



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

29 August 2012
Trial Day 104

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

The Accused: NUON Chea
IENG Sary
KHIEU Samphan

Lawyers for the Accused:

SON Arun
Jasper PAUW
Andrew IANUZZI
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn
Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:

DUCH Phary
Natacha WEXEL-RISER
DAV Ansan

For the Office of the Co-Prosecutors:

CHAN Dararasmeay
Tarik ABDULHAK
VENG Huot
Vincent DE WILDE D'ESTMAEL
Keith RAYNOR

Lawyers for the Civil Parties:

PICH Ang
Élisabeth SIMONNEAU-FORT
HONG Kimsuon
TY Srinna
Christine MARTINEAU
CHET Vanly
Philipine SUTZ
MOCH Sovannary

For Court Management Section:

UCH Arun

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MR. ANG UDOM	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. EM OEUN (TCCP-28)	Khmer
MS. GUISSÉ	French
MR. IANUZZI	English
MR. KONG SAM ONN	Khmer
MS. MARTINEAU	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NORNG SOPHANG (TCW-480)	Khmer
MR. VENG HUOT	Khmer

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 During the first hour of the session, the Chamber continues
6 hearing the testimony of the civil party. Questions continue to
7 be put to by counsel for Mr. Khieu Samphan.

8 Before we hand over to counsel for Mr. Khieu Samphan, the Chamber
9 would like Mr. Duch Phary to report on the presence of the
10 parties to the proceedings today.

11 THE GREFFIER:

12 Good morning Mr. President and Your Honours.

13 All parties to the proceedings are present except Mr. Ieng Sary,
14 who is present but in his holding cell downstairs. Mr. Ieng Sary,
15 through his counsel, has requested that he be excused from
16 participating directly in the courtroom for the whole day and be
17 allowed to observe the proceedings from his holding cell. His
18 waiver was already submitted before the Chamber through the
19 greffier.

20 The next witness who will be giving testimony will be TCW-480.

21 This witness is available and awaits call from the Chamber.

22 Thank you, Mr. President.

23 [09.03.27]

24 MR. PRESIDENT:

25 Thank you.

2

1 The Chamber now rules upon the request by Mr. Ieng Sary.

2 The Chamber received the request by Mr. Ieng Sary through his
3 counsels on the 29 of August 2012. In the request or waiver, Mr.
4 Ieng Sary has asked that he be allowed to observe the proceedings
5 from his holding cell for the whole day.

6 Dr. Chheng Khor, who is a doctor on duty at the detention
7 facility and who has examined Mr. Ieng Sary, indicated that Mr
8 Ieng Sary feels dizzy or fatigued when he moves a lot. He asked
9 that the Chamber allowed him to also observe the proceedings from
10 his holding cell instead of coming to the courtroom, and the
11 Chamber also notes that Mr. Ieng Sary has waived his right to
12 participate directly in the courtroom.

13 And according to the doctor recommendation, the Chamber also
14 notes that Mr. Ieng Sary is mentally able to observe the
15 proceedings, although he has some other physical health concerns.
16 And from there, Mr. Ieng Sary can observe the proceedings and at
17 the same time can communicate with his counsel.

18 [09.05.00]

19 The Chamber therefore grants such a request. Mr. Ieng Sary is now
20 permitted to observe the proceedings from the holding cell for
21 the whole day.

22 AV booth officers are now instructed to ensure that the AV audio
23 equipment is well connected to the holding cell to allow Mr. Ieng
24 Sary to observe the proceedings from there.

25 Without further ado, we would like now to hand over to counsel

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1 for Mr. Khieu Samphan to proceed with their questions to Civil
2 Party Em Oeun. You may now proceed.

3 QUESTIONING BY MS. GUISSÉ RESUMES:

4 Thank you very much, Mr. President. Good morning, Your Honours.
5 Good morning to all those present in this courtroom, and good
6 morning to you, Mr. Civil Party.

7 Q. Sir, I wish to continue on my line of questioning with respect
8 to the testimony that you've provided before this Court. I wish
9 now to move on to the following subject.

10 [09.06.25]

11 On the 23rd of August, just after 2.15 p.m., you stated that when
12 you arrived in Phnom Penh, you were assigned to the Khmer-Soviet
13 Hospital and you were appointed as the student leader during the
14 training program you undertook there.

15 My question for you is: What, exactly, were your functions as
16 leader of the student body?

17 MR. EM OEUN:

18 A. I wish to make it clear that I can't recollect the details,
19 but the chief of the class -- at that time, I was asked to
20 monitor the trainees and to help -- become a focal person. For
21 example, when students or trainees needed anything, then they
22 should communicate through me to the upper level.

23 Q. And, Mr. Em Oeun, who exactly appointed you to that position?
24 And who was the intermediary when you had to communicate with the
25 upper echelon?

4

1 A. As far as my recollection serves me well, the head of the
2 school was Mr. Thiounn Thioeunn and his colleagues, whom I don't
3 remember the names. So the head of the school was no one else
4 other than Mr. Thiounn Thioeunn.

5 [09.08.50]

6 Q. Am I therefore to gather that Mr. Thiounn Thioeunn appointed
7 you as the leader of the students?

8 A. Yes, it is correct.

9 Q. In response to a question put to you by the Co-Prosecutor you
10 indicated, and if I'm not mistaken, that there were some 1,000
11 students who were taking part in that training.

12 My question for you is: Why were you chosen specifically, among
13 all of those 1,000 students, to hold that position?

14 A. I was appointed because I was recommended by people from the
15 base. And as a trainee in the session, there were fewer people
16 who could be recognized or trusted as the members or people in
17 the Youth League to be appointed that position. At that time, I
18 was a member of the Party, and the others were not members, so I
19 was chosen to become the leader of the group.

20 [09.10.40]

21 Q. Thank you for those explanations. You've just indicated that
22 you received a recommendation from the base. And who, from the
23 base, forwarded the recommendation?

24 A. I wish also like -- or want -- wish to add that the education
25 that they provided to me was not done only at the hospital; I had

5

1 been given education in the bases -- at the base, and for that
2 background I was then trusted and chosen to become the person
3 leading the group at the hospital.

4 Q. I understand that, Mr. Em Oeun, but my question for you is:
5 Who -- please give me the name -- who tendered the recommendation
6 that you should be appointed?

7 [09.11.57]

8 A. At the Khmer-Soviet Hospital, it was Mr. Thiounn Thioeunn who
9 appointed me, but people who recommended me from the sector was
10 Ta Ut and Brother Khoem.

11 Q. Thank you.

12 Moving on to the next point and in reference to your victim's
13 information forms -- there are two forms -- you talk about the
14 arrest of Madam Leng Sei.

15 First and foremost, allow me to remind you that your form
16 referenced under D22/ -- or, rather, D230/2/4.2.277A. The ERN in
17 French is 00822270, ERN in Khmer is 00508424, and the passage
18 continues on the following page. The English ERN pages are
19 00777625. The passage is on page 14 at the last paragraph.

20 You state: "At the end of 1977 (sic), during my studies, I saw a
21 cadre who was presumed to be an enemy; this person was called
22 Leng Sei. She was handcuffed and she was being transported on a
23 truck."

24 [09.14.18]

25 This is the first passage I want to show you.

6

1 I want to show you an additional passage which can be found in
2 the second document, which is in document, D22/3963. French ERN
3 pages are 00786287 (sic), English ERN pages 00751868, and ERN
4 Khmer pages 00573980.

5 In this document, you talk about the same event -- that is, the
6 arrest of Madam Leng Sei -- and you say the following -- I'll
7 just draw your attention to the fact that I am reading from the
8 French translation:

9 "I was an eyewitness to the arrest of the teacher, Madam Leng
10 Sei, who was the spouse of Mr. Tiv Ol. The husband had been
11 accused of being a CIA agent. She was accused of being a KGB
12 agent. This was a particularly traumatizing event. Before she was
13 tossed onto the truck, the couple was stripped of their clothes,
14 and some were beaten until they lost consciousness. These events
15 unfolded at the Soviet Hospital in Phnom Penh near the end of
16 1976."

17 [09.16.19]

18 Now, upon reading these two passages, Mr. Em Oeun, my question
19 for you is as follows: As you were a witness to the arrest of Ms.
20 Leng Sei, did you see her husband being arrested at the same time
21 that she was arrested?

22 MR. PRESIDENT:

23 Civil Party, could you please hold on?

24 Mr. Co-Prosecutor, you're on your feet. You may now proceed.

25 MR. DE WILDE D'ESTMAEL:

7

1 Thank you. Good morning, Mr. President. Good morning, Your
2 Honours. I don't really have an objection to express, but I do
3 believe that we have some issues with translation.
4 The French version of the "P.V." reads that the couple was
5 stripped; the English version does not read -- does not reflect
6 the same.
7 I don't believe that counsel should be relying on the French
8 version to be asking her question, whereas she should perhaps
9 consult the original Khmer version of the "P.V." in order to
10 formulate her question.

11 [09.17.38]

12 MS. GUISSÉ:

13 Your Honour, I went to great lengths to indicate to this Court
14 that I was reading from the French version. I don't think I was
15 being disingenuous or untruthful in presenting such information
16 to the - to the civil party.

17 And it is up to the civil party to provide clarifications, and I
18 do not believe it is that place of the Co-Prosecutor to be
19 interfering in this matter. The civil party is in a position to
20 answer whether -- yes or no. He can answer my question, and I
21 believe this is incumbent upon the person in the stand and not
22 the Co-Prosecutor.

23 Mr. President, may I please continue with my line of questioning
24 and seek clarification from the civil party?

25 (Judges deliberate)

8

1 [09.19.00]

2 MR. PRESIDENT:

3 (No interpretation)

4 MS. MARTINEAU:

5 Good morning, Mr. President. Good morning, Your Honours. I'm on
6 my feet because I believe that the manner in which my esteemed
7 colleague has replied to the Co-Prosecutor is inappropriate.
8 I believe that all of the questions must be based on the original
9 version. In fact, the Defence has raised this issue on many an
10 occasion. There are often discrepancies and problems with
11 translation. When the translation suits their needs, they are
12 quick to overlook such matters, and--

13 MS. GUISSÉ:

14 Mr. President, I believe we're setting a bad precedent.

15 [09.20.01]

16 MR. PRESIDENT:

17 Counsel for Mr. Khieu Samphan, we still note that you, on every
18 occasion, informed or reminded the party that, when speaking,
19 people should observe some pauses. But now you did not even care
20 to observe that pause. Immediately after the international
21 Co-Prosecutor finished his speech, then you started without
22 allowing time for the interpreters to do that. And co-counsel for
23 the civil parties was on her feet and she finished her statement;
24 immediately you intervened. So we believe that you would like to
25 recommend that people should observe the pauses, but please be

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1 mindful that you, yourself, also need to observe the pauses.
2 And when it comes to the document, indeed, the document here is
3 available before us. And the civil party is before us today, and
4 there is no need for counsel who speaks French to rely heavily on
5 the French rather than asking their colleague to verify the Khmer
6 original text.

7 [09.21.36]

8 MS. GUISSÉ:

9 I'm sorry, Mr. President. Indeed, you are absolutely correct. I
10 should have observed a pause before my colleague took the floor.
11 Now, with respect to translation, it is abundantly clear that we
12 work with our Khmer and English speaking colleagues. And it's
13 because I had highlighted a discrepancy between the Khmer and the
14 French versions -- and that is why I believe that the person who
15 is in the best position to provide clarification is Mr. Em Oeun,
16 and this is exactly why I had asked my question.

17 This is also the reason why I said that we were not adopting a
18 proper procedure, because in citing document D22/3963, I had
19 clearly indicated that I was relying on the French version. I
20 think that this was perfectly clear.

21 [09.22.55]

22 And when translation problems arise, I believe that it is in the
23 courtroom that such problems be highlighted so that clarifications
24 or corrections be made. If the French says one thing and the
25 Khmer says another, I believe that, for the sake of clarity of

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1 proceedings, we should elucidate such issues and bring a solution
2 to them.

3 MR. PRESIDENT:

4 The Chamber already ruled that the objection -- overruled the
5 objection the counsel for the civil party and the Co-Prosecutor.

6 You, indeed, are entitled to dwell on this if you wish.

7 BY MS. GUISSÉ:

8 Thank you, Mr. President. Perhaps I misunderstood, and that's why
9 I was elaborating on my arguments.

10 Q. Returning to you, Mr. Em Oeun, you've understood that I've
11 sought clarification from you.

12 Now, at the time that Madam Leng Sei was arrested, did you also
13 see her husband being arrested?

14 [09.24.27]

15 MR. EM OEUN:

16 A. To avoid any misleading information or confusion, I would like
17 to elaborate that the statement that I said here was that Leng
18 Sei was arrested in the hospital. Leng Sei was Mr. Tiv Ol's wife
19 and she was stripped naked when she was tossed into the truck.
20 And the remainder of the statement is correct. Leng Sei was
21 arrested alone. She was not arrested at the same time when her
22 husband was arrested. I just said that Leng Sei was the - was the
23 wife of Mr. Tiv Ol.

24 Q. Thank you very much, Mr. Em Oeun, for those specifications.

25 And I believe that all parties, regardless of the language they

11

1 speak, now have the correct version.

2 [09.25.45]

3 Mr. Em Oeun, in response to a question put to you by the civil
4 party lawyer on the 23rd of August, just after (sic) 2.30 p.m.,
5 you provided an answer with respect to political sessions at
6 Borei Keila. You said that such sessions were rather short. They
7 lasted for anywhere between one week to 10 days and they occurred
8 every month or every two months.

9 And in response to a question put to you by the Co-Prosecutor who
10 was seeking some clarifications, you specified that you yourself
11 had only participated in one single session.

12 My question is: How were you made aware of the other sessions
13 that you did not partake in?

14 A. I was made aware of this because I met with people from the
15 bases, and after they attended those training sessions, we would
16 meet at the hospital during the course of our work and we would
17 just talk to one another about this.

18 Q. Once again, I would like for you to specify who from the base
19 you had met at the time. Can you please provide us some names?

20 A. I'm afraid it was a long time ago, and I can't remember them
21 all.

22 [09.28.09]

23 Q. I simply wanted to know the names of those you had met with --
24 names that you remembered.

25 A. I'm afraid not, because there were a lot of things involved

12

1 and a lot of people, so I can't remember any of them.

2 Q. Very well.

3 At the hearing of August 27, 2012, prior to 10.18 a.m., you
4 responded to a question put to you by the Co-Prosecutor. I'll
5 just repeat the question. This is what he asked you: "Just to
6 confirm that I have correctly understood what you said earlier,
7 when you were at Borei Keila, was that the very first time that
8 you saw Pol Pot, Nuon Chea, Khieu Samphan, and other leaders?"
9 Your answer: "That is correct. That was the first time I saw
10 them."

11 This is what you testified on the 27th of August 2012. Do you
12 confirm that statement, sir?

13 [09.29.57]

14 A. Yes, I do.

15 Q. At the hearing of the 23rd of August 2012, with respect to the
16 leaders and with respect to Borei Keila, you stated, just before
17 2.30 p.m., as follows: "At the beginning, there were a few people
18 on stage, and I only recognized a few. Among them were Nuon Chea,
19 Khieu Samphan, and Ms. Leng Sei from Social Affairs."

20 My question for you is this: If that was the first time that you
21 saw the leaders, how is it possible for you to recognize them?

22 A. I stated earlier that they were introduced to the participants
23 of the training session. It was from that time onward that I
24 recognized them.

25 Q. All right.

13

1 During the training session, was So Phim, from your zone,
2 present?

3 [09.31.49]

4 A. No, he was not.

5 Q. You said that you were attending the training session as the
6 student leader but that there were also district heads as well.
7 Can you just make it clear to the Chamber who the training was
8 destined for -- the one that you attended, anyway -- who was it
9 being dispensed for?

10 A. I have already stated in my earlier testimony. There were
11 representatives from the district level in that political
12 training, and the lowest level participants in those political
13 trainings were from the head of district levels.

14 Q. Very well. And who were the most senior people there?

15 A. Are you referring to the participants or you are referring to
16 the speakers at the event?

17 Q. I'm talking about the participants.

18 A. Counsel, the most senior participant -- since this course was
19 kept for the head of districts, then the district chiefs were in
20 -- were called to attend the training. So the most senior
21 participants were the head of the district levels, so anyone who
22 was the most senior at the district level would be invited to
23 attend this training.

24 [09.34.30]

25 But then there were participants from the zone and sector. And as

14

1 for the line department attached to the sectors, they called the
2 committee of the sector or the zones committee members to
3 participate in those political trainings.

4 Q. Well, bearing that in mind, let me ask you, did you have a
5 role in any particular district, or sector, or zone committee?

6 A. When I was with the hospital or Sector 20, I -- and if I over
7 there, I would not be entitled to attend the training. But since
8 I was sent to a Russian Hospital to attend the medical training
9 course, I was the student leader at that time. That's why for
10 that status I was called to attend that political training.

11 Q. And as a student leader, did you bring along other people from
12 your training class to that session?

13 A. Among the students at Khmer-Soviet Hospital, they called only
14 the student leaders. We dare not go to attend any training at our
15 own will. At that time, we had to be vigilant and -- in order to
16 save our own life, so we had to be called upon in order to attend
17 such training.

18 [09.37.15]

19 Q. You told the hearing that Ms. Leng Sei from Social Affairs was
20 attending the training session. Did she speak at it?

21 A. At that time, Leng Sei did not speak or address the students.

22 Q. But if I understood what you told us on the 23rd of August,
23 she was up there on the podium; am I right?

24 A. She was on the stage representing the Khmer-Soviet Hospital;
25 she was not a speaker. At that time, she simply participate to

15

1 observe because there were students from her hospital or from her
2 ministry attended the training.

3 Q. You said some students from the hospital were present. Are you
4 telling me that you weren't the only one?

5 A. I was a student, so -- there were students; that's why she
6 came to observe the participation of the students. And I did not
7 mention that -- I did not mention how many students there were.

8 [09.39.17]

9 Q. Very well.

10 A little earlier on, when I asked you if you came with other
11 students, you got it wrong; or have I misunderstood?

12 MR. PRESIDENT:

13 Civil Party, please hold on.

14 Prosecutor, you may proceed.

15 MR. DE WILDE D'ESTMAEL:

16 Thank you, Mr. President. I think the question is pointless.

17 I believe that my colleague didn't understand just now when the
18 civil party was saying that only the leaders were invited to the
19 training session. There was already a plural there at that stage,
20 so there were several student leaders present.

21 We can always ask the civil party to clarify if you wish.

22 [09.40.16]

23 MS. GUISSÉ:

24 We can of course ask that, but it is to the civil party that we
25 should put the question. This is not up to the Prosecution to be

16

1 clarifying this for us, and that is why I am asking the civil
2 party to do so.

3 MR. PRESIDENT:

4 The civil party is instructed to respond to the question.

5 MR. EM OEUN:

6 Can you please repeat your last question?

7 BY MS. GUISSÉ:

8 Q. Yes. Mr. Em Oeun, you told us that Ms. Leng Sei was there. At
9 that training session, there were students from her hospital.
10 Now, previously, I had asked you if there were other students
11 from the hospital, apart from yourself, and I understood you to
12 be saying that you were the only one. So, now, I would like to
13 know if in fact there were other students from the hospital with
14 you or if you were the only one?

15 [09.41.42]

16 A. Thank you. I will be brief in responding to this question.
17 They only sent me to attend the training because I was the
18 student leader, and Madam Leng Sei was there as members of the
19 presiding committee. And she was there -- I did not know the
20 reason why she was there; probably she wanted to observe the
21 student or there were presence of other students.

22 MS. GUISSÉ:

23 Mr. President, that brings me to an end to my line of
24 questioning.

25 I believe that my colleague, Kong Sam Onn, may wish to bring up

17

1 some other points.

2 Mr. Em Oeun, I'd like to thank you for your patience in answering
3 my questions.

4 That draws me to a close, Mr. President.

5 MR. PRESIDENT:

6 Thank you.

7 The -- your national counsel is Kong Sam Onn, not Kong Sam Oeun
8 (phonetic).

9 [09.43.11]

10 QUESTIONING BY MR. KONG SAM ONN:

11 Thank you, Mr. President. Mr. Em Oeun, I am Counsel Kong Sam Onn.

12 I have only a few questions to put to you. I want you to be
13 released back to your home, too.

14 Q. So, first of all, I would like to ask you for your

15 clarification on the Civil Parties Information Form you completed
16 at the Documentation Center of Cambodia.

17 According to the Victim Information Form as well as your

18 testimony before the Chamber, you indicated different dates and
19 timelines.

20 For example, you mentioned the disappearance of your father. At

21 certain points, you said that your father was executed on a date.

22 For example, once you said that your father was executed in 1974,

23 when he was brought away and then disappeared, and then, later

24 on, you said -- you changed the date subsequently.

25 [09.44.40]

18

1 So my question to you is: Why did you come up with different
2 dates? Is it because you have difficulty recalling those dates or
3 you are influenced by someone who may tell you to testify
4 otherwise, or, for example, somebody told you that the temporal
5 jurisdiction of this Court is between the 17 of April 1975 to the
6 6th of January 1979, and since you become later aware that the
7 temporal jurisdiction of the Court was during that entire period,
8 and then you subsequently changed your answer? Is that the reason
9 for the subsequent changes of date in your testimony?

10 MR. EM OEUN:

11 A. I have already mentioned the inconsistencies of the date. But
12 the truth is the truth, because the story -- the fact was there,
13 but the date may be erroneous on my part.

14 And I said in the Court that, when the statement was copied from
15 one form to another, I asked for assistance from other who was
16 very literate and knowledgeable. I asked them to copy the
17 corresponding statements onto the form and I did not actually
18 follow up very thoroughly whether or not the dates were
19 consistent with what I said. So I lack of vigilance on the
20 copying of the statements.

21 Actually, I only tell the truth. And what I can tell you before
22 this Court is also the truth. And I am a Buddhist, so I have to
23 tell the truth.

24 [09.47.11]

25 Q. Thank you. Thank you for your clarification.

19

1 The reason why I am asking you for this clarification, because I
2 know that the Court needs accurate information, and we need to
3 verify the veracity of your statement made in the Victim
4 Information Form with the assistance of Documentation Center of
5 Cambodia. There might have been some changes. And if there was
6 any consultations, or advice, or even influence from others, that
7 was not, actually, your own motivation to do so.

8 And you said that you decided to pick up a certain date -- for
9 example, 1974 -- as the date when your father was brought away or
10 executed.

11 I would like to ask for clarification on this point. Was it your
12 own understanding or it was the exact date that you recall very
13 clearly? Can you enlighten us on this?

14 A. There were some inconsistencies in the date, and I acknowledge
15 that there were inconsistencies in the date. When I wrote down on
16 the Victim Information Form at the DC-Cam, it -- the figures or
17 the date came immediately to my mind. And then, when I went back
18 home, I thought over it again, what events took place before any
19 other events. So, the events were rather confused.

20 [09.49.10]

21 For example, there were some example about the reason for my
22 mother's death. My mother -- earlier on, I thought that my mother
23 was dead because of the aerial bombardment by B 52 of the U.S.
24 And then, later on, when I went back home, I thought over it
25 again and I thought of the date when my father was arrested and

20

1 brought away, and then I start to -- I started to factor in all
2 the information and the events that took place at the time.
3 That's why I came up with subsequent dates concerning the
4 execution of my father.

5 Q. Thank you. Thank you for your clarification.

6 I would like to now expand on the issue of aerial bombardment.
7 You said that your mother died because she was shocked by the
8 aerial bombardment at that time. Do you recall very clearly that
9 it was the B 52 bombs that were dropped by the -- from the aerial
10 space? Was that correct?

11 [09.50.45]

12 A. It was my understanding then that when there was aerial
13 bombardment -- and if you wanted to find out whether or not it
14 was a B 52, you could go and see at my home town; there was still
15 a big pond over there as a consequence of the B 52 bombardment.
16 And we were all very terrified. My father was also terrified, and
17 my mother was even terrified. So there were a lot of misery in
18 our life back then because we were constantly threatened by
19 aerial bombardment. And the next morning my mother died, so it
20 was a very grief stricken moment in our life.

21 Q. Thank you. This is important information. Could you tell the
22 Court the diameter of the pond as a result of the B 52
23 bombardment?

24 A. I do not -- I cannot tell the exact numbers of bombs. But in
25 terms of craters, there were - there were hundreds of craters

21

1 because the bombardment was in the form of carpet bombardments.
2 It was -- it spread about a kilometre diameter range, and the
3 depth of the bombing, the bomb on any particular place, would be
4 up to 7 metres or even 10 metres deep.

5 [09.53.06]

6 Q. Thank you for clarification.

7 So, I would like now to move on to your role as the student
8 leader at the Khmer-Soviet Hospital during the Democratic
9 Kampuchea period. Can you tell the Court what authorities or
10 power was vested with you as the student leader back then?

11 A. At Sector 20, I had one important role. I was the head of
12 Technical Section, and my main task was to train other medical
13 staff at Sector 20. And then I was also a member of Youth League
14 of the sector.

15 Q. Thank you. Just now, actually, I would like to know about your
16 role and authority in your capacity as the student leader at the
17 Khmer-Soviet Hospital. Can you clarify or enlighten the Court
18 concerning your authority as a student leader? Were you vested
19 with the power to impose any sanction on other students, for
20 example?

21 [09.55.10]

22 A. I actually told the Court already that I supervised the
23 students. I look at their welfare, their study, and livelihood
24 over there. And as for the designation of certain tasks, I had to
25 listen to the instruction by the hospital director. Without the

22

1 authorization, I would not have any power to do anything with the
2 students.

3 Q. Thank you.

4 If I am not mistaken, your testimony earlier was that the
5 students of your batch comprised of some 2,000; is that correct?

6 A. I mentioned it twice. I said there were around 2,000
7 participants; those were the participants in the political
8 training session. But as for the medical students at the
9 Khmer-Soviet Hospital, there were approximately 1,000 of them.

10 Q. Thank you. I would like to now expand a bit further on this.
11 You said there were approximately 1,000 students at the
12 Khmer-Soviet Hospital. Was there only one student leader -- and
13 that person was you, alone, to lead the 1,000 students at the
14 school?

15 [09.57.23]

16 A. There were three, actually. There was one as the president,
17 and the second one was the vice-president, and the other one was
18 member, but I do not recall their names.

19 Q. Thank you.

20 I would like to now touch upon yourself, when you were attending
21 the political training session. Did you attend the political
22 training course fully or did you participate part of the
23 political training sessions and you were absent on certain days
24 throughout the course? Can you - can you clarify on this?

25 A. At that time, I was supposed to attend the political training

1 session for seven days, but since I also had my responsibility to
2 take care of the patients at the hospital, so the director of the
3 hospital called me back to attend to the patients at the
4 hospital. So, all in all, I attended only four days of the
5 seven-day training -- political training course.

6 [09.59.37]

7 Q. Thank you. So, is it fair to say that the political training
8 course you attended at that time lasted for seven days, and you
9 actually attended only four days of the seven days? Can you tell
10 the Court whether or not you attended the first four days, or
11 those four days fall on the middle or the last part of the
12 training course?

13 A. I attended during the first days of the session.

14 Q. So this means that you attended the four first -- the first
15 four days of the training.

16 A. Yes, it is correct.

17 Q. I may wish to seek clarification on the transcript, document
18 D22/3963, the statement you filled before the DC-Cam.

19 You indicated that Mr. Nuon Chea talked for about three days and
20 Mr. Khieu Samphan talked from the fourth or the fifth day of the
21 training sessions.

22 My question to you is: How did you know Mr. Khieu Samphan spoke
23 in the session if you did not attend that session?

24 [10.03.02]

25 MR. PRESIDENT:

24

1 Civil Party, could you please hold on?

2 International Co Prosecutor, you may now proceed.

3 MR. DE WILDE D'ESTMAEL:

4 Thank you, President. From what I heard in the translation, it
5 would appear that the question was whether or not Khieu Samphan
6 only spoke on the fifth day, whereas in the statements the civil
7 party stated that: "On the fourth and fifth day, I saw Khieu
8 Samphan."

9 I don't know if this is a translation or interpretation error or
10 if -- an error on the part of counsel, but at least in document
11 D22/3963 the civil party clearly states that he saw Khieu Samphan
12 on the fourth and fifth days.

13 [10.04.02]

14 So I would ask for counsel to clarify. Thank you, President.

15 MR. KONG SAM ONN:

16 Thank you, Mr. Co Prosecutor.

17 I already stated very clearly and I believe that the civil party
18 would be the best person to respond to this to clarify things.

19 MR. PRESIDENT:

20 Civil Party, you may now respond to the question put by counsel
21 for Mr. Khieu Samphan.

22 MR. EM OEUN:

23 A. My apologies; I rely heavily on the truth and I would like to
24 once again apologize for not being able to recollect the facts in
25 good sequences. Due to the lapse of time, I cannot recall this

25

1 very well. Look, I am now 60 years old or so. Back then, I was
2 about 10 -- or below 20 years of age, and I had endured a lot of
3 pain and suffering, so my memory has also been deteriorating. And
4 please bear with me with -- for this.

5 BY MR. KONG SAM ONN:

6 Q. Thank you for your clarification and explanation.

7 My next question is: Whom did you know who attended the training
8 sessions and you still remember their names? Can you tell us how
9 many people you still remember?

10 [10.06.39]

11 MR. EM OEUN:

12 A. I'm afraid I don't understand your question very well. Could
13 you do that again? You asked me whether I remember the students
14 or the teachers -- trainers?

15 Q. I would like you to recollect the names of students who attend
16 the training -- political training sessions with you.

17 A. When I attended the training session, I did not know anyone in
18 the session, let alone now. I remember only one person, who was
19 my uncle, at Sector 20, Mr. Kong Sakun, alias Tuy, originally
20 known as Mak, who was my uncle and the head of Sector 20.

21 Q. Thank you. Do you still remember other people from Sector 20
22 who attended that same training session?

23 A. No, I'm afraid not. Again, I still remember the only person
24 who attended the training because he was my uncle.

25 Q. Thank you. Your uncle, Kong Sakun, is he alive?

26

1 [10.09.13]

2 A. No, he was executed by the Khmer Rouge; because he was
3 arrested and killed, perhaps in 1976 -- late 1976 or early 1977.

4 Q. Thank you.

5 I would like now to go back to another point that was already
6 once discussed, concerning the aerial bombardments.

7 You stated that your mother died of being shocked by the American
8 aerial bombardment and that, to your recollection, you remember
9 the event to be in 1974. Could you confirm the contradictory --
10 the information about the death of your mother, in -- which you
11 stated in document D22/3963; ERN in Khmer, 0078684 -- my
12 apologies; Khmer ERN number again is 00573975. My apologies for
13 having problems with this ERN number because of the organization
14 of the paper. English is -- ERN is 00751866, French ERN 00786184.

15 [10.11.59]

16 I would like to read out this statement -- the relevant portion
17 -- to you as follows: "My mother was killed by Pol Pot during the
18 year when my father was arrested and executed."

19 I have problem reading from your writing.

20 "They were arrested from the pagoda, Prey Preah Smoun Pagoda,
21 when they were paying homage to the monks."

22 Do you still stand by this statement? Or can you confirm why the
23 information is not consistent from time to time in your various
24 testimonies?

25 A. I have to admit that the writing is mine.

27

1 However, I wish to also remind counsel that today is not
2 different from yesterday. My memory is not fully good.
3 And as I stated, that my father was executed; he was arrested
4 before being executed.

5 I would like to read from my writing here: "They were arrested
6 from the pagoda."

7 [10.14.03]

8 When it comes to the pagoda, I would like to apologize greatly on
9 this because there was no pagoda back then; and because my memory
10 did not serve me well, I made this mistake, which I sincerely
11 apologize.

12 Q. Thank you. So is it fair to say that you recant your statement
13 in which you stated, on document D22/3963, that your mother died
14 of shock as the result of the aerial bombardments by the
15 Americans in 1974?

16 A. Yes, I confirm my position as you stated.

17 MR. KONG SAM ONN:

18 Thank you, Mr. Civil Party. Thank you, Mr. President and Your
19 Honours. We have no further questions.

20 MR. PRESIDENT:

21 Thank you, Counsel. Thank you, Civil Party.

22 [10.15.38]

23 Mr. Em Oeun, your testimony has now come to a conclusion.
24 However, before we conclude the session, the Chamber would like
25 to offer you the opportunity so that you can express your harm,

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1 injuries -- the harms that have been resulted from the crimes
2 allegedly to have been committed, and that you also can claim for
3 the collective and moral reparations from the crimes that
4 allegedly committed by the Accused before us in Case File 002/1
5 falling in the phases 1 and phases -- phases 1 and 2 of the
6 evacuation from 1975 to 1976. If you would like to do that, you
7 can voice your concerns and you can be heard now. You may
8 proceed.

9 MR. EM OEUN:

10 Thank you, Mr. President.

11 Before I go to this, I would like to ask that I be allowed to
12 elaborate in details. And please accept my apologies if I am --
13 in this.

14 [10.17.45]

15 MR. PRESIDENT:

16 Mr. Civil Party, indeed, you are now allowed to be heard and you
17 can talk to the Chamber, voicing your sufferings and grievance --
18 things that you have suffered during the period of Democratic
19 Kampuchea from the 17th of April 1975 through the 6th of January
20 1979. So your story could be confined to the damage that had been
21 caused to you during this period of time.

22 You may now proceed.

23 MR. EM OEUN:

24 Thank you, Mr. President. Before I speak, I would like to thank
25 you, Mr. President and Your Honours, for this moment. I would

1 like to say thank you again to the Court, that I have never
2 imagined that the thing would happen to me. And I believe that
3 the Court here is very special and very good, that it is
4 established to find justice for us; we see foreigners and
5 Cambodian nationals who jointly work in the Court. And I am very
6 blessed and I never imagined that I could be sitting here giving
7 testimony before the Chamber. Once again, I thank you. Thank you
8 very much to all the Cambodian people who come all the way to
9 observe the proceedings in this Court.

10 [10.19.55]

11 And, again, I would like to apologize before -- or for my
12 statements. I know that I had a lot of problem speaking because I
13 had sore throat. People could perceive that I was terrified or,
14 perhaps, afraid to give testimony, but it was not the case. I had
15 problem with a sore throat that I could not speak clearly.

16 But please be reminded that I am here to tell the truth and my
17 statement is full of truth. I filed the Civil Party Complaint to
18 voice my concern and suffering, without which I could have never
19 been -- I could not have been given this opportunity to do so.

20 I would like now to proceed as follows.

21 Dear my fellow Cambodian citizens, I am now telling the truth
22 about what happened to me, what I experienced. My experiences
23 were not different from those who lived through the regime.

24 And before I begin, I would like to also talk before the God. God
25 could be our witness, my witness.

30

1 And please forgive me if I am not really precisely clear in my
2 statement. And I would like to proceed as follows.

3 [10.21.45]

4 I never went to school. I had a lot of hardship and difficulties
5 in my family. I had to support my family, and for that I did not
6 have an opportunity to be educated. As in this statement, I wrote
7 down the details of what I encountered--

8 MR. PRESIDENT:

9 Mr. Em Oeun, you are now allowed to express your suffering, what
10 you encountered during the regime, the harms, the damages you
11 have during the time -- during this period. So please limit your
12 comment or statement to that confined area. You are not allowed
13 to beat about the bush. Now, you have five more minutes to go
14 straight to the point.

15 If you do not wish to make any statement on this, you also can
16 say so. I mean, it is your right not to do that, as well.

17 MR. EM OEUN:

18 Thank you, Mr. President. To cut short, I have no more idea.

19 [10.23.32]

20 MR. PRESIDENT:

21 Thank you, Mr. Em Oeun.

22 Your testimony sessions now come to an end. You are now excused.

23 You can feel free to go back home or to places where you wishes

24 -- you wish to go.

25 And the Chamber would like to thank you very much indeed for your

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1 time and effort, patience in providing your testimony during the
2 last few days. We believe that your statement or testimony would
3 also be helping the Court to find justice and the truth.

4 Court officer is now instructed to assist the civil party so that
5 he can be properly returned home safe and sound.

6 Mr. Em Oeun, you may feel free to leave the courtroom now.

7 The next session will be the session on TCW 480, the questions to
8 be put by the Prosecution.

9 Now it is appropriate moment for the morning adjournment. The
10 Chamber will adjourn for 20 minutes. The next session will be
11 resumed by 10 to 11.00.

12 The Court is adjourned.

13 THE GREFFIER:

14 (No interpretation)

15 (Court recesses from 1025H to 1054H)

16 MR. PRESIDENT:

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

18 Court officer is now instructed to call in witness TCW-480 into
19 the courtroom.

20 (Witness Norng Sophang enters courtroom)

21 QUESTIONING BY THE PRESIDENT:

22 Good morning, Mr. Witness.

23 Q. What is your name?

24 MR. NORNG SOPHANG:

25 A. Good morning, Mr. President, Your Honours, and everyone in

1 this courtroom. I am Norng Sophang.

2 [10.57.00]

3 Q. Thank you, Mr. Norng Sophang. Apart from this name, do you
4 also use another name?

5 A. My original name was Norng Seng Chim. I have no alias.

6 Q. What is your current name -- the official name used every day?

7 A. I am now Norng Sophang.

8 Q. Mr. Norng Sophang, can you tell the Chamber your date of birth
9 -- or how old are you now?

10 A. I was born on January the 2nd, 1952. I am now 60 years old.

11 Q. Thank you. Where do you live?

12 A. I now live in Dei Kraham village, Ta Saen commune, Kamrieng
13 district, Battambang province.

14 Q. Thank you. What do you do for a living?

15 A. Currently, I am a retired school teacher.

16 Q. What is your father's name?

17 A. My father is Norng Chim.

18 Q. What about your mother?

19 [10.59.32]

20 A. She is Un Tit.

21 Q. What is your wife's name?

22 A. She is Nhik Horm.

23 Q. Thank you. How many children do you have?

24 A. We have three children.

25 Q. Mr. Norng Sophang, according to the report by the greffiers of

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1 the Trial Chamber, you have no relationship or connection with
2 the individuals -- for example, the civil parties who had been
3 admitted at this Court -- and you are no related to any of the
4 accused persons; is that correct?

5 A. Yes, it is.

6 Q. According to the same report, you already took an oath
7 yesterday; is that true?

8 A. Yes, it is.

9 [11.01.04]

10 Q. Thank you.

11 The Chamber would like to proceed to apprise you of your rights
12 before this Chamber.

13 As a witness, Mr. Norng Sophang, you can reject to respond to any
14 questions or make any statements that are self-incriminating. You
15 shall enjoy the right against self-incrimination of witness.

16 As a witness, you are to give the testimony based on the truth,
17 nothing but the truth, and you shall respond to all questions put
18 by the Judges of the Bench and parties who are posing questions,
19 and at the same time you can refrain from responding to any
20 questions in which your statement will be self-incriminating. And
21 your testimony must, again, be based on what you saw, witnesses
22 or experienced.

23 Did you understand your rights and obligation as a witness?

24 [11.02.39]

25 A. Yes, I do, Mr. President. I thank you very much.

1 Q. Mr. Norng Sophan, have you ever given interview to
2 investigators of the Co-Investigating Judges Office before? If
3 so, how many interviews have you given, and where were the
4 interviews taken?

5 A. Investigators came to me on two occasions. First, it was in
6 the Hun Sen Ou Anlok Primary School in 2009.

7 Q. Before you appear before the Chamber, had you have any
8 opportunity to read the report of the interviews you once gave
9 before the investigators at Ou Anlok in 2009 to refresh your
10 memory?

11 A. Yes, I had read the interviews again.

12 Q. According to your best recollection and memory, do you feel
13 that the report of the interviews were consistent with the
14 accounts you gave before the investigators back then?

15 [11.04.47]

16 A. Yes, Mr. President, the documents are consistent with the
17 interviews I gave.

18 MR. PRESIDENT:

19 Thank you.

20 The Co-Prosecution is now informed that you will be given the
21 floor to put questions to this witness before other parties. You
22 may now proceed.

23 QUESTIONING BY MR. VENG HUOT:

24 Thank you, Mr. President. Good morning, Your Honours, and good
25 morning, everyone in this courtroom, and very good morning to

35

1 you, Mr. Norng Sophang. I am from the Office of the
2 Co-Prosecutors. I have a few questions to put to you.
3 However, before I put the questions, I would like to ask that you
4 ask me questions if you feel the questions are not precisely put
5 or there is some uncertainty or unclarity in the questions, and
6 I'm pleased to clarify for you.

7 [11.06.17]

8 Q. You already stated that you have read the documents concerning
9 the interviews you gave to the investigators when they conducted
10 the interviews.

11 Now I would like to refer to document in Khmer, 00328023-24;
12 00334044 in English; and French, 00411693 -- document E3/64.

13 You said that in 1963 (sic), Mr. Hang, the chief of the sector,
14 appointed you to work at B-17.

15 My question is whether you know the full name of the person by
16 the name Hang. And how did you know this person? And did you ever
17 meet him at a later date?

18 MR. NORNG SOPHANG:

19 A. In 1973, Mr. Hang assigned me to work at B-17. I do not know
20 the full name of this person. He was the secretary of the sector
21 in Preah Vihear. He was known as Hang, and I never know whether
22 he had full name.

23 [11.08.31]

24 Q. I think I will be putting the same question. How did you know
25 him?

1 A. Before he recruited me to work at B-17, he conducted some
2 political training sessions to indoctrinate us politically so
3 that, before we worked at the Centre, we could be of well
4 disciplined. And in general we were trained to perform in line of
5 the Party's policy so that we could be self-disciplined, we could
6 have good morality before we could be assigned to work for the
7 Centre.

8 Q. Had you ever met Hang again? Or do you know where he lives
9 now?

10 A. No, I'm afraid not. I have never been in contact with this
11 person, nor had I ever met him again.

12 Q. Can you tell us, what was the purpose of B-17, and where is it
13 located, and who was the chairman of the place?

14 A. At B-17 -- B-17 was a tempering place where vegetables were
15 grown, production -- a place of production to support Angkar. It
16 was also a place where people could be sent to be on training
17 before they could be moved to the Centre to work there. People
18 stance would be tested when working at B-17, and Mr. Dim was the
19 one who was in charge of B-17. Mr. Dim has passed away.

20 Q. My apologies; I need to repeat this: Where is B-17 located?

21 [11.12.14]

22 A. I do not know this geographical location, but I recall that it
23 was located near Bet Thnu village, but I don't know in which
24 district it was located, although I know for sure that it was
25 located in Kampong Cham province.

1 Q. What did you exactly do at B-17 at that time?

2 A. At B-17, I worked as a vegetable grower or banana trees or
3 sugar cane trees grower. I did not do any other things than this.

4 Q. Do you still recall the year when you attended the telegram
5 training sessions?

6 A. It was in mid-1973 when I attended the sessions. It was when I
7 worked at B-17; it was half a year after I had been working at
8 B-70 - rather, 17, before I attended the training on telegram.

9 Q. Who assigned you to attend the telegram training sessions?

10 [11.14.48]

11 A. I do not know -- I do not remember the person who assigned me,
12 but I remember that on one occasion I was taken by a motorcycle
13 and took -- or taken to the jungle.

14 Q. I would like now to go straight to your actual activities. So,
15 who taught you the telegram techniques? And how many people
16 attended the sessions? And how long each session last? And what
17 were the topics being discussed in the trainings?

18 A. People who taught me to translate the telegrams was by the
19 name Pon and other people who attended the sessions were Thé and
20 other individuals whom I don't remember now. And during that time
21 I learned to translate the telegrams on the job. Not long after
22 the training, I could be very skilful in my work.

23 Q. I may seek some clarification on how many people attended the
24 telegram training sessions, and how long the sessions last, and
25 what was the purpose of such training.

1 A. At first, I was there all by myself; I was not joined by any
2 other participants in the training. And the training was meant to
3 translate and receive secret telegrams sent to me for
4 translation, and I, after translating the telegrams, had to send
5 them to Angkar.

6 [11.17.49]

7 Q. I would like to read your statement before the investigators,
8 under the ERN 00328024 in Khmer, and English ERN is 00334044,
9 French ERN is 00411694.

10 At that time, you stated that: "Pon was the group leader who
11 taught me. And there were four to five people in my Telegram
12 Section."

13 However, you said that you attended the training session alone.

14 Can you clarify please on this?

15 A. Well, that statement is true, but, you know, at the beginning
16 I was the only trainee who attended the session because the other
17 people already were trained before or was skilful enough to
18 understand this without further trainings.

19 Q. I thank you very much for your clarification.

20 I would like now to move on to the actual practice. Could you
21 tell us how you performed this duty and how communication took
22 place?

23 [11.19.48]

24 A. When I received telegrams in secret coding, I then translated
25 them in accordance with the secret documents, the content of

1 which would be submitted to Mr. Pon, who at the same time sent or
2 managed to have them sent to Angkar.

3 Actually, there were telegrams that were sent to me from the
4 zones, or the bases, or the battlefields. These messages were
5 sent through radio communication or through telegrams. Then, the
6 messenger would be assigned from Mr. Pon to have these documents
7 -- or messages sent to us before they would be sent back to the
8 targeted areas. This is about the incoming messages.

9 When the messages where to be sent out, it applies the same rule:
10 Pon would receive the messages in telegram -- in normal telegram
11 text, then he would ask people to send to each respective section
12 to handle them so that they could be translated into the secret
13 telegram coding. After such translation, we then would send the
14 coded text to the -- through the messengers, who would then send
15 to other respective targeted areas.

16 Q. In your statement before the investigators -- document ERN
17 00328024; English, 00334044; and French, 00411694, the same
18 document -- you indicated to the investigators that, at B-17, you
19 met with Pol Pot and Nuon Chea.

20 [11.22.43]

21 My question is: Was B-17 the place where Pol Pot and Nuon Chea
22 worked and stayed?

23 A. B-17 was an office -- a place for tempering before people
24 would be sent to work for Angkar; it was not the location where
25 Pol Pot or Nuon Chea worked.

1 Q. Do you know -- or were you aware what Pol Pot and Nuon Chea
2 could have been doing when they came to B-17?

3 A. They came to B-17 because it was the place for production, and
4 they came to inspect the production work to see its progress and
5 development, and at the same time they came to check the
6 production movement. And I believe that they went there as part
7 of their relaxation or leisure time, to just release their
8 stress.

9 Q. How did you know these individuals were Pol Pot and Nuon Chea?
10 [11.25.13]

11 A. People who lived and worked at B-17, there were a lot of them.
12 And there were other predecessors who worked in the premises who
13 knew these individuals. I asked them who could have been the
14 senior leaders, because I never met and seen them, and I was told
15 that this person was Bong Pol, this person or that person was
16 Bong Nuon. That's how I learned their names.

17 Q. Apart from your knowledge about Pol Pot and Nuon Chea, did you
18 ever see any other senior leaders who would be coming to B-17 on
19 any occasions?

20 A. No, I never known any other senior leaders, nor had I seen
21 them going there.

22 Q. I may go back a little bit in my question -- line of
23 questioning.

24 You said you attended the telegrams training session. But how
25 long did you attend the sessions? I believe that you have not

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1 answered that question when I put to you, so it is now time you
2 may respond to that.

3 [11.27.00]

4 And I also would like to ask you another question: After that
5 training session, where did you work?

6 A. I attended the telegram training sessions in 1973. I studied
7 and learned on the job at the same time.

8 And after acquiring these skills, I believe that, by 1974, I
9 could muster the skill and was assigned - my group was assigned
10 to work in another location, at Prey Chek (phonetic), or B-20.

11 Q. At B-20, what was your role?

12 A. At B-20, I was the chairperson of the Translation Unit -- the
13 Telegram Translation Unit.

14 Q. Can you please tell the Court, as well, who was the general
15 manager of B-20 -- or who was overally (phonetic) in charge of
16 the place?

17 A. I'm afraid not; I don't know that person.

18 [11.29.10]

19 Q. Can you also, please, help clarify whether B-20 was meant to
20 serve the military or civilians?

21 A. B-20 was a production place as well -- a place where
22 production could be performed and supplies could be used to
23 support Angkar. It was also an office. I never went to other
24 offices, and I stayed put in the banana plantation, and I did not
25 go about elsewhere, other than being confined to that very small

1 location where I worked.

2 Q. You said you were the chairman of the Telegram Translation
3 Unit. How many members were there under your supervision?

4 A. My team members included me, who was the group leader, and
5 Vang was the deputy group leader, and Dab (phonetic) was also a
6 member. I do not recall his name clearly, but he was a newcomer.
7 There were only three of us. And Pon, at that time, was not
8 within my section, he -- because the groups were divided into
9 two; I was at the rear, and Pon was sent to work at the front
10 line with Pol Pot, west of Phnom Penh.

11 Q. Can you describe the structure of the Telegram Section with
12 which you worked?

13 [11.32.25]

14 A. As for the working structure in the Telegram Section, there
15 were three units. They were interrelated. My section was
16 responsible for telegram translation.

17 And we actually did not have the -- have any other unit that
18 supervised us, because we were a stand-alone section. Even the
19 chairman of B-20 did not have the authority of command on my
20 section. We were autonomous in a sense.

21 And there was another group which was called the Telegram
22 Receiving and Sending Unit.

23 And the other unit was the Broadcasting Unit -- Radio
24 Broadcasting Unit.

25 So these three units were separate units, and we never knew each

1 other. That was the organization put in place by the Angkar. And
2 we did not relate to one another; we had to do our own task.

3 Q. Earlier on, you said that, at B-17, you met the leaders --
4 namely Pol Pot and Nuon Chea. Now, at B-20 -- did you meet any
5 leaders at B-20?

6 [11.34.30]

7 A. At B-20, I did not meet any leaders because all the telegrams
8 which were translated were sent through messengers to the
9 leaders. I did not know where the leaders resided at that time.
10 My task was to translate the telegrams. And as for who those
11 telegrams were meant for, I did not know, and I did not know
12 where those telegrams were sent to, either.

13 Q. When you were at B-20, did you know Pang? And who was Pang,
14 really?

15 A. I knew Pang. I had known him ever since I came to B-17
16 because, immediately when I arrived at B-17, Pang was the person
17 who designated me to B-17 and he also indoctrinated me as well.
18 So, Pang was the person who even -- he supervised the overall
19 task. He was - he was the superior of Dim, as well.

20 Q. I would like to expand a little bit further on the Telegram
21 Unit subordinate to B-20. Was it the Telegram Unit of the Centre?
22 In other words, is -- or was the Telegram Unit located within the
23 B-20 premise?

24 A. That, I did not know because my responsibility was limited to
25 telegram translation. I did not even dare or bother to ask where

1 the Centre Office was.

2 [11.37.25]

3 Q. So, are you saying that you don't know where the Centre Office
4 was? So, did you know back then where Pol Pot worked? And if you
5 did, how far was his office from B-20?

6 A. When I was working at B-20, I didn't know the whereabouts of
7 the Centre Office. But when I was studying the telegram
8 translation in the forest and -- I learned from others that the
9 Centre Office was located deep in the jungle.

10 But later on, in 1974, there was a division of my unit into two.
11 One was attached to the front line, and the other was attached to
12 the rear. But as for the exact location of the Centre Office, I
13 did not know.

14 Q. Now I move on to a more detailed work of receiving and sending
15 out of telegrams.

16 The incoming telegrams were the reports you received, and sending
17 out was the directive. Can you distinguish between these two --
18 the typical incoming telegrams and the outgoing telegrams?

19 [11.39.30]

20 A. The incoming and outgoing telegrams were as what you
21 described.

22 The incoming telegrams were in the form of reports we received
23 from the base or from the front lines. They reported to the rear.
24 That was the information or the development of the battlefields
25 at the front lines. That was the information reported from the

1 base to the upper authority. That was -- constituted reports.
2 But as for the outgoing telegrams, was in the form of directives,
3 which included measures, instructions, circulars for the
4 implementation at the base. This was the directives for the upper
5 authority for the lower authority to implement.

6 Q. Thank you. I just want to expand a little bit further on the
7 reports down from the base to the upper authorities. Were the
8 report produced in handwriting or did they typewritten them and
9 send to you?

10 And upon receiving those reports, you had to relay the reports to
11 the upper authority. Is that a fair summary of the working
12 procedure at your place?

13 A. Well, normally, the reports were written with code numbers --
14 with secret code numbers. Then I had to decode them. So,
15 normally, there were numbers everywhere, code numbers, and there
16 secret code numbers on every page.

17 [11.42.00]

18 They typed through -- they typed them, sometimes in Khmer
19 numbers, or sometimes they used signs, which we had to decode.
20 And sometimes the reports were produced using letters or
21 shorthand writing. And normally the reports that were produced in
22 letters -- these involved the report from the front lines and
23 battlefield. So, of course, the report were in the form of a
24 secret code numbers or shorthand.

25 They sent those reports through messengers to our unit. So we

1 received all sort of information through telegrams. Then we had
2 to decode all of those reports and forward to the upper authority
3 through messengers.

4 And if the reports were prepared in Khmer, I did not have to
5 translate them; I simply relay them to the upper authorities. But
6 if the reports were written using code numbers, I had to decode
7 them and then prepare before sending it to the upper authority
8 through messengers.

9 [11.43.50]

10 Q. Since this issue involves technical aspects of decoding the
11 telegrams, now I would like to know the instruction from the
12 upper authority. Did the letters or instruction or directive, as
13 the case may be, that was handed down by the upper authority, was
14 it prepared in code numbers as well or it was prepared in
15 handwriting and you have to decode them into a code number before
16 sending it through messenger to the target recipient?

17 A. Normally, the directives by the upper authority to be handed
18 down to the lower level authorities, they had their secretaries.
19 The secretary had to take notes whatever instruction the leaders
20 had. Then, they prepare into letters as telegram. It was written
21 in a normal writing form. Then, they sent through messenger to my
22 Telegram Unit. Then, we decode -- decoded -- we encode, rather,
23 we encode the message so that it became a secret code number.

24 [11.45.45]

25 And that was not a final product. I had to try to manoeuvre it so

1 that the entire message became code numbers, so nobody could read
2 it except those who were the intended recipient, because it
3 contained all code numbers. And I had to put it in the envelope
4 and then send it out. And I had to send it also to the Telegram
5 Typing Unit in order to get them typed before sending it out.

6 Q. Can you enlighten the Court further about the telegrams you
7 received from the front lines or battlefields, as well as the
8 directives from the upper authority to the lower level authority?
9 Who was the courier of the telegrams or the report to the upper
10 authority? And who were those telegrams sent to, frequently,
11 among the leaders?

12 A. For reports, they addressed them to Angkar.

13 [11.47.58]

14 When I was working in the jungle, I did not know as to who the
15 recipient of the telegram was and I did not even know who
16 represented "Angkar" at that time. Once I completed decoding the
17 telegrams, then I sent to Angkar, but I did not know who "Angkar"
18 was at that time; I only sent those telegrams to -- through
19 messengers.

20 But the person whom I often saw as the recipient with the
21 signature - normally, they mentioned Pol. They mentioned Pol, who
22 was the person who was the undersigned of the telegrams, and it
23 was my understanding that "Pol" was referred to as Pol Pot, and
24 he was the frequent recipient of telegrams.

25 Q. How about other reports which you did not see the names or the

1 undersigned? Who else did those telegrams go to?

2 A. The occasional reports or telegram were sent to Brother Nuon,
3 but it was on an occasional basis -- it was not that frequent.

4 [11.50.20]

5 Q. I have one more question in connection with the report or
6 telegram sending from the lower authority to the upper authority.

7 You said that you had to encode or decode the message. Upon
8 decoding or encoding of the message, who had the authority to

9 order as to whom the telegram were to be sent to?

10 A. When I was working at the Telegram Translation Unit, I could
11 divide into two parts.

12 When I was in the forest, actually, I did not know much the
13 working procedure.

14 But following 1975, after the liberation of Phnom Penh, I moved
15 to Phnom Penh. At that time, I came to know who had the authority
16 to assign tasks to us. He, actually -- the chairman of my unit,
17 by the name of Pon, who was the person with the authority to
18 indicate as to who the telegram was to be addressed to.

19 [11.52.22]

20 Q. I would like to now discuss this point. When you received the
21 telegrams from the lower authority, did you see the names of the
22 recipients of the telegram?

23 A. For the incoming reports, I did not see as to who to be copied
24 to. But on the salutation line, they said -- they mentioned "to
25 Brother Pol" or "to Office 870". But normally it was not

1 mentioned anywhere that the telegram was copied to this
2 individual or that individual. But the instruction as to who to
3 copy these telegrams to were the sole discretion of Pon.

4 Q. Now, I would like to ask you about the directive from the
5 upper authority down below the line. Do you recall the substance
6 of the usual directives from the upper authority down to the
7 lower-level authority?

8 A. The directives took many forms, depending on the nature of the
9 reports. Particularly, it depended on the reports from the lower
10 level requesting for decision from the upper authority. The upper
11 authorities provided comments or instruction in accordance with
12 the request by the lower authority. And as I said, there were
13 different aspects in terms of directives from the upper
14 authority. It involved politics, <military,> economy, culture,
15 social affairs, as well as <other communications> and general <>
16 situation across the country so that the lower-level authority
17 understood the overall situation as the circumstances evolved.
18 That was the usual direction from the upper authority to the
19 lower authority.

20 [11.55.36]

21 Q. Mr. Pang (sic), you said that there were directives concerning
22 economies and culture. Can you tell the Court who was in charge
23 of giving opinions or direction concerning economy, for example,
24 according to the telegrams you have received?

25 A. The majority of <instructions> came from Committee <> 870.

1 Normally, the directive from <Committee> 870 covers the overall
2 situation of the country -- it covers all the aspects of the
3 country, not limited to economies or culture. But the leader who
4 was responsible for managing economy and culture were different.
5 Of course, economies and culture were different things, so it was
6 responsible by different people.

7 [11.57.13]

8 As for economic affairs, the person who was responsible at the
9 time was -- if I recall correctly, the person was handling the
10 materials to be distributed to the base level. And the person who
11 was in charge at that time was Mr. Khieu Samphan.

12 But as for cultural affairs, for example if there was any moral
13 issues among people in society, I believe it was Nuon Chea who
14 was the person in charge.

15 So, once again, there were different portfolios for different
16 people at that time.

17 As for Pol Pot, he was the person who oversaw every sector and
18 every field. He had the right to say anything concerning anyone.

19 Q. You said the distribution of materials also was under the
20 portfolio of Mr. Khieu Samphan. But how did you know that? How
21 did you recognize that it was the responsibility of Mr. Khieu
22 Samphan?

23 A. Mr. Khieu Samphan was not someone who was difficult to know
24 because Mr. Khieu Samphan was the Head of State, and whenever
25 there was an official visit by the Head of State of other

1 countries, then Mr. Khieu Samphan was one who <would> welcome <>
2 those foreign delegates.

3 [11.59.20]

4 And <> before he distributed those materials to <a zone or
5 sector,> he sent the <telegram> to my unit <to encode it> first
6 so that <it> could <be transmitted> to the <base to let them
7 know> as to how many items <> were to be <received>. So, <he did
8 it via a telegram and> it had to go through my unit.

9 Q. I have a few more questions to put to you.

10 I also would like to ask you whether you still remember whether
11 there are -- or there were telegrams or directives on the attack
12 or capture of Phnom Penh.

13 A. I remember precisely about these telegrams because we had some
14 reports, and it was obvious that in late 1977, early 1978 from
15 then on, I had seen the messages sent in to us concerning the
16 Vietnamese, who brought in their troops closer to the border.
17 That's why the border conflicts happened.

18 [12.01.24]

19 And I also saw injured combatants who were transported to be
20 treated in Phnom Penh because of the conflicts at the eastern
21 part of the border.

22 Q. Mr. Sophang, I thank you very much, but you -- I would ask you
23 some more questions about the period of 1977, but my next
24 question will be about the event prior to 1975.

25 Did you ever receive any telegrams concerning the meetings with

1 regard to the attack of -- the attack of Phnom Penh?

2 A. I am sorry, you -- could you please ask the question again?

3 Are you talking about the capture of Phnom Penh by the Vietnamese
4 or by the Khmer Rouge?

5 Q. I thank you, Mr. Norng Sophang, very much. That's what we
6 would like you to do: if you're not clear, please ask us.

7 So allow me to clarify. My question was about the event before
8 1975, when it was still under the rule of the Lon Nol regime.

9 Before the capture of Phnom Penh by the Khmer Rouge, there could
10 have been some messages or telegrams concerning how to attack and
11 capture or evacuate the population of the city. I just would like
12 to know whether you ever received such messages.

13 [12.03.46]

14 A. With regard to the arrangement to attack Phnom Penh -- to
15 liberate Phnom Penh from the Lon Nol soldiers, I had received and
16 used to receive instructions concerning the arrangements of our
17 troops to attack any particular targets. Indeed, there was a
18 plan, and ammunition was also -- be at the ready. And the bases
19 also requested for some ammunition and weaponry so that the
20 attacks could be done effectively. I remember having recalled
21 these events.

22 However, with regard to the evacuation of the population from the
23 city, I do not remember having seen any of those.

24 MR. PRESIDENT:

25 Thank you, Mr. Co-Prosecutor, and thank you, Mr. Witness.

1 The Chamber would like to adjourn for lunch. The next session
2 will somehow be resumed by 2 p.m. today.

3 And court officer is now instructed to assist Mr. Witness during
4 the adjournment and have him returned to the courtroom by 2 p.m.
5 [12.05.23]

6 The Chamber wishes to also apprise the parties and the public of
7 our notice that the reason the Chamber will resume by 2 p.m. --
8 because today Mr. Ieng Sary will be examined and that the experts
9 need some appropriate time for such examination.

10 Counsel for Mr. Nuon Chea, you're on your feet. You may now
11 proceed.

12 MR. IANUZZI:

13 Thank you, Mr. President. Good morning, everyone. I'm just on my
14 feet very quickly. I was just informed that our client is
15 suffering from a backache, a headache, and a general lack of
16 concentration, and he would therefore like to spend the afternoon
17 in the holding cell. That is our application this morning. Thank
18 you.

19 MR. PRESIDENT:

20 The Chamber notes the request by Mr. Nuon Chea through his
21 counsel, in which he was requested that he be excused from this
22 courtroom for the remainder of the day due to his health
23 concerns.

24 The Chamber, therefore, grants such request, and Mr. Nuon Chea is
25 allowed to observe the proceedings from the holding cell

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1 downstairs for the remainder of the day. Mr. Nuon Chea has
2 expressly waived his right to directly participate in the
3 courtroom.

4 [12.07.02]

5 Counsel for Mr. Nuon Chea is now instructed to produce the waiver
6 signed or given thumbprint by Mr. Nuon Chea immediately.

7 The AV booth officers are now instructed to ensure that the
8 audio-visual link is connected to the holding cell of Mr. Nuon
9 Chea so that he can observe the proceedings from there.

10 Security personnel are now instructed to bring Mr. Nuon Chea and
11 Khieu Samphan to their respective holding cells and have Mr.
12 Khieu Samphan returned to the courtroom when the next session
13 resumes, at 2 p.m.

14 The Court is adjourned.

15 (Court recesses from 1207H to 1417H)

16 MR. PRESIDENT:

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

18 Without further ado, we would like now to hand over to the
19 Prosecution to continue questioning the witness.

20 [14.18.18]

21 BY MR. VENG HUOT:

22 Thank you, Mr. President. Good afternoon, Mr. Norng Sophang,
23 again.

24 Q. This morning, you provided some information to the -- to us,
25 but I would like to pose a few more questions to you as follows.

1 Prior to 1975, were you aware whether a telegram office was ever
2 established?

3 MR. NORNG SOPHANG:

4 A. At each base, zone, and sector, and every unit of a division,
5 there must be a communication section and telegrams for each zone
6 and division.

7 Q. Prior to 1975 again, did you ever receive any telegrams from a
8 foreign country?

9 A. No, I didn't. However, I perhaps could be wrong, but in my
10 section, I have -- I don't remember having received such messages
11 or telegrams from a foreign country.

12 [14.20.51]

13 Q. Now, my next question is about the period of time after 1975,
14 which is after the 17th of April 1975. When did you come to Phnom
15 Penh?

16 A. I came to Phnom Penh after the city had already been prepared
17 and organized. It was late 1975 when I got there and moved to
18 this new location.

19 Q. Who ordered your relocation to Phnom Penh? And could you
20 describe what Phnom Penh was like when you came?

21 A. Pon, who was the team leader, was the one who ordered all
22 this. He assigned me to come to Phnom Penh.

23 When I reached Phnom Penh, I noted that the city was very quiet.
24 It was empty of the population. It was not as populated as Phnom
25 Penh these days.

1 Q. When you arrived in Phnom Penh -- and you stated that it was
2 perhaps by late 1975 -- where were you located at that time?

3 A. My office was at the Sothearos School.

4 Q. What was your role at that time?

5 [14.23.49]

6 A. I was a school teacher. I was in charge of providing training
7 to people who could have been sent from various provinces. I had
8 to train them on how to understand writing, reading, and typing
9 and I was also tasked with teaching them to understand some Latin
10 letters in English. And, gradually, I also taught them to decode
11 secret telegrams. Apart from teaching, I also decoded telegrams
12 sent to me by Mr. Pon.

13 Q. When you were teaching children, how old were these children?
14 And what was the motive behind training these children on
15 decoding the telegrams?

16 A. The main motive for teaching them was to ensure that these
17 children acquired some skills to serve the Party to the future.
18 In particular, they needed to be trained on decoding telegrams
19 and typing. All of these were important as part of their skills
20 so that they could perform this work to serve the Party. These
21 children mainly were 12 years - 12 years old.

22 [14.26.53]

23 Q. I may need to seek some clarification. You said that the
24 children were about 10 to 12 years old and the telegram were
25 decoded -- or were written in code, secret code, were --

1 (microphone not activated).

2 THE INTERPRETER:

3 Co-Prosecutor's mic was not activated, and the interpreter could
4 not hear his last part of the question.

5 MR. NORNG SOPHAN:

6 A. I did not know further than that. I was supposed to provide
7 training to them so that they received the skills. I do not know
8 whether Angkar used them for military purposes or for civilian
9 purposes. It's up to Angkar; it's none of my business.

10 BY MR. VENG HUOT:

11 Q. Apart from teaching, did you perform any other tasks? Yes,
12 indeed, you said already that, apart from teaching, you was
13 decoding the telegrams. But what else did you do? And how many
14 people worked under you?

15 [14.28.31]

16 A. The staff who were capable enough after receiving some
17 training were about few people only. There were about 40 children
18 who were trained at that time. But people who could decode the
19 telegrams, there were only a few of them.

20 Q. Were these few people working under you -- you said that these
21 few people worked under you. What about those who worked above
22 you?

23 A. Pon and Thé were the two people who supervised me.

24 Q. I would like to also seek some clarification. Did you ever
25 engage in performing -- or sending or typing the telegrams

1 yourself?

2 A. I did not do this on my own.

3 Q. I thank you very much indeed.

4 I have only my -- one of the final questions to put to you.

5 My question is: Who was the head of the Telegram Section in Phnom
6 Penh?

7 [14.30.56]

8 A. The head of the Telegram Section on top of me at that time
9 were Pon and Thé. These people were the senior -- the most senior
10 people in the telecommunications sector of the CPK at that time.

11 MR. VENG HUOT:

12 Mr. President, thank you. I have no further questions.

13 MR. PRESIDENT:

14 International Co-Prosecutor, you may now proceed.

15 QUESTIONING BY MR. ABDULHAK:

16 Thank you, Mr. President. And good afternoon, Your Honours. Good
17 afternoon, Counsel, and good afternoon to you, Mr. Norng Sophang.
18 Allow me also to thank you, on behalf of the Co-Prosecutors, for
19 being here today to assist us in learning more about your work
20 from '75 and '79 and in ascertaining the truth in this case.

21 Q. I'm going to start my questions first by briefly clarifying
22 just a couple of the areas that you've mentioned so far, and then
23 we will move on to questions about your work in Phnom Penh in
24 much more detail.

25 You explained to us earlier that there were communications via

1 telegram from zones, bases, and battlefields to the upper
2 authority and, of course, that you helped translate some of these
3 - some of these telegrams.

4 [14.33.45]

5 My first question is: Do you recall -- starting with zones, do
6 you recall which zones were reporting in the period that you were
7 working at B-20?

8 A. Thank you. The zones and armies who were reporting to the
9 upper authorities--

10 Let me - let me ask for clarification first. Are you referring to
11 the period before 1975 or after 1975?

12 Q. Yes, indeed, the period prior to April 1975 -- prior to April
13 1975.

14 A. Before 1975, the units that sent the telegrams to the upper
15 authorities included the Special Zone, East Zone, North Zone,
16 Northeast Zone, Northwest Zone, West Zone, and Southwest Zone, as
17 well as three other autonomous regions, namely: Preah Vihear,
18 Mondolkiri, and Siem Reap--Oddar Meanchey.

19 As for armies, only His Excellency Son Sen, who had direct
20 communication with the leaders at the upper authorities. However,
21 others did not have that authority to come and communicate
22 directly with the upper authority.

23 [14.36.26]

24 Q. Thank you for that comprehensive answer.

25 Returning to the zones, how were you able to understand from a

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1 telegram, for example, that it came from the East Zone -- still
2 staying with the period before 1975?

3 A. Normally, the telegrams had secret code numbers. So, all the
4 telegrams we receive contained numbers -- code numbers -- but
5 there were headings of -- or the letterhead.

6 For example, they had NR and then number, and then it followed by
7 CK. "CK" referred to the number of orders of the telegrams. And
8 then, underneath it, there was the date.

9 And finally there was an indication of the direction in
10 accordance with the specified code number -- for example, the
11 East Zone with the code number A-75; that is for "East Zone". So,
12 whenever I saw "A-75", I immediately knew that it was meant for
13 the East Zone.

14 [14.38.25]

15 Q. Thank you. Who was it that allocated those numbers -- A-75 to
16 East Zone and another number for a different zone?

17 A. Those secret code numbers were planned in advance by Pon and
18 I. At that time, we decided to assign code numbers for each zone.
19 Actually, this specific code number was not the exact number; I
20 only brought it up as an example only.

21 Q. Thank you. And just a couple more questions on that period
22 before April '75.

23 Could you recall for us how often -- on average, perhaps -- how
24 often each zone would report to the upper level?

25 A. As far as the telegrams were concerned, the frequency of

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1 telegram communication depended on the actual situation of
2 respective zone. For example, if there were contentious battles,
3 then the telegrams were sent 24 hours around the clock.

4 But for zones that were already liberated, then the telegrams
5 communication was less frequent. For example, the East Zone had
6 to communicate very often; it had to operate 24 hours a day. And
7 in other areas where war were breaking up, then there were a lot
8 of communication.

9 Q. Again, in that period, if we can look at the numbers from a
10 different perspective, on average, how many incoming telegrams
11 would you have translated per day, and then how many outgoing
12 telegrams per day, if you can recall?

13 [14.42.11]

14 A. I do not recall that well because it was a long time ago, but
15 the frequent telegrams communication, as I said, it depended on
16 the situation. At certain points of time, I had to work the whole
17 days and night in order to send those telegrams out.

18 Q. Now, for the telegrams that were being sent from the upper
19 level, is it also the case that there were telegrams to all of
20 the zones that you mentioned earlier -- I just want to make sure
21 we have that correct -- were there also telegrams from the upper
22 level to each of the zones and sectors and the military that you
23 mentioned earlier?

24 A. I am afraid I do not understand your question. Could you
25 please clarify it?

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1 Q. Indeed. And my apologies; it was confusing.

2 We talked about the incoming telegrams, and you said they came
3 from the various zones, and you listed the zones and autonomous
4 sectors. And I just want to ask whether there were also telegrams
5 being sent from B-20 to each of those zones and sectors that you
6 mentioned?

7 A. The outgoing telegrams were not as frequent as the incoming
8 telegrams.

9 [14.44.44]

10 Q. Now, moving forward in time, you described how at one point
11 the unit was split into two; one group remained at B-20 -- and
12 you were in that group, I think you said -- and another group, or
13 Pon, moved to the front line, west of Phnom Penh. Do you recall
14 when that happened? Was it in 1974 -- was it late 1974, was it
15 early 1975? Do you have any recollection of the time?

16 A. The division of my unit into two back then was done in late
17 1974.

18 Q. And when Pon left and headed to the west of Phnom Penh, do you
19 recall who he went with?

20 A. I do not know, but what I knew at the time was that Pon was
21 close to Pol Pot. So, wherever Pol Pot went, he would bring Pon
22 along with him.

23 Q. And when Pon left, do you know which location west of Phnom
24 Penh he moved to?

25 A. That, I do not know.

1 Q. Very well. And after he left in late 1974, was he or Pol Pot
2 still able to communicate via telegram from that new location
3 west of Phnom Penh?

4 A. I stayed at the rear; and at the front line, Pon was there. So
5 whatever message or instruction Pol Pot wanted to send to me, he
6 could communicate with me 24 hour over 24 hour.

7 [14.48.19]

8 Q. And how did Pon communicate with you? Was it via telegram or
9 was it in a different way?

10 A. My communication with Pon was through secret telegrams. We did
11 not have access to telephones. We used (words in Khmer) - or
12 Morse code to communicate with him. So we communicated through
13 secret code numbers. And if it was the information about the
14 victory from the battlefield, then I -- my section or unit at the
15 rears would prepare the report of the victory and submit it to
16 the Broadcasting Unit in order -- for public broadcast.

17 Q. I'll just ask you a follow-up question. Did I understand
18 correctly that when victory was achieved in Phnom Penh -- that
19 that was communicated by secret code via telegram to you, and you
20 then decoded that message for public broadcasting? Did I
21 understand correctly what you were telling us earlier?

22 A. I am sorry, I don't think that the voice is getting through my
23 headset. Can anybody check my headset?

24 (Short pause)

25 Q. I'll repeat my question. I'll repeat my question. Thank you.

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1 [14.50.54]

2 I think you said that Pon communicated to you via coded telegrams
3 in relation to a victory on the battlefield, and you then decoded
4 that message for public broadcasting.

5 My question is: Was that a message about the victory of the 17th
6 of April or was it a number of different messages?

7 A. The telegrams were classified into two categories. The first
8 category was about secret telegrams, and the other one was an
9 open message.

10 The victory -- the message about victory was not in the secretive
11 forms; it was in a public form, so we did not use any code
12 numbers, we simply used the Morse code. So I did not have to
13 translate it or decode it; I simply prepared into Khmer version
14 and then forwarded it to the Broadcasting Unit.

15 Q. Thank you very much for clarifying that.

16 Do you recall -- just on that message, do you recall if that was
17 received by you and then broadcast on the 17th of April, or was
18 it after that date?

19 [14.53.11]

20 A. Well, at that time, we did not have advance technology, so it
21 was not that fast. We did not broadcast it immediately upon our
22 victory. I remember that it was 9.30 when the victory was
23 claimed, but actually the message to me -- message reached my
24 unit at about 10.00 or so. So I had to prepare written documents
25 to submit to the Broadcasting Unit. So, it was not in a very

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1 timely manner, and I was also blamed that I was belated in
2 pronouncing the victory of the Democratic Kampuchea. So, at that
3 time, there was some -- one or two-hour delay. To my
4 recollection, the pronouncement -- public pronouncement on radio
5 of the victory was made sometime around 11.00.

6 Q. And we are discussing the 17th of April 1975 -- it was on that
7 date?

8 A. Sorry, it was not the telegram, but it was the victory news or
9 the pronouncement of victory. It was -- it had nothing to do with
10 secret telegrams, but it was the announcement of the victory
11 gained in Phnom Penh.

12 [14.55.30]

13 Q. Thank you. And just one more question, at least for now, on
14 pre-'75.

15 In your - in your statement, you described your assignment in
16 1973 by Pon, and you talked about this earlier as well, and this
17 assignment, of course, was to B-17.

18 Now, I will just give the relevant ERNs and ask you a very brief
19 question. This is document E3/64. The ERNs are: in Khmer,
20 00328023; French, 00411694; and English, 00334042.

21 And I will just read a part of this passage and then ask you what
22 you meant by it - quote:

23 "In 1973, the committee of Preah Vihear Sector named Hang
24 appointed me to work at the Party Central Committee called B-17,
25 which was a tempering place whose work included food production..."

1 I just wanted to ask how it was that you knew that B-17 was an
2 area or office associated with the Party Central Committee at
3 that time.

4 [14.57.38]

5 A. When I was sent there, I did not know that B-17 was related to
6 the Party Central Committee, but I learn it from Mr. Hang, Hang
7 who educated me at that time that I was to be sent to the Centre
8 Office.

9 I had to travel on foot, and it took me one month to reach B-17.
10 And when I got to B-17, I did not go anywhere else. So it was my
11 assumption from that point that that was the Party Centre Office.

12 Q. Thank you very much.

13 Now, we will move on to your work in Phnom Penh. And you've
14 already described to my colleague that your work there comprised
15 two types of activities: one was to teach young children,
16 12-year-olds, in a number of areas including telegrams
17 translation, and your other responsibilities included heading a
18 telegram translation office.

19 Now, just dealing briefly with these young people whom you
20 taught, was it the case that they returned to the bases after
21 they received training at the Sothearos School?

22 [14.59.53]

23 A. Some of the children were required by Angkar to help work in
24 the bases, where people with skills in telegrams were scarce. And
25 some of them who were not capable enough, even after training, to

1 decode telegrams, were asked to attend another learning session,
2 which is typing and receiving telegrams. Some even proceeded to
3 acquire some training courses on fax -- on writing or receiving
4 fax. And some people who were very weak, they were sent to learn
5 how to drive to become drivers.

6 Q. For those who were sent back to the bases to provide services
7 of translating telegrams, as far as you know, did those children
8 work in various telegram offices with which Party Centre
9 communicated after 1975?

10 A. I still recall that two people -- two children were sent to
11 the Northeast Zone -- one to Mondulkiri and one to Kratie
12 province. Apart from this, with respect to other zone, those
13 children who did not have any skills would be sent to me to be
14 trained, and after they had received training, they would be
15 asked to return to their bases.

16 [15.02.38]

17 Q. Thank you. When was the first time that you conducted such a
18 training course in Phnom Penh? You said you arrived in Phnom Penh
19 in late '75. When was the first time that you ran a course in
20 telegram translation?

21 A. I provided training on two occasions: first, in 1976; and by
22 mid of 1977, I also lectured on another session -- so two
23 sessions only.

24 Q. And if you recall, in those training sessions, did you have
25 cadres from all the zones around the country or only some of the

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1 zones?

2 A. No, not cadres from the zones coming to attend the training
3 session I taught. They were children, children who were assigned
4 to be -- to handle the secret coding and who had to acquire these
5 skills. That's why they were sent to be trained under my
6 supervision.

7 Q. Thank you for correcting my use of the wrong term.

8 [15.04.47]

9 Just returning to that question, do you recall if the children
10 came from all the zones or only some parts of the country?

11 A. So far as I know, not all zones would send the children to us;
12 only some would do.

13 Q. Thank you.

14 Now, just before we move into the actual working aspect of the
15 telegram offices, I want to ask you the following question. You
16 were in B-20 until late 1975, continuing to work in your Telegram
17 Translation Unit. As far as you know, were there telegram
18 transmission and telegram translation offices in Phnom Penh
19 before you arrived?

20 A. When I came to Phnom Penh, it was almost late 1975, so the
21 establishment of the departments or the telegram decoding
22 sections had already been in place. Pon and his group had arrived
23 in Phnom Penh before I came, so he could, along with his group,
24 been managing these to be in place already.

25 [15.07.18]

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1 Q. Do you know -- and please tell us if you don't -- whether
2 those sections were established immediately after the leadership
3 entered Phnom Penh or if that only happened after some time?

4 A. When you refer to the immediate arrangement, would you now be
5 referring to the zone or to the city? I -- but my response to you
6 is that the arrangement could not be done immediately.

7 Communication had to be done to different zone. When I said "not
8 immediately", it means that everything was already in place;
9 communication was in place even long before the Khmer Rouge
10 captured the city.

11 Q. And now, moving on to the various offices which Pon and Thé
12 supervised in Phnom Penh -- and just to help us move along more
13 quickly, I'll read from your statement, and then we will -- we
14 will ask some questions.

15 [15.09.13]

16 Again, Your Honours, returning to E3/64; the relevant ERNs are:

17 Khmer, 00328038; French, 00411699; and English, 00334049. And --

18 so I'll just read from your statement, Mr. Sophang -- quote:

19 "My unit was under the supervision of Pon and Thé. They both also
20 supervised the radio communication and telegram transmitting unit
21 at the old American embassy. Pon and Thé were the chairmen of the
22 telecommunication section which [was] composed of two units, one
23 of which was the radio communication unit at the old American
24 embassy, and another was the telegram translation unit at K-1 as
25 well as my school."

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1 Looking at these -- at these units, do I -- do we understand
2 correctly that there were two telegram decoding units -- one was
3 inside K-1, and one was at your school or near your school? Is
4 that a correct statement?

5 A. Yes, it is correct. It was not near my school; it was right
6 inside the school. At K-1, Pon was in charge; but in Sothearos
7 School, I was in charge, but I was supervised by Pon. This is how
8 we were managed.

9 [15.11.52]

10 When it comes to the telegrams work at the old American Embassy,
11 Mr. Yuos was the one in charge. Pon and Thé were both in charge
12 of my unit, and at the same time they were in charge of the
13 telegram tapping and sending of the telegrams at the old American
14 Embassy.

15 Q. Thank you.

16 So, looking at this office at the old American Embassy, which was
17 a transmitting unit, you have just said that it was headed by
18 someone called Yuos. In your second statement, you identified him
19 as head of K-18. Is it correct that the unit at the old American
20 Embassy was also called K-18?

21 A. Yes, it is indeed correct. At the old American Embassy, it was
22 the place where telegrams would be received and transmitted.
23 Telegrams from all across the country would be sent and
24 transmitted from there. It is also called K-18, and Yuos was the
25 head <at that time>. However, <Thé and Pon were not the only two

1 above Yuos. Pang was further above them. He was above K-18>.

2 [15.14.23]

3 Q. And if we can just -- in a -- in a very general sense, before
4 we discuss the details, if we can just confirm that in respect of
5 incoming telegrams, for example, they would be received at K-18
6 before they were decoded at either K-1 or your school. Is that an
7 accurate description of how the incoming telegrams progressed?

8 A. Yes, it is correct. And when the zones or sectors or the
9 commander, like Mr. Son Sen, would like to send the messages,
10 they would do so through K-18. At K-18, the messengers would be
11 assigned to send the messages to K-1, and the messages would also
12 be determined to be sent to any particular section. For example,
13 if they needed me or my section to assist with that, then we
14 would be asked, but if they would like to be sent to Pon, then
15 they would do so -- it means they would be sending them to
16 Sothearos location where I was located.

17 [15.16.38]

18 Q. Just picking up that last explanation you gave us, could you
19 help us understand who it was that decided whether an incoming
20 telegram would be sent to K-1 for decoding or to your school?

21 A. Pon was a person who had been authorized to manage telegrams.
22 He would be the one who assigned tasks to me, for example
23 telegrams to be decoded by me and the telegrams that he had to
24 receive or be in charge. He also had to tell Yuos that if it had
25 to be sent to him, then the telegrams had to be sent to K-1, and

1 if they were destined to be sent to me, then they would send to
2 code 38. 38 is my code. And Yuos had his own code; it would be
3 57. So 57, here, refers to K-18, which was the place where
4 telegrams would be transmitted and received.

5 Q. I just want to make sure that we understand correctly. Did Pon
6 give a standing instruction as to which types of telegrams would
7 go to K-1 and which ones would come to your school, or was that
8 done on an ongoing basis?

9 [15.18.57]

10 A. Indeed, he's the one who made the decisions time and again.
11 For example, on the telegrams, there would be some notes at the
12 end with some secret coding. For example, when it referred to the
13 East, they would mark it as A-57. So, in the East, it was the
14 place where the Vietnamese invaded, and at that location it was
15 the very important location that the telegrams would be addressed
16 to, and it had to be decoded at K-1. For telegrams that had to be
17 sent to other areas that were no serious conflicts, then I would
18 be in charge of decoding.

19 Q. And just to complete the journey of an incoming telegram, it
20 has been received by K-18 and it is delivered to you or to Pon's
21 office, as the case may be. At that point, you're -- either you
22 or Pon's office will decode that telegram. And what happens then?

23 A. After decoding this into the Khmer text or Khmer telegrams, we
24 then typed the text, and I would then place them into the
25 envelopes, and the recipient would be K-1. When we refer to K-1

1 here, it was Pon who would be our target recipient, and he would
2 manage from there.

3 [15.21.36]

4 Q. When you say your target would be K-1, were there telegrams
5 which were addressed to other offices in Phnom Penh?

6 A. When you were asking about incoming telegrams, first, they
7 came in as code, like -- and then it would be decoded into
8 letters or text.

9 After that, I wish to also make it clear that these messages
10 would not be sent to people in Phnom Penh, but they would be sent
11 to the leaders; they would not be sent to various ministries.
12 When they were sent to K-1, it suggests that Pon would be the one
13 who managed to have them sent or delivered to the leaders.

14 Q. Thank you. We might come back to that issue and explore it in
15 more detail.

16 Just for now, can we also look briefly at outgoing telegrams in
17 this period? And perhaps, here again, in the interest of time,
18 I'll read from your statement, and then -- then we can discuss it
19 in more detail.

20 [15.23.51]

21 Your Honours, this is, again, in E3/64 and the relevant ERNs:

22 Khmer, 00328030; French, 00411699; English, 00334049.

23 And this is how you described the process, Mr. Sophang -- quote:

24 "If [the] Committee 870 wanted to send a message out, Pon and Thé
25 would go in person to get it from them. They went to take note of

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1 the words of the Committee 870, and then took the handwriting
2 message to the telegram translation group to have its text coded.
3 After it was coded, the message was given to my personal
4 messenger or the messenger at K-1 to take to the radio
5 communication at the old American embassy. Yuos, who was in
6 charge of the radio communication unit there, would [manage to
7 get] the message to be transmitted to its respective
8 destination."

9 And, lastly: "The message that was sent out by the radio
10 communication unit was in code numbers since its text had been
11 coded by the translator group, and the receiver unit would
12 receive it in code numbers format."

13 So, just coming back to that -- I want to make sure that we have
14 this correct -- outgoing messages would be handwritten by Pon and
15 Thé, based on instruction, and they were then coded either by
16 translators at K-1 or by you and your staff at the school; is
17 that correct?

18 [15.26.21]

19 A. Yes, it is, because it -- this was the part of the practice so
20 far. When the Centre Committee needed anything, then Pon would be
21 summoned to take notes when instructions would be wished to send
22 to different zones and sector. After obtaining the messages, the
23 -- he would then submit them to people at respective unit, for
24 example at K-1, where the text would be then re-decoded. The full
25 message would never be sent straight forward; it had to be

1 converted into secret coding. So, all had to be converted into
2 secret coding. Even at my place, if I was needed for decoding the
3 telegrams, I had to also re-decode into more secret coding. It
4 was several layers of decoding this secret telegrams and it was
5 really complicated. It will take me the whole day to explain the
6 process and it's really very complex.

7 Q. We understand it's a -- it's a very complex subject matter.
8 And thank you for assisting us. We're not going to go into that
9 degree of detail, you'll be glad to know.

10 [15.28.34]

11 Now, we discussed incoming telegrams and outgoing telegrams. Are
12 you able to estimate, based on your recollection, approximately
13 how many incoming telegrams your office or your school would have
14 translated on any given day?

15 A. During the period of the -- when the country was liberated, we
16 had to decode a lot of telegrams. We had to work days and nights.
17 However, after Phnom Penh was liberated, the workload has reduced
18 dramatically. But on average, on any given day, we would be
19 decoding about 4 to 10 telegrams.

20 Q. This was with respect to the incoming telegrams.

21 Do you recall, on average, how many outgoing telegrams you would
22 have translated on any given day?

23 [15.30.27]

24 A. Concerning the outgoing telegrams, we did not have a lot of
25 outgoing telegrams anyway. At that time, we had very brief or

1 short telegrams that we had to send out.

2 And, mainly, the telegrams were more about distribution of the
3 goods that Mr. Khieu Samphan would like them to be distributed to
4 the bases. Whenever he would like the goods to be distributed, he
5 would send the telegrams to our unit so that the other part or
6 the other side of the communication channel would be expecting
7 the goods to be delivered -- the -- the amount of goods to be
8 delivered.

9 Q. Do you recall how often such telegrams were sent by Mr. Khieu
10 Samphan? Was it on a daily basis? Was it once a week or a month
11 or more often -- if you do recall?

12 A. Not that often. It was once in every 10 days. But if we
13 combined the incoming and outgoing telegrams from different
14 regions or zones, then there were many telegrams coming in and
15 going out. Even though it came in once every 10 days or so, but
16 if all the zone had to receive the telegrams, then there were
17 many to be sent out.

18 [15.32.59]

19 Q. I'd like to look briefly at the issue of transmission to and
20 from the zones.

21 You said to us that prior to 1975 there were telegrams from zones
22 and autonomous sectors. Was that also the case after April 1975,
23 when you worked in Phnom Penh?

24 A. Well, the organization of the zones and sectors were the same
25 as the period before 1975, except <there was one zone which did

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1 not need to have> telegram <communication and that was> the
2 Special Zone because Special Zone was in Phnom Penh. <As for the
3 rest, they continued their communication in the same way they
4 did> prior to 1975.

5 Q. And did that communication by telegram continue for the entire
6 period that you were in Phnom Penh?

7 A. Yes. Yes, it did. It did continue until the date when the
8 Vietnamese came to Phnom Penh.

9 Q. Thank you.

10 And focusing in -- on the issue of actual transmissions, for a
11 brief moment, I'd like to look at your second statement and see
12 if you can assist us with some of these details.

13 Your Honours, this is document E3/67, and the passage I will be
14 referring to is at Khmer ERN 00294542; French, 00374938; and
15 English, 00483971.

16 [15.36.14]

17 And this is what you said, Mr. Sophang -- quote:

18 "In communicating with Committee 870, they had their own timing.
19 For example, in one zone one had to make contact at 7 [a.m.], 10
20 [a.m.], or 1 p.m., 1900 hours. This is an example of one zone.
21 The other zones were all the same."

22 Do I understand correctly that each zone was allocated or
23 assigned specific times during a day during which they could
24 transmit coded telegrams to -- or coded messages to K-18?

25 A. Yes, that is -- that is correct. The communication through

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1 radio broadcast was in accordance with the time of the day;
2 unless we are on air together that we could communicate with each
3 other -- radio - [corrects interpreter] -- the radio
4 communication, instead. So all the zones had to allocate the
5 times when they had to contact each other, so they organized with
6 each other as to when they could communicate with one another.
7 <In some areas, they had to contact each other three times per
8 day while in other areas it was twice a day. For some areas with
9 less issues, the contact was made once a day.>

10 [15.38.28]

11 Q. And I just want to make sure that I understand correctly your
12 answer. Were you describing telegrams between zones, for example
13 between the East Zone and the West Zone, or was that a
14 description of a telegram from a zone to K-18? I just want to
15 make sure I understand.

16 A. As far as the decoding work was concerned, Pon and <my group
17 had the authority> to decode <> messages as <> deemed necessary.
18 <At my location, we also had the authority to decode> messages
19 from <all> sectors and zones <. But> in certain circumstances,
20 when there were busy schedule going on in other zones, for
21 example in the East Zone or Northeast Zone, then the message was
22 to be given to me. But due to the pressing circumstance, then we
23 had to communicate very quickly. So, even if I was handling the
24 document, but that document will be taken away from me and
25 submitted to K-1 for immediate decision. So, we had to be

1 flexible as well, at that time, depending on the circumstance.

2 Q. I'm not sure you answered my question fully. It was confusing.

3 [15.40.44]

4 My question was whether, in describing those specific times that

5 you talked about earlier for each zone, whether zones were

6 sending telegrams to each other; whether there were telegrams,

7 for example, from the East Zone directly to the West Zone.

8 A. The communication between zone and zone, I did not know. I

9 only received the message that was sent from the zone through my

10 unit -- Telegram Unit. That's what I knew.

11 Q. Thank you for clarifying that.

12 Was it the case that radio communication between K-18 and the

13 zones was available and functioning at all times, 24 hours a day,

14 or was the service more limited?

15 A. The communication through radio communication between K-18 and

16 zones were in accordance with the time indicated for the radio

17 communication, as I said earlier. Sometimes, the -- such

18 communication took place three times per day or twice per day or

19 once per day, depending on the actual circumstance at the time.

20 However, if the circumstance justified, then they could agree

21 with each other that we did not have to communicate at the

22 designated times. We could meet anytime of the day, 24 hours per

23 day.

24 [15.43.52]

25 Q. And, as far as you knew at the time through your work, were --

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1 telegrams that were being sent out from K-18, were they always
2 received by the various zones or other offices to which they were
3 being sent?

4 A. That, I do not know. I dare not say that I was sure that those
5 telegrams reached those zones or offices.

6 And, in addition, it was sent through this technology, and I did
7 not know whether or not they reach the target recipients and, in
8 addition, whether or not the person who had to forward the
9 information did it.

10 MR. PRESIDENT:

11 Thank you, Witness, and thank you, Prosecutor.

12 [15.45.10]

13 We -- it is time now to adjourn for the day, since we did not
14 have the break in between this afternoon's session.

15 But before we break, we would like to ask the defence team for

16 Mr. Ieng Sary. Tomorrow, we are going to hear the fitness to
17 stand trial by Mr. -- of Ms. Ieng Thirith, and the two Accused

18 were not supposed to attend the hearing. However, Mr. Ieng Sary,
19 due to his marriage relationship with Madam Ieng Thirith--

20 So I would like to ask the defence team for Mr. Ieng Sary whether
21 or not Mr. Ieng Sary intends to participate in tomorrow's hearing
22 and the day after tomorrow as well.

23 MR. ANG UDOM:

24 Good afternoon, Mr. President. Good afternoon, Your Honours. Good
25 afternoon, colleagues, everyone in and around the courtroom.

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1 [15.46.31]

2 Concerning the hearing on the fitness to stand trial of Ms. Ieng
3 Thirith, my colleagues and I will divided -- will divide our
4 task. I will be here alone. However, Mr. Michael Karnavas, he had
5 another commitment to prepare for the other witnesses, so he will
6 not be here.

7 And as for Mr. Ieng Sary, he will participate in the proceedings.
8 However, he would like to remain in the holding cell downstairs.

9 MR. PRESIDENT:

10 Thank you very much for your information.

11 And the time is now appropriate for the day adjournment.

12 And as for the hearing of the testimony by Mr. Norng Phang
13 (phonetic), will resume on Monday, next week, starting from 9
14 o'clock in the morning. The Monday's hearing will begin with the
15 questions by the Prosecution.

16 And, Mr. Norng Sophang, your testimony has not yet come to an
17 end, so the Chamber invites you to come to testify in this Court
18 on Monday next week.

19 [15.47.53]

20 Court officer is instructed to facilitate the transport and
21 accommodation for Witness Norng Sophang and have him back before
22 the Chamber by 9 o'clock in the morning, on Monday next week.

23 The Chamber wishes to advise parties and members of the public
24 that, tomorrow and the day after tomorrow, the Chamber will
25 conduct a hearing on the reassessment of the fitness to stand

1 trial by Madam Ieng Thirith, and we will have the report by
2 expert concerning the reassessment of her fitness to stand trial.
3 And the Chamber will start at 10.30, since we are waiting for the
4 international counsel for Madam Ieng Thirith. Madam Diana Ellis
5 will arrive in the International Phnom Penh Airport at 10 o'clock
6 this morning -- tomorrow, rather.

7 So, since tomorrow hearing is dedicated to Madam Ieng Thirith,
8 the two defence teams for Mr. Khieu Samphan and Mr. Nuon Chea
9 need not be present in the courtroom.

10 Security guards are instructed now to bring the co-accused -- Mr.
11 Nuon Chea, Ieng Sary, Khieu Samphan -- back to the detention
12 facility and have them back to the courtroom on Monday next week,
13 before 9 o'clock.

14 [15.49.51]

15 However, tomorrow, the 30th of August, for the interest of
16 justice, the security guards are instructed to bring Madam Ieng
17 Thirith to this courtroom, and Mr. Ieng Sary will remain in the
18 holding cell downstairs to follow the proceeding by audio-visual
19 means.

20 (Court adjourns at 1550H)

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