



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance



TRANSCRIPT OF TRIAL PROCEEDINGS
PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

6 December 2016
Trial Day 488

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

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I N D E X

2-TCW-920

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCW-920	Khmer
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUISSSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Ms. LY Nimol	Khmer
Mr. LYSAK	English
Mr. MAM Rithea	Khmer
The President (NIL Nonn)	Khmer
Mr. TES Trech (2-TCW-1060)	Khmer

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today, the Chamber hears testimony of a witness, 2-TCW-920,
6 through a video link from Battambang province. We also have a
7 reserve witness<, Nuon Trech,> whom we heard yesterday.

8 And today, the witness is a reserved witness.

9 Ms. Se Kolvuthy, please report the attendance of the parties and
10 other individuals to today's proceedings.

11 [09.03.00]

12 THE GREFFIER:

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

15 And Marie Guiraud, the International Lead Co-Lawyer for civil
16 parties, will be absent for the first session today for personal
17 reasons.

18 Mr. Nuon Chea is present in the holding cell downstairs. He has
19 waived his rights to be present in the courtroom. The waiver has
20 been delivered to the greffier.

21 The witness who is to testify today, that is, 2-TCW-920, confirms
22 that, to his best knowledge, he has no relationship, by blood or
23 by law, to any of the two accused, that is, Nuon Chea and Khieu
24 Samphan, or any of the civil parties admitted in this case.

25 The witness took an oath on the 5th of December 2016, and he is

2

1 testifying via video link from Battambang. He also has Mr. Mam
2 Rithea as his duty counsel.

3 We also have a reserve witness<, Nuon Trech,> waiting to be
4 called by the Chamber. It has been informed that the video link
5 is established and the witness is ready to testify.

6 [09.04.26]

7 MR. PRESIDENT:

8 Thank you. The Chamber now decides on the request by Nuon Chea.
9 The Chamber has received a waiver from Nuon Chea, dated 6
10 December 2016, which states that, due to his health, that is,
11 headache, back pain, he cannot sit or concentrate for long. In
12 order to effectively participate in future hearings, he requests
13 to waive his right to be present at the 6 December 2016 hearing.

14 [09.05.00]

15 Having seen the medical report of Nuon Chea by the duty doctor
16 for the accused at the ECCC, dated 6 December 2016, which notes
17 that, today, Nuon Chea has a lower back pain and feels dizzy when
18 he sits for long and recommends that the Chamber shall grant him
19 his request so that he can follow the proceedings remotely from
20 the holding cell downstairs.

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

25 The Chamber instructs the AV Unit personnel to link the

3

1 proceedings to the room downstairs so that Nuon Chea can follow.

2 That applies for the whole day.

3 And before we begin hearing testimony of witness 2-TCW-920, the

4 Chamber notes that this witness has been interviewed in an

5 ongoing investigation in another case, and the International

6 Co-Investigating Judge put this witness in Group A in his

7 memorandum, that is, E319/35, and requests that pseudonym shall

8 be used for this witness in order to protect the confidentiality

9 of the investigation.

10 [09.06.44]

11 The Chamber deems this limited measure is legally appropriate in

12 this case, and this instruction shall take into account the

13 balance between the need for public hearings and the integrity of

14 the investigation.

15 The Chamber reminds the parties that they shall adhere strictly

16 to the instructions in document E319/7 for the use of documents,

17 which have been disclosed from other cases.

18 <In response to the request of the witness,> the Chamber, through

19 WESU, provides a duty counsel to this witness during his

20 testimony, and the counsel is Mam Rithea.

21 [09.07.46]

22 QUESTIONING BY MR. PRESIDENT:

23 Q. Good morning, Mr. Witness.

24 Again, good morning, Mr. Witness.

25 2-TCW-920:

4

1 A. Yes.

2 Q. Witness, are you ready to testify?

3 A. Yes, I am ready.

4 Q. Thank you.

5 And per the request by the International Co-Investigating Judge,
6 throughout the proceedings to hear your testimony, you'd only be
7 referred to by pseudonym, that is, 2-TCW-920. And generally,
8 parties will refer to you as "witness".

9 And the Chamber will not allow parties, including Judges of the
10 Bench, to refer to your full name in this public proceeding.

11 [09.09.11]

12 And because the witness is <old>, although he can read, the
13 Chamber requests Mam Rithea to assist the witness. And if that is
14 the case, please, you should only whisper to the witness.

15 And Mr. Mam Rithea, the greffier <> prepared a document for the
16 witness to view, that is, E3/9473 at Khmer, ERN 00945416;
17 English, 00976956; and French, 00967262.

18 Please show the document to the witness so that he can read the
19 highlighted portion in orange, specifically, that is your full
20 names, nationality, date of birth, place of birth, occupation,
21 the names of your parents, your wife and the number of your
22 children, whether the information is correct.

23 And after you read it, please simply say it is correct or not
24 correct.

25 A. It is correct.

5

1 Q. Thank you.

2 And Mr. Witness, the greffier made an oral report that you are
3 not related, by blood or by law, to any of the two accused, that
4 is, Nuon Chea and Khieu Samphan, or any of the civil parties
5 admitted in this case. Is the report correct?

6 A. Yes, it is correct.

7 [09.11.26]

8 Q. Have you taken an oath according to your belief and religion?

9 A. Yes.

10 Q. Mr. Witness, have you taken an oath according to your religion
11 before you appeared to testify before us?

12 A. I have.

13 Q. Thank you.

14 And the Chamber would like to inform you of your rights and
15 obligations as a witness.

16 Your rights: As a witness in the proceedings before the Chamber,
17 you may refuse to respond to any question or to make any comment,
18 which may incriminate you, that is, your right against
19 self-incrimination.

20 [09.12.34]

21 Your obligations: As a witness in the proceedings before the
22 Chamber, you must respond to any questions by the Bench or
23 relevant parties, except where your response or comments to those
24 questions may incriminate you. And as a witness, you must tell
25 the truth that you have known, heard, seen, remembered,

6

1 experienced or observed directly about an event or occurrence
2 relevant to the questions that the Bench or parties pose to you.
3 And Mr. Witness, have you been interviewed by investigators from
4 the Office of the Co-Investigating Judges of the ECCC?

5 <A. Yes, I have. I can follow it.>

6 Q. Witness, have you been interviewed by investigators from this
7 Khmer Rouge Tribunal?

8 2-TCW-920:

9 A. Yes.

10 [09.13.55]

11 Q. And before you appear before us, have you read or have it read
12 out to you, that is, regarding your written record of your
13 interview with investigators in order to refresh your memory?

14 A. Yes, I have.

15 Q. And to your recollection, does the written record of your
16 statement conform to what you told the investigators?

17 A. Yes, I have read it in full.

18 MR. PRESIDENT:

19 And because the witness is old, that is, he is 93 years old, and
20 it is also difficult to hear him when he speaks, so parties
21 please make sure that your questions are short and precise so
22 that the witness can answer your questions.

23 (Short pause)

24 [09.15.44]

25 MR. PRESIDENT:

7

1 And pursuant to Rule 91bis of the ECCC, the Chamber grants the
2 floor first to the Co-Prosecutors before other parties. And the
3 combined time for the Co-Prosecutors and the Lead Co-Lawyers are
4 two Court sessions.

5 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

6 Good morning, Mr. President. Good morning, Your Honours. Good
7 morning to all parties.

8 Q. Good morning, Witness. My name is Vincent de Wilde, and I'm
9 going to put a few questions to you on behalf of the
10 Co-Prosecutors.

11 If you do not understand one of my questions, please ask me to
12 repeat that question. And I will also ask you to provide me with
13 concise answers. If I need more detail, I will put other
14 questions to you, so try to answer as precisely as possible to
15 the questions that are put to you.

16 [09.16.42]

17 And I am aware of the fact that the <events> are old and it's not
18 very easy to remember <everything>, so if you do not remember
19 something, simply tell us that you do not remember.

20 So I have a few topics to discuss, first your general personal
21 history before the capture of Phnom Penh and, in particular, what
22 you did in the 1950s and 1960s with Ros Nhim and Ta Nuon Chea,
23 and then I will have a few questions regarding your duties after
24 17 April 1975. And I will focus then on the arrests that took
25 place in the Northwest Zone before and after the arrest of Ros

8

1 Nhim.

2 So first, regarding the 1950s and 1960s, could you tell us when,
3 exactly, you joined the revolution and for which leader did you
4 work?

5 2-TCW-1065:

6 A. I joined the revolution in <1960>, and in fact, it was '66.
7 [09.18.35]

8 Q. You mentioned, rather, the 1950s in your various statements,
9 so are you sure that you're not mixing up 1966 with 1956? In
10 particular, I'm referring to WRI E3/9473 at answer 2.

11 You said that you were with the Khmer Issarak until 1954 and then
12 you joined the Khmer Rouge in 1956, thanks to sponsoring <from>Ta
13 Phat. <P-H-A-T>.

14 A. <In> the fifties, I was with the Issarak movement, and at
15 around '66, I joined the Khmer Rouge.

16 Q. So did you work with Ros Nhim and Nuon Chea and, if yes, when?

17 A. That happened a long time ago <that I worked with Ros Nhim and
18 Nuon Chea>. I was assigned as a courier between Battambang and
19 Phnom Penh.

20 Q. How did you fulfil your duties? Who appointed you as a
21 messenger between Phnom Penh and Battambang?

22 A. At that time, it was Ta Ros Nhim.

23 Q. And in Phnom Penh, to whom would you deliver messages?

24 A. Nuon Chea was in Phnom Penh.

25 [09.21.24]

1 Q. Fine. So as of which year did you work as a messenger between
2 Nuon Chea and Ros Nhim, and up until which period?

3 A. I worked as a messenger since 1966.

4 Q. Well, I know that it might be hard for you to remember the
5 dates, but in your WRI, E3/9473, this is what you said at answer
6 2:

7 "In 1960, Ta Nuon Chea appointed me messenger for Ta Nhim. I had
8 to carry his letters from Battambang <province> to Phnom Penh to
9 give them to Nuon Chea. In 1966, I fled to hide in Samlout
10 district." End of quote -- "because I was <unmasked>."

11 So does that correspond to your memories, that this -- that you
12 were a messenger between 1960 and 1966 when you were a messenger
13 between Ros Nhim and Nuon Chea?

14 A. After the information was leaked, <they searched for me for
15 the arrest, so> I fled to the forest.

16 [09.23.26]

17 Q. So when you worked as a messenger between Nuon Chea and Ros
18 Nhim or, rather, when you worked as a messenger for Ros Nhim
19 delivering messages to Nuon Chea, did both of these leaders trust
20 you?

21 A. Yes, they trusted me. That's why I was assigned as a messenger
22 to carry messages back and forth. So when they knew that I could
23 work for them, they allowed me to work. But in 1966, I went into
24 hiding in Samlout.

25 Q. So you enjoyed Ros Nhim and Nuon Chea's trust between 1960 and

10

1 1966. But later, during the DK regime, that is to say, between
2 '75 and '79, did both of these leaders still trust you?

3 A. Yes, they trusted me.

4 Q. Can you tell us what Nuon Chea's role was in the 1960s within
5 the Party?

6 A. After they trusted me, later on, I was enrolled as a Party
7 member.

8 Q. What was Nuon Chea's role in the Party back then? Was he one
9 of the main leaders?

10 A. Nuon Chea was in Phnom Penh.

11 [09.26.20]

12 Q. Do you know if he had any position within the Standing
13 Committee of the Party?

14 A. I only knew that he worked in Phnom Penh, and I worked for Ros
15 Nhim. He sent me to carry messages back and forth.

16 Q. Back then, within the Party, who was of a higher rank than the
17 other; was it Nuon Chea who held the highest rank, or was it Ros
18 Nhim?

19 <A. Nuon Chea held a higher rank -->

20 MR. PRESIDENT:

21 Witness, please hold on.

22 And Counsel Koppe, you have the floor.

23 MR. KOPPE:

24 I object to the formulation of this question. There is a third
25 alternative, that they were both equally ranking, since both were

11

1 members of the Standing Committee.

2 [09.27.46]

3 BY MR. DE WILDE D'ESTMAEL:

4 Well, then, I will rephrase the question, but first I'll put
5 another question to the witness.

6 Q. Witness, did you see, yourself, Nuon Chea and Ros Nhim
7 together, whether in Phnom Penh or in Battambang?

8 2-TCW-920:

9 A. Nuon Chea was in Phnom Penh, while Ros Nhim was in Battambang.

10 Q. Did one or the other travel to go meet the <other>? Did Ros
11 Nhim go to Phnom Penh to meet Nuon Chea, or did Nuon Chea go to
12 Battambang to meet Ros Nhim while you were a messenger?

13 A. They <rarely> met each other<.> I was sent as a messenger to
14 carry messages. Ros Nhim was the one who <grasped the situation
15 of> the people on the ground <in villages, communes, and Samlout
16 district>, while Nuon Chea was in Phnom Penh.

17 [09.29.15]

18 Q. Fine. Well, I'm not going to dwell on this, but I think that
19 you said in some of your statements that Nuon Chea came to see Ta
20 Kao or Ta Sambat, that is to say, the other names for Ros Nhim in
21 a place called Ponlei at Srae Chas. That is something you said in
22 E3/9084, and you said this before the interviewers at DC-Cam. In
23 French, it's at page 17. The English draft, whose translation is
24 <rather> poor, is on page 23. And in Khmer it's at ERN 00057650.
25 Witness, do you remember having said that Nuon Chea came to see

12

1 Ros Nhim in Srae Chas in a place called Ponlei?

2 A. <Nuon Chea sometimes> came from Phnom Penh and disembarked the
3 train at <Phsar Ou Dambang (phonetic) train station in> Samlout
4 <district to meet Ros Nhim there>. That was the upper part of
5 that area.

6 Q. Very well. When you saw Nuon Chea arrive, you also talk of the
7 presence of Ros Nhim. Who respected the one more than the other?
8 Did they consider one another as equals, or the one considered
9 himself superior to the other in the hierarchy?

10 A. Ros Nhim respected Nuon Chea, and Nuon Chea was higher in
11 rank.

12 [09.31.45]

13 Q. What did you know of Siev, S-I-E-V, and Heng, H-E-N-G, in the
14 communist movement and of his ties with Nuon Chea?

15 <A. Nuon Chea was a person from Voat Kor. Ros Nhim was
16 (unintelligible).>

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. Witness, could you please repeat your answer? I have not heard
19 what you said regarding Siev Heng.

20 2-TCW-920:

21 A. <Nuon Chea was -->

22 JUDGE FENZ:

23 There is no translation.

24 (Short pause)

25 [09.33.36]

13

1 MR. PRESIDENT:

2 It is <also> very difficult to understand what he said in Khmer,
3 and it's very difficult for interpreters, I believe, to interpret
4 his messages.

5 AV Unit, could you please increase the volume because the
6 testimony given by this witness is very difficult to understand,
7 so please coordinate with the staff members over there so that
8 the witness could be a bit closer to the mic or the sound is
9 better.

10 (Short pause)

11 [09.35.17]

12 MR. PRESIDENT:

13 Mr. Co-Prosecutor, you may now resume your questioning, and
14 please repeat your last question.

15 BY MR. DE WILDE D'ESTMAEL:

16 Thank you, Mr. President.

17 Q. Witness, I had just put a question to you regarding Siev Heng.

18 I asked you what you knew about him within the revolutionary
19 movement as well as <regarding> his ties with Nuon Chea.

20 Can you please repeat your answer?

21 2-TCW-920:

22 A. <Siev Heng was also a person from Voat Kor. His native
23 birthplace is where Nuon Chea came from, that was Voat Kor.>

24 Nuon Chea came to <hide himself in> Phnom Penh, and Ros Nhim was
25 stationed in Battambang. And I carried messages to Phnom Penh

14

1 and, also, I brought messages and letters from Phnom Penh to
2 Battambang.

3 [09.36.44]

4 MR. DE WILDE D'ESTMAEL:

5 Q. Very well. We did not receive the interpretation of what you
6 said on Siev Heng, but let me read out to you what you told
7 DC-Cam, document E3/9084, page 8 in French. And the English
8 draft, it's on page 18, and in Khmer 00057640.

9 I'll perhaps first read before <the> defence counsel can speak;
10 otherwise, we will not be able to make progress.

11 This is what you said, witness, "Siev Heng" --

12 MR. KONG SAM ONN:

13 It's not the objection I wish to put. The Co-Prosecutor said that
14 he did not get the -- get the interpretation. <I want to confirm
15 what the witness just said. He said that> Siev Heng and <Nuon
16 Chea came from Voat Kor. Ros Nhim on the other hand stationed in
17 Battambang. This is what the witness said>.

18 [09.37.55]

19 BY MR. DE WILDE D'ESTMAEL:

20 Thank you.

21 Q. Now, Witness, this is what you had stated before:

22 "Siev Heng was a junior uncle of Nuon Chea. However, Siev Heng
23 died. He betrayed those close to him in 1962. He betrayed his
24 supporters and killed them. Later on, it was considered that Siev
25 Heng was a traitor. At the time of the coup d'état, Siev was

15

1 paralyzed and no longer left Voat Kor. Then, in 1975, the war had
2 ended and he was <pulled away> and executed. He was not spared."

3 End of quote.

4 You state that Siev Heng was executed in 1975. Do you know who
5 ordered his execution?

6 2-TCW-920:

7 A. I do not know <who ordered it. But> they worked together,
8 <whoever> betrayed, <he or she must be dead>.

9 [09.39.30]

10 Q. <Could> this supposed treason by Siev Heng in 1962 <have
11 contributed> -- within the Party -- to a certain culture of
12 <distrust> and paranoia?

13 A. They no longer trusted one another, and there was an order to
14 smash them.

15 Q. You stated a while ago that after you had served as a
16 messenger up to 1966, you went into hiding.

17 When did you join the revolutionary ranks again? Did you again
18 join the revolution before the capture of Phnom Penh on the 17th
19 of April 1975?

20 A. I went into the forest, and I still had the communication with
21 other people. <I was searched for the arrest, so I fled into the
22 forest. However, I did not quit the work,> I was on a constant
23 communication.

24 [09.41.13]

25 Q. Prior to the fall of Phnom Penh on the 17th of April 1975, did

16

1 you join the revolutionary ranks again in a more active manner?

2 Did you come out of hiding <or forgo your role as> a normal
3 citizen?

4 A. After I came out of the forest, I became a chairman of the
5 schools association. Schools were to be created <for children> in
6 Ou Dambang Muoy commune.

7 Q. After the 17th of April 1975, did you hold any duty posts,
8 particularly in your commune, Ou Dambang Muoy?

9 A. <In 1975,> I was part of the commune at Ou Dambang Muoy. We
10 won the victory against Lon Nol's group.

11 Q. Now, you stated before DC-Cam, E3/9084, page 35 in French, 48
12 in English, and Khmer 00057670 -- the question that was put to
13 you was as follows, and it was asked by Dany:

14 "After the capture of Phnom Penh in 1975, were you immediately
15 appointed chief of the Ou Dambang cooperative?"

16 And your answer was: "Yes. Truly, at the beginning, Ou Dambang
17 commune initially was part of <Sector> Number 4." End of quote.

18 And then you explained that it subsequently became part of
19 <Sector> 3.

20 Is it correct that you were chief of the Ou Dambang cooperative?

21 A. I was the chairman of a cooperative in Ou Dambang, Sector 3.

22 [09.44.34]

23 Q. Now, I have <two> or <three> questions on the structure of
24 power in the Northwest Zone.

25 Who were the leaders in the Northwest Zone? Who were the members

17

1 of the Zone Committee?

2 A. Ros was in charge of that <Sector 3>.

3 Q. Very well. You also made mention of Ta Kheu (phonetic) on
4 several occasions as well as Ta Phat (phonetic). Ta Kheu
5 (phonetic) was deputy secretary, and Ta Phat (phonetic) was <a>
6 member. Is that correct? Can you confirm that?

7 A. Ta Phat (phonetic) assigned me a duty so that I could be --
8 take care -- I could take care of <> Ou Dambang <Cooperative>.

9 [09.46.09]

10 Q. Now, who were the leaders of <Sector> Number 3 as you knew
11 them?

12 A. He died already.

13 MR. PRESIDENT:

14 The Deputy Co-Prosecutor, could you repeat your question? Perhaps
15 the witness may not have recalled your question.

16 <2-TCW-920:>

17 A. Bong Heng Khieu (phonetic) and Bong Ros Nhim.

18 <Part of the land in> Sangkae <district was annexed> to Sector 3,
19 and Ros Nhim <was> in charge of Sector Number 3. <It was no long
20 named Sangkae district, it was instead named Sector 3. Within
21 this sector, there were> seven communes: <Voat Kor commune>, Ou
22 <Mal commune,> Chrey <commune>, Phnum Sampov commune, and these
23 communes were placed under the responsibility of Sector Number 3.

24 [09.48.04]

25 BY MR. DE WILDE D'ESTMAEL:

18

1 Q. Did you ever hear of leaders at the level of Sector 3, Ta
2 Chham, C-H-H-A-M, and in Phnom Sampov district, Ta Hoeun
3 (phonetic)?

4 In any case, you mentioned their names in your WRI, E3/9473 in
5 answer number 9.

6 Do you recall Ta Chham and Ta Hoeun (phonetic)?

7 2-TCW-920:

8 A. Ta Chham and Ta Hoeun, they were removed at the later stage
9 because they conducted an opposing activity. Ta Chham and Ta
10 Hoeun were removed.

11 [09.49.25]

12 Q. Witness, after the 17th of April 1975 in the Northwest Zone,
13 what became of the former Lon Nol soldiers or senior officials of
14 the Lon Nol regime? Were they sought <out>?

15 A. That issue did not happen at my location. <> At Ou Dambang, I
16 protected everyone there as long as they could adjust themselves
17 to the -- as long as they could live together with us<,
18 regardless of their previous background. On the other hand, other
19 areas to the east part, particularly in Sector 4,> killings
20 occurred. Nothing happened at my location <regardless of their
21 previous backgrounds>. Although they were colonels or had five
22 strokes on their shoulders, they could survive.

23 Q. Apart from your area, I have indeed understood that you
24 protected certain persons.

25 Outside of your area, was there any systematic search for former

19

1 soldiers, ranked officers and former <officials> of Lon Nol and,
2 if yes, who issued instructions that the search be conducted?

3 A. Those who worked and live with me could live there very safely
4 <regardless of their previous ranks.>They could live there
5 peacefully <as long as they did not oppose us. We let them live.
6 However, I did not know what happened in other> locations.

7 [09.52.20]

8 Q. In answer number 2 of the WRI, E3/9473, and at the end of the
9 answer, you said that:

10 "Ta Chham was a very cruel man. As a matter of fact, after 1975,
11 soldiers of the Lon Nol government had hidden in the jungle, and
12 Ta Chham went out in a vehicle in order to <hunt> them down and
13 capture them." End of quote.

14 MR. PRESIDENT:

15 Please hold on, Mr. Witness.

16 You may now proceed, Koppe.

17 MR. KOPPE:

18 Yes. The Prosecution continuously forgets the very last sentence,
19 which says, "But I never saw him kill anyone."

20 BY MR. DE WILDE D'ESTMAEL:

21 Q. Witness, when Ta Chham went out in a vehicle in order to
22 <hunt> down and capture soldiers of the Lon Nol government, did
23 he act alone or do you know whether he was obeying instructions
24 from the upper echelon?

25 [09.53.57]

1 2-TCW-920:

2 A. He wanted to conduct the arrests. He was chasing those people
3 who went <to hide in> the forest, particularly those who opposed
4 the plan. <That included Ta Chham.>

5 Q. There is another passage <which also mentions that,> in the
6 same WRI, that is, E3/9473, question and answer 27 and 28. And
7 you said you had to give an account as head of the Ou Dambang
8 Muoy commune to Ta Hoeng, and this was the question, <number 27>,
9 that was put to you:

10 "Apart from the yield of rice paddy fields, what else did you
11 have to account for?"

12 Your answer was as follows: "I had to give an account of the
13 number of people existing in the commune, behavioural problems
14 among the inhabitants and the existence of enemies in the
15 village."

16 Question 28: "Who did you <refer> to when you talk of the
17 enemies?"

18 Answer: "The enemies were the officials and government soldiers
19 of the former regime. They asked us to say whether they had
20 strange activities or not. I, for my part, reported that those
21 people <all supported> the Party, all of them." End of quote.

22 [09.55.49]

23 Now, you say in <this> passage that the enemies were the
24 officials and soldiers of the government of the former regime.
25 During meetings with you, did Ros Nhim talk about those enemies,

21

1 that is, the former soldiers and officials of the Lon Nol
2 government?

3 A. <For my side,> as long as they could get along with my people
4 in my location, although they held higher <or lower ranks>, they
5 could live peacefully. <Whoever came to live at my location, we
6 let them live.>

7 MR. PRESIDENT:

8 The witness does not really understand your question, Deputy
9 Co-Prosecutor, and the staff member of WESU is Ly Nimol <who
10 facilitates the video link>.

11 Are you there?

12 [09.57.07]

13 MS. LY NIMOL:

14 Mr. President, I am here at the -- in the room.

15 MR. PRESIDENT:

16 <Ly Nimol,> please try to help the witness with the questions put
17 to him. Please try to make him understand the questions <put by
18 the parties. Please simplify the question so that he can
19 understand the main content of the question>. Otherwise, he
20 cannot give his answer correctly.

21 Do you understand that?

22 MS. LY NIMOL:

23 Yes, I understand that, Mr. President. I will try to make him
24 understand the -- understand the question.

25 MR. PRESIDENT:

22

1 <Thank you,> Mr. Co-Prosecutor, you may now resume your
2 questioning.

3 [09.58.00]

4 BY MR. DE WILDE D'ESTMAEL:

5 Thank you.

6 Q. Once more, I will not dwell on the situation that was
7 prevalent in your Ou Dambang Muoy cooperative, but rather on what
8 Ros Nhim may have said regarding the enemies, <or whom he
9 described as enemies --> government soldiers and senior officials
10 of the former regime as the enemy? My question is whether you
11 heard Ros Nhim talk about this during meetings and conversations
12 with you.

13 Did he talk about the enemies?

14 MS LY NIMOL:

15 The question is that when you met Ros Nhim, did Ros Nhim say that
16 other officials were enemies. Did he say that?

17 [09.59.25]

18 2-TCW-920:

19 No. He <told> those people <to adjust their living with us, obey
20 us and follow us, and not to oppose us, so he let them> live
21 peacefully. <Several regimes had passed that we killed each
22 other. If we continued the killing, there would be no one left.
23 But> at some locations, they killed each other, but not at my
24 location. In the areas to the east, Sector Number 4, they killed
25 people. <This resulted from the retaliation of the old regime

1 when> people <were forced to build forts or posts there. Then the
2 regime changed, so> they executed each other. <But, there was no
3 such thing in my location.>

4 MR. PRESIDENT:

5 The question is that, did you hear anything that Ros Nhim said in
6 the meetings, particularly about the fact that measures needed to
7 <single out revolutionary> enemies, <in particular>, those who
8 were former Lon Nol soldiers and Lon Nol officials? <And the
9 measure of smashing these enemies?> Did Ros Nhim ever talk about
10 that?

11 2-TCW-920:

12 No, he did not say anything like that. He said that as long as
13 they could accommodate themselves and live with us peaceful --
14 live with us, they could live peacefully. <People held different
15 positions in different regimes. If we were busy to consider this
16 person held this position, that person held that position, there
17 would be endless killing. Then, no one would be left alive.>

18 [10.01.00]

19 MR. PRESIDENT:

20 And Mr. Co-Prosecutor, you may now resume your questioning.
21 I have recalled and reminded parties that questions should be
22 short and simple. Please, do not give your prior description
23 before the questions put to the witness <that caused him the
24 confusion>.

25 Keep the questions short and simple.

1 BY MR. DE WILDE D'ESTMAEL:

2 Q. Witness, regarding the enemies of the regime, <could any>
3 person in the Northwest Zone who did not follow the discipline or
4 the policies of Angkar in terms of collectivization, for example
5 -- could they be considered as enemies?

6 [10.02.18]

7 2-TCW-920:

8 A. As long as they could conduct themselves and not to oppose us,
9 then they would be considered as ordinary civilians. And here,
10 I'm speaking only about my area.

11 MS. LY NIMOL:

12 The question is -- do you understand the question?

13 2-TCW-920:

14 Later on, the northwest people were accused of being traitors by
15 the southwest, that is, when the southwest group arrived. <The
16 northwest people were removed and replaced by the southwest.>

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. Fine. My question was more general; it was not focused on
19 those who accepted the discipline or the orders of Angkar, I was
20 focusing on people who opposed Angkar, whether it'd be in your
21 sector, or <more> generally speaking, in other sectors of the
22 Northwest Zone.

23 What would happen to those who would oppose and reject Angkar's
24 orders and discipline?

25 [10.03.48]

25

1 2-TCW-920:

2 A. I cannot say about other areas, but I can only say about my
3 area.

4 MS. LY NIMOL:

5 In your area if people didn't obey the discipline, were measures
6 taken against them, that is, in your area?

7 2-TCW-920:

8 A. No. Even for the former Lon Nol soldiers, as long as they
9 followed us, they would be safe. As long as they did not oppose
10 us, we would protect them<, so they could survive>.

11 BY MR. DE WILDE D'ESTMAEL:

12 Q. I would like to turn to <a few> very specific cases. What
13 happened to Ta Hoeun (phonetic) under the DK regime? And who was
14 in charge of his situation?

15 [10.05.05]

16 MS. LY NIMOL:

17 Do you understand the question? Do you recall Ta Hoeun?

18 2-TCW-920:

19 A. Ta Hoeun was a district committee.

20 MS. LY NIMOL:

21 And what happened to Ta Hoeun during the regime?

22 2-TCW-920:

23 A. Later on, Ta Hoeun was removed. He <was> not <allowed to> work
24 there anymore.

25 BY MR. DE WILDE D'ESTMAEL:

26

1 Q. Witness, do you know if he was withdrawn, as you said, before
2 the arrest of Ros Nhim or after that?

3 2-TCW-920:

4 A. He was removed -- he was removed before <> Ros Nhim.

5 [10.06.26]

6 Q. What was Hoeun (phonetic) accused of by Ros Nhim?

7 A. His activities were suspicious and that happened because of
8 the mistrust of one another and, for that reason, he was removed.

9 Q. Do you know where Ros Nhim sent Hoeun (phonetic) to?

10 A. Ta Hoeun was removed and I did not know where he was sent to;
11 he simply disappeared.

12 Q. At answer 10 of your WRI, E3/9473, you said, "Ros Nhim
13 arrested Ta Hoeun (phonetic) at the beginning of 1978, <without a
14 doubt>." And you said that, "After the visit of the Chinese
15 delegation, Nhim arrested Hoeun (phonetic) after having accused
16 him of being a CIA agent, and before sending him to Phnom Penh."
17 End of quote.

18 So, back then, did you know that Hoeun (phonetic) had been sent
19 to Phnom Penh?

20 A. Ta Hoeun was removed and then he disappeared. I did not know
21 where he was sent to.

22 [10.08.55]

23 Q. Did you ever hear during meetings Ros Nhim or other cadres say
24 that Ta Hoeun (phonetic) had betrayed the revolution?

25 A. I did not hear that; I only knew that he was removed and

1 disappeared.

2 Q. Earlier, you also spoke about Ta Chham, C-H-H-A-M, who was the
3 leader of Sector 3. What happened to Ta Chham under the DK
4 regime? Did he disappear as well?

5 A. Later on, Ta Chham was removed and disappeared as well and I
6 did not know where he was sent to.

7 Q. Was Ta Chham arrested before or after Ros Nhim was arrested?

8 A. Ta Chham was arrested before Ros Nhim; he disappeared and I
9 did not know where he went to.

10 Q. Can you tell us if Ta Chham also acted as a leader in the
11 Kamping Puoy dam construction?

12 A. Regarding Kamping Puoy dam, people were <selected> from
13 various cooperatives.

14 [10.11.16]

15 MS. LY NIMOL:

16 Did Ta Chham have his supervisory role in that area?

17 2-TCW-920:

18 A. No, because people were selected from various communes to
19 build that dam. <People were selected from seven communes as a
20 mobile force to build that dam.>

21 BY MR. DE WILDE D'ESTMAEL:

22 Q. I have another question regarding a <person> named Ta Ngon,
23 N-G-O-N. Did you know this Ta Ngon, who, apparently, had some
24 leadership position in the zone army?

25 MS. LY NIMOL:

28

1 Do you recall Ta Ngon who was a military at the zone level?

2 2-TCW-920:

3 A. I do not recall any person by this name, Ta Ngon.

4 [10.12.30]

5 BY MR. DE WILDE D'ESTMAEL:

6 Q. I'm not speaking about Ta Moun (phonetic); I'm speaking about
7 Ta Ngon, N-G-O-N in French. Maybe <also> N-G-O-A-N. I'm going to
8 read what you said to DC-Cam, so it's document E3/9084, <in>
9 French <on> pages 40-41; and the English draft, page 54; and in
10 Khmer, 00057676 to 677.

11 "Ta Ngon, N-G-O-N, well, I knew him, but he had climbed the
12 ranks. He became a division leader. Ta Ngon had two female
13 messengers, young girls, who were in charge of massaging him.
14 That's all that I knew. I said to myself that Ta Ngon was not
15 going to come out alive. He was not going to survive. His
16 lifestyle led him to betrayal and they called in Ta Ngon and they
17 <sent him to> the firing squad. He could not escape that."

18 Question: "Was it Ta Nhim <who shot him>?"

19 And you answered: "Yes. Ta Nhim <shot him. There> was no point
20 sparing him even if he was a division commander."

21 Question: "So therefore, he died in 1975?"

22 Answer: "Yes, he died in 1975."

23 And later on you specified that it was rather towards the end of
24 1975.

25 [10.14.14]

29

1 So, regarding this Ta Ngon, why did you say to DC-Cam that it was
2 not worth it to spare him? Was it because he <had acted> at odds
3 with the Party discipline or was it for any other reason?

4 MS. LY NIMOL:

5 Do you recall Ta Ngon?

6 2-TCW-920:

7 A. Which Ngon? I don't remember this person; I do not know Ta
8 Ngon.

9 MR. KOPPE:

10 Maybe it's a translation issue, but I heard the Prosecution say
11 that he was a division commander. And in English, he's been
12 described as a unit chief. So I don't know maybe in French it's
13 different, but in English, it says "unit chief". That is very
14 much more low ranking than a division commander, which is the
15 highest military position.

16 [10.15.39]

17 MR. DE WILDE D'ESTMAEL:

18 Well, in any case, I believe that the English draft was not
19 translated by a professional translator, so I don't believe that
20 we can rely on the English translation because it's only a draft,
21 but of course, this needs to be confirmed. But I am going to move
22 ahead.

23 MR. PRESIDENT:

24 Deputy Co-Prosecutor, please give me the exact Khmer ERN number
25 <to make this clear.>

30

1 MR. DE WILDE D'ESTMAEL:

2 Yes, 00057676; that's where, I believe, his position is
3 described. And the rest of the quote continues on to the
4 following page.

5 [10.16.45]

6 MR. PRESIDENT:

7 What about the national staff; could you please verify the Khmer
8 ERN? Because I cannot locate it.

9 MR. PICH ANG:

10 Mr. President, it's in document E3/9084; ERN is at 00057676. The
11 name, Ta Ngon, was mentioned and that he rose to become <a>
12 divisional commander.

13 Thank you.

14 MR. PRESIDENT:

15 Thank you.

16 It is now convenient time for a short break and the Chamber will
17 take a break now and resume at 25 to 11.00 to continue the
18 proceeding.

19 And Mr. Witness, it is now recess time and we will resume at 25
20 to 11.00 to continue our proceedings.

21 And Ly Nimol, please assist the witness and have him returned to
22 the same location at 25 to 11.00.

23 The Court is now in recess.

24 (Court recesses from 1018H to 1036H)

25 MR. PRESIDENT:

31

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

2 And Mr. Witness, are you ready?

3 MS. LY NIMOL:

4 Are you ready?

5 2-TCW-920:

6 I am ready.

7 MR. PRESIDENT:

8 Thank you.

9 And I'd like to hand the floor again to the International Deputy
10 Co-Prosecutor to put further questions to the witness.

11 [10.37.35]

12 BY MR. DE WILDE D'ESTMAEL:

13 Thank you, Mr. President.

14 Q. A while ago, Witness, we talked of the arrest of Hoeun
15 (phonetic), Chham and also <Ngon, whom> you didn't recall any
16 more.

17 Before those high-ranking cadres were arrested did Ros Nhim carry
18 out his own investigations?

19 MS. LY NIMOL:

20 Before somebody was arrested, did Ros Nhim undertake any
21 investigation?

22 2-TCW-920:

23 He would see who did right or who did wrong, and if somebody did
24 wrong, the person would be removed.

25 [10.38.50]

1 BY MR. DE WILDE D'ESTMAEL:

2 I did not hear the witness' answer, Mr. President.

3 Q. So my question was whether Ros <Nhim> carried out his own
4 investigations before arresting cadres such as Ta Chham, Ta Hoeun
5 (phonetic), Ta Ngon, and others.

6 MS. GUISSÉ:

7 I do not know whether you have a problem in your ear sets, but we
8 -- there is a hum in the ear sets, and we didn't hear the
9 witness' answer.

10 [10.39.38]

11 BY MR. DE WILDE D'ESTMAEL:

12 My equipment didn't have any battery, so I'm going to have to ask
13 my colleague what the witness said.

14 Q. Witness, do you know whether Ros Nhim sometimes received
15 orders <or> instructions from the upper echelon with a view to
16 arresting cadres?

17 MS. LY NIMOL:

18 Did you know that Ros Nhim received instructions or orders from
19 upper level for arresting someone?

20 <2-TCW-920:>

21 <A. No -->

22 MR. PRESIDENT:

23 Please hold on, Witness.

24 And Defence Counsel Koppe, you have the floor.

25 MR. KOPPE:

1 Yes, Mr. President. I keep objecting to this kind of question.

2 Ros Nhim was upper echelon, so either it has to be very concrete
3 as to who was ordering him, if at all it was possible for Ros
4 Nhim to be ordered.

5 [10.40.45]

6 JUDGE FENZ:

7 It would appear, counsel, we have had the debate yesterday, the
8 same discussion yesterday.

9 MR. KOPPE:

10 But what does "upper echelon" mean when it comes to Ros Nhim? I
11 don't know.

12 JUDGE FENZ:

13 Well, why don't we wait for the answer?

14 MR. KOPPE:

15 Yes, but --

16 [10.41.01]

17 JUDGE FENZ:

18 We can plead later. I know we come close to pleadings, but --

19 MR. KOPPE:

20 Upper echelon is not --

21 JUDGE FENZ:

22 -- not yet.

23 MR. KOPPE:

24 There's upper echelon, there's -- it's not like -- it's not a
25 person. I mean, there needs to be a person who's ordering. It's

34

1 not like it's a machine or something. What is the "upper echelon"
2 here?

3 [10.41.25]

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. Witness, do you know whether Ros Nhim sometimes received
6 orders or instructions from Phnom Penh and, in particular, from
7 Pol Pot or Nuon Chea, for the purpose of arresting cadres in his
8 zone?

9 MS. LY NIMOL:

10 Do you understand the question, Mr. Witness?

11 2-TCW-920:

12 A. He supervised that area, and if somebody did not do <well>,
13 the person would be removed.

14 MS. LY NIMOL:

15 Did you know if Ros Nhim received an order from Pol Pot or Nuon
16 Chea for the purpose of arresting someone?

17 [10.42.12]

18 2-TCW-920:

19 I did not have a full grasp regarding this matter.

20 BY MR. DE WILDE D'ESTMAEL:

21 Q. Witness, did you know, <or were you> able to learn <under> the
22 regime, whether the cadres who were arrested were prompted to
23 denounce other cadres?

24 2-TCW-920:

25 A. I did not know about that. Probably no, there was no such

1 cases.

2 [10.42.55]

3 Q. I do not know whether you recall what you said earlier. I'll
4 read out to you an <excerpt, and there are a few,> it is DC-Cam
5 statement E3/10762, pages <14 to> 15 in <English>, and in Khmer,
6 00923746 and 47. There is no French translation. I'll quote it in
7 English:

8 "And to my thinking, the purges were the result of the
9 implications by torture inflicted, interrogations which were
10 supposed to be expeditious. For example, I'm arrested and you are
11 traitor, but I have to get you involved through my implication."

12 Then a little further down:

13 "I would just put all the names of my colleagues to survive the
14 torture. When torture is severely inflicted, we just implicate
15 others, and such implications would become perceived as true. For
16 this reason, so many people were killed. As in the case of the
17 arrest of the zone chief, you can see how many people he
18 implicated through his confession.

19 "For example, I'm an innocent person, but when I'm implicated, I
20 will eventually become his affiliate."

21 And then at page English, 010668800 - 6800; Khmer, 00923747; you
22 also said the following. I quote:

23 "I believed, and it was true, that it was a process carried out
24 in Phnom Penh at that time, which killed tens of thousands of
25 people through the arrests of the whole link or affiliates,

36

1 including the innocent. Believe me, it was true." End of quote.

2 [10.45.28]

3 Did you learn at the time that, indeed, <if> such a process of
4 torture followed by denunciations occurred in Phnom Penh?

5 MR. PRESIDENT:

6 Witness, please hold on.

7 And Counsel Koppe, you have the floor.

8 MR. KOPPE:

9 The witness has been read something back, which is an opinion,
10 which he was thinking. Witnesses can only testify as to what they
11 know, what they saw, what they personally experienced, so to put
12 back before him a quote of -- from his own testimony implicating
13 what he was thinking must have happened is asking for
14 speculation.

15 [10.46.26]

16 JUDGE FENZ:

17 Sorry, counsel. It's something he, himself, said at the time. We
18 have frequently confronted witnesses or civil parties what they
19 have said previously. Where is this suddenly coming from?

20 MR. KOPPE:

21 Well, then don't bother giving the instructions to the witnesses
22 any more that he can only testify as to what he saw, experienced,
23 heard, etc. Then forget about that instruction as well.

24 [10.46.55]

25 JUDGE FENZ:

37

1 No, sorry, counsel. We have -- as I said, we have heard frequent
2 -- this is the practice for two years, which we have allowed for
3 everybody, and you have done it plenty of times.

4 Having said that, nobody hinders us to clarify with the witness
5 if this is an opinion, if this is something he had experienced
6 himself, and we will then deal with this in the verdict.

7 BY MR. DE WILDE D'ESTMAEL:

8 My question, <Your Honour>, was that whether he knew at that time
9 <that> there was a process of torture <and> denunciations in
10 place in Phnom Penh at the time.

11 He can say <whether> he knows about that, or not.

12 Q. Witness, did you know whether, between 1975 and 1979, people
13 were brought to Phnom Penh, tortured and <whether> those persons
14 implicated other persons, entire networks, for instance?

15 Was that something you were aware of at the time or, from what I
16 have read, that was something you only got to know subsequently,
17 after 1979?

18 2-TCW-920:

19 A. I did not know about that.

20 [10.48.47]

21 MS. LY NIMOL:

22 The question is: Between '75 to '79, were tortures inflicted upon
23 those who were brought to Phnom Penh, <> so that they could <get
24 the> confession; were they tortured?

25 2-TCW-920:

1 A. I did not know anything about that. <That is far beyond my
2 knowledge.>

3 MR. PRESIDENT:

4 Witness, please hold on and Counsel Kong Sam Onn, you have the
5 floor.

6 MR. KONG SAM ONN:

7 Thank you, Mr. President. The witness actually answered the
8 question, so please, the facilitator should not intervene <while
9 the witness is giving his answer;> and she should only intervene
10 when <> the question <is out of line, and when the question
11 appears unintelligible>. So please, Mr. President, give
12 instruction to her.

13 [10.49.48]

14 BY MR. DE WILDE D'ESTMAEL:

15 Thank you, Mr. President. I am afraid that with all these
16 interruptions, <I'm taking> up too much time, coupled with the
17 technical difficulties. I'll try to press on.

18 Q. I'll have you react to what you told DC-Cam. It is a very
19 short statement in document E3/9084, on page 72 in French, 97 in
20 English, and I believe that in Khmer, it is 00057713. And this is
21 what you stated regarding persons who were arrested and I quote:
22 "If someone were arrested, that necessarily meant that the person
23 had betrayed; that person, therefore, had to be executed. I was
24 not in agreement <with that> because I knew <the person could
25 have been pushed to> speak by <being beaten> or <having their

39

1 nails pulled out>. No one could endure such torture. You were
2 obliged to confess according to what they were expecting of you."
3 End of quote.

4 When you stated that when someone was arrested that necessarily
5 meant that the person had betrayed and that person, therefore,
6 had to be executed.

7 My question to you is as follows: When Angkar arrested someone,
8 was Angkar always assumed to be always right?

9 [10.51.46]

10 2-TCW-920:

11 A. People would be monitored and if they were found out, then --
12 if they were found out as traitors, they would be arrested.

13 However, there was no arbitrary arrest; they had to be monitored.
14 And before someone was accused <or arrested>, the person would be
15 monitored, that is, in term of his activities.

16 Q. A while ago, we talked of some cadres <from> Sector 3, who had
17 been arrested and who disappeared; can you tell us whether the
18 leaders of Sector 1 were also arrested by Ros Nhim?

19 A. No, there was none.

20 [10.53.05]

21 Q. When you were interviewed by DC-Cam; document E3/9084 on page
22 44 in French, 60 in English, and in Khmer, 00057680, you
23 mentioned that <Ta> Say (phonetic) was the chief of Sector 1. And
24 after him <they brought in the one who was there earlier. Dany
25 asked you> the following: "Ta Vanh?", <V-A-N-H>, and your answer

40

1 was, "Ta Vanh, and then the people of the Southwest Zone
2 arrived". End of quote.

3 Now, did you know a certain Ta Vanh and do you know whether he
4 survived the regime?

5 MS. LY NIMOL:

6 Is Ta Vanh alive; did he survive the Khmer Rouge regime?

7 2-TCW-920:

8 A. Which Ta Vanh and in which sector he was in? I do not recall
9 the person.

10 MR. PRESIDENT:

11 <International> Deputy Co-Prosecutor, you should put the first
12 question to him, whether he knows Ta Vanh<. In case, he knows Ta
13 Vanh, you can> go to the <next question. We noted this morning
14 that you put such questions but you did not first ask about the
15 familiarity of the person in questions>, then <> it's going to
16 cause other problems.

17 [10.54.56]

18 BY MR. DE WILDE D'ESTMAEL:

19 Precisely, I believe that he <remembered, at least> at the time
20 when he was interviewed by DC-Cam <because> he <himself> was the
21 one who mentioned his name.

22 Q. Witness, I'm talking of Sector 1; did you know Ta Vanh,
23 V-A-N-H, Secretary of Sector 1? Can <you> tell us what happened
24 to him?

25 MS. LY NIMOL:

41

1 Ta Vanh was secretary of Sector 1; do you recall <this>?

2 2-TCW-920:

3 A. No, I do not recall him. <There was only Sector 3. At my side,
4 we were assigned> to Sector 3 <at the commune office.>

5 [10.55.55]

6 BY MR. DE WILDE D'ESTMAEL:

7 Q. The question was not whether you went to Sector 3. All I did
8 was to read out to you a statement you gave to DC-Cam in which
9 you mentioned the name of Ta Vanh, who had replaced Ta Say
10 (phonetic) as <head> of Sector 1. Do you recall that?

11 2-TCW-920:

12 A. No, I do not recall that. I forget about it.

13 Q. For the record <I will mention> two documents, E3/2285, which
14 is an S-21 list titled "Names of Prisoners Smashed on the 18th of
15 October 1977" and the page in English is 00873644; in Khmer,
16 00009307; and there is no French version. We find number 122;
17 that is the name of Chea Huon, H-U-O-N, alias Vanh, V-A-N-H,
18 secretary of Sector 1, who entered S-21 on the 20th of June 1977
19 and executed on the 18th of October 1977.

20 Witness, do you remember the leaders of Sector 2 and do you know
21 whether some of them <may have been> arrested at the time when
22 Ros Nhim was the chief of the Northwest Zone?

23 MS. LY NIMOL:

24 Do you understand the question, Mr. Witness?

25 [10.58.13]

1 2-TCW-920:

2 A. I do not recall that. I forget about it and, at that time, I
3 did not have any work relationship with them; I only worked in my
4 area leading people to work <> in the rice fields. <We did not
5 mind others' affairs.>

6 BY MR. DE WILDE D'ESTMAEL:

7 Q. Very well, you state that you have forgotten. So to refresh
8 your memory and to see whether you recall that, does the name
9 Ren, R-E-N; his full name Srae Oeun (phonetic) alias Ren, ring a
10 bell to you?

11 MS. LY NIMOL:

12 Do you know <Srey> Oeun (phonetic) alias Ren? <Do you know this
13 name?>

14 [10.59.19]

15 2-TCW-920:

16 A. No, I do not know this person because I <had no supervisory
17 role over that person. I only minded my own work>.

18 BY MR. DE WILDE D'ESTMAEL:

19 Q. Well, fine. Closer to you, I'm going to read out certain names
20 of people -- of cadres in Sector 3, where you were working. Did
21 you ever heard about a so-<called> Kou; K-O-U, that is, who was
22 the deputy secretary of Sector 3?

23 MS. LY NIMOL:

24 Kou, the deputy secretary of Sector 3, are you familiar with this
25 person?

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1 2-TCW-902:

2 A. No, I did not.

3 [11.00.33]

4 BY MR. DE WILDE D'ESTMAEL:

5 A. Do you know a <so-called> Hea, H-E-A or H-E-A-R; who was the
6 secretary of Phnum Sampov district, at one point in time?

7 MS. LY NIMOL:

8 Hea, the name is Hea; did you hear of the name Hea, who was the
9 secretary of Phnum Sampov?

10 2-TCW-920:

11 A. I have never met him and I have never heard of that name.

12 BY MR. DE WILDE D'ESTMAEL:

13 Q. Did you ever hear the name of Chan Oeun, who was the secretary
14 of Mongkol Borei district?

15 [11.01.40]

16 2-TCW-920:

17 A. No, I did not. I was trying my best to perform my tasks at my
18 location, not the tasks at other location in charge by other
19 people.

20 Q. Well, I'm not going to continue with this list, but for the
21 record, we have on the case file the confessions of Kou, who was
22 the deputy secretary of Region 3; E3/7372, Hea's confessions,
23 district secretary of Phnum Sampov; E3/7359, as well as the
24 confessions; E3/7353, of Chan Oeun, who was the district
25 secretary in Mongkol Borei district. All of their three

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1 confessions date back to the beginning of 1978; that is to say,
2 before the arrest of Ros Nhim.

3 Witness, do you know if leaders in Sector 4 were arrested by Ros
4 Nhim because of the situation in that sector?

5 MS LY NIMOL:

6 Do you hear the question? <Please repeat the question.>

7 [11.03.44]

8 2-TCW-920:

9 A. I do not have any ideas about that issue since I was working
10 at my location<. As for other locations, I did not grasp the
11 situation>.

12 BY MR. DE WILDE D'ESTMAEL:

13 Q. I'm aware of that, Witness, but I simply would like to read
14 out what you said to DC-Cam; that is statement E3/9084, regarding
15 the leaders of Sector 4. In Khmer, it's at page 00057680, <in
16 French> on page 44 and in English, in the draft, on page 60.

17 So listen carefully to what you said previously, and I quote:

18 "In the regional committee of Sector 4, there was Ta Vouch,
19 V-O-U-C-H; Ta Suy, S-U-Y; and, later, when they arrested Suy,
20 only Vouch remained as well as Heang, H-E-A-N-G. Later on, they
21 arrested Vouch and Heang; it was really a mess." End of quote.

22 So do you remember the so-<called>Ta Suy in Sector 4, as well as
23 Ta Heang?

24 [11.05.24]

25 2-TCW-920:

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1 A. I can recall the name Suy, but I did not see <the person. They
2 looked for these two persons for the arrest>. I do not know where
3 their whereabouts; we separated from one another. Ta <Suy> was
4 from the same location where I was from<, that was Srok Leu
5 (phonetic) or upper district>.

6 Q. In the same statement, E3/9084; in French on page 5455;
7 English, in the draft, page 74; and in Khmer, 00057692; you said
8 that you reported to <Ta Nhim --> Ros Nhim that the people in
9 Sector 4 were dying of hunger and I quote:

10 "Afterwards, then he knew and so he went to investigate the
11 situation. That was the reality in the field. Later on, the
12 sector <and commune> chiefs were arrested <one after another."
13 Then it says:> "He started by arresting Suy, S-U-Y, who
14 disappeared before everyone else. He arrested Suy and then he
15 arrested the people in Sector 4: Ta Vouch and Ta Heang. After the
16 arrests, they arrested Vong, V-O-N-G. He was able to resist
17 arrest for a few months, but then he was arrested in the end."
18 End of quote.

19 This is what you stated a few years ago, about 10 years ago, to
20 DC-Cam; do you remember that; do you remember that Ros Nhim
21 arrested Suy and then arrested a whole series of cadres <from>
22 Sector 4?

23 [11.07.55]

24 A. I cannot recall the statement that I gave to the DC-Cam. I was
25 located in my area and I never went to other locations under

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1 those people's responsibilities. <I did not go and monitor the
2 situation at those locations.>

3 Q. For the record, we have on list E3/2285, at English, page
4 00873637; Khmer, 00009304; so this is an S-21 list entitled, "The
5 Name of the Prisoners who were Smashed on 18 October 1977".

6 So, these are the people who also entered S-21 in July 1977 and
7 at number 34 on this list, we can see Suy, S-U-Y. His full name
8 was Sun Kun alias Suy; he was the deputy secretary of Sector 4.

9 [11.08.55]

10 And we also see Heang, H-E-A-N-G, who was mentioned by the
11 witness before DC-Cam, who was the secretary of Sector 4 who
12 entered S-21 on 13 March 1978. This is document E3/1942; English,
13 00183855; French, 00870455; and Khmer, 00040024.

14 So, Witness, please bear with me. In Sector 5, did you know the
15 secretary of Sector 5 who was called Hoeng, H-O-E-N-G?

16 <A. Who was in Sector 5?>

17 MS. LY NIMOL:

18 Hoeng, in Sector number 5 -- Hoeng, Sector number 5, do you
19 recall that person?

20 2-TCW-920:

21 A. <> Hoeng was gone; I do not know where he went. I know a
22 Hoeng; he <ran away>.

23 BY MR. DE WILDE D'ESTMAEAL:

24 Q. Did you know his deputy? You said to DC-Cam that this person
25 was called Chhnang, C-H-H-N-A-N-G.

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1 A. Chhnang, the child of Ros?

2 [11.11.25]

3 Q. Yes, indeed, Ros Nhim's child; was his name Chhnang and what
4 was his position in Sector 5 <alongside> Hoeng?

5 MS. LY NIMOL:

6 Chhnang worked at Sector Number 5; was he <> the deputy chief <or
7 what>?

8 2-TCW-920:

9 A. Chhnang was the child of Ros Nhim.

10 MS. LY NIMOL:

11 He worked at Sector 5; what was his position?

12 2-TCW-920:

13 A. That person was the child of So Phim and So Phim and Ros Nhim
14 were in-law.

15 [11.12.14]

16 MS. LY NIMOL:

17 What was his position, Chhnang's position?

18 2-TCW-920:

19 A. <That time,> he was quite young. <He was not assigned to do
20 anything yet.> Chhnang got married with the child of So Phim and
21 the two: Ros Nhim and So Phim were in-laws.

22 BY MR. DE WILDE D'ESTMAEL:

23 Fine. With the leave of the President, I'd like the person from
24 WESU not to put questions to the witness that I did not put to
25 him, <if you can,> but thanks, anyway, for the information.

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1 Q. Do you know, Witness, what happened to the chief of Region 5,
2 Ta Hoeng; was he among the people who were arrested by Ros Nhim?
3 [11.13.18]

4 MR. PRESIDENT:

5 I <too> do not really understand. Now, you want to ask me to tell
6 the staff member there to stop intervene while you -- while you
7 are asking questions, so could you please clarify this for me?

8 BY MR. DE WILDE D'ESTMAEL:

9 No, no, Mr. President. That's not what I was talking about. It's
10 just that, <just> before, the staff person from WESU asked for
11 the age of Ros Nhim's son and if he was married etc.; these are
12 questions that I did not put to the witness, so I would like her
13 not to put additional questions to the questions that I am
14 putting to the witness.

15 Q. But I simply would like to put my question again to the
16 witness, with your leave; that is to say, what happened to Ta
17 Hoeng; that is to say, the leader of <Sector> 5, was he among the
18 people who were arrested by Ros Nhim?

19 [11.14.35]

20 MR. KOPPE:

21 Mr. President, the question has been asked already a few times in
22 this forum, but I'm objecting now anyway. Why would any of the
23 (inaudible) members be arrested by Ros Nhim? They could be
24 arrested by any -- by anyone, if we don't know, so I think the
25 question should be formulated neutrally: Was he -- was he

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1 arrested and if yes, by whom?

2 BY MR. DE WILDE D'ESTMAEL:

3 Q. Well, let me rephrase the question, Witness. So was Ta Hoeng
4 arrested when Ros Nhim was the secretary of the Northwest Zone?

5 (Short pause)

6 [11.16.02]

7 <MR. MAM RITHEA:>

8 <The witness cannot get the question. He requests the question be
9 asked again.>

10 MR. PRESIDENT:

11 Deputy Co-Prosecutor, could you put the question again?

12 Nimol, please assist the witness. Try to make the witness
13 understand the question, but do not add other questions to the
14 one put by the Co-Prosecutor and you can take note of the
15 question asked, so that the question is exactly what the party
16 asks.

17 Co-Prosecutor, could you repeat your last question?

18 BY MR. DE WILDE D'ESTMAEL:

19 Q. In Sector 5, was Ta Hoeng arrested when Ros Nhim was the chief
20 of the Northwest Zone?

21 MS. LY NIMOL:

22 Did Ros Nhim arrest Ta -- could you repeat the question, Mr.
23 Co-Prosecutor, because I could not get it?

24 [11.17.28]

25 BY MR. DE WILDE D'ESTMAEL:

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1 Q. Of course, my question was very simple in fact. We were
2 speaking about Sector 5 and about its chief, Ta Hoeng; was Ta
3 Hoeng, H-O-E-N-G, arrested when Ros Nhim was still the secretary
4 of the Northwest Zone?

5 MS. LY NIMOL:

6 Was Ta Hoeng arrested?

7 2-TCW-920:

8 A. <That time, Ta Ros Nhim was still in the Northwest and he
9 removed> Hoeng < >.

10 BY MR. DE WILDE D'ESTMAEL:

11 Q. Well, we see on the case file, among other documents, the
12 confessions of Men Chun alias Hoeng, who was the secretary of
13 Sector 5, and this is at E3/2474 and at E3/1558.

14 And now, I'd like to turn witness to the arrest of Ros Nhim; what
15 do you know about the arrest of Ros Nhim?

16 [11.19.01]

17 2-TCW-920:

18 A. Ros Nhim was arrested by the southwest. Southwest arrested Ros
19 Nhim because it was said that Ros Nhim joined hands with the
20 "Yuon", so the southwest arrested him.

21 Q. When you're speaking about the southwest, could you speak
22 about specific people who then had some kind of position in the
23 Northwest Zone?

24 A. The southwest arrived after Ta Mok and Ta Tith. In fact, these
25 people came and arrested former people in the northwest.

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1 Q. (Microphone not activated)

2 [11.20.55]

3 <MS. GUISSÉ:>

4 Your mic is not activated.

5 BY MR. DE WILDE D'ESTMAEL:

6 Thank you.

7 Q. So you said that Ros Nhim was arrested because he was accused
8 of being an ally of the "Yuon", so did you attend meetings <or
9 did> Southwest Zone cadres <tell> you -- provide you with details
10 regarding this alliance with the "Yuon" or this betrayal?

11 2-TCW-920:

12 A. The southwest conducted the arrests and Ros Nhim was arrested
13 by those people. They accused the <northwest> people <of being
14 dishonest>.

15 [11.22.04]

16 MS. LY NIMOL:

17 The question, in fact, is about the meetings, whether or not you
18 attended a meeting where there was a discussion about <traitors
19 who joined hands with the Vietnamese?>

20 2-TCW-920:

21 A. No, I did not attend any meetings. <I was a lower-rank
22 person.> I was <tasked to> focus on my work.

23 BY MR. DE WILDE D'ESTMAEL:

24 Q. So based on what you might have been told, was Ros Nhim
25 surprised to be arrested?

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1 MS. LY NIMOL:

2 Did Ros Nhim feel surprised when people came to arrest him?

3 2-TCW-920:

4 A. South -- the Southwest came to arrest Ros Nhim and he brought
5 to a place where Ros Nhim confessed that he betrayed Angkar. <The
6 southwest people came to arrest the northwest people.>

7 [11.23.15]

8 BY MR. DE WILDE D'ESTMAEL:

9 Q. Do you know if -- when he was arrested or on the days<, weeks,
10 or months> that preceded that arrest, do you know if Ros Nhim
11 tried to resist the cadres who had come from the Southwest Zone?

12 MS. LY NIMOL:

13 Before Ros Nhim was arrested.

14 2-TCW-920

15 A. The northwest people were accused of betraying Angkar, so
16 those people were removed and Ros Nhim was removed and sent to
17 <Phnom Penh. After the allegation,> Ros Nhim was removed,
18 together with his family and children <to Phnom Penh to be
19 executed. His wife lived in Khsach Pouy.>

20 [11.24.30]

21 BY MR. DE WILDE D'ESTMAEL:

22 Q. How did you react when you learned that Ros Nhim had been
23 arrested in Battambang?

24 2-TCW-920:

25 A. I did not have any reaction. I was under his command and I did

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1 not know the accusation made by the upper echelon against him.

2 Q. In your DC-Cam statement, E3/9084, at the draft page in
3 English, page 30; pages 22 and 23 in French; and in Khmer,
4 00057656; it's very short, and you said the following:

5 "When he died, I regretted it. They killed their own; in fact,
6 all of the cadres back then died. No one survived."

7 So why did you regret Ros Nhim, when he was arrested?

8 [11.26.00]

9 A. I regretted it because I did not know how could he betray
10 Angkar. They accused one another. The southwest accused the
11 northwest <of betraying> Angkar and they arrested those people.
12 Then I was removed to be stationed at <Snoeng>. First, I was
13 placed in Ou Dambang; then I was removed to <Snoeng>.

14 Q. In all of your dealings with Ros Nhim, back then during the DK
15 period, were you <ever> able to perceive, at one point in time,
16 something that might have led you to think that Ros Nhim wasn't
17 loyal to the CPK?

18 A. The southwest accused that Ros Nhim betrayed.

19 MS. LY NIMOL:

20 Witness, did you observe, personally, that Ros Nhim betrayed
21 Angkar?

22 [11.27.47]

23 2-TCW-920:

24 A. <I observed that> he did not commit any mistakes and the
25 southwest, in fact, accused the northwest of betrayal; those

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1 southwest people came to arrest the northwest people. So in fact,
2 we arrested each other.

3 MR. DE WILDE D'ESTMAEL:

4 Thank you.

5 Thank you, Mr. President. I am aware that my time is running out
6 and the civil parties will need five to 10 minutes and I still
7 have a few questions to put, so I'd like to know if I could
8 continue until a quarter to 12.00 <this morning>?

9 [11.28.39]

10 MR. PRESIDENT:

11 No, time is not added for you and if the Co-Lead Lawyers for
12 civil party have questions, they can now have the floor.

13 MR. PICH ANG:

14 Mr. President, I would like to give my time to the Deputy
15 Co-Prosecutor.

16 MR. PRESIDENT:

17 And you may now proceed, Co-Prosecutor.

18 BY MR. DE WILDE D'ESTMAEL:

19 Q. Well, I'm going to try to finish as quickly as possible and I
20 will speak about the purges in the Northwest Zone after the
21 arrest of Ros Nhim because we have enough elements on the case
22 file.

23 [11.29.20]

24 So I'd like to get back to what Nuon Chea said regarding Ros
25 Nhim's death because he said that he did not regret it, <like

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1 you,> and this appears <in the book> E3/4202. This is Gina Chon
2 and Thet Sambath's book, which is called, "Behind the Killing
3 Fields"; in English, 00757530; in French, 00849433; and Khmer,
4 00858336. And I'm going to quote in English because that is the
5 original language of the book.

6 "Among the accused were Vorn Vet, Koy Thuon, and Northwest Zone
7 secretary, Ros Nhim. After decades of living as brothers fighting
8 against a common enemy, they were now deemed traitors. 'We never
9 accused any top leader without evidence and witnesses,' Nuon Chea
10 said."

11 And Nuon Chea continues: "We knew clearly about their betrayal
12 and plans to topple the regime and kill innocent people in the
13 provinces without the Centre's orders and knowledge. Pol Pot had
14 evidence and witnesses, so he decided to arrest them. I have no
15 regrets because when I read the confessions, it was very clear
16 what they were doing."

17 [11.31.11]

18 Next page in English, same ERN, page 103; French, 00849434;

19 Khmer, 00858337; I quote:

20 "Nuon Chea does not deny that these Party members were killed in
21 purges ordered by the leadership and reiterates that they were
22 traitors and needed to be smashed."

23 In fact - quote: "Most of the leaders in the Centre were on
24 Vietnam's puppet strings." End of quote.

25 [11.31.55]

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1 And then page 105 in English; French, 00849435 to 36; Khmer,
2 00858340; I quote:

3 "Nuon Chea said he was not particularly disturbed when his former
4 comrades and friends were executed. 'The Party decided to kill
5 them because they were betraying the Party and the nation. I was
6 not scared or sad when they were killed. They had done wrong and
7 betrayed us, so they received the kind of treatment they
8 deserved. We were friends, but friendship and political work are
9 separate'." End of quote of Nuon Chea.

10 "Nuon Chea went on to explain the difficulties of rooting out
11 enemies which consumed the Khmer Rouge leadership." End of quote.

12 I have two questions and then I'll stop there.

13 Nuon Chea stated that he had read the confessions of those
14 leaders. He talks of Vorn Vet, Koy Thuon, and Ros Nhim and
15 according to him, those confessions were clear.

16 Witness, do you know why the leaders of Democratic Kampuchea
17 believed in the contents of the confessions of prisoners?

18 [11.33.52]

19 MS. LY NIMOL:

20 The question is why leaders -- why did the leaders believe in the
21 prisoners' confessions? <Do you understand this question?>

22 2-TCW-920:

23 A. <It depended on those who suppressed and> mistreated him and
24 forced him to confess. I do not believe that he betrayed. <We
25 accused each other. Likewise,> the southwest accused that the

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1 northwest betrayed Angkar <by joining hands with others>, so the
2 southwest <was cleaner and> came to control the northwest. We --
3 in fact, this was a double-cross by Khmer people. They mistreated
4 each other. I<, myself was accused of betraying, and> was removed
5 and reassigned to <Snoeng>. I was under surveillance and they
6 found nothing about me.

7 BY MR. DE WILDE D'ESTMAEL:

8 Q. Last question: Nuon Chea stated that those leaders had
9 received the treatment they deserved. Did Ros Nhim -- that you
10 knew very well in the 1960s and subsequently during Democratic
11 Kampuchea -- did Ros Nhim deserve the treatment that was meted
12 out to him, in your opinion, or according to you?

13 [11.35.38]

14 MS. LY NIMOL:

15 Witness, did you think it was appropriate to do such things
16 against Ros Nhim?

17 2-TCW-920:

18 A. <As I said, that was factional.> The southwest came and
19 accused northwest <of> betraying; <that the northwest joined
20 hands with "Yvon". This> happened to our Khmer nation. The
21 southwest came to purge the northwest<, including Ros Nhim, who
22 was from the northwest. When> the southwest<, like Ta Mok,> came
23 <later,> it <appeared> that they were good people.

24 MR. DE WILDE D'ESTMAEL:

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

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1 [11.36.41]

2 MR. PRESIDENT:

3 Thank you, Deputy Co-Prosecutor.

4 I am grateful to you, Mr. Witness and I thank you also, Nimol.

5 The Chamber will take a -- the lunch break from now until 1.30.

6 Please wait, Witness and Nimol, and perhaps, the defence teams
7 may not have question.

8 You may now proceed, Counsel Koppe.

9 MR. KOPPE:

10 That was exactly the reason I was rising. I don't think I have
11 any questions for him. I don't think the Khieu Samphan team
12 either, so we might as well let him go now.

13 MS. GUISSSE:

14 To be clear, we, the Khieu Samphan team, do not have any
15 <further> questions for this witness.

16 [11.37.33]

17 MR. PRESIDENT:

18 It is a very good news. The Chamber is grateful to you, Mr.
19 Witness. The hearing of your testimony, as a witness, has now
20 come to a conclusion. The -- your testimony will contribute to
21 the ascertainment of the truth. You may now be excused. I wish
22 you good luck, good health, and prosperity.

23 I thank you also, Mr. Mam Rithea. You may also be excused.

24 Nimol -- Ly Nimol, WESU staff, and other individuals, the Chamber
25 -- the Chamber is grateful to you for your coordination and

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1 facilitation in arranging the proceeding and also the technology
2 or video link for the Chamber.

3 And in the afternoon, the Chamber will continue hearing the
4 testimony of Nuon Trech because we have him as a reserve witness.

5 The Chamber now take a lunch break and we'll resume at 1.30.

6 Security personnel are instructed to bring Mr. Khieu Samphan to
7 the waiting room and please have him returned into the courtroom
8 before 1.30.

9 The Court is now in recess.

10 (Court recesses from 1138H to 1334H)

11 MR. PRESIDENT:

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

13 The Chamber continues hearing the testimony of Nuon Trech. The
14 floor is given to the defence team for Mr. Nuon Chea to put
15 questions to <Nuon Trech> and the defence team -- the two defence
16 teams still have one session today because you have used one
17 session already <yesterday>.

18 [13.34.54]

19 QUESTIONING BY MR. KOPPE RESUMES:

20 Thank you, Mr. President.

21 Mr. Witness, good afternoon. I will -- I will be continuing my
22 questions from yesterday. Yesterday afternoon when we broke, you
23 were speaking about -- you were speaking about being in the
24 prison office that you indicated as being Tuol Sleng prison. Let
25 me follow up with some questions in respect of your stay there.

60

1 Q. In your DC-Cam statement, E3/7537, at English, ERN 00251254;
2 French, 00291004; and Khmer, 00019647; you said that before you
3 were brought to this prison office that you were told -- you were
4 lied to, that they would take you to the international hospital.
5 Who was it that told you that you would be taken to the
6 international hospital?

7 MR. PRESIDENT:

8 Please hold on. You may now proceed, first, Deputy Co-Prosecutor.
9 [13.36.35]

10 MR. LYSAK:

11 Thank you, Mr. President. My objection is to the initial comment
12 that led to this question, which was that the witness stated he
13 was at Tuol Sleng. He was asked about this passing comment in his
14 DC-Cam interview yesterday, and he clearly said he was not at
15 Tuol Sleng, but that there were people who were brought to that
16 office who were later taken to Tuol Sleng.

17 It's clear from his OCIJ statement, he did not know what office
18 he was at, so I think counsel should not be leading the witness
19 or representing that this witness was at Tuol Sleng when he
20 hasn't even asked -- asked the witness what office he was at.

21 [13.37.27]

22 MR. KOPPE:

23 Well, I was just rereading the draft transcript from yesterday.

24 JUDGE FENZ:

25 And just give us the reference; makes it easier.

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1 MR. KOPPE:

2 Well, I asked him yesterday about which prison office he thought
3 it was.

4 JUDGE FENZ:

5 Where? Where in the draft transcript?

6 [13.37.48]

7 MR. KOPPE:

8 At the -- at the very end, at 1600, so that is -- that's
9 yesterday. And I asked him this question because in his DC-Cam
10 statement, he clearly says on two occasions that he was in --
11 that it was the Tuol Sleng prison office. That is on the same
12 page I was -- as I -- as I just referred to.

13 Yesterday I asked him how did he know it was the Tuol Sleng
14 prison office and then he gave another answer. So his answer
15 yesterday, in combination with his DC-Cam statement, makes me to
16 understand that the witness is saying that he was at the Tuol
17 Sleng prison office. So I think my question was justified.

18 Whether that is really the case; that is ultimately for the
19 Chamber to decide, but I understand the testimony to be that he
20 thought that he was, for a few days, being interrogated and
21 photographed in the Tuol Sleng prison office.

22 [13.39.06]

23 JUDGE FENZ:

24 So why don't we clarify then?

25 Witness, is it your understanding that you, for a couple of days,

1 have been in the S-21 prison office?

2 MR. KOPPE:

3 No, at the Tuol Sleng prison; that's what he said.

4 JUDGE FENZ:

5 Sorry, I'm sorry; that's true.

6 [13.39.35]

7 MR. NUON TRECH:

8 A. I was brought to the prison office before we were further sent
9 to Tuol Sleng. I did not realize, at first, that it was Tuol
10 Sleng prison, but there was a comrade telling me and others that,
11 "you are all here; you will be imprisoned". <I realised that I
12 was imprisoned.>

13 Later on, this information was learned by my chairman. He came to
14 rescue me and my chairman<, Yiet,> said that I had nothing to do
15 with the mistakes leading to an <imprisonment>. My chairman
16 requested me back so that I could be refashioned. Then if I could
17 not be refashioned, I would be sent for that prison office.

18 BY MR. KOPPE:

19 Q. So that will bring me back to my initial question, Mr.
20 Witness. In your DC-Cam statement, on the pages that I just
21 referred to, you said before you were brought to the prison
22 office that "They lied to me telling me that they'd taken me to
23 the international hospital, and I didn't realize either that it
24 was Tuol Sleng prison office. I thought it was the office of the
25 international hospital, so I just sat there and waited."

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1 My question to you is: Who told you that you'd be going to the
2 international hospital office?

3 [13.41.23]

4 MR. NUON TRECH:

5 A. Bong Sralao, and upon my arrival at the prison office, Bong
6 Sralao was arrested and sent away.

7 Q. On that same page, you talked about someone who told you that
8 you were in a prison office and you identify this person as Yiet.
9 You said, "Then Yiet, the deputy director of the hospital I
10 worked at, came. He hadn't seen me at work and so he asked
11 someone about me. He had been told I had been brought here, at
12 the prison office, by Ol."

13 Now, let me ask you a question first about Yiet. You identify
14 Yiet that he was the deputy director of the hospital; are you
15 sure about that or are you maybe referring to a person who was
16 chief of logistics of Battalion 314?

17 A. Yiet was the chief of logistics of Battalion 314. He was my
18 direct supervisor. I served as a medic. He did not see me, so he
19 asked Bong Sralao, who was the deputy chief of the logistic. He
20 asked Sralao, "Where is the comrade; why I don't see him going
21 around and give injection shots?" He told Yiet that I had been
22 brought by a vehicle to a place -- to <Ol's> place already and it
23 was the prison office.

24 [13.44.06]

25 Q. And did Yiet have any form of authority in this prison office

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1 or did he just come in and tell you this; what exactly was the
2 reason for your chief -- the chief of logistics of Battalion 314
3 to be there at this prison office?

4 A. He went to see Ol, the chief of that prison office; he wanted
5 to take me back for refashioning since I did not commit any
6 mistakes and he promised to send me back if I could not be
7 refashioned.

8 Q. And who was Ol; he was the office -- I think the witness said
9 something without the microphone.

10 A. Ol was the chief of the prison office. He was in charge of
11 forwarding people to the Tuol Sleng.

12 Q. And how did you know that?

13 A. It was because Yiet came to see Ol <to make a request. I was
14 near so> I learned about that information. Yiet -- my chief
15 wanted to take me back for refashioning; that was the time when I
16 learned about that.

17 [13.46.07]

18 Q. And did you know Ol before you saw him in that prison office?

19 A. I saw his face, but I, at the time, did not know . Only
20 when I returned, <Yiet told me> Ol <was> the one who sent people
21 to Tuol Sleng.

22 Q. And was Ol, himself, a member of Division 310?

23 A. It appears that he was not a member of that division; he was
24 in charge of putting people in chains and then sending them
25 further.

1 Q. Some additional questions about this prison office: Can you
2 recall the inside of that office; can you describe how it looked
3 like from the inside?

4 A. There were guards and there were cuffs and shackles. <In
5 there,> we were prohibited from moving to any other places. Since
6 we were considered prisoners, we were not allowed to move.

7 [13.48.00]

8 Q. Did you see other prisoners or did you see only fellow
9 Division 310 combatants or do you remember who you saw inside?

10 A. The people from my battalion were arrested and sent;
11 subsequently, <Comrade Seng> (phonetic), <Comrade> Phan
12 (phonetic), were also sent to the location and they disappeared.

13 Q. And can you tell us where exactly inside this prison office
14 your photo was taken? Where was the camera, for instance, that
15 took your photo?

16 A. I was not photographed within the compound of Tuol Sleng. The
17 photo was taken at an office and the photo was shot in order to
18 be kept -- to be included in the biography. At the time, I did
19 not know why they took photographs. They wanted the photos so I
20 allowed them to take my photo. <I could not question because I
21 was merely a subordinate.>

22 Q. Do you know whether the people who were in charge of this
23 prison office belonged to Division 703?

24 A. The ones who were in charge of that prison mostly were from
25 the divisions of the southwest. I mean they were from Division

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1 502.

2 [13.50.50]

3 Q. Was it may be called S-22?

4 A. I am not aware of S-22. I <dared not enter> that place
5 <because> those <who were sent there, always> disappeared.

6 MR. KOPPE:

7 Mr. President, I'll be referring to document E3/5263, which is a
8 WRI from a witness Sreng Thi who talks about a prison belonging
9 to Division 502. More specifically, I'll be referring to English,
10 ERN 0028225; and French, 00283350. Unfortunately, I don't have a
11 Khmer ERN right now.

12 [13.52.28]

13 BY MR. KOPPE:

14 Q. Mr. Witness, I asked you already. You were not able to look
15 out of the window where you were taken. At the DC-Cam statement -
16 in your DC-Cam statement you said it was about two to three
17 kilometres.

18 This witness that I just referred to speaks about a location
19 called S-22, located west of the Tuek L'ak school. Does that
20 sound in any way somehow familiar?

21 MR. NUON TRECH:

22 A. I cannot recall it. It is 47 years already from that time
23 until now. I was young at the time and I am getting older now, so
24 my memory does not serve me well.

25 Q. Ah, that's fine, Mr. Witness. No problem. Let me move on.

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1 From this prison office, you were subsequently sent to work at
2 Kampong Chhnang airfield. I will be asking you some questions
3 about that, but I, first, would like to ask you some questions
4 about what you did after you left Kampong Chhnang airfield. Where
5 did you go then?

6 [13.54.27]

7 A. I was removed for refashioning since it was said that I was
8 part of the traitorous network. I was from the North Zone<. It
9 was said that people in Division 310 who were from the North Zone
10 were all traitors. Yiet and other comrades were arrested.> So I
11 was <sent> for refashioning in Kampong Chhnang. I was made to dig
12 dirt at the airfield and <> burned the explosive. I was made to
13 work from 4 a.m. up until 12 p.m. Then I resumed the work at 1.00
14 in the afternoon.

15 Later on, Vietnam attacked that which -- conducted the attack in
16 1979 and they said that for combats who had already been
17 refashioned needed to be sent for the resistance movement against
18 the Vietnamese.

19 I was in Kampong Chhnang for refashioning for three months. Then
20 I was some -- brought to engage in a war against Vietnam. They
21 said that we had a background in combat, <we fought to capture
22 Phnom Penh>.

23 They sent us from Kampong Chhnang to Takhmau. We were equipped
24 with weapons.

25 We were put in a fast boat <to Tonle Bet> in order to go to

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1 attack the Vietnamese.

2 Since I was a medic, I was not sent for the combat but I was made
3 to be a medic <wrapping> wounds for the soldiers.

4 [13.56.31]

5 Q. And when you were sent to the border to be involved in the
6 fights with Vietnam, which unit were you in? Were you in Unit 4?

7 A. I do not know which unit I was in. I was made a medic in the
8 military. I did not have the information which unit I was in.

9 <We engaged in> fighting at Trapeang Phlong and at Chrak Rumdeng.

10 <At Trapeang Pring,> I was injured by <a-105 mm> shelling of the

11 Vietnamese<>; then I was sent to be hospitalized at <Wat Totuem>

12 (phonetic), near Suong. I was so severely injured so I was

13 further sent to Phnom Penh.

14 [13.57.50]

15 Q. In your DC-Cam statement, E3/7537; English, ERN 00251258;

16 French, 00291009; and Khmer, 00019651; you said: "I was

17 transferred to -- that is, as we were from the Central Zone, we

18 were transferred to fight in Suong, S-U-O-N-G, in Memot

19 district."

20 And a bit further you say -- you talk about Unit 4, so I am not

21 making Unit 4 up; it's coming from your statement.

22 And a bit further you said, "I was moved to Suong in Choam

23 Pring." Is that correct?

24 A. I was removed from the airfield and sent to the military to

25 work as a medic wrapping wounds at Memot. I, at the time, did not

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1 know which unit I was in or which battalion I was in. I was
2 forcibly moved at the time.

3 [13.59.27]

4 Q. What do you mean "forcibly moved", Mr. Witness?

5 A. They saw that there was an intensified attack by the
6 Vietnamese so some traitors at the airfield were to be sent to
7 counter the attack.

8 <I went but I did not join the combat.> I wrapped wounds for a
9 soldier -- or soldiers, who were sent to me for treatment. And at
10 the time, <the soldiers whose wound I wrapped died, and> I got
11 wounded, severely wounded, and I was hospitalized.

12 Q. Thank you for the clarification, but I don't understand the
13 word "forcibly".

14 You were a Division 310, Battalion 314 soldier at least from 17
15 April '75 all the way until the end. So if you as a soldier
16 received an order from your superior, you had to obey it; isn't
17 it true, certainly because it was war with Vietnam? So I don't
18 understand the word "forcibly".

19 [14.01.00]

20 A. They said that if we did not go, then the Vietnamese would
21 enter our Kampuchean territory and as a result, we would not
22 survive. The Vietnamese would slaughter us <by cutting our
23 throats with the midrib of palm leaves> and since we were former
24 soldiers that we used to liberate Phnom Penh, then we were sent
25 to counter the advancements by the Vietnamese troops.

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1 As for Division 310 <and Division 4>, they were sent there, but I
2 did not know which unit I was assigned to because I did not see
3 those soldiers who were in the same unit with me previously.

4 Q. I understand. Let me try it differently, Mr. Witness.

5 This is correct that as of the day of the liberation of Phnom
6 Penh, 17 April '75, until the Vietnamese occupied Cambodia on the
7 7th of January '79, you had always been a soldier within Division
8 310; is that correct?

9 A. After I was wounded, I was hospitalized. So I was no longer
10 belonging to the division. I spent about two months in a hospital
11 in Phnom Penh.

12 [14.02.35]

13 Q. Let me ask it more concretely.

14 While you were at the Kampong Chhnang airfield and before you
15 went to Suong, were you a member of Division 310?

16 A. We were not told <that we were> under Division 310 <> because
17 we were sent in a speedboat and <we mingled with> quite a number
18 of soldiers who had <former> tendency while we worked at Kampong
19 Chhnang. So we disembarked at Tonle Bet, then we were put onto a
20 vehicle.

21 [14.03.45]

22 Q. One last attempt, Mr. Witness.

23 When you were at Kampong Chhnang airfield, you were there in your
24 capacity as a Division 310 soldier; correct?

25 A. At the time, we were under Division 310. But when we were at

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1 the airfield, it seems that we were no longer connected to that
2 division because that place or worksite was for refashioning us.

3 Q. Well, how do you know that? Who told you that?

4 A. I do not understand that.

5 JUDGE FENZ:

6 I think you need to clarify who told him what, that he was no
7 longer under 310, I presume.

8 BY MR. KOPPE:

9 Q. Who told you that while at Kampong Chhnang airfield, you were
10 somehow no longer considered to be a Division 310 soldier?

11 [14.04.47]

12 MR. NUON TRECH:

13 A. That worksite was for refashioning and tempering and they said
14 that if people could <not> be refashioned there, then they could
15 be returned to be imprisoned at Tuol Sleng prison. <Thus, it was
16 a place for refashioning people.> I did not know the person who
17 was the chief of that worksite because my main focus was to work
18 hard and to survive. If I did not try to work hard -- because we
19 had to wake up at 4 <a.m.>, starting working right away and then
20 we had to keep working <from 1 p.m. to 8 p.m.> and there was a
21 meeting at 8.00 at night.

22 So I did not know who was in charge of the area as everybody was
23 striving to work hard in order to refashion ourselves. <Everybody
24 worked to survive.>

25 [14.05.45]

1 Q. I will maybe get back to that, if I have some more time.

2 Mr. President, I still owe you a Khmer ERN, the reference of the
3 Sreng Thi WRI. It's 00270179, the reference about the S-21 prison
4 office.

5 Mr. Witness, let me revisit the subject that we discussed
6 yesterday. Yesterday we spoke briefly about a meeting at a school
7 close to Wat Phnom where a tape was being played and where you
8 were told about treason committed by Oeun and Koy Thuon.

9 Yesterday at around 15.47, you said that at a meeting were
10 comrades from Battalion 314.

11 Were there also members of other battalions during that meeting,
12 Battalion, for instance, 306, Battalion 307 or regiments?

13 Are you in a position to tell us that?

14 A. When they held a meeting at the school to the north of Wat
15 Phnom, all battalion members came. However, I only knew those
16 members of Battalion 314, which was a logistics battalion.

17 There were many other people from various other battalions and
18 through loudspeaker, they broadcast <> the confession of Koy
19 Thuon and <my> division commander, <Oeun and brother Voeun,> the
20 deputy <commander of the division>. They said that our commanders
21 were traitors and people from the Central Zone were also
22 traitors, and for that reason, we had to refashion ourselves.
23 Otherwise, we would be subject to being arrested.

24 [14.08.12]

25 Q. But just to be sure, you don't know anyone or you didn't know

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1 anyone specifically from any battalion, such as Battalion 306 or
2 307; correct?

3 A. No, I did not know those battalions. I only knew members of my
4 own battalion, that is, those who worked for the logistics
5 battalion.

6 Q. You said that at the meeting plans of rebellion by Oeun and
7 Koy Thuon were discussed. You didn't know many details when I
8 asked you yesterday.

9 Was it the first time that you heard anything about a rebellion
10 or a planned coup d'etats or a plan to topple Pol Pot at that
11 meeting or did you hear anything or did you see anything before
12 that meeting?

13 A. I only heard that the new commander of Division 310 said that
14 Oeun and those in the Central or the North Zones planned to
15 attack Phnom Penh. And that was the first time I heard it in that
16 meeting. <I did not know this prior to that time.>

17 [14.10.00]

18 Q. So before that, you, yourself, didn't observe any activity
19 either in your own battalion or in other battalions or regiments
20 that would be considered as acts of rebellion or preparatory acts
21 for a coup d'etats?

22 A. I did not know about that. I was a subordinate and I was
23 assigned to be a medic to treat the wounded soldiers. <I had to
24 treat people at varied locations.>

25 Q. Well, let me be concrete. Yesterday, you spoke about the TV

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1 antenna at Tuol Kork, close to which you were stationed. At
2 15.45, you also mentioned the radio station at Stueng Mean Chey.
3 Before this meeting, did you ever hear about plans within
4 Division 310 to attack the radio station and take over the radio
5 station at Stueng Mean Chey?

6 A. No, I did not hear anything about that. If the matters were
7 discussed amongst the commanders, then I would not know.

8 [14.11.45]

9 Q. Well, the person who was saying this wasn't really a
10 commander, but he was a low-ranking soldier who was also sent to
11 Kampong Chhnang airfield, just as yourself, and he testified in
12 this courtroom on the 23rd of June 2015 at 9.11 in the morning.
13 He said that there was a plan to attack the radio station at
14 Stueng Mean Chey; simultaneously to attack Pochentong airport.
15 And that's what he says: the ultimate aim was to conduct a coup
16 d'états.

17 There were quite some other low-ranking Division 310 soldiers who
18 were saying similar things. I'd be happy to read them to you.
19 But isn't there anything that you knew before that meeting that
20 we discussed yesterday and today?

21 A. No, I did not know about that. When I was a medic in the
22 battalion, I only concentrated on my work. I was afraid that they
23 said <> I did not do my work properly or would accuse me of being
24 an enemy. And for that reason, I kept working hard and not to
25 make any mistake.

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1 [14.13.32]

2 Q. Did you know anything before that meeting about warehouses
3 where ammunition was stored?

4 A. I did not know about that.

5 Q. Well, let me conclude then with one general statement from
6 that same witness who testified here and to see if that somehow
7 jogs your memory.

8 This is at 23 June again at 9.15 in the morning and Sem Hoern,
9 who is from Division 307, sorry, Battalion 307, he said in Court
10 and I quote: "Let me clarify the rebellion plan. There was So
11 Phim in the East Zone and Ta Koy Thuon in the North Zone. They
12 already prepared the forces in the front line and at the rear.
13 The army of the Centre was prepared for the front line, the plan
14 to attack Phnom Penh. The sector forces were to attack behind at
15 the sector level." End of quote.

16 Is that something, Mr. Witness, that somehow jogs your memory?

17 A. No, it doesn't jog my memory. It happened a long time ago.

18 [14.15.32]

19 Q. Then a final question: In your DC-Cam statement when you speak
20 about your time at the front battlefield with the Vietnamese that
21 your unit or that you were afraid that, "the 'Yvon' would slit
22 our throat", that is, English, ERN 00251258; French, 00291010;
23 and Khmer, 00019651.

24 "No. We tried to walk by ourselves. If we stayed the 'Yvon' would
25 slit our throats."

1 Why was it that your unit was afraid that your throats would be
2 slit by the "Yuon"?

3 A. At that time, the soldiers were still fighting<, when soldiers
4 got> wounded, I <wrapped their wounds. These soldiers engaged in
5 the fight against the Vietnamese>. They warned us that if
6 Vietnamese entered Kampuchean territory, then we would be
7 slaughtered.

8 So I was there at the front battlefield but I was not fighting
9 against the Vietnamese but I was treating the wounded. <I worked
10 as a medic.> Later on, as I said, I was wounded by a shell.

11 [14.17.20]

12 Q. But was that fear based upon experiences in the past or do you
13 know what the source was for this fear that the "Yuon" would slit
14 the throats of you and others once you would be captured?

15 A. I did not know at the time<. After> I was wounded, <I did not
16 know whether they fled or not.>

17 However, before that they were fighting against the Vietnamese at
18 Trapeang Phlong (phonetic) and at Chrak Rumdeng, and later on, I
19 did not know about their fate because I was being hospitalized.

20 Q. But in your experience as a medic, did you encounter ever
21 fellow combatants whose throats had been slit by Vietnamese
22 troops?

23 A. No, it did not. That could be the policy on the Khmer Rouge
24 side so that we would hold <bitterness against> the Vietnamese
25 and fight against them.

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1 So those soldiers, they were afraid, and for that reason they
2 tried harder to fight against the Vietnamese.

3 [14.18.55]

4 MR. KOPPE:

5 Thank you, Mr. Witness.

6 Thank you, Mr. President.

7 MR. PRESIDENT:

8 Thank you.

9 And the floor is given to the Co-Prosecutors to put questions to
10 this witness.

11 QUESTIONING BY MR. LYSAK:

12 Thank you, Mr. President.

13 Good afternoon, Mr. Witness. I'll be asking you some questions on
14 behalf of the Co-Prosecutors.

15 And with your leave, Mr. President, I'd like to start by
16 presenting to the witness a document that's part of his DC-Cam
17 records. This is in Khmer only. It's a DK biography, E3/7537,
18 pages Khmer, 00019461 through 468.

19 May I provide this to the witness?

20 [14.20.15]

21 MR. PRESIDENT:

22 Yes, you may.

23 BY MR. LYSAK:

24 Q. Mr. Witness, can you look at this document? First, are you
25 able to read and if so, can you tell me whether this is a

1 biography that you prepared during the Khmer Rouge regime?

2 MR. NUON TRECH:

3 A. Yes, I can read and that is the biography that was made during
4 the Khmer Rouge regime. In order to join the revolutionary
5 movement, everyone had to make our own biography.

6 [14.21.18]

7 Q. And the first and second pages of this biography identify you
8 as a medic in Company 2 of Battalion 314 of Division 310, and
9 also indicates that you were 21 years old at the time of this
10 biography.

11 Would it be correct then that this biography was prepared
12 sometime in 1976 after you had joined, after you had left P-99
13 hospital and joined Battalion 314?

14 A. I cannot recall as to when I was -- I made that biography. We
15 were asked to make our biography. <I cannot recall it.>

16 Q. Thank you, Mr. Witness.

17 I want to turn now to the meeting that you've described already
18 that you attended at the school north of Wat Phnom at which you
19 and other Division 310 cadres were informed of the arrest of
20 division secretary Oeun and you heard a tape recording of his
21 confession played over a loud speaker.

22 Can you tell us who presided this meeting at which this
23 recording, tape recording of Division 310 Commander Oeun was
24 played? Who spoke and who presided at that meeting?

25 A. After Oeun and others had been arrested, they brought in

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1 people from the southwest group and I did not know them. I did
2 not know the names of the new commander. They said that Division
3 310 and some others in the North Zone were traitors. And for that
4 reason, we had to refashion ourselves to be good because our
5 commanders were traitors. I do not recall their names.

6 [14.24.04]

7 Q. Let me see if I can refresh your memory. In your OCIJ
8 interview which was a number of years ago, this is document
9 E3/7877; Khmer, ERN 00342436; French, 00411784; English,
10 00346978; this is what you said in your OCIJ interview -- quote:
11 "Oeun, the division commander, was arrested by mid-'77. I was
12 informed of this because I attended a meeting held at a school
13 located next to Wat Phnom, and all cadres and combatants from
14 Division 310 attended. Nha announced that Oeun had been arrested
15 because he was a network of the American CIA. 'If you do not
16 believe, let me play you the audiotape.' After that, the
17 audiotape was played for the participants via three to four
18 loudspeakers." End of quote.

19 So you identified back at the time of this OCIJ interview, which
20 was back in 2009, a person named Nha, if I am pronouncing that
21 correctly. Does that refresh your memory? Do you remember that
22 this was the person who presided over the meeting?

23 [14.25.56]

24 A. I cannot recall that. During the meeting, I was sitting at the
25 back listening to the audiotape played over loudspeakers. I did

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1 not know this Nha, who -- he was a new person from the southwest
2 and he came to take charge of Division 310.

3 Q. And I wanted to ask you about the timing of this meeting. Do
4 you know when this meeting took place, that is, how many days or
5 how many weeks after the time that Oeun had been arrested and
6 disappeared?

7 Are you able to tell us how long it was after Oeun's
8 disappearance that this meeting took place?

9 A. Oeun, the division commander, had been arrested for about two
10 weeks. Then a new replacement came from the Southwest Zone and we
11 were called to attend a meeting to the north of Wat Phnom.

12 [14.27.15]

13 Q. So Mr. Witness, we know from S-21 records, specifically entry
14 number 8135, 8135 on the OCIJ S-21 list, that Division 310
15 secretary, Oeun, entered S-21 on the 19th of February 1977.

16 You've just indicated that this meeting was a little after two
17 weeks of the time Oeun disappeared. Would it then be around March
18 1977 when this meeting took place? Does that sound about right?

19 A. I do not recall the details <because I did not pay much
20 attention to it.>

21 After the division commander had been arrested, everyone was
22 scared because they accused the entire division as enemies and
23 that we had to refashion ourselves. The arrests took place in the
24 Central Zone as well as those belonging to <the division. These
25 people from the two places were considered enemies>. And for that

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1 reason, I did not pay much attention to any specific date during
2 that period.

3 Q. That's certainly understandable, Mr. Witness. Thank you.
4 The meeting that you attended at Wat Phnom, how long was that
5 meeting? Was it just one day? Was it a meeting that lasted
6 several days? What can you tell us about how long this meeting
7 was?

8 A. The meeting lasted for three days.

9 [14.29.36]

10 Q. And in terms of the playing of this recording of Oeun, for how
11 long did they play this recording over the loudspeakers?

12 A. The new commander, that is, the commander of the division,
13 spoke about the traitorous division and about those traitors in
14 the Central Zone <and in the division>. After he made that
15 speech, he played the audiotape over the loudspeakers and we
16 could hear that it was the voice of the commander <and> we
17 <realised> that he had been arrested.

18 Q. And my question was: do you remember for how long they played
19 that tape for; was it for hours? Was it for more than one day?
20 How long was that tape recording played for you to listen to?

21 A. I do not recall it. It happened a long time ago.

22 Q. I want to read to you, Mr. Witness, an excerpt from another
23 OCIJ interview of someone who came from -- also came from
24 Division 310 and was a medic who worked at the -- who had worked
25 at the Preah Ket Mealea Hospital, a person named Yoeun Sambau

1 alias Yorn.

2 [14.31.24]

3 MR. LYSAK:

4 Mr. President, with your leave, if I could provide so the witness
5 can see this person's name and his biographical details to see if
6 he knew him -- if I may provide his OCIJ interview, it's document
7 E3/5497.

8 MR. PRESIDENT:

9 Yes, please.

10 BY MR. LYSAK:

11 Q. You're being handed the statement of this other witness who
12 also identifies himself as a medic from Division 310. I've put a
13 Post-it next to his name and biographical information. He went by
14 the alias Yorn.

15 And my first question is: Do you remember a person named Yorn who
16 also worked as a medic at the Preah Ket Mealea Hospital?

17 [14.32. 04]

18 MR. NUON TRECH:

19 A. I know that Yorn. We worked together at that hospital.

20 Q. I want to read to you what Yorn said about the meeting
21 following the arrest of Oeun. And this appears -- this is in
22 E3/5497; Khmer, 00343726; French, 00411791 through 92; English,
23 00345959 through 960. This is what Yorn had to say --

24 MR. KOPPE:

25 I think the question should be slightly reformulated, Mr.

1 President, because Yorn is speaking about a meeting, but not
2 necessarily the same meeting that this witness attended.
3 So, I think the question should be general. There should not be
4 an implication that they were the same time at the same meeting.

5 [14.34.04]

6 BY MR. LYSAK:

7 Mr. President, I haven't said that. That's the point of my
8 question. I'm going to read what Yorn said and ask him whether it
9 was the same meeting.

10 Q. This is what Yorn said about a meeting that took place after
11 the arrest of Oeun -- quote -- and he is talking about how he
12 knew of the arrest of Oeun -- quote:

13 "I knew this from Son Sen alias Khieu, who chaired a training
14 course held at Division 310 near Wat Phnom. Participants were
15 cadres from various battalions, companies and platoons. I was the
16 medic on standby to take care of those participants and I was
17 there. The training course lasted for three days. At that time,
18 Son Sen addressed to the meeting that Oeun, a division commander,
19 along with Sambo, another division commander, had betrayed."

20 And then continuing a few sentences later: "Following Oeun's
21 arrest, Nha was nominated the division chairman and it was
22 announced by Son Sen at the meeting. Nha was from the Southwest
23 Zone. Son Sen chaired only the first session while the following
24 sessions: session 2, session 3, session 4 and session 5 were
25 covered by Nha."

1 End of quote.

2 [14.35.44]

3 And my question to you, Mr. Witness: Does this sound like the
4 same meeting that you attended and, if so, do you remember
5 someone, whether Son Sen spoke at the very outset of the meeting
6 before it was taken over by Nha?

7 MR. NUON TRECH:

8 A. <When> I was invited to a meeting to the north of Wat Phnom,
9 <in that school>, I could hear the voice of Nha but not Sen.
10 Perhaps <there was a meeting held> before I arrived <and> I
11 attended the second sessions.

12 [14.36.44]

13 Q. During the regime, did you know who Son Sen was and did you
14 ever see him at any time?

15 A. I heard of his name. I never saw his face. I do not know how
16 he looked like. <I did not know senior leaders.>

17 Q. And when this recording of Oeun's confession was played, were
18 you told whether he had been tortured in order to force him to
19 make that confession? Did anyone ever tell you that?

20 A. I do not remember it. All I know is that Oeun was arrested.

21 Q. You testified the other day that after this meeting, there
22 were arrests of other Division 310 cadres. Can you give us a
23 sense of how often these arrests took place, how many people in
24 the division were arrested following this meeting?

25 A. I heard that people were transferred from this unit to that

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1 unit but they never returned. They disappeared after they were
2 transferred. When I asked others, I was told that they were
3 arrested. <When they made the arrest, they would not let us know.
4 They told us to transfer to this battalion or to that battalion
5 in order to refashion ourselves.> I do not know if they had been
6 sent to Tuol Sleng for detention. <All> were transferred and
7 never returned.

8 [14.39.10]

9 Q. Did you ever witness with your own eyes any cadres in your
10 battalion or other battalions in Division 310 being arrested or
11 taken away? Did you ever see that yourself?

12 A. I witnessed the cases of my <two> supervisors, Bong Sralao and
13 Bong Nim. They came to call them away. They were tied up. I saw
14 them being tied up with my own eyes. These people were my direct
15 supervisors.

16 Q. Where is it that you saw them being tied up?

17 *****A. They were at Boeng <Pa> Yab. I was called to
18 provide the treatment at Boeng <Pa>Yab close to the handicap
19 <office>.

20 The logistic unit of Battalion 314 was close to that Boeng <Pa>
21 Yab. A vehicle arrived and Sralao was tied up and Nim was also
22 tied up. Sralao <was tied up at Boeng Pa Yab> and <Nim> was tied
23 up close to <Wat Khmuonh>. I witnessed they were being arrested
24 <with my own eyes>.

25 [14.40.53]

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1 Q. And who were the people who tied them up and took them away?

2 A. I do not know them. <The> southwest <people> had been
3 transferred to take charge of the location in replacement of <the
4 North Zone. So,> I do not know those people.

5 MR. PRESIDENT:

6 It is now time for break. The Chamber will take break from now
7 until 3 p.m.

8 Court officer, please assist the witness in the waiting room
9 during the break time and please invite him back into the
10 courtroom at 3 p.m.

11 The Court is now in recess.

12 (Court recesses from 1441H to 1500H)

13 MR. PRESIDENT:

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

15 Again, and the floor is given to the Deputy Co-Prosecutor to put
16 questions to the witness.

17 BY MR. LYSAK:

18 Thank you, Mr. President.

19 Q. Mr. Witness, we were talking about the arrests that you
20 witnessed of two of your superiors and you had described what you
21 saw that day at Boeng Sra Yab (phonetic). The people who came to
22 arrest them, were they armed and did they have weapons?

23 MR. NUON TRECH:

24 A. When they came to arrest Nim <and Sralao>, they were armed and
25 there were four to five of them. I was present there when they

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1 came and when they arrived they called Nim to meet them and when
2 Nim came out he was arrested. He was <immediately> tied up and
3 arrested.

4 [15.02.50]

5 Q. All right. You've told -- testified that you were in Battalion
6 314 of Division 310, the logistics battalion, and that's
7 confirmed by your biography.

8 There are a few Battalion 314 cadres who appear in the records
9 from S-21 that I would like to ask you about.

10 MR. LYSAK:

11 With your leave, Mr. President, I'd like to provide to the
12 witness a document from S-21, a list of prisoners from Division
13 310. It appears in document E3/2592, E3/2592. May I provide that
14 to the witness with your leave?

15 MR. PRESIDENT:

16 Yes, you may.

17 [15.03.57]

18 BY MR. LYSAK:

19 Q. The two people I'd like to ask you about appear on the first
20 page of this document, Mr. Witness. Let's start first with number
21 28 on this list. Number 28 on this list of prisoners from
22 Division 310 is a person Ban (phonetic), identified as the
23 secretary of Battalion 314 who entered S-21 on the 5th of May
24 1977.

25 Your Honours, he also appears as number 13294 on the OCIJ list,

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1 that's 13294 on the OCIJ list.

2 The person that I have circled, number 28, it's down at the
3 bottom of the first page. Do you remember this person who is
4 identified as the secretary of Battalion 314?

5 MR. NUON TRECH:

6 A. No, I do not recall that. I only recall Yiet and Kran
7 (phonetic) and I don't really recall this Ba (phonetic).

8 [15.05.32]

9 Q. The second person on the same list is the person who appears
10 at number 14 -- number 14 on the S-21 list, E3/2592 -- and the
11 name of this person is Mak Yi Hoeung alias Nim. He is described
12 in this list as a battalion office assistant responsible for
13 logistics who entered S-21 on the 8th of May 1977. And the same
14 person also appears as number 4701 on the OCIJ list, 4701 on the
15 OCIJ S-21 list, where he is identified as the assistant chief of
16 the battalion 314 logistics office.

17 This person who appears at number 14 whose alias is Nim, is this
18 the same person that you've described in your testimony, the Nhim
19 who was the deputy chief of your unit?

20 A. Yes, I know Nim. He was my chief as well.

21 Q. And just so we are clear, is this the same Nhim whose arrest
22 you witnessed at Boeng Sra Yab (phonetic) that you just described
23 earlier this afternoon?

24 A. Yes, Nim was arrested. He was previously <stationed at> the
25 logistics unit in Battalion 314. However, he was based at Boeng

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1 <Pa> Yab although he belongs to Battalion 314.

2 [15.07.45]

3 Q. Thank you.

4 Your Honours, for the record, Nhim also appears as number 9 in an
5 S-21 list of 198 prisoners who were smashed on the 10th of June
6 1977. That is document E3/2132, E3/2132. Again, Nhim is number 9
7 in that execution list.

8 I want to also ask you a few questions about some of the people
9 who had -- you had worked with at the Preah Ket Mealea Hospital.
10 Do you know whether any of the people, your fellow workers from
11 Preah Ket Mealea Hospital, were arrested or disappeared in 1977?

12 A. At that time, Division 310 was dissolved when the southwest
13 group came to take charge, so those people who worked at Preah
14 Ket Mealea Hospital all disappeared and I did not know whether
15 they were re-assigned elsewhere or they were sent elsewhere
16 because <I never met them again. It was because the division> was
17 dissolved.

18 Q. And the people who disappeared from Preah Ket Mealea Hospital,
19 were these people, who, like yourself that originally come from
20 the North Zone, Zone 304?

21 A. No, they all came from the Central Zone.

22 [15.10.00]

23 Q. I think we're talking about the same zone. Do you recall that
24 the Central Zone before it was called the Central Zone it was
25 originally known as the North Zone or Zone 304? Do you recall

1 that or have you forgotten that?

2 A. From 1970 to the time of the coup d'etat to fight the Lon Nol
3 soldiers, the zone was known as Zone 304.

4 Q. Thank you, Mr. Witness.

5 Do you know what happened to wives and relatives of the leaders
6 of Division 310, such as the wife of Division 310 secretary Oeun?

7 Do you know what happened to wives and relatives after the
8 leaders of Division 310 were arrested?

9 A. At that time I did not know, I only heard from other people
10 that the wives of the commanders <were> also arrested and taken
11 along with <their> husbands.

12 [15.11.35]

13 Q. I provided to you earlier the OCIJ interview of the fellow
14 medic who worked with you at Preah Ket Mealea, Yorn, and I want
15 to read to you another excerpt from his interview.

16 This is, again, E3/5497, E3/5497; Khmer, ERN 00343724 through
17 726; French, 00411790 through 791; and English, 00345959; and
18 this is what Yorn testified in his OCIJ interview. He's
19 discussing here the hospital.

20 Question: "Was Sau the hospital chairman until the fall of the
21 regime?"

22 Answer: "Sau stayed as the hospital chairman until approximately
23 late 1976. I heard later on that he had been sent for study
24 course and he just disappeared. After Sau had disappeared, Voeun,
25 a female, became the hospital chairwoman. Voeun was the wife of

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1 Oeun, the commander of Division 310.

2 "People told one another that Sau had been arrested by the
3 Angkar. Following Sau's arrest, the hospital staff members were
4 arrested one after another."

5 [15.13.36]

6 And then continuing questions later:

7 "By the time Oeun, Division 310 Commander was arrested, Voeun,
8 Oeun's wife and the chairwoman of Angk Duong Hospital was also
9 arrested following Oeun's arrest." End of quote.

10 Do you remember the wife of Division 310 Commander Oeun and do
11 you remember whether she worked for a period as the chairwoman of
12 the Division 310 hospital?

13 A. At that time, he used to be chief of Division 310 hospital.

14 Q. Did you ever meet her?

15 A. <I met her at that time, but> she was in a senior position. I,
16 myself, was only a low-rank staff. I did not dare to speak to
17 her.

18 Q. Okay, fair enough, Mr. Witness.

19 MR. LYSAK

20 Your Honours, for the record, number 6961, 6961 on the OCIJ S-21
21 list is Prum Nhor alias Vien, identified as the wife of Oeun and
22 chief of the children's team at Division 310 entering S-21 on 26
23 or 27 February 1977.

24 [15.15.35]

25 BY MR. LYSAK:

1 Q. Now, Mr. Witness, I want to turn now to your own arrest.
2 Counsel for the Defence has asked you some questions about your
3 arrest already. I want to ask you a few follow-ups.
4 You testified that you were put in the truck and taken to an
5 office where you stayed for two or three days. During those two
6 or three days, were you shackled, handcuffed or tied-up?

7 MR. NUON TRECH:

8 A. They detained me and did not allow me to go anywhere. They
9 told me to wait for Angkar, that Angkar would come to call a
10 meeting and that we would be taken away. I was ordered to remain
11 at one place and not to go anywhere.

12 Q. I understand that you were ordered to remain there. Were you
13 put in handcuffs or were you tied-up while you were in this
14 office waiting for Angkar?

15 A. They put me in a room and the room was locked so, no, I could
16 not go anywhere. However, I could look outside through an iron
17 bar or window.

18 [15.17.23]

19 Q. Let me read to you an excerpt from your DC-Cam interview. This
20 is E3/7537, E3/7537, at Khmer, ERN 00019647 through 648; French,
21 00291005 through 06; and English, 00251255. This is from your
22 DC-Cam interview.

23 Question: "When you arrived at the prison, did they point any
24 guns at you?"

25 Answer: "No, there were no guns. They asked me if I worked with

1 any 'Yuon', Vietnamese spies called KGB. I said I just cured
2 people, I didn't have any connections. They asked if I received
3 any indoctrination and I said no, I just did what I was told to
4 do."

5 And continuing a little later: "I slept there overnight. On the
6 next morning, Yiet came. He claimed that I wasn't involved in any
7 activity hindering our Party. He said so. And I didn't know the
8 prison was there. I thought I was just transferred to work
9 there."

10 [15.19.04]

11 Question: "Were you handcuffed?"

12 Answer: "No, it was just that they didn't care about our meals. I
13 didn't have anything to eat and didn't know where to go and eat,
14 but they went out to eat so I just sat there and waited to see
15 where I was to be transferred. Yiet came the next day late in the
16 afternoon." End of quote.

17 I just want to confirm, Mr. Witness, is it correct that you
18 weren't provided any meals while you were at this office and that
19 the people who worked at the office would leave and leave you
20 there when they went to go have their meals; is that correct?

21 A. Yes, that's what happened. At the time, they did not care
22 about me.

23 And I never thought of the purpose why I was brought there. They
24 didn't think of giving us meals<. That time, there was a
25 collective meal,> there were food ration and if <they did not

1 bring it to me>, it meant that I would not have my ration.

2 [15.20.39]

3 Q. And you've said this a few times during your testimony that
4 you didn't know that you were at a prison office and you said in
5 the statement I've just read that you thought you had been
6 transferred to work there.

7 Do I understand correctly that during the couple of days you were
8 there that you thought you'd been sent to this new office to work
9 and that you didn't realize you were at a prison office until
10 Yiet showed up; is that correct?

11 A. Yes, Yiet showed up and only later on when Yiet <came for my>
12 release, he told me about that. <Then, I realised what happened.>

13 Q. And when you were released from this office, how did you
14 return to your unit; how were you transported back to your unit?
15 Did you go back with Yiet or did you go separate? Can you tell
16 the Court how it is that you were released and transported back
17 to your unit?

18 A. When we returned, that is, after Yiet came to resolve the
19 matter, I took a ride with Yiet.

20 [15.22.22]

21 Q. And what time of day was it; was it during the daytime or at
22 nighttime when Yiet came to get you?

23 A. Yiet came at noontime and after he solved the matters with
24 them, then we left at 3 o'clock in the afternoon.

25 Q. So when you left at three o'clock in the afternoon, can you

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1 describe a little about what the building looked like and what
2 the premises -- what the area looked like that you left with Yiet
3 at 3 o'clock that day?

4 A. The building looked scary because it was not in -- it was not
5 in an open field <like other places>; all the doors were locked.

6 Q. I want to read to you an excerpt from your OCIJ interview
7 about your -- the time that you were arrested and brought to this
8 office.

9 Your Honours, this is at E3/7877, E3/7877; Khmer, 00342436
10 through 437; French, 00411785; English, 00346979; and you're
11 describing here the time which you were arrested -- quote:

12 [15.24.47]

13 "At that time, I lived at Anlong Kngan. An American 4x4 SUV with
14 covered roof but no number plate came to pick us up. They did not
15 tie me up when I was on the vehicle. Then the vehicle stopped at
16 Boeng Sra Yab (phonetic) to pick up another two men. They dropped
17 us at an office that I do not know what office it was." End of
18 quote.

19 When you testified to OCIJ, Mr. Witness, you didn't mention Tuol
20 Sleng in that interview, and in the statement I just read you
21 said you did not know the office where you were detained for a
22 couple of days. Is it correct that you don't know -- you don't
23 know what office you spent these two days or so in; is that
24 correct?

25 [15.26.05]

1 MR. NUON TRECH:

2 A. At that time I had a suspicion because they did not use me and
3 they did not care about me, so I <thought> that I must have <been
4 guilty> because the <whole> division was accused of a traitorous
5 division and since I was a member, I would also be accused <of>
6 being a traitor.

7 Q. The reason I'm asking you about this is I want to get some
8 clarification.

9 You were asked yesterday -- you were read a quote from your
10 DC-Cam interview where you mention Tuol Sleng and you were asked
11 by counsel why you said you were at Tuol Sleng in your DC-Cam
12 interview. And this is the answer you gave yesterday and you've
13 given essentially the same answer here today.

14 You said: "After people were placed at that prison charged by Ol,
15 those people would be further sent to Tuol Sleng." End of quote.

16 Do I understand correctly that the office where you were located,
17 which was run by Ol, was not part of Tuol Sleng but that some of
18 the people at this office, as you understand it, were sent
19 further on to Tuol Sleng? Do I understand your testimony
20 correctly?

21 A. Yes, that quote is correct because people were not sent
22 straight away to Tuol Sleng, they were sent to <that office>
23 first before they were sent further to Tuol Sleng.

24 [15.28.18]

25 MR. LYSAK:

1 And just to make sure we're clear on this, Your Honours, I'd like
2 to provide to the witness a photograph of the wall that
3 surrounded the Tuol Sleng prison. This is E3/8063.95; I'll repeat
4 E3/8063.95.

5 With your leave, I'll provide that to the witness and display it.
6 We can also display it on the screen.

7 MR. PRESIDENT:

8 Yes, you may. And AV Unit, please show that document on the
9 screen as requested by the International Deputy Co-Prosecutor.

10 BY MR. LYSAK:

11 Q. Now, in this photograph that we're looking at, we see a -- on
12 one side what is a corrugated fence, and on the right side is a
13 iron wrought fence and between it a large amount of barbed wire.
14 My question for you, the office where you were held for two or
15 three days, was it in a compound that was surrounded by a fence
16 like this that had barbed wire?

17 [15.30.15]

18 MR. NUON TRECH:

19 A. During the few-day detention, it was an iron fence<, it was
20 not barbed wire fence.> There were armed guards who were there
21 and they did not allow us to walk freely.

22 Q. I understand. My question is, did you see -- did you see
23 barbed wire, did you see a perimeter to this compound that had
24 both an outer fence and an inner fence and in between circles of
25 barbed wire? Did you see anything like that?

1 A. When I was brought to the office, the prison office, there
2 were no such similar fences, but <it was locked> at the prison
3 office, but when I was sent to Tuol Sleng, yes, there were such
4 <barbed wire> fences.

5 [15.31.30]

6 Q. What do you mean, when you were sent to Tuol Sleng? We're
7 talking here about the office where you -- run by Ol where you
8 spent two days. Do I understand correctly that there was no fence
9 like this with barbed wire at the office run by Ol? Is that
10 correct?

11 A. No fence like this. That office was the location where the
12 biography was collected. There were no barbed wires at that
13 office.

14 Q. And counsel asked you this yesterday, but I just want to make
15 sure.

16 After the period that you spent these two days at the office run
17 by Ol, did you ever go back to look at Tuol Sleng at any time
18 after the end of the Khmer Rouge regime?

19 A. I never went after 1979. After the attacks and the victory of
20 the Vietnamese after 1979, <I went to my native homeland;> I
21 never went to Tuol Sleng. However, I came to Phnom Penh once in a
22 while.

23 [15.33.20]

24 Q. And, just so we're clear here, do I understand correctly that
25 when Yiet came to pick you up at Ol's office that he took you in

1 his vehicle from Ol's office back to your unit? Is that right?

2 A. He took me back.

3 Q. Now, you indicated in the OCIJ interview that I read a few
4 minutes ago that at the time you were picked up -- first picked
5 up by the truck, you were at a place called Anlong Kngan.

6 Can you tell us, where was Anlong Kngan and what were you doing
7 at that location before you were arrested?

8 A. When I was arrested, I was still a medic going around and
9 treated soldiers at Anlong Kngan <office, Khmuonh, Kob Srov. I
10 gave treatment to> those soldiers who were working on the farm
11 and some were operating <> rice millers. <Some were working to
12 distribute rice to soldiers.> I was still a medic at the time.

13 [15.35.00]

14 Q. And could you just give us some sense of where -- where was
15 Anlong Kngan; was it in Phnom Penh or was it outside the city?

16 A. The logistics unit of Battalion 314 headquarter was in Phnom
17 Penh, but the branch -- the branches ran from <> Me Mai
18 (phonetic) <village> up to Boeng <Pa> Yab and <Kob Srov>. <At Kob
19 Srov,> there was a <sawmill while at Anlong Kngan>, there was <a
20 rice mill where rice was reserved for soldiers>.

21 Q. So do I understand that this was an area where Division 310
22 people had them sent to farm rice? This is the same area as Boeng
23 Sra Yab (phonetic).

24 A. Anlong Kngan was a bit further <> to <Boeng Pa Yab>. Members
25 of Division 310 went to farm rice <within> the location up until

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1 <Kob Srov>.

2 Q. Thank you for clarifying that, Mr. Witness.

3 I want to turn now to some quick questions about the Kampong

4 Chhnang airport site that you were -- you already testified that

5 you were sent to that site sometime after your arrest.

6 You testified that you were sent -- that you were told you were

7 being sent to this place for tempering or re-fashioning. What did

8 you understand it to mean when you were told you were being sent

9 to Kampong Chhnang airport for tempering or refashioning; what

10 did you understand that to mean?

11 [15.37.52]

12 A. They sent me to Kampong Chhnang airfield, the refashioning

13 location. I was told to refashion myself so that I can survive

14 from the killings.

15 If <one> had not tried <his> best to refashion <himself, for

16 example, if he put his arms or legs into the machine, these would

17 be cut because it was said that the cog was running.> So I was

18 told to try my best to <refashion myself. I dared not counter

19 them>.

20 Q. And how many months in total did you work at the Kampong

21 Chhnang airport site?

22 A. I was refashioned at that location for three months, then they

23 said Vietnam attacked Kampuchea. It was at the time when I was

24 told that we had been all refashioned <enough> so we had to be

25 equipped with weapons in order to go to <counter-attack the>

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1 Vietnamese because Vietnam invaded Kampuchea.

2 Q. In the three months that you were refashioned at the Kampong
3 Chhnang airport site, was this in 1977 or 1978?

4 A. <The refashion happened> in 1978.

5 [15.39.45]

6 Q. Can you describe for the Court the work that you were required
7 to perform during these three months that you were at the Kampong
8 Chhnang airport site?

9 A. They built an airport in Kampong Chhnang. I was told to dig
10 the ground and burn the explosives in the mountains<. The airport
11 was built to house war planes ready to fight against the enemies.
12 After the dynamite exploded, we cut> stones <but some people were
13 made to dig dirt>. And we were told to remove all the garbage
14 <out of the 10 metre-depth pit>, even a small piece of it because
15 they were afraid that <when the> war planes <landed, the runway
16 would succumb>.

17 Q. You indicated that one of your tasks was -- it was translated
18 as burning explosives in the mountain in order to get stones.
19 Can you be a little more specific? Did you handle explosives
20 yourself and can you tell the Court what it is that you had to
21 do?

22 A. There was a comrade who was specialized in burning that
23 explosive. I was the one who <cut> rocks in order to install the
24 explosive in the hole.

25 [15.41.46]

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1 Q. So you would break a hole in the rock where the explosive
2 would be put. How was the explosive detonated after you had
3 created this hole and the explosive had been put in; how were
4 these explosives detonated?

5 A. When we burned the explosive, it exploded. Explosive exploded
6 like a bomb and some of those who stayed close to the area could
7 -- got injured of the pieces -- <like the shrapnel of a grenade>.

8 Q. Just so I understand, when you said that you would burn them,
9 do you mean that you would -- these explosives had a fuse that
10 you would light? Is that how they were set-off?

11 A. There was a fuse and <cordite was put inside> that fuse.

12 Q. And how often were workers injured or killed when these
13 explosives were ignited?

14 A. Some were digging dirt. They did not pay attention to the
15 stone <pieces> and got <severely> injured. <The one who burned
16 the fuse would run away for safety but> many of them who did not
17 pay attention to the ignition of the fuse got injured <>.

18 [15.44.00]

19 Q. How often during the three months you were there, how much of
20 that time, how much of the three months did you spend working on
21 the blasting of the rock, the use of these explosives?

22 A. I started my work at 4.00 in the morning, but I had to wake up
23 one hour before, that is, at 3 a.m. <for a meeting>, and I had to
24 work in blasting the rock or burning the wick until 12 p.m.

25 Q. What I was trying to understand was, is this something that

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1 you did every day during the three months you were at Kampong
2 Chhnang or is it something you only worked on for a specific time
3 period?

4 A. It depended on the supervisor who assigned the work. Sometime
5 it was my shifts. For example, if I was tasked with digging the
6 dirt, I had to do, and some others would be assigned to blast the
7 rock. <So, it depended on the supervisors who assigned the
8 tasks.>

9 [15.45.47]

10 Q. Let me read what you said in your OCIJ interview, E3/7877 at
11 Khmer, 00342437; English, 00346979; French, 00411785 through 786;
12 and you're describing here your work at Kampong Chhnang. I quote:
13 "I was sent to Kampong Chhnang alone in approximately 1978. They
14 had me make holes in the rock to put dynamites for the blasting
15 in order to make caves for parking aircrafts and the rocks were
16 grinded for the airfield runways. On average, five to six people
17 got injured because of the blasting." End of quote.

18 I wanted to get some clarification of what you meant when you
19 said that on average five to six people got injured. Were you
20 talking about every day, every week, every month? Can you give us
21 a sense of how often people were injured as a result of the
22 dynamite blasting?

23 A. During the time that we ignited the wick or fuse, if <there
24 was a plan to blast more mountain's rocks,> a lot of fuses were
25 burnt or ignited, many were injured. But if on some particular

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1 day, not so many fuses or wicks were burned, not so many people
2 got injured by the rock pieces.

3 [15.48.02]

4 Q. Okay. I'd like to show you a few photographs that we have on
5 the Kampong Chhnang site.

6 MR. LYSAK:

7 Mr. President, with your leave, let me start with -- these are
8 photographs that appear in the OCIJ Site Identification Report,
9 E3/8041, E3/8041 at Khmer page 00384449. And there's two
10 photographs on that page that I will show the witness.

11 And, with your leave, if I can provide that to the witness, and I
12 think we can also display them on the screen?

13 MR. PRESIDENT:

14 Yes, you may proceed.

15 AV Unit, please show the video or photo on the screen as
16 requested by the Deputy Co-Prosecutor.

17 [15.49.27]

18 BY MR. LYSAK:

19 Q. So there are two photographs on the page I've just handed you,
20 and if we can show the first one on the screen?

21 So the first photograph I want to ask you about, you can see a
22 gentleman pointing and in the background there is a hill with a
23 rock face.

24 Do you recognize this location, Mr. Witness, and if so can you
25 tell us what it is?

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1 MR. NUON TRECH:

2 A. It appears not the location where I worked. I do not recognize
3 it.

4 Q. Do you know -- were you working at the same location where you
5 were blasting the rock? Was this the same place that they were
6 making a tunnel into the mountain or was that at a different
7 location?

8 A. A tunnel was made in order to keep aeroplanes. <Holes were
9 drilled> into the mountain <to house planes>. It was said that a
10 tunnel was built in order to allow the aeroplanes to land in that
11 tunnel.

12 [15.51.55]

13 Q. And my question to you was, the place where this tunnel was
14 being blasted out of the mountain, was that the same place where
15 you were helping to plant explosives?

16 A. That location <of rock-blasting> ran from the airport. There
17 were people <digging dirt to> build the runway <while some
18 ignited the fuses worked at the mountain. The airfield had to be
19 neatly done> in order to allow the plane to land.

20 MR. LYSAK:

21 All right. Mr. President, if we can display on the screen the
22 second photograph. This is from the same page of the OCIJ Site
23 Identification Report, E3/8041. If we we can show the second
24 photograph?

25 MR. PRESIDENT:

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1 Yes, please.

2 [15.53.23]

3 BY MR. LYSAK:

4 Q. And this is on the same page that I handed to you, Mr.

5 Witness. In this photograph, this individual is pointing to a

6 wall of some sort, and my question for you is: Do you remember

7 the -- this location, the wall that this witness is pointing to?

8 MR. PRESIDENT:

9 You may only answer when the microphone is activated.

10 MR. NUON TRECH:

11 It <was> not really a wall <of the mountain but it was the

12 mountain itself where the tunnel was drilled>. In fact, <> we

13 broke the rocks in order to build the runway. The airport was not

14 yet completed at the time because we were moved to attack the

15 Vietnamese troops at the border.

16 BY MR. LYSAK:

17 Q. Do you remember whether there was -- whether it was a small

18 hill or a small wall that was built for workers to hide behind

19 when the dynamite exploded; do you remember anything like that?

20 MR. NUON TRECH:

21 A. I recalled that there was a small wall but not a big one, the

22 one which <was> pointed by that individual. <I do not recall a

23 big one because it was not done yet at the time.>

24 [15.55.31]

25 MR. LYSAK:

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1 Mr. President, I have some additional photographs to show and
2 these photographs come from what is the third Site Identification
3 Report done by OCIJ. This is a Site Identification Report that's
4 specifically related to the tunnel. It is document E3/8055,
5 E3/8055.

6 With your leave, I'd like to provide that report to the witness,
7 and I have some questions about the photographs that appear in
8 it.

9 MR. PRESIDENT:

10 Yes, please.

11 [15.56.30]

12 BY MR. LYSAK:

13 Q. Mr. Witness, if you can turn to the -- what is the second
14 photo in here.

15 And if we can display it on the screen as well, with your leave,
16 Mr. President?

17 MR. PRESIDENT:

18 Yes, please.

19 BY MR. LYSAK:

20 Q. If you could go back to the photo before that one.

21 So the photograph that we're looking at now, Mr. Witness, is the
22 -- a hole that was blasted into the side of this mountain. That
23 is the beginning of a tunnel.

24 Do you recognize this location? Do you know if this is the place
25 where you were blasting a rock using dynamite?

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1 MR. NUON TRECH:

2 A. Yes, that <was> the location <where I worked>, but I cannot
3 remember well <> .

4 [15.58.22]

5 Q. Do you remember how deep at the end of the three months that
6 you worked at the site, this tunnel that was being blasted into
7 the mountain, how deep was it at that point in time; how many
8 metres deep was the tunnel into the mountain?

9 A. I was there for three months. The tunnel was about 10 metres
10 deep. The rock was hard and we could make the hole inside it step
11 by step.

12 Q. If we could now show the next photograph? This is photograph
13 number 3 that appears in OCIJ's Site Report, E3/8055. If we can
14 show that on the screen?

15 Mr. Witness, this is a photograph that was taken by investigators
16 just after entering the tunnel, the hole that we saw in the
17 previous photograph.

18 At the time that you left the site, do you remember how high --
19 how high was the tunnel that you had built or blasted in the
20 mountain?

21 [16.00.20]

22 MR. KOPPE:

23 We don't dispute tunnels being built at Kampong Chhnang airfield
24 at all, and I'm sure this is one of the tunnels, but putting this
25 tunnel to the witness and then leading him into confirming this,

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1 is, of course, not any proper manner in getting evidence. But, as
2 I said, we concede that tunnels were being built.

3 MR. LYSAK:

4 I'm grateful that counsel concedes that.

5 I have questions I would like to ask the witness about this
6 process. I think the photographs give us a picture of what was
7 going on there.

8 So if I may proceed, Mr. President?

9 My question is: how high was the tunnel at the end of the three
10 months that this witness worked?

11 [16.01.25]

12 MR. PRESIDENT:

13 Please observe the microphone, Mr. Witness.

14 MR. NUON TRECH:

15 A. I do not recall. It happened a long time ago.

16 BY MR. LYSAK:

17 Q. Let me ask you a few more questions before we finish today.

18 You've indicated that you used dynamite, that you had to light a
19 fuse. How long after the fuse was lit did people have to protect
20 themselves or hide before the explosion took place? Do you
21 remember how long you had to get away from the explosion site?

22 MR. NUON TRECH:

23 A. When the fuse was being lighted, we had to run <away>.

24 Sometime we could run in time but some other times, we did not
25 run timely to a safer place.

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1 [16.02.45]

2 Q. Did you -- were you aware of, during the three months you were
3 there, whether any people were killed as a result of these
4 explosions?

5 A. Sometimes I heard the blast hit the back of the neck and
6 people died, but I did not witness dead bodies. We were divided
7 into groups in charge of -- with different tasks to perform.

8 MR. LYSAK:

9 Mr. President, I was going to turn to some questions about the
10 general conditions. If you want me to continue, I can, or I can
11 break here.

12 [16.03.44]

13 MR. PRESIDENT:

14 Thank you. It is now time for the adjournment.

15 The Chamber will resume its hearing on Wednesday, 7 December 2016
16 at 9 a.m.

17 Tomorrow, the Chamber will conclude the testimony of this
18 witness. Please be on time.

19 Mr. Witness, the hearing of your testimony has not come to an end
20 yet. You are therefore invited to come and testify again
21 tomorrow.

22 Court officer, please work with the WESU to send the witness back
23 to the place where he is staying now and please invite him into
24 the courtroom tomorrow, and it may take only one session in the
25 morning tomorrow.

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1 Security personnel are instructed to bring Nuon Chea and Khieu
2 Samphan back to the ECCC detention facility and have them
3 returned into the courtroom before 9 a.m. tomorrow.
4 The Court is now adjourned.
5 (Court adjourns at 1605H)

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