



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King
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Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

21 September 2016
Trial Day 459

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CMS/CFO: Sann Rada

Before the Judges: YA Sokhan, Presiding
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Jean-Marc LAVERGNE
THOU Mony
YOU Ottara
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I N D E X

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCW-1036	Khmer
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
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 witness Sem Om and begin hearing testimony of another witness,
7 that is, 2-TCW-1036, in relation to Internal Purges.

8 Ms. Chea Sivhoang, please report the attendance of the parties
9 and other individuals to today's proceedings.

10 [09.01.18]

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all parties to this case
13 are present.

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 witness -- the witness who is to conclude his testimony
18 today, Mr. Sem Om, is ready to be called by the Chamber.

19 And the upcoming witness, that is, 2-TCW-1036, confirms that to
20 his best knowledge, he has no relationship, by blood or by law,
21 to any of the two accused, that is, Nuon Chea and Khieu Samphan,
22 or to any of the civil parties admitted in this case. The witness
23 will take an oath before the Iron Club Statue this morning.

24 [09.02.18]

25 MR. PRESIDENT:

2

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

3 The Chamber has received a waiver from Nuon Chea, dated 21st
4 September 2016, which states that, due to his health, that is,
5 headache, back pain, he cannot sit or concentrate for long. And
6 in order to effectively participate in future hearings, he
7 requests to waive his right to be present at the 21st September
8 2016 hearing.

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

13 [09.03.11]

14 Having seen the medical report of Nuon Chea by the duty doctor
15 for the accused at ECCC, dated 21st September 2016, which notes
16 that Nuon Chea has a chronic back pain and it becomes severe when
17 he sits for long and recommends that the Chamber shall grant him
18 his request so that he can follow the proceedings remotely from
19 the holding cell downstairs.

20 Based on the above information and pursuant to Rule 81.5 of the
21 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
22 follow today's proceedings remotely from the holding cell
23 downstairs via an audio-visual means.

24 The Chamber instructs the AV Unit personnel to link the
25 proceedings to the room downstairs so that Nuon Chea can follow.

3

1 That applies for the whole day.

2 And before I hand the floor to the Co-Prosecutors to continue
3 putting further questions to the witness, the Chamber intends to
4 hear oral responses to the request by the defence team for Nuon
5 Chea pursuant to Rule 87.4, that is, to admit two written
6 statements of witness 2-TCW-1036, who is going to testify today.

7 In the afternoon of the 20 September 2016, the defence team for
8 Nuon Chea sent an email requesting to make an oral submission on
9 this request, and for that reason, first the Chamber wishes to
10 hand the floor to Nuon Chea defence to reiterate their request.

11 Please make it brief.

12 [09.05.14]

13 MR. KOPPE:

14 Yes, I will. Thank you, Mr. President. Good morning, Your Honours
15 and counsel.

16 It is about two additional WRIs provided by the upcoming witness
17 to the International Co-Investigating Judge. They are numbered
18 F2/4/23.2.2 and F2/4/23.2.1. And in accordance with the practice
19 that we formally have to request the admittance, we here by do
20 so.

21 In the light of the fact that these are two statements in
22 addition to an already admitted statement, we believe that it is
23 important that both WRIs will be admitted into evidence.

24 Thank you.

25 MR. PRESIDENT:

4

1 Thank you, counsel for Nuon Chea.

2 And I now hand the floor to the Co-Prosecutor to respond to the
3 request, and please make it brief.

4 [09.06.25]

5 MR. LYSAK:

6 I can be very brief. We have no objection, and agree these
7 records should be admitted.

8 MR. PRESIDENT:

9 Thank you.

10 And Lead Co-Lawyer for civil parties, you have the floor if you
11 wish to respond to that request.

12 MS. GUIRAUD:

13 Thank you, Mr. President. No objection.

14 MR. PRESIDENT:

15 Thank you.

16 And counsel for Khieu Samphan, you have the floor.

17 [09.06.54]

18 MS. GUISSSE:

19 Thank you, Mr. President. Good morning.

20 Obviously, there is no objection from the defence for Khieu
21 Samphan.

22 MR. PRESIDENT:

23 Thank you, Counsel.

24 And the Chamber thanks the parties for your observations and

25 responses, and we will use them as basis for our decision, which

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1 will be issued in due course.

2 Court officer, please usher Mr. Sem Om into the courtroom.

3 (Witness enters the courtroom)

4 [09.08.25]

5 MR. PRESIDENT:

6 And Co-Prosecutor, you may resume your questioning.

7 QUESTIONING BY MR. LYSAK RESUMES:

8 Thank you, Mr. President.

9 Q. Good morning, Mr. Witness. I want to direct you now to the
10 period after Oeun's arrest, at which time you were sent out to
11 farm rice initially at Kop Srov and then Boeng Prayap. After the
12 arrest of Oeun and the other leaders of the division, were there
13 many ordinary combatants from your division or regiment who were
14 arrested or who disappeared?

15 MR. SEM OM:

16 A. When I was at Kop Srov, not many people disappeared, but when
17 I was at Boeng Prayap, many people disappeared. They were taken
18 away in an enclosed vehicle. And one or two people kept
19 disappearing constantly, and I don't know where they were taken
20 to. And we were in constant fear at that stage.

21 [09.10.00]

22 Q. Did you witness, yourself, people being taken away?

23 A. Yes, I saw people being put into a vehicle <because the huts
24 there were built close to each other>. They were arrested <> and
25 then placed onto the vehicle. And I was scared when I saw that.

6

1 Q. And during the time you were at Boeng Prayap, how often did
2 these arrests take place?

3 A. It did not happen every day, it happened like every 10 days or
4 a fortnight.

5 Q. Can you give us some estimate of the number or the percentage
6 of people in your regiment who were arrested or who disappeared?

7 A. Initially, there were more than 500 soldiers, and then they
8 were removed continually. Some were sent to be sent for study
9 sessions, and the number reduced to 300.

10 [09.11.40]

11 Q. What about wives or family members, relatives of the division,
12 regiment, battalion leaders who were arrested? What happened to
13 the spouses or family members of those people?

14 A. The wives and the children of senior people were gathered to
15 live in one place in Chrang Chamreh, and I visited that location
16 once. Those wives -- some of those wives had a child or two
17 children, while others did not have any kid. And they were
18 gathered to live in that location, and I did not know what
19 happened to them later on.

20 Q. Let me ask you -- the reason I ask you this is in the records
21 for the S-21 security office, they record that a number of the
22 wives and relatives of the leaders were arrested and sent to
23 S-21. For example, on the 31st of December 1976, eight wives of
24 previously arrested Division 310 cadres were sent to S-21.

25 Your Honours, you'll find these as numbers 510, 511, 513 through

7

1 517 and 866 of the OCIJ S-21 list.

2 [09.13.34]

3 In the case of division secretary Oeun, his wife, Prum Nhor alias
4 Vien, was sent to S-21 on the 26th or 27th of February 1977. She
5 is number 6961 in the OCIJ list.

6 Oeun's 64-year old father, Sbouv Ket, was sent to S-21 on the 9th
7 of March 1977, executed one month later on the 4th of April. He
8 is number 2542 on the OCIJ list.

9 And a 14-year old female cousin of Oeun was sent to S-21 in
10 November. She is number 6770 on the OCIJ list.

11 The wife of division deputy secretary Voeung (phonetic) was
12 arrested and sent to S-21 on the 9th of March 1977, and executed
13 two weeks later. She is number 2543.

14 Does this refresh your memory at all, Mr. Witness? Do you
15 remember any of the wives, children or relatives of the Division
16 310 leaders being arrested and disappearing?

17 A. No, I was not aware of any. I did not know when those wives
18 and children were arrested.

19 [09.15.25]

20 Q. Fair enough. Let me turn to a few questions about this
21 purported coup plot.

22 You've said that your knowledge -- you don't have any or have
23 very little knowledge of this. Let me ask you a few follow-up
24 questions, nonetheless.

25 First, regarding this what counsel referred to -- what the

8

1 defence counsel referred to as a secret document, you've
2 testified that you were told about this by Oeun's messenger. What
3 was the name of Oeun's messenger who told you about this
4 document?

5 A. I do not recall the name. I forget it.

6 Q. When Oeun's messenger told you about this document, did he say
7 whether the document he saw may have been a prisoner confession
8 that was describing this plot or plan?

9 A. I did not see it, and I only heard it from the messenger. <I
10 did not read it.> So I only heard about the document when the
11 messenger told me that there was a planned coup. And what I knew
12 only was for the preparation or the arrangement of the uniforms,
13 the weapons and the boots, and that when the coup was initiated,
14 they would change into those uniforms. That's all I knew about
15 it.

16 And as I said, I saw them preparing those uniforms, weapons and
17 boots into separate units. There were 10 uniforms for one unit,
18 for example, and <> a set of 10 uniforms for us, the artillery
19 unit, <also a set for Doucet (phonetic) unit, a set for DK-82
20 unit, and> another set for <Mortar-80> unit.

21 However, after Ta Oeun was arrested, it became quiet.

22 [09.18.20]

23 Q. I'll ask you some questions about those uniforms in a moment.
24 Let's just finish up about this document that Oeun's messenger
25 told you about.

9

1 Did Oeun's messenger have any explanation of how it was feasible
2 for the United States military to intervene within 24 hours? Did
3 he have any explanation of how this could possibly happen?

4 A. He did not provide any explanation to me. He briefly spoke
5 about it and, of course, during the regime, we did not have time
6 to sit and chit-chat. At that time, my supervisors were holding
7 meeting and we, the messengers, were waiting outside. And we had
8 a brief conversation with one another. <Some people rode
9 motorbikes for a drive.> And when the meeting was concluded, we
10 were called and we had to go with our respective supervisor.
11 And I did not know about the content of those meetings that the
12 leaders or supervisors held among themselves. And I can only tell
13 you what I knew. <I am telling you the truth.>

14 [09.19.56]

15 Q. Would it be accurate to describe what Oeun's messenger told
16 you as gossip or chit-chat?

17 MR. PRESIDENT:

18 Witness, please wait.

19 And counsel for Nuon Chea, you have the floor.

20 MR. KOPPE:

21 Yes, Mr. President. I object to this very suggestive and leading
22 question.

23 First of all, there's still the evidence both in DC-Cam interview
24 and on the audio recording that he actually read it himself. He
25 gave evidence in his DC-Cam statement that it was a typed

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1 document with no signature, so he gives specifics. Now trying to
2 dismiss this evidence by leading him into saying it was gossip is
3 unwarranted.

4 [09.20.58]

5 JUDGE FENZ:

6 Counsel, I think we have all noticed that he has changed his
7 evidence. We read yesterday and heard what you've led, but -- so
8 we have different versions of the same event, what happens time
9 and again.

10 Now he says he hasn't read it. Obviously, we'll have to make up
11 our own mind what we believe and what we don't believe, but I
12 don't think it's a valid objection to ask the prosecutor. If you
13 haven't read it, how have you learned it?

14 BY MR. LYSAK:

15 Let me rephrase my question.

16 Q. The conversation you had with Oeun's messenger about this,
17 would you describe this as a serious discussion or more as
18 chit-chat or gossip?

19 [09.21.59]

20 MR. SEM OM:

21 A. I spoke to the messenger outside, and it was a kind of a
22 chit-chat conversation. And <he> did not have any documents to
23 refer to when he spoke to me. And yesterday, I also testified
24 that I did not read such document. I only knew about that.

25 Q. Let's turn to the uniforms, boots and weapons that you saw.

11

1 If I understood your testimony yesterday, you saw these either at
2 the propaganda office or at a house right across from the
3 Ministry of Propaganda. Is that correct?

4 A. Yes, that is correct. It was in a house opposite the
5 propaganda office, and that was the location where they stored
6 uniforms and weapons.

7 [09.23.12]

8 Q. And this house, was this a building that was used by Division
9 310 and, if so, what part of Division 310?

10 A. The house was used to store equipment, and <at first> weapons
11 were gathered and piled in that house. Uniforms were also stored
12 in that house, and <there were people stood guard there as well.>
13 So you could somehow say that the house was used as a storage
14 warehouse.

15 Q. And what was the reason you were at this Division 310 storage
16 warehouse?

17 A. The warehouse did not belong to the division, but it belonged
18 to Regiment 13. I never went near the division warehouse.

19 As I said, again, that warehouse belonged to Regiment 13.

20 Q. Thank you for that clarification.

21 What was the reason you were at the Regiment 13 warehouse?

22 A. At that time, I was assigned to pick up something or to
23 deliver something, and I cannot recall what it was. So I was
24 there and I saw them arranging those equipment. I stood there and
25 watched them for a while, and then I left.

12

1 [09.25.20]

2 Q. How often were you assigned to go pick up things at the
3 Regiment 13 warehouse?

4 A. I saw that event for one time only, and that is the truth. And
5 later on, I was transferred to Kop Srov, so I did not go to that
6 warehouse any more since I remained in Kop Srov area and we were
7 prohibited from going anywhere.

8 At Kop Srov, we started working at 6 o'clock in the morning and
9 then we stopped for meal at around 11 or 12 noon. And after meal
10 time, we were not allowed to rest. We had to continue working
11 again.

12 And we had to find rats for them. <We were asked to show the
13 tails of the rats, that we caught, as evidences. Each person was
14 ordered to catch at least 12 rats.>

15 So even during the meal break time, <>we had to work. We were not
16 allowed to rest. And we were not allowed to return to where we
17 stayed previously.

18 [09.26.36]

19 Q. Let's focus on the -- this warehouse, and if we can focus on
20 what I'm asking you about, we'll be done a lot quicker, Mr.
21 Witness.

22 Where were the uniforms, boots and weapons in the warehouse? Were
23 they out in the open? Where were they stored?

24 A. They were stored in rooms, and in those rooms, they were piled
25 separately. For example, there was a pile of boots, and uniforms

13

1 were tied into a package and then they were piled separately. And
2 there were separate piles. For example, in one pile, there were
3 12 sets of uniforms, and then there was another pile where there
4 were sets of uniforms.

5 And then also on each pile, there was a note saying that this is
6 for this specific company or specific battalion.

7 Q. Do I understand correctly, though, that they were out in the
8 open in these rooms? You didn't have to go looking in any secret
9 or hidden areas to find these uniforms and weapons. Is that
10 correct?

11 A. They were stored in the room, and since the door was ajar, I
12 could see them arranging those equipment. And after they finished
13 it, they closed the door so nobody would know what was inside
14 that room. And of course, soldiers -- regular force soldiers were
15 not told about what was stored inside that room.

16 [09.28.52]

17 Q. And when you saw the people that were arranging these uniforms
18 and weapons, did they tell you what they were for?

19 A. They said that the uniforms were reserved for soldiers, and I
20 was wondering why was that because usually we would wear uniforms
21 from China and also uniforms in black colour as well as the <>
22 car tyre <shoes>, but when I looked at those uniforms and boots,
23 they were different. They were the uniforms and boots worn by Lon
24 Nol soldiers.

25 Q. Did you ask them why they had that type of uniform?

14

1 A. I did not ask them any question. It is likely that those
2 uniforms were war spoils, and it is my understanding that they
3 were war spoils or they were newly made. But the material was not
4 of good quality. They were not the materials from the United
5 States. And the uniform was chequered, and it was not that
6 smooth. <At the time, they could use that kind of material to
7 make clothes and I used to wear such material as well.>

8 [09.30.50]

9 Q. Let me ask you about something you said when you were
10 describing these uniforms in your DC-Cam interview.
11 Your Honours, this is document E3/7523; Khmer, ERN 00061163;
12 English, 00875574; French, 00884233.
13 And you were describing here how you saw these uniforms, and then
14 you said the following -- quote: "Only later did I learn it was
15 part of a -- their traitorous plot." End of quote.
16 Why did you say that it was only later that you learned or
17 believed this was part of a traitorous plot?

18 A. It was later on that I realized about it because the senior
19 people were arrested and they were accused of being traitors. So
20 after all these people in senior position had been arrested and
21 were accused of being traitors, I heard about this and I simply
22 followed the words that people used at that time.

23 [09.32.41]

24 Q. Is it correct, then, that at the time you saw these uniforms,
25 boots and weapons, you didn't know anything about a traitorous

15

1 plot? Is that correct?

2 A. Yes, that is correct.

3 Q. Let me turn to another subject, which is some questions about
4 Khieu Samphan.

5 Either before 17 April 1975 or after then, did you ever see Khieu
6 Samphan and, if so, can you tell the Court about those occasions?

7 A. In 1972 when I was still a militiaman and who was assigned to
8 guard at Ta Mom village at the -- and there was a stage there.

9 And over there, there was assembly. And I was assigned to guard
10 that assembly. And he made an appeal at that time.

11 [09.34.19]

12 He appealed to people to rise up to join the revolution in order
13 to defend the country. And as a result, we all made contributions
14 to join the revolution.

15 Later on, Chi (phonetic) also made a propaganda that senior
16 people from the upper echelon appealed to us to join in. At that
17 time, they wore black clothes. I was standing at a bit distant
18 from the stage. <I was a standing guard.>

19 Q. Regarding this assembly at Ta Mom village, you said that he
20 made an appeal for people to join the revolution. Who is the "he"
21 you were referring to?

22 A. At that time, during the propaganda, they said that it was Hou
23 Youn and Hu Nim, so there were two individuals. I did not know
24 them because I was only an ordinary person, and I was also young
25 at that time. I was assigned to guard the assembly. And we wore a

16

1 black uniform. <We had a bunch of arrows.> We did not allow
2 anyone to enter the area. It was at Ta Mom village.

3 [09.36.36]

4 Q. Was Khieu Samphan at this assembly, and did he speak?

5 A. There was only one person who spoke, who gave a speech. I did
6 not <know> who that person was. I cannot recall it.

7 Q. Well, let me read to you what you said in your OCIJ statement,
8 E3/5149; Khmer, ERN 00170634; English, 00205044 through 45;
9 French, 00524399. This is what you told the Office of
10 Co-Investigating Judges -- quote:

11 "Before 1975, I saw Khieu Samphan, Hu Nim and Hou Youn come to a
12 meeting with the people at Ta Mom village near my village. At
13 that time, he appealed for the people to join the revolution."
14 End of quote.

15 Does that refresh your recollection, Mr. Witness? Was Khieu
16 Samphan the person who was with Hu Nim and Hou Youn at this
17 meeting who spoke?

18 A. Yes, I saw them giving speech, but as I told you earlier, I
19 was guarding from a distance. And I heard from the announcement
20 that there were Hou Youn, Hu Nim <and Khieu Samphan> attending
21 the assembly, and they encouraged us to join the revolution in
22 order to defend the country. We need to sacrifice our life, our
23 family for the sake of our country.
24 And they made such an appeal. They encouraged us to join the
25 revolution.

17

1 [09.39.10]

2 Q. After this meeting, Mr. Witness, were you and other people
3 from your village forced to join the Khmer Rouge army?

4 A. Later on, some of the people were forced to join the
5 revolution. But for me, I was not forced. I volunteered to join
6 it because although we joined or not, we would be criticized, so
7 it's better to join it straight away.

8 <Only> people who were handicapped, who <were hypocrite or> who
9 could live with the criticisms <that> they could stay outside the
10 revolution. <Other than that, sooner or later, they all joined
11 the revolution.>

12 [09.40.36]

13 Q. You said something a little different in your DC-Cam
14 interview, so let me read this to you and ask you about it. In
15 your DC-Cam interview, E3/7523; Khmer, ERN 00061141; English,
16 00875546 through 547; French, 00884211; this is what you said at
17 that time:

18 Question: "How did the Khmer Rouge persuade you to go to the
19 battlefield?"

20 Answer: "They forced us. At that time, they forced us to go. No
21 one could stay home, no one wanted to go. Only a few could stay
22 in the villages because they forced all the villagers to go to
23 the battlefield." End of quote.

24 Who was it that forced people to go to the battlefield and join
25 the Khmer Rouge army?

18

1 A. At that time, there were the propaganda people. They pushed us
2 to join the revolution. They urged us to join it.

3 [09.42.15]

4 Q. Thank you, Mr. Witness.

5 Let me turn to a few questions regarding the period you were in
6 the East Zone or the Eastern battlefield.

7 During the time you were in the east, did you witness any arrests
8 or executions of East Zone cadres or soldiers?

9 A. Yes, I witnessed. At that time, I was at Trapeang Phlong. <>
10 My radio <communication system> ran out of batteries, so I rode
11 on motorbike with a friend <who was rather young>. And when we
12 arrived <at the coal kiln office, the Division office> at the big
13 antenna place <of the main radio communication station, the
14 antenna vehicle> -- my apology. I am thirsty.

15 I saw East Zone soldiers were transported by vehicles. They were
16 including some who were old, some were young, so they were
17 transported in three vehicles. I asked Nam <at the radio
18 station>: "Nam, who were in those vehicles?" And he told me that
19 the vehicles were transporting the traitorous people.

20 And I saw them being blindfolded with kramas, and they were also
21 tied up. <>I felt shocked to see the incident, but Nam told me to
22 go, but <> I was <trembling and I said, "I am not going because
23 my tasks require me to be at the battlefield."> And he told me
24 that, "Okay, now you can stay here <with the radio station and I
25 will go instead>". And I saw those transported soldiers being

19

1 <pulled and> pushed <toward the back of the office, to the south
2 of the office. I heard a lot of noises.> And a little while
3 later, about one hour later, Nam came back.

4 And I told him that I could not stay any longer. <> I had to go
5 back to my base <because there was no one there>. <He told me to
6 take the battery with me. I took it and came back to my place.>

7 [09.45.16]

8 MR. PRESIDENT:

9 Court officer, please bring the water to the witness <because he
10 is thirsty.>

11 Deputy Co-Prosecutor, you may continue your questions.

12 BY MR. LYSAK:

13 Thank you, Mr. President.

14 Q. Mr. Witness, did you see or did you hear what happened to
15 those -- to the three truckloads of East Zone -- or the three
16 vehicles of East Zone soldiers who you saw that -- being taken
17 off the truck that day?

18 [09.46.06]

19 MR. SEM OM:

20 A. Yes, I did see it. There were three vehicles transporting the
21 soldiers into the division office, <it was like a cooperative
22 where division soldiers stayed> and over there, there was a big
23 house, <but it was actually a dining hall>. And they were
24 transported into that big shelter, and they were gathered up for
25 a meeting. And <> there were guards who pointed guns at them

20

1 while others were busy tidying up those soldiers. And then they
2 were <walked to the back of the office>.

3 And that was what I really witnessed. I told the truth. I can
4 swear. That was what I really witnessed.

5 MR. PRESIDENT:

6 The floor is given to defence counsel for Khieu Samphan.

7 MS. GUISSSE:

8 Thank you, Mr. President.

9 I'm rising now because I believe that we're coming close to facts
10 that do not correspond to your Severance Order. So I object to
11 the Co-Prosecutor continuing his questions in this regard.

12 If the Prosecution objects to <my objection>, well, I would like
13 the Prosecution to tell me which part of the Severance Order is
14 linked to <these events in the East Zone>.

15 [09.47.50]

16 MR. PRESIDENT:

17 Defence counsel for Nuon Chea, you may proceed.

18 MR. KOPPE:

19 Yes, Mr. President. I was also about to rise.

20 I concur with my colleague. Of course, purges from East Zone
21 cadres are part of the Severance Order, but as -- it's my
22 understanding only as to East Zone soldiers ending up in one of
23 the three security centres, predominantly S-21.

24 Executions as such, potentially war crimes are not part of the
25 Severance Order or not part of the scope of this trial, as I see

21

1 it, so I believe my colleague is right and that these questions
2 should be prohibited.

3 [09.48.41]

4 BY MR. LYSAK:

5 I haven't even asked a question and they're objecting to my next
6 question.

7 As counsel has just admitted, the purge of the East Zone is part
8 of the case. Some of the people who were arrested during this
9 purge were sent to S-21; others were purged or arrested and
10 killed within the East Zone. So we're -- the same people were
11 doing this entire. We're entitled to explore some of the basics
12 about this purge.

13 So if I can ask my next question, I think you will find it's not
14 a one -- it's one that goes to who was conducting the purge in
15 the East Zone.

16 Q. Mr. Witness, these arrests of people that you observed, do you
17 know who it was that was conducting the arrests of the --

18 MR. PRESIDENT:

19 The objections are overruled. Therefore, the Deputy
20 Co-Prosecutor, you may proceed with your questions.

21 [09.49.49]

22 BY MR. LYSAK:

23 Thank you, Mr. President. Apologies.

24 Q. Do you know who the people were who were carrying out the
25 arrests of these East Zone soldiers?

1 MR. SEM OM:

2 A. To my knowledge, it was the <> unit for purging <at the back>.
3 They were <> soldiers <from the North and the Southwest Zone, but
4 the Southwest Zone soldiers were in charge>, so that <> unit was
5 in charge of purging <at the village level>. And as for me, I was
6 at the battlefield, <at the front line>. I was not part of that
7 purging unit, but accidentally, I witnessed the incident because
8 my radio ran out of battery so I went to get a new battery. And I
9 encountered such incident unfolding.

10 [09.51.10]

11 Q. And how did you know about this special unit for purging, and
12 where did this unit come from?

13 A. That special unit was part of Division 310. <It was under a
14 new commander.>

15 Q. And were these people cadres from the Southwest Zone, or did
16 they come from some other location?

17 A. The <people> in charge of that unit were from the Southwest
18 Zone, not from the <East> or the North Zone. They were from the
19 Southwest Zone. They were in charge of division, of battalions.
20 <People from the North Zone were all combatants, none of them
21 were cadres.> And for <> the former <cadres, they> had all been
22 arrested. <Only combatants remained there.>

23 Q. I asked you earlier about what happened to the wives of purged
24 cadres from Division 310. Do you know what happened to the wives
25 of East Zone cadres who were arrested and accused of being

1 traitors?

2 A. For the wives and children of the <East Zone cadres> who had
3 been purged, I did not see them. I saw only the soldiers who were
4 purged who were transported in three vehicles. Because I was at
5 the <front>, <and my place was about 10 kilometres away from
6 Nam's place.> I spent most of my time in the forest. I rarely
7 came to the rear battlefield.

8 [09.53.42]

9 Q. And during the time you were in the East Zone, did you witness
10 the arrests of any Vietnamese people and, if so, can you tell the
11 Court what you witnessed?

12 A. Yes, I saw some of them. I saw a few of them. I was assigned
13 to guard them. They were arrested <> from the inner area, from
14 Vietnam. Some of my force went <> inside Vietnam, and they
15 arrested and brought in those people, and those people were
16 brought to my place. <I dug a trench for them to sleep in there.>
17 And I was assigned to guard them. And they wept...

18 MS. GUISSÉ:

19 Mr. President, I apologize.

20 [09.54.52]

21 MR. PRESIDENT:

22 Defence for Khieu Samphan, you may proceed.

23 MS. GUISSÉ:

24 Thank you, Mr. President.

25 Once again, I object for the same reason as previously, that is

24

1 to say the incursions into Vietnam of the Revolutionary Army of
2 Kampuchea do not fall within the scope of this trial, so any
3 elements connected with facts linked to these incursions are not
4 within the scope of this trial, either.

5 And I'm maybe anticipating the answers <and your decision> here,
6 but I would like to question <the> idea of <what it means to>
7 speak "a little bit" about facts that are outside of the scope. I
8 don't understand.

9 If facts are not within the scope of the trial, <if it is not
10 part of the debate with which the Chamber is seized,> we should
11 not be wasting the Chamber's time on facts that do not fall
12 within the scope of the trial, so I object to this <line of
13 questioning>.

14 MR. LYSAK:

15 The treatment of Vietnamese nationals is part of the case. I'm
16 not asking -- going to ask any questions about the incursion into
17 Vietnam. I'm asking what happened to these Vietnamese people who
18 were arrested at this office.

19 [09.56.24]

20 MR. PRESIDENT:

21 Defence counsel for Khieu Samphan, you have the floor.

22 MS. GUISSSE:

23 Well, since the witness <himself> has indicated that these
24 Vietnamese people were apparently arrested during incursions into
25 Vietnam, then we are falling outside of the scope of the trial.

25

1 MR. PRESIDENT:

2 There were also Vietnamese soldiers who had been sent to S-21.

3 Therefore, the Chamber <> overrule the objection.

4 And the floor is given to Judge Marc Lavergne.

5 [09.57.09]

6 JUDGE LAVERGNE:

7 Yes. In order to clarify things, we know that some prisoners

8 arrived at S-21, and they were Vietnamese or, in any case, it was

9 alleged that these prisoners had been arrested in Vietnam, so

10 there is a connection with the facts that are at hand.

11 BY MR. LYSAK:

12 Let me just follow up and finish this so I can pass the floor to

13 my colleagues here.

14 Q. You said that these Vietnamese people were brought to your

15 place where you were assigned to guard them.

16 Can you describe for us exactly where it was that these

17 Vietnamese people were detained where you were guarding them?

18 [09.58.05]

19 MR. SEM OM:

20 A. <> That place was the preparatory line, <it was a

21 battlefield,> and those people were arrested from Vietnam and

22 they were brought in <and put there overnight at the preparatory

23 line before they were sent to the rear>. <> I asked them where

24 these arrested people would be sent to, and they told me that <>

25 they would be interviewed and broadcasted on radio. <But I never

1 saw them being killed. I did actually hear their interviews>
2 broadcasted on radio. <I did not know where the interviews took
3 place.>

4 Q. And do you know what happened to these people after they were
5 detained at your office?

6 A. At the place where I was assigned to guard, they told me that
7 those arrested people were kept with me for one night, and then
8 they would be sent further. <So I dug a trench for them to rest
9 in.> And then in the morning, those Vietnamese people were sent
10 <to the rear>, and I asked them where were they sent to. And they
11 told me that they would be sent to be interviewed, <but I never
12 saw them being killed>. <I am telling the truth.>

13 Q. And just so we're clear, were these people soldiers or were
14 they civilians?

15 A. Those people were not soldiers, but they were civilians. I
16 asked those who brought them in. They told me that those people
17 were wood cutters<, some of them came in to collect the leftover
18 rice in the field>. So they were civilians, not soldiers.

19 [10.00.11]

20 MR. LYSAK:

21 Thank you. Thank you very much for your time, Mr. Witness.

22 We have no further questions, Mr. President.

23 MR. PRESIDENT:

24 Thank you, Co-Prosecutor.

25 And the floor is now given to the Lead Co-Lawyers for civil

1 parties. And the Chamber <> reminds the two parties that your
2 combined time is two sessions, and it almost runs out.

3 QUESTIONING BY MR. PICH ANG:

4 Thank you, Mr. President.

5 And I do not need a lot of time since I only have a <> few
6 questions to put to the witness.

7 First of all, allow me to say good morning to Mr. President,
8 Judges, parties.

9 Q. And good morning, Mr. Witness. My name is Pich Ang. I am
10 together with Madam Marie Guiraud. We are the Lead Co-Lawyers for
11 civil parties. And I have a few questions to put to you.

12 Yesterday at 3:27, you made mention that Hun (phonetic), one of
13 your supervisors, used to take you along when he went anywhere.

14 However, after he got married, you became distant from him.

15 And can you tell the Chamber as to when he got married?

16 [10.01.52]

17 MR. PRESIDENT:

18 Witness, please hold on.

19 And counsel for Khieu Samphan, you have the floor.

20 MR. KONG SAM ONN:

21 Thank you, Mr. President.

22 From what I heard from the witness, his supervisor's name was not
23 Hun (phonetic), but Hon (phonetic), so please check the name.

24 MR. PICH ANG:

25 Q. Yes, the name is Hon (phonetic).

1 So Mr. Witness, can you tell the Chamber when was he married?

2 [10.02.33]

3 MR. SEM OM:

4 A. Hon (phonetic) got married in 1975, but I did not know where
5 he got married. I only saw him when he brought his wife along.

6 Previously, I stayed with him -- I stayed with him in the same
7 room, but after he got married, I became distant from him since I
8 was assigned to stay with other members within a unit based at
9 Chrouy Changva. And when I was at Chrouy Changva bridge, <there
10 was no soldier there> --

11 Q. Allow me to interrupt, Mr. Witness. At your military base, can
12 you tell the Chamber, were there any marriages between 1975 to
13 '79?

14 A. No, there wasn't. There were only marriages for cadres and for
15 disabled people, those who lost their leg or arm. As for
16 combatants like myself, no, there was no marriage.

17 [10.04.02]

18 Q. When did you learn about the marriages between the cadres and
19 cadres or between disabled people?

20 A. After the liberation in 1975, that is, about a month or two
21 after, marriages took place between those cadres and disabled
22 people, I only heard that marriages took place at Svay Teab,
23 although I, myself, did not witness it.

24 Ry (phonetic), the wife of <Hon> (phonetic) was from Preah
25 Prasab, and they got married in Svay Teab. As for disabled

1 combatants, they did not marry with cadres. In fact, those
2 disabled soldiers were organized to get married in an event where
3 four or five couples got married. And as I said, marriages took
4 place in other units or divisions.

5 And as for my unit, only Kim (phonetic) got married, and Kim
6 (phonetic) lost a leg.

7 [10.05.42]

8 Q. Thank you.

9 So for this disabled soldier, Kim (phonetic), who got married,
10 did you know whether he knew his wife or had known his wife
11 before he got married to her?

12 A. After they got married, they came to live together with my
13 unit at the Chrouy Changva bridge. And during our livelihood
14 meetings, he said that he did not know his wife, but he was
15 forced to marry her, and she was not pretty. But they seemed to
16 go along well together. They did not have any disagreement when
17 they were together.

18 And that happened when we were at Chrouy Changva bridge together.
19 Later on, after I was reassigned somewhere else, I <never met>
20 him and his wife.

21 Q. You spoke about disabled combatants who were married at Svay
22 Teab. Can you tell us about Svay Teab, which location or commune
23 or district it was in?

24 A. Svay Teab was at Chamkar Leu, that is, in the Kampong Cham
25 province.

1 [10.07.22]

2 Q. Did they say anything why the disabled soldiers had to marry?

3 A. I heard him saying that disabled soldiers had the rights to
4 marry, and cadres who reached the marriage age could also marry,
5 but for us combatants, we were not allowed to get married despite
6 our marriage age, that is, around 20 or 25.

7 Q. When you said that he said he had the right to get married,
8 did he tell you the reason or the purpose that they were married?

9 A. I did not know the purpose of the marriages. I only knew that
10 disabled soldiers had the rights to get married since they
11 already became disabled; they should have to live with a partner
12 and that they would have children later on. But from what I
13 observed, after he got married, he did not stay together with his
14 wife all the time.

15 Sometimes his wife came to stay overnight or two, and she left.

16 And I did not know where she worked or lived because at -- where
17 I was based, there was no female.

18 [10.09.14]

19 Q. You said that they got married in order to produce children.

20 And you also mentioned that, as for you, combatant, you did not
21 have the rights to get married. What happened if you fell in love
22 with a woman? Did you have the rights to make a proposal for
23 marriage?

24 A. If I had -- if I were given the right to get married, of
25 course I would want to get married, too. But generally speaking,

1 combatants did not have such right. And only disabled soldiers
2 and cadres had such right.

3 Q. Mr. President, I only have two or three more <questions>.

4 Please allow me to finish.

5 In your interview, that is, E3/5149 in your -- in the last
6 question and answer, you said that:

7 "At one point in Trapeang Khlong, I went to pick up a battery for
8 my radio and I saw soldiers from the east were transported in
9 three vehicles, and later on, they were blindfolded <and their
10 hands were tied behind their backs>. And I asked Nam where they
11 were sent to. Nam said that they were traitors and they had to be
12 killed. And I saw them being killed with steel cart axles."
13 And please, tell the Chamber how you learned that they were
14 soldiers from the East Zone.

15 [10.11.23]

16 A. I said that they were East Zone soldiers because I asked Nam
17 about them. And Nam said they were East Zone soldiers, and they
18 were from the sector level. And allow me to finish.

19 However, they were wearing civilian clothes. Some were only
20 wearing shorts and no shirt, <some of them had only one scarf>
21 and none of them was wearing any military uniform.

22 Some were about my age, while others were older. And there were
23 some who were younger as well.<The majority of them was old
24 people.>

25 Q. I have two more questions to put to you, Mr. Witness.

32

1 The first one is in relation to what was unfolded in Suong
2 pagoda, which is now in Tboung Khmum province. You spoke about an
3 event that happened in a hospital in Suong pagoda. Please tell
4 the Chamber.

5 [10.12.38]

6 A. I was at -- I was hospitalized in Suong pagoda, and I was
7 wounded in my head from a shell fragment, but I was resting in
8 that hospital. I witnessed some events. <Previously, I already
9 described the events...>

10 MR. PRESIDENT:

11 Counsel for Nuon Chea, you have the floor, says the President.

12 Counsel for Khieu Samphan, rather.

13 MS. GUISSSE:

14 Thank you, Mr. President.

15 Here again, I object to this line of questioning because these
16 events are not within the scope of your Severance Order and,
17 therefore, they are not part of this trial.

18 MR. PICH ANG:

19 Mr. President, in fact, this falls within the Severance Order
20 since it's related to the purging of the traitorous network. And
21 Suong was part of the East Zone, and it falls within the scope of
22 the trial. Please allow me to proceed.

23 (Judges deliberate)

24 [10.15.19]

25 MR. PRESIDENT:

1 The objection is overruled. However, lawyer for civil party, that
2 is your last question.

3 BY MR. PICH ANG:

4 Q. Since I am allowed to ask only one more question, let me refer
5 to your document, that is, your document with DC-Cam, E3/7523, at
6 ERN <00875585, in French 00884241 and in Khmer 00061173>.

7 THE KHMER INTERPRETER:

8 Please repeat the ERN number.

9 JUDGE FENZ:

10 Sorry, Counsel. Please repeat the ERN. There was a problem for
11 the interpreters.

12 [10.16.20]

13 BY MR. PICH ANG:

14 Q. ERN in Khmer is at 00061172 (sic); and English is at 00875585;
15 and French, 00884241.

16 You mentioned the following points, that when the women were
17 disembowelled at a hospital in Suong. And you also said that they
18 belonged to a traitorous network.

19 Can you tell the Chamber how many women there were and what you
20 meant when you said that they were linked to a traitorous
21 network?

22 MR. PRESIDENT:

23 Witness, please hold on.

24 And counsel for Khieu Samphan, you have the floor.

25 MS. GUISSÉ:

1 A new objection, Mr. President. I would like someone to tell me
2 where in the Severance Order these facts are mentioned.

3 [10.18.21]

4 MR. PICH ANG:

5 It is not -- I did not have time, actually, to find the relevant
6 paragraph in relation to the scope. However, we here are having a
7 segment of the trial of the purging of the traitorous network,
8 and I am rather surprised when counsel for Khieu Samphan says
9 this fact does not fall within the scope of the current segment
10 since I am well aware that the purging of the traitorous network
11 in the East Zone is a core part of the current trial segment <of
12 this case 002/02>.

13 (Judges deliberate)

14 MR. PRESIDENT:

15 Objection is overruled since this question is related to the
16 policy of purging.

17 And counsel for Khieu Samphan, if you are on your feet to give
18 your objection on the same question, then you may not have the
19 floor.

20 [10.19.52]

21 MR. KONG SAM ONN:

22 Mr. President, the relevant ERN number given by the Lead
23 Co-Lawyer for civil party, it does not mention anywhere in
24 relation to the disembowelment of women. Not at all.

25 BY MR. PICH ANG:

35

1 Allow me to repeat the ERN number. And the document is E3/7523,
2 which is his interview with DC-Cam. And at Khmer, ERN 00061173;
3 English, 00875585; and French, 00884241.

4 And he said that many of them were put in vehicle while <he> was
5 staying at the hospital <in Stoung (phonetic)>.

6 "Rem was chief of the hospital, <he was the one who ordered it.>

7 And while I was there, I saw women from the East Zone were killed
8 in the <pagoda>. And they said that they spared young children,
9 but then they were smashed against car tyres."

10 So he spoke about the arrests of women from the East Zone, and
11 then they were executed in a pagoda.

12 Q. So Mr. Witness, can you tell the Chamber, what did they do to
13 those women who were arrested from the East Zone, and how many
14 women in the group?

15 [10.21.56]

16 MR. SEM OM:

17 A. Those women were arrested, and they said that they were
18 <pregnant> wives of soldiers. And at night time when it was
19 quiet, they said that <> they were used for medical experiment in
20 that hospital. They cut open their bodies, they injected liquid
21 into them and, later on, <when they became conscious,> they <were
22 killed>.

23 I witnessed that because, at the time, I was staying in that
24 hospital. And the women were transported in front of the building
25 where I rested.

1 And also, the office was located opposite of where I stayed, that
2 is, <to the south.> That the operation was carried out in that
3 building in Suong hospital. And other combatants who stayed in
4 the hospital also peeped at what happened, and they whispered
5 about the event <to me>. <I never dared go peep with them. I just
6 saw it from a distant.>

7 And Ta Rem was in charge of the division office, and at Suong
8 hospital, he was also there together with his wife and children.

9 And Rem actually lost a leg.

10 And I'm here speaking the truth since I witnessed it.

11 [10.23.43]

12 Q. You answered part of my question. Can you tell us about those
13 pregnant women, how many of them there were?

14 A. There were only two women whom I saw when they were cut opened
15 for medical experiment. And I heard that there were two beautiful
16 children as well, and they were spared because Ta Rem would raise
17 them. Later on, <> I did not know <what happened to him, but
18 when> Ta Rem returned on his motorbike and, for some reason, he
19 ordered his subordinates to lift the children up and smash them
20 against car tyre. And that happened near a pond located inside
21 Suong pagoda.

22 MR. PICH ANG:

23 Thank you, Mr. Witness. And I do not have any further question.

24 MR. PRESIDENT:

25 Thank you.

1 And I'd like to ask counsel for Khieu Samphan if you have
2 question to put to this witness.

3 [10.25.05]

4 MS. GUISSÉ:

5 Yes, Mr. President, we have questions. And we believe that there
6 is still 20 minutes remaining for the Defence, so we will be
7 using this time.

8 MR. PRESIDENT:

9 Based on my calculation, the remaining time for the Defence is
10 about 10 minutes only.

11 The Chamber will take a 20-minute break from now.

12 (Court recesses from 1025H to 1043H)

13 MR. PRESIDENT:

14 Please be seated.

15 The floor is given to defence counsel for Khieu Samphan to put
16 questions to the witness.

17 MS. GUISSÉ:

18 Yes. Thank you, Mr. President.

19 Before I start, what I understood from your answer, Mr.

20 President, is that <you calculated that> we only have 10 minutes,

21 but insofar that the civil parties and the prosecutors finished

22 at around 10.25, they had a bit more than two sessions, so may I

23 please be given 20 minutes, that is to say, 10 extra minutes?

24 MR. PRESIDENT:

25 Yes, your request is granted.

1 [10.44.40]

2 QUESTIONING BY MS. GUISSÉ:

3 Thank you.

4 Q. Good morning, Mr. Witness. My name is Anta Guisse. I am the
5 co-international counsel for Khieu Samphan, and it is in this
6 capacity that I'm going to put to you a few extra questions. And
7 I'm going to first react on the last subject that you brought up
8 with the co-civil party lawyer. And you were speaking about this
9 scene that you witnessed at the Suong hospital.

10 So my first question is: Can you tell the Chamber in which
11 commune, district, sector and zone this <Suong> hospital is
12 located, which is an old pagoda? This is what you said.

13 MR. SEM OM:

14 A. The hospital, in fact, it was in a pagoda. That pagoda had
15 Chet Dey (phonetic). It was the Buddhist pagoda.

16 Q. I heard "Chet Dey" (phonetic), <I'm not sure if I'm
17 pronouncing it correctly;> is this the commune, the district, the
18 sector?

19 I asked you for the three locations; which commune, which
20 district, which sector. And if you mention a name, can you please
21 tell us each time if you're speaking about the commune, the
22 district or the sector, <and which zone that is in,> especially
23 for us who are not as familiar as you with Cambodia?

24 [10.46.38]

25 A. I did not know which commune it was. <>I only know that it was

1 Suong pagoda, and that pagoda was within Kampong Cham province.

2 It was in Suong village, Suong pagoda, and in Kampong Cham
3 province. I did not know which commune it was located in.

4 Q. Then these women who you told us were pregnant and whom you
5 saw, did you know them?

6 A. No, I did not know them. They were brought from somewhere
7 else. I only saw them, and some of them were pregnant. And I was
8 told that they were wives of cadres.

9 Q. Who told you that they were wives of cadres?

10 A. It was <Ta> Rem's people.

11 Q. And when you're speaking about Rem's people, what position did
12 <this person or> these people have? And are you speaking about
13 one person, or several, and what was this or these people's
14 position?

15 [10.48.37]

16 A. <Ta> Rem was in charge of the office. He was the chief of the
17 office of the division, and he was also the chief of the
18 hospital, so he was in charge of two positions.

19 Q. Maybe I was not clear. You said that you were speaking about
20 someone working for Rem, or Rem's people. And you said that this
21 person said that these women came from elsewhere <and were
22 cadres' wives>.

23 So who told you this?

24 So let's do it in steps. Who told you this?

25 A. It was Brother Rem, but based on our colloquial usage, we

40

1 usually refer to him as Rem's people. That specifically referred
2 to the four or five female medics who were under his supervision.
3 <Rem said that those pregnant women were the wives of cadres.>
4 I usually addressed those people as "pouk pouk" (phonetic),
5 <"group",> or Rem's people.

6 [10.50.01]

7 Q. Fine. So my question is: Who among Rem's people spoke to you
8 about these women?

9 A. It was Brother Rem who was the one who told me. He told me
10 that these women were the wives of cadres who had already been
11 arrested. Their husbands had been arrested, and <then it was> the
12 turns for the arrest of the wives<, who> were pregnant, <for the
13 medical experiment>. <But I saw> only two <pregnant> women <and
14 two children>.

15 Q. Fine. And so I understand that it is Boeng Rem himself who
16 provided that information to you.

17 And you, what were you doing in that hospital when he gave you
18 that information?

19 A. I did not do anything. I was simply a patient.

20 Q. So you were a simple patient. So when did Rem speak to you
21 about these women; upon which occasion?

22 A. It was during daytime when I stayed at the hospital, but
23 because Brother Rem, who was also the chief of the division
24 office, and I used to work with him. And at that time, I was sent
25 to study radio communication, and it was him who was the one who

41

1 supervised me.

2 And Rem <lost> one leg<>. He was supervising me when I was at the
3 division <office>.

4 He was in charge of the division office, especially in charge of
5 radio communication. But I was at the front battlefield <in
6 charge of the artillery>.

7 [10.52.47]

8 Q. And can you tell us precisely which zone this pagoda and this
9 hospital are?

10 A. The pagoda was in the <North Zone. No, I confused. In fact, it
11 was in the> East Zone. <The> name of the pagoda is Suong pagoda.
12 It's in the East Zone in Kampong Cham province.

13 Q. You said in your statement to DC-Cam, E3/7523, at French, ERN
14 00884241; Khmer, 00061173 and to 74; English, 00875586 -- you
15 said that when -- or in any case, that's what we see in the
16 transcript, that when you heard about this incident, you were in
17 the Southwest Zone. The question that was put you is, which --
18 where were you then, and you answered, "In the Southwest Zone".
19 So can you clarify to the Chamber why you were speaking about the
20 Southwest Zone here?

21 A. <> I did not say that I was <in> the Southwest Zone. <I said
22 that> I was sent to fight <at the battlefield, but I was injured.
23 So I was sent to be hospitalized> in the East Zone.

24 [10.54.30]

25 Q. Did you attend the interventions that were conducted on these

1 women?

2 A. I witnessed the incident with my own eyes. I peeped through
3 the wall of the building. At that time, the wall of the building
4 was not made from concrete like this building. <The wall was made
5 from thatch and the outside was covered by tent.> I peeped
6 through the <window>, and after the operation <> had been
7 conducted, the bodies were carried on a trolley to the outside
8 area <to be buried>.

9 I stayed at the hospital <> for more than one month, and then I
10 returned to <front> battlefield.

11 Q. You said that you were a patient then, so I would like to read
12 out the sentence that you said before speaking about this fact.
13 You said at the same ERNs again -- it's still the same document,
14 E3/7523: "I saw these massacre scenes by chance because I went to
15 look for radio batteries, and I just glanced by."

16 [10.56.53]

17 So the following question that's put to you: "But how many times
18 did you see such scenes?"

19 And your answer: "Once. That's it."

20 Following question: "Only once?"

21 Answer: "Well, I saw several times people being stacked into
22 vehicles when I was hospitalized, and it was Rem who gave the
23 orders. Rem was the head of the hospital. And when I was
24 hospitalized, I saw people arrest women from the East Zone and
25 execute them inside the pagoda." End of quote.

1 So my first question, can you explain why you connect the fact of
2 having seen one execution <or massacre scene> when you went to
3 look for radio batteries, whereas you say at the same time that
4 <it was because> you were a patient in the hospital? So can you
5 clarify this, please?

6 [10.58.01]

7 MR. PRESIDENT:

8 Mr. Witness, please hold on. The floor is given to Deputy
9 Co-Prosecutor.

10 MR. LYSAK:

11 Yeah. I'm not sure whether counsel is doing this deliberately,
12 but the excerpt about the execution he saw when collecting radio
13 batteries is the continuation of questions about the event he
14 testified to earlier, which was the trucks -- the vehicles of the
15 Lon Nol soldiers, Nat.

16 This is -- these are questions that come at the end of him
17 talking about that, and then it transitions to a new subject,
18 which is the killings at the hospital in Suong, so counsel should
19 not be suggesting that those questions are related.

20 MS. GUISSÉ:

21 Well, I would have liked the witness to provide clarification,
22 and not <an interpretation by> the Prosecution, so my question
23 remains the same.

24 MR. SEM OM:

25 A. They were two separate incidents. <The incident regarding the

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1 three vehicles happened at the coal kiln.> Both places were about
2 20 kilometres from each other. They were not related.

3 [10.59.37]

4 For the incident happened at the hospital, it was at the time
5 when I was a patient. The other incident, it happened at the coal
6 kiln. And for another incident, it happened at the hospital while
7 I was a patient <at Suong pagoda>.

8 There were two separate incidents. They were not related. And I
9 already elaborated on the two incidents already.

10 BY MS. GUISSÉ:

11 Q. You, yourself, said that you did not know these women and that
12 it was Rem who gave you explanations. Rem was your supervisor; is
13 that correct?

14 [11.00.40]

15 MR. SEM OM:

16 A. Allow me to clarify the matter. Rem was chief of the <office>,
17 and when I went to study radio operation, I was under his
18 supervision. And after I left him to work at the radio station, I
19 became wounded and I went to be treated at that hospital, the
20 hospital where he was in charge at Suong pagoda.

21 Q. And when he talked to you about these women, this Rem, was it
22 during a meeting or was it just in a <casual> conversation?

23 A. No, there was no meeting. When I walked, I saw him and asked
24 him where those women came from. And he said that they were the
25 wives of cadres.

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1 So I spoke to him when I met him <in front of the hospital>, and
2 it was not through any meeting.

3 Q. And did Rem tell you which cadres <were married to these
4 women, or> perhaps what their functions were?

5 A. No, he did not tell me anything about that. And Rem himself
6 did not know those women since they came from a different zone,
7 and, of course, East and Southwest Zones were <rather far from>
8 one another<. He knew that they were the wives of cadres because
9 he was in charge of the hospital. He was the one who ordered
10 those wives to be taken to> that hospital.

11 [11.02.45]

12 Q. What did you mean when you said, "Naturally, the Southwest
13 <was> opposing <the East Zone>"?

14 A. I said that the Southwest Zone people <including my group>
15 only had come to work and lived in the East Zone and Rem,
16 himself, only had come from the Southwest Zone; that's why I said
17 these two zones were far from one another and they <did not know
18 each other> and they went there only when Vietnamese troops
19 actually advanced toward the rubber plantation in the Chup area
20 and <they had just been there for> a few months <only>.

21 Q. When you say this was "the end", do you mean this was the
22 arrival of the Vietnamese, so you're placing these events at the
23 end of '78, the beginning of '79; is that a correct
24 understanding?

25 A. Yes, that was the time. Previously, I worked in the field at

1 Boeng Prayap, but Rem was living in Phnom Penh and I only went
2 there when the Vietnamese troops were attacking.

3 [11.04.49]

4 Q. You said that it was Rem who was in charge of the hospital; do
5 you know if he is the one who gave orders to perform these
6 interventions on those women?

7 A. Yes, it was Rem who issued such instructions since he was the
8 chief at that location.

9 Q. So this is something that you deduced or did he tell you that
10 he had given the order to carry out these interventions?

11 A. That is my personal conclusion. He did not make mention that
12 he issued that order, but my conclusion was that since he was the
13 chief, then he was the one who issued the order and without his
14 order, those soldiers under his supervision could not do that.

15 Q. Do you know how the hospital was organized and who took the
16 daily decisions, everyday decision in this hospital; were there
17 other people aside from Rem?

18 A. The hospital was not a proper hospital; it was a makeshift
19 hospital for the battlefield. There were only about 10 staff
20 there and they were there to receive the wounded soldiers from
21 the battlefield <and send them to> Kampong Cham. There was Ta Rem
22 and there were some female staff.

23 [11.06.45]

24 Q. So my question was: Do you know if this pagoda, which had been
25 transformed into a hospital, was under the responsibility of any

1 other people besides Rem?

2 A. I did not know about that and I did not know any other people
3 besides Ta Rem because I was -- that was the only occasion that I
4 was hospitalized.

5 Q. My time is short and I have some additional questions, but
6 I'll move on.

7 So a first question: In the same document, E3/7523, when you
8 talked about the military clothing that you saw in the <Regiment
9 13> warehouse at 00884233 in French; in English, <00875575>; and
10 in Khmer, ERN 0061164 (sic); this is what the questions that <you
11 were asked. So, you spoke about> the preparations for <an
12 operation...> a plan <for treason>. So <the question was, "So you
13 saw the preparations?" And> your answer is: "Yes, I saw them
14 preparing." And the question was: "Were there paramilitary
15 outfits, clothing?" <Your answer: "There> were three women's
16 units and the plan was to deploy their units near Wat Phnom. I
17 saw all of this, but no one said anything to me. The group chiefs
18 were informed <and all that, I found out because> I read their
19 documents secretly." <End quote.>

20 [11.08.56]

21 So finally, you <explained to the Chamber that> you hadn't <seen
22 those documents secretly>, but <this was information you
23 obtained> from <Oeun's messenger>.

24 So <regarding> this passage that I just read, I would like to
25 know when you say that there were three women's units, which

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1 units are you talking about; could you please clarify that?

2 A. There was only one female unit and not three units and the
3 units that I refer to here is there is one female battalion; I
4 never mentioned that there were three female units at all. And
5 there were Comrade Chin (phonetic) and Chun (phonetic) who were
6 also in that unit.

7 [11.09.50]

8 Q. So when you talk about this women's unit, what was the role
9 they had in preparing for actions at Wat Phnom; what did you <see
10 or> hear <people say> about this?

11 A. I did not know their works; however, they were in the
12 preparatory stage and we also were in the same stage, but I did
13 not know of their concrete plan or whether they were involved in
14 any traitorous plot. They prepared the uniforms as I mentioned
15 earlier. They never held any meeting that information about the
16 toppling of the government was disseminated. No, there was no --
17 that was not the case.

18 Q. You also said earlier, in responding to the Co-Prosecutor,
19 that it was during the discussion with Oeun's messenger that you
20 learned about this plan; that it was an informal discussion while
21 you were waiting for your chiefs who were in a meeting. So my
22 question is as follows: When Oeun's messenger shared with you
23 this plan, did he also share with you his concern or his worry
24 upon discovering this plan?

25 [11.12.02]

1 A. No, I did not hear him saying anything about that. He never
2 said about his concern if the plot was revealed.

3 Q. He was the direct messenger of Oeun; did he tell you if he had
4 been questioned<, interviewed, or interrogated> by other people
5 about his chief who had just been arrested?

6 A. No, nobody asked him any question. He said that he accompanied
7 his superior and then his superior was arrested, but he was
8 allowed to <come back>, so he returned to his unit.

9 Q. One final question, Mr. President. I know that I'm pushing the
10 limits a bit, but just one final question, a clarification.

11 When you arrived in April 1975 in Phnom Penh and the city fell
12 completely, <were> the soldiers who participated in the fighting
13 <able to> keep their weapons; or at one time or another, did they
14 have to give their weapons back to the superiors given their new
15 assignments?

16 [11.14.07]

17 A. At that time, everyone was armed and it was not collected;
18 however, gradually weapons were taken away and when we had to
19 actively participate in the rice fields, then all our weapons
20 were collected. Initially, they only collected pistols, but then
21 rifles were gathered and we were given only with the farming
22 tools including us carrying baskets and hoes and by that stage,
23 we no longer had any weapon with us. And that is my personal
24 observation and that's what I did at that time.

25 Q. And one last follow-up question: What was the date when <all>

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1 the weapons were taken back?

2 A. <After the liberation in 1975,> in about 1976, that was the
3 time that we actively worked in the rice fields and by that time,
4 all weapons had been collected. None of combatant had any weapon
5 with him and nobody asked anything about that; our main focus was
6 to go and work in the field, to refashion ourselves, and that
7 everybody was mindful of his business and <if someone could not
8 perform his or her assigned task, he or she would disappear.>
9 That's all what happened.

10 [11.16.00]

11 MS. GUISSÉ:

12 Mr. President, thank you for the additional time you granted me,
13 even <if I maintain that the elements on which I had to question
14 the witness did not fall within the scope of the trial set out>
15 at the beginning <and we were not prepared to do that>, but I
16 thank you, nevertheless, for this extra time.

17 MR. PRESIDENT:

18 Thank you, Counsel.

19 And Mr. Witness, the Chamber is grateful of your testimony and
20 hearing of your testimony is now concluded and you may be
21 excused.

22 Court officer, please work with WESU to make necessary transport
23 arrangement for Mr. Sem Om to send -- to return to his residence.

24 (The witness exits the courtroom)

25 [11.17.04]

1 MR. PRESIDENT:

2 The Chamber now issues an oral ruling admitting into evidence two
3 prior statements of 2-TCW-1036.

4 The Chamber notes that the Nuon Chea defence have made an oral
5 request pursuant to Internal Rule 87.4 for the admission into
6 evidence of two statements of witness 2-TCW-1036, who is
7 scheduled to begin his testimony today. None of the other parties
8 object.

9 The Chamber notes that the two documents sought for admission,
10 that is, F2/4/2/3.2.1 and F2/4/2/3.2.2 are Written Records of
11 Interview of 2-TCW-1036 from Case 004.

12 The Trial Chamber recalls its practice to admit into evidence all
13 prior statements of civil parties or witnesses who appear before
14 it pursuant to Internal Rules 87.3 and 87.4. It is in the
15 interest of ascertaining the truth that the Chamber and parties
16 have access to all other statements of civil parties and
17 witnesses who will be heard in Case 002/02. The Chamber;
18 therefore, admits both documents into evidence and assigns them
19 document numbers E3/10671 and E3/10672 respectively.

20 [11.19.03]

21 Court officer, please usher witness 2-TCW-1036 as well as duty
22 counsel, Chan Sambour, into the courtroom.

23 (The witness enters the courtroom)

24 [11.19.58]

25 JUDGE FENZ:

1 Before we start this witness, we understand that the Nuon Chea
2 request was considering asking for a photo to be admitted into
3 evidence; if so, the request should perhaps be made now.

4 MR. KOPPE:

5 Yes, well, again, not necessarily have it admitted into evidence.
6 It's a photo that we would like to show later this afternoon to
7 the witness. It is a photo that we took from the ECCC's website
8 and I will not say right now who he is, but he was a witness that
9 testified before the Supreme Court Chamber in June 2015.

10 And as you know, with every new witness -- also a practice in
11 this Chamber -- a photographer comes in, takes a photo, and then
12 subsequently, the photo is being displayed on the website and
13 this photo that we would like to show later is, presumably, the
14 photo taken by the photographer who enters the courtroom with
15 every witness.

16 [11.21.11]

17 JUDGE FENZ:

18 You want to -- and you -- you want to use it, how? So, relevance
19 of the photo. Identification purposes?

20 MR. KOPPE:

21 Yes.

22 JUDGE FENZ:

23 And as we have said before, it needs to go through an 87.4
24 request if you want to use it. So I take this to be a request to
25 admit this photo into evidence in order to confront the current

1 witness--

2 [11.21.44]

3 MR. KOPPE:

4 Yes.

5 JUDGE FENZ:

6 --the witness who is on the stand, at the moment, and identify
7 the person on the photo.

8 Is everybody clear as to which photo we were talking about --
9 talking about? In this case, I'll look at the parties; any
10 objection to that? Note for the record, there is no objection to
11 admitting this photo into evidence.

12 Thank you, Counsel.

13 [11.22.26]

14 MR. PRESIDENT:

15 Before we begin hearing testimony of this witness, the Chamber
16 notes that the witness was interviewed in an ongoing
17 investigation in a separate case. The International
18 Co-Investigating Judge put this witness into Group A amongst the
19 three other groups in his Memorandum of Understanding; that is,
20 document E319/35 and E319/48.5, and request that only pseudonyms
21 should be used in reference to this document in order to protect
22 the confidentiality of the investigation.

23 The Chamber deems that this limited measure is appropriate in
24 this instance and that instructions shall take into accounts the
25 balance of a public proceedings and the integrity of the

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1 investigation. For that reason, the Chamber reminds all parties
2 to adhere to instructions in document E319/7 for the use of
3 disclosures of documents from other cases.

4 [11.23.50]

5 And Mr. Witness, in the proceedings before this Chamber and
6 pursuant to the request by International Co-Investigating Judge,
7 you shall be referred to only by pseudonym and you're assigned
8 pseudonym is 2-TCW-1036. Generally, parties will refer the
9 pseudonym to you and parties will not use your full name,
10 including Judges of the Bench, in this public proceeding.

11 And Mr. Witness, the Chamber would like to get your confirmation
12 of your ID at Khmer, ERN 00960675; and English is at 00970078;
13 and French, 01044642 in document E3/9581.

14 And Court officer, please hand the document to the witness for
15 his examination.

16 I'd like to hand the floor to Judge Fenz.

17 JUDGE FENZ:

18 Just to finish the photo issue, I'm issuing the decision of the
19 Chamber that the photo which is annexed to the email from the
20 Nuon Chea defence from 21st of September 2016, 9.30 to the
21 Chamber is admitted into evidence.

22 [11.25.48]

23 QUESTIONING BY THE PRESIDENT:

24 Q. Mr. Witness, please take a look at the highlighted portion <in
25 orange>, that is, your name, date of birth, place of birth,

1 occupation, the names of your mother, father, your wife and the
2 number of children, as well as your current address. Please
3 review it and state whether it is correct or not.

4 2-TCW-1036:

5 A. It is correct.

6 Q. Thank you. The greffier made an oral report that to your best
7 knowledge, you are not related by blood or by law to any of the
8 two Accused, that is, Nuon Chea and Khieu Samphan, or any of the
9 civil parties admitted in this case; is that correct?

10 A. Yes, that is correct.

11 Q. Thank you.

12 And the greffier also made an oral report that you took an oath
13 before the Iron Club Statue before your appearance; is that
14 correct?

15 A. Yes, it is.

16 [11.27.30]

17 Q. The Chamber now would like to inform you of your rights and
18 obligations as a witness.

19 As a witness in the proceedings before this Chamber, you may
20 refuse to respond to any question or to make any comment which
21 may incriminate you. That is your right against
22 self-incrimination.

23 As for your obligations, as a witness in the proceedings before
24 the Chamber, you must respond to any questions by the Bench or
25 relevant parties except where your response or comments to those

1 questions may incriminate you, as the Chamber has just informed
2 you of your right as a witness.

3 You must tell the truth that you have known, heard, seen,
4 remembered, experienced, or observed directly about an event or
5 occurrence relevant to the questions that the Bench or parties
6 pose to you.

7 And Witness, have you been interviewed by investigators from the
8 Office of the Co-Investigating Judges; if so, how many times,
9 when, and where?

10 A. I was interviewed for three times at the Snoeng pagoda, and at
11 my house.

12 [11.29.13]

13 Q. Thank you.

14 And before you appear before the Chamber, have you reviewed or
15 read the previous Written Records of Interviews with the OCIJ
16 investigators in order to refresh your memory?

17 A. Yes.

18 Q. And to your best knowledge and recollection, can you tell the
19 Chamber whether the written record of your previous interviews
20 are consistent with what you told the OCIJ investigators?

21 A. Yes, they are.

22 [11.30.03]

23 MR. PRESIDENT:

24 Thank you, Mr. Witness.

25 Pursuant to Rule 91bis of the ECCC Internal Rules, the Chamber

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1 grants the floor first to the defence counsel for Nuon Chea
2 before other parties.

3 However, it is now a convenient time for our lunch break. The
4 Chamber will take a break from now and resume at 1.30 this
5 afternoon to continue our proceedings.

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

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 1130H to 1330H)

13 MR. PRESIDENT:

14 Please be seated.

15 Next, the Chamber gives the floor to defence counsel for Nuon
16 Chea to put question to the witness and your team and the defence
17 team for Khieu Samphan have two sessions. You may now proceed.

18 [13.31.23]

19 QUESTIONING BY MR. KOPPE:

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

21 Good afternoon, Mr. Witness. I have many questions that I would
22 like to put to you this afternoon, so let me start immediately.

23 Q. Can you tell us what you did before 1975; when was it that you
24 joined the revolution?

25 2-TCW-1036:

1 A. I joined in 1972.

2 Q. Do you recall what you did before 1975; what was your work?

3 A. I was in <Ampil P rahaong, I was part of> the Khmer Rouge.

4 Q. Were you, at one point, assigned as a messenger to work within
5 the Khmer Rouge?

6 A. (Microphone not activated)

7 [13.32.53]

8 MR. PRESIDENT:

9 Mr. Witness, please repeat your answer and please answer loudly
10 and please wait until the microphone tip turns red.

11 2-TCW-1036:

12 A. I joined and worked for him in 1975. Then I was transferred to
13 Ampil P rahaong <> and in 1977, I was imprisoned.

14 Q. I will get to that. You said "him"; were you, before 1975, a
15 messenger for the later chief of the Northwest Zone, Ros Nhim or
16 Ta Nhim?

17 A. Yes.

18 [13.33.58]

19 Q. You briefly mentioned already events after '75; let me get to
20 that period straightaway. Is it correct that after 1975, you were
21 a soldier in Pailin province and that sometime in 1976, Ta Nhim
22 invited you to be his bodyguard?

23 A. Yes.

24 Q. And were you Ta Nhim's bodyguard until the day that he was
25 arrested?

1 A. Yes.

2 Q. How many bodyguards, including yourself, did Ros Nhim have
3 between '75 and '78, May or June '78?

4 A. Close to him, there were three men and outside the circle,
5 <there were> other four persons <including me>.

6 Q. And were you one of the three that were close to him?

7 A. No.

8 Q. Well, let me get back to that, but first, before coming to
9 that; do you recall any other of the three bodyguards that Ros
10 Nhim had?

11 A. I cannot recall them because we were separated from each other
12 for a long time. <I had been imprisoned>. I cannot recall them
13 now.

14 [13.36.43]

15 Q. Before I turn to your tasks as bodyguard, let me ask you about
16 messengers that -- who also used to work for Ros Nhim, Ta Nhim;
17 do you recall a messenger with the name of Chrouk?

18 A. Yes, I know him.

19 Q. Was he a messenger or was he, rather, a bodyguard?

20 A. He worked <closely with them>. For me, I was responsible for
21 guarding <outside>. <I would usually be assigned to go to distant
22 places.>

23 Q. Do you know another person who used to be a courier, a
24 messenger, not only for Ros Nhim, Ta Paet, and maybe also Nuon
25 Chea; a man named Ta Li (phonetic) alias Ta Kim (phonetic)?

1 A. No, I did not see him.

2 [13.38.21]

3 Q. No problem. Let me now turn to your tasks as bodyguard for the
4 chief of the Northwest Zone, Ros Nhim.

5 What were your daily tasks; could you give us a description?

6 A. <> I did not do anything much. I did the work only when he
7 needed me to drive him somewhere and I remained staying within
8 his car while he was busy with something.

9 Q. In one of your three WRIs, E3/9581, in question and answer 3,
10 you said that you escorted and secured Ros Nhim's safety
11 everywhere he went; is that correct?

12 A. No, only when he went to distant places that I accompanied
13 him; if he went to just nearby places, I did not escort him.

14 Q. If he was going to nearby places, was there then someone else
15 of the two bodyguards that secured his safety?

16 A. Yes.

17 [13.40.46]

18 Q. Can you tell us where you lived during the period that you
19 were Ros Nhim's bodyguard?

20 A. In Battambang at Ampil P rahaong.

21 Q. Is it correct that you stayed in a house about 50 metres from
22 Ampil P rahaong?

23 A. Yes, that's correct.

24 Q. And is it correct that Ros Nhim's house and his working office
25 was at Ampil P rahaong?

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1 A. Yes, at Ampil P rahaong.

2 Q. And is it correct that Ampil P rahaong, the office of Ros Nhim
3 and his house, was about one kilometre west of Phsar Leu market
4 in Battambang town?

5 A. Yes, that's correct.

6 Q. And can you tell us, a bit, how things would go if you were to
7 drive him to certain places; what would you do? Would you walk
8 from your home to his house at Ampil P rahaong and then wait for
9 him to come out; can you tell us, a little bit, how that went?

10 A. When I met him and then we could leave. <I did not wait for
11 long.>

12 [13.43.35]

13 Q. Well, was your car at your -- at -- or was Ros Nhim's car at
14 your house or was his car at Ampil P rahaong; can you tell me what
15 the situation was?

16 A. The car was at his house. <There was no car at my place.>

17 Q. And what kind of car was it that you used when you were
18 driving him and were responsible for his safety?

19 A. It was a white car; it was Jeep.

20 Q. And was it -- this Jeep -- this white Jeep that you used --
21 all the time that you were his bodyguard/driver; in other words,
22 from '76 until his arrest, were you always using this white Jeep?

23 A. Yes.

24 Q. We talked about Ros Nhim's house and office at Ampil P rahaong.
25 Where was Ta Nhim's military base; do you know?

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1 A. Ampil Praphaong was <around> his house. It's <>was close to the
2 road.

3 [13.45.50]

4 Q. I understand, but did Ta Nhim also have a military base where
5 he would go to -- brought by you -- in his Jeep?

6 A. It was from Svay and in Ou Chrov, Samlout<, Pailin>; yes,
7 those places.

8 Q. I'm asking you because you said in your first -- in your WRI
9 E3/9581, question and answer 4, that Sisophon was also Ta Nhim's
10 military base; did you also bring him to Sisophon?

11 A. Yes, I took him there.

12 Q. Is it correct that north of Ros Nhim's house was the house of
13 Ta Paet alias Ta Kantol, the number 2 or number 3 of the
14 Northwest Zone?

15 A. Yes.

16 Q. Did you ever bring him to Ta Paet's house?

17 A. No, never.

18 [13.47.46]

19 Q. Is it correct that at Ampil Praphaong, Ta Nhim held meetings
20 with his military chiefs?

21 A. Yes, that's correct.

22 Q. In your WRI, the same one I just mentioned, in question and
23 answer 62, you said that you were not allowed to enter the
24 meeting place or you were not allowed to enter Ampil Praphaong; is
25 that correct and if yes, why was that?

1 A. We were <in> different <positions>. I was outside. There were
2 different layers; like, layer 1, layer 2. <I was at layer 2 and
3 they were at layer 1.>

4 Q. I didn't get the answer, but I will get it on the screens
5 soon.

6 Mr. Witness, let me move to the arrest of Ros Nhim. Where was Ros
7 Nhim arrested; do you remember?

8 A. I did not know. He had already left Svay and I did not know at
9 which location he was arrested.

10 Q. Let me see if I can refresh your memory. In that same WRI,
11 question and answer 30, you said that Ros Nhim was arrested in
12 Sisophon while he was trying to escape towards Kampong Cham; does
13 that refresh your memory?

14 A. No.

15 [13.50.36]

16 Q. I'm a bit puzzled by your answer now, Mr. Witness. It was only
17 three years ago that you gave testimony to the investigators and
18 you said, "The Southwest cadres detained him (Ros Nhim). He was
19 arrested in Sisophon while he was trying to escape towards
20 Kampong Cham. In what year was Ta Nhim arrested? Perhaps, at the
21 end of 1978."

22 So you -- now, you don't remember anymore when and-or where he
23 was arrested?

24 A. I only heard from other people. I did not <believe> it<>. I
25 did not witness it myself.

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1 Q. There is other evidence from a Northwest Zone cadre who said
2 that he heard helicopters when Ros Nhim was arrested; that is,
3 E3/9578 at question and answer 10.

4 Do you recall the day when Ros Nhim was arrested and if yes, did
5 you hear the sounds of helicopters?

6 A. No.

7 [13.52.25]

8 Q. Who told you that Ros Nhim wanted to run or escape to Kampong
9 Cham province just before his arrest?

10 A. I did not know the name of that person. He came and I asked
11 him and he told me about that.

12 JUDGE FENZ:

13 Counsel cannot follow because he doesn't have a working headset.

14 BY MR. KOPPE:

15 They all seem to die on me. I apologize for that.

16 Q. Could you repeat your answer, Mr. Witness?

17 2-TCW-1036:

18 A. I did not know. Someone told me. Someone told me that he had
19 gone. I did not know the name of that person. I did not believe
20 the story <because I did not witness it myself. I was told that
21 he was arrested and died at Svay. I did not bother asking about
22 him any further>, I <just> walked away.

23 [13.53.51]

24 Q. Let me move on, Mr. Witness, to something else. You saw Ros
25 Nhim practically every day, I presume, or many times between '76

1 and the day of his arrest in '78; did you know any children of
2 Ros Nhim?

3 A. Yes, I know them.

4 Q. Do you recall their names?

5 A. Yes.

6 Q. And their names were?

7 A. Chiel alias Chhnang (phonetic) and the second one name, I
8 cannot recall now. Chhnang (phonetic), Sihor (phonetic), and <>
9 the youngest one was a daughter name Kanhchreng. I can recall
10 only <> three <out of four> children <>.

11 Q. Was there also a third child, Sihour?

12 A. I did not ask his wife much about their children; I saw only
13 the few children.

14 [13.55.51]

15 Q. Well, I have the name of Sihour from you -- from your
16 testimony, E3/9581, question and answer 55, but it's not very
17 important. But I am interested in the oldest son, Chiel; do you
18 know if Chiel was married and if yes, to whom?

19 A. I don't know because he was at Svay Sisophon.

20 Q. What was Chiel's function; what was his position in the
21 Northwest Zone?

22 A. I did not know what he did. As I told you, he was at Svay.

23 Q. Do you know whether Ros Nhim had any adopted children or
24 foster children?

25 A. I did not know. I saw only his <own children>.

1 MR. PRESIDENT:

2 The floor is given to Judge Marc Lavergne.

3 [13.57.38]

4 JUDGE LAVERGNE:

5 Yes, it's just an observation because sometimes, I hear <mentions
6 of> "Hu Nhim" in my headset in French and I think we need to be
7 clear; it's not Hu Nhim, but Ros Nhim. <Or Rou Nhim (phonetic).>
8 I'm saying it more for the interpreters; I don't know what's
9 coming through in English.

10 BY MR. KOPPE:

11 I'm happy to pronounce the English. I'm -- I -- it's my
12 understanding that it's Ruos Nhim in Khmer, but I will -- I'm
13 happy to talk about Ros Nhim because that's the person that we
14 speak about and, indeed, not Hu Nim. For the interpreters, Ruos;
15 R-U-O-S, Nhim; N-H-I-M.

16 Q. Mr. Witness, do you -- did you say that you didn't know
17 whether Ta Nhim had any foster children, adopted children?

18 2-TCW-1036:

19 A. No, I did not know about that. I did not know whether he had
20 those children somewhere else, but at his place; I did not see
21 any others.

22 [13.58.57]

23 Q. You were asked questions about a man -- about a person with
24 the name of Ham, Ta Ham; H-A-M, Ta Ham. In your WRIs, you said
25 that you knew a few Ta Hams, but did you know any Ham who was

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1 close to Ros Nhim?

2 A. Yes, I knew him.

3 Q. And who was he, the Ham that was close to Ros Nhim?

4 A. I did not know his full name; I only knew his name was Ham. He
5 was also close to Ta Nhim. <That was why he was kept at the
6 office to manage it.>

7 Q. And the Ham that you speak to, was he the deputy chief of the
8 general staff of the Northwest Zone?

9 A. Yes.

10 [14.00.19]

11 Q. And the person that we speak about, is he also known as
12 Thoeurn Toit, and someone who, until very recently, was a
13 brigadier general in the Royal Cambodian Armed Forces and someone
14 who died exactly two months today?

15 A. No, I <never met> him, nor did I know him.

16 Q. Now, it comes practical that we have a photo; with your leave,
17 Mr. President, I would like to show the photo we discussed before
18 the lunch break. I have more copies if the parties are
19 interested, but it was sent by email.

20 MR. PRESIDENT:

21 Yes, you may proceed.

22 MR. KOPPE:

23 And with your leave, Mr. President, we can also put it on the
24 screen so that the audience can see him as well.

25 [14.01.46]

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1 MR. PRESIDENT:

2 AV Unit personnel, please project the photo on the screen.

3 MR.KOPPE:

4 That's the wrong photo.

5 AV Unit, please. It's a coloured photo. It's apparently difficult
6 to get this photo on the screen. Meanwhile, I will move on.

7 Mr. Witness, do you know this person?

8 A. No.

9 JUDGE FENZ:

10 Could you now, Counsel, identify him for the record provided it's
11 not too early for you for strategic reasons?

12 [14.03.23]

13 BY MR. KOPPE:

14 No. No, I can do that now.

15 For the record, this is a photo of witness Thoeurn Toit, who
16 testified before the Supreme Court Chamber in June 2015. The
17 photo was taken by the photographer while he was sitting on that
18 very same chair. So that's who he is.

19 Q. So Mr. Witness, never seen this person?

20 MR. PRESIDENT:

21 Counsel, please repeat the name.

22 MR. KOPPE:

23 Well, he has many. He testified in his capacity or in his name,
24 with his name Thoeurn Toit --Thoeurn Toit.

25 [14.04.12]

1 JUDGE FENZ:

2 Perhaps if you spell it because I think there is a problem with
3 the interpretation?

4 MR. LIV SOVANNA:

5 Mr. President, allow me to read the name. The name is Toit
6 Thoeurn.

7 BY MR. KOPPE:

8 Q. Thank you.

9 Again, Mr. Witness, you don't recognize the photo but that name
10 is also not familiar to you; is that correct?

11 2-TCW-1036:

12 A. No.

13 [14.05.10]

14 Q. I will give it one last try, Mr. Witness. He also used another
15 name. Maybe that name is a name that maybe sounds familiar to
16 you.

17 Mr. President, I will be referring to document E3/10665, 10665.

18 This is a transcript of an interview of British filmmaker Robert
19 Lemkin had with Toit, also known as Ham or more commonly known as
20 Ham; more particularly on English, ERN 01156797; and Khmer,
21 01168438; there is no French.

22 This particular individual also was known by the name Met
23 (phonetic). He talks about my client, Nuon Chea, and Nuon Chea
24 knew Ta Ham as someone named Met (phonetic).

25 Does that ring a bell to you?

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1 A. No, I cannot recall it because the name does not ring a bell.

2 Q. No problem, Mr. Witness. Now let me get back to the oldest son
3 of Nhim. You didn't know whether he was married but let me follow
4 up on this.

5 Did you know the former chief of the East Zone, So Phim?

6 A. No.

7 [14.07.40]

8 MR. KOPPE:

9 With your leave, Mr. President, I would also like to show a photo
10 of someone who is -- of So Phim. I can also put it on the screen
11 with your leave.

12 And my question would be to the witness if he can recognize this
13 person all the way on the left.

14 JUDGE FENZ:

15 And as usual we need it on the case file provided it's not
16 already there.

17 MR. KOPPE:

18 It is already on the case file. It is E3/3015R and it is a still
19 from a film at 1.24.

20 MR. PRESIDENT:

21 Yes, you can do that.

22 AV Unit personnel, please project that document on screen.

23 And AV -- Court officer, rather, please take the document and
24 show it to the witness.

25 JUDGE FENZ:

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1 And please leave it on the screen for the AV Unit.

2 [14.09.24]

3 BY MR. KOPPE:

4 Q. Mr. Witness, the person with the hat -- with the cap all the
5 way on the left, do you recognize him?

6 2-TCW-1036:

7 A. No.

8 Q. That begs the question whether you know the person standing
9 next to the person on the left.

10 A. No, I don't.

11 Q. Have you never seen Pol Pot before?

12 A. No, I <haven't.>

13 [14.10.03]

14 Q. Very well. Let me see if I can try it differently and then I
15 will move on to the next subject.

16 Mr. Witness, this person, Ham, former deputy chief of the general
17 staff of the Northwest Zone testified as I said in this
18 courtroom. He talked about Chiel's marriage with the daughter of
19 So Phim, the person that you just saw on the photo on the left.
20 He said before the Supreme Court Chamber at 9.44 on the 6th of
21 July that he realized that they became wife and husband in 1978.
22 However, he also gave an interview to British filmmaker Robert
23 Lemkin in which he says that they were married after liberation
24 in '75. And he also says, and let me quote that particular page
25 from that interview -- that is E3/10665, ERN 01156806 and Khmer,

1 01168451. He said that So Phim, the father-in-law of Nhim's
2 oldest son, came to visit every four or five months coming from
3 the East Zone.

4 Do you recall when you were Ta Nhim's bodyguard that So Phim was
5 coming to visit Ros Nhim, Ta Nhim every four or five months in
6 order to visit his daughter and son-in-law?

7 [14.13.07]

8 A. No, I <never saw> him. And for senior leaders or senior people
9 when they came to visit, I was not allowed to be part of the
10 inner circle since I stood guard outside.

11 Q. Let me return to So Phim's daughter and Ros Nhim's son getting
12 married in August '75. That is on English ERN 01156803 and zero
13 -- Khmer 01168447. This is again Toit's interview with British
14 filmmaker Robert Lemkin.

15 Here, Toit is speaking about he going to the marriage in 1975 in
16 the East -- the marriage of So Phim's daughter. Do you recall
17 bringing Ros Nhim to the wedding of his son or have you ever
18 heard of colleagues' bodyguards or other messengers, whether they
19 accompanied Ros Nhim to the marriage, to the wedding of his
20 oldest son in August '75?

21 A. No, I did not drive him. There was another driver.

22 [14.14.47]

23 Q. No problem. Let me move to the subject that we are most
24 interested in and the reason why you are here, Mr. Witness.
25 Do you recall escorting Ta Nhim to Phnom Den mountain?

1 A. No, I did not take him there.

2 Q. Well, that is an interesting answer.

3 A. I did not drive him to Phnom Den. There was another driver who
4 drove him there and usually I would wait in the car when he went
5 on his own business <to drive him back>.

6 Q. Well, let me go right to it, Mr. Witness, and let me see if I
7 can refresh your memory. It was only three years ago that you
8 told the investigators the following -- E3/9581, Mr. President,
9 question and answer 3 and 4: "I used to escort Ta Nhim to Phnom
10 Den mountain which is bordered by Vietnam." Let me cut off there.
11 Here, Mr. Witness, you said that you used to escort Ta Nhim to
12 Phnom Den mountain; is that correct?

13 A. No.

14 [14.17.51]

15 Q. The question that follows is from the investigators:

16 "Why did you escort Ta Nhim to Phnom Den mountain?"

17 "He needed me to secure him while he was transporting military
18 uniforms from Phnom Den mountain to Ampil P rahaong and Sisophon
19 in 1977. Sisophon was also Ta Nhim's military base."

20 Does that refresh your memory, Mr. Witness?

21 A. Yes, I recall that. I keep forgetting a lot these days.

22 Q. Well, then I am happy I was able to refresh your memory, Mr.
23 Witness.

24 What do you remember about you and Ta Nhim going to Phnom Den
25 mountain in order to transport military uniforms?

1 A. I recall that I transported materials but I cannot recall
2 where he went to. <I was only assigned to stand guard from a
3 distant. There were other guards who were close to him. I was
4 guarding at the second layer.>

5 [14.19.40.]

6 Q. Where is Phnom Den mountain, Mr. Witness?

7 A. I drove at night time so I did not where it was because I did
8 not go there before and somebody else was familiar with the area
9 and the person led me.

10 Q. But surely you know where it was approximately? Where was it
11 roughly? Where were those Phnom Den mountains?

12 A. They said Phnom Den was located near the Vietnamese border. I
13 only heard people saying about that. Since I was not familiar but
14 I went along with them.

15 And I drove the vehicle there in order to pick up the equipment
16 <and then I drove back>.

17 Q. Well, we looked it up on the map. It is indeed close to the
18 Vietnamese border in what used to be the Southwest Zone.

19 When was it that you and others went together with Ta Nhim to
20 pick up military uniforms from the Phnom Den mountains?

21 [14.21.28]

22 A. He went during the daytime but I went there at night time. So
23 I did not know when he actually went there; maybe <> in the
24 morning. But for me, I drove the vehicle there at night time.

25 Q. I understand that you did it at night time, but when was it?

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1 Was it in 1976? Was it in 1977? Was it in the first half of 1978?

2 Do you recall?

3 A. Yes, I recall it. It was in -- probably 1977. I did not know
4 for sure because by '77 things broke down and we were separated.

5 Q. Was it the end of '77 or was it the middle of '77? Is that
6 something that you can recall?

7 A. It was in the later part of the year.

8 Q. Was there already fighting going on with the Vietnamese troops
9 on the border?

10 A. I did not engage in such activity, that is, when Vietnamese
11 entered the area.

12 [14.23.42]

13 Q. In that same WRI, that same answer that I just referred to,
14 you said that Ta Nhim did not go often to Phnom Den mountain. He
15 went there once in a long while. What does that mean? Didn't Ta
16 Nhim and yourself go to Phnom Den mountain to pick up military
17 uniforms? Was it once, two times, five times, do you remember?

18 A. Yes, I recall that. However, I did not know how many times he
19 went there. For me, personally, I was there to pick up <the
20 uniforms> for only one time. And later on, I separated from him
21 and that may happen in 1978.

22 Q. What kind of military uniforms were you transporting from
23 Phnom Den mountain at the border with Vietnam all the way in the
24 Southwest Zone and back to the Northwest Zone, Sisophon? What
25 kind of uniforms were they?

1 A. It was a Vietnamese uniform. The colour was blueish.

2 [14.25.37]

3 Q. And can you give an estimate as to how many uniforms were you
4 transporting from the Vietnamese border back to the Northwest
5 Zone?

6 A. He didn't tell me about that so I did not know how many.

7 Q. How do you know they were Vietnamese uniforms? You just
8 described them but were there any other circumstances that made
9 you observe or conclude that these were Vietnamese military
10 uniforms?

11 A. Because at his location, the uniforms were distributed to his
12 bodyguards.

13 Q. I understand, but what made you say that the uniforms were
14 originating from Vietnam?

15 A. I did not know the details. As I said, I was not close to him
16 so I did not know much about that.

17 Q. Do you know why it was that Ros Nhim himself, being the chief
18 of the Northwest Zone, went personally all the way to the border
19 with Vietnam to pick up Vietnamese military uniforms and bring
20 them back to the military base at Sisophon in his office at Ampil
21 Prahaong? Why was it that Ros Nhim himself went along?

22 A. As I said, I did not know the reason. I heard him speaking on
23 the landline phone.

24 [14.28.36]

25 Q. And what did he say? What did you hear?

1 A. He did not tell me but he only told those people who were
2 close to him. As I said, I was not part of the inner circle of
3 bodyguards. I was the external part and only when there was an
4 assignment for me, I would escort him. Otherwise, I would not.

5 Q. Do you remember how many cars were involved in the transport?
6 I presume you driving the white jeep. Were there other cars? And
7 if yes, how many?

8 A. There was only one truck, GMC, the one that had 10 wheels.

9 Q. And the uniforms were put in that truck. Is that my -- should
10 that be my understanding?

11 A. Yes.

12 Q. And did you yourself assist in the loading of those uniforms
13 into the GMC truck?

14 A. No, I did not. They were taken care by another group and we
15 were not allowed to go in.

16 [14.30.45]

17 Q. Why were you not allowed?

18 A. Because I was outside. I was at the place and I rarely went to
19 <Phnom Penh>. Those materials were transported <and the truck
20 left around 6 or 7 pm>.

21 Q. Can you describe for us a bit how the transport went, which
22 route did you take, were there many stops on the way; were you
23 checked at checkpoints by other military cadres? Did they look
24 inside the trucks? Can you describe for us a bit how that
25 particular transport went?

1 A. No, <> there were no checkpoints. While we were transporting
2 it, no one checked the truck. The truck had the number plate
3 <32--132> and along the way there were no one checked the truck.

4 Q. What does 32 stand for?

5 A. That was the number on the truck. It was number 32.

6 [14.32.48]

7 Q. I am not quite sure if I understood you correctly. Did you say
8 that you yourself went at night and that Ros Nhim went during the
9 day? Is that what you said?

10 A. Yes. He never went out at night time. He went out at daytime.
11 It rarely took place that he went out at night time.

12 Q. Do you remember who was driving him when he went with you and
13 others to the Phnom Den mountain? Do you know, was it one of your
14 colleagues who was driving him?

15 A. It was Chrouk. He was fat like pigs. That's why we called him
16 Chrouk.

17 Q. And was it Ta Nhim who went first and you and the truck came
18 afterwards or was it the other way around?

19 MR. KOPPE:

20 Mr. President, I observe that the witness was discussing with his
21 stand-by counsel. I have no problem with that, but is there
22 something that should be known to the parties? Then that would be
23 a moment, I suppose, to say.

24 [14.34.49]

25 JUDGE FENZ:

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1 You want him to say what he said to his counsel?

2 MR. KOPPE:

3 Well, no.

4 JUDGE FENZ:

5 I did notice it, but--

6 MR. KOPPE:

7 Well, no. One of the things that I wanted to ask but I skipped
8 the question is if the witness is all right. He seems to be quite
9 nervous. So I may be -- say something wrong. Of course I don't
10 want to know what was advised on the content but if there is
11 something we should know, then this would be an appropriate time.

12 MR. PRESIDENT:

13 Mr. Witness, please give your answer based on the question posed
14 to you by defence counsel and please do not feel worried. You
15 have the right not to answer, and you answer based on what you
16 remembered or experienced. Please answer.

17 [14.36.11]

18 2-TCW-1036:

19 A. I was with him from 1972, and later on, I did not stay close
20 to him like before.

21 MR. PRESIDENT:

22 Mr. Witness, please give your answer clearly and precisely. Do
23 not feel any concern. Just give answers just like you speak at
24 your home.

25 2-TCW-1036:

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1 A. You want me to talk about the reason or about the background?

2 MR. PRESIDENT:

3 Counsel, please repeat your question.

4 And Mr. Witness, please listen to the question carefully in order
5 to jog your memory.

6 MR. KOPPE:

7 I was so concerned with the witness, Mr. President, I actually
8 forgot my question. But it is maybe also an appropriate time
9 considering the witness to have a break now.

10 [14.37.21]

11 JUDGE FENZ:

12 Can I just follow up on what counsel asked?

13 Witness, are you sick? Are you feeling sick or are you okay
14 health-wise?

15 2-TCW-1036:

16 A. I feel nervous.

17 JUDGE FENZ:

18 Nervous. For a witness not unusual, yes.

19 BY MR. KOPPE:

20 That is correct.

21 Q. Let me ask one final question before the break, Mr. Witness.

22 Would you prefer that we would continue in a closed session?

23 [14.38.23]

24 2-TCW-1036:

25 A. My memory is not well now. I am very forgetful now.

1 MR. KOPPE:

2 Maybe I could also request duty counsel to discuss the phenomenon
3 of closed session with his client and then after the break, Mr.
4 President, we could, if necessary, revisit that issue.

5 MR. PRESIDENT:

6 The floor is given to Deputy Co-Prosecutor.

7 [14.39.13]

8 MR. LYSAK:

9 I just want to object to this idea that counsel suggests to a
10 witness we go into closed session. There are very specific rules
11 for when we go into closed session. They are based on very
12 distinct factual situations. This is a public proceeding. There
13 is an interest in that and unless there is a demonstrated reason
14 for closed session, we don't do that. I don't think counsel can
15 just suggest to a witness whether he would prefer to go into
16 closed session.

17 MR. PRESIDENT:

18 The floor is given to Judge Marc Lavergne.

19 [14.39.55]

20 JUDGE LAVERGNE:

21 Yes. This is another issue <it is a> request I'd like to make to
22 the defence of Nuon Chea.

23 Counsel Koppe, I understand that you have located on a map where
24 Phnom Den is located. Would it be possible for you to submit this
25 <map> to the case file? Perhaps we could annex it to the

1 transcript.

2 I would like to be sure we understand what we are talking about.

3 Perhaps even this map could be provided to the witness. I don't

4 know. I don't know if there is another <Phnom Penh --> Phnom Den

5 somewhere else in Cambodia.

6 MR. KOPPE:

7 No problem.

8 MR. PRESIDENT:

9 Deputy Co-Prosecutor, you may have the floor.

10 [14.40.42]

11 MR. LYSAK:

12 In response to that too, last week I believe it was, my

13 colleague, the Deputy Co-Prosecutor, Mr. Smith, introduced a

14 Cambodia road map. I looked at that yesterday and you can see

15 Phnom Den on there. It's a very -- it's a very well-known border

16 crossing down in Takeo or Kiri Vong. So I'm not sure whether that

17 is in evidence, whether it's been put on ZyLAB yet or not, but

18 you can see the location on that map.

19 JUDGE FENZ:

20 I believe the road map has been admitted into evidence. I think

21 the reason Judge Lavergne asked because it looked as if you were

22 testifying to the location of this area, but if it's on the case

23 file, then we can refer to the map.

24 So our understanding is that it is that Phnom Den which is

25 visible on this map.

1 MR. KOPPE:

2 I haven't looked at that particular map but there is only one
3 Phnom Den mountain.

4 MR. PRESIDENT:

5 It is now a convenient time for a break. The Chamber will take a
6 20-minute break.

7 The Court is now in recess.

8 (Court recesses from 1441H to 1502H)

9 MR. PRESIDENT:

10 Please be seated.

11 Deputy Co-Prosecutor, you have the floor.

12 [15.03.47]

13 MR. LYSAK:

14 Thank you, Mr. President. Just a correction to what I told you
15 before the break. I looked at about three different maps last
16 night. I think the Cambodia road map that has the whole country
17 you can't actually see the name Phnom Den. You can see the
18 highway. But there is a map in the evidence of Takeo province
19 which is E3/10638, E3/10638. That is a map for the province in
20 which you can see Phnom Den at the border area.

21 MR. PRESIDENT:

22 And counsel for Nuon Chea, you may resume your questioning.

23 [15.03.59]

24 BY MR. KOPPE:

25 Thank you, Mr. President.

1 Q. Mr. Witness, before the break we were speaking about the
2 transportation of Vietnamese military uniforms. Do you recall
3 seeing any Vietnamese people at the scene where these weapons
4 were put in the GMC truck?

5 2-TCW-1036:

6 A. No, I did not.

7 Q. Did you hear anyone speak Vietnamese when the military
8 uniforms coming from Vietnam were put in the truck?

9 A. Because I was away from the others, I did not hear it,
10 although I saw the vehicle coming.

11 [15.05.10]

12 Q. Let me see if I could assist you a bit.

13 Mr. President, I will be referring again to the transcript of the
14 film footage that Robert Lemkin had with Toit. And just to be
15 complete, I will be speaking about a Vietnamese person with the
16 name Hay So or Hay So in his testimony before the Supreme Court
17 Chamber. Toit denied knowing Hay So. However, in his -- when he
18 was speaking with Robert Lemkin, he described Hay So very
19 extensively.

20 I will be referring, Mr. President, to E3/10665; English, ERN
21 01156805 and 806; Khmer, 01168451 and 52.

22 Mr. Witness, Ham or Toit speaks extensively about a very close
23 friend of Ta Nhim named Hay So. He talks extensively about who
24 Hay So was. But let me describe him for you and maybe it's
25 someone that you recognize. He was Vietnamese, spoke Khmer. His

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1 colour was a bit whiter than the interviewer. He was rather tall,
2 around 1.7 metres; crew-cut hair.

3 Did you know or did you ever see a Vietnamese person called Hay
4 So?

5 [15.07.32]

6 MR. PRESIDENT:

7 Witness, please hold on.

8 And Co-Prosecutor, you have the floor.

9 MR. LYSAK:

10 An objection to using this part of this transcript; this is an
11 enormous problem with the interviews that were conducted by Mr.
12 Lemkin which is that he was -- he or Thet Sambath were constantly
13 reading confessions to the witnesses and then having them repeat
14 that material. And if you look at the pages cited by counsel, it
15 starts by indicating that a confession had just been read
16 describing this person and the information seems to come from
17 that. So there is an issue here.

18 [15.08.16]

19 MR. KOPPE:

20 No, there is no issue whatsoever, Mr. President. It is indeed --
21 there is mention of Hay So. However, Hay So was Vietnamese. He
22 was never in S-21. He is a high-ranking communist cadre from
23 Vietnam. But what is important is that Toit or Ham offers
24 information that he had himself about Hay So. You know, he knew
25 that Hay So was married to a woman from the poor ethnic minority;

1 all kinds of details.

2 So there is no relation whatsoever with any confession. So I
3 really have no idea what the Prosecution is talking about.

4 MR. LYSAK:

5 Well, let me make it clear what I'm talking about. At the start
6 of these questions about Hay So, you will see-- I just saw his
7 confession and I think -- I assume that this was either Nhim or
8 someone else's confession that you gave me and saw "Hay So".

9 So what is not clear in the ensuing questions is what information
10 has come from him being provided this confession to read and what
11 is information he knows himself. This is a repeated problem
12 throughout these interviews that Lemkin conducted.

13 [15.09.46]

14 MR. KOPPE:

15 That is really not the case. He says that he knew Hay So
16 personally. He says that Hay So was a close friend to Ros Nhim.
17 He describes him.

18 The mere fact that someone is mentioned in a confession doesn't
19 mean that we cannot ask questions. If Oeun or Koy Thuon or Vorn
20 Vet or whoever is mentioned in a confession doesn't mean that we
21 cannot ask any questions about Koy Thuon or Vorn Vet or whoever
22 anymore. That would be absurd.

23 So it's clear from the record -- it's clear from his interview
24 with Lemkin that he knew Hay So personally and what I want to
25 establish is, having read out the description, whether he

1 remembers seeing Hay So either at the -- handing over of the
2 military uniforms or somewhere else.

3 [15.10.43]

4 JUDGE FENZ:

5 Sorry. Do you want to make -- is the use of this document
6 restricted to the description or do we want to make further use
7 of it?

8 MR. KOPPE:

9 No. I only want to know if he knows Hay So and if he does, then
10 it's fine. I don't have to give the description. If I give his
11 description, maybe that is someone he knew at the time or someone
12 who might have been present when those uniforms were given. So
13 just his physical description and whether he knows Hay So.

14 (Judges deliberate)

15 [15.12.01]

16 MR. PRESIDENT:

17 Counsel, you may only establish the identity of that person and
18 you cannot go beyond that.

19 BY MR. KOPPE:

20 Q. Mr. Witness, do you know Hay So, a Vietnamese revolutionary
21 who was a close friend of Ta Nhim and who meets the description I
22 just gave you?

23 2-TCW-1036:

24 A. No, I did not see him.

25 Q. No problem.

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1 One last question before I move to your arrest and your
2 interrogation at Takeo prison.

3 There is evidence to suggest that many people within the
4 Revolutionary Army of Kampuchea considered the Vietnamese the
5 arch-enemy. As a matter of fact, this very Trial Chamber that
6 before you are testifying now has adjudicated that there was a
7 war going on between the liberation April '75 and '79 between
8 Cambodia and Vietnam.

9 Didn't you think it was very strange and unusual for Ta Nhim and
10 others to go collect military uniforms from a country that
11 Cambodia was at war with?

12 [15.13.55]

13 MR. PRESIDENT:

14 Witness, please hold on.

15 And Co-Prosecutor, you have the floor.

16 MR. LYSAK:

17 Yes. First of all, I think he is misstating. The witness states
18 in his interview that there was no conflict or fighting going on
19 at the time. Second, he is asking for an opinion, a conclusion
20 from the witness rather than factual evidence.

21 JUDGE FENZ:

22 Rephrase.

23 [15.14.20]

24 BY MR. KOPPE:

25 Well, it is undisputed that the Chamber said there was a war

1 going on, an armed conflict. So that is so far undisputed.

2 Q. Mr. Witness, do you remember thinking that it was very unusual
3 to collect Vietnamese uniforms from a country that DK was at war
4 with or was going to be at war with?

5 MR. PRESIDENT:

6 Co-Prosecutor, you have the floor.

7 MR. LYSAK:

8 Now this is a leading question. He is putting words and thoughts
9 into the witness' mind rather than asking him an open question.

10 BY MR. KOPPE:

11 After so many questions, I think this is a perfectly appropriate
12 question.

13 Q. Mr. Witness, were you not very surprised at what was going on?

14 [15.15.27]

15 JUDGE FENZ:

16 This is actually really an opinion, but I think the question: Did
17 you consider it unusual?

18 And now you can go ahead.

19 BY MR. KOPPE:

20 Q. Did you consider it unusual, highly unusual to collect
21 military uniforms from Vietnam?

22 2-TCW-1036:

23 A.I did not know about that. They were given to us and I did what
24 I was assigned to do.

25 Q. Let me see if I can get an answer from you in a different way

1 from a different angle.

2 Mr. Witness, is it correct that after Nhim was arrested, you were
3 also arrested and then sent to Battambang city where you were
4 questioned, questioned before you were ultimately sent to Kakaoh
5 prison?

6 [15.16.53]

7 A. Yes, it's Kakaoh, that is, in Moug.

8 Q. And what do you remember about your questioning in Kakaoh
9 prison? What did the interrogators ask you? What was the subject
10 of your interrogation?

11 A. I was questioned how many years I had served him and I said
12 that I did not know anything besides my work.

13 Q. Do you remember other questions they asked you?

14 Mr. Witness, do you remember any other questions that the
15 interrogators asked you?

16 A. I was asked whether I was linked to the "Yuon" network. <They
17 beat and electrocuted me until I blacked out two or three times.>

18 I was asked repeatedly about that line of questioning <two or
19 three times a day> while I was detained at Kakaoh.

20 [15.18.57]

21 Q. Let me read to you what you said to the interviewers of the
22 OCIJ, E3/9581, question and answer 41. Let me start with question
23 and answer 40:

24 "I was interrogated twice a day."

25 Question: "How were you questioned?"

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1 "There were two interrogators but I did not know them. They asked
2 me the same question: 'How many times did you, guy, go to
3 Vietnam.' I said I did not go to Vietnam. Then they said, 'You,
4 guy, is Ta Nhim's messenger. I do not believe you. You, guy,
5 definitely used to go to Vietnam.' Then they used an electric
6 baton of hand-phone size to electrocute my neck until I fainted."
7 End of the answer.

8 Mr. Witness, do you recall that they repeatedly asked you about
9 your trip to Vietnam to collect those military uniforms?

10 MR. PRESIDENT:

11 Co-Prosecutor, you have the floor.

12 [15.20.22]

13 MR. LYSAK:

14 Counsel is misstating what the witness' answer was in here and
15 trying to lead him. He was asked about going to Vietnam. There is
16 nothing in here about military uniforms so he shouldn't be
17 injecting that into his question.

18 BY MR. KOPPE:

19 Fine.

20 Q. Mr. Witness, let me rephrase the question.

21 Was the same question asked several times or many times and was
22 the question, "How many times did you, guy, go to Vietnam?"

23 2-TCW-1036:

24 A. I myself never went to Vietnam. I never saw any "Yvon" faces.

25 Q. What did they mean with the question, "How many times did you,

1 guy, go to Vietnam?" Did they explain that question?

2 A. <> I was asked that once but then I was beaten and I was
3 electrocuted several times <while I was detained at Kakaoh>.
4 [15.21.42]

5 Q. In the answer that I just read out to you, you said that the
6 interrogators told you that you are Ta Nhim's messenger and that
7 you definitely used to go to Vietnam. Did they tell you how they
8 knew that, what the source of information was? Did they tell you
9 why they thought you had gone to Vietnam and that your position
10 as Ta Nhim's messenger had anything to do with that?

11 A. I did not know anything about that. I was at the rear and only
12 those messengers who were close to him would know anything about
13 that.

14 Q. Did they ask you about those blue Vietnamese military uniforms
15 that you just described?

16 A. No.

17 [15.23.26]

18 Q. So was it only the question why you went to Vietnam with Ta
19 Nhim; was that the only question?

20 A. I was not asked so many questions. I was asked only once.

21 Q. But you're -- is it my -- should be my understanding that you
22 were interrogated for twice -- two days and that you were also
23 beaten and electrocuted you said? Now, was it the -- that the
24 only question or what exactly -- I mean, I understand it's
25 difficult to relive that interrogation, but I would be very

1 grateful if you could try.

2 A. Yes, that was the only question <whether I was on> the
3 Vietnamese side and I said that I did not know anything about
4 them because I did not go with him<, I only stood guard at his
5 house>.

6 Q. But you just told us that you went with Ta Nhim and others to
7 collect Vietnamese military uniforms. Isn't that true?

8 MR. PRESIDENT:

9 Witness, please wait and, Co-Prosecutor, you have the floor.

10 [15.25.07]

11 MR. LYSAK:

12 I just -- counsel shouldn't misstate the record. The evidence was
13 he went to Phnom Penh, he's never -- there's no evidence that
14 they went into Vietnam at any time.

15 MR. KOPPE:

16 You went to the Vietnamese border -- that's his testimony -- to
17 pick up military uniforms in Phnom Den mountain.

18 But, Mr. President, let me move on. I only have 15 or 20 more
19 minutes.

20 BY MR. KOPPE:

21 Q. Mr. Witness, you were Ta Nhim's bodyguard. You were driving
22 him. Did you ever hear him speak, either in the car or outside,
23 at political sessions or anywhere?

24 2-TCW-1036:

25 A. I was not close to him that much since he had other bodyguards

1 who were close to him.

2 [15.26.24]

3 Q. I understand, but did you ever hear his voice, did you ever
4 hear him speak? Did you hear from others, your colleagues, about
5 the things that Ta Nhim said during the meetings or political
6 sessions?

7 A. No, they did not tell me anything and I did not hear him say
8 anything to me.

9 Q. Did you ever hear that Ta Nhim was trying to start a rebellion
10 and to resist against Pol Pot together with So Phim?

11 A. No, I did not hear about that.

12 Q. Mr. Witness, that same person that we spoke about earlier, Ham
13 or Toit, talked about storage of weapons for rebellion, but let
14 me put before you what he said in his interview with film-maker,
15 Lemkin.

16 MR. KOPPE:

17 Mr. President, that is again document E3/10665 on English, ERN
18 01156801; Khmer, 01168442 and a bit further.

19 [15.28.23]

20 BY MR. KOPPE:

21 Q. Ham or Toit told this film-maker that Ros Nhim had told him if
22 he was no longer in Pol Pot's party, that Ros Nhim was trying to
23 gather forces and would resist against Pol Pot together with So
24 Phim, and that Ros Nhim started to form his own party at the time
25 that Ham accompanied Nhim to the wedding with So Phim's daughter

1 in August 1975.

2 Is that something you ever heard about Ta Nhim rebelling together
3 with So Phim against Pol Pot, finding his own party?

4 2-TCW-1036:

5 A. No, he did not tell me anything about that.

6 Q. Let me see if I can try it differently. Mr. Witness, move away
7 from Ta Nhim.

8 Let me put before you what another relatively low-ranking

9 Northwest Zone cadre told investigators of the OCIJ.

10 [15.30.05]

11 MR. KOPPE:

12 Mr. President, that is E3/9579, question and answer 13.

13 BY MR. KOPPE:

14 Q. He talks about the accusation of the northwest being
15 affiliated with the Viet Minh Khmer Rouge and the East Zone Chief
16 -- East Zone committee chief, So Phim, and then he says, and I
17 quote:

18 "These two zones, the East Zone and the Northwest Zone, had
19 turned against Pol Pot. According to my observations, the Khmer
20 Rouge was apparently composed of three or four groups. The first
21 group was the Viet Minh. The second group was the nationalistic
22 Khmer Rouge, the third was the Sihanouk Khmer Rouge and the
23 fourth group was the Khmer Rouge from China, including Pol Pot."
24 Like I said, this was a low-ranking Northwest Zone cadre working
25 for the transportation unit.

1 Is that something that you were able to observe yourself or heard
2 or -- at the time?

3 [15.31.32]

4 2-TCW-1036:

5 A. No.

6 Q. I spoke quite lengthy about British film-maker Lemkin. Of
7 course, I should also mention his colleague, the Cambodian Thet
8 Sambath, and recently in an interview that Lemkin gave to the
9 "Cambodia Daily", to journalist George Wright, he spoke about a
10 secret civil war. Lemkin said there was a secret civil war going
11 on.

12 You, as the bodyguard of Ta Nhim, did you notice that there was a
13 secret civil war going on?

14 MR. PRESIDENT:

15 Mr. Witness, please hold on. Co-Prosecutor, you may have the
16 floor.

17 MR. LYSAK:

18 Yes, we didn't get any document reference E3 number.

19 [15.32.42]

20 MR. KOPPE:

21 It was a very recent article in the "Cambodia Daily". It is known
22 as document E416.1.2 and the English ERN is 01298489.

23 MR. PRESIDENT:

24 Counsel, please repeat the ERN number because the Khmer
25 translators did not get it.

1 MR. KOPPE:

2 Yes, English, ERN 01298489, and it is referenced as E416.1.2.

3 BY MR. KOPPE:

4 Q. So, Mr. Witness, was there a secret civil war--

5 JUDGE FENZ:

6 Sorry, is this admitted or not?

7 MR. KOPPE:

8 I believe not.

9 [15.33.52]

10 JUDGE FENZ:

11 Well then you can't use it.

12 MR. KOPPE:

13 Why not?

14 JUDGE FENZ:

15 Because it's not admitted.

16 MR. KOPPE:

17 Well, I want to use it anyway, it's--

18 JUDGE FENZ:

19 Well, you can't. According to the Rules of this Court, you can't.

20 [15.34.05]

21 BY MR. KOPPE:

22 Okay then, I -- I notice again that you withhold interesting

23 information, as usual.

24 Q. Mr. Witness, can you tell us whether there was a secret civil

25 war going on between, on the one hand, the Northwest Zone and the

1 East Zone and, on the other hand, Pol Pot and others?

2 2-TCW-1036:

3 A. No.

4 Q. You didn't know or you haven't heard; what does "no" mean?

5 A. I did not hear him saying such things.

6 Q. That I understand. My question is: Did you observe internal
7 rebellion going on in the Northwest Zone?

8 A. No, I did not hear him talking about the conflict.

9 [15.35.25]

10 Q. Let me see if I can try it differently. Mr. Witness, were you
11 able to observe storage in warehouses of rice, fish, petrol,
12 arms, uniforms etc., in order to be able to be used for an armed
13 rebellion against Pol Pot?

14 A. No.

15 Q. There are Northwest Zone cadres who speak about Ros Nhim
16 instructing his subordinates to start a psychological war, to
17 make arrests arbitrarily and to make chaos within the Northwest
18 Zone. Have you ever been able to observe this?

19 MR. PRESIDENT:

20 Mr. Witness, please hold on. Co-Prosecutor, you may have the
21 floor.

22 MR. LYSAK:

23 Again, I just ask that if counsel's going to confront the witness
24 with this material, that he identify the material so we can all
25 see what exactly the sources are.

1 [15.36.51]

2 MR. KOPPE:

3 Yes, certainly. It's another interview that British film-maker
4 had with Northwest Zone cadres. It is known as F2/43/3/6.2; ERN
5 English, 01151685; it's witness -- referred to as Witness 3 who
6 talks about transporting economic equipment like rice, fish,
7 petrol, hammocks, guns, equipment and weapons, all for the
8 rebellion.

9 MR. PRESIDENT:

10 Mr. Witness, please hold on, and the Deputy Co-Prosecutor, you
11 have the floor.

12 MR. LYSAK:

13 I believe this was one of the transcripts that the Court rejected
14 in ruling on the Nuon Chea 87.4 request. So unless I'm wrong
15 about that, it's highly improper for counsel to be trying to read
16 from something that this Court has rejected.

17 [15.38.10]

18 MR. PRESIDENT:

19 The Chamber rejected the question. I advise you to use different
20 question.

21 < MR. KOPPE:>

22 Yes, I was indeed reading from a document that was forbidden. A
23 highly improper decision if I may be so humble to remark.
24 You're withholding crucial evidence--

25 JUDGE LAVERGNE:

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1 I think that this remark is totally misplaced.

2 MR. KOPPE:

3 No, it isn't at all, Judge Lavergne. You're withholding crucial
4 information, crucial evidence, for the Defence and I think the
5 public should know what's happening. That's why I'm referring to-
6 [15.39.05]

7 MR. PRESIDENT:

8 You may proceed with the question to the witness.

9 BY MR. KOPPE:

10 Yes, and thank you for cutting off my microphone at the
11 suggestion of Judge Lavergne, Mr. President.

12 Q. An additional question, Mr. Witness: Did you ever hear about
13 Chan Chakrey or Vorn Vet being present at meetings where Ta Nhim
14 spoke?

15 2-TCW-1036:

16 A. No.

17 MR. KOPPE:

18 I'm almost done but, for the record, Mr. President, the fact that
19 Vorn Vet wasn't at present at this meeting where Ta Nhim spoke
20 about the rebellion is also something that we can find in Robert
21 Lemkin's interviews which are, unfortunately, not going to be
22 admitted into evidence. Thank you.

23 [15.40.05]

24 MR. PRESIDENT:

25 The floor is given to Co-Prosecutor to put questions to the

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1 witness.

2 MR. LYSAK:

3 Let me just start by saying that is not a fact, that is another
4 great example of Lemkin using S-21 confessions in his interviews.

5 So to -- counsel to put that forward as a fact when it's been
6 rejected by this Court is just beyond the pale.

7 [15.40.44]

8 QUESTIONING BY MR. LYSAK:

9 Q. Mr. Witness, I'll be asking you some questions on behalf of
10 the Prosecution. Let me start with -- to go back, ask some more
11 questions about your background.

12 You stated that you joined the revolution in 1972. How old were
13 you at that time?

14 2-TCW-1036:

15 A. I was around 18, around 17 or 18 years old.

16 Q. Your -- according to your records of interview, you were born
17 on 10 November 1960, which would mean you would have been 12
18 years old. Is 1960 not your actual year of birth?

19 A. I was not clear or certain about this.

20 [15.42.08]

21 Q. You're not the first person in this country to have some
22 problem with their year of birth on their records, so let me move
23 on.

24 In answer 2 of your first OCIJ interview, E3/9581, you state --
25 let me read to you:

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

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1 "I joined the Khmer Rouge Revolution in 1972. I voluntarily
2 joined the Revolution myself then. At first, I was assigned to
3 work in the Art Section. Later on, I was assigned as a messenger
4 for Ta Nhim, and he delegated me to deliver letters to the
5 military at Phnom Thipadei Mountain, Koas Krala and Kouk Krom. I
6 was his courier for only two months because the work was too
7 hard. Then I volunteered to join the army in 1974."

8 Let me just ask you some follow-up questions on this. During this
9 two-month period in 1973 or '74 when you were working as a
10 messenger for Ta Nhim, where was Ta Nhim located; where was he
11 based during those two months?

12 [15.43.59]

13 A. <> He was at a place <called Ta Sanh>, but he was not based
14 there permanently. He changed from place to place.

15 Q. Well, let me ask it to you this way. You identified locations
16 where you would deliver letters to on behalf of Nhim. Where would
17 you pick up those letters from him? Where did you work during
18 those two months?

19 A. It was at Stueng Touch village. It was to the south of Prey
20 Chab (phonetic).

21 Q. Do you remember what district that was in?

22 A. It was a forest. People who had been liberated, <they> were
23 re-settled there. It was the forest and mountainous area.

24 Q. And continuing in the same Answer 2, you say that after being
25 the messenger for two months, you volunteered to join the army in

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1 1974 and you say -- quote: "I was assigned to spy on the Lon Nol
2 soldiers' barracks." End of quote.

3 Which Lon Nol barracks were you assigned to spy on during this
4 time period?

5 A. It was at Rung, Banan, <Koas Krala,> so those were <three>
6 targets.

7 [15.46.07]

8 Q. And during this period when you were part of the military, are
9 you able to tell us what unit you were in or what part of the
10 Northwest Zone army?

11 A. I was in the so-called sector force, but we were not much
12 differentiated; we all joined in combat.

13 Q. So you were part of the sector military; can you tell us which
14 sector you were part of?

15 A. I cannot recall the number.

16 Q. And who was your commander during this time? Who was it that
17 assigned you your tasks, for example to go spy on these barracks,
18 Lon Nol barracks?

19 A. It was Ta Chhem (phonetic).

20 [15.47.45]

21 Q. Now, I want to move to the time period between 17 April 1975
22 up until the time you were asked by Ta Nhim to be his bodyguard.
23 You state in answer 3 of the same interview, E3/9581, that you
24 were living in Kanghat between 17 April 1975 and 1976. Can you
25 clarify what you were doing during that time period and what unit

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1 you were part of at that time?

2 A. I was in the sector's military but I cannot recall the number.

3 It was after the liberation.

4 Q. So you continued to be in the sector military. What work did

5 you perform as part of the sector military between 17 April 1975

6 and when you were assigned to work for Ta Nhim in 1976?

7 A. I was simply a low-ranking soldier.

8 [15.49.40]

9 Q. Do you remember when in 1976 you were assigned to be Nhim's

10 bodyguard? Do you remember the month? Do you remember whether it

11 was early in the year or later in the year? What can you tell us

12 about when it was in 1976 you started working for Ta Nhim?

13 A. I do not know.

14 Q. Now, turning to some questions about the time period you were

15 working for Ta Nhim as his bodyguard and you were working at this

16 place, Ampil Prahong, that was very close or within Battambang

17 city or Battambang town.

18 Did you know a village that was maybe one or two kilometres south

19 of Battambang provincial town named Wat Kor?

20 A. Yes, I know Wat Kor.

21 [15.51.18]

22 Q. And can you tell us how far from Ampil Prahong is Wat Kor;

23 how far apart are those two locations?

24 A. I don't know how far they are from each other. They are a bit

25 distant from each other.

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1 Q. Is Wat Kor the village close immediately south of Battambang
2 provincial town?

3 A. Yes, it is close. It's on the way to Banan.

4 Q. During the regime, did you know that Nuon Chea, the Deputy
5 Secretary of the Party, was from Battambang? He was from Wat Kor.
6 Did you know that?

7 A. No, I did not know.

8 Q. Did you ever hear Ta Nhim talk about Nuon Chea?

9 A. No, he never told us about that. He asked me to come and meet
10 him only when he had assignment for me to do. <Other than that, I
11 never went to his place.>

12 [15.53.22]

13 Q. I want to ask you about something that Nuon Chea's messenger
14 and driver -- or Nuon Chea's bodyguard and driver testified to in
15 this courtroom on 18 April 2012.

16 Your Honours, this is document E1/63.1, transcript of 18 April
17 2012, at about 15.22 to 15.26 in the afternoon.

18 This is what Nuon Chea's driver or bodyguard said -- testified:

19 Question: "You also mentioned that Nuon Chea would travel to
20 Battambang. Who would he meet with when he travelled to
21 Battambang?"

22 Answer: "He met with Ta Nhim, who was the chairman of the zone."

23 Question: "And how often did Nuon Chea go to Battambang
24 province?"

25 Answer: "It was not frequent, probably once every three or four

1 months."

2 Question: "Where is it that Nuon Chea would meet with Ta Nhim?"

3 Answer: "Back then, they met somewhere in a pagoda but I cannot
4 recall the name of the pagoda."

5 Question: "Was it near Battambang provincial town?"

6 "Yes, it was near the provincial town." End of quote.

7 My question to you, Mr. Witness: Nuon Chea's driver said that he,
8 Nuon Chea, would meet with Ta Nhim at a pagoda in or near
9 Battambang provincial town. Do you know the pagoda that was used
10 by Ta Nhim for meetings with people such as Nuon Chea?

11 [15.55.34]

12 A. It was perhaps Wat Kor, but I did not know what he did there.

13 <It was on the way to Banan, Phsar Leu.>

14 Q. And the temple, the pagoda in Nuon Chea's home village, Wat
15 Kor, do you know what that pagoda was used for during the time
16 you were working for Ta Nhim?

17 A. I did not know much about this.

18 Q. Do you know the pagoda, the big pagoda that is right in the
19 heart of Battambang provincial town on the river called Wat
20 Kandal, do you know that pagoda?

21 A. No.

22 Q. You've never -- I don't know if I'm -- perhaps I'm not
23 pronouncing it correctly. You've never heard or seen Wat Kandal,
24 very big pagoda that's right on the river in Battambang town?

25 [15.57.25]

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1 MR. PRESIDENT:

2 The name of the pagoda is Wat Kandal.

3 BY MR. LYSAK:

4 Q. Do you know that pagoda, Mr. Witness?

5 2-TCW-1036:

6 A. No, I did not go <around the city>.

7 MR. LYSAK:

8 Mr. President, I'm about to change to a different subject, so

9 this is a convenient breaking point or I can continue if you

10 wish.

11 [15.58.12]

12 MR. PRESIDENT:

13 Thank you, Co-Prosecutor.

14 It is now convenient time for the adjournment.

15 The Chamber will resume its hearing tomorrow 22 September 2016 at

16 9.00 in the morning.

17 Tomorrow's hearing, we will hear the testimony of 2-TCW-1036, and

18 we will hear the testimony of 2-TCCP-1064 related to the

19 Regulation of Marriage.

20 Security personnel are instructed to bring Khieu Samphan and Nuon

21 Chea back to the detention facility and have them returned to the

22 courtroom tomorrow morning before 9 a.m.

23 The Court is now adjourned.

24 (Court adjourns at 1559H)

25