



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
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Sann Rada
CMS/CFO:.....

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

26 July 2016
Trial Day 429

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
Anta GUISSÉ
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
CHEA Sivhoang
Maddalena GHEZZI

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

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

For Court Management Section:
UCH Arun

I N D E X

2-TCW-1005

Questioning by The President (NIL Nonn) page 9

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCW-1005	Khmer
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. SMITH	English
Mr. SREA Rattanak	Khmer

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today, the Chamber hears testimony of witness 2-TCW-1005

6 concerning internal purges.

7 And before we proceed on the substantive hearing of hearing

8 testimony of witness 2-TCW-1005, the Chamber wishes to inform the

9 parties that Judge You Ottara, who is the National Judge, is

10 absent for personal reasons. And after the Bench deliberated, the

11 Chamber decided to appoint Thou Mony, the National Reserve Judge,

12 in Judge You Ottara's place until Judge You Ottara is able to

13 return to the Bench. And that is pursuant to Rule 79.4 of the

14 ECCC Internal Rules.

15 Ms. Chea Sivhoang, please report the attendance of the parties

16 and other individuals to today's proceedings.

17 [09.03.46]

18 THE GREFFIER:

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

20 are present.

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

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

23 been delivered to the greffier.

24 The witness who is to testify today -- that is, 2-TCW-1005,

25 confirms that, to <the> best <of his> knowledge, he has no

2

1 relationship, by blood or by law, to <either> of the two accused
2 -- that is, Nuon Chea and Khieu Samphan, or to any of the civil
3 parties admitted in this case. The witness took an oath before
4 the Iron Club Statue this morning and is waiting to be called by
5 the Chamber in the waiting room.

6 Thank you.

7 [09.04.36]

8 MR. PRESIDENT:

9 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the
10 request by Nuon Chea.

11 The Chamber has received a waiver from Nuon Chea, dated 26 July
12 2016, which states that due to his health -- that is, headache,
13 back pain, he cannot sit or concentrate for long. And in order to
14 effectively participate in future hearings, he requests to waive
15 his right to be present at the 26 July 2016 hearing.

16 He advises that his counsel advised him about the consequence of
17 this waiver, that in no way it can be construed as a waiver of
18 his rights to be tried fairly or to challenge evidence presented
19 to or admitted by this Court at any time during this trial.

20 [09.05.34]

21 Having seen the medical report of Nuon Chea by the duty doctor
22 for the Accused at ECCC, dated 26 July 2016, which notes that
23 Nuon Chea has chronic back pain, and it becomes severe when he
24 sits for long, and recommends that the Chamber grant him his
25 request so that he can follow the proceedings remotely from the

1 holding cell downstairs. Based on the above information and
2 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
3 grants Nuon Chea his request to follow today's proceedings
4 remotely from the holding cell downstairs via an audio-visual
5 means.

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

9 [09.06.42]

10 Before we proceed to hear testimony of a witness, the Chamber
11 wishes to hear responses from <the> parties to two requests:
12 First, the OCP request -- that is, pursuant to Rule 87.4 of the
13 ECCC Internal Rules -- for the Chamber to admit four documents
14 concerning witness 2-TCW-1005, document E319/48/1; and, two,
15 <the> request from Nuon Chea's defence pursuant to Rule 87.4 of
16 the Internal Rules for the Chamber to admit one document
17 concerning the testimony of 2-TCW-1005.

18 And the Chamber will hear responses from parties first to the
19 submission by the Co-Prosecutors -- that is, document E319/48/1.

20 And first, the Chamber hands the floor to the Lead Co-Lawyers for
21 civil parties to respond to the submissions by the
22 Co-Prosecutors. And you may proceed.

23 MS. GUIRAUD:

24 Thank you, Mr. President, and good morning to all of you. We will
25 rely on the Chamber's wisdom regarding this issue. <Thank you.>

1 [09.08.12]

2 MR. PRESIDENT:

3 Thank you.

4 And I now hand the floor to the defence team for Nuon Chea to
5 respond to the submissions by the Co-Prosecutors. You may
6 proceed.

7 MR. KOPPE:

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

9 We have no objection.

10 MR. PRESIDENT:

11 And now I hand the floor to the defence team for Khieu Samphan.

12 MS. GUISSSE:

13 Thank you, Mr. President. Good morning to all of you.

14 Regarding the Co-Prosecutor's request, we have seen the
15 <attached> document that lists four documents, some of which have
16 already been tendered into evidence. And what is new is the
17 annotations on the document. The issue is that we haven't had
18 access to these annotated documents, so I am unable to respond
19 because the parties have not had access to the annotations. So if
20 we're speaking about documents that have been tendered into
21 evidence, there's no problem, but regarding the annotations, I
22 cannot provide any useful observations yet.

23 [09.09.46]

24 MR. PRESIDENT:

25 And the Co-Prosecutor, would you wish to make comment on that?

1 MR. SMITH:

2 Thank you, Your Honour.

3 These attachments were requested for disclosure on the 10th of
4 May this year, and then they were authorized for disclosure on
5 the 15th of July 2016. The documents -- the four documents or the
6 attachments relate to the statements of this witness and were
7 referred to in the interview. And I'm just assuming that defence
8 for Khieu Samphan has said that they can't access these
9 particular documents -- is that right -- that were made available
10 in -- that were requested to be made available in the motion.

11 [09.10.41]

12 MS. GUISSÉ:

13 Yes. In order to be more specific about <what I said>, I
14 understood that these are documents that were annotated a priori
15 by the witness, if I understand the Co-Prosecutor's request. The
16 problem is that, we were told that these documents were annotated
17 <and included in an attachment>, <but> we do not have access to
18 these annotated documents. We only have the documents that were
19 tendered into evidence without annotations <by the witness>, so I
20 cannot make any particular observations because we have not <had
21 access to> the annotated documents.

22 I hope that things are a little clearer now.

23 [09.11.16]

24 MR. SMITH:

25 Thank you, Your Honours.

6

1 Well, all that I would ask is that these documents that are
2 attached to this motion, that they be made available to the
3 Defence so that they can comment on it. And perhaps we don't need
4 to deal with it right away.

5 And just to be clear, I can't envisage that I'll be necessarily
6 using these documents this morning, but in terms of analyzing the
7 statements, I think it's important to have those attachments
8 incorporated. So perhaps if we could postpone until CMS has made
9 these four documents available to the Defence to look at.

10 MR. PRESIDENT:

11 Judge Jean-Marc Lavergne, you have the floor.

12 [09.12.06]

13 JUDGE LAVERGNE:

14 Yes, thank you, Mr. President.

15 In order to make things clearer, could the Co-Prosecutor tell us
16 if the documents that were disclosed contained the documents that
17 they wished to put on the case file <as attachments,> and if
18 these annexes had been commented <on> by the witness whom we're
19 going to hear <from>, or are these <attachments that do not
20 include any comments>?

21 MR. SMITH:

22 Your Honour, all of the -- all of the attachments have been
23 commented by the witness in the statements that have been
24 referred to and discussed, and at least a few of them, I know,
25 have been marked by the witness, particularly the map. And I'm

7

1 not so clear about the other three, but they've all been referred
2 to in the interviews explicitly, and the map has been marked by
3 the witness.

4 But it seems that the Defence -- even though the motion is being
5 made to the Chamber, it seems that the Defence haven't got access
6 to the documents yet, and I would just ask that this issue be
7 postponed until CMS makes them available. Again, I won't be using
8 them this morning.

9 [09.13.44]

10 MR. PRESIDENT:

11 Next, the Chamber would like to hear responses from parties to
12 the submission by the defence team for Nuon Chea -- that is,
13 document E424. The Chamber also notes that, on the 22nd July
14 2016, the Co-Prosecutors informed the Chamber that they do not
15 have any objection to the request by the defence team for Nuon
16 Chea.

17 Hence, the Chamber now hands the floor to the Lead Co-Lawyers to
18 respond to Nuon Chea team's submission -- that is, concerning
19 request by Nuon Chea team to admit one document for the
20 questioning this upcoming witness.

21 You may proceed.

22 MS. GUIRAUD:

23 No specific observations, Mr. President.

24 [09.14.42]

25 MR. PRESIDENT:

1 And lastly, I'd like to hand the floor to the defence team for
2 Khieu Samphan.

3 MS. GUISSÉ:

4 Thank you, Mr. President.

5 Regarding this document, we have no specific objection, simply
6 for everything to be clear here during these proceedings, we'd
7 like to remind you that this document is a document that was
8 requested into evidence by the International Co-Prosecutor, and
9 the Chamber had <expressly> rejected it.

10 Now, today, everybody agrees -- <we can> use this document -- but
11 maybe the Chamber should reconsider your decision and reason it,
12 the decision of 29 June of 2016, E319/47/3.

13 No objections, but simply to make things that everything is clear
14 with regard to the admission of this document in response to the
15 Co-Prosecutor's request, as well as the request from my colleague
16 of the Nuon Chea team.

17 (Judges deliberate)

18 [09.16.22]

19 MR. PRESIDENT:

20 The Chamber thanks the responses from parties to the two
21 requests, and your responses will be used as the basis for
22 deliberation on this matter. And the Chamber will issue a ruling
23 after the short break this morning.

24 Now the Chamber wishes to hear testimony of witness 2-TCW-1005.

25 And before we begin, the Chamber notes that the witness has been

1 heard during the investigation into other cases, and the
2 International Investigating Judge consider this witness as part
3 of Group A amongst the three groups in his Memorandum <> -- that
4 is, document E319/35 and E319/48.5.
5 And based on the request, <for> this witness, a pseudonym should
6 be used in order to protect the confidentiality of the
7 investigation. The Chamber deems that this measure is appropriate
8 according to the law. However, the Chamber also considers the
9 balance between the confidentiality and the public hearing as
10 well as the integrity of the investigation, and the Chamber would
11 like to remind all parties that they should adhere to
12 instructions in document E319/7 in relation to the disclosure of
13 other documents from other cases.
14 Court officer, please usher witness 2-TCW-1005 into the
15 courtroom.

16 (Witness enters the courtroom)

17 [09.20.45]

18 QUESTIONING BY THE PRESIDENT:

19 Q. Good morning, Witness. Based on the request from the
20 International Co-Investigating Judge, during the proceeding to
21 hear your testimony, you would be referred to as pseudonym only
22 -- that is, 2-TCW-1005, and your name would not be used. You also
23 may be referred to as "Witness". And the Chamber prohibit parties
24 to use your full name during this public proceeding.
25 And Witness, from my observation, it seems that you have

10

1 difficulty with your eyesight. Can you tell the Chamber whether
2 you can read?

3 2-TCW-1005:

4 A. I'd like the documents to be read to me.

5 [09.21.56]

6 Q. Does it mean that due to your poor eyesight, you cannot
7 read documents?

8 A. <Yes.>

9 Q. Allow me to ask you again that you find it difficult to read
10 documents, and please pause until you see the red light lit on
11 the tip of the microphone before you speak.

12 A. I cannot read the documents.

13 Q. Thank you.

14 The Chamber would like to ask you some questions concerning your
15 identity -- that is, your full names, nationality, date of birth,
16 place of birth, occupation, names of your parents, <and your
17 current residence>. And the Chamber notes that the witness cannot
18 read documents due to his poor eyesight. The Chamber assigned <>
19 Arun, the court officer, to read the documents for witness
20 <quietly>.

21 [09.23.32]

22 And Witness, court officer will whisper to you some <highlighted>
23 portions of the document, E3/9513, to you, and the portion read
24 is at Khmer, ERN 00975687; English is at <0098269 - 99> (sic);
25 and ERN in French, <00980787>.

11

1 Allow me to repeat the English ERN - it is at <009826999> (sic).

2 And Mr. Arun, please read the highlighted portion in orange to
3 the witness quietly, and then we can ask whether that portion is
4 correct.

5 (Short pause)

6 [09.25.51]

7 BY MR. PRESIDENT:

8 Q. Thank you, Witness.

9 And after having heard the relevant highlight read to you by
10 court officer -- that is, concerning your names, <nationality,>
11 date of birth, place of birth, occupation, names of your parents
12 and <your current residence>, can you tell the Chamber whether
13 the information is correct?

14 2-TCW-1005:

15 A. It is correct, Mr. President.

16 Q. Thank you, Witness.

17 The greffier made a report that, to your best knowledge, you are
18 not related, by blood or by law, to <either> of the two accused
19 -- that is, Nuon Chea and Khieu Samphan, or to any of the civil
20 parties admitted in this case. Is that information correct?

21 A. Yes, it is.

22 [09.27.02]

23 Q. Thank you.

24 The greffier also reported that you took an oath before the Iron
25 Club Statue before your appearance; is that true?

1 A. Yes, that is.

2 Q. Thank you. The Chamber now would like to inform you of your
3 rights and obligations as a witness before this Chamber.

4 Your rights: As a witness in the proceedings before the Chamber,
5 you may refuse to respond to any question or to any comment which
6 may incriminate you. That is your right against
7 self-incrimination.

8 As for your obligations, as a witness in the proceedings before
9 the Chamber, you must respond to any questions by the Bench or
10 relevant parties except where your response or comment to those
11 questions may incriminate you, as the Chamber has just informed
12 you of your right as a witness.

13 You must tell the truth that you have known, heard, seen,
14 understand -- remember, rather, experienced or observed directly
15 <regarding> an event or occurrence relevant to the questions that
16 Bench or parties pose to you.

17 [09.28.28]

18 And Witness, have you been interviewed by investigators from the
19 Office of the Co-Investigating Judges? If so, how many times,
20 when and where?

21 A. I have been here twice before my appearance today. However, I
22 cannot recall which building I was in due to my poor eyesight.
23 <This is my third time.>

24 Q. Thank you.

25 And as for your previous statements, have you them read out by

13

1 anyone in order to refresh your memory?

2 A. The ECCC staff read me those statements <starting on> Sunday,
3 and that continued until Monday, so those statements that I made
4 earlier were read out to me.

5 [09.29.48]

6 Q. Thank you.

7 And based on your recollection, can you tell the Chamber whether
8 the written records of your interviews read out by the ECCC staff
9 reflected what you stated earlier during the interviews?

10 A. What was read out to me was consistent with the truth that I
11 told the investigators during the interviews. However, I may not
12 recall everything stated in the interviews.

13 Q. Thank you, Witness.

14 And pursuant to Rule 91bis of the ECCC Internal Rules, the
15 Chamber hands the floor first to the Co-Prosecutors to put
16 questions to this witness. And the combined time for the
17 Co-Prosecutors and the Lead Co-Lawyers for civil party is one
18 day.

19 You may proceed.

20 [09.31.20]

21 QUESTIONING BY MR. SMITH:

22 Good afternoon, Witness. Good afternoon, Your Honour. Good
23 afternoon, counsel and to the audience here today.

24 Q. Mr. Witness, my name is Bill Smith. I am the prosecutor here
25 today that will ask you some questions about events that occurred

14

1 during the Democratic Kampuchea period, about your experiences
2 and what you observed.

3 I first would like to ask you where you -- where you were brought
4 up, in which area.

5 Is it fair to say that you were born in the Tram Kak, Tram Kak
6 district in Sector 13 under the Democratic Kampuchea boundaries?

7 2-TCW-1005:

8 A. That is correct.

9 [09.32.43]

10 Q. And before I ask you some more questions about that, do you
11 agree that you were first interviewed by a man from the
12 Documentation Centre of Cambodia in about 2013 regarding your
13 experiences during the Democratic Kampuchea period -- that is,
14 before the investigators from this Court spoke to you?

15 A. He went to see me, asking me about my experiences in the past.
16 I was interviewed at my house in about 2013, and I cannot recall
17 the exact day and month. That is true.

18 Q. And when you were first interviewed by someone from the
19 Documentation Centre of Cambodia, was that interview written down
20 and did you get to sign it, or was it simply recorded and you
21 haven't seen a written transcript of that first interview you
22 had?

23 A. Back then, the interview was not produced in writing<, but it
24 was simply recorded.> I was interviewed and I was told that it
25 would be documented for historical purposes. <Regarding a>

15

1 written document, <I did not sign it. However>, they simply asked
2 me about the past events that I was involved in.

3 [09.35.02]

4 Q. Thank you.

5 And the interviews that were conducted by investigators from the
6 ECCC, it's correct that they were written down and you had an
7 opportunity to have them read back to you when those interviews
8 had finished. Is that right?

9 MR. PRESIDENT:

10 Please observe the microphone, Mr. Witness.

11 2-TCW-1005:

12 In fact, the record was read out to me, and it is consistent with
13 what I informed the DC-Cam back then, so afterwards, there was a
14 written document produced.

15 BY MR. SMITH:

16 Q. I would like to now ask you some questions, and firstly, in
17 what year did you join the revolution?

18 2-TCW-1005:

19 A. It was on 15 March 1973 when I joined the army.

20 [09.36.52]

21 Q. And were you about 15 years of age when you joined the army in
22 1973?

23 A. That is true. <At the time,> I was still a young boy, and I
24 was simply a messenger bringing and delivering food, <and I
25 delivered letters to the Sectors> controlled by the DK. That is

1 true.

2 Q. And why is it you can remember that specific date of the 15th
3 of March 1973? It was a long time ago.

4 Can you explain how you can remember the date that you joined?

5 A. It is because <all the biographies had to be consistent with
6 the original draft. If the biographies were not consistent with
7 the original one, they would not be acceptable>. And I could
8 recall some contents from the biographies when they were
9 collected from me from time to time.

10 [09.38.25]

11 Q. And when you first joined the revolution back in March 1973,
12 was a biography taken from you at that time or at a later time
13 after that?

14 A. It was done later on, after three, four, six or seven
15 <months,> the biography was collected and information was
16 recorded, what I was doing at the time, how many <> letters I had
17 delivered; <that was called re-fashioning, in short, the
18 biography was taken from me after re-fashioning>. At the time,
19 <after I left home, I went to live> at the base of the mountain
20 in the forest and, after living there for a period of three or
21 four months, <the> biography was taken from me.

22 Q. And when you say "the base of the mountains", are you
23 referring to the Kirirom mountains?

24 A. I was based close to <the> Sramauch (phonetic), Sen Han
25 (phonetic) and Damrei Romiel <mountains>. <I lived in the forest

1 within Tram Kak district and> Angkor Chey <district>. It was the
2 first stage when I joined the army. It was in Office 160 - that
3 <is, the messenger Office> of the of the sector, rather, Sector
4 13.

5 Q. Thank you.

6 And Sector 13, which zone was that in Democratic Kampuchea or
7 beforehand? Which zone was it in?

8 A. Sector 13 was in Southwest Zone. There were several sectors
9 within Southwest Zone: <Sector> 13, <Sector> 35, <Sector> 33 and
10 Sector 25.> There were four sectors within that Southwest Zone.

11 [09.41.14]

12 Q. And who was the secretary or the commander of the Southwest
13 Zone?

14 A. It was Ta Mok or Ta 15. He was the secretary of the zone.

15 Q. In your statement, you said your mother joined the revolution
16 in 1970. What did she first -- where did she go when she joined
17 the revolution?

18 A. She joined the revolution when I was still at my birth
19 village. <However, I had learnt that she joined the revolution at
20 a location at Ta Am village, and I heard that she> was at
21 <Office> 150 <with Uncle Tith> and, later on, after 1975, she
22 <worked as a medic> with <Tith's wife> in Kiri Vong. <At the
23 time, I did not see her frequently, but I knew that> she first
24 joined the Office 150 <which was located to the north of Damrei
25 Romiel mountain>. That was the initial stage <that my mother

1 joined the revolution>.

2 Q. And Office 150, what function did that have? What did they do
3 in Office 150?

4 A. To my knowledge, Office 150 belonged to the sector. After
5 joining Office 150, women could move to work <at base areas, or
6 they could work in the sector, for instance, to carry> wounded
7 people <and so on. In short, they worked under the Sector>.

8 At the time, female workers <also delivered> letters from place
9 to place. They <might be assigned to work> in the districts. <At
10 that point, they had already become female cadres.>

11 [09.43.48]

12 Q. In your statement, you said that your father died in about
13 1967 or 1968. Can you explain briefly how he died?

14 A. I was still a young boy when he died. What I know is that he
15 joined the movement of the CPK. Later on, I heard that he was
16 arrested. I could not recall the incident <well>.

17 At the time, he <transported> logistics from Phnom Penh to Aoral
18 <along National Road Number 4>. And as I said, I could only
19 recall some events <because at the time> I was a small boy. Later
20 on, I heard <that> he was arrested, and he disappeared <since>.

21 Q. And you mentioned that your father had good connections. Did
22 he know Son Sen before 1970?

23 A. During the <resistance> movement, they were perhaps friends
24 <after> they joined the movement together, <and they both studied
25 at the senior level>. And later on, that individual, I mean Son

1 Sen, <was in contact> with me <and we remained in touch> until
2 the time that he died.

3 [09.45.52]

4 Q. You said in your statement that -- and I'll refer to E3/9647:
5 English, 01212334 to 35; in Khmer, 00975756 to 57; and French,
6 00996596 to 97. In your interview with DC-Cam, you talk about the
7 connection your father had with Son Sen, and you said, and I
8 start: "I don't know because in his history, he had connections.
9 That is why I am alive today."

10 That you're alive today because you had good connections or your
11 father had good connections, why did you say that?

12 A. As I told you earlier, I -- in fact, I did not elaborate it.
13 He had connections with my father <until my> father <died, and
14 after that, I had a good relationship with him. That is why I am
15 still alive today.> I was asked about my biography, and he
16 <learned> that I was the son of my father, so I had <a>
17 connection with him. <The statement that you read earlier is
18 true.>

19 Q. When you joined the revolution, were you forced to join or was
20 it your choice?

21 You said you were around 15 years of age when you joined. You
22 were a boy, a teenager. Was it your choice or were you forced?

23 [09.48.34]

24 A. <I was not forced to> join the revolution. <However, after the
25 Lon Nol coup d'état, I followed senior people who joined the

1 movement. Then, I worked in> the messengers unit<>, and <I was>
2 tasked with delivering letters and messages, so I decided to join
3 the movement with other senior people. I was not forced to join
4 the movement, in fact.

5 Q. And why did you decide to join? Can you be more specific?

6 A. In fact, I was a teenager in 1970s. I used to go to attend
7 school at Angk Ta Saom, and teachers joined the demonstration,
8 <and> they were shot dead <by soldiers. They were teachers at
9 Chambak School in Angk Ta Saom. Between '70 and '73, I had seen
10 those incidents>.

11 <And> I came back home in 1973, <I thought to myself that if
12 joined the army, I would> fight against Lon Nol. So I followed
13 other senior people in the movement.

14 [09.50.15]

15 Q. And you said that you first started to work in the revolution
16 in Office 160 in Sector 13. And was that the messenger unit of
17 Sector 13?

18 A. That is true. In fact, in Sector 13, there were Offices 150
19 and 160. And 150 <belonged> to the female messengers, and I was
20 in Office 160, the children messengers' unit. I was tasked with
21 delivering letters and messages to <units in different
22 districts>.

23 Q. And in Sector 13 -- can you name the districts that were
24 included in Sector 13 at that time?

25 A. In relation to districts, numbers were designated to districts

21

1 <such as district 105>, Tram Kak <district; 106>, Angkor Chey
2 <district; 107>, Treang <district; 108>, Kaoh Andaet <district;
3 109, Kiri Vong district; 55>, Prey Kabbas <district> and
4 <district 56>, Samraong <district. <In Takeo,> there were many
5 districts within the sector.

6 I was a teenager in the messenger unit, and I delivered letters
7 from one district to another district.

8 Q. And you didn't mention Kiri Vong district, but you mentioned
9 that in your statement. Was the Kiri Vong district within Sector
10 13 as well?

11 A. Kiri Vong was within Sector 13, and Kiri Vong was District
12 109, <it was close to the border>.

13 [09.53.05]

14 Q. And in Office 160, when you -- when you joined in 1973, you
15 said it was the messenger office. Was that located in one place
16 or were there many messengers attached to Office 160 that were
17 situated in the different districts?

18 A. <The offices were located in the different locations.> We were
19 assigned to deliver letters. Sometimes I was assigned to deliver
20 the letter to Sramauch (phonetic), <Sen Han> (phonetic), or
21 Damrei Romeal <mountain>. Groups were divided to deliver letters,
22 and we were on a rotation, so we had a rotation system.
23 There was a rotation system applied. We <were not> based in one
24 specific location.

25 Q. In your statement, you said that you were a messenger with

1 Office 160 for a few years until September 1975. Is that correct,
2 you were an Office 160 messenger for about two and a half years?

3 A. That is correct. It is consistent with what I told in the
4 past.

5 Q. You said messengers moved around the sector, but were you
6 based in any particular district during that two and a half
7 years? Which district did you live in during that period?

8 [09.55.35]

9 A. In that two-year-and-a-half period, I was based in Angkor Chey
10 <district only, and I lived along the base of> Sen Han (phonetic)
11 mountain. Later on, <in '75> I was moved to Angk Kriv for a
12 period of time in <> Angkor Chey commune, <Angkor Chey> district.

13 Q. And is that time period correct, that you moved to Kiri Vong
14 district in March 1997 -- 1977, sorry?

15 A. That is not correct. <First,> I moved to Kiri Vong for a
16 period of time, <and then> I moved to Kratie <in March '77>. In
17 fact, I moved to live in Kiri Vong in September 1975.

18 Q. Sorry. That may have been my mistake.

19 And if I can just refer you back to your statement that you gave
20 to DC-Cam, and it's E3/9513. And it's answer number 35. And you
21 state -- it was asked of you for how long did you stay in Kiri
22 Vong district. You answered: "I went to Kiri Vong district from
23 September 1975 to March 1977", and then you went to Kratie. Is
24 that accurate?

25 A. If it is so, it is correct, what you read.

1 [09.57.53]

2 Q. At the time that you started work in the sector, Sector 13, in
3 Office 160 and when you were based in Angkor Chey district, who
4 was the sector secretary of Sector 13? Who was in charge?

5 A. Uncle Saom who -- who was in charge of Sector 13, and there
6 were other people below him.

7 Q. And do you know who the deputy secretary of Sector 13 was when
8 you started in 1973?

9 A. To my recollection, the deputy was <Keav>, Phen, and there
10 were other deputies below these two individuals as well.

11 Q. In your statements, you refer to Ta Muth. What was his -- what
12 was his role in Sector 13? What was his position when you joined?

13 A. I am a bit perplexed about the time period -- that is, you
14 were asking me about the period between 1975 and 1977, and then
15 you moved to a specific period of time, so I'm a bit confused.
16 From 1973 to 1975, Muth was the chief and Saom was the deputy.
17 And later on, <Muth was transferred to Division 3.> Saom <became>
18 the deputy (sic) <in> 1975.

19 [10.00.35]

20 Q. And at one stage, did Muth leave -- leave the sector and do
21 something else, take up another function?

22 A. Before 1975, he was the chief <of Sector 13>. And later on,
23 <around> 1974 or 1975, he moved to be in charge of Division 3.
24 <And then Saom became the secretary.>

25 Q. And where was your office specifically located in Angkor Chey

1 district when you were a messenger between 1973 and September
2 1975?

3 A. <Between '73 and '75, I> relocated from Sramauch (phonetic)
4 <mountain> to Damrei Romiel. And later on, <I> moved to <Angk
5 Kriv> near the National Road in 1975. However, it was still
6 located in Angkor Chey district.

7 [10.02.20]

8 Q. And you've said in your -- you said today that you served as a
9 -- as a messenger during this period, this two and a half year
10 period. Were you delivering messages from Angkor Chey district to
11 other districts in the sector?

12 Can you explain which districts you were delivering messages to,
13 what type of messages you were delivering and generally in more
14 detail the work you did when you worked with Office 160 in Angkor
15 Chey district?

16 A. I cannot recall every detail. I did not read the contents of
17 those letters. However, I <was> assigned to deliver them, for
18 example, to Tram Kak district or to Kiri Vong district, so I
19 cannot recall every count of mail delivery. I mainly took mail to
20 Kiri Vong <district>, Angkor Chey <district> and Tram Kak
21 districts.

22 As I said, I cannot recall every count of mail delivery.

23 Q. You said that Ta Saom was the Sector 13 secretary, and then
24 sometimes that switched with Ta Muth. Whilst you were working in
25 the Southwest Zone, was Ta San -- Ta Saom, the sector secretary

1 of Sector 13, ever replaced?

2 [10.04.50]

3 A. I do not understand your question. When Ta Muth left, Ta Saom
4 took his position. And later on, I went to Kratie, and that was
5 probably the time that Ta Saom was replaced by someone else; <he
6 was reassigned to Phnom Penh around '77 or '78. He remained in
7 his position> from 1975 to '76.

8 From what I understand, Ta Saom later on got sick and was
9 reassigned to Phnom Penh, <and he was replaced by someone else.
10 It happened after I went to Kratie>.

11 Q. And in your statement, you stated that Ta Saom, the sector
12 secretary, was replaced by Choeun for a short period of time; is
13 that correct?

14 A. I am not familiar with that name -- that is, Chhun (phonetic),
15 and I don't believe I mentioned that name in my statement. No,
16 there was no one by that name, Chhun (phonetic), in Sector 13.
17 Maybe <it was a typographical error>.

18 [10.06.37]

19 Q. I'll see if I can pronounce it better. Choeun.

20 Perhaps if I read you an excerpt from your statement -- and this
21 is E3/9647; English, 01212271 to 73; Khmer, 00975716; and French,
22 00996556 to 57; and this is what you said:

23 "After they" -- it was a question -- "After they released Ta
24 Saom, who was put on the sector committee in his place?"

25 You answered: "Choeun was put on the sector committee in the

1 place of Ta Saom.

2 "Yes, Choeun was also arrested. He's my first cousin once removed
3 from Boeng Prey, also related to him.

4 So why did they arrest relatives of Ta Mok as well?

5 "It was a series of arrests."

6 Question: "A series of arrests. Did Choeun replace Ta Saom?"

7 You stated: "Before, Choeun was on the district committee in
8 Angkor Chey, then he was promoted to the sector because Ta Saom
9 had been released and Ta Muth had been promoted up to run the
10 division."

11 And then the question was -

12 "After Choeun was released, I don't know who came after. Choeun
13 was released to go to the Ministry of Industry with Vorn Vet."

14 Question: "In what year?"

15 Question: "In what year did they release Ta Saom?"

16 [10.08.56]

17 You answered: "Ta Saom was also released in 1977."

18 Question: "If Ta Saom was released in 1977, then Choeun only held
19 the post for a short time."

20 Answer: "He only held it for a short time, then he was released
21 to go to Phnom Penh and got arrested. Afterwards I went to Kratie
22 and heard that he had been arrested."

23 Do you understand the Choeun I'm referring to now?

24 A. Yes, I know Choeun. And what you read is correct. And now I
25 understand the excerpt that you read. He replaced Saom for a

27

1 period of time, and by 1978, he was reassigned to work with Vorn
2 Vet in Phnom Penh at the Ministry of Industry.

3 So he replaced Saom for a period of time, and the excerpt that
4 you read to me is correct. And of course, it does refresh my
5 memory because from your first question about Choeun, I am not
6 familiar with that name.

7 [10.10.39]

8 Q. Thank you. I apologize. My pronunciation of Khmer words is
9 certainly not the best.

10 I would like to show you a document, and it's in relation to
11 E393.2. And this is a document which is a summary of a number of
12 prisoner records from S-21 of people that were detained there
13 during Democratic Kampuchea.

14 My first question is, before I put the document to you, in
15 Democratic Kampuchea, were you aware of an office called S-21?

16 A. I heard of Office S-21 during the regime. At S-21, I only
17 heard of the office name, that it belonged to the state, but I
18 did not hear anything else. And only senior people were detained
19 at that office, and it was not meant for the detention of lower
20 cadre or ordinary people. But I, personally, never went to that
21 office, <and I did not know where it was located at that time>.

22 [10.12.27]

23 Q. And after the Democratic Kampuchea period, did you ever find
24 out what the function of S-21 was from other people in the Khmer
25 Rouge, or otherwise?

28

1 What happened at S-21? Did you ever find out?

2 A. After the fall of the Khmer Rouge regime, I knew that people
3 suffered, and some of my relatives also were detained and died at
4 S-21, including my uncle. However, this information I learned
5 after the fall of the regime.

6 Q. Thank you.

7 Your Honour, I'd now like to show the witness an excerpt.

8 MR. PRESIDENT:

9 Co-Prosecutor, it is now time for our short break. The Chamber
10 will take a short break and resume at 25 to 11.00.

11 Court officer, please assist the witness at the waiting room
12 reserved for witnesses and civil parties and invite him back into
13 the courtroom at 25 to 11.00.

14 (Court recesses from 1014H to 1037H)

15 MR. PRESIDENT:

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

17 Before giving the floor to the Deputy International Co-Prosecutor
18 to resume the questioning, the Chamber would like to inform
19 <parties regarding> the ruling on the request of the OCP,
20 <E319/48.1>, and <> the defence for Nuon Chea request, E424, <for
21 the Chamber to admit into evidence some> documents <concerning
22 the testimony of witness 2-TCW-1005>.

23 <This morning> the Chamber has heard the submissions and
24 responses <from the> parties. However, the Chamber is not able to
25 issue the oral ruling now, since there <have> been technical

29

1 matters in accessing to the documents in the system, <and there
2 were complications in relation to issuing the ruling. The Chamber
3 will issue the ruling in due course>. So now the floor is given
4 to the Co-Prosecutor to resume the questioning.

5 [10.39.48]

6 BY MR. SMITH:

7 Thank you, Mr. President.

8 Q. Witness, I know it's difficult coming to a Court in front of a
9 lot of lawyers and Judges to recall what happened during
10 Democratic Kampuchea, so I certainly don't want to confuse you
11 with my questions.

12 But just to summarize, you said that you joined the revolution in
13 1973 and you went to Angkor Chey district as a messenger to
14 September 1975, and then from September 1975 to March 1977, you
15 went to Kiririom (sic) district. And then from March 1977, you
16 went to Kratie, Sector 505.

17 I want to ask you the question now relating to Ta Saom, who was
18 the sector secretary of Sector 13, and refer back to your
19 statement where you say that he was released or removed from his
20 position in 1977, and then you stated that Choeun only held the
21 position for a short time.

22 And you said that when this event happened, the arrest of Ta
23 Saom, there were a series of arrests. Did that series of arrests
24 in Sector 13 occur in 1977? Can you confirm?

25 [10.42.18]

1 2-TCW-1005:

2 A. That is true. <In '77,> after I had <already> moved to Kratie,
3 the Sector Committee <and the subordinates> were arrested
4 <including Keav, Ngoy, Khem and the others>.

5 That happened after I had moved to Kratie. <When I returned, I
6 did not see them anymore.> There was a series of arrests.

7 Q. Now, I will ask you about some of those people that you said
8 were arrested, but before we do that, can you tell me why Ta Saom
9 was arrested?

10 And if I can refresh your memory as to what you said to DC-Cam,
11 and this is at E3/9647; English, 01212270 to 71; Khmer, 00975715;
12 and French, 00996555; now, Witness, you said in answer to this
13 question: "Where was Ta Saom from?"

14 "Ta Saom was a journalist. He was the editor of a newspaper. He
15 was from Svay Rieng, or maybe Prey Veng. I don't know where he
16 was born. His place of birth...he was connected to the former
17 husband of Yut, Yeay Yut, from Prey Veng. He was a newspaper
18 editor there."

19 My question is: Was that the reason why Ta Saom was arrested,
20 because he was connected to Yeay Yut, Yeay Yut's husband?

21 [10.44.45]

22 A. That is true. After he was removed from his task and sent to
23 Phnom Penh, <there was a series of arrests to my recollection>.
24 He was sent to Phnom Penh because it was said that he had <an>
25 illness. He was not arrested at his base. In fact, he <had been

1 removed from his task already>.

2 It is true, like what you quoted. <At the time, when I was a
3 messenger and I stayed close to him, he said that he used to be a
4 journalist>, however, I cannot say for sure about his birthplace,
5 whether it <was> in Prey Veng or Svay Rieng, but I know for sure
6 that he was from the east part of the country.

7 Q. And is Yeay Yut Prak Yut?

8 A. That is correct.

9 [10.45.57]

10 Q. And was Prak Yut sent from the Southwest Zone to the Central
11 Zone and given a position there within the Communist Party of
12 Kampuchea?

13 A. She was sent from Kampot to Kampong Cham, and <to my
14 knowledge, her position> was the deputy secretary <of Sector 41
15 and secretary> of Kampong Siem <district>. And it was in 1978
16 when the arrest of her husband took place, <and the arrest
17 happened in> Kampong Cham in the Central Zone. Later on, <in
18 1978,> before the arrival of Vietnamese, she was further sent to
19 Battambang.

20 Q. And do you know why her husband was arrested?

21 A. <I know briefly about that, perhaps> it was said that he was a
22 former intellectual or student. Since he was originally from the
23 east, <and perhaps they were afraid he might have some
24 connections with the> KGB network, so on and so forth. <I did not
25 know it clearly because at the time I was far away from him>.

1 After her husband had been removed <from Kampot> to Kampong Cham,
2 he had no real tasks to perform and, at the end, he was arrested.
3 <To my knowledge, during the regime he was the head of a zone
4 office.>

5 [10.48.00]

6 Q. And to your knowledge, was he arrested and released during
7 Democratic Kampuchea, or was he arrested and killed?

8 A. <Aim (phonetic), Prak Yut's husband> was not released, and he
9 was sent to Kampot. Later on, he was <> killed. <At the time, I
10 was in Kratie, but I learnt that information from others>. He was
11 arrested <in> Kampong Cham and <he was then> sent to Kampot, and
12 later on <he> disappeared, perhaps immediately before the arrival
13 of the Vietnamese; <he was arrested around> 1978.

14 Q. And to your knowledge, is that why Ta Saom was arrested,
15 because he was connected to Prak Yut's husband, who was believed
16 to be a KGB agent? Is that correct?

17 A. To my knowledge, Ta Saom <was not involved> with KGB agents.
18 It was said that Saom <was sick, and he was reassigned from Takeo
19 to Phnom Penh. That was what I definitely mentioned in my
20 statement. However, I did not know what they actually
21 transcribed. Ta Saom> had a lung disease so he needed to be sent
22 to Phnom Penh. However, when he was sent to Phnom Penh, he had no
23 actual position or tasks to perform. He was put in the Ministry
24 of Foreign Affairs, <so it meant that he was not arrested at the
25 time>.

1 His position and function was removed back then. It was said that
2 he had links to suspicious activities.

3 [10.49.54]

4 Q. To your knowledge, was he killed during the Democratic
5 Kampuchea regime, or not?

6 A. I do not know for sure. The situation became chaotic, and I
7 was not so interested in the event back then.

8 Q. Have you ever heard of Ta Saom being alive since 1979?

9 A. I have heard like what you said, but I have never seen him. In
10 light of the conditions of his disease, he should not have
11 survived the regime. <At the time, when I was with him, he
12 already had lung disease, and> there was no hope <of him
13 surviving the regime>.

14 MR. SMITH:

15 And if I can -- Mr. President, if I can show the witness an
16 excerpt from E393.2, which is a prisoner list, or combined
17 prisoner list, from S-21.

18 Mr. President, if I can have that shown on the screen, there's an
19 excerpt. I understand the witness has difficulties reading, but
20 our officer here with the Prosecution should be able to make the
21 name big enough to see whether the witness can confirm it. So I
22 would ask that entry number 14851 on the S-21 prisoner list
23 relating to Saom Chon (phonetic) be shown on the screen. Sorry,
24 Saom Choeun. Saom Choeun, but the witness can confirm.

25 [10.52.27]

1 MR. PRESIDENT:

2 The Chamber grants your request.

3 To facilitate the issue, the court officer is instructed to
4 whisper <the name that will be questioned by the Co-Prosecutor>
5 to the witness. Whisper to the witness, but <do> not speak
6 through the microphone.

7 BY MR. SMITH:

8 Perhaps, Mr. President, if -- I would just ask that if I could --
9 that if it's shown on the screen, but I would also read it out as
10 well, which may be easier.

11 Q. Witness, looking --

12 [10.53.20]

13 MR. PRESIDENT:

14 Please hold on.

15 Koppe, you may proceed.

16 MR. KOPPE:

17 Thank you, Mr. President.

18 I object to the method of confronting a document which is not a
19 contemporaneous document, but made up or drafted by the
20 Investigating Judges, to the witness. We talked about this person
21 at length, but I also may remind the Prosecution of the answer of
22 this witness in document E3/10622, question and answer 92, in
23 which answer the witness is saying that this particular person
24 was still alive. So now to have him directed in -- have him
25 moving in the direction of him being executed, maybe, at S-21,

1 I'm not quite sure how that correlates to each other.

2 So there is no point in showing the witness this name. He talked
3 about it. And in the light of question and answer 92 in document
4 E3/10622, it's also misguided.

5 [10.54.50]

6 MR. SMITH:

7 Just briefly, Your Honour, the combined prisoner list is in
8 evidence. The Prosecution should be able to, and the Defence, put
9 information in relation to that document that the witness may be
10 able to comment on. The Defence have done it on numerous
11 occasions throughout this whole trial using the combined list.

12 Secondly, I think there's some confusion as to Ta Saom. What the
13 Defence was referring to, I believe, at page 92, is in relation
14 to the secretary of Sector 13 initially, and then this witness
15 has said in his testimony that Ta Saom was replaced by Choeun,
16 and this record states that there was a person named Saom Choeun
17 taken to S-21. And so it may be two people with the same name.

18 And I'm just asking the witness to confirm whether the name that
19 appears on the prisoner is -- does, in fact, refer to Choeun,
20 Saom Choeun that replaced Ta Saom in 1977 for a short period of
21 time. So I think there's some confusion.

22 And the witness would certainly be able to clarify it by looking
23 at the name using the list, as has been done on many occasions by
24 the Defence and Prosecution.

25 (Judges deliberate)

1 [10.57.40]

2 MR. PRESIDENT:

3 The Chamber overrules the objection put by the defence team for
4 Mr. Nuon Chea, Koppe. The document is already in the case file,
5 and the Chamber needs to hear the response of the witness to the
6 question.

7 Mr. Co-Prosecutor, could you put the question again so that the
8 witness could give you the reply?

9 [10.58.16]

10 BY MR. SMITH:

11 Thank you, Mr. President.

12 Q. Witness, in this prisoner list -- combined prisoner list from
13 S-21 -- it states that a Saom Choeun, age 38, who had the
14 position of assistant office of Sector 13, deputy secretary of
15 Angkor Chey district and deputy of <Treang> and back to Sector 13
16 office in the Southwest Zone, and then in the Economics Office
17 for one month and returning to the Agricultural Ministry in 1977.
18 He was the chief of Dim, the agriculture (sic) of state
19 agriculture. He was -- he entered into S-21 on the 27th of
20 December 1978, or the 26th of December.

21 If you look at the name on the screen and from the details I gave
22 you, is this Saom Choeun the Choeun that you referred to that
23 replaced Ta Saom as a Sector 13 secretary for a short time in
24 1977?

25 [11.00.01]

1 2-TCW-1005:

2 A. After I read the name, that is him. <Around that period of
3 time, he might be sent to that place because> he <had already
4 been> in Phnom Penh back then, and later on I heard that he
5 disappeared after the arrest of Vorn Vet <>. <I learned that
6 news> when I went to Kratie and back to Phnom Penh. This is true.

7 Q. And did you also hear the reason why he was arrested and taken
8 to S-21?

9 A. He had links to the <alleged> network. I heard that the
10 machinery in Phnom Penh in the state warehouse broke down and,
11 later on, I heard that Vorn Vet, the chief, was arrested. And a
12 few days later, the deputy chief, that is, Choeun, was also
13 arrested.

14 I was <far away>. However, I heard that there were arrests of two
15 individuals. One happened after another.

16 Q. And in March -- in September 1975, now, you stated that you
17 moved to Kiri Vong district and you became chairman of the
18 messenger unit in Regiment 13 under Commander Phan. Can you
19 explain why you moved from Angkor Chey district and went to Kiri
20 Vong district?

21 Who ordered you to go there, and why did that happen?

22 [11.02.48]

23 A. I went to Kiri Vong with Phan, who was in the regiment <at the
24 sector>, and my uncle said Phan wanted a closer confidante, so I
25 went to live with him around Wat Sla pagoda before I went to

1 Kratie. I only took a group of 12 people with me when I went to
2 work with Phan. Later on, Phan was reassigned somewhere else and
3 I was assigned to Kratie. <I worked there for a short period,
4 perhaps a year.>

5 Q. And what were your functions when you worked at the Kiri Vong
6 district? What did you do before you went to Kratie a year and a
7 half later?

8 A. I was still a leader of the messengers group, and there were
9 about 20 or 30 workers or messengers there -- that is, for
10 sending logistics and delivering letters <to surrounding places
11 near the office>.

12 Q. You stated in your interview that you were sent there because
13 you had experience as a messenger and you were sent to work as a
14 messenger at the battlefield. Is that correct?

15 A. Yes, that is correct. And that statement of mine is also
16 correct, and I stand by that statement.

17 [11.04.58]

18 Q. And in your -- in your statement, you refer to Ta Tom and Ta
19 Tith as working in Kiri Vong district. Can you tell the Court
20 what their roles were? What did Ta Tom do in Kiri Vong district,
21 and what function did Ta Tith have in Kiri Vong district?

22 A. To my understanding, although Ta Tith was <chief of Kiri Vong
23 district>, he also linked to the sector levels since he was more
24 senior. He could be part of the sector standing committee, as he
25 attended the meetings at the district and he sat to the right

1 side of Ta Saom. <I saw that and found out when I was in Angkor
2 Chey.>

3 Q. And Ta Tom, what was his position in the district, Kiri Vong?

4 A. Ta Tom was secretary of Kiri Vong district.

5 [11.06.38]

6 Q. Yet you said that Ta Tith was senior to Ta Tom because he
7 worked at the sector; is that correct?

8 A. Yes, that is correct. And according to my understanding,
9 <based on what I had seen when I went to the office as a
10 messenger>, usually the arrangement in the meetings <was that> Ta
11 Tith could sit <in> the front row with Ta Saom and <at> the
12 district level <he> would sit <in> the <back> row. And Ta Tith
13 was the one who organized such meetings, and <he was Ta 15's
14 younger brother-in-law>.

15 Q. And you said that your office in Kiri Vong district was at Sla
16 village; is that correct?

17 A. Yes, that is correct. It was at Ta Ou commune, Sla village.

18 Q. And Sla village, about how many kilometres was that from the
19 Vietnamese border?

20 A. It was <close> to Vietnamese border. If you <stood> at the Sla
21 pagoda <in Krang Ta Mung village, Ta Ou commune, which was next
22 to Cheav Bdei village>, you could almost see the Vietnamese
23 border, as it was only one <commune> away; <Cheav Bdei village
24 was close to the Vietnamese border>. And <> 105 millimetre
25 artillery could be shelled <from a creek's edge to my station, so

1 the distance is about 16 kilometres>.

2 [11.08.52]

3 Q. And about how many kilometres, or miles?

4 A. To my estimate, it was not that far. In terms of the artillery
5 range, <the> Vietnamese could shell it from their side to
6 Cambodia's side, and the other way around. There were some rice
7 fields in between, so the distance is roughly <16> kilometres.

8 Q. And about how far was your office at Sla village from the Kiri
9 Vong district office and the offices of Ta Tith and Ta Tom? About
10 how many kilometres was it from there?

11 A. It is very difficult for me to give you an estimate of the
12 distance since during <that> time, there were no <national> roads
13 to travel. There were <dusty roads only. When we travelled
14 through Ta Ou commune, Prey Rumdeng commune, Ream Andaeuk commune
15 --> and Ta Tom's office was at <Kouk Prech commune>. And <Ta
16 Tith's office> was at <Ream Andaeuk commune>, and <after Prey
17 Ampok -- so> there were <Ta Ou commune,> Prey Ampok, Prey Rumdeng
18 and <Ream Andaeuk>.

19 So there were two communes in between, and it was rather far in
20 terms of distance.

21 Q. Thank you. Just one last question on this.

22 How long would it take you to drive from Sla village to Ta Tith's
23 or Ta Tom's office in Kiri Vong district, approximately?

24 A. If you travel in a direct line <following a map>, it's not
25 that far. However, the road at the time - <that is, from Ta Ou to

41

1 Kiri Vong,> was so winding, as you had to travel <through Prey
2 Rumdeng and Ream Andaeuk>, and the distance was a little bit less
3 than 20 kilometres.

4 [11.12.05]

5 Q. Thank you.

6 Witness, I'd now like to move to another topic, and that's the
7 topic where discussions about enemies were had when you were at
8 either Angkor Chey district or Kiri Vong district.

9 In your statement, you talk about a meeting that you went to
10 where enemies of the CPK were discussed. And I'd like to read a
11 passage from your statement where you discuss this point.

12 It's E3/10622; English, 01170587 to 88; Khmer, 01136708 to 09;
13 and I believe there's no French translation at this stage. And
14 this is a question that was asked of you by an investigator of
15 the ECCC:

16 [11.13.25]

17 "Do you remember what they talked about when you attended the
18 sector meeting?"

19 You said: "They talked about the summary of the yearly work. The
20 Party secretary went on the stage to make a commitment and talked
21 about the results of serving the Party, including the strengths
22 and weaknesses. They then reported on the rice fields and the
23 number of completed canals."

24 And then you go on to say, in response to this question, "At that
25 time, during the meeting, did they talk about the outside enemies

1 or inside enemies?"

2 "Yes, they did. The enemies were KGB and CIA. The CIA network was
3 affiliated with the United States of America, and the KGB was
4 affiliated with Vietnam."

5 Is that correct? Do you remember going to a sector meeting and
6 the issue of enemies was discussed?

7 A. What you have stated is correct, and I agree with that
8 excerpt. There were two issues that they mentioned <in every
9 meeting> -- that is, <that the> KGB <was> affiliated with Vietnam
10 and CIA of <the United States>, but they did not mention the
11 hunger suffered by the people. And <when I attended such meetings
12 before I went to join the army in Kiri Vong, for base areas, they
13 only mentioned the rice production, the work at the rice field
14 and> the commitment that we were asked to do -- that is, to
15 eliminate the CIA or the KGB agents, but they failed to mention
16 the hunger or shortage of food faced by the people.

17 I heard about that statement, and we<, as> chiefs of messenger
18 groups, were instructed to attend the meetings. <We waited on the
19 tables and served the food to them after the meeting>.

20 And as I said, once again, I agree with this statement that you
21 just read out.

22 [11.16.10]

23 Q. And about how many meetings did you go to during your time at
24 Angkor Chey or during your time at Kiri Vong where the issue of
25 enemies was discussed?

1 Was it discussed frequently, at many meetings or a few meetings?
2 Can you give us an idea of how often the issue of enemies was
3 talked about?

4 A. Based on my participation in the meetings with those senior
5 people, in general, for senior cadres, this topic was raised
6 rather often. However, the matter was not raised <that often>
7 during the military meetings, as such meetings focused more about
8 the preparatory line at the border or at the front line.
9 So the matter was raised more with senior cadres' meetings, but
10 for military personnel's' meetings, it was not mentioned that
11 often. This is based on my personal participation in those
12 meetings.

13 [11.17.40]

14 Q. I'd like to read you an excerpt from a statement, or a
15 document. And it's from the June 1977 edition of the
16 "Revolutionary Flag". It's E3/135; English, 00142905; Khmer,
17 00062803; and French, 00487719.

18 Before I read this passage, Witness, were you familiar with the
19 "Revolutionary Flag's" magazines that were produced by the
20 Communist Party of Kampuchea? Did you see any during the
21 Democratic Kampuchea period or were you taught about the content
22 of them during that time?

23 A. Regarding the "Revolutionary Flag" magazines, senior cadres
24 actually used those magazines to teach us. This is based on my
25 participation in the study sessions.

1 The "Flag" magazines were issued around 1977, and they were used
2 during study sessions. <The content of those magazines was very
3 strict, and if we had adhered to the "Revolutionary Flag"
4 magazines, we would have faced difficulty in implementation>.
5 This is based on my personal experience, <but I myself did not
6 read the magazines yet>. I <found out> later on that the
7 magazines were no longer published. However, they were used by
8 senior cadres in study sessions.

9 [11.19.57]

10 Q. Thank you.

11 And if I can read a passage from that -- one of those magazines
12 in June, the magazine in June 1977, it says:

13 "We must hold a clear stand and view that we haven't yet cleansed
14 burrowing enemies a hundred per cent. The remainders enjoy
15 extending themselves.

16 "We must take absolute measure in zero-tolerance manner and
17 without hesitation.

18 "The procedure of eliminating enemies burrowing from within
19 expires four months already. Please be reminded.

20 "1) Encourage and educate the masses in the Party, core
21 organizations, revolutionary army and among the people so that
22 they are clearly aware of how the burrowing enemies act. By this
23 way, they will become forces in search of enemies and attacking
24 enemies."

25 [11.21.08]

1 "The same applies to each ministry, base and army. We must move.
2 We move step by step. Where the measures (of eliminating enemies)
3 are available, there must be encouragement and education for the
4 masses."

5 Is this the type of policy or approach that you were taught in
6 relation to enemies during that period?

7 A. And that is the difficult issue that I mentioned. It was due
8 to the strict guidelines of the Communist Party that nobody
9 trusted anyone and <senior cadres> were afraid of the content of
10 the Flag magazines. Even I, myself, sacrificed myself to the
11 Party and I would not protest against any assignment by the
12 Party. And we would dare to sacrifice ourselves for the Party.
13 And that was based on the content or the guideline of the "Flag"
14 magazines.

15 When we joined the Party, we had to be afraid of the Party and
16 that we had to search for KGB or CIA agents. And everybody was
17 afraid of everybody else, and we did not trust one another.

18 [11.23.20]

19 People from the East <Zone> were sent to <Northwest> Zone, and
20 likewise, people from the <West Zone> were sent <Southwest Zone>.
21 And the situation was rather confusing. And that's what happened,
22 and the excerpt that you read out is correct. Everybody was so
23 afraid of the content of the magazine.

24 I learned <about> those excerpts. However, your statement jogs my
25 memory.

1 Q. You said that people were afraid to protest the content in
2 that -- in those "Revolutionary Flags". Why were people afraid to
3 do that?

4 A. People did not have the right to read the "Revolutionary Flag"
5 magazines. Even members of "Youth Leagues" or progressive
6 <people> did not have the right. Only Party members could read
7 the magazines. However, amongst the Party members, we were afraid
8 of one another.

9 For example, my chief joined <> the Party before me and, later
10 on, I became member of the Party, but because we were from
11 different backgrounds, we did not trust one another. And that
12 also applies to those who were introduced to the Party by
13 different people. <If an individual from a particular background
14 was arrested, people from the same background would be afraid>.
15 And we were afraid to speak to one another or to make any
16 comments.

17 [11.25.12]

18 Q. You were very young at the time. I think in 1975 you said you
19 were 17, so in 1979, you would have been around 19 (sic). Do you
20 think that your age, your young age made you more afraid of the
21 content of the policies in the magazines?

22 A. The truth is what I just said. We were afraid of <its
23 contents>. As for myself, I was the youngest. Usually, only when
24 we reach the age of 25 years old, we would become entitled to be
25 members of the Party, but I became a member of the Party <when> I

1 was around 19 <or 20> years old, <so I was afraid. This is true,
2 and I made mention about that issue in my previous statement>.

3 Q. And when it's stated in that magazine that -- the passage I
4 read, "We must take absolute measure in zero tolerance manner and
5 without hesitation in relation to dealing with enemies burrowing
6 from within", in your mind, what did "We must take absolute
7 measure in zero tolerance" mean? What were they telling -- what
8 were the magazines telling CPK cadre to do in relation to
9 enemies?

10 [11.27.14]

11 A. Regarding the content of the "Revolutionary Flags", successive
12 purges happened because of the not-so-absolute stance.

13 For example, people from Takeo and Kampot who were assigned to
14 Kratie, as in my case, <we were siblings, relatives and
15 companions, and then we were asked to engage in the purges,
16 including>, for example, when someone <was injured, and the
17 wounds did not heal quickly, that person would be in trouble;
18 that was why we faced difficulty. If we were to take the absolute
19 stance in adhering> the guidelines or the content of the
20 "Revolutionary Flags", <everyone would have been in danger>. And
21 when there were purges at <the regiments or the division or> the
22 sector level, sometimes people did not take absolute stance to
23 purge those at the lower level. This is based on my
24 understanding.

25 Q. And when you state that people in some places did not take an

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1 absolute stance in purging, are you saying that people were not
2 prepared to kill others in relation to these policies?

3 MR. PRESIDENT:

4 Witness, please hold on and Counsel Koppe, you have the floor.

5 [11.28.45]

6 MR. KOPPE:

7 That's a very leading question, Mr. President; I object. Purging,
8 we have established, is not the same as killing at all.

9 Re-education is seen as a measure; other forms of education is
10 seen as a measure, so just jumping from purging to asking the
11 witness whether absolute stance in purging means killing is very
12 leading; therefore, I object.

13 BY MR. SMITH:

14 Your Honour, I'm happy to rephrase the question.

15 Q. What did it mean for Party members to take absolute measures
16 in zero tolerance against enemies? What was being requested of
17 Party members from these teachings?

18 [11.29.52]

19 2-TCW-1005:

20 A. Regarding Party meetings that I attended, it was for the Party
21 members to be absolutely loyal to the Party. Regarding <the
22 purges>, if that Party member made a mistake, then there would be
23 no need to <hold> any consultation <before the arrest>.

24 If myself or my group became Party members, then we had to be

25 loyal and as for the Party, we did not know who or what the Party

1 was, and also regarding the <purges>, it is very difficult to
2 understand <whom> we had to purge. It was easier for the army to
3 engage in their activities <on> the battlefield, <so the purges
4 within the army would not be like the purges at the base areas.
5 We were also obliged was to be loyal to> the Party. <If army
6 forces failed to serve the Party, they would automatically kill
7 themselves with a pistol>.

8 Q. One last question, Your Honour.

9 What did -- what does purging -- what did purging enemies mean to
10 you; did it mean to re-educate; did it mean to remove people from
11 positions; did it mean to kill people; did it mean all of those
12 things or did it mean some of those things? When Party members
13 were asked to purge, what were they asking them to do?

14 [11.31.56]

15 A. Allow me to inform you of what I understand based on my
16 participation in those meetings. For example, within the Party
17 rank, if there was a traitorous network; namely, the person who
18 introduced them to the Party and those who were introduced into
19 the Party would be subject to be searched for their backgrounds.
20 For instance, even if I lived in Kratie, then they would come to
21 my native village <> to search for my background, and if they
22 found that I made a mistakes, then they <would> purge me from the
23 Party's rank, <so we had to be loyal to the Party>, and <we
24 should not have any connection> with CIA or KGB agents, and that
25 was what we called the internal purges within the Party.

1 <However,> ordinary people <> would not be aware of such fact. <I
2 have no idea about the purges at the base areas>.

3 Q. Was killing enemies considered to be a part of the purging
4 process?

5 A. You're asking me whether killing enemy was also referred to as
6 purging. What I said is that during the Party's meetings, usually
7 if Party members were found not to be loyal to the Party, then
8 they would be purged. However, your question is rather from a
9 different perspective.

10 [11.34.05]

11 Q. My question is: When members were asked to purge internal
12 enemies, would that include them being authorized to kill
13 internal enemies; yes or no?

14 A. It's beyond my understanding. Only the senior cadres could
15 instruct lower cadres to implement or to take an action and only
16 the Party knew who traitors were because people at the lower
17 level did not dare to act without permission, even people <at the
18 lower level> from the same village <> did not even dare to speak
19 to one another as we were afraid that we <would be> accused of
20 colluding with one another.

21 MR. SMITH:

22 Thank you, Witness.

23 Mr. President, this morning, I think the Prosecution started
24 asking questions at 9.30. I would ask that if possible, the
25 Prosecution and civil parties receive a half an hour to make up

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1 for that discussion at the beginning and so my request would be
2 that we would finish 30 minutes into tomorrow morning, if Your
3 Honour pleases.

4 [11.36.07]

5 MR. PRESIDENT:

6 Thank you. It is now appropriate for lunch break. We'll take a
7 break now and resume at 1.30 this afternoon.

8 Court officer, please assist the witness at the waiting room
9 reserved for witnesses during the break time and invite him back
10 into the courtroom at 1.30 this afternoon.

11 Security personnel, you're instructed to take Khieu Samphan to
12 the waiting room downstairs and have him returned to attend the
13 proceedings this afternoon before 1.30.

14 The Court stands in recess.

15 (Court recesses from 1136H to 1332H)

16 MR. PRESIDENT:

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

18 The Chamber would like to inform the parties and the public that
19 this afternoon, Judge You Ottara is is back on the Bench and the
20 floor is now given to the International Deputy Co-Prosecutor to
21 resume the questioning. You may proceed.

22 [13.33.39]

23 BY MR. SMITH:

24 Good afternoon, Mr. President, Your Honours, and counsel and good
25 afternoon, Witness.

1 Q. Witness, before we had lunch, you were explaining to the
2 Judges how CPK cadre were afraid not to protest - or, sorry, were
3 afraid to protest the teachings in the "Revolutionary Flags" in
4 relation to enemy policy.

5 I'd now like to ask you a question as to whether or not the CPK
6 cadre were afraid of each other. I think you may have said
7 something about this before lunch, but were cadre afraid that
8 other cadre would report on them for possessing or having some
9 enemy traits?

10 [13.35.11]

11 MR. PRESIDENT:

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

13 MR. KOPPE:

14 Yes, thank you, Mr. President. I object to this question because
15 it's asking the witness to speculate. He can only say something
16 about what he, himself, experienced or what other cadres told
17 him. Asking a general question about how cadres felt is
18 requesting for speculation.

19 BY MR. SMITH:

20 I mean this witness was a cadre, was in the CPK at the time. He
21 went to lots of meetings. He had a lot of opportunity to make
22 observations to this fact. I think he can speak to this. Perhaps
23 it's just a rephrasing of the question.

24 Q. I'm happy to rephrase it, Your Honour, to say along these
25 lines, from what you observed, from what you heard, were other

1 cadre afraid of each other, from you -- what you factually saw?

2 [13.36.36]

3 2-TCW-1005:

4 A. Based on my actual experiences and to my understanding, for
5 instance, the cadres from the Southwest Zone who were sent to
6 Sector 505 in Kratie, so if that happened, the cadres in Kratie
7 would be afraid of the cadres from Southwest Zone, <and vice
8 versa>, so they did not trust each other <because they were
9 introduced to the Party by different people>. And as I said, this
10 is my understanding. When I was moved to live in another
11 location, I was afraid of the cadres over there as well.

12 Q. And why were you afraid of other cadres; what did you think
13 would happen to you?

14 A. For instance, I was moved from Takeo to Kratie. <While
15 driving> the trucks which transported the ammunition <to the
16 battlefield to fight against "Yuon">, there <was wood laid along
17 the National Road, and those trucks were sometimes fired at; so
18 no one trusted each other. Here, I am talking about what happened
19 in the army, but I do not know what happened in the base areas>.
20 So in fact, we were afraid of one another and I believe -- I
21 think that the cadres over there did not trust us from the
22 outside and we had the same feeling because the other cadres in
23 that location thought that we did not fight <the Vietnamese> hard
24 enough.

25 [13.38.38]

1 Q. And just to be clear, are you saying that when you went to
2 Kratie, other cadres from other places accused you of not
3 fighting the Vietnamese hard enough; is that correct?

4 A. My explanation is that we were at our location <since> 1977,
5 and when we were defeated by the Vietnamese in 1978, <the new
6 forces who were sent there in '78> accused us of not defeating
7 the Vietnamese. <So it meant that they did not trust us>. I am
8 speaking about this in the context of military.

9 Q. And just following that up, when you moved to Kratie and you
10 were involved with the fighting against the Vietnamese, did other
11 cadre accuse you of being traitors because you didn't fight --
12 they thought you didn't fight hard enough; is that right?

13 A. I was not accused by any leaders; however, as I said, <when
14 there were intense clashes>, we did not trust each other. For
15 example, the soldiers in the sector or in the centre could not
16 hold back the Vietnamese, so we were sent to help and reinforce
17 them.

18 <From '77 to mid '78, we were not yet accused of not fighting
19 against the Vietnamese, but> in late 1978, the situation became
20 intensified <>, <the> Vietnamese were fighting us so intensely,
21 and <we could not counter-attack the Vietnamese successfully, so
22 they> started not <trusting> us, <and they accused us of not
23 fighting against the Vietnamese. However, since I was a
24 subordinate, I was not accused of that. It was the senior cadres
25 who were accused of that.> And I believe that I have already

1 answered in the previous written records about this issue.

2 [13.41.29]

3 Q. Thank you and I'll ask you some questions about that in the --
4 in a moment, but what I'd like to ask you now is when you held
5 your meetings, when you went to meetings, when you were at the
6 Kiri Vong district and when you were at the Angkor Chey district
7 in the Southwest Zone -- so this is before you went to Kratie in
8 1977 -- when you went to those meetings, were you asked or
9 requested to participate in self-criticism sessions where you
10 would state your biography and answer questions from others as to
11 your background? Were you asked to do that at some of those
12 meetings?

13 [13.42.45]

14 A. In fact, self-criticism did take place every meeting among the
15 low-level cadres and also the senior-level cadres; we all were
16 criticizing each other to improve our work performance <for the
17 people and the Country>. For instant, <> they would discuss how
18 much fuel I used riding my motorbike and also driving the vehicle
19 <per day> and how much time I spent during the mission to deliver
20 the messages and letters.

21 And usually, self-criticism and criticism took place <at> every
22 meeting and a livelihood meeting would happen <within> the bigger
23 meeting later on.

24 I am speaking in the name of the low-level cadres, <I did not
25 attend any meetings with senior cadres>, so it happened as I

1 said. For example, the meeting would be convened among 100 <or
2 150> people, <and we were divided into small groups> and usually
3 there were <12 people in a group, including a chief. We
4 criticized> one another in order to improve and refashion
5 ourselves. So again, self-criticism and criticism did happen in
6 all meetings, be it small or big.

7 [13.44.32]

8 Q. Thank you and if I can read to you your statement in relation
9 to one of these self-criticism sessions and ask you to comment on
10 it and this is at E3/10622; E01170587 (sic) to 88; and Khmer,
11 01136708 to 09; and there's no French translation.

12 And this is what you said: "After the meeting, there were
13 three-day meetings within groups and self-criticism. During the
14 self-criticism meetings, there were question and answer sessions.
15 For example, I volunteered to be questioned. I had to report
16 everything I had done. If I was found to have relatives staying
17 in Phnom Penh, I would be regarded as having affiliation with the
18 CIA. If I had relatives who had come from Kampuchea Krom, I would
19 be regarded as having affiliation with the Vietnamese KGB. My
20 mother was removed from her position because my aunt was from
21 Phnom Penh. Those who were evacuated from Phnom Penh were
22 regarded as the 17 of April People."

23 So my question is: If another cadre at a self-criticism session
24 -- sorry, I'll retract that. In relation to enemies or enemies of
25 the CPK, who were perceived to be enemies of the Communist Party?

1 And perhaps let me start first with the Vietnamese viewed to be
2 enemies of the Communist Party of Kampuchea?

3 [13.47.08]

4 A. Back in the regime -- again, I'm speaking in the context of
5 <the> military, soldiers had to defend the territory or the
6 country and if the Vietnamese had encroached on Cambodia, we had
7 to defend <it>. And there were purges happening <within> the
8 regime and perhaps I <did not talk> about it in the written
9 record. For example, <some soldiers> shot their own arms and then
10 <those> injured soldiers <were> sent <for hospitalization at the
11 rear>. And there were situations <where> <those> soldiers,
12 themselves, created <chaotic> situations <such as saying that
13 their injuries were more severe that they really were>, so <those
14 few soldiers> had <an> impact <> on <100 or 200 other> soldiers
15 <who were at the front battlefield. So those soldiers needed to
16 be purged.> And if you want to put further questions, you could
17 do so.

18 [13.48.28]

19 Q. Were Vietnamese civilians living inside of Sector 13, were
20 they viewed to have enemy traits or be enemies? I'm now talking
21 about Vietnamese civilians.

22 A. I do not really understand your question. I do not know what
23 happened in the context of people back in that regime. <> But in
24 the context of cadres, in the case of Keav, Keav disappeared
25 <because of, perhaps, his heavy accent. That was a particular

1 case.> I do not know what happened to the people since I was not
2 regularly assigned to be involved with people.

3 <> Uncle Keav and Sieng <had heavy accents, and> they
4 disappeared. Sieng was <secretary of Kaoh Andaet district> and
5 Keav was the deputy of Sector 13. And they disappeared. <When I
6 was young, I used to serve> meals to Keav and again, I do not
7 know what happened to people on the ground.

8 Q. When you say you don't know what happened to people on the
9 ground, are you saying -- as far as the general population that
10 was living in Kiri Vong, that was living in Angkor Chey, are you
11 saying you don't know what may have happened to some of those
12 people in terms of whether they were being classified as enemies
13 or not?

14 A. (Microphone not activated)

15 [13.50.55]

16 MR. PRESIDENT:

17 Please observe the microphone, Mr. Witness.

18 2-TCW-1005:

19 A. In terms of the general population, I do not really know what
20 really happened to them in the whole sector <13> of Takeo. I can
21 only answer <within> the realm of my knowledge.

22 BY MR. SMITH:

23 Q. Thank you and that's all we're asking you to do.

24 Were -- people from Kampuchea Krom living in your districts or in
25 the sector, were they viewed as being enemies or having enemy

1 traits when you were there?

2 2-TCW-1005:

3 A. I once visited my district, perhaps, in 1978. Kampuchea Krom
4 people were seen joining the army. <I saw them at Saom when> I
5 went to visit my mother <for a few days> at Kiri Vong <hospital>.
6 Kampuchea Krom <people were part of Ta Prach's (phonetic)
7 regiment, but I did not know the purpose of that>. To my
8 understanding, they spoke with accent and I do not really -- I
9 cannot say for sure what happened to them since I did not witness
10 the real situation.

11 [13.53.04]

12 Q. Thank you. And the reason why I ask you this is because you
13 said to the investigator -- when I just read it out to you --
14 that at the self-criticism session, if you said you had relatives
15 who had come from Kampuchea Krom, you would be regarded as having
16 affiliation with the Vietnamese KGB; so why did you say that?

17 A. I may have listened to the question <incorrectly>. You were
18 asking me about <that issue in general.> If the question is to
19 focus on the <meetings, I can follow your question. For those
20 whose relatives were from Phnom Penh - that's> the 17 April
21 People, <they> <could be discussed during the> self-criticism
22 <sessions or the livelihood meetings. In my previous statement, I
23 stated what you just read to me>. For example, during the <>
24 self-criticism <sessions,> they would <discuss those whose>
25 relatives <were> Kampuchea Krom <or 17 April people. Here, I am

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1 speaking about the meetings that took place for the Party
2 members, youth league members and progressive persons, but I do
3 not know what happened to people at the base areas>.

4 [13.54.45]

5 <I can only say about the> self-criticism <sessions, the
6 livelihood meetings or groups> meetings <that took place for>
7 low-level cadres, <that for instance, if I said I had relatives
8 who came from Phnom Penh or from Kampuchea Krom, I would be
9 implicated as having an affiliation with> the CIA <><, for
10 instance>. <>

11 Q. That's right. I know it's difficult to find the framework as
12 to these discussions because it happened a while ago, but I'm
13 using some information that you have given the investigators as
14 to what you said or what you thought were enemy traits back in
15 the Democratic Kampuchea period.

16 You said that New People may be implicated at these
17 self-criticism sessions. Were New People viewed to have enemy
18 traits because they had come from the cities and were supporters
19 of the previous government and ideas like capitalism; was that
20 why New People would be implicated because of those associations?

21 [13.56.59]

22 A. On this particular matter, I can understand some of it. <That
23 issue was frequently mentioned during cadres'> meetings. Cadres
24 from the province, <from the sector and> from the district would
25 divide people into different categories; for example, <17 April

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1 people were categorized as capitalists since they were part of
2 the previous regime, and for those who had links with the
3 Vietnamese were considered KGB agents>; that subjects were
4 discussed in those meetings. We heard from one another and people
5 who were considered in the aforementioned categories <were not
6 trusted>.

7 Q. And those -- from what you saw back then, from those people
8 that were implicated as New People or implicated as having
9 affiliations with the Vietnamese, what would happen to them? What
10 would happen after the implications were made, from what you saw?

11 A. If there were implications, <they would be in danger>. The
12 <cadres at the> commune and <village levels> would no longer
13 trust those individuals, <and they would be in trouble>, and some
14 would have disappeared.

15 My aunt, who is now living in Phnom Penh, <> still bears the
16 grudge against me. <During the regime, my aunt was part of the 17
17 April people, and her husband was arrested>.

18 If there had been <an> accusation against any individuals, those
19 individuals would have been in danger. And again, as I said, as I
20 raised in the example, if <people or cadres> fell into <those
21 two> categories, they would be in <a> dangerous situation.

22 [13.59.48]

23 Q. And from what you saw or from what you heard from others,
24 would that dangerous situation -- the people that fell into those
25 enemy categories, would that include them being killed for being

1 placed in those enemy categories?

2 A. I did not see that in person because I, myself, <was> not
3 <involved> with the people on the ground. I was at the
4 battlefield, so I was not aware of what happened and only when I
5 returned to the rear, I heard <that> this person died or that
6 person disappeared.

7 Q. In Kiri Vong -- in Kiri Vong district, was there a main
8 security centre or re-education centre for people that were
9 implicated as being enemies?

10 [14.01.21]

11 MR. PRESIDENT:

12 Witness, please hold on and Counsel Koppe, you have the floor.

13 MR. KOPPE:

14 Yes, I think it's about time I should start objecting to the
15 questions of the Prosecution on this subject. We are in the
16 internal purges section. I know Prosecution has, in itself, a
17 wide possibility to ask questions on other subjects; however, no
18 security centre in Kiri Vong or any other district other than
19 Tram Kak is part of the scope of this trial, so now to ask the
20 witness to give information about security centres in Kiri Vong
21 and place it in a very broad perspective of enemies, of New
22 People being enemies is going far beyond the scope of this trial;
23 specifically, beyond the scope of this section. The witness
24 should be asked questions about "internal purges within the
25 ranks"; that's what the subject is of today. So I object, as of

1 now, to the line of questioning.

2 [14.02.35]

3 MR. SMITH:

4 Your Honour, I won't be spending an awful lot of time on this.

5 This is an issue of credibility of the witness. It also relates

6 to purges themselves. People that were purged, as Your Honour has

7 heard, in this case, have ended up at security centres. It

8 relates to the issue of the enemy policy in general.

9 I would understand my friend's remarks if I was discussing a

10 security centre not included in the indictment for about half an

11 hour so, but just to ask him was he aware of a security centre in

12 a district, I think it would be incomplete not to be able to ask

13 these types of questions. It's certainly not a focus of the

14 examination and it certainly won't be.

15 So perhaps with that in mind, if I can just ask him those --

16 these brief questions and then I will certainly continue on.

17 [14.03.47]

18 BY MR. SMITH:

19 Q. Mr. Witness, were you aware of re-education centres in Kiri

20 Vong district?

21 2-TCW-1005:

22 A. In Kiri Vong, to my knowledge, <there was a security centre>

23 at Preah Theat pagoda; however, personally I did not enter the

24 area. <But I saw a person who was in charge of the security

25 centre came> to Ta Tom's house <frequently. Ta Tom alias Tem,

1 secretary of Kiri Vong district, was my uncle. That> centre at
2 Preah Theat pagoda <was> in <Kouk Kruos village, Kouk Prech>
3 commune.

4 Q. Also in Tram Kak district, were you aware of a re-education or
5 security centre named <Krang> Ta Chan?

6 A. No, I am not familiar with <Krang> Ta Chan. I was in Angkor
7 Chey and in Kiri Vong, but I did not know about its existence in
8 my own native village. I was asked that question before, but I
9 somehow did not know about it.

10 As I said, I moved out of my native village to another area and
11 I did not know about the existence of that centre.

12 [14.05.48]

13 Q. You said that Kiri Vong had a security centre where people
14 were detained. From your understanding, in Sector 13, did each
15 district have a security centre to detain people that were
16 considered to be enemies or have enemy traits, from your
17 knowledge working in the Southwest Zone?

18 A. I can say that for the areas that I never went to, I could not
19 tell you whether there was such a centre; I only knew about the
20 areas that I lived in. <In Kiri Vong district, there was a
21 security center, but other than that I do not know>.

22 Q. Thank you and just to finish this topic briefly, were people
23 in your sector that were former Lon Nol soldiers, officers, or
24 civil servants that worked with the former Lon Nol government,
25 were they viewed to be enemies or have enemy traits in the eyes

65

1 of the Communist Party of Kampuchea, from what you could observe?

2 A. Talking about the Party rank, no. If you talk about social
3 classes, for example, the capitalist class, at the beginning of
4 the regime in 1975 when a regime changed, those people were
5 categorized as New People -- that is, 17 April people, and they
6 were labelled as such after the country was liberated.

7 That's all I can say.

8 [14.08.37]

9 Q. So are you saying that all the soldiers and government
10 officials and servants from within the Lon Nol regime or the Lon
11 Nol government -- sorry. I will have to repeat that.

12 Are you saying then that government officials and soldiers,
13 officers and civil servants from the Lon Nol government, they
14 were classified as New People or were they classified
15 differently?

16 A. As I have just said, after the 17 April, they were considered
17 New People, <and the Base People supervised the New People>. It
18 means that they were not in the same status as the Base People.
19 The New People sought assistance from the Base People and when
20 things did not <work out>, it fell apart. And I do not think
21 there <was> any such written rule at the time but that is based
22 on my observation.

23 [14.10.03]

24 Q. Thank you. And you've just mentioned that you weren't so
25 familiar with what was happening to the general population but

1 you were more familiar with what was happening to -- in the
2 military.

3 And if I can ask you this question that after you left for Kratie
4 in 1977, did you hear that there were a number of arrests of
5 people in leadership positions in Kiri Vong district and the Kaoh
6 Andaet district?

7 A. I had some grasp of the situation after I had left for Kratie.
8 I heard that the Kiri Vong district secretary and the secretary
9 of Kaoh Andaet district had been arrested.

10 Q. The -- you said earlier that the Kiri Vong district secretary
11 was Ta Tom. Why was he arrested?

12 A. I believe I made that statement already. He was implicated in
13 a number of matters. And I don't recall everything that I
14 mentioned in my previous statement. However, I stand by my
15 previous statement that I made, probably in 2013. And please
16 refer to my previous statement, and I stand by it.

17 [14.12.26]

18 Q. Thank you. I will refer to that now and this is at E3/10622;
19 English, 01170590; Khmer, 01136712 to 13; and no French ERN.

20 This is what you said about Ta Tom. You said, in answer to a more
21 broader question:

22 "Do you know the reason why they were arrested?"

23 And you said at answer 71: "No, I don't. According to the Party's
24 policy, those who were affiliated would be arrested. Ta Tom was
25 said to have been affiliated with the KGB. Ta Tom had joined the

1 struggle in 1966 but had been to Vietnam many times. Later Ta Tom
2 became closer to Ta Mok and then controlled Kiri Vong district."
3 Does that refresh your memory that Ta Tom was arrested because he
4 was affiliated with the KGB due to his visits to Vietnam?

5 [14.13.59]

6 A. Yes, I stand by my previous statement although I cannot recall
7 everything that I said a few years ago.

8 Tom was also my <uncle> and I did not know <what> offences he was
9 accused of committing.

10 And not only him, but Sieng from Kaoh Andaet was also taken along
11 with him. <Ta Khem, Ta Keav and> Ta Ngoy <were> also taken, and
12 that's what happened.

13 And, yes, the excerpt that you read out jogs my memory.

14 Q. And if I can refresh your memory in relation to another person
15 that you raised in relation to being arrested from the Kiri Vong
16 district, and you refer to a person called Ta Nam and the
17 reference is E3/9835; English, 00982718; Khmer, 00975770; and in
18 French, 00980804. I'm sorry, Witness, for all of these numbers
19 but we need to record these numbers for our record.

20 You state this: "Ta Nam was Yeay Khoeun's husband. He was a
21 Cambodian who went to study in Vietnam during the war and he was
22 a Sector 13 military commander but because his biography stated
23 that he was from North Vietnam, Ta Mok removed him from his
24 military position in 1975."

25 You then said: "Ta Nam was not swept clean along with the other

1 Cambodians from Vietnam because he was Yeay Khoeun's husband. So
2 he survived."

3 "After Ta Nam was removed from the military what did he do?"
4 The answer was: "One day when I was transporting vegetables, I
5 saw him taking cattle to eat grass. I stopped and talked with
6 him. Ta Nam disappeared at the same time as Ta Tom in 1978."
7 Do you know Ta Nam and did he live in Kiri Vong district?

8 [14.17.14]

9 A. Yes, after you read the excerpt it refreshed my memory. Ta Nam
10 was <a> military commander of Sector 13. His wife was Khoeun, not
11 Khon (phonetic), as you pronounced. He was later on removed
12 because he was affiliated with those coming from Hanoi and he was
13 replaced by Phan. He was reassigned to live in Kiri Vong with his
14 wife, who was a member of the Kiri Vong district committee
15 <working with Tom,> and he disappeared at the time that Tom
16 disappeared.

17 Q. And I'd like to ask you what you meant by he was not swept
18 clean along with the other Cambodians, Cambodians from Vietnam,
19 because he was Yeay Khoeun's husband so he survived.
20 When you say -- when you used the words "he was not swept clean",
21 do you mean that he wasn't killed? Is that what the words "not
22 swept clean" mean?

23 [14.19.02]

24 A. I used the words "swept clean" and that is upon your
25 interpretation. <I would like to clarify that Nam was removed

1 from his military commander position, and> he was reassigned with
2 his wife to Kiri Vong district to tend cattle there. <He was part
3 of a regiment since the time before I joined the military, but>
4 he was <removed from his position> in 1975 because he was
5 implicated amongst those coming back up from Vietnam. And as I
6 said, his wife was a member of the Kiri Vong district committee.
7 I don't know what else I can add to clarify any confusion because
8 he was later on swept clean along with Ta Tom in 1978.

9 Q. I think that you just clarified the term there. So that when
10 you say someone is swept clean, you are saying that someone was
11 killed; is that correct?

12 A. Yes. It means as you have just stated.

13 Ta Nam and his subordinates may have not <been> swept clean at
14 the time and later on that happened. I cannot say whether my
15 memory serves me well now but I agree with you when a person or a
16 group of people were swept clean, it means they had to be gone.

17 [14.20.57]

18 Q. And if I can ask you to comment on this document that is on
19 the case file and it is a copy of a "Revolutionary Flag" issue
20 number 6 published in June 1977, I am referring to E3/135;

21 English, 00142912; Khmer, no translation; French, 00487736.

22 And this is what this "Revolutionary Flag" magazine states in
23 June '77:

24 "In the first half of 1977, we managed to sweep clean networking
25 enemies burrowing within. Drawing from such experience, we do not

1 just see movement; their biographies are also our target. Who
2 contact who, with introduction from who, [...] we know their
3 circles, sources, where we can conduct a search. Thus,
4 biographies are in our firm grasp, we will be confident in the
5 quality of our cadres and Party candidates."
6 My question to you is: What is written in this "Revolutionary
7 Flag" magazine? Does that accord -- do you agree with what they
8 have stated in the magazine? And I am referring to where they
9 state, "In the first half of 1977, we managed to sweep clean
10 networking enemies burrowing within."
11 Do you agree with that statement that, at that time, there was a
12 sweeping clean of enemies within the Party?
13 [14.23.14]
14 MR. KOPPE:
15 Just a small remark; no objection, but did the prosecutor just
16 say there was no Khmer translation, because we have the Khmer
17 original.
18 MR. SMITH:
19 I did say that and my notes say that, but as I said it, I
20 realized that probably that would not be the case. So I would
21 appreciate it. Do you have the reference?
22 MR. KOPPE:
23 Well, it's E31 -- E3/135. I do not have the exact ERN now, but
24 there is the original Khmer version.
25 [14.23.43]

1 BY MR. SMITH:

2 My apologies, Mr. President, Your Honours, and I will get that
3 reference for you shortly.

4 Q. So, do you agree that in Sector 13 there was a sweeping clean
5 of networking enemies from what you observed before you left to
6 Kratie in March 1977?

7 2-TCW-1005:

8 A. It seems that there <was> no sweeping <anyone> clean before I
9 left for Kratie. However, from my knowledge, there were
10 reassignments or a reshuffling of some <cadres within> the
11 district levels, <and the sector level. They were transferred
12 from one place to another place; however, regarding the purges,
13 it is beyond my knowledge.> And only later <on, in late '77,>
14 when I visited my village I <learned that there were many people
15 disappeared>.

16 And please refer to my previous statement.

17 [14.25.10]

18 Q. Thank you.

19 And I was going to discuss with you the arrests of members from
20 the Kaoh Andaet district and Sector 13 committee about that time.
21 You provided information about that in your statements, and
22 particularly at E3/10622; English, 01170590; and Khmer, 01136712
23 to 13; and no French.

24 And I think you mentioned some of these people earlier but,
25 rather than ask you questions about what you said in your

1 statements in relation to that, I would like to ask you some
2 questions in relation to the transferring of cadre from the
3 Southwest Zone to other zones in the country. And perhaps if I
4 refresh your memory as to what you said and then if I can ask you
5 some questions about that?

6 And I refer to E3/9513; English, 00982700 to 01; Khmer, 00975688
7 to 90; and French, 00980789 to 90; and you state -- and you are
8 referring to 1977: "At that time", and this is answer 89 (sic),
9 "At that time people in the Southwest Zone heard from and told
10 one another about the sending of cadres to various zones. We knew
11 that when Ta Mok sent people from the Southwest Zone to other
12 zones those cadres were good cadres."

13 [14.27.16]

14 And then you talked about Im Chaem and Nhen going to the
15 Northwest Zone.

16 My question is: Why were cadres from the Southwest Zone being
17 sent by Ta Mok to other zones around Cambodia in 1977? Why was
18 that done?

19 MR. PRESIDENT:

20 Witness, please hold on.

21 And International Counsel for Khieu Samphan, you have the floor.

22 MS. GUISSSE:

23 Yes, thank you, Mr. President. I am objecting to the way that
24 question was phrased.

25 The International Co-Prosecutor based himself on an excerpt from

1 a book but the witness did not say <in his own statement> that Ta
2 Mok had decided to assign people from the Southwest elsewhere. So
3 before having him comment on this, we should be sure that he knew
4 about this and then have him elaborate on it. But having him
5 comment on the work of an author without him saying that he <was
6 aware of> this information <himself, that> I have a problem with.
7 So I object to the way the question was phrased.

8 [14.28.43]

9 MR. SMITH:

10 Your Honour, the author of this book is the witness. It is the
11 150 pages of statements that he has given the investigators at
12 the ECCC and DC-Cam. The document number was E3/9513; that's the
13 witness' statement.

14 MR. KOPPE:

15 But I think, Mr. President, the Prosecution said in question and
16 answer 89 there is no such thing. I think he was referring to
17 question and answer 4, just for the record.

18 MR. SMITH:

19 Okay. Yes, that must have been my mistake.

20 This has come from the statement of this witness to DC-Cam. It's
21 not from a book.

22 [14.29.41]

23 MS. GUISSÉ:

24 Indeed, it's my mistake. I heard <1593>, which is a book from
25 Kiernan. I'm sorry.

1 BY MR. SMITH:

2 Better memory than mine.

3 Q. So Witness, perhaps if I can just repeat the question, your
4 statement to DC-Cam, you said: "At that time people in the
5 Southwest Zone were being sent by Ta Mok to other zones."

6 Why was Ta Mok, if you know, why was he sending cadres from the
7 Southwest Zone to the other zones around Cambodia? Do you know?

8 2-TCW-1005:

9 A. I did not have a detailed understanding of the matter.

10 However, I have my own view. For example, Im Chaem came from the
11 same native village <as me> and she was assigned to the Northwest
12 Zone. And <l leaned> that Ta sent her to the Northwest Zone and
13 other cadres also repeated the same line that they were sent to
14 other zones by Ta. And they did not say whether it's an issue of
15 trust that they were sent to other zones.

16 [14.31.25]

17 Q. And again, if I can refresh your memory, and I refer to a
18 statement, your statement E3/10622; English, 01170597 to 98;
19 Khmer, 01136725 to 26; and no French unfortunately; this is what
20 you said in answer to the question, or the question was put:
21 "You said that Yeay Chaem was transferred to the Northwest Zone.
22 Do you remember if there were any other people from the zone,
23 sector, district, commune or village level, apart from Yeay Chaem
24 who were moved there too?"
25 And you said at 137: "No, I don't. I only heard about Yeay Chaem.

1 When she went there, she also took her relatives such as Pak and
2 Reth who were their step siblings and Sokh along with her."

3 [14.32.39]

4 Question: "Do you know why Yeay Chaem was transferred to the
5 Northwest Zone?"

6 "Ta Mok ordered this.

7 "Why did Ta Mok send Yeay Chaem to the Northwest Zone?"

8 You said: "I don't know. I only heard that there were traitors
9 whose positions had to be changed."

10 Does that refresh your memory as to certainly why Im Chaem and
11 any others that may have gone to the Southwest -- to the
12 Northwest Zone, were sent there to change positions because
13 traitors were there?

14 [14.33.34]

15 A. After you enlightened me on the matter, I could recall that. I
16 can understand it.

17 For instance, some cadres needed to be removed or purged, so the
18 new cadres from somewhere else would be sent for replacement. And
19 usually the <new> cadres would bring along their relatives and
20 siblings. <They said that Ta sent them there.>

21 <Since> you have brought up the matter, I am able to provide the
22 response to you. I did give my answers to the person from the
23 DC-Cam. He did not record it on paper but my voice was recorded
24 at the time.

25 I agree with what you stated, Mr. Co-Prosecutor. I may have

1 forgotten some part of my statements.

2 Q. No, that's fine. There is a lot to remember.

3 Did that -- are you saying that cadres were sent to other zones
4 as well, as well as the Northwest Zone, to deal with the issue of
5 traitors as well or do you only know about the Northwest Zone?

6 A. To my knowledge and also to my observation informally, there
7 were purges of cadres. That happened because they did not trust
8 one another. For example, the cadres from the Northwest were sent
9 to replace those from the Southwest and vice-versa, one replace
10 another and the other one came to replace other cadres and then
11 they disappeared. <I do not know what happened to those who
12 disappeared. Only in '79, while we were fleeing did I learn that
13 people had disappeared.>.

14 I may have forgotten what I <remembered> at the time. <As> time
15 passed by, cadres did not trust one another.

16 [14.36.18]

17 Q. Thank you. I would now just like to ask you a question about
18 how much power Ta Mok had in the Southwest Zone. You said that Ta
19 Mok was the Southwest Zone secretary, and perhaps to assist you
20 in focussing the question or focussing the answer, I'd like to
21 refer to your answer at E3/10622; English, 01170592; Khmer,
22 01136715 to 16; and there is no French.

23 And this is what you said in relation to Ta Mok's authority: "In
24 the Southwest Zone, Ta Mok was the one who could decide instead
25 of Ta Saom who did not dare to oppose. Ta Mok usually selected

1 his relatives to control the district and other sectors."

2 Why did you say that Ta Saom -- that your view was that Ta Saom
3 would not dare to oppose Ta Mok? Why would he not dare to oppose
4 him?

5 A. Allow me to elaborate the matter. I was close to him so I know
6 about it.

7 Ta Saom's house was located in the East and Ta was in the West.

8 Whenever Ta made mention about a reshuffle of cadres, Uncle Saom
9 would be silent and did not dare protest.

10 I was a messenger located outside of the meeting's venue with the
11 defence guards. I could hear the content of the discussion <and>
12 whatever decided by Ta would never be protested to by Uncle Saom.

13 [14.39.04]

14 BY MR. SMITH:

15 Your Honour, on this topic -- well, on this topic I just have two
16 more questions. It would take about five minutes but if you
17 prefer me to break, I will break. Thank you.

18 Q. I would like a short answer to this.

19 Was Ta Mok a powerful leader in the Southwest Zone from your
20 observations?

21 2-TCW-1005:

22 A. All I know is that I would like to respond in short. Ta was
23 able to <be> in charge of everyone, <whether> the soldiers or
24 ordinary people. Soldiers and people loved him, to my
25 observation, since I was the resident in the sector. Whatever he

1 said was liked by the soldiers.

2 You may correct me if my answer is wrong.

3 Q. From what you know, from what you observed, did Ta Mok have
4 the power to sweep people cleanly away in the areas that you
5 worked? Did Ta Mok have the power to order the killings of
6 enemies in Sector 13 from your observations and from your
7 knowledge from speaking to other cadres?

8 [14.40.57]

9 MR. KOPPE:

10 I object to this question, Mr. President. Again, the Prosecution
11 is equaling (sic) purging or sweeping clean, I think that's the
12 same word in Khmer, with killing.

13 There is lots of evidence that suggests that purging is a
14 qualifying measure and not necessarily implies the killing of
15 cadres.

16 BY MR. SMITH:

17 Your Honour, I just use the terms that the witness used that
18 sweeping cleanly away means to kill. That's what the witness has
19 stated. So I don't think there is any confusion there.

20 Q. I just wanted to know whether or not Ta Mok, from his
21 knowledge, had the power to order killings.

22 [14.41.53]

23 2-TCW-1005:

24 A. Generally speaking, I do not know in detail about the orders
25 to kill someone. However, there were orders from him to the

1 soldiers to engage in fighting <against the Vietnamese>. And as
2 for orders of killing, I have no knowledge of them.

3 Mr. Co-Prosecutor, you may review from my written records of the
4 interview, I have never made mention about the orders of killings
5 by Ta -- him. But I did make mention about the orders to soldiers
6 to be engaged in fighting against the Vietnamese.

7 Q. And just one last question on this subject.

8 As you were in the Khmer Rouge during that period operating as a
9 messenger, I would like you to comment on whether or not -- I
10 would like you to comment on this document. It's a decision
11 issued on the 30th of March 1976. It's a decision of the Central
12 Committee of the Communist Party of Kampuchea and it's entitled
13 "Decision of the Central Committee Regarding a Number of Matters"
14 and the document is E3/12; English, 00182809; Khmer, 00000758;
15 French, 00224363; and I'll briefly read. The document says: "The
16 right to smash inside and out"--

17 [14.43.46]

18 MR. PRESIDENT:

19 Please hold on, Mr. Co-Prosecutor.

20 Anta Guisse, you may proceed.

21 MS. GUISSÉ:

22 Thank you, Mr. President.

23 I have an objection to the way the question has been put. The
24 witness is <being> asked to comment <by stating that> he was a
25 messenger but I don't see how the fact of having been a messenger

1 is connected to a decision of the Central Committee. The premise
2 seems to be faulty.

3 So basically, <the witness> is <being> asked to speculate. So the
4 way the question was put is problematic in <terms of the quality
5 of the witness>. So I object to that.

6 [14.44.32]

7 BY MR. SMITH:

8 Your Honour, perhaps if I can just finish the -- I mean finish
9 the quote and then ask the question and then I would ask Your
10 Honour to rule on that then. But I haven't actually asked the
11 question yet.

12 Okay.

13 Q. And the document says:

14 "1. The right to smash inside and outside the ranks.

15 "Objective:

16 "1. That there is a framework in absolute implementation of our
17 revolution;

18 "2. To strengthen our socialist democracy;

19 "All this to strengthen our state authority.

20 "If in the base framework, to be decided by the Zone Standing
21 Committee.

22 "Surrounding the Centre Office, to be decided by the Central
23 Office Committee.

24 "Independent sectors, to be decided by the Standing Committee.

25 "The Centre Military, to be decided by the General Staff."

81

1 And so my question is: When you were working in the south -- in
2 Sector 13 after the 30th of March 1976, were you aware of the
3 authority of a zone standing committee to be able to smash inside
4 and outside the ranks?

5 [14.46.09]

6 MR. PRESIDENT:

7 Please hold on, Mr. Witness.

8 You may proceed now, counsel.

9 MS. GUISSÉ:

10 My objection <remains> the same after the complete question <put
11 by the International Co-Prosecutor>. My objection is even
12 <further> supported by the fact that <earlier> the witness said
13 himself that he did not know how orders were decided. So here,
14 again, the witness is being asked to speculate so I object to the
15 question.

16 [14.46.32]

17 JUDGE FENZ:

18 Can I just say something? Because we are getting into the parties
19 speculating on when the witness speculates which is getting
20 weird, so may I try something?

21 Witness, generally you are not supposed to speculate. Speculation
22 means, roughly, guessing about facts you don't know about. So for
23 any answer that you give, you should not guess. Your answer
24 should be based either on your own observations or on something
25 somebody told you. If the second is the case, tell us.

1 So if you generally understood whatever the question is, you must
2 not guess. If you don't know an answer, say I don't know the
3 answer.

4 I think that should take care of it.

5 [14.47.50]

6 BY MR. SMITH:

7 Q. So Witness, just briefly, at that time after 30th of March
8 1976, were you aware of the authority of the Standing Committee
9 to smash people inside and outside the Party ranks?

10 2-TCW-1005:

11 A. I would like to respond in short. I do not know about that --
12 that is to say, the decision of the upper level since I was in
13 the lower level.

14 MR. SMITH:

15 Thank you for your indulgence, Your Honour.

16 [14.48.45]

17 MR. PRESIDENT:

18 Thank you. Thank you, Mr. Witness. It is now break time.

19 And before the break, the Chamber would like to inform the
20 parties that <the issue related to the four documents requested
21 by the Co-Prosecutors for admission in order to be used during
22 the examining of Witness 2-TCW-1005, document> E319/48/1 has been
23 solved and the information has been circulated to <the> parties
24 <already.> For clarity and to allow the trial to proceed
25 smoothly, I instruct the counsel for Mr. Khieu Samphan to review

1 <> the email by the Chamber and, please -- and you will be given
2 opportunity to inform the Chamber after the break.

3 The Court will now take a short break and the Chamber will resume
4 at 15 past -- at 10 past 3.00.

5 And Court officer, please assist the witness during the break
6 time in the waiting room and please come back at 10 past 3.00.

7 You may now have the floor, Judge Lavergne.

8 [14.50.15]

9 JUDGE LAVERGNE:

10 Yes. To clarify things, I believe that you were notified this
11 afternoon during the hearing, of the documents that were attached
12 and whose admission was requested by the prosecutors. Maybe you
13 can take a look at these documents before you take the floor.

14 MS. GUISSÉ:

15 You are asking me, therefore, to look at the documents during the
16 break. Okay.

17 MR. SMITH:

18 Your Honour, just briefly for planning purposes, we requested
19 earlier whether we could have an extra half an hour tomorrow
20 morning. We are just wondering whether that request is accepted
21 or not?

22 [14.51.01]

23 MR. PRESIDENT:

24 Your request is granted and the Court is now in recess.

25 (Court recesses from 1451H to 1512H)

1 MR. PRESIDENT:

2 Please be seated.

3 The Court is now back in session and before I hand the floor to
4 the defence counsel for Khieu Samphan to comment on the four
5 documents requested by the Co-Prosecutor -- and before I again
6 hand the floor to the International Deputy Co-Prosecutor and the
7 Lead Co-Lawyers to put further questions to the witness, we have
8 four oral rulings to issue.

9 First is in relation to a request made by the defence team for
10 Nuon Chea pursuant to Rule 87.3 and 87.4 of the ECCC Internal
11 Rules.

12 [15.13.37]

13 The Chamber notes that defence counsel for Nuon Chea filed a
14 written request under Internal Rule 87.4 -- that is, document
15 E424 on 20 July 2016 for the admission of one document -- that
16 is, E319/43.3.3, which, in its submission, is relevant to the
17 anticipated testimony of witness 2-TCW-1005. The Co-Prosecutors
18 informed the Chamber by email on 22nd July 2016 that they did not
19 intend to object to the request.

20 Having heard oral responses of the remaining parties, the Chamber
21 decides to admit E319/43.3.3 into evidence with E number
22 E3/10639. And the written reasons for this decision shall follow.
23 This is the second oral ruling on Internal Rules 87.3 and 87.4;
24 <the> request made during trial hearings.

25 The Chamber notes that the defence counsel for Nuon Chea filed a

1 written request under Internal Rule 87.4 -- that is, document
2 E415/1 on 13 July 2016 for the admission of the CV <and> an
3 article written by Henri Locard, 2-TCE-90.

4 [15.15.35]

5 By email on 15 July 2015 -- 2016, rather -- the parties were
6 informed that any responses to this request <was to> be filed in
7 writing on or before 22nd July 2016. The Co-Prosecutors filed a
8 written response on 22nd July 2016 and noted that they did not
9 object to the admission of documents pursuant to Rule 87.4, but
10 noted that the CV of Henri Locard had already been admitted into
11 evidence on 13 July 2016. The request with respect to his CV is
12 therefore moot.

13 No other responses were filed.

14 The Chamber notes that given the date of the article, this
15 request could have been made at an earlier date and emphasizes
16 that Rule 87.4 requests should be made as soon as possible.

17 However, having considered submissions by the parties on this
18 request, the Chamber considers that admitting the article written
19 by Henri Locard and published in February 2015 to be in the
20 interest of justice and that it may assist the Chamber in
21 ascertaining the truth.

22 The Chamber, noting the requirements of Internal Rule 87.4,
23 therefore decides to admit into evidence document E415/1.1.1.

24 This constitutes the Chamber's official response to the Rule 87.4
25 request in E415/1. The related Rule 93 request will be addressed

1 by written decision.

2 [15.17.53]

3 And another oral ruling on Internal Rules 87.3 and 87.4
4 requests,<> the Chamber notes that the Co-Prosecutors filed a
5 written request under Internal Rule 87.4, that is document E415/2
6 for the admission of nine chapters of 2-TCE-90, Henri Locard's
7 book, "Pourquoi les Khmers Rouges."

8 By email on 15 July 2016, the parties were informed that any
9 responses to this request shall be filed in writing on or before
10 22nd July 2016.

11 The defence counsel for Khieu Samphan filed a response on 22nd
12 July 2016, document E415/2/1. The Chamber also notes that the
13 Khieu Samphan defence has already filed a request on 11 May 2016
14 for the admission of sections of the 2013 edition of the book,
15 document E406, which was granted in E406/1.

16 In its response to E415/2 on 22n July 2016, the Khieu Samphan
17 defence amended its request to refer to the 2016 edition of the
18 book.

19 On 25th July, the OCP was asked by email to clarify which version
20 of the book it relied on for its request E415/2.

21 [15.19.50]

22 Having considered the submissions of the parties, the Chamber
23 considers that admitting chapters 3 to 11 of 2016 edition of the
24 book "Pourquoi les Khmers Rouges" to be in the interests of
25 justice and that it may assist the Chamber in ascertaining the

1 truth.

2 The Chamber, noting the requirements of Internal Rules 87.3 and
3 <87.4> therefore decides to grant the OCP's request in regards
4 chapters 3 to 11 of the book "Pourquoi les Khmers Rouges".
5 Chapters 3 to 11 of the 2016 edition are assigned E number,
6 E3/10640.

7 The remainder of the request <insofar> as it relates to Michael
8 Vickery is moot, given that Mr. Vickery will not be testifying as
9 scheduled.

10 This constitutes the Chamber's official response to E415/2.

11 And the Chamber would like now to hand the floor to the defence
12 counsel for Khieu Samphan to make comments or observations on the
13 four documents that were not accessible this morning and that
14 were requested by the Co-Prosecutors.

15 You have the floor.

16 [15.21.38]

17 MS. GUISSÉ:

18 Thank you, Mr. President.

19 So on the four documents for <motion> 87.4 <regarding the current
20 witness>, we have no objection to the use or submission of these
21 documents, with the clarification that from what we have seen
22 there is only really one document which contains the annotations
23 of the witness <himself,> which is the map. The other <documents>
24 are annotations from <either> the Co-Investigating Judges, <who>
25 have indicated that these documents <were> used for this witness,

1 and only one document, document <E319/48/1.3.3> which <contain
2 annotations made by> Son Sen alias Khieu, <and if I understood
3 correctly, one annotation> submitted by the Co-Investigating
4 Judges. <In these conditions, there are no difficulties. But from
5 reading the motion, it clearly appeared to us that these
6 annotations were made by> the witness <on> the document. <Those
7 are just some clarifications, there are no difficulties with the
8 document itself being used.>

9 [15.23.02]

10 And I will take advantage of the fact that I have the floor to
11 ask for a clarification in the framework of the decisions that
12 were handed down. I did not hear an answer to the <motion> we had
13 submitted on the <nine> chapters of the book by Henri Locard that
14 the <International> Co-Prosecutor had asked for.

15 So<, given the fact that the expert witness examination is coming
16 up very shortly,> we <asked> which passages did the Co-Prosecutor
17 <plans on using> because all of the chapters together contain
18 more than 100 pages and for <the purpose of> preparation it would
19 therefore be useful to know which specific passages the
20 Co-Prosecutor intends to use.

21 JUDGE FENZ:

22 Is the Co-Prosecutor ready to answer this question before we
23 deliberate on the decision?

24 MR. SMITH:

25 Not right now, Your Honour, but we can provide them if the

1 Chamber thinks it's necessary.

2 MS. GUISSÉ:

3 I would just like to clarify. I made an error. It is 250 pages
4 which were admitted.

5 [15.24.30]

6 JUDGE LAVERGNE:

7 If I am not mistaken, I believe we sent an email to the
8 prosecutor to ask what was the exact version that he expected to
9 use, the 2013 or the 2016 version, and did the <Co-Prosecutors>
10 answer this <email>?

11 MR. SMITH:

12 Your Honours, I believe -- I mean we would be wishing to use the
13 2016 version, but I can sort of give you more of an accurate
14 position first thing tomorrow morning.

15 JUDGE LAVERGNE:

16 I think that this is why we don't have a decision <yet,> because
17 we are <waiting> to hear from the Co-Prosecutors before making a
18 ruling <on both your motion and that of the Co-Prosecutors>.

19 (Judges deliberate)

20 [15.26.36]

21 MR. PRESIDENT:

22 Since there is no objection by <the> relevant parties and after
23 an observation was made by the defence counsel for Khieu Samphan,
24 the Chamber will issue an oral ruling concerning the request by
25 the Co-Prosecutors, pursuant to Rules 87.3 and 87.4.

1 The Chamber notes that the International Co-Prosecutors filed a
2 written request under Internal Rules 87.3 and 4 on 18 July 2016.
3 That is document <E319/41/1> for the admission of four
4 attachments to statements of witness 2-TCW-1005. The Chamber
5 heard submissions by the parties on this request this morning.
6 Having heard the submissions by the parties on this request and
7 noting the requirements of Internal Rules 87.3 and <87.4>, the
8 Chamber finds that the proposed documents satisfy the criteria of
9 Internal Rule 87.4 and admits them into evidence with E numbers
10 as follows: E3/10635 for D119/84.1, E3/10636 for D119/85.1,
11 E3/10637 for D119/87/1, and E3/10638 for D119/85.2.
12 This constitutes the Chamber's official response to E319/48/1.
13 And I would like now to hand floor to the International
14 Co-Prosecutor to continue putting further questions to the
15 witness.

16 [15.29.14]

17 BY MR. SMITH:

18 Thank you, Mr. President, Your Honours, counsel and Mr. Witness.

19 Q. Witness, you stated that in March 1977 you were sent to
20 Kratie, Sector 505; is that correct?

21 2-TCW-1005:

22 A. That is correct.

23 Q. And you've stated that you held the position of Deputy
24 Chairman of Division 117 in Sector 505; is that correct?

25 A. That is correct. The deputy chief of the office; not the

1 deputy chief of the division. The chief of the office is equal to
2 <the current general> staff.

3 Q. Thank you. And why did you go to Sector 505 in March 1977; why
4 were you sent there? Just briefly.

5 [15.30.40]

6 A. Because the Vietnamese <at the time were attacking us> from
7 all directions; that is why I was moved to that location to join
8 my uncle.

9 In fact, after I was moved to that location I was not working
10 <closely> with him, I was sent to the office of the division
11 instead.

12 Q. And where was the office of the division located? Was it in
13 Kratie town?

14 A. It was <to the> north of Kratie city, <about 200 meters away>.
15 It was in Krakor close to Krakor Bridge and <there> was <another
16 one> near Preaek Chhloung, <which> was used to store ammunition
17 <for the battlefield>. The ammunition which was <shipped> from
18 Phnom Penh was stored at the warehouse <of Division 117's office>
19 in Krakor. Again, the office was <to the north> about 200 or 300
20 meters away from Kratie city.

21 [15.32.03]

22 Q. And you stayed in Sector 505 until the Vietnamese invaded; is
23 that correct? And then you went to the western side of the
24 country? Just briefly.

25 A. That is correct. It is in accordance with my previous

1 statements.

2 Q. And, just briefly, can you say what job you did; what were
3 your duties in Sector 505?

4 A. I was in the office; Number 1, I was tasked with transporting
5 <stuff> from Phnom Penh to be provided to the soldiers <at the
6 battlefield such as ammunition, weapons, food and so on.>

7 Number 2, I was responsible for the radio operation <and telegram
8 communication when the divisional level cadres went to the
9 battlefield,> I was at the office in charge of the messages and
10 radio operation.

11 Number 3, whatever needed by the battlefield would be provided by
12 me and I would take <corpses> from the battlefield to the rear.
13 <At> the time, the Vietnamese <were> really fighting <intensely>
14 against us.

15 [15.33.55]

16 Q. Thank you. I'm sure there's a lot of information that we could
17 discuss in this regard, but I just want to focus you, at the
18 moment, on some of the leadership in the CPK that worked in
19 Sector 505 at the time.

20 When you arrived, you said your uncle was in Kratie. What
21 position did he have in Kratie?

22 A. He was the Secretary of Snuol district and his office was in
23 Samrang. He left the army <of Division 117> and went to be in
24 charge of the district.

25 Q. Thank you. And who was the sector secretary of 505?

1 A. The secretaries of Sector 505<, including> Moeun, <Khon>, in
2 hierarchical order <were in the sector level>. I was in <the
3 army> so I do not know for sure. Although Kratie city was a small
4 area, I could only learn so <much> information.

5 Q. I'm not sure if I heard you, but did you also say "Khon" or
6 "Phon"?

7 A. Khon.

8 [15.36.00]

9 Q. Thank you.

10 The division commander of Division 117, who was that?

11 A. The division commanders <were Rom>, Leang, and Nim. <They were
12 the> commanders of Division 117.

13 Q. Did you say one of the commanders was Leang?

14 A. In fact, at the time, the term "commissioner" was used. For
15 example, Rom was the commissioner, Leang was the commander, and
16 Nim was the member. So there was a group of three. Number 2,
17 Leang. Number 1 in the hierarchy was Rom.

18 Q. Did you know who the district secretary of Kratie district
19 was?

20 A. Kratie's secretary, to my knowledge, was Yeng at the outset.
21 He became the Secretary of Kratie after he left 117<, and he was
22 originally from Longveaek>.

23 [15.38.26]

24 Q. When you went to Kratie, you stated in your statement that a
25 sweeping-clean operation of Sector 505 was being conducted and

1 I'll refer you to your statement, to E3/9814 (sic); English,
2 00982728; Khmer, 00975783 to 84; and French, 00980813; and you
3 said this in answer to the question:

4 "Why did you know that Meas Muth had gone to Kratie and Stung
5 Treng in order to examine the situation of the border conflict
6 with the Vietnamese?"

7 You answered: "I learned that through a regiment of the navy that
8 was under the command of Pheap who came to help my Division 117.

9 At that time, a sweeping clean was being conducted."

10 Is that correct? When you were in Sector 505, there was a
11 sweeping clean operation of cadre in that sector when you were
12 there?

13 A. That is true. That is true. As I said <> in my statements,
14 there were two <cadres from the> district committees, <four from
15 Regiments, two from Divisions, and two from Sector committees>.

16 There was a reshuffle, new cadres went to replace the old ones
17 and the old ones were sent to Phnom Penh, <and after that they
18 disappeared>. That happened during the intensified situation
19 pursued by the Vietnamese or "Yuon"; <and at the time, "Yuon"
20 took over the whole Snuol district>.

21 Muth <went there as deputy commander. He> came from Kampong Som
22 together with <soldiers of a regiment, and he gave those soldiers
23 to Pheap.> I was not working close to him <and I did not see
24 him>, however, I <knew that> his army was based at <Kou Loab near
25 Sambok mountain>. For me, I was based close to the airfield.

1 By then, <the> "Yuon" <had> already grabbed the territory at
2 Preaek Te (phonetic) <and Snuol district>; and, yes, that is the
3 statement that I made, Mr. Co-Prosecutor.

4 [15.41.36]

5 Q. And in your statement you talk about, you discuss an event
6 where you received an order for some senior leadership to be
7 flown to Phnom Penh.

8 Do you remember that event, and can you briefly describe what
9 happened when those senior leadership were being called for?

10 MR. PRESIDENT:

11 Mr. Witness, please hold on. You may proceed, Counsel for Mr.
12 Khieu Samphan.

13 [15.42.31]

14 MS. GUISSSE:

15 Mr. President, I'll be very, very brief about this. Of course,
16 this is a general objection. I know that in light of the recent
17 decision that you issued following our request clarification with
18 regard to <your referral on> purges, you will reject it, but <I
19 need to make this objection for needs of the proceedings.> These
20 elements are not part of the Closing Order and therefore, in our
21 view, they are not included in the <scope of the> current trial.
22 So, we therefore object to the fact that Kratie be brought up
23 right now.

24 MR. PRESIDENT:

25 Judge Lavergne, you may proceed.

1 JUDGE LAVERGNE:

2 Counsel Guisse, <are you> asking us to reconsider your request?

3 <I don't really understand,> because we already answered it, as
4 you know.

5 So is this a request for reconsideration and, if it is such, what
6 is the basis?

7 [15.43.22]

8 MS. GUISSSE:

9 It's not a request for reconsideration. I started my objection<,
10 Your Honour,> saying that I knew you were going to overrule it.
11 <But since these were the records that were circulated,> I still
12 wanted to make the observation <and objection> during this public
13 hearing.

14 JUDGE LAVERGNE:

15 So therefore, there is no request?

16 MS. GUISSSE:

17 It's only observation for the record.

18 [15.43.55]

19 BY MR. SMITH:

20 Thank you, Mr. President.

21 Q. Do you remember that event when the senior leadership was
22 called for and were sent to Phnom Penh on a plane? And if you
23 can, can you briefly describe it, please?

24 2-TCW-1005:

25 A. Allow me to expand a little bit further. I only saw the letter

1 from the airport. The letter states "M-870". I <actually read
2 the> letter <to Rom>, the divisional commander<>. We were told
3 that the airplane <> would land at 9 o'clock <to pick up 11
4 individuals to Phnom Penh including two cadres from sector>
5 committees, <four from the> regiments, two <from the> division,
6 and <two from the district committees. At the time, I saw the
7 letter indicated that M-870 invited them to work in Phnom Penh>.
8 I know about this because I received a letter and I, myself, read
9 the letter to the divisional commander. Thi and Kung, the
10 messengers of Muth, delivered the letter to <Rom. I know them
11 because they used to come to the office concerning telegrams. To
12 my understanding, M-870 was a state office of the upper echelon>.
13 That is what I learned.

14 After their arrival, they never returned to their original place.
15 <Nhan from Kampong Som was divisional commander>; Phon, <sector
16 committee>, came to replace Moeun; Pakk (phonetic), the Kratie
17 district committee replaced Yeng.

18 After <> all chiefs went to a meeting, I went to visit <Stung>
19 Treng and after my return, <I heard that> there was an event that
20 my leaders were considered betrayal.

21 [15.46.20]

22 Q. Thank you. And if I just refer to your statement at E3/9814
23 (sic); English, 00982728; Khmer, 00975783 to 84; and French,
24 00980813; just to put what you've said in context, you said:
25 "I remember that one day a messenger came from the airport to

1 deliver a letter to Rom, the commander of Division 117, to have
2 him attend at a meeting in Phnom Penh. That letter said that an
3 aeroplane would arrive at 9 a.m. to pick them up. Rom ordered me
4 and the other people to arrange a vehicle to take him to the
5 airport and he told me read the letter that he had just received
6 that he had put on the table. I saw that letter was sent from the
7 Office 870. It said to send Rom and his deputy, Leang, along with
8 four people from the regiment, two from the district, two from
9 the sector, and one more division member to Phnom Penh. That
10 letter listed the names of 11 people who were called to attend
11 the meeting. The member of the Division 117 Committee named <Nim>
12 did not go with them."

13 My question is: Did you take -- or, firstly, how did you know the
14 letter was from Office 870? Was it signed; did it have a stamp?
15 [15.48.22]

16 A. To my knowledge, <if> the messages <were> sent from the
17 <airport, they would be sent in> telegrams. <At the time, there
18 was no stamp,> and <most of the time>, the messages of the
19 <upper> level were sent through <telegraph>.

20 Whenever <a message was sent from the airport and indicated
21 M-870>, we knew for sure that it belongs to M-870 - <that is the
22 upper echelon. Only those who worked at the airport had authority
23 to receive the messages from the upper level. I am certain about
24 it because I used to work in the office>. There was no seal used
25 or stamp used <when divisional commander gave orders to the

1 regiment level;> usually Rom <gave orders> through radio
2 communication and name <or number> was made mention clearly <to>
3 the recipient.

4 And as for Nim, he was engaged in the battlefield and he could
5 not make it and came to Phnom Penh. So he was not able to come to
6 Phnom Penh.

7 [15.49.38]

8 Q. And in your statements -- you have about 150 pages of
9 statements -- you discuss who was on the list and who was on the
10 plane but, initially, I just want to ask you, on the order to
11 send them to Phnom Penh, did it say why they should be going
12 there? Did they say what the purpose of sending these to Phnom
13 Penh was?

14 A. If you asked me like that, I do not know how to explain. <What
15 I know was based on the telegrams.> And usually the wounded
16 soldiers were transported by airplane from <the battlefields in>
17 Ratanakiri and Mondulkiri, so if the meetings were to be
18 convened, those invitees would arrive by plane. And the invitees
19 included the divisional level, <regiments level,> and <sector
20 committee>; that communication was made through the telegrams,
21 <and the telegrams were sent through the airport.>

22 Q. Did you, to the best of your memory, did you or someone
23 contact these 11 people and take them to the airport and made
24 sure they got on the plane?

25 A. I saw them off. I sent all of them <including cadres from the

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1 sector committee, divisional level, and regiments level,> I drove
2 all of them in several vehicles and we reached the blockade at
3 one <point>. Our vehicles were not allowed in. Then we dropped
4 them off and they walked beyond the barriers or the blockade.
5 Then I went forward to Mondulkiri for two nights and when I
6 returned, I learned that the senior leadership was arrested.
7 [15.52.38]

8 Q. You mentioned some of the senior leadership in Sector 505 a
9 moment ago. I just have some questions about those people.
10 So Sector 505 Secretary Moeun, to the best of your knowledge, was
11 he on the plane that day? Yes or no, if you're not sure, just
12 say.

13 A. I <am sure there were> Rom, two <new> district committees, two
14 sector committees, <and those from the regiments>. <But as far
15 as> Leang<, he went> first and after that, Rom. Leang came first
16 by <boat>.

17 Q. Leang, you said, was the deputy or commander of Division 117.
18 Did he go on the plane or did he go by sea (sic)?

19 A. I did not see Leang on the plane together with all of those
20 people. Leang went first, <> one or two days, before Rom.

21 Q. And do you know whether Leang, when he went a few days
22 earlier, whether he went on a plane or a boat or a car?

23 A. He did not go by car, he went by <boat>. He was on a ship
24 transporting <weapons, clothes>, the not-seriously wounded
25 soldiers, and also ammunition. And seriously wounded soldiers

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1 were transported by <plane>.

2 [15.55.10]

3 Q. Thank you. And I'd like you to listen carefully now and just
4 say yes, no, or I don't know.

5 You said Rom was on the plane that day; is that correct?

6 A. Yes, he was on the plane on that day.

7 Q. Do you know whether Sector Secretary Moeun was on the plane
8 that day or not? Or if you're not sure, just say.

9 A. Let me clarify. I drove Rom and Yeng in the same vehicle; they
10 were friends, and Chen <alias Phoan; the three of us were in the
11 same vehicle with Rom>. Moeun was on the way with us as well, but
12 on that particular day, I was in a hurry so I left first. They
13 were <together with those from the regiment level> in the same
14 convoy <heading> for Phnom Penh.

15 [15.56.30]

16 Q. So the Kratie district secretary, Yeng, was on the plane that
17 day and you also referred to Chen. Is that alias Phoan, Is that
18 the secretary of Snuol district?

19 A. Chen alias Phoan was the Snuol secretary. He was in the same
20 vehicle.

21 Q. And the deputy secretary of Sector 505 or -- you said that
22 Khon, who was on the sector committee, was he on the plane that
23 day? Yes, no, or you're not sure?

24 A. As I told you earlier, I drove them off together with the
25 <sector> messengers <and those from the division>, and <> after I

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1 dropped my passengers off, I reversed on my vehicle and went
2 away. They <> may have been on the plane all together, <excluding
3 Leang. There were four from the regiment>, two from <the> sector
4 <committee>, two from the district <committee>, and <two> from
5 <the> division. And as I indicated earlier, Leang went to Phnom
6 Penh first.

7 Q. And do you know a person by the name of Svay Naunh, a chief of
8 Division 117?

9 A. I do not recall his surname, but his first name Nim member of
10 a division. I do <not> know the individual by the name Nam
11 (phonetic).

12 [15.58.57]

13 MR. SREA RATTANAK:

14 Mr. President, I would like to clarify the name Svay Naunh, the
15 name mentioned by the Co-Prosecutor -- the International Deputy
16 Co-Prosecutor.

17 BY MR. SMITH:

18 Q. Witness, does that name -- is that name familiar with you?

19 2-TCW-1005:

20 A. I do not know Nam (phonetic) but Nim. I heard the name Nam
21 (phonetic) was mentioned, but there was an individual by the name
22 Nim and <his wife's name was> Nam (phonetic).

23 [15.59.58]

24 MR. SREA RATTANAK:

25 The name is Svay Naunh. Are you familiar with this particular

1 individual by the name Svay Naunh?

2 2-TCW-1005:

3 A. <> I did not hear that <> name back then, and I do not know

4 whether that individual came through that location later on.

5 Naunh, no; no individual by the name Naunh. No. There was no

6 individual by the name Naunh.

7 MR. SMITH:

8 Thank you, Mr. Witness.

9 Mr. President, obviously we're finished for today. I would just

10 ask -- we lost a little bit of time with decisions and the

11 discussions on documents, and I would ask if we could have -- the

12 Prosecution and the civil parties -- just have until the end of

13 the first session tomorrow to resolve a couple of further details

14 with the witness? No more than the first session, Your Honour, if

15 that's acceptable.

16 [16.01.22]

17 MR. PRESIDENT:

18 Yes, your request is granted.

19 <It is now time for the adjournment> and the Chamber will resume

20 its hearing on 27 July 2016 at 9 a.m.

21 And tomorrow, the Chamber will continue hearing 2-TCW-1005.

22 Please be informed.

23 Witness, the hearing of your testimony has not come to a

24 conclusion yet, you are therefore invited to come and testify

25 once again tomorrow at 9 a.m.

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1 Court officers, please work with the WESU unit to send the
2 witness to the place where he is staying at the moment, and
3 please invite him into the courtroom tomorrow at 9 a.m.
4 Security personnel are instructed to bring the two accused, Nuon
5 Chea and Khieu Samphan, back to the ECCC's detention facility and
6 have them returned into the courtroom tomorrow before 9 a.m.
7 The Court is now adjourned.

8 (Court adjourns at 1602H)

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