



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

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

2 February 2016
Trial Day 367

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

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KHIEU Samphan

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I N D E X

Mr. SAO Van (2-TCW-989)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYSAK	English
Mr. MEAS Voeun (2-TCW-1008)	Khmer
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SAO Van (2-TCW-989)	Khmer

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

2 (Court opens at 0906H)

3 MR. PRESIDENT:

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

5 Today, the Chamber <concludes the> testimony of <witness> Sao Van

6 and begins hearing testimony of another witness, that is,

7 2-TCW-1008.

8 Mr. Em Hoy, please report the attendance of the parties and other

9 individuals to today's proceedings.

10 THE GREFFIER:

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

12 are present.

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

14 waived his rights to be present in the courtroom. The waiver has

15 been delivered to the greffier.

16 The witness who is to conclude his testimony today, that is, Mr.

17 Sao Van, is present in the courtroom. We also have a reserve

18 witness today, 2-TCW-1008, who confirms that, to the best of his

19 knowledge, he has no relationship, by blood or by law, to any of

20 the two Accused, that is, Nuon Chea and Khieu Samphan, or to any

21 of the civil parties admitted in this case.

22 The witness will take an oath before the Chamber. The witness has

23 Madam Sok Socheata as duty counsel.

24 [09.08.30]

25 MR. PRESIDENT:

2

1 Thank you, Mr. Em Hoy.

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

3 The Chamber has received a waiver from Nuon Chea dated 2nd
4 February 2016, which states that, due to his health, headache,
5 back pain, he cannot sit or concentrate for long and in order to
6 effectively participate in future hearings, he requests to waive
7 his right to participate in and be present at the 2nd February
8 2016 hearing.

9 Having seen the medical report of Nuon Chea by the duty doctor
10 for the Accused at ECCC dated 2nd February 2016, which notes that
11 Nuon Chea has severe back pain and he feels dizzy when he sits
12 for long and recommends that the Chamber grant him his request so
13 that he can follow the proceedings remotely from the holding cell
14 downstairs.

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

19 The Chamber instructs the AV Unit personnel to link the
20 proceedings to the room downstairs so that Nuon Chea can follow.

21 This applies to the whole day.

22 The Chamber now hands the floor to the defence teams, first to
23 the defence team for Nuon Chea.

24 You may proceed, Counsel.

25 [09.10.10]

3

1 QUESTIONING BY MR. KOPPE:

2 Thank you, Mr. President. Good morning, Your Honours. Good
3 morning, counsel. Good morning, Mr. Witness. My name is Victor
4 Koppe. I'm the International Counsel for Nuon Chea. Maybe you'll
5 remember me from asking you questions in July of last year before
6 the Supreme Court Chamber.

7 I'm going to be asking you some follow-up questions regarding
8 your testimony yesterday.

9 Yesterday and at the hearing at the Supreme Court Chamber, Mr.
10 Witness, you extensively spoke about two meetings. One was the
11 urgent meeting, as you called it, at Phnum Trael mountain, and a
12 meeting in Takeo provincial town.

13 [09.11.18]

14 I'm going to be asking you some more questions on the urgent
15 meeting at Phnum Trael a bit later, but let me now first go to
16 the meeting at Takeo provincial town. And I will do so by going
17 back to your testimony before the Supreme Court Chamber on the
18 2nd of July 2015.

19 Now, Mr. Witness, at around 10.35 in the morning, I asked you
20 whether you recalled a meeting at Takeo provincial town. And I
21 read to you an answer that you had given earlier, and then you
22 stated as -- at 10.43 as follows, and that I will quote to you:

23 "Yes, I could recall it. It took place -- the meeting took place
24 in Takeo province."

25 And then I asked you the following question:

4

1 "Do you now recall that you attended two different meetings, one
2 at Phnum Trael mountain and one at Takeo provincial town, during
3 which the issue of the fate of the Lon Nol military was
4 discussed? Is it correct that in two meetings you were instructed
5 or people were instructed not to harm military soldiers up to the
6 rank of Colonel? Is that correct?"

7 [09.13.08]

8 And then, Mr. Witness, you answered as follows:

9 "That is correct. Your two points summarized are correct."

10 A little further, you start talking about that meeting in Takeo
11 provincial town, saying it was held to the west of Phsar Chas,
12 the old market, and then you say the following, and that is
13 actually what I want to ask you some questions about.

14 At 11.09, you say the following when you discuss the meeting at
15 Takeo provincial town, and I quote you again:

16 [09.13.52]

17 "I can recall that I was jubilant upon hearing that foot soldiers
18 up to the rank of Colonel should not be harmed. And you asked me
19 what can I -- what I can remember during the meeting, and I can
20 tell you that throughout the war time, even before the entire
21 country had been liberated, Khieu Samphan made a radio broadcast
22 that foot soldiers, ranked soldiers and officials, bourgeoisie,
23 students and compatriots as well as the participants in the
24 liberation front, they would be pardoned and the Front would
25 adjudicate and prosecute only seven people, namely, Lon Nol,

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1 Sirik Matak, In Tam, Sosthene Fernandez, Long Boret, Cheng Heng
2 and Son Ngoc Thanh. This is what I can recall." End of quote.

3 My question to you now this morning, Mr. Witness, is the
4 following. Can you explain why you remembered the speech of Khieu
5 Samphan when you were talking about the meeting in Takeo
6 provincial town?

7 [09.15.30]

8 MR. SAO VAN:

9 A. Allow me to respond to your question. You asked me how I can
10 recall about that. Actually, Khieu Samphan made an announcement
11 before the entire country was liberated. He said for the ordinary
12 soldiers, the ranked soldiers and the civil servants as long as
13 they <dropped their> arms, <surrendered> and joined the Front,
14 then they would be pardoned.

15 The National Liberation Front would adjudicate and decide to
16 execute only Lon Nol, Sirik Matak, In Tam, Sosthene, Long Boret
17 and Cheng Heng. And that is the truth, and this is what I still
18 remember.

19 Q. I understand, but if it's possible for you -- I realize it's a
20 very long time ago, but I would like you to go back in your
21 memory to that meeting in Takeo provincial town and tell me if
22 you remember thinking at that particular meeting about Khieu
23 Samphan's speech.

24 [09.17.40]

25 A. At that time, the war did not end yet, as the entire victory

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1 was not yet achieved. I remember I listened to the radio and, of
2 course, it was not a general announcement on the radio. I had to
3 listen to it carefully -- secretly, rather. And I heard about the
4 circulars issued during war time to the cadres, that all cadres
5 had to be vigilant with the former civil servants.
6 Former civil servants, in this case, referred to the former <>
7 commune chiefs, <deputy commune chiefs, policemen, soldiers and
8 teachers as well as those who were living in the liberated zone>.
9 They had to be vigilant in case that they would react or oppose
10 the revolutionary movement <or the DK. Therefore, I remembered
11 that task.>

12 And before the entire country was liberated, Khieu Samphan spoke
13 about the ordinary soldiers, the ranked soldiers and the civil
14 servants, as long as they surrendered, they would be pardoned.

15 Q. I understand your answer, but maybe let me try something
16 different, Mr. Witness.

17 In that same answer to the Supreme Court Chamber, you also said
18 that, when I was asking you questions about the meeting in Takeo
19 provincial town, that you were jubilant. This feeling of being
20 jubilant, did that have something to do with the brother and the
21 position of your brother that you discussed yesterday?

22 [09.20.20]

23 A. Regarding the meeting that I attended in Takeo provincial town
24 near Phsar Chas, at the time I felt jubilant because the war
25 ended, so that feeling of jubilation at the time was not only

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1 meant for my elder brother, but it was meant for every Cambodian.
2 That is also for the former civil servants, and I'd like to make
3 a slight amendment to what I testified yesterday regarding my
4 elder brother.

5 In fact, when my elder brother<, Sao Sum> arrived in our native
6 village, the circular during wartime was still in effect, that
7 is, all cadres had to be mindful of the former civil servants
8 <such as commune chiefs, deputy commune chiefs, policemen,
9 soldiers and teachers>. So my brother, as a result, was detained
10 and sent for re-education.

11 And later on, I recalled what Khieu Samphan said, that the
12 re-education had to be ended for those people. And this is how I
13 remember it.

14 [09.21.52]

15 Q. Thank you, Mr. Witness. My final question -- not my final
16 question, but the question in relation to time, is it likely that
17 the meeting in Takeo provincial town took place shortly after
18 liberation in 1975, and not in 1976, a year later?

19 A. Allow me to reiterate it. The meeting held at Takeo provincial
20 town was in 1976, and when the meeting was held, I was actually
21 in Sector 25, but I made a trip to attend that meeting, which was
22 held in the Southwest Zone. And in fact, Ta Mok instructed each
23 province to send cadres to attend that meeting.

24 Q. Thank you, Mr. Witness. The reason I was putting that question
25 to you about the date is also because another person, another

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1 cadre that you knew, talked about a meeting in Takeo provincial
2 town during which it was discussed that Lon Nol soldiers up to
3 Colonel should not be harmed. This witness is Ta Chim, Pech Chim,
4 and he talks about that meeting, but he give some different
5 details as to the location.

6 And so I'm trying to find out whether he, in fact, spoke about
7 the same meeting or whether he spoke about another meeting in
8 Takeo provincial town.

9 Mr. President, I'm referring to Pech Chim's testimony on the 24th
10 of April 2015, at around 9.43 in the morning.

11 [09.24.36]

12 Mr. Witness, I'm asking questions to Pech Chim, and he said he
13 agreed that he attended the meeting, but he says, "I only
14 attended the meeting after 1975 behind the Party office where Ta
15 Mok also attended."

16 And then he says, "In Takeo, it was after the liberation. In
17 Takeo province, the meeting was held after '75." I presume after
18 17 April '75. And then he says, "It was held in one of the houses
19 along the river edge, north part of the provincial town."

20 Mr. Witness, I, myself, am not familiar with Takeo provincial
21 town. I believe you are.

22 You're talking about the west of Phsar Chas, and he refers to a
23 meeting held in one of the houses along the river edge behind the
24 Party Office.

25 Now, my question to you is, is he referring to another meeting in

1 Takeo provincial town?

2 [09.26.20]

3 A. I went to attend that meeting at Phsar Chas in the Takeo
4 provincial town. I did not know at the time whether Pech Chim
5 attended that meeting. However, from the excerpt in the question,
6 that is, in reference to the house by Pech Chim, there was such a
7 house to the west of the Phsar Chas in the provincial town of
8 Takeo <where> Ta Mok resided <>. That's all I know about this.
9 And maybe Pech Chim was invited <by Ta Mok> to attend that
10 meeting because he worked at the district. That is my personal
11 conclusion.

12 Q. So just to make sure I understand your testimony well, are you
13 saying that he possibly refers to another meeting than the
14 meeting that you refer to that took place in Takeo provincial
15 town?

16 MR. PRESIDENT:

17 Witness, please hold on.

18 And the Deputy Co-Prosecutor, you have the floor.

19 MR. LYSAK:

20 Thank you, Mr. President. I think Counsel is now trying to lead
21 and ask the witness to speculate. It certainly was appropriate to
22 ask him whether the location described -- the house described by
23 Chim was the place that he went to. He said it was. Now he's
24 asking the witness to do something he can't do, which is
25 speculate about whether Pech Chim went to additional meetings

10

1 that he didn't go to.

2 [09.28.17]

3 BY MR. KOPPE:

4 I think I'm -- I was entitled to ask that question, Mr.

5 President, because the witness described a meeting to the west of

6 Phsar Chas, the old market. Chim is referring, it seems, to

7 another place. I'm not entirely sure. But I'm happy to ask that

8 question again just so that everyone is sure.

9 Q. Mr. Witness, the meeting that Pech Chim referred to, based on

10 your experience and your knowledge of Takeo provincial town, was

11 that another meeting than that you discussed this morning and

12 yesterday?

13 MR. SAO VAN:

14 A. That meeting was a separate one.

15 [09.29.24]

16 Q. Thank you, Mr. Witness. Now let me return to the other

17 meeting, the meeting at Phnum Trael mountain, the "urgent"

18 meeting.

19 Now, yesterday and also in your testimony, you indicated that, in

20 your memory, the meeting -- that meeting took place one month,

21 maybe two months, after liberation. I'm trying now to see if I

22 can get a more exact date from you.

23 More particularly, Mr. Witness, I would like to ask you the

24 following. When you were at this meeting in Phnum Trael, do you

25 recall anyone at that meeting, or maybe even before that meeting,

11

1 refer to a much bigger meeting in Phnom Penh on 20, 21, 22 May,
2 where hundreds of cadres were invited to celebrate the 17 April
3 victory?

4 A. I did not know about the meeting held in Phnom Penh.

5 [09.31.13]

6 Q. That's -- that's not a problem, Mr. Witness. Let me now refer
7 to something that presumably you have no knowledge about, but
8 maybe you know similar examples.

9 Mr. President, I would like to go to Ben Kiernan's book, E3/1593,
10 English ERN, 01150043 and it's page 92 in the book, French;
11 00638827, and Khmer, 00637496.

12 Kiernan, this scholar, refers to an article in the Bangkok Post,
13 and it is about a former Lon Nol official and his family. And in
14 his book, Kiernan writes the following, "Indeed" -- no, let me
15 start with -- a little bit further:

16 "Independent sources reported that central authorities had
17 ordered an end to killings. According to an account in the
18 Bangkok Post on 25 June 1975, 'A former diplomat who escaped with
19 11 members of his family reported that, on May 31, a Khmer Rouge
20 official stopped him about 30 miles from the Thai border and told
21 him, "You are lucky. Three days ago, we received instructions not
22 to kill any more people of the old government".'"

23 Mr. Witness, three days before May 31 would be May 28,
24 considering the fact that there was a meeting in Phnom Penh
25 between 20 and 22 May and that the instruction was, as I said,

12

1 received on the 28th of May, is it possible that the meeting, the
2 urgent meeting in Phnum Trael mountain, was somewhere between 22
3 May and 28 May?

4 [09.34.14]

5 A. I want to make a clarification of the meeting I attended at
6 Phnum Trael. As I told the Court, I cannot recall exactly the
7 date and month of that year. What I can recall is that the
8 meeting was held after the liberation of 17 April 1975. It was
9 not long after the liberation. Perhaps it may have been one or
10 two months after the liberation that the meeting was held.

11 Q. Thank you, Mr. Witness. Now, let me move on to the speech of
12 Khieu Samphan that you referred to during the Supreme Court
13 Chamber hearing and also this morning.

14 Mr. Witness, in your testimony before the Supreme Court Chamber,
15 around 15.28, you said, and I quote:

16 "From what I heard, Khieu Samphan's broadcast was played before
17 the liberation and soldiers were urged on by Ta Mok to attack and
18 take control of Phnom Penh."

19 Do you recall saying that in respect of the time of Khieu
20 Samphan's speech?

21 [09.36.00]

22 A. Before the <entire> country was liberated, Ta Mok stated that
23 soldiers needed to attack <into Phnom Penh in order> to liberate
24 <Phnom Penh>. Ta Mok invited all soldiers in Sector 13 to a
25 meeting <at Ou Saray commune. Ta Mok declared the above

13

1 statement>. And later on, if we talked about the reporting
2 system, <I> had the <personal> radio as a communication system.
3 And at that time, I listened to the messages of Khieu Samphan
4 <before> the liberation of the <entire> country. <As I stated
5 earlier, he said that everyone was pardoned except> a group of
6 elite <who> were to be blamed <namely> Lon Nol, Sirik Matak,
7 Cheng Heng<, Sosthene, In Tam -- I cannot recall all their names
8 but I knew that there were> seven of them <>.

9 Q. Thank you, Mr. Witness. I'm sure you will not be able to
10 remember the exact date of that speech, but is it possible that
11 the speech that you refer to was held on the 26th of February
12 1975 --

13 Mr. President, E3/117 -- 26th of February '75, about a little
14 less than two months before the liberation?

15 [09.38.38]

16 A. Could you please repeat your question? I do not get it. I do
17 not really understand your question.

18 Q. Certainly, Mr. Witness. The Khieu Samphan speech that you
19 refer to, do you remember whether that was -- that speech was
20 given on or around the 26th of February 1975?

21 A. What I can recall is that the speech was made before the
22 country was liberated <and he was> in the capacity of the
23 commander-in-chief of the liberated soldiers.

24 Q. Thank you, Mr. Witness. Yesterday, and also earlier, you
25 testified that you were a member of the Cheang Tong National

14

1 United Front. Did you, in that capacity, listen with particular
2 interest to radio broadcasts or statements on behalf of the
3 National United Front of Kampuchea?

4 A. I was the <soldier in charge of> Cheang Tong commune when I
5 listened to the radio broadcast.

6 [09.40.57]

7 Q. Mr. President, with your leave, I would like to read an
8 excerpt of a statement on behalf of the National United Front of
9 Kampuchea and the Royal Government of the United Front of
10 Kampuchea. It's a bit longer than usual. That's why I gave the
11 interpreters the English version of that text, so that they have
12 it in front of them, because there's no French or Khmer
13 translation.

14 The document that I'll be reading from is E3/118, and it is a
15 statement, as I said, on behalf of FUNK and GRUNK.

16 Just for your background, I'm also reading this statement because
17 of the document that was shown yesterday by the Prosecution, the
18 S-21 document, E3/1539.

19 So I'll be reading now that excerpt, and I hope the translators
20 will be able to follow.

21 Mr. Witness, this statement is dated 26th of March, 1975, and it
22 reads as follows:

23 "On the bloody stage of Cambodia, U.S.--"

24 [09.42.38]

25 MR. PRESIDENT:

15

1 Please hold on.

2 You have the floor now, International Deputy Co-Prosecutor.

3 MR. LYSAK:

4 Yes. Thank you. Counsel. Can we just have the ERN page for this?

5 BY MR. KOPPE:

6 Of course, I apologize. That is 00166896. I'll start again:

7 "On the bloody stage of Cambodia, U.S. imperialism has again
8 presented a new farce in which its puppet, Long Boret, in his
9 capacity as the Prime Minister of the new government of the Khmer
10 Republic, launched another appeal to the Cambodians of the other
11 side requesting a cease fire. negotiations and national
12 reconciliation. This rotten super-traitor, Long Boret, has
13 shamelessly affirmed that the Khmer Rouge patriots have every
14 reason to come to an understanding with the Lon Nolites who,
15 according to him, are true democrats and patriots, breaking all
16 records of loyalty to the people, the country and national
17 independents, and even all records for honesty.

18 "On behalf of the National United Front of Kampuchea, the Royal
19 Government of the United Front of Kampuchea, and the Cambodian
20 People's National Liberation Armed Forces, I bring the following
21 to the attention of the entire world.

22 "First: The high officials and cadres of the sham Khmer Republic
23 are as different from the Khmer Rouge patriots as black and
24 white. For over the past five years, these sham republicans have
25 already broken all world records for national reason, moral

16

1 objection, social rottenness and corruption. The Cambodian people
2 will certainly eliminate them from our society and, thus, do them
3 justice.

4 [09.45.24]

5 "Second: Long Boret himself was condemned to death by the
6 Cambodian people at the end of the National Congress on 25th
7 February 1975. U.S. imperialism is grossly mistaken if it
8 believes that a Long Boret can bend the will of resistance of the
9 Khmer Rouge patriots and bring them to rally" -- Long Boret,
10 thank you -- "and bring them to rally to his foul republic any
11 better than Lon Nol.

12 Though not sentenced to death by the National Congress of the
13 Cambodian people, the other super-traitors, such as Kang Thun Hak
14 (sic), Pan Sothi, <Sak> Sutsakhan, Saukam Khoy, Lon Non, Khy
15 Taing Lim, Hou Hong, Kong Orn, Ly Khvan Pan, Loeng Nal, Iv Yang,
16 <Cheav> Seang Lean, Long Botta, Van Sar, Nguon Chean, Saing
17 Sarath, Ung Sikhun are no less true war criminals who, following
18 the liberation of Phnom Penh, will have to answer before state
19 justice for their innumerable evil deeds and terrible crimes,
20 whose victims over the past five years have been the fatherland,
21 the people, the nation and the Cambodian state.

22 [09.47.39]

23 "By offering such fascist arch rotten traitors, the worst
24 cowardly war criminals as the interlocutors to the National
25 Front, the royal government of the United Front, U.S. imperialism

17

1 has unpardonably insulted the memory of male and female Cambodian
2 patriots who sacrificed their lives for the loftiest and purest
3 ideas of the Cambodian people.

4 "I invite the United States to end this odious, ridiculous and
5 childish game without delay.

6 "Third:" -- this is the last part, Mr. Witness -- "The National
7 Front of Kampuchea, United Front of Kampuchea, the royal
8 government of the United Front of Kampuchea and Norodom Sihanouk
9 swear to fight to the death against U.S. imperialism. We swear
10 never to accept any negotiation or compromise with U.S.
11 imperialism and its lackey as long as we live." End of quote.

12 It's a long -- very long quote, Mr. Witness. I apologize for
13 that. But do you recall hearing this statement on the radio on
14 behalf of the United Front -- National United Front of Kampuchea?

15 [09.49.18]

16 MR. SAO VAN:

17 A. Regarding what you have just read, it is beyond my
18 understanding and knowledge. I do not know about this matter. I
19 listened to the radio broadcast for a brief moment, not a -- not
20 on a daily basis. And after hearing the speech, I was delighted
21 to hear that only a group of people were to be on the list, not
22 all of the people <across> the country.

23 Q. The person who gave this speech or, rather, who made this
24 statement was late King Father Norodom Sihanouk addressing the
25 people. And late King Father Sihanouk, in his statement, spoke

18

1 about war criminals, Lon Nol officials and soldiers being war
2 criminals.

3 Have you ever heard anything like that before?

4 A. I never heard of such statement.

5 Q. Have you ever listened to any of late King Father Norodom
6 Sihanouk's speeches in relation to former Lon Nol officials or
7 military?

8 A. I heard the statement of the late King Father after the coup
9 d'état by Lon Nol. The statement was to encourage all people to
10 <unite and> go into the <Maquis forest> so that we could liberate
11 the country, and <overthrow> Lon Nol, Sirik Matak, In Tam, etc.

12 Q. I realize this is a very difficult question, Mr. Witness, but
13 I tried to do my best just now to read the names of 21 other
14 super-traitors as clearly as possible, but did you -- do you
15 remember any of those names or do you recognize any of those
16 names that I just mentioned from the speech of late King Father
17 Norodom Sihanouk?

18 [09.52.41]

19 A. I have never heard of those names.

20 Q. Thank you, Mr. Witness. That's not a problem.

21 Let me move now to a -- to another topic, and that is something
22 else that happened or might have happened in Takeo provincial
23 town, possibly in 1973 or earlier.

24 Have you ever heard of Vietnamese people being treated badly by
25 the Lon Nol government in Takeo provincial town?

19

1 A. I do not know about this issue after the coup d'état. After
2 the coup d'état, <I held no significant rank yet.> I was simply
3 an ordinary villager in Trapeang Tuek village, Cheang Tong
4 commune.

5 [09.54.01]

6 Q. There is a witness who testified before this Chamber and who
7 was referred to yesterday as well, and he talked about many
8 "Yuons" being killed before 1975 in the Dai Pram (phonetic)
9 school in the provincial town of Takeo. Have you ever heard of
10 mass killings by Lon Nol officials of "Yuong" in the Dai Pram
11 (phonetic) school?

12 A. I do not know, and I was not aware of this particular issue.

13 Q. That's not a problem, Mr. Witness. Do you recall or do you
14 know whether there was any fighting going on between military
15 forces of the Southwest Zone on the one hand and Vietcong troops
16 on the other hand some time in 1973?

17 A. Regarding the fighting between troops, I do not have the
18 knowledge of it, but I heard of the political message in 1973, of
19 Ta Mok. Ta Mok <ordered> the cadres within the commune <to
20 instruct the> village <chiefs> not to sell rice to Vietnamese
21 troops who came to buy it. <Ta Mok> said that there was <peace>
22 in Vietnam<. Therefore, we must> keep economics to support our
23 <soldiers in the battlefield>.

24 [09.56.45]

25 Q. I understand, but I believe you might be referring to after

20

1 1975, because South and North Vietnam were reunified on the 30th
2 of April '75, or probably later. But I'm referring to clashes
3 between the Southwest Zone forces and the Vietcong in 1973 and
4 that, subsequently, all the Vietcong forces were forced to leave
5 Kampuchean territory. Do you know anything about that?

6 A. I understand about the statement you made. I do not know about
7 the <clash in> 1973, and what I know is that <in 1973,> Ta Mok<,
8 the Kampuchea United Front,> gave an order to the provinces,
9 districts, communes and villages not to sell rice to Vietnamese
10 troops. <I therefore followed this instruction.> So this is <what
11 I knew.>

12 [09.58.14]

13 Q. Mr. Witness, have you ever heard of organizations either
14 called Khmer Sar or the White Khmer, or Khmer Rumdo, the
15 Liberation Khmer. Khmer Sar or Khmer Rumdo?

16 A. I have never heard of <these> terms.

17 Q. Not a problem. Now I have some very small questions just for
18 clarification, Mr. Witness. Let me go to your DC-Cam statement,
19 E3/9118, on page 11. It's English ERN 01098756 and Khmer,
20 00957786. You were asked a question about the Revolutionary Flag
21 magazine, and you say, and I quote you as follows:

22 "The Revolutionary Flag guided us to refrain from leaning too
23 much to the left wing, nor much -- too much to the right wing."

24 And somewhere else, you repeat that.

25 Can you explain what that means or what you understood it at the

21

1 time to mean, not leaning too much to the left and not leaning
2 too much to the right? What did that mean?

3 [10.00.18]

4 A. The Revolutionary Flag stipulates that one should not be
5 leaning <too much> to the left and to the right. For instance, if
6 the instructions from the upper echelon were to instruct <the
7 farmers or> the mobile units to go work at one, so we should
8 consider about the <actual conditions before we order them>. If,
9 at 1 o'clock, <the weather> was <too> hot, so we should not
10 assign our people to go work at that time <> since it was too
11 hot. If we assigned them at that specific time, we were
12 considered to be leaning too much to the left<. If we assigned
13 people to build a dam in that exhausting weather, it would affect
14 their health. To avoid being too left or too right, we must
15 coordinate them to work in an orderly and timely manner. For
16 example, if our work started at 7 or 7:30, they had to be on time
17 and engaged seriously in the task.>

18 This is my understanding about the terms<>.

19 Q. You were, at one point in time, a CPK cadre yourself. Are
20 there any other examples that you could possibly give as what it
21 meant not to be leaning too much to the left?

22 [10.02.49]

23 A. In the actual implementation regarding the notion of the
24 leftist or the rightist tendency, allow me to clarify it once and
25 for all. And my apology if my response is long.

1 At that time, we were in the process of engaging the socialist
2 revolution, and that leading to the building of the country. <We
3 used the word "New." That time, Um Kea (phonetic), the> chief of
4 Sector 25 <informed us to engage> in the rice production in the
5 rice fields, that we had to <level the ground in order to have
6 10,000 metre squares of rice field>.

7 And in order to avoid being considered tendency to the left, we
8 had to get rid of our personal attachment or private ownership.

9 And in this particular example, <in one hectare of land, five
10 plows were used,> if the plough head was broken, it could mean
11 the person was alleged to be an enemy who opposed the socialist
12 revolution or the cooperative.

13 And I, myself, educated the person, and I made appeal to <> the
14 unit chief or the group chiefs not to scare <and punish> their
15 subordinates. And if we had our own rice fields <and there were
16 tree stumps in the soil,> when we ploughed, <we were careful
17 enough,> a plough head could be broken when it hit a hard
18 surface.

19 And now all the rice fields <became> one and, of course, a person
20 who ploughed might accidentally hit a tree stump and <brake> the
21 plough head. Since he was not the owner of the field and <he> was
22 not familiar where the tree stump was and, for that reason, he
23 should not be accused of being an enemy of the revolution. <This
24 is the example of not being a left tendency.>

25 As for the tendency toward the right, we also have to make a fair

1 assessment of that whether the person actually adhere to the
2 discipline of Angkar and not <> too liberal, or to make any dirty
3 jokes, for instance. All these kinds of things had to be getting
4 rid of.

5 And I hope my response is clear to you.

6 [10.06.18]

7 Q. Thank you for that, Mr. Witness. I'm almost coming to my last
8 question now, and that is, another thing that you said in your
9 DC-Cam interview, that is, on page 13, ERN 01098758, in English;
10 and Khmer, 00957789.

11 Mr. Witness, you're talking in this interview at that point about
12 meetings, meetings where Ta Mok were present. And the question is
13 as follows, "Did Ta Mok give any talks during the meetings?"

14 And then you said, and I quote:

15 "During the meeting, he came and talked for about half an hour,
16 and he told us to be very careful. He also said to Ta Saom and Ta
17 Muth, 'Lok Krou, Saom and Lok Krou, Muth, people say that you are
18 too cruel. Go back and apologize.'"

19 My question, Mr. Witness, do you recall saying this about Ta Saom
20 and Ta Muth being reprimanded as too cruel by Ta Mok?

21 [10.07.55]

22 A. I am delighted to respond to this question.

23 At that time, there was a yearly conference held near the base of
24 the Phnum Damrei Romeal mountain. I recalled he made mention of
25 the fact that the cadres shall engage in the production and to

24

1 encourage the people to do so. As for the leadership level at the
2 village and the commune or the provincial level, they did not
3 have the discretion or authority to kill anyone, and only the
4 zone or the centre level had that authority.

5 Then he turned his head to Saom and Muth <who were sitting beside
6 him>, and he said that also for Saom and for Muth, "<>I was told
7 that people were afraid of you. And when you go to meet the
8 people, you had to make them have confidence in you and not to
9 get scared of you. If people get scared of you, it means they
10 express their love only when you were there, and their hatred
11 after you left."

12 That is all I can recall.

13 [10.09.31]

14 Q. Thank you, Mr. Witness.

15 Mr. President, I have one last small topic. I could ask the
16 questions now or I could do it after the break. That's -- I leave
17 that up to you.

18 MR. PRESIDENT:

19 Thank you, Counsel.

20 The time is appropriate for a short break. We'll take a break now
21 and resume at 10.30.

22 Court officer, please assist the witness at the waiting room
23 reserved for witnesses during the break time and invite him back
24 to the courtroom at 10.30.

25 The Court is now in recess.

25

1 (Court recesses from 1010H to 1035H)

2 MR. PRESIDENT:

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

4 And the floor is now given to the defence team for Mr. Nuon Chea,
5 to resume the questioning. You may now proceed.

6 BY MR. KOPPE:

7 Q. Thank you, Mr. President. Good morning, again, Mr. Witness. My
8 last questions -- my last topic is -- is the following and,
9 again, I refer to something in your DC-Cam statement and I'm
10 seeking some clarification. That is page 21, ERN 01098766 and
11 Khmer 00957800.

12 In that DC-Cam statement, Mr. Witness, you -- you speak about
13 someone called Chan Chakrey; who was Chan Chakrey?

14 MR. SAO VAN:

15 A. I do not know Chan Chakrey

16 [10.37.32]

17 Q. Let me see if I -- I can refresh your memory, Mr. Witness. In
18 that particular page of your DC-Cam statement, you say that --
19 you say the following:

20 "However, after I had been there for a few months, I was
21 horrified to hear about the arrest of the military commander
22 Chakrey. I don't know where he's from."

23 Question: "Was he Chan Chakrey?"

24 And then you answer: "Well, he wasn't Chan Raingsey; he was Chan
25 Chakrey who used to be the commander of the Khmer Rouge troops.

26

1 There was an internal conflict between the East and Southwest
2 Zones. I learned about it when I went to live in Kandal Stueng.
3 What did you ask me a moment ago?" And then it goes on.
4 So, again, does that maybe refresh your memory, Chan Chakrey
5 being a military commander from the East?

6 [10.38.50]

7 A. I said I do not know this person. It is true that I do not
8 know him and I have never seen him personally. <Perhaps Yeay> Bau
9 <or grandma Bau>, the Kien Svay district committee, made mention
10 about the person by the name Chan Chakrey and she said the East
11 Zone soldiers had the conflicts with the Party. She <privately>
12 made a mention about the conflict<, not in a general meeting> .

13 Q. Do you remember whether she expanded on that, whether she gave
14 some more details as to this conflict, or is that all that she
15 told you?

16 A. She did not expand further on the issue. She was speaking
17 about this issue while -- while she was on the journey to Kampong
18 Svay, the location where I was living. She did not mention this
19 point in the <joint> meeting held among all cadres.

20 Q. And -- and the Chan Raingsey that you refer to, is that
21 Norodom Chan Raingsey from Kampong Speu Province?

22 [10.40.45]

23 A. Regarding Norodom Chan Raingsey, I heard this name from the
24 <army>. He was stationed at Kampong Speu Battlefield, the last
25 <collapsed stronghold> .

1 MR. KOPPE:

2 Thank you very much, Mr. Witness. Thank you, Mr. President. I'm
3 done.

4 MR. PRESIDENT:

5 The floor is now given to the defence team for Mr. Khieu Samphan.

6 MS. GUISSÉ:

7 Thank you, Mr. President. We do not have any complementary
8 questions for this witness.

9 [10.41.52]

10 MR. PRESIDENT:

11 So, good then. The hearing of this testimony of Sao Van, has come
12 to a conclusion now. Thank you, Mr. Sao Van, for coming to
13 testify before the Chamber for two days. Your testimonies will
14 contribute to the ascertainment of the truth. You may now be
15 excused.

16 You may return to your residence or to anywhere you wish to go. I
17 wish you good health, good luck, and prosperity in your life.

18 Court officer, please work with WESU to send -- to send Mr. Sao
19 Van to his resident or the location where he wishes to go.

20 (The witness exits courtroom)

21 [10.43.58]

22 MR. PRESIDENT:

23 Before the Chamber starts to hear 2-TCW-1008, the Chamber wishes
24 to hear <the oral> submissions on the request by the

25 Co-Prosecutor to admit into evidence six documents from other

1 case files into Case 002/02 and these documents are meant to use
2 during the examination of 2-TCW-1008. <The six documents are in
3 the request> E319/36, dated <11> November 2015<, five old
4 documents and a new one. The new document is> E319/22.3.32. These
5 documents are <the WRI of witness> 2-TCW-1008. <This is a new and
6 urgent request that the Chamber needs to sort out first before we
7 start to hear witness> 2-TCW-1008.

8 The floor is now first given to the Co-Prosecutor to submit his
9 request.

10 [10.44.27]

11 MR. DE WILDE D'ESTMAEL:

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

13 We have indeed filed a motion on the use of documents <that were
14 submitted as evidence to the Chamber in a previous motion>, but
15 the Chamber has not yet ruled on a number of <these> documents;
16 five documents to be more precise, four of those documents are
17 from witness 2-TCW-1008, who will testify <shortly>, and another
18 is by civil party E319/23.3.28.

19 I do not think this motion will pose any problem since we are
20 dealing with four records of interview from a witness who is
21 going to appear, so that record of interview should be used and
22 it is in the interest of <all of the parties and the Chamber>
23 that the document be <admitted into evidence>. Furthermore, the
24 documents <are> sufficiently recent <that> we cannot be faulted
25 for a late application. So we are requesting that we be allowed

29

1 to use <these> documents, since the Chamber has not yet ruled on
2 that application.

3 We have a fifth <document, and I believe I've made a mistake,
4 there is indeed a fifth> record of interview by the same witness,
5 E319/23.3.32. That document was proposed <to the Chamber> as an
6 evidentiary document by the Nuon Chea defence team <in another
7 motion, and like all the other teams, <we> would request that all
8 parties here present should be able to use that statement as
9 well.

10 So I do not think there should be any particular difficulty as
11 regards to that motion filed on the basis of Rule 87.4. It was
12 filed in November 2015, <if I'm not mistaken>. Thank you, Mr.
13 President.

14 [10.46.56]

15 MR. PRESIDENT:

16 Co-Lead Lawyers for civil party, do you wish to make any
17 submissions on the request of -- submitted by the International
18 Co-Prosecutor regarding the documents to be used in the
19 examination of 2-TCW-1008?

20 MR. PICH ANG:

21 We, Co-Lead Lawyer for the civil party, do not object to the
22 admission of these documents.

23 MR. PRESIDENT:

24 What about the defence team for Mr. Nuon Chea? You can now
25 proceed with your submission <>, if you have.

1 [10.47.43]

2 MR. KOPPE:

3 Mr. President, insofar as it concerns the WRIs of the upcoming
4 witness, we have no objection to having them admitted, but maybe
5 you do allow me to remind the Chamber of our -- our -- of our
6 pending oral request in relation to a DC-Cam statement of a
7 witness and a WRI of a witness from Division 164; that is,
8 E319/23.3.17.1 and E319/23.3.17.

9 You might recall we had a discussion about these two documents
10 last week. I intend to use them again -- or not again; I intend
11 to use them with this witness, so if it's possible, while we are
12 now discussing admitting these other documents, whether the
13 Chamber can also include in its decision a decision on our oral
14 application.

15 JUDGE FENZ:

16 Sorry, Counsel, was -- was that the document where we actually
17 sent an email asking you to clarify because it appeared that
18 there was some confusion in the record?

19 MR. KOPPE:

20 I'm not entirely sure. It is the document that the civil party
21 Lead Lawyer objected to. It was on the interface. It is the
22 DC-Cam statement of Nam Lan. I wasn't able to use it while
23 examining Prum Sarat, but I did make an oral application, so I
24 think that is still outstanding. I do not recall additional
25 questions from the Chamber in relation to these WRIs -- WRI and

1 -- and DC-Cam statements.

2 [10.49.51]

3 MR. PRESIDENT:

4 You have the floor now, Judge Lavergne.

5 JUDGE LAVERGNE:

6 Yes, to the best of my recollection, Counsel Koppe, what the
7 Chamber would expect of you is a reasoned application explaining
8 how the <criteria> under Rule 87.4 are fulfilled. If you simply
9 <filed a motion asking> that documents be admitted into evidence
10 without explaining why, you wouldn't make much progress with such
11 an application.

12 [10.50.26]

13 MR. KOPPE:

14 I -- I got that same question from Judge Fenz at the hearing of
15 Prum Sarat and I replied. I'm not sure what the -- my exact words
16 were but that this document is prima facie relevant because it is
17 a very extensive statement of this navy Division 164 person. He
18 talks only -- he talks solely about what happened in the DK
19 territorial waters. So it's -- it's basically the same kind of
20 statement that 2-TCW-1008 gave and that Prum Sarat gave, so --
21 well, I'm -- I'm happy to repeat the relevance.

22 As I said, it is extensively discussing treatment of Vietnamese
23 refugees, fishermen, Thai fishermen, Thai refugees, policy as to
24 what to do with the refugees, policies as to what was to happen
25 at the territorial sea. So the WRIs -- the two WRIs and the

1 DC-Cam statement are basically on the same level as Prum Sarat
2 and the upcoming witness, so my argument then and now is that his
3 WRIs and his DC-Cam statement are prima facie relevant to this
4 particular segment.

5 JUDGE LAVERGNE:

6 If I understand you correctly, Mr. Koppe, you are asking us to
7 revisit that issue because <I believe that during the previous
8 hearing,> the Chamber rejected that application, so I want to
9 understand clearly. You should bear in mind that one of the
10 criteria of Rule 87.4 is that the application should be filed in
11 a timely manner and in this regard, can you tell us when <these
12 documents were> disclosed <and what they contained>?

13 [10.52.31]

14 MR. KOPPE:

15 Let me go first. I made the oral application. It was my
16 understanding, but maybe that was wrong, that you hadn't decided
17 upon it; that's why I made the argument, at the time, answering
18 Judge Fenz' question why it was prima facie relevant. I -- it's
19 my understanding that it is also possible to do -- to make oral
20 applications, oral Rule 87.3 and 4 applications, so that's what
21 I've done.

22 I'm repeating now what I have said earlier about this document,
23 so I think, unless I'm mistaken, that that application was still
24 outstanding and like the WRIs of the next witness, you hadn't
25 decided upon it. So my question again is please decide on it so

1 that I can use it -- so I can use his DC-Cam statement with the
2 next witness.

3 [10.53.35]

4 MS. GUISSÉ:

5 Yes, thank you, Mr. President. As regards to documents referred
6 to by the Co-Prosecutor, it is obvious that <these are> witnesses
7 who <appeared or> will appear shortly, <and the Khieu Samphan
8 defence team does not object>.

9 One point I'd like to add, and this is something that may come up
10 one day as concerns the defence of Khieu Samphan, regarding Rule
11 87.4 applications <regarding> the belated nature of <the>
12 application, <which in this case concerns Division 164 and the
13 evidence that is solely produced within the framework of a
14 witness examination that the Chamber wanted to hear despite the
15 Defence's objection. Here,> I would like to point out that the
16 documents the OCP is requesting be admitted into evidence <are>
17 useful for the defence of Khieu Samphan as regards to the
18 examination of witnesses who have been called by the
19 Co-Prosecutor in the aftermath of the <WRIs in> Cases 003 and
20 004.

21 <I would like to remind you that Division 164 in particular, and
22 all> the issues involved <therein> are not in the Closing Order.
23 It is <therefore> true that these are issues that we <could not>
24 anticipate <before> the Chamber <decided> to hear <these>
25 witnesses identified after investigations <underway> in Cases 003

34

1 and 004. I would <also> like to point this <matter> out to the
2 Chamber as regards these specific witnesses. I am <not yet in
3 this situation, but when it comes to the tardy nature of the
4 motion,> this matter <must also> be taken into account.

5 [10.55.25]

6 JUDGE LAVERGNE:

7 Let me ask for a last clarification. <Has the> witness <we are
8 about to hear> been called by the Prosecution <or> by <the>
9 Defence, by Mr. Koppe?

10 MS. GUISSÉ:

11 Yes, indeed, that witness <was> called by my colleague, but
12 <after other witnesses from Cases 003 and 004 were accepted.
13 That's always the problem:> we are <reacting to> new <evidence>
14 that <is> coming up <through Case 002/02>. I would like to draw
15 the Chamber's attention to the fact that sometimes we have to
16 react to <factors> that didn't feature in the Closing Order <and
17 we do what we can>.

18 [10.56.03]

19 JUDGE FENZ:

20 To have it complete, Mr. Koppe, please do us the favour and tell
21 us why you couldn't make the request to hear the witness, the one
22 where you now requested us to rule on -- rule on, at an earlier
23 stage, because that's the other one under Rule 87.4; you have to
24 reason. The first one is 87.3; this is relevance, understood.
25 Now, please reason the second requirement, 87.4, then we have a

1 formal request.

2 MR. KOPPE:

3 Well, I can. The first moment that it became relevant that we
4 were going into the segment of or the partial segment of the
5 treatment of Vietnamese on the territorial sea; that was, I
6 think, around mid-December when the Chamber decided to hear Pak
7 Sok. When that decision was made, we filed a request to hear the
8 upcoming witness and the last witness.

9 [10.57.03]

10 As you know, it is a segment which was not discussed at all,
11 whatsoever, in the Closing Order; it's completely new to all
12 parties or at least the Defence.

13 While prepping the previous witness, we saw this particular
14 DC-Cam statement and immediately realized that this was very
15 relevant. It is true that we could have then filed an 87 request;
16 however, we just stumbled upon it two days before Prum Sarat's
17 in-court appearance. So we put it on the interface, but because
18 of the lack of resources, we weren't -- we didn't file an 87
19 request, so I did -- I filed an oral application at the hearing.
20 So, basically that is the reason behind it and maybe I can add to
21 request the Chamber some leniency because of the brand new
22 character of the subject and because of your decision to summons
23 Pak Sok only in mid-December and in light of the fact that
24 although you have granted extra resources to the Defence, we
25 haven't been able to substantially use those funds at all. As a

1 matter of fact, the administration's not very helpful, but that
2 -- having -- that's -- that's a matter on the side.

3 Technically, we could have done it earlier, but there was also
4 Christmas and New Years and what have you.

5 [10.59.00]

6 MR. PRESIDENT:

7 International Deputy Co-Prosecutor, what do you think concerning
8 the request of Nuon Chea?

9 MR. DE WILDE D'ESTMAEL:

10 Thank you, Mr. President. First, yes, it's true that the witness
11 <who is> coming was requested by the Nuon Chea defence. It's
12 clear. I simply want to specify <we were the ones who,> in
13 November, <I believe,> requested that <most of the> WRIs <from
14 this witness> be <admitted into> evidence before the Chamber.
15 Now, regarding the application that was <put together> now, the
16 last time we objected to it because procedures are in place and
17 formal submissions on the basis of Rule 87.4 must be written and
18 sent to the Chamber <and documents cannot simply be
19 surreptitiously placed on the interface>. We had this <exchange>
20 because there was a violation <of> the principles of an
21 adversarial debate and we were not expecting this document to be
22 placed on the interface but now, we were expecting it<, I admit,>
23 because it's already been a week that we've been talking about
24 this, so we do not object formally to placing this document on
25 the interface, nor <do we object> to the request regarding the

37

1 use of this document by the Nuon Chea defence today. <Although we
2 must point out that> these are documents that were <> disclosed
3 by the prosecutors following rather belated> authorization by the
4 OCIJ <>. But in the future, however, it would be useful for
5 things to be clear in our proceedings that the Defence formulates
6 requests on <> the basis of 87.4 rule in a timely manner <so that
7 we don't always have to be in this situation and hold a debate
8 during the hearing. That's all I have to say, Mr. President.>

9 [11.01.16]

10 MR. PRESIDENT:

11 Lead Co-Lawyer for civil parties, do you have any responses to
12 the request by the defence team for Mr. Nuon Chea in relation to
13 the admission of documents <into evidence> to be used in the
14 examination of 2-TCW-1008?

15 MS. GUIRAUD:

16 We will rely on the Chamber's wisdom, Mr. President.

17 JUDGE FENZ:

18 Can I just ask counsel for Nuon Chea, can you remind us of the
19 number of the document -- the one you want a decision on?

20 [11.02.03]

21 MR. KOPPE:

22 E319/23.3.17.1. It's worthwhile mentioning that he also gave two
23 interviews to the investigators, I'm not going to be using those
24 WRIs, but it makes sense to have them added, as well, and these
25 are respectively E319/23.3.17 and E319/23.3.18. WRIs and DC-Cam

1 think -- DC-Cam statement, I think, were disclosed in -- in June
2 2015, but I'm not quite sure.

3 JUDGE FENZ:

4 So for the record to be completely clear, your request according
5 to 87.4 extends to the three documents you just mentioned and the
6 reasoning is the same?

7 [11.03.05]

8 MR. KOPPE:

9 Correct.

10 JUDGE FENZ:

11 Prosecution, any additional comments on the other two documents?

12 MR. DE WILDE D'ESTMAEL:

13 We will rely on the Chamber's wisdom, <Your Honour>.

14 JUDGE FENZ:

15 The same with all the other parties, I assume, or does anybody
16 wish to comment? Okay.

17 (Judges deliberate)

18 [11.04.36]

19 MR. PRESIDENT:

20 After having heard parties for the two requests, that is, one
21 request by the Co-Prosecutors to admit certain documents <into
22 evidence> in order to be -- to use to question 2-TCW-1008, as
23 well as the oral request by the defence team for Nuon Chea for
24 the Chamber to admit documents -- three documents <into evidence>
25 for the purpose of questioning 2-TCW-1008, the Chamber decides to

1 admit into evidence documents proposed by the Co-Prosecutors,
2 that is, E319/23.3.28, E319/23.3.29, E319/23.3.30, E319/23.3.31,
3 <E319/23.3.32>, and E319/23.3.3.

4 And the Chamber will also admit into evidence the documents
5 requested by the defence team for Nuon Chea, that is, documents
6 E319/23.3.17, E319/23.3.17.1, and E319/23.3.18. And the Chamber
7 will issue the written decision with reasons in due course.

8 We now proceed with hearing testimony of witness 2-TCW-1008.
9 Court officer, please usher the witness as well as the duty
10 counsel into the courtroom.

11 (Witness enters the courtroom)

12 [11.08.26]

13 QUESTIONING BY THE PRESIDENT:

14 Q. Good morning, Witness. What is your name? And please, Witness,
15 you need to wait for the phone to be operational when you see the
16 red light on the tip of the microphone. This is also a good thing
17 for you so that you have a chance to think of how to respond to
18 the question. So please wait until the microphone is operational
19 because your response will be interpreted into English and French
20 and there would be a slight delay so that the interpreters could
21 do their job properly.

22 Again, what is your name?

23 [11.09.26]

24 MR. MEAS VOEUN:

25 A. My name is Meas Voeun.

40

1 Q. Thank you, Mr. Meas Voeun, and do you recall when you were
2 born?

3 A. I cannot recall my <day and month> of birth; however, I was
4 born in 1944.

5 Q. <Where> were you born, Mr. Meas Voeun?

6 A. I was born in Srae Khlong village, Ou commune, Phnum <Sruoch>
7 district, Kampong Speu province.

8 Q. Where is your current address?

9 A. Currently, I live in Thma Daekkeh Village, Banteay Chhmar
10 Commune, Thma Puok District, Banteay Meanchey Province.

11 Q. And what is your current occupation?

12 A. I am a rice farmer.

13 Q. What are the names of your parents?

14 A. My father is Meas; he's deceased and my mother is Im -- Pen
15 Im; she's also deceased.

16 Q. What is the name of your wife and how many children do you
17 have?

18 A. My wife is <Em (phonetic)> Yim. We have eight children; one
19 passed away.

20 [11.11.35]

21 Q. Mr. Meas Voeun, the greffier made an oral report that to your
22 best knowledge, you are not related by blood or by law to any of
23 the two accused, that is, Nuon Chea and Khieu Samphan, or to any
24 of the civil parties admitted in Case 002; is that information
25 accurate?

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1 A. Yes, that is correct.

2 Q. And Mr. Meas Voeun, what religion are you practicing?

3 A. I am a Christian.

4 MR. PRESIDENT:

5 Thank you and Mr. Em Hoy, please proceed with the swearing of
6 this witness according to his religion <before the Chamber>.

7 [11.12.52]

8 THE GREFFIER:

9 Thank you, Mr. President.

10 And Mr. Witness, please place your left hand on the Bible and
11 raise your right hand. Please repeat after me.

12 MR. MEAS VOEUN:

13 I solemnly declare that I shall tell the truth, the whole truth,
14 and nothing but the truth.

15 THE GREFFIER:

16 Thank you.

17 BY MR. PRESIDENT:

18 Thank you, Mr. Meas Voeun. The Chamber now would like to inform
19 you of your rights and obligations as a witness before this
20 Chamber.

21 Your rights: As a witness in the proceedings before the Chamber,
22 you may refuse to respond to any question or to make any comment
23 which may incriminate you. That is your right against
24 self-incrimination.

25 [11.14.18]

1 For your obligations: As a witness in the proceedings before the
2 Chamber, you must respond to any questions by the Bench or
3 relevant parties except where your response or comment to those
4 questions may incriminate you, as you have just been informed of
5 your right as a witness. You must tell the truth that you have
6 known, heard, seen, remember or experienced or observed directly
7 in relation to an event or occurrence relevant to the questions
8 that the Bench or parties pose to you.

9 Q. Mr. Meas Voeun, have you been interviewed by investigators of
10 the Office of the Co-Investigating Judges; if so, how many times,
11 when, and where?

12 [11.15.17]

13 MR. MEAS VOEUN:

14 A. I was interviewed at my home for one time and besides that I
15 have been interviewed here at ECCC for three times.

16 MR. PRESIDENT:

17 So in total, you have been interviewed by OCIJ investigators for
18 four times; is that correct?

19 A. Yes.

20 Q. Thank you. And before you appear before us, have you read,
21 reviewed or have them read aloud, that is, the four written
22 records of your interviews with OCIJ investigators, in order to
23 refresh your memory?

24 A. Yes, I have read some of them; however, I cannot recall all
25 the points in the WRIs.

1 Q. And to your best knowledge and recollection, do WRIs reflect
2 the statements you provided to the OCIJ investigators during your
3 four interviews?

4 A. Yes, some of them.

5 [11.17.00]

6 Q. What you mean; my question is that whether the content of the
7 written records of interviews are consistent with the statements
8 that you provided to the investigators and if there are problems
9 with those WRIs, we have to resolve the matters first before you
10 can testify. That is the question that I put to you. So please
11 tell us whether the written records of your interviews are
12 consistent with what you told the OCIJ investigators. I
13 understand that you have been interview quite some times and in
14 addition, you have been interviewed several times, so please
15 indicate to the Chamber whether those written records reflect
16 what you said to the investigators.

17 A. Some points are consistent, but some other points are not.

18 [11.18.16]

19 Q. Thank you, Mr. Meas Voeun. You are now assisted by a duty
20 counsel per your request, that is, Madam Sok Socheata. When need
21 be, you may consult with your duty counsel, that is, to consider
22 those questions that you may think your response may incriminate
23 you. Then if that is the case then you should consult with your
24 duty counsel. For instance, whether you participated directly in
25 relation to the crimes that happened during the DK period.

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1 However, please be mindful of your obligations that you need to
2 respond to all the questions and that you need to tell the truth;
3 do you understand the proceedings?

4 A. Yes, I do.

5 [11.19.43]

6 Q. Pursuant to Rule 91 bis of the ECCC Internal Rules, the
7 Chamber will give the floor to the defence team for Nuon Chea to
8 put questions to this witness before other parties, since you are
9 the proposer to hear this witness. And the two defence teams will
10 have the allotted time of two sessions. The defence team for
11 Khieu Samphan will have the last -- will put the questions last
12 to the witness per our practice.

13 QUESTIONING BY MR. KOPPE:

14 Thank you, Mr. President. Good morning, Mr. Witness. You -- you
15 just or testified that you'd tell the truth and you swore on --
16 on the Bible. This means, of course, that you are a Christian.
17 In your DC-Cam statement, you made a small reference to your
18 Christian faith; your DC-Cam statement is E3/8752, and you
19 referred that you were Christian in the same matter -- manner as
20 one of the people brought before this Court, Duch. My question to
21 you is: Were you always a Christian or did you become a Christian
22 after 1979?

23 [11.21.39]

24 MR. MEAS VOEUN:

25 A. I became a Christian in 1993.

1 Q. Thank you, Mr. Witness. Let me now move to the period of '75
2 and '79, but also to the period before the liberation on 17 April
3 '75. More particularly, I would like to ask you something that
4 you said in your DC-Cam statement on English, page 2, ERN
5 00849487 and Khmer 00733313. There's no French translation, Mr.
6 President.

7 You spoke, in that DC-Cam statement, about the period between or
8 even before 1970, before the coup d'état in March 1970, and you
9 spoke about your -- your brothers; can you tell the Court what
10 happened to your brothers before 1970?

11 [11.23.11]

12 A. I don't think there is anything to do with my younger
13 brothers; all my younger brothers passed away. I don't think I
14 made mentioned of my younger brothers in my statement.

15 Q. Let -- let me see if I can refresh your memory, Mr. Witness.

16 It's -- it's already five years ago or six years ago that you
17 gave that interview. Let -- let me quote to you what you said.

18 "After I had left for the forest, I was known of having served
19 the activities of the Khmer Rouge, thus my older brother, who was
20 about 30 years old, got arrested and taken away to be killed in
21 Ou Commune, Phnum Sruoch District., Kampong Speu Province during
22 the Lon Nol regime. Later on, my younger brother also got
23 arrested and killed, so was an uncle of mine because I had had a
24 tendency to the Khmer Rouge."

25 I apologize; you were referring actually to the period of '70 -

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1 '75. Is it correct, Mr. Witness, that your older brother, your
2 younger brother, and your uncle got killed between '70 and '75
3 because you were suspected of having Khmer Rouge tendencies?
4 [11.25.06]

5 A. Yes, that statement jogs my memory. Before 1970, that is, the
6 period of around 1967 when I left for the forest, my elder
7 brother was arrested because of his link to those who lived in
8 the forest, that is, he provided food to those who lived in the
9 forest <>. So one of my elder brothers was arrested along with my
10 younger brother-in-law and one of my <older> cousins was also
11 arrested and they were taken and killed at Phnom Trapeang
12 Kraloeng mountain.

13 Q. On -- on the next page, you -- you say, "I fled into the
14 forest because I was afraid of the Lon Nol's intelligence
15 agents."

16 Were you afraid of the Lon Nol intelligence agents because of the
17 killing of your brothers and uncle or was there another reason?
18 [11.27.00]

19 A. I went to the forest, but my older and younger siblings
20 remained at home. Some people came to the village asking the
21 villagers for rice and for some reasons, they observed the
22 activity and that led to the arrest of my sibling.

23 Q. Thank you, Mr. Witness. Let me now move on to the attack --
24 the final attack on Phnom Penh in 1975. You have testified
25 extensively about this already during the four days that you were

1 questioned in this courtroom in 2012. Nevertheless, I have a few
2 additional questions that I would like to put to you.

3 In your DC-Cam statement on -- on page 9, that is, ERN 00849494
4 and Khmer 00733320, you're talking about the attack on Phnom Penh
5 and then you said, and I quote:

6 "At that time, it was the East Zone's division followed by the
7 Southwest's Zones, West Zone, and Northwest. They finally joined
8 hands with each other."

9 I'm not sure if, in the actual interview, you referred to the
10 Northwest, but leaving that aside, do you recall saying that once
11 Phnom Penh was captured, the forces of the East Zone and the
12 Southwest Zone and the North Zone joined hands together or joined
13 hands with each other?

14 [11.29.39]

15 A. During the attack on Phnom Penh, there were those troops from
16 the East, the North, and the Southwest as well as the special
17 zone; they joined hands to attack Phnom Penh.

18 Q. Once Phnom Penh was captured, do you know whether there were
19 also clashes in Phnom Penh between East Zone forces and Southwest
20 Zone forces?

21 A. No, there was no clash, to my knowledge, or at least where I
22 was.

23 Q. Thank you. Do you remember that, at one point in time, former
24 Lon Nol soldiers raised the white flag?

25 A. Yes, they did. The <> white flags were raised also at -- along

1 those apartments or houses.

2 [11.31.31]

3 Q. And once the Lon Nol soldiers had raised the white flag, what
4 was the instruction in your division to do; what were you
5 supposed to do with soldiers who had raised the white flag? I'm
6 asking you only to limit yourself to your division.

7 A. I received instructions to the effects that when the enemy
8 raised the white flag, then they should not be harmed and they
9 should be placed where they were and only the weapons had to be
10 collected.

11 MR. PRESIDENT:

12 Thank you, Counsel. It is now appropriate for a lunch break. We
13 take a break now and resume at 1.30 this afternoon.

14 Court Officer, please assist the witness at the waiting room
15 reserved for witnesses during their lunch break and invite him,
16 as well as the duty counsel back into the courtroom at 1.30.

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

20 The Court is now in recess.

21 (Court recesses from 1133H to 1332H)

22 THE PRESIDENT:

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

24 And the floor is once again given to the defence team for Mr.

25 Nuon Chea to resume its questioning. You may now proceed.

1 BY MR. KOPPE:

2 Q. Thank you, Mr. President. Good afternoon, Your Honours. Good
3 afternoon, Mr. Witness. Just before the break I asked you a
4 question about Lon Nol military raising the white flag in Phnom
5 Penh on or around the 17th of April 1975. From your testimony I
6 understood that you only stayed about a week in Phnom Penh and in
7 your DC-Cam statement at English page 10, ERN 00849495; and
8 Khmer, 00733321; you said that after the explosives and rifles
9 were confiscated, "We left the city, thus" -- quote -- "thus I do
10 not know what happened behind the scene."

11 [13.34.00]

12 I understand that, but it's also my understanding that once you
13 left Phnom Penh you went to Kampot and stayed for about 10 months
14 or maybe a year in Kampot. Do you know what happened to Lon Nol
15 military who had been captured in April '75? Do you know if
16 anything happened to them while you were in Kampot?

17 MR. MEAS VOEUN:

18 A. After I was reassigned from Phnom Penh to Kampot, I was sent
19 to Kampong Trach, Tuk Meas. I do not know that Lon Nol's soldiers
20 had already been there. Upon my arrival I noticed there were
21 villages and villagers there. I was assigned to go and <to have>
22 the railway <repaired because> some parts were broken.

23 Q. Let me ask it differently, Mr. Witness. Were you yourself or
24 any members of your division involved in the execution of Lon Nol
25 military who had raised the white flags either coming from Phnom

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1 Penh or coming from Kampot?

2 [13.37.01]

3 A. My soldiers were not engaged in the killings and executions
4 since there were no Lon Nol soldiers <when we moved from Phnom
5 Penh to Kampot.>

6 Q. While in Kampot before moving to Koh Kong, have you ever heard
7 of Lon Nol military who had raised the white flags who had
8 subsequently been executed?

9 A. I have never heard of that.

10 Q. Let me briefly return to the evacuation or the liberation and
11 the subsequent evacuation of Phnom Penh. In one of your WRIs and,
12 more particularly, E3/424 in question and answer 5, you said the
13 following. The question is, "If any Phnom Penh people refused to
14 leave did the Khmer Rouge upper echelon instructed to shoot those
15 people to death?" And you answer, "No instruction to shoot people
16 to death."

17 Can you elaborate on how that particular order that you described
18 was conveyed to you?

19 [13.39.07]

20 THE PRESIDENT:

21 Please hold on, Mr. Witness. You have the floor now,
22 International Deputy Co-Prosecutor.

23 MR. DE WILDE D'ESTMAEL:

24 Thank you. Good afternoon, Mr. President.

25 When the questions have to do with the Lon Nol soldiers I <don't>

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1 object. But when it has to do with the evacuation of Phnom Penh
2 <itself,> and particularly the case of civilians being evacuated,
3 I think the defence is erring as regards to the trial in point,
4 because <he> will have to come back before the Supreme Court
5 chamber next week <or in two weeks,> because we have already
6 dealt with this point. <We already debated these points on
7 several occasions, in Case 002/01, and in my opinion> it's no
8 longer a part of Case 002/02. So I think this question is not
9 relevant. <Thank you.>

10 MR. KOPPE:

11 I am a bit puzzled. I just have -- I mean the matter was
12 extensively discussed in Trial 002/1, I agree, but there is one
13 or two follow-up questions that I have. That's why I didn't also
14 ask an open question first because the subject has been debated.

15 [13.40.20]

16 JUDGE FENZ:

17 Just explain in two sentences why it is relevant as opposed to
18 what the Prosecutor alleges.

19 MR. KOPPE:

20 Because of my upcoming question, I want to establish the basis
21 first, have him confirm this and then move onto the question that
22 I wanted to pose to him. That all has to do -- I am happy to
23 expand on that question already. It is whether he knows if the
24 East Zone Division commanded by one of -- by one of the people
25 that we would like to have as a witness here, had equal

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1 instructions or orders. That is my follow-up question.

2 (Judges deliberate)

3 [13.42.32]

4 JUDGE FENZ:

5 Counsel, I guess the confusion is because is even your follow-up
6 question about evacuation of civilians? Then we have a problem
7 with the scope.

8 MR. KOPPE:

9 The question I want to ask is whether he knows that East Zone
10 Division Commander Heng Samrin, who was in equal position as he,
11 whether he knows he had that same order, whether he knows whether
12 those orders also were given to the East Zone which in turn might
13 be helpful for not having to ask that question to that person
14 himself who probably will never enter this courtroom. I was just
15 being -- just trying to get some more knowledge on Heng Samrin as
16 the East Zone Division commander. That's all.

17 JUDGE LAVERGNE:

18 But <does> all this <have> to do with the evacuation of civilians
19 from Phnom Penh<, or does> it have to do with the treatment <of>
20 Lon Nol soldiers? I do not understand.

21 [13.43.51]

22 MR. KOPPE:

23 I really don't understand why I cannot answer this question. I
24 know we don't deal with the evacuation as such anymore but there
25 was only one question and it's a follow-up question for

1 clarification and it goes to the military structure of the East
2 Zone Division and I was wondering whether he knows something
3 about that. What is the problem?

4 THE PRESIDENT:

5 You are allowed to put questions. Please repeat your last
6 question.

7 And, Mr. Witness, please listen to the question carefully before
8 you give your response.

9 [13.44.36]

10 BY MR. KOPPE:

11 Q. Thank you, Mr. President. Mr. Witness, you said that there was
12 an upper echelon instruction not to shoot people dead once they
13 refused to leave Phnom Penh. My question is the following:

14 Someone in, I believe, an almost similar position as you, maybe
15 the exact same position as you, Heng Samrin, Deputy Commander of
16 the East Zone Division, do you know whether he had that same
17 order, whether he had that same instruction as you?

18 MR. MEAS VOEUN:

19 A. Regarding the order not to shoot dead, soldiers and <>
20 evacuated people, I did receive that order. I received such order
21 from the division level and I do not know how the order was
22 issued to the East Zone military. I was part of Division Number
23 1, so I knew only the order that I received.

24 Q. I understand, but have you ever heard in that week that you
25 were in Phnom Penh, that East Zone military behaved differently

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1 than the divisions from the Southwest Zone that you were from?

2 [13.46.21]

3 A. I cannot speak for the East Zone soldiers since we were
4 engaged in different tasks. I was responsible for my designated
5 location and the East Zone military were responsible for their
6 respective zones. We were ordered not to touch <the> properties,
7 <> people and also not to harm the soldiers.

8 Q. Very clear, thank you, Mr. Witness. Let me now, before I go to
9 Koh Kong, ask you one or two clarifications as to the structure
10 of your division and the upper echelon. In your DC-Cam statement
11 but also in various WRIs you speak about Son Sen and you speak
12 about Ta Mok. Son Sen is, as you pointed out, or was rather, the
13 chief of the general staff but, according to you, Ta Mok was the
14 commander-in-chief and the commander of the battlefields, the
15 military commander-in-chief of all three branches of the
16 military. He could command any force and he was more powerful
17 than Son Sen.

18 First of all, did I summarize that correctly and, secondly, could
19 you explain to me how you knew this?

20 [13.48.27]

21 THE PRESIDENT:

22 Please hold on, Mr. Witness. You have the floor now,
23 Co-Prosecutor.

24 MR. DE WILDE D'ESTMAEL:

25 Thank you, Mr. President. I do remember having read that but

1 could the Defence specify the document in question and the ERN
2 numbers? <That would make it easier. Thank you.>

3 BY MR. KOPPE:

4 Yes, I will, Mr. President. He said it among other places in his
5 DC-Cam statement on English page 25, English ERN, 00849510;
6 Khmer, 00733339. He also said it in his WRI E3/19/23.3.30 both in
7 questions 5 and 24.

8 Q. So going back to my question, Mr. Witness; first of all, did I
9 summarize your testimony in relation to Ta Mok accurately, that
10 he was the military commander in chief of all three branches of
11 the battlefields and had more power than Son Sen?

12 A. That is correct.

13 Q. And my follow-up question is can you explain to the Court how
14 you knew this?

15 [13.50.30]

16 A. Could you again clarify for me the notion of all three
17 branches of military? I do not really understand it.

18 Q. You referred to the navy, the army and the air force and you
19 said that Ta Mok was the military commander in chief of all these
20 three branches of the military so, in fact, from a military
21 perspective, higher than Son Sen?

22 A. I am now telling the Court about the chain of command.

23 Regarding all the three branches of the military; navy,
24 <infantry> and air forces, I did not know the tasks that he
25 performed but what I saw at the time, he had the authority to

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1 issue orders to all three branches of the military; navy,
2 <infantry> and air forces.

3 [13.52.04]

4 Q. But I'm still not quite sure how you knew that Ta Mok was sort
5 of overall military commander, military commander in chief. How
6 did you know at the time?

7 A. I knew that since he was entitled to order my soldiers and the
8 other soldiers had to receive his order as well. And I do not
9 know how broad his authority -- his power at the time.

10 Q. Very well, thank you. I will move on, Mr. Witness. Was it
11 correct what I just said that before you moved to Koh Kong you
12 were about 10 to 12 months stationed in Kampot?

13 A. It is not correct. <I> was <stationed in Kampot> about three
14 and four months.

15 Q. I am not saying you are not correct, but let me read to you
16 what you said before this Trial Chamber on the 4th of October
17 2012, at around 9.56 in the morning.

18 "I was stationed in Kampot Province for about a year. If I
19 remember correctly, it was about 10 months or so in Kampot
20 Province and then my troops were transferred to Koh Kong
21 Province. It was in '76, yes. That was in late '76 or nearly
22 '77."

23 Does that somehow jog your memory?

24 [13.54.29]

25 A. I was stationed at Kampot for three or four months before I

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1 was transferred to Koh Kong where I was stationed there for three
2 years. Then I was reassigned to be stationed at Preah Vihear. I
3 was at Kampot, as I said, <it was less than a year,> for six
4 months the longest and, as I said, I was working at Koh Kong for
5 three years. I was in Kampot not long.

6 Q. Very well, thank you. Let me now turn to your work in Koh
7 Kong. You became the Deputy Commander of Division 1 and Division
8 1 belonged to the West Zone and operated, broadly speaking, at
9 the coast of Koh Kong Province. Is that correct?

10 [13.55.48]

11 THE INTERPRETER:

12 The interpreter could not hear the full answer from the witness.

13 MEAS VOEN:

14 A. Yes, that is correct.

15 Q. Is it correct to say that Division 1 was in fact the ground
16 force of the West Zone?

17 A. That is correct.

18 Q. Is it also correct to say that the division reported to the
19 chief of the West Zone, to Chou Chet, also known as Ta Si and
20 that Ta Soeung was the commander of Division 1?

21 A. Ta Soeung. I want to clarify it for the Court. I was the
22 deputy of the division in Koh Kong.

23 I never made the report to Ta Si but to Ta Soeung.

24 Q. I understand but he was the commander of Division 1, Ta
25 Soeung. That is correct, isn't it?

1 A. Yes, it is.

2 Q. Now, I believe that in Koh Kong there were also troops
3 stationed that didn't belong to Division 1 at the West Zone, but
4 belonged to Division 164 which was a navy -- which was the navy
5 or a centre division. Is that correct?

6 [13.57.50]

7 A. Divison 1, which was stationed at Koh Kong, was not under navy
8 in Kampong Som. Division 1 belongs to the West Zone. So once
9 again, Division 1 was not under the supervision of the division
10 from Kampong Som. And the reporting system was not to report to
11 the division from Kampong Som. Division 1 had to make the report
12 to the zone.

13 Q. Maybe I wasn't clear enough but I wasn't implying that. I was
14 just asking your confirmation whether these two divisions existed
15 next to each other both in Koh Kong and both in -- only in Koh
16 Kong; is that correct?

17 A. Could you please repeat once again regarding the division? I
18 do not really get your question.

19 [13.59.18]

20 Q. I apologize for not being clear. My point was that Division
21 164 which was a centre division co-existed, existed next to
22 Division 1 of the West Zone. Is that correct?

23 A. Actually, Division 164 was originally from other zone and
24 Division 1 was from a different zone. Division 164 was stationed
25 initially in Kampong Som and Division 1 was at Koh Kong. So we

1 were not working -- mixed together.

2 Q. Maybe there is something going wrong in the translation, but I
3 think we mean the exact same thing, Mr. Witness. Let me move on.
4 Is it correct that neither division was more powerful than the
5 other division? In other words both divisions were equally
6 powerful?

7 A. Let me clarify. Division 64 (sic) was more powerful than the
8 zone.

9 Q. Let me read to you what you said to the investigators, that
10 is, E319/23.3.30, question and answer 17.

11 "Between the navy and Division 1 of the West Zone, neither was
12 more powerful than the other. Division 1 was the ground force of
13 the West Zone. The role of Division 1 was to defend the territory
14 along the border in the West Zone." etc.

15 So you are saying that both divisions within their own structure
16 were equally powerful. Is that correct?

17 A. Yes.

18 [14.02.24]

19 Q. What about orders coming respectfully from the West Zone to
20 Division 1 and coming from the Centre to Division 164? Were they
21 the same kind of orders? Did Division 164 and Division 1
22 cooperate together and did they generally receive the same kind
23 of orders from the upper echelon?

24 A. Yes. We received the same orders.

25 Q. Did you also when working at the territorial -- on the

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1 territorial sea, did you share information among each other? Did
2 you talk to each other beforehand? Did you inform -- did one
3 division inform the other division as to what they were going to
4 do on the territorial sea?

5 [14.03.43]

6 A. I did not make any contact with Division 64 (sic). However,
7 before the regiment or organization was made for the three
8 branches of the military, the heads of each branch of the
9 military would call a meeting to discuss amongst themselves and
10 <they also identified it on the map. Later> on the divisional
11 commander would relay instructions to me and then I would relay
12 those instructions down to the regimental level. So usually the
13 heads of the three branches of the military would hold a meeting
14 among themselves and then instructions were relayed to us. <I did
15 not participate in the meeting.>

16 Q. Maybe you mean the same thing but just to be sure, let me read
17 to you what you said in your WRI, E319/23.3.32, in question and
18 answer 4 and 5.

19 The question is: "Was sharing information between the navy and
20 your division an operational necessity for the capture of Thai
21 and Vietnamese fishing boats?"

22 And then you answer: "Yes, sharing information was very important
23 for our operations to capture Thai and Vietnamese fishing boats".

24 Question: "If the navy and Division 1 had not cooperated and
25 shared information with each other well, what would have

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1 happened?"

2 And then you answer: "If we had not shared information and
3 cooperated well, that would have demonstrated that we were in
4 conflict with one another. Such a situation would provide an
5 opportunity for all boats to enter our territorial waters as they
6 pleased."

7 Mr. Witness, do you remember saying this and is that -- was that
8 an accurate statement?

9 [14.06.06]

10 A. Yes, that is correct.

11 Q. Now, let me move to the situation that your division or
12 Division 164, spotted boats with either fishermen or refugees
13 onboard. You were asked this question already in October 2012, in
14 this courtroom. You gave extensive answers. But do you remember
15 what would happen if you spotted in the territorial sea boats
16 with Vietnamese or Thai refugees or fishermen?

17 A. During our defence of our territorial waters, that is, to stop
18 them fishing in our waters, we cooperated with other forces
19 including Division 64 (sic). They could actually bring their
20 naval ships to our Division 1 and we would also look after that
21 naval ship. That's the way we cooperated in our defence. In a
22 case that there is a Thai or "Yuan" boat encroached on our waters
23 we would collaborate and cooperate to seize that boat.

24 [14.08.07]

25 Q. Let me read to you something you said in this regard, and

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1 please tell me if that is a correct statement. You were asked a
2 question about this particular subject in document E319/23.3.32.
3 Question and answer 8, Mr. President.

4 "If a boat was inside our waters approximately 10 to 11 nautical
5 kilometres from the coast, we had to go to search and capture the
6 boat. But if the boat was 30 to 70 nautical kilometres from our
7 coast, we had to watch it and then chase it away. Before we
8 approached the boat we had to determine if it was a civilian boat
9 or a fishing boat escorted by warships and so on. All this was
10 general policy." End of quote.

11 Do you remember saying this to the investigators, Mr. Witness?

12 A. Yes, that's my statement.

13 [14.09.34]

14 Q. And once a boat would be in that area inside your waters, what
15 would happen then? What would you or what would Division 1
16 soldiers or patrolmen do? What exactly would happen?

17 A. When a ship encroached on our territorial waters, we would
18 deploy our ship in order to inspect what kind of ships that
19 encroached on our territorial waters, whether it was a large ship
20 or a fishing boat. For a fishing boat we would chase it away.
21 However, if we were fired upon, then we would return the fire.

22 Q. And if it was determined that the people on the boat were
23 Vietnamese refugees what would happen then?

24 [14.10.55]

25 A. For a Vietnamese boat, and of course it happened only once in

1 a while, it may go off course and encroach our territorial waters
2 with the intention to go to Thailand. And when we were aware of
3 its presence we would capture that boat and send it through a
4 <chain> of command to the upper level. For instance if a boat was
5 captured, that boat would be sent to Kampong Som as the force
6 from Division 64 (sic) also was with us. So when a <Vietnamese>
7 boat was captured, then we would give or hand the boat to the
8 forces from Division 64 (sic) who would return it to Kampong Som.
9 Q. And we'll get back to that, but let me read to you something
10 that a chairman, commander of Division 164 told investigators.
11 Mr. President, this is document E319/23.3.12. In question and
12 answer 75, this particular Division 164 commander says:
13 "In the context of work of Division 164, I heard Meas Muth
14 reporting about the Vietnamese boats that had entered Cambodian
15 territorial waters. Son Sen said if those Vietnamese were
16 refugees to Thailand we should not arrest them and we should let
17 them travel on." End of quote.
18 Does this sound familiar, this order from Son Sen or have you
19 never heard of it?
20 A. Yes, I heard about that order. The same thing applied to the
21 Thai people. If the Thai people were captured, they would be
22 returned to Thailand. As for the Vietnamese the same political
23 chain was used.
24 For me, for my unit, when they were captured then I would send
25 them through to the upper level and I did not know the process

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1 that the upper level used in dealing with <foreign matters>. So I
2 would send <them> through to the <division>.

3 [14.14.10]

4 Q. But once it was established by division headquarters in Koh
5 Kong or maybe Kampong Som, if it was established that these
6 Vietnamese people were refugees were they then released and sent
7 on to where they were going?

8 A. Yes, wherever they wished to go, they would be sent there.

9 That is the information I received from the divisional
10 headquarters.

11 Q. So is it then correct for me to say once it was established
12 they were genuine refugees they could -- they were released and
13 could go on? If they were not refugees, then division
14 headquarters would decide about the next steps; is that correct?

15 [14.15.24]

16 A. I did not know the <decision made> by the division.

17 Q. Let me read something else from this same company commander
18 from Division 164. He was asked a question about internal and
19 external enemies in relation to Vietnamese fishermen. Question 69
20 or, rather 70:

21 "You said there were two kinds of enemies, internal and the
22 external. Do you think the Vietnamese fishermen were regarded as
23 the external enemy and were taken to be killed?"

24 Answer is as follows: "I do not think so. The external enemy
25 refers to the Vietnamese soldiers along the border. Regarding the

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1 seizures of the Vietnamese boats, to my knowledge the Vietnamese
2 fishermen were not regarded as the external enemy but they had
3 violated the territorial waters of Democratic Kampuchea."

4 Can you give a reaction as to what this witness said about
5 Vietnamese fishermen?

6 [14.16.59]

7 A. I had nothing to do with the Vietnamese fishermen since they
8 did not have any encounters with my unit. <But I am not sure
9 whether or not other units encountered that.>

10 Q. I can understand that because that's probably too far for the
11 fishermen but what about Vietnamese refugees, people who had fled
12 from Vietnam? Were they considered by your division as the
13 external enemy or was the external enemy meant to qualify the
14 Vietnamese soldiers who were captured on sea?

15 A. Regarding Vietnamese refugees, they were not considered
16 enemies. They were considered ordinary people who were afraid of
17 the war as we used to be afraid of wars. So from one <regime> to
18 the next <one,> they wanted to move <to a new place> and have a
19 better <life>. And when they were captured by my unit I would
20 send them to my upper leadership level and whatever decision they
21 made that was theirs. However for us they were not considered
22 enemies. They were ordinary people. They <had little children
23 and> went through the misery of going through high seas, for
24 instance. If they were actually enemies they would fire upon us,
25 and if that's the case then we would return fire.

1 [14.19.02]

2 Q. Last question in relation to Vietnamese refugees. Mr.

3 President, I am referring to an excerpt from Philip Short's book,

4 E3/9, book page 3-7-9, 379; English ERN 00396587. There is only

5 French, 00639951. This is a British journalist and, Mr. Witness,

6 he speaks about boat refugees from Vietnam, many of them with

7 Chinese background and he says:

8 "A quarter of a million immigrants stripped of their possessions

9 of the Vietnamese police set out in floating coffins to seek a

10 new life abroad. Tens of thousands drowned or were murdered by

11 Thai or Malay pirates. The operation was approved by Le Duan

12 himself."

13 Now, Mr. Witness, I believe in one of your statements you speak

14 about pirates but have you ever heard or experienced killing of

15 Vietnamese refugees by Thai or Malay pirates?"

16 [14.20.54]

17 A. No, I did not hear about that.

18 Q. And then my last question as to fishermen on the -- in the

19 territorial sea, in one of your answers which I just quoted you

20 talked about Thai fisher boats being escorted by warships. Can

21 you tell us a bit more about that?

22 A. At the time most of the Thai fishing boats actually entered

23 our territorial waters, we did not fire upon them and of course

24 our defence resources were rather limited.

25 Sometimes they entered our territorial waters at <day time and

1 >night time to catch fish. Usually those boats were accompanied
2 by military warships. At first <a small number of their boats>
3 entered part of our territorial waters but later on <more and
4 more boats> actually encroached deeper into our waters. Then we
5 had to actually show off our ships so that they would return to
6 their waters. <At this stage, we did not have clash yet.>

7 [14.22.55]

8 And later on they kept encroaching our territorial waters and we
9 did not decide to capture them, but we reported to the division.
10 For example, on this particular day a certain amount of fishing
11 boats and there could be 10 or 20 fishing boats escorted by <>
12 ships which entered our territorial waters to catch fish. Then we
13 received instructions if the encroachment was deep inside our
14 territorial waters, we had to take measures against them. Because
15 at that time there was no proper communication between us and the
16 Thai side, we would use weapons to approach them. And from my
17 recollection, for the third approach<, we went to face them.
18 But,> they fired upon us. Then we returned fire <and retreated>.
19 So then they were firing back and forth between the Thai fishing
20 boats and our boats.
21 And for the third encounter they actually used their planes to
22 shoot at us. Some of us were injured by the aerial bombardment
23 from their planes and that led to the border conflict with
24 Thailand.
25 Then the Thais sent three more ships to attack us <on the water>.

1 And then the fighting between the Thai side and our side lasted
2 for a week.

3 So this is an example of how we engaged in the fighting with the
4 other forces. That meant that we <could not decide on our own.
5 We> sent a report to the upper level and then they would relay
6 instructions to us of what to do next. That led to this week-long
7 fighting <against> the Thai fishing boats. <Later on,> due to
8 <the anger with the above case,> it led to our fighting along the
9 land border as well. And after that we actually retreated from
10 the fighting with the Thais. From what I could say, since that
11 big clash, then the fishing <activities> by the Thai side <was>
12 reduced drastically.

13 [14.26.15]

14 Q. Did you ever -- did your division ever have similar encounters
15 with Vietnamese warships or Vietnamese boats which were armed or
16 was Koh Kong too far away for that?

17 A. I did not encounter Vietnamese fishing boats. Maybe the other
18 units <in Wai island> encountered that. My unit had an encounter
19 with the Thai fishing boats as I just described.

20 Q. Thank you, Mr. Witness. Now, let me turn to a completely
21 different subject. You were asked some questions about that
22 earlier already but I have some clarification questions. And that
23 is your attendance to a big West Zone conference on the 25th of
24 July 1977, held at a coconut plantation in Kampong Speu, Chbar
25 Mon. Do you recall you being present at that West Zone conference

1 in Kampong Speu on a coconut plantation?

2 [14.27.47]

3 A. Yes, I recall that but I cannot recall the date of that
4 conference, although it took place around 1972 or '73.

5 Q. Maybe something went wrong in the translation but I meant the
6 West Zone conference on the 25th of July 1977. Do you remember
7 that one?

8 A. I am trying to recall if there was a conference held in 1977.
9 I think there was a conference that was held in 1972 <or 1973>.
10 Anyway, allow me to say that I cannot recall the year of the
11 conference.

12 Q. No problem, Mr. Witness. Let me jog your memory. In your WRI
13 E3/80, 8-0, in question and answer 13 you say the following --
14 excuse me, 14, question 14:

15 "Did you attend the congress of the West Zone held on 25 July
16 '77? What was the composition, the echelon of the participants in
17 that congress?"

18 And you answer as follows: "I attended the congress of the West
19 Zone in Kampong Speu Province held at a coconut plantation in
20 Chbar Mon District in 1977 but I do not recall the exact date.
21 The participants were comprised of the zone committee, the sector
22 committees, the committees of all the districts, the chairman and
23 deputy chairman of the divisions and regiments in the West Zone."

24 [14.30.18]

25 Just to help you a little you a little bit more, I will read also

1 question and answer 15:

2 "At that time which senior leaders attended that congress?"

3 And then you answer: "At that time, Ta Pal, Ta Si and Ta Soeung
4 were present. Three of them were the zone committee."

5 Does that jog your memory, Mr. Witness?

6 A. Yes, I recall that.

7 Q. Just a small question before I move to the content of that
8 meeting. The coconut plantation that you spoke about, was that
9 the coconut plantation that belonged to someone called Norodom
10 Chan Raingsey?

11 [14.31.25]

12 A. Yes. <>The <villagers> said <that> coconut plantation
13 <belonged to Prince Chan Raingsey>.

14 Q. Let me now turn to a "Revolutionary Flag", Mr. Witness. Mr.
15 President, that is E3/193, English ERN, 00399236; Khmer, 00062965
16 and 66; and French, 00611840 and 841. It is a very long report of
17 that meeting so I will not tire you with reading everything.
18 That's impossible, but there is one little excerpt that I would
19 like to present to you.

20 On these pages it is said that, "During this conference the
21 subject is discussed how to prepare forces to attack and smash
22 the enemy and the no good elements imbedded inside and
23 controlling the cooperatives."

24 A little bit further on those same pages it says as follows,
25 "This attack is not to arrest everyone and bring them in for

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1 punishment. It is to use the poor peasants and the lower
2 middle-class peasants to control the cooperatives. That's all."
3 Mr. Witness, do you remember speakers speak about smashing or
4 attacking the enemies but not to arrest everyone, to be selective
5 in who was to be considered the enemy?

6 [14.33.55]

7 A. Yes, you are right. That was the purpose of the meeting.
8 <However, they did not say that peasants and middle-class
9 <peasants> control the country. Any kind of people who were loyal
10 to people would be in the <leadership> position of an
11 organization of the people. Those who did not exploit people were
12 allowed to control <the country>.
13 Concerning the infiltrated enemies, it was to instil the
14 conscience of people about <"Yuon's" tricks. At that time we had
15 a conflict with Vietnam and they had plans to attack Cambodia.>
16 So they wanted to search out <> the infiltrated enemies that were
17 within <the army or> cooperatives. That was their purpose<>.
18 As for the external enemies, they were those who attacked from
19 the outside. What I want to make mention clearly once again is
20 about the inside enemy. They were those who were within the
21 ranks.

22 [14.35.36]

23 Q. Thank you for that clarification, Mr. Witness. Now, this
24 "Revolutionary Flag" of August 1977, seems to be almost entirely
25 dedicated to that West Zone cadre conference. The title of this

1 "Revolutionary Flag" on the very first page is called, "The
2 Presentation of the Party Organization Representative Regarding a
3 Number of Instructions in Building, Strengthening and Extending
4 Party Leadership on the Occasion of the West Zone Cadre
5 Conference 25 July '77".

6 I realize it's a difficult question, but do you know whether such
7 "Revolutionary Flags", conveying the content of that meeting were
8 accurate as to what was said during those meetings? Can you say
9 something about that? Is what we read in this "Revolutionary
10 Flag" something which was indeed said by Ta Si or others?

11 THE PRESIDENT:

12 Please hold on, Mr. Witness. You have the floor now, <the
13 International> Co-Prosecutor.

14 [14.37.13]

15 MR. DE WILDE D'ESTMAEL:

16 I think this question should be rephrased because it suggests
17 that it is Ta Si who gave the speech. That is not what we got
18 from the previous proceedings. So the representative of the party
19 -- <and not getting -- not giving any names, but in any case,>
20 saying that <it could be> Chou Chet, alias Ta Si who gave that
21 speech, <to me, seems to go> well beyond what was stated <in
22 "Revolutionary Flag"> and it is actually contrary to the truth.

23 <Thank you.>

24 BY MR. KOPPE:

25 I am happy to include Pol Pot if he was indeed the speaker or Ta

1 Si. We are not quite certain about that, but my question is not
2 so much about who actually gave the speech.

3 Q. The question to you is whether you know that the
4 "Revolutionary Flag" indeed incorporates the exact words of
5 whoever gave that speech during the conference?

6 [14.38.38]

7 THE PRESIDENT:

8 Please wait, Mr. Witness. Judge Lavergne, you have the floor
9 first.

10 JUDGE LAVERGNE:

11 Counsel Koppe, perhaps you should first ask the <witness> whether
12 he was aware of the contents of the article in the "Revolutionary
13 Flag" because I understand that that article was several pages
14 long and it is very voluminous. Do you want to refer the witness
15 to a particular passage or to the entire article? I find the
16 question, <as it has been put, to be very> imprecise.

17 MR. KOPPE:

18 I don't have the time to read all the -- the complete article to
19 him, so that's why I focused on one particular excerpt and then
20 asked a general question whether he knows from his experience as
21 a high-ranking West Zone cadre whether generally this
22 "Revolutionary Flag" reflected the content of that conference. I
23 don't know if he is able to say that. If he is not that's fine,
24 too. But because of time limits, I cannot deal with the entire
25 conference, obviously.

1 [14.39.59]

2 JUDGE LAVERGNE:

3 Perhaps you should start with the point you want to refer to
4 specifically before talking about the entire <conference or the
5 entire> article.

6 BY MR. KOPPE:

7 I will move on, Mr. President.

8 Q. Mr. Witness, you spoke in your DC-Cam statement about Vorn
9 Vet. What do you recall about Vorn Vet?

10 MR. MEAS VOEUN:

11 A. I recall the person by the name, Vorn Vet.

12 [14.40.48]

13 Q. And what is it that you remember about him?

14 A. I do not really get your question.

15 Q. Who was Vorn Vet?

16 A. I do not recall his exact position. I parted from him a long
17 time ago so I cannot recall what position he held during the
18 time.

19 Q. Do you remember any of Vorn Vet's messengers?

20 A. No, I cannot recall them and I do not know them personally.

21 MR. KOPPE:

22 Mr. President, maybe this is a good moment to break.

23 THE PRESIDENT:

24 Thank you. Now, it is time for a short break. The Chamber will
25 take a short break from now until 3 o'clock.

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1 Court officer, please work with the WESU to assist this witness
2 in the break time and please invite him back into <> the
3 courtroom at 3 p.m.

4 The Court is now in recess.

5 (Court recesses from 1442H to 1501H)

6 THE PRESIDENT:

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

8 Again, the floor is given to the defence team for Nuon Chea to
9 put further questions to the witness. You may proceed, Counsel.

10 BY MR. KOPPE:

11 Thank you, Mr. President. I'll finish up quickly although I have
12 still many questions to ask the witness I will use another 10
13 minutes and then I will stop.

14 Q. Just very quickly following up in relation to Vorn Vet, I was
15 asking you the question because in your DC-Cam statement you said
16 that on English, page 00849489; and Khmer, 00733315; you said
17 that Vorn Vet--

18 [15.02.47]

19 THE PRESIDENT:

20 Counsel Koppe, please mention the document number and ERN again
21 and be slower this time <for a proper interpreting.>

22 BY MR. KOPPE:

23 Certainly, Mr. President. E3/8752, English ERN, 00849489; Khmer,
24 00733315.

25 Q. And here you refer to Vorn Vet and you said that at one point

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1 in time one of his messengers was a military police colonel,
2 presumably a Lon Nol colonel. That's why -- that's why I was
3 asking the question. Does that ring a bell, somehow jog your
4 memory, Vorn Vet having a military police colonel as messenger?

5 A. I do not recall that and personally I did not know Vorn Vet's
6 messenger. I knew Vorn Vet but not his messenger.

7 [15.04.10]

8 Q. No problem, Mr. Witness. Now, let me move to my last subject
9 and, because of time let me go directly to what you said to
10 DC-Cam. Again, Mr. President, that is E3/8752 on page -- English
11 page 18, 00849503 ERN; and Khmer, 00733330.

12 I am reading that to you, Mr. Witness, and I would like to ask a
13 few follow-up questions. You were asked about Chou Chet, alias Ta
14 Si, and you said:

15 "At that time, I heard that Ta Si attempted to plot a coup
16 d'états to topple the lead -- the top leaders with So Phim and
17 Kang Chap. At that time all zones were in agreement to let them
18 attempt a plot to topple Pol Pot. Shortly they were joined by
19 Cheng from the Ministry of State Economy. Internally, they had a
20 good relationship until they reached an agreement to attempt to
21 plot to topple Pol Pot, in a way to grab the power. It was not
22 easy to describe. And So Phim was said, in fact, to have a
23 connection with the Vietnamese who sent their women to him and
24 there was a barrack in the Eastern Zone where Vietnamese plan
25 loading women to work with So Phim could land. So it was the way

1 of their connection." End of quote.

2 Mr. Witness, do you recall having said this to DC-Cam?"

3 [15.06.16]

4 A. That's what I heard from <the commander of> my division and my
5 statement reflects what I recalled from what the <commander of
6 the> division told <me>.

7 Q. Do you remember hearing how this coup d'état to topple the top
8 leaders was to be effectuated -- or how it was to be implemented?
9 Do you know any details as to what you heard about this attempted
10 plot for a coup d'état?

11 A. I did not know how they planned to make that plan realized. My
12 division <just> told me that Chou Chet attempted to <overthrow
13 Pol Pot>, together with that person <from the east,> who was in
14 charge of the <deputy head of state,> So Phim and others from the
15 north. I was briefly told about that plan, however, I did not
16 know the details of the plan.

17 Q. And could you explain a bit on that part when you talked about
18 So Phim because I'm not sure if I understand. You said there was
19 a barrack in the Eastern Zone where Vietnamese plan loading women
20 to work with So Phim -- So Phim could land.

21 I'm not sure if I understand that. What -- what did you mean when
22 you said that?

23 [15.08.20]

24 A. Allow me to explain to you regarding what I heard about So
25 Phim who had a plan. I was told by a medic while we were fleeing

1 the Vietnamese -- the "Yuon" rather. The medic told me that So
2 Phim had a barrack at the border, along the Vietnamese and
3 Kampuchean border, and the barrack was built by the "Youn" and
4 that "Yuon" would load women by helicopters to that barrack.
5 I was not told the exact location of the barrack, however, it was
6 situated along the Kampuchea-Vietnamese border and it could be
7 100 metres inside the territory of Vietnam.

8 This information was told to me by that medic but I, myself, did
9 not witness any of this. <This meant that So Phim committed
10 treason.>

11 [15.09.34]

12 Q. But did that medic explain to you what the purpose was of
13 these women, Vietnamese women, I presume?

14 A. He didn't give any detailed explanations about the Vietnamese
15 women. He only said that Vietnamese women were loaded on
16 helicopters and that they would be sent to So Phim. <I did not
17 ask that medic for the details.>

18 Q. And these women were military forces?

19 A. I didn't ask for that detail, whether they were civilians or
20 <> military <forces>.

21 Q. Thank you, Mr. Witness. One follow-up question in relation to
22 plans for a coup d'état to topple Pol Pot and the top leaders, I
23 would like to read to you a small excerpt from also a Division
24 164 member. Mr. President, that is, document E319/23.3.17.1. It's
25 a document that you just admitted, English ERN, 01170833; French,

1 00996698 and 99; and Khmer, 00955619. Mr. Witness, this Division
2 164 cadre says the following:

3 "There was not only one coup. From what I learned, there were
4 four or five coups taking place in Phnom Penh. They wanted to
5 overthrow Pol Pot. That was why people were killed and it was
6 very complicated. People no longer trusted each other." End of
7 quote.

8 Mr. Witness, this Division 164 cadre doesn't speak about one coup
9 d'état but rather four or five attempted coup d'états taking
10 place in Phnom Penh. Is that something you heard as well?

11 [15.12.25]

12 A. I did not know much about that as I was stationed far from
13 them.

14 Q. My last question for the moment. Mr. Witness, is there
15 anything else that you heard about forces rebelling against the
16 centre? Anything else that you heard about coup d'états, or
17 anything else that you would like to share with the Trial
18 Chamber?

19 A. I did not hear anything else.

20 MR. KOPPE:

21 Thank you, Mr. Witness. Thank you, Mr. President.

22 [15.13.28]

23 MR. PRESIDENT:

24 Thank you, Counsel. And the floor is now given to the

25 Co-Prosecutors to put questions to this witness. You may proceed.

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1 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

2 Thank you. Good afternoon, Mr. President. Good afternoon, Your
3 Honours. Witness, my name is Vincent de Wilde and I'm going to
4 put questions to you today and tomorrow on behalf of the Office
5 of the Co-Prosecutors. And do not hesitate to tell me if you did
6 not understand any of my questions <or if it wasn't clear,> then
7 I will be able to repeat it. I know also that you were
8 interviewed for more than three days in October 2012, if I'm not
9 mistaken, regarding a <> number of topics, so I'm not going to go
10 back to <all of> these topics. So I'm only going to focus on
11 certain topics today and tomorrow.

12 I'm going to start with a follow-up question relating to the
13 issue of these possible <attempted conspiracies or> coups d'état,
14 questions that were put to you by the Defence Counsel.

15 Q. You said that you had heard your men speak about these coup
16 d'état attempts. So were these rumours or <> were there any
17 <grounds> to what you had heard?

18 [15.15.01]

19 MR. MEAS VOEUN:

20 A. I heard from my friends who told me that the coup d'état
21 planned was actually true. I was told that one day, though I
22 cannot recall the date, there was a floating container with
23 Russian letters on it and it was floating in Phnom Penh and
24 nobody could read the Russian letters. And they actually <picked>
25 it up. They <picked> it up in front -- at the river in front of

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1 the royal palace and they were given to the Chinese to read it.
2 So then there was actually a plan for the coup d'état and I
3 learned of that plan from my friends. The plan was to attempt to
4 topple Pol Pot, but I cannot tell you how many <attempts of>
5 coups d'état were planned, whether there were once or there were
6 two or three attempts to conduct the coup d'état. <I knew only
7 one coup attempt that I was told.>

8 [15.16.33]

9 Q. So you heard some of your friends speak about this, but you
10 did not know the sources that they had; you did not know where
11 your friends had received that kind of information? What were
12 they basing themselves on <> in order to provide you with this
13 kind of information?

14 A. Yes.

15 Q. When you say "yes", <does> that mean that you agree that you
16 did not know where that information came from?

17 A. That's what I was told. So the source that told me about that
18 was clear to me, but as I said I did not know how many coup
19 attempts were made. I was only told about one coup attempt.

20 Q. And earlier you said that you heard a medic speak about that
21 when you were fleeing from the "Yuon". So was it therefore after
22 the arrival of Vietnamese in January 1979 that you heard about
23 this?

24 A. Yes, that <was after the arrival of Vietnamese.>

25 [15.18.17]

1 Q. Well, I will have only one single question on 17 April 1975.

2 On that day, you came into Phnom Penh with your troops, did you

3 hear the message that was broadcast on the radio <in the late>

4 morning, <aimed> at <getting> the former ministers and high

5 officials of the Lon Nol regime

6 <to gather> before the Ministry of Information? Did you hear any

7 kind of appeal to have these people gather before the Ministry of

8 Information?

9 A. No, I did not know about that. And at that time I did not have

10 any radio to listen to <during the fight>.

11 Q. <On> that day, did you, yourself, go to the Ministry of

12 Information?

13 A. No, I did not.

14 Q. Well, you received orders to leave Phnom Penh very quickly

15 after the capture of Phnom Penh, therefore did you stay there for

16 one day, <a few> days, or one week before leaving Phnom Penh? Can

17 you give us a clear <answer? Because several of your statements

18 are> not consistent <at all>.

19 [15.20.15]

20 A. Let me clarify your question. Are you asking me about the time

21 when Phnom Penh fell and that how many days I remained in Phnom

22 Penh after it fell. Is that correct? <I do not quite understand

23 your question.>

24 Q. I didn't receive the translation of your answer. So can you

25 tell me how many days you stayed in Phnom Penh? Did you leave on

1 the <same> day that Phnom Penh fell, or did you leave several
2 days later?

3 A. I have already stated that I remained in Phnom Penh for about
4 a week before I was transferred to Kampot.

5 Q. After having been transferred to Kampot<, as you say --> I had
6 noted, however, that you had gone to Kamboul or to Baek Chan --
7 so am I right? <Were you --> so, before arriving in Kampot did
8 you go to Kamboul first?

9 A. I left Kamboul along National Road Number 3 when I was making
10 my trip to Kampot.

11 Q. Well, fine. In the days and weeks that followed your departure
12 from Phnom Penh, did you go back to <the city> to attend one or
13 several big meetings or study sessions with leaders of Democratic
14 Kampuchea?

15 A. No, I did not. I made a direct trip from Phnom Penh to Kampot
16 and I did not <have any meetings> with them.

17 [15.22.44]

18 Q. Well, I'm going to read out two excerpts of your previous
19 statements.

20 The first, <WRI> E3/73 at Answer 13, and I quote what you said.

21 "After having liberated Phnom Penh, my army left the city
22 immediately afterwards. However, I would see the population leave
23 the city on foot so I allowed them to pass. <> I remained outside
24 the city of Phnom Penh for only one week approximately." End of
25 quote.

1 And before DC-Cam, E3/8752 on page 14 in English and page 15 in
2 Khmer, you said the following, and I will quote in English.

3 "After they took control of Phnom Penh, they started organizing
4 the army, navy and air force, and that's when we met. Having
5 assigned to different targets, we never returned and see each
6 other again."

7 Question: "Did you participate in the event held in the stadium?"

8 Your answer: "Yes, I did." End of quote.

9 [15.24.13]

10 So the translation doesn't seem very <good in English>. However,
11 it appears here that you did participate in an event at the
12 stadium. So can you tell us when you attended such an event? How
13 much time approximately after the evacuation of Phnom Penh?

14 A. I have responded to that question already when you asked me
15 how many days did I remain in Phnom Penh, and I said I remained
16 in Phnom Penh for a week then I went to Kampot. And later on, I
17 left Kampot for Koh Kong. <After that I came for a meeting.>

18 And this <question does not relate to> my trip to Kampot and <the
19 meeting, because it was> not the time that I was sent to attend
20 <> the meeting. I left Phnom Penh for Kampot, then Kampot to Koh
21 Kong and later on I returned from Koh Kong for the meeting.

22 So it seems that your <question> is not consistent with my route.
23 <Therefore, I cannot give you the right answer. I am sorry that
24 is my understanding.>

25 Q. I'm trying to be consistent with regard to the dates that you

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1 provided to the Chamber and to different people who interviewed
2 you. Well, now, regarding this meeting <-- because you said you
3 were already at Koh Kong>. What was this meeting about exactly
4 and where was it held?

5 [15.26.18]

6 A. I do not understand your question. Your question seems to go
7 in circle, so I don't understand it. I already made my statement
8 clear to you about how many days I remained in Phnom Penh.

9 In fact, when I was in Kampot I did not return for the meeting.
10 Only after I went from Kampot to Koh Kong and then from Koh Kong
11 I attended the meeting.

12 MR. PRESIDENT:

13 Deputy Co-Prosecutor, you should put the questions to the witness
14 regarding the date. Maybe you can ask, when did he return to
15 attend a meeting in Phnom Penh<? And> where he was when he was
16 called to attend that meeting, so that you would not waste time
17 on this witness.

18 [15.27.28]

19 BY MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President. <That being said>, I know it's late but
21 I would like the witness to make an effort to answer my questions
22 precisely.

23 Q. In any case, in the excerpt that I read out to you, you said
24 that you attended <a meeting,> an event at the stadium. Earlier,
25 you said that you were already in Koh Kong when you returned to

1 Phnom Penh to attend this meeting.

2 So I would like to know, when was this meeting held? Who attended
3 this meeting? And where was this meeting held?

4 MR. MEAS VOEUN:

5 A. Allow me to respond to your question based on my recollection.

6 You asked me whether I ever came to attend the meeting before I
7 went to Kampot, and for that I already responded.

8 I attended a meeting in Phnom Penh though I cannot recall the
9 date, and the meeting was for the organization of the navy,
10 <infantry> and air force. So that was the main content of that
11 meeting. They focus on the people who had to deal with the
12 organization of the army, <infantry> and air force. And I saw Pol
13 Pot. I saw Nuon Chea. These were the two <leaders> whom I saw at
14 that meeting.

15 So the meeting, as I reiterated, was for the organization of the
16 <navy, infantry> and air force and, actually, Pol Pot made a
17 speech to congratulate <the organization of> the military. And
18 the organization of the military was raised during that meeting,
19 and after that we actually left to our respective units. And that
20 is all.

21 [15.30.16]

22 Q. Was it at that meeting that <some of> the divisions that
23 previously belonged to zones became <Centre> divisions; do you
24 recall that?

25 A. No, that was not the case. As for the organizations of the

1 <infantry>, navy and air force, they actually re-assigned
2 divisions from all over the country. For example, how many
3 divisions were to be categorized as the air force etc. And that
4 <was the task> of the top <leaders>. That's how they restructured
5 the military. <I was not involved in the organization.> I knew
6 only about this restructuring of the military and they were the
7 responsibility of the top leaders.

8 [15.31.26]

9 Q. As regards your work at Koh Kong, you said a while ago that
10 you worked <there> for three years as Deputy Commander of the
11 Division 1 of the <West> Zone and you give a number of
12 <different> dates as to when you arrived there. And I'll quote to
13 you what you said to DC-Cam; <E3/8752>, page 10 in English and
14 page <10 in Khmer.>

15 MR. PRESIDENT:

16 He was the Deputy of Division 1 and that Division 1 was within
17 the West Zone, not the East Zone. <The witness was confused and
18 your question makes him more confused. Therefore, he will not be
19 able to answer your question.>

20 BY MR. DE WILDE D'ESTMAEL:

21 Mr. President, that was indeed what I stated in French. <I
22 believe there was a mistake in the interpretation. I was indeed
23 talking about> Division 1 of the <West> Zone, and this DC-Cam
24 document, <E3/8752>, page 10, in both English and Khmer this is
25 what is stated, and I'm quoting in English.

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1 "<By 1975,> I was sent to Kampot. Having stayed in Kampot for
2 three months, I was transferred to Veal Renh. Having stayed in
3 Veal Renh for two months, they transferred me again to Koh Kong.
4 I was transferred to Koh Kong in late '75 or early '76, and
5 stayed there until the Vietnamese launched attacks." End of
6 quote.

7 [15.33.29]

8 Q. <Earlier, and elsewhere as well>, you stated that you <> left
9 for Preah Vihear. Is it therefore correct to say that, and can
10 you confirm what you told DC-Cam, that you arrived in Koh Kong in
11 late 1975, early 1976, and you subsequently left, <if I'm not
12 mistaken,> Koh Kong for Preah Vihear in 1978?

13 MR. MEAS VOEUN:

14 A. Let me answer this. I went to Koh Kong <and stayed there>, and
15 then in August late 1978, I was transferred to Preah Vihear. I
16 spent four months in Preah Vihear, based on my recollection. It
17 was four months that I spent at Preah Vihear, and then the
18 Vietnamese attacked Cambodia and they <reached> Phnom Penh. So I
19 spent only four months in Preah Vihear province. <It was not as
20 long as I stayed in Koh Kong.> So as I told you, I came to Preah
21 Vihear in August 1978 and, later on, the Vietnamese attacked <and
22 occupied> Cambodia.

23 [15.35.09]

24 Q. Very well. Which means that you spent three years in Koh Kong.
25 When you arrived in Koh Kong, how many soldiers were <under your

1 command as> part of Division 1?

2 A. In Division 1, they <were> based at two <(sic) locations; the
3 first location was> at Longveaek and <the second> one <was> Veal
4 Renh and the third one <was> at Koh Kong. So the soldiers in the
5 divisions were based at three locations, and some of them were
6 also withdrawn to join the air force.

7 So, at Koh Kong, initially I had 2,007 soldiers but, later on, I
8 had only 1,007 soldiers <because some of them were withdrawn to
9 join the air force> and some <others> were ill. <Some were dead
10 of malaria.> So initially when I went to Koh Kong, I had 2,007
11 soldiers but, later on, I had only <1,500> soldiers. <This figure
12 subsequently dwindled.>

13 Q. <In Koh Kong and the surrounding islands,> were there
14 civilians <living> there or <were> the civilians <who were
15 present at> that location sent to the rear?

16 A. When I arrived at Koh Kong, the civilians had already been
17 evacuated to Kampong Seila. From <Veal Rinh,> Trapeang Rung and
18 Andoung Tuek, at those places, there were no civilians. There
19 were only my soldiers because that area was forested areas. There
20 were a few cows in the area, but they nearly -- they almost
21 became wild animals. <They ran away when they saw a human.> And
22 there were only male soldiers among us, no female soldiers, and
23 we cultivated rice to supply our unit <and defended our
24 territory>.

25 [15.38.07]

1 Q. I have <> a few questions on Division 3 <or> the <navy, also
2 known as> Division 164.

3 <I believe you> have stated that it was headed by Meas Muth. Did
4 you meet someone called Dim in Koh Kong when you were there?

5 A. Regarding Division 64 (sic), I heard that Division 64 (sic)
6 initially was Division 3, so the division cooperated with mine in
7 carrying out water and land activities. And I knew Dim because
8 Dim was in contact with me and stayed with me. But he did not
9 stay with me permanently because he had other affairs to do.
10 Sometimes he spent only one night at my place and then he left.
11 So I would like to tell you that I was familiar with Dim. <A year
12 later, he stopped coming to my division. Later on another person
13 from the Company came to see me.>

14 [15.39.43]

15 Q. You haven't quite answered my question.

16 Did you meet a person called "Dim", D-I-M or D-O-E-M. That person
17 is from the East Zone, that is, from Division 164. As a matter of
18 fact, you said in <your WRI> E319/23.3.30 in answer Number 3 --
19 this is what you stated.

20 "I do remember Dim, <who is deceased>. He had captained a
21 <warship on> Koh Kong, where he met me." <Then at answer 12, you
22 said "Dim was from the East Zone."

23 Do you remember Dim's position and do you remember what you
24 talked about when you met with him?

25 A. As I told you earlier about Dim, that Dim came to meet me. Why

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1 you said that I did not give the answer? I told you that he came
2 and spent a night at my place. He came to cooperate with my unit
3 in order to protect the water and the land and, later on, he
4 disappeared, but I do not know whether he's alive or died. <In
5 the past,> he came to meet me and then he disappeared. That's
6 what I told you.

7 [15.41.33]

8 MR. PRESIDENT:

9 The Witness gave the correct answer to your question. Is the
10 problem with your question?

11 <MR. DE WILDE D'ESTMAEL:

12 Mr. President --

13 MR. PRESIDENT:>

14 And how come you actually make an excerpt from the transcript
15 <which is beyond the question you> put to <the witness>?

16 <MR. DE WILDE D'ESTMAEL:

17 I --

18 MR. PRESIDENT:>

19 What you have provided to the witness was beyond what the
20 knowledge of the witness. The witness already confirmed that he
21 knew the person and you should have asked further questions
22 before you put such a quote to him. <The witness already answered
23 your question.>

24 BY MR. DE WILDE D'ESTMAEL:

25 Thank you, Mr. President. We did not hear the answer in its

1 entirety in French. <That means that I did not understand he was
2 indeed talking about Dim, I thought he was> talking <about>
3 cadres in general.

4 Q. I will talk about another person from Division <164>. Do you
5 know a person by the name Saroeun, and was that person a member
6 of your family?

7 [15.43.07]

8 MR. MEAS VOEUN:

9 A. Yes, I knew the person. He was in Division <164> and he was my
10 cousin.

11 Q. Do you know the position he held in Division <164>, in the
12 navy?

13 A. He was a commander of Division <64 (sic)>.

14 Q. During your three-year stay at Koh Kong, did you have the
15 opportunity to establish contacts with Ta Saroeun and to talk to
16 him<, notably> about the situation as regards the Vietnamese
17 enemy?

18 A. No, I did not meet with Saroeun. He had his own business and
19 he only sent his subordinate to meet with me.

20 Q. <Earlier,> you talked of cooperation and the exchange of
21 information <between> Divisions 1 and <164 on> Koh Kong. Who
22 represented Division 164 <and was> permanently stationed in Koh
23 Kong in 1977, 1978?

24 A. It is my knowledge that it was Saroeun and Muth. I knew
25 Saroeun was the commander. So it could be Ta Muth who was in

1 charge of that location.

2 [15.45.30]

3 MR. PRESIDENT:

4 Witness, that is not the proper response to the question. The
5 question is, who was the representative of Division 164 stationed
6 in Koh Kong <between> 1977 and 1978?

7 MR. MEAS VOEUN:

8 I did not know if it was between 1977 or '78, I only knew about
9 the event in around 1975, and I did not know who was actually a
10 representative or in charge of that division in that area
11 <between 1977 and 1978>.

12 BY MR. DE WILDE D'ESTMAEL:

13 Q. In answer Number 33 of the record of interview,
14 <E319/23.3.31>, you mentioned the name of "Sim", <a> company
15 commander, and you added in the same answer that the company had
16 six vessels at its disposal. Did you collaborate with Sim, <the>
17 company commander, during that period?

18 [15.46.00]

19 MR. MEAS VOEUN:

20 A. Sim was with me and I knew him well. He was a company
21 commander and he was not overall in charge. His level was only a
22 company commander and he did not supervise six vessels. He
23 supervised only three vessels.
24 And then there were those old American <vessels>. There were two
25 of them, <> those two <vessels were speedboats. But> there were

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1 <also three or> five <Chinese made vessels>.

2 Q. Were Sim and the other cadres of Division 164 in possession of
3 <speedboats> that allowed for the seizure or interception of
4 foreign boats whether they were big or small? <Was it easy to
5 seize Thai> fishing boats and Vietnamese <refugee boats with
6 Division 164's vessels>?

7 A. Yes, there <were vessels>. They were small and they were fast,
8 so they could be used to capture those boats. <They were fast but
9 their equipment and technology were limited.>

10 Q. Were these <> American <speedboats>, PCFs, as you stated in
11 Answer 33? Were they <called PCFs>?

12 A. Yes, they were the PCF. However, they were not as fast as
13 those vessels from China. So there were two PCFs and there were
14 three Chinese vessels.

15 [15.49.20]

16 Q. And what was the horsepower of the biggest navy <vessel
17 docked> in Koh Kong; do you know the horsepower of that
18 particular boat?

19 A. Actually, big vessels did not come at the port there, they
20 usually went to Koh Kong. In that area, there were these American
21 PCFs and the Chinese vessels. I did not know the horsepower of
22 those vessels <but they were fast>. There were also two 250
23 horsepower vessels and there were also two other 150 horsepower
24 vessels.

25 [15.50.15]

1 Q. How about the <dinghies> of Vietnamese refugees who you said
2 were in your zone. Did they have powerful engines or small
3 engines?

4 A. They were small <vessels> and they were in the 30 horsepower
5 or 40 horsepower <vessels>.

6 Q. <Aside from the Division 164 boats, did> Division <1 also>
7 have <some> boats <> that allowed for the capture of those
8 <small> Vietnamese boats that had 30 to 40 horsepower?

9 A. Yes, there were. We had these 150 horsepower <vessels>. They
10 were actually called <motorboats> and not a ship or vessels.
11 <There were a few of them.>

12 Q. I would like you to clarify something regarding the chain of
13 command above you. Within Division 1, did you effectively receive
14 orders and did you report only to Ta Soeung or <did> you also
15 report back to the chief of the <West> Zone?

16 A. When there was a situation I would report to Soeung, and if he
17 was not there with his instruction I would make a report to the
18 zone. Usually, the report was made to Soeung.

19 Q. Was your office designated by a code name? And, if yes, what
20 was that <number>?

21 A. I did not have an office. I did not have any proper office.
22 Usually we stayed together with the soldiers.

23 [15.52.58]

24 Q. But if I understood you correctly, <did> you communicate with
25 Ta Soeung or with the <West> Zone <sometimes> via telegram<?> In

1 that case, did you have an office from which telegrams could be
2 sent and received?

3 A. Old houses were used for that purpose. We also stayed
4 provisionally in those old houses.

5 Q. Did you sometimes receive direct orders from Ta Khieu, that
6 is, Son Sen?

7 A. No, I did not.

8 Q. I would like you to clarify this point because you said to
9 DC-Cam in document E3/8752, page 27 in English and 30 in Khmer,
10 and I'm quoting in English.

11 [15.54.15]

12 "Ta Khieu never came to meet me. We just communicated by
13 telegraphs and big radio. Sometimes I got orders from him,
14 sometimes from the division whose commander was Bang Soeung also
15 at the zone. Once a month or a week, he came to see me." End of
16 quote.

17 In this passage, it appears that you did state that Son Sen
18 communicated with you by telegraphs and by big radio and that you
19 received orders from him. Did you receive those orders directly
20 or through the intermediary of Ta Soeung?

21 A. I receive it through Ta Soeung. For example, <if> Son Sen gave
22 the orders to Ta Soeung and Ta Soeung sent me those orders. So
23 for the orders I received via <> telegraphs, then I would see
24 both names, that is his name and Ta Soeung's name on it. <So, it
25 meant that Son Sen gave the order through Soeung, then Soeung

1 relayed the order to me.>

2 Q. I would like to follow-up on what you said a while ago. In
3 referring to Vietnamese refugees <> and Vietnamese boats, you
4 <used> the term "Yuon". During that period, from what you know,
5 did the term "Yuon" invariably designate soldiers and civilians?
6 Was every Vietnamese referred to as a "Yuon"?

7 A. Usually <> Cambodians referred to them as "Yuon". Everybody
8 knew about it. Usually we did not refer to them as Vietnamese and
9 we refer to them as "Yuon".

10 Q. I don't have much time left today. I'll just open up one or
11 two subjects. First of all, regarding <the> Vietnamese within the
12 country, not those who came in as refugees but those who were
13 living in Cambodia. Did you hear that there was a plan to
14 eliminate the Vietnamese who were living in Cambodia between 1975
15 and 1979?

16 [15.57.30]

17 A. Yes, I heard about that. I heard about the Vietnamese living
18 in Kampuchea. Vietnamese who lived in Cambodia did intend to
19 cause troubles to the Kampuchean people and did not do an honest
20 living. Initially, from -- starting from 1970, they were
21 peacefully sent to -- sent back to their country by the
22 <Cambodian> government, and that continued until 1975.

23 So then for us, later on we were instructed that Vietnamese had
24 to be smashed because they did not return to their country. There
25 were then clashes along the border due to this issue. That's what

1 I heard

2 [15.58.47]

3 Q. Were there many Vietnamese who hadn't returned to Vietnam and
4 who had to be smashed, for instance in the <West> Zone? Did you
5 hear of the presence of any Vietnamese <remained in> the country?

6 A. Yes, there were. When they were allowed to return to their
7 country not every one of them returned. Some of them remained
8 living in Kampuchea or married with Kampuchean people.

9 The majority of them who decided to remain living in Cambodia
10 were living in Kampong Chhnang, that is along the riverbanks. And
11 then that's why there were later on clashes between the
12 Vietnamese and the Kampuchean people. And it also happened in the
13 West Zone.

14 And Vietnamese actually continued living in Cambodia even when
15 the Vietnamese attacked <and occupied> Cambodia in 1979.

16 And the truth is they did not return to their country. They were
17 still living in Cambodia when the Vietnamese troops attacked us.

18 <They continue to live until this day.>

19 [16.00.12]

20 Q. You spoke about mixed marriages, that is to say, certain
21 Vietnamese people who had not gone back to Vietnam because they
22 had married Cambodians, well, I would like to speak about two
23 situations now.

24 If the wife was Vietnamese and the husband Cambodian, what would
25 happen then with the children of this couple? Was it necessary to

1 also smash the children because they were considered enemies?

2 A. I did not know well about every detail regarding this matter

3 during the three years period. However, I can speak from my

4 experience. My aunt married a Vietnamese husband since the

5 Issarak wartime and, as a result they <had> two <> children and

6 they actually lived not far from my house. They had two children

7 and when the Vietnamese entered Kampuchea in 1970, my two nephews

8 were sent to Vietnam to live in Tay Ninh and they're still living

9 now.

10 [16.01.44]

11 At the time, my aunt's husband who was Vietnamese was arrested.

12 So, after her husband was arrested, she fled -- she attempted to

13 flee actually, and she was arrested. Then only their children

14 survived in Vietnam. This is from my personal experience.

15 I did not know the details of the policies by the Kampuchean

16 government on the issue of dealing with the "Yuon" people.

17 Kampuchean people at the time were angry with the "Yuon" and,

18 later on, we were attacked by the "Yuon" troops. So the revenge

19 -- the spirit of revenge still lives on. If they were to live in

20 Kampuchea in harmony then nothing would happen, but they did not.

21 So we hate the "Yuon" people. And even in Cambodia now, there are

22 still "Yuons" living.

23 BY MR. DE WILDE D'ESTMAEL:

24 Q. Last question, Mr. President, if you please allow me to. Some

25 of these Vietnamese people living in Cambodia had been living

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1 there for generations and they spoke Khmer. Do you know how the
2 <> Kampuchean government of the DK regime would go about it to
3 differentiate and identify the people of Vietnamese origin from
4 Khmer people?

5 [16.03.41]

6 MR. MEAS VOEUN:

7 A. I cannot attest to that. However, I can say from what I
8 observed. Even though the wife of the late King Sihanouk, she's a
9 "Yuong". However, she's still living. So, for that reason, some
10 "Yuong" are still living in Cambodia and if they are living in
11 peace or they are living peacefully, then we have no problem with
12 it.

13 But I believe under the Democratic Kampuchea regime, they were
14 not allowed to live in Kampuchea because we learned through our
15 education about the contradiction or conflict between the "Yuong"
16 and Laos and Kampuchean people--

17 [16.04.41]

18 MR. PRESIDENT:

19 Witness, please respond directly to the question. The question is
20 that from your observation, did you ever notice that they were <>
21 "Yuong" because they had lived here in Cambodia for a long time
22 and that they spoke Khmer fluently?
23 And what did they do to differentiate between the ethnic "Yuong"
24 and the -- those who actually lived in Cambodia and spoke Khmer
25 fluently? That is those who had lived for a long time in

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1 Kampuchea. What kind of differentiation that they made?
2 So please respond directly to the question rather than to provide
3 irrelevant response. You should only make necessary response to
4 the question that was being put to you.

5 MR. MEAS VOEUN:

6 I did not witness how the policies were towards them, however,
7 <in the past,> I only knew that they were not allowed to live in
8 Kampuchea.

9 [16.06.12]

10 MR. PRESIDENT:

11 Witness, this is about your personal experience or observation.
12 How did you differentiate the ethnic "Yuon" who had lived here in
13 Cambodia for a long time, or whether you distinguish through
14 <their skin colour, clothes or> the way they spoke the Khmer
15 language with accent, as in the case of some Cham people who
16 spoke Khmer with accent?

17 If that is the way that you differentiate the ethnic "Yuon", did
18 other people also differentiate the ethnic "Yuons" through this
19 way <in Khmer society at that time>?

20 MR. MEAS VOEUN:

21 Yes, I made the differentiation as you just said, Mr. President.
22 The first thing that I differentiated is that they spoke with
23 accent, they spoke Khmer with accent and, secondly, through their
24 neighbours. They knew them <and> how long they had lived in the
25 area. Because for them, although they could speak the Khmer

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1 language fluently, the local villagers would know that they were
2 "Yuon". <And they told us.>

3 [16.07.30]

4 MR. PRESIDENT:

5 Thank you. The Hearing today is now adjourned and we will resume
6 tomorrow, that is Wednesday, 3 February 2016, commencing from 9
7 o'clock in the morning.

8 Tomorrow the Chamber continues to hear the testimony of Witness,
9 Meas Voeun, in the morning and continue hearing testimony of In
10 Yoeung in the afternoon.

11 Mr. Meas Voeun, the Chamber is thankful of your testimony,
12 however, it is not yet concluded. You are invited therefore to
13 return tomorrow morning. <The hearing will commence at 9 o'clock
14 in the morning.>

15 And, Ms. Socheata the Chamber would also like to invite you to
16 return tomorrow morning to assist your client.

17 Court Officer, in collaboration with WESU, please make
18 arrangement for Meas Voeun to return to his accommodation and
19 allow him to return tomorrow morning.

20 Security personnel, you are instructed to take the two accused,
21 Nuon Chea and Khieu Samphon, to the detention facility of the
22 ECCC and have them returned to attend the proceedings tomorrow
23 before 9 o'clock.

24 The Court is now adjourned.

25 (Court adjourns at 1609H)