies <in detail>. <It seems they all put "Khmer" in
25 the biographies. And there were rarely Cham among> those <who

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1 were> from Kampong Chhnang, <> Kampot <and Takeo>.

2 Q. Do you know anything about clashes between your division and

3 Khmer rebellious groups? So not Vietnamese forces but former

4 revolutionary forces? Are you aware of any clashes between Centre

5 forces and rebellious forces?

6 [15.52.59]

7 A. They may have had clashes, some of them. To my knowledge, for

8 instance, my vehicle was used to transport ammunition, <and>

9 blocks of wood were used to block our road, so <we had to stop

10 the vehicle and start shooting. It was not my vehicle. It was my

11 unit's vehicle. So,> there were clashes <during> such situations

12 when we were transporting ammunition by vehicle.

13 Q. Were the armed clashes with rebellion forces just as heavy as

14 with Vietnamese forces or was there -- what were their

15 differences?

16 MR. SMITH:

17 I think Counsel is embellishing the evidence a little. He said

18 there were clashes. He didn't say they were armed clashes. He

19 said there were blocks of wood across a road, so perhaps if the

20 question define the evidence correctly.

21 [15.54.11]

22 BY MR. KOPPE:

23 I will rephrase, no problem.

24 Q. Mr. Witness, were there armed clashes with rebellion forces in

25 Kratie; armed clashes between your division and rebellious

1 forces?

2 2-TCW-1005:

3 A. Frankly speaking, for my unit we had no clashes. Perhaps the
4 army or the soldiers at the local areas <such as in commune or
5 district> may have had clashes <at their posts along the national
6 road>, and while <we were> transporting ammunitions, <we had to
7 check whether or not> we were blocked on the way because there
8 was a rebellious group, one unit of rebellious soldiers <at Phnom
9 Pram Poan (phonetic), Svay Chreah>, and also there were
10 rebellious groups at Damrei <Phong>. And these rebellious groups
11 blocked the road <at Preaek Te (phonetic) bridge> while we were
12 transporting ammunition. So, we had to deal with the situation
13 while we transported the ammunition so that we could get them
14 Chhloung.

15 Q. I think my last question to you, Mr. Witness. You said that
16 you got married to Prak Yut I believe she said in 1983. Did you
17 ever speak to her about her role in DK or did you never speak
18 about that time?

19 [15.56.26]

20 A. Concerning my personal issues, in fact, my wife joined the
21 revolution long time ago. I was -- originally from 1003 and
22 <1001> from the north, and I asked the permission to go and find
23 my mother. My mother, in fact, died <in> 1979.
24 In fact, I got married with my wife in 1982, not '83. My wife
25 knew my background and <I> also knew <hers> because we used to

1 <live> in adjacent villages.

2 Q. But did she ever speak to you about what she had done during
3 the DK regime?

4 A. She did not discuss in detail since I know and I understand
5 what happened back in the past, and here I am testifying. I know
6 that my wife moved to Kampong Cham after she had <an> argument
7 with her <previous> husband. In fact, we knew our backgrounds but
8 we did not discuss any other matter in detail. To my knowledge,
9 she was involved in the 6 January Dam <at Kampong Thma,> not the
10 1 January Dam.

11 [15.58.34]

12 Q. Actually, I have one very last question. I apologize, Mr.
13 President.

14 Mr. Witness, this morning I read in two newspapers articles about
15 your testimony yesterday and it was about Ta Mok and what you had
16 said yesterday about Ta Mok.

17 In both newspaper publications, Ta Mok was referred to as "the
18 butcher". Now, it seems that you knew Ta Mok quite well. Are you
19 aware at all whether Ta Mok was ever called "the butcher" between
20 1975 and January '79 or before?

21 A. He was not a killer or executioner. I would like to deny such
22 accusation. <He was very busy dealing with the soldiers and he
23 had to go to many places. He did not have time to kill anybody.>
24 And as for journalists <who> say that he was an executioner and
25 butcher, <why did they not confront that with him when he was

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1 still alive?> I think he was not. <He was concerned about
2 soldiers not getting enough food, about people digging canals and
3 building dams. He did not have time to kill people.> However, I
4 do not know what his subordinates were doing at respective
5 districts.

6 As for that information, I am not sure and I do not know about
7 that. This is all if know, <> Mr. Lawyer.

8 Q. So the nickname "the butcher" doesn't mean anything to you?
9 [16.00.54]

10 A. You put the question to me and I do not know, in fact. If you
11 made a specific statement that he was the executioner killing Mr.
12 A or B, then I could provide the answer and I could comment. I
13 was not aware of the title given to him. I do not deny any
14 accusation against him, but I am not aware of it.

15 MR. KOPPE:

16 Thank you very much, Mr. Witness. Thank you, Mr. President.

17 MR. PRESIDENT:

18 The defence team for Mr. Khieu Samphan, what about the time that
19 you are going to use?

20 MS. GUISSSE:

21 Thank you, Mr. President. I believe we'll have about
22 three-quarters-of-an-hour<, one hour>, maximum.

23 [16.02.15]

24 MR. PRESIDENT:

25 Thank you. It is now time for the adjournment and the Chamber

106

1 will resume its hearing on Thursday 28 July 2016, at 9 a.m.

2 tomorrow.

3 The Chamber will continue hearing 2-TCW-1005, to its conclusion
4 and then proceed to hear 2-TCE-90. Please be informed and please
5 be on time.

6 Thank you, Mr. Witness, the hearing of your testimony as a
7 witness has not come to an end yet, you are therefore invited to
8 come and testify once again tomorrow morning.

9 Court Officer, please work with the WESU to send this witness to
10 the place where he is staying at the moment and please invite him
11 into the courtroom tomorrow.

12 Security personnel are instructed to take Khieu Samphan and Nuon
13 Chea back to the ECCC's detention facility and have them returned
14 into the courtroom before 9 a.m.

15 The Court is now adjourned.

16 (Court adjourns at 1603H)

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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.