



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**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 24-Aug-2018, 09:30  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

27 July 2016  
Trial Day 430

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

The Accused: NUON Chea  
KHIEU Samphan

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William SMITH  
SONG Chorvoin

For Court Management Section:  
UCH Arun

I N D E X

2-TCW-1005

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Questioning by Ms. SONG Chorvoin ..... page 19

Questioning by Mr. KOPPE ..... page 37

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Questioning by Judge LAVERGNE..... page 55

Questioning by Mr. KOPPE resumes..... page 69

**List of Speakers:**

Language used unless specified otherwise in the transcript

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

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear remaining testimony of  
6 witness 2-TCW-1005.

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

9 THE GREFFIER:

10 Mr. President, for today's proceedings, all parties to this case  
11 are present, except Marie Guiraud, the International Lead  
12 Co-Lawyer for civil parties, who is absent for personal reasons.  
13 And Liv Sovanna, the National Counsel for Nuon Chea, informs the  
14 Chamber that he is a little bit late this morning.

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

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

20 Thank you.

21 [09.06.00]

22 MR. PRESIDENT:

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

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

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

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

15 The Chamber instructs the A-V Unit personnel to link the  
16 proceedings to the room downstairs so that Nuon Chea can follow.  
17 That applies for the whole day.

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

21 [09.07.46]

22 QUESTIONING BY MR. SMITH RESUMES:

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

25 Q. Yesterday, you testified that 11 people were sent from Sector

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1 505, from Kratie, and they were sent to Phnom Penh on a plane  
2 when you worked in Division 117 in Kratie. You also testified  
3 that they were sent as a result of an order you received from  
4 Office 870 for them to attend in Phnom Penh.

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

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

12 [09.09.25]

13 2-TCW-1005:

14 A. I made mention of these matter in my previous statement. They  
15 all disappeared. I meant those who were sent from the regiment  
16 and from the division, they never returned, and they were  
17 replaced by some new regiment and division, as well as some new  
18 members in the sector.

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

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

4

1 when I was still in the sector. And they were sent to Phnom Penh.

2 They never returned, and they were no longer alive.

3 [09.10.52]

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

7 A. As I've stated, after they left, they never returned since  
8 their positions were replaced by other people, that is, new chief  
9 of sector, new division commander, and they -- the new people  
10 that replaced them told us that our superiors were considered  
11 traitors.

12 Some of us had to transport ammunition to Stung Treng, since the  
13 "Yuon" army were attacking us heavily in that area. And at that  
14 time, some of us were wounded and some had to jump into the river  
15 in order to survive.

16 As for Phon and Nhan, they were in Anlong Veang. Nhan passed  
17 away, but I did not know about the fate of Phon.

18 [09.12.21]

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

22 Yesterday, we showed you a record from S-21, and this morning, I  
23 would like to show you some records from a combined prisoner  
24 list, that has been made from S-21 documents, of people that have  
25 entered S-21 during Democratic Kampuchea.

5

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

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

9 MR. PRESIDENT:

10 Yes, you may proceed.

11 And Son Arun, please assist the witness, read the name displayed  
12 on the screen to the witness.

13 [09.14.04]

14 BY MR. SMITH:

15 Thank you, Your Honour.

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

19 MS. SONG CHORVOIN:

20 The name is Roat Leang.

21 BY MR. SMITH:

22 Q. And my question is -- or firstly, we can see from the record  
23 that this person is recorded as being a male, 30 years of age,  
24 and it's recorded his position was deputy secretary of Division  
25 117. It states he was arrested from Division 117. And it states



6

1 that he entered S-21 on the 1st of December 1978.

2 So my first question is, do you recognize the name of that  
3 person?

4 [09.15.10]

5 2-TCW-1005:

6 A. Yes, I know this person.

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

10 A. Yes.

11 Q. And the next entry I'd like to show you is prisoner number  
12 1039. And if I can ask my colleague to pronounce the name whilst  
13 it's being shown on the screen.

14 MS. SONG CHORVOIN:

15 The name is Chhim Khon.

16 [09.16.04]

17 BY MR. SMITH:

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

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

24 My first question to you is, do you recognize or do you know that  
25 person?

7

1 2-TCW-1005:

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

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

7 [09.17.25]

8 A. Yes, that is correct.

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

12 MS. SONG CHORVOIN:

13 The name is Meas Moeun.

14 BY MR. SMITH:

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

20 2-TCW-1005:

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

23 Q. And was he the person that you referred to yesterday that was  
24 sent on a plane to Phnom Penh on the orders of 870?

25 [09.19.13]

8

1 A. I cannot recall any specific date. However, I know the number  
2 who was sent. The list or names was sent to the division and then  
3 they were sent. That's all I knew. And these names were included  
4 on the list.

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

7 A. He was the sector secretary, and I did not have many contact  
8 with him. However, I used to go to his office when my unit had to  
9 work with his office. And my office was about two or three  
10 hundred metres away from his office in Krakor. And it was not  
11 that far from where I worked.

12 And he is -- he was originally from Kampot province, and when he  
13 was in Angkor Borei, he was the regimental commander. And that's  
14 how I knew him. However, when I was there and since he was my  
15 uncle, we had some communication and contact with him, though I  
16 did not have close contact with him in terms of work.

17 [09.21.09]

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

20 A. Yes, I saw that name.

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

23 A. Rom, Yeng and Phon were on the same plane. Although I took  
24 them to the airport, I was outside the airfield and only them who  
25 entered the airfield and boarded the plane. And at that time, I

9

1 was rather happy that my superiors had to go away so that I would  
2 have some free time. That's how I felt since I was rather young.  
3 And only later on, I was surprised when they were replaced by  
4 other people.

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

8 MS. SONG CHORVOIN:

9 The name is Khun Rum.

10 [09.23.01]

11 BY MR. SMITH:

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

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

16 2-TCW-1005:

17 A. Yes, that is the correct name.

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

19 A. Yes, that is correct.

20 [09.24.07]

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

23 MS. SONG CHORVOIN:

24 The name is Huon Yeng.

25 BY MR. SMITH:

10

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

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

7 2-TCW-1005:

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

10 Although, out of the 11 people who were sent, not everyone was  
11 sent to S-21 since I heard from other people that some were sent  
12 to Kampong Chhnang. And I learned that from the radio operator.

13 [09.25.55]

14 And the -- and they said that people who were sent from 502 were  
15 all imprisoned. However, Yeng was not from the east -- the East  
16 Zone. He came from Division 117. But you refer to the -- the same  
17 person, that is, the person from that Division 117. And from what  
18 I understand, the situation was intensified on the 1st of  
19 December '78.

20 There were two groups of people -- two groups of people who were  
21 sent. They later were sent by plane. And at the time, the attack  
22 was intensified. And if we did not try to counter-attack, then  
23 they would take over Kratie province since November. And I  
24 believe you have just counted five names out of those names on  
25 the list.

11

1 [09.27.05]

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

5 MS. SONG CHORVOIN:

6 The name is Chhum Chen.

7 BY MR. SMITH:

8 Q. This prisoner, Chhum Chen, is recorded as being a male, 26  
9 years of age, the secretary of Snuol district, Sector 505,  
10 Northeast Zone. He's recorded as being entered into S-21 on the  
11 12th of December 1978 and recorded as being executed on the 31st  
12 of December 1978.

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

16 2-TCW-1005:

17 A. Yes, that is the name of my uncle, Chhum Chen, alias Phoan. He  
18 was a friend of Khun Rum, and they were together since 1971 or  
19 '72. And he was the youngest brother of my father. That's why,  
20 when he went to Kratie, he took me along. And he was sent to  
21 Phnom Penh with Khun Rum. However, I did not know whether they  
22 entered S-21 on the same day. Thank you.

23 [09.29.06]

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

12

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

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

11 [09.30.32]

12 A. To my knowledge, Chen and Rum came together. However, what we  
13 learned at the office that when we heard that they were accused  
14 of being traitors, that is, after I returned from Mondolkiri, and  
15 when they were replaced by Nhan -- and allow me to backtrack a  
16 little bit.

17 I went to Mondolkiri for two days, and after I returned, then I  
18 learned of them being accused of being traitors, so there is a  
19 possibility that they were sent on different days. And from my  
20 recollection, Leang was sent first. And I am pretty sure that Rum  
21 and Chen were sent together.

22 Q. We have a statement from another witness in this case, and I'm  
23 referring to -- and I won't say -- I won't say the witness' name.  
24 We can't say the witness' name, but I'm referring to a document  
25 E3/10628. And I'm referring to English 01142606 and Khmer

13

1 01127710.

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

7 [09.32.24]

8 MR. KOPPE:

9 Just to make an observation, Mr. President, I think the witness  
10 knows that witness under his alias, so I don't think there will  
11 be any risk mentioning in Court the alias of the witness. I don't  
12 even think that this witness knows the real name of that  
13 particular witness, only his pseudonym -- or rather, his  
14 revolutionary name.

15 MR. SMITH:

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

19 [09.33.13]

20 MR. KOPPE:

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

24 BY MR. SMITH:

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



14

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

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

6 2-TCW-1005:

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

10 Back in the regime, I was not so sure in -- compared to him. I  
11 was in charge of the messages and telegram, and I was assigned to  
12 drive people around. He was actively engaged in the tasks, and he  
13 may have had more knowledge than I do.

14 I thank you very much for bringing up the matter, and also the --  
15 his name.

16 Q. Thank you, Witness.

17 But perhaps the broader question is, are you sure that those six  
18 names that we have just discussed, those six people that we have  
19 just discussed, were sent to Phnom Penh as a result of an order  
20 from office 870? Are you sure about that?

21 [09.35.51]

22 A. Among them, there was Rom. The name Rom was in the list. Rom,  
23 Phon, Chen were in the same journey. The chief of the sector and  
24 people from the regiment also disappeared, and perhaps they may  
25 have been to Phnom Penh in -- on different days. You can ask

15

1 Dorl. He may have more knowledge than I do. And that is the name  
2 -- one name appeared in the list.

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

6 A. I told the interviewer in the previous interviews I had a  
7 one-day meeting with him. The force -- small forces were ordered  
8 to transport staff to Stung Treng, and I, together with people  
9 from the office, 70 of us, came to defend the east of the -- the  
10 area at the east of the airport at Kantuot.

11 There had a meeting held among all of us, 70 of us, and we were  
12 told that our leaders were considered traitors. The meeting did  
13 not last more than one hour and, afterwards, we went to fight  
14 against the "Yuon". So I learned about this matter in -- from the  
15 meeting. That is all I can say.

16 [09.38.19]

17 Q. How long did Meas Muth speak for at that meeting? How long did  
18 he speak?

19 A. He was there not more than one hour. I can say he was there  
20 for perhaps one hour. He convened the meeting among all people  
21 from the office. The meeting was to declare that leaders of --  
22 commanders of divisions had to be replaced with the new ones.  
23 Drivers and other staff, people from the hospital, were called to  
24 the meeting and we were told that all our leaders were traitors  
25 and there were new replacement -- there was new replacement, for

16

1 example, Nhan would replace the old leader.

2 And after we were informed of the issue, we were assigned to move  
3 to the location, the designated location, for example, to Stung  
4 Treng or to any other direction.

5 The meeting, as I said, lasted for the most -- for one hour at  
6 the most and -- because we were in a hurry to move on to our  
7 specific or respective locations.

8 [09.39.48]

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

12 A. What I can recall is that he made mention that my group did  
13 not fight hard enough the "Yuon", and allowed "Yuon's" to include  
14 -- come in. And it was said that Snuol was captured by "Yuon",  
15 although we started the fighting at 8 a.m. in the morning. Then,  
16 that message inspired -- inspired us to fight against the "Yuon"  
17 more and more. That is what he said.

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

22 [09.41.29]

23 A. Allow me to inform you, Mr. Co-Prosecutor, back then we did  
24 not dare to protest. In our heart, we were aware at the time that  
25 they had new and modern -- more modern weapons, and they had

17

1 bigger forces. After hearing the message mentioned by him, we  
2 felt hatred in our heart and we were striving to fight against  
3 the "Yuon" harder.

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

7 A. Generally speaking, our forces, our units were trying our  
8 best. We really wanted to defeat the "Yuon". We did not get angry  
9 against the order by him for us to go into fighting. We were told  
10 to be absolute, and we were -- we heard that "Yuon" were the  
11 annexationist, and we decided to be absolute and fight against  
12 the Vietnamese -- or "Yuon" further.

13 We did not focus on any other task besides participating in the  
14 fighting, although sometimes we -- our forces remain only 10, 20  
15 or 30 people. We were doing our best to fight against them. We  
16 fight -- we were fighting for the best of our ability, and not to  
17 retreat. And at the end, we were defeated. Not only my force was  
18 defeated, but other forces also were defeated, although we were  
19 reinforced by other regiments and divisions.

20 [09.44.13]

21 Q. Thank you for that.

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

24 So, you felt that when your leaders were arrested in Sector 505  
25 that your division, 117, was fighting hard enough. Were you angry

18

1 that your leaders were arrested because your unit was, in fact,  
2 fighting hard enough? Were you angry about that?

3 A. Frankly speaking, in terms of sentiment toward our leaders and  
4 in terms of our struggles together since March 1973 up to 1978,  
5 800 soldiers lost their lives in a period of seven or eight  
6 months. We were disappointed after hearing that our leaders were  
7 traitors. However, we did not dare to protest. We even did not  
8 dare to look straight into one another's faces, so what could we  
9 do? In order to be absolute, in order to defeat the other -- the  
10 opposition, we had to do our utmost.

11 Our leaders were engaged in the fighting in the battlefields from  
12 March 1977 up to 1978. The district committee, the sector  
13 committee were drawn from that division, and at the -- in the  
14 end, they were considered committing mistakes.

15 [09.46.25]

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

19 A. That is true.

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

23 A. I left the Khmer Rouge or the DK in perhaps 1977 or 1978,  
24 perhaps before the -- perhaps in 1998 when I left the Khmer Rouge  
25 or the DK.

19

1 Q. Sorry. Are you saying you left the Khmer Rouge forces in 1998?

2 Is that correct, or were you saying '78?

3 [09.48.04]

4 A. Generally speaking, I was remained -- I was still -- I still  
5 remained in the Khmer Rouge or DK after the fall of the regime,  
6 and I remained the member of Khmer Rouge or DK in perhaps 1997 or  
7 1998 during the reintegration. I was living at the border back  
8 then.

9 MR. SMITH:

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

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

14 [09.49.02]

15 QUESTIONING BY MS. SONG CHORVOIN:

16 Thank you, Mr. President. Good morning, Your Honours, parties,  
17 everyone in and around the courtroom. Good morning, Mr. Witness.  
18 My name is Song Chorvoin. I am the National Deputy Co-Prosecutor.  
19 I would like to discuss the last topic with you, that is, the  
20 forced marriage during the DK.

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

24 2-TCW-1005:

25 A. You are asking me about the marriages in general, or about

20

1 only my marriage?

2 For my marriage, I married Prak Yut in 1982. It was not a love  
3 marriage since I was a guy from Damrei. Initially, I lived in --  
4 at Dang Rek and I asked permission to go on a truck transporting  
5 ammunition in order to find my mother.

6 After my mother passed away, I got -- I got married with my wife,  
7 and we had one child. In fact, I remarried afterwards. I did not  
8 have only one wife. In 1997, I got another marriage.

9 [09.51.08]

10 Q. I am now asking you about the forced marriages during the DK.  
11 To your experiences, did women and men have rights to freely  
12 choose their partners?

13 MR. PRESIDENT:

14 (No interpretation)

15 2-TCW-1005:

16 I am observing the microphone, Mr. President.

17 To my -- based on my experiences from the time I lived in Takeo  
18 and up to the time I lived in Kratie, we did not have the  
19 official marriage ceremonies held back then. Usually, back then,  
20 women did not have right to freely choose the men. At the time, I  
21 was about 17 or 18 years old. Since I was working in the army,  
22 if, for example, five couples love one another, the soldier, the  
23 men, had the right to choose which particular women they want to  
24 get married.

25 [09.52.51]

21

1 For example, a medic in the hospital saw a patient. Then, that  
2 medic loved the patient. He could make a request to get married  
3 with that patient. And this was not a forced marriage, but I  
4 could say that it was not a -- either a voluntary one as well.  
5 During the major meetings or congresses, there was a marriage  
6 ceremony -- there was marriage ceremonies held. Sometimes spouses  
7 were selected already for those who were to get married.

8 BY MS. SONG CHORVOIN:

9 Q. Thank you, Mr. Witness.

10 A while ago, you stated that if there was a request, usually the  
11 request was made by the men, not the women, since the women had  
12 no rights to freely choose the spouse. I would like to ask a  
13 question in relation to this matter.

14 Does -- did that happen only in Sector 13, the area that you were  
15 living in back then, or did it happen as well in other sectors?

16 [09.54.31]

17 MR. PRESIDENT:

18 Please hold on, Mr. Witness.

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

20 MR. KOPPE:

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

25 JUDGE FENZ:



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

4 [09.55.11]

5 MR. KOPPE:

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

8 JUDGE FENZ:

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

14 MS. GUISSÉ:

15 I apologize, Your Honour, but I have a procedural question to put  
16 to you.

17 When we object, we always object to the questions that are put by  
18 the opposing party. I'm not objecting to the witness' answer. We  
19 simply hear -- believe that the question is not appropriate, and  
20 that's always how we've been operating since the beginning, so  
21 it's true that reminding the witness that he should not speculate  
22 is a fact, but if the question leads to speculation, we are in  
23 our right to object. And that's a procedural problem.

24 So it's always been the case since the start, so I have a hard  
25 time understanding. I don't understand why we're being criticized

1 for objecting to a question that we don't believe is appropriate.

2 [09.56.24]

3 JUDGE FENZ:

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

9 BY MS. SONG CHORVOIN:

10 Q. Mr. President, in order to deal with the issue, I would like  
11 to bring a document, E3/10622, question 80. When the witness was  
12 interviewed by the investigator, he -- the witness stated that  
13 the marriages apply -- ceremonies applies -- the marriage  
14 regulation applies to all across the country, including the army  
15 as well. And he said that when he was at Takeo, Division Number  
16 2, he witnessed that occurrence. When he went to Anlong Veang,  
17 the Western Zone, marriage regulation also happened. When he was  
18 in Division 5 -- in Sector 505, he also witnessed the  
19 implementation of marriage at that Sector 505.

20 [09.58.04]

21 And you stated that women did not have right to freely select the  
22 man. You, in your previous statement, made mention about Anlong  
23 Veang, Takeo and Kratie, so I would like to ask a -- to put a  
24 question to you whether or not marriage regulation applied all  
25 across the board?

1 JUDGE FENZ:

2 Can we have a clearer reference for the record please? Did I miss  
3 it?

4 MS. SONG CHORVOIN:

5 It is document E3/10662, question 80 and 81, said the  
6 Co-Prosecutor.

7 MR. PRESIDENT:

8 (No interpretation)

9 [09.59.12]

10 2-TCW-1005:

11 The microphone is now being activated. Can I answer, Mr.  
12 President?

13 MR. PRESIDENT:

14 Yes, you may proceed.

15 2-TCW-1005:

16 A. What has been mentioned by the Deputy Co-Prosecutor is  
17 correct. When I moved around to different units, I saw the  
18 marriage regulation. Whether or not they loved one another, I  
19 have no idea. In principle, the request was made and then the  
20 decision was issued by the unit. And if there was no decision,  
21 marriage could not happen.

22 [09.59.58]

23 In the context of the army, the marriage ceremony would convene  
24 for five, six or eight couples, and we had meat to eat for the  
25 party. And as I said, sometimes the people working at the

25

1 hospital may have requested to marry a patient who was  
2 hospitalized. However, I do not know what really happened in  
3 relation to the people on the ground.

4 BY MS. SONG CHORVOIN:

5 Q. In Sector 13, while you were there, that is, in Takeo  
6 province, who proposed to who? Was there a differentiation  
7 between the status of the one who proposed, for example, only  
8 Party member could propose to another Party member and not to  
9 ordinary civilian?

10 2-TCW-1005:

11 A. To my knowledge and based on my personal experience, if a  
12 woman was a progressive person or member of the Youth League and  
13 she was young and on the men's side, they were member -- the  
14 person was a member of the Party, could propose to that woman.

15 And even if the women was in a senior position or older, the men  
16 could still propose. However, usually the men proposed only for  
17 younger women and not for older women. For that reason, there  
18 were some older women who were still single. And everything was  
19 based on the background of individuals.

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

22 [10.02.37]

23 Q. In your interview in the same document that I mentioned, that  
24 is, E3/10622, at question/answer 75, you said that during  
25 meetings, they said that for women who were 21 years old and men

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1 who were 30 years old could get married. Women, if they wished to  
2 get married, they could propose, make such a proposal to the  
3 commune or the district. And Youth League members could propose  
4 to other Youth League members, and Party members could propose to  
5 other Party members. And they could not make a proposal to  
6 another -- people in another rank or status.

7 Could you tell the Chamber why the person could not make a  
8 proposal to another person who was not in the same league or  
9 group?

10 [10.03.54]

11 2-TCW-1005:

12 A. I made mention of that statement in that written record of  
13 interview, and allow me to elaborate it a bit further.  
14 Yesterday, I spoke about the Base People and the 17 April People,  
15 that they should not mix. There was no written rule about that,  
16 but the matter was raised during unit's meetings, for example, at  
17 the regimental level meetings or at the division's meetings. And  
18 we were told that Base People could marry only Base People, and  
19 they should not propose to 17 April People, as those people had  
20 different backgrounds or that they could not understand fully  
21 their backgrounds and there would be a risk that they were  
22 implicated with affiliation to KGB or CIA. If that is the case,  
23 then the cadre who proposed or the Base People could be  
24 implicated.

25 That's why we were told firmly that Youth League people or

27

1 progressive people should only propose to the -- their own peers.  
2 And likewise, Party members should propose to other Party members  
3 only. And this message was conveyed during meetings. For example,  
4 if I were to love a 17 April woman, I would not be allowed. I  
5 would be directed to propose to another woman who was my peer.  
6 And I fully agree with the statement that you just read out.

7 [10.05.58]

8 MS. SONG CHORVOIN:

9 Q. Again in the same written record of interview, in  
10 question/answer 64, when you were asked whether when a soldier  
11 proposed to a woman, can a woman deny such a proposal, and you  
12 said no, that the woman could not protest against such a  
13 proposal, and you also said that they were afraid.

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

16 [10.06.53]

17 A. Allow me to clarify. Allow me to say within a specific  
18 context, for example, the woman was in a women's group, and then  
19 chief of that unit would liaise with a male unit chief, and then  
20 the arrangement would be made between the members of the two  
21 groups. So usually, they were matched by their respective unit  
22 chiefs, for example, the medic -- the medic group or those  
23 soldiers who stayed in the hospital.

24 And they -- when I said that they were afraid because if they  
25 were to refuse, then they might be removed from the medic unit to

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1 work in a cooperative or in a mobile unit. So usually, if they  
2 were with the military hospital, then they would feel more  
3 satisfied than being removed to be sent to a mobile unit working  
4 in the cooperative. And that is the reason that they were afraid  
5 to refuse to such a proposal.

6 [10.08.23]

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

9 A. The -- according to the Party's policies, if we were to  
10 disobey the Party's line, it means we opposed the Party. And  
11 usually in the self-criticism meetings, such person would be  
12 subject to being criticized. If I was arranged to marry someone  
13 and I refused, then I would be considered to oppose the Party,  
14 and people was -- people were afraid of doing that.

15 Q. Person who opposed the Party or the Party's decision, if that  
16 is the case, what happened to that person? What would the  
17 punishment be?

18 [10.09.41]

19 A. Based on my knowledge, the person would be removed from the  
20 unit and reassigned to work at the base, that is, to work in the  
21 rice fields or to dig canal or to build dam. And for that reason,  
22 nobody dared to refuse.

23 During the time, we did not have the rights to make any refusal  
24 or to protest as we can do it now.

25 Q. And after the marriage arrangement was made by Angkar or the

1 upper echelon, were the newly married couples instructed to live  
2 together?

3 A. I think probably I need to provide a little bit longer answer.  
4 For example, in a medical hospital or unit, if medics had to  
5 marry someone, then the person would be allowed to stay together  
6 to consummate the marriage for three days and, after that, the  
7 husband would be sent back to the battlefield. However, the  
8 husband could then request to visit his newlywed wife after 10  
9 days or so, and the person or the husbands will be allowed to  
10 visit their wives.

11 But they were not allowed to live together. They had to return to  
12 their respective units.

13 For example, the soldiers had to be sent to the front  
14 battlefields or persons from textile unit had to return to a  
15 textile unit.

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

19 [10.12.15]

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

25 Q. Again regarding the practice under the DK regime, regarding



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1 the marriage proposal to the commune or the district level, did  
2 you learn anything regarding the marriage regulations at the  
3 time?

4 A. I attended my unit meetings, and I learned about that. I  
5 attended meetings at various levels from platoons to company  
6 levels, and people, who were older than me, said that if we  
7 wanted to propose someone -- and allow me to say that members of  
8 platoons or companies were not entitled to become Party members  
9 yet. They were still members of Youth Leagues. And only when you  
10 were at the battalion or regimental levels, then you were  
11 entitled to become Party members.

12 And if members of platoons or company wanted to propose to a  
13 person in the commune or the district --

14 [10.14.26]

15 Q. You said that the matter was raised during the meetings. Can  
16 you tell us who actually raised the matter of marriage  
17 regulations during those meetings?

18 A. I provided you a background context regarding differentiations  
19 between those at the platoon or company levels and those at the  
20 battalion or regimental levels. For example, when I was in  
21 Kratie, Rom was the one who raised the matter during the  
22 meetings. He said that, at our level, if we were to propose a  
23 woman in this commune or this district, then we had to search the  
24 background of that woman. And these guidelines were given to us  
25 by our supervisor, although it was not in writing, and we learned

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1 of them only through our meetings.

2 Q. And regarding those meetings, who attended them, were there  
3 representatives from the district or the sector level who  
4 attended those meetings and, if so, do you recall their names?

5 [10.16.00]

6 A. Allow me to give you a context. When I was in Takeo, Phon, who  
7 was in charge of the regiment, would chair the meeting and that  
8 happened prior to 1975. And later on, when I was with Khun Rum,  
9 he was the one who chaired the meetings where I participated and  
10 he spoke about these guidelines or regulations. As I said, there  
11 was nothing in writing, and they were delivered verbally by chief  
12 of the respective units.

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

15 A. I attended those meetings rather often, and I cannot tell you  
16 how many times that I attended. Usually, stocktaking meetings  
17 were held every three months and report had to be made about this  
18 matter, about the remaining logistics or ammunition. And then a  
19 plan had to be proposed for the next three months.

20 As for the marriage regulations, the matter were mentioned and if  
21 someone actually wanted to propose to someone at their commune,  
22 such a proposal could be made, then the marriage would be  
23 organized at the military unit where we worked. That's how I can  
24 recall.

25 And as I said, there was no written rule on how the proposal

1 should proceed.

2 [10.18.26]

3 MS. SONG CHORVOIN:

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

5 MR. PRESIDENT:

6 Thank you. It is now convenient for the short break. We'll take a  
7 break now and resume at 20 to 11.00 to continue our proceedings.

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 20 to 11.00.

11 The Court is now in recess.

12 (Court recesses from 1019H to 1039H)

13 MR. PRESIDENT:

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

15 Before the Chamber gives the floor to the defence teams for the  
16 accused to put questions to the witness, first the Chamber gives  
17 the floor to Anta Guisse, who is intended to make observation on  
18 the documents to be used in the testimony of the expert witness  
19 tomorrow.

20 You may now proceed.

21 MS. GUISSÉ:

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

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

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

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

1 [10.41.04]

2 The Co-Prosecutor, pursuant to his disclosure obligation,  
3 indicated that a certain number of documents coming from other  
4 investigations, 27 documents in total, could be disclosed to the  
5 parties. And I understand that, in this context, it's up to the  
6 Chamber to make these documents available to the parties, but we  
7 haven't received these documents yet.

8 So this is recent information, but since this involves -- or  
9 certain documents involve a witness who's going to testify  
10 earlier than expected, that is to say, witness 2-TCW-976, we  
11 wanted to draw the Chamber's attention to the fact that we need  
12 to have access to these documents quickly if they were -- if  
13 there are going to be 87.4 requests. I don't know if the  
14 Prosecutors intend to file such requests, but at least if there's  
15 one prior testimony from this witness, the matter is pressing.  
16 So I wanted to draw the Chamber's attention to this fact. In the  
17 same way, I also would like to let you know that there is another  
18 request for disclosure coming from the Co-Prosecutors. This is  
19 document E319/50, dated 1 July. And, here again, there are 14  
20 documents, a priori, that are concerned stating that these  
21 documents are potentially exculpatory regarding this segment on  
22 the purges. So, it's obvious that we would like to have access to  
23 these documents as soon as possible so that if there are 87.4  
24 requests, we may be able to make these requests in the best -- in  
25 the most appropriate manner possible.

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1 [10.43.09]

2 MR. SMITH:

3 Yes, Your Honour. That disclosure motion, F2/4/2/5, that was  
4 disclosed, that decision, that was sent to the Supreme Court and  
5 the Trial Chamber, and the Supreme Court responded first,  
6 allowing the disclosure, but they're still not available, the  
7 documents.

8 But it was also filed to Your Honours, so perhaps we can organize  
9 it at lunch time that those documents be disclosed. It's just  
10 that the Supreme Court answered our motion first, but they  
11 haven't allowed for access yet. Perhaps we'll speak with your  
12 legal officers later.

13 [10.43.54]

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

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

23 Thank you.

24 MS. GUISSÉ:

25 Well, just to make things clearer regarding F2/4/2/5, the request

35

1 for disclosure, the Supreme Court made a document acceptable.  
2 This is document 17 of the annex for this disclosure request. And  
3 I believe the Supreme Court made available the document regarding  
4 the procedure. But since the Co-Prosecutor made a joint motion  
5 before the Supreme Court as well as the Trial Chamber, it's up to  
6 the Trial Chamber to rule on this and to make the documents  
7 accessible.

8 [10.45.41]

9 JUDGE LAVERGNE:

10 Yes, but just a point of clarification, Co-Prosecutor. I  
11 understand that there is an application that was filed before the  
12 Supreme Court that F2/4/5 (sic), which is relatively recent, of  
13 22 July, and this application is also -- has also been filed with  
14 the Trial Chamber, or not?

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

16 MR. SMITH:

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

20 [10.46.27]

21 JUDGE LAVERGNE:

22 Fine. And in both cases, that is to say, request F2/4/5 (sic) and  
23 application E319/50, the Co-Investigating Judges authorized the  
24 disclosure of these documents? Because the only body that ruled  
25 on this disclosure is the OCIJ, unless I'm mistaken.

1 MR. SMITH:

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

5 MS. GUISSÉ:

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

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

16 [10.47.59]

17 JUDGE LAVERGNE:

18 I'm not sure that the Chamber has to rule on this formally. I  
19 think it's a practical issue here, so I believe that the decision  
20 on disclosure is taken by the Co-Investigating Judges, then it's  
21 up to the Prosecutor to do what's necessary and then to the  
22 Chamber, possibly, to make these documents accessible. And this  
23 is what we will look at today.

24 MR. PRESIDENT:

25 I thank you very much.

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

3 You may now proceed.

4 [10.48.48]

5 QUESTIONING BY MR. KOPPE:

6 Thank you, Mr. President.

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

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

13 This morning, you confirmed a question from the International  
14 Co-Prosecutor that you became a formal member of the CPK in early  
15 1977. As a member of CPK and as a revolutionary, were you aware  
16 of something called the 12 revolutionary principles?

17 [10.50.19]

18 2-TCW-1005:

19 A. Concerning membership of CPK, the 12 principles are good in  
20 its sense. Later on, there were documents stating about roles and  
21 ethics. The principles, those relevant principles, are -- were  
22 really good in their terms. Even a chilli were not allowed to be  
23 picked up by cadres or anyone, so the content -- the messages in  
24 those principles, in those documents, were so good. However, the  
25 leadership was -- leadership and management was dependent on the



1 Party.

2 Again, principles were so good, were so amazingly good. When we  
3 joined the Party, we made a declaration, a solemn declaration  
4 that if we betray the Party, we would submit ourselves to the  
5 Party.

6 So there were cases where we were doing good jobs and the other  
7 were not doing good job. For this reason, we did not -- we no  
8 longer trusted one another. So, if we mentioned about the  
9 statutes -- statutes to become a member of the Party, the statute  
10 was so good, the principles were so good. However, after the --  
11 after becoming a member of the Party, we were afraid of one  
12 another. We did not trust one another because of the biographies.

13 [10.52.30]

14 Biography sometimes said one particular individual betrayed or  
15 was a traitor. One from the south did not dare to go to the  
16 north, and the north did not dare to come to the south, so we  
17 were afraid of one another.

18 Again, when we were introduced into the Party, we were informed  
19 of the good principles, to have a good life, good living and to  
20 have good ethics. However, it was different when -- after we had  
21 entered and joined the Party. And people were accused of  
22 mistakes.

23 And in late 1978, the "Yuon" was encroaching, was advancing into  
24 the country, and division or regiments or even the higher level  
25 cadres did not trust one another. This is what I can explain.

1 Q. Do you remember whether one of those 12 principles had  
2 something to do with setting up a family? Were there any  
3 principles ruling marriage or setting up of a family?

4 A. I can only recall some, but not all. The principles were so  
5 amazingly good, but it depended on one particular individual.  
6 For example, managing of a life, that is about the virtue. For  
7 leadership, if they want -- all of them wanted the country to  
8 develop and progress, and the married couples wanted the --  
9 wanted a child -- wanted to raise a good child and have good  
10 spouses.

11 [10.55.03]

12 <Particularly for us the leaders, we wanted to make it even  
13 better. However, there were different leaders in different areas  
14 such as there was a warlord in the Southwest zone, another  
15 warlord in the East zone, another warlord in the West zone,  
16 another warlord in the Northwest zone, another warlord in the  
17 North zone and another one in the Central zone. This is what I  
18 want to say based on my recollection. When things were the way  
19 they were, laws that were to make it better were no longer there.  
20 What I've said here is beyond my role.>

21 I used to work in the east, and I was assigned to transport dry  
22 fish and also logistics to the north and northwest. I was doing  
23 my utmost.

24 So the principles were applied differently in different  
25 locations. It was not consistent with the good principles or good

1 virtue, as well as ethics, that we were asked to adhere to. The  
2 word "Comrade" was a good term which required all of us to adhere  
3 to and to use to address one another.

4 And, as I said, in late 1978, "Yuon" was encroaching and  
5 advancing into the country, and our forces were sent to reinforce  
6 other units in order to defend and to fight back.

7 [10.56.52]

8 Q. Do you remember the content of the sixth revolutionary  
9 principle instructing cadres to not behave in any way that  
10 violate women or violate females?

11 A. I am not able to recall the -- every terms or principle in the  
12 12 principle or precepts. We were required to act good to our  
13 people and to units. I am not able to memorize exact words.  
14 However, I can recall and can still remember that we had to  
15 respect one another. Again, I cannot recall the exact terms from  
16 the principles.

17 We were afraid of one another because after one held the power,  
18 they did not -- they did not -- they ignored us. For example, one  
19 particular chief of a cooperative was promoted to be chief of a  
20 district or sector, and that had implication on his ethics and  
21 principles. We were introduced and we were taught about the good  
22 principles, to respect one another. However, when we -- when one  
23 was promoted to a higher position, that individual may have used  
24 derogatory words or remarks towards the colleagues -- the former  
25 colleagues.

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1 [10.59.18]

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

5 Do you know whether, within those revolutionary principles, there  
6 were two rules or principles in relation to setting up a family?

7 First, that both parties, man and woman, agree, and if they  
8 agree, secondly, the collective had to agree. And when the  
9 collective then agreed, the marriage could take place?

10 [11.00.09]

11 A. As I indicated earlier, yes, there was a written document  
12 about the 12 principles. I could not memorize the principles  
13 well. The situation became chaotic or upside down after 1976. The  
14 document may have existed before I became a member of the Party.  
15 When one individual assumed the power, he -- his behaviour  
16 changed.

17 The principles were required -- required all of us to have a good  
18 moral -- morality. The CPK wanted to build the country and want  
19 to be independent and to be mastery on its own. And when one  
20 became powerful, he or she forgotten everything.

21 Before the break, I made mention about the real occurrences  
22 happening at the time. In the meetings, we were instructed to  
23 build a good country, but for actual implementation by one  
24 individual, it did not completely adhere to the principles.

25 Although we went to the same schools, had the same trainings, we

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1 may have implemented the activity in different manners. The 12  
2 principles were the same, but we applied differently based on  
3 different individuals.

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

7 [11.02.32]

8 MR. PRESIDENT:

9 Witness, please hold on.

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

11 MR. SMITH:

12 Your Honour, I object to the question in the sense that the  
13 witness has said that he wasn't aware of the marriage principles,  
14 and if he's not aware of it, I don't think the question should be  
15 premised that, "Would you agree that the principle was" A or B.

16 The witness said he wasn't aware of the principles in relation to  
17 forced marriage. Maybe the question could be put in another way.

18 And also, just another -- could we have the reference number of  
19 the 12 principles document, please?

20 [11.03.16]

21 BY MR. KOPPE:

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

25 "As for the current issue of setting up a family, there is no

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1 obstacle. This is just based on two principles of the Party.

2 First, both parties agree, second, the collective agrees, and  
3 then it's done."

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

6 2-TCW-1005:

7 A. What you have stated is correct regarding the sixth principle,  
8 that is, do not behave in any way that violates females. What I  
9 can say is that people live individually. However, the  
10 implementation or the interpretation of the principles were based  
11 on individuals' understanding. Although everyone attended at the  
12 same meeting where the principles were announced, then individual  
13 understanding was different.

14 And also, people did not trust one another. And by that time,  
15 people did not rely on documents because everything was  
16 collective and there was nothing private. And that includes  
17 materials and everything else.

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

21 [11.06.08]

22 Q. Let me move on to another subject, Mr. Witness. And let me ask  
23 you about the time that you were moved first to Kratie in early  
24 1977.

25 When you went to Kratie, can you describe for the Chamber the

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1 situation in relation to Vietnam? Were there already clashes  
2 going on? Was there already an armed conflict? Were there  
3 incursions by Vietnamese troops?

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

5 [11.07.07]

6 A. When I arrived in 1977, the "Yuon" army were attacking in a  
7 number of directions, and Snuol was seized by the "Yuon" army. In  
8 the Northeast Zone, there was Division 801 in Ratanakiri and  
9 Division 920 in Mondolkiri. And in Kratie, there were sector  
10 armies of 707. And based on the upper echelon instruction, 707  
11 troop were sent to Kratie to counter the advancement of the  
12 "Yuon" army since they actually advanced to the rubber plantation  
13 in the area.

14 And other spearheads were also advanced by the "Yuon" army.

15 However, they reach Kratie first by taking over the rubber  
16 plantation. We counter-attacked and they retreated, and a number  
17 of casualties occurred.

18 We retaked (sic) the mills, then we chased them back into their  
19 territory. However, by the end of 1978, they attacked us again.

20 And as I said, by the time that I arrived in Kratie, the "Yuon"  
21 advance rather aggressively.

22 Q. Just in terms of the time period when this happened, had you  
23 already arrived in Kratie when Vietnamese armed forces invaded or  
24 attacked, or was that later? Do you remember exactly when it was?

25 [11.09.28]

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

7 Q. I'm asking you because in one of your statements, you gave  
8 evidence in relation to the time that Vietnamese armed forces  
9 invaded. E3/10622, question and answer 96, you said that the  
10 Vietnamese entered during the Khmer New Year period in 1977, so  
11 that would be mid-April 1977.

12 Is that correct?

13 [11.10.58]

14 A. I cannot recall clearly whether it happened in 1977, as I  
15 stated in the statement. However, as I stated, by March '77, the  
16 rubber plantation in Snuol was seized by the "Yuon" army. Then we  
17 counter-attacked them and the advancement was back and forth. And  
18 that continued until 1978, when they make -- made their major  
19 advancement.

20 The rubber plantation was in a large area in Snuol, and I do not  
21 know whether I mentioned particular details in my previous  
22 statement. And usually we occupied the area for two or three  
23 months, then we were forced to retreat. We counter-attacked, and  
24 then they retreated.

25 And during the period of the New Year, we had to retreat



1 ourselves. Then we counter-attacked the "Yuon" army. However, I,  
2 myself, did not involve much at the front battlefields, as I had  
3 to transport the wounded soldiers to the rear, I had to transport  
4 the logistics and food as well as I was occupied with the radio  
5 operation at the rear.

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

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

9 Witness, I believe you said earlier that you arrived in Kratie  
10 around March 1977, and that when you arrived the Vietnamese had  
11 already occupied the rubber plantation in Snuol. Is that correct?

12 [11.13.32]

13 A. Yes. I just mentioned that because by that time, "Yuon's"  
14 actually occupied the rubber plantation. However, as I said, the  
15 occupation of the rubber plantation was back and forth. Sometimes  
16 we occupied it for a fortnight or a month, then we had to  
17 retreat. We counter-attacked, then we recaptured the area.

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

20 (Short pause)

21 BY MR. KOPPE:

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

23 [11.14.40]

24 2-TCW-1005:

25 A. (Microphone not activated)

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

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

5 A. I was at a lower level, so I did not understand the motive for  
6 that. However, they did not attack only the rubber plantation  
7 area; they attacked at a number of other spearheads in the  
8 Eastern Zone. They also attacked in the areas in Kampong Cham, in  
9 Meas Muth (sic) and Ratanakiri. However, I knew about the rubber  
10 plantation because I was in Kratie province. In 1977, they  
11 attacked in a number of directions, including those places that I  
12 mentioned earlier as well as some areas in Takeo province.  
13 They also attacked in the area of Angkor Borei and in Kampot  
14 province in 1977. And from what I heard, they almost reached the  
15 area of Kaoh Andaet where my mother resided.  
16 So not only the rubber plantation was attacked by the "Yuon"  
17 forces, but a number of locations were attacked by the "Yuon"  
18 army along the border. And that's what I can say about the  
19 attacks.

20 [11.16.58]

21 Q. In your statement or your interview to DC-Cam, E3/9647,  
22 English, ERN 01212283; Khmer, 00975723; French, 00996564; you  
23 said that the "Yuon" struck hard in 1977.  
24 What did you mean when you said to DC-Cam that the Vietnamese  
25 troops, quote unquote, "struck hard"?

1 A. I think you ask me to repeat my previous statement. We, the  
2 soldiers, were sent to protect the border areas in a number of  
3 areas in the Eastern Zones and in the other zones.  
4 Seven-zero-three from Kratie was sent to the border area to  
5 counter the attacks by the "Yuon" army. I used the word  
6 (unintelligible) when I refer to the attacks advanced by the  
7 "Yuon" army. And as I said, the "Yuon" were attacking at a number  
8 of dircetions throughout the border area.

9 And in the Northeast Zones, there were only two military  
10 divisions, that is, Division 801 and Division 920 and in Kratie,  
11 there were no zone army; there were only sector soldiers; that  
12 is, 707.

13 [11.19.12]

14 And when I spoke to DC-Cam staff, I spoke to them at a table and  
15 I just casually said to them about what happened. I was not aware  
16 that they were audio recording my voice through their telephone  
17 that was placed on the table.

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

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

1 was coming?

2 [11.20.47]

3 A. Allow me to clarify the matter or maybe my response is  
4 lengthy. Of course, the upper echelon was aware of the military  
5 situation and the telegram that -- that was sent to us was that  
6 the "Yuon's" were attacking us and that we had to prepare our  
7 forces to counter the advancements in all battlefields.

8 And the instructions were given to us by the upper echelon and  
9 the telegrams were sent from the general staff office to all  
10 divisions along the border and that we had to prepare ourselves  
11 to counter the attack by the "Yuon". And in fact, they did not  
12 attacks at the point where we anticipate their advancement; they  
13 actually attack from another area from behind.

14 And some of the soldiers colluded with the "Yuon" army and that's  
15 why we were attacked from behind in some locations and that's why  
16 we were defeated in a number of locations before -- because we  
17 did not trust one another.

18 [11.22.14]

19 Q. In your DC-Cam interview, again, E3/9647; English, ERN  
20 01212318; Khmer, ERN 00975746; and French, 00996586; you're  
21 saying two times, "We were not attacking the 'Yuon' -- We were  
22 not attacking the 'Yuon'; the 'Yuon' had already invaded."  
23 Does that mean that it was the Vietnamese troops who started this  
24 -- these clashes, started this -- this armed conflict in  
25 March-April 1977?

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1 A. Yes, that statement of mine is correct. There were several  
2 clashes along the border at the time. We did not have a large  
3 number of soldiers and to my knowledge, the total number of  
4 soldiers were probably less than 100,000 and each division  
5 actually received a telegram where we could understand about the  
6 total number of our forces. We did not invade them; that is,  
7 encroach into their territory crossing at the border.  
8 However, the conflict started in 1976, since I was in Kiri Vong;  
9 however, it became intensified at a later stage.

10 Q. But just to make sure--

11 MR. PRESIDENT:

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

14 [11.24.32]

15 MR. SMITH:

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

25 [11.25.29]

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1 BY MR. KOPPE:

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

8 MR. SMITH:

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

13 BY MR. KOPPE:

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

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

22 [11.27.23]

23 2-TCW-1005:

24 A. As I have stated earlier, by the time I arrived, the "Yuon"  
25 had occupied the area; however, the fighting in the area was back

1 and forth. Sometimes, we advance and at other times, we  
2 retreated.

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

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

10 MR. KOPPE:

11 Q. I'm very happy to.

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

13 [11.28.50]

14 MR. PRESIDENT:

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

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

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

23 The Court stands in recess.

24 (Court recesses from 1129H to 1331H)

25 MR. PRESIDENT:

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

2 Before the floor is handed over to the defence team for Mr. Nuon  
3 Chea, I, as the President of the Trial Chamber, would like to --  
4 to put a -- some questions in relation to your testimony provided  
5 by you from the beginning until this morning.

6 QUESTIONING BY THE PRESIDENT:

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

11 2-TCW-1005:

12 A. My office was -- there -- there were two offices; one was  
13 Snuol and another one was at Kratie, 2 or 300 metre away from  
14 Kratie where I stored the logistics. And at Snuol or Chhlong  
15 (phonetic), there was a warehouse to store logistic and materials  
16 for military -- for soldiers and their families, so there were  
17 two offices.

18 [13.33.30]

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

22 A. It was within Kratie province, Sector 505. After I was moved  
23 to Kratie, that Kratie sector was a -- an autonomous one; it was  
24 no longer under the Northeast Zone. It was, later on, under the  
25 direct supervision of the Centre and I would come to collect the



1 material logistic directly from Phnom Penh.

2 Q. It was under the army -- the Centre's army as you said. Was  
3 there any time when your Division 117 had to -- had to report to  
4 Sector 505?

5 A. When I was there, it was a separate matter for Sector 505. We  
6 -- my division would report directly to the general staff. I had  
7 -- my unit had nothing to do with the Sector 505 Committee;  
8 however, the economics and logistics was supported by the sector  
9 and as I said, I would come and collect logistics and telegrams  
10 would be sent directly to the army or my division.

11 [13.35.46]

12 Q. Thank you. Yesterday, you testified a letter seen by you; that  
13 is, the letter of 870 to call cadres to Phnom Penh. Was that the  
14 first time you saw the letter to invite all cadres of Division  
15 117 to Phnom Penh or were there any other times that you  
16 witnessed or saw the letters indicating that cadres had to be --  
17 had to go to Phnom Penh?

18 A. Yesterday, I testified a -- about a letter of M870. I use --  
19 before that time, messages were sent through telegram and that  
20 letter was seen by me during the time that the "Yuon" was  
21 advancing hard into the -- deeply into the country and the letter  
22 was seen by me.

23 And using the telegraphs, sometimes, was so complicated because  
24 it -- they had to be encoded and decoded. I do not know whether  
25 the letter had been sent and kept there for a while before I saw

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1 it, but there was a meeting, I believe, and after there were  
2 instruction, I would have the information.

3 [13.38.02]

4 Q. Thank you. Based on your experiences as the deputy chief of  
5 Division 117 and to your knowledge, why Division 1 -- why M870  
6 issued directly the orders to your Division 117; why weren't --  
7 why weren't the orders issued through these special Sector 505?

8 A. I indicated that already. The -- the division was not under  
9 sector by the time and the letter, as I saw, was -- included  
10 information and the -- it said that the situation was so confused  
11 at the time.

12 Ti (phonetic), in fact, was the one who encoded the letter and  
13 after he delivered the letter, he went -- he drove his vehicle to  
14 Thma Koul or -- or to the north part of the country. The letter  
15 was put on the table and I was asked to read it. After reading, I  
16 said, "Brother, it -- the meeting was to take place." The --  
17 after reading, I told him that a unit would come to collect cadre  
18 at 9 o'clock. This is what I know and read from the letter.

19 MR. PRESIDENT:

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

21 You may now proceed, Judge Lavergne.

22 [13.40.20]

23 QUESTIONING BY JUDGE LAVERGNE:

24 Q. Yes, thank you.

25 Just a few other questions, Mr. Witness. You said that when you

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

5 2-TCW-1005:

6 A. Allow me to inform the Chamber that I had to respect the  
7 reporting system. I -- on the reporting system or concerning the  
8 reporting system, on a daily basis, the reports had to sent to  
9 M870, but the sector would assist in the copying the letter or  
10 message. For example, the letter may -- may have contained the  
11 "Yuon" was fighting hard or advancing deeply.

12 [13.41.56]

13 Q. Sometimes, we're talking about a letter and sometimes, a  
14 telegram. For you, is there a difference between the letter and  
15 the telegram or were all communications done by telegram or were  
16 there letters that were received in a different manner; for  
17 example, were there letters that were brought by plane from Phnom  
18 Penh to 870 -- from 8 -- M870 rather?

19 A. Through the regime, the letters -- the hard -- in hard copies  
20 were not sent directly to me. In fact, the communication was made  
21 through telegram; for example, the instruction would -- was to  
22 ask intervention from us and as I said, there were no letters in  
23 hard copies.

24 And usually, we communicated one another through telegram and on  
25 that particular situation, we saw a letter and we first -- we was

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1 first surprised and did not believe that it came from M870. So  
2 before, all the time, communication, as I said, was made through  
3 telegram and I saw an annotation on one occasion. The annotation,  
4 the writing belongs to an uncle. It states about advancement of  
5 the "Yuon" and there was code number on the top of the letter  
6 when I saw it.

7 [13.44.14]

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

11 A. You wanted to dig deep into the issue of letter. All leaders  
12 were addressed to -- were referred to by uncles. We were familiar  
13 which uncle who was to be referred to; for example, there was an  
14 annotation of one uncle stating that there was an advancement of  
15 the "Yuon" and this is what I can tell you.

16 Concerning M870, if the messages were from that office, we would  
17 know that the messages were -- came from the leadership and  
18 usually, as I said, we referred to senior cadres by uncles.

19 [13.45.51]

20 Q. Are you making a difference between the general staff  
21 headquarters, as such, and the office of M870 and could you  
22 clarify what the relationship was between M870 and Son Sen or  
23 other leaders of Democratic Kampuchea?

24 A. To my knowledge and understanding, the -- first the orders  
25 would come from M870 before they reached the general staff and

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1 for my division, we had to report regularly to M8 -- to the --  
2 our immediate supervisor and then the reports or messages would  
3 be forwarded further and we never went beyond our responsibility.

4 Q. Did you know if, for example, there were contacts between Meas  
5 Muth and Son Sen?

6 A. Normally, the commander in chief and the deputy commander in  
7 chief of general staff could communicate with one another; one in  
8 the naval and one in the infantry, so they would communicate with  
9 one another. For example, if the forces at the battlefield at  
10 Kratie had to report, the report would be submitted to the  
11 immediate supervisor and the reports had to be made since they  
12 had to be informed of how many weapons or ammunition needed. This  
13 is the real implementation at the time.

14 Q. And this supervisor -- and this immediate supervisor was who?  
15 Who was it; was it Meas Muth?

16 [13.48.58]

17 A. I was within Division 117 and that uncle was at the general  
18 staff level. Son Sen was the general staff, the commander in  
19 chief, and Meas Muth, the deputy commander in chief and Sou Met  
20 was another individual.

21 I could send messages or reports to Son Sen, Meas Muth, or Sou  
22 Met. I could send the reports or messages asking for ammunition  
23 or any logistic to one among the three. If you asked me the same  
24 question around this matter, I would have the same answers for  
25 you. Thank you.

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

4 [13.50.21]

5 A. On this particular matter, yes, before the arrest of the 11  
6 individual and before the advancement of "Yuon", the uncle went  
7 there before December and he went in late November. After the  
8 arrest of that uncle, the other 11 individuals were also  
9 arrested.

10 Vorn Vet was the former commerce minister. He went to supervise  
11 -- examine the situation at Kratie for three days. It happened  
12 around November and December; however, I cannot recall the exact  
13 date. And he went to Phnom Penh and there was a new -- there was  
14 news that he had been arrested and a few days later, other  
15 leaders were also arrested.

16 First, as I remembered, Vorn Vet made a visit once before there  
17 was an real incident happening to him.

18 Dorl, Brother Dorl -- the -- he was in the leadership level --  
19 would know in detail about the issue. He made a visit for three  
20 days and he stay at Preaek Kdei and by the time "Yuon" had  
21 already entered the east of Preaek Kdei and there was no fighting  
22 on that particular day. After that uncle had returned to Phnom  
23 Penh, there was news that he had been arrested and later on,  
24 there was subsequent arrests.

25 Q. Did you see Nuon Chea or Khieu Samphan come to visit Sector

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1 505 while you were there?

2 [13.52.43]

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

4 I did not see them. They never made visits -- made any visits at  
5 that location. If he had been there and -- if he had been there,  
6 I may have not seen him personally.

7 JUDGE LAVERGNE:

8 Thank you for these explanations. Thank you, Mr. Witness.

9 Mr. President, I have no other questions to -- to ask at this  
10 time.

11 MR. PRESIDENT:

12 Before giving the floor back to the defence team for Mr. Nuon  
13 Chea to resume the questioning, the Chamber wishes to hear  
14 observations and comments in relation to the request of the  
15 defence team for Mr. Nuon Chea by an email. It requests that the  
16 defence team should question expert Henri Locard on Monday next  
17 week and now, the floor is first given to the -- the  
18 Co-Prosecutor to make observation, if any.

19 Have you seen the -- the email, Mr. Smith, the email from the  
20 defence team for Nuon Chea requesting that the defence team for  
21 Mr. Nuon Chea question the expert witness, Henri Locard, on the  
22 first; that is Monday?

23 [13.55.00]

24 MR. SMITH:

25 Good afternoon, Mr. President. Yes, we have seen the email. By

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

14 [13.56.04]

15 MR. PRESIDENT:

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

17 MR. PICH ANG:

18 Thank you. Lead -- the Lead Co-Lawyers for civil parties have no  
19 objection to the request.

20 MR. PRESIDENT:

21 What about the defence team for Mr. Khieu Samphan, do you have  
22 any observation to be -- to make in relation to the request by  
23 Nuon Chea defence team?

24 [13.56.30]

25 MS. GUISSÉ:



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1 Yes, Mr. President, I think that we're to the end of the suspense  
2 as we met, ourselves, with the team of Nuon Chea to say that  
3 these new 250 pages that have been put into the file that we are  
4 awaiting the pages -- specific pages the Co-Prosecutors intend to  
5 refer to. So it's at this level of the team, but for all of the  
6 people who do not speak French will have problems as for the  
7 translation because your decision related to these documents  
8 E86/1. You noted in section 13 that they needed to move towards  
9 the request for translation that I think between today and  
10 tomorrow that we'll have problems to have these translations. We  
11 won't be able to have them and so if anyone's going to be used --  
12 be able to use these sections, I think that the interpreters at  
13 least will need to know which passages in advance if we don't  
14 have the translation. So, for all of these reasons that I think  
15 that indeed to putting this off until Monday for the Defence to  
16 begin their interrogation would be a positive move.

17 MR. PRESIDENT:

18 And the Deputy Co-Prosecutor Bill Smith, do you have any comments  
19 to make to what has just been said by the Defence Counsel for  
20 Khieu Samphan regarding the chapters and the number of pages  
21 because, in fact, the matter was raised since yesterday?

22 [13.58.25]

23 MR. SMITH:

24 Your Honour, those passages of what will be used are still being  
25 reviewed, and as early as possible we would try and get those

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1 passages to the Defence.

2 But I think the Prosecution and the Defence are in the same  
3 position in that the book is a recent book or a recent revised  
4 edition of the book and we are reviewing that just like the  
5 Defence. Obviously, it takes some time.  
6 So, it's still in the process of review and I can update the  
7 Defence and the Chamber at the second break -- the first break,  
8 after the first break.

9 [13.59.18]

10 MR. KOPPE:

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

12 We are not exactly in the same position because it was the  
13 Prosecution that originally asked to have those 250 pages  
14 admitted, presumably after having reviewed the content of those  
15 250 pages including the 117 other pages of the book.

16 The only thing that we are now being confronted with is a book  
17 written by the expert containing 367 pages in French only.

18 Although we do have French consultants in our team and I can read  
19 a bit of French, my national colleague obviously cannot. So we  
20 are not in the same position. So I think that is not fair to say  
21 from the Prosecution's side.

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

25 [14.00.42]

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1 JUDGE FENZ:

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

5 MR. KOPPE:

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

7 (Judges deliberate)

8 [14.04.16]

9 MR. SMITH:

10 Mr. President, I just received some new information. In relation  
11 to the review that was being conducted on the book, because there  
12 are many, many passages in the book that are relevant to the  
13 case, it simply won't be useful to list any individual passage.  
14 So, in large part, many passages throughout the book will be  
15 used.

16 JUDGE FENZ:

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

20 [14.04.55]

21 MR. SMITH:

22 That's right, Your Honour. And I think there definitely is -- of  
23 course, it's depending on -- depending on the experts' answers,  
24 etc., some information may be used and some may not be. But  
25 that's what I have been advised, that there is many parts of the

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1 book that will be sought to be used, yes, and we will try and be  
2 as economic as possible.

3 (Judges deliberate)

4 [14.05.42]

5 MR. PRESIDENT:

6 Counsel Anta Guisse, you have the floor.

7 MS. GUISSÉ:

8 Court's indulgence, I am obliged to react because I cannot hear  
9 the Co-Prosecutor say that a work, which is 250 pages long, will  
10 be used in that examination of a witness all during a day and  
11 they have to share their time equitably with the civil parties.

12 We should bear in mind that we have an original version dating  
13 back to 2013 and the Co-Prosecutors have not tendered that into  
14 evidence. They only did it a few days ago.

15 And it is the Khieu Samphan team that had made the request. And  
16 to tell us today, that Co-Prosecutors, who did not comply with  
17 the directives of the Chamber, that they cannot give the exact  
18 time they need to use and bearing in mind that they have to take  
19 into account the answers of the author, and to say that we are  
20 going to tender into evidence 250 pages it would be contrary to  
21 the directives of the Chamber. They have to provide the ERNs and  
22 all the specific elements that we need to cross-examine the  
23 witness. That is what I wanted to react on.

24 [14.07.02]

25 JUDGE FENZ:

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1 Can I will ask the prosecutor a question.

2 Let's say the Chamber decides that most of today, even probably  
3 not all but most of today will be trial-free. Will that enable  
4 the Prosecution to and -- try again to identify the relevant  
5 portions or to narrow down the relevant portions?

6 MR. SMITH:

7 Your Honour, from the information I have received from the  
8 prosecutor that will be questioning the witness, it may not be  
9 specific parts but it may relate to -- questions may relate to  
10 chapters as a concept rather than a specific quote or a specific  
11 line. That's the information I have been told by the prosecutor  
12 now.

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

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

21 [14.08.53]

22 JUDGE FENZ:

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

1 MR. SMITH:

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

5 [14.09.19]

6 MR. KOPPE:

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

9 MR. SMITH:

10 We are talking to the -- we are talking about the new edition of  
11 the book.

12 JUDGE FENZ:

13 The part that has been admitted, obviously?

14 MR. SMITH:

15 Yes. Yes.

16 [14.09.44]

17 MR. KOPPE:

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

21 MR. SMITH:

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

24 (Judges deliberate)

25 [14.10.15]

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1 MR. SMITH

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

7 JUDGE FENZ:

8 So, by the end of today?

9 MR. SMITH:

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

11 (Judges deliberate)

12 [14.11.36]

13 MR. PRESIDENT:

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

15 JUDGE FENZ:

16 Sorry. First of all, the Chamber grants both the request of the  
17 prosecutor and the Khieu Samphan team when it comes to  
18 scheduling. To clarify that, the Chamber will proceed tomorrow  
19 with questions from the Chamber. It will expect the prosecutor  
20 and the Co-Lead Lawyers to start questioning on Friday and after  
21 this is finished -- and this implicitly grants the request by the  
22 Nuon Chea team because it won't be before Monday -- the defence  
23 teams will follow.

24 The Chamber also takes up the prosecutor on its offer to narrow  
25 down and identify those parts of obviously the admitted part of

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1 the book it plans or it aims to use during questioning until the  
2 end of today. We expect an information per -- email perhaps best?

3 Yes.

4 MR. PRESIDENT:

5 Thank you.

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

8 [14.13.04]

9 QUESTIONING BY MR. KOPPE RESUMES:

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

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

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

19 [14.14.30]

20 2-TCW-1005:

21 A. Allow me to respond to your question.

22 Our forces were less than the total number of forces of the  
23 Vietnamese side. So for the border area from Mondolkiri to  
24 Chantrea (phonetic) in Kampong Cham, extended a number of  
25 kilometres. We also had to use sector soldiers along those



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1 borders. However, there were gaps and the Vietnamese forces would  
2 attack through those gaps. Sometimes the attacks were in large  
3 scale and we were defeated due to the less number of soldiers on  
4 our side.

5 And in fact, by 1978, we did not trust one another because at  
6 some sections of the borders we defeated the Vietnamese side but  
7 at other locations we were defeated. Some soldiers were not happy  
8 with that.

9 Also, when the -- when the secrecy was leaked it was a big danger  
10 for the soldiers on the ground. And sometimes the soldiers'  
11 morality (sic) was defeated by the loss in other parts of the  
12 battlefields. And sometimes they could not seek support from  
13 other sections because they themselves were under attack. And  
14 also it's due to the long distance from one location to another.  
15 In some instances it was 50 to 60 kilometres away.

16 [14.16.38]

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

20 A. Is that your own proposal and it's not mine? If that is the  
21 case then I may try to respond to your question.

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

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1 forces?

2 [14.17.45]

3 MR. SMITH:

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

6 And I'd also ask Defence Counsel, we have got no problem with the  
7 question in terms of the content and if he has got some  
8 information or a document that supports that proposition, that he  
9 provides that information and then puts it to the witness because  
10 that's certainly not what the witness said.

11 BY MR. KOPPE:

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

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

18 [14.19.01]

19 2-TCW-1005:

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

22 In November that year, 200 or 300 soldiers died at Preah Theat  
23 during such attack. I was on the radio and someone who ran to us  
24 and told us that the Vietnamese troops were advancing. And this  
25 is what I can say only about my location.

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1 But platoon soldiers lost their lives in that regiment. Then the  
2 suspicion rose and that led to the mistrust among the various  
3 units. Maybe the commanders betrayed, but the result was the  
4 fatality of soldiers on the ground. And then those who betrayed  
5 fled to the Vietnamese side and only the soldiers died in such a  
6 battlefield.

7 [14.20.38]

8 Q. And which soldiers betrayed and fled to Vietnam? Who were  
9 they?

10 A. What else can I say? When I left Anlong Veang those people  
11 were from Kampong Chhnang and I did not know many of them. And I  
12 knew that they fled to Vietnam and I did not know whether they  
13 successfully fled to Vietnam or whether they returned at one  
14 point.

15 Moeun, who was in a battalion, actually called for artillery  
16 shelling into our unit and later on he fled. And I did not know  
17 about his fate later on. We were defeated and we fled to the  
18 other side of the river and he was not with us. I did not know  
19 whether he fled or he was killed by the Vietnamese troops.

20 So frankly speaking, I could only say about what happened to  
21 where I was stationed and about the loss of the soldiers on the  
22 ground.

23 And those people disappeared since the times and after the fall  
24 of the regime they -- I did not see them as well.

25 And during the shelling by the artillery from the Vietnamese side

1 platoon soldiers who were killed, at that time we were in Preaek  
2 Kdei, although I do not recall the specific date of that event.  
3 Many soldiers were wounded and taken to be treated at the area  
4 hospital.

5 [14.22.38]

6 Q. Are you aware of any Division 117 members who fled to Vietnam  
7 in May or June '77 or April '77? Are you aware of any specific  
8 names of soldiers or of commanders?

9 A. I cannot answer that question because at the time when the  
10 Vietnamese attacked, many, many soldiers were killed and I did  
11 not know who actually fled to Vietnam.

12 During the three months that I was there about seven or eight  
13 soldiers were killed.

14 We mobilized -- mobilized rather frequently during the period of  
15 time in order to avoid minefields and to move wounded soldiers to  
16 the rear.

17 I only knew about those soldiers that I knew before and some of  
18 them also were killed. But I cannot grasp the situation or the  
19 number of those who fled to Vietnam.

20 [14.24.20]

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

24 A. It is rather difficult for me to respond to your question. I  
25 knew about the event but it seems that you try to dig even more

1 deeper than what I knew.

2 The matter -- the main issue was the mistrust and not only one or  
3 two soldiers who fled to Vietnam. In fact, half the number of  
4 soldiers from the division fled.

5 And I spoke about the occupation of certain areas in Kratie by  
6 the Vietnamese troops. We were under heavy attack by the  
7 Vietnamese side with four bombers flying over as well. Some bombs  
8 actually hit the Chnuol (phonetic) district office as well as  
9 ammunition warehouse.

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

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

16 [14.26.52]

17 MR. SMITH:

18 Your Honour, I object to the question. I mean the witness hasn't  
19 referred to attacks in April or March, March or April or May 1977  
20 and he hasn't referred to people fleeing to Vietnam after those  
21 attacks.

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

24 And I think we have all heard his answers. He said he has very  
25 little information at all about people fleeing to Vietnam at

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1 whatever time.

2 So, I think the question is unfair. I think if Counsel has some  
3 specific information, a document or a reference about people  
4 fleeing to Vietnam in May or April or March in 1977, he should  
5 put that document on the record, but that witness hasn't put that  
6 information before the Chamber. So, I object to it. It's an  
7 unfair question.

8 [14.28.00]

9 BY MR. KOPPE:

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

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

17 MR. SMITH:

18 Yes, Your Honour.

19 MR. PRESIDENT:

20 And what is going on here? I think it seems that you take turns  
21 to speak.

22 And Counsel Koppe, please rephrase your question.

23 BY MR. KOPPE:

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

25 MR. PRESIDENT:

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

2 JUDGE FENZ:

3 Just ask your open question for the time.

4 [14.29.22]

5 BY MR. KOPPE:

6 Sorry. My -- my equipment malfunctioned.

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

10 2-TCW-1005:

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

19 [14.30.45]

20 MR. PRESIDENT:

21 Mr. Witness, you are reminded to only say from your personal  
22 experience or recollection and you don't need to presume what  
23 happened at other locations.

24 BY MR. KOPPE:

25 Q. Now, Mr. Witness, we talked about Vietnamese attacks or

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1 Vietnamese incursions in April or May '77; more particularly  
2 about the attack on the rubber plantation in Snuol. This morning,  
3 you volunteered also other information of -- about -- on attacks  
4 by Vietnamese forces in Svay Rieng, I believe, and other parts.  
5 Have you ever heard whether the attack on Snuol and the rubber  
6 plantation was part of a coordinated plan of attacks, whether the  
7 attack on Snuol and the rubber plantation was a part of several  
8 attacks at the same time? Have you ever heard this?

9 [14.32.13]

10 2-TCW-1005:

11 A. This morning I gave my testimony already and now you question  
12 me again concerning the fighting. I made mention already this  
13 morning and again the same issue is repeated.

14 The fighting were in all directions, in different parts of the  
15 country, and that -- I am referring to the events in 1977.

16 If you repeated the question my answer would be the same and we  
17 will have no end. Fighting, incursions; yes, of course, from all  
18 directions. Telegrams were -- the content of telegrams was  
19 relayed -- disseminated to us that fighting were from a different  
20 direction at Takeo, Kratie, Kampot and other locations. Takeo,  
21 the opposition forces entered up to Kiri Vong.

22 And this is my frank answer. How will you say about that?

23 [14.33.38]

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



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

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

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

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

16 [14.35.21]

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

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

24 During the time there were a burden of weapons. The Vietnamese  
25 forces had a large number of weapons. And if you put such a

1 question you want to get a different answer, I believe.

2 MR. PRESIDENT:

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

6 [14.36.56]

7 BY MR. KOPPE:

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

9 2-TCW-1005:

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

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

14 A. What I know is that his native village was from Srae Knong  
15 (phonetic) and he was assigned to be posted or based at that  
16 location. Our native villages were close by, were close to one  
17 another. That is all I know about him.

18 And later on we had relations and from time to time through  
19 telegrams as well in relation to the transportation of logistics.  
20 Only small boats could sail past his area. So logistics; rice,  
21 uniforms were kept at my location and I could provide -- I could  
22 help provide the logistics; namely, uniforms, rice or weapons to  
23 his location.

24 However, I do not have -- I did not have any close relations with  
25 him.

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1 [14.39.04]

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

4 A. I lived with -- I worked with him. Rom was not equal to  
5 Brother 05, Rouen, in terms of hierarchical order.

6 Rom was just promoted in 1977. Before that he was at Koh Kong. He  
7 was later on promoted.

8 I am reporting and telling all about the truth, not something  
9 that I do not know.

10 Uncle 05 was in charge of three provinces because he was in the  
11 district, in the committee of the zone. And I was removed from  
12 him in 1978, when there was incursion or advancement of the  
13 "Yuon".

14 [14.40.39]

15 MR. PRESIDENT:

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

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

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

21 The Court is now in recess.

22 (Court recesses from 1441H to 1500H)

23 MR. PRESIDENT:

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

25 And again the floor is given to Counsel Koppe to put further

1 questions to the witness.

2 [15.01.09]

3 BY MR. KOPPE:

4 Thank you, Mr. President.

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

10 2-TCW-1005:

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

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

21 That is all I know.

22 [15.03.03]

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

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

6 The warehouse at Khmor Krei (phonetic) stocked those military  
7 equipment including vehicles. They learned of the plan. However,  
8 it was a different matter whether they could counter the  
9 advancement of the Vietnamese forces.

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

14 [15.05.09]

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

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

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

1 specific date that it happened.

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

6 [15.07.27]

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

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

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

22 [15.09.10]

23 MR. SMITH:

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

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

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

13 [15.10.28]

14 MR. KOPPE:

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

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

25 (Judges deliberate)

1 [15.12.05]

2 MR. PRESIDENT:

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

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

7 JUDGE FENZ:

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

11 [15.12.28]

12 BY MR. KOPPE:

13 Let me rephrase it neutrally.

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

18 2-TCW-1005:

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



1 within a fortnight.

2 [15.14.16]

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

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

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

20 [15.16.26]

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

1 However, the "Yuon" occupied a saw mill and then we recaptured  
2 the saw mill and the rubber plantation.

3 However, by late '78 "Yuon" troops attacked us again and that  
4 happened on the 10th of November '78 when they fiercely attacked  
5 us with the support from four bombers flying overhead.

6 But in around April that year the fighting was back-and-forth and  
7 sometime it reach the other side of National Road Number 7, and  
8 that happened during late '77 or early '78. And at that time,  
9 Snuol was "VC" occupied Snuol, and only by late '78 they actually  
10 tried to recapture Snuol.

11 And that is my statement I made to the DC-Cam. Maybe your English  
12 version is slightly different from what I said at the time.

13 [15.18.24]

14 As for the radio communication, I heard wedding music was played  
15 on the radio on the 2nd of December, but I did not know much  
16 about Vorn Vet.

17 Q. You mentioned another Vietnamese military attack. I believe  
18 you said the 10th of November '78. It seems that Vorn Vet was  
19 arrested on 2nd of November '78. So when you're saying that it  
20 was announced on the radio that Vorn Vet should command the army,  
21 was that then sometime before 2 November '78, or was it much  
22 earlier and rather in April '77?

23 A. The excerpt that you read out is not correct. I refer to 10  
24 November '78, when the "Yuon" troops recaptured Snuol, however,  
25 regarding the announcement of the "Yuon" attack, Vorn Vet visited

1 the area in Snuol and then he returns to Phnom Penh and was  
2 arrested. Later on, those 11 people were also arrested. But when  
3 my statement was translated into English you read out and it was  
4 re-interpreted into Khmer. It's different from my original Khmer  
5 statement.

6 And you -- there were two different occasions, one was October  
7 '78, one was November '78. Vorn Vet returned to Phnom Penh and  
8 later on he was arrested. When he went to visit the area, those  
9 11 people received him.

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

13 [15.21.20]

14 Q. I will certainly do so, Mr. Witness, but just to make sure  
15 that I understand, when was it that you heard on the radio that  
16 everyone decided unanimously that Vorn Vet should command the  
17 army? When did you hear that on the radio?

18 A. Which radio broadcast you are referring to? And which specific  
19 period you refer to?

20 When I spoke about Vorn Vet, I spoke about his handsomeness and  
21 his good complexion and he suited for a military commander,  
22 that's what I can say about him physically, and he only made a  
23 two-day visit to the area.

24 I did not know about radio broadcasts that he should be promoted  
25 to be a military commander. I did not know -- I did not think

1 that I mentioned that during my interview at my house with DC-Cam  
2 staff.

3 [15.22.55]

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

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

9 On that day when he disembarked from the boat, I had to transport  
10 logistics to the front battlefield and only this individual at  
11 the office, that is Dorl, who made the arrangement for his visit.

12 And you should have asked Dorl about that arrangement since he  
13 was the office committee member and he was in charge of receiving  
14 guests from the upper echelon. Although one of his legs were  
15 wounded, he could ride a motorbike and made such arrangement.

16 Q. Earlier today, the prosecutor asked you about six of the 11  
17 people that had been summoned to go to Phnom Penh. You talked  
18 about Leang, Svay Naunh, Moeun, Rom, Chhum Chin alias Phoan,  
19 Yeng. Do you know whether any of those six people that went to  
20 Phnom Penh had a connection with Vorn Vet?

21 [15.25.16]

22 A. Regarding the 11 people on the list, they actually attended a  
23 meeting with Vorn Vet. That is my understand and I do not know  
24 what else I can say since I, myself, did not attend that meeting,  
25 and I could say that they were connected.

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1 When Vorn Vet visited the area, they was no attack by the "Yuon"  
2 troops, and "Yuon" were at Preaek Thei and in that area the tanks  
3 could not make any movement since the slope was pretty steep.  
4 And some people who did not attend the meeting with Vorn Vet were  
5 not arrested. So, I could say that they were connected with Vorn  
6 Vet, although this is my personal understanding since I, myself,  
7 did not attend the meeting. I had to leave and when I returned  
8 the meeting concluded.

9 [15.26.35]

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

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

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

16 A. Yes, that is correct because he was a member of the Office  
17 committee and he was the one who organized the meeting venue for  
18 these people. I understood that he was the one who actually  
19 organized the meeting but he, himself, did not attend the  
20 meeting. So, I'd like to make clear on that point. However, he  
21 went to Phnom Penh with these 11 people but, later on, he  
22 returned to Kratie.

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

25 A. He told me and told my aunt who was the wife of Chin or Phohan

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1 that we had to take care of Phoan's wife before he left, and  
2 after the fall then we fled along to Dang Rek mountain range  
3 together with Dorl.

4 [15.28.55]

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

7 A. Your question is not clear. How could I say he was arrested  
8 when I said earlier that he returned.

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

14 JUDGE FENZ:

15 Can we just have the reference for the record?

16 MR. KOPPE:

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

20 [15.30.29]

21 MR. SMITH:

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

24 BY MR. KOPPE:

25 Yes, yes, I apologize.

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

4 2-TCW-1005:

5 A. He did not tell me the details of the event. He went to Phnom  
6 Penh, then he returned and he said about the arrests of the 11  
7 people, but he did not mention about his own detention.

8 And by that time everything was a bit chaotic since we had to  
9 prepare ourselves to counter the quick advancement by the  
10 Vietnamese troops.

11 And at that time, everybody was trying to survive. We fled  
12 together and my men had to carry him. We stopped over in Suong  
13 (phonetic) and, later on, we moved. And, lastly, we arrived at  
14 Dang Rek mountain range.

15 [15.32.14]

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

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

24 A. All I want to say is that among the 11 individuals, to my  
25 analysis, some of them were sent to Kampong Chhnang airfield. Six

1 of them entered S-21 and some, as I said, went to Kampong Chhnang  
2 airfield.

3 [15.33.58]

4 People from 502 did not get along with my unit. We had a brawl  
5 when we requested the air fighter. So my unit had -- did not work  
6 along -- did not have a good relation with Sector 502. My unit  
7 requested air fighter to assist us, but it was rejected.

8 Q. So 11 people were summonsed, Dorl returned. Did four people of  
9 those 11 go to Kampong Chhnang airfield? And, if yes, do you know  
10 what their names were?

11 A. I would like to tell you that I do not know him. I did not  
12 know him at the time, he was in the regiment level. Rom, Yeng,  
13 Chen, Moeun entered S-21. Phoan among the four individuals. In  
14 fact, I did not read their biographies. They came to replace the  
15 previous cadres and I did not read in detail their biographies. I  
16 do not know them well, in fact.

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

19 A. How could I respond to your question? People had been sent out  
20 during the time of Vietnamese or "Yuon's" advancement. Phnom Penh  
21 -- people at Phnom Penh were in trouble and the same happened at  
22 Kampong Chhnang, so what could we do at the time. They  
23 disappeared ever since.

24 Kampong Chhnang airfield was a tempering centre and those who had  
25 to be tempered were sent to Kampong Chhnang to break the rock.



1 The cadres who had been removed from their duties were sent to  
2 Kampong Chhnang airfield to break rock.

3 [15.37.09]

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

8 A. You are asking me about the period of 1977 and, in fact, he  
9 went in 1978, so how could I find the answer for you?

10 This morning, I saw a document. Six individuals were sent to S-21  
11 but they entered on different dates. Dorl -- at the time, I was  
12 asked to take care of Chen's wife and children and, later on, we  
13 fled to Dang Rek, the 1,001 and 1,003, and we met each other. I  
14 cannot recall all the events that happened.

15 [15.38.43]

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

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

21 A. I do not know. I do not know whether he was sent to S-21 or  
22 Kampong Chhnang airfield. All I know is that he disappeared. He  
23 had not gone in September. In fact, he disappeared in November or  
24 December.

25 Q. Let me try it differently. Is it correct that you didn't

1 witness the arrest of those six; you didn't observe any  
2 interrogation of those six? Once you saw them off at the plane  
3 was the last time you saw them, but you don't actually know at  
4 the time what happened to them. Is that correct?

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

7 [15.40.43]

8 Q. This morning, you also said that when you saw that request in  
9 relation to those 11 people, that you were happy because you  
10 might have some free time. Is that correct? Were you initially  
11 relieved or happy that you saw that request in relation to those  
12 11 people?

13 A. I was so delighted after my leaders had gone away since I had  
14 time to go to visit Mondolkiri. At Mondolkiri, there were wild  
15 animals, for example, deer, and I can enjoy the life -- I could  
16 enjoy life after my leaders had gone.

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

22 [15.42.38]

23 A. Frankly speaking, no regular meetings because the situations  
24 were not tensed -- were not tense. He did not receive any letters  
25 or laissez-passer to visit his home town, since the situations

1 were not tense and they rarely went to visit home. In fact, I was  
2 aware only one a letter and before that I had never known of any  
3 other letters in case -- in terms of Moeun or Rom. This is all I  
4 know.

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

9 A. I was asked such a question. When I moved to Kratie or I went  
10 to my birth -- my native district, I had to pass -- go past Phnom  
11 Penh. And when I went to the warehouse, the state warehouse, I  
12 had to pass -- go past Phnom Penh as well to the warehouse as at  
13 Kratie. The indigenous groups who were at Mondolkiri used to come  
14 to Phnom Penh as well.

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

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

20 [15.45.36]

21 A. I am not able to respond to your question. I only know what  
22 happened in my division or unit. All I know is that they rarely  
23 came to Phnom Penh. I do not know how many times they went to  
24 Phnom Penh per year. There were radio communication in operation,  
25 so usually they communicated with one another by radio

1 communication and they rarely came to Phnom Penh.

2 Q. Let me return to what you said, that you were happy that the  
3 11 had to go to Phnom Penh because that would give you some free  
4 time. Does that mean you didn't expect them to be arrested in  
5 Phnom Penh?

6 A. When brothers went to Phnom Penh, there were no plans  
7 afterwards, and I wanted to visit Mondolkiri to find wild meat to  
8 eat and I, actually, went to Mondolkiri. We were in a convoy of  
9 three or five vehicles and we enjoyed the wild meat and, later  
10 on, when we returned there were incidents happening.

11 [15.47.25]

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

16 MR. SMITH:

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

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

24 BY MR. KOPPE:

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

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

4 [15.48.45]

5 2-TCW-1005:

6 A. For radio communication after leaders had gone, the situation  
7 was chaotic. No-one was in charge of issuing orders and we  
8 considered that we were defeated by the "Yuon". Orders were not  
9 be able to issued by then. I went to Preah Prasab and some went  
10 to Phnom Penh, so we had no radio communication.

11 Telegram, radio, communicators were stored at -- in the north of  
12 Kratie and I had to burn them out. Weapons were transported by  
13 the ship, but we were not able to get all those weapons  
14 afterwards. We still used the old radio communicators, but we did  
15 not -- we could not use it freely or widely by then.

16 [15.50.17]

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

18 Are you aware of anything that happened to Cham people in Kratie?  
19 Are you aware of anything specific in relation to people who were  
20 originally Cham?

21 A. I do not have the knowledge. In short, I do not know. I do not  
22 know what happened on the ground. Concerning Cham people, I do  
23 not know. I have no knowledge of it.

24 Q. Do you know whether there were any Cham or Muslims in Division  
25 117?

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1 A. I did not pay attention to whether -- to the fact of whether  
2 or not there were Cham within my division. After the local  
3 authorities mobilized forces for our division, we were so happy,  
4 and as for the question, I do not know how to explain since I did  
5 not read in detail the biographies. Those from Kampong Chhnang  
6 and those from Kampot were not Cham.

7 Q. Do you know anything about clashes between your division and  
8 Khmer rebellious groups? So not Vietnamese forces but former  
9 revolutionary forces? Are you aware of any clashes between Centre  
10 forces and rebellious forces?

11 [15.52.59]

12 A. They may have had clashes, some of them. To my knowledge, for  
13 instance, my vehicle was used to transport ammunition and a block  
14 of the woods -- or blocks of wood were used to block our road, so  
15 there were clashes on such situation when we were transporting  
16 ammunition by vehicle.

17 Q. Were the armed clashes with rebellion forces just as heavy as  
18 with Vietnamese forces or was there -- what were their  
19 differences?

20 MR. SMITH:

21 I think Counsel is embellishing the evidence a little. He said  
22 there were clashes. He didn't say they were armed clashes. He  
23 said there were blocks of wood across a road, so perhaps if the  
24 question define the evidence correctly.

25 [15.54.11]

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1 BY MR. KOPPE:

2 I will rephrase, no problem.

3 Q. Mr. Witness, were there armed clashes with rebellion forces in  
4 Kratie; armed clashes between your division and rebellious  
5 forces?

6 2-TCW-1005:

7 A. Frankly speaking, for my unit we had no clashes. Perhaps the  
8 army or the soldiers at the local areas may have had clashes, and  
9 while I was transporting ammunitions, we were blocked on the way  
10 because there was a rebellious group, one unit of rebellious  
11 soldiers, and also there were rebellious groups at Damrei Sa  
12 (phonetic). And these rebellious groups blocked the road while we  
13 were transporting ammunition. So, we had to deal with the  
14 situation while we transported the ammunition so that we could  
15 get them Chhlong (phonetic).

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

20 [15.56.26]

21 A. Concerning my private -- concerning my personal issues, in  
22 fact, my wife joined the revolution long time ago. I was --  
23 originally was from 1003 and 1004 from the north, and I asked the  
24 permission to go and find my mother. My mother, in fact, died  
25 after 1979.

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1 In fact, I got married with my wife in 1982, not '83. My wife  
2 knew my background and she also knew mine because we were living  
3 -- we used to be living in adjacent villages.

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

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

12 [15.58.34]

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

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

18 In both newspaper publications, Ta Mok was referred to as "the  
19 butcher". Now, it seems that you knew Ta Mok quite well. Are you  
20 aware at all whether Ta Mok was ever called "the butcher" between  
21 1975 and January '79 or before?

22 A. He was not a killer or executioner. I would like to deny such  
23 accusation.

24 And as for journalists says that he was an executioner and  
25 butcher, I think he is not -- he was not. We could have



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1 confronted him if he was -- had survived, however, I do not know  
2 what his subordinates were doing at respective districts.

3 As for that information, I am not sure and I do not know about  
4 that. This is all if know, Mr. Co- -- Mr. Lawyer.

5 Q. So the nickname "the butcher" doesn't mean anything to you?

6 [16.00.54]

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

12 MR. KOPPE:

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

14 MR. PRESIDENT:

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

17 MS. GUISSÉ:

18 Thank you, Mr. President. I believe we'll have about  
19 three-quarters-of-an-hour, maximum.

20 [16.02.15]

21 MR. PRESIDENT:

22 Thank you. It is now time for the adjournment and the Chamber  
23 will resume its hearing on Thursday 28 July 2016, at 9 a.m.  
24 tomorrow.

25 The Chamber will continue hearing 2-TCW-1005, to its conclusion

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1 and then proceed to hear 2-TCE-90. Please be informed and please  
2 be on time.

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

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

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

12 The Court is now adjourned.

13 (Court adjourns at 1603H)

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