



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

5 December 2016
Trial Day 487

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 07-Feb-2017, 11:20
Sann Rada
CMS/CFO:.....

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
SON Arun
LIV Sovanna
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
CHEA Sivhoang
Stavroula PAPADOPOULOS

Lawyers for the Civil Parties:
Marie GUIRAUD
HONG Kimsuon
LOR Chunthy
PICH Ang
VEN Pov

For the Office of the Co-Prosecutors:
Nicholas KOUMJIAN
Dale LYSAK
SENG Leang
SREA Rattanak

For Court Management Section:
UCH Arun

I N D E X

Mr. SIN Oeng (2-TCW-1069)

Questioning by Mr. KOPPE resumes..... page 3

Questioning by Mr. KOUMJIAN page 18

Questioning by Mr. PICH Ang..... page 70

Questioning by The President (NIL Nonn) page 77

Questioning by Judge LAVERGNE..... page 82

Mr. NUON Trech (2-TCW-1060)

Questioning by The President (NIL Nonn) page 86

Questioning by Mr. KOPPE page 90

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SIN Oeng (2-TCW-1069)	Khmer
Mr. NUON Trech (2-TCW-1060)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will continue hearing the testimony of Sin

6 Oeng to the conclusion, and there is a reserve witness,

7 2-TCW-1060.

8 Chea Sivhoang, please report the attendance of the parties and

9 other individuals to today's proceedings.

10 [09.03.48]

11 THE GREFFIER:

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

13 are present except Mr. Son Arun, the National Co-Counsel for Mr.

14 Nuon Chea, who informs the Chamber that he is absent today for

15 personal reasons.

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

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

18 been delivered to the greffier.

19 The witness who is to testify today, Sin Oeng, is here with a

20 duty counsel, Sok Socheata. And today, we have a reserve witness,

21 2-TCW-1060.

22 Thank you very much, Mr. President.

23 [09.04.42]

24 MR. PRESIDENT:

25 First the Chamber now decides on the request by Nuon Chea.

2

1 The Chamber has received a waiver from Nuon Chea dated 5th
2 December 2016, which states that, due to his health, headache,
3 back pain, he cannot sit or concentrate for long. And in order to
4 effectively participate in future hearings, he requests to waive
5 his right to be present at the 5th December 2016 hearing.
6 Having seen the medical report of Nuon Chea by the duty doctor
7 for the accused at the ECCC, dated 5th December 2016, which notes
8 that Nuon Chea has a constant lower back pain when he sits for
9 long time and the doctor recommends that the Chamber shall grant
10 him his request so that he can follow the proceedings remotely
11 from the holding cell downstairs. Based on the above information
12 and pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
13 grants Nuon Chea his request to follow today's proceedings
14 remotely from the holding cell downstairs via an audio-visual
15 means.

16 [09.05.58]

17 AV Unit personnel are instructed to link the proceedings to the
18 room downstairs so that Nuon Chea can follow. This applies for
19 the whole day.

20 And the Chamber wishes to ask about the time arrangement between
21 the defence team for the two Accused. So how do you arrange the
22 time left for you? <Both defence teams> have only one session
23 today to put questions to the witness, and <in principle,> the
24 Khieu Samphan team will have the last opportunity to put
25 questions to the witness.

1 MR. KOPPE:

2 Yes. Good morning, Mr. President.

3 I intend to use, I suppose, two-thirds of today's session, and
4 the remaining time will be for the Khieu Samphan team after the
5 Prosecution and civil party Lead Co-Lawyers have finished their
6 questioning.

7 [09.07.01]

8 MR. PRESIDENT:

9 Fine. Now you may proceed, Counsel for Mr. Nuon Chea.

10 QUESTIONING BY MR. KOPPE RESUMES:

11 Yes. Thank you, Mr. President.

12 Q. Good morning, Mr. Witness. I would like to continue my
13 questioning with you this morning.

14 Last Thursday, we were speaking about Heng Samrin and So Phim,
15 and So Phim's instruction to Heng Samrin to gather forces. I have
16 a few follow-up questions in respect of Heng Samrin.

17 At the time when So Phim gave his instruction to Heng Samrin,
18 Heng Samrin was still the commander of the 4th Division. Is that
19 correct?

20 MR. SIN OENG:

21 A. That is correct.

22 Q. Do you know who, at that specific time, was the
23 second-in-command of the 4th Division? Who was Heng Samrin's
24 deputy; do you know?

25 [09.08.32]

4

1 A. I didn't know at the time his deputy. <On> that <> day, I met
2 <only> Heng Samrin. I did not know <> other individuals.

3 Q. But I thought you had told DC-Cam, correct me if I'm wrong,
4 that you had seen So Phim meet Heng Samrin quite often. Is that
5 correct, or do I -- did I misunderstand your testimony?

6 JUDGE FENZ:

7 If you're referring to DC-Cam testimony, perhaps you could give
8 us the reference. Then it's easy.

9 [09.09.39]

10 BY MR. KOPPE:

11 Q. Yes, certainly E3/10716; English, ERN 01353341; Khmer,
12 01340556; and French, 01345494.

13 This is what the DC-Cam statement says:

14 Question: "At that time, was Ta Heng Samrin the chairperson of
15 Division 4?"

16 And then you answered, "Chairperson of Division 4."

17 Question: "Did you bring the letters to him personally?"

18 And then you answer, "I often had food and drink with him."

19 "You had food and drink with him?"

20 "That's right. I ate meals face to face with him."

21 "Did he ever say anything?"

22 "He even used to pick jack fruit and bring it to me. He used to"

23 -- well, then it continues.

24 So Mr. Witness, this seems to suggest that you knew Heng Samrin
25 quite well and that you met him more than this one time that he

5

1 was instructed by So Phim to gather forces; correct?

2 MR. SIN OENG:

3 A. When I lived there, I used to go to see him. And after the
4 arrests were made by the southwest, I, from that time onward,
5 <did not meet him up to now>.

6 Q. Let me return to my original question. Did you know who the
7 Number 2 of the 4th Division was?

8 [09.11.51]

9 A. At the time, I do not know clearly. No one told me. There was
10 another person with me accompanied those people<, but they were
11 all dead>. Two of us, including me, were equipped with weapons<,
12 we were scared because the road covered with> forests.

13 Q. In your DC-Cam statement, English ERN 013 -- actually, it's
14 the exact same pages as I just mentioned. When you talked about
15 Heng Samrin, you also talk about someone named Kim, Heng Kim. We
16 briefly discussed him last week as well, and you said that Kim
17 was chairperson of Division 5.

18 Is it correct that Kim, at one point in time, was the deputy
19 commander of Division 4, before he came commander of Division 5?

20 [09.13.14]

21 A. I did not know the individual <by the name Kim> in the past,
22 but after I went through an incident, I learned that he was part
23 of Division 5. <I did not know him before.>

24 Q. The reason I'm asking you is because of an excerpt in a book
25 written by an Australian scholar, someone who recently testified

6

1 in this courtroom as an expert. Just for completeness' sake, let
2 me read that particular excerpt.

3 Mr. President, I'll be referring to E3/10699, English ERN only
4 01335197. And this is what this particular scholar wrote, and I
5 will be asking if you have any reaction to it. He says, quote:
6 "According to a major from the National Army of Democratic
7 Kampuchea, who had defected to Thailand in September," --
8 September '78, that is -- "Heng Samrin had attempted a coup
9 against the government in Phnom Penh the previous April. However,
10 the second-in-command of Heng Samrin's 4th Division, based at
11 Kampong Cham, warned the government, and the plot was crushed.
12 Heng Samrin, who was said to have been part of a larger
13 pro-Vietnamese group within the CPK, fled to Vietnam with some of
14 his troops and weapons."

15 Is that something that you ever heard, Mr. Witness, a
16 second-in-command of the 4th Division betraying Heng Samrin and
17 warning the government of an attempted coup d'état?

18 [09.15.35]

19 A. I have never heard about that. I had already left. I did not
20 know about that. That's all I can say <>.

21 Q. Mr. Witness, I showed you a photo the last time that you were
22 in this courtroom. This was a photo from a video, and I would
23 like to show you the nine seconds of this video that the photo
24 was taken from. And I would like to ask you to have a look at
25 this and ask you again if, this time, you are in a position to

7

1 recognize that person.

2 Mr. President, with your leave, I would like to put on the screen
3 E3/3015R, minutes 1.51 up until minute 2, nine seconds that we
4 have prepared for this witness.

5 [09.17.00]

6 MR. PRESIDENT:

7 Yes. Please proceed.

8 And AV Unit, please show the video clip requested by the defence
9 team for Mr. Nuon Chea, Koppe.

10 [09.17.12]

11 (Audio-visual presentation)

12 [09.17.32]

13 BY MR. KOPPE:

14 Q. Mr. Witness, the very first person you saw on that clip who
15 was raising his fist, is that Heng Samrin?

16 MR. SIN OENG:

17 A. It is not clear to me. It happened long time ago. My memory
18 does not serve me well, so I would like your response that it
19 appears that I am not sure who he is.

20 Q. Maybe one final question on this subject.

21 The man that you -- that you saw raising his fist while
22 addressing the crowd, does that man look like the person -- does
23 he look like Heng Samrin, the one you saw being instructed by So
24 Phim to gather forces?

25 [09.18.50]

1 JUDGE FENZ:

2 Sorry, counsel. I'm not sure I understand that. He said he
3 doesn't know if it's Heng Samrin, so what, exactly, do you want
4 to know how?

5 Does he have a resemblance to Heng Samrin, or what is the
6 question aimed at?

7 MR. KOPPE:

8 Well, we firmly believe that it is Heng Samrin. He has met Heng
9 Samrin on multiple occasions. My question is, does he resemble
10 the Heng Samrin he knew. The person on the video clip, does he
11 look like the person that he remember as Heng Samrin?

12 I agree it's a long shot, but--

13 [09.19.25]

14 MR. PRESIDENT:

15 Mr. Witness, this is a leading question. Please do not respond to
16 the question.

17 You, yourself, is testifying, and we have received the clear
18 answer already from the witness.

19 BY MR. KOPPE:

20 As I said, it's not very important. I will move on, Mr.
21 President.

22 Q. And let me -- let me now go to something you said last
23 Thursday about Ros Nhim coming to visit So Phim. And I asked you
24 to describe the house that they met, and you described it quite
25 extensively as of minute -- or 14.30. In the draft transcript, we

1 can read the house being situated in Som. That's a mis-spelling.

2 It's supposed to be Suong, S-U-O-N-G.

3 Mr. Witness, I would like to confront you with something that was
4 said by an upcoming witness, 2-TCW-1070.

5 Mr. President, there is a bit of a situation in relation to the
6 English transcript of document E3/10717, and that is, there is --
7 there are about 10 missing pages which are translated. There is a
8 French version, a complete French version, and there is, of
9 course, a Khmer version.

10 [09.21.32]

11 So I'll be reading from an English transcript, which doesn't have
12 ERN numbers yet, but I do have the French ERN and the Khmer ERN.
13 It's a bit complicated, but I am -- I understand that ERNs are on
14 the way, the English ERNs.

15 JUDGE LAVERGNE:

16 Just one clarification. Who did this transcription, the 10 pages
17 that are missing in the version that is on record?

18 [09.22.10]

19 MR. KOPPE:

20 Yes. What happened is that we were triggered by the very last
21 sentence in the English transcript of the upcoming witness'
22 testimony. It says, in E3/10717, on English ERN 01354231, it
23 says:

24 "The end(sic). 10 more pages of Khmer."

25 Then we contacted the translation unit, and it turned out that

10

1 they had already translated those 10 pages, but haven't
2 attributed any English ERNs. However, French is translated.

3 JUDGE FENZ:

4 And for the record, you are quoting or planning to quote from an
5 official translation.

6 BY MR. KOPPE:

7 Correct.

8 Q. Mr. Witness, in French ERN 01348564 and Khmer ERN 01340521 and
9 522, this other witness is testifying about Ros Nhim visiting the
10 East Zone, and this is what he says. And let me read it to you:

11 "So when he came to the" -- Question: "So when he came to the
12 east, what places did he visit? Where did he mostly visit?"

13 Answer: "He came to Tuol Preab and Samraong." Tuol Preab is
14 T-U-O-L, and Preab, P-R-E-A-B, and Samraong, S-A-M-R-A-O-N-G.

15 [09.24.12]

16 Question: "He did not go to visit Suong?"

17 "Never. He never entered that place."

18 Question: "He only came to visit Tuol Preab and Samraong?"

19 "Yes."

20 "So he came to Tuol Preab and Samraong to visit Yeay Kirou?"

21 "Yes, because Yeay Kirou's place was there."

22 Now, this witness is saying that So Phim never visited -- sorry,
23 Ros Nhim never visited So Phim in Suong, S-U-O-N-G. However, you
24 described multiple visits in a house very close to Suong.

25 Are you sure you saw Ros Nhim visiting So Phim in Suong?

11

1 [09.25.12]

2 MR. SIN OENG:

3 A. Yes, I once saw him. He made a visit at that location. He was
4 there for a brief moment only.

5 Q. This same witness is -- when he's describing Ros Nhim's visit,
6 is saying on that same page that Ros Nhim would sleep over two or
7 three nights.

8 Is that something that you know as well?

9 A. He spent an overnight, as you said. I do not know about this.
10 I do not respond to the question. My memory does not serve me
11 well, and I may not have seen him on that occasion.

12 Q. Fine. Let me move on, Mr. Witness.

13 Last Thursday, we briefly spoke about Nuon Chea, and I read to
14 you your DC-Cam statement.

15 Nuon Chea came to sleep at your office locations three or four
16 times. Of course, you knew him. You said he slept in Suong and
17 Nuon Chea came pretty often.

18 In addition to this, you said the following:

19 [09.27.33]

20 "I only saw that upon arrival. They hugged each other, all of
21 them. When Nuon Chea arrived at a location, he would go down and
22 hug and shake hands."

23 Is that something you recall saying?

24 A. <It is true.> I saw that. Usually, <when> high-ranking
25 officials met<, they shook hands, they> hugged each other<>.

12

1 Q. I understand.

2 Let me refer you to some -- to an excerpt from a book written by
3 a Cambodian journalist, Thet Sambath. And there's a chapter in
4 there that describes the relationship between Nuon Chea and So
5 Phim, document E3/40 -- sorry, 4202; English, ERN 00757535 and
6 further; French, 00849445 and further; and Khmer, 00858353 and
7 further.

8 [09.29.23]

9 In this, the writer says that Nuon Chea and So Phim were very
10 close, that So Phim was like a brother to Nuon Chea. There's a
11 quote in there that says -- that when Nuon Chea says:

12 "I loved him and he loved me. I was the closest to him because we
13 used to struggle together and we took care of each other."

14 It goes on a bit, but the gist of the excerpt is that So Phim and
15 Nuon Chea were very close, very, very close to each other. Is
16 that something that you were somehow able to observe, Mr.
17 Witness?

18 A. I never knew about how close they were, but it happened as
19 usual when they welcome each other. It's beyond my knowledge of
20 the other issue because it was their internal business.

21 Q. I understand, but let me -- let me ask it differently. Did you
22 see any difference in the way So Phim, your boss, was interacting
23 with Nuon Chea as opposed to how he was interacting with other
24 leaders coming from the Centre?

25 A. I was not aware of what they were discussing about. I only

13

1 witnessed when he arrived because I was guarding outside. But as
2 for the discussion topics, I was not aware of them.

3 Q. A bit further in that chapter in this ERN, 00757536; Khmer,
4 00858355; and French, 00849446; there is also a reference being
5 made to the relation between Nuon Chea and Heng Samrin. It says:
6 [09.32.05]

7 "In May '78, one of the top military leaders in the Eastern Zone,
8 Heng Samrin, who had been close to Nuon Chea and protected him
9 during Brother Number 2's visits to Pol Pot during the sixties,
10 fled to Vietnam along with hundreds of other cadre."

11 Mr. Witness, did you ever observe a meeting between Nuon Chea and
12 Heng Samrin?

13 A. I chose not to answer this question because it was beyond my
14 knowledge.

15 Q. Am I to understand your answer as follows, that you never saw
16 Nuon Chea when he was visiting So Phim, interacting or meeting
17 with Heng Samrin, or is it something that you just don't know?

18 A. I said earlier already that I witnessed he arrived, but I was
19 not aware of what they were discussing about because the area
20 where I was standing or guarding <was 20, 30, or 50 metres away
21 from where> they were discussing.

22 [09.33.58]

23 Q. That's fine, Mr. Witness. Let me move on to another subject.
24 You mentioned in your statement a place called Kandol Chrum,
25 K-A-N-D-O-L, Chrum, C-H-R-U-M.

14

1 Where was Kandol Chrum, and what was the situation in Kandol
2 Chrum?

3 A. Kandol Chrum was located to the east of Suong. It was just a
4 small farmers' village. There was nothing important there. And
5 the name of the village was called Kandol Chrum.

6 Q. Were the military headquarters of Ke Pauk close to Kandol
7 Chrum?

8 A. I was not aware of the location of the headquarters. I only
9 saw their forces patrolling the road when I used the road, but I
10 had no idea where the headquarters was located.

11 Q. Were you ever together with So Phim in Kandol Chrum?

12 A. I never <lived> at Kandol Chrum <with So Phim>. I only passed
13 the area when I travelled.

14 Q. Do you know whether about four or five months, six months
15 before So Phim killed himself, Vietnamese tanks had entered the
16 territory of the East Zone; December 1977, tanks driving into the
17 area close to Suong trying to drive into Kandol Chrum, is that
18 something that you recall?

19 [09.37.08]

20 A. No, they did not <reach> Suong. They only arrived at <Chenh
21 Chaeum> (phonetic) commune, and <this> commune <was> about 10
22 kilometres away from Suong.

23 Q. Very specifically, do you know anything about two Vietnamese
24 tanks driving into Kandol Chrum on the 22nd of December 1977?

25 A. I did not know clearly about it. <I cannot answer it.>

15

1 Q. Well, let me read to you what I'm specifically referring to,
2 Mr. Witness.

3 Mr. President, E3/1593, English ERN -- it's Ben Kiernan's book.
4 English, ERN 01150194; French, 00639154; Khmer, 00637826, 27. And
5 this is what Kiernan describes using Hem Samin, H-E-M S-A-M-I-N,
6 as his source, a very reliable source, if I might add. This is
7 the quote:

8 [09.38.46]

9 "On 22 December, two Vietnamese tanks drove into Kandol Chrum
10 township in an attempt to contact So Phim. Then they turned back
11 towards the border. Inside the tanks, it appears, were several
12 Khmer revolutionaries who had previously fled to Vietnam. Hun
13 Sen, Hem Samin and eight others accompanied the Vietnamese forces
14 on missions across different sections of the border. Samin
15 managed to penetrate into Svay Rieng province dressed in black
16 with a squad of 10 bodyguards." End of quote.

17 Mr. Witness, do you know anything about Khmer revolutionaries,
18 former East Zone revolutionaries, East Zone cadres in Vietnamese
19 tanks trying, in December '77, to contact your boss, the person
20 you worked for, So Phim?

21 A. No, I was not aware of it. I only heard that there were
22 foreign tanks, and I was not aware of the full details.

23 Q. But in general, are you aware of any attempts of Vietnamese
24 forces to make contact with East Zone forces in December 1977?

25 [09.40.52]

16

1 A. Allow me to answer. I did not know about it. I did not know
2 about the internal political issues at that time.

3 Q. Well, that's fine, Mr. Witness. One other question, and that
4 is about a secret meeting in March '78, led by So Phim in a
5 village called Pha Au village, P-H-A A-O -- A-U. Pha Au village.
6 Let me give you the -- let me give you the reference, Mr.
7 President, again, Kiernan's book, E3/1593.

8 English, ERN 01150203; Khmer, 00637947; French, 00639172; quote:
9 "A woman from the Ponhea Kraek district office says that Phim
10 called a secret meeting in Pha Au village in March '78. I was
11 serving the food for the leading cadres there, but I went in
12 close and heard what was being said. Phim told them that the
13 situation had now changed considerably, and that comrades should
14 all take an interest."

15 [09.42.33]

16 And a bit further, "He told everyone to watch out, to be
17 careful." End of quote.

18 Mr. Witness, do you know anything about a secret meeting in March
19 '78, two months before -- two and a half months before So Phim
20 died? Secret meeting in Pha Au village?

21 A. No, I did not know <that place>. Perhaps on that day, I did
22 not accompany him because on some occasions, I accompanied him,
23 while others, I did not go.

24 Q. Do you know where Pha Au village is?

25 A. I did not know that location clearly, and I could not locate

1 it.

2 Q. Thank you, Mr. Witness. One or two final questions, a question
3 of clarification.

4 Last week, you said that So Phim's brother, Dul, is the same
5 person as Prak Tith. You said that Dul or Prak Tith was the
6 district chief of Krouch Chhmar district.

7 Do you know whether Dul or Prak Tith also held a position at any
8 point in time in Chhloung district, C-H-L-O-U-N-G (sic)? Chhloung
9 district.

10 A. I did not know clearly, because he was based far from my place
11 and he occasionally came to visit me. And I was aware that he
12 came from Krouch Chhmar. For other thing else, I did not know.

13 [09.45.03]

14 Q. And my very last question, Mr. Witness, brings me to the
15 period before 1975.

16 In your DC-Cam statement as of English, ERN 01353309; French,
17 01345473 and further; and Khmer, 01340536; you talk quite
18 extensively about the U.S. bombing, heavy U.S. bombing in your
19 area. Do you recall testifying to this -- to the DC-Cam
20 interviewer?

21 A. Yes, there was bombing, but I did not recall the date. <I ran
22 away, some shelling missed me and some fell afar in front of me>.

23 [09.46.20]

24 Q. You said that there was heavy bombing at the time, whole
25 family -- whole families would be killed. And then you said

1 specifically:

2 "They died on the end of the village. They were killed. A lot of
3 person died during the war period."

4 And then you referred to Ta Loek.

5 "All of Ta Loek's children and grandchildren were killed in
6 Tbaeng village." End of quote.

7 Is that something you remember saying, that this whole family got
8 killed because of bombs dropped by U.S. warplanes?

9 A. Yes, I said so. <It was not> about the bombing from planes,
10 but <it was> artillery <shelling from the U.S. controlled
11 territory, and the shelling fell on that area. I was not the only
12 one who knew this, villagers over there also knew about this.>
13 <The> artillery bombings hit <a bunker in his home, killed them
14 all>. <I truly said so.>

15 Q. That's the clarification I was looking for. Thank you very
16 much, Mr. Witness.

17 Thank you, Mr. President.

18 MR. PRESIDENT:

19 Now I give the floor to the Co-Prosecutor to put questions to the
20 witness.

21 [09.48.04]

22 QUESTIONING BY MR. KOUMJIAN:

23 Q. Good morning, sir. Thank you very much for coming, and please
24 continue your practice of just telling us what you know, what you
25 saw and heard and, if you don't know the answer, continue to tell

1 us that you don't know the answer.

2 And just so we have a little bit better idea of matters that you
3 would be familiar with, you told us that you were recruited to
4 the defence office of So Phim in about April or May of 1976.

5 Can you explain exactly what the function of that defence office
6 was?

7 MR. SIN OENG:

8 A. <I said the> defence office was a place where he stayed. And
9 for me, I performed the role as a guard. I did not have any other
10 roles.

11 Q. Thank you. Now, you mentioned your commander, if I'm correct,
12 was Choeuk. Who did Choeuk report to? Were you under a division
13 or a battalion, or did you report directly to someone else?

14 [09.49.34]

15 A. Choeuk was my direct supervisor at that office. <For example,>
16 when So Phim went somewhere, Choeuk was the one who assigned the
17 force to protect him.

18 Q. Okay. So just to make sure that I'm clear, is it correct,
19 then, that Choeuk reported directly to So Phim?

20 A. Yes. So Phim told <> Choeuk, and Choeuk reported back to him.

21 Q. So I want to go back to something you had said last week. You
22 were talking about the different divisions, and I believe you
23 mentioned a Division 1, different divisions of the East Zone.

24 The upcoming witness that counsel's read to you several times
25 from his statement, E3/10717, he said in Khmer, at page 01340494;

20

1 in French, at 01348538; and in English, at 01354194; that

2 Division 1 had been handed over to Phnom Penh.

3 And also in the book that counsel referred to by the Australian

4 historian, Ben Kiernan, E3/1593, he says that in July '75, the

5 Revolutionary Army of Kampuchea had a ceremony where it was

6 created and different zones handed over their armed forces to the

7 Central Committee.

8 So do you know if -- does that ring any bells with you? Was

9 Division 1 or other forces from the East Zone transferred to a

10 Centre army in 1975? I know that was before you arrived, but do

11 you know anything about that?

12 [09.51.57]

13 A. I did not hear about this. I knew very little about this kind

14 of affairs.

15 Q. Okay. And so, just so we understand that, is it then correct

16 that you -- your defence office was a bodyguard unit, and not a

17 combatant unit under one of the divisions? Your job was just to

18 protect So Phim. Is that correct?

19 A. There was no division, which was assigned to protect him.

20 There was only me <within that ministry>, which were responsible

21 for that. <No other units were responsible for that. People lived

22 in mobile units, and the surrounding place was villages where

23 people resided. At the rear, it was the rice field.>

24 Q. And how many actual bodyguards, armed personnel, were there in

25 your unit?

1 [09.53.17]

2 A. There were around 10 of us who were <soldiers> responsible for
3 guarding, but there were also other staff who were in charge of
4 other tasks <in that ministry>. For example, <farmers, cattle
5 tenders, rice harvesters, and> people who transported fertilizer
6 to the paddy fields. <All individuals had their own tasks.>

7 Q. Was there a telegram unit located at the defence office?

8 Telegraph. Excuse me.

9 A. At that time, there was a kind of <a device, so called,> radio
10 <> that was installed on vehicles, and I, myself, did not know
11 how to use it.

12 Q. Do you know of any code names that So Phim used when sending
13 communications to the Centre? Do you know if he would use a code
14 name rather than signing his own name?

15 A. I did not know as to whether he used any code name. <I did not
16 pay much attention to it, so I dare not give you the answer.
17 Since I do not know,> so I cannot give any answer about it.

18 [09.55.16]

19 MR. PRESIDENT:

20 Mr. Witness, you have an obligation to give response to
21 questions. If you know the answer, you give the answer. And if
22 you don't know the answer, you <just> say that you don't know the
23 answer.

24 <When you gave unclear> statements <, there would be follow-up
25 questions. Consequently, your answers would not be drawn for

1 ascertaining the truth>. That's why I advised you to have a clear
2 position regarding your answer. If you know, you say you know,
3 and if you don't know, you say you don't know.

4 BY MR. KOUMJIAN:

5 Q. Okay. Thank you. Sir, let me go back to something you have
6 spoken about in Court. You've said that, I believe, that Ke Paul
7 would visit. And in your statement to DC-Cam at English,
8 01353373; in Khmer, at 01340575; and at French, at 01345513; you
9 said, about Ke Pauk, "He came often. He came throughout the
10 time."

11 You were asked for how many days he would come per time. You
12 said, "Sometimes he came once per week -- per week."

13 [09.56.55]

14 And then you went on to say:

15 "When there were attacks on with Vietnam, when the Khmer Rouge
16 were attacking the Vietnamese, Ke Pauk came here and remained
17 here, and only here."

18 So my question is, first of all, can you explain what you mean
19 about the time when the Khmer Rouge were attacking the
20 Vietnamese?

21 MR. SIN OENG:

22 A. There <were armed> clashes <broke out everywhere between the
23 Khmer Rouge and the Vietnamese.> I can confirm there was really
24 fighting took place <against the Vietnamese. In fact, they were
25 fighting against each other>.

1 Q. Well, let's put it in some timeframe. In relation to the
2 arrests of the East Zone cadre that you've talked about, did the
3 fighting with Vietnam happen before the arrests, did it start
4 before the arrests or during the arrests? Can you explain?

5 A. The fighting was still going on, and the arrests were also
6 going on. <To my knowledge,> there was an outbreak of <major>
7 fighting <prior to the> arrests.

8 Q. Was So Phim involved in the fighting against the Vietnamese?

9 [09.58.57]

10 A. <At that time,> my defence unit<,> that protected So Phim,> was
11 never deployed to the battlefield. Only those who were at the
12 frontline were engaged in fighting. <Our unit was at the rear.>
13 Therefore, I was not aware of what was going on at the
14 battlefield.

15 Q. Did you ever visit the battlefields or visit the commanders
16 just behind the battlefields with So Phim?

17 A. I never went.

18 Q. When you spoke about the arrests of the East Zone cadre --
19 first of all, let me break that -- break this up into two time
20 periods; arrests before So Phim went to Phnom Penh and then
21 eventually killed himself after being turned back at Phnom Penh;
22 and arrests after So Phim's trip to Phnom Penh. Before the trip
23 to Phnom Penh that you took with So Phim, had East Zone cadre
24 been arrested?

25 A. Yes, there were many cadres arrested <already> before So Phim

24

1 went to Phnom Penh.

2 Q. It seemed the witness was speaking after the interpreter
3 stopped the English, so I'm not sure if we missed any of his
4 answer, or maybe the microphone was off.

5 So let me just make sure when you answer that the red light is
6 on.

7 Sir, were any of those East Zone cadre who were arrested people
8 -- Khmers who had been fighting against the Vietnamese?

9 And perhaps counsel could pull the microphone a little closer to
10 the witness. He's speaking softly, or perhaps the court usher.

11 MR. PRESIDENT:

12 I believe the distance between the witness and the microphone is
13 okay for him to speak.

14 MR. SIN OENG:

15 The question is not clear. Could you repeat it?

16 [10.02.16]

17 BY MR. KOUMJIAN:

18 Q. Before So Phim's trip to Phnom Penh to meet the leadership
19 that you went with him on, you said that cadre from the East Zone
20 had been arrested, were any of those Khmer soldiers who'd been
21 fighting against Vietnam, were they among those arrested?

22 A. Those <from the East Zone> were <all> arrested. No matter
23 where they were from, as long as they were <serving in the
24 ministries or offices> within the East Zone, they were targeted
25 for the arrests. Whether they were civil officials or cadres,

25

1 they were all arrested. <Some could escape, they survived, but
2 those who> were arrested, <were sent> for education, but I,
3 myself, did not know where they were sent to.

4 Q. Did you ever see them again, or did they disappear?

5 A. I never saw them back. They disappeared from that time
6 onwards.

7 For me, I fled back to my birthplace. We separated from one
8 another from that time onwards. <I never saw them again.> That's
9 all I can say.

10 [10.03.59]

11 Q. Well, I'm going to come to your trip to Phnom Penh with So
12 Phim. I think that's very important.

13 We haven't had -- been given a chance to speak about that yet.

14 But just before we go to that, I just want to finish a few other
15 things.

16 Choeuk, you told us about your supervisor, your boss, Choeuk.

17 What happened to him? Can you explain to us?

18 A. Before I had left for Phnom Penh, Choeuk had been arrested one
19 day before I left for Phnom Penh. That's all I can say.

20 Q. Do you know what happened -- why was he arrested?

21 A. I did not know the <place where> he was arrested because I was
22 not with him. <I could not figure out what happened, because
23 suddenly> he disappeared, so it is my assumption that he was
24 arrested. That's all I can say.

25 [10.05.38]

1 Q. In your statement to DC-Cam, you went into a little bit more
2 detail, and I'd like to read that to you.

3 And this is on page, in English, 01353339; in Khmer, it's
4 01340555; and in French, 01345492. You said:

5 "Once there was when there were arrests, This Choeuk went to
6 resolve things, and they also arrested Choeuk. Everyone who
7 entered there with a vehicle or motorbike seen to have an east
8 plate was arrested, without exception anywhere, tied up, killed
9 and disposed of. They arrested them, tied them up and killed
10 them.

11 No sooner had Choeuk entered there to resolve things, then they
12 beat him to death and dumped him into a well."

13 Is this something, Mr. Witness, that you heard or observed, or
14 did someone tell you that?

15 [10.07.20]

16 A. The war ended in 1979, and 1980 I went to <visit> that
17 village. And I was told that after Choeuk had come, those people
18 were smashed into a well.

19 Villagers at that location <said how I managed to survive. Some
20 of them> wept when they saw me <because I reminded them of their
21 children whom they had lost>. They wept because they saw me alive
22 after the regime. I learned that information from villagers.

23 That's all from me.

24 Q. Thank you. That's helpful. You said that Choeuk went to
25 resolve things. Can you explain what you meant by that?

1 A. I meant that he went to resolve one case, that is, <Yorn>'s
2 (phonetic) case, <Yorn (phonetic)> went to repair a vehicle. That
3 repairman, <Yorn> (phonetic), was arrested<. Then,> Choeuk went
4 to resolve that case. And when Choeuk arrived, he was also
5 arrested. I learned this information from villagers <after> 1979
6 <or> 1980.

7 MR. PRESIDENT:

8 And for interpreter, Choeuk.

9 And I believe there is a mispronunciation of Choeuk, not Chhuk
10 (phonetic). That is the <big> difference <in Khmer language.>
11 They are two different names, Choeuk and Chhuk (phonetic).

12 BY MR. KOUMJIAN:

13 Q. Did you learn who it was that was killing Choeuk and Chon
14 (phonetic) and others?

15 A. I do not know about that.

16 Q. Well, do you know if they were forces from the East Zone or
17 from another armed force?

18 A. Those <who came to make the arrest> were from the Southwest,
19 and Centre. They went to the location to arrest people. That's
20 all.

21 [10.10.19]

22 Q. Let me ask you a few questions about So Phim. Now, did you
23 know what his position was in the Centre?

24 A. I did not know his position in the Centre. All I know is that
25 he was the head of the zone.

1 Q. Did you ever hear of the Standing Committee?

2 A. I rarely heard about the so-called Standing Committee. I'm not
3 sure, in fact, so I would like to say that I do not know about
4 it.

5 Q. Okay. Thank you. When you went with So Phim to Phnom Penh,
6 where did you go with him? Where would he go?

7 [10.11.38]

8 A. Before I went up to Phnom Penh with So Phim, I was told that I
9 had to go to Phnom Penh with him, but we <stopped at the river
10 bank at Akrei Ksatr. That was> on the other side of Phnom Penh.
11 Messengers were <also> arrested, <some fled and told me about it,
12 so, I stopped> at a house in a plantation at the time.

13 Q. Okay. I think you're talking about your final trip with So
14 Phim to Phnom Penh. And so we don't get interrupted, I think I
15 will deal with that after the break.

16 So before the break, which will be soon, I just wanted to ask you
17 about So Phim's trips before the time that he went -- tried to go
18 to Phnom Penh and then ended up committing suicide.

19 So during the years up to '76 and '77 and the early part of '78
20 when you were working with him, how often would he travel to
21 Phnom Penh?

22 A. As for the frequency of his trips, I cannot recall well. <I
23 accompanied him> to Phnom Penh three or four times, to my
24 recollection, and how frequent he travelled to Phnom Penh,
25 regarding this matter, I am not quite sure.

1 Q. In your statement to DC-Cam at page in Khmer, 01340559; in
2 French, 01345498; and English, 01353348; you said that he went
3 about twice a month. Is that correct, that you would go with him
4 or one of the other bodyguards would go with him to Phnom Penh
5 about twice a month?

6 [10.14.20]

7 A. Sometime I accompanied him, and others were on duty on some
8 other occasions. It was not always me. It depended on the
9 assignment, who would be assigned for him at one specific time.

10 MR. PRESIDENT:

11 Thank you, Mr. Witness.

12 It is now the break time. The Chamber will take a break from now
13 until 10.30.

14 Court officer, please assist the witness in the waiting room
15 during the break time, and please invite him back, together with
16 the duty counsel, at 10.30.

17 The Court is now in recess.

18 (Court recesses from 1015H to 1030H)

19 MR. PRESIDENT:

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

21 And the Chamber gives the floor back to the International

22 Co-Prosecutor to resume the questioning.

23 You may now proceed.

24 BY MR. KOUMJIAN:

25 Q. Sir, on Thursday, we started talking and it was read to you

30

1 something you had told to DC-Cam about before you took the trip
2 with So Phim, the final trip, when he attempted to go to Phnom
3 Penh, that he went and he met with Heng Samrin. And on page, in
4 English, 01353388; in Khmer, 01340585; and in French, 01345523;
5 you said that So Phim told Heng Samrin:

6 "He said he was going to Phnom Penh to sort things out. He said
7 that I'm going to Phnom Penh. If I disappear for just one week,
8 you, Rin, go into the forest, gather however many there are left,
9 and go into the forest to struggle."

10 So I have a couple questions for you. What did you mean when you
11 said that -- what did So Phim mean when he said he wanted to sort
12 things out? What did you understand him to mean when he said he
13 was going to Phnom Penh to sort things out?

14 [10.32.33]

15 MR. SIN OENG:

16 A. I heard that he <went to> solve some issues in Phnom Penh with
17 the senior leadership. I, at the time, did not know his internal
18 affairs.

19 Q. You said in that -- what you told DC-Cam, what I just read,
20 you said So Phim -- you quoted him as saying, "gather however
21 many there are left".

22 Do you know what he meant when he said, "however many there are
23 left"? Was he referring to -- what was he referring to?

24 A. They were those who were spared from the arrests. These people
25 <came to> gather <forces>. To my understanding, <it appeared that

31

1 he told> them <to> gather up <forces> to engage in the resistant
2 movement.

3 [10.34.01]

4 Q. So when you say "those who were spared", are you talking about
5 East Zone cadre who had not been arrested by Centre or Southwest
6 forces?

7 A. That is correct. That's all.

8 Q. So now, I understand that you did go with him on this trip to
9 Phnom Penh. Can you tell us, in addition to yourself and So Phim,
10 how many others did he bring with him?

11 A. <No one else,> I went with others who were from my group. We
12 went together with him.

13 Q. When you said So Phim controlled several divisions and that
14 there were district and zone level forces, how many combatants
15 went with him on that trip? Besides you, how many other armed
16 individuals?

17 A. I do not know about that. If you ask me this question <again
18 and again>, and I cannot figure out. I do not really know. <I
19 wish not to give an answer.> That's all I can say.

20 [10.35.52]

21 Q. Sir, I'm a little confused because when you spoke to DC-Cam
22 last year, you told them this. And this is on the next page from
23 the one I quoted. You were asked how many persons were there who
24 went -- who you say went to Phnom Penh. And you said:

25 "Nine persons including him. My group, two drivers, one cook,

1 himself and however many my group was, all together nine
2 persons."

3 Is that correct, what you told DC-Cam last year?

4 A. Yes, that is what I told the DC-Cam. I stand by that
5 statement. Nine of us went with him, and that number included the
6 drivers.

7 Q. Did So Phim indicate to you who he wanted to speak to? Did you
8 ever hear him say who it was in Phnom Penh he planned to talk to?

9 [10.37.15]

10 A. He did not tell me who he would meet. <Usually,> I stopped at
11 Wat Ounalom, where I rested. And he continued his trip. <In this
12 trip, it appeared he planned to go to the same place, but> I did
13 not know whether or not he reached his destination at the time.

14 Q. Mr. Witness, you told DC-Cam in great detail about what
15 happened on that trip to you and to So Phim, so I'd like you, in
16 your own words, to tell the Judges now. We're very interested in
17 knowing what you saw and heard on that trip and the events that
18 transpired.

19 You've indicated in the answer I just read that you left -- there
20 were nine of you in two vehicles. Where did you go -- please tell
21 the Judges, where did you go and what happened?

22 A. <At this point,> I am confused with your question, and I do
23 not really get your question. I was told that I had to go to
24 Phnom Penh and for other issues, it's beyond my understanding.

25 MR. PRESIDENT:

1 The question is meant to seek your <detailed> description when
2 you left Prey Veng for Phnom Penh with So Phim, so the
3 Co-Prosecutor wants you to give a description, for example, modes
4 of your transportation<, which roads you took, and how many
5 vehicles>.

6 Do you understand that, Mr. Witness?

7 [10.39.38]

8 MR. SIN OENG:

9 Thank you, Mr. President. Thank you for your clarification.

10 I went up to Phnom Penh using a shortcut or small roads, and
11 there were bridges made out of palm trees. I went through
12 difficult period on the way to Phnom Penh. <In fact, we did not
13 take high way.>

14 MR. PRESIDENT:

15 Q. When did you leave Prey Veng with So Phim? And you stated that
16 you were crossing the bridges made out of palm tree before you
17 reached Akreiy Ksatr<, where the issue arose, that is, the event
18 of shooting out?> So which roads did you use at the time?

19 You have testified in the previous case file. Do you understand
20 my question?

21 The question, I believe, is clear to you, particularly the
22 question is focusing on your trip from Prey Veng to Akreiy Ksatr.

23 [10.40.59]

24 MR. SIN OENG:

25 I left Prey Veng, and I passed Prey Khla village and Prey Pnov.

1 I, at one particular time, reached Preaek Ta Meak. Frankly, at
2 the time, I did not know <every village and the geographical
3 features> very well <>. All I know is that I arrived at Akreiy
4 Ksatr. <We left Prey Veng and passed Prey Khla.> I left Prey Veng
5 northward to Svay Antor, Prey Khla and Prey Pnov. We used a lot
6 of roads, and I, at the time, did not know <every small road and>
7 the geographic areas. I was told that I arrived at Preaek Ta
8 Meak<, passing Snay Pol, and next was Akreiy Ksatr>.That is all I
9 know.

10 BY MR. KOUMJIAN:

11 Q. Okay, sir. When you arrived at Akreiy Ksatr -- forgive my
12 pronunciation -- were you still with So Phim and the other seven
13 people? Was it still the nine of you together?

14 A. Yes. Nine of us. There were nine of us when we arrived at
15 Akreiy Ksatr. That's all.

16 Q. When you arrived at Akreiy Ksatr, did you spend the night
17 there?

18 A. Correct. We spent almost a night there, and then, at <around>
19 2 or 3 o'clock, there was an incident.

20 [10.43.09]

21 Q. Please explain, what happened?

22 A. At the scene of the incident, let me describe it for you. We
23 arrived at a house in a farm or plantation full of banana trees
24 and tobacco plants. And vegetables were -- mainly pumpkins and
25 winter melon, were grown at some areas. We rested there, and it

1 was at 2 or 3 o'clock when an incident happened. We were
2 surrounded and guns were fired at us.
3 <While guns were fired,> he came down <from the house, and I was
4 already downstairs.> He asked what happened. <He told me to find
5 out. When I went to check, I found we were surrounded and fired
6 at. Our gatekeeper was firing in reply.> I told him that fires
7 were shot at us by some soldiers. And we, at the time,
8 counter-fired.
9 [10.44.35]
10 <Then,> he told me to tell others to stop firing<. So, we stopped
11 firing>. We then <> tried to find <> roads to leave <Akreyi Ksatri
12 area>.
13 <While we were figuring out,> there was a person <from Phnom
14 Penh, working on that> plantation, knowing the way to get out of
15 that house. We left. We could leave about 30 or 40 metres <from
16 that house>. Then <we again were surrounded and fired> at. <We
17 fired back. After a while, we had to withdraw and> run <back to
18 that house>, and we had to gather forces to counter the attack.
19 It was at that point in time when I departed from him. <He told
20 me to start> a motorboat's engine <and wait for him there. Then,
21 we would take the water route>.
22 I was in the boat waiting for him, and some other people,
23 together with him, on the land were <searching for exits and then
24 they ran away>. I was waiting in the boat, <I thought he would
25 come,> but <I never saw him coming. I waited until they went to

1 arrest me. So I ran ashore>. Then<, it was hardly at dawn,> I
2 tried to find a place to rest. <There, in the exchange of fire, I
3 was arrested.>
4 I thought at the time I would die because I was surrounded by
5 <those soldiers>. I resisted with them. I tried to run away in
6 order to save my life. <I took great risk to run away while I was
7 not hit.> And then I jumped into the lake. And I remained staying
8 under <water hyacinth in that lake. They tried to search for me
9 but could not find me>. I was trying my best to swim to another
10 side of the lake <so that> I <could go back to> my birthplace. <I
11 kept swimming to the shallow water, and then I emerged, and stood
12 up. And they saw me. They then chased me and fired at me.> I knew
13 at the time that I was surrounded by them, so I took risk running
14 and fleeing <in front of them>. Then I arrived at a house hiding
15 myself there.

16 [10.47.36]

17 After a while, I left that house <through the back door, into the
18 plantation. This house was built to store water jars>. Those
19 people suspected that I was hiding in the house, so they were
20 surrounding that house. <I ran out of that plantation and kept
21 running. I ran through the jungle for two nights with no food. On
22 the third night, I reached> Vihear Suork, where I was arrested
23 <by those militiamen from that locality>. And I was <tied> at the
24 <place>.

25 They wanted to kill me, but <in Vihear Suork, the Southwest Zone

1 clique had not arrived yet.> Thus, these <people were busy
2 making> a report <to the district level> that they <had arrested>
3 a person from the southwest. <At the time, the art group of the
4 zone came to perform at Mukh Kampul. Therefore, the district
5 people came to that place and were told that a person from
6 Southwest Zone was arrested. When they came to see me,> there
7 were some <of them> knew me, so I was released and placed in a
8 district office.

9 <The district committee knew me, so I stayed there for four or
10 five days.> At the time, the Southwest Zone people <and those
11 from the Centre> were approaching that Vihear Suork district<. I
12 thought if I continued staying there, I would surely be dead.> So
13 I took risk running again and fleeing that location. It was a
14 long journey that I had to flee. <I cannot describe everything.>
15 I have already told about that experience in the statement. This
16 is a brief summary from me.

17 [10.49.27]

18 Q. Okay. Thank you very much for that. Now, I do need some
19 details. I want to go back to when you were at Akreiy Ksatr.
20 First of all, was that location where you spent the night near a
21 river?

22 A. It was not <that> close to a river. It was about 100 metres
23 from the river where I started the boat's engine. <I got lost,>
24 it was raining and very dark that night. I was disoriented at the
25 time. I had to spend time walking quite a long way as well at the

1 time.

2 Q. When you were with So Phim and you stopped to spend the night
3 at Akreiy Ksatr, was that just across the river from Phnom Penh?

4 A. <When we reached> Akreiy Ksatr, <we> did not cross to the
5 other side of the river <yet>. <We stopped at the house at that
6 plantation and we decided to> stay <there>.

7 Q. My question was, when you were with So Phim and you stopped --
8 So Phim stopped at Akreiy Ksatr for the night, was that a
9 location just across the river from Phnom Penh where you could
10 see the Royal Palace?

11 [10.51.25]

12 A. Yes. It was on another side of the river. I could see <that>,
13 <but it was distant from another side of the river>.

14 Q. And did some people come to your location and give you news --
15 give your group news about what was happening inside Phnom Penh
16 at that time?

17 A. People were fleeing. People from different units were fleeing.
18 It <became> chaotic at the time. Some people had been arrested
19 <from the ministries and offices>, and I was told by some about
20 the incident.

21 Q. Well, these arrests in the city, who did you hear? Who was
22 being arrested?

23 A. I did not know who were arrested, but those who worked and
24 were linked to the East Zone were all arrested. That's all I can
25 say.

1 [10.53.06]

2 Q. And while you were there, did So Phim attempt to send any
3 messages into the city?

4 A. Yes, two times. He sent messages on two occasions to Phnom
5 Penh. Messages were sent by his messengers, but he received no
6 news back.

7 Q. Who did he ask the courier to take the message to?

8 A. He asked the couriers to the messenger unit in Phnom Penh to
9 forward those messages. I do not know where those messages would
10 be further sent to.

11 Q. Well, in -- last year, to DC-Cam, you said, at page, in
12 English, 01353393; in Khmer, 01340588; and in French, at
13 01345525:

14 "However, when he arrived there, he wrote a letter to be taken
15 into Phnom Penh, giving it to a courier there and saying we were
16 to wait for a letter to be brought back and, as it happened, the
17 courier to take the letter to Pol Pot, and so one was chased
18 back. He did another letter. They chased that person back, too."
19 So does that refresh your recollection, what you said to DC-Cam
20 last year, that the letters were to Pol Pot?

21 [10.55.23]

22 A. It is sure that his messages must have been sent to Pol Pot,
23 the cadre in Phnom Penh.

24 Q. And do you remember what was written in the letters?

25 A. How could I know the detail in the letters? No one could be

1 able to see the content of those letters.

2 Q. Sir, last year, to DC-Cam, on the same page, you said this.

3 You were asked about the letters, and you were asked:

4 "He said that he had arrived at Akreiy Ksatr and to have the
5 comrades come get him."

6 And you said -- excuse me. You were asked what was written in the
7 letters. And you said:

8 "In the letters he wrote he had now arrived in Akreiy Ksatr,
9 'Have the comrades come get me. I have now arrived in Akreiy
10 Ksatr, having come via shortcut, not via the ferry route.' That
11 was what I knew. I listened to his clerk writing that, and he
12 told me."

13 So now, do you recall, sir, that you listened to the clerk as So
14 Phim dictated it and that he told you that?

15 [10.57.13]

16 A. It confuses me, the question you have just put. It is
17 repetitive. You know about it, and you still dig out what I know,
18 so I'm confused.

19 MR. PRESIDENT:

20 This is the Court proceedings to seek the truth from you. <For
21 that reason,> the Court and Chamber is very cautious. Parties are
22 very careful in selecting questions to be put to witnesses, and
23 this is not repetitive. The question is meant to explore what
24 really happened at the time. <You already provided your account,
25 but here, the> question is meant for the public to be well

41

1 informed of what happened and, also, it is for those who follow
2 the Court proceedings <in this courtroom galleries, and via the
3 mass media.> This is meant for the consideration of the public in
4 general to avoid the subjective conclusion that the Court is not
5 fair. <You need to listen carefully to the question and provide
6 correct answers.> There are different types of questions, general
7 questions, descriptive questions and specific ones. Please try
8 your best to respond to the questions, and if you do not really
9 understand clearly the question, you can ask the questioner to
10 put them again.

11 [10.59.07]

12 BY MR. KOUMJIAN:

13 Q. So sir, all that we're interested in is the truth. What I read
14 to you is what is recorded as your words last year. There, you
15 said that after listening to the clerk writing that and he told
16 you that you remembered those words, that So Phim had said, "Have
17 the comrades come get me. I have now arrived in Akreiy Ksatr".
18 Do you remember that now? Is that what was written?

19 [10.59.43]

20 MR. SIN OENG:

21 A. He arrived at that location, and he <only> entered Phnom Penh.
22 <That> is what he wanted to convey, too.

23 Q. Thank you. Now, you've told us what happened to you when a
24 group attacked your location at Akreiy Ksatr. Do you know who
25 those forces were? Do you know what units they belonged to?

1 A. I did not know whose they belonged to because they all dressed
2 the same uniform, and they were all armed. But I had no idea
3 which unit or division they came from.

4 Q. Thank you. Now, you've told us what happened to you. You said
5 you went there with So Phim and seven others.

6 So first, the seven other people that were on that trip with you
7 and arrived at Akreiy Ksatr, do you know what happened to them?
8 Did you ever see them again?

9 A. I have never met them again<.> When I went down to start the
10 engine of the<> boat, we were separated from each other. And I
11 have never seen them again.

12 Q. And what about So Phim? What happened to him, as far as you
13 know?

14 [11.02.06]

15 A. Only when I was arrested at Vihear Suork, the chief of Vihear
16 Suork district told me that So Phim was still alive. And he
17 already reached Srei Santhor district.

18 Q. Where was the last time you saw So Phim yourself? Was it in
19 Akreiy Ksatr or somewhere else during the escape?

20 A. I got separated from him during the night that the incident
21 took place, and I heard about him during the time I was
22 travelling.

23 Q. About how many days later was that?

24 A. I cannot recall how many days was it, but from my estimation,
25 it was around 10 days that I received the news that he was

1 arrested or he was killed. <I met him prior to the journey.> I
2 spent about half month during the journey that I made.

3 [11.04.20]

4 Q. And what did you hear about what happened to So Phim?

5 A. I did not hear any important story. Only when I arrived, I
6 heard people telling me that he killed himself when he was
7 <being> besieged by those forces.

8 Q. And what happened to his body? Did you ever hear anything
9 about that?

10 A. I did not witness his dead body myself. <On the way,> I <heard
11 people said his body was put on a horse cart and they made it
12 displayed to people on the street that the individual was a
13 traitor. People told me so> when I was travelling along the road
14 <>.

15 Q. Well, I asked you about the body. What you had said last year
16 to DC-Cam, and this is at Khmer, 01340597; in French, 01345534;
17 and in English, 01353407; you were asked:

18 "So did So Phim definitely die in the district office at Preaek
19 Pou?"

20 And you said, "In the district office there in Preaek Pou." You
21 said it was, "Srei Santhour district."

22 Then you said:

23 "It was there. He was killed there. And two or three days later,
24 the next day or the day after, I left their place. I walked, and
25 someone said they scooped out his head and intestines and

44

1 inserted ice to transport him, putting him on a horse cart to
2 transport him around, shouting, telling the citizenry about it."
3 Do you remember hearing that So Phim's body was put on a horse
4 cart and taken around the East Zone?

5 [11.07.14]

6 A. Yes, I heard about it, but I did not witness it with my own
7 eyes. It was villagers who told me about that. Only those
8 villagers were well aware of that.

9 For me, I only heard about it. And I would like to confirm that I
10 did not witness it with my own eyes.

11 Q. Thank you. That's very clear. It's good of you to clarify
12 that.

13 So when you went -- when you were working for So Phim, before
14 this incident that led to his death, in the previous years, when
15 you went to Phnom Penh with him, where did you go; where in Phnom
16 Penh?

17 [11.08.14]

18 A. As I told you earlier that I did not <go> anywhere freely. I
19 went to only a place at Ounalom pagoda.

20 Q. Where did So Phim go to hold -- for any meetings; where did
21 you take him?

22 A. As I told you earlier that I arrived and <stopped> only at Wat
23 Ounalom or Ounalom pagoda. And as to where he went next for
24 meetings, I had no idea. <There was a vehicle coming to pick him
25 up from there.>

45

1 Q. Well, you seemed to have a good idea last year. When you spoke
2 to DC-Cam, they asked you about this and this is at English,
3 01353345; in French, 01345496; and in Khmer, 01340558.

4 You were asked, "What did he go to Phnom Penh to do?"

5 You said: "He went for meetings. He attended meetings at the
6 palace, but about which we did not know anything. When he went to
7 the palace, I stayed at the courier office at Wat Ounalom
8 pagoda." "Where did he attend the meetings?"

9 "He went into the palace."

10 [11.09.51]

11 And then you said later, "It was there -- I went into that
12 courier office," -- that's Wat Ounalom pagoda -- "to have a rest.
13 When it was time to leave, he sometimes, came as far as Wat
14 Ounalom pagoda. Somebody's vehicle came and brought him. Pol
15 Pot's vehicle came into the entrance."

16 So does that refresh your recollection; is what you said last
17 year to DC-Cam true, that you took So Phim to the palace for
18 meetings?

19 A. Yes, I arrived at only <> Ounalom's wall border with the royal
20 palace wall and that's the place where I could not go further.

21 <Then, he would walk or a vehicle would pick him up.>

22 Q. Did you see any of the leaders that you recognize going into
23 that palace; besides So Phim, do you know who else was there?

24 [11.11.12]

25 A. No, I did not see anyone else. <For example,> when I arrived

1 at the place where the pagoda's wall bordered with the royal
2 palace wall, I stopped at that particular place.

3 Q. Sometimes, did So Phim spend the night and you returned to the
4 East Zone?

5 A. Yes, there were occasions when this happened. I had that
6 experience once when I took him and then I had to return <> to
7 the province. He was there for four or five days. <After that, we
8 would come back to receive him.> That's all for my answer.

9 Q. Did you ever take So Phim to any large meetings where there
10 were many, many people?

11 A. No, I never accompanied him to a large meeting. That's all for
12 my answer.

13 Q. In the East Zone, did So Phim, when you were with him, ever
14 stop and speak to groups of cadre or just speak to large groups
15 of villagers?

16 A. Yes, sometimes, he stopped along the way to have a chat with
17 people.

18 Q. And what kinds of things would So Phim say; did he talk about
19 the revolution?

20 A. I saw him asking them about their health condition and
21 <encouraging them to work harder,> because at that time, people
22 were encouraged to work hard to increase the production and I did
23 not hear him talking about anything else.

24 [11.14.08]

25 Q. Did he tell people that Angkar would provide for them; if they

1 worked hard, Angkar would take care of them?

2 A. Yes, that particular point was mentioned at every place. That
3 if we worked hard, we would achieve prosperity and we would have
4 enough food to eat. So such particular topic was <constantly>
5 raised <>.

6 Q. So at these meetings, did So Phim encourage people to be loyal
7 to Angkar?

8 A. I did not hear him ever talking about that. Those who were
9 with him would be well aware of the issues of loyalty. Whether he
10 pushed them to be loyal or not, I never heard him saying so.
11 That's all for my answer.

12 [11.15.49]

13 Q. Well, sir, you said that you were a distance relative of So
14 Phim and one of just a handful of direct bodyguards that he
15 travelled with; did So Phim every try to enlist you in any kind
16 of plot against the Khmer Rouge leadership?

17 A. No, he never did it to us. Because we were quite young, he <>
18 did not talk about politics to us; he only encouraged us to study
19 hard. We were still young to be taught politics.

20 Q. When you were with him, did So Phim travel to China? I'm not
21 asking if you went to China, but do you know if during the years
22 that you were with So Phim; '76, '77, and the beginning of '78,
23 did he ever travel to China?

24 A. When I was with him, he did not go there, but perhaps, he went
25 there before I came to live with him because I started to live

1 with him at the later part.

2 Q. Did So Phim have some kind of skin problem?

3 A. Yes, he had itchy skin.

4 Q. Did So Phim ever speak about the threat from the Vietnamese in
5 any of the meetings or to you -- or to you or the others or to --
6 to the public?

7 [11.18.17]

8 A. I was not aware of it.

9 Q. In January of 1978, the Vietnamese forces withdrew from
10 Cambodia, after having entered the country; were there
11 celebrations in the East Zone for that, that you recall?

12 A. I was not aware of it because I was not there yet, at that
13 time.

14 Q. Sir, actually, I was talking about January '78, so you were
15 there, but let me move on. Did So Phim ever meet with chiefs of
16 the sector?

17 A. Yes, he met them, but I did not know who they were. He met
18 many <cadres>, but I did not know who they were and what
19 positions they held <because they never told me anything>.

20 Q. Do you recall what it was -- what kind of information or
21 instructions he conveyed to them?

22 [11.20.04]

23 A. I did not know clearly about it because I was guarding
24 outside, while he was meeting with those cadres. They held a
25 meeting inside and I could not say what they were discussing

49

1 during those meetings because I <did not know>.

2 Q. Let me see if I can refresh your recollection. Last year, to
3 DC-Cam, at page, English, 013533368 (sic); Khmer, 01340572;
4 French, 01345510; you said about So Phim:

5 "He went to meetings with the sector chiefs and once in the
6 meetings, he laid (sic) them the plan; the plan laid down by the
7 upper level and that they were to do things according to the
8 upper level's plan."

9 Do you recall, in general, So Phim telling cadre, sector chiefs
10 or district chiefs that they must implement the upper level's
11 plan?

12 A. During that regime, every <cadre>, regardless of which units
13 or ministry they belong to, they had to fulfill or carry out the
14 order or plan given to them by the upper echelon.

15 [11.22.02]

16 Q. Thank you. You made one interesting comment I'd like you to
17 explain in your DC-Cam interview last year and this is at page,
18 in English, 01353377; Khmer, 0134078 (sic); and French, 01345516.

19 Sir, what -- what you said last year is that:

20 "In those districts where there was plenty and chiefs ran things
21 laxly, they let there be enough to eat one's fill. In those
22 districts where they were reminded to follow pure theory and
23 economize, there would be death."

24 Can you explain what you mean by the districts where they would
25 follow the pure theory, where there would be death?

50

1 A . I did not hear about it, but usually if the plan was given,
2 the implementation was not a hundred percent like that and
3 usually, only when there was a plan or order given from above and
4 then people at the lower level would implement it.

5 [11.23.45]

6 Q. So, correct me if I'm wrong; are you saying that if people
7 fully -- the local cadre fully followed the Khmer Rouge theories,
8 then there would be death; if they were more lax in following it,
9 the people could get enough to eat?

10 A. I never heard about it. I did not know about it and the reason
11 I did not know it because I did not hear about it.

12 Q. Okay, well I'm -- thank you. I'm trying to have you explain
13 your words. Let me ask you another -- about another thing you
14 said last year to DC-Cam. It's on the same page, you said:

15 "I can tell you that back in that period, merely at the sight of
16 someone on a motorbike; a big shot or small, the peasants were
17 scared. No matter how tired they were from working, they kept on
18 working. They were afraid of such others, in that period, very
19 afraid."

20 When you say people on a motorbike, do -- did you mean that that
21 meant that they were cadre; that they had some kind of role in
22 the Khmer Rouge hierarchy if they could ride a motorbike?

23 [11.25.30]

24 A. Villagers or people, at that time, were so fearful when they
25 saw anyone riding a motorbike or <driving a> vehicle, because

1 ordinary people possessed only very simple tools like spades,
2 hoes <or earth basket; and worked every day on the ground.> So
3 when they saw people with those kinds of modern equipment, they
4 <would think, these people must be powerful, so people felt> so
5 frightened of them.

6 Q. Okay, thank you. One question: Did Pol Pot visit the East Zone
7 when you were there?

8 A. Yes, there were many cadres making visits to the area, but I
9 did not know them all; only when people who were familiar with
10 them told me, that I recognized them. <I did not know their names
11 but I saw many cadres making their visits there.>

12 Q. Do you recall at least one visit by Pol Pot?

13 A. Yes, there were. There were cadres making visit to the area,
14 but I cannot recall when those visit took place.

15 [11.27.24]

16 BY MR. KOUMJIAN:

17 Q. Do you recall--

18 MR. PRESIDENT:

19 The question was specifically about Pol Pot's visit, not about
20 other cadres. The question was whether you knew that Pol Pot <in
21 that time?> and whether you saw Pol Pot went to work at the East
22 Zone. The question was specific about Pol Pot's visit, not about
23 others.

24 MR. SIN OENG:

25 A. Yes, he went there.

1 BY MR. KOUMJIAN:

2 Q. Was there a big ceremony to welcome him?

3 MR. SIN OENG:

4 A. At that time, ceremonies were organized. <For example>, when
5 there were visitors, there were some <> food <prepared for their
6 visit>.

7 Q. And was So Phim there to greet Pol Pot?

8 [11.28.50]

9 A. Yes, he did.

10 Q. I want to go back, for a moment, to So Phim's trip to Phnom
11 Penh, you said, to sort things out. The witness, upcoming, that
12 counsel referred to last week, TCW-1070, said the following --
13 and this is at ERN 01354203; in Khmer, 01340501; and in French,
14 01348544; this witness quoted So Phim as saying:

15 "I have done nothing wrong and I will go straight to the place
16 where I can get right to the bottom of this."

17 He was asked: "What location was So Phim going to?"

18 [11.24.44]

19 And he said: "A Pots location, but he did not reach it. He said
20 he would keep going until he got to the bottom of things; that he
21 had done nothing wrong."

22 And then, on the next page, the witness was asked about So Phim.

23 The question was:

24 "Was he not getting ready, preparing to escape?"

25 And the witness answered: "He was unwilling to escape, but if he

1 had wanted to evade, he would have been able to do so, but he was
2 unwilling to escape."

3 He was asked: "He said he had done nothing wrong?"

4 He said: "Yes, nothing wrong whatsoever, so what was the matter?"

5 Do you recall that being So Phim's attitude at the time he went
6 to Phnom Penh, that he wanted to see Pol Pot because he had done
7 nothing wrong?

8 A. You asked me about our preparation for the journey to Phnom
9 Penh, <it was before we reached Prey Veng>. He said that he would
10 go to sort things out and that was the time. <That's what he
11 said.>

12 Q. When So Phim -- before that trip to Phnom Penh, had So Phim,
13 himself, arrested Eastern Zone cadre to send to the Centre; was
14 he cooperating with arrests in the early stages?

15 [11.31.47]

16 MR. PRESIDENT:

17 Please hold on, Mr. Witness, and the floor is given to Counsel
18 Victor Koppe.

19 MR. KOPPE:

20 Yes, thank you, Mr. President. I object to this question because
21 the implication is that So Phim was merely chief of the East Zone
22 and that the Centre was some -- some other institution or -- or
23 were other people. So Phim, himself, was most likely a member of
24 the Standing Committee; we have, now, new Vietnamese documents
25 which indicate that.

1 He was a member, President of the State Presidium. He was very
2 much, himself, a member of the Centre, so making this artificial
3 distinction between the East Zone and the Centre is, in this
4 particular respect, incorrect.

5 [11.32.46]

6 MR. KOUMJIAN:

7 Your Honours, that was not my implication. I think it's important
8 to clarify that absolutely, we agree with Counsel and there's no
9 -- there's a formal stipulation; we can enter into it. We're
10 happy to do so.

11 So Phim was part of the Standing Committee. He was a very, very
12 important part of the Centre. That's not disputed by us. My
13 question to him was whether he was cooperating with the arrest of
14 the East Zone, which is part of the Centre policy. I certainly
15 was not meaning to imply that So Phim, himself, wasn't working
16 right along with Pol Pot, Nuon Chea, Khieu Samphan, Ros Nhim.
17 They all were working together; that's our position.

18 MR. PRESIDENT:

19 The question can be asked; therefore, the objection by Nuon
20 Chea's defence team is overruled. Mr. Witness, please give your
21 answer to the question put to you by the <International>
22 Co-Prosecutor.

23 MR. SIN OENG:

24 A. I did not know much about those affairs. Because I knew so
25 little about it, I <dare> not give you any answer. I <would

1 violate my own conscience if I give you the answer that I am
2 unfamiliar with>.

3 [11.34.12]

4 BY MR. KOUMJIAN:

5 Q. Okay, thank you. Well, I'm curious what you heard from other
6 cadre who worked in the East Zone. On the other side of the
7 country, you were read from a -- an interview, E3/10665; that's
8 purportedly Toat Thoeun, the adopted son of Ros Nhim and he says
9 about Ros Nhim that he was furious with Ros Nhim -- excuse me,
10 this is at 1 hour 16 minutes and 51 seconds; these are time
11 marked.

12 "I am furious with him; he should not do cheap idea, feel
13 ashamed. If he stood up and did resistance, there wouldn't be
14 millions of peoples killed. If he did the resistance, he would
15 not have arrested his fellow soldiers; my subordinates whom I
16 included as the Party members."

17 Did you ever hear that from other East Zone cadre that So Phim
18 should have resisted instead of cooperating in the early arrests
19 of East Zone cadre?

20 [11.35.36]

21 MR. KOPPE:

22 I -- I didn't hear any ERN numbers. I -- I'd be happy to have
23 them so that I can read along, but my recollection is that he
24 speaks about Ros Nhim arrests in the Northwest Zone and not so
25 much about arrests in the East Zone.

1 BY MR. KOUMJIAN:

2 Yes, I don't know if I wasn't clear. I clearly said -- I gave the
3 timestamp as counsel did the other day for this. It's time
4 stamped, so it's more accurate than a page number, and I gave the
5 E3 number; 10665, and clearly, I made it clear; this is Ros Nhim
6 on the East Zone. I'm asking if the same thing, if he ever heard
7 something similar -- excuse me, Ros Nhim from the Northwest Zone.
8 I'm asking him if he heard anything similar in the East.

9 [11.36.15]

10 MR. KOPPE:

11 It -- it -- there's actually multiple tapes and multiple time
12 references, so we really need an ERN rather than a time
13 indication because I believe, speaking by heart, it is about six
14 different tapes with, each time, their own time indications.

15 BY MR. KOUMJIAN:

16 Your Honour, I believe there are two tapes that Lemkin provided
17 of this witness only and the ERN in English is 01156815.

18 Q. Mr. Witness, do you -- did you hear anything -- similar
19 complaints from East Zone cadre that So Phim had cooperated with
20 the early arrests?

21 A. No, I never heard about it.

22 [11.37.58]

23 MR. PRESIDENT:

24 Thank you, International Co-Prosecutor. It is now a convenient
25 time for lunch break. The Chamber will take a break from now

57

1 until 1.30.

2 Court Officer, please assist the witness at the waiting room
3 reserved for witnesses and civil party, during the break time,
4 and invite him back to the courtroom at 1.30.

5 Security personnel are instructed to bring Khieu Samphan to the
6 waiting room downstairs and bring him back to the courtroom
7 before 1.30.

8 The Court is now in recess.

9 (Court recesses from 1138H to 1332H)

10 MR. PRESIDENT:

11 Please be seated. The Chamber is back in session.

12 And I give the floor to the International Co-Prosecutor to
13 continue putting questions to the witness.

14 BY MR. KOUMJIAN:

15 Q. Good afternoon, Mr. Witness, just a few questions for you. Did
16 you see in the East Zone, when you were working for So Phim, did
17 you see any advisors or personnel from China?

18 [13.32.49]

19 MR. SIN OENG:

20 A. No, I never saw them.

21 Q. Did you see a visitor from China?

22 A. When I was there, I never saw foreign visitors.

23 Q. Okay, I may come back to that a bit later. During the time,
24 those years, you talked about the arrests of East Zone cadre; did
25 any of your own family get arrested?

1 A. There were none of my relatives who were arrested because none
2 of my relatives worked.

3 Q. What about So Phim's relatives, did you see any of them
4 arrested or hear of them being arrested?

5 [13.34.32]

6 A. All of So Phim's relative were arrested and all of them died.

7 Q. You mentioned Nat, the young -- he was the youngest son of So
8 Phim; is that correct?

9 A. Yes, his youngest son. I met him while he was still young.

10 Q. About how old was he in 1978; do you know?

11 A. Based on my estimation, he aged between <9 or> 10 years old.

12 Q. Was there a Nat, a son of So Phim, on the hospital committee?

13 A. No, his youngest son was still learning in the school, at the
14 farm, along with other kids.

15 Q. Perhaps, you can help us because there's a document that was
16 recovered from S-21 and I'm, actually, referring now to the -- to
17 what's on the OCIJ list, Your Honours, E3/10604.

18 On that list, number 11676, Mr. Witness, is someone named Pang
19 Nhor, alias Nat, who's identified as a member of the East Zone
20 Hospital Committee and the son of Phim, who entered S-21 on 10
21 July 1978; did you know this Pang Nhor, who was on the hospital
22 committee in the East Zone?

23 [13.37.18]

24 A. I did not know about the family name of the person, but I met
25 Nat who was the chief of the hospitals in the East Zone. He

1 escaped and was also jailed with me in Svay Rieng. <Later on,>
2 when the prison was attacked <and infiltrated,> and we got
3 separated from each other. <He disappeared since then.>

4 Q. When you talk about your being in prison, how long was that
5 after your trip with So Phim to Phnom Penh; can you tell us how
6 many weeks or months later, it was that you were imprisoned?

7 A. After I had returned from my fleeing <place>, <>I was
8 imprisoned when I arrived at my homeland, but I cannot recall how
9 many months <it was, but it was around one month>.

10 [13.39.04]

11 Q. So when you first went to the prison, would that have been the
12 same month or within the same month of the time that you went to
13 Phnom Penh with So Phim; would it have been some days after your
14 escape from Akreiy Ksatr, or was it weeks or was it months?

15 A. It was a long time; although, I cannot recall it clearly, but
16 based on my estimation, after I had fled from the incident in
17 Phnom Penh, I spent around 10 days <at Roka Khnuoch (phonetic)>
18 in Suong and then I continued my journey to my homeland. It took,
19 all together, about one month.

20 Q. Thank you. And then you were in prison for some months after
21 that; is that correct?

22 A. I was in the prison for about one month or more than one month
23 and then the Vietnamese soldiers attacked the area and, as a
24 result, I was freed.

25 Q. Where, exactly, was the prison that you were held at?

60

1 A. It was at a pagoda called Kdei Rumduol pagoda, near the river,
2 to the north of Svay Rieng provincial town.

3 Q. How many people were held at that prison with you?

4 A. I could not count the numbers, but to my estimation, there
5 were more than 200 prisoners.

6 Q. When you were arrested, did you hide your identity in some
7 way; did you tell them you were a bodyguard for So Phim?

8 [13.41.53]

9 A. At that time, I concealed my identity; I said that I was a
10 worker <on a farm or a> plantation. However, I thought that if I
11 had remained in the prison for a longer period, <we would be all
12 dead>.

13 Q. Did you see or learn of any of the prisoners there being
14 killed?

15 A. At that time, I did not know.

16 MR. PRESIDENT:

17 Please hold on, Mr. Witness, and the floor is given to Counsel
18 Anta Guisse.

19 MS. GUISSSE:

20 Thank you, Mr. President. I am speaking, at this stage, in order
21 to object. The first questions are related to the experience of
22 the witness, but here the Co-Prosecutor will be asking questions
23 about a pagoda prison, which is not in the scope of the trial;
24 therefore, I object that questions be asked in this area.

25 [13.43.21]

61

1 MR. KOUMJIAN:

2 Your Honour, we're on the -- this witness is being called for the
3 trial segment of purges. I'm talking about purges of the East
4 Zone. I'm about to ask him about the kinds of persons that were
5 at that prison and what happened to them. It's a witness called
6 at the request of the Defence. I think it's directly relevant to
7 purges, my questions.

8 MS. GUISSÉ:

9 It doesn't seem to me that the witness was called to talk about
10 the purges, which are not part of the segment that we have due to
11 the severance order. <He was called because> the Nuon Chea <team>
12 wanted to talk about that issue and armed conflict and the
13 <question> of internal problems that there might have been within
14 the East Zone, and <in particular>, the <issue of the plot. That
15 is why the> decision was made to put this witness on the list
16 related to that. So <today>, <using this point> the decision <to
17 say> that we can't talk about purges, which are not part of the
18 severance order, is a distortion of what evidence in the Chamber
19 should be, so I continue to object and I insist that this is not
20 among the elements of evidence that were foreseen in the
21 severance order. So it's up to the Chamber.

22 [13.45.05]

23 MR. PRESIDENT:

24 Since it is related to the purge in the East Zone, which is the
25 fact in Case 002/02, therefore, the question is allowed to be

1 asked because it is relevant to the elements of the purge.

2 Therefore, the objection by the Defence Counsel for Khieu Samphan
3 is overruled.

4 Mr. Witness, please answer the question if you can still recall
5 it.

6 MR. SIN OENG:

7 A. Could you please repeat your question?

8 [13.45.57]

9 BY MR. KOUMJIAN:

10 Q. Certainly, my question was if you saw any people in that
11 prison killed or people that you believe were killed because they
12 disappeared.

13 MR. SIN OENG:

14 A. At that time, I did not witness it. That <was all> night
15 <that> the prison was bombarded with artillery shells and, in the
16 morning, I saw people had already escaped; no one died as a
17 result of the bombardment.

18 Q. The people that were in the prison with you, were they people
19 who were at least claiming, like you were, to be ordinary workers
20 or were these, obviously, East Zone division soldiers; division
21 or district or sector soldiers?

22 A. All those who were jailed with me came from different
23 backgrounds. They came from ministries, <from military units,>
24 from sectors, and from other zones. Those who came back to their
25 respective homeland were rounded up, arrested, and jailed there.

1 Q. When you were not in the prison; either before or after you
2 were in the prison, did you see any killings of East Zone
3 soldiers or cadre by soldiers from the Centre or Central Zone or
4 Southwest Zone?

5 [13.48.16]

6 A. Before I was jailed; although, there were cases of killing,
7 they never allowed us to see those killings. We only knew about
8 disappearance of people, <it was said that those people were sent
9 to study, but they never returned. But> I never witnessed the
10 killing with my own eyes.

11 Q. I believe you said that in the defence office, there was a
12 total of 60 people, you said, including the support staff; do you
13 know how many, approximately, of them survived 1978 -- survived
14 these incidents?

15 A. Among the 60 individuals, whom I met <> were young <children>,
16 five or six of them survived; some of them escaped to Vietnam,
17 while other escaped to somewhere. I met them since <they> were
18 quite young and now, <they> are getting older and older. There
19 are a few of them who <> survive and all of them are old.

20 [13.49.54]

21 Q. Did you ever come across killing fields; locations where
22 bodies of East Zone soldiers or cadre were disposed of after
23 killing?

24 A. No, I never saw those places. I never went across the killing
25 fields.

64

1 Q. What happened, if you know, to So Phim's wife, Yeay Kirou?

2 A. I was not aware of what happened to So Phim's wife because she
3 was at a different place from mine.

4 Q. Before So Phim's trip to Phnom Penh and suicide; the times
5 before that, did you ever see people arrested and taken to Phnom
6 Penh?

7 A. <> I did not see the arrests taking place and because I did
8 not see the arrests with my own eyes, I am not in a position to
9 comment on that.

10 Q. Did you ever see security from the Centre coming to the East
11 Zone to pick people up?

12 MR. PRESIDENT:

13 When you say "Centre", can you specify it; whether from the
14 Central Zone or from where, because it's not clear in Khmer
15 language?

16 [13.52.14]

17 BY MR. KOUMJIAN:

18 Q. Thank you. Did you see people coming from Phnom Penh to
19 transport persons back to Phnom Penh -- arrestees back to Phnom
20 Penh?

21 MR. SIN OENG:

22 A. No, I never saw it with my own eyes. Only if they had come to
23 arrest people at my exact location, I would be aware of this, but
24 for other places; it's beyond my knowledge because during the
25 regime, I had no rights to go freely. I could go somewhere only

1 when there was <an order or a plan.>

2 Q. Did you ever see any Vietnamese who had been captured and
3 being held by Khmer forces, whether it was East Zone or any other
4 forces; did you see any Vietnamese soldiers or civilians
5 captured?

6 [13.53.40]

7 A. No, I never saw it <because they were from a different
8 country>. That's all for my answer.

9 Q. Did you ever, by chance, see a video of Vietnamese arrestees
10 confessing?

11 A. No, I did not see it because during the regime, there was no
12 video; even radios, there were none.

13 Q. I want to ask you a little bit more about the visits of Nuon
14 Chea to the East Zone; is it correct you've told us he -- he
15 slept in the defence office in Suong; is that right?

16 A. I do not understand your question. I don't know how to answer
17 your question. You said that whether his visit is correct or not;
18 I don't know how to answer this question.

19 MR. PRESIDENT:

20 The question intended to ask you about the time when Nuon Chea
21 visited the East Zone, whether he stayed at the defence unit or
22 office.

23 [13.55.34]

24 MR. SIN OENG:

25 A. Yes, he went there and stayed there.

1 BY MR. KOUMJIAN:

2 Q. So do I understand correctly, then, Nuon Chea was sleeping in
3 the -- with the bodyguard unit of So Phim right in his offices of
4 his own security -- So Phim's security; is that correct?

5 MR. SIN OENG:

6 A. Yes.

7 Q. Did Nuon Chea give any speeches that you recall?

8 A. No, I never saw him delivering speeches.

9 (Short pause)

10 [13.56.48]

11 Q. Mr. Witness, there's a point of your interview, last year,
12 that I don't quite understand, so I'd like to read it to you and
13 ask you to explain and it's -- you said this about the time that
14 you were talking about the trip to Phnom Penh with So Phim. So
15 this is at English, 013533391 (sic); in Khmer, it's 01340587; and
16 in French, it's 01345525.

17 You were being asked about the trip and about taking guns along;
18 who brought a gun and what So Phim was wearing. You also
19 mentioned someone named Phy, P-H-Y.

20 And then talking, you said, "He was wearing black trousers with
21 rubber stretch waist."

22 You were asked, "Did he have any gun on him?"

23 You said, "He did, but his gun was in his bag. At night, I took
24 his gun. He asked for it during the day, but I did not give him."

25 You said that he said, "Where are you taking my gun? Give it to

67

1 me," but that you did not give it to him.

2 You said that, "It occurred to you that he was tired. He just
3 walked for a bit and they arrested him in front of us. He was
4 blindfolded and punched up. He was arrested that night and, then,
5 after they shot him and I had gone to restrain them, this old guy
6 said, 'Now, get out of this house'."

7 So I'm very confused by that, does that ring a bell to you; can
8 you explain what you were talking about?

9 [13.59.12]

10 A. Perhaps, the one who took note did not write it correctly. I
11 told the story according to the chronological order of the
12 events. <When you asked this and that, I felt confused too. When
13 they opened fired,> I retreated. I retreated from <the> scene
14 <back to that house>. The shooting took place a few rounds <that
15 night>. And as <> the name of the person, Phy, that you
16 mentioned; he was a young boy, who was carrying <a basket, >
17 water <or a glass> for him, and the name of the boy was Phy.

18 Q. So, do I understand correctly, that So Phim asked you to give
19 him his gun; that you were holding it and he wanted it; is that
20 right?

21 [14.00.42]

22 A. He, usually, did not carry his gun with him. The gun, usually,
23 was <put> in the basket <carried by Phy. That time, I helped
24 carry the basket> so he ran back and got the gun.

25 Q. In that little section I read, it said that someone was

68

1 blindfolded and punched; does that ring a bell? Who were you
2 talking about; was that So Phim or someone else?

3 A. The one who was arrested was the one who came from Phnom
4 Penh's office <or ministry>. I did not know that individual
5 <clearly>; he stood guard with me on that night. <He came to join
6 guard that night.> <When he> walked <from that house in order to
7 join guard at the front of the house, he was arrested>. I did not
8 know this person <well>; all I know is that this individual was
9 also from the East<, but he was from a different ministry.>

10 Q. I see. So one of -- another East Zoner, but from Phnom Penh,
11 who was standing guard with you during this incident, was
12 arrested, punched, and shot; do I understand correctly now?

13 A. The arrest happened at night time. I did not know whether he
14 was shot by his colleagues or by the one who arrested him. At the
15 time, fire was shot <from both sides when> we were told to put
16 our hands up.

17 Q. Okay. And this is what occurred at Ksei Sat (sic)?

18 A. Yes, at Akreiy Ksatr.

19 [14.03.13]

20 Q. Thank you. I wanted to ask you a question based upon what
21 another witness has told the Court and this is a WRI of Meas
22 Soeurn; it's at E3/5531, answer 62.

23 First of all, do you know Meas Soeurn, Mr. Witness?

24 A. I do not know this individual.

25 Q. He said that he received a letter from So Phim on 25 May 1978,

1 and through So Phim's former chauffeur, Sam. The letter said:
2 "To Comrades Sa and Soeurn at the lathing workshop, please have
3 the force ready to protect our force from being captured because,
4 in our estimate, there must be a military coup led by Son Sen to
5 topple the Party's secretary and deputy secretary."

6 Did you ever hear So Phim saying that he thought that the arrests
7 were part of a coup led by Son Sen against Pol Pot and Nuon Chea?

8 [14.05.13]

9 A. I have never heard about that matter. That's all I can say.

10 Q. The witness went on in the same answer, to say that his
11 chairman told him that he had received a letter from So Phim. And
12 So Phim said that he would go to Phnom Penh to discuss the issue
13 because he had heard from the radio that Pol Pot and Nuon Chea
14 would go to see the chairman of Burma's communist party at
15 Pochentong airport; do you remember So Phim making any comments
16 about meeting Pol Pot and Nuon Chea because they were going to be
17 at the airport meeting the Burmese?

18 A. I have never heard about that <because I merely protected
19 him.> He would tell me to <accompany> him to a specific location,
20 but he never told me about the detail, tasks, or matters that he
21 was to engage in.

22 [14.06.42]

23 Q. Another book that you've been -- that's been read to you is by
24 this Australian historian, Stephen Morris; E3/7338, and I want to
25 ask about something he wrote and this is at English; there's no

70

1 French or Khmer, 01001773. He said:

2 "One of the eventual victims of Pol Pot's purge of traitors, So
3 Phim, who suicided, was secretary of the Eastern Zone of the CPK
4 and a member of the Politburo Standing Committee. He had been one
5 of the most staunch advocates of attacking the Vietnamese."

6 Did you ever hear So Phim speaking about taking the offensive
7 against the Vietnamese and attacking the Vietnamese?

8 A. I have never heard about that. I was only assigned to guard
9 him and to accompany him to some places.

10 [14.08.13]

11 MR. KOUMJIAN:

12 Mr. President, I don't have further questions. I believe the Lead
13 Co-Lawyers have some questions.

14 MR. PRESIDENT:

15 Yes, you may now proceed, Lead Co-Lawyers for civil parties.

16 QUESTIONING BY MR. PICH ANG:

17 Thank you, Mr. President, Your Honours. Good afternoon, the
18 Chamber, civil parties, all parties, and Mr. Witness. I have not
19 many questions to put to you.

20 Q. When you were in Kampong Cham securing guard for So Phim, did
21 you, at one point in time, attend any meeting chaired by So Phim?

22 MR. SIN OENG:

23 A. I never met him in a meeting venue when I was there.

24 Q. Did you ever attend, hear <or see> any weddings in the East?

25 A. No, I never witness the wedding.

71

1 [14.09.59]

2 Q. In a document produced by DC-Cam; that is Documentation Centre
3 of Cambodia, E3/10714; ERN in Khmer 01327932 -- my apology, Mr.
4 President, I do not have ERNs in English and French -- the
5 statement you gave to the DC-Cam that So Phim had a meeting <with
6 the sector committees and introduced> a plan from the upper
7 echelon to be implemented. I have a question to put to you <for
8 clarification>, Mr. Witness. <> Were you aware that So Phim held
9 meetings <with sector committees or> discussed the plan from the
10 upper echelon?

11 A. The plans were under <> charge <of different ministries>. I
12 have never <witnessed the meeting of issuing> plans. Usually, the
13 plans were put in a document.

14 MR. PRESIDENT:

15 You may now proceed, Koppe.

16 [14.11.30]

17 MR. KOPPE:

18 Yes, Mr. President, same objection as earlier; the objection to
19 which the Prosecution responded that they agree with the Defence
20 that So Phim is upper echelon. So there is no distinction between
21 upper echelon and So Phim; hence, the question that the lead
22 co-lawyer asked the witness is incorrect.

23 MR. KOUMJIAN:

24 I don't quite understand the objection. Of course, So Phim, as
25 zone leader, can be saying to implement the Standing Committee's

72

1 decisions. He's part of the Standing Committee. That's different
2 than So Phim saying, "Implement a sector decision or a zone
3 decision or a district decision". The question was whether So
4 Phim -- the witness indicated earlier that So Phim had told the
5 sectors to implement the upper level's -- Angkar's upper levels
6 decision.

7 MR. PRESIDENT:

8 The objection is overruled. The question can be put and the
9 Chamber needs to hear the answer from the witness.

10 [14.12.56]

11 BY MR. PICH ANG:

12 <Khmer> ERN I am referring to is 01327932, <again ERN 01327932>
13 and English 01338184; there is no French ERN.

14 Q. Mr. Witness, can you clarify for the Chamber whether or not
15 you are aware of the plans <from upper echelons,> conveyed by So
16 Phim to his <subordinates> in the zone or were the plans were
17 conveyed in other forms other than in the meetings?

18 MR. SIN OENG:

19 A. I assume that he held no meetings <for announcing such plans>,
20 but perhaps, when he made the visits on the ground to different
21 <sectors>, he may have made mention about the plans <in his
22 visits>. I, myself, did not hear, with my own ears, the plans
23 <because I was outside guarding>.

24 [14.14.24]

25 MR. PRESIDENT:

73

1 Mr. Witness, I remind you, again, if you do not know or if you
2 are not sure, you can say that I do not know. Please avoid
3 responding the question with your own doubts. If you say, "I do
4 not know, it's -- I -- it appears that I do not know," it's very
5 difficult to understand your answer. I have told you already
6 this morning.

7 BY MR. PICH ANG:

8 Q. Mr. Witness, to your understanding and since you know So Phim,
9 how was he? Did he obey his superiors?

10 MR. PRESIDENT:

11 Please hold on, Mr. Witness. You may now proceed, Koppe.

12 MR. KOPPE:

13 I object to that question because So Phim didn't have any
14 superiors.

15 MR. KOUMJIAN:

16 No, the case file shows that that's not true. The constitution of
17 the DK, there is a -- Pol Pot's position, the Prime Minister's;
18 So Phim, clearly, was part of this Standing Committee, but it
19 doesn't make him number 1 in the regime and I think the Defence
20 and us agree on that. He was very high in the regime, but he was
21 not -- he was below Pol Pot and Nuon Chea.

22 [14.16.02]

23 MR. KOPPE:

24 Well, that's a very interesting new perspective from the
25 Prosecution. I believe the Trial Chamber Judgment, clearly,

74

1 indicates one "joint criminal enterprise". I don't think there's
2 any distinction being made, and rightfully so, between the
3 Numbers 1 and 2 and the subsequent numbers. All members of the
4 Standing Committee were equally powerful.

5 As a matter of fact, it was the Central Committee which held
6 power, so it is inaccurate to say that, somehow, Pol Pot and Nuon
7 Chea had any rank over So Phim.

8 [14.16.51]

9 MR. KOUMJIAN:

10 I thought the Defence had been conceding all along that Nuon Chea
11 was Number 2 in the regime. I don't have the quote in front of
12 me, but I think that's been consistently their position for
13 years; that they were not denying that. So if he's Number 2, I
14 think we all know who Number 1 is and that puts everyone else
15 below him.

16 MR. KOPPE:

17 Well, it's a very, very simplistic version of the power
18 structure. What we have always conceded is that Nuon Chea was
19 deputy secretary of the communist party and chairman of the
20 national assembly. We never said that he had any superior power
21 over So Phim or Ros Nhim.

22 JUDGE FENZ:

23 But -- but you're not saying that all necessarily and generally,
24 all members of a joint criminal enterprise have necessarily --
25 they all need to have the same status?

1 [14.17.42]

2 MR. KOPPE:

3 That -- that is, of course, true, but there is, absolutely, zero
4 evidence that Pol Pot or Nuon Chea had any superior power in
5 hierarchy -- in terms of hierarchy over So Phim or any other
6 members of the Standing Committee for that matter. It wasn't but
7 -- like anywhere in the CPK constitution or CPK documents or any
8 government document that is being stated.

9 I don't think that's even the Chambers position.

10 MR. PRESIDENT:

11 The objection is overruled and the question can be put by the
12 party. Witness, please respond to the question.

13 [14.18.29]

14 BY MR. PICH ANG:

15 Q. Mr. Witness, do you recall my question?

16 MR. SIN OENG:

17 A. I cannot remember it. Can you repeat it?

18 Q. Mr. Witness, since you know So Phim, how is he? Did he obey
19 the instruction by the Party or the Party Centre or the Standing
20 Committee of the Party?

21 A. At the time I did not know how to assess <people. However,
22 everyone regardless> of <which> offices or ministries <they were
23 from, or which membership they were in, shortly,> as long as the
24 plans were disseminated, <they must> implement <them>. Otherwise,
25 <they> would be considered to be disrespected to the plans and we

76

1 would be accused of opposing the plans. <This was also applied to
2 ordinary people.> I did not know how to assess how obedient he
3 was at the time.

4 Q. Did you at any point in time hear the criticism made by So
5 Phim against <the Standing Committee,> the Party or Party Centre?

6 A. No, I never heard that he said anything against the Party<. He
7 never made mentioned such things to us because we were> his
8 bodyguards.

9 Q. My last question: <Did you see him showing his respect to his
10 superiors, the Party Centre or the Standing Committee? Did you
11 see him being> obedient to the instructions of the upper echelon?

12 [14.20.44]

13 A. I do not really understand your question <regarding being
14 obedient to> the plans <>. <To my understanding,> as long as the
15 plans were disseminated to all of us, we had to implement.
16 Otherwise, we would be accused of opposing the plans as though we
17 were civilians or ordinary people. I do not know how to respond
18 to your question.

19 Q. Did you ever observe that So Phim opposed to the plans of the
20 upper echelon?

21 A. I never saw the fact that he opposed the plans.

22 MR. PICH ANG:

23 Thank you very much, Mr. Witness.

24 I am done with my questioning, Mr. President.

25 [14.21.45]

1 QUESTIONING BY THE PRESIDENT:

2 Q. I have a <few> questions to put to you for the clarification.
3 You have already answered, but I would like you to clarify about
4 some places and about the <time> that So Phim told Heng Samrin
5 that he would go to Phnom Penh to resolve some issues and he
6 added that if no news were sent from him for one week, he asked
7 Heng Samrin to gather forces to go into the forest <for
8 resistance>. Where did So Phim make that statement and at what
9 particular time?

10 MR. SIN OENG:

11 A. He made a statement in provincial town of Prey Veng at a time
12 when we were about to board the vehicles. <> I had no clock to
13 time. I <thought it> was around 3 <p.m.>.

14 Q. So after he made that statement, So Phim, and you as well <as>
15 your <defence> group <left Prey Veng provincial town to Akreiy
16 Ksatr to go toward> Phnom Penh; is that correct?

17 A. He was about to leave at a time. <> He <was making> that
18 statement to Heng Samrin <when I went in there to collect bottles
19 of water and glasses. Then,> he left <and boarded a vehicle to
20 Svay Antor passing Prey Khla and Prey Phov>.

21 Q. How many vehicles at the time that were used to travel from
22 Prey Veng to Phnom Penh? Was there only one vehicle or were there
23 many vehicles?

24 [14.24.18]

25 A. There were two vehicles, two jeeps with no cover, the

1 American-made jeeps.

2 Q. Were all the vehicles jeeps?

3 A. Yes.

4 Q. Do you remember who were the drivers of the two jeeps
5 departing from Prey Veng to Akreiy Ksatr <to go to> Phnom Penh?

6 Do you know all the names of the drivers?

7 A. Yes, I do. They were in my guard unit. One is Kim (phonetic),
8 another one Meng (phonetic).

9 Q. Did you learn about the fate of the two drivers, what happened
10 to them?

11 A. I received no news from them. They may have died. The drivers
12 were with him at the time.

13 [14.26.08]

14 Q. After you learned from <> soldiers at Preaek Pou, that So Phim
15 committed suicide, did you learn what happened to the two drivers
16 after you learned that So Phim committed suicide? <Besides the
17 two drivers, what happened to others?>

18 A. I do not know. All I know is that they had all been arrested.
19 There is no news that they survived the arrests.

20 Q. Thank you. I have some questions in relation to people in the
21 East since you were always with So Phim to different sectors
22 under the East Zone. So my question is did you happen to go to
23 Sector 24 with him?

24 A. I, at that time, did not know the geographic areas. I was
25 disoriented about the division of sectors at the time. I was with

1 him. I was accompanying him to different sectors but I did not
2 know at the time the names or the numbers of the sectors.

3 Q. Regarding the sectors that you went to provide protection to
4 So Phim, did you know some of the names of the <> names of the
5 deputy or head of the sectors <in the East Zone>?

6 A. <I knew some names because, Kim (phonetic), the driver,> told
7 me. Chhean (phonetic) was one of <a> sector chief. Chan Seng Hong
8 was another <chief> of a sector. These are two that I know.

9 [14.29.02]

10 Q. Regarding Chhean (phonetic), which sector of the East was he
11 in charge?

12 A. <Now,> I do not remember the sector where he was in charge of.
13 It was, to my recollection, <to the> north of the provincial town
14 of Prey Veng, but I do not know which sector it was. I was quite
15 new to the location.

16 Q. Regarding Chhean (phonetic), chairman of a sector, did he
17 survive the regime <> after the liberation in 1979, did you at
18 any point in time meet him?

19 A. I have never met him since then. He may have died. I have
20 never heard <of> him.

21 Q. Thank you. <I wish to remind you again, if you are not clear,
22 just say, "I don't know."> Do not give your doubtful answers to
23 the Chamber.

24 You made mention about an individual by the name of Seng Hong,
25 one chairman of a sector under the East Zone. Do you know which

1 sector he was in charge of?

2 [14.31.01]

3 A. I met him in the area near Chheu Kach, Prey Veng. He
4 supervised the area to the east of Phnum Chheu Kach or Chheu Kach
5 mountain and he had an office there. <I do not know the exact
6 location of the office. I, however, met him over there.>

7 Q. And when you met him he was the secretary or <a deputy
8 secretary or> a member of the sector?

9 A. I was not clear about his position whether he was the
10 secretary or deputy or member, but he was in charge of that
11 sector. That's all for my answer.

12 Q. Thank you. Did you know who were below So Phim in the East
13 Zone?

14 A. I did not know who held what positions but there was a
15 <deputy> head <office>. I don't know whether he was a deputy of
16 the office or the deputy of the zone. <But I saw him there in the
17 office.>

18 Q. Were you familiar with Sector 21?

19 A. Now I cannot recall those sectors, but at that time I used to
20 travel to different sectors. But I cannot recall them now.

21 Q. Can you tell us about the location of the zone's <general
22 staff> headquarters? Where was it located?

23 [14.34.16]

24 A. Regarding the zone's <general staff> headquarters, I never
25 went there myself. I only heard about it from people working

1 there and they came to my office and they told me that the
2 headquarters was located at the place with the code name "09" but
3 I had no idea where that location "09" was. <It may have been to
4 the north of the national road. Since I never went there, I did
5 not know.>

6 Q. Did you know that So Phim went to the East Zone's headquarters
7 often?

8 A. At that time<,> I was there, he never went to it. <He may have
9 been there before my arrival.> If there were anything or reports
10 to be made, <it was sent in a form of a letter>.

11 Q. <> Did you know about the East Zone's security office?

12 A. I did not know where the East Zone's security office located.
13 I only heard from my fellow workers say that there was a security
14 office and they joked with us that we had to be mindful of our
15 actions. If we committed anything wrong, we would be sent there.
16 <I asked, "Where is that? I was told it located in Srae Spey. But
17 I had never been there.>

18 [14.36.22]

19 Q. And did you know who was the chief of that Srae Spey security
20 office?

21 A. I did not hear about it clearly, but I heard from some
22 colleagues who chatted with me. They said that the place was
23 under the supervision of Bong Taen (phonetic) or Brother Taen
24 (phonetic).

25 Q. Thank you. During the conflict with Vietnam period, did you

82

1 ever participate in fighting against the Vietnamese especially
2 when the Vietnamese entered Cambodian territory?

3 A. No, I never went to fight against them. I <was at the rear
4 and> never went to the battlefields.

5 MR. PRESIDENT:

6 Thank you. Now, the Chamber gives the floor to the Defence
7 Counsel or, rather, I give the floor to Judge Lavergne.

8 QUESTIONING BY JUDGE LAVERGNE:

9 Yes, thank you, Mr. President. I will have one question to ask
10 the witness.

11 Q. This morning, Mr. Witness, you were questioned on the
12 secretary of Division 5, a person called Eng Kim (sic). And you
13 had said that you did not know if Eng Kim (sic) was a deputy of
14 Division 4 because Heng Samrin was leading that division. Did I
15 understand correctly what you said this morning?

16 [14.37.40]

17 MR. SIN OENG:

18 A. This morning I did not say that Heng Kim was the division
19 commander of Division 4. I said that <Heng Samrin> was the
20 commander of Division <> 4. I did not say that Heng Kim was in
21 charge of Division 4. That's what I know.

22 MR. PRESIDENT:

23 The name is Heng Kim, not Eng Kim.

24 BY JUDGE LAVERGNE:

25 I am sorry for my poor pronunciation in Khmer. <But> that is what

1 I had understood from your statement this morning.

2 Q. Could you tell us if you know what happened to this person,
3 Heng Kim? Do you know if Heng Kim was arrested?

4 [14.39.59]

5 MR. SIN OENG:

6 A. I did not see it with my own eyes. I did not see the arrest
7 with my own eyes. I did not meet him. I only heard about his name
8 but I never met him in person.

9 Q. All right. But did you hear if this person had been arrested
10 and, if yes, do you know when this person was arrested?

11 A. As I told you earlier that I did not see his arrest with my
12 own eyes. I think he was arrested around the time when there were
13 subsequent arrests of people in the zone. <But I did not know the
14 exact time. I did not pay much attention because I was scared and
15 fled for my survival.>

16 [14.41.30]

17 JUDGE LAVERGNE:

18 I'm asking this question because this morning it was suggested
19 that Kim may have been the person who <reported> a plot involving
20 Heng Samrin <to the centre>. And it happens that we have certain
21 documents that contain the name of Heng Kim (phonetic) <or Yeng
22 Kim (phonetic)> in the case file and <which indicate he was>
23 detained at S-21 because he is on the prisoners list of S-21 of
24 number 1989 and the date of entry of that prisoner is 5 June
25 1978.

84

1 And I would like to clarify that the name Heng Kim (phonetic)
2 also appears in documents <E319/57>, <E319/59>, <E319/60>,
3 E3/2014 and 2187, just so that the transcripts are complete.
4 I would like to clarify that I have no further questions to ask
5 the witness.

6 [14.42.55]

7 MR. KOPPE:

8 If I may for the record as well, Mr. President, there were in
9 fact two deputies of the 4th Division. E3/1568 is Heng Samrin's
10 interview to Ben Kiernan, English ERN 00651892; French 007433667.

11 It says, and let me quote if you allow me, Mr. President:

12 "Kim was deputy chief of the 4th Division. Unclear was deputy
13 chief of the 4th Division and later when the 5th Division was
14 created, Kim was made chief of the 5th Division. Unclear," -- an
15 unknown person -- "remained deputy chief of the 4th Division."

16 So Kim was indeed deputy chief -- was arrested. I referred to
17 that document already on Thursday, E3/2014 -- arrested together
18 with -- the same day as Prak Choeuk.

19 However, as Heng Samrin indicated, there is another deputy chief
20 of the 4th Division. In French the word "illisible" is used and
21 here it is in English the word "unclear".

22 JUDGE LAVERGNE:

23 I simply asked the questions because this morning you brought up
24 the name Kim, so it was just to fill in on the questions that you
25 had asked this morning.

1 MR. PRESIDENT:

2 Thank you. It is now a convenient time for a break. The Chamber
3 will take a break from now until 3 p.m.

4 I give you the floor.

5 [14.45.07]

6 MS. GUISSÉ:

7 Yes, Mr. President.

8 Before we take the break, perhaps you would like to know that
9 <the Khieu Samphan team has> no additional questions for the
10 witness. So perhaps you would like to let him go.

11 MR. PRESIDENT:

12 Thank you for your information.

13 The Chamber would like to thank you, Mr. Sin Oeng. The hearing on
14 your testimony as a witness is now concluded. Your testimony may
15 contribute to ascertaining the truth in this case. Your presence
16 in this courtroom is no longer required and you may be excused.

17 The Chamber wishes you all the very best. The Chamber also would
18 like to thank duty counsel Sok Socheata. You may also be excused.
19 Court officer, in collaboration with WESU, please make necessary
20 transport arrangements to send Mr. Sin Oeng to his home or
21 wherever he wishes to go.

22 And next, the Chamber will hear testimony of 2-TCW-1060.

23 But it is now a convenient time for the break. The Chamber will
24 take a break from now until 3 o'clock.

25 The Court is now in recess.

1 (Court recesses from 1446H to 1503H)

2 MR. PRESIDENT:

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

4 And we will hear the testimony of Witness 2-TCW-1060.

5 And before we hear the testimony of the witness, the Chamber

6 issue an oral ruling regarding the request by Nuon Chea defence

7 team, regarding additional time for Witness 1069 and 1070. And

8 after we heard the testimony of Sin Oeng, the Chamber still

9 maintains its position that the hearing of the testimony of

10 2-TCW-1070 will be only one day. <The Co-Prosecutors and the Lead

11 Co-Lawyers for civil parties have two sessions, and the two

12 defence teams also have two sessions.>

13 And now we hear the testimony of 2-TCW-1060.

14 Court Officer, please usher the witness into the courtroom.

15 (Witness enters courtroom)

16 [15.06.22]

17 QUESTIONING BY THE PRESIDENT:

18 A. Good afternoon, Mr. Witness. What is your name?

19 MR. NUON TRECH:

20 A. My name is Nuon Trech.

21 Q. Nuon Trech or Tes Trech?

22 A. My name is Nuon Trech.

23 Q. Thank you. What name do you use officially in your identity

24 card or other official documents?

25 A. I used Nuon Trech in my ID card.

1 Q. Thank you. Beside the name Trech, have you ever used other
2 names?

3 A. During the Pol Pot regime, my name was Pheak.

4 Q. Was there any point in time that you used the name Ol?

5 A. Ol was my <> name <in the birth registration> that my
6 grandfather gave to me.

7 Q. Do you stop using that birth certificate?

8 A. <That birth certificate was no longer in use>. <> Ol was
9 <written in that certificate which was> used during the <old>
10 regime.

11 Q. What about the family name Tes, was it your father's name or
12 your grandfather's name?

13 A. It was my grandfather's name.

14 Q. What about Noun, whose name was it?

15 A. Noun was my father.

16 Q. Thank you. Mr. Nuon Trech, when were you born?

17 [15.08.49]

18 A. No, I cannot recall it.

19 Q. How old are you this year?

20 A. I am 63 years-old.

21 Q. Thank you. Where were you born?

22 A. I was born in Trapeang Chhuk village, <Me Sar Chrey>
23 sub-district, Stueng Trang district.

24 Q. What about your current address?

25 A. I live in the same location, that is, Trapeang Chhuk village,

1 Stueng Trang district.

2 Q. Where is Stueng Trang district located; I mean, the province?

3 A. It is in Kampong Cham province.

4 [15.09.55]

5 Q. Thank you. What is your father's name and what is your
6 mother's name and what were their occupation?

7 A. My father's name was Noun. My mother's name was <Rin>
8 (phonetic).

9 Q. What about your wife's name and how many children did you
10 have?

11 A. My wife's name Sok <Leang> (phonetic). We had three children,
12 Sok Men (phonetic), Sok <Khy> (phonetic) and Srey Oun (phonetic).

13 Q. Mr. Trech, to your knowledge, are you related to the two
14 accused <in blood or in laws>, that is Nuon Chea or Khieu
15 Samphan, or to any other parties who are accepted as civil
16 parties in this case?

17 A. No, I'm not related to any one of them.

18 Q. Thank you. Have you already taken an oath before the Iron Club
19 Statue before you come into this courtroom?

20 A. Yes, I took an oath already.

21 [15.11.11]

22 BY MR. PRESIDENT:

23 Now we would like to inform you of your rights and obligations as
24 a witness in this courtroom.

25 Mr. Trech, as a witness in the proceeding before the Chamber you

1 may refuse to respond to any questions or to make any comments,
2 which may incriminate you. That is your right against
3 self-incrimination.

4 Your obligations. As a witness in the proceedings before the
5 Chamber, you must respond to any questions by the Bench or
6 relevant parties except where your response or comment to those
7 questions may incriminate you, as the Chamber has just informed
8 you of your rights as a witness.

9 You must tell the truth that you had known, heard, seen,
10 remembered or experienced or observed directly about an event
11 occurrence relevant to the questions that the Bench or parties
12 pose to you.

13 Q. Have you ever provided testimonies or interviews with
14 investigators from the OCIJ Office?

15 [15.12.23]

16 MR. NUON TRECH:

17 A. Yes, there were people going to interview me at my home. They
18 came from the Khmer Rouge Tribunal.

19 Q. Thank you. How many times did you provide the interview?

20 A. They went to interview me at my home twice.

21 Q. You were interviewed twice. So where the interview came from?
22 Whether they came from this Tribunal or whether they came from
23 other institutions?

24 A. They were from the Khmer Rouge Tribunal. They went all the way
25 to interview me at my home.

1 Q. Thank you. Before you came to testify here, have you already
2 reviewed the statement that you provided to the interviewers in
3 order to refresh your recollection?

4 A. Yes, I can recall some of the statements but not <all>,
5 because the interviews took place long time ago, I cannot recall
6 them all.

7 [15.14.13]

8 Q. Based on your ability or your memory, can you tell the Court
9 whether the statements that you provided to the interview and the
10 statement that was written for you to review, were they
11 consistent with each other?

12 A. I will provide my answers according to the answers I provided
13 to the interviewers at my home, but as I told you, I cannot
14 recall them all.

15 MR. PRESIDENT:

16 In putting questioning to this witness, the Chamber provides the
17 floor to the Nuon Chea defence team to put question to this
18 witness before other parties.

19 The two defence teams have two combined sessions to put questions
20 to the witness.

21 You may now proceed.

22 [15.15.25]

23 QUESTIONING BY MR. KOPPE:

24 Thank you, Mr. President.

25 Good afternoon, Mr. Witness. I will be asking you some questions

91

1 today until four o'clock and, presumably, Wednesday morning.

2 Before I ask my questions, you just confirmed that you talked to
3 interviewers or interrogators of this Court. Did you also speak a
4 few years before that to interviewers of an organization called
5 DC-Cam?

6 MR. NUON TRECH:

7 Yes, I provided an interview. They went to interview me at my
8 home.

9 BY MR. KOPPE:

10 I'll be referring both to your WRI and your DC-Cam interview
11 later, Mr. Witness.

12 Q. First of all, can you tell the Court what you did before you
13 the liberation of Phnom Penh on 17 April 1975; where were you,
14 what kind of work did you do?

15 [15.16.56]

16 MR. NUON TRECH:

17 A. Before the liberation in 1975, I worked at a hospital of the
18 general staff of the zone. That was the place called 304.

19 Q. When did you start working as a medic for the 304 Hospital; do
20 you remember when that was?

21 A. I worked as a medic in Battalion 314. At that time, <I joined
22 the fighting with> the Khmer Rouge <and> liberated Phnom Penh in
23 1975, and in 1976, I was transferred to the medic in Battalion
24 314. I was responsible for treating soldiers.

25 Q. Before 17 April '75, when you were working as a medic, were

1 you trained to become a medic when you lived in Chamkar Leu
2 district?

3 [15.18.37]

4 A. At that time I was in Chamkar Leu, I worked at the district
5 hospital. I <treated> civilians at Chamkar Leu district. And then
6 in 1975, I was transferred to the zone general staff hospital.
7 And then when Phnom Penh was liberated, I was transferred to
8 <P-99>, the currently Preah Ket Mealea Hospital, and then after
9 that I was transferred to a military hospital in Battalion 314 of
10 Division 310.

11 Q. Can you describe the medical training that you had -- that you
12 received in Chamkar Leu before '75, what kind of medical training
13 did you have?

14 A. I did not received any special training. When I entered the
15 service, I received on-the-job training. It <was> like practical
16 training of the techniques used.

17 Q. You said that you were involved in treatment of civilians. Did
18 you also treat soldiers who had been wounded during combat,
19 soldiers fighting the Lon Non army before 1975?

20 A. Before 1975, I did not treat them because before 1975, I
21 <entered the service as> a soldier. In 1973, I was recruited to
22 be a combatant and I was sent to <> a study session. <If someone
23 said combatants were the force of the battlefield, that was
24 correct. If we answered they> were part of the <> rear
25 battlefield, <that was incorrect. So we were recruited in 1973>.

1 [15.21.20]

2 Q. And when you became a soldier, what was the name or the number
3 of your division? In which division in the former North Zone were
4 you working?

5 A. When I joined the army <at> the zone military, <there was a>
6 regiment<, but I could not remember it because> I was quite young
7 at that time. I joined the army when I was 15 years-old.

8 Q. When you were a combatant before 1975, was Oeun always the
9 highest commander of your regiment or division that you were
10 working in?

11 A. Oeun was the commander of Division 310 and Voeun (phonetic)
12 was his deputy.

13 Q. But was Oeun always your commander, also before Division 310
14 got its specific number 310? The moment that you became a
15 combatant, Oeun was always your highest commander; correct?

16 [15.23.17]

17 A. I was transferred to <serve as a medic at> Battalion 314 and
18 it was at that time that I was under him, but before that, I was
19 not. Before Phnom Penh was liberated, I was a medic and <after>
20 Phnom Penh was liberated, I was transferred to be a medic in the
21 battalion.

22 Q. All right, then let's move to the period after 17 April '75.
23 At one point in time, you started working for the general staff
24 hospital. You mentioned the name how is it called today already,
25 Preah Ket Mealea Hospital.

94

1 When you worked at that - when you started working at that
2 hospital, was it known to you at the time as the P-99 Hospital?

3 A. Yes, at that time it was referred to as P-99.

4 Q. And was it the hospital that belonged to Division 310?

5 A. Yes, the hospital was under the authority of the Division 310
6 and the name of the commander of the division was Oeun.

7 Q. Do you know whether the hospital, P-99, was also at one point,
8 maybe a bit earlier, referred to as Hospital P-97 or maybe even
9 P-98 before it ultimately became P-99?

10 A. Before that, it was called P-49, and later on, it was changed
11 to P-99.

12 [15.25.54]

13 Q. Can you describe your work at the P-99 Hospital? What kind of
14 work did you do when you were there?

15 A. At that time, I was responsible for treating wounded soldiers
16 because at the time that the Lon Nol regime fell, there were many
17 wounded soldiers, and I also cured people with malaria.

18 Q. If my understanding is correct, you worked approximately a
19 year in the P-99 Hospital -- or at least that's what you said in
20 your WRI, E3/7877; English, ERN 00346978; Khmer, 00342436;
21 French, 00411784.

22 Did you work a year all the way up until your arrest, the arrest
23 that I will be speaking about shortly? In other words, were you a
24 year at P-99 until the moment that you were arrested?

25 [15.27.59]

1 A. I worked there for nearly one year and then I was transferred
2 to be a medic at Battalion 314 and it was at that place that I
3 was arrested. I was accused, because at that time in the North
4 Zone, they accused that soldiers or member of Division 310 were
5 traitors.

6 So I was accused of being a traitor just like other members of
7 the division. But at that time, I was still young, I did not know
8 the meaning of <being> traitorous or not.

9 Q. I understand. Maybe it was a bit unclear to me, but in your
10 WRI -- that same page that I just referred to -- you said the
11 following, and let me repeat your answer:

12 Question: "How long did you work for the P-99 Hospital?"

13 "I worked for the hospital for approximately a year. I worked
14 there until 1977. Later on, I was reshuffled to Battalion 314,
15 the logistics section of Division 310. I based at the place next
16 to the Tuol Kork antenna." End of quote.

17 I understood this answer that when you moved to Battalion 314 you
18 went to the logistics division -- section of Division 310.

19 Is that a misunderstanding? Did you continue to work as a medic
20 also while at Battalion 314?

21 [15.29.55]

22 MR. PRESIDENT:

23 Mr. Witness, please hold on. The floor is given to International
24 Deputy Co-Prosecutor.

25 MR. LYSAK:

1 Yes, thank you, Mr. President. Just in the interview that I have,
2 E3/7877, it says that he worked at the P-99 Hospital for
3 approximately a year until 1976 not 1977. So there's some sort of
4 discrepancy here.

5 MR. KOPPE:

6 I have '76 as well.

7 [15.30.24]

8 MR. LYSAK:

9 Okay--

10 MR. KOPPE:

11 I thought I said '76 as well.

12 MR. LYSAK:

13 You said '77.

14 BY MR. KOPPE:

15 I apologize, '76.

16 Q. Mr. Witness, Battalion 314, the logistic section, were you
17 also working as a medic at the logistics section of Division 310?

18 MR. NUON TRECH:

19 A. When I was transferred to Battalion 314, I was still working
20 as a medic <for that division's logistic section>.

21 Q. Can you explain why the logistic section of Division 310 was
22 in need of a medic?

23 A. Division 310 logistic <unit> lacked medics that is why medics
24 from P-99 were sent from <Battalion> 314 to Division 310 logistic
25 unit <because this unit lacked medics>.

1 [15.31.58]

2 Q. Can you tell -- do you remember how many weeks or months you
3 were at Battalion 314, the logistics section, when you were
4 arrested? How long had you been already at Battalion 314 the
5 moment you were arrested?

6 A. I was there for almost a year. Later on, in 1977, leaders were
7 arrested and I was called for the arrest as well.

8 Q. Let me ask it differently. How long had you been at Battalion
9 314 when Division Commander Oeun was arrested?

10 A. I worked there for one year, then I heard that Division 310
11 betrayed and wanted to attack Phnom Penh. <Subsequently,> members
12 of Division 310, leaders of Division 310, and also leaders and
13 members of companies and platoons were arrested from time to
14 time.

15 [15.33.52]

16 Q. Right. Let me ask you some questions now about various
17 locations.

18 The P-99 Hospital is what is now known as the Preah Ket Mealea
19 Hospital. Do you know where exactly that P-99 Hospital is
20 located, for instance in respect of, or in relation to, Wat
21 Phnom, the Calmette Hospital, or what you just referred to as the
22 Tuol Kork antenna? Can you describe its location?

23 A. It is my understanding that the actual location of P-99 was at
24 Preah Ket Mealea Hospital.

25 Q. I understand. Is it correct that that was very close to Wat

1 Phnom and very close the division headquarters?

2 A. Yes, you are right, <> it was close to Wat Phnom and the head
3 of Division 310 was stationed at a location close to Wat Srah
4 Chak or Srah Chak pagoda. It was close to the hospital.

5 Q. Was it also close to what's still known as Calmette Hospital?

6 A. <> That hospital was adjacent to Wat Phnom.

7 [15.36.10]

8 Q. Generally speaking, the surroundings of Calmette Hospital,
9 Preah Ket Mealea Hospital, Wat Phnom, was this the area that
10 contained the division headquarters, Division 310 headquarters?

11 A. Back then Calmette Hospital was for children, pediatrics, and
12 P-99, it was used for soldiers.

13 Q. But the general area where Division 310 was stationed, was
14 that close to places like Wat Phnom, the Calmette Hospital? Was
15 that the home base for Division 310?

16 A. It was clearly divided, but they were under Division 310. For
17 Calmette Hospital, it was back then a pediatrics hospital. <It
18 was not within a military institution.>

19 [15.37.47]

20 Q. Well, let me be concrete, Mr. Witness. I'll be referring a bit
21 later to a meeting that you attended at a school located next to
22 Wat Phnom, a meeting where cadres and combatants from Division
23 310 attended? Can you explain where that school exactly was?

24 A. It was to the north of Wat Phnom, it was close to Wat Phnom.
25 It was after the division commander was arrested that I learnt

1 about that. <In that time, Division 502 already taken over.
2 Then,> I was called in a meeting that my division <commander> had
3 betrayed and he was arrested. I was told that, "Comrades, all of
4 you <should know this, your> divisional commander was arrested
5 because he betrayed." It was on that occasion that I was told
6 about his betrayal. <On that day, I learned that that school
7 located to the north of Wat Phnom.>

8 Q. I'll come back to that location of the school. One final
9 location. You said just now that you became a member of Battalion
10 314, the logistics section of Division 310.

11 In your WRI, you said that that was situated next or close to
12 Tuol Kork antenna. What was Tuol Kork antenna and where exactly
13 was that?

14 A. I was on mobile at the time. I was removed to Battalion <314>
15 and I was also assigned to <treat soldiers who worked the field>
16 at <Kob Srov (phonetic),> Boeng Prayab (phonetic), Tuol Sangkae.
17 I was given a bicycle to go around and treat people.

18 Q. How far was Tuol Kork antenna from Wat Phnom?

19 A. I do not know how many kilometres.

20 [15.40.37]

21 Q. Do you know how long it took you with a motor bike from Wat
22 Phnom to Tuol Kork antenna?

23 A. I did not own a motor bike so I did not know how many
24 kilometres they were apart.

25 Q. When you say Tuol Kork antenna, do you mean the radio station?

100

1 A. The TV antenna or Tuol Kork antenna was known since the time
2 of the Sihanouk's king.

3 I learned the name from others. I <entered Phnom Penh and I did
4 not know the location well. I> heard people made mention about TV
5 antenna or Tuol Kork antenna and I said so.

6 Q. When you were in the logistics section "based at the place
7 next to the Tuol Kork antenna", were you -- are you saying that
8 you were, in fact, next to the radio and TV station of Phnom
9 Penh?

10 A. I was stationed close to that <TV antenna >.

11 [15.42.31]

12 Q. And who was in charge of that radio and TV station, was that
13 also Division 310 or were these other forces?

14 A. That TV station was not operated by anyone, but it was within
15 the compound of Division 310.

16 Q. The TV station wasn't operating, but was the radio station
17 operating?

18 MR. PRESIDENT:

19 Please hold on, Mr. Witness. You may now proceed, Deputy
20 Co-Prosecutor.

21 MR. LYSAK:

22 Thank you, Mr. President. Counsel continues to try to lead the
23 witness here.

24 The Witness has indicated he understood it was a TV antenna. No
25 one has ever said anything about a radio station at this

101

1 location.

2 I think I know why he's trying to lead the witness this way, but
3 that's -- it's simply incorrect. And if he has information to
4 confront the witness with, that's one thing, that's fine.

5 [15.43.59]

6 BY MR. KOPPE:

7 I'm happy to ask it again very specifically.

8 Q. Mr. Witness, you spoke about a TV antenna at Tuol Kork, where
9 your logistics battalion was situated. Do you know whether there
10 was also a radio antenna? And, if yes, do you know whether it was
11 used?

12 MR. NUON TRECH:

13 A. In fact, that TV antenna housed female garment workers <of the
14 division. There was no TV>.

15 Q. So it wasn't a radio antenna, is that correct? The radio in
16 Phnom Penh was somewhere else?

17 A. It was in a different location, which I do not know.

18 MR. PRESIDENT:

19 The radio station or antenna, that is the word used in Khmer, and
20 do you know where it is?

21 [15.45.32]

22 MR. NUON TRECH:

23 The radio station was posted at Stueng Mean Chey. I, myself, did
24 not have time to go there. <I heard this from others.>

25 BY MR. KOPPE:

102

1 Q. Mr. Witness, now, let me -- before I move to your arrest --
2 let's talk about a meeting that you described in your WRI, the
3 meeting that was held in the school located next to Wat Phnom
4 that we just discussed.

5 Can you describe what you heard at this particular meeting in
6 relation to the arrest of your division commander, Oeun?

7 MR. NUON TRECH:

8 A. <All> comrades were allowed to go to a meeting on that day,
9 the comrades who were from Battalion 314 and also from other
10 regiments <which I could not recall the names>. There was an
11 announcement that "Comrades, please do not fear any surprise,
12 your leaders or commanders betrayed, <now, they have been
13 arrested,> so please remain calm and do not have any shooting or
14 fire against one another."

15 [15.47.12]

16 Q. And how many people were present, do you remember?

17 A. I did not recall how many were in the meeting. I was sitting
18 at the back, I could not see clearly. I was quite young at the
19 time<, so I was asked to sit at the back, but> those who were
20 older than me were allowed to sit in the front rows. At the time,
21 I was around 18 or 19 years-old.

22 Q. And do you remember hearing a tape being played?

23 A. The divisional head of the Southwest 502<> arrested <my
24 leaders. They alleged that commander of Division 310, Oeun,
25 betrayed.> Oeun's voice was played over the loudspeaker <stating

103

1 about the plan to attack Phnom Penh> and I heard the voice of
2 Oeun from the tape.

3 I was sitting and listening to his statement made at the time,
4 but since the time until now I cannot recall all of it.

5 [15.48.40]

6 Q. Do you remember whether the name Koy Thuon was also mentioned
7 at this meeting?

8 A. Yes, it was mentioned, but I was not so interested in the
9 name. I was so scared at the time after having heard that my
10 <leader> was arrested, <I was afraid that the subordinates would
11 be also arrested. For that reason, I> was not so interested in
12 the name.

13 Q. Do you recall what it was that Koy Thuon and Oeun and others
14 had done? Were there any details being given during this meeting?

15 A. I may have heard, but I do not recall about that.

16 Q. I might return to that subject, but let me now turn to your
17 own arrest.

18 Were you arrested after this meeting at the school where you
19 heard the tape or was it before, do you remember?

20 A. We were told to go back to our respective offices or units.

21 <They said, "Please do not fear any surprise, you may return to
22 your respective places".> I returned to my unit<. In my unit,>
23 leaders were arrested subsequently and from time to time. <I did
24 not pay much attention where those people were sent to after the
25 arrests.> We were told that they were re-assigned to work in

104

1 other locations. I, at the time, thought my <leaders were>
2 transferred to elsewhere, but later on, clerks were arrested
3 <including me>. I was also invited to an office, the prison's
4 office and it was Ol. I did not realize that I was sent to
5 prison, but I was told that I would be sent to the international
6 section to treat people.

7 [15.51.39]

8 Q. Am I to understand your answer that you were brought to this
9 prison office after the meeting during which the tape was played?
10 And, if yes, do you remember how long it was after that meeting?

11 A. It was half-a-month. They did not allow me to know about their
12 plan. <People in that division were subsequently arrested.> I, at
13 first, did not know about that. I thought my head was re-assigned
14 to another location. I, myself, did not realize that I was
15 arrested. I thought that I was re-assigned to another location.

16 [15.52.44]

17 Q. Let me go to your WRI to see if I can have you start a bit.
18 E3/7877, Mr. President, English, ERN 00346979; Khmer, 00342437;
19 and French, 00411785. This is what you said and from --
20 subsequently, I would like you to continue. You said:

21 "I was also arrested. Bong Nim, the unit deputy, told me that
22 there was a telephone call from Phnom Penh requiring me to be
23 reshuffled to Phnom Penh. At that time, I lived at Anlong Kngan.
24 An American 4x4 SUV with covered roof but no number plate came to
25 pick us up. They did not tie me when I was on the vehicle when

1 the vehicle stopped at Boeng Sra Yab to pick another two men."

2 End of quote.

3 Is that something that you recall saying to the investigators?

4 A. I was called and put on a vehicle. I was then placed in a
5 location where I was left idle. <I was not assigned to do
6 anything.> I did not realize that it was a prison. I was put
7 under surveillance at the time<>. I was there for two or three
8 days, then my chairman came to take me to my previous workplace.

9 <He told them that I was innocent and that I should not be at
10 that place.> It was on that time that I realized <I was taken
11 there to be imprisoned>. My chairman requested to have me return
12 to my workplace for re-fashioning. <He said that if that did not
13 work out, he would send me back there.> It was on that day, <>I
14 realized I was to be put in the prison because <I may have
15 committed> mistakes.

16 [15.55.32]

17 Q. Let us take it step by step. You were in the car and you
18 arrived at a prison office.

19 First of all, do you remember whether photos of you were taken
20 and whether you were required to make a biography?

21 A. They made my brief biography, and they took photo of me at the
22 time. <>I thought that the photo would be <merely> included in my
23 biography.

24 Q. Can you describe the road that you took from the moment that
25 you were arrested and the moment that you were in this office

1 where you were required to make your biography and your photo was
2 taken? Can you describe the route?

3 [15.56.50]

4 A. I did not have a clear memory. I was put in an American-made
5 four-wheel drive truck <and it was fully covered>. I was put on
6 that truck and I sat face back. <I could not see clearly what
7 were in the front.>

8 Q. Was it in Phnom Penh?

9 A. It was within Phnom Penh. I could not see because it was fully
10 covered, the truck was fully covered, the American-made truck.

11 Q. In your WRI, you said that while you were there at this place,
12 that your unit chief Bong Yeit arrived and that he whispered to
13 you:

14 "Do you know that this place is a prison office. As soon as they
15 are done with your biography you will be taken away." End of
16 quote.

17 Do you remember saying this?

18 A. I recall that the place was the prison, then my chairman <took
19 me out> to have me back for re-fashioning. Later on, my chairman
20 was arrested and I was accused of having links to the enemy's
21 network. So I was transferred to do manual work in Kampong
22 Chhnang <to build an> airfield.

23 Q. In your DC-Cam statement, E3/7537; English, ERN 00251253;
24 Khmer, 00019646; and French, 00291003; you said that you were
25 captured and sent to "Tuol Sleng prison office".

107

1 What made you say that you were at Tuol Sleng prison office?

2 [15.59.58]

3 A. At first, I did not know that it was a prison compound. Later
4 on, I learned that those who were brought away by Ol were sent to
5 the prisons since Ol was part of the prison unit. <When I arrived
6 there, I realized that I must be detained there because> Ol was
7 the one who detained person at the location and put others to
8 shackles and chains.

9 Q. But I don't understand why you said it was the Tuol Sleng
10 prison office. Why not another prison office maybe belonging to
11 the division?

12 A. <The prison office was under the division.> After people were
13 placed at that prison and charged by Ol, those people would be
14 further sent to Tuol Sleng.

15 [16.01.19]

16 BY MR. KOPPE:

17 Maybe one final question, Mr. President, if you'll allow me?

18 Q. Mr. Witness, did you ever visit the Tuol Sleng museum after
19 1979? And, if yes, does this building or the surroundings of this
20 building somehow remind you of the prison office that you were
21 in, in 1977?

22 MR. NUON TRECH:

23 A. No, I <never> came to Phnom Penh after <> that year, I went
24 back to reside in my birth village. <I never came to Phnom Penh.>

25 MR. PRESIDENT:

108

1 It is now time for the adjournment.

2 The Chamber will resume its hearing on Tuesday 6 December 2016 at
3 9 a.m.

4 Tomorrow, the Chamber will continue hearing the testimony
5 2-TCW-920 via video-link, and there is a reserve witness, Mr.
6 Trech.

7 Thank you very much, Mr. Trech, thank you for coming to testify
8 as a witness. You are still invited to come and testify tomorrow
9 as a reserve witness.

10 Court Officer, please work with the WESU Unit, to send this
11 witness back to the place where he is staying at the moment and
12 please invite -- please bring him back to the ECCC tomorrow as a
13 reserve witness.

14 Security personnel are instructed to bring the two accused, Nuon
15 Chea and Khieu Samphan, back to the ECCC detention facility and
16 have them returned into the courtroom before 9 a.m.

17 The Court is now adjourned.

18 (Court adjourns at 1603H)

19

20

21

22

23

24

25