



**“Clear Direction for My Future”:
Witness Describes Role in Khmer Rouge Regime**
By Mary Kozlovski¹

On Monday, April 8, 2013, Case 002 proceedings at the Extraordinary Chambers in the Courts of Cambodia (ECCC) resumed with the hearing of witnesses, following recent disruptions after the death of Case 002 defendant Ieng Sary on March 14, 2013² and a strike by translators and interpreters over unpaid wages due to budget shortages on the national side of the court.³

Prosecutors, civil party lawyers, and the defense teams for Nuon Chea and Khieu Samphan questioned witness Chhaom Se, former head of O Kanseng security center, whose testimony was postponed in January after co-accused Nuon Chea fell ill.⁴ Today, Nuon Chea observed proceedings from inside a remote holding cell, while defendant Khieu Samphan was present in court.

Parties Query Implications of Severance Decision and Ieng Sary’s Death

Prior to witness examination, International Co-Lawyer for Khieu Samphan Arthur Vercken protested that the Trial Chamber had not informed parties of the grounds for their new

¹ Cambodia Tribunal Monitor’s daily blog posts on the ECCC are written according to the personal observations of the writer and do not constitute a transcript of the proceedings. Official court transcripts for the ECCC’s hearings may be accessed at <http://www.eccc.gov.kh/en/case/topic/2>.

² The prosecution’s press release on their investigation of Ieng Sary’s death is available at <http://www.cambodiatribunal.org/sites/default/files/PRESS%20RELEASE-ISDiC%20April%202%202013%20English.pdf> in English, and <http://www.cambodiatribunal.org/sites/default/files/PRESS%20RELEASE-ISDiC%20April%202%2C%202013%20Khmer.pdf> in Khmer. According to ECCC Internal Rule 32bis, the prosecution is responsible for establishing the cause of death of any suspect, charged person or accused who dies while in the court’s custody. The ECCC Internal Rules are available at <http://www.eccc.gov.kh/en/document/legal/internal-rules-rev8>.

³ For more information on the strike, refer to Cambodia Tribunal Monitor’s account of the ECCC hearing on March 4, 2013, which can be accessed at <http://www.cambodiatribunal.org/blog/2013/03/translation-unit%E2%80%99s-boycott-brings-trial-case-002-halt>

⁴ Cambodia Tribunal Monitor’s accounts of Chhaom Se’s earlier testimony on January 11 and January 14, can be accessed at <http://www.cambodiatribunal.org/blog/2013/01/military-structures-security-centers-and-internal-purges-spotlight> and <http://www.cambodiatribunal.org/blog/2013/01/nuon-chea-hospitalized-due-severe-bronchitis-collapse>, respectively.

decision on the severance of Case 002.⁵ Mr. Vercken said this lack of certainty was disquieting and the defense would again like to plead for Khieu Samphan's release. He argued that proceedings should not continue until parties were apprised of how the present trial, and any subsequent trials in Case 002, would be conducted. International Senior Assistant Co-Prosecutor Vincent de Wilde also requested clarification from the Trial Chamber on which paragraphs from the closing order were relevant for Case 002/01, following the new decision on severance of Case 002.

After consulting for several minutes, Trial Chamber President Nil Nonn stated that the chamber confirmed that Case 002/01 now included the Tuol Po Chrey crime site. President Nonn noted that there was only a change in the factual findings of the severance decision and other alterations may occur when the chamber decides how to proceed with remaining matters in the case. National Civil Party Lead Co-Lawyer Pich Ang said that after defendant Ieng Thirith was ruled unfit for trial, relevant paragraphs concerning her were removed and inquired if the same procedure would be followed regarding paragraphs relating to the accused Ieng Sary, after his death in custody. Finally, International Co-Lawyer for Nuon Chea Victor Koppe asked the chamber for an indication on when a written decision on severance would be available.

President Nonn replied that the chamber would continue to hear witnesses and would issue a written decision on severance in due course, emphasizing that conditions had been difficult recently due to budget shortages and national staff having had to work without pay. He explained that the chamber had issued its oral decision on severance to ensure that the proceedings could be expedited. President Nonn added that Nuon Chea could not remain seated for prolonged periods as he may suffer from back pain and dizziness and, in line with doctors' and experts' recommendations, Nuon Chea was permitted to monitor proceedings from a holding cell.

Prosecution Resumes Questioning of Witness Chhaom Se

Beginning the witness questioning for the day, Mr. de Wilde recounted that during Mr. Se's testimony on January 11, he discussed his participation in the revolution and his time under the command of So Saroeun in Division 11. He noted that Mr. Se testified that he participated in the liberation of Phnom Penh and with Division 801 – led by So Saroeun under Sector 101 – he was transferred to the northwest of the country towards the end of 1975. At the end of 1976, according to Mr. Se's testimony, So Saroeun appointed Mr. Se as chief of O Kanseng re-education center, where he received confessions. The prosecutor began by inquiring if So Saroeun was the director of the Northwest⁶ and whether he traveled frequently to the capital.

⁵ The Supreme Court Chamber found in February that the Trial Chamber's decision to sever Case 002 into a series of smaller trials was invalid, as the chamber had not sought the views of parties on the severance or provided adequate reasoning for the decision (see Decision on the Co-Prosecutors' Immediate Appeal of the Trial Chamber's decision concerning the scope of Case 002/01 at http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/2013-02-11%2018:23/E163_5_1_13_EN-1.PDF). The Trial Chamber announced orally on March 29, 2013, that Case 002 would be severed, and Case 002/01 would hear the same charges relating to the forced evacuation of Phnom Penh in April 1975, the second phase of forced population movement from September 1975, and the execution of Lon Nol soldiers at Tuol Po Chrey in Pursat province (see <http://www.eccc.gov.kh/en/articles/case-002-severed-and-nuon-chea-found-fit-stand-trial>). A full written decision is not yet available. The decision on the original severance of Case 002 in September 2011 is at <http://www.eccc.gov.kh/en/document/court/severance-order-pursuant-internal-rule-89ter>.

⁶ In the French translation, this question was originally translated as asking if So Saroeun was director of the Northwest. In a subsequent translation, it was asked if So Saroeun travelled frequently from the Northeast Zone. Though the translation is unclear, it is likely that the original question was meant to refer to the Northeast Zone, as the O Kanseng center was based in Ratanakiri province.

The witness replied that So Saroeun was head of Division 801, then appointed temporarily as zone chairman in 1978. He confirmed that So Saroeun traveled frequently between Phnom Penh from the Northeast Zone and disseminated directions to the lower level from the “upper authority” upon return.

The witness said that he could not recollect exact details of such meetings, but there were plans to increase agricultural production, defend national sovereignty – particularly along the Cambodian-Vietnamese border – serve the people and support cooperatives. The military had to strengthen its forces and be self-reliant in terms of food, Mr. Se recalled, and within his security office, cadres had to monitor the execution of the plan, train people, reduce conflict, and adhere to the orders of the upper authority. Mr. Se testified that measures had to be taken to handle internal enemies who sabotaged the forces and “opposing elements” who went against the political lines. He added that he had contact with So Saroeun when there were issues related to his office or he had instructions and that So Saroeun drew his attention to internal enemies attacking Sector 801.

Mr. de Wilde asked if So Saroeun ever told Mr. Se why prisoners at O Kanseng had to make confessions, to which the witness responded that So Saroeun wanted to understand the “overall situation,” explaining, “For example, if there were internal enemies burrowing from inside, then he had to know at what level this enemy was. Was it at the command level or was it only at the low file and rank level?”

When asked if he had received instructions from So Saroeun or other superiors on extracting confessions from prisoners at O Kanseng, Mr. Se stated that they normally had to provide education and orientation to prisoners. “We did not arbitrarily accuse anyone of being [the] enemy, and we were not allowed to exert any torture against the prisoner either,” he added. Mr. Se confirmed to Mr. de Wilde that he testified in January and told court investigators that he had no authority to implement decisions at the detention center and that So Saroeun was in charge of decisions relating to the liberation or execution of prisoners.



Arrest of Charay People under Examination

Mr. de Wilde quoted Mr. Se’s earlier statement to court investigators:

Shortly before 1979, I saw the Charay just near the Vietnamese border because they had entered the territory and when the Vietnamese attacks [*inaudible to interpreter*] ... This was why the frontline soldiers of Division 801 searched and captured them and brought them to the re-education office. These soldiers were the ones who captured them and transported them straight to the re-education and corrections office. The soldiers brought the prisoners in and left them at the office for only one night. They then took them and killed them during the night at pits inside the re-education and corrections compound. The orders, the decisions to do that, were orders from the zone chairman. But at that time Ta⁷ Lav, the zone chairman, had discussed the matter with Ta So Saroeun.

When Mr. de Wilde inquired how Mr. Se came by this information, the witness stated that the Charay were captured by the military at So Saroeun’s direction as commander of Division 801, which provided information to Mr. Se’s section and received the prisoners.

⁷ “Ta” is a Khmer honorific that means “grandfather.”

Mr. Koppe objected to a question from Mr. de Wilde asking whether there were women and young women among the Charay people who were arrested on the basis that it was outside the scope of the trial, which was currently focusing on communications. Mr. de Wilde explained that the prosecution was planning to present a document describing Charay people arrested and executed and argued that they needed to ask the witness questions before presenting the document to ascertain whether the witness's account and the document referred to the same event.

“What’s the use of adding the fact that potentially or allegedly women and children are victims?” responded Mr. Koppe. “Maybe that is the case, maybe that’s not the case. We are talking about communication.” Mr. de Wilde said the document was a telegram written by a soldier named Vy from the Northwest Zone⁸ and describes the communications system between the center and the zone. President Nonn overruled the objection, and Mr. Se testified that women and young women were among the more than 100 Charay people who were executed near his security center.⁹

Mr. de Wilde read excerpts from a telegram dated June 15, 1977, sent by Vy to “respected Bang”¹⁰ and copied to “Om Nuon, Bang Van,¹¹ Bang Phuong, Bang Khieu,¹² office, and archives”:

At 9 o’clock in the morning on 14 June [1977] the 801 production unit permanently posted at 107 patrolled and arrested 209 Vietnamese soldiers including nine young women in the vicinity of O Leak,¹³ which is about four kilometers south on Road 9. They were Charay mostly who did not speak good Khmer. They were sent to the command post ... In my opinion these are external enemies that are penetrating our territory ... Among the measures taken it is said finally we have to extract information from them to understand their plan regarding those that are still hiding in the jungle and to understand their links ... I am asking for extra recommendations from Angkar. The production unit 801 is proposing an immediate and definite decision. I am waiting for your answer.

The prosecutor queried if the information corresponded to the group of Charay people the witness received at O Kanseng, who were later executed by the soldiers who arrested them.

Mr. Koppe argued there was no need to highlight excerpts related to killings and the prosecution was attempting to have incidents at the center included the evidence. Mr. de Wilde noted that the chamber had already stated that the question was relevant and stated that the telegram was a typical example of communication between the Northeast Zone and the center. President Nonn dismissed Mr. Koppe’s objection, and the witness testified that the information in the telegram did correspond to the people he received at the center, but the 209 figure was too high – “only more than 100 were sent to my section” – and he did not know Vy. Mr. Se confirmed to Mr. de Wilde that Division 801 frequently asked the center for instructions.

⁸ In the French translation, what appeared to be the same area was again referred to as both the Northwest and Northeast zone. It is unclear which translation is correct.

⁹ The figure of “more than 100” quoted by Mr. de Wilde in his question may have been mentioned in the section of Mr. Se’s statement to investigators that was inaudible to the French language interpreter.

¹⁰ “Bang” is a Khmer word for brother or sister. “Respected Bang” was often used by Khmer Rouge officials to refer to fellow officials.

¹¹ “Van” was Ieng Sary’s revolutionary alias.

¹² “Khieu” was Son Sen’s revolutionary alias. Son Sen was in charge of defense under the Khmer Rouge regime.

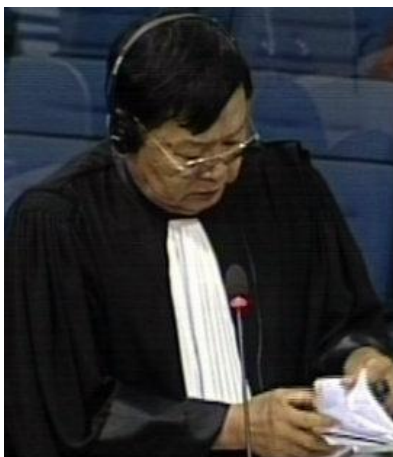
¹³ The spelling of this location was unclear in the English translation.

Military Structure of Chhaom Se's Regiment Detailed

Mr. de Wilde cited Mr. Se's previous testimony that he was deputy commander of a company in Regiment 81 within Division 801 led by Keo Sarun until he was arrested in 1977, and asked who had replaced Keo Sarun as head of the regiment. National Co-Lawyer for Nuon Chea Son Arun protested that the question was leading, to which Mr. de Wilde replied that he was merely asking the witness if he knew who led his regiment after Keo Sarun's arrest, which related to the regiment's military structure. Mr. Arun's objection was overruled and Mr. Se stated that Pao Samon replaced Keo Sarun, who was again replaced by Horn.¹⁴

Mr. de Wilde presented a report sent by Roeun to Son Sen, dated March 30, 1977, quoting an excerpt as follows:

I am requesting the sacking of a certain number of comrades from the battalion. Indeed, these comrades are acting contrary to the line. The popular masses do not trust them and education and re-education have no effect on them. They do not accept to amend themselves, and their prospects for change have regressed, so I am asking that we sack Comrade Samon and we send him to the office, and pursuant to Angkar's recommendation, I recommend that we ask Comrade Mao to replace him. So may Om please give us his decision regarding Comrade Mao. I rest on your decision. ... In a few words Comrade Mao deserves to become regiment secretary.



When Mr. de Wilde asked the witness about the identity of Roeun, Mr. Arun objected, saying that the prosecutor should first ask if the witness has seen the document and should not ask questions that encourage him to formulate answers based on his own predictions, if he has not seen the document. Mr. de Wilde responded that he was attempting to ascertain if "Comrade Samon" in the excerpt was the same person whom Mr. Se named as the successor to Keo Sarun, all of which related to military structure and communications between Office 801 and the party center. Mr. Arun again stated that he doubted that the witness knew of the letter as he was a low-ranking official and could therefore not give answer, but the objection was overruled.

"Pao Samon became the chief of 81, and later on Mao became the chief," Mr. Se testified. "The signature Roeun, referred to Keo Sarun. It was Keo Sarun who signed the letter; it was not So Saroeun." Mr. Se said he did not know what happened to Comrade Samon because he was his superior, and Mr. de Wilde noted that Comrade Samon's name is included on the revised list of S-21 prisoners produced by the prosecution. With this statement, the prosecution concluded its questioning and handed the floor to the civil party lawyers.

Civil Party Lawyers Examine Chhaom Se

National Civil Party Co-Lawyer Chet Vanly began the civil party lawyers' examination by asking Mr. Se about his participation in the revolutionary movement.¹⁵ She noted that in his January 11 testimony he stated that his troops cooperated with Vietnam in Kampong Speu,

¹⁴ In the English translation, the number of the regiment was translated as "801." It is likely that this was meant to be "Regiment 8"; however this was unclear.

¹⁵ There appeared to be a translation issue, and a couple of initial answers to questions asked by Ms. Vanly were not translated into English.

Takeo, and Kampot provinces and inquired as to who provided food and weapons to the movement. Mr. Se said he was only a soldier at the time and could not provide such details. In response to questions about April 17, 1975, and the fall of Phnom Penh, Mr. Se testified that the south cooperated with the north to lead the attack on Phnom Penh under the order of commanders. He noted that So Saroeun was the commander of the division, but he could not describe all of the commanders and that the “general commander” Chhit Choeun, alias Mok, gave the order to attack Phnom Penh.

After Phnom Penh was liberated, Mr. Se recounted, his unit was stationed in the area around Phsar Thmei (Central Market), and he believed that different commanders at various levels had issued blanket orders to evacuate the population from the city. “Every city had to be evacuated,” he said, adding that evacuation plans were planned in advance. “Each unit had different meetings, and we were obliged to disseminate the information concerning the plan to the other relevant sections.”

The witness explained that he was the deputy chief of a regiment tasked with protecting and defending areas surrounding Phsar Thmei after the population was evacuated to ensure security. Mr. Se said he felt that people were not forced to leave the city because it took seven days before everyone was removed. He added that in his area the situation was calm and no one resisted orders to leave but other units had to confiscate arms from people.

When Ms. Vanly queried what the Khmer Rouge soldiers would do to people who hid in order to avoid leaving the city, Mr. Koppe protested that the civil party lawyer was asking the witness to speculate. Ms. Vanly countered that the witness has already testified that he received orders regarding the evacuation and that some people did not want to leave, and she was inquiring what happened to those people. The question was allowed, and Mr. Se repeated that such protests did not occur in his section, but he believed that when they occurred in other sections, “people had to be warned and asked to leave the city, and they would not be fired at.” He explained that there were forces stationed outside the city and divisions from the “special zone” who were in charge of monitoring the city.

Witness Examination Returns to O Kanseng

Ms. Vanly questioned why Mr. Se was assigned as head of O Kanseng by So Saroeun, to which the witness responded that he was So Saroeun’s messenger, they had a rapport, and So Saroeun liked and trusted him because of his commitment. The civil party lawyer noted that in his earlier testimony Mr. Se said he had received civilian prisoners at O Kanseng, and she inquired about these prisoners. Mr. Koppe interjected, saying that he was unsure how the question pertained to communication or structure, prompting Ms. Vanly to argue that she was trying to establish whether new people were detained at O Kanseng, which she believed was within the scope of the trial. The query was allowed, and Mr. Se responded that some people were sent from Sector 101, but no one was sent from other sectors by late 1977 because they were sent to a re-education center.¹⁶

¹⁶ In a subsequent response that was unclear in the English translation, Mr. Se referred to base people sent to the reeducation center who were implicated former union workers and who were disliked by some people for the way they ate and talked.

The civil party lawyer asked if people detained at O Kanseng were educated under Mr. Se's supervision, to which the witness replied that he schooled them in refashioning themselves and correcting their behavior and perspectives on work, and thereafter they were returned to their place of origin. In response to a question from Ms. Vanly about a specific document,¹⁷ Mr. Se recalled that after liberation the military situation was chaotic and disorganized because it was a transitional period and people accused others of wrongdoing. Soldiers accused and criticized one another, becoming difficult to control, and the number of enemies increased, Mr. Se testified. He stated that he could not properly apprehend the situation in cooperatives but recalled that the cadres collected information and corrected people through education sessions. When asked by Ms. Vanly if he "purged" people in line with party policy, Mr. Se replied that they were obliged to implement such policies, but "it was not our first resort to kill people" but to educate people to "rebuild" themselves.



In response to questions on his role at O Kanseng, Mr. Se testified that people were sent from units to work at the center – though they were not high-ranking – including one sent from the division by the name of Nau, who was charged with deciphering enemy communications and kept documentation pertaining to his work at O Kanseng. The witness confirmed that he was familiar with the disappearance of certain commanders and military leaders but said at the time people believed that such people were called to study sessions and never returned. Initially, there were up to 60 prisoners but the number later increased, Mr. Se said.¹⁸ "The situation developed from bad to worse, and the purges operation was intensified, and for that more and more people were sent to re-education center, and this also coincides with the intensifying situation at the border areas," he added.

At this point, President Nonn stated that the civil party lawyers' allocated time had expired, and though Ms. Vanly requested additional time for her colleague to question the witness, Present Nonn handed the floor over to the defense team for Nuon Chea.

Nuon Chea's Lawyer Presses Witness on Military Role

Mr. Koppe noted that in January Mr. Se testified that he was spurred to join the revolution in 1970 after hearing the appeal from then Prince Norodom Sihanouk, but inquired if there were other reasons behind his decision. Mr. Se repeated that the appeal by then Prince Sihanouk had been a factor but, additionally, South Vietnamese forces and air raids were attacking his village along the Cambodian-Vietnamese border, which compelled him to join the revolution. The witness stated that he had to take refuge in the forest and join the resistance forces.

Quoting from Mr. Se's prior testimony in which he referred to himself as a "military chairperson leading the soldiers ... in the battlefields" between 1970 and 1975, Mr. Koppe requested a deeper explanation of the witness's military role. "I led the soldiers to engage in the battlefields," Mr. Se recalled. "At that time, it was against the Lon Nol administration in order to liberate the nation." He added that soldiers were engaged in "constant combat" until the civil war was over, there were many casualties, and he was injured and wounded in

¹⁷ This document was not directly identified in court, but as Ms. Vanly referred to comments made by Mr. Se in the document, it is likely that it is one of the witness's statements to court investigators.

¹⁸ The English translation of these figures was unclear.

battles “all the way to Phnom Penh.” No soldiers in his unit were captured by Lon Nol military personnel, Mr. Se testified, and he had heard only rumors that Khmer Rouge cadres in other units were captured as units were stationed far from each other and proper communications were not in place.

Mr. Koppe again pressed Mr. Se for clarification of prior testimony in which he said the Khmer Rouge army was disciplined, “of a high morale,”¹⁹ and “did not conduct any vicious acts towards the people.” Mr. Se stated that the army had to abide by a moral code and did not steal people’s property. “I never abused my role, and I never committed any vicious act against the people, and I had to comply with the rules of soldiers,” he said, adding that he could not comment on the conduct of other units on the ground. “At that time, we had to resist against the government forces.” When asked if he had heard or seen reports of Khmer Rouge soldiers acting without morals or discipline during the evacuation of Phnom Penh in April 1975, Mr. Se testified that to his knowledge there was no immoral or corrupt conduct. “There was no torture or any other barbaric act or so ... on the part of the soldier against the civilian people when they came to Phnom Penh at that time,” he said, adding that as a low-ranking official he did not have a full grasp of the situation in the upper ranks.

Defense Delves into 1975 Conference at Olympic Stadium

Citing Mr. Se’s previous testimony in which he stated that 21 senior leaders were present at a 1975 conference at Olympic Stadium in the capital, Mr. Koppe queried how he arrived at that number. Mr. Se recalled that he was invited to attend as a representative of his regiment and the conference programs named the organizing committee members. He explained that there were other mentions of names of senior leaders and members presiding over the conference and confirmed that he saw the 21 figure in the documentation he had at the time, though he did not know who was in which position. Mr. Koppe recounted that Mr. Se’s had stated earlier that as a member of the youth league he was not privy to the contents of *Revolutionary Flag* and queried who was permitted to receive copies of the magazine. Mr. Se said the *Revolutionary Flag* was used for training and was normally circulated to full party members, while candidate members received the *Revolutionary Youth* magazine.

Division 801 and O Kanseng Revisited

In response to Mr. Koppe, Mr. Se confirmed that the military structure of Division 801 existed in April 1975 but the reporting structures around O Kanseng did not, as he was not in charge of the facility at that time. Mr. de Wilde interrupted the cross-examination, stating that the questions were irrelevant and included errors, as the witness had said that he traveled to the Northeast Zone only at the end of 1975 and was assigned to O Kanseng at the end of 1976, thus invalidating any chronological link with April 1975. Mr. Koppe replied that the defense was endeavoring to establish whether these military structures and reporting relationships existed in April 1975 and the witness could simply say so if they did not. President Nonn allowed the defense to proceed with its line of questioning, and the witness confirmed that command structures were in place in Division 801 in 1975, but not at O Kanseng.

¹⁹ It is unclear if this word was intended to be “morale” or “moral/morality.”

The defense lawyer asked for an explanation of the term “upper level,” which Mr. Se described as senior authorities, including some of those in battalions, regiments, brigades, and division. The witness testified that he had not received instructions from Nuon Chea or anyone else besides So Saroeun and confirmed that when he used the term “upper echelon” it did not apply to command structures above So Saroeun. When Mr. Koppe pressed Mr. Se on what specific border and sovereignty issues with Vietnam he had discussed with So Saroeun and what he meant by the term “sabotage,” the witness repeatedly replied that he could not recollect such details.



After these responses, Mr. Arun began examining the witness, asking what his life was like prior to joining the revolution in 1970.²⁰ Mr. Se. responded that he lived modestly, as a poor peasant. In reply to questions about the company he supervised in 1975 and the military command structure, Mr. Se said he could not explain the command or administrative structures of the military in detail but stated that between 1971 and 1973, battalions were the top level, but from 1973 to 1974, there were regiments and after 1975, there were divisions. “I don’t recollect all the names of the commanders of each unit, company, battalion, or regiment because people came and went,” Mr. Se recalled. “There were changes; there were reshuffles of the command posts.”

Mr. Arun inquired which battles Mr. Se engaged from 1970 to 1971 when he worked with Vietnamese troops under So Saroeun in Division 801, according to his testimony. Mr. Se replied that he had fought in different battlefields and it was difficult for to call precisely which ones. Mr. Arun quoted from a statement made by Mr. Se,²¹ in which he said he worked at Robot Ong Chum²² in Takeo province, then at Chhouk district in Kampot province where he joined with North Vietnamese troops, before fighting with them against South Vietnamese troops near Nyriey²³ in Chhouk district. According to the statement read out by Mr. Arun, Mr. Se said there was bombing in South Vietnam and they later assembled forces at Srah Cheng²⁴ on the Kampot provincial border, dividing forces into two groups – those who attacked Kampong Speu city and those who cooperated with the Vietnamese army at a military headquarters within Vietnamese territory. Mr. Arun asked the witness why he was assigned to work in Vietnam. The witness replied that he had studied Vietnamese in Cambodia and he did not go to Vietnam, but the rest of the account was accurate.

Lawyer Probes Witness’s Role during Fall of Phnom Penh

After Mr. Se confirmed that he was deputy head of a regiment under Division 801 before the fall of Phnom Penh, Mr. Arun asked how he knew about the command structure of the division. Mr. Se said he had learned such details through study sessions. Then Mr. Arun questioned whether Mr. Se was ever ordered by the upper echelons to shoot Lon Nol soldiers or given instructions on how to treat them. Mr. Se replied that he did not recall any such

²⁰ Mr. Se’s response to an initial question from Mr. Arun about whether he was joined by South Vietnamese or Viet Cong troops after he joined the revolution in 1970 was unclear in the English translation.

²¹ The statement was not directly identified in court, but as Mr. Arun quoted comments from Mr. Se, it is likely one of the witness’ statements to court investigators.

²² The spelling of this location was unclear in the English translation.

²³ The spelling of this location was unclear in the English translation.

²⁴ The spelling of this location was unclear in the English translation.

instructions, and enemies who were stubborn would be warned but never “executed arbitrarily,” though there were always fighting, hostility, and injuries in the battlefield. He confirmed that he had to kill people as head of a regiment in the civil war period, because they were defending themselves against serious fighting at the time. Mr. Se testified, “In the city, the fighting was really fierce. Nonetheless we could not really fire at people without thinking very carefully about our strategic plan to attack and liberate Phnom Penh. We had to come all the way through Pochentong Channel, and we planned this carefully.”

Mr. Se said he believed that by April 16, 1975, the Khmer Rouge forces could move into Phnom Penh more easily. When asked if he had received orders to evacuate civilians from Phnom Penh in the area under his supervision, Mr. Se stated that this occurred in all battlefields because people had to move out for a time to guarantee security. The witness added that the troops had to be careful in the city because they may have been in danger, and they remained there only temporarily.

Witness Questioned Again about Actions at O Kanseng

Mr. Se testified that O Kanseng was a division education center, located in what is today called Banlung district.²⁵ Mr. Se said other “experts” were charged with questioning detainees at O Kanseng and had their own techniques, but he sometimes participated if he wanted information. Mr. Arun asked if torture was used at O Kanseng in the questioning of detainees or to extract confessions. Mr. Se answered:

There were techniques. At first we could not force. We could not torture, and question the detainees because the answer would not be correct. So first we have to ask them repeatedly, in order to identify the tactics or the strategies of the detainees. Later on, we invite them, we ask them again and again, and if they do not tell us, we may do it. But of course it is not beyond the limitation.

After Mr. Arun asked if Mr. Se had killed detainees who were stubborn or cruel, the counsel for the witness stated that the question might incriminate the witness. President Nonn reminded defense counsel that the O Kanseng security center was not the main focus of the hearing, which was limited to structures and communications only. The witness declined to respond to the question.

Witness Testified about Access to Revolutionary Material

In answer to questions from Mr. Arun about *Revolutionary Flag*, Mr. Se said he did not read the magazine initially because he was not a full rights party member but saw it on occasion, and he later received two issues and became party member. “I had the commitment to move forward,” Mr. Se added. “I had the clear direction for my future.” After that answer, Mr. Arun said he had no further questions. The Nuon Chea defense concluded their examination of the witness.

Khieu Samphan Defense Examines Statements Taken by Investigators

Initially, Mr. Vercken sought confirmation of the witness’s age and date of birth, and Mr. Se confirmed that he was born on September 15, 1950, and was 63 years old. Mr. Vercken noted written records of Mr. Se’s interviews with court investigators stated that he was 49 years old and inquired if Mr. Se had reread his statements before signing them. The witness confirmed that he had reread them, had confused the numbers, and had not lied. The defense lawyer assured the witness that he was not accusing him of lying but asking if he had the chance to

²⁵ Banlung district is located in Ratanakiri province.

reread his statements before signing them, as his age was listed as 49 on three separate occasions. The witness said he read the written records, but did not examine his age on the statements.

In answer to questions from Mr. Vercken about his education, Mr. Se testified that he attended school for about five years – finishing Grade 7 and moving into Grade 8 – and stopped studying in 1962 or 1963. The witness said he learned to write at school and by himself using dictionaries

Chhaom Se Responds to Questions about His Revolutionary Position

Mr. Se confirmed to Mr. Vercken that he received military training after joining the revolution. When asked why he was chosen to be chief of a military unit in 1971 at the age of 20, after having joined the revolution in 1970, Mr. Se said he could not answer the question. Mr. Vercken expressed confusion, asking the witness if he feared his answer would incriminate him, and Mr. Se replied that before being given assignments a person must have good character and strength, and those who were not good or committed to struggling would not be given positions. Still appearing perplexed, Mr. Vercken inquired if Mr. Se did not wish to answer the question out of a sense of humility. Mr. Se responded vaguely that this “may be correct.”



At this juncture, President Nonn interjected, reminding Mr. Se of his responsibilities as a witness to respond to questions truthfully, that the chamber would instruct him not to answer questions that were deemed inadmissible, and that he could consult with his counsel if he believed he might incriminate himself. In response to the original questions from Mr. Vercken, Mr. Se testified that after just over a year of service he was appointed a unit leader based on his merit and achievements, his personal responsibility, and his ability to handle tasks that were assigned to him. He further stated that he did not receive any specific technical training between 1970 and 1971 but did receive training after this period. The witness told the court that he was a team leader commanding a group of 12 people from 1970 to 1971, then was promoted to platoon commander in 1973 to 1974 managing about 70 men, before being promoted to deputy commander of a company in 1973 to 1975, supervising some 100 men. “We served the army attached to the sector until we were mobilized to attack Phnom Penh,” Mr. Se said, adding that he was later transferred out of the military structure and appointed as a department chief.

Khieu Samphan Defense Queries Military Communications

Turning to communications in the military, Mr. Vercken quoted an excerpt from Mr. Se’s prior testimony about army communications prior to the fall of Phnom Penh, quoting him as follows:

During combat, communications were difficult and often took time. Quite frequently, there were problems occasioned by radio use, and sometimes the messages came too late. Other times it was too late to care for the wounded. . . . Each small unit, such as a platoon or a squad, was able or had to take its own decisions in order to manage its own forces in order to keep a situation under control.

Mr. Vercken inquired if the communications situation was the same when Mr. Se was in Ratanakiri province, to which the witness answered that communication was inadequate at

the beginning and did not improve much, as radio communication was “frustrating” and messages often could not be conveyed on time. Mr. Se confirmed to Mr. Vercken that he took a boat from Phnom Penh to Kratie province, before setting off for Ratanakiri by bicycle in 1975 – a journey that took two to three days. When asked whether he was unable to travel by car or truck despite being a deputy commander, Mr. Se replied that though he was in charge of the regiment, they were equals and he had to blend in with the soldiers.

Questioning Focuses on Evacuation of Phnom Penh

Mr. Vercken recalled Mr. Se’s previous statements in court with regard to the evacuation of Phnom Penh, that when a zone was conquered the plan was to evacuate the zone to avoid new combat there, that he was given the same instructions to evacuate Phnom Penh, and that “even if the enemy was defeated there were still some pockets of enemies.” “We kept on moving for reasons of security; we were worried that our troops would be attacked by the remaining vestiges of the conquered army,” Mr. Vercken quoted Mr. Se as saying, asking if the witness could elaborate on the comments. Before Mr. Se answered, Mr. de Wilde said he believed the defense was citing a draft transcript from the January 11 hearing and noted a slight discrepancy between the draft and final versions.

Mr. Vercken turned back to the witness and pressed him on whether he believed it was possible at the time for his troops to be attacked by remnants of the defeated army. Mr. Se concurred, stating that the city environment was different to the countryside, and confirming to Mr. Vercken that his unit was charged with protecting the Department of Propaganda and did rounds of the city to advise them of any possible attack. The defense lawyer questioned whether Mr. Se’s superiors offered any other reasons for the evacuation of Phnom Penh, besides military and strategic imperatives. “It was decided within the military, and I have no knowledge of whether people had been allowed to return to their homes, because as a soldier, as a person in charge of the regiment, I had to ensure that the vicinity was free of civilians,” Mr. Se testified, adding that he was unfamiliar with assertions that the evacuation of cities was justified by the need to “punish city dwellers,” in Mr. Vercken’s words.

Olympic Stadium Conference in 1975 and Revolutionary Flag

After Mr. Vercken asked for further information about the timing of the 1975 conference at Olympic Stadium, Mr. Se said he could not recall the month but that the event took place over an entire day and announced the establishment and organization of the military. Mr. Vercken inquired if the creation of divisions, including Division 801, were important, to which the witness responded that three important divisions were charged with monitoring Phnom Penh and divisions 801, 703, and 605 were combined.²⁶ Mr. Se described how commanders and general commanders of the army, whom he believed to be senior army officials, announced the establishment of the divisions. He added that one of the commanders could have been Chhit Chooun²⁷ or Son Sen.

After being asked repeatedly by Mr. Vercken if he recalled being presented with a copy of *Revolutionary Flag* by prosecutors in January, Mr. Se eventually said it sounded familiar and again confirmed that he had received two copies of the magazine before being shown that particular issue in court. The witness told the court that details of the event at which Division 801 was created were in the magazines but he did not remember them properly. Mr. Vercken sought clarification on whether Mr. Se recalled that there 21 high-ranking leaders at the

²⁶ The English translation of this response was unclear.

²⁷ Chhit Chooun is also known by the name Ta Mok.

conference at Olympic Stadium because it was written in the program. Mr. Se confirmed this detail. The defense lawyer asked why Mr. Se had not mentioned the program in his four interviews with the court's Office of the Co-Investigating Judges (OCIJ) in 2009 and 2010, and the witness replied that he did not recall past events well and did not have any documentation with him.

Mr. Vercken pressed Mr. Se on whether he was sure he had seen Khieu Samphan at the conference. Mr. Se testified that Khieu Samphan was present because he was chairman of the state presidium, though he was not aware of Khieu Samphan's rank at the time of the conference.

Witness Pressed on the "Seven Traitors"

In another unusual exchange, Mr. Vercken asked Mr. Se if he recalled testifying on January 11 that he had heard many people refer to the "seven traitors." The witness responded that he was unsure and did not recall mentioning the phrase. Upon receiving this answer, Mr. Vercken quoted Mr. Se as saying in response to the prosecution that he heard about the phrase after the coup d'état and everyone was aware of it. Mr. Se again denied that he had mentioned the seven traitors. Mr. Vercken reminded him that he was reading from the court record, asking if he was certain that he never made that statement before the chamber. Again, Mr. Se replied that he did not say what was read to him and did not know who the seven traitors were.

Defense seeks Information on Witness's Membership in Veterans' Association

Finally, Mr. Vercken sought further information from the witness about a "veterans' organization" he said he was president of in his interview with investigators. Mr. Se told the court that it was not an organization with a paid membership but a group of veterans from different parts of the country and different levels. Mr. Se added that the group was not confined to any particular military faction, and he was only in charge of the association at the district level. The witness confirmed that he retired from being a soldier in 2002.

With this response, the questioning of witness Chhaom Se concluded, and proceedings were adjourned for the day. Hearings in Case 002 will resume at 9 a.m. on Tuesday, April 19, 2013.