



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

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Nation Religion King
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Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

7 April 2016
Trial Day 397

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
LIV Sovanna
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
CHEA Sivhoang
Roger PHILLIPS

Lawyers for the Civil Parties:
CHET Vanly
LOR Chunthy
PICH Ang
SIN Soworn
TY Srinna
VEN Pov

For the Office of the Co-Prosecutors:
Joseph Andrew BOYLE
SREA Rattanak

For Court Management Section:
UCH Arun

I N D E X

Mr. PHAN Van alias KHAM Phan (2-TCCP-1011)

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Questioning by Mr. KOPPE page 56

Questioning by Mr. KONG Sam Onn page 73

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
Mr. CHUONG Sophearith	Khmer
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUISSÉ	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
The President (NIL Nonn)	Khmer
Mr. PHAN Van (2-TCCP-1011)	Khmer
Mr. PICH Ang	Khmer
Ms. SIN Soworn	Khmer
Mr. SREA Rattanak	Khmer

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will hear the testimony of a witness,

6 2-TCW-1011, in relation to Phnom Kraol Security Centre. And the

7 testimony -- the Chamber will hear this testimony via video link

8 from Banteay Meanchey province.

9 Greffier, Chea Sivhoang, please report the attendance of the

10 parties and other individuals to today's proceeding, and also the

11 preparation of the video system from Banteay Meanchey <province>.

12 [09.02.12]

13 THE GREFFIER:

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

15 are present except Marie Guiraud, the International Lead

16 Co-Lawyer for civil parties. She informed the Chamber that she is

17 absent because of personal reasons.

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

19 waived his right to be present in the courtroom. The waiver has

20 been delivered to the greffier.

21 The witness who is to testify today, 2-TCW-1011, confirms that,

22 to the best of his knowledge, he has no relationship, by blood or

23 by law, to any of the two accused, Nuon Chea and Khieu Samphan,

24 or to any of the civil parties admitted in this case.

25 The AV Unit has informed that the audio-visual system is ready,

2

1 and the witness is also ready for testimony. The witness took an
2 oath already before his appearance.

3 Thank you, Mr. President.

4 [09.03.31]

5 MR. PRESIDENT:

6 Thank you, Chea Sivhoang. The Chamber now decides on the request
7 by Nuon Chea.

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

13 His counsel has advised him about the consequences of this
14 waiver, that it cannot in any account be construed as a waiver of
15 his rights to be tried fairly or to challenge evidence presented
16 to or admitted by this Court at any time during this trial.

17 [09.04.19]

18 Having seen the medical report of Nuon Chea by the duty doctor
19 for the accused at the ECCC, dated 7 April 2016, who notes that,
20 Nuon Chea has chronic back pain when he sits for long and he has
21 dizziness from time to time, the doctor recommends that the
22 Chamber grants him his request so that he can follow the
23 proceedings remotely from the holding cell downstairs, based on
24 the above information and pursuant to Rule 81.5 of the ECCC
25 Internal Rules, the Chamber grants Nuon Chea his request to

3

1 follow today's proceedings remotely from the holding cell
2 downstairs via audio-visual means.
3 AV Unit personnel are instructed to link the proceedings to the
4 room downstairs so that he can follow the proceedings. That
5 applies to the whole day.

6 Good morning, Mr. Nhem Samnang (sic)? Are you ready?

7 [09.05.28]

8 MR. CHUONG SOPHEARITH:

9 Mr. President, the AV system is ready.

10 QUESTIONING BY THE PRESIDENT:

11 Q. Good morning, Mr. Witness. Are you ready?

12 MR. PHAN VAN:

13 A. Good morning, Mr. President. I am ready.

14 Q. What is your name, Mr. Witness?

15 A. My name is <> Phan Van.

16 Q. <Do you use Phan Van as an official name in your ID card?> Do
17 you have the ID card already?

18 A. Yes. Yes. And my name is Phan Van. That is the official name.

19 Q. What about the name Kham <Phan>?

20 A. Kham <Phan> is my birth name.

21 Q. So I will use the official -- your official name, Phan Van. Is
22 that correct?

23 A. Yes, that is correct.

24 [09.06.30]

25 Q. When were you born, Mr. Phan Van?

4

1 A. I can only recall the year when I was born. I was born in
2 1960.

3 Q. Where were you born?

4 A. I was born in <> Chi Miet village, <> Chi Miet commune, Kaoh
5 Nheaek district, Mondolkiri province.

6 Q. What about your current address? Where are you living?

7 A. I am living in Malai district, Banteay Meanchey province.

8 Q. What is your occupation?

9 A. I am a farmer.

10 [09.07.08]

11 Q. What are your parents' names?

12 A. My father's name, his revolutionary name, was Laing, and his
13 -- his original name was Sovan. And my mother's name is Kham Kan.

14 Q. What about your wife? What is her name?

15 A. My wife's name is Hun <Char> Vy, and I have three children.

16 Q. Thank you. Based on the report of the greffier, you confirmed
17 that you have no relationship, by blood or by law, to any of the
18 two accused, Nuon Chea and Khieu Samphan, or to any of the civil
19 parties admitted in this case. Is the report correct?

20 A. Yes, that is correct.

21 Q. And also, the greffier confirms that you have already taken an
22 oath before your appearance via video link. Is that correct?

23 A. Yes, that is correct.

24 [09.08.23]

25 Q. Now I am informing you of your rights and obligations.

5

1 As a witness, Mr. Phan Van, in the proceedings before the
2 Chamber, you may refuse to respond to any questions or to make
3 any comments which may incriminate you, <as you have the> right
4 against self-incrimination.

5 Your obligations as a witness in the proceedings before the
6 Chamber, you must respond to any questions by the Bench or
7 relevant parties, except where your response or comments to those
8 questions may incriminate you, as the Chamber just informed you
9 of your rights as a witness.

10 You are a witness, so you must tell the truth that you have
11 known, heard, seen, remembered, experienced or observed directly
12 about an event or occurrence relevant to the questions that the
13 Bench or parties pose to you.

14 Mr. Phan Van, have you ever provided interviews to the
15 investigators of the OCIJ? If so, how many times did they happen
16 and where did they take place?

17 [09.09.58]

18 A. I <provided> my interview at <my farm and also in Malai>.

19 Q. How many times did you provide the interviews, and when, <and
20 can you tell us the year of the interviews if you can recall it>?

21 A. <I cannot recall the year of the interviews, but> I recall
22 that I provided the interviews three or four times.

23 Q. Before your appearance, have you examined and reviewed the
24 written records of the interviews that you provided to the
25 investigator of the OCIJ to refresh your memory?

6

1 A. Yes, I have read some written records of the interview.

2 Q. To the best of your knowledge and your recollection, do the
3 written records of the interview that you provided to the
4 investigator of the OCIJ three or four <times> at your <farm>,
5 correspond to what you have talked to the investigator?

6 A. I did not hear you well, Mr. President.

7 Q. After you read those written records of the interview a while
8 ago, do the written records of the interviews correspond to the
9 statement or the answer that you provided to the investigators of
10 the OCIJ three or four times at your <farm>?

11 [09.11.27]

12 A. Yes, they are consistent with what I told the investigator.

13 MR. PRESIDENT:

14 Based on the Internal Rule 91 bis of the ECCC, the floor is first
15 given to the Co-Prosecutors before other parties. The combined
16 time for Co-Prosecutors and Lead Co-Lawyer for civil parties is
17 two <sessions>.

18 You may proceed now.

19 [09.11.56]

20 QUESTIONING BY MR. BOYLE:

21 Thank you, Mr. President. Good morning, Your Honours . Good
22 morning, counsel. Good morning, everyone in and around the
23 courtroom.

24 Mr. Witness, my name is Andrew Boyle. I'm an attorney with the
25 Office of the Co-Prosecutors, and I'm going to be asking you some

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1 questions on their behalf today.

2 Q. I just want to check first, can you hear me okay, Mr. Witness?

3 MR. PHAN VAN:

4 A. Yes, I can hear you.

5 Q. Mr. Witness, a few years ago, you testified before this
6 Chamber for about two days in total between the 11th and the 14th
7 of December, of 2012, so in general today, I'm going to try to
8 avoid asking you questions to which you have already fully
9 responded. Instead, I will either be asking you about subjects
10 that were not covered as part of the first trial or seeking
11 further details or clarification on some subjects to which you've
12 previously testified.

13 I want to start by asking you some further questions about the
14 K-17 office at which you worked.

15 You testified, when you were here before, that you worked as a
16 telegram decoder for your father, Laing, the secretary of Sector
17 105, at his office called K-17.

18 Can you describe the layout of the K-17 office for the Court? How
19 many buildings did it consist of, how close were they to each
20 other, etc.?

21 [09.14.00]

22 A. K-17 <was called> the sector <office, and it was in the same
23 place>.

24 Q. And the K-17 office, was it just one building or was it
25 multiple buildings?

1 A. There was one building only.

2 Q. So is it correct to say that when you were working in the
3 telegram office with your father, you were working in the same
4 building as your father?

5 A. It was in the same building, but the building at the time was
6 not in the same structure as the current building. <At that time,
7 the building was used for working and meetings.> And when I
8 decoded the messages, I did it in a <hut because at the time
9 there was no building yet>. And in fact, <the building was called
10 Office 17. It was big like a meeting hall. The upper floor> was
11 <wooden.> The ground floor <was concrete>.

12 And for the decoders, they did their work in houses -- small
13 houses within the compound of the office.

14 [09.15.29]

15 Q. So just to make sure I understand correctly, when you refer to
16 K-17, you're referring to one particular building, but that there
17 is a compound around K-17 which contained other houses that
18 served other functions in support of the K-17 office. Is that
19 correct?

20 A. That is correct.

21 Q. So the compound that you refer to around the K-17 office, how
22 much area -- how large was this compound? How many buildings did
23 it comprise and how -- how big was it in terms of space?

24 A. It was large. I mean the compound was large. The area size was
25 around five to 10 hectares.

1 Q. The building in which your father worked, which I gather was
2 the K-17 office itself, can you describe that particular building
3 for us?

4 A. <At> K-17 <office>, there was a building in K-17 for holding
5 meetings on the peak or top of Phnom Kraol. And there were
6 <small> houses along the road <from the dam along the foot of the
7 mountain up> to <the peak of mountain>. And on the slope of the
8 mountain, there <was a> village <which had been set up, and they
9 grew quinine trees and other trees along the road>. In fact,
10 <that> village <was called an office at that time>. And at the
11 time, married people lived in different houses and <> single
12 people lived <together. Some roofs were made of thatch, some
13 roofs were made of zinc, and there were hundreds houses>.

14 [09.18.09]

15 Q. The K-17 office, where your father lived, was that the office
16 that had the meeting place that you just mentioned, or is that a
17 separate place?

18 A. The building was used to hold regular meetings. And <every
19 month the> district committees <and> <chiefs> of the districts
20 came to attend the meetings <at office K-17 in> that building.

21 Q. How many floors did that building have? Was it one floor, two
22 floors, three floors?

23 A. Two storey building. The ground floor was made out of
24 concrete, and the <second> floor was made out of wood.

25 Q. How far was the telegram office located from the K-17 office

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1 where your father worked and where this meeting hall was?

2 [09.19.45]

3 A. It was about 100 metres <away>.

4 Q. When you were here before, you testified that you worked in
5 the K-17 telegraph office from late 1975 -- I apologize, from
6 1974 until late 1975 or early 1976, when your sister then took
7 over your position and you became your father's driver. Is that
8 correct?

9 A. That is correct.

10 Q. And after that period, in late 1975 or early 1976, when you
11 became your father's driver, did you ever return to work at the
12 telegraph office again even for a short period?

13 A. No. I, after that time, became the driver. That was my only
14 function.

15 Q. Can you describe for the Court what your functions were, what
16 your day-to-day work consisted of when you were your father's
17 driver?

18 A. Besides driving him around, I grew crops and did the labour.

19 [09.21.42]

20 Q. What sort of places would you drive your father to when you
21 were his driver?

22 A. I could not recall the locations. There were many locations or
23 places where I drove him to, but I cannot recall them well. I
24 drove him to different districts.

25 Q. Would you drive him to other buildings in the vicinity of

11

1 K-17, in addition to driving him to other districts?

2 A. In fact, his office was within that K-17, so I did not drive
3 him to that location since it was his office.

4 Q. I apologize. My question was not phrased well. Would you drive
5 him to other buildings that were nearby to Office K-17 in
6 addition to driving him to other districts?

7 [09.23.24]

8 A. No.

9 Q. When you were your father's driver and your father was at his
10 office in -- at K-17, where would you stay as -- if you were
11 waiting for him if he needed to be driven somewhere?

12 Did you stay in Office K-17 yourself, or did you stay in another
13 building close by?

14 A. I <stayed> in a different building, but within the same
15 compound of <Office> K-17.

16 Q. And how far was that building from Office K-17?

17 A. <It was located within> the compound of K-17 <because its
18 compound> was large, and there were different small houses within
19 the compound. And there was also a big hall or big building
20 within K-17. <Those small houses and the big building were called
21 an office.> And houses were close to the meeting hall, and the
22 distance was about 100 metres between the meeting hall and
23 different small houses.

24 Q. When you were here previously, you testified at length about
25 your trip to Phnom Penh with your father when he was killed, so I

12

1 won't be asking you about that event again.

2 I do want to clarify, however, did you work as your father's
3 driver up until the time that you left to go to Phnom Penh with
4 your father at which point he was killed?

5 A. I was his driver until <the time that> he <was killed in>
6 Phnom Penh.

7 Q. And do you remember the month and the year that your father
8 went to Phnom Penh for the last time?

9 [09.26.05]

10 A. I cannot recall the year. I cannot recall the exact date.
11 <Perhaps that year was in the 90s --> it may <have happened> in
12 <the 80s> or <the 70s>, but I cannot recall it.

13 Q. Let me read you a statement from your sister, Han. This is
14 OCIJ statement E3/44, English ERN, 00295164; Khmer, 00287715; and
15 French, 00353129. This is what your sister said, Mr. Witness,
16 quote, "They called my father to Phnom Penh in October 1977."
17 Does that refresh your recollection that it was in October 1977,
18 that you travelled with your father to Phnom Penh and he was
19 killed?

20 [09.27.31]

21 A. I cannot recall that, but I -- what I can recall is that I
22 went with him perhaps in late 1976 or early 1977. It was not my
23 younger sister. It was my older sister, <and she worked in the
24 telegram office at that time>.

25 Again, it was my elder sister, and her original name was Bou

13

1 Phan, and <her current> name <is> Han. That<'s> my
2 <clarification>.

3 Q. Yes, that's correct. That's the -- that's the elder sister
4 that replaced you in the telegram office who I was quoting from.
5 Can you estimate how many people worked in the K-17 office
6 compound for us?

7 A. I do not really understand your question. Are you asking about
8 the decoder <> staff <or> the staff members <in the office>?
9 For decoder <staff>, there were two or three <staff only>, but
10 <in Office K-17,> there were <a lot of> staff members in
11 different <sections such as the transport section and the>
12 section in charge of education<,> <and> other <sections>. I need
13 to spend quite a lot of time to explain <it correctly because at
14 that time> the <> structure <> was different from <today's
15 structure>.

16 Q. Well, we don't have a lot of time, but I would be interested
17 to hear if you could briefly explain to us that structure, the
18 different units that were operating within K-17 and if you recall
19 or -- the general number or estimate number of people in total
20 that worked in the K-17 office and the surrounding buildings.
21 [09.30.03]

22 A. Regarding the structure of K-17, there were different units,
23 <an> education unit, within K-17. There <was a kitchen> unit,
24 hospitality units and units in charge of the field and
25 transportation, <growing> crops. And there were vehicles

14

1 transporting people to attend training sessions, so I can say
2 that there were different units within K-17.

3 Q. And are you able to estimate, taken together, how many people
4 worked in all of these units combined, or are you not able to
5 estimate that?

6 A. It <was> <almost> 1,000 people, but this is based on my
7 estimation. And this number includes both old - <elderly> people
8 and young people <who worked together in K-17>.

9 [09.31.19]

10 Q. And in the K-17 office building itself, the two-storey
11 building in which your father was located, can you estimate how
12 many people worked in that building?

13 A. There were only a few people in that building, including
14 people who worked in the kitchen, so the total number is -- was
15 <almost> 20 people.

16 Q. Other than people that worked in the kitchen, are you able to
17 name any of those individuals that worked in the K-17 office with
18 your father and tell us what their functions were?

19 A. <There was only one> cadre <there,> my father, <> the office
20 chief. Other people <came to that place occasionally to join the
21 meetings and> study <sessions, including the provincial deputy
22 director -- at that time, he was called> the deputy chief of the
23 sector.<> They simply came to stay <there> for <two weeks or a
24 week or three days> during the education sessions. <After that,
25 we transported them back to their places.>

15

1 Q. Do you remember the name -- the names of the office chief that
2 you just mentioned or the deputy chief, or anyone else that
3 stayed at Office K-17?

4 A. I can remember the name of the office chief. His name was
5 Thin.

6 Q. Did you -- or were you aware, when you were in Sector 105, of
7 any prisons or security centres in that sector?

8 A. At that time, it was not called a prison. It was called a
9 security centre.

10 [09.33.58]

11 Q. And what was the name of the security centre?

12 A. <At that time, at the security office, there was someone
13 called> Pou Sophea.

14 Q. How far was that security office from Office K-17?

15 A. It was located far away. It was to the south of Kraol
16 mountain. It's more than 10 kilometres away from K-17.

17 Q. When you refer to the security office as Pou Sophea, are you
18 referring to the individual who was in charge of that office?

19 A. Pou Sophea was the chief of the security centre.

20 [09.35.35]

21 Q. Mr. Witness, we have on our case file a site identification
22 report. That's at E3/8057, Khmer ERN, 00371404; English,
23 00365620; and French, 00371275; which contains a map of the
24 security centre that was headed by Pou Sophea, K-11, as well as
25 the K-17 office.

16

1 That identification report says that that site, K-11 and K-17,
2 were located "approximately within one kilometre of one another".
3 Does that refresh your recollection that perhaps the security
4 centre that you described was closer to K-17 than the
5 10-kilometre distance that you mentioned?

6 A. I need to see the map. If he -- if he talked about <a>
7 straight path, both were located close each other. But at that
8 time, there <was> no straight road. We had to <take> a detour
9 road <to the west>, and <then we went east to go to the office.>
10 It was <on the opposite side of the mountain, away> from each
11 other. And as far as I can remember, the <office> was to the
12 south of Phnom Kraol. And if we <took> a detour road, it's about
13 10 kilometres. <Regarding the straight path, I do not know how
14 far it was; I am not quite sure about that.>

15 Q. Thank you for that clarification. In addition to the security
16 centre headed by Ta Sophea, did you know a security office
17 located near the Phnom Kraol dam reservoir under the control of
18 Ta Leng's Battalion Number 2?

19 A. No, I did not know because after I left the area and then I
20 was not aware of what <was> going on over there after I left.
21 <But before, there was only one.>

22 [09.38.49]

23 Q. I'd like to quote to you from a statement you gave to the
24 Investigation Judges. This is E3/58 at English ERN, 00250088;
25 Khmer, 00239936; and French, 00283914. This is what you said, Mr.

17

1 Witness, <I> quote:

2 "In responding to a report on the bad elements, the instructions
3 from Office K-17 was that the person be re-educated at the base
4 for the first and second offences and be called for re-education
5 at the Phnom Kraol Dam Security Office for the third offence.

6 This security office was managed by the Battalion 2 chairman,
7 Leng."

8 Does that refresh your memory, that you, in fact, were aware of
9 an -- a security office known as the Phnom Kraol Dam Security
10 Office under the command of Battalion 2 chairman Leng?

11 [09.40.11]

12 A. I -- I am not familiar with the name Leang (phonetic) who you
13 just mentioned as the security guard.

14 Q. Mr. Witness, my colleague is going to clarify the
15 pronunciation of the name because I believe I may have
16 mispronounced it.

17 MR. SREA RATTANAK:

18 (No interpretation)

19 JUDGE FENZ:

20 We have no <translation into English and I don't know French>.

21 MR. SREA RATTANAK:

22 The name of the person who was the chairman of Battalion 2, his
23 name was Leng, but when I listened to the Khmer interpretation,
24 the name became Leang (phonetic). <So these are two different
25 names>

18

1 BY MR. BOYLE:

2 Q. Mr. Witness, with that clarification on the pronunciation,
3 does that refresh your memory as to being aware of the Phnom
4 Kraol Dam Security Office under the control of this Battalion 2
5 chairman?

6 [09.41.55]

7 MR. PHAN VAN:

8 A. Yes, I can remember <that Leng>. After Sophea was removed<,>
9 Leng replaced <him>.

10 Q. And just to clarify for the record, are you confirming that
11 you are aware of a separate security office near the Phnom Kraol
12 dam separate from the one that was headed by Ta Sophea?

13 A. Could you please repeat your question?

14 Q. You confirmed that you were able to identify the Battalion 2
15 chairman. Do you recall the existence of a security office near
16 the Phnom Kraol reservoir?

17 [09.43.22]

18 A. At the time I was there, there was only one security office.
19 As I told you, it was not at the Phnom Kraol reservoir, <there
20 were two, one was K-17 office and another one that you just
21 mentioned, I do not know its location, but at> the security
22 office, based on the real geography, <the K-17 office> was
23 located to the south. <There was a road to the west and then
24 turning eastward to the south.> And there was only one security
25 office at the time I was there and when Ta Sophea was removed and

19

1 then Leng was put in charge.

2 Q. When you referred in your OCIJ statement to being called for
3 re-education at the Phnom Kraol Dam Security Office for the third
4 offence, was that the security office that you were aware of, or
5 are you saying that you no longer recall the security office that
6 you mentioned to the Investigating Judges?

7 A. It was the same security office.

8 Q. Thank you for that clarification. Were you then aware of an
9 office called K-11, which was the sector military office in
10 Sector 105?

11 A. No, I cannot recall it. I am not familiar with K-11 office. It
12 was probably established after I left. <But before, there was no
13 Office K-11.>

14 [09.46.02]

15 Q. I'd like to read you a quote from a statement from Bun Loeng
16 Chauy. This is at E3/5178, English ERN, 00274101; Khmer,
17 00197862; and French, 00485186. And this is what this individual
18 said, Mr. Witness:

19 "The light prisoners were detained inside K-11 office and the
20 heavy prisoners were put in Phnom Kraol, and the correctable
21 prisoners were put at Nang. K-11 was a temporary detention
22 centre, and the detainees would be sent to Nang Khi Loek if they
23 were considered as correctable prisoners and to Phnom Kraol if
24 they were considered as heavy prisoners. The chance of survival
25 is very rare for those who were sent to Phnom Kraol."

20

1 Mr. Witness, does that refresh your memory that there was an
2 office known as K-11 that was headed by an individual in the --
3 in charge of the sector military and that there was a detention
4 centre at that office?

5 [09.47.42]

6 A. I cannot remember it well. As I told you earlier, that
7 <during> the time I was there, there <was> no K-11, <and K-17 was
8 not a security office>. It was probably established later on
9 after I had left, <I do not know about that>.

10 Q. Do you recall if individuals who were sent to Phnom Kraol
11 prison -- or did you know if a large quantity of them would
12 survive the prison and leave the prison or if that didn't occur
13 at all or if that occurred for everyone who entered the prison?

14 MR. PRESIDENT:

15 Mr. Civil Party -- Mr. Witness, please hold on.

16 MR. KONG SAM ONN:

17 Mr. President, I would like to object to this question. The
18 witness already said that he <did not know> Phnom Kraol <office
19 as> the security office when he was there, so <all the events in
20 relation to that security office,> the witness cannot answer<>.

21 MR. BOYLE:

22 Mr. President, if I may respond, I believe that counsel
23 misunderstood the testimony. That is not the testimony that I
24 heard this individual say.

25 He said that there might have been another security office in

21

1 addition to Phnom Kraol that was established after he was there,
2 but he confirmed the presence of the Phnom Kraol Security Office,
3 as he mentioned in his OCIJ statement.

4 I ask that I be allowed to continue with my questioning.

5 [09.50.02]

6 MR. PRESIDENT:

7 The observation by the Khieu Samphan Defence Counsel is right
8 because the witness said that during the time he stayed there,
9 <he was not aware of a> security office called K-11. If your
10 question is about the <Phnom Kraol> security office during the
11 time when Ta Sophea was in charge, <and later on, when Leng came
12 to replace Sophea>, the <> witness probably could give the
13 answers.

14 And as he emphasized several times that he was aware of only one
15 security office and that was <the> Phnom Kraol < security
16 office>. So I encourage you to reformulate your questions and
17 your questions should direct to something that the witness is
18 aware of. <The witness cannot make any speculation because the
19 witness is not aware of that fact.>

20 [09.51.15]

21 BY MR. BOYLE:

22 Thank you, Mr. President. Perhaps I misstated in my question. But
23 indeed I was referring to Phnom Kraol. Specifically I was
24 referring to the statement that I just read. This is the Bun
25 Loeng Chauy statement and that individual stated, "The chance of

1 survival is very rare for those who were sent to Phnom Kraol."

2 Q. Mr. Witness, to your knowledge is this witness correct that
3 the chance of survival at Phnom Kraol was very small?

4 MR. PHAN VAN:

5 A. I am not clear about this because at the time I was there,
6 there were not many arrests and detentions. And as I said, after
7 I had left, I no longer was aware of what <was> going on there
8 <because I did not see it nor did I know about that later on>.

9 Q. Mr. Witness, did you ever hear of a place called Trapeang
10 Pring located about 4 kilometres to the west of Phnom Kraol on
11 the road to Kratie?

12 [09.52.49]

13 A. Could you please mention the name of the location again?

14 Q. Yes, to the best of my pronunciation, the location's name is
15 Trapeang Pring.

16 A. What are you exactly referring to? <I could not hear properly,
17 I heard only Trapeang Pring.>

18 Q. I am enquiring whether you have heard of a location known as
19 Trapeang Pring at this point.

20 A. I have never heard the name of that location.

21 Q. I would like to read you a statement to see if I can refresh
22 your memory. This is the OCIJ statement of Sal Ra, E3/5222,
23 English ERN, 00242157 to 58; Khmer, 00236737 to 38; and French,
24 00274821 to 22; and this is what this individual said, quote:

25 "The prisons guards told me that those they arrested were put in

1 that prison for only two to three days and after that they were
2 taken to Trapeang Pring and killed".

3 And a little bit later on he says, "Y Rout told me that the people
4 who were transported by trucks from various locations in that
5 sector were mostly brought to Trapeang Pring." Close quote.

6 Mr. Witness, does that refresh your recollection about hearing
7 about Trapeang Pring when you were in Sector 105?

8 [09.55.22]

9 A. At the time I was there, there was no place called Trapeang
10 Pring, <and the event that you have mentioned had not happened
11 yet. But> later on, <I did not know what was going on>.

12 Q. Before I move on to another section I would like to ask you
13 one question of clarification on something you said in one of
14 your statements. This is E3/57, and English, 00290508; Khmer,
15 00287705; and French, 00353104.

16 This is what you stated, quote, "The security office of Sector
17 105 was in Phnom Kraol under Ta Sophea control, also called Ta
18 Sophea's office. Vann knows more about that" -- sorry, "Vann
19 knows more than I about the security office."

20 Can you tell the Court who is the person Vann that you are
21 referring to?

22 [09.55.07]

23 A. Vann was my younger brother and nowadays he lives in Chi Miet
24 village. He is better aware of the security office because he has
25 lived in that <village>. As for me, <after I left that place, I

1 never returned to live in the village; I have left that place>.

2 Q. Did Vann live in that area in the period from 1975 to 1979, or
3 any part of that period?

4 A. No.

5 MR. BOYLE:

6 Thank you --

7 MR. PHAN VAN:

8 A. During that period, Vann <did not live there, he moved to>
9 live in Phnom Penh, and later on he moved to live <there>.

10 [09.58.17]

11 BY MR. BOYLE:

12 Q. To your knowledge, was the K-17 office, itself, ever used as a
13 place to detain persons who had been arrested in 1977?

14 MR. PHAN VAN:

15 A. At the time I was there, there was <not> any detention at <>
16 Office <K-17, because it was simply an education place>.

17 Q. The translation that I received had you saying that there was
18 no detention at the security office. I want to clarify: I was
19 asking about the K-17 office where your father worked and whether
20 you were aware of any detention there. Can you please answer that
21 question?

22 A. There was no detention at that time, the time when I was
23 there. I cannot say about what happened later on after I had
24 left. <I would like to clarify that there was no detention when I
25 was there.>

25

1 Q. Two witnesses who have come to this Court have testified about
2 how they were part of a large group of prisoners related or
3 connected to an individual named Kham Phoun and who were arrested
4 following the death of your father and they were detained at that
5 two-storey building at K-17.

6 I understand that at that time, following the death of your
7 father, you would not have been in Sector 105. However, one of
8 those witnesses, an individual named Neth Savat, testified that
9 about a month earlier when your father was still alive and still
10 in charge of a sector, he went with your father to the K-17
11 office. He saw division soldiers detained in shackles upstairs.

12 [10.00.39]

13 I would like to read to you what Neth Savat said when he
14 appeared. This is transcript E1/400.1 at 10.59.07, quote:

15 Question: "When was it that you saw these shackles? Was it during
16 the month that you were at K-17 or was it later on that you saw
17 these shackles?"

18 Answer: "It was before that time, one month before that time."

19 "Ta Ham" -- this is a little later on, "Ta Ham took me upstairs
20 because at that time people from actually Ta San, the chief of
21 the division, was detained there along with other people from the
22 division. When he took me upstairs I saw them shackled."

23 Does that refresh your memory of knowing about or seeing division
24 soldiers or other prisoners held upstairs at the K-17 office?

25 [10.01.52]

26

1 A. I cannot recall that. During the time I was there, I <never
2 saw people being detained there, and> people <simply came> to
3 attend <the study> sessions <there>. That is what I can say.

4 Q. Do you ever recall a period when large numbers of Division 920
5 cadres , were being arrested while you were in Sector 105?

6 A. I cannot get your question. Could you repeat it?

7 Q. Do you recall a period, when you were in Sector 105, when
8 there were many arrests of Division 920 cadres?

9 A. There were no <detainees at> K-17 when I was there. <People
10 came there to attend the study sessions, and they went away in
11 vehicles; they said that they came to attend the study session at
12 the lower area>. And I <do> not know <whether they were
13 arrested>.

14 [10.03.52]

15 Q. Let's clarify my question. I am asking if you were aware
16 generally of a period of arrests of Division 920 cadres, not
17 specifically of cadres who were arrested at K-17 office but of
18 arrests of Division 920 cadres in Sector 105.

19 A. I know that arrests happened. <Some of them were arrested>,
20 but <they were not taken to be> detained at <Office> K-17 <when I
21 was there>. <After that event,> it was widely <announced> that
22 certain individuals betrayed <them and other things like that,
23 etc. It was widely known, and the information was not just known
24 to one person>.

25 [10.05.05]

1 Q. I would like to read to you from a document, and this is
2 document E3/877. Mr. Witness, this is a telegram that was sent to
3 Office 870 by your father on 20 May 1977. You may recall this
4 document because it was put to you and you were asked some
5 questions about it when you previously testified before this
6 Chamber.

7 The third paragraph of your father's telegram reads as follows,
8 quote:

9 "On 13 May 1977, the sector units sacrificed one and had another
10 severely wounded when the enemy attacked near the Tou Chouy
11 office on the Tou Sra side. This was 50 metres from the office.
12 Our assessment is that this was not an enemy from the outside. We
13 expect the division henchmen of the contemptible Saom and
14 contemptible Chhin. This problem has already been reported to
15 Comrade San. Despite arrests of Unit 920's, activities continue
16 one after the other but we are making arrest after arrest too."
17 Close quote.

18 Mr. Witness, in your prior testimony you confirmed that the
19 Chhin, that is referred to in this telegram was the secretary of
20 Division 920. I would like to ask you, first, can you tell the
21 Chamber what was the Tou Chouy office that's mentioned in this
22 telegram and where was it located?

23 A. Sauy (phonetic) was a military officer. However, I cannot
24 recall his office. There was an individual named Sauy (phonetic).
25 At the time he was chief of a battalion <of the sector> but I do

1 not <recall where it was located>.

2 [10.07.41]

3 Q. Do you recall what the functions of this office or this
4 battalion were?

5 A. The battalion was posted along the border <and most of the
6 time they were dispatched to the border> close to Vietnam during
7 the time.

8 Q. Having heard this telegram again, do you remember a period in
9 1977, during which the sector was making numerous arrests of
10 Division 920 soldiers?

11 A. I cannot recall that. What I know is that certain individuals
12 disappeared through the <formal> announcement. And I did not see
13 with my own eyes <that> certain individuals <were arrested at
14 this place or that place,> but I know that the arrests did
15 happen<>. That is what I can say.

16 Q. And when you refer to certain individuals are you referring to
17 at least in part in Division 920 soldiers or just individuals
18 generally?

19 A. It is -- it was individuals generally.

20 [10.09.36]

21 Q. In relation to your father's statement and the telegram that,
22 "Despite arrests of Unit 920's, activities continue one after the
23 other but we are making arrest after arrest too", do you know
24 whether your father would have made the decision about who to
25 arrest himself or would he receive instructions from other

1 individuals?

2 A. I do not know -- I do not know about that.

3 Q. Did Division 920 have its own security office in Mondolkiri,
4 or were the sector security offices used?

5 A. I do not know about that.

6 MR. PRESIDENT:

7 It is now break time. The Chamber will take a short break from
8 now until 10.30.

9 Mr. Nhem Samnang (sic) and Mr. Witness, now it is break time, so
10 the Court will take a short break from now until 10.30, so you
11 two shall be present at your place before 10.30. Do you
12 understand that?

13 MR. PHAN VAN:

14 Yes, I understand.

15 MR. CHUONG SOPHEARITH:

16 Yes.

17 (Court recesses from 1011H to 1031H)

18 MR. PRESIDENT:

19 Please be seated. The Chamber is back in session.

20 Good morning, Mr. Witness. Are you ready?

21 MR. PHAN VAN:

22 Yes, I am ready.

23 MR. PRESIDENT:

24 Thank you. And now I hand the floor to the International Deputy

25 Co-Prosecutor to continue putting <questions> to the witness.

30

1 [10.32.22]

2 BY MR. BOYLE:

3 Thank you, Mr. President.

4 Q. Mr. Witness, when you were here a few years ago to testify,
5 you stated that Chhin was the leader of Division 920, and that
6 San was Ta Chhin's replacement as secretary of that division.

7 I'd like to ask you now about another individual named Ta Say.

8 Do you know who Ta Say was in relation to Division 920?

9 MR. PHAN VAN:

10 A. I do not know who the name of -- I do not know the person with
11 the name Ta Say.

12 Q. Allow me to attempt a different pronunciation. Do you know the
13 name Ta Soy in relation to Division 920? Ta Soy.

14 A. Yes, I know Ta Soy. Ta Soy was Ta Chhin deputy.

15 Q. Can you tell the Court what happened to Ta Chhin and Ta Soy in
16 1977?

17 [10.34.14]

18 MR. PRESIDENT:

19 <Please repeat it. Why the name Chim (phonetic) has been
20 mentioned here because> we are discussing about the name Chhin,
21 and now <the name Chim (phonetic) has been mentioned in the
22 second question. The witness could not answer it>.

23 MR. SREA RATTANAK:

24 In fact, he read the name Ta Chhin.

25 MR. PRESIDENT:

31

1 Co-Prosecutor, please reformulate your <last> question,
2 especially with the name.

3 BY MR. BOYLE:

4 I will do that, Mr. President.

5 Q. Mr. Witness, I was asking if you are able to tell the Court
6 what happened to Ta Chhin and Ta Soy in 1977.

7 [10.35.22]

8 MR. KHAN PHAN:

9 A. I do not know about what happened to them. Later on, I learned
10 that they were accused of betrayal <from the announcement>.

11 Q. I'd like to read to you from one of your statements that you
12 gave to the Co-Investigating Judges. This is E3/58, English ERN,
13 00250088 to 89; Khmer, 00239936; and French, 00283914.

14 Mr. Witness, this is what you stated, quote:

15 "One day, it was probably in late 1976 or early 1977, Ta Chhin
16 telephoned to my father, telling him that the general staff
17 called him to a meeting. I heard from my father." Close quote.

18 You then go on to describe a couple of other points in reference
19 to, quote, "before the arrest of Ta Chhin and Ta Soy" and "after
20 the death of Ta Chhin and Ta Soy."

21 Does that refresh your memory that Ta Chhin and Ta Soy were
22 arrested and killed in 1977?

23 [10.37.05]

24 A. I do not understand your question.

25 What I know is that, at that time, they were called to work <and

1 they disappeared>. And I <do> not know what happened to them,
2 <or> when they <were killed>, only later on that they announced
3 that <they> were traitors.

4 Q. Do you recall who called them to work?

5 A. It was the upper echelon, but I did not know the exact
6 individuals from the upper echelon who ordered that.

7 Q. And when you refer to the "upper echelon", are you referring
8 to individuals in Phnom Penh, or elsewhere?

9 A. It was the individuals from Phnom Penh <because they were
10 called to Phnom Penh>.

11 [10.38.29]

12 Q. Do you remember the month that Ta Chhin and Ta Soy were called
13 to work in Phnom Penh?

14 A. I cannot recall that.

15 Q. Mr. Witness, on the case file, we have an S-21 prisoner list
16 at E3/342. That indicates that the Division 920 secretary, Men
17 Meng, alias Chhin, entered S-21 on 16 March 1977 -- that's, Your
18 Honours, at number 5118 -- and that deputy secretary Ea Cheu,
19 alias Soy, entered S-21 on 17 February 1977. That's at number
20 1966.

21 Mr. Witness, those dates of February and March 1977, does that
22 refresh your memory that it could have been around February or
23 March 1977 that Chhin and Soy were called to Phnom Penh?

24 A. I knew that they were sent to Phnom Penh, but I could not
25 recall the exact month and year.

1 Q. Do you know what happened to the wives of Ta Chhin and Ta Soy
2 after they were sent to Phnom Penh?

3 A. Only after the announcement was made that I was aware <of>
4 that. <It was announced widely that> they <were> traitors.

5 Q. Just for clarification, when you say they were accused of
6 being traitors, are you referring to the wives, in addition to Ta
7 Chhin and Ta Soy?

8 [10.40.58]

9 A. I cannot get your question. Can you please repeat it?

10 Q. Yes. I'm asking if you know what happened to the wives of Ta
11 Chhin and Ta Soy after Ta Chhin and Ta Soy were sent to Phnom
12 Penh.

13 A. Later on, I was aware that their wives and children were taken
14 away. <At that time, it did not just happen to> Ta Chhin and Ta
15 Soy, <but to others as well. If it was announced that they were>
16 traitors, <> their wives and children would be <taken away as
17 well>.

18 [10.41.53]

19 Q. I want to ask you about two excerpts from your OCIJ
20 interviews. The first one is at E3/58. This is at English ERN,
21 00250092; Khmer, 00239940; and French, 00283918.
22 And Mr. Witness, you're testifying about a discussion that your
23 father had with the Northeast Zone Secretary Ya, Ta Chhin, and Ta
24 Soy, who we were just discussing, and I'll quote from your
25 statement. You said:

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

1 "One day, when I was preparing meals for my father, who was
2 meeting with Ta Ya, I could hear their discussion. In that
3 discussion, my father suggested that Ta Ya talk to Angkar for a
4 negotiation with Vietnam and not to fight with Vietnam. That
5 suggestion was also agreed by Ta Chhin, Ta Soy, and Ta Veang, who
6 were also present in that meeting."

7 Mr. Witness, then I'll go on at your statement E3/57, and this is
8 at English ERN, 00290507; Khmer, 00287704; and French, 00353103.

9 You say the following:

10 "One day, at a dinner, my father talked with Ta Ya, Ta Soy, Ta
11 Veang, and Ta Chhin about the abolition of currency and the
12 attack on the Vietnamese in Troyo Saing area. At that time, my
13 father suggested Ta Ya would make a protest against that during
14 the assembly meeting because Ta Ya was his senior. After the
15 assembly, Ta Ya, Ta Veang, and Ta Chhin disappeared." Now, Mr.
16 Witness, do you know why your father was in favour of negotiating
17 with Vietnam rather than going to war against them?

18 [10.44.33]

19 A. At that time, <that was the idea>. At that time, the
20 Vietnamese attacked <-- the order was issued to fight and>
21 capture Troyo Saing. <From my recollection, it was located in
22 Saen Monourom close to the border, but> I cannot recall the exact
23 location of Troyo Saing. <It was called Troyo Saing which was
24 along Dak Dam>.

25 At that time, the order was issued to fight and <capture> Troyo

1 Saing <so there were effects of that.> And my father <talked to
2 Ta Ya to make> the suggestion <> to people at the upper echelon
3 to negotiate to avoid fighting.

4 And after <work, it seemed that only my father came back to the
5 district, the others were still there to continue attending the
6 study session>.

7 [10.45.39]

8 Q. And that meeting that you refer to where the Northeast Zone
9 Secretary Ya, may have suggested that Angkar negotiate with
10 Vietnam rather than fight them, when and where did this meeting
11 take place?

12 A. <I cannot recall the date, but> the meeting with the secretary
13 took place in Mondolkiri province.

14 Q. And just to clarify, do you know of another meeting when
15 Secretary Ya may have conveyed this suggestion to his superiors?

16 A. I was not aware of this. I was not aware whether he raised the
17 issue to people in the upper echelon <or not>.

18 Q. The meeting that you mentioned that took place in Mondolkiri
19 with Secretary Ya, do you recall when that took place?

20 A. The meeting took place at the Mondolkiri provincial <town>.

21 Q. Do you recall the -- the date, the approximate month and year
22 that that meeting took place?

23 A. I cannot recall the exact month and year.

24 Q. How did you learn about this meeting?

25 A. I remember that, at that time, they inspected the battlefields

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1 in <Mondolkiri> province.

2 Q. Who was the "they", that inspected the battlefields in the
3 province?

4 A. <At the time,> Ta Chhin was in charge of the battlefields. And
5 at the sector level, it was the -- the person with the name Veang
6 who was directly in charge of the battlefields.

7 [10.48.58]

8 Q. Mr. Witness, do you know whether confessions were sent from
9 Phnom Penh to Sector 105 with the names of individuals who had
10 been implicated and were -- who -- who were supposed to be
11 arrested?

12 A. I am not aware of this.

13 Q. Were you ever aware of messengers who delivered documents from
14 Phnom Penh to the K-17 office?

15 A. I do not understand<. What document?>.

16 Q. Did you ever see any messengers delivering documents that had
17 come from Phnom Penh to the office at K-17?

18 [10.50.15]

19 A. What exactly that you are talking about; I mean the document
20 that you are referring to?

21 Q. At this point, I'm just asking, generally, if you are aware of
22 messengers arriving at the K-17 office with documents coming from
23 Phnom Penh, any type of documents.

24 A. No, I was not aware of it.

25 Q. I'd like to read to you an excerpt from an OCIJ interview of

1 Ham Ansi. This is E3/366 at English ERN, 00250750; Khmer,
2 00242413 to 14; and French, 00283165 to 66; and this is what Ham
3 Ansi says, quote:

4 "I know that Ta San, Saroeun's former Division 801 deputy, came
5 to replace Chhin. At Kaev Seima, I personally saw Ta San arrest
6 many soldiers of Division 920 and send them to the Centre. Ta
7 Sophea let me read confessions from the Centre in which soldiers
8 of Division 920 had implicated persons they knew and fellow
9 soldiers. I don't remember the names of the persons who made the
10 confessions. I remember that one person they implicated was the
11 chairman of a company based in Kaev Seima District."

12 Mr. Witness, does that refresh your memory of seeing or learning
13 about confessions that had been sent from Phnom Penh to Sector
14 105?

15 [10.52.24]

16 A. I was not aware of this matter.

17 Q. Mr. Witness, can you tell the Chamber who Ham Ansi was?

18 A. As far as I know, there was no name Hom Hann (phonetic).

19 MR. SREA RATTANAK:

20 The name of the person is <>Ham Ansi.

21 BY MR. BOYLE:

22 Q. Mr. Witness, with that corrected pronunciation, does that --
23 do -- are you able to identify that individual for the Chamber?

24 [10.53.35]

25 MR. PHAN VAN:

38

1 A. I cannot get the name clearly. What I can say that there --
2 there is -- there was no person named Hom Hann (phonetic).

3 MR. SREA RATTANAK:

4 Mr. Witness, the name of the person that my international
5 colleague asked you is <> Ham Ansi.

6 MR. PHAN VAN:

7 At that time, we referred to him as Ansi. He was the -- he was
8 the <KaeV Seima> district secretary.

9 BY MR. BOYLE:

10 Q. Was he a relation of yours?

11 MR. PHAN VAN:

12 A. Ansi was my father's <younger> brother.

13 Q. Mr. Witness, can you tell the Chamber, if you're aware, what
14 types of people would be sent to the Phnom Kraol Dam Security
15 Office when they were arrested?

16 [10.55.14]

17 A. I did not know about that matter.

18 Q. Allow me to read from one of your statements; this is E3/58;
19 English ERN, 00250088; Khmer, 00239936; French, 00283914.

20 "Those who were brought for re-education in Phnom Kraol Dam
21 Security Office included those who broke disciplines, committed
22 immoral offence, stealing, robbery, and work evasion. In each
23 case, the offender had to prepare a biography."

24 Mr. Witness, does that refresh your memory that it would be
25 people in these categories who committed immoral offences and

1 work evasion that were arrested and detained at the Phnom Kraol
2 Security Office?

3 [10.56.24]

4 A. Yes, there were cases such as those you just <mentioned>.

5 Q. You -- you also stated that, in your earlier testimony before
6 this Court, and this is at E1/152.1 at 09.56.11.

7 "During that era, as I stated earlier on, those who did not
8 respect orders were considered pacifists, enemy, and those who
9 were, who had the background as teachers or officials of the
10 previous regime, those were the targets of removal."

11 Mr. Witness, can you tell us who decided what acts were
12 considered immoral offences in Sector 105, or that officials of
13 the previous regime should be removed?

14 A. I cannot get your question.

15 Q. Was it your father's decision, as the secretary of Sector 105,
16 who had committed immoral offences or that individuals <from> the
17 previous regime should be removed<,> or did he receive
18 instructions from elsewhere?

19 A. It was the instruction issued from above and he simply
20 followed that instruction.

21 Q. And when you say "the instructions issued from above," who are
22 you referring to?

23 [10.58.31]

24 A. I mean the top people in Phnom Penh.

25 Q. When you were here previously, you testified that meetings

40

1 were held at K-17 office on a monthly basis; did your father
2 convey instructions at those meetings to others in Sector 105,
3 regarding who was considered enemies?

4 A. He conveyed the instructions from Phnom Penh to district
5 secretaries <to read>. And as for <those> who were considered as
6 traitors, I was not aware of <anything>.

7 Q. Were there any other methods other than meetings <through
8 which> your father would convey the instructions from the centre?

9 [11.00.19]

10 A. There were different types of meetings during which
11 instructions or circulars from the top were circulated and also
12 the meetings would discuss about the tasks to be performed.

13 Q. Which party leaders in Phnom Penh provided instructions to
14 your father regarding security matters?

15 A. I do not know. The messages came through telegrams advising on
16 specific -- on certain issues, rather. I did not -- I do not know
17 who they were.

18 Q. I'd like to read to you from statement E3/58, that you gave to
19 the investigating judges; English, 00250089; Khmer, 00239937; and
20 French, 00283915. You stated that telegrams or reports that you
21 sent from your father regarding security matters were sent to
22 Nuon Chea or Uncle Nuon and you gave the following testimony
23 about the instructions that were received in response.

24 "Before my father's death, Nuon Chea regularly instructed on
25 security matters, such as, to be vigilant of Vietnamese enemy or

1 insider enemy, the ambition of Vietnam and ideological tasks for
2 education to the district level. In addition, Nuon Chea sent the
3 type-written messages to the sector level to go to study in Phnom
4 Penh."

5 [11.02.15]

6 And when you were previously presented with that passage in your
7 -- when you appeared in court and you were asked <if> you ever
8 witness<ed> Nuon Chea issue instructions on security matters, on
9 maintaining vigilance and on the presence of enemies in those
10 telegrams, you stated:

11 "I recall some instruction. At that time, instruction also served
12 as the reminders for cadres in general. Of course, there was such
13 instruction."

14 Mr. Witness, does that refresh your memory that you received such
15 instructions or that the office received such instructions from
16 Nuon Chea?

17 A. That did happen. There was much more in the instruction. I
18 mean the content was much more than that, but I could not recall
19 them all.

20 Q. And were these the types of instructions that your father
21 would pass on to other sector cadres?

22 A. Yes, he did send and forward <them> to others.

23 Q. During the period that your father was the sector secretary,
24 did he make regular trips to Phnom Penh?

25 A. <They were> not regular visits. He would go to Phnom Penh

1 whenever he was called.

2 [11.04.01]

3 Q. And are you able to estimate how frequently he would be called
4 to Phnom Penh?

5 A. I cannot recall it.

6 Q. Whenever he returned from these meetings in Phnom Penh, would
7 he convey instructions that he had obtained from those meetings
8 in Phnom Penh?

9 A. After his return from Phnom Penh, he called other concerned
10 people from <the> districts to attend the training session to be
11 -- which were held at K-17.

12 MR. BOYLE:

13 Thank you, Mr. Witness.

14 Mr. President, I believe my time is up unless the civil parties
15 have some additional questions.

16 [11.05.12]

17 MR. PRESIDENT:

18 Thank you. The floor is now given to Lead Co-Lawyers for civil
19 parties to put questions to this witness. You may proceed now.

20 MR. PICH ANG:

21 Good morning, Mr. President, Your Honours. May I cede the floor
22 for Sin Soworn, the lawyer for civil parties?

23 MR. PRESIDENT:

24 Yes.

25 [11.05.37]

1 QUESTIONING BY MS. SIN SOWORN:

2 Thank you. Good morning, Mr. President, Your Honours, and
3 everyone in and around the courtroom.

4 Q. Good morning, Mr. Witness.

5 MR. PHAN VAN:

6 A. Yes, good morning.

7 Q. My name is Sin Soworn. I am from the Legal Aid of Cambodia. I
8 am representing civil parties and I will ask follow-up questions.
9 You have answered several questions from -- asked by the
10 Co-Prosecutor and please, I seek your understanding and
11 cooperation in answering my further questions.

12 My first question is about the time when you became a decoder,
13 decoding the secret messages <with> your <> father; when did you
14 start working as a decoder?

15 [11.06.44]

16 MR. PHAN VAN:

17 A. I cannot recall it well, the exact year when I became a
18 decoder since it happened a long time ago. During the time, the
19 bombardment -- aerial bombing was intensified and it may have
20 been in <late > 1973 <and early '74,> when I became the decoder
21 or started working.

22 Q. How old were you at the time?

23 A. I am now 56 or 55 years old. <I was born in 1960.>

24 Q. At the time, were you a decoder or did you have other roles to
25 play?

1 A. No, I did not have other roles and other <functions besides
2 being> a decoder.

3 Q. Did you circulate messages from your father up to the upper
4 echelon?

5 A. No. <I did not do it at the sector, and I was only with my
6 father.>

7 [11.07.58]

8 Q. <You> were <only a decoder and> you <were> not a messenger at
9 the time. <Is that correct>?

10 A. You are asking me about the time when I was in Sector 105 or
11 when exactly?

12 Q. It was the time when you were in 105.

13 A. No, I was not a messenger when I was in 105.

14 Q. When did you become a messenger?

15 A. <> I was a messenger <> when <I stayed at B-20, not when I was
16 in> 105.

17 Q. Thank you. During the time that you became a messenger, where
18 did you <deliver> the letters or messages to; from which location
19 to which location <did> you <deliver> the letters? <Which level
20 of leaders did you deliver the letters to?>

21 A. <Are you> asking me about Sector 105, the time when I was
22 there <or when I was at other places>?

23 Q. I am asking you <at the time you delivered letters at> B-20.

24 A. During the time, I circulated letters to uncles, from <house
25 to house within the office B-20. I did not deliver the letters a

1 longs distance>.

2 [11.09.05]

3 Q. Thank you. You stated that you sent letters to uncles; who
4 were those uncles; do you know their names?

5 A. During the time, there were Uncle Nuon and Uncle Pol.

6 Q. Who was Uncle Nuon and who was Uncle Pol?

7 A. <Uncle Pol> was Pol Pot.

8 Q. What about Uncle Nuon?

9 A. It was Nuon Chea.

10 Q. Beside the two uncles that you sent a letter to, who else did
11 you send letters to?

12 A. To my recollection, there were many houses at <> that area and
13 the houses belonged to Hu Nim, Hou Youn, and Khieu Samphan, <and
14 they were together there>. I cannot recall that well, but I
15 <actually> saw them in those houses <within that office> and
16 during the time, I was quite young; I was a pretty young boy.

17 [11.10.18]

18 Q. Thank you. Regarding the letters you delivered to Uncle Nuon
19 and Khieu Samphan, did you destroy <or keep> those letters after
20 you <had> received them<>?

21 A. No. I delivered the <> letters <> to them<>.

22 Q. Did you <ever receive any reply letter from them>?

23 A. No, I did not.

24 Q. Do you know the Office 870?

25 A. I have heard of the name, but I do not know the exact location

1 of 870. <870 was a general number from the upper level, it was
2 named 870>.

3 Q. K-17 was in Sector 105 which <your father was in charge of>.
4 <Regarding> Sector 105, which provinces <were> under <the
5 supervision of sector> 105?

6 A. There was only Mondulkiri <province in 105, and it was called>
7 the autonomous <> Sector 105.

8 [11.11.46]

9 Q. <It was the autonomous sector.> About the reporting system,
10 how did your father report to the upper level?

11 A. The reports were done through telegrams. And when he arrived
12 in Phnom Penh, he made oral reports by himself.

13 Q. What about security matters, who did your father report to in
14 relation to security matters; do you know that?

15 A. I do not know.

16 Q. Thank you. As a decoder of the secret messages, did you ever
17 decode the messages in relation to the purges and the killings
18 <which were sent back from the upper levels>?

19 A. I do not know. In fact, the decoders did not know the content
20 of the message <because we did not know their codes, and young
21 people were not allowed to understand the content>.

22 [11.13.15]

23 Q. <If> decoders did not know the content of the messages, how
24 <could> you decode them? <And regarding the secret messages,> did
25 they use code <numbers or words? Can you clarify that?>

1 A. <They used number codes normally. For decoding normal
2 messages, they would generally convert them into numbers and
3 words. But if they were very secret messages, they would have
4 their secret codes so that> the decoders, themselves, <could> not
5 know the content of the messages although we decoded the message
6 into different codes.

7 Q. Regarding the telegrams, where did you receive those telegrams
8 from mostly?

9 A. <They were from Office 870 and -- there two types of them,
10 some of the telegrams were from districts <and provinces>, from
11 the upper echelon, and from other units at the borders <and so
12 on>.

13 Q. Regarding the telegrams, you stated that they were from 870
14 and from other <districts>; <were> the names of the senders,
15 <leaders>, <included> in those telegrams from 870 <to your office
16 for decoding>?

17 A. Sometimes I saw names of senders and most of the time, I could
18 see the name of Uncle Nuon.

19 Q. Thank you. You stated that most of the messages from 870, the
20 sender's name was Uncle Nuon and what was the content of the
21 telegrams about?

22 A. The content was about security matters and <particularly>
23 instructions on how to build the dams and dykes.

24 [11.15.06]

25 Q. Thank you. Regarding security matters, did the security

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1 matters include purges, arrests, and killings?

2 A. It concerned the situation at the borders. <At the time, when
3 I was there, the clashes happened> at the borders.

4 Q. Thank you. In the morning, you told the Co-Prosecutor <about>
5 the disappearance of your father. You were with your father at
6 the time; is that correct?

7 A. Yes, that is correct.

8 Q. Before the disappearance of your father, did <anything>
9 noticeable happen <or were there any instructions> before the
10 disappearance of your father?

11 <A. I cannot recall it. At the time, there were clashes -- >

12 MR. PRESIDENT:

13 Please hold on. Please hold on, Mr. Witness.

14 You have the floor now, Koppe.

15 [11.16.17]

16 MR. KOPPE:

17 Thank you, Mr. President.

18 I'm not sure why the civil party lawyer uses the word
19 "disappearance". I think it is quite clear what happened to his
20 father. There seems to be evidence that he was murdered by Kham
21 Phoun, so the word "disappearance", in this particular case, is
22 inappropriate; therefore, I object.

23 MS. SIN SOWORN:

24 In relation to the objection put by counsel for Mr. Nuon Chea, I
25 am asking about the disappearance of his father and the witness

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1 said <clearly> that his father disappeared after Angkar called
2 his father to Phnom Penh and I would like to explore about what
3 happened before his father went to Phnom Penh. <Did he either
4 know whether> there <were> any instructions <from the upper level
5 or hear of any events happened> before <> his father <was sent to
6 attend a study session in> Phnom Penh?

7 [11.17.49]

8 MR. PRESIDENT:

9 The objection is overruled. The question is based on the evidence
10 provided by the witness, himself, and if you <have information
11 other than that>, you can ask during the time that you question
12 this witness.

13 Mr. Witness, please answer the question put by the lawyer for
14 <the> civil p<arties> if you recall it.

15 MR. PHAN VAN:

16 A. Before his disappearance, nothing was known. The -- but the
17 situation at the border was -- were problematic. The child of
18 Uncle Kham Phoun was arrested, at the time, and then my father
19 was called to attend the training sessions in Phnom Penh. And as
20 I said, <he> died at the office of Sector 105.

21 [11.19.07]

22 BY MS. SIN SOWORN:

23 Q. Thank you. I have a follow-up question in relation to this
24 matter. After your father died, did you have <intentions of
25 finding> the reason why your father died?

1 MR. PHAN VAN:

2 A. During the time, I was a pretty young boy, but I just wanted
3 to know why he died and there <were> the announcements that Uncle
4 Kham Phoun killed my father, but no one believed in that
5 announcement <because> Kham Phoun was related to my mother and
6 the two were working closely together in a -- with one another
7 during the resistance, so how could they kill each other?

8 Q. Did your father <ever have> any issue with Kham Phoun <before
9 your father went to attend the study sessions> in Phnom Penh; do
10 you know?

11 A. <I do not know.> I never noticed that they had anything -- any
12 issue with one another.

13 Q. Thank you. After your father died, what happened to you and
14 your siblings or relatives; what were your fates?

15 A. <After my father's death,> I <> moved to <Phnom Penh. At the
16 time, they assigned me to> grow vegetables at Akreiy Ksatr for a
17 period of time, and <later on>, I <came> to work with Madam Ieng
18 Thirith.

19 [11.21.10]

20 Q. Thank you. When you came to work with Madam Ieng Thirith, when
21 was that; which year was that?

22 A. I cannot recall the exact year, but I can recall that it was
23 after my father died.

24 Q. What kind of work did you do?

25 A. I was her driver.

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1 Q. Thank you. Where did you drive her to?

2 A. It depended on her instruction. Sometimes I drove her to the
3 <hospitals, etc>.

4 Q. Thank you.

5 MR. PRESIDENT:

6 You have to wait, lawyer for the civil party.

7 You have the floor first, Anta Guisse.

8 [11.22.05]

9 MS. GUISSSE:

10 Mr. President, I intervene, at this stage, because I've been

11 following the examination of the witness by the civil party

12 <counsel> for some time, and the witness has already been

13 examined by this Chamber for the first time, and he's being

14 called back this time to talk about the Phnom Kraol Security

15 Centre.

16 Now, he is talking about Ieng Thirith, which has nothing to do

17 with Phnom Kraol, so I object to these types of questions, <in

18 favor of topics relevant to Case 002/02>.

19 MS. SIN SOWORN:

20 Thank you, Mr. President. I would like to respond to the

21 objection put by <the> lawyer for Mr. Khieu Samphan. <The reasons

22 I put the questions -->

23 MR. PRESIDENT:

24 Please move on. <That issue has already been covered. However,>

25 you are reminded not to go beyond the facts <> which <> the

1 Chamber <has set to hear the testimony. This is the principle in
2 relation to the court proceedings>.

3 [11.23.23]

4 BY MS. SIN SOWORN:

5 Thank you, Mr. President. I will move to another set of
6 questions.

7 Q. Mr. Witness, I am now asking you about the time after your
8 father died. Are you aware that your father's subordinates
9 disappeared after one another?

10 MR. PHAN VAN:

11 A. Yes, I was aware later on.

12 Q. How did you know about that?

13 A. I knew from <friends who went in and out there. They said that
14 those certain individuals> disappeared under the accusation of
15 treason.

16 [11.24.14]

17 Q. Thank you. You told the Co-Prosecutor, in this morning, that
18 one -- perhaps <almost> 1,000 people <in Sector 105> were under
19 your father's <supervision>. Did those people have enough food to
20 eat <during that period>?

21 A. <I would like to clarify that> it was not in Sector 105. In
22 fact, <it was> in <Office> K-17, <the sector office. I can recall
23 that there were> almost 1,000 <people, more or less>. The food in
24 the co-operative was just enough for them. They received two
25 times -- or three times a meal per day. <There was no lack of

1 food.>

2 Q. Thank you. You answered the question by the Co-Prosecutor in
3 relation to the arrest of people and then detained at Phnom Kraol
4 security. Some of those people had committed moral offences.

5 And I have a question for you in relation to K-17.

6 Did many people who were detained there commit moral offences;
7 most of them?

8 A. In fact, not many of them committed moral offences, but
9 usually they were under constant refashioning.

10 Q. Thank you. I am now asking you about the commitment <>. You
11 stated that there were almost 1,000 people in K-17; <at that
12 time, did Angkar match male and female youths> to voice their
13 commitments?

14 A. What kind of commitment are you talking about?

15 [11.26.30]

16 Q. I am asking about the <commitments in relation to the
17 marriages>?

18 A. <Usually, there were marriages>, and the marriage was
19 organized for <those who were at the age of consent>.

20 Q. Who organized the marriage for them?

21 A.<It was the office chief. Each office> chief <had the authority
22 to make> a request <to the Angkar, and they decided which
23 individuals should> get married.

24 Q. Thank you. To your observation, those who were requested by
25 the unit chiefs to get married, did they get along with each

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1 other before the marriage took place <or did they make the
2 request to their office chiefs>? <Or did Angkar organized the
3 marriage for those who were> the age of consent?

4 A. <At that time>, Angkar organized marriages for them.

5 Q. Thank you. What about you, when did you get married?

6 A. I got married in 1985.

7 [11.27.39]

8 Q. Thank you. Did you ever observe that the <newlyweds> were
9 happy with their spouses?

10 A. Some were happy with their spouses, but some <> were trying
11 their best to live along with their spouses <because they were
12 arranged to get married>. During the time, they had to do
13 whatever as suggested by Angkar. <If they refused, they would be
14 sent for re-education.>

15 Q. Thank you, Mr. Witness. What about those who refused or
16 disobey the Angkar's order, what happened to them; did you
17 observe what happened to them?

18 A. <At 105,> there was an incident. One individual was shot --
19 shot himself to death. That was the soldier who loved a lady, but
20 he could not marry that lady. Later on, he killed -- he shot
21 himself to death. <It was the only incident that happened at that
22 time.>

23 Q. Thank you. Do you happen to know an individual by the name Sun
24 Vuth who was the chief of <a> company in <that> sector?

25 A. No, I do not know that guy.

1 [11.29.29]

2 MS. SIN SOWORN:

3 Thank you. I am done with my questioning, Mr. Witness.

4 MR. PRESIDENT:

5 It is now lunch break. The Chamber will take a lunch break from
6 now until 1.30.

7 Thank you, Mr. Witness. It is now break time -- lunch break.

8 Thank you, Mr. Sothearith. I -- in the -- in the first session
9 confused that you were Nhem Samnang. In fact, you are Sothearith.

10 You may also take a rest during the lunch break and the Chamber
11 will resume its hearing after the lunch break at 1.30 and you two
12 have to be present at your location or your seats before 1.30.

13 Security personnel are instructed to bring Mr. Khieu Samphan to
14 the waiting room downstairs and have him returned into the
15 courtroom before 1.30.

16 The Court's now in lunch break.

17 (Court recesses from 1130H to 1333H)

18 MR. PRESIDENT:

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

20 Good afternoon, Mr. Witness. Are you ready?

21 MR. PHAN VAN:

22 A. Yes, I am ready.

23 MR. PRESIDENT:

24 Mr. Witness, are you ready?

25 MR. PHAN VAN:

1 A. Yes, I am. Thank you.

2 [13.34.44]

3 MR. PRESIDENT:

4 Now, the Chamber gives the floor to the defence counsel for Nuon
5 Chea to put questions to the witness. You may now proceed.

6 QUESTIONING BY MR. KOPPE:

7 Thank you, Mr. President. Good afternoon, Your Honours, counsel.

8 Good afternoon, Mr. Witness. I'm the International Counsel for
9 Nuon Chea and I would like to ask you some questions this
10 afternoon.

11 Q. And let me start by following up something you said almost
12 three-and-a-half years ago in the -- before this Chamber on 11
13 December 2012 -- that is, E1/151 at around 15.44 in the
14 afternoon.

15 You were asked questions about telegrams and then you said the
16 following, and I quote you:

17 "The situation, at that time, was very pressing, and we had to
18 adhere to the instruction.

19 "At that time, there were enemies fighting with our forces along
20 the border and there were also warfare among different faction --
21 different groups internally. That's why we had to adhere to the
22 instruction. If I had to elaborate on the situation of enemies at
23 the time, it would be very long-running because there were a lot
24 of elements of enemies at that time.

25 "To my understanding -- my personal understanding, the

1 infiltrated enemies were the ones who did not fall in lines with
2 the instruction of the Organization, those who deviated from the
3 instruction. So, those people were no longer trusted by the
4 Organization and they were no longer given any task to handle. "

5 [13.37.17]

6 "And in addition, in certain circumstances, they would be
7 detained as well. So, that was only the differing views from the
8 Organization, and those people were considered infiltrated enemy.
9 They were not the enemy - the Vietnamese enemy who were fighting
10 along the border." End of quote.

11 That's a long quote, Mr. Witness, but do you recall having said
12 that to the Trial Chamber in December 2012?

13 MR. PHAN VAN:

14 A. Yes, I can still recall that.

15 Q. We have some more time now to discuss that matter.

16 What did you exactly mean when you said, "At that time, there
17 were enemies fighting with our forces along the border"?

18 What can you tell us about the border clashes between, I presume,
19 Vietnamese troops and troops of Democratic Kampuchea; what do you
20 recall?

21 A. I can recall the fighting with the Vietnamese soldiers.

22 [13.39.03]

23 Q. And what do you recall specifically? Do you remember any
24 incidents, do you remember any attacks? What is it that you
25 specifically can remember?

1 A. I cannot remember in details. What I remember is that there
2 <was> fighting.

3 Q. And how was it that you knew that there was fighting going on
4 along the border between troops of DK and Vietnamese troops?

5 A. I cannot get your question.

6 Q. How did you know at the time that this fighting was going on
7 between Vietnamese troops and DK troops? Who told you; what was
8 your source of knowledge?

9 A. I heard gunshots continuously.

10 [13.40.34]

11 Q. What else can you tell us?

12 A. I cannot remember anything else.

13 Q. No problem. Let me see if I can refresh your memory a bit, Mr.
14 Witness.

15 This morning, you were read by the Prosecution an excerpt from a
16 telegram which was sent by your father and directed to Office
17 870. That was document E3/877. You acknowledged the existence of
18 that telegram and that your father, indeed, had sent it. I have
19 one question about that telegram and then I'll move to the next
20 telegram.

21 The telegram is signed by Chhan. Your father is also called Ham
22 and also called Laing, but do you know when he was using which
23 name? Was he only using Chhan when he signs telegrams and was he
24 referred to others only by Laing? Can you tell us a bit what the
25 situation was with his names?

1 A. Initially, he had a name "Laing" and later on he changed his
2 name to Chhan, and I don't know the reason behind the name
3 change.

4 Q. Did you ever hear him use Ham as a name as well?

5 A. He never used the name Ham.

6 [13.42.45]

7 Q. Now, let me go back to the telegram that I would like to ask
8 you some questions about -- that is E3/1030; English, ERN
9 00324806; Khmer, 00033312; French, 00623150.

10 Mr. Witness, this is a telegram sent to your father. It's dated
11 20 June 1977, and it is signed or sent by Ta Sophea. Let me read
12 a small excerpt from this telegram and then I will ask you some
13 questions about this telegram.

14 "To beloved and missed Brother Chhan.

15 "We would like to report about the situation of the 7 Group as
16 follows:

17 "1. At Au Phlay, they intruded 20 metres into our land and cut
18 bamboo. We attacked and killed and wounded a number of them on 17
19 June '77. We continued to attack during the morning of 19 June
20 '77, killing and wounding a number of them. There were more than
21 100 'more than 100' of them. As of now, they have not yet
22 withdrawn. So, we have developed more forces, and they have
23 pushed 500 metres deeper into our territory.

24 "2. The 7 Group that attacked us at Pech Chenda has now"--

25 [13.44.52]

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1 MR. PRESIDENT:

2 <Please hold on because> there is no Khmer translation.

3 Counsel Victor Koppe, you can continue. <Actually, my headset ran
4 out of battery.>

5 BY MR. KOPPE:

6 Q. Number 2, Mr. Witness, of this telegram says:

7 "The 7 Group that attacked us at Pech Chenda has now attacked and
8 entered Pou Chri Chas village and Tonh village, and De E village.
9 There were 30 of them."

10 Mr. Witness, have you been able to understand me reading excerpts
11 from this telegram directed to your father?

12 MR. PHAN VAN:

13 A. I do not know about <that -- (unintelligible)>.

14 [13.46.04]

15 Q. Do you know anything about intrusions or attacks of Vietnamese
16 troops into Democratic Kampuchea, the ones that I mentioned
17 there? Does this somehow refresh your memory maybe also in
18 relation to other attacks?

19 A. I cannot get your question clearly.

20 Q. Let me rephrase it. If you do not remember this particular
21 incident, do you remember similar incidents of Vietnamese
22 incursions into Democratic Kampuchea territory?

23 A. What I remembered was that there <were incursions> by the
24 Vietnamese soldiers into Cambodian territory.

25 [13.47.10]

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1 Q. Now, in this telegram, two times words are used, "Group 7" or
2 "the 7 Group", "Attacking of Group 7."

3 Do you know what 7 Group meant? Who was 7 Group that attacked the
4 DK forces; Group 7 or the 7's or -- have you ever heard that
5 term?

6 A. I <have> never heard of that<>.

7 Q. The words "Group 7" or "7" or "The 7s" is a word that often
8 appears into -- in telegrams. Can you explain to us if you are
9 involved yourself in the decoding of telegrams that you would not
10 have heard of the words "Group 7"?

11 A. I <have> never heard of that<>.

12 Q. To speed things up, let me finish, Mr. Witness, by reading you
13 an excerpt from testimony of a 920 Division soldier who testified
14 before the Chamber last week.

15 And I will read it to you and then I will ask you whether you
16 agree with this statement or whether you don't agree with this
17 statement.

18 [13.49.19]

19 MR. KOPPE:

20 Mr. President, it's the transcript of 31 March 2016, at about 11
21 o'clock, 11.01. It's the civil party Sun Vuth.

22 BY MR. KOPPE:

23 Q. Mr. Witness, I'm asking this civil party the following
24 question:

25 "Would you agree with me that it was -- that it were continuously

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1 the Vietnamese troops who were entering DK territory, trespassing
2 DK territory, attacking DK territory? Was it the Vietnamese who,
3 most of the time, started enemy activity?"

4 [13.50.08]

5 And the answer of this Division 920 soldier is as follows:

6 "Yes, it was the Vietnamese who did that, who entered our
7 territory. For us, on the Cambodian side, we never encroached
8 into the territory of Vietnam, and they did onto our territory.

9 And they claimed that it was their territory, although the border
10 demarcation was along Ou Dak Dam stream. And it's straight
11 through Troyo Saing.

12 "But they claimed at one point that their territory extended 5 to
13 20 kilometres deep inside our territory. And that was the causes
14 of the continuing clashes at the time." End of quote.

15 My question, Mr. Civil Party: Do you agree or disagree with what
16 this Division 920 soldier told the Trial Chamber last week?

17 MR. PHAN VAN:

18 A. Yes, I agree. There <were incursions> by the Vietnamese
19 soldiers into Cambodian territory.

20 [13.51.36]

21 Q. And do you agree what the civil party is saying or, at least
22 implying<,> that it was actually always the Vietnamese who
23 started the aggression against DK?

24 A. <I do not understand that>.

25 Q. And why is that?

1 A. What I knew was that there were incursions. I did not know
2 whether they had the intention to violate Cambodian territory or
3 not.

4 Q. I understand. Thank you, Mr. Witness. Now, let me move onto
5 the second part of your answer that you gave three-and-a-half
6 years ago.

7 You were not only talking about the external enemy being Vietnam,
8 you also talked about internal enemies. You spoke about different
9 factions and you spoke about different groups.

10 Now, what exactly did you mean when you said -- when you spoke
11 about a different faction and different groups internally; what
12 did you mean with that?

13 A. I cannot get your question.

14 [13.53.35]

15 Q. At the beginning of my questions, I read to you an excerpt
16 from your own testimony; you agreed with it. And in that
17 testimony you spoke about the external enemy, Vietnam, but you
18 also spoke about internal enemy and, more specifically, you use
19 the words "Different <factions> and different groups internally".

20 Now, what did you mean with the words "Different factions and
21 different groups internally"?

22 A. I did not <talk> about different <factions>, what I said was
23 about the internal enemy. Those who did not follow the
24 <instructions were> accused of being internal <enemies>.

25 Q. What about the people who were accused of collaborating with

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1 Vietnam, were they seen as internal enemies?

2 A. No, they were called internal enemy.

3 MR. KOPPE:

4 I'm not quite sure whether something is going right with the
5 translation, Mr. President. I get strange answers back which seem
6 to indicate that he doesn't understand the question.

7 [13.55.30]

8 JUDGE FENZ:

9 Perhaps, Counsel, I obviously hear the same channel as you do. I
10 agree with what you say. Given the problems we have, obviously
11 technically, take very, very short questions; not endless
12 reading.

13 BY MR. KOPPE:

14 Yes, I agree.

15 Q. Let me try it again, Mr. Witness.

16 The internal enemy, was that the people that were collaborating
17 with Vietnam?

18 MR. PHAN VAN:

19 A. It's not specific. Anyone who did not follow the
20 <instructions> or follow the <orders>, that person <was> accused
21 of being <a Vietnamese spy>.

22 [13.56.32]

23 Q. Let me try it differently. Have you heard of the "Kham Phoun
24 Movement"?

25 A. What did you say? I could not get your question clearly. Could

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1 you please repeat it?

2 Q. Have you heard of a rebellion movement led by Kham Phoun by a
3 Division 920 soldier referred to as the "Kham Phoun Movement",
4 the Movement of Kham Phoun?

5 A. No, I <have> never heard of that movement.

6 Q. Do you know whether Kham Phoun<,> the person who allegedly
7 killed your father, was accused of treason?

8 A. Initially, I was not aware of the reason behind killing him
9 but, later on, <they announced that> he was <> a traitor and
10 <that he> killed my father.

11 [13.58.15]

12 Q. And what have you heard of the specific accusation in relation
13 to Kham Phoun? Do you know what the specific accusation against
14 Kham Phoun was?

15 A. They made an announcement and (unintelligible) --

16 THE INTERPRETER:

17 The interpreter cannot get the message from the witness clearly.

18 MR. PRESIDENT:

19 Mr. Witness, could you please repeat your answer because we could
20 not get your message clearly?

21 MR. PHAN VAN:

22 What I answered was that after <my father's> death then they made
23 an announcement that Kham Phoun was in -- was a spy for <the>
24 Vietnamese.

25 [13.59.26]

1 BY MR. KOPPE:

2 Q. And have you heard what he was accused of concretely? What was
3 the accusation against him; what had he done specifically?

4 MR. PHAN VAN:

5 A. No, <there was none>.

6 MR. KOPPE:

7 Mr. President, I'm a bit worried about what's going on with the
8 translation and I also received a message that there's going to
9 be a power cut at the hotel.

10 JUDGE FENZ:

11 We don't know yet. We are currently on battery. They hope to
12 restore the power so please go ahead while the battery is doing
13 its job.

14 [14.00.10]

15 BY MR. KOPPE:

16 Right, thank you.

17 Q. Mr. Witness, let me try differently. Have you ever heard the
18 accusation against Kham Phoun and Svay and Ka Sy (phonetic) that
19 they were feeding and helping Vietnamese military and bringing
20 Vietnamese military into DK territory?

21 MR. PHAN VAN:

22 A. I heard that they had contacts with the Vietnamese. That was
23 what I heard.

24 Q. Do you have yourself any information about this? Did you ever
25 speak to your father? Did he tell you anything about this?

1 A. No, he did not.

2 Q. Let me read to you and see if I can jog your memory, from
3 document E3/7960; English, ERN 00450295; French, 0073899; Khmer,
4 00851666 and 65 (sic). This is a Division 920 cadre and he is
5 talking about, as I said before, the Kham Phoun Movement:
6 "They buried guns in a warehouse and Kham Phoun brought
7 Vietnamese troops in through Svay, with Svay being one of the
8 district cadres. And that he's saying the Vietnamese were
9 secretly kept near the village. Your sister is also talking about
10 those people feeding the 'Yuon'."

11 Is this anything that sounds familiar to you, Mr. Witness?

12 [14.03.01]

13 MR. PRESIDENT:

14 Please hold on, Mr. Witness. You can proceed now, International
15 Deputy Co-Prosecutor.

16 MR. BOYLE:

17 Just a request. I thought I heard a second cite regarding his
18 sister and I'd just like the citation if I was correct in hearing
19 that.

20 BY MR. KOPPE:

21 Of course. That is E3/44; English page 5, ERN 00295163. I don't
22 have a Khmer and French version right now, an ERN.

23 Q. Mr. Witness, what I just read to you, the activities of Kham
24 Phoun, of Svay, Ka Sy (phonetic) bringing military from Vietnam
25 in, feeding them, carrying guns and arms to warehouses, is this

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1 something that your father ever told you?

2 MR. PHAN VAN:

3 A. I did not see that with my own eyes, but the announcement was
4 made in regards what you said.

5 [14.04.40]

6 Q. Let me now turn to Division 920. Do you have any knowledge of
7 the operations of the Division 920? Are you familiar with its
8 structure; are you familiar with where Division 920 soldiers are
9 coming from?

10 A. I do not know the structure of that division.

11 Q. Have you ever heard a total number of Division 920 soldiers
12 who had been arrested; did you ever hear a number of how many?

13 A. I do not know about that.

14 [14.05.47]

15 Q. Do you know whether Division 920 was a former North Zone
16 division, together with Division 310 and 450?

17 A. I do not know the codes used for the <old> division<>. I
18 <only> know <the commanders such as> Ta Chhin and Ta Soy<>. For
19 <the other> structures,<> I <have never known about it because I
20 was young at that time>.

21 Q. Do you know anything about the connection between Chhin, the
22 Division 920 commander and Oeun, Division 310 commander and
23 Suong, the Division 450 commander?

24 A. I do not know about that.

25 Q. Have you ever heard that Chhin, whom you knew well, was

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1 arrested at roughly the same time as Oeun and Suong?

2 A. I do not know that they were arrested all together.

3 Q. Have you ever heard that Oeun, Suong and Chhin were closely
4 connected to Koy Thuon?

5 A. Yes, I have heard of it.

6 [14.07.55]

7 Q. And what is it -- what -- that you heard of this? What is it
8 that you know about this?

9 A. I do not know how closely they were related to one another.
10 What I know is that, at the time, <Koy Thuon and Ta Chhin> were
11 together.

12 Q. Who were together? Koy Thuon, Oeun, Suong and Chhin?

13 A. When I was young, <I used to know them and I had seen them
14 because> they came to <stay in> Mondolkiri <since> 1967 or '68.

15 Q. And just to be sure with "they", you mean Koy Thuon, Oeun,
16 Suong and Chhin?

17 A. You are right.

18 Q. What about Ya? Was there a connection between Ya, Koy Thuon,
19 and Oeun, Suong and Chhin?

20 A. I do not know about that, but they used to know each other.

21 Q. And if I ask you the question specifically in relation to Koy
22 Thuon and Ya, do you know anything about the relation between Koy
23 Thuon and Ya?

24 A. I do not know about that.

25 [14.09.55]

1 Q. Have you ever heard of a person named Chan Chakrey?

2 A. Yes.

3 Q. What is it that you know about Chan Chakrey?

4 A. I have heard of his name. I heard that he was one of the
5 outstanding military <commanders>.

6 MR. KONG SAM ONN:

7 My <apologies>. <There is a> bad smell in the room. For instance,
8 perhaps the gas is leaking from somewhere.

9 MR. PRESIDENT:

10 Court Officers, please work on the issue, the bad smell or the
11 burning smell from something.

12 [14.11.15]

13 BY MR. KOPPE:

14 It's not me, Mr. President.

15 Q. Mr. Witness, do you know if Chan Chakrey was the commander of
16 Division 170?

17 MR. PHAN VAN:

18 A. I heard people say that. I myself have never known that
19 individual. I have just heard of his name.

20 Q. Do you know whether Chan Chakrey was originally from the north
21 just like Oeun, Suong and Chhin?

22 A. I have heard of their names but I, myself, do not know their
23 origin.

24 MR. BOYLE:

25 Just an observation. I'd ask that counsel proceed in the way

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1 that's been established, which is to ask an open question such
2 as, "Do you know where Chan Chakrey is from?" He then indicates
3 that he doesn't know; you can feed him with what information you
4 might want to suggest and then provide a reference.

5 [14.12.45]

6 BY MR. KOPPE:

7 I agree, but I believe the answer's already no, he doesn't know.

8 Q. Mr. Witness, have you ever heard of involvement of Division
9 310, Division 450<, > and 920 in planned attacks on Pochentong
10 Airport, Phnom Penh radio station, plans for a coup d'état
11 against the government, any involvement of the rebellion in the
12 rebellion of these divisions; have you ever heard anything of
13 this?

14 MR. PHAN VAN:

15 A. No.

16 Q. Have you ever heard the reason -- have you ever heard the
17 reason as to why Chhin was arrested?

18 A. <Through the> announcement, <> some <of them were accused of
19 belonging to the Vietnamese network, and some were accused of
20 belonging to the CIA. I do not understand about that either; they
21 kept talking like that, that this or that individual was a> KGB
22 or CIA agent or <belonged to> the Vietnamese network.

23 [14.14.45]

24 Q. Have you ever heard of incidents of guns fired near the Fine
25 Arts school, near the Royal Palace, early April '76, hand

1 grenades being thrown? Have you heard anything of this?

2 A. No.

3 Q. Is it fair to say, Mr. Witness, that you really do not know
4 anything about any details in terms of security issues?

5 MR. BOYLE:

6 Mr. Witness, I'm sorry--

7 MR. PRESIDENT:

8 Please hold on, Mr. Witness. You have the floor first,
9 International Deputy Co-Prosecutor.

10 [14.15.40]

11 MR. BOYLE:

12 Thank you, Mr. President. I object to the question. I think the
13 witness has clearly provided fairly precise information already
14 in both times he has testified specifically relating to the
15 security situation. So if counsel has additional, specific
16 questions he would like to ask about "security related matters",
17 I think he should be allowed to do so, but to try to have the
18 witness claim that he doesn't know something about which he's
19 already provided evidence I believe is untoward.

20 MR. KOPPE:

21 I understand the objection, but I'm just trying to elicit some
22 information, some details because on the one hand he seems to
23 indicate that Nuon Chea informed him, albeit in general terms,
24 about the security situation. So I was wondering whether he
25 actually knows anything and it seems -- and that is the reason I

1 was asking the question; it seems he doesn't really know
2 anything.

3 [14.16.45]

4 JUDGE FENZ:

5 But I have the feeling you are basically trying to cut the
6 corner. So perhaps it will satisfy the Prosecution if the
7 question is rephrased as follows: "Do you have any additional
8 information, additional to what you already said about the
9 security situation?" That doesn't qualify what he said so far.
10 I don't know if this is what you -- like where you were trying to
11 go.

12 MR. KOPPE:

13 I was just trying to see the level of his understanding, the
14 level of his knowledge, but I think I'm having to give up soon
15 because he doesn't really know anything.

16 (Short pause)

17 [14.17.42]

18 MR. KOPPE:

19 Thank you, Mr. President, I have no further questions.

20 MR. PRESIDENT:

21 Thank you. And the floor is now given to Khieu Samphan defence
22 team to put questions to this witness. You have the floor now.

23 [14.18.09]

24 QUESTIONING BY MR. KONG SAM ONN:

25 Thank you, Mr. President. Good afternoon, Mr. Witness. My name is

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1 Kong Sam Onn. I am the National Co-Lawyer for Mr. Khieu Samphan.

2 I have very short questions.

3 Q. First of all, I want you to tell the Court about the office of

4 <Pou> Sophea <, that you called Pou> Sophea office. While you

5 were in Sector 105, do you know what <Pou> Sophea's office was?

6 (Technical problem)

7 [14.19.15]

8 MR. KONG SAM ONN:

9 Mr. President, perhaps the system or equipment over there is
10 running out of battery, that's why <there is> no response.

11 MR. PRESIDENT:

12 Do you hear the question?

13 MR. PHAN VAN:

14 A. I answered already, Mr. President.

15 MR. PRESIDENT:

16 Perhaps something wrong with your gadget or the headset, counsel?

17 Anyway, please rephrase -- reformulate your question, Kong Sam

18 Onn.

19 [14.19.44]

20 BY MR. KONG SAM ONN:

21 Thank you, Mr. President.

22 Q. Mr. Witness, I am asking about <Pou> Sophea's office. You

23 <>mention<ed> that you came to know that office while you were in

24 Sector 105.

25 I want you to tell the Court what kind of office it was while you

1 were in Sector 105<.>

2 MR. PHAN VAN:

3 A. <At the time, Pou> Sophea's office was the <sector's> military
4 <and> the security centre.

5 Q. Did you, yourself, go <Pou Sophea's office>?

6 A. Yes. <At that time>, I used to go there.

7 Q. Where exactly did you go?

8 (Short pause)

9 [14.20.56]

10 BY MR. KONG SAM ONN:

11 Q. <Where exactly did you go?> Mr. Witness, do you hear me?

12 MR. PHAN VAN:

13 A. I did not hear you a while ago. Could you repeat your
14 question?

15 Q. My question has something to do with <Pou> Sophea's office and
16 I want to ask you whether or not you used to go there. You told
17 the Court already that you went to that office.

18 And my follow-up question was that where exactly did you go
19 <within Pou Sophea' office>?

20 MR. PHAN VAN:

21 A. I cannot recall <that because> the geographical area has
22 changed since the time. <It was located> within the compound of
23 Phnom Kraol.

24 [14.22.10]

25 Q. In a document <E3/57, written record of your interview>, ERN

1 in Khmer, <00287705>; French, 00353104; English, 00290508; I

2 would like to quote:

3 "Did you ever go to visit that security centre?"

4 Answer: "I never went there and that office was about <7>

5 kilometres apart from K-17."

6 I want to seek your clarification. In the written record of your

7 interview, you stated that you never went to that security

8 centre. <A while ago>, you said you used to go there. <Would you

9 clarify it, which one is correct>?

10 A. In fact, I went past that security centre. I did not go to

11 work <nor did I> stay in that security centre. I walked past --

12 or I travelled past that office.

13 [14.23.33]

14 Q. Thank you. So it means that you never entered into the

15 compound <that held> <Pou> Sophea's office; is that correct?

16 A. I never went inside the office.

17 Q. Thank you. In relation to Leng and <Pou> Sophea, a while ago

18 you stated that after the arrest of <Pou> Sophea, Leng came to

19 take <his> place, to be in charge of that office.

20 <How> did you learn that Leng came to replace <Pou> Sophea? <Who

21 told you about that or> what is the source of your knowledge? Can

22 you clarify that point for the Court?

23 A. That was <widely announced>.

24 Q. How was the announcement made? What was it about?

25 A. The announcement was made in the meeting -- in a meeting

1 rather.

2 [14.24.55]

3 Q. Thank you. Could you specify for the Court <Leng's> roles and
4 functions while you were in Sector 105?

5 A. He was in charge of the security.

6 Q. What about <Pou> Sophea<, who> you were talking about?

7 A. He was the superior. In fact, after the removal of <Pou>
8 Sophea, Leng came to replace <him> and afterwards I do not know
9 who came to replace <him>.

10 Q. Can you clarify this point for the Court? You stated that the
11 announcement was made in a meeting about the replacement. So who
12 was the one who assigned Leng to replace Sophea, <do you know>?

13 A. I do not know about that <because there was no ceremony for
14 that>. But all I know is that the announcement was made <in the
15 meeting like that>.

16 [14.26.15]

17 Q. You said that they announced it, so who were "they"?

18 A. <At K-17, It was the office chief who organized> meeting <>
19 and <made that announcement>.

20 Q. Did you, yourself, participate in that meeting?

21 A. Everyone was invited to that meeting and the announcement was
22 made known to everyone.

23 The content of the meeting was about the instruction, also about
24 those who were traitors and who came to replace whom. That is the
25 example that I could recall.

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1 Q. My question is about your participation in that meeting. Did
2 you, yourself, participate in the meeting?

3 A. Yes, I was there listening to the announcement or to the
4 discussion of the meeting.

5 [14.27.18]

6 Q. Can you tell the Court why you were invited to that meeting
7 where the appointment of people from the military was made?

8 A. In fact, it was not -- the meeting was not to appoint anyone
9 to a specific position, but the meeting was to inform about
10 <those who were> traitors <and about who came to replace whom. I
11 do not know about the appointments. The low-ranking people were
12 not aware of that because it was the commanders' affair>.

13 MR. KONG SAM ONN:

14 Thank you, Mr. Witness.

15 Mr. President, I have no further questions.

16 MR. PRESIDENT:

17 Thank you, Mr. Phan Van. The hearing of your testimony as a
18 witness has now come to an end. Your testimony will contribute to
19 the ascertainment of the truth. You may now be excused and I wish
20 you good luck, good health and prosperity.

21 The Chamber is grateful as well to Sothearith, a staff member
22 from WESU, who helped facilitate the proceeding to hear this
23 witness via video-link. You may also be excused.

24 Now, it is time for the adjournment. The hearing will be resumed
25 on Monday, 18 April 2016 at 9 a.m.

1 And on Monday, 18 April 2016, the Chamber will start to hear
2 civil parties and experts in relation to S-21. Specifically, on
3 Monday, 18 April 2016, after the Khmer New Year, the Chamber will
4 start to hear a civil party, 2-TCCP-243. Please be informed and
5 please be on time as scheduled.

6 [14.29.36]

7 Security personnel are instructed to bring the two accused, Nuon
8 Chea and Khieu Samphan, back to the ECCC's detention facility and
9 have them returned into the courtroom on Monday, 18 April 2016
10 before 9 a.m.

11 The Court is now adjourned.

12 (Court adjourns at 1429H)

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