



អគ្គនៅក្នុងព្រះទេសចរណ៍ជាតិខ្មែរ

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

អគ្គនៅក្នុងព្រះសាធារណៈជាតិ

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS
PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

1 November 2016
Trial Day 474

ឯកសារដៃខែ

ORIGINAL/ORIGINAL

ថ្ងៃទី (Date): 28-Dec-2016, 13:57

Sann Rada

CMS/CFO:.....

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

The Accused: NUON Chea
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCW-1065	Khmer
Mr. BOYLE	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. IENG Phan (2-TCW-1046)	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer

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1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear testimony of the witness

6 Ieng Phan and, after its conclusion, the Chamber will begin

7 hearing testimony of another witness, 2-TCW-1065.

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

9 and other individuals to today's proceedings.

10 THE GREFFIER:

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

12 are present except Mr. Pich Ang, the National Lead Co-Lawyer for

13 civil parties, who informs the Chamber that he will be busy this

14 morning for personal reasons.

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 conclude his testimony today, that is, Mr.

19 Ieng Phan, as well as his duty counsel, Mr. Mam Rithea, are

20 present in the courtroom.

21 The upcoming witness, 2-TCW-1065, confirms that, to his best

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

23 the two accused, that is, Nuon Chea and Khieu Samphan, or to any

24 of the civil parties admitted in this case. The witness will take

25 an oath before the Iron Club Statue this morning before he

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1 testifies, and he has Mr. Chan Sambour as his duty counsel.

2 [09.03.24]

3 MR. PRESIDENT:

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

6 The Chamber has received a waiver from Nuon Chea, dated 1st
7 November 2016, which states that, due to his health, that is,
8 headache, back pain, he cannot sit or concentrate for long. And
9 in order to effectively participate in future hearings, he
10 requests to waive his right to be present at the 1st November
11 2016 hearing.

12 Having seen the medical report of Nuon Chea by the duty doctor
13 for the accused at the ECCC dated 1st November 2016, which notes
14 that, today, Nuon Chea has a lower back pain and feels dizzy <and
15 cannot sit> for long and recommends that the Chamber shall grant
16 him his request so that he can follow the proceedings remotely
17 from the holding cell downstairs, based on the above information
18 and pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
19 grants Nuon Chea his request to follow today's proceedings
20 remotely from the holding cell downstairs via an audio-visual
21 means.

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

25 I now hand the floor to the Defence Counsel for Nuon Chea to

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1 continue putting further questions to the witness.

2 [09.05.00]

3 QUESTIONING BY MR. KOPPE RESUMES:

4 Thank you, Mr. President. Good morning, Yours Honours. Good

5 morning, counsel. And good morning again -- good morning, Mr.

6 Witness.

7 Q. There are three more subjects that I would like to discuss
8 with you. Let me start with following up with something you said
9 yesterday. I'm having in front of me the draft transcript from
10 your testimony. At 15.29, you say the following, and let me
11 repeat it so that it is clear to you. This is what you said.

12 As introduction, my question was about Khmer forces assisting
13 Vietnamese military forces. You said:

14 "What I know is that amongst Vietnamese troops, there were Khmer
15 soldiers who were trained in Vietnam and who fled from the East
16 Zone. I learned more concretely after the reintegration. Some of
17 those who were first or second star generals spoke about their
18 training in Vietnam, and that's how I learned about it clearly."

19 And a bit further:

20 "Some of them told me that they had left Cambodia since end of
21 1978, and some of them went in late '77, early '78, and they are
22 still military commanders at present."

23 Do you remember how long after your reintegration in 1997, you
24 spoke to those first or second star Generals about their training
25 in Vietnam?

1 [09.07.25]

2 MR. IENG PHAN:

3 A. Indeed, I spoke to them regarding this matter <> during meal
4 times or sometime during our chitchat. They said that they went
5 for training in Vietnam in early '78, while some did in mid-78.

6 And that's what they said.

7 And as I stated earlier, I became known of this matter only after
8 the reintegration.

9 Q. Yes, that is clear to me.

10 Are you willing to disclose the names of those first or second
11 star Generals that you spoke to during meals or chitchatting, or
12 is that something that you would like to keep privately, rather?

13 A. I cannot tell you as who was who <because that was just> the
14 chitchat, and I don't think it reasonable to <report this> in the
15 Court.

16 [09.08.53]

17 Q. I understand that. That's why I was asking this question
18 rather carefully.

19 But without explicitly mentioning the names of the Generals that
20 you spoke to, do you remember concrete details as to things, such
21 as where they had their trainings, where they had meetings in
22 Vietnam? Is that something that you recall talking about?

23 A. <Allow me to tell that,> I did not speak into details into
24 these matters. What is said was that they went for trainings in
25 Vietnam in 1978, but they did not delve into details, for

1 example, as to the locations.

2 Q. Did they go into details as to which Vietnamese forces from
3 which military region they were cooperating with or received
4 training from? Did they tell you these kind of details?

5 A. People who told me went from the East Zone, so they were from
6 Svay Rieng province.

7 Q. I understand. But did they tell you who the Vietnamese
8 military forces were that they received the training from or with
9 whom they were cooperating in 1978?

10 A. If you would like me to clarify as to whom the Vietnamese
11 troops cooperated with, I do not have that knowledge. I could not
12 have the knowledge about the Vietnamese plan.

13 Q. I understand. One last question in this respect. The 7th
14 military region of Vietnamese military forces, does that ring a
15 bell?

16 [09.12.05]

17 A. I do not know about which region. However, Vietnamese troops
18 who attacked into Cambodia were from various divisions<.

19 Divisions that fought against us were> 330, 339, and 7. So I did
20 not know whether they were from the <> region. <> I do not know
21 whether it belongs to the 7th region <or it was a division>.

22 Q. Vietnamese General Dong Van Cong, does that ring a bell? Was
23 that name ever mentioned in your conversations?

24 A. No.

25 [09.13.04]

1 Q. Let me ask you -- let me read to you, rather, an excerpt from
2 a book from someone who has been testifying here in the trial of
3 Duch as an expert, Nayan Chanda. His book is E3/2376, page 339;
4 English, ERN 00192524; French, 00237170; and Khmer, 00181682.
5 I will read it slowly for the benefit of the interpreters to you,
6 and my question would be if, from the details that I'm -- I will
7 be mentioning, something might pop up in your memory.
8 Chanda talks about a very important meeting between former Khmer
9 CPK East Zone combatants and military forces from Vietnam. He
10 refers to a meeting, which took place on the morning of December
11 2, 1978, a meeting in the middle of a rubber plantation east of
12 Snuol. And this is what he said, and let me read it to you
13 carefully and slowly:

14 "The site chosen for unveiling the newest Cambodian Liberation
15 Front, the Kampuchean National United Front for National
16 Salvation, was two miles inside Cambodia. It was a small clearing
17 in the middle of a rubber plantation east of the Cambodian
18 township of Snuol. On the morning of December 2, 1978, several
19 thousand Khmers gathered in the bright sunshine to witness the
20 formal launching of the Kampuchean National United Front for
21 National Salvation."

22 He goes on, and then a bit further, he says:

23 "A newly written national anthem was sung as dozens of newly
24 fashioned red-and-yellow front flags fluttered in a gentle
25 breeze."

1 [09.16.02]

2 And then he says:

3 "One after another, fourteen members of the front Central
4 Committee were given bouquets of flowers brought from Vietnam as
5 they were introduced to the cheering crowd. Front chairman Heng
6 Samrin read out the KNUFNS program as those assembled shouted in
7 approval with raised fists. After the meeting, Heng Samrin walked
8 up to thank Le Duc Tho, who had watched the ceremony from a
9 distance like a proud mother hen. 'I did not think you would have
10 done things so perfectly,' a beaming Samrin told Tho."

11 There are more details, Mr. Witness, but this meeting on
12 Cambodian territory in December '78, close to Snuol, thousands of
13 Khmer, the launching of the Central Committee, etc., is that
14 something that those Generals told you about? Were they present?
15 Can they confirm what Chanda writes?

16 A. Regarding the arrangement in the East Zone to establish the
17 Front, I am not aware of it.

18 [09.18.05]

19 Q. Then let me ask you one -- one other detail. That is something
20 -- that is something that someone referred to who was also
21 present at that meeting and who, very unfortunately, died two
22 days ago, so he will never testify any more.
23 And this is what Chanda says about him. I'm talking about the
24 secretary of the New Kampuchean People's Revolutionary Party, Pen
25 Sovan.

1 Mr. President, I'll be referring to page 373 of Chanda's book,
2 E3/2376, English, ERN 001925 -- 00192558; French, 00237196;
3 Khmer, 00191719.

4 Chanda talks about the Kampuchean People's Revolutionary Party.

5 He says:

6 "The new party, renamed the Kampuchean People's Revolutionary
7 Party, KPRP, with its 800 members was, in effect, the revived
8 pro-Vietnamese wing of the Cambodian Communist Party that had
9 almost been destroyed by Pol Pot. The new secretary of the Party
10 was Pen Sovan, a stern, hollow-cheeked Khmer Issarak exile from
11 Hanoi. The new Party restored the Indochinese unity broken by Pol
12 Pot. Unlike Pol Pot, who had denied Vietnamese parentage of the
13 Party, Pen Sovan acknowledged that the KPRP was carrying forward
14 the glorious tradition of the Ho Chi Minh founded Indochinese
15 Communist Party." End of quote.

16 In your conversations with the one or two star Generals, did they
17 mention the founding of the KPRP? Did they mention what Pen Sovan
18 had said, what Pen Sovan's role was, anything that you recall in
19 this respect?

20 [09.21.00]

21 A. No, they did not talk about this issue.

22 Q. That's unfortunate. The Tribunal refuses to call the people
23 who were present, so I have to ask hearsay questions to you.

24 Having said that, let me move on to my next subject, and that is,
25 Mr. Witness, going back again to testimony from Chhouk Rin. And

1 before I will ask you some questions about what he told
2 investigators, let me ask an open question to you first.
3 Is -- do you recall any fighting before 1975, between forces from
4 the CPK, Khmer Rouge, on the one hand, and Vietnamese or Vietcong
5 forces on the other hand? In other words, clashes between
6 Communist forces of Vietnam and Cambodia before 1975.

7 [09.22.41]

8 A. Regarding all the points that you raised, I do not have any
9 knowledge, that is, in relation to the CPK or the Vietnamese
10 Communist Party or their conflict. I <personally> do not have
11 that knowledge.

12 Q. Let me see if I can maybe refresh your memory through reading
13 what Chhouk Rin told investigators, E3/361; English, ERN
14 00766449; Khmer, 00194463 and 64; and French, 00268880.

15 He's talking about the period before '75:

16 "The CPK refused to cooperate because the Vietnamese wanted to
17 govern us, and we wanted independence, so that is why we were in
18 conflict with Vietnam, whose mission was to grab the authorities
19 and dominate us. The major dispute between the CPK and Vietnam
20 started from this point on. Internal disputes inside the CPK were
21 created by the group which supported Vietnam and the group which
22 opposed Vietnam."

23 [09.24.23]

24 And then a bit further:

25 "When this movement began, the group which supported the Vietcong

10

1 was uncomfortable, and they began to create their own army. The
2 Vietcong opened the Ho Chi Minh Trail to supply material for
3 their war against the Americans in Vietnam. This factor pushed a
4 short period of cooperation between the Khmer Rouge and the
5 Vietcong.

6 In 1973, the fighting against the Vietcong began, led by Ta Mok
7 from against -- from amongst the Khmer Rouge. These bad relations
8 created problems within the CPK, and I did not understand
9 anything at all about what happened." End of quote.

10 Let me first ask you about military clashes between CPK forces
11 and the Vietcong. You said you didn't really know anything about
12 this. But Chhouk Rin talks about Southwest Zone forces clashing
13 with Vietnamese troops, and you, yourself, were a ranking
14 commander within the Southwest Zone forces.

15 Were you ever involved in clashes, military clashes, with
16 Vietnamese forces in the Southwest Zone?

17 A. Regarding the statement by Chhouk Rin, Chhouk Rin at the time
18 was a military official in Kampot, while I was in Takeo province,
19 that is, in 1973. Therefore, the fighting between the Vietnamese
20 troops and the Kampuchean troops did occur in Kampot province,
21 and for that reason, Chhouk Rin became known of it. However, such
22 fighting between Vietnamese and Kampuchean troops did not happen
23 in Takeo province. And if this fighting happened in Kampot, I do
24 not have its full detail<; I only heard about that>.

25 So I can say that Chhouk Rin was aware of these issues because he

1 was in Kampot province.

2 Q. I understand.

3 Another -- now let me ask it differently. Are you in a position
4 to say anything about the frequency of those clashes before '75,
5 between Vietnamese troops and Cambodian troops -- Communist
6 troops?

7 [09.27.29]

8 A. I cannot say about the clashes or how frequent those clashes
9 occurred, between Vietnamese and Kampuchean troops since my unit
10 did not engage directly in the clashes. I only knew that there
11 were clashes in Kampot province and, in particular, in Chhuk
12 district.

13 At the time, I was in Takeo province and only heard about these
14 clashes.

15 Q. Another Court's expert, Stephen Morris, speaks in his book
16 about, "frequent clashes", and there's Vietnamese evidence that
17 suggests that before '75, there were, in total, a number of 174
18 military clashes. Frequent, these numbers, is that something that
19 could be accurate?

20 MR. BOYLE:

21 Just the citations, please.

22 [09.28.37]

23 BY MR. KOPPE:

24 The frequent clashes from Morris I will provide shortly. The 174
25 is not on the case file, but it is coming from a book written by

12

1 Engelbert and Goscha, which I believe is on the shared materials
2 drive. I'm not sure. But strictly speaking, of course, I can't
3 use it. But let me reformulate.

4 Q. Below 200 military clashes, is that possible?

5 MR. IENG PHAN:

6 A. Allow me to repeat it again. Regarding the clashes in 1973,
7 between Vietnamese and Kampuchean troops, my unit was not
8 <directly fighting>. For that reason, I cannot say <for sure>
9 about the frequency of those clashes. And as you stated, this
10 document came from Vietnam, <that was not from Cambodian side,>
11 so they could write anything. They could write about those
12 hundreds of clashes. So it is not within my knowledge since my
13 unit was not involved.

14 [09.29.57]

15 Q. Now that, with you, I fully agree that they could write
16 anything, Mr. Witness. Thank you for that clarification.

17 Let me move to my last subject, and then I'll be finished with
18 asking you questions, and that is about the commander of all
19 forces on the battlefield with Vietnam, Ren.

20 We spoke briefly about Ren yesterday. I believe you were saying
21 that he wasn't someone of many words. He was a son-in-law of Ta
22 Mok, is my understanding as well.

23 There are a few documents on the case file which are either
24 signed by someone called Ren or documents which are copied to
25 someone called Ren. And I would like you to have a look at these

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1 documents.

2 I understand that you are not familiar with these documents, but

3 I would, nevertheless, like you to have a look at this and see if

4 you can somehow confirm that the Ren is, in fact, your commander

5 when you were sent to Svay Rieng.

6 Mr. President, this morning we sent an email to the senior legal

7 officer intending to use four small documents with Ren -- with

8 Ren's name on it.

9 [09.31.42]

10 MS. GUIRAUD:

11 Thank you, Mr. President.

12 A small point of clarification. Since our colleague is telling us

13 that the documents are not known by the witness, maybe, then, he

14 could tell us what he wants to do with these documents. Does he

15 intend to present a name and a signature for the witness to

16 identify it?

17 I don't really understand what the purpose is of presenting these

18 documents because, as my colleague said, the witness does not

19 know these documents, so can we have a little bit more

20 clarification about what our colleague intends to do with this

21 document<, so we can follow>.

22 MR. KOPPE:

23 In all fairness, I completely agree with this objection because

24 if documents are not either sent or received by the witness, then

25 obviously the witness cannot say anything intelligently about

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1 this document. However, the practice in this Court is that
2 witnesses are being shown S-21 documents all the time, documents
3 that they certainly have no knowledge of whatsoever, but I'm just
4 continuing this practice.

5 So fully knowing that he is nor -- he's not the sending nor the
6 recipient, I would, nevertheless, like to show the document to
7 the witness.

8 [09.33.13]

9 MR. PRESIDENT:

10 You may now proceed, Judge Lavergne.

11 JUDGE LAVERGNE:

12 Yes, counsel Koppe. We can present documents sometimes to try to
13 refresh the memory of a witness, but are you intending on
14 refreshing this witness' memory? What's the purpose?

15 That's the only question that we're asking you.

16 [09.33.37]

17 MR. KOPPE:

18 A very interesting question, Judge Lavergne.

19 I want to ask him whether, from the document that he will be
20 shown, he can confirm whether this is the Ren that was his
21 commander, whether that is -- I mean, he can look at the context
22 of the telegrams, see how Ren is spelled because that's one of
23 the issues as well. It's not always clear whether Ren is, in
24 fact, "Ren". There are a few Rens.

25 It also -- especially from the copied documents, I think the

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1 witness potentially would be in a position to confirm whether Ren
2 typically was copied on military documents just like Ta Muth or
3 Son Sen and others.

4 Just to inform the parties, of course, the documents that I'll be
5 showing, with your leave and if you agree, Mr. President, that
6 will be document E3/1044, document -- I will later say the ERNs
7 -- document E3/1151, document E3/1079 and document E3/992, four
8 contemporaneous telegrams.

9 MR. PRESIDENT:

10 You can do so.

11 [09.35.45]

12 BY MR. KOPPE:

13 Q. The first document, let me cite the ERNs first so that the
14 witness can have a look while I'm reading this. English, ERN
15 00875624; Khmer, 00020881; French, 00324864.

16 It is a document from 30 October 1977, signed by Ren and it's
17 called "Request for the removal of bad elements which were
18 divided into three categories".

19 Mr. Witness, let me start with document E3/1044. On -- at the
20 bottom of that document, you can see "Ren". I have highlighted it
21 for you on your document, so for duty counsel, E3/1044,
22 "Fraternal revolution, 30 October '77, Ren".

23 Mr. Witness, is that the Ren who was your commander?

24 [09.37.27]

25 JUDGE FENZ:

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1 Sorry. This question is certainly too general. I can see how one
2 can use documents to figure out if this is the person, but -- you
3 can ask him if this is the way he was written, if the contents of
4 the document show it, but, frankly --

5 BY MR. KOPPE:

6 Q. Fine. Mr. Witness, "Ren" you see at the bottom of the page. Is
7 that the way Ren, your division commander, was written? Is that
8 the same spelling?

9 MR. IENG PHAN:

10 A. Yes, it is the correct spelling of Ren. <Allow me to clarify
11 that in> the army, there were two Rens. One was at Anlong Veaeng,
12 and another one was based in Samlout. The two names, Ren, had the
13 same spellings.

14 So regarding the Ren in <this> document, <is Ren from Along
15 Veaeng or from Samlout>?

16 Again, there were two Rens <but here their family names are not
17 stated and they are> under <the> <same> leader <>.

18 [09.38.59]

19 MR. PRESIDENT:

20 Mr. Witness, please review the document. This document was from
21 the Revolutionary Army of Kampuchea from general staff <office>.

22 The date is 30th October 1977.

23 You stated that there were two Rens. Were the two individuals
24 from the same staff office or they worked in different offices?

25 So upon your review of the document <in general>, you may be able

1 to answer the question since you know <these> two Rens.

2 MR. IENG PHAN:

3 Regarding the content of the document <> is related to Division
4 117, which was based in the north, that is, Anlong Veaeng.

5 <Within this document,> there is <another> division here, 164,
6 which was <> based at Kampong Som. And I have seen <Division>
7 801, 801 was based in Anlong Veaeng as well, to my understanding.

8 And I could see that the three documents state about the Anlong
9 Veaeng area, and there is one indication here is about Kampong
10 Som <164 - Koh Kong and Kampong Som>.

11 So, it is my <view according to these documents,> Ren here was
12 not from Samlout. This Ren was part of 801 -- Brigade 801 in
13 Anlong Veaeng. It is my understanding after my review of the
14 document.

15 [09.41.11]

16 MR. PRESIDENT:

17 Which document have you reviewed? Did you review the document
18 E3/1044?

19 Please review one document at a time.

20 Now please read or examine document E3/1044 before you move to
21 other documents.

22 BY MR. KOPPE:

23 Thank you for that intervention.

24 Q. And Mr. Witness, the first one -- the first document I showed
25 you is signed by Ren, but the other three that you also refer to

1 now are only copied to Ren, and not coming from Ren.

2 So let's move slowly. Let's only concentrate on the first
3 document, E3/1044. Don't look, please, at the other documents.

4 Is this the Ren that became your commander while you were in Svay
5 Rieng?

6 [09.42.24]

7 MR. IENG PHAN:

8 A. This Ren was the son-in-law of Ta Mok, the <Division>
9 commander <in> Svay Rieng <according to this document>.

10 Q. I will come back to that document, but let's finish the other
11 three documents first.

12 Have a look at --

13 MR. BOYLE:

14 Just --

15 JUDGE FENZ:

16 Sorry for interrupting, but can we ask him shortly how he comes
17 to the conclusion? Then we have it on record.

18 [09.42.53]

19 MR. KOPPE:

20 I was coming back to the document. I just want to briefly refer
21 to these other documents where he was copied, and then I will
22 come back to Ren, because that's the important document that I
23 would like to discuss. So --

24 MR. BOYLE:

25 And if we could also get some clarification on dates because Ren

1 also moved from Southwest to Svay Rieng, so while he may be the
2 individual in Svay Rieng, he may not have been in Svay Rieng at
3 the time.

4 BY MR. KOPPE:

5 You're all going ahead of me. I was -- I was moving now to the
6 three documents.

7 Q. Mr. Witness, with the help of your duty counsel, please have a
8 look at the other three documents.

9 The first one is E3/992. That is a request to report to the
10 general staff. It's dated the 2nd of March 1978. It's coming
11 from, indeed, Division 117.

12 And this document is copied to Brother 89, Son Sen, Brother Nat,
13 to the Office of Documentation and to Brother Ren. So this
14 document from Division 117, signed by Rom, R-O-M, is copied to
15 Brother Ren.

16 Is that the Ren who was the division commander? And if yes, how
17 do you know?

18 [09.44.47]

19 MR. IENG PHAN:

20 A. After I looked at the document, it is my understanding that he
21 was the commander of the division <but it was copied to Ren>. And
22 this document, he, in this document, was referred to as part of
23 the staff office. <I do not know whether he was promoted or not,
24 I am not sure; and if he was a general staff,> usually military
25 or soldiers <within the DK> had to report to <the general> staff

20

1 office. And <these three> document was <truly> sent to Ren
2 <because he was part of the general staff>. <But as far as I
3 know, he was a division commander. I also did not know if he was
4 promoted to the rank of general staff along with Son Sen.>
5 Most of the documents <had to be> sent to <general> staff office,
6 <that was to> Ren<. Then this Ren had to further these documents
7 to the upper level>.

8 [09.45.54]

9 Q. Let me ask it differently. Was Ren routinely copied on
10 military communications just like Son Sen was, just like Nat was,
11 and just like Brother 81 was?

12 Was -- do you know, was Ren always copied on military
13 communications? Is that something from your position that you
14 could shed light on?

15 A. <Allow me to tell that> documents usually were <categorised
16 into different types>. <In relation to the> confidential
17 documents were not sent to me <as the subordinates>. Regarding
18 the <general-purpose instruction> documents <were received by us
19 the subordinates; but the documents> about the arrest of certain
20 individual, I usually did not receive any such documents, but
21 those documents may have been <shared among> the upper echelon.

22 And Ren may have received some of those documents. I was in a
23 lower rank, so I did not receive any such documents. The secrecy
24 was the <considerable important> principle <within the DK. They
25 would not let everyone know everything>.

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Extraordinary Chambers in the Courts of Cambodia

Trial Chamber – Trial Day 474

Case No. 002/19-09-2007-ECCC/TC

1 November 2016

21

1 [09.47.30]

2 Q. But just to be clear, do you know whether Ren, because of his
3 military position, was routinely copied just like Son Sen was,
4 just like Nat was, in telegrams? That all telegrams from
5 whichever division to the general staff office were always copied
6 to Ren.

7 A. As for those who were in the copy, usually Ren was responsible
8 for putting the names in the copy part. <I have no knowledge
9 about such documents, because as I stated earlier, within the
10 DK,> during the time, the secrecy was an important principle. I
11 minded my own business, my superior minded his own business. So
12 there was clear distinction between the work that we performed.
13 <Some information was revealed to the subordinates and some was
14 not.> Usually we did not know all the information.

15 Q. Thank you for that clarification, Mr. Witness. Now I will
16 return --

17 MR. PRESIDENT:

18 Please hold on.

19 You may now proceed, Judge Lavergne.

20 [09.49.00]

21 JUDGE LAVERGNE:

22 I think it will be better to go into greater detail as regards
23 document <E3/992>. Does the witness know the signatory of this
24 telegram, Rom? Does he know where Division 117 was positioned?
25 I don't know very well where we are going. It would be perhaps

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22

1 better to have more details on this specific communication.

2 MR. KOPPE:

3 Well, I'd be happy to do, but the content of that telegram is not
4 relevant for this witness because it doesn't matter. The three
5 documents were collected or assembled to find out whether Ren was
6 routinely copied on matters that he, of course, didn't know
7 anything about.

8 So we can go in that -- into that document, but it's Division
9 117, so I don't think it's relevant. He doesn't know anything
10 about this.

11 My questions are all related to document E3/1044, which is a
12 document signed by Ren.

13 [09.50.23]

14 JUDGE LAVERGNE:

15 If you would allow me, Mr. Koppe, document E3/992 deals with "an
16 attack on a base of the Vietnamese enemies <that was one
17 kilometer from our territory". > It <talks about> a place called
18 Loc Ninh. It would be interesting to know what that place is.
19 <And I think> we've been talking <about> armed conflict between
20 Cambodia and Vietnam.

21 <Maybe you don't think it has any relevance, but it might be
22 relevant to the Chamber.>

23 BY MR. KOPPE:

24 I'm happy to speak about armed clashes at National Road 13 or Loc
25 Ninh, but I'm not quite sure whether that is in Svay Rieng. But

1 again, my question is about -- my questions are about E3/1044.

2 Q. Mr. Witness, do you have that document in front of you? It's a
3 document signed by Ren. It's the 30th of October 1977, E3/1044.

4 [09.51.42]

5 My question to you is the following. I understand from your
6 testimony that you were, yourself, not involved in removing bad
7 elements from the military forces. However, Ren, in this
8 document, requests the removal of bad elements, and he divides
9 these bad elements into three categories.

10 Category 1 pertains to three persons to be sent to Brother Duch.

11 Category 2 relates to seven persons to be sent to Brother Huy.

12 And Category 3 is about 26 persons to be sent to farm paddy at
13 Prey Sar.

14 And my question to you is, were you aware at the time that there
15 were three different categories used to describe enemies of
16 Democratic Kampuchea?

17 MR. IENG PHAN:

18 A. Based on this document, I have no idea about the removal of
19 some individuals. I was not allowed to know about this issue. I
20 do not know if individuals were <truly> removed <or not, I may
21 not know it>, but this was stated in the document.

22 <According to this document, these> individuals were removed
23 during the time <> those individuals did the farming work at Prey
24 Sar, so it may have happened in late 1975 or early 1976.

25 Immediately after the liberation during the time, some forces

1 were removed to do the farming.

2 [09.54.11]

3 Q. I understand. But were you aware of a categorization of
4 enemies or bad elements or whatever you would like to call them?
5 Category 1, in Son Sen words -- Son Sen's words, the dangerous
6 category. Category 2, the ordinary liberal category that must be
7 educated again and again. And Category 3, the category of those
8 who have merely been incited by the enemy.

9 In other words, it's E3/13; English, ERN 00940355; Khmer, 0005 --

10 MR. PRESIDENT:

11 Please repeat the document numbers and ERN numbers, and repeat
12 them slowly for the interpreters.

13 [09.55.10]

14 BY MR. KOPPE:

15 Yes. It's Son Sen addressing his commanders, E3/13; English, ERN
16 00940355; Khmer, 00052414; and French, 00344983.

17 Q. So Mr. Witness, three categories, according to Son Sen, the
18 dangerous category, the ordinary liberal category that must be
19 educated again and again, and a category of those who have merely
20 been incited by the enemy.

21 Is that -- are these three categories something that you were
22 aware of at the time when you were a commander?

23 MR. BOYLE:

24 I have an objection to the question. The question started off
25 asking about a particular telegram sending some individuals to

1 S-21 and some to Prey Sar. Now we seem to be talking about a
2 totally different individual with the different three categories.
3 The only thing that I can see in common is that they have three
4 points.

5 So I would object to the question on the basis that we have no
6 evidence that the telegram is related to this speech. Perhaps it
7 can be reformulated to simply ask about the speech itself, but it
8 shouldn't be confusing the two documents.

9 [09.56.43]

10 MR. KOPPE:

11 I'm not sure if I understand this objection. Time and again and
12 again and again we have discussed this document from where Son
13 Sen speaks. Duch has been confronted with it, many others have
14 been confronted with. Now I'm reading out a document from his
15 commander also speaking about those three categories, and my
16 question is simple, does he know or the existence of those three
17 categories that both Ren referred to and Son Sen refers to.

18 MR. BOYLE:

19 Allow me to clarify, then. The telegram that Ren sent actually
20 doesn't refer to those categories that the Son Sen related
21 document does, and that's why. He simply talks about categories.
22 He doesn't talk about them in the context of Son Sen's
23 statements.

24 [09.57.40]

25 MR. KOPPE:

1 And how would you know that, Mr. Prosecutor, that these are not
2 the exact same three categories?

3 JUDGE FENZ:

4 I think the problem we are having, and it's unnecessary to have
5 this discussion, I would say, is you're drawing other conclusions
6 than you are.

7 Why don't we just confront them with the documents or ask the
8 general question, are you aware of any categorization? And then
9 you can confront him with the documents and say, "Is this the
10 categorization or is this the categorization?" and we'll make up
11 our mind if this is the same thing.

12 [09.58.13]

13 BY MR. KOPPE:

14 Q. Mr. Witness, are you aware of the existence of three
15 categories, three types of categories categorizing three
16 different sorts of enemies?

17 MR. IENG PHAN:

18 A. I was one of the commanders. <The> three categories <as
19 indicated in these documents>, I am not aware of that. I do not
20 know how the upper echelon <analysed and> distinguished these
21 individuals into three categories. I was a commander. I, myself,
22 never categorized these <weak force> into three groups.
23 <Due to such documents, Ren and> Son Sen <> may have been the one
24 who distinguished into three categories. I was in the lower rank.
25 I do not know about that.

1 [09.59.24]

2 Q. Fair enough, Mr. Witness.

3 I'm finished. I'm happy to discuss with the witness document
4 E3/992, but I wasn't really planning to. But if the Bench insists
5 that I discuss that with him, I have no problem in doing it.

6 MS. GUISSE:

7 Mr. President, as a side point I said to my colleague that if the
8 Chamber had specific questions regarding documents, it may put
9 these questions <either> before I cross-examine or after, but it
10 appears to me that document 922 (sic) speaks about the Kratie
11 area. It's 992 (sic). It's E3/992.

12 So we're speaking, rather, about the area around Kratie here, so
13 I'm not sure that the witness can react to this information. But
14 in any case, maybe I can start with my cross-examination and,
15 during the break, if the Chamber deems that it's important to get
16 back to this document, the Chamber can then interrupt my
17 examination.

18 I see that the President is nodding his head, so I can start.

19 QUESTIONING BY JUDGE LAVERGNE:

20 Maybe it would be easier since we spoke about this document that
21 a few questions be put to the witness regarding this document.
22 Then you'll have the possibility of continuing with your
23 cross-examination.

24 [10.01.11]

25 Q. Witness, you have here a document here which is a telegram

1 referenced E3/992. I do not know if your duty counsel can show
2 you this telegram. It's a telegram on which you were asked
3 questions a little earlier on.

4 So this telegram is signed by someone called Rom. So first of
5 all, do you know someone who has -- who bears this name, Rom?

6 MR. IENG PHAN:

7 A. Rom was in the North Zone, that is, Division 117. And I'm not
8 familiar with the name.

9 Q. Fine. So this Division 117, you tell us that it was stationed
10 in the North Zone.

11 Can you tell us with more detail where, exactly, this division
12 was stationed? Do you know it?

13 [10.02.29]

14 A. Division 117 was within the area of Anlong Veaeng, <but> I do
15 not know its exact base or location since I was in Samlout <which
16 is far from Anlong Veaeng>.

17 MR. PRESIDENT:

18 Maybe there is a misunderstanding. This document dates 2nd March
19 1978, so the event took place in 1978. And the question to you is
20 whether you know Rom and where that Division 117 was located at
21 that point in time<. This is does> not <refer to> the present
22 time, because <it could not be Samlout in '77 and '78, that
23 time,> you were in Takeo and then you went to the East Zone, <the
24 question is about the time of the issuance of the documents which
25 is on 2 March 1978>.

1 MR. IENG PHAN:

2 I do know Rom, although I was not close to him. And during the
3 Democratic Kampuchea regime, in 1978, Division 117 was located in
4 the Northeast Zone where Anlong Veaeng area was.

5 [10.04.18]

6 BY JUDGE LAVERGNE:

7 Q. Fine. Did you ever hear about an attack on Loc Ninh, and do
8 you know where Loc Ninh is located?

9 MR. IENG PHAN:

10 A. I do not know where Loc Ninh was located, and for that reason,
11 I did not know about any attacks there.

12 JUDGE LAVERGNE:

13 Fine. Thank you for this clarification, Witness.

14 MR. PRESIDENT:

15 I now hand the floor to the Defence Counsel for Khieu Samphan.

16 [10.05.13]

17 QUESTIONING BY MS. GUISSÉ:

18 Thank you, Mr. President. Good morning, Mr. Ieng Phan. My name is
19 Anta Guisse, and I am the International Co-Counsel for Mr. Khieu
20 Samphan. I believe we already met a little while ago in Case
21 002/1.

22 I'm going to put to you a few complementary questions and try to
23 obtain more specific information on what you experienced during
24 the armed conflict when you were first near Takeo and then when
25 you were in Svay Rieng. So these are complementary questions in

1 relation to what you already explained to the Chamber before.

2 Q. I understood from your testimony that you placed the beginning
3 of the conflict between DK and Vietnam somewhere between 1976 and
4 1977. So my question is, do you remember the first attack, which
5 took place when you were assigned to the area around Takeo? Do
6 you remember the date of that first attack?

7 [10.06.30]

8 MR. IENG PHAN:

9 A. I confirmed that in early '77, there were clashes that
10 happened in Takeo province, though I cannot recall the dates. The
11 first clashes took place along Preæk Chik Vinh Tae (phonetic) or
12 Vinh Tae (phonetic) canal. And to put it simply, it happened just
13 opposite the Phnum Den or Den Mountain.

14 And those clashes <in early '77> were not of a serious nature. So
15 that is for your information.

16 Q. You said yesterday that when you were assigned to Takeo
17 province, you were first stationed around the city of Takeo and
18 then you were assigned closer to the border. So my question is
19 the following.

20 When you faced this first attack which you remember, were you
21 next to Takeo city or were you already stationed close to the
22 Vietnamese border?

23 [10.08.05]

24 A. During the clashes with the Vietnamese, I <already went to the
25 border and> I was not in Takeo town any more. <> However, our

1 unit did not involve in the clashes. <But we knew it because the>
2 clashes took place <> within the same geographical location.

3 Q. Well, this is a question that I wanted to put to you
4 specifically.

5 So if I understood, <at that time> you were then in Regiment 12,
6 so do you know how many other regiments were in Takeo and where
7 they were stationed, geographically speaking?

8 A. I have stated that after I left the special unit <203>, I was
9 reassigned as deputy commander of Regiment 12 and the location or
10 the headquarter of Regiment 12, at the time, was opposite the
11 Chau Doc town office, that is, in the area called Chrormokh
12 Chrouk (phonetic). So it is opposite of the Chau Doc provincial
13 office. As for other regiments, namely, 13 and 14, they were
14 based toward Phnum Den, or Den Mountain, that is, towards the
15 border areas in Kampot province.

16 And we, Regiment 12, was part of Division 2 <prior to the change
17 of units>. And the clashes that happened, happened to Regiment 11
18 because in Division 2, there were Regiments 11, 12, 13 and 14,
19 and Regiment 11 was at Preæk Bak Dae (phonetic), that is, a
20 canal branch off Bassac river.

21 So the first clashes that happened early <'77 involved> Regiment
22 11, which was located to the left side of where we were located.

23 [10.10.55]

24 Q. And since you just told us that it was Regiment 11, which was
25 involved in this first attack you remember, how did you obtain

1 that information? Were there meetings or was there any kind of
2 communication between the different regiments to see what the
3 situation was like at the battlefield?

4 A. Allow me to provide you with some reasons for the clashes with
5 Vietnam along the border.

6 Initially, in Regiment 11, there were no major issues. What
7 happened was the result of a border issue.

8 Typically, Vietnam dug the ground there in order to fish, and so
9 they actually entered Cambodian territory to dig that ground. And
10 we tried to stop them. We tried to stop them for one or two
11 times, but they did not listen. And the third time, the
12 Vietnamese side planted a border post with grenade, and when we
13 <> remove<d> the border post, the grenade exploded and some
14 people died.

15 [10.12.32]

16 We tried to negotiate with them and to make the report <to the
17 superiors>, but <nothing improved>. <This led to> the armed
18 conflict. That's how they did. They first planted the grenade
19 <into the> Kampuchean territory<, this is the true account>.

20 Then that's the cause of the frictions between the two sides, and
21 that led to clashes. However, it was not of a major nature. It
22 was <rather> sporadic. And that's what happened initially at the
23 time.

24 MR. PRESIDENT:

25 Thank you, Counsel.

1 It is now convenient time for a short break. We'll take a break
2 now and resume at 10.30 to continue our proceedings.

3 Court officer, please assist the witness at the waiting room
4 reserved for the witness during the break time and invite him as
5 well as his duty counsel back into the courtroom at 10.30.

6 The Court is now in recess.

7 (Court recesses from 1013H to 1032H)

8 MR. PRESIDENT:

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

10 And the floor is given to the defence team for Mr. Khieu Samphan
11 to resume the questioning.

12 You may now proceed.

13 BY MS. GUISSE:

14 Thank you, Mr. President.

15 Q. Mr. Witness, you explained before the break what you knew of
16 the origins of the first skirmish with Regiment 11. How did you
17 know about that<, since you were not in Regiment 11>? Were they
18 any telegrams to explain the situation? Did you attend any
19 meetings? Can you explain to the Chamber how you came by that
20 information at the time?

21 [10.33.51]

22 MR. IENG PHAN:

23 A. The <Division> Number 2 had four regiments, 11, 12, 13 and 14.
24 When there was a situation happening, the <division> would
25 convene a meeting and when there was a conflict with the

1 Vietnamese troops, the Regiment 11 would make the report. Then we
2 would get the information.

3 Q. Very well. And can you tell the Chamber how frequently those
4 kinds of information meetings were held? Were they held on a
5 daily basis or only when there was a particular cause for
6 concern?

7 A. Let me tell you, we were within the same structure <of
8 division>, and the meetings would be convened on a regular basis,
9 once in every three days <or a week>, for example, and when there
10 was a special situation, there would be a special meeting <which
11 occurred not based on the ordinary schedule>.

12 Q. Very well. I would like us to now talk about another issue
13 regarding your time at Takeo. A meeting held <at the end of>
14 1977, with Ta Mok. My first question regarding Ta Mok is, when
15 did you meet him for the first time?

16 [10.36.05]

17 A. I met Ta Mok very often since he was the commander in the
18 zone. And I, at the time, was part of the special battalion under
19 the <division>, so I made a constant communication <among special
20 unit, zonal combatants, and division>.

21 <Though, it was the first> meeting <>, but I, as I said, met him
22 very often. <The meeting> about the arranging the forces to Svay
23 Rieng, that happened <in late '77>. In fact, <after the
24 arrangement completed,> I went to Svay Rieng in <mid> 1978.

25 Q. Very well. You have anticipated my next question. Ta Mok was,

1 therefore, involved in the organization of military forces in
2 Svay Rieng, and not only in <Takeo>. Is that the case?

3 [10.37.26]

4 A. The selection of forces was made at Takeo under the command of
5 Ta Mok. Ta Mok <therefore> had to <convene a meeting and prepare
6 fighting> forces to <be sent to> Svay Rieng.

7 Q. Very well. I'll return to Svay Rieng later. I would us to
8 continue to focus on Takeo.

9 You said that you regularly saw Ta Mok, but you didn't answer the
10 question, or perhaps I didn't understand your answer. When did
11 you see him for the first time? Was it <between> 1975 <and 1979>?
12 Was it before 1975? When did you see him for the first time?

13 A. My <> meeting with Ta Mok happened before 1975. <During> the
14 attack <into> Phnom Penh<,> I met him for the first time. He made
15 a plan with Sam Bit to attack into Phnom Penh.

16 Again, I met him the first time before 1975.

17 Q. Very well. As regards his character, I understood yesterday
18 that you did indicate something. I would like to tell you what I
19 heard. I don't know whether it corresponds to what you said.

20 You said that Ta Mok was someone who didn't mince his words. Does
21 that reflect your experience of his character?

22 [10.39.35]

23 A. I saw him and I recognized that he was <quite stern> in <the
24 use of> his words. He<, to put it simple in Khmer language,> was
25 very straightforward when he spoke, and he did not use any other

1 <sophisticated> words when he <spoke>.

2 Q. In answer to questions put to you by Counsel Koppe, you
3 referred to Chhouk Rin. Chhouk Rin appeared before this Chamber,
4 as you know, and this is what he said regarding Ta Mok, at the
5 hearing of the 23rd of April 2013, document E1/182.1. And the
6 part that is relevant to me is slightly before 11.21.16. This is
7 what he stated:

8 "Would you like me to describe Ta Mok? Since he was my immediate
9 superior, I know to what extent he was powerful. For instance, he
10 <would say> the following <slogan>.

11 Above Mok's head, all there is, is his hat." End of quote.
12 Does that correspond to any memories of him, and did you hear
13 such an expression, "above Mok's head is nothing but his hat"?

14 [10.41.26]

15 A. This phrase was usually used in <> an unofficial dialogue<;
16 not in front of him>. Usually people said that above Mok's head,
17 there was hat, and above his hat, there was only sky.

18 Q. And do you know the origins of that expression? Why did he use
19 that expression? What does it mean regarding Ta Mok's character
20 and the manner in which he took his decisions, if you do know?

21 A. To my understanding, the expression was used when one wanted
22 to refer to his power. Above Ta Mok's head there was his hat and
23 above his hat, there was only sky. So no one could supervise him.

24 Q. I'll press on with the quotation of Chhouk Rin at the hearing
25 of 23rd of April 2013. This what he stated:

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1 "When I left the Southwest where Ta Mok had issued orders and
2 when I arrived in the East, I observed that Ta Mok issued orders
3 to all the commanders. I therefore understood that he was
4 powerful. Everywhere, you could see him giving <orders> to the
5 soldiers. He progressively acquired influence over all Khmer
6 Rouge soldiers, both those of the Southwest Zone and the East
7 Zone. When I was in the West, I saw him. And when I was in the
8 East Zone, I saw him issuing orders. That is what I mean when I
9 say that he was powerful." End of quote.

10 [10.44.03]

11 From the answers you gave yesterday to Counsel Koppe's questions,
12 I understand that you <may not have been> at Svay Rieng at the
13 same time as Chhouk Rin, so my question to you is whether you saw
14 Ta Mok at any point in time when you were in Svay Rieng. And do
15 you know whether he issued any orders to commanders during the
16 time you spent at Svay Rieng?

17 A. When I went to <> Svay Rieng, Ta Mok was at Takeo province.
18 Upon my arrival there, Ren took <charge of commanding> the
19 troops, and above Ren was <Ta> Son Sen because Ta Mok was not
20 there at Svay Rieng<, I may not have known when he went there>.
21 <But the highest commander> was Son Sen, <then, Ren> and under
22 Ren, <was division which> would be responsible for the tasks. <In
23 Takeo, Ta Mok was in charge. I am not sure if he went to Svay
24 Rieng because he was one of the members in central committee.
25 Chain> of command<, however,> at Svay Rieng was under Ta Son Sen

1 and Ren.

2 [10.45.46]

3 Q. I will return to Svay Rieng in a while, but I would like us to
4 wrap up things on <Takeo>, so let us backtrack a little.

5 You stated that you left in 1978, to go to Svay Rieng. I would
6 like you to confirm a number of points that we have on record and
7 shed some light on them.

8 The first document in this regard is document E3/853, and the ERN
9 in French is 00290267; and the ERN in English is <00185243>; and
10 the ERN in Khmer is 00052825.

11 In order for you to understand the context, it is a report
12 <addressed> to Angkar. This is the name mentioned on the
13 document, and it says <it is> from the Southwest Zone. And it's
14 dated the 3rd of June 1977.

15 And this is what is stated in paragraph 1 of the <page> I've just
16 mentioned:

17 [10.47.17]

18 "The enemy's activities from outside. At the border, the enemies
19 occasionally fired shells at our territory, and at the border
20 <at> Kampot, they move their <inhabitants about> three kilometres
21 <from the border>, and the phrase saying that <for> thousands and
22 thousands years <there's been> lasting solidarity between Vietnam
23 and Cambodia was written in both languages, Khmer and Vietnamese.

24 In contrast, they used tractors to dig trenches at Koh Chanloh
25 <monastery>." End of quote.

1 I would like you to confirm whether, as part of the activities
2 you engaged in in the Southwest Zone at the time, do you recall
3 -- June 1977 in particular, and <if>, in June 1977 or before
4 that, you saw trucks disseminated by Vietnamese troops. That is
5 the first question. Did you hear of that?

6 A. I was not aware of the leaflets. Perhaps there were leaflets
7 close to the border of Kampot. I did not see at the time leaflets
8 <in Takeo> where I was stationed.

9 [10.49.06]

10 Q. Did you know Koh Chanloh <monastery>, and as part of meetings
11 you attended, did you receive any information on trenches that
12 were dug by the Vietnamese at that location? And if it wasn't at
13 that location, was the issue of digging the trenches something
14 that you received among the information that was provided to you?

15 A. Regarding digging trenches at the borders of Takeo and Kampot,
16 practically speaking, Kampuchea and Vietnam had their respective
17 trenches. Each country had already the trenches, and trenches
18 made by Vietnam usually was built with concrete. <Unlike Vietnam,
19 we, Cambodian side, did not have such concrete trenches.>

20 Q. And when you say that the trenches were dug by the Vietnamese,
21 does it mean that on the Cambodian side of the border, the
22 trenches were different? And if they were different, can you
23 describe the difference?

24 A. Vietnam made the concrete trenches <because Vietnam was
25 wealthier than Khmer>, and for Kampuchea side, we made trenches

1 from wood and mud. And in the rainy season, usually the trenches
2 were broken. <The Vietnamese trenches could not be broken, they
3 stood there for along time.> For Kampuchean side, we had to
4 <re>build the trenches after every <> rainy season. <For Vietnam
5 side, they built only once with concrete. Let me tell you,> DK 75
6 weapon could not cause any destruction of the concrete trenches
7 at the Vietnamese side because the Vietnamese side, they build
8 the concrete trenches. <For the Cambodian side, the trenches were
9 easily broken.>

10 [10.52.01]

11 Q. You made mention on several occasions of the <disparity
12 between> the forces on the Cambodian and the Vietnamese sides,
13 and you explained yesterday why you received instructions not to
14 be the first to attack because you didn't have the forces to do
15 so.

16 My question now would focus on three documents, and I'm speaking
17 in general terms. These documents date back to a period prior to
18 your arrival in Svay Rieng. But I would like to know whether you
19 received any information in the course of the meetings you
20 attended, either when you arrived at Svay Rieng or prior to your
21 arrival at Svay Rieng.

22 Before showing you these documents, my first question is as
23 follows. You said that Ta Mok chose the forces that had to go to
24 Svay Rieng. Did you have any briefing by Ta Mok<, or from someone
25 else> on the situation you were going to encounter in Svay Rieng

1 before you left for Takeo?

2 [10.53.23]

3 A. Usually, as a commander of the zone or a division, before they
4 sent forces to a specific location, the situation at that
5 specific location was briefed. We were informed that Vietnam had
6 already penetrated<. As I stated earlier, I was briefed that
7 Vietnam was advancing> close to Prasout, and we were told to be
8 <hurried and> to be cautious.

9 I <told the Court yesterday that upon our arrival in Svay Rieng>,
10 <we> had not disembarked my truck yet, <three vehicles were
11 burned to ground by Vietnamese shooting> and <half numbers of>
12 soldiers<, on these vehicles, were wounded and> killed<>. I was
13 told when I was sent to Svay Rieng by Ta Mok that Vietnam had not
14 yet penetrated <> to Prasout<. Our forces had to transported to
15 Prasout district> but, in fact, the <Vietnamese> had already
16 <passed> Prasout.

17 <So, they could shoot at our convoy. We were told they would
18 reach behind Prasout district. In reality, when we arrived, they
19 were not there. The Vietnamese had already advanced forwards>.
20 Three <of our> trucks had been destroyed. We did not <yet> know
21 the exact <geography of Svay Rieng, but> some of our soldiers <on
22 these trucks> had been killed and wounded.

23 Q. When you talk of three of your trucks, are you talking of
24 convoys arriving in Svay Rieng from Takeo, or you are referring
25 to something else?

1 [10.55.32]

2 A. <To Svay Rieng province, there were not only three trucks, but
3 there> were 35 trucks in <one> convoy, in fact. And soldiers were
4 from four regiment totalling of 1,800 soldiers. <But the first
5 convoy consisted of 35> trucks<. Three trucks> were in the front.
6 The three trucks transported soldiers from Takeo to Prasout
7 <district> to have those soldiers deployed at Prasout. But at the
8 time, Vietnamese troops had already arrived at Prasout. <So our>
9 soldiers <were on the move, had already faced their preparatory
10 lines. The three> trucks went very quickly <and could not be
11 stopped by the road guards. As a result, they were at high stake.
12 The troops on these trucks were sent from Takeo province>.

13 Q. Very well. You said that your meeting with Ta Mok was held in
14 late 1977. And if I remember correctly, you left for Svay Rieng
15 in July 1978. So between late '77 and July 1978, did you hold any
16 other meetings with Ta Mok or others, during which more
17 up-to-date information was provided to you, that is, information
18 that was more up to date than the information you had in late
19 1977?

20 [10.57.23]

21 A. That meeting happened in late 1977, and the forces were sent
22 in mid-1978. You may have questioned why it took so much time to
23 send the troops to that location because <the duration of the
24 meetings was> to arrange forces. <Why we needed to take that much
25 time, because Svay Rieng province also faced the Vietnamese

1 troops.> We <therefore> needed to think of which soldiers from
2 which units or regiments had to be mobilized from, in order that
3 we could send the forces to Svay Rieng. <Thus, we could not move
4 troops from one regiment to another immediately. In Takeo
5 province, we faced the Vietnamese invasion as well.>

6 <In order to mobilise troops from four regiments, it> took very
7 much time<>. The meeting was convened in <December> 1977, <until
8 late May '78,> those soldiers were sent to Svay Rieng<>.

9 Q. In the interpretation, I heard of a meeting convened in May
10 1977. Do you mean December 1977?

11 In fact, did you say December 1977 in Khmer, or can you at least
12 clarify the month, please?

13 A. I cannot recall the exact month of 1977. What I can say is
14 that the meeting was held in late 1977, in order to deploy troops
15 <and reinforce> to Svay Rieng. And soldiers could only be sent to
16 Svay Rieng in late May 1978. This is my clarification for you.

17 [10.59.30]

18 Q. Indeed. Chuon Thy, a witness who testified before you,
19 explained that before he was mobilized again at the battlefield,
20 he was in his unit that was in charge of farm work.

21 So my question is, do you know if, among the soldiers who were
22 mobilized to go to Svay Rieng, if many of them had been
23 <completely> demobilized before to go do farm work or
24 construction work <and how many were assigned> military duties
25 before going to Svay Rieng? Could you give us an idea of the

1 proportions here?

2 A. Regarding the organization of the Intervention Brigade 221
3 <that I mentioned yesterday>, we had to select forces from those
4 previous named brigades, that is, 210, 230, 250 and 270. So one
5 regiment was selected from those brigades in order to form
6 Intervention Brigade 221. For that reason, those forces <> were
7 not <production force, but the force to be sent were> the
8 fighting forces <>.

9 [11.01.26]

10 Q. Fine. This regards Brigade 221. But regarding the other
11 brigades, do you know if they were people who were involved in
12 production work before being sent to the battlefield

13 A. I cannot grasp the situation because the forces that were
14 assigned to me were all fighting forces. And <my brigade> did not
15 have any forces who were from the production unit.

16 Q. No problem. Now I would like to turn to a first document that
17 I would like you to see knowing that, once again, it's not so
18 much the content of the document that interests me, but more the
19 locations that are mentioned in this document, since you said
20 that fighting took place on both sides of the border. Sometimes
21 the Vietnamese would <advance> and sometimes the <different
22 troops would be pushed back>.

23 So what I wanted to know, if you recognize the locations
24 mentioned in this document when you arrived in Svay Rieng. <That
25 will allow me to avoid any problems with pronunciation.> Do these

1 locations ring a bell?

2 So the first document I would like to provide to the witness is
3 document E3/946; French, ERN 00332727; English, 00185205; Khmer,
4 00021015.

5 And with your leave, Mr. President, I would like this document to
6 be given to the witness. And this document is a telegram dated 26
7 April 1978.

8 [11.03.58]

9 MR. PRESIDENT:

10 Yes, you may proceed.

11 BY MS. GUISSE:

12 Q. Witness, so you're being given a document and I'm going to
13 read paragraph 2 on the first page. This is a report that was
14 sent regarding the situation at 26 April 1978, and several people
15 were copied, Uncle Nuon, <Uncle Vorn,> Uncle Van. And this is
16 what is written:

17 "On top of the enemies at Preah Tonle in the direction -- in
18 Preah Tonle precisely, they <gave a surprise attack on> the Thlok
19 (phnetic) bridge towards the house with the 'sa' letter and came
20 by Prey Prum Daem (phnetic) by going through Preah Kak
21 (phnetic)." End of quote.

22 [11.05.01]

23 So my first question, I note that in Brigade 221, of which you
24 were part, you operated in different places in the area of Svay
25 Rieng, so in July 1978 or afterwards, during the two months of

1 your presence in Svay Rieng, do the town of Preah Tonle, the
2 Thlok (phonetic) bridge, the location of Prey Prum Daem
3 (phonetic) ring a bell? Are these locations where you had to
4 fight or where fighting took place after April 1978?

5 MR. IENG PHAN:

6 A. I am not familiar with the names appeared in the document.

7 Q. No problem. Now I would like to turn to another document in
8 order to possibly avoid -- well, this is document E3/862, a
9 second document; French, ERN 00814597; Khmer, 00021019; English,
10 00185207.

11 Mr. President, with your leave, can this document be given to the
12 witness? This is a report on the situation in all sectors in --
13 all areas in the first week of May 1978?

14 So can this document be given to the witness and then I'm going
15 to put questions to him regarding the locations that are
16 mentioned in this document.

17 [11.07.05]

18 MR. PRESIDENT:

19 Yes, you can proceed.

20 BY MS. GUISSE:

21 Q. Witness, what I would like to focus on in this document is the
22 first part that describes the situation of the national defence,
23 knowing that, once again, that this is a document dated back to
24 May 1978, so that's a little bit before your arrival.

25 So before you arrived there, did you obtain any information on

1 Sector 24 and on Sector 23?

2 MR. IENG PHAN:

3 A. I cannot grasp the situation mentioned in this document. If I
4 know about it, I would tell you, but I don't.

5 [11.08.18]

6 Q. Fine. So now let me return back to the previous question,
7 which is when you arrived in mid-1978, you had no information on
8 the situation that you were going to find there. Even based on
9 the information that was given to you at the meeting at the end
10 of 1977, nobody sent you telegrams, reports before you arrived in
11 Svay Rieng?

12 A. Before I left, the upper echelon explained to me about the
13 need for us to go there to provide our support. And that happened
14 in mid-78. Because our intervention unit needed to go, to be
15 based at Prasout district, to be in Chak village. So these two
16 areas were our main actions, and then I deployed the troops in
17 the said locations.

18 Q. When you arrived in Svay Rieng, was it Ren who welcomed you?

19 [11.09.47]

20 A. When I arrived in Svay Rieng, yes, indeed, Ren welcomed me.
21 And he was with another person <> briefed about the situation.
22 And he was not even aware of the presence of the Vietnamese
23 troops <at> Prasout, because by the time <the troops> arrived <at
24 Ren's headquarter>, three of my trucks <passed it,> while I
25 remained with the main convoy. And we planned <> to deploy our

1 troops in Prasout district as well as some troops to be deployed
2 in Chak village. <I had executed this plan.> Three of our
3 trucks<, however,> were <already> destroyed.

4 Indeed, I was briefed about the situation, but those people on
5 the ground were not even aware of the presence of Vietnamese
6 troops in the area. <It was night time.> I left Takeo at 5 <p.m.>
7 -- at 5 o'clock, and some trucks would arrive <> in Svay Rieng
8 <at 1 a.m.>

9 We had to leave during the night time, and that's why some trucks
10 were destroyed.

11 So allow me to say again, we were briefed by the upper echelon
12 and Ren<.> But he was not aware of the presence of the Vietnamese
13 troops in the area.

14 [11.11.32]

15 Q. So once you arrived in Svay Rieng, you said, as well as
16 <witness> Chuon Thy <did>, that your Brigade 221 was a mobile
17 brigade that was expected to provide <reinforcements> to other
18 brigades that needed it.

19 So my question is, when you deployed your forces did you meet
20 with other brigades, and did Ren give you specific instructions
21 based on the brigades that you had to support?

22 A. It is typical that when we were in the battlefield, <the
23 overall commander, Ren, and> other brigade commanders attended a
24 meeting chaired by the division commander. And there were no many
25 items on the agenda because due to the situation, we were

1 standing and talking. Brigade 340 would be sent to Chak and
2 Prasout, and the <intervention> brigade would go to lend support
3 to that Brigade 340 since they were assigned to be based at
4 Prasout and Chak areas.

5 So <> we <already> discussed about this plan before I deployed
6 my troops.

7 Q. So the instructions that were given to you by Ren <at that
8 time>, was the idea in them to push the Vietnamese back or was
9 the idea to penetrate Vietnamese territory?

10 [11.13.44]

11 A. I testified yesterday that Vietnam was a big country with more
12 army, more people and more weapons. Our unit, <in the status of>
13 intervention,< to put it simpler,> was to contain them and not to
14 make them advance quickly. We would not have the ability to push
15 them back inside into their country.

16 We were there only to contain them, but we could not even do that
17 because when we tried to contain them on the left side, then they
18 advanced on the right side. <They had many strategies.>
19 They had more war experience than us. And also, due to their
20 superior firepower and soldiers, we could not push them back into
21 their country. I never even had such hope. Our hope was only to
22 contain them.

23 Q. Is this why yesterday, when the Co-Prosecutor read out to you
24 an article from the Vietnamese Press saying that your brigade and
25 Brigade 340 had penetrated <Cambodian> (sic) territory, you said

1 that you were surprised and you said that that did not correspond
2 to what you had experienced?

3 [11.15.23]

4 A. Yes, that is correct. We did not have the ability to do that
5 or to take Vietnamese territory. We did not have such ability at
6 all. For me, I know clearly the forces of the Democratic
7 Kampuchea, we just emerged from the five year long war <against>
8 the Lon Nol government, and our armed forces were not that strong
9 yet. For that reason, we did not have any ability to invade or to
10 grab any Vietnamese territory at all.

11 Q. Now I would like you to comment, something that was dealt with
12 yesterday a little bit, that is, a statement from your former
13 deputy, Sokh Chhean. This is document E3/428; and French, ERN
14 00485477; English, 00374950; Khmer, 00373485 on to the following
15 page. You spoke yesterday about the fact that on your side, you
16 had captured no Vietnamese soldiers, and this is what Sokh Chhean
17 says:

18 "Based on what I know, the Khmer Rouge army never captured
19 Vietnamese soldiers. However, the Vietnamese army captured Khmer
20 Rouge soldiers. In my unit, there were 20 soldiers, <for sure>,
21 who were captured by the Vietnamese soldiers. The reason the
22 Khmer Rouge were not able to capture Vietnamese soldiers is when
23 I arrived there, the Vietnamese army had already reinforced its
24 troops in a sure way, and it had already laid enormous quantity
25 of mines in the river which was an obstacle to the advance of the

1 Khmer Rouge army." End of quote.

2 [11.17.50]

3 So my first question regarding this is, well, you said that you,
4 yourself, were wounded by a shell fired by a tank and <also> by a
5 mine, if I understood your testimony properly yesterday.

6 So do you confirm what Chhean is saying here, that is to say,
7 that the Vietnamese troops had laid <a large number of> mines in
8 the <river>? Is this something that you remember?

9 A. Yes, indeed. And why did I say that? Though I did not know for
10 sure whether the mines were laid by the Kampuchean troops or the
11 Vietnamese troops, <after> I was wounded in my leg <and it is
12 severe>. And while I was being carried through the rice field, we
13 stepped on <another> mine and a person who was carrying me at the
14 front died. And the person who was carrying me at the back got
15 <his leg> wounded and I also was hit by a shrapnel from a mine on
16 my head, though I did not know for sure who laid that mine in the
17 rice field.

18 [11.19.27]

19 Q. Your deputy, Sokh Chhean, speaks about mines that were laid by
20 the Vietnamese, so aside from this incident, do you know if there
21 were other incidents involving other brigades and involving mines
22 elsewhere than where you were injured?

23 A. It is my understanding that during the course of war,
24 <Regardless of> Vietnamese troops or Kampuchean troops, wherever
25 they were based, they had to lay mines at night time. And that

1 happened to both sides.

2 When we were not familiar with a geographical location, we had to
3 lay mines, three or four mines, during the night time and we
4 would remove them in the next morning. And that's the art of war.
5 We had to use all kinds of tactics and strategies. Sometimes
6 those tactics or strategies were explained. Sometimes they were
7 not. But we had to use all the strategies in order to survive
8 ourselves.

9 [11.20.54]

10 Q. Well, speaking about strategy, I would like to seek
11 clarification in relation to what you said yesterday. Yesterday
12 morning at around 11.36 <am>, I understood that you said you had
13 a meeting with Son Sen <near> Svay Rieng and, in the afternoon,
14 at around 1.44 <pm>, I understood you're saying, at least in the
15 French, that you had not seen Son Sen.

16 So can you tell us if, yes or no, you met Son Sen in Svay Rieng?
17 That's my first question.

18 And based on your answer, I will continue with another question.

19 A. I <would like to clarify that I indeed> attended a meeting
20 with Son Sen in Svay Rieng, and yesterday, I spoke about the
21 location of the meeting, that it was in Kraol Kou <village, a
22 little further to Neak Loeang>. And I was asked many follow-up
23 questions about the Kraol Kou location, whether it was a military
24 headquarter. And my response <> was that it was a logistics
25 office<, storing ammunition, and> it was also a mobile office

1 used by Son Sen.

2 When Son Sen left Phnom Penh to go there, he would have meetings
3 with the commanders on the ground in that location for an hour or
4 so <and then> he left.

5 [11.22.25]

6 Q. Do you know someone by the name of Ke Pauk?

7 A. I only heard of his name, but I never met him because he was
8 in the Northeast Zone.

9 Q. With the leave of the President, I would like to provide the
10 first page of the statement of witness 2-TCW-942. I cannot
11 mention his name, but I would like, however, the witness to see
12 the first page of the statement and to see if he knows this
13 person. And then I will read out a segment of this person's
14 statement so that the witness may comment.

15 So this is document -- it is witness 2-TCW-942, and it's
16 statement E3/426, French ERN 00 -- Mr. President, with your
17 leave, can I provide this document to the witness?

18 MR. PRESIDENT:

19 Yes, you may proceed.

20 [11.23.47]

21 BY MS. GUISSE:

22 Q. So as the document is being given to you, let me give you the
23 ERNs. French, 00403068; in English, 00364071; and Khmer,
24 00357492.

25 Witness, I simply would like you to look at the name as it's

1 underlined in orange in the document that was just provided to
2 you. And do you know this person without mentioning this person's
3 name because we must use a pseudonym for the moment?

4 So does this name ring a bell, and did you see this person at the
5 logistics office in Svay Rieng?

6 MR. IENG PHAN:

7 A. Yes, I know this person. And I saw him, too.

8 Q. So you saw him when you were in Svay Rieng, that is to say,
9 between mid-78 and the moment when you were evacuated to Phnom
10 Penh after you were injured. Is that correct?

11 A. I saw him and got to know him after 1978.

12 [11.25.27]

13 Q. Fine. So you did not see him in Svay Rieng. Is that correct?

14 A. No, I did not see him in Svay Rieng. And after 1979, I saw
15 him. And even at present, I know him and I even know where he
16 lives.

17 Q. Fine. So I'd like to read out an excerpt where he speaks about
18 Ke Pauk, and this might be at a different period from yours, but
19 however, I would like to confront you with this passage.

20 So he is speaking here about his stay in Svay Rieng, and this is
21 what he says:

22 "Later on, Son Sen assigned me to the radio and logistics office
23 in Svay Rieng at the end of 1977. In 1978, Son Sen was relocated
24 from Svay Rieng to Suong's office<, during the events in the
25 east,> when the Vietnamese arrived, in order to organize the

1 Eastern Zone and to <get> control the work <related to the
2 northern part of the Eastern Front.>
3 Son Sen had two functions, in Svay Rieng and in Suong. And the
4 command of the East Zone military operations and of all of the
5 <divisions permanently positioned> in the east, were guaranteed
6 by Son Sen and Ke Pauk." End of quote.

7 [11.27.02]

8 So in this segment, he does not specify when in 1978 -- he's
9 referring to, <but> he is speaking about Son Sen and Ke Pauk as
10 the people who were in charge of all of the divisions in the
11 east.

12 So my question is, before you arrived in Svay Rieng, did you hear
13 about Ke Pauk's involvement in the East Zone forces?

14 A. In the East Zone, I only know Son Sen. As for Ke Pauk, I only
15 heard of him through the meetings that he was in charge of the
16 Northeast Zone, that is, Kratie, Stung Treng, Ratanakiri and
17 Mondolkiri. As for the East Zone, there was only Son Sen.

18 However, if there were any reorganization later on, I do not have
19 that knowledge. <I only know about Son Sen and Ren in the East
20 Zone.>

21 MS. GUISSE:

22 Thank you, Mr. President. I am done for the moment.

23 I will have further questions, but I think that my time is up and
24 my colleague, Kong Sam Onn, also says that he has no
25 complementary questions, <fortunately,> so we can stop here.

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

Extraordinary Chambers in the Courts of Cambodia

Trial Chamber – Trial Day 474

Case No. 002/19-09-2007-ECCC/TC

1 November 2016

56

1 [11.28.41]

2 MR. PRESIDENT:

3 Thank you, Counsel.

4 And Mr. Ieng Phan, the Chamber is grateful of your testimony.

5 Your testimony may contribute to the ascertainment of the truth
6 in this case, and you are no longer required to be present in the
7 courtroom, so you can return to your residence or wherever you
8 wish to go to. And we wish you all the very best.

9 And the Chamber is grateful to you, Mr. Mam Rithea. You may also
10 rest.

11 Court officer, please work with WESU to arrange for Mr. Ieng Phan
12 to his residence or where he wishes to return to.

13 It is now convenient time for lunch break. We stop for a break
14 now and resume at 1.30 this afternoon.

15 And this afternoon, the Chamber will begin hearing testimony of a
16 witness, 2-TCW-1065.

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

20 The Court stands in recess.

21 (Court recesses from 1129H to 1332H)

22 MR. PRESIDENT:

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

24 This afternoon, the Chamber will start to hear 2-TCW-1065. This
25 witness will testify about the armed conflict.

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

1 Before we proceed to hear this witness <2-TCW-1065>, this witness
2 has been interviewed in other cases and the Co-Investigating
3 Judges have categorize this witness in group A in the memorandum
4 E319/35 and the Co-Investigating Judges request that this
5 witnesses pseudonym should be used to ensure the judicial
6 <investigation>. <The Chamber finds> this request is accordance
7 with the laws; however, this confidentiality shall be balanced
8 <between the public> and also the integrity of the investigation.
9 And the Chamber advise parties to use <the instruction in> E319/7
10 <in displaying other cases>.
11 And Court Officer, please invite the witness into the courtroom
12 together with the duty counsel<, Chan Sambour>.
13 (Witness enters the courtroom)
14 [13.35.30]
15 QUESTIONING BY THE PRESIDENT:
16 Q. Good afternoon, Mr. Witness. In the course of the testimony,
17 based on the request of the Co-Investigating Judges, the Chamber
18 will use <only> your pseudonym, 2-TCW-1065. Parties and the
19 Chamber <in general> will call you "Mr. Witness" and please be
20 informed that the Chamber will prohibit parties to use your
21 surname or first name in the course of the proceedings. The
22 Chamber also uses your pseudonym, as well, not your first name
23 and surname.
24 Court Officer, please bring the document <E3/10667> for the
25 witness to have a look.

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

1 (Short pause)

2 [13.36.47]

3 BY THE PRESIDENT:

4 Mr. Witness, the Chamber now would like you to confirm your
5 identity in document <E3/10667>; ERN in Khmer <00808426> and ERN
6 <in English 00976848, French 01001361. Please see the part where
7 it is highlighted in orange.>

8 And please confirm your identity; particularly in relation to
9 your surname, first name, <your nationality, your occupation,>
10 your parents' name, your wife's name, the number of your
11 children, your current address, and also your place of birth<.

12 Are they correct?>. Please inform the Chamber which part you
13 believe <correct or> incorrect. Again, please have a look at the
14 <orange> highlighted sentences, whether or not they are correct.

15 [13.38.08]

16 2-TCW-1065:

17 A. Concerning the orange highlighted sentences, they are all
18 correct.

19 Q. Thank you, Mr. Witness. The greffier made the report this
20 morning that you have no relationship by blood or by law to the
21 two accused, Khieu Samphan and Nuon Chea, and parties admitted to
22 this case; is that correct? Please observe the microphone, Mr.
23 Witness.

24 A. I have no connection with any of the convicted persons.

25 Q. They are not convicted persons, Mr. Witness; they are now

1 still the accused. They have not yet been convicted yet; I mean
2 Khieu Samphan and Nuon Chea.

3 Mr. Witness, have you already taken an oath before the Iron Club
4 Statue before you are here.

5 A. I took an oath already before the Iron Club Statue.

6 [13.39.36]

7 Q. Thank you, Mr. Witness. I am now informing you of your rights
8 and obligations as a witness in this Chamber.

9 As a witness in the proceedings before the Chamber, you may
10 refuse to respond to any question or to make any comment, which
11 may incriminate you, right against your self-incrimination.

12 As a witness in the proceedings before the Chamber, you must
13 respond to any questions by the Bench or relevant parties except
14 where your response or comments to those questions may
15 incriminate you as the Chamber has just informed you of your
16 rights as a witness.

17 These are your obligations. You, as a witness, must tell the
18 truth that you have known, heard, seen, remembered, experienced,
19 or observed directly about an event or occurrence relevant to the
20 questions that the Bench or parties pose to you.

21 Mr. Witness, have you ever provided interviews or been
22 interviewed by the investigators of the OCIJ and if that
23 happened, how many times and where?

24 [13.40.59]

25 A. I was interviewed once in 2012 at Chi Kae village, Vihear

1 Luong commune, Tboung Khmum district, Kampong Cham province at
2 the time. I was interviewed once, Mr. President.

3 Q. Thank you, Mr. Witness. Before you are here, have you reviewed
4 or read the written record or written records of your interview,
5 you provided to investigator of the OCIJ, to refresh your memory?

6 A. I have read already. I have completed reading it.

7 Q. To your best knowledge and recollection, does the written
8 record of the interview correspond to the statements you gave to
9 the investigator at the time?

10 A. Regarding this record of interview, it is correct, Mr.
11 President. I read it already and I have listened to the reading
12 of it as well.

13 Q. Mr. Witness, you are assisted by the duty counsel, <given by
14 the Chamber through WESU,> as requested by you, and the duty
15 counsel's name is Chan Sambour.

16 Now, please put the document back. I have some questions to put
17 to you, Mr. Witness, in relation to the events that happened. The
18 first question is: When exactly did you join the revolution?

19 [13.43.39]

20 A. I joined the revolution on 29 March 1970, at Svay Rieng. The
21 reason that I joined is because of the late king father appealing
22 for children to go into the jungle maquis.

23 Q. What was your first function after you joined the revolution;
24 did you work a civilian function or were you a soldier at the
25 time?

1 A. I joined in 1970 as a soldier. I was a soldier for one year.

2 Q. Which unit were you in?

3 A. I joined as a soldier in Svay Rieng in Samraong district. Now,
4 there is no Samraong district. Samraong <district was> in Svay
5 Rieng province <>.

6 [13.45.15]

7 Q. So you became a district soldier, at that time; is that
8 correct?

9 A. Yes, that is correct.

10 Q. To expedite the hearing of your testimony, I would like you to
11 describe your function as a soldier from the time you joined the
12 revolution <in> March 1970, up to 17 April 1975. Which unit were
13 you in; do you recall it and what was your real function at the
14 time?

15 A. Allow me to inform the Chamber, I am now telling you about the
16 period of 1970. I <served as> a soldier for one year; then I went
17 to attend medical training.

18 I became a medic from 1971 up to 1976, the medic at the
19 battlefield. I was not a medic for civilians; I was with the
20 soldiers as a medic at the battlefield, <that was> up to 1976.

21 Q. Which unit were you in when you worked as a medic?

22 A. From 1971 up to 1975, I was a medic in the district level <in
23 '75>. After the victory of Phnom Penh, that is, the liberation of
24 Phnom Penh, I went to <serve as> a medic <at the East Zone>; that
25 is<> Hospital 156. I became the chief of the medics <under>

1 Division 4 <in the zone, in 1976 until late 1977>.

2 Q. Besides being a medic from 1971 up to 1975, you, again, were a
3 medic and from 1975 up to 1976, you were still a medic <but that
4 was at the zone level> in Unit 156. Could you tell the Chamber,
5 in detail, your role and function from 1976 up to 1979; were
6 there any changes in your function from that time <of revolution
7 which was Democratic Kampuchea?>

8 [13.48.34]

9 A. Let me continue to tell the Chamber. I am now informing the
10 Chamber about the period of 1976. In 1976, I became the chief of
11 the hospital.

12 In late-1977<, in December>, Kampuchea and Vietnam started <to be
13 hostile and they had> conflicts. I became a medic at the front
14 battlefield. <That was the very front.> There was a conflict
15 between Kampuchea and Vietnam. In December 1977, the fighting
16 started. It lasted until 25 May 1978, during which Pol Pot
17 committed a coup d'état in Kampuchea, when and during the time
18 people<, combatants, cadres,> were killed.

19 My soldiers <in the entire Division 4>, from commanders of
20 divisions down to <regiments, commanders of companies and so on,>
21 were called to a meeting at the <central zone>. I did not go to
22 attend. Why? Since everyone went to join a meeting, I had to
23 station at the battlefield, at the time, because when there was
24 an intensified fighting with Vietnam.

25 <To come for the meeting, at> around <3> p.m.<, at that Division

1 4 ,> , <all> cadres were arrested <and put in trucks>; one left,
2 and that person <was walked> to the well and <told to sit down.
3 He was already blindfolded with the scarf. While he was sitting,
4 he loosened the scarf and saw the well in front.> <After> seeing
5 the well, <he> jumped across the well and ran away. He was shot
6 with the gun and got injured in one of his arms. He ran to see me
7 and told me <at the front. He said "Comrade, the clique of
8 central zone, the Ke Pauk's clique, killed our combatants and>
9 cadres, <those> who were invited to the meeting, had all been
10 arrested". I <therefore> learned about <the truth> that from the
11 person who got injured in his hand and I realized that Pol Pot
12 committed treason.

13 <At 5 p.m.,> after hearing that, I called all <general staff from
14 all battalions within> Unit 156, to a meeting and inform those
15 people that Pol Pot committed <the killings against our cadres
16 and people; so now what could we do?> I discussed with my
17 soldiers and my soldier asked me where they should go. I told
18 them to keep calm; <now we needed to fight to survive.> However,
19 some went to their homes<. To perceive such situation,> I
20 <withdrew soldiers who were> fighting <against the> Vietnamese
21 <at the front>.

22 <> I had to retreat three hundred soldier <to cross National Road
23 7 and got into Prey A Nguy (phonetic).> I arranged a plan to
24 <launch> attack <against> Pol Pot <since 1978>. At the time, I,
25 and my soldiers, did not only attack the Vietnamese troops, but

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

1 also troops of Pol Pot because I had to face with the two
2 <fronts>. <When we encountered the Vietnamese, we fought them.
3 When we encountered the troops of Pol Pot, we also fought them.>
4 [13.52.42]

5 During the time, <we> went into the forest to fight, I had no
6 food to eat, <even hammocks, we did not have those>. I had no
7 salt. We could only find very little <rice> to eat <from people
8 of cooperatives>, <if we did not> struggle<, we would die. If we
9 struggled, we could> survive. When <we> survived <>, <we could
10 liberate our> people <who were facing slaughter>.

11 I waged the attacks against Pol Pot two times a day. I attacked
12 Pol Pot to get medicines, rice, and food, and <ammunition and>
13 weapon. <Pol Pot troops had two fronts. One was the front against
14 the Vietnamese, engaging in the fight. At the back, my group
15 fought against> Pol Pot. There were all enemies to me at the
16 time. I started to engage in fighting and later on, <we> could
17 gather ammunition, hammocks, and other stuff. I started to fight
18 from that time onward from <Suong to> Memot <which was my
19 battlefield>. Only I, at the time, had forces to attack Pol Pot.

20 In October 1978, I was still in the jungle, but I was on
21 <constant> mobile at the time. I had organized an espionage group
22 <of 40 people> to get information. They were on mobile. They did
23 not stay in the one specific place. One day, they could find a
24 letter with red ink and the letter said they wanted to contact
25 us. The letter was sent to me and I read it and I asked my

1 soldiers in the espionage group who wanted to contact <us in the
2 jungle>.

3 [13.55.05]

4 <That person told that he would come to meet the next day.> I had
5 arranged 10 of my soldiers to go and observe who wanted to
6 contact my unit; <my forces were hiding in the jungle, my>
7 espionage group <saw Vietnamese with some Khmer> wanted to
8 communicate and cooperate with the Khmer forces at that time.
9 <Our espionage group came back and reported this to me.> I,
10 although seeing that they wanted to cooperate with my soldiers,
11 did not believe in them yet.

12 I had a <discussion> with 12 of my soldiers <>, later on, <the>
13 Vietnamese soldier<s were sent to negotiate at Kantuot village.
14 That happened in November>. <After such long discussion,> I was
15 invited to go to Vietnam and get ammunition. <My forces were
16 rather weak at the time.> I brought 60 soldiers with me, at the
17 time, to go to Vietnam and get military stuff and equipment from
18 Vietnam.

19 [13.56.17]

20 After I collected all ammunition, I, again, started the
21 <operation>. <We> co-operated with Vietnam at the time, in order
22 to <get thousands of> people <out from the jungle to Vietnamese
23 side>. We, <put two lines and asked> people to <walk in the
24 middle in order to prepare the front, but some people walked
25 outside the lines>. The Khmer Rouge, seeing people, <started

1 shooting. They started to scatter>. <I already crossed to the
2 other side of Khnang Krapeu (phonetic). One> side <was our line>
3 and <another side was> the Vietnamese troop<. We asked> people
4 <to> walk<> in the middle row<. Since they started to scatter,
5 they dispersed all over the jungle>.

6 Later on, <at Memot,> I was sick and <> at the time, Vietnam
7 asked to invite me to go and organize a front. I told Vietnam
8 that I was sick; I had a fever; I could not go; I had to stay at
9 the battlefield <because there was no one else to control it.
10 They told "it would be fine because a helicopter would pick you
11 up>.

12 One day at 1 p.m., there was a helicopter landing and <picking>
13 me <up>. I, at the time, <could> not <walk>, but I was carried
14 into the helicopter and the helicopter then headed for Ho Chi
15 Minh. I arrived at Ho Chi Minh at around 5 p.m. I stayed in Ho
16 Chi Minh for one week.

17 [13.58.26]

18 Then there was a <common> decision <from both the Khmer and
19 Vietnamese side> to change my function and my role. I was
20 transferred <from being an army commander> to be part of the
21 <Kampuchea-Vietnam> Coordination Committee<>. <I was in the
22 Kampuchean side. For the Vietnamese side was Ta Chuong
23 (phonetic), the colonel.> So the affairs <for the Cambodian side>
24 had to go through me and Ta Chuong (phonetic) was <responsible
25 for the Vietnamese affairs within Region 7.> I was then <further>

1 transferred to Long Thanh, (sic) <the Vietnamese> school <east of
2 Prey Nokor>. I was there for about a week, though I did not
3 attend any course; in fact, there was a three-day course studying
4 about the <plenty> resources in Cambodia.

5 <From there,> I went to Long Giao. I used to send 400 soldiers to
6 study in Long Giao and while I was in Long Giao, I rested there
7 with the commander of Region 7<, Ta Ba Kuong (phonetic)> and not
8 long after, we held our discussion <at Phnom Cheung Me Dai
9 (phonetic)>.

10 We needed to find a strategy to attack because, at the time, Pol
11 Pot was killing people and herding <our> people away <to the
12 west> and we studied and discussed on the location on the map
13 that if we attacked in that way then the people would be thrown
14 off into the river<, they would all be dead>. Then we had to use
15 to a strategy; that is, a <frog jumping> strategy<, implemented
16 all over the country,> in order to splits the forces of the Khmer
17 Rouge and to rescue the civilians. And then we launched the
18 attack or the assault campaign.

19 [14.00.33]

20 And by 1979, when the country fell, I was <removed from there
21 and> reassigned to take charge of Region 2; that <included 5
22 provinces>, Prey Veng, Svay Rieng, Kampong Cham, and Kampong Thom
23 <>, I was charged the police department, not the military one.
24 They assigned 30 Khmer and 30 Vietnamese to protect me. But at
25 the time, I was not the chief< although I was the country

1 representative, I was just a deputy>; they were the chief. They
2 took charge of all the affairs.

3 However, in my deputy position, sometimes, I disagreed with their
4 decisions because <this was the Khmer affairs. We> had agreed in
5 principle; that is, the five, <eight and 11>-points principles in
6 Ho Chi Minh. We had disagreement with the Vietnamese side. I was
7 a person of principle<. Anything which damaged the Khmer
8 interest, I would not agree,> because we had Kampuchean as the
9 mastery of the country.

10 [14.01.44]

11 Q. <Thank you.> You will be asked more questions, since you will
12 testified for two days. I only want to put some <basic> questions
13 to establish the foundations of the proceedings <>.

14 You made mention that from December 1977, there was a conflict
15 with Vietnam in the area that you were based. My first question
16 is the following: In which military unit you were attached to at
17 the time of the conflict and what was your position?

18 A. The conflict started, indeed, in December '77. At the time, I
19 was chairman of Hospital 156.

20 Q. Was Hospital <156> under the coordination of the division or
21 the zone?

22 A. It was under the division <4>.

23 Q. Regarding Division 4, did you know the names of the commander
24 and deputy commanders while you were under that division in 1977?

25 A. Allow me to respond. Initially, the commander was Ta Pon

1 (phonetic) and Heng Samrin was in charge of the military and the
2 deputies were Kim and Kri (phonetic) and I forget their surnames.
3 Q. And where was the headquarters of Division 4; at least at the
4 time the war started?

5 [14.04.21]

6 A. Division 4 headquarter was located in Kraek.

7 Q. You said that there was a meeting at the headquarter of
8 Division 4 and it was chaired by forces from the Central Zone and
9 participants were commanders <of> companies to battalions<, the
10 leadership within that division> and, later on, those commanders
11 were arrested and killed and only one survived after he was fired
12 at and wounded.

13 What about the commander and deputy commanders of that division;
14 where were they?

15 [14.05.23]

16 A. They were at the battlefield and, later on, they were called
17 to a meeting in Kraek and they were arrested. Heng Samrin<, that
18 time,> had <already> been reassigned to a staff office in Prey
19 Veng. As for the rest, <including Ta Kim and Ta Kri (phonetic),>
20 they were arrested right at Kraek.

21 Q. What about the secretary or the commander of divisional
22 commander Pon (phonetic); what was his fate?

23 A. Regarding the fate of division commander Pon (phonetic), he
24 was actually called away in 1976, and disappeared and there
25 remained only Heng Samrin.

1 [14.06.25]

2 Q. You also made mentioned <one point which established> the
3 start of the conflict. Since you're a witness of the armed
4 conflict in this Court, you said that the conflict started in
5 December 1977, with Vietnam. Through your experience or
6 observation, that you were involved in the military affairs since
7 1970 onward<s> and you <>, yourself, <seemed to be> right in the
8 middle of the conflict; although your position was in the middle,
9 <you appear to have a lot of information about it>.

10 What was the actual root cause of the <armed> conflict between
11 Vietnam and Kampuchea in the area that you were based in the East
12 Zone; can you describe it?

13 [14.07.30]

14 A. Allow me to report it to you. There were two cause roots of
15 the conflict. The conflict, initially, started in 1973. It was
16 about materials that the "Super Powers" provided to these
17 countries and they were not equal<ly> shared. This was the first
18 conflict>.

19 And the second conflict that led to war was the border issue
20 because of the unclear border demarcation that led to the
21 <fighting>.

22 Q. You spoke about the conflicts of the materials; what was the
23 scare of such conflicts that led to a fistfight between Vietnam
24 and Kampuchea?

25 [14.08.46]

1 A. The conflict in 1973 is that all war materials which were
2 provided to Kampuchea and Vietnam was from the same source; that
3 is, from China. And when those military materials including<,
4 vehicles, weapons,> ammunition, uniforms; they were all supplied
5 through Vietnam, but <Kampuchea could not directly receive all of
6 these.> Chin<ese aids included medical> supplies <and so on>--
7 for example, let's say China supplied 100; we received only 60,
8 so we lost 40. Then we were disappointed <subsequently> and start
9 the initial root cause of the conflict and that's what happened
10 in 1973.

11 Then there was a meeting held and <decided that> Khmer <forces
12 within Vietnamese army> should move to the Khmer side and
13 Vietnamese should move to the Vietnamese side <in the '73> and
14 there were only one or two experts attached to each side, so that
15 the start of the conflict.

16 And the second issue, as I said, is the border issue because
17 after we examined the border, the demarcation is not proper and
18 that led to the conflict. <There were only two conflicts.>

19 Q. Since you were a soldier at the border -- and as I told you,
20 the proceedings focuses on the armed conflict between Vietnam and
21 Kampuchea -- amongst the geographical areas along the Kampuchean
22 - Vietnam border, I'd like to ask you about your statement that
23 you said there was a border conflict.

24 How widespread was this that led to the conflict; or who started
25 to violate the territory integrity of another country? Who

1 claimed that another country violated the border, <or> was it a
2 conflict amongst those who claimed the rice-farming areas; or
3 what was the actual cause and who actually started the armed
4 confrontation first <between Kampuchea and Vietnam>? And here I
5 only focus on the area that you were in; that is, in the East
6 Zone<, please tell the Court about these conflicts>.

7 [14.11.55]

8 A. Regarding the conflict -- and here I only speak about the
9 conflict in the East Zone -- the conflict was the result of a
10 border issue because some Khmer villages were far away to be lost
11 because they were on the Vietnamese side<. This created the
12 conflict. We lost Khmer villages. Then,> observers and
13 investigators had to go to the ground to actually examine and see
14 what the real situation on the ground was like and they could not
15 solve the issue. They could not do it.

16 There were meetings; however, there was no solution, so what
17 could we do? The only thing that we could do was to result to
18 armed conflict. We held the meeting and the armed conflict
19 started that very night from both sides spontaneously <at the
20 East Zone>; and it started from then onward and it started
21 everywhere.

22 [14.13.03]

23 Q. Regarding the border demarcation in the East Zone -- and, of
24 course, you are very familiar with the East Zone area -- can you
25 tell the Chamber what was the starting point to the North

1 stretching to the South part, because to the North, it was to the
2 Northeast and <the South stretched to the Southwest, as indicated
3 in this map>, it was attached to the East Zone?

4 Here, I refer to the map and can you try to tell the Chamber the
5 starting point from the further North point; that is, the North
6 point that is the starting point of the East Zone flowing down to
7 the <further> South point; that is, to cover the entire East Zone
8 border and how long was the border <from the North to the South>?

9 A. If you talk about the distance, I cannot tell you; however, I
10 can tell you about the border area in Kampong Cham province
11 <where we based>. There were some villages which fell off the
12 map<. They all had gone>, for example, Svay Pagoda; Tnaot
13 village, Kradas village.

14 They were close to the house of the current president of the
15 National Assembly and I can tell you there; they are no longer on
16 the map, so where did they disappear? And that is the root cause
17 of the conflict; the conflict with the neighbouring country, that
18 is. And if you don't believe me, you can go and see the situation
19 on the ground.

20 [14.15.02]

21 Q. That is all right. I ask you this question because you have
22 mentioned that the border area in the East Zone, the armed
23 conflict started spontaneously throughout that one night and
24 that's why I want to know about the lengths of the border area
25 within the East Zone.

1 And we have heard some testimonies, <in Chantrea and Champus Tea
2 (phonetic) already had the issue,> although some are not clear;
3 for example, regarding the border area in Mondolkiri and, at the
4 times, the situation there was not that intensified as you
5 suggested.

6 Also, in the entire East Zone, can you tell the Chamber how many
7 divisions did the East Zone have and what are their numbers and
8 where were they based at the time?

9 [14.16.18]

10 A. In the East Zone, there were three divisions; Division 3, 4,
11 and 5 respectively. There were only three divisions and Division
12 3 was based in Svay Rieng, while Division 4 was at National Road
13 Number 7, and Division 5 was newly formed and together with all
14 the sectors in the division <in the entire zone>; namely, Sector
15 20, 21, and 22. So allow me to say again, there were only three
16 divisions in the East Zone.

17 Q. And how many soldiers there were in each division?

18 A. Each division had over 7,000 soldiers. A <platoon> had 120
19 soldiers. I made a mistake. In fact, for one company, there were
20 about 120 soldiers and for a battalion, there were about <520>
21 soldiers. <So, in one brigade, there were over 7000 soldiers.>

22 Q. And what about the commanders and the deputy commanders of
23 Division 3 and 5, do you know their names?

24 A. I only know the commanders. For Division 3, the commander was
25 Choeun (phonetic). As for Division 5, the commander was Chhoeun

1 (phonetic); however, they all died. And for Division 4, it was
2 Heng Samrin who is now the president of the National Assembly.

3 Q. You said that Division 3 was based in Svay Rieng; do you know
4 <where was> the headquarter of Division 3?

5 [14.19.06]

6 A. I do not know the <location of> division headquarter; I only
7 know that it was based in Svay Rieng.

8 Q. That is all right. What about Division 5; where was its
9 headquarter based; that is, the newly-formed division, as you
10 indicated?

11 A. It was stationed at National Road Number 7 and that was <newly
12 formed> only after the Vietnamese had attacked. Previously,
13 Chhoeun (phonetic) was from 156 with me, but later on, he was
14 reassigned to take charge of the newly formed Division 5.

15 Q. In the East Zone; that is, prior to the conflict with Vietnam
16 -- as you indicated that it was started in December '77 -- was
17 there any unit of the Centre army based in that zone; if so, how
18 many divisions there were? Here, I refer to the period prior to
19 December '77.

20 [14.20.32]

21 A. Prior to 1977, there was no Centre army; there were only East
22 Zone army. I only know about East Zone army. The East Zone army,
23 themselves, controlled the zone<, no central army>.

24 Q. I only ask you general question. You have made mention rather
25 extensively in your previous statement and you spoke at length

1 about the armed conflicts that happened inside Kampuchean
2 territory. <The question is,> starting from December '77 onward,
3 did Kampuchean side, at any point in time, use their forces to
4 penetrate Vietnamese territory?

5 A. During the course of fighting to penetrate Vietnamese
6 territory, and as I said, the campaign was launched in December
7 <>, in the East Zone -- and I cannot testified about other zones
8 -- that was the only time that the penetration was back and
9 forth. We pushed them and we were pushed back.

10 And later on, there was no signs of penetration. <The central
11 forces> were there only to contain them. We did not have any
12 force to push them back. And we had to successively retreated. We
13 could not fight against the Vietnamese troops <because we had
14 rift within ourselves>.

15 Q. You speaks about the penetration back and forth <>, can you
16 tell us when did it happened and how far did you enter the
17 Vietnamese territory <from the border>?

18 [14.23.07]

19 A. There were different units who entered the territory. Allow me
20 to speak about my unit; that is, 156. Our task was to attack
21 <Vietnamese> Barrack 27 <> and I could not say about other
22 <targets>. We had to focus on the attack on the Barrack 27. We
23 had to destroy that barrack.

24 But during the course of our fighting, <that barrack was> half
25 destroyed. <But the> Vietnamese side<> had intervention support

1 from a tank unit and we fought for three days and three nights
2 and then we retreated back to the border area and then the
3 fighting kept continue.

4 [14.24.13]

5 <> And they could not penetrate us <from the front>; however,
6 they could penetrate the area where Unit 155 was in charge, <at
7 Am Pok (phonetic), Phnom Bos Takok (phonetic)>; then they
8 manoeuvred through National Road Number 7 and <tank unit
9 attacked> us from behind. And at the time, I was wondering how
10 come we were shelled by tanks from behind. In fact, there was a
11 penetration at the area where Unit 155 was in charge and
12 subsequently, <they surrounded us from behind,> we <then> had to
13 retreat ourselves to the back in order to contain them.

14 <Whatever they did, they could not penetrate our front.> The
15 fighting between Vietnam and Kampuchea was so intensified at the
16 time. Wounded soldiers had to be carried away under the ground;
17 we could not carry them in the open and that happened to both
18 sides, to the Vietnamese side and to the Kampuchean side. We did
19 not fight either from a long distance, for example, not from 100
20 metres away, but it was from 30 metres away.

21 Q. When you tried to enter and attack Barrack 27 on the
22 Vietnamese side, how far was the barrack from the border area?

23 A. Barrack 27 was a bit further from the iron bridge; it was not
24 that far, but I cannot give you the distance in kilometres. It
25 was not that far from the Kampuchean border. From the border,

1 there was this "spean deik" or iron bridge and a bit further,
2 there is this Barrack 27 <and from this, was Smach (phonetic)
3 market>.

4 Q. During the course of the armed conflict between Vietnam and
5 Kampuchea, can you give an example as to at which particular
6 point in time that the Vietnamese side penetrated deep inside
7 Kampuchean territory <at the East Zone>; that is, away from the
8 border and how far was it and when did it happen?

9 [14.26.57]

10 A. It happened in 1977, but I cannot recall the date. It was
11 toward late 1977, when the Vietnamese attacked us via Road 7. <I
12 estimated that it was> about 20 kilometres deep inside our
13 territory. They reached Khnar village at the time. Khnar village
14 was in Sralab commune. They <could not push> further toward the
15 West, <because we already deployed troops to curb> their
16 advancements there. Then they had to retreat.

17 Q. Khnar village, Sralab commune, can you tell us the district or
18 the province it was located in?

19 A. It was in Sralab commune, Tboung Khmum district. It is located
20 along National Road Number 7.

21 [14.28.15]

22 Q. What kinds of troops Vietnamese employed during their
23 penetration inside the Kampuchean territory; did they use tanks<,
24 artilleries, or> any aerial support?

25 A. When we fought and attacked their Barrack 27, the Vietnamese

1 side had all kinds of support; that is, heavy artilleries; that
2 is, 130 mm artilleries, tanks, and aerial support. However, when
3 they <were> penetrat<ing> into our territory there was no aerial
4 support; however, they used <only> tanks <along National Road 7,
5 but> we could shoot and burn some of their tanks. And as I said,
6 they reached Khnar village by that time <and they retreated>.

7 Q. You said it was your spearhead, that you had to attack Barrack
8 27 of Vietnam; can you tell the Chamber who issued the orders to
9 your units to attack Vietnamese Barrack 27 inside Vietnamese
10 territory?

11 A. At that time, I was a military medic at the front battlefield;
12 I was not a commander, although I was at the front battlefield. I
13 believed it was the Zone's plan because everything that the
14 division did was according to the decision of the Zone. Only
15 after the Zone made the decisions, that's then the division would
16 deployed those battalions to attack.

17 Q. From the period of December 1977 up to 1979 and based on your
18 experience and according to your hard work at the battlefield,
19 how many times did Vietnam penetrate into Cambodia and how large
20 was the destruction <of both sides according to your
21 observation>?

22 [14.31.09]

23 A. There were two types of fighting; one was the fighting against
24 <one> another; I mean the standoff, and another one was the
25 counterattack to defend the country or to liberate the country.

1 Which year are you referring to, Mr. President?

2 MR. PRESIDENT:

3 I am referring to the time <frame> when armed conflict occurred
4 up until the intervention by the Central army <in the East Zone>.
5 There was, at the time, an accusation that there was a rebellion
6 within the country and also externally, <that was complicated,>
7 so I am asking you about the time when the conflict started up
8 until the time when the Centre sent army to reinforce <to the
9 East Zone>.

10 [14.32.22]

11 A. In 2077 (sic), there were no forces from the Centre to
12 reinforce. <Later on,> there was a conflict with Vietnam. In
13 1977, the Vietnamese troop attack into Cambodia and at the time,
14 the Division 2 from the Centre <Army> was sent to assist us. It,
15 at the time, coincided with the internal coup d'état<, conflict
16 internally>.

17 Cadres <and combatants> were subject to execution from that time
18 onward. I mean from late 1977, cadres and staff members had been
19 arrested from different offices and ministry and also from other
20 places. <They ran and scattered all over the places to their
21 survival. From this point> onwards<, we realised> that Pol Pot
22 <was hostile to both Cambodian people and> Vietnam. <Because of
23 this> I, from 25 <May> 1978, <split from being a medic and>
24 started to <mobilise troops to> attack Pol Pot.

25 Q. Thank you. I am now turning <from armed conflict> to another

1 topic. <We will go in details with what was recorded in the
2 documents>.

3 First, I would like to ask about your relationships. Do you know
4 some of the leaders in the East <Zone>? Do you know some of the
5 secretaries and deputy secretaries in the East <Zone>; <how many
6 of them? And> what were their names?

7 [14.34.35]

8 A. Regarding the leaders in the East <Zone>, I know only one
9 individual, So Phim, alias Yang (phonetic) -- alias Yann, rather.
10 So Phim and I was a distant relative. My grandmother and So
11 Phim's mother was a biological sibling. My mother and So Phim
12 were cousins and I had a <distant> relationship with So Phim.
13 <With some affairs, I often asked him.>

14 <In the past,> So Phim said that Pol Pot did not betray all of
15 us, but I, myself, believed that <Pol Pot> betrayed us because
16 Pol Pot killed people and So Phim said if Pol Pot <killed people
17 or attempted to stage a coup d'état>, why didn't <he> tell him.

18 In <my> reply<, I said, "How could one tell the truth if he
19 attempts to stage the coup d'état". This is my reply. I could
20 talk about this because I knew him as my uncle>. <I said to him
21 that, "When someone betrayed you, he or she would not tell you
22 about it".>

23 So Phim, at the time, was not sure in himself <whether Pol Pot
24 betrayed us or not>; that is why he<, together with messengers,>
25 decided to go to <ask Pol Pot at Akreiy Ksatr, Mukh Kampul> for

1 clarification about that.

2 Q. Who were older; I mean So Phim and you? When was So Phim born
3 and what was his birthplace; do you recall since you know him
4 very well?

5 A. I do not know his date of birth, but he was originally from
6 Sangkom village, <> Kokir Saom commune, Svay Teab district, Svay
7 Rieng province. As for his date of birth, I have no idea. <I was
8 not yet born.>

9 [14.37.14]

10 Q. You explained, in <depth>, about the <serious> politics;
11 particularly, about the coup d'état and treason. <And you raised
12 this with So Phim.> And also you made mention about close
13 relationship with So Phim. You were close to So Phim because of
14 personal relationship, <or because of your role as a medic or as
15 a soldier in Division 4>?

16 A. <The relation was because we> were related by blood<, not
17 because of work>. Some of my family members worked in the
18 <Office> of Agriculture<, but they all died, including>
19 grandmother-in-law died <and three children> at the period. I
20 sometimes asked about his <well> being. I <therefore> know some
21 of the matters.

22 Q. When, usually, you had the opportunity to go to see him
23 personally to have a chit chat with him? You have told that you
24 had a personal relationship with him, sometimes to discuss <in
25 depth> about politics, so when exactly did you start to have such

1 dialogue?

2 [14.39.24]

3 A. <> I had no specific schedule to go and see him. When I had
4 the opportunity, I went to see him. I did not have a fixed
5 schedule to see him monthly or daily since I worked at the
6 hospital. I sometimes went to visit my family members at the
7 <Office> of Agriculture, so I could see him at the time.

8 Q. You stated that your family member worked at the <Office> of
9 Agriculture <in the Zone>; was that person your wife or was that
10 person your <father> or how was that person related to you?

11 A. My biological mother was working there and my
12 grandmother-in-law was there, as well, <my wife and three
13 children were> at that place.

14 Q. You appear to know exactly the location of the East <Zone>
15 headquarter or office; where was it?

16 [14.41.03]

17 A. <The> zone office was originally based at Suong and later on,
18 it was moved to Samraong, Kokir (phonetic) south of Doun Tei. It
19 was call Tuol Samraong or Tuol Kokir where the office was based.
20 There were houses there and there was also a hospital.

21 Q. Which sector was Suong in, at the time, and which sector
22 Samraong and Doun Tei were in, at the time, and where are they at
23 the current time?

24 A. Suong was referred to as Sector 21, from the north of national
25 road. Samraong<, Tuol Preap,> were Sector 20 <>; one in the South

1 <of the road was Sector 20> and another one in the North <of the
2 road was Sector 21>.

3 MR. PRESIDENT:

4 Thank you very much for trying to answer my question to your best
5 ability.

6 It is now time for break. We will take break from now until 3
7 p.m.

8 Court officer, please find a proper place for the witness in the
9 waiting room during the break time and please invite him back
10 into the courtroom with the duty counsel at 3 p.m.

11 The Court is now in recess.

12 (Court recesses from 1442H to 1501H)

13 MR. PRESIDENT:

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

15 And Mr. Witness, I still have some general questions that I need
16 to put to you.

17 BY THE PRESIDENT:

18 Q. When you had an opportunity to speak to So Phim<, in the
19 family fashion,> when he was secretary of the East Zone, so
20 during those times that you had a conversation with him, as a
21 family member -- Court officer, could you check <> sound system?

22 Regarding the times that you had conversation with him, you said
23 that it was irregular. However, during the DK regime; that is,
24 between 1975 to the times that the event was unfolded in the East
25 Zone; that is, in around May 1978,< the time you had the chance

1 to talk with So Phim as a family member,> can you tell the
2 Chamber, if you can recall, how many times did you meet with So
3 Phim and for each meeting, what kinds of topic did you discuss
4 with him?

5 [15.04.22]

6 2-TCW-1065:

7 A. Allow me to continue with my response. As to the number of
8 times that I met him, I met him three to four times per year
9 because I was based at the battlefield and I did not have time to
10 see him that often.

11 When I came to visit my family, I also tried to have an
12 opportunity to speak to him, but we never discussed about the
13 nation's affairs; we spoke to each other as a relative.

14 Sometimes, I had a casual conversation with him and he didn't
15 mind that and that's about it.

16 Q. And in your previous statement, you said that you had an
17 opportunity to speak to So Phim and you said Pol Pot conducted a
18 coup d'état, but So Phim did not believe that. Regarding this
19 conversation; that is, on the <deep> topic of treason and coup
20 d'état, can you tell the Chamber as to when did it happen and
21 where? Can you describe that meeting to the Chamber; that is,
22 your meeting with So Phim?

23 [15.06.03]

24 A. It was in late '77; that was the time that we had a war with
25 Vietnam. I was at the battlefield, but one evening at around 5

1 o'clock, I came to my house and I met him. And he asked me about
2 the situation at the battlefield and I told him that it was not
3 good and why it was not good because I gave an example that <a>
4 tree, despitely there was no wind, it simply fell down.
5 He analyzed it and he said that, in fact, there was a storm in
6 China, but the remnant effect felt in Cambodia. I asked him why
7 he built the house and he said that he built that house in order
8 to receive a Chinese guest. So I was sitting on a bed there and I
9 chit chatting <with> him about these matters and that happened in
10 '77 <when we were in the struggle>.

11 Q. And why did you make such a statement to him?

12 [15.07.40]

13 A. The issue is that we started to fight with Vietnam. At that
14 time, the Vietnam didn't attack us; however, then there was an
15 internal armed conflict and that happened in May and I knew that
16 the situation was not good<, and that it was an internal
17 conflict,> and I thought that maybe some people were traitorous
18 and I chit chatted to him that it could be Pol Pot. But he said
19 that if Pol Pot was a traitor, Pol Pot would have told him. <It
20 was a chit-chat.>

21 However, there were five members of the Standing Committee
22 including <him, So Phim, why then Pol Pot did not tell him. We
23 continued the chitchat and I said, "Normally, traitors would not
24 tell us that." But> his analysis that it was Son Sen who
25 initiated the coup d'état<, not Pol Pot>.

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

1 Q. A while ago, you also stated that he did not believe that Pol
2 Pot conducted a coup d'état and it was likely it was done by Son
3 Sen. Then he went to Phnom Penh and reached Akreiy Ksatr area;
4 can you tell the Chamber about the fate of <So Phim> in around
5 that year; that is, the year of 1978?

6 A. It is my personal opinion that in 1978, he became hopeless and
7 that is why he went to Akreiy Ksatr area; that is, Mukh Kampul
8 and he sent his messengers to ask why Pol Pot sent the soldiers,
9 armies from the Central Zone to kill the cadres and kill the
10 people <of the East Zone>. He wanted to have a firm confirmation
11 on this issue, but he failed it because Pol Pot had actually
12 engaged in the coup d'état, but <we were still not sure about
13 it,> we made a wrong analysis of the situation.

14 If <he> were to believe me and he escaped it, then he would be
15 protected<. There were many troops in the East Zone>. If he were
16 to travel to the East Zone, we had three divisions and of,
17 course, we could defend him, but he, himself, <did not> believe<>
18 his subordinates. <That's why it was his peril.>

19 [15.11.01]

20 Q. You just made mention that he sent his messengers to inquire
21 about Pot Pot, so where was So Phim, himself; where was he?

22 A. I haven't yet finished; allow me to continue. So he made his
23 trip. He went along with his messengers and one of the
24 messengers, Chhoeun, was his nephew. He sent Chhoeun to send a
25 letter to the Party Centre, but <on the way,> Chhoeun was

1 arrested. Then after Chhoeun disappeared, he sent another
2 messenger. The messenger was subsequently arrested.
3 So then an army came with tanks to surround him to arrest him and
4 that was <the end of> his fate. He had no choice but to kill
5 himself, so he committed suicide by <shooting> himself. But
6 before he died, he told people who were nearby him to stand up
7 and to rise up. <He, himself, was finished.>

8 [15.12.32]

9 Q. You said that he arrived at Akreiy Ksatr; did he <including
10 his guards or> messengers arrived at Akreiy Ksatr? Or where did
11 he stop and then send his messenger or bodyguards to deliver a
12 letter to Phnom Penh? Where was he when such event was unfolded?

13 A. I do not know the actual location; however, one of the
14 messengers who could flee said that it was at Akreiy Ksatr.

15 <After he shot his messengers,> he shot himself to death, <but
16 there was> one messenger who could escape and hide himself in a
17 pond survived, although he was fired upon by those soldiers from
18 the Southwest. Then when the situation became quiet, he fled to
19 the village; only him survived. But I do not know the actual
20 location.

21 Q. So that is second-hand information that you learned from that
22 person and what is the name of the person who told you?

23 [15.14.05]

24 A. The nephew named Ung (phonetic), however, he now works in
25 Thailand. He's been working in Thailand for a few years.

1 Q. Is he So Phim's nephew or So Phim's wife's nephew?

2 A. He is So Phim's nephew.

3 Q. Allow me to recap what you just said. Because he felt
4 desperate or hopeless, since he sent two messengers to deliver a
5 letter and they disappeared, he decided to kill some of his
6 <bodyguards> and only one survived and later on, he killed
7 himself; is that correct?

8 A. Yes, that is correct.

9 Q. What about his driver; what happened?

10 A. I, at the time, did not ask about the driver.

11 [15.15.31]

12 Q. And based on the information that you were told by that
13 nephew, did you know as to when actually it happened? Of course,
14 you said that you do not know the actual location where the event
15 took place, but as to the date; do you know it?

16 A. No, I do not know as to when it happened. I only asked that
17 person and, indeed, he was also related to me as a nephew. I only
18 wanted to know what happened, but I did not delve into
19 greater detail.

20 Q. While So Phim was alive, did he have a wife and if so, what is
21 <her> name and how many children he had?

22 A. I do not know her native name; I only know her alias, Yeay
23 Kirou. And they had a son<, Nat (phonetic),> and a daughter<, Si
24 (phonetic)>, but one was adopted. <Nat (phonetic) is a doctor
25 and> Kasi (phonetic) who<se> husband was the son-in-law of Ros

1 Nhim who was <from the Northwest Zone>. So he had two children.

2 Q. And do you know the adopted child he had, whether the child
3 was a son or a daughter?

4 A. It was a daughter named Tadeav (phonetic); I do not know her
5 whereabouts.

6 [15.17.53]

7 Q. What about Nat (phonetic); is Nat (phonetic) a son or a
8 daughter?

9 A. Nat (phonetic) was chief of Hospital P-2, <he is deceased>;
10 however, I did not know about Kasi (phonetic), whether she's
11 alive. Nat (phonetic) was the son.

12 Q. What about the fate of his wife, Yeay Kirou?

13 A. Yeay Kirou died. I did not know where she was <taken to be
14 executed>, because I was at the front battlefield and I did not
15 know about <what> happened at the rear.

16 Q. If that is the case, how could you say that Yeay Kirou was
17 taken away and killed?

18 [15.18.53]

19 A. I made that claim because, as in the case of my family
20 members, I could not find them and if Yeay Kirou is alive, she
21 would come to the native village. And I heard people saying that
22 Yeay Kirou was taken away and killed. <They would not spare her.>
23 That's why I said that she's dead.

24 Q. You spoke about Ros Nhim who was an in-law to So Phim, as So
25 Phim's child got married to Ros Nhim's child, and do you know Ros

1 Nhim and what was his position during the DK regime?

2 A. I do not know Ros Nhim. I only knew that he was chief of the
3 Northwest Zone. His son married So Phim's daughter; that's all I
4 know. I only heard from other people that he was chief of the
5 Northwest Zone.

6 Q. Did you ever know that Ros Nhim came to visit the East Zone
7 which was under charge by So Phim?

8 A. I do not know as to when he came to the zone. I was attached
9 to the army and I did not know what happened at the rear.

10 Q. Do you know Suas Nau, alias Chhouk?

11 A. No, the name does not ring a bell.

12 Q. That is all right. And did you know Chan Seng Hong, alias
13 Chan?

14 A. I only heard of his name. I did not meet the person. I did not
15 have any contact with this person.

16 (Short pause)

17 [15.21.53]

18 Q. My question is in relation to a rebellion, as you spoke about
19 it, and that you also discussed the <in-depth national> matter
20 with So Phim, who was the secretary of the East Zone. Did you
21 ever know if So Phim had any contact or relationship with
22 Vietnamese <individuals or represent> authority during the times
23 that he was a secretary of the East Zone?

24 A. I never know about any contact he made with Vietnam or with
25 anybody from that side.

1 [15.23.03]

2 Q. My next line of questions is related to some documents. I will
3 show you some documents in order to identify the people in those
4 documents.

5 Court officer, please hand over these documents to the witness.

6 You were interviewed by the investigator of the OCIJ, in a
7 separate case and this is a telegram dated 6 November '77, signed
8 by Chhon, and during your interview -- that is document E3/10669,
9 in question 3; Khmer, ERN 00808443; English, 00976867; French,
10 01001377; you were shown a <separate> telegram signed by Chhon.
11 Please read that portion. And that telegram was issued during the
12 night of 6 of November '77, and the document was copied to Uncle,
13 Uncle <Nuon, Brother Van>, <Brother> Vorn, Khieu, Office and
14 Archived.

15 There is one point that I would like to ask you for clarification
16 from this document; that is, the person named Chhon. Witness,
17 have you ever seen this document before?

18 A. No, I have not seen this document and I am <not> familiar with
19 the person named Chhon. I have not seen this document before.

20 [15.26.32]

21 Q. Regarding the events that were mentioned, namely that:
22 "At 4:00 p.m. that afternoon, I had a sickness and I did not know
23 <whether I got syncope or not>. Then while I was sitting,
24 listening to the reports, I fell off my chair. I could not move.
25 I became unconscious for 20 minutes, and in the late evening and

1 nighttime, I could resume my work and I continued working the
2 next morning until it was successfully concluded. On the night of
3 the 5th and the morning of the 6th <in November,> I became
4 exhausted. My blood pressure was varied. Sometimes it rose to 14
5 in a short period of time. Sometimes it dropped to nine. That's
6 why I felt unwell and I could not enjoy my meal. I had tension in
7 my <right> chest. At present, I have a severe headache."

8 Do you recall that in such a meeting with the leader of the East
9 Zone, this event took place; that is, the person became
10 unconscious and fell on the ground in the middle of the meeting?

11 [15.28.23]

12 A. No, I do not know and I did not attend such a meeting and I
13 never heard about a person falling off <and became unconscious>.
14 This is the first time that I saw this document and I did not
15 know where this meeting took place.

16 Q. You are related to So Phim, and can you tell the Chamber that
17 to your knowledge, did So Phim use other names or aliases while
18 he was Secretary of the East Zone?

19 A. Initially, he was known as So Phim and later on he was known
20 as So Yann. So he was known by both So Phim or So Yann.

21 Q. And amongst the high-ranking civilians or military in the East
22 Zone, was anyone known as Chhon?

23 A. Personally, I never heard of anyone named Chhon, and as I
24 said, I have not seen this document before.

25 [15.30.20]

1 Q. Regarding Telegram 91, dated the 10 December, and that
2 document is E3/8370:

3 "With respect to M-870: The enemy situation at the border; that
4 is, at Route 22, on the night of 9 December, the enemy entered
5 the Trach <> Khaol, and currently they stationed around Trapeang
6 Smach at Prey Baut Kang and Sapoun, west of Trapeang Phlong
7 village, near the vicinity of Preah Phdau village. We tried to
8 interrupt them and to ambush them so that they would be
9 separated.

10 In Svay village, the enemy intensified their attack and we had to
11 retreat to prepare ourselves to defend against the advancement in
12 Rumdeng, crossing Trapeang Phdau (phonetic); that is at Road 22,
13 to the east and south of Rumseng village. We prepared small
14 groups to attack them, and the 9 December, we killed 105
15 soldiers, and <186> of them were wounded and we destroyed <one
16 DK-75, six machine guns> and <5> tanks were destroyed as <the
17 other two> stepped onto mines. The enemy conceded that their
18 two-star general was killed. Wish you good health, <with great
19 success>."

20 Morning of the 10 December, signed by Chhon.

21 Mr. Witness, <you do not recall the name but> are you familiar
22 with this situation, because it happened at Road 22 and maybe you
23 are familiar with the geographical location of that Road 22? Does
24 the telegram content jog your memory?

25 [15.32.55]

1 A. I have just heard about the document. There was no individual
2 named Chhon <in the East Zone>. The situation mentioned in the
3 document, Trach Khaol, in fact, consisted of only my soldiers. So
4 the attack was launched against my soldiers at the time, and
5 these forces were -- the document, I believe, mentioned about the
6 soldiers from the Central Zone. Trach Khaol was the base where I
7 and my soldiers stationed<, from the west of Trapeang Phlong>.
8 These people, in fact, initiated a coup d'état and attacked my
9 forces. <That is why I never saw it. They were the forces from
10 the Central Zone or the Southwest Zone.>

11 Q. There was no clear name of the one who issued a telegram, but
12 the <received> date was <10> December 1977 <at 13:15>. I asked
13 you about the situation happening at the time. My question is did
14 forces from the Central Zone come to station at the east with
15 your soldiers? You stated that there were only soldiers from the
16 East Zone who were there and they were on their own mastery to
17 defend the country.

18 [15.34.32]

19 A. Let me inform you, Mr. President. There were two situations
20 happening at the East. In 1977, we attacked Vietnam. After the
21 attack, Vietnam pushed into our base and they defeated us at that
22 location. We then were assisted by the soldiers from the Central
23 Zone, Ke Pauk. Ke Pauk, in fact, <> Ke Pauk forces were sent to
24 assist us, but <not to help us>, Ke Pauk<, in December '77>
25 attacked us at Trach Khaol, Veal Rumseng, Tuol Sangkae<. No one

1 based there, there> were <only> my soldiers <> based <right
2 there>. So these forces, the forces from the Central Zone <and>
3 the Southwest Zone went to attack my forces. This is the first
4 time that I saw the document.

5 Q. One situation that I emphasized is <the enemy conceded that>
6 one major general <of the division> was smashed. <At this point,
7 the victory claimed by the Kampuchean army in their war against
8 Vietnam.> That was within the report, and there was one sentence
9 stating that one <major> general was smashed and that major
10 general was part of the Vietnamese Army. And this information was
11 learned from the confession. Does this jog your memory that at
12 the time, a major general <inside a> tank <> was smashed? Do you
13 recall that?

14 [15.36.47]

15 A. I do not believe in such event. This is the report about the
16 achievement made by the unit. In fact, there was no <> major
17 general <> smashed <inside the tank>. The forces from the Central
18 Zone went to attack my soldiers and also, at the same time, the
19 Vietnamese troops. From <Trach> Khaol and other locations,
20 <including Prey Rumdeng,> my soldiers were stationed there<. No
21 Vietnamese presented there>. Again, this is the first time I have
22 seen the document. This is about the coup d'état, <this clique>
23 killed Khmer people. I do not know about the attack against the
24 Vietnamese based on the document. <These are all fake documents;
25 they could maneuver whatever they wanted>.

1 Q. I have some other documents, and I would like to give you two
2 more documents for examination. The first document, E3/988 and
3 the second document is E3/905. They are all telegrams. The first
4 document, E3/988, Telegram Number 1:

5 "To the Beloved Brother,

6 Phim wanted to tell you about the situation of army in the
7 morning of 22 December. At 10 a.m. they attacked us successfully
8 at <Sa'am,> Ampuk, Chi Peang. And <at noon of> the <22nd>
9 December, one tank entered the rice mill warehouse <at the
10 crossroad of Kandaol Chrum> and there was another tank coming and
11 arrived at Bat Ponlea <village>, the east of Kandaol Chrum. The
12 first tank fired our rice truck at the warehouse <at Kandaol
13 Chrum>, and then that tank turned to National Road Number 7
14 eastward. That tank <also> came using National Road Number 7<. They assembled at one place at Ta Hiev (phonetic). On the
15 afternoon of> the 21st (sic) December, we did not know the number
16 of the<ir tanks and infantry>. We <overwhelmed> them at that
17 location <of Tectona grandis forest at Ta Hiev (phonetic)>
18 intersection in Anloung Treh (phonetic). We are now attacking and
19 containing them at this location>. Please Brother, respectfully
20 be notified, East Zone 22, December, Comrade Peam."

22 My first question is about the timing and the location of the
23 event where the attack happened and tanks were coming onto the
24 Kampuchean territory. Since you were stationed at that location,
25 did such an event happen?

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1 [15.40.55]

2 A. This document is -- the information is correct. Comrade Peam
3 is mentioned in here. Peam was part of the staff office of the
4 East Zone. This report was made <for> So Phim. I recognize this
5 document.

6 Q. Thank you. And another document, E3/905, Telegram 09:

7 "Dear Respected and Beloved M-870,
8 About the Vietnamese situation on <2 (sic)> December <> 1977,
9 they attacked vigorously and captured the whole Kraek rubber
10 plantation, but workers in all villages withdraw and our
11 artillery troops also withdraw to the north part of Dambae. It is
12 learned that on the morning of December 23rd, 1977, the
13 Vietnamese moved through Veal Morl, to the plantation, and up to
14 go Ko Srok. During these two days, there had been no clashes with
15 our forces while people disorderly gathered and ran. There is no
16 information from Memot <factory> because the messengers have not
17 shown up yet. Based on the information from the soldiers, most of
18 them, they had a lot of trucks and tanks. There was confusion
19 among us and them. We could not distinguish between us and them,
20 especially our artillery unit."

21 The date is December 23rd, 1977. The author is Phuong.

22 My question to you is are you aware of the event and who is
23 Phuong?

24 [15.43.50]

25 A. I admit that this document originated from the East <Zone>.

1 This is the report. <I however was not sure about Phuong because
2 we never met.>The situation did happen in such a manner. There
3 were artilleries. I admit that the two telegrams made the reports
4 about the situation <for Ta Phim> and the reports originated from
5 the <East Zone>. I do not know well Phuong.

6 Q. <Since> you are aware of the situation and you admit that you
7 know and recognize the telegrams or documents<, we wish to show a
8 few more documents>. Do you know the position of Phuong, or don't
9 you know? What did he do back then?

10 A. I do not know his position, I mean, Phuong's position. I heard
11 from others, because we had different tasks to perform. I mean,
12 civilian officials had a different task to perform compared to
13 the military. We had separated work <at that time>.

14 [15.45.47]

15 Q. I have some other telegrams to ask you, and I will only select
16 <three> to show you.

17 Greffier, please bring the documents to the witness -- court
18 officer, rather, please bring the documents to the witness.

19 Please look at the first document, Telegram Number 7, E3/906:
20 "Dear Respected and Beloved M-870,
21 The situation of the Vietnamese aggressor on December 22, 1977 at
22 12. They expanded their spearhead from Ta Hiev (phonetic) to Bat
23 <Ponlea>, along National Road Number 7. Their northern spearhead
24 was stretched to Srama, Toek Chrov, Neang Tin and Khnol. Their
25 tanks were driven on many handicaps who then scattered and ran

100

1 into different directions. Especially yesterday, 22nd, they
2 caught approximately 100 people <of mobile unit> who were
3 harvesting rice. Their troops moved quietly<; they would not make
4 sound by firing> and when they entered the villages, they burned
5 down houses. Da village was completely burned. In the previous
6 occasion, I did put <direct> communication in play both in the
7 battlefields and at Brother Phim's place to understand the
8 situation, but now it is cut off. We learned through messengers
9 and people who ran and creped. Some of the people at Kraek
10 rubber plantation have moved to Chhlong. We have no information
11 regarding Memot. From my place to Chhlong, only 30 combatants are
12 kept for guarding purpose. December 23, 1977, <Phuong.>"
13 You stated that you do not know Phuong, but you said that the
14 situation occurred in the East Zone. This is a telegram and you
15 have heard my reading. Can you confirm whether or not the
16 situation mentioned in the telegram occurred, or do you know or
17 are you aware that this event happened?

18 [15.49.07]

19 A. The situation took place. I admit that I recognize <these
20 three> document<s>.

21 Q. Another document, E3/108 (sic), Telegram Number 9: <To beloved
22 M-870>

23 "The Yuon captured National Road Number 7 from Phum Steung to
24 Psar Memot. The north of the National Road, they reached Neang
25 Teut, <Khnao, Cheach> and the rubber plantation <was captured>.

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

1 They took the rubber and took a lot of soil. And the west of
2 Memot, they reached Spean. Workers from Memot <factory> also
3 retreat. <In the morning of the 24th, they came from the east of
4 the factory.> Enemy took the stuff of the people and arrested
5 <more than 200> people <of a mobile unit> for <brutal>
6 mistreatment. They ripped off clothes worn by male and female<,
7 but didn't shoot them in front of them>. And on 24 December, we
8 lost control. Soldiers were scattered. We could not communicate
9 one another. We could not communicate with the commanders. The
10 ammunition<, transported for fighting at the border,> were seized
11 by the enemies in large amounts. We learned <direct> information
12 from the battlefield because we had communication with the rubber
13 plantation and our soldiers. I used radio <connect the
14 battlefield. On the other hand, militiamen at rubber plantation
15 are monitoring the enemy closely> . <> For me, I would like to
16 ask Angkar to intervene as soon as possible. Bong Phim sent to me
17 a letter. Please send forces to assist us at Chamkar Kausu rubber
18 plantation <to move troop for immediate combats>. I have <agreed
19 to do that by assigning> the Unit Kor -- Unit K, <we therefore>
20 asked Angkar to ask the rubber plantation to send <8-Kho> forces
21 and I asked Angkar to provide weapons for <4->Kho (phonetic),
22 included the anti-tank weapons <to supply the rubber plantation
23 office immediately at Chup>. Dated 24 December 1977, Phuong."
24 Are you aware of the situation? Did this event take place at the
25 time?

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1 A. From the reading and from my review, the document was from the
2 rubber plantation or Chamkar Kausu. Phuong was part of the rubber
3 plantation of the East. Phuong was not within the military, was
4 not within the army. The rubber plantation made the report to the
5 East.

6 [15.53.07]

7 Q. The report was addressed to M-870. The document is E3/908. The
8 document number is in fact E3/908 <due to the mistake of
9 interpretation>. <For the record, the telegram> that I have shown
10 to the witness <for discussion and examination> consists of only
11 one page.

12 The last document, Telegram 08, E3/909:

13 "To Beloved and Respected M-870,
14 We have just received information from the rubber plantation of
15 Memot that on December 23rd, 1977, the 'Yuong' moved from Dang to
16 the worksite of western part of Memot rubber plantation. They
17 caught <a> truck loading full of rice, and one of their other
18 spearheads directed along the National Road leading to Memot
19 <market> and Khnang Krapeu. However, we were not able to grasp
20 the information on what was happening there.

21 An analysis is that they plan to attack and capture Region 21,
22 starting from Pratheat - Chhlong, road eastward, and they have
23 <capacity to do so> because we have no big forces. We only have
24 militiamen guarding the rubber plantation <who could not carry
25 out the combat>. Our main forces have been sent to the border a

1 long time ago. <> We had no control. Our main forces scattered
2 and we could not communicate with one another. I, myself, have
3 witnessed the situation and there is a relevance to divisional
4 commanders. December 24, 1977, Phuong."

5 You have heard the content of the telegram. Are you aware of the
6 occurrence? Do you recall that the event happened in that
7 location on the specific date that I read to you?

8 A. Let me inform you, Mr. President, we were responsible for our
9 spearheads. <According to such official reports,> Phuong was in
10 charge of the rubber plantation. He was working in the civilian
11 sphere <, not the military affairs>. He made the reports to the
12 <zone office>. <> The "Yuong" was in fact entered and penetrated
13 at 154 area, and I was based at area 156 <so I did not actually
14 witness it>. Again, Phuong was in charge of rubber plantation. I
15 recognize <these four> document as well. These documents are the
16 reports to the zone, but I, myself, did not witness the actual
17 event or occurrence. We were 30 kilometres perhaps apart <from
18 each other, between Memot and Kraek>. But this is the way that
19 the event unfolded.

20 [15.57.38]

21 Q. Thank you. And my last question is for your clarification. You
22 have already stated, but I recall that you did not answer right
23 to my question concerning the <fronts> fighting <against> Vietnam
24 and about the scope of destruction. I asked you about how large
25 the destruction was. So what was the size or scope of

1 destruction? I mean the fatalities and the property destroyed.

2 Could you tell the Court?

3 A. Mr. President, it is based on the experience <at> my
4 spearhead. I cannot give you the presumption or assumption of
5 what happened in other spearheads. I was at Spearhead 156. Based
6 on my experience at the battlefield, we had a lot of casualties
7 and we lost a very limited number of property, but Vietnam's side
8 had lost a lot in terms of property. We seized weapons from
9 Vietnam. <Later on, the struggle, we> could destroy a few tanks.
10 We received news through the radio communication, and when we
11 attacked<,> we also pushed back and forth and tried to capture
12 the radio communication system. <It was a very brutal fight. It
13 was 20 or 30 metres in distance. So both sides had immense
14 casualties. As I told you earlier, we had to carry our wounded
15 soldiers via underground. We could not do that on the ground.>

16 [15.59.48]

17 <Even at> Pong (phonetic) village <north of Trapeang Phlong>, the
18 battlefield at Pong (phonetic) village lasted for three days. We
19 could smell only the <cordite. We lost appetite>. <Small weapons
20 were not heard any more, we heard only> B-105 and B-130. <After
21 the getting close to Pong (phonetic) village, only one trench,
22 the Vietnamese side lost 50 soldiers, but we> lost a lot as well.
23 We had many casualties as well, so <that was> the bloody war,
24 bloody conflict with one another. Wars occurred in Kampuchea, war
25 against Americans, war against Lon Nol<, war against the Khmer

1 Rouge, but it was not as worse as the war against the
2 Vietnamese.> So that was <> the bloody wars.

3 MR. PRESIDENT:

4 Thank you very much.

5 Judge Lavergne, you may now proceed.

6 [16.01.16]

7 JUDGE LAVERGNE:

8 Thank you, Mr. President.

9 I would like to let you know that there are other telegrams that
10 might <possibly> be presented to the witness, in particular,
11 Telegram E3/891, E3/983, E3/922, E3/251, E3/901, E3/10669.1 and
12 E3/1067. These telegrams were printed and they are also in Khmer.
13 Maybe we could give them to the witness this evening so that he
14 may read them and possibly tomorrow morning, we could <briefly>
15 question him about this to see what he thinks about these
16 documents.

17 [16.02.28]

18 MR. PRESIDENT:

19 Thank you. It is now time for adjournment. The Chamber will
20 resume its hearing tomorrow, Wednesday, 2nd November 2016, at
21 9:00 a.m.

22 Tomorrow, the Chamber will conclude the hearing of the testimony
23 from witness 2-TCW-1065. Please be informed and please be on
24 time. The Chamber is grateful to you, Mr. Witness. The hearing of
25 your testimony has not come to a conclusion yet. You are

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1 therefore invited to come and testify once again tomorrow.
2 Thank you, Mr. Chan Sambour, the duty counsel. You are also
3 invited to come here once again tomorrow.
4 Court officer, please work with the WESU to send the witness back
5 to the place where he is staying and please invite him back into
6 the courtroom tomorrow at 9:00 a.m.
7 Security personnel, I instruct you to bring the two accused, Nuon
8 Chea and Khieu Samphan, back to the ECCC detention facility and
9 have them return into the courtroom tomorrow before 9:00 a.m.
10 The court is now adjourned.
11 (Court adjourns at 1603H)
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