



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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Trial Day 194

Before the Judges: NIL Nonn, Presiding
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SIM HAO (TCW-648)	Khmer
MR. VERCKEN	French

1

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

2 (Court opens at 1331H)

3 MR. PRESIDENT:

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

5 For this afternoon's proceeding, the Chamber will continue to
6 hear the testimony of witness Sim Hao who will be questioned by
7 the defence teams.

8 Before I hand over the floor to the Defence, I'd like to give the
9 floor to Judge Lavergne, first, to put a few questions to this
10 witness. You may proceed, Judge Lavergne.

11 QUESTIONING BY JUDGE LAVERGNE:

12 Thank you, Mr. President.

13 Good afternoon, Mr. Sim Hao. You must be wondering who I am or
14 where I am. I am seated opposite you.

15 [13.32.32]

16 Very well. I have very few questions to put to you.

17 Q. I would like you to clarify this matter; what you did from the
18 time you arrived in Phnom Penh town after the 17th of April 1975.

19 I have the impression that there's an echo which is very painful.

20 Can that problem be solved? It is very disruptive.

21 (Short pause)

22 What I am asking of you, sir, is whether you can tell me exactly
23 what you did from the time when you arrived in Phnom -- that is,
24 after the 17th of April 1975, and the time when you left for
25 Kampong Som. You did explain that you were at Kilometre 6 and

2

1 that you were at Chraing Chamres. Did you go to any other places?

2 [13.34.17]

3 MR. SIM HAO:

4 A. After the liberation; that is, the liberation of Phnom Penh
5 city in 1975, and when I left Kilometre Number 6, I did not
6 become a labourer yet. I was sent first to Phsar Chas area so I
7 could be demobilize from the army position and I stayed in that
8 area for about a fortnight and then my group was transferred to
9 Kampong Som.

10 Q. Yesterday, you stated that there was someone in charge of
11 Kampong Som port and that that person also had duties in the
12 Ministry of Commerce. You also said that that person was called
13 Ta Nhem. Do you remember Ta Nhem?

14 A. As for Ta Nhem, I can't recall him and even though I worked in
15 that area, I never met him in person. I only heard of his name as
16 in charge of the Ministry of Commerce.

17 Q. And before you left for Kampong Som, do you know whether Ta
18 Nhem had duties and responsibilities in Phnom Penh and if yes,
19 what were those duties and responsibilities?

20 [13.36.33]

21 A. Before I left for Kampong Som, I did not hear of the name of
22 Ta Nhem. Only upon my arrival in Kampong Som, then I heard of his
23 name and that we, who were in the battalion, was under the
24 supervision of Ta Nhem who was in charge of the commerce, so all
25 the labourers who works there at various warehouses were under

1 his supervision.

2 Q. Did all the workers at the warehouse come from divisions that
3 were under the authority of the North Zone? Was Ta Nhem a member
4 of a division that was under the authority of the North Zone?

5 A. The forces that were sent as labourers to work in Kampong Som
6 were part of the division of the North Zone, but Ta Nhem was not
7 my previous divisional commander. I only knew that my battalion
8 was under the supervision of Ta Nhem as he was in charge of all
9 the Kampong Som ports.

10 Q. Do you know when Ta Nhem was arrested and possibly for what
11 reason he was arrested?

12 [13.38.58]

13 A. I did not know about this internal affair of the Party. Only
14 later, when I returned to Phnom Penh and it was Ta Rith who came
15 to take charge of the Ministry of Commerce said the person Prum
16 Nhem who was previously in charge of commerce had been removed
17 and Ta Nhem came to - or Ta Rith came to replace this Nhem.

18 Q. Did you hear that Ta Nhem was dismissed because he was a
19 member of Koy Thuon's network?

20 A. No, I did not hear anything to that effect; however, his
21 removal would mean that he was connected to the traitorous
22 network of Koy Thuon and they both came from the North Zone.

23 Q. You also referred to Chea who was Ta Nhem's secretary.
24 Yesterday you talked about his arrest. Can you tell us the
25 reasons why Chea was arrested?

4

1 A. The reason for the arrest of Comrade Chea was that at that
2 time Chea was the messenger of Nhem and Nhem had been arrested,
3 so the messenger had to be removed as well. That's all I knew,
4 but I did not know the actual detailed behind this arrest.

5 [13.41.30]

6 JUDGE LAVERGNE:

7 Thank you very much, sir, for these answers.

8 I have no further questions for the witness, Mr. President.

9 MR. PRESIDENT:

10 Thank you.

11 The floor is now given to Khieu Samphan's defence to put
12 questions to this witness. You may proceed.

13 QUESTIONING BY MR. KONG SAM ONN:

14 Thank you, Mr. President. Good afternoon, President, Your
15 Honours.

16 And good afternoon, Mr. Witness. My name is Kong Sam Onn. I am
17 the counsel for Khieu Samphan and I have some questions for you.

18 Q. I'd like to clarify on your personal biography, as you stated
19 before the Chamber already -- that is, document IS19.177. On the
20 first page -- that is, ERN in Khmer; 000553657 and in French,
21 it's 00813944 and it does not exist in English.

22 [13.43.02]

23 I'd like you to be more specific on the date of your periods that
24 you worked. Was the - were the dates that you used really
25 specific or it was just based on the likely period that you

5

1 thought -- that is, for example, the 15th of June and the 3rd of
2 February '74 and the 3rd - excuse me, and March 1975. There is no
3 date for that third lined and the last one is 14th and the next
4 one is the 18th and the sixth line is the 15th of June '75. And
5 next, 17 of March '77 and the last one is 28 of May '77? Can you
6 tell us whether these dates are the actual dates of the - your
7 employment?

8 My apology, Mr. President, and maybe the French ERN is not
9 correct. It is IS19.177.

10 MR. SIM HAO:

11 A. The dates that I used is based on my recollection of the
12 events -- that is, when I left and when I started working at
13 various places and that purely based on my recollection of the
14 events that took place after 1975 and that I spent a year in
15 Kampong Som and that upon my return, I knew that I spent some
16 time at that location and then I was transferred to another
17 location. So, all the dates are based on my recollection.

18 [13.45.57]

19 Q. You also stated before this Court -- that is, when you became
20 a labourer in Kampong Som and that you experience an event of an
21 aerial bombardment and you said that the plane was the United
22 States' plane. Can you recall that is what you testified before
23 this Court?

24 A. Yes, I recall the event clearly. We did not even start working
25 yet when we arrived and that happened within the fortnight of our

6

1 arrival in Kampong Som from Phnom Penh. The airplane dropped
2 bomb, but it did not drop on the ship and it hit the warehouse
3 near the coast.

4 Q. Regarding the – the dates that you mention in your biography,
5 which one is the actual date that you started working in Kampong
6 Som port? From what I can read in your biography, it seems that
7 you started working in Kampong Som in 1975, but there is no
8 actual mentioning of Kampong Som.

9 [13.47.44]

10 You said that you was a – a labourer at an abbreviated word
11 "Kor-Sor"[KS] within the Commerce Section and the date is 15 May
12 '75. Is this the time that you started working in Kampong Som?

13 A. I think there are some points that are missing in the
14 biography; but, in fact, I was a labourer in Kampong Som as I
15 testified and mention in my biography.

16 Q. Is it the date on the 15 of May '75 when you went to work in
17 Kampong Som as a labourer?

18 A. Yes, it was the 15 of May 1975.

19 Q. You stated that about 10 days after you arrived in Kampong Som
20 and you didn't start working yet, there was an aerial bombardment
21 and it hit a warehouse in Kampong Som. Does it mean that that
22 aerial bombardment was toward late May 1975?

23 A. That is correct because after we arrived we didn't start
24 working yet and it was about 10 days or fortnight after our
25 arrival, there was a plane and it came to drop a bomb.

1 Q. Did you personally witness that aerial bombardment?

2 [13.50.15]

3 A. The plane was flying in a circle from warehouse in Khleang Leu
4 and to the port and we could see it flying in circles. And we
5 also heard the noise from the plane and only when we went to
6 work, we saw the damage that was done by the bombardment to the
7 warehouse.

8 Q. My question is: Did you witness the plane coming to drop the
9 bomb?

10 A. I heard the noise from the plane and I did see the plane
11 flying.

12 Q. How many airplanes there were?

13 A. There was only one.

14 Q. At the time, did you know what kind of plane it was?

15 A. No, I did not. I only saw it flying and there's - there was
16 only one plane that dropped the bomb.

17 Q. You also testified that there was no casualty, and my question
18 to you is the following: After that aerial bombardment, did you
19 actually go to the location where the bombed was dropped?

20 [13.52.21]

21 A. The location that was hit by that bomb could not be reach
22 immediately after the bombardment; that's one thing.

23 And another thing is it was quite a while before labourers were
24 allowed to carry goods from the ship to Khleang Leu warehouse,
25 but when it comes to casualty, there was none; only the warehouse

1 was destroyed.

2 Q. Can you describe to us the kind of destruction that you saw?

3 A. Allow me to clarify it. During the bombardment, we didn't know
4 whether it was the intention of the pilot or whether it aimed to
5 hit the ship, but it, in fact, hit the warehouse. And the
6 warehouse was about 100 metres from the coastal line. And there
7 was a big hole on the roof of the warehouse and there were also
8 other minor damages.

9 Q. After the aerial bombardment, were you called for meetings by
10 any cadres or people who oversaw the warehouse regarding that
11 aerial bombardment event?

12 [13.54.18]

13 A. I was not called by any senior cadre for a meeting regarding
14 that event. We were simply labourers and we were - we focus only
15 on what we were assigns to do and we did not know about the
16 duties or tasks or meetings of the upper cadres.

17 Q. Let's return to a time period that you saw Khieu Samphan
18 coming to visit a warehouse in Tuol Tumpung. Can you recall that
19 you testified to that effect before this Court?

20 A. Yes, I saw him with my own eyes. At that time, I was a
21 labourer to screen the product and package it for export. Mr.
22 Khieu Samphan was walking along the road and what he said was
23 what I stated before this Court already. He didn't chit-chat for
24 long with the labourers, he only asked us to work hard and to
25 screen properly because the products were meant for export.

1 Q. Did you know Khieu Samphan before you met him at that time?

2 [13.56.17]

3 A. No, I never knew him. I only saw him at that time. And before
4 he came to inspect the products there, as I described, Van Rith,
5 who was the chairman of the commerce, instructed us that we
6 should – we had to work properly and Khieu Samphan would come to
7 inspect the products.

8 Q. Allow me to confirm that. You never knew Khieu Samphan
9 previously, but one day before or one day earlier, Van Rith
10 informed you about the visit by Khieu Samphan; am I correct to
11 say that?

12 A. Yes, that is correct.

13 Q. Can you recall the physical appearance of Khieu Samphan at the
14 time?

15 A. Yes, he was of a small build and he was not that large or fat.

16 Q. What kind of clothes did he wear at the time?

17 A. He wore a black uniform.

18 Q. Did he wear a jacket like the one that you are wearing now?

19 A. Yes, he wore a jacket like what I am wearing now.

20 Q. What about the trousers and the shoes?

21 A. (Microphone not activated)

22 [13.58.50]

23 MR. PRESIDENT:

24 Witness, please wait until you see the microphone is activated.

25 Witness, please respond to the question.

1 MR. SIM HAO:

2 A. It was a normal trouser, but I did not observed what shoes he
3 wore at the time.

4 BY MR. KONG SAM ONN:

5 Q. Did he wear glasses at the time?

6 MR. SIM HAO:

7 A. I cannot recall that, but to my recollection, he did not.

8 Q. Did you hear Khieu Samphan's name before you actually met him
9 in Tuol Tumpung?

10 [14.00.08]

11 A. I only heard of that name in the three - in the three meetings
12 per month, as I said yesterday; that is, the meeting that was
13 held every 10th day and that was chaired by Van Rith, who was in
14 charge of domestic and overseas commerce, and all the labourers
15 knew who he was.

16 Q. My question to you is: Did you know the name of Khieu Samphan
17 previously or before you saw him? But I only heard that you spoke
18 about the meeting where Van Rith told you. My question is: Let's
19 say before 1975, did you hear his name?

20 A. I did not know him, but I heard of his name quite a long time
21 ago.

22 Q. Did you know of his position or function before 1975 when you
23 heard of his name?

24 A. At that time, and it's not just only me, but people knew of
25 Khieu Samphan's name and of Hu Nim and Hou Youn, but I did not

11

1 know of his actual position or function, but we heard of his name
2 long before 1975.

3 Q. Thank you. Did you hear of the GRUNK -- that is, the GRUNK
4 which is the abbreviation in French language?

5 [14.02.30]

6 A. My apology, I'm not clear on your question.

7 Q. Did you ever know or heard of the Royal Government for the
8 Reconciliation which has been abbreviated in French to GRUNK?

9 A. No, I cannot recall that.

10 Q. Thank you. How about the National United Front of Kampuchea,
11 have you ever heard of that?

12 A. The National United Front of Kampuchea, I heard it from time
13 to time during the meetings.

14 Q. When exactly did you hear about it?

15 A. I heard of it when I was working as a worker in Phnom Penh. It
16 was somewhere near Tuol Tumpung. Van Rith told me about it. It
17 was sometime in late 1979.

18 Q. Do - did you hear about it in late 1979? Are you sure? Can you
19 - can you repeat this statement?

20 A. I heard of it in 1979. It was in early 1979, not - not late
21 1979.

22 Q. Early 1979? Which month is it to be precise; do you recollect?

23 A. (Microphone not activated)

24 [14.04.38]

25 MR. PRESIDENT:

12

1 Witness, please be reminded that you observe a small pause in
2 between the question and answer and observe that your microphone
3 is activated before you speak.

4 BY MR. KONG SAM ONN:

5 Q. Can you please clarify it? You said you heard of the National
6 United Front of Kampuchea in early 1979. To be precise, what
7 month was it that you hear of it?

8 MR. SIM HAO:

9 A. I do not recall the month. It could have been in January or
10 February 1979, but I do not recall the exact month.

11 Q. Do you recall who told you about this United Front of
12 Kampuchea?

13 A. I heard of it. There was a meeting which Van Rith was the one
14 who made it known to others during each meeting which were held
15 once or twice a month.

16 Q. So are you saying that you heard this word actually from Van
17 Rith; is that correct?

18 [14.06.17]

19 A. That is correct.

20 Q. When did you get to know Van Rith?

21 A. I do not recall, but I got to know him in 1977 when he was
22 assigned with that position, but I do not recall the exact
23 months.

24 Q. Did you ever hear of Van Rith's name before 1977?

25 A. No, I never heard of his name prior to 1977. I did not know

13

1 what position he held, but I only got to know him in 1977 when he
2 assumed the position in Ministry of Commerce.

3 Q. Thank you. You testified in the Court earlier that Van Rith
4 told you that in a meeting. He told you about the National United
5 Front of Kampuchea in early 1979.

6 According to your biography I presented to you earlier, you
7 joined the army on the 14th of June 1972.

8 [14.08.12]

9 Can you tell the Court, back in 1972, did you ever hear of the
10 words "National United Front of Kampuchea" when you first joined
11 the army in 1972?

12 A. I do not recall this point, but at that time, they gathered
13 the youth forces in order to inscript (sic) them in armies to
14 fight against Lon Nol forces.

15 Q. Now, I turn to the place where you work in Tuol Tumpung. You
16 said that you saw Khieu Samphan talk to the workers. He talked
17 briefly for a few words and then he went on walking.

18 Could you tell the Court who were accompanying Khieu Samphan when
19 he were visiting that place?

20 A. Thank you. There were not many people. Van Rith was closest to
21 him and he was considered a messenger. There were two, three
22 messengers walking after him. They were at a distant - distant at
23 - from him.

24 Q. You refer to them as messenger. Who did this messenger work
25 for? Can you clarify?

14

1 A. I do not know. Back then, I did not know the – how the leader
2 works. So long as I saw people accompanying the leader, I would
3 refer to them as messengers.

4 [14.10.35]

5 Q. Therefore, is it fair to summarize that those who were
6 accompanying Mr. Khieu Samphan, at that time, were Van Rith and a
7 few – two or three other persons together with Mr. Khieu Samphan?
8 Is that a fair summary of your statement?

9 A. That is correct.

10 Q. Earlier you testified in Court that you observe one gesture –
11 a body gesture that Van Rith showed toward Khieu Samphan. You
12 said that Van Rith follow Mr. Khieu Samphan and then he normally
13 bow as a gesture of respect for Mr. Khieu Samphan. Is that what
14 you said?

15 A. That is the true. Of course, he walked very politely after Mr.
16 Khieu Samphan.

17 MR. KONG SAM ONN:

18 Mr. President – Mr. President, I would like to request that the
19 witness be directed to imitate the gesture of Van Rith when he
20 was walking after Mr. Khieu Samphan back then.

21 (Judges deliberate)

22 [14.12.55]

23 MR. PRESIDENT:

24 The request made by the defence counsel for Mr. Khieu Samphan is
25 not appropriate; therefore, it is not entertained and the witness

15

1 need not do that.

2 BY MR. KONG SAM ONN:

3 Thank you, Mr. President. I move on.

4 Q. Mr. Witness, when Mr. Khieu Samphan (sic) was following Mr.
5 Khieu Samphan and you say he bowed politely, could you describe
6 the event at that time?

7 MR. SIM HAO:

8 A. I would like to add to this. He bowed respectfully (sic), but
9 it was nothing so much noticeable. I think it was a mere show of
10 respect for somebody more senior.

11 Q. Thank you. At the time, is there any way you could estimate
12 the age of Van Rith seeing he was your direct superior at that
13 time? How old was he?

14 [14.14.21]

15 A. I could not guess, but he could have been in his fifties. He
16 was rather short and he was of medium build and I think he was in
17 his fifties.

18 Q. So in your observation, between Mr. Khieu Samphan and Mr. Van
19 Rith, who was older according to their physical look?

20 A. Mr. Khieu Samphan was taller; he was thinner, but if you talk
21 about age; they were around each other's age and if he was older,
22 he could have been only a little older.

23 Q. Could you please be more precise? Who - who is older according
24 to your observation on their physical look?

25 A. My apology. Mr. Khieu Samphan could have been one year or two

16

1 year older, but this is my guess.

2 Q. Thank you.

3 [14.15.56]

4 Now, I turn to the period close to the fall of the Democratic
5 Kampuchea regime. You said that you attended a meeting with Mr.
6 Khieu Samphan. It was held on the 5th of January 1979.

7 Do you recall testifying to this effect?

8 A. Thank you. Yes, I stand by my statement as I made it
9 yesterday. I attended this meeting. This meeting was a training
10 session, and I already made it clear yesterday.

11 Q. Thank you. Can you tell the Court the location where the
12 meeting was held and Mr. Khieu Samphan attended that meeting?

13 A. The venue of the meeting was somewhere I cannot recollect. It
14 was somewhere in Borei Keila or so. I cannot answer with
15 precision because I do not recollect it well.

16 Q. Do you recall the time of the day when the meeting was held?

17 A. No, I do not recall the time of the meeting, but it could have
18 been in the morning, but I don't recall the exact hour of the
19 day.

20 [14.18.19]

21 Q. According to your statement, the meeting was held in the
22 morning, but you do not recall the time of the meeting. Is that
23 correct?

24 A. That is correct because I do not recall the time, but it was
25 held in the morning, but I don't know what time in the morning

1 was the meeting held.

2 Q. How long did the meeting last? How many hours, for example,
3 did the meeting last if you do not recall the time it started?

4 A. It took approximately one hour and a half and then the meeting
5 was dispersed. According to my estimation, I do not recall it
6 exactly, but the meeting did not last long; it was about one hour
7 and a half or so.

8 Q. Thank you. You have said that there were other individuals
9 attending the meeting; they were from different units.

10 [14.19.32]

11 Could you tell the Court as to how many people attended this
12 meeting based on your estimation, on your observation of the
13 event at that time?

14 A. Thank you. I did not count the participants, but there were
15 many people; they were from different ministries. They were not
16 only official from Ministry of Commerce; they were from ministry
17 of transport and other ministries as well.

18 There were relatively many people. There were, I guess, up to a
19 hundred, but I did not do the counting, so I did not know the
20 exact number of people. I cannot be precise on the number, but I
21 could only say that there were many people, not only 10 or so
22 people.

23 Q. Can you roughly describe the location where the meeting was
24 held? Now, for example, the building or any, you know, near any
25 landmark in the place where the meeting was held? I know that you

18

1 don't know - do not recall the exact location, but can you give
2 us an indication as to, for example, the building or so where the
3 meeting was held?

4 [14.21.15]

5 A. I apologize, it has been a long time since then. I do not
6 recall it.

7 Q. Thank you. You also stated that Mr. Khieu Samphan presided
8 over this meeting.

9 Was there any other leaders presiding over the meeting at the
10 time?

11 A. To my observation, I also - I only saw Mr. Khieu Samphan. I
12 did not see any other leaders.

13 Q. Thank you. When you were attending this meeting, you saw Mr.
14 Khieu Samphan and when Mr. Khieu Samphan arrived; what did he
15 say, if you can recollect, in his opening of the meeting?

16 A. At the time, I actually do not recall every words he said, but
17 I can recall some of what he said. He told us that all comrades,
18 when we - when you went back, you had to dig trenches for
19 yourself because Americans would - bombardment was imminent and
20 if there was a bombardment, then we had to fight back. We have to
21 be ready to fight back.

22 Q. Can you please expand on this, the substance of what Mr. Khieu
23 Samphan said?

24 [14.23.14]

25 At that time, according to you, Mr. Khieu Samphan wanted everyone

1 to be ready to resist against an opposing forces in Phnom Penh.
2 Was it a mere information for you and others to retreat from
3 Phnom Penh or to resist against the opposing forces in Phnom
4 Penh?

5 A. He asked us to be prepared and we had to dig trenches and I
6 did not know whether or not he wanted us to do anything else, but
7 we were asked, the labourers, we were asked to dig trenches. I
8 did not know the overall situation. And then after we left the
9 meeting, we were in a state of confusion because we did not know
10 what we had to do, but we understood that war would be imminent.

11 Q. Do you recall who, from your unit, attended that meeting,
12 besides you?

13 A. I do not recall. When we were working over there, we stayed
14 together. We do - I do not even recall all of them. At that
15 times, we live in - lived together with many people and people
16 came from different directions. Some were from North Zones and
17 other from other places. There were many people who attended that
18 meeting from my place at that time.

19 [14.25.13]

20 Q. Thank you. When you were attending that meeting, did they
21 discuss the advancing forces of Vietnamese soldiers?

22 A. After the meeting - just one day after the meeting, we heard
23 gunfire and the gunfire came closer and closer, and people
24 started to leave the city and I saw particularly young children
25 came on the main street. And that was chaotic, and I noticed that

20

1 war was imminent. It was as what Mr. Khieu Samphan warned.

2 Q. You said that the situation was imminent; there was changes in
3 the environment. Can you please clarify this point?

4 [14.26.40]

5 A. On the 5th, the day after meeting, Mr. Khieu Samphan told us
6 that even though there was aerial bombardment, we had to dig
7 trenches, but then the next day, we saw that the situation was
8 different. That's why I say - I said that it was different.

9 Q. Were there bombardments in Phnom Penh, aerial bombardments in
10 Phnom Penh, back then, on the day?

11 A. I do not know, but the next morning at around 7 in the
12 morning, all of us fled the city. We got to Pochentong, then to
13 Stueng Mean Chey, and then after that we heard the artillery
14 shell to Phnom Penh and everyone fled for their life at that
15 time.

16 Q. Thank you. On the day of your meeting, which was on the 5th of
17 January, did you hear artillery shell or gunfire from any corner
18 of the city?

19 A. Yes, we heard, but the sound of gunfire and artillery shell
20 was somewhere far from the city. Some people told me that it was
21 somewhere near Neak Loeang on the other river - the other side of
22 the riverbank in Neak Loeang. But then, at night, the sound got
23 closer to the city.

24 [14.28.35]

25 MR. KONG SAM ONN:

21

1 Thank you, Mr. Sim Hao, and I have no further questions for you.

2 Mr. President, I thank you very much. I have no further question.

3 QUESTIONING BY MR. VERCKEN:

4 Thank you, Mr. President.

5 Good afternoon, Witness. I'm Arthur Vercken, one of the
6 international lawyers of Mr. Khieu Samphan. I will not keep you
7 for long.

8 Q. To begin with, I would like to come back to this meeting that
9 you said you attended before the Vietnamese arrived and where
10 Khieu Samphan delivered a message.

11 Now, I want to understand this correctly. What you're saying, I
12 believe, is that at the meeting, Khieu Samphan called for
13 resistance; that we - that you dig trenches and set up ramparts
14 to stop the Vietnamese; is that right?

15 [14.29.42]

16 MR. SIM HAO:

17 A. Yes, that is correct. We were asked to dig trenches for our
18 protection and to avoid the bombardment.

19 Q. So you had to dig trenches where you were, around Phnom Penh;
20 is that right?

21 A. Yes - yes, we were instructed to dig the trenches where we
22 lived at our respective locations. That would mean to avoid being
23 hit by shelling or bombardment.

24 Q. So what you are telling me is that the whole purpose was to
25 protect yourselves or was there any other intention?

1 A. It is my understanding his instruction is for self-protection
2 in order to avoid any danger because it might be the time that a
3 war could come to us, so we should protects ourselves in the
4 trenches.

5 Q. Okay. Well, tell me if I'm wrong, but essentially the point
6 was to save lives rather than counter-attack the Vietnamese
7 troops.

8 [14.31.59]

9 A. I did not know about whether it is for the attack of whoever,
10 but the instruction was to dig the trenches for protecting
11 ourselves from being hit by shelling or by bombardment or
12 grenades. And how could we attack anyone because we were
13 labourers and we did not bear any arms?

14 Q. Thank you. In the things Khieu Samphan was telling you at the
15 time, if you remember, did he advise certain individuals to leave
16 the city temporarily; to run away, if you like?

17 A. No, he did not tell us to leave, but we actually ran away
18 based on the actual situation -- that is, on the morning of the
19 7th and the Vietnamese arrived and we all fled for our life and
20 we could not stay there as shelling were everywhere.

21 Q. When you were answering questions from the DC Cam staff - and
22 that was the only time you talked about this event - you said
23 that as far as you were aware, the other leaders had already left
24 Phnom Pen. Can you remember making that statement or have you
25 forgotten?

1 A. I don't fully get you question.

2 [14.34.16]

3 Q. In 2003, you were interviewed by some people who came from DC
4 Cam to interview you and on that occasion, you told them that the
5 day before the arrival of the Vietnamese in Phnom Penh, when you
6 attended that meeting, Mr. Khieu Samphan spoke at that meeting.

7 Do you refer - do you recall referring to that?

8 Do you have the reference dear learned friend? The reference is
9 19.177 -- that is IS19.177. The reference in French is 00679722
10 and in Khmer it is 00055252. Actually, I was wrong when I
11 referred to the French version. There is no French version. I was
12 referring to the English version and it is on pages 38 to 48. It
13 is a DC Cam document. There is a mix-up in this document which is
14 strange.

15 In that interview, this is what you stated and I quote:

16 "Only Khieu Samphan remained in the country."

17 And you - you even added that Khieu Samphan only left after the
18 arrival of the Vietnamese.

19 Do you remember saying that? If yes, please tell us more about
20 it.

21 [14.36.56]

22 A. I cannot recall it in details; however, in that meeting, I can
23 only recall he said that they all left except him.

24 Q. And he asked you to dig trenches in order to protect yourself.

25 Is that correct?

24

1 A. Yes, that is correct.

2 Q. I have two other areas to ask questions on. It will be very
3 brief. The first has to do with your two consecutive statements
4 given to the Investigators who were sent to interview you in 2008
5 by the Co-Investigating Judges.

6 In that regard, I noted that you referred to the arrest of
7 Comrade Tha and I would like you to talk about it. So that was
8 the first interview you gave to the OCIJ Investigators and the
9 document is E3/472 and it is an interview of the 7th of March
10 2008 and it is on page 4 in the French version.

11 [14.38.46]

12 You talked about that arrest and you said the following and I
13 quote: "The persons in charge of the arrests numbered four. They
14 came in a vehicle whose number plate was red and the numbers were
15 too tiny to identify." End of quote.

16 May I request you to read the Khmer version, as well? The Khmer
17 version of this statement which corresponds to what I have just
18 read out in French?

19 To the extent that you gave information on what was written on
20 that number plate in your second interview, the one you gave to
21 the Investigators, and also before this Chamber, I would like you
22 to explain the apparent contradiction. On the one hand you said
23 that the number plate was too small and you couldn't read it and
24 you subsequently said that something was written on it and you
25 could read it. Can you explain to us this discrepancy between the

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1 two statements?

2 A. Actually, yesterday, I already clarified the matter. It was
3 not 870. I saw a plate number in red colour and the letter was
4 M70.

5 [14.40.32]

6 Q. Very well.

7 This is the last question I want to put to you; it has to do with
8 the information you gave in your revolutionary biography, and the
9 reference is 19.177.

10 I would like us to look at the last page. The ERN is - in French
11 is 00813951; and in Khmer, the ERN is 00053664. There is no
12 English version.

13 And this is what you state and I quote:

14 "My fifth elder brother joined the Vietnamese army in 1970;
15 however, in 1971, he left the Vietnamese army and came back home.
16 On the 1st of January 1974, he joined the revolution and the
17 revolutionary army at the same time." End of quote.

18 May I ask you to tell the Chamber why or whether you know why
19 your elder brother left the Vietnamese army?

20 [14.42.14]

21 A. As for my elder brother, and it has something to do with a
22 Khmer tradition, at that time he was kind of silly to join the
23 North Vietnamese group. And he went to Siem Reap in 1970. And in
24 1971, my father was seriously sick and all the children came
25 except him and he's supposed to arrive by noon and my father

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1 actually died at that time and then he stopped doing anything
2 else.

3 Q. If I understand your answer correctly, what you are saying is
4 that your brother returned to Cambodia or rather to your native
5 region after the death of your father and, as such, he did not
6 attend your father's funeral. Is that what you're saying, sir?

7 A. He had been away for quite a long time and my mother - my
8 father came to be seriously ill. He was really seriously ill for
9 seven days and it was a coincidence on the day that he left the
10 army he arrived home at noon time and we were all together and
11 that was the time that my father passed away. So allow me to say,
12 he quit being a soldier by that time.

13 [14.44.48]

14 MR. VERCKEN:

15 I have understood. Thank you, sir, for your answers. I have no
16 further questions.

17 MR. PRESIDENT:

18 Thank you.

19 And Nuon Chea's defence, do you have any questions to be put to
20 this witness? If so, how much time do you anticipate?

21 QUESTIONING BY MR. KOPPE:

22 Mr. President, I think we only have five minutes of questions, so
23 it might be maybe a good idea if I asked them now; then we can
24 have a break and then go on with the TMM meeting afterwards.

25 Thank you.

1 Good afternoon, Mr. Witness. I just have a few questions.

2 [14.45.29]

3 Q. Yesterday, you were asked about events around April 1975 – 17
4 April 1975. You might remember that you were asked about you
5 standing on Road 6 and that you were asked about whether troops
6 or the insurgent forces selected former Lon Nol soldiers or
7 officials from the crowd which was evacuated from Phnom Penh. And
8 your answer was that you haven't heard of such a thing or that
9 you haven't seen such a thing.

10 My question to you is: Have you, in a later stage, heard about
11 Lon Nol officials or soldiers being selected from the people that
12 were moved from Phnom Penh?

13 A. I already stated before this Court that the removal of the
14 people was separate from the removal of soldiers, and I had no
15 knowledge about that. I knew that people were evacuated from
16 Phnom Penh and I witnessed that -- that is, after the liberation.

17 Q. Going back in time, Mr. Witness, you have testified yesterday
18 that you have engaged in battle with Lon Nol - with the Lon Nol
19 military in the period '72, '73, and '74. Did your unit, when
20 engaged in these fightings, ever arrest or capture Lon Nol
21 military?

22 [14.47.52]

23 A. While I was living in my battalion, there was one or two
24 arrest in Kampong Thom province, but personally, I did not make
25 any arrest. But I saw one or two were arrested within my

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1 battalion.

2 Q. Do you remember what happened to them once they were arrested?

3 A. After they were handed over to the commander, I did not know
4 where those people were sent off to.

5 Q. In the time that you were a soldier of the revolutionary
6 forces, have you ever witnessed – have you ever seen executions
7 of Lon Nol soldiers or officials?

8 [14.49.24]

9 A. No, I did not witness any killing of the arrestees. But yes,
10 during the fighting some – there were some casualties on both
11 sides and we had to collect the dead bodies of soldiers.

12 Q. Is it your testimony that the only dead Lon Nol soldiers that
13 you have seen were casualties from battle?

14 A. Yes, the casualty from battle on both sides. But I did not
15 witness any (inaudible) later executed of the arrestees.

16 MR. KOPPE:

17 Thank you, Mr. Witness.

18 Thank you, Mr. President.

19 [14.50.30]

20 MR. PRESIDENT:

21 Thank you.

22 We would like to inform the parties and the public that the
23 hearing of the testimony of this witness is now concluded and we
24 will take a short break.

25 And after we resume, we will continue with our trial management

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1 meeting which was not completed for the morning session and we
2 will resume after the break.

3 Mr. Sim Hao, the hearing of your testimony is now concluded and
4 you may now be excused from this courtroom. And we are grateful
5 for the time that you gave to testify before this Court for the
6 last two days with patience and best effort. And your testimony
7 may contribute to ascertaining the truth in this case. And Mr.
8 Sim Hao, we wish you all the very best and "Bon voyage".

9 We will now recess and we will continue with the evidentiary
10 hearing on Monday next week. And for Monday next week, we will
11 hear the testimony of TCW-384. That information is for the
12 parties, the support staff and the public.

13 Counsel, you may proceed.

14 [14.51.33]

15 MR. VERCKEN:

16 Yes, Mr. President, thank you. I just want to say that Mr. Khieu
17 Samphan is requesting the Chamber's leave to return to the cell
18 downstairs since the proceedings have stopped.

19 MR. PRESIDENT:

20 Thank you. Yes, we were about to make that announcement.

21 Court officer, in collaboration with WESU, please assist Mr. Sim
22 Hao for his return to his residence or wherever he wishes to go.
23 And Duty Council, Mam Rithea, you may also leave the courtroom.
24 And security guard, you are instructed to take the two accused
25 back to the detention facility and have them return to the

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1 courtroom on Monday the 17th of June 2013, before 9 a.m.

2 As for Nuon Chea, bring him to the holding cell downstairs which
3 is equipped with audiovisual means for him to follow the
4 proceeding remotely.

5 The Court is now recessed for 15 minutes, and we shall resume at
6 five past 3.00 and we will then resume our trial management
7 meeting.

8 (Court adjourns at from 1454H)

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