



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

20 September 2016
Trial Day 458

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ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 28-Dec-2016, 11:19
CMS/CFO: Sann Rada

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

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I N D E X

Ms. MOM Vun (2-TCCP-283)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. CHEN	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LIV Sovanna	Khmer
Mr. LYSAK	English
Ms. MOM Vun (2-TCCP-283)	Khmer
Mr. PICH Ang	Khmer
Mr. SEM Om (2-TCW-1031)	Khmer
The President (YA Sokhan)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

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

6 Mom Vun and begins hearing testimony of a witness, 2-TCW-1031, in

7 relation to internal purges.

8 Mr. Em Hoy, please report the attendance of the parties and other

9 individuals to today's proceedings.

10 THE GREFFIER:

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

12 are present except Marie Guiraud, the International Lead

13 Co-Lawyer for civil parties, who is absent.

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

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

16 been delivered to the greffier.

17 The civil party who is to conclude her testimony today, that is,

18 Madam Mom Vun, is present in the courtroom.

19 Today, we also have a reserve witness, 2-TCW-1031, who confirms

20 that, to the best ability and knowledge, the witness is not

21 related to any of the two accused, that is, Nuon Chea and Khieu

22 Samphan, or to any of the civil parties admitted in this case.

23 The witness will take an oath before the Iron Club Statue this

24 morning.

25 Thank you.

2

1 [09.02.31]

2 MR. PRESIDENT:

3 Thank you, Mr. Em Hoy. The Chamber now decides on the request by
4 Nuon Chea.

5 The Chamber has received a waiver from Nuon Chea, dated 20
6 September 2016, who confirms that, due to his health, that is,
7 headache, back pain, he cannot sit or concentrate for long. And
8 in order to effectively participate in future hearings, he
9 requests to waive his right to be present at the 20 September
10 2016 hearing.

11 He advises that his counsel advised him about the consequence of
12 this waiver, that in no way it can be construed as a waiver of
13 his rights to be tried fairly or to challenge evidence presented
14 to or admitted by this Court at any time during this trial.

15 [09.03.24]

16 Having seen the medical report of Nuon Chea by the duty doctor
17 for the accused at the ECCC, dated 20 September 2016, which notes
18 that today Nuon Chea has back pain and it becomes numbed when he
19 sits for long and recommends that the Chamber shall grant him his
20 request so that he can follow the proceedings remotely from the
21 holding cell downstairs. Based on the above information and
22 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
23 grants Nuon Chea his request to follow today's proceedings
24 remotely from the holding cell downstairs via an audio-visual
25 means.

3

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

4 The Chamber now hands the floor to the Defence Counsel for Nuon
5 Chea to continue putting further questions to the civil party,
6 and the two defence teams are reminded that the remaining time is
7 one and a half Court sessions.

8 You have the floor.

9 [09.04.53]

10 QUESTIONING BY MR. LIV SOVANNA RESUMES:

11 Thank you, Mr. President. Good morning, Mr. President. Good
12 morning, Judges, and good morning, parties. And once again, good
13 morning, Madam Civil Party. My name is Liv Sovanna, and I would
14 like to continue where we left off last time.

15 Q. On 16 September 2016, at around 11.06, you stated that three
16 of your children died before the DK regime. And at 13.53, you
17 further said that two of your children died during the DK regime.
18 And at 15.37, you mentioned that two children of yours were born
19 in 1982 and later on, they died.

20 And my question to you is the following. Besides the twins who
21 were born in 1982 and passed away, did any of your remaining
22 children died after the DK regime and after 1982?

23 MS. MOM VUN:

24 A. After the DK regime, four of my children died in 1979. In
25 fact, they died after 1979.

1 [09.06.58]

2 Q. I'd like to ask you about your <mother> again on that same
3 day, that is, the 16th. At 11.13, you stated that your mother
4 became sick and later on died after your father and three of your
5 siblings were called for study sessions and disappeared.

6 Do you recall the exact date that your mother passed away? Or how
7 long was it after the disappearance of your father?

8 A. My father died in 1975. He was sent for study session and
9 died. As for my mother, she became sick and later on died. And
10 she also died in late 1975.

11 Q. Do you recall the month of her death in 1975?

12 A. I cannot recall it. I only knew that it happened in late 1975.

13 [09.08.33]

14 Q. You stated that you were alone. After your mother passed away,
15 did you live with any other person, namely, your mother-in-law?

16 A. I did not have a mother-in-law, and I did not have any aunt
17 <either> since my aunts were elderly and died.

18 Q. I'd like to ask about your children. Again, on the 16th
19 September 2016, at around <13.53>, you stated that three of your
20 children died in the DK regime. However, in your statement,
21 E3/7235 at Khmer, ERN 01003348; and English, 01074568; French,
22 01112077; when you were asked a question about your children who
23 died and whether they died during the DK regime or after, and you
24 said that during the Pol Pot regime, six of your children died.
25 <They were miserably starving>. And later on, some more died.

5

1 In that statement, you said six of your children died during the
2 regime, but <on 16 September 2016,> you stated that only two died
3 when you testified here last week. Can you tell the Chamber the
4 difference?

5 A. When I was asked about my children who died during the Khmer
6 Rouge regime, two of them died, one after another, but I already
7 made my response about this, and what you quoted seems not what I
8 had said.

9 [09.11.14]

10 Q. Your statement on the 16th is contradictory to your previous
11 written statement. In the previous statement, you said six of
12 your children died during the Pol Pot regime. That's why I would
13 like to ask for your clarification on the discrepancy between
14 your previous statement and your testimony on 16 September 2016.

15 A. When I said that two of my children died during the Khmer
16 Rouge regime, that is correct. And later on, after the regime,
17 four more died, so there is a confusion here. In fact, only two
18 died during the regime and four died after.

19 [09.12.33]

20 Q. Another confusing statement of yours is that you said your
21 mother died in late 1975. However, in your previous statement,
22 E3/6307, which is your victim information form, at Khmer, ERN
23 00532025; and English, 01168544; French, 01137823; and allow me
24 to quote:

25 "In December 1977, <I was> sent to harvest rice in Tumpoa

6

1 village, and December '76, <I was sent to harvest rice in Tumpoa
2 village, Spean Tnaot commune,> Chi Kraeng <district>, Siem Reap
3 province, and I left my children under the care of my mother. <At
4 that time I saw Khmer Rouge soldiers...>" End of quote.

5 Here, you made mention that in December '76, you left your
6 children under the care of your mother. This is contradictory to
7 what you said because in this victim information form, you did
8 not mention in anywhere that your mother died during the DK
9 regime.

10 Please tell the Chamber why you just mentioned that your mother
11 died in late '75, but in your previous victim information form,
12 your mother was still alive in December '76, and you left your
13 children under her care.

14 A. I left my children under the care <of my mother>, but it's not
15 under my own mother's care. I left my children under the elderly
16 women's cares, and I considered them as mothers because, at that
17 time, I had to engage my work in a mobile unit and I had to leave
18 my children behind under the care of those elderly women. And
19 usually we referred to them as mothers and fathers because by
20 that time I did not have my own mother, who would take care of
21 the children, but I left my children under the care of those
22 elderly women since my mother had passed away by that stage.

23 [09.15.15]

24 Q. Because in your victim information form, you did not mention
25 about the pass away of your mother. Did you call those elderly

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1 women who look after the children as mothers?

2 A. During the regime, those people who look after the children
3 were called mothers and fathers. And when we left for work, we
4 would leave our children behind under the care of those elderly
5 women.

6 We had a saying during the regime that we went to work at the
7 front and leave our children behind under the care of the mothers
8 and fathers.

9 [09.16.20]

10 Q. So during the DK regime, <> you referred those elderly women
11 as mothers.

12 In your other statement, E3/7234, at Khmer, ERN 01003337;
13 English, 01077097; and French, <01030452>; it is your interview
14 with TPO, and allow me to quote:

15 "<I separated from him> in 1984 and also, in the same year, I
16 went for a living in Thailand, and I left my children with my
17 mother."

18 Can you tell the Chamber whom did you refer to as a mother in
19 1984?

20 A. I left my children with my godmother when I went for a living
21 in Thailand. I left my children with my godmother in Banteay
22 Meanchey, and I went to Thailand <in 1984>. I had nobody else to
23 rely on, so I left my children with her.

24 I went to earn a living in Thailand in order to have some money
25 to buy rice to feed my <family>.

8

1 Q. I actually asked you earlier whether you had any other people
2 that you considered as mother, for example, your mother-in-law or
3 godmother, and you did not mention about this godmother at all.
4 What is your clarification on this?

5 A. During the Khmer Rouge regime, I did not have any mother or
6 aunts, but by 1984, after the arrival of the Vietnamese, I went
7 for a living from one village to another, and then I had a mother
8 whom I considered as a godmother. And I left my children with
9 her. <I truly do not have anyone to reply on.>

10 [09.19.01]

11 Q. I'd like to ask about Tan Hoeng, that is, your first husband.
12 In this Court on the 16th September 2016, at around 11.13, you
13 stated that your husband was called for a study session in
14 mid-1975 and disappeared since. However, that statement is
15 contradicting your victim information form, that is, E3/6307, at
16 Khmer, ERN 00532025; and English, 01168544; French, 01137822. You
17 stated in this victim information form, and allow me to quote:
18 "In October 1975, Angkar evacuated me to work in a mobile unit in
19 Phnhea Prum cooperative, Ta Yon village, Spean Tnaot commune, Chi
20 Kraeng district, and we were forced to work day and night. At
21 night time we were asked to harvest rice, and at night we had to
22 dig <mass grave> to bury dead bodies. We had to carry three cubic
23 metres or more per day, and we were given only a bowl of gruel.
24 We were starving, but we did not dare to stop because we <were>
25 afraid <we would be killed>, and my husband was assigned to climb

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1 palm trees in the village."

2 So in this statement, by October '75 your husband was still
3 climbing palm trees in the village. Can you clarify this point?

4 [09.21.13]

5 A. In 1975, I went with a mobile unit, and also in '75, my
6 husband was called for a study session when I was at the mobile
7 unit. When he was called, he never returned.

8 And he climbed palm trees in 1975, in the cooperative, but later
9 on he was called for a study session. And that happened in around
10 mid-1975.

11 Q. Let's say mid-75 and October '75 is close. But the thing is,
12 in the same document, E3/6307, at Khmer, ERN 00532025; and
13 English, 01168544; and French, 01137823; you made the following
14 statement:

15 "By January 1977, they sent me to work in the rice field in the
16 village. As for my husband, he was assigned to climb palm trees
17 in the village."

18 So by January '77, you stated that your husband still climbed
19 palm trees in the village. Why it is different from the testimony
20 you made before this Chamber?

21 [09.23.03]

22 A. He climbed palm trees in 1975, but in 1977, I was assigned to
23 transplant rice seedlings in the village, but when you put such
24 question to me, I do not know <> how to respond because I
25 returned to the village in '77 and my husband was called for a

10

1 study session in '75.

2 But the statement you put to me, it is difficult for me to
3 respond.

4 Q. Yes, because that is the point because in your victim
5 information form, together with your thumbprint, you did not
6 mention that your husband was called for a study session, but you
7 stated that by January '77, your husband still climbed palm
8 trees. And in order to ascertain the truth before this Chamber,
9 please verify this matter to the Chamber, which statement is the
10 correct one?

11 A. The correct answer is 1975, and I returned to work in the
12 cooperative in '77. And that is the correct statement. But when
13 you quoted about my husband climbing palm trees in '77, I do not
14 know what to say to that statement.

15 [09.24.50]

16 Q. In the same document, that is, E3/6307, at Khmer, ERN
17 00532026; French, 01137824; English -- there is no translation of
18 that page in English. And the victims that you mentioned,
19 including Mom Chhan, Mom Rim, Mom Put, your elder sister and your
20 uncle, An Sak, your aunt<-in law>, and a few other names, and in
21 another section of that page, for Witness Number 4, you stated
22 that <the witness who knew> the crimes that occurred was Tan
23 Hoeng, male, 47 years old. And you indicated as husband who lived
24 in <Sangkhae Mean Chey village, Kampong Kdei commune,> Chi Kraeng
25 district, Siem Reap province.

11

1 And at number 6, you were asked a question about your
2 relationship to those witnesses, and you wrote that Tan Hoeng was
3 your husband and Mom Put was your cousin. So based on this
4 document, that is, when you filled that victim information form
5 on 21st November 2008, your husband still alive and you claimed
6 that he was the witness.

7 And how come when you testified here, you stated that your
8 husband was sent for a study session <>and he disappeared since
9 <1975>? <Could you clarify this point?>

10 [09.26.55]

11 A. <As> for the witness name Tan Hoeng, that is incorrect. In
12 fact, it was Chan Hing (phonetic) <> and Tann Hing is not my
13 husband. And Tann Hing is a female. <She is my witness.>

14 Q. However, in this written statement, you said Tan Hoeng, male,
15 47 years old, and in a bracket, "husband", lived in Sangkae Mean
16 Chey, which is your village. And when you were asked again about
17 your relationship to those witnesses, you mentioned that Tan
18 Hoeng is your husband. <And now you said that there was a female
19 named Tann Hing.>

20 And in this statement, it reads that the person is male and is
21 your husband.

22 A. The person who wrote that information <made a mistake>. I did
23 not know that Tan Hoeng was mentioned <in the statement> and, in
24 fact, the witness was Chan Hing (phonetic), and I am not
25 responsible for this mistake <made by the person who wrote the

12

1 statement. I do not have an answer for you on this question
2 either.>

3 MR. LIV SOVANNA:

4 Thank you, Mr. President. I would like to cede the floor to my
5 international colleague.

6 MR. PRESIDENT:

7 Counsel for Nuon Chea, you have the floor.

8 QUESTIONING BY MS. CHEN:

9 Thank you, Mr. President, and good morning. And good morning,
10 Judges, parties, and everyone in the courtroom. And good morning
11 to you, Madam Civil Party. My name is Doreen Chen, and I just
12 have a few very brief follow-up questions following on from my
13 colleague, Liv Sovanna. And these questions are also related to
14 your civil party application, and the same section that my
15 colleague was just discussing with you.

16 Q. Madam Civil Party, in your civil party application, document
17 E3/6307, you were asked to specify the injury, loss and harm you
18 suffered. As my colleague mentioned, in the Khmer and French
19 versions of this document, you indicated a list of seven people
20 who you said that you lost, and these included a brother, an
21 uncle, a cousin, an aunt and three other people named Ron, Ri and
22 Rith.

23 [09.29.35]

24 And Mr. President, for the record, this appears at 01168545 in
25 Khmer, and 01137824 in French. And as I said, there is no

13

1 English.

2 Madam Civil Party, you also mentioned a few other things in terms
3 of the injury, loss and harm you suffered. You said that when
4 talking about the Khmer Rouge story, you are traumatic and feel
5 tight in your chest and almost cannot articulate any words. You
6 also said you always feel very nervous and traumatic because the
7 Khmer Rouge had killed your uncle, aunt and relatives.

8 You further said you lost a sibling, an uncle, an aunt and
9 relatives. And finally, you said that you lost land and house.

10 Now, my first question in this regard is as follows. You
11 confirmed with my colleague, Liv Sovanna, this morning, that both
12 of your parents died during the DK regime, but you did not
13 mention this in your civil party application in which, as I said,
14 you instead specified the loss of your sibling, uncle, aunt and
15 relatives.

16 My question is, why did you not specify the loss of your parents
17 during the DK regime in your civil party application?

18 JUDGE FENZ:

19 Sorry for interrupting. I've just opened it. I hope it's the
20 right document, but doesn't it say, "I want to get my lands and
21 house back and because the Khmer Rouge had killed my parents and
22 relatives"?

23 It's page 5 of the document you've just mentioned, E3/6307. I
24 hope I've opened the right document.

25 It's the line before the last line.

14

1 MS. CHEN:

2 Yes, Judge, that is correct. In a later -- in another part of
3 this form -- it is in the Khmer and in the French version, as I
4 said, Judge. It doesn't appear in the English for some reason.

5 The civil party is asked to list names and further particulars of
6 the individuals who -- whose loss she is claiming, and there, the
7 parents do not appear.

8 Perhaps it's a contradiction in the form, then. Is that something
9 that I can ask about?

10 [09.32.14]

11 JUDGE FENZ:

12 It just struck me it's mentioned, at least in the English
13 version.

14 MR. PRESIDENT:

15 You may now proceed, Lead Co-Lawyer for civil parties.

16 MS. GUIRAUD:

17 Thank you, Mr. President. Also a point of clarification.

18 The loss of her parents is mentioned in the victim information
19 form, so if my colleague could clarify why she mentions the loss
20 of her parents in one <instance> and not in the list <that you
21 read out>. But in any case, it is inaccurate to say that the fate
22 of her parents is not mentioned in her civil party application.

23 [09.33.00]

24 BY MS. CHEN:

25 Thank you. That was the clarification I was proposing to ask

15

1 instead.

2 Q. In one section of your civil party application form, you
3 mention in general terms the loss of your parents, but then there
4 is a question in which you are asked to stipulate in detail the
5 identities of those persons whose loss you are claiming as part
6 of your application. And there, your parents do not appear. You
7 instead list a sibling, an uncle, an aunt and three other people
8 whose names were Ron, Ri and Rith, and who you identified as
9 students.

10 Can you explain to us why there is this discrepancy in your civil
11 party application form?

12 MS. MOM VUN:

13 A. I could indicate that the issue that I did not include my
14 parents <in the statement because> on that day I discussed only
15 about the loss of my siblings and relatives but, in fact, <my
16 parents also deceased. It is not right to say that I did not
17 include my parents in the statement because>

18 I did include <> my parents in the application form <as I
19 informed my lawyer and prosecutor, the lawyer for civil party. I
20 told her everything as she mentioned earlier.>

21 Q. Moving on to someone else, both today and on Friday, we spoke
22 about the loss of your first husband during the DK regime. This
23 is the same question. Why did you not specify the loss of your
24 first husband in your civil party application?

25 [09.34.57]

16

1 A. I already told the Court, in 1975, my first husband was called
2 to a study session. I was repeatedly asked the same question.
3 I already indicated that for the Chamber, so then it is now the
4 question again. So I still have the same answer for you. Why I am
5 repeatedly asked about the issue?

6 My husband died. My siblings and relatives and my parents died,
7 and the previous question was about the loss of my parents, which
8 you said I did not include in the form but, in fact, I already
9 told everything. <I do not have any other answers.>

10 [09.35.39]

11 Q. I think that perhaps that was a translation issue or an
12 interpretation issue.

13 I understand that you have discussed at some length, both on
14 Friday and again this morning, the loss of your first husband
15 during the DK regime. As you said, he was called for re-education
16 and then you never saw him again.

17 My question is, when you were later filling in your application
18 form to become a civil party before this Tribunal, you listed, as
19 I said earlier, that you lost a sibling, an uncle, an aunt and
20 relatives, but you did not mention that you lost your first
21 husband during the DK regime.

22 My question is, why did you not list your first husband as a
23 person that you lost during the DK regime in your civil party
24 application form?

25 MR. PRESIDENT:

17

1 You may now proceed, Lead Co-Lawyer for civil parties.

2 [09.36.44]

3 MR. PICH ANG:

4 Good morning, Mr. President, Your Honours. This morning, I
5 noticed that lawyer Liv Sovanna and Doreen Chen put questions to
6 the civil party, which I think those questions are not really
7 appropriate.

8 The questions are usually starting with why, so it is very
9 difficult for the civil party to provide the answers. By asking
10 why, it is a blame to the civil party, and the civil party is not
11 really well educated and she is not able to verify the
12 discrepancies in the documents. So the use of question word in
13 the question is not really appropriate, so I would like to
14 register my objection.

15 So I suggest that the lawyer should ask about what happened
16 during the period, and I hope that the lawyer is trying to find
17 the truth from the civil party. I would like to register my
18 objection, Mr. President.

19 [09.38.00]

20 MR. PRESIDENT:

21 You may now proceed, lawyer for Mr. Nuon Chea.

22 MS. CHEN:

23 Thank you, Mr. President.

24 Did you want me to respond to that, or should I continue with the
25 question? We just were going to make a comment in response.

18

1 MR. PRESIDENT:

2 You may now respond to the objection put by the lawyer for the
3 civil parties.

4 MS. CHEN:

5 Thank you, Mr. President.

6 We were just going to say, we are seeking the ascertainment of
7 the truth, and we think that our questions are perfectly within
8 the bounds of the questions that can be asked before this Chamber
9 and that this civil party is perfectly able to respond to
10 questions and to explain discrepancies.

11 May I proceed with the question?

12 MR. PRESIDENT:

13 The objection is overruled. You may now resume your questioning.

14 [09.39.01]

15 BY MS. CHEN:

16 Thank you, Mr. President.

17 Q. Madam Civil Party, you might not remember my question, so I
18 will refresh it for you.

19 My question was, why is it in your civil party application that
20 you do not mention the loss of your first husband, who you say
21 was taken away for re-education during the DK regime and never
22 returned? Why do you not mention the loss of that first husband
23 in your civil party application?

24 MS. MOM VUN:

25 A. In the application form, I consider myself a peasant, a person

19

1 who is living in the rural area, so I am not really well educated
2 and I am now telling the truth about my husband, who was taken
3 away for re-education. And I told the Court about the loss of my
4 parents in the regime.

5 I may have not included such information in the application form
6 <. I do not know> since I am illiterate. As a peasant, when I
7 wake up, I am thinking of my work. I <could not fill in>
8 information in the form.

9 [09.40.24]

10 JUDGE FENZ:

11 May I just interrupt very shortly because you just said
12 something.

13 You said you are illiterate. Does that mean that you didn't read
14 the form, the victim's information form?

15 MS. MOM VUN:

16 I am a civil applicant, but I cannot read and write. I am telling
17 what I think it is the truth.

18 JUDGE FENZ:

19 Did somebody read the form to you, the victim's application form
20 --- I believe you thumb-printed it - before you thumb-printed it?

21 [09.41.21]

22 MS. MOM VUN:

23 Yes, they read it to me, the one who wrote the document. And
24 after listening to the reading, I forgot what I told them.

25 JUDGE FENZ:

20

1 Thank you.

2 BY MS. CHEN:

3 Q. Madam Civil Party, one last question from me. So today and on
4 Friday, we also spoke about the loss of your children during the
5 DK regime. And as you clarified on a number of occasions,
6 including this morning to my colleague, Liv Sovanna, you lost two
7 of your children during the DK regime due to starvation.

8 It is the same question, Madam Civil Party. Why did you not
9 specify the loss of your two children during the DK regime in
10 your civil party application but, instead, specified the loss of
11 a sibling, uncle and aunt?

12 [09.42.30]

13 MR. PRESIDENT:

14 You may now proceed, Lead Co-Lawyer for civil parties.

15 MR. PICH ANG:

16 Mr. President, I would like to object to the question put by the
17 international counsel because lawyer Liv Sovanna has already put
18 the question to the civil party. It is a repetitive question.

19 JUDGE FENZ:

20 And doesn't she say, "and other relatives"? I'm just looking for
21 the respective part.

22 BY MS. CHEN:

23 In says in the generic "and relatives", yes.

24 I suppose the derivative question might be why did you think it
25 was important to specify the loss of a sibling, an uncle and an

21

1 aunt, but not your spouse and two of your children.

2 [09.43.26]

3 MS. MOM VUN:

4 A. I lost my relatives, siblings and husband as well as children.

5 And they wrote the information in the report. And I did not

6 include the loss of my <children and my> husband because I did

7 not recall at the time, and it is also because I am illiterate

8 and I do not know how to write it.

9 Q. And as for your children, did you recall the loss of your
10 children at that time, your two children?

11 A. Back then, I knew that two of my children died in 2007. That
12 is what I can recall. I do not recall any other mention. My
13 children died in 1977.

14 MS. CHEN:

15 Thank you, Madam Civil Party, for your patience.

16 Mr. President, I have no further questions.

17 [09.44.49]

18 MR. PRESIDENT:

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

20 MR. LIV SOVANNA:

21 Thank you, Mr. President.

22 For transcripts, the Part C in the application form in Khmer,

23 00532027, in hyphen number 2, "Head trauma and was terrified

24 because Khmer Rouge killed uncle, aunt and relatives." <It did

25 not refer to her parents as stated in French.>

22

1 And in hyphen number 3, it is stated that "Loss of siblings,
2 aunt, uncle and relatives." So it does not refer to her parents.

3 MR. PRESIDENT:

4 Thank you, counsel.

5 Next the floor is given to the defence team for Mr. Khieu

6 Samphan.

7 [09.45.50]

8 JUDGE FENZ:

9 I thought we had passed that. Parents are mentioned in the very
10 last paragraph, "had killed my parents". All of that is on record
11 now.

12 MR. LIV SOVANNA:

13 Thank you, Judge Fenz.

14 In Part C of the application form in the Khmer document in point
15 number 2, the civil party was asked to indicate the injury.

16 Number 2, she stated <> that she had trauma and she was terrified
17 because Khmer Rouge killed her aunt <and> uncle, <not...>

18 JUDGE FENZ:

19 The only thing I'm repeating is that under point 7, she mentions
20 her parents. It's on record. We'll make something out of that.

21 [09.46.49]

22 MR. PRESIDENT:

23 You may now proceed, counsel for Mr. Khieu Samphan.

24 MS. GUISSSE:

25 Mr. President, the Khieu Samphan defence does not deem <it>

23

1 useful to ask <additional> questions to the civil party.

2 MR. PRESIDENT:

3 Thank you, Counsel.

4 Madam Mom Von, as a civil party before the Chamber, you may make
5 a victim impact statement, if any, concerning the crimes which
6 are alleged against the two accused, Nuon Chea and Khieu Samphan,
7 and harms inflicted upon you during the Democratic Kampuchea from
8 17 April 1975 to 6 January 1979, resulting in your civil party
9 application to claim collective and moral reparation for
10 physical, material or mental injuries as direct consequences of
11 those crimes.

12 If you wish to make such a statement, you may now proceed and
13 tell the Chamber about your suffering, or you may choose to put
14 question to the accused through the President of this Chamber.

15 You may now proceed, Civil Party.

16 [09.48.23]

17 MS. MOM VON:

18 Thank you, Mr. President.

19 The sufferings that I have experienced <> during the Khmer Rouge
20 is that I was <forced> to overwork<>. I did not have enough food
21 to eat. I was asked to mix the <human waste and burnt rice husks>
22 in order to make fertilizer for the <rice> field, and I used my
23 hands to mix <them>. And then I was asked to taste the
24 fertilizer.

25 One day, I was asked to go to do the transplanting and there were

24

1 leeches. And I refused to go down into the water because I was
2 afraid of leeches. And seeing that, they used a long stick to
3 push me into the water, and I still have a scar on my body.

4 [09.49.26]

5 One day, I <coughed with blood>, and I was accused that I was
6 pretending<> to be ill. And I was also forced to get married.

7 Two days before my marriage, five people took me away and raped
8 me. That is also my suffering. And after the rape, I was asked to
9 get married with my husband, and I was forced to consummate my
10 marriage with my husband <like a pig>. It is a <indefinable>
11 shame for me. I bear all the suffering and pain in my heart, and
12 I did not disclose that suffering and harm, pain before, but now
13 I am telling the Court about the suffering, about the
14 mistreatment that I went through. It is a <indefinable> shame<>.
15 After the marriage, I was forced to consummate my marriage. <>I
16 had been raped. I was looked down by others. I had suffering in
17 my life. Nothing could compare.

18 Even I die, I still remember about the injury and the
19 mistreatment that was inflicted upon me.

20 In addition, <> I would like to ask how could the two accused
21 compensate what I have lost and also the loss of the Cambodian
22 people. What could you compensate to the Cambodian people and
23 also to me?

24 [09.51.21]

25 Last but not least, I would like to extend my thanks to the

25

1 President and also to the Honours of the Chamber <> who has
2 allowed me to come here and testify.

3 Thank you very much, Mr. President. That's all I have.

4 MR. PRESIDENT:

5 Thank you very much, civil party.

6 The hearing of the testimony or suffering of Madam Mom Von has
7 now come to an end. I am grateful to you for your time here to
8 state your suffering.

9 Court officer, in collaboration with the staff members of the
10 WESU, please send the civil party back to her residence.

11 You may now be excused.

12 (Witness exits courtroom)

13 [09.52.35]

14 MR. PRESIDENT:

15 Next, the Chamber will proceed to hear <the testimony of the
16 witness,> 2-TCW-1031.

17 Court officer, please invite the witness, 2-TCW-1031, into the
18 courtroom.

19 (Witness enters courtroom)

20 [09.54.47]

21 QUESTIONING BY THE PRESIDENT:

22 Q. Good morning, Mr. Witness. What is your name?

23 MR. SEM OM:

24 A. My name is Sem Om.

25 Q. Do you have any other names?

26

1 A. My name is also Prum Iet. That is my alias.

2 Q. And what about the name in your identity card? What is it?

3 A. The name in my identity card is Sem Om.

4 [09.55.28]

5 Q. When were you born?

6 A. I was born in 18 June 1955.

7 Q. Where are you living, and what is your occupation?

8 A. I am living at <> Krabau village<>, Doung commune, <Prasat
9 Balangk> district, Kampong Thom. And I am a farmer. <I am also a
10 village chief.>

11 Q. What are your parents' names?

12 Mr. Witness, please hold on and wait for the microphone to turn
13 on before you speak.

14 You may now start to answer.

15 [09.56.14]

16 A. My father's name is Prum Sem, and my mother's name is Sum
17 Hiev. They are all deceased.

18 Q. Thank you, Mr. Witness. And what is your wife's name? How many
19 children do you have together?

20 A. My wife's name is Phachao Mao. I have one child.

21 Q. Thank you. The greffier made the report that, to the best of
22 your knowledge, you have no relationship, by blood or by law, to
23 the two accused, Nuon Chea and Khieu Samphan, and to any of the
24 civil parties admitted in the Case 002/02. Is that correct?

25 A. I have no relationship with them.

1 Q. Thank you, Mr. Witness.

2 And the report also says that you have already taken an oath
3 before the Iron Club Statue before your appearance in this
4 Chamber. Is that also true?

5 A. Yes, I took an oath already.

6 [09.57.34]

7 Q. Thank you, Mr. Witness. Next, I am informing you of your
8 rights and obligations.

9 Your rights as a witness in the proceedings before the Chamber,
10 you may refuse to respond to any question or to make any comment
11 which may incriminate you. Your right against self-incrimination.
12 As for your obligations, you must respond to any questions by the
13 Bench or relevant parties except where your response or comment
14 to those questions may incriminate you, as the Chamber has just
15 informed you of your rights. You, as a witness, must also tell
16 the truth that you have known, heard, seen, remembered,
17 experienced or observed directly about an event or occurrence
18 relevant to the questions that the bench or parties pose to you.
19 Mr. Sem Om, have you ever been interviewed or have you ever
20 provided the interviews to the investigators of the OCIJ? If so,
21 where did they take place?

22 [09.59.05]

23 A. Yes. I was interviewed by the interviewer only once, at Krabau
24 village, Doung commune, <Prasat Balangk> district, Kampong Thom
25 province.

28

1 Q. Thank you. And before you were here, have you read or reviewed
2 the written records of the interview, which you have provided to
3 the investigator, to refresh your memory?

4 A. I have reviewed the document again and again and, since I am
5 old <and unhealthy>, I do not have a good memory.

6 Q. To your best knowledge, can you confirm if the written record
7 of the interview consistent with the statement that you provided
8 to the investigator before?

9 A. I have reviewed the written record of the interview, and I
10 agree that it is consistent with my knowledge and what I told at
11 the time.

12 MR. PRESIDENT:

13 On the basis of Internal Rule 91 bis of the ECCC, the floor is
14 first given to the defence team for Mr. Nuon Chea to put question
15 before other parties. The combined time for the defence team <for
16 Mr. Nuon Chea and the defence team for Mr. Khieu Samphan> is two
17 sessions.

18 You may now proceed, Counsel for Mr. Nuon Chea.

19 [10.00.45]

20 QUESTIONING BY MR. KOPPE:

21 Thank you, Mr. President, Your Honours. Good morning, counsel.

22 Good morning, Mr. Witness.

23 Q. Let me start with two preliminary questions. You said that you
24 were interviewed once. We do, indeed, have a record of your
25 interview.

1 When you refer to this one interview, do you mean the time that
2 you were interviewed by a foreign woman, a woman who was not
3 Khmer?

4 MR. SEM OM:

5 A. I was interviewed by a foreigner.

6 [10.01.45]

7 Q. Do you recall also being interviewed about three years earlier
8 by someone who was representing an organization called DC-Cam, an
9 interview by a man called Phan Sochea? Do you recall that?

10 MR. PRESIDENT:

11 Witness, please observe microphone before you speak.

12 MR. SEM OM:

13 A. Yes, I was interviewed.

14 MR. KOPPE:

15 Q. In that other interview with DC-Cam, do you recall whether
16 that interview was recorded? Was it written back -- read out --
17 back to you, or what is it that you remember about that
18 interview?

19 A. During that interview, it was <written and> audio recorded.

20 Q. And do you recall whether the audio was read out to you, or is
21 it something that you don't remember? I mean was a transcript of
22 the audio at one point in time read out to you?

23 A. Yes, they read it out to me, and I also read it out.

24 [10.04.04]

25 Q. Thank you, Mr. Witness. And my other preliminary question

30

1 before I move to the events between 1975 and '79, is the fact
2 that you just now said that you are a farmer. But is it correct
3 that at one point in time you were also village chief?

4 A. Yes, I was a village chief.

5 Q. Are you still a village chief?

6 A. I am still a village chief.

7 Q. Chief of Krabau village, Doung commune?

8 A. I am chief of Krabau village, Doung commune, Prasat Balangk
9 district, Kampong Thom province.

10 [10.05.18]

11 Q. And my last question in this respect, Mr. Witness, are you an
12 elected official; were you elected at one point in time to become
13 the village chief?

14 A. I was elected, yes.

15 Q. And are you running for elections next year again?

16 A. At present, I try to gather the villagers to register their
17 votes so that they can vote next year.

18 MR. KOPPE:

19 Thank you, Mr. Witness.

20 A bit early, maybe, Mr. President, but this would be a good time
21 to break because now I move to the DK period.

22 MR. PRESIDENT:

23 Thank you, Counsel.

24 It is now time for a break, and the Chamber will take 20-minute
25 break from now.

31

1 (Court recesses from 1007H to 1029H)

2 MR. PRESIDENT:

3 Please be seated.

4 The Defence Counsel for Mr. Nuon Chea, please resume your
5 questioning.

6 BY MR. KOPPE:

7 Thank you, Mr. President.

8 Q. One very brief follow-up question, a question that I forgot to
9 ask you, Mr. Witness.

10 The next election in 2017, are you going to be running for the
11 Cambodia People's Party or are you going to be running for the
12 CNRP, the Party of Sam Rainsy?

13 [10.30.05]

14 MR. PRESIDENT:

15 Counsel, could you inform the Chamber about the relevancy of your
16 question?

17 MR. KOPPE:

18 Yes, I can. It's because of a few things he said in his DC-Cam
19 statement. I just want to know where his political allegiance is.
20 It's public information. It's only one question.

21 MR. PRESIDENT:

22 This question is out of the scope of the facts, so please move on
23 to another line of questioning.

24 [10.30.49]

25 BY MR. KOPPE:

1 Very well.

2 Q. Mr. Witness, let me go back to the period between 1975 and
3 1979, and also the period before the liberation of Phnom Penh,
4 April '75.

5 Can you tell us when it was that you joined the revolution?

6 MR. SEM OM:

7 A. I entered the revolution in 1973.

8 Q. In which part of the country were you, when you joined the
9 revolution?

10 A. At Souchey <village>, Kampong Svay district, Kampong Thom
11 province.

12 Q. Is it correct that you became a member of, what was known then
13 as, Division 1?

14 A. Yes, <I was a soldier> under the command of Division 1,
15 Battalion 502.

16 Q. And this Division 1, did that become Division 310 after the
17 liberation of Phnom Penh?

18 [10.32.43]

19 A. Yes. Division 1 later on became Division 310. That is correct.

20 Q. And is it also correct that the battalion that you were in,
21 502, became the 13th Regiment after 1975?

22 A. Yes, that is also correct.

23 Q. Do you recall who the commander was of the regiment that you
24 belonged to, the 13th Regiment?

25 A. Ta Hon (phonetic), who was the commander of <the> 13th

1 Regiment.

2 Q. Just to be clear, is it Ta Hon (phonetic) or Ta Hun
3 (phonetic)?

4 A. Ta Him Hon (phonetic).

5 [10.34.10]

6 Q. While at Division 1 and subsequently at Division 310, did you
7 have a rank or were you, rather, a low-ranking combatant?

8 A. Back then, I was a messenger of the Regiment 13.

9 Q. In your DC-Cam statement, you call yourself a low-ranking
10 combatant. Is that an accurate description?

11 MR. PRESIDENT:

12 You may now proceed, Lead Co-Lawyer for civil parties.

13 Mr. Witness, please hold on. You may now proceed first, Lead
14 Co-Lawyer for civil parties.

15 MR. PICH ANG:

16 Mr. President, I do not have any objection, but in questioning
17 the witness, please, Counsel, specify the ERN numbers and also
18 the document number so that we could verify the information.

19 Thank you, Mr. President.

20 BY MR. KOPPE:

21 Yes. No problem. In his DC-Cam statement, E3/7523; English, ERN
22 00875567; French, 00884227; and Khmer, 00061157.

23 Q. Mr. Witness, at one point in time, did you also work at the
24 general staff office of Division 1?

25 Did you ever have a position of -- within the general staff

1 office of Division 1 before 1975?

2 [10.36.54]

3 MR. SEM OM:

4 A. Before 1975, I was not part of the division, but I was <only
5 in Battalion> 13.

6 Q. Well, let me -- let me read to you what you said to DC-Cam,
7 and then I will ask you whether that is correct.

8 Again, Mr. President, it's E3/7523; English, ERN 00875566;
9 French, 00884226; Khmer, 00061156.

10 You were asked a question about Ta Pauk, Ta Pauk. And then you
11 said:

12 "I knew him because when I used to go to the battlefield, I
13 worked at the general staff office and was in charge of
14 logistics."

15 [10.38.12]

16 And a bit further on that same page, it says -- you say:

17 Question: "Do you mean the general staff office?"

18 "Yes, the general staff office."

19 And then the interviewer says, "You've mentioned Ta Khuon. Who
20 was Ta Khuon?"

21 And then you say, "He was the chief of the general staff office."

22 "Was his name Khuon?"

23 And then you say, "Koy Thuon."

24 So again, my question, first of all, is this what you said to the
25 DC-Cam interviewer?

35

1 A. That is true. Yes, Koy Thuon was above Division 310, and he
2 was part of the general staff.

3 Q. But my question was, when you were working for the general
4 staff office and being in charge of logistics, was that at the
5 time when it was still Division 1, so before 1975, or was it when
6 you were a member of Division 310 already?

7 [10.39.37]

8 A. I had already become part of the Division 310 <at that time in
9 Phnom Penh>.

10 Q. You just mentioned already in your answer Koy Thuon. You also
11 speak about Koy Thuon in your WRI.

12 Mr. President, that is E3/5149, English, ERN 00205044; Khmer,
13 00170633; French 00524398 -- 97, excuse me.

14 You talked about Koy Thuon, and then you said, "Koy Thuon was the
15 military chief of staff above Ta Oeun."

16 Is that correct? Is that what you said?

17 THE INTERPRETER KHMER-ENGLISH:

18 The interpreter could not hear.

19 [10.41.08]

20 MR. PRESIDENT:

21 Mr. Witness, you only speak after the microphone turns on.

22 MR. SEM OM:

23 That is correct.

24 BY MR. KOPPE:

25 Q. And who was Ta Oeun?

36

1 A. He was part of Division 310.

2 Q. Was he in charge of Division 310 and its predecessor, Division
3 1? Was he the boss or the military commander, rather?

4 A. Yes, he was the commander of Division 310. That is correct.

5 Q. And in terms of military hierarchy, was Koy Thuon in his turn
6 the superior to Oeun, the commander because he was the military
7 chief of staff? Is that correct?

8 A. Koy Thuon was higher in rank <than Ta Oeun>.

9 [10.42.39]

10 Q. I understand. But are you talking in military terms or are you
11 talking, rather, in civil terms -- civilian terms?

12 A. In terms of military, I meant.

13 Q. Thank you, Mr. Witness.

14 Let me ask you another name. Do you remember someone who was in
15 charge of District 106, Siem Reap, Oddar Meanchey, someone with
16 the name of Soth?

17 A. I do not know that individual.

18 Q. Maybe he is known by another revolutionary name. Do you recall
19 who was in charge of District 106 in the period 1976-1977?

20 District 106, Siem Reap, who was in charge?

21 [10.44.00]

22 A. I do not know. I do not know the person by the name Soth.

23 Q. That's no problem, Mr. Witness. Before I move on to the period
24 after '75 and where you were stationed, let me ask you one
25 additional question about Oeun.

1 You said in your DC-Cam statement -- I'll give the ERN shortly.

2 You said that Oeun was, "promoted almost to the Central
3 Committee".

4 And we can see that, Mr. President, E3/7523, English, 00875565;
5 Khmer, 00061155; and French, 00884225. You say, "Ta Oeun was
6 promoted to a high-ranking position in the division, and almost
7 to the Central Committee."

8 You recall saying that and, if yes, how did you know that at the
9 time?

10 A. I heard from Ta Hon (phonetic), whom I was with, about the
11 promotion <of Ta Oeun>.

12 Q. And when was Oeun supposed to be promoted to the Central
13 Committee? Do you know when that was?

14 A. I cannot recall exactly when. It happened long time ago. I
15 could not recall it.

16 [10.46.15]

17 Q. I will come back extensively to Oeun and Koy Thuon, but let me
18 move on with some other questions first, Mr. Witness.

19 You were a member of Division 310, Regiment 13, as you said. Is
20 it correct that you and also units of Division 310 were stationed
21 at Wat Phnom close to Phsar Thmei, and also close to the Calmette
22 Hospital?

23 A. That is correct.

24 Q. Are there any other areas that Division 310 was stationed, or
25 were these the main ones?

1 A. It was also stationed at Chrang Chamreh, Anlong Kngan, Tuol
2 Kork and Chrouy Changva.

3 [10.47.34]

4 Q. And when you were working as a combatant for Division 310,
5 which of those places were you stationed? Do you recall?

6 A. First, I was stationed <> close to Phsar Thmei. Later on, I
7 was reassigned to be stationed at the bridge of Chrouy Changva at
8 Seng Thai's (phonetic) house.

9 Q. And what was your -- what was your duty? What were you doing
10 as a Division 310 combatant?

11 A. I was not specifically assigned to do any specific work. I was
12 in charge of economic affairs, delivering rice to soldiers with
13 Ta Ol (phonetic).

14 Q. Is it correct that at one point in time in 1977, I presume at
15 the end of 1977, you and your fellow regiment members were sent
16 to the border with Vietnam to fight Vietnamese troops?

17 A. That is correct. I was sent there to join the attack against
18 the Vietnamese.

19 Q. What is it that you remember doing at the border? Where were
20 you exactly, for instance?

21 A. I was in charge of radio communication system at the border,
22 and I would report the situation of the front battlefield to the
23 rear battlefield.

24 Q. And with whom do you mean "the rear battlefield"? Do you mean
25 the commander of Division 310?

1 MR. PRESIDENT:

2 Mr. Witness, please answer only after the microphone is on.

3 [10.50.24]

4 MR. SEM OM:

5 At the time, I was with the artillery unit in charge of the radio
6 communication system. I was under the division, not under the
7 regiment.

8 BY MR. KOPPE:

9 Q. When you were working as a radio operator close to the border
10 with Vietnam, were you stationed in a place called Memot?

11 MR. SEM OM:

12 A. I was at Trapeang Khlong in Tboung Khmum district, Tboung
13 Khmum province. Before, it was Kampong Cham province.

14 [10.51.35]

15 Q. Mr. Witness, in your DC-Cam statement, E3/7523; English, ERN
16 00875554; Khmer, 00061147; French, 00884217; you talk about Memot
17 in Kampong Cham. You also mention a town or a place called La
18 Thyoung. La Thyoung, you say, was in Suong, Memot in Kampong Cham
19 province.

20 Was it there that you were stationed?

21 A. No. The big radio communication <>system was at Lor Kchung
22 (phonetic), and I was <> working at Trapeang Khlong. <The
23 Division was in Lor Kchung (phonetic).>

24 Q. Just to make sure that I understand, where was Boeng Kok?

25 A. I do not know the location of Boeng Kok. I have never heard of

40

1 it.

2 Q. Well, let me read to you what you said, and maybe we can clear
3 the confusion.

4 Same page as I just mentioned, Mr. President.

5 I'm informed that the pronunciation might be a problem. Let me
6 read the whole excerpt. Maybe it's clear.

7 [10.53.36]

8 Question: "In which district and province were you stationed?"

9 Answer: "In Memot."

10 "Was it Memot?"

11 "Yes. And then I moved from one place to another, and later, I
12 was assigned to work at Boeng Kok where there were radios with
13 big long antennas."

14 Let me also read the follow-up, because I have a question about
15 what you're saying. You said, and I quote:

16 "When there was fierce fighting, we turned on the radios to
17 communicate with the Vietnamese, Heng Samrin's and Hun Sen's
18 groups. At that time, I did not know much. I also talked with Lok
19 Ta Prum Din." End of quote.

20 Mr. Witness, do you recall saying this to the investigator of
21 DC-Cam?

22 [10.54.44]

23 A. Yes, I did say that. It was not Boeng Kok. It was Boeng Kak,
24 Trapeang Kak, not Boeng Kok. I said I do not know because the
25 pronunciation I heard was Boeng Kok, but in fact it was Boeng

1 Kak.

2 Q. I do apologize, Mr. Witness, for my bad pronunciation. But let
3 me turn to that other -- that other part of the excerpt. You
4 said:

5 "When there was fierce fighting, we turned on the radios to
6 communicate with the Vietnamese, Heng Samrin's and Hun Sen's
7 groups."

8 Can you explain to me what you meant with that?

9 A. I heard through the <radio> communication system, and we were
10 instructed to join forces and not to be engaged in war to kill
11 our own Khmer people. <That's what I can recall.>

12 Q. Well, let me -- let me take it one piece by one piece. Why was
13 it that you turned on the radio to communicate with the
14 Vietnamese?

15 A. I turned it on, and they communicated the messages to me. In
16 fact, we were conducting surveillance against the other, and the
17 other also conducted the surveillance against us.

18 [10.56.48]

19 Q. I see. But were you in direct communication, contact with
20 Vietnamese troops?

21 A. I did not. I never contacted with the Vietnamese. <I do not
22 know Vietnamese.> I turned on the radio <communication system>
23 and I heard <people> insulted <one> another.

24 Q. Were you in direct communication -- direct radio communication
25 with the troops of Heng Samrin and Hun Sen?

42

1 A. Back then, I did not know the existence of such force. I
2 accidentally turned on the radio communication system, and <> I
3 heard the instruction that we needed to lay down the weapons, and
4 we were told to go back to the rear to take care of our parents
5 since our parents were allegedly killed. And I heard and I
6 believed the messages, but I bore the situation at the time
7 because I did not know where to flee <because I was under an
8 order.>

9 [10.58.17]

10 Q. Let me see if I can try it differently. Were Vietnamese troops
11 communicating by the radio with the troops of Hun Sen and Heng
12 Samrin?

13 A. I heard Khmer were talking to Khmer people. They were speaking
14 in Khmer, and the Vietnamese were speaking Vietnamese, and I did
15 not understand the Vietnamese.

16 Q. Mr. Witness, do you know whether Prime Minister Hun Sen at one
17 point in time was part of the North Zone forces?

18 A. I did not know back then. I did not know that Hun Sen was part
19 of that zone. I did not know back in the past.

20 Q. Have you ever heard Prime Minister Hun Sen and his forces fled
21 to Vietnam in June 1977?

22 A. I was simply in the forest. I did not receive any information.
23 I was not even allowed to turn on the radio. I did not know which
24 station or battlefield he was in. I did not know.

25 [11.00.23]

1 Q. Have you ever heard that Prime Minister Hun Sen and his forces
2 joined Vietnamese troops at the end of 1977, in order to get in
3 contact with troops led by Heng Samrin?

4 A. I did not hear anything about that, during the time, because I
5 was separate from them; we, the artillery unit, were separate
6 from the rest of the soldiers. And we could overhear the radio
7 from the Vietnam side; however, the person who spoke was a Khmer
8 person and they spoke about the killing of our parents by the
9 Khmer Rouge. <They said that Khmer should not kill each other.
10 That's what I heard. I do not know anything beyond that. I still
11 have the same answer like the last time I was interviewed.>

12 Q. I'll -- I'll move away from the subject, maybe returning to it
13 after the break.

14 But one -- one question still is unanswered to me. You -- you
15 speak, specifically, about Heng Samrin's troops and Hun Sen's
16 troops; why did you say that to the interviewer of DC-Cam?

17 A. I heard people saying about the troop; however, I did not hear
18 that he was at the other side or with the other side; <at that
19 time they called them 'thief in the forest', not Hun Sen's
20 troop.> I only heard that they were the group that ran to hide
21 themselves in the forest.

22 [11.02.40]

23 Q. Very well. Let me move to another subject, which is the most
24 important reason that you are here today, Mr. Witness, and that
25 is the following. Do you remember the arrest of your division

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1 commander, Oeun, and if yes, what do -- what is it that you do
2 remember about this?

3 A. I recall it. At that time, he was called to receive a guest
4 and then he disappeared. His messenger came back and said that
5 probably he had been arrested, because he had disappeared for
6 quite a long time. <Then the Southwest Zone people came to
7 control us.>

8 And later on, I was called to attend a meeting at Wat Phnom; then
9 they played an audio record and I could hear the sound of a chain
10 and then we were asked whether we recognized the voice and they
11 said that they were our fathers and mothers and that they all had
12 been arrested and chained.

13 Q. I will get back to that subject, but let me first start with
14 what you just said. You said you -- Oeun was invited to
15 somewhere; do you recall where Oeun was invited to before he was
16 arrested?

17 A. I cannot recall that clearly, since I did not know that
18 location and I only heard from his messenger that he was sent to
19 receive a guest, but <> the messenger did not mention the
20 location. When I was stationed in Phnom Penh, I never went
21 anywhere from where I was based. <I was not allowed to go
22 anywhere.>

23 [11.05.07]

24 Q. It is -- it is, indeed, correct that you, in your WRI, talk
25 about visitors; Chinese visitors to be more precise, but let me

45

1 read to you what you said to DC-Cam, E3/7523; English, ERN
2 00875576; French, 00884234; Khmer, 00061165.

3 Question -- now, let me -- let me move up a bit. You said that;
4 "Oeun was invited to a meeting at the Chinese Embassy. Ta Oeun,
5 his courier and others were invited to the meeting and when they
6 arrived at the meeting site, Khmer Rouge soldiers surrounded them
7 and pointed their rifles at them. A Ti or someone else close to
8 me told me about it."

9 [11.06.20]

10 Question: "Was A Ti not arrested?"

11 And then you say, "No, the courier was released."

12 "Did the courier tell you about the arrest?"

13 "Yes, he told me about it."

14 "Was Oeun invited to a Chinese hospital?"

15 Answer: "No, he was invited to the Chinese Embassy."

16 Do you recall saying that Mr. Witness?

17 A. Yes, that is my statement because that's what I heard and <> I
18 passed information to the interviewer.

19 Q. Do you recall where the Chinese Embassy was where Oeun was
20 summoned to go to?

21 A. No, I do not recall that. I do not recall the location of the
22 embassy because I was not familiar at all with the vicinities in
23 Phnom Penh. During the regime, I was not allowed to go near that
24 location.

25 Q. I understand, but was it where the Chinese Embassy is -- is

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1 now at -- at Mao Tse Tung Boulevard or was it somewhere else?

2 A. I do not know its whereabouts. I only heard his messenger
3 mentioning about the Chinese Embassy.

4 [11.08.21]

5 Q. It's -- it's a small detail so I won't go on with it for a
6 long time, but, Mr. Witness, there's another Division 310 soldier
7 who also talks about the arrest of Oeun and his invitation. And
8 that is, Mr. Witness -- Mr. President, sorry, E3/5641 -- a
9 Division 310 combatant who says; at English, ERN 00881783; Khmer,
10 00055140; and French, 00892737; that Oeun was not invited to the
11 Chinese Embassy, but invited and arrested at the Korean Embassy.
12 Is that something that would be possible too?

13 A. I only heard that he was taken to the Chinese Embassy,
14 although I did not know where the embassy was.

15 [11.09.44]

16 Q. Now, Mr. Witness, why was it that Oeun and others were
17 arrested; do you know?

18 A. I only heard people saying that he was accused of betraying
19 the Party.

20 Q. I understand your answer. My -- my question is: What -- what
21 was it that you knew yourself, so I'm not asking you about what
22 you heard that the accusations were later, but what was it that
23 you knew, yourself, at the time?

24 A. I did not know the reason and, as I said, I only heard people
25 saying that he was arrested because he was a traitor.

1 Q. Again, I understand, but were you, at the time, aware of Oeun
2 and others of Division 310 developing a rebellion or a plot to
3 topple or destroy Pol Pot?

4 A. Yes, I knew that. I knew that Oeun had planned to agitate
5 people to attack the government.

6 Q. And what is it that you knew he was going to do; what specific
7 things did you know, at the time, that Oeun and others were
8 involved in?

9 A. I knew about that because, at each location, they prepared
10 uniforms and weapons and boots and those equipment were placed in
11 various units. And I could only speak about Regiment 13; however,
12 these equipment were prepared at various respective units within
13 the division and when the time came, they would change their
14 uniforms into those camouflage uniforms and join the attack. And
15 that happened when I was at Wat Phnom<.>

16 [11.12.47]

17 Q. You mentioned camouflage uniforms; what do you mean with that?

18 A. Because the usual uniform was black, but they prepared one
19 room and they set up uniforms in sets, for example, 10 sets of
20 military uniforms <>or 12 sets of military uniforms and they were
21 military uniforms, not black-clad uniforms.

22 Q. I'm asking the question because when you answered the same
23 question about the developing -- the development of a traitorous
24 plot, you didn't speak about camouflage uniforms, but rather
25 about "paratroop uniforms". Maybe it's a translation issue, but

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1 is that the same, paratroop uniforms?

2 [11.14.10]

3 A. It was camouflage and it was the same as the one worn by the
4 paratroops; however, the quality of the uniform was not that
5 great.

6 Q. Let me read back to you what you said to DC-Cam and I will ask
7 whether you agree with it.

8 Question: "As far as you knew, in which unit was Ta Oeun when you
9 were under his command; had he yet developed his traitorous
10 plot?"

11 And then you answer, "Yes, he had already developed his plot."

12 "Can you tell me more about that?"

13 And then you answer: "I knew he was developing a traitorous plot
14 because I had seen them arrange paratroop uniforms. At the time,
15 I was at Chrouy Changva, but I could travel around because I was
16 close to my superior. I saw them arrange those uniforms and
17 sometimes, I went in and watched them, but no one ever explained
18 to me what they were doing. Only later did I learn it was part of
19 their traitorous plot." End of quote.

20 Mr. Witness, just now you said that you were at Wat Phnom, but in
21 this answer you say that you were at Chrouy Changva when you saw
22 those paratroop uniforms; which one of the two was it?

23 [11.15.59]

24 A. I was at Chrouy Changva and their location was at the
25 propaganda office near Phsar Thmei and <> that was one location

1 where I saw them arrange the uniform and I went to that location
2 when I saw it; however, my base was at Chrouy Changva.

3 Q. Just now, you also spoke about boots; where did those
4 paratroop uniforms, those camouflage uniforms and those boots
5 come from; who had given these uniforms and boots to Oeun?

6 A. <Those> uniforms were the war spoils and they were made in the
7 United States, so they kept those uniforms as well as military
8 boots and they were the military uniforms and boots belonging to
9 the US army and they were given to Lon Nol army.

10 [11.17.35]

11 Q. And -- and do you know where Oeun and others got these
12 uniforms from; had they been hiding these uniforms and boots
13 somewhere or do you know?

14 A. I did not know about from where they obtained those uniform
15 and boots; however, I only saw them when they were arranging
16 those uniforms and boots.

17 Q. You also mentioned weapons; what kind of weapons did you see
18 that were involved in the development of the traitorous plot?

19 A. I did not know about the weapons for the infantry; however,
20 for the artillery, that is, for Regiment 13, they had Doucette
21 (phonetic), DK-75, 82, and Caranote (phonetic), but I did not
22 know the details of the weapons for the infantry and I could only
23 say about the Regiment 13, which was an artillery unit.

24 Q. Did Oeun also use American weapons, US military weapons, for
25 the preparation of the plot?

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1 A. The weapons were mixed. There were weapons made in the United
2 States or they were from China and from former Soviet Union and
3 <> some weapons <were the war spoils. There were weapons from the
4 US, China, former Soviet Union and Cuba as well.>

5 Q. What else is it that you know -- what you knew, at the time,
6 about the plot; were there any other plans that you knew of
7 before you heard the accusations?

8 [11.20.25]

9 A. <> I did not know anything else because after that, he was
10 arrested and then the arrest was carried out successively
11 including the top chiefs and those chiefs who were below the top
12 chiefs, so the plot was no longer realized.

13 Q. Do you recall anything about military assistance by the United
14 States to help Oeun and others develop the plot?

15 A. No, I was not aware of that and, as I said, I only saw them
16 arranging the uniforms; that is, those US uniforms, and I did not
17 know <> whether they were the new supplies or they remained from
18 the previous regime.

19 Q. Do you know anything about secret documents containing
20 information about US assistance?

21 [11.21.48]

22 A. No, I did not know anything about that, nor did I see any such
23 document.

24 Q. Let me see if I can refresh your memory, Mr. Witness; again,
25 your DC-Cam statement, E3/7523; English, ERN 00875575; Khmer,

1 00061164; and French, 0088433 (sic).

2 "They also organized women's units and three member units and
3 they planned to deploy their units near Wat Phnom, but I was not
4 told about that. Only group chiefs or other chiefs might have
5 been told about the plot, but at the time, I also read their
6 documents secretly."

7 Question: "When you read their documents, did you wonder what
8 they were doing?"

9 Answer: "In one document, there was a plan in which the United
10 States would come in and help within 24 hours."

11 Question: "Was there the signature of any person on the
12 document?"

13 Answer: "There was no signature."

14 "Was it handwritten or typed?"

15 And you answer, "It was typed."

16 [11.23.30]

17 Question: "What were the contents of the document; did it say the
18 US would come within 24 hours?"

19 And then you answer, "The US would come within 24 hours. When
20 those cadres were arrested, their plot had been disclosed, but I
21 did not know the reason for their arrests."

22 And you go on for -- for a while, but let me stop here. Mr.

23 Witness, do you recall having said that to the investigator of

24 DC-Cam?

25 A. Yes, I did say that.

52

1 Q. When exactly was it that you saw this document?

2 A. It seems that I did not see the document, <I did not say that
3 I read the document> but I heard <from> other people <>.

4 Q. Well, I asked you earlier whether your DC-Cam read --
5 statement was read out to you and whether that was -- whether it
6 was a correct -- that it was read out correctly and -- and you
7 say, "I also read their documents secretly", so it seems that you
8 are saying that you actually, physically, saw those documents. So
9 where was it that you read these documents?

10 [11.25.34]

11 MR. PRESIDENT:

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

14 MR. LYSAK:

15 I object to the form of the question. The witness just said he --
16 he didn't see; he heard about them. If Counsel wants to confront
17 him again; he can, but he shouldn't put a question to him that
18 makes -- assumes the opposite of what the witness just said.

19 BY MR. KOPPE:

20 No problem, I will rephrase.

21 Q. Mr. Witness, just now, you said that you heard only about
22 these documents, but in your DC-Cam statement you said, "I also
23 read their documents secretly." Which of the two is it; did you
24 hear about it or did you read it yourself?

25 [11.26.32]

1 MR. SEM OM:

2 A. I only heard about it and I did not read it. I don't recall
3 that I said that I read the documents because, in fact, I only
4 heard people talking about <it>.

5 Q. But who was it then that told you that it was a typed document
6 with no signature; who told you that?

7 A. I heard it from Ta Oeun's messenger, but I did not read the
8 document.

9 Q. And what else do you remember that Ta Oeun's messenger told
10 you about this document; did he -- did he say that military
11 assistance would come within 24 hours for instance?

12 [11.27.49]

13 A. I did not know about that or about any US assistance, but I
14 heard about the <assistance within> 24-hour period.

15 Q. Mr. Witness, are you aware of any special relations between
16 the North Zone and United -- United States military or United
17 States intelligence; are you aware of any specific or special
18 relations between people such as Oeun and Koy Thuon with United
19 States?

20 A. No, I was not aware of such a relationship if it existed.

21 Q. Let me read to you what another combatant of Division 310 told
22 DC-Cam. Mr. President, that is E3/5641; English, ERN 00881777;
23 Khmer, 00055134 until 35; French, 00892731; and this is what the
24 combatant said:

25 "The North was affiliated with the United States, while those in

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1 Svay Rieng and Prey Veng were affiliated with the "Yuon". The
2 Southwest was on the Khmer Rouge side; they were different. There
3 were three parties."

4 Question: "How were they affiliated with the United States?"

5 "They had an affiliation; for example, after they had toppled any
6 site, they would be supported by the United States." End of
7 quote.

8 Can you react to that statement from a fellow Division 310
9 combatant, Mr. Witness?

10 [11.30.23]

11 A. I do not know how to react to that statement. If somebody knew
12 about it, somebody said something about it, but I did not know
13 about it.

14 JUDGE FENZ:

15 It's generally more conducive to getting answers in actually
16 asking a specific question as opposed to generally, "How do you
17 react to it?"

18 BY MR. KOPPE:

19 Let -- let me follow up with a very specific question, Mr.
20 Witness. Did you -- were you aware or let me rephrase. Did you
21 know whether Oeun had any connections with Americans; did you
22 know what Oeun's previous military position might have been?

23 [11.31.23]

24 A. No, I did not know about his relationship with the United
25 States or with the military. During the regime, with my limited

55

1 capacity, I was not allowed to go anywhere near him.

2 MR. PRESIDENT:

3 Thank you, Counsel.

4 It is now a convenient time for our lunch break. We take a break
5 now and resume at 1.30 this afternoon to continue our
6 proceedings.

7 And Mr. Witness, please return to the courtroom before 1.30.

8 Security personnel, please take Khieu Samphan to the waiting room
9 downstairs and have him returned to attend the proceedings this
10 afternoon before 1.30.

11 The Court stands in recess.

12 (Court recesses from 1132H to 1330H)

13 MR. PRESIDENT:

14 Please be seated.

15 Counsel for Mr. Nuon Chea, you may now resume your questioning.

16 BY MR. KOPPE:

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

18 Good afternoon, Mr. Witness. During the lunch break, we had the

19 opportunity to listen to the audio recording of your DC-Cam

20 interview and if everything goes well technically, shortly, we

21 will be -- we will have that played in this courtroom so that you

22 can hear back what you said in relation to that secret document

23 that we spoke about before the break.

24 In the audio recording, you do say that it was you, yourself, who

25 actually saw the document.

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1 But before, technically, everything is in order, let me continue
2 with my questions from before the break, Mr. Witness. And we were
3 talking--

4 [13.32.08]

5 MR. PRESIDENT:

6 You may now proceed, first, Co-Prosecutor.

7 MR. LYSAK:

8 Thank you. Before Counsel starts his questions, can I ask for the
9 E3 reference of the audio tape that Counsel was referring to?

10 MR. KOPPE:

11 Apparently -- apparently, there is no E3 number; it's just, on
12 record, known as the audio recording of that particular DC-Cam
13 interview, so there's no E3. That -- at least that's what I've
14 been told.

15 JUDGE FENZ:

16 But if it has been admitted, it must have an E3 number.

17 MR. KOPPE:

18 No, apparently, it's not admitted. It's--

19 JUDGE FENZ:

20 Well, then -- then we have to go through this process, obviously,
21 before.

22 MR. KOPPE:

23 It's on the shared-materials drive. You can find it under number
24 KT1I -- excuse me, KTI0818.

25 [13.33.15]

1 JUDGE FENZ:

2 You will make a request for the record.

3 BY MR. KOPPE:

4 Yes, but because of my -- my time, I want to ask other questions
5 first, so let me see, with your leave, how far I will go.

6 Q. Mr. Witness, we were speaking about Oeun and Koy Thuon and --
7 and connections with -- with Americans -- American authorities.

8 Let me read to you what a fellow combatant said about Oeun. That
9 is E3/2073; English, ERN 00876433; Khmer, 0005210 (sic); French,
10 00892884. He says:

11 "I did not believe that Ke Pauk had connection with the Americans
12 because he was a radical communist. I may believe that Oeun did
13 so because he was a former captain in the old regime at the same
14 time as Tuon Chay." End of quote.

15 Is that possible, Oeun having connections with the American
16 because he was a former captain in the old regime?

17 [13.35.07]

18 MR. SEM OM:

19 A. I do not know about that. I do not know how he contacted the
20 America.

21 Q. Fine, thank you, Mr. Witness. Let me move on to the -- the
22 next subject.

23 Before the lunch break, we spoke about the arrest of Oeun and we
24 talked about he or him being invited with others to the Chinese
25 Embassy; maybe it was the Korean, we don't know for sure.

1 But let me read to you what you said, subsequently, in relation
2 to his arrest, E3/7523; English, ERN 00875577; Khmer, 00061166;
3 French, 00884234 and 35.

4 [13.36.18]

5 You said, "Yes, it was the Chinese Embassy."

6 Question: "Was he invited to welcome the Chinese ambassador?"

7 And then you say, "No, it was a lie."

8 And then, "Oh, I see. When he travelled there, he was arrested.

9 Did Khmer Rouge soldiers point their rifles at him?"

10 And then you said, "Yes, rifles were pointed at him from all
11 direction."

12 "Was it at Wat Phnom?"

13 "It was west of Wat Phnom."

14 Do you recall saying this, Mr. Witness, and if yes, did you see
15 that with your own eyes or is it something that you heard?

16 [13.37.03]

17 A. I did not see it myself. I heard from others.

18 Q. Do you know who was arrested first, Koy Thuon or Commander
19 Oeun?

20 A. I only knew about Ta Oeun and as for who was arrested first
21 and who was arrested last, I do not know about that.

22 Q. Let me see if I can refresh your memory. On that very same
23 page, right following your earlier answer, you say to the
24 question, "Was Ta Oeun arrested before Koy Thuon or vice versa?"

25 And your answer is as follows:

1 "Koy Thuon was arrested before Ta Oeun, but they were arrested at
2 almost the same time. The Khmer Rouge did not let one of the
3 traitors escape. I believe that if the plot had been implemented,
4 not so many people would have been killed."

5 So is it correct what you say here, Mr. Witness, that Koy Thuon
6 was arrested before Commander Oeun?

7 A. I heard people said like that; Koy Thuon was arrested first
8 and then it was time for Oeun. I did not witness the arrests
9 myself.

10 Q. I understand. Did you hear about Koy Thuon's arrest? You heard
11 about Oeun being arrested at the Chinese Embassy; do you know
12 how, when, and where Koy Thuon was arrested?

13 [13.39.08]

14 A. I do not know about that. I do not know where he was arrested;
15 all I know is that he disappeared. I even did not know the place
16 where he disappeared.

17 At the time, only high-ranking cadres could go close and <knew>
18 the situation. As for me, I was simply a rank and file; I did not
19 know much.

20 Q. Well, let me, nevertheless, see if I can jog your memory a
21 bit. You earlier mentioned Prime Minister Hun Sen. We have
22 evidence from a fellow 310 combatant saying that Hun Sen -- let
23 me give the exact quote so not -- to avoid objections, E3/7583;
24 English, 00876559; Khmer, ERN 00053869; and French, 00407996.
25 This fellow combatant says that your commander, Oeun, was "in the

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1 same clique with Hun Sen."

2 [13.40.39]

3 And Prime Minister Hun Sen was actually interviewed himself by an
4 Australian academic, Ben Kiernan, and in document E3/1593, on
5 English page 325 of the book; English, ERN 01150169; French,
6 006390 -- sorry, 9102; French, -- Khmer 00637857; Prime Minister
7 Hun Sen says that Koy Thuon was arrested or was placed -- I -- I
8 apologize, was placed "under house arrest near the Independence
9 Monument." End of quote.

10 Is that something you heard -- you knew Koy Thuon -- was he, as
11 Prime Minister Hun Sen says, placed under house arrest in a house
12 near Independence Monument?

13 A. I never heard of it.

14 Q. Well, that -- that might very well be true because there is
15 also another account of Koy Thuon's arrest -- and maybe that is
16 something that potentially could jog your memory -- E3/2117. That
17 is a document about Division 703, English, ERN 00081344; no
18 French, only Khmer 00192975. The author has spoken to a veteran
19 of, as he calls it, a veteran of the 704th Special Forces
20 Battalion, Meng Hak, who was assigned to arrest Koy Thuon, who
21 was, according to the author, residing north of Wat Phnom.

22 [13.43.19]

23 "It took two days and a night before it was possible to arrest
24 Koy because of the many soldiers guarding him. The forces that
25 were to make the arrest were mixed; some from the 704th Battalion

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1 and some from the general staff and were deployed from the front
2 of the railroad station all the way to Wat Phnom." End of quote.
3 Is -- could that be correct, Mr. Witness, that Koy Thuon was
4 residing north of Wat Phnom and that it took two days and a night
5 before it was possible to arrest him and that many soldiers were
6 needed?

7 A. I do not know about that; particularly, about the arrest of
8 two days and two nights.

9 Q. How about Koy Thuon residing north of Wat Phnom? You,
10 yourself, were also stationed close to Wat Phnom, at one point;
11 did you know whether Koy Thuon was residing under house arrest
12 close to Wat Phnom?

13 [13.44.58]

14 A. I was stationed to the north of Wat Phnom. I never saw such
15 incident. I was stationed at Chrouy Changva bridge and I never
16 saw Koy Thuon staying close to that location.

17 Q. Now, let me -- let me talk about dates. I know it's difficult
18 to -- to recall when events took place, Mr. Witness. Oeun seems
19 to have been arrested on or around the 17th of or 18th of
20 February 1977. Koy Thuon seems to have been arrested at -- on --
21 on or around the 25th of January 1977; could that be the case,
22 Oeun's visit to the Chinese Embassy in and around February '77?

23 MR. PRESIDENT:

24 You may now proceed, Judge Lavergne.

25 JUDGE LAVERGNE:

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1 Counsel Koppe, could you please provide us with the references
2 regarding the arrest dates of Oeun and of Koy Thuon <that you
3 just mentioned>? You've given us relatively precise dates, but do
4 you have any references to support this?

5 [13.46.42]

6 BY MR. KOPPE:

7 As a matter of fact, I do. Well, it's -- it's obviously in the
8 S-21 documents, but it's also referenced in Kiernan. With your
9 leave, let me get back to that, but it's -- it's referenced in
10 Chandler and in -- and in Kiernan; both believe 21st of January
11 for Koy Thuon. There are records of arrest for Oeun placing the
12 arrest in -- in February.

13 Q. Mr. Witness, the arrest of Oeun at the Chinese Embassy, could
14 that have been around February '77?

15 MR. SEM OM:

16 A. I did not recall the exact month. I was so terrified <> and I
17 did not pay attention to the month or the date. <I cannot recall
18 it.>

19 [13.48.17]

20 Q. I understand. Let me now go back to the -- the plans to, as
21 you -- as you put it, to destroy Pol Pot and the plan or the
22 plan, as you call it, to topple Pol Pot. When was this plan to
23 topple or destroy Pol Pot supposed to be taking place, to be
24 effectuated; have you heard anything about this?

25 A. I did not hear anything from others about when it was to

1 happen.

2 Q. Let me try it differently. In your DC-Cam statement, you said
3 that the plot was disclosed; people found out about the plot. How
4 much time was there between you seeing those paratroopers'
5 uniforms and those weapons and the -- the day that Oeun was
6 arrested? How much time was there in between?

7 A. I saw that they packed up the clothes <half a> month<, about
8 15 days> before the arrest.

9 Q. So about September '76, would that be possible?

10 A. I did not recall the exact date since, at the time, there were
11 no calendars.

12 [13.50.45]

13 Q. Now, Mr. Witness, there is quite some evidence as to when
14 exactly this plot was supposed to be taking place -- the
15 rebellion was supposed to be taking place.

16 Just for the record, referring again to Kiernan, Mr. President,
17 E3/1593; English, ERN 01150177; French, 00639181; Khmer, 00637879
18 until 880; Kiernan refers to evidence that would suggest that the
19 plot was supposed to take place on the 1st of January 1977. He
20 says -- let me -- let me read the exact quote so that we are all
21 on the same speed.

22 "At a September 1976 meeting, in Oddar Meanchey Pprovince, north
23 of Siem Reap, Koy Thuon and Sot had planned a coup in Phnom Penh
24 for 1 January 1977. A radio station was set up in Oddar Meanchey
25 to broadcast the appeal for a general uprising. Another report

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1 says the mutiny had been planned for 17 April 1977, but it never
2 took place."

3 [13.52.30]

4 JUDGE FENZ:

5 Sorry, Counsel, while you are going, could you also tell us what
6 evidence he bases this on?

7 MR. KOPPE:

8 Indeed, he refers to footnote 147; Ponchaud's interview with a
9 cadre who had escaped, and in footnote 148, he refers to "Asia
10 Week" article of 2 December 1977.

11 While I'm at it, I might add, we have requested a document to be
12 admitted in a recent request -- 87 request we filed on the 30th
13 of August 2016, document E434. This particular publication is on
14 the case file and known as F2/8.1.29; ERN in English only,
15 01141--

16 MR. PRESIDENT:

17 Counsel, please read the ERN numbers slowly.

18 MR. KOPPE:

19 I'm sorry, Mr. President. I will do it again. I said while I'm at
20 it, there's another publication that we have requested to be
21 admitted. It is known as part of document request -- 87 request
22 E434. It's on the case file now as F2/8.1.29 and it has an
23 English ERN only, 01141796, that places the -- the rebellion or
24 the coup d'état on the 20th of January 1977.

25 There's also evidence, which I'm not at liberty to discuss, but

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1 that would indicate that the rebellion was supposed to take place
2 on the 15th of March.

3 JUDGE FENZ:

4 Counsel, if you're not at liberty to discuss it, I suggest you
5 don't read it into the case file.

6 [13.54.55]

7 BY MR. KOPPE:

8 Yes, but you know our position; 15th of March, that is at least a
9 date that I want to mention.

10 So Mr. Witness, all kinds of dates that the rebellion or the plan
11 to topple or destroy Pol Pot, as you call it, was supposed to
12 take place; is it correct, some -- somewhere between January and
13 April 1977?

14 A. I did not know -- I do not know about that; particularly,
15 about the plan of them.

16 [13.55.42]

17 Q. Let -- let me see if I can try it different -- try it
18 differently. You -- you said earlier -- and that's something you
19 also said in your DC-Cam statement -- at one point in time,
20 Southwest Zone forces came to take over the command and you and
21 other combatants were required to listen to confessions of Oeun
22 and, potentially, others.

23 During that meeting, and I'm not talking about the actual
24 confessions, but during that meeting, did you hear anyone say
25 when this coup d'état was supposed to take place?

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1 A. At that meeting, there was no discussion about a coup d'état.
2 The item of the discussion was about the arrest of Ta Oeun and
3 there was instruction to the cadres of the North and other cadre
4 not to follow suit what Ta Oeun was doing. There was no
5 discussion about a so-called coup d'état.

6 MR. KOPPE:

7 Mr. President, this might be a -- an appropriate moment to
8 request orally to be able to have this very particular excerpt
9 from the audio recording of his DC-Cam interview played in the
10 courtroom and hopefully, the witness will be able to recognize
11 his own voice and if yes, he'll be in a position to hear exactly
12 what he said in relation to this document with references to US
13 military assistance.

14 [13.58.02]

15 JUDGE FENZ:

16 Is the request to admit the whole tape or just this part which
17 you will identify in hopefully soon?

18 MR. KOPPE:

19 There's no need to have it admitted because it seems that the
20 Khmer translation is exactly -- the English translation, sorry,
21 is exactly what is being said in Khmer, but I just want to have
22 the witness hear back his own voice and this particular excerpt.

23 MR. PRESIDENT:

24 Co-Prosecutor, you have the floor.

25 [13.58.34]

1 MR. LYSAK:

2 I -- I don't have any objection to the audio being -- being used,
3 but it needs to be admitted if it's going to be used. It needs to
4 be part of the evidentiary record of this Court and if the audio
5 -- it's an audio file, so if it's going to go into evidence, the
6 -- I think the whole audio file goes in evidence.

7 MR. KOPPE:

8 Again, our request is not to have it admitted; just to play out
9 in court, and when we hear the Khmer version, there will be an
10 English translation and then it becomes part of the record and
11 that's all that we are seeking for.

12 JUDGE FENZ:

13 But you -- you can only use something -- this is very
14 (unintelligible), but you can only use something in court which
15 has been admitted, so why don't you ask for this to be--

16 MR. KOPPE:

17 Well, actually, I recently read a transcript from Case 001 where
18 Judge Cartwright used SMD material without any problem, so
19 technically, what you're saying is not -- not correct.

20 [13.59.36]

21 JUDGE FENZ:

22 I don't remember the incident you are mentioning. As a rule, you
23 can use what is admitted. So why don't you simply ask for it to
24 be admitted?

25 MR. KOPPE:

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1 If -- if that makes it simpler, I -- I'd -- I'd request in
2 conformity with Rule 87 to have this particular audio recording
3 admitted as evidence. If that--

4 JUDGE FENZ:

5 But any objections from any of the other parties. I'm looking
6 around. No, no, no.

7 MR. PRESIDENT:

8 The Chamber, therefore, admits the audio recording as evidence.

9 JUDGE FENZ:

10 Could you just repeat the number for us so we have it on the case
11 file? The--

12 [14.00.28]

13 MR. KOPPE:

14 Yes, it's shared-materials drive at KTI0818 and it is -- the
15 excerpt that we will be reading is Khmer page--

16 MR. PRESIDENT:

17 Counsel for Nuon Chea, please wait a moment since there is a
18 problem with the interpretation equipment.

19 (Technical problem)

20 [14.01.35]

21 MR. PRESIDENT:

22 Counsel for Nuon Chea, the system is now operational and you may
23 proceed.

24 It seems that the problem occurs again. Please hold on.

25 (Technical problem)

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1 [14.03.06]

2 MR. PRESIDENT:

3 Counsel for Nuon Chea, you may resume.

4 BY MR. KOPPE:

5 So yes, Mr. President, with your leave I would like to play the
6 audio excerpt which is cross-referenced in E3/7523; Khmer, page
7 00061164; English, 00875574; French, 00884233; where he speaks
8 about secretly reading documents and that in one document there
9 was a plan in which the U.S. would come in and help within 24
10 hours.

11 [14.03.57]

12 MR. PRESIDENT:

13 Yes, your request is granted.

14 And AV Unit personnel, please play that portion of the audio
15 clip.

16 (Audio-visual presentation)

17 [14.04.08]

18 THE INTERPRETER KHMER-ENGLISH:

19 ...I secretly read the document that the Unites States will assist
20 in 24 hours. That is when I secretly read the document.

21 Question: And did it carry any signature?

22 Answer: No.

23 Question: And was it hand written <or typed>?

24 <Answer: It was typed.>

25 (End of audio-visual presentation)

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1 [14.04.35]

2 BY MR. KOPPE:

3 Q. Mr. Witness, was that your voice?

4 MR. SEM OM:

5 A. I could not hear it properly so I cannot distinguish <whose
6 voice it was>. It seems that I never recall that I said about
7 reading any document.

8 MR. KOPPE:

9 Mr. President, it was indeed a bit fast. With your leave, could I
10 request you to have it played one more time?

11 MR. PRESIDENT:

12 AV Unit personnel, please replay that clip.

13 (Audio-visual presentation)

14 [14.05.34]

15 THE INTERPRETER KHMER-ENGLISH:

16 <Question:> Did you wonder? <How did you read the document?>

17 <Answer:> I secretly read it, that the plan was for the Unites
18 States who would come to assist in 24 hours. <I secretly read
19 their document.>

20 Question: Did it carry any signature?

21 Answer: No. <It did not.>

22 <Question:> Was it hand written or typed?

23 <Answer: It was typed.>

24 (End of audio-visual presentation)

25 [14.06.03]

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1 BY MR. KOPPE:

2 Q. Again my question, did you recognize your voice?

3 MR. SEM OM:

4 A. The voice sounds familiar. However, when I read my document it
5 seems that I could not find anywhere that I stated that I read
6 the document because to me it seems then there was no document at
7 the time.

8 Q. So your DC-Cam statement is incorrect, is that what you're
9 saying?

10 [14.07.01]

11 A. The voice sounds like mine but to me it seems that there was
12 no document that I read. I only observed that they prepared
13 uniforms and the weapons but I do not recall that I saw any
14 documents, and that is the truth.

15 Q. Very well, Mr. Witness. Before I move back to what happened
16 with Vietnamese troops while you were in Memot, let me ask you
17 some last questions in relation to the plot or the coup d'etats
18 attempt.

19 You talked about uniforms, weapons; boots. You gave some other
20 examples. Did you ever hear about plans to attack and seize
21 Pochentong Airport to take control of the airport in relation to
22 the coup d'etats attempt?

23 [14.08.39]

24 A. No, I did not hear anything about that plot. I did not know
25 anything about that. During the regime, <only> people in higher

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1 positions knew <> about the plans amongst themselves but for us
2 the lower-level people, we did not know anything about that. And
3 if they let us know about something then we knew about it. If
4 not, we would not know anything about it.

5 Q. Just to be -- to avoid any confusion, I'm talking about the
6 same plot that you referred to, the weapons and the uniforms that
7 you saw. Have you ever heard that they were supposed to be used
8 for soldiers who were supposed to attack and seize, take control
9 of Pochentong Airport?

10 A. No, I did not hear anything about that, and that's what I
11 said. I never heard of anything to do with attacking and
12 capturing Pochentong Airport.

13 Q. Let me read to you testimony from a Division 310 combatant who
14 was about the same position as you were, a bit higher maybe,
15 E3/7516, English, ERN 00876520; Khmer, 00020598; French,
16 00892665. Sem Hoern who testified also in this courtroom says:
17 [14.10.39]

18 "We were ordered to stand by for further orders. When the time
19 came we were to transport these weapons onto Khieu's" -- Son
20 Sen's -- "place in Pochentong, to attack and seize Pochentong
21 Airport, to attack and seize an artillery, an armoured vehicle
22 warehouse and another battalion was ordered to get ready to
23 attack the radio station. However, the plot was revealed and all
24 involved leaders and their associates were arrested. A
25 low-ranking Division 310 combatant who was sent to Kampong Chhang

1 Airfield knew about this."

2 Does that jog your memory?

3 A. I never went to Pochentong. They knew about that plan while I
4 did not know anything about that since I was with my unit and
5 coup d'etats never realized. That's all I knew.

6 So I never knew anything about going to Pochentong. And as I
7 said, I was there for a brief period of time after the
8 liberation. Then I was based in the Wat Phnom area. < I was not
9 allowed to go anywhere.>

10 [14.12.22]

11 Q. No problem. Mr. Witness, you yourself were not part of the
12 actual coup as I understand. But let me read one final excerpt
13 from another Division 310 combatant and maybe you will hear
14 things that somehow would revive your memory.

15 E3/509, this is a WRI from a Division 310 combatant; English, ERN
16 00282217; Khmer, 00270159 till 60; French, 00285597 to 98. So let
17 me read that to you briefly:

18 "One day I was called to a meeting at Wat Phnom where Ta Yim, the
19 battalion chairman, made an announcement to the combatants of
20 Battalion 306 regarding plans to carry out a coups. He said that
21 at 3 a.m. we would open fire and attack and take the radio
22 station near Wat Phnom in order to make an announcement. That
23 night suddenly Ta Ouen, Ta Sinuon, the former battalion 306
24 commander, along with Ouen who was at the Ministry of Commerce at
25 the time, Ta Ban, regimental chairman and Ta Yim, battalion

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1 chairman, were called by the upper echelon of your organization
2 to a meeting and then disappeared."

3 A bit further: "Do you believe there was actually a coup plans?"

4 Answer: "Yes, it was true. Approximately 300 combatants had
5 attended a meeting at 4 p.m. and listed to Ta Yim make an
6 announcement on the plan and after that the weapons were ready."

7 End of quote.

8 Does that somehow help you in your memory, Mr. Witness?

9 [14.14.50]

10 A. I did not know about that plan at all. I was not involved in
11 that plan. People who knew about it could give you a statement
12 but I didn't know anything. Maybe those who were close to the
13 regiment then they knew about it, but for me our unit was rather
14 isolated. I was with the economics and I knew nothing about it at
15 all. If I know it, I would have said so.

16 Q. So the only thing that you knew was about those uniforms and
17 weapons and boots? Correct?

18 A. Yes. As I said, I saw the preparation of weapons and uniforms.
19 That happened in a house opposite the Ministry of Propaganda. And
20 as I said that's only what I observed within the Unit <11> and I
21 did not know anything else.

22 [14.16.04]

23 Q. Let me move to my final subject, some last questions in
24 relation to what you heard in your communication with the
25 Vietnamese and the forces or the groups of Heng Samrin and Hun

1 Sen.

2 Was it part of your surveillance task, the surveillance of the
3 enemy, that you heard their communication on the radio?

4 A. At that time I was in charge of the radio equipment and I
5 heard Khmer-speaking people speaking on the radio and it was
6 instructions for us not to attack the Vietnamese side because
7 what happened internally was that many people had all been killed
8 and that we should <retreat. That's what I heard.>

9 And I only listened to the radio when I was on duty and I did not
10 turn it on 24 hours per day. When I was not on duty I switched
11 off the radio and I could not use it freely. <I turned it on only
12 when there were fighting.>

13 Q. But did you hear this on the military channel and was what you
14 heard aired on the Vietnamese military channel?

15 [14.18.10]

16 A. I did not hear them discussing about their activities and
17 plans. I could hear the exchange between the Khmer-speaking
18 people and the Vietnamese-speaking people. Sometimes they scolded
19 one another on the radio<. I do not speak Vietnamese but I
20 scolded back in Khmer, "Yuon eat bran!". I was also under
21 surveillance because of that scold. Then> I switched off the
22 radio. <I was not allowed to listen to the radio in Khmer
23 either.> As I said, I could not freely listen to the radio.
24 Although I was with the military, my rights was limited and I
25 could only do what I was assigned to.

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1 Q. But is my understanding correct that you heard Khmer voices on
2 the Vietnamese military channel and that you somehow concluded or
3 heard maybe that these Khmer voices that you heard on the
4 Vietnamese radio belonged to Heng Samrin or -- and/or Hun Sen's
5 troops; is that correct?

6 [14.19.35]

7 JUDGE FENZ:

8 Sorry, counsel. Perhaps I missed it but when did he say that he
9 thought he listened to a Vietnamese channel? My understanding was
10 he didn't know what kind of channel he was listening to. The
11 thing he knows was that he heard Khmer and Vietnamese voices.

12 MR. KOPPE:

13 Well, it's a follow up question to what he has said in his DC-Cam
14 statement in page 16. It says, "When there was fierce fighting we
15 turned on the radios to communicate with the Vietnamese, Heng
16 Samrin's and Hun Sen's groups. Now maybe I am mistaken but I
17 understand his answer to be that he heard a Khmer voice and I
18 thought he said that it was a Khmer voice on probably a frequency
19 used by the Vietnamese.

20 JUDGE FENZ:

21 Lets clarify.

22 MR. KOPPE:

23 Now, let me ask to clarify that. When you heard that Khmer voice,
24 Mr. Witness, did you hear that Khmer voice on a frequency that
25 was used by the Vietnamese troops?

1 [14.20.52]

2 MR. SEM OM:

3 A. I heard the voice and probably the voice came from the
4 radio-based station. Usually I could hear it at around 3 o'clock
5 in the afternoon. <I secretly turned on the radio.> I heard a
6 Khmer-speaking voice.

7 On the Vietnamese side they had their own separate radio
8 communication and for the Khmer side we had a different radio
9 station. And as I heard, usually I would hear the voice at around
10 3 or 4 o'clock in the afternoon and after a while the voice was
11 gone. And sometimes when I switched on the radio I could hear
12 Vietnamese-speaking voice while at other times I could hear
13 Khmer-speaking voices and I listened to it for a short while only
14 and then I switched it off.

15 Q. But did you hear voices belonging to Heng Samrin's and Hun
16 Sen's troops on that Vietnamese channel or was it somehow related
17 to the Vietnamese channel? I am still not sure if I do
18 understand.

19 [14.22.15]

20 JUDGE FENZ:

21 And again, for me it isn't clear that it was a Vietnamese
22 channel. I wonder if he knows at all which channel he was
23 listening to. Perhaps that's the easiest question to ask: You
24 heard Khmer voices and Vietnamese voices. Do you know which
25 channel you heard these voices on?

1 MR. SEM OM:

2 It was different. Khmer voice was on a different channel from the
3 Vietnamese voice.

4 BY MR. KOPPE:

5 Q. But what were these Khmer voices saying? Were they saying that
6 -- were they requesting Khmer troops to walk over to the other
7 side, to the Vietnamese?

8 MR. SEM OM:

9 A. Yes. They made an appeal to our side that we should no longer
10 be in the resistance and that we should lay down our arms because
11 our parents at the rear had all been taken away and killed and
12 that we should join the movement <in order to topple...> That's all
13 what I heard.

14 And I did not know whether the voice came from Hun Sen's side or
15 not but the voice was Khmer-speaking person. <I think it was the
16 main radio station 46.> And I could hear some background noise
17 when the person was speaking and sometimes the voice was
18 interrupted.

19 [14.24.15]

20 Q. Let me see if I can try to pin you down a bit more in terms of
21 time. Mr. President, I will be referring to Kiernan's book again,
22 E3/1593; English, ERN 01150194; Khmer, 00637826 to 27; French,
23 00639154.

24 So I am going to be reading this excerpt and ask you whether what
25 I have described is something -- could be something that you

1 might have heard. Kiernan is quoting an informant saying the
2 following:

3 "On 22nd December two Vietnamese tanks drove into Kandol Chrum
4 township in an attempt to contact So Phim. Then they turned back
5 towards the border.

6 Inside the tanks it appears were several Khmer revolutionaries
7 who had previously fled to Vietnam. Hun Sen, Hem" -- H-E-M --
8 "Samin" -- S-A-M-I-N -- "and eight others accompanied the
9 Vietnamese forces on missions across different sections of the
10 border. Samin managed to penetrate into Svay Rieng province
11 dressed in black with a squad of 10 bodyguards. He heard the
12 people's grievances but leading cadres were nowhere to be seen.
13 We tried to make contact but we couldn't." End of quote.

14 I hope -- it's a long quote. I hope you were able to understand
15 this quote, Mr. Witness. Were these voices that you heard, these
16 Khmer voices were these attempts by other Khmer revolutionaries
17 joined by Vietnamese forces to ask you and others to go to the
18 other side, to the Vietnamese side?

19 A. Yes, that's what I heard. I heard the Khmer-speaking person
20 saying on the channel that we should join hands together to take
21 part in a coup d'etats to topple Pol Pot. But at that time I did
22 not believe it. I did not know about their resistance movement.
23 And they were Khmer from the Vietnamese side, while I myself was
24 based in the jungle. <Since we moved to the border, we> always
25 stayed in the jungle and sometimes we stayed near a pond. And we

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1 did not know the details about their plan.

2 [14.27.55]

3 Sometimes during the fighting we could grasp the situation about
4 the casualties, about the advancement of the troops for example.

5 And that would be our main focus and we did not pay much
6 attention to that broadcast about the resistance. Usually we
7 listened to reports about the casualties, how many soldiers were
8 wounded or killed in action, about the lack of weapons or
9 ammunition supplies for a particular battlefield and usually we
10 would spend our time at night in the jungle.

11 [14.28.52]

12 Q. Thank you for that clarification, Mr. Witness.

13 Two very final small questions. One, we had a witness recently
14 testifying in this Chamber, Mr. Witness, talking about soldiers
15 stationed at Chrouy Changva where you were stationed, Chrouy
16 Changva bridge.

17 That is the 1st of September 2016, at about 9.20 in the morning,
18 Mr. President, "Soldiers stealing sandals, kettles and meals from
19 civilians."

20 Were you ever involved or your unit ever involved in stealing
21 sandals, kettles and meals; food, rice, etc.?

22 A. No. My unit never stole any boots or milk at all. Division 3
23 was based at one station while our unit was based to the <south>
24 of that division. <Others were in the north.> So it was a
25 separate unit. As I said, our unit was based in Chrouy Changva,

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1 <the economics unit>.

2 Q. And my last question in relation to that document of which you
3 said that you didn't read it yourself but you heard about it, the
4 document about the United States assistance, did you read any or
5 did you hear about any names of American intelligence officers in
6 that document?

7 A. I do not know. I never heard of any documents in relation to
8 the communication between the America <and Ta Oeun. I did not
9 know.>

10 Q. Does the name Richard Messler -- M-E-S-S-L-E-R -- mean
11 anything to you?

12 [14.31.34]

13 A. I do not know. <> I do not know the face or <> recognize the
14 voice.

15 MR. KOPPE:

16 Thank you, Mr. President.

17 Thank you, Mr. Witness.

18 MR. PRESIDENT:

19 It is now time for a short break. The Chamber will take a
20 20-minute break from now on.

21 (Court recesses from 1432H to 1450H)

22 MR. PRESIDENT:

23 Please be seated.

24 You may now put questions to the witness, Mr. Deputy
25 Co-Prosecutor.

1 QUESTIONING BY MR. LYSAK:

2 Thank you, Mr. President.

3 Q. Good afternoon, Mr. Witness. I want to start by going to
4 something that counsel was asking you about, Defence Counsel was
5 asking you about near the end which are these radio broadcasts
6 you heard while you were on the eastern battlefront.

7 Can you tell us when was it in 1978, that you were sent out to
8 the eastern battlefront?

9 MR. PRESIDENT:

10 You may now proceed, Counsel for Mr. Nuon Chea.

11 MR. KOPPE:

12 I think it was 1977, that he was sent out. He was referring to
13 the Vietnamese troops entering in between October '77 and January
14 '78.

15 BY MR. LYSAK:

16 Q. I think that's absolutely wrong. You asked him yourself that
17 it was 1978 and then you -- but when was it, Mr. Witness? Was it
18 1977 or 1978 when you went out to the eastern battlefront?

19 [14.52.53]

20 MR. SEM OM:

21 A. It was perhaps in late 1977 or early 1978, because it was in a
22 cool season.

23 Q. And when was it that you heard these radio broadcasts in which
24 there were appeals against the Pol Pot regime? Was that soon
25 after you arrived or was that towards the end of the period you

1 were in the north -- in the East Zone?

2 A. I was there for quite long, for some few months at Trapeang
3 Khlong. Perhaps I was there for four or five months before I
4 heard about that.

5 [14.53.55]

6 Q. Am I correct then that it was sometime in the mid part of
7 1978? Can you tell us approximately how long before Vietnamese
8 troops entered Cambodia in late '78 or early '79? How long before
9 that did you hear these broadcasts appealing to Cambodia people
10 to topple the regime?

11 A. It was perhaps half a month before that I heard the broadcast.
12 It was perhaps in mid-August or early September when I heard
13 about the broadcast and there was a fraction within the unit. At
14 the time I was fleeing through the forest.

15 Q. Thank you. That makes sense and I'll come back to this again
16 tomorrow.

17 Let me turn now to some further questions about your background.

18 And with your leave, Mr. President, I'd like to provide to the
19 witness a document that's included in his DC-Cam interview. It
20 appears at E3/7523. It's only in Khmer. It's Khmer, 00058077,
21 which is a one-page biography in Khmer. May I provide that to the
22 witness?

23 (Short pause)

24 [14.56.16]

25 BY MR. LYSAK:

1 Q. Mr. Witness, if you could look at the document that's been
2 provided to me and tell me whether this is a biography that you
3 prepared during the Democratic Kampuchea regime?

4 [14.56.34]

5 MR. SEM OM:

6 A. Yes. It is my biography but <> I could not read it well
7 because <it is almost completely rubbed off.> I could read only
8 some information on it, and <> I see my name, Prum Om (phonetic).
9 It is for sure my biography.

10 Q. Thank you. And I recognize some of the -- this is not a very
11 good copy so some of it is unclear. I have highlighted just a few
12 parts that I want to ask you about. And starting with the date at
13 the bottom is it correct that this was a biography you prepared
14 on the 11th of May 1976?

15 A. That is correct. It is my biography. I was given a copy of it
16 and I could not read it well because some parts <are illegible>.

17 [14.58.01]

18 Q. If you could look at the entry that I highlighted, that is,
19 paragraphs 9 and 10; paragraph 9 is -- indicates the date of
20 joining the revolution which is indicated as 1973, as you have
21 testified, and then the next line, paragraph 10, is the date of
22 joining the youth league, which you have entered as 7 November
23 1974. Is it correct that you joined the youth league of the Party
24 in November 1974?

25 A. Perhaps it is correct. I became part of the youth league at

1 Prey Totueng, Kampong Cham province. It was right in the forest.
2 I could not recall the exact month when I became the member of
3 the youth league. At the time I was introduced into that league
4 and I did not have any documents to read.

5 Q. And the last line I want to ask you about in the biography is
6 line number 13, which is "current position". And am I correct
7 that what you wrote here is "deputy group"? Can you tell us what
8 you wrote here as your position at the time of 11 May 1976?

9 A. <> I was not the chief of the group. I was part of the
10 messengers at the time. I was not even the deputy chief of the
11 group; no.

12 Q. Okay, can -- can you read for me what you wrote as your
13 current position on line 13?

14 (Short pause)

15 [15.01.02]

16 A. It is illegible. I cannot read it properly. It <> was made on
17 11 of May 1972, or something; it is not clear. And Sem Iet
18 (phonetic) was the name and that is my name.

19 Q. Okay, fair enough, Mr. Witness. You've indicated that in
20 Division 310, that you were a part of Regiment 13; do you
21 remember which battalion you were part of?

22 A. I was in Battalion 13. It was initially a regiment, but later
23 on, when we were reassigned, <I> was part of the 13th Battalion.

24 Q. When you refer to when you were later reassigned, what -- what
25 period are you referring to?

1 [15.02.25]

2 A. It happened probably in early '77, after we were reassigned<.

3 I do not know where they were reassigned to, but all> members
4 disappeared, while I, myself, was reassigned to the area of Kab
5 Srov; that is in the 13th Battalion and then it was at Anlong
6 Kngan and Boeng Prayab.

7 As for other soldiers, I did not know where they were or where
8 they had been reassigned to. Initially, there were 500 soldiers
9 and it reduced to 300 and later on, it further reduced and I did
10 not know where they were reassigned to.

11 Q. Before the time of this reassignment when it was still
12 Regiment 13, do you remember whether you were part of a -- one of
13 the battalions of Regiment 13; can you tell us either the
14 battalion number or who the battalion commander was in Regiment
15 13?

16 A. At the beginning, there were three battalions, which formed
17 one regiment and there were Battalions 13, 15, and another
18 battalion which number I cannot recall. And the 15th Battalion
19 was stationed at Chrang Chamreh (phonetic), while the 13th
20 Battalion was stationed in Kab Srov, and another battalion was
21 stationed in Chraloak (phonetic) area; that is near Baray and <>
22 the main task for that battalion was to do rice farming. And I
23 was attached to the 13th Battalion, which was stationed at the
24 Kab Srov area, and I was there for about a year working in the
25 rice field and digging canal and pulling rice seedlings. So I was

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1 there for quite a long time in the area; first, at Kab Srov, then
2 I was moved to Anlong Kngan and to Boeng Prayab.

3 [15.05.30]

4 Q. Okay, I'm -- just so we're clear, I'm speaking of the period
5 in 1975 and 1976. Before you were reassigned to Kab Srov and
6 Boeng Prayab, were you part of the 13th Battalion, at that time,
7 and if so, who was your battalion commander?

8 A. While I was based at the Chrouy Changva, I was a member of the
9 messenger unit and there was an economics unit there as well <at
10 Chrouy Changva>. As for the rest, they were assigned to do rice
11 farming. <Only my unit was stationed at Chrouy Changva.>

12 Q. So you weren't attached to a specific battalion, you were
13 attached to a messenger unit of your regiment; is that correct?

14 A. Yes, I was in the messenger plus economics unit and it was
15 also a <>medic unit.

16 [15.06.53]

17 Q. And I want to ask you about some events that you talk about in
18 your OCIJ interview that happened after -- after you entered
19 Phnom Penh on the 17th of April 1975. Can you tell us what
20 happened to Lon Nol soldiers who were found hiding in Phnom Penh
21 after the Khmer Rouge military entered the city on 17 April 1975?

22 A. On 17 April 1975, I entered Phnom Penh and I was assigned to
23 stand guard at Wat Phnom, but then I was sent to Chres. On the
24 afternoon of that day, I was sent to stand guard near Wat Phnom
25 area; that is near the office of the propaganda. While I was

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1 standing guard there, there was no longer any fighting and it
2 became quiet. There were still soldiers, who were hiding at the
3 concrete houses, who threw grenades or fired their pistols at the
4 Khmer Rouge soldiers and there were some casualties.

5 Then we were ordered to turn off water for Phnom Penh City, so we
6 turned off water and we turned off electricity. As a result, some
7 soldiers came out from hiding and I saw a few. And Comrade Rum
8 called them out and then took them to the riverside and Comrade
9 Rum subsequently executed the three soldiers and I witnessed the
10 event in person.

11 [15.09.21]

12 Q. Okay, let me read to you an excerpt from your OCIJ statement
13 on this subject to get some clarification. This is OCIJ statement
14 E35149 (sic), your statement; Khmer, ERN 00170633 through 34;
15 English, 00205044; French, 00524398; and let me read to you what
16 you said in regards to the execution that you witnessed.

17 "I saw them kill those surrendering soldiers at the Chrouy
18 Changva bridge. Of those soldiers, there were 4 to 10; some of
19 whom had lost their arms, some of whom had lost their legs, and
20 they pushed them over down into the river. Another thing I saw
21 with my own eyes, Rum, a company chairman in the Division 310,
22 shot three long-haired Lon Nol soldiers at the dock in front of
23 the Royal Palace." End of quote.

24 [15.10.53]

25 So the first thing I want to clarify, was this the same -- same

1 event that you describe here where there were some soldiers
2 pushed off the Chrouy Changva bridge and some who were shot on
3 the dock near the Royal Palace or was this two separate events
4 that you were aware of?

5 A. I witness the event personally. Soldiers were wounded and they
6 were gathered from the Russian Hospital or "Pet Russie"
7 (phonetic) and they'd lost -- some of those soldiers lost their
8 arm or leg and later on they were pushed off the Chrouy Changva
9 bridge and I saw that by myself.

10 And I also witness <Ta> Rum who <shot> three soldiers <to death>
11 and that happened to the south side of Wat Phnom. As for those
12 soldiers who were pushed off the bridge, they were soldiers who
13 were collected from the Russian Hospital.

14 Q. And do you remember, when did these two killings take place;
15 can you give us a estimate of how long after 17 April 1975, it
16 was when these killings occurred?

17 A. It happen immediately after we attacked Phnom Penh and so they
18 cleansed the city and it happened maybe a day or two after the
19 liberation.

20 As for the three long-haired soldiers, it happened about 10 days
21 after, that is, after the water and electricity was cut off. Then
22 they came out from hiding from the concrete house.

23 [15.13.28]

24 Q. And the -- the people that you saw killed; both the wounded
25 soldiers who were pushed off the bridge and the three long-haired

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1 soldiers who were shot, how did you know that these people were
2 former Lon Nol soldiers?

3 MR. PRESIDENT:

4 Counsel for Khieu Samphan (sic), you have the floor <>.

5 MR. KOPPE:

6 Thank you for that compliment. Yes, Mr. President, I object to
7 this question because the questions are outside of the scope of
8 trial 002/02. I would like to remind the Chamber that I pursued a
9 similar line of question in relation to a Division 164 member
10 about what the policy was in relation to -- or -- or what
11 happened right after the liberation of Phnom Penh in April '75.
12 And I was forbidden to ask any further questions because whatever
13 happened in the immediate aftermath of the liberation is
14 supposedly not part of the current trial, 002/02. That's why I
15 object to these questions.

16 [15.15.09]

17 MR. LYSAK:

18 I don't know what Counsel's referring to with this other witness,
19 but the policy targeting the Lon Nol soldiers is part of -- of
20 this case. Certainly, the general questions about the evacuation
21 are -- are not, but the targeting of Lon Nol soldiers remains a
22 key part of this case and that's the relevance of the question.

23 MR. KOPPE:

24 Well, that's what I thought when I asked those questions. If you
25 allow me to respond quickly, this is not about a policy; this is

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1 about the question whether in the immediate aftermath that
2 potentially war crimes were committed. I don't see that, in any
3 way, to be part of an alleged policy and it was in -- in relation
4 to this Division 164 when I asked him what was supposed to be
5 done with Lon Nol soldiers who had surrendered and I was
6 forbidden to ask that question.

7 [15.16.05]

8 MR. LYSAK:

9 If he was, he --he shouldn't have been. It's -- it's a direct
10 part of this case.

11 MR. PRESIDENT:

12 The objection is overruled since the Chamber wishes to hear the
13 respond from the witness.

14 BY MR. LYSAK:

15 Q. You might not remember my -- Mr. Witness, my question is: How
16 did you know that the people that you saw killed were Lon Nol
17 soldiers?

18 MR. SEM OM:

19 A. I heard people referring to them as Lon Nol soldiers, so I
20 just repeated what I heard and <but I am not sure whether they
21 were Lon Nol soldiers or civilians because they were in civilian
22 clothes. They> were <not> wearing military uniforms, <but it was
23 told that they were soldiers so I just repeated after what I
24 heard.>

25 [15.17.12]

1 Q. Were -- were both -- both the soldiers you saw who were pushed
2 off the Chrouy Changva bridge and the soldiers who were shot by
3 Rum, were they both still in their uniforms?

4 A. No, they were wearing ordinary clothes and they were not in
5 military uniform.

6 Q. And you've indicated that the three people who were shot by
7 the Royal Palace were shot by Rum; who -- who was Rum; what was
8 his position?

9 A. Rum was deputy chief of a <big unit>.

10 Q. Do you know who -- who Rum received his orders from relating
11 to the executions of these soldiers?

12 A. Rum received order from Ta Hon (phonetic).

13 Q. And just so we're clear, by Ta Hon (phonetic) are you
14 referring to the regiment commander for -- for whom you worked as
15 a messenger?

16 A. Yes, that is the person, Him Hon (phonetic).

17 [15.19.07]

18 Q. You referred to these three soldiers who were shot as
19 long-haired soldiers; can you explain, what did you mean by that;
20 why did you describe those Lon Nol soldiers that way?

21 A. I saw them came out from hiding and Rum called them for
22 questioning. Then Rum told them to go to cross the river on a
23 ferry to the other side and then I heard a gunfight. And then he
24 returned and I asked were the three soldiers sent and Rum said
25 they were sent by the river. Although, I, myself, did not witness

1 the killing, <I only heard the gunshots, and then he returned. I
2 asked him where they were sent to and he said they were sent by
3 the river. As I was an honest person, I did not know that they
4 were sent to be killed.>

5 Q. And with respect to the wounded soldiers who you described as
6 indicated were pushed off the Chrouy Changva bridge. Who was it
7 that killed those soldiers?

8 [15.20.43]

9 A. I did not know them. They were not part of the artillery unit
10 but probably were part of the infantry.

11 Q. Thank you for that clarification.

12 Let me move to some questions about your work.

13 MR. PRESIDENT:

14 Counsel for Nuon Chea, you have the floor.

15 MR. KOPPE:

16 Yes, just to remind the Chamber of its own decisions. I asked
17 questions and that was objected to but what I found here was
18 questions from the Lead Co-Lawyer on the 3rd of February 2016,
19 about events taking place on 17th of April, 18th of April and the
20 President says the following:

21 "Lead Co-Lawyer, in fact your question may be related to the
22 scope of 002/01, which was already concluded. Here we are having
23 a different scope for the proceedings in Case 002/02. It may be a
24 waste of time. Only a limited number of questions were allowed in
25 relation to the scope and as you observed there were several

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1 objections from other parties on the other side of the Bench in
2 relation to the questions which are outside of the scope of the
3 case."

4 It is indeed a hearing that this particular prosecutor was not
5 present. It was his colleague, Vincent de Wilde, and it was a, as
6 I said, a Division 164.

7 So I think, Mr. President, at least you should be coherent and
8 consistent, rather, in your decisions.

9 [15.22.48]

10 BY MR. LYSAK:

11 Q. Mr. Witness, I want to turn to some questions about the period
12 that you worked as Hon's (phonetic) messenger. How soon was it
13 after 17 April 1975, that you were assigned to be the messenger
14 for Hon?

15 MR. SEM OM:

16 A. I worked as a messenger quite a long time ago. That is, about
17 a month or two after I became a soldier, I was sent to a
18 battlefield at National Road Number 6 and by that time he called
19 me and assigned me to be his messenger.

20 [15.23.43]

21 Q. So just so I am clear, you were already working as Hons'
22 (phonetic) messenger before 17 April 1975; do I understand
23 correctly?

24 A. Yes, it was since that time, that is, before 1975, since we
25 were still fighting against the Lon Nol soldiers.

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1 Q. And after -- after April 1975, when Division 310 was
2 established and you were present in Phnom Penh, where was Hon's
3 (phonetic) office located? Where was he based?

4 A. Hon's (phonetic) office was located at Wat Phnom, that is,
5 opposite the Office of the Propaganda. And after he got married
6 he moved to live near Chrouy Changva. And he remained living
7 there for quite a long period of time, that is, for two to three
8 months.

9 Then I was reassigned away from him, that is, I was reassigned to
10 live at Kab Srov while he was still living at Chrouy Changva. I
11 was the only member of that unit who was reassigned to Kab Srov
12 and I was there with other members of the Battalion 13.

13 [15.25.31]

14 MR. LYSAK:

15 Mr. President, with your leave, I'd like to provide the witness
16 with a document. This is E3/1585, E3/1585. It's a list of
17 participants at an October 1976 general staff study session. I
18 have included the two pages that have the representatives of
19 Division 310, which you will find at Khmer, ERN 00095533 through
20 34; starting for English, at 00897650; French, 00611637. May I
21 provide this to the witness?

22 MR. PRESIDENT:

23 Yes, you may.

24 Court officer, please hand over the document to the witness.

25 [15.26.43]

1 BY MR. LYSAK:

2 Q. Mr. Witness, this is a list of high rank -- relatively
3 high-ranking cadres of Division 310 who have attended a general
4 staff study session in October 1976. I have highlighted the third
5 name on that list which is Comrade Hon (phonetic) identified as a
6 member of the Division 310 office. And he is the third person
7 listed here immediately after Division Secretary Oeun and Deputy
8 Voeung.

9 Is this the "Hon" (phonetic) for whom you worked as a messenger?
10 Was he someone who was a member of the division office?

11 MR. SEM OM:

12 A. Yes. I was Hon's (phonetic) messenger.

13 Q. And if you could look at -- turn to the second page? Number 26
14 on the same list is a Comrade Song who is identified as the
15 commander of Regiment 13. Do you remember -- do you remember this
16 person named Song? Was there a period where Hon (phonetic) was
17 promoted--

18 A. Are you talking about Sip ? I am not familiar with the name of
19 Son (phonetic).

20 [15.28.35]

21 Q. My question. Do you remember whether Hon (phonetic) at some
22 point was promoted from Regiment 13 commander to become a member
23 of the division office?

24 A. Ta Hon (phonetic) was the chairman of Regiment 13 and he was
25 also a deputy commander of that division. However, during the

1 later part I was not that close to him. At the beginning I was
2 close to him, but later on after he got married I was not that
3 close to him anymore.

4 Q. And when you talk about Comrade Hon (phonetic) in your OCIJ
5 statement, this is at E3/5149; Khmer, 00170634, English,
6 00205044; French, 00524398; you say that, in regards to Hon,
7 quote: "He was accused of being a traitor."

8 How -- how and when did you learn that Hon (phonetic) had been
9 accused of being a traitor?

10 [15.30.23]

11 A. At that time the situation was rather chaotic. They were
12 fighting here and there and <I heard that> he was aware of the
13 situation, so he went to visit the rice field and he rode his
14 motorbike <into a parked car>, and probably there was an accident
15 and the situation started to develop from there.

16 Every day, one or two people were arrested, and probably he was
17 realized of what's going to come. And for that reason, he
18 committed suicide by riding his motorbike into a parked vehicle,
19 so he rode his bicycle into the parked vehicle and broke his neck
20 and died.

21 Q. Who was it that told you that Hon (phonetic) had committed
22 suicide by riding his motorcycle into a parked vehicle?

23 A. No one told me about that. I was in doubt at the time. He was
24 accused of something, and the situation was chaotic. <Many people
25 were arrested here and there.> Some people shot themselves dead

1 <in the Battalion and Regiment>, and I suspected that he had a
2 problem and killed himself.

3 MR. PRESIDENT:

4 You may now proceed, Counsel for Mr. Khieu Samphan.

5 [15.32.15]

6 MR. KONG SAM ONN:

7 Thank you, Mr. President.

8 I would like to make an observation in relation to the names in
9 the Khmer document. In relation to the document E3/1585, number
10 3, there is the name Han, not Hon (phonetic). And Mr.
11 Co-Prosecutor, could you please clarify the name once again or
12 correct the pronunciation of the name?

13 MR. LYSAK:

14 I will try to correct my pronunciation. I think Nuon Chea's
15 Counsel already asked him about this during his questioning.
16 The reason I asked you about this story of him dying on a
17 motorcycle is that he -- the division member Han appears in an
18 S-21 list.

19 And with your leave, Mr. President, I'd like to provide that to
20 the witness. There are two documents. The first is E3/9843, and
21 the second is E3/2285. With your leave, may I provide these to
22 the witness?

23 [15.33.47]

24 MR. PRESIDENT:

25 Yes, please. Court officer, please bring the document to the

1 witness.

2 BY MR. LYSAK:

3 Q. And while it's being provided to the witness, let me just
4 identify these more specifically for the record.

5 First of all, the full name of this individual, Ros Phat, alias
6 Han, member of the Division 310 office, is number 7835 on the
7 OCIJ S-21 list, indicating he entered S-21 on the 25th of January
8 1977. The first document provided to the witness, E3/9843, at
9 Khmer 0101004 (sic), is part of a list of prisoners who entered
10 in January 1977, on the 25th of that month. Han appears as number
11 19 on that list.

12 The second document provided to the witness is E3/2285; Khmer,
13 00009199 through 200, English, 00873411; and there's no French
14 translation. This is a list of S-21 prisoners smashed on 7 May
15 1977, and Ros Phat, alias Han, is number 64 on that list.

16 Mr. Witness, my first question -- I've highlighted the names in
17 these lists. The person who is recorded on these S-21 lists,
18 division member Han, is this the same person that you worked for
19 as a messenger?

20 [15.36.20]

21 MR. SEM OM:

22 A. No. I do not know an individual by the name Han. I know a
23 person by the name Hon (phonetic). There were two Hon (phonetic).
24 One was at the infantry, and another one was within the artillery
25 unit. And as for Han, I do not know this guy.

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1 Q. Let me come back, then, and ask you again. You've indicated
2 that the person you worked for, you say his name is Hon, was a
3 very high-ranking member of Division 310. The person you worked
4 for, was he a very high-ranking member of Division 310?

5 [15.37.17]

6 A. Him Hon (phonetic) was under the division. He was part of the
7 regiment, and before that, he was part of the battalion. Then he
8 was promoted to be part of the regiment. <Just before> he was
9 arrested, <he became the deputy, the member of the division>.

10 Q. You've referred to his full name. Was the full name of the Hon
11 (phonetic) you're talking about, was it Him Hon (phonetic)?

12 A. <The> full name is Him Hon (phonetic). And he had no alias<>.

13 Q. Are you sure -- are you sure that this person died during the
14 Khmer Rouge regime?

15 A. I am sure. He died at Kilo Lek Pram Muoy (phonetic), and he
16 was buried at Ruessei Keo, close to Ou Muoy (phonetic) <tree>. I
17 was, back then, at Kab Srov, and I was not allowed to accompany
18 those who buried him. I heard from his messengers.

19 Q. So let me make sure I understand. The reason that you believe
20 that this Hon (phonetic) died was because you were told this by
21 his messengers? Is that correct?

22 [15.39.08]

23 A. His messenger <names> Nhium (phonetic). He told me that why I
24 did not go to <see> my <former> supervisor, <I told him I was not
25 allowed to go,> and he told me that my supervisor died because he

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1 <> hit the car and died because he broke his neck and, later on,
2 he was buried at Ruessei Keo. And I do not know where, exactly,
3 his burial.

4 Q. And when was it that Hon (phonetic) died? Can you give us --
5 tell us when Hon (phonetic) died in relation to the time that
6 Oeun was arrested?

7 A. Hon (phonetic) died <> one month after Oeun died.

8 Q. All right. Thank you for that.

9 I want to ask you some questions now about the meeting that you
10 already referenced today, the meeting at which the confession of
11 Oeun was played. Who was it that presided over that meeting?

12 [15.40.53]

13 A. There was a vehicle coming to the meeting venue and he got out
14 of the vehicle and came into the hall and spoke. It happened at
15 the hospital place behind Wat Phnom. I was told that the
16 speaker's name was Khieu. <That person> had a dark complexion <>
17 and <small build>. I heard people mentioned <the> name<as> Khieu
18 Ponnary, but I do not know this person. <I just repeated after
19 what I was told.>

20 Q. The person who presided over the meeting, was it a female or a
21 male?

22 A. Male.

23 Q. And it was a male named Ta Khieu. Is that right?

24 A. I heard people mention the name <Ta> Khieu.

25 Q. How many other Division 310 soldiers were at this meeting?

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1 A. There were around 1,000 participants.

2 Q. And did I understand correctly that this meeting of 1,000
3 people was held behind, somewhere behind, Wat Phnom? Can you
4 describe for us the room or the building where the meeting took
5 place?

6 [15.43.17]

7 A. There was no building. It was simply a kitchen hall, big hall,
8 a big structure with a corrugated iron roof. It was a big
9 structure. <It was a meeting place for hundreds or thousands of
10 people.>

11 Q. How long was this meeting; was it hours, was it a whole day,
12 was it a meeting that took place over several days. How long was
13 the meeting?

14 A. It <> did not last long. It happened only one morning, then
15 the meeting was concluded. Nothing was discussed much. The topic
16 of arrests was mentioned and then we were released to work in the
17 field.

18 Q. And can you describe for the Court what you remember in
19 regards to the playing of this audio recording at this meeting?

20 [15.44.46]

21 MR. PRESIDENT:

22 Please hold on, Mr. Witness. Counsel for Mr. Khieu Samphan, you
23 may now proceed.

24 MS. GUISSÉ:

25 I can anticipate the answer because it appears to me that in the

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1 statements the witness said that <people's confessions were
2 played>.

3 So if the point is asking the witness about the content of these
4 confessions, then we have to object.

5 MR. LYSAK:

6 The purpose of this question is not to elicit information about
7 the content of the confession. If we wanted to do that, we can
8 read the confession.

9 The purpose is to know what was played to these Division 310
10 soldiers and how that affected their knowledge, particularly in
11 relation to matters whether this was a source of information for
12 these people as to this reported plot.

13 So the use of this recording at a meeting is a legitimate
14 evidence. Obviously, the content of the confession or its truth
15 remains completely admissible.

16 [15.46.10]

17 MS. GUISSÉ:

18 Well, the way the question is phrased which is, "What do you
19 remember given what was played?", I do not see how he can avoid
20 the content of what was being played on those tapes, that is to
21 say, confessions.

22 Either the question is problematic and it should be phrased
23 otherwise, or the Co-Prosecutor's explanation is not clear to me
24 <based on what I've heard>.

25 MR. LYSAK:

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1 Let me give you an example. We have used, we have allowed S-21
2 confessions to be used -- evidence to be heard about confessions
3 being sent to other regions where they were then used as a basis
4 to arrest people.

5 [15.47.01]

6 The reason the confessions are admissible and that reason is
7 we're not using them for the truth, we're using them to see what
8 use was made of the confessions by the regime. That is an
9 important fact to understand. It does not go to the truth of the
10 contents, it goes to the reason these people were interrogated
11 and tortured and what the information was used for by the regime.
12 Another key, key piece of -- a key thing that this was used for
13 is propaganda. Propaganda to broadcast to people, to sell this
14 notion that widespread purges were necessary because of these
15 plots.

16 So, again, this is not offered for the -- in any way for the
17 truth of the content, it is offered to understand what use was
18 made of these confessions at this meeting.

19 MR. PRESIDENT:

20 Mr. Deputy Co-Prosecutor, please reformulate your question.

21 [15.48.23]

22 BY MR. LYSAK:

23 Q. All right. Mr. Witness, I don't want you to talk about the
24 content of what you heard on the recording for now, but can you
25 give us a general description of what happened when Khieu played

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1 the recording of this confession?

2 MR. SEM OM:

3 A. I heard the sound of shackle and the confessions itself. <>I
4 heard the broadcast that the parents, your parents, all died.
5 Please do not think of them, go back to the field and work. And
6 <since then> the North Zoners did not have any freedom, but only
7 the Southwest cadres had rights and freedom. We were under their
8 command. We had no chief of unit.

9 [15.49.53]

10 Q. Let me read to you an excerpt from your OCIJ Statement on
11 this. This is E3/5149; Khmer, 00170634, English, 00205044;
12 French, 00524398. This is what you told OCIJ:

13 "During a meeting of about 1,000 soldiers in Phnom Penh, Ta
14 Khieu announced 'Your mothers and fathers have all been killed'.
15 Then they played a tape-recording of Ta Oeun. I heard the sounds
16 of a chain and heard the voice of Ta Oeun talking describing his
17 personal history when he betrayed the Party." End of quote.

18 First point to clarify. You've mentioned it twice today. The
19 statement, "Your mothers and fathers have all been killed", was
20 that something that Khieu (phonetic) said or was that something
21 that you heard on the confession recording?

22 A. First, the confession was not broadcasted. The man was
23 speaking through the microphone and said <> all your parents had
24 been killed.

25 I was paying attention to the time and then the recording was

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1 played and I heard the sound of chain.

2 As for the message that all your parents had been killed, I had
3 heard directly from him and <Ta Oeun was not dead yet, I heard>
4 the sound of chains <> from the recording. <Since then>, the
5 people were <under the command of the Southwest zone people, not
6 the North zone ones.>

7 Q. When Khieu (phonetic) played this recording of Oeun's
8 confession, did he tell you and the other division cadres that
9 Oeun had been tortured in order to make him give this confession?

10 [15.52.51]

11 A. It was not mentioned at all about the mistreatment. I heard
12 the sound of chains and <I believe he had been mistreated.> As
13 for beating, I did not hear any discussion of such beatings.

14 Q. Do you know why Khieu (phonetic) played this recording for you
15 and the other division cadres?

16 A. They wanted us to hear, to know, and warn all of us not to do
17 what he did. We were told <not to up rise for our parents>. They
18 wanted us to listen to the recording. <Our combatants from the
19 North Zone were not allowed to hold any high positions anymore.
20 Our> rights were deprived of afterwards. We were <ordered,> on a
21 daily basis, to <work in the rice> field at Boeng Prayab.

22 Q. And this meeting where this recording was played, how long was
23 this after the time that Oeun was arrested and disappeared; was
24 it days after, weeks after, months after? Do you remember how
25 long it was after Oeun's arrest that this meeting took place?

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1 [15.54.34]

2 A. It was not long. Four or five days after the arrests of people
3 from time-to-time. We were <combatants> at the time and we did
4 not know much and we were told that those people who had been
5 arrested were sent for re-education.

6 In fact, we were not told that they were all arrested. They said
7 that those people had gone for education. Half a month already,
8 we did not see anyone returned. Then I was called, some
9 combatants were also called for education at Phnom Penh. I had to
10 go. I was so scared after hearing that I was called to Phnom
11 Penh, but I had to go. Combatants remained working and there were
12 no cadres at the time.

13 Q. And you've said that after -- after the meeting at which this
14 recording was played, you were assigned to farm rice initially at
15 Kab Srov (phonetic) and after that at Boeng Prayab.

16 How long after the meeting was it that you were sent out to Kab
17 Srov (phonetic) or Boeng Prayab?

18 A. I was farming the rice for quite long, for three or four
19 months, then I was told that I had to go to live at Phnom Penh.
20 Only I was called to Phnom Penh and I did not have any idea of
21 their plan. I was given a cap and a pair of clothes and there was
22 no backpack given to me. I thought that I would have been taken
23 away and killed.

24 When I arrived, I was put in a new divisional head office. <I did
25 not know anyone there.> I was there for three days, then I was

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1 called and assigned to <learn to operate the> radio communication
2 system and after 10 days I was sent to fight against the
3 Vietnamese.

4 [15.57.36]

5 Q. Thank you. You've -- what you've just described is what
6 happened after you left Boeng Prayab. Is that correct?

7 A. Yes. After I left Boeng Prayab, I went to the divisional head
8 office and I was trained how to operate the radio communication
9 system and <10 days> later<>, <I was not aware that> I was sent
10 to fight against the Vietnamese. I was <neither told about the
11 fight nor> given any weapons <in Phnom Penh>.

12 I was asked to board a ship, a vessel. I was given two pairs of
13 new clothes, one or two pairs of clothes. I had also a krama and
14 a cap. Then I boarded the vessel. I was on the ship for one night
15 and the day after I reached Tonle Bet (phonetic) in Kampong Cham
16 province. And I left the ship and cooked rice.

17 [15.58.54]

18 After that, I went to the riverfront where I saw the wounded
19 people who were transported from Vietnam<, the Vietnamese troops
20 had entered Chup>. At the time, I was <in Chong Angkrang village.
21 Actually I was in Kampong Cham at that time> and I was talking to
22 myself that I was taken to that location to engage in the war.
23 My colleagues, some of them said that no matter what they were
24 assigned to do they could do as long as they had <enough> rice to
25 eat. <At that time we were not given any weapons yet.> Then all

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1 of us were put onto a truck and we were given weapons <at the
2 battlefield in> Chong Angkrang <village>.

3 By then, <> the Vietnamese troops were at Chamka Kausu (phonetic)
4 and we were at Chong Angkrang the preparatory line. And we used
5 the 80 mm artillery to fire the bullets. <In the next morning,> I
6 was not really well educated and I did not know <much on> how to
7 operate the radio communication system well. Then I was told that
8 the Vietnamese <troops> were fleeing and we were boarding the
9 vehicle <to chase them. When we arrived Serei Sokha village, I
10 was assigned to station there.>

11 [16.00.40]

12 Then, <> I was re-assigned to help <harvest rice of the> local
13 people <in Chambak Chorb Mekh (phonetic) village>. I was also
14 trained militarily for three months. I was <given> a Doucette
15 (phonetic) rifle <and a DK 82. I was told to> reinforce <a group
16 of soldiers>, there were also soldiers from infantry.

17 How could I attack and defeat the Vietnamese since they were
18 healthy and strong and we had only a gruel to eat. We were
19 assigned to attack the Vietnamese <in Kradas (phonetic) market,
20 Banteay Thas (phonetic)> and we received a counter-attack. As a
21 result, I had no rice to eat for several months and I had only
22 bones of fish to eat. <The food was not delivered to us because
23 we were far away.> After half a month, we were delivered with
24 rice and we cooked rice to eat.

25 [16.02.02]

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1 I was assigned to be engaged in war from time-to-time <>and from
2 location to location. And after the attack by the Vietnamese, I
3 was fleeing <> to Neak Loeang <> and then I returned to Krouch
4 Chhmar -- Phum Pou (phonetic) in fact I was <crossing a river in>
5 Phum Pou (phonetic). And <>again, I was sent for fighting against
6 the Vietnamese. I decided to run into a villager's house and I
7 confessed, <I gave them my weapon and the radio communication>
8 and the day after I fled to my home village to see my parents
9 since I missed them after I left for work.

10 MR. PRESIDENT:

11 It is now time for the adjournment.

12 The hearing will be resumed tomorrow on Wednesday, 21 September
13 2016, from 9 a.m.

14 Tomorrow, the Chamber will continue hearing the witness, Sem Om,
15 to the conclusion and then proceed to hear 2-TCW-1036 in relation
16 to internal purges.

17 Security personnel, please bring the two accused, Nuon Chea and
18 Khieu Samphan, back to the ECCC's detention facility and have them
19 returned into the courtroom on 21 September 2016, before 9 a.m.

20 (Court adjourns at 1603H)

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