



“People Were Happy”: Former Military Commander Provides Limited Insights on Phnom Penh Evacuation and Khmer Rouge Meeting

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The Extraordinary Chambers in the Courts of Cambodia (ECCC) heard testimony on Wednesday, April 24, 2013, from another former Khmer Rouge military commander, Chuon Thy. The witness, a soldier who had joined the Khmer Rouge army following the 1970 *coup d'état* and had risen to the rank of regiment commander, provided limited insight on a range of issues.

Much of the day's questions focused on the witness's attendance of a June 1978 meeting at which Pol Pot led several study sessions, including on the need to defend and construct the country and to resist internal enemies. Other interesting points the witness raised included that:

- American dropping of shrapnel-filled bombs resulted in civilians being decapitated;
- During the evacuation of Phnom Penh, civilians and soldiers alike were happy and making jokes;
- He recalled from a personal meeting with Pol Pot that the leader had a “very nice smile;” and
- After the evacuation of Phnom Penh and until the witness was sent to Svay Rieng in 1978 to defend the country against the Vietnamese incursion, the witness exclusively performed farm work, despite occupying and rising through a number of military ranks at this time.

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>.

Lengthy Prelude: Confusion and Consideration as to the Order of Questioning

All parties were present this morning, Trial Chamber Greffier Se Kolvuthy advised. However, once again, accused person Nuon Chea was participating from his holding cell pursuant to a Trial Chamber order to this effect in light of Mr. Chea's health issues. Additionally, some 250 villagers from Preah Vihear province attended the hearings in the public gallery.

International Co-Counsel for Khieu Samphan Anta Guissé was the first counsel to take the floor. She advised that she wished to make a motion regarding the order of examination of the witness. She noted that, during the hearing on April 23, Trial Chamber President Nil Nonn had ordered that the upcoming witness first be questioned by the two defense teams and then by other parties. Ms. Guissé said that while the Trial Chamber had full "latitude" to determine this order, under civil law, it was provided that the defense would be the last to question a witness. As today's witness had not been called by her team, Ms. Guissé therefore requested to be last to question him, noting that this issue would arise again with regard to other witnesses.

International Co-Counsel for Nuon Chea Victor Koppe explained that he understood Ms. Guissé's stance and agreed with its sentiment, though not in this particular instance, as this witness was one that his team had called; therefore, the Nuon Chea Defense Team wished to question this witness first. He suggested, however, that the prosecution and civil party be the next parties to question the witness, with the Khieu Samphan Defense Team finishing the day.

International Assistant Co-Prosecutor Dale Lysak opined that Ms. Guissé's motion was belated and that the Chamber had already announced "several months ago" that defense teams were expected to be the first to question today's witness as well as the witness scheduled for April 25. It made sense for the party who requested a witness to be the first to question them, he argued, as they would know best why the witness had been called. In any case, he stated, the Office of the Co-Prosecutors did not mind if they were required to follow the Nuon Chea Defense Team in the questioning order. Mr. Lysak was unsure, however, what the position was with respect to the witness who was scheduled to testify on April 25.

International Lead Co-Lawyer Elisabeth Simonneau Fort stated that the civil party lawyers thought that the defense team who requested the witness would question the witness first, and the other defense team last. She added that in civil law, the principle that applies is that the defense should have the last word. Ms. Guissé then clarified that she had intended only to request to have the last word with respect to today's witness but not for the witnesses which her team had called.

The president said that with respect to the order of examination, parties were to follow Internal Rule 91 *bis*. The ECCC, being "extraordinary," did not "fully follow the civil law tradition," he reminded the parties, stating that it had been made clear at the beginning of the trial that the party who called a witness had a duty to examine them first. Ms. Guissé nodded in response to this statement. The president then said the two defense teams would together have a half day to question the witness, and the OCP and civil party lawyers would also have a half day. At this point, Judge Jean-Marc Lavergne rose from his seat, prompting all the Trial Chamber judges to huddle in conference around the president, with Judge Lavergne appearing to address the other judges at length.

When the judges had finished their conference, the president requested further advice from the parties. He noted that, in the past, time allocated to the parties was not necessarily equal but depended on how parties sought to share the time. As the Khieu Samphan Defense Team now wanted to reconsider this matter, he asked that team to advise how they wished to proceed. Instead, Mr. Koppe responded that the two defense teams still proposed to use only a half day to question the witness and that as his team had called today's witness, it might use more of the allocated time. As the witness scheduled for testimony on April 25 was to be called by the Khieu Samphan Defense Team, he said it would perhaps take more of the time allocated then.

As President Nonn indicated that the matter still was unclear, National Co-Counsel for Khieu Samphan Kong Sam Onn attempted to clarify, explaining that the half day allocated to the defense amounted to three hours, including breaks, and that if the Nuon Chea Defense Team used more than half of it, the Khieu Samphan Defense Team would use only the remaining time. The president responded that the morning half day was longer than the afternoon half day and thus there was not a total equality between the two half days.² Nevertheless, he said, the Trial Chamber would attempt facilitate the request. It thus seemed that the Chamber granted Ms. Guissé's motion.

Witness's Military History and a Meeting with Pol Pot

Following this lengthy prelude, the witness Chuon Thy took the stand. The president first sought some biographical details from him. Mr. Thy said that he did not have an alias but was "sometimes called Au." Aged 68, he lives in Pursat province, is a married farmer, and has three children. Asked if he had previously been interviewed by the Office of Co-Investigating Judges (OCIJ), Mr. Thy advised that "some researchers" came to his home to conduct an interview with him, although he could not remember the date it occurred. He did, however, confirm that he had re-read his record of OCIJ interview and confirmed its accuracy.



National Co-Counsel for Nuon Chea Son Arun maintained the president's line of questioning by seeking further biographical details from the witness. Mr. Thy advised that he had completed lower secondary school (up to grade three). After this, "there was the *coup d'état*," and Mr. Thy, aged around 25, joined the revolution as "an ordinary soldier." He thought that the name of his direct commander was Ta Sroh. Mr. Thy was "in Division 1 ... Battalion 302, Regiment 35" and joined the revolution "[mainly] to demand that Samdech Sihanouk³ come back and [re-take] power" as he learned from his parents "that a country without a king would be in chaos."

Mr. Arun asked the witness about his statement to the OCIJ that he had been called to attend a meeting with Pol Pot in Kampong Chhnang province.⁴ Mr. Arun proceeded to pose a series of

² At the ECCC, the two morning sessions are normally three hours in duration (including the break), while the two afternoon sessions are two and a half hours in duration (including the break).

³ This is a reference to the late King Father Norodom Sihanouk.

⁴ This has the document number D369/6.

questions seeking further details of the meeting. Mr. Thy advised:

In 1978, I was a combatant. I was called to attend a meeting. I was under my commander, Pech Soeun. At that time, the Vietnamese troops came into Cambodia up to Svay Rieng, and at that time, I was a commander of a battalion. Soeun told me that Pol Pot wanted to meet me. When I met Pol Pot, Pol Pot told me, "Comrade, you have to mobilize your forces to resist against the Vietnamese invasion." So when I returned, I mobilized my forces, and we went to Svay Rieng.
...

Pol Pot chaired that meeting. I attended it for only one day. The first item on the agenda was about national defense. The second item was about rebuilding the country. ... Regarding the military sector, commanders of battalions were invited to attend that meeting, but I do not know about the civil authorities. ... That [meeting] was my first time to know Pol Pot. ... I was called to attend the meeting, and he gave a lecture and I listened to the lecture. He told me that the Vietnamese troops had arrived in Svay Rieng, and he told me to mobilize the forces to resist the Vietnamese.

Momentarily detouring from this topic, Mr. Arun asked Mr. Thy to elaborate on his military history. Mr. Thy advised that he "was a combatant from 1975 to 1976 and then I became a commander of a battalion." He said he was trained within his unit and "learned on the job, in fact." Returning to the subject of the Pol Pot meeting, Mr. Arun asked the witness to confirm his rank at that time. Mr. Thy responded that he was in charge of a battalion, supervising over 300 soldiers; when he was ordered to attack Vietnamese troops, however, he was ordered to mobilize three battalions and therefore led over 1,000 troops.

Asked why he would have been given authority over three battalions if he only commanded one, Mr. Ty replied, "If the circumstances were urgent, they could assign me to lead other battalions." Mr. Arun asked about Pol Pot's comments concerning the annexation of Cambodia into the Indochinese federation. Mr. Thy commented:

[H]e said that at other meetings as well. He told us to be cautious with Yuon,⁵ and he also told us about that at the meeting at Kampong Chhnang. After the war with Lon Nol, we had to focus on rebuilding the country, and we had to defend the country if our country was invaded. This was the advice from him. We had to love our country. We had to love our people. ... I heard [some of these comments] from others because I stayed there only a short time.

The defense counsel advised that in another part of Mr. Thy's OCII interview, he had testified to the investigators that Pol Pot had instructed about the necessity of arranged marriages. Mr. Arun asked whether the witness had heard this personally. Mr. Thy explained, "Regarding marriage, it was not prohibited at that time, but of course Cambodian people had to respect traditions. If you loved someone, you had to request marriage. I was married during that period as well. No one forced us to get married." He continued, "They said that Cambodia had more land, big land, and

⁵ This is a derogatory Cambodian term for the Vietnamese.

we needed more people to live in [it] ... 20 to 30 million, in order to defend our territory, our land. Of course, marriages were arranged in respective units.”

Pressed to take a position on whether or not marriages were arranged, Mr. Ty said, “In some units, the head of the units would need to study first who would like to get married, but the marriages were arranged with consent from both sides. ... They were not forced to get married. We got married of our own volition.”

President Nonn interjected and advised Mr. Arun that he was straying from the current scope of the trial, which did not include the allegation of forced marriages. Mr. Arun said that his questions related to the record of Mr. Thy’s OCIJ interview. The president responded that this document covered all of Case 002 but the Trial Chamber was now considering only Case 002/1 and questions should be framed as such. Mr. Arun dutifully shifted back to the witness’s testimony concerning the need to lead three battalions to fight the Vietnamese. He asked Mr. Thy where he was at this time and how long he fought the Vietnamese. Mr. Thy recalled, “When we arrived at Svay Rieng, we established a new division, and the troops of one regiment were integrated into a new Division 340 stationed at Svay Rieng market. At that time, Svay Rieng was an empty town. There were houses without people.”

Again, the president cautioned Mr. Arun to be careful, explaining that Case 002/1 was concerned with events up to early 1977 and the current topic did not appear to be relevant to this trial. Mr. Arun thanked the president but persisted with his line of questioning, asking Mr. Thy how long he was in Svay Rieng and whether he was the commander of a new Division 340. Mr. Thy advised that the division was “co-commanded with another person who ... was also called Thy.” Mr. Arun asked whether Mr. Thy knew someone called Chhouk Rin when he had been in the east.⁶ The witness denied knowing Mr. Rin.

Mr. Arun asked the witness whether he ever saw Minister of Defense Son Sen while he was stationed in the East Zone. Mr. Thy stated, “I met him ... on some occasions, when we discussed plans to deal with the Vietnamese. ... Every time I met him, there [were] some plans to be discussed ... but I cannot precisely say how many times I met him.”

Finally, Mr. Arun noted that Mr. Thy had told the OCIJ investigators that he “did not want to get involved [with the ECCC] because it is useless.” He asked Mr. Thy what made him decide to get involved after all. However, the president advised the witness not to answer this question as it had “nothing to do with the proceedings,” prompted Mr. Arun to cede the floor to his colleague Mr. Koppe.

“People Were Decapitated” By Shrapnel from the American Bombing Campaign

Mr. Koppe asked the witness if he had a revolutionary name. Mr. Thy said that he was sometimes called “Au,” which means “father.” Mr. Koppe asked if it also means “a modest and gentle man.” Mr. Thy responded, seemingly by way of denial, that “as a senior or elderly person, people treated me like a father, like a dad.”

⁶ Mr. Rin was the witness who had testified in the ECCC immediately preceding Mr. Thy.



Mr. Koppe inquired whether Mr. Thy had engaged in combat with Lon Nol soldiers between 1970 and 1975. The witness testified instead that “in 1975, after the victory, I had to move to the border area to do farming.” He then confirmed, after Mr. Koppe explained his initial question, that he had fought Lon Nol soldiers but did not “remember the exact locations where we engaged in the fighting because this happened a very long time ago.” Mr. Koppe asked whether Khmer Rouge soldiers captured Lon Nol soldiers. Mr. Thy said that he “had little interest in this, but to put it simply, during the war, there could have been people captured [from] both sides.” Mr. Koppe asked

about their fate, but Mr. Thy said that he did not know.

Turning to the topic of American bombings, the defense counsel inquired whether Mr. Thy’s unit ever experienced American bombing raids. Mr. Thy agreed, relaying:

Between 1970 and 1975, Americans dropped bombs, B42 bombs, day and night. People could not sleep because of these bombs. The craters from these bombs are still obvious in paddy fields across the country, and a lot of people were killed. As a soldier ... I had to take refuge somewhere near the enemy barracks.

Mr. Koppe asked the witness whether he saw the results of the bombing raids among villagers. Mr. Thy confirmed that he did, in Kampong Chhnang, where “bombs were dropped on the homes of the villagers. Cattle, people were severely injured. People were decapitated because of the impact from the shrapnel of these bombs.”

Evacuation of Phnom Penh and Various Details about Military Operations

Mr. Koppe asked if the witness had participated in the liberation and evacuation of Phnom Penh. Mr. Thy said:

During the time when Phnom Penh was liberated, I was in a company. We engaged in this liberation. We patrolled National Road 4. ... I was not holding a senior enough position to know about the evacuation plan of the city, but I noted that people were evacuated, because I could see people waving at us. ... I was at the location at the intersection where [National Roads] 3 and 4 meet.

Mr. Thy was a company commander at the time of the evacuation, he said, but he could not recall when he became a battalion commander. Mr. Koppe asked if he could hazard a rough guess, to which Mr. Thy responded that he had become a company commander “a few months before” the liberation and was promoted to battalion commander “about four months after Phnom Penh was liberated.”

Mr. Koppe noted that in his statement to the OCIJ, Mr. Thy had testified having been a Regiment 15 commander when he had attended the meeting with Pol Pot. Asked to explain this, Mr. Thy said, “After that, there was a new arrangement, and people were promoted. As the head of a battalion, I was promoted to be the commander of a regiment. I was later installed as the

commander of Regiment 15 of Division 1.” He continued, “A short while after I arrived in Svay Rieng, our regiments were integrated to become a newly established Division 340. As this newly established division was in place, I was not the commander of this division. It was another person by the name of Thy. I was his deputy.”

When pressed for further details, the witness said, “There was only one division, Division 1, in the West Zone. Pech Soeun was the commander of the division. The commanders of the other military units were stationed on the islands, or in the forest, in order to defend the country. This is why they could not attend that meeting.” He explained further, “Their main duty was to defend the country, and the meeting may not have been so necessary because we just listened to lectures.”

However, he denied being the commander of Regiment 15 of Division 1 when he attended the meeting with Pol Pot in June 1978; he said instead that it was a person named Rom. This prompted Mr. Koppe to ask if Mr. Thy had re-read his record of OCIJ interview before today. Mr. Thy confirmed this but suggested that he may not have given enough detail during the interview. Mr. Koppe said that he continued to ask about this, because in his OCIJ statement, Mr. Thy had said that “even battalion commanders were allowed to attend,” which the defense counsel said could imply that battalion commanders were of a lower rank than Mr. Thy’s rank at the time. The witness remarked generally that he did not know the ranks of the meeting participants and “just went over there. I did not know about the others.”

As to the nature of reporting in the witness’s units, Mr. Thy explained, “I reported in writing to the regiment, and then the regiment reported to the ‘upper echelon,’ but I did not know about that. I did not know how they reported upwards.” As to what the “upper echelon” was, Mr. Thy said that this was “the division level, in which Pech Soeun was the commander.” Mr. Koppe asked whether this meant the witness never reported to the division level but only to the regiment. Mr. Thy agreed that this was true, as “we had to respect the hierarchy.”

This response prompted Mr. Koppe to ask whether the same was true the other way around; that is, Mr. Thy only received commands from the regiment level. Mr. Thy agreed and explained, “Sometimes we would have a whole meeting. Commanders of the regiment, commanders of the battalion, would be called to the meeting, and then the head of the division would come to lecture.” Asked whether division heads ever instructed him directly, Mr. Thy said, “I did not know about that. I got it from the regiment, and then the regiment got it from the division. I think it was like that.” As to who commanded the division, Mr. Thy advised that this was beyond his knowledge.

Mr. Koppe asked how orders were commanded. Mr. Thy responded, “The division called commanders of the brigade to attend a meeting. When they came back, they convened their subordinates and then they gave the plans to their subordinates through a meeting”; Mr. Thy then “conveyed the plan to all the soldiers” in his battalion. As to what would have happened if Mr. Thy had conveyed the plan to soldiers other than those in his battalion, he said, “Commanders of other battalions were also invited to receive the plans. Thus, other units also knew about the plans. But of course, plans were disseminated through their own [communication] lines.” The president then adjourned the hearing for the mid-morning break.

Witness's Knowledge and Details of Pol Pot's Speech in 1978

Following the break, the president asked Mr. Koppe how many questions he had left. Mr. Koppe advised "more than a few," asked how much time he had, and added that the Khieu Samphan Defense Team required a maximum of 30 minutes. After a brief conference with his fellow judges, the president directed Mr. Koppe to proceed.

Mr. Koppe asked the witness whether his battalion was also involved in ensuring internal security. Mr. Thy said, "In my battalion, we were engaged in defending the country, not in internal security." He was not aware of any security centers in the vicinity of where he was staying. Neither was he aware of the existence of S-21 at the time of the Pol Pot meeting.

Asked whether he knew what Pol Pot's position was in June 1978, Mr. Thy said that "he was pronounced the secretary of the Communist Party of Kampuchea (CPK)." Mr. Koppe inquired if the witness knew the identities of the members of the Central or Standing Committees of the CPK, but Mr. Thy denied this, adding that he "did not meet or know these elder brothers at the top." Neither did he know the difference between the Central and Standing Committees, "because as a soldier, we were never informed or instructed about this. No dissemination of information about this was ever made to us."

As for whether Mr. Thy knew the "objectives" or "policy" of the CPK, Mr. Thy explained, "I only knew two main points: that we were obliged to defend the country, and reconstruct it." He denied knowing Nuon Chea in June 1978, stating, "I never met him. I did not know him at that time." Asked if he met Mr. Chea after 1978, Mr. Thy explained that he was, by then, "fully engaged with fighting the Vietnamese and ... lost any connection with any of these people, including Nuon Chea. No, I had not met him since [then]." Mr. Koppe asked if Mr. Thy knew some of the senior leaders, such as Vorn Vet or So Phim. Mr. Thy denied knowing Vorn Vet but said he had "heard of" So Phim.



Nuon Chea (center) and So Phim (right) visit the Cambodian countryside during the Democratic Kampuchea period. (Source: Documentation Center of Cambodia / Archives)

Returning to the meeting with Pol Pot in June 1978, Mr. Koppe asked Mr. Thy if he could recall in any more detail what Pol Pot had said about foreign aggressors. Mr. Thy responded:

We were lectured on how to be cautious regarding the spies: KGB agents and CIA agents. We were asked to be vigilant, and to make sure that these people could not infiltrate our system. Otherwise, they would pose great risk to the country. ... I met [Pol Pot] very briefly before I left for the border area. With that, I was not there long enough to hear Pol Pot talk much about [the Vietnamese].

Mr. Koppe asked Mr. Thy about his own experience in June 1978 with respect to Vietnamese aggression. Mr. Thy said that they understood “the term ‘aggression’ to be a bad term, and ‘aggressors’ to be bad people. We didn’t like them.” The defense counsel asked if Pol Pot’s comments concerning the Vietnamese were consistent with Mr. Thy’s experience. Mr. Thy replied, “I witnessed the encroachment by the Vietnamese troops into Cambodian territory.” Mr. Koppe asked whether Pol Pot specified who the aggressor was. Mr. Thy said that he did not, just that “our neighbor to the east was invading us.”

Next, the defense counsel queried whether Pol Pot said anything about food conditions within Cambodia. Mr. Thy confirmed that Pol Pot did and asked people if they had enough food in their cooperatives and, if there were food shortages, what the solutions might be. “People responded that they had enough food in their cooperatives, and if the food was short, they had their own means of dealing with this,” Mr. Thy said. He did not know whether Pol Pot had some concerns regarding food production.

Concerning Pol Pot’s comments on internal enemies within Kampuchea, Mr. Thy recalled, “Enemies were raised in the meeting. We were told that after the country was liberated, people were liberated, but their mentality was not yet free or, in other words, liberated.” On whether Pol Pot spoke about purging these enemies, Mr. Thy responded, “I think there were people specialized in this area,” but he himself did not know about this. The defense counsel asked whether this meant that the witness did not have any knowledge about purges of cadres in, for example, the East Zone. Mr. Thy agreed that this was an accurate characterization.

Mr. Koppe asked Mr. Thy if he could be more specific about the words that Pol Pot had personally uttered to Mr. Thy. Mr. Thy obliged, and said, “The meeting was very brief. He said that I had to gather forces to be transferred to the border area to fight the Vietnamese. I didn’t have much time to talk to him. I then moved to the border area with the troops. We lost contact for the following years.”

As to whether these comments related also to cadres from the East Zone or only Vietnamese troops, Mr. Thy said, presumably in reference to the treatment of East Zone cadres, that Pol Pot did not “say anything specifically on this.”

Pre-April 1975 Period

As the Nuon Chea team had completed its questions, Mr. Lysak took the floor for the prosecution. He first directed the witness to the pre-April 1975 period and explained that Mr.

Thy was the second witness to have testified from Division 1, the first being Meas Voeun *alias* Svay Voeun.⁷ Mr. Lysak explained that Mr. Voeun had indicated having been a battalion commander in Division 1, being promoted to regiment commander prior to 1976, and being promoted to deputy division commander under Ta Soeun after 1976. Mr. Lysak asked the witness if he knew Mr. Voeun, but Mr. Thy denied this. This prompted Mr. Lysak to advise Mr. Thy that on October 3, 2012, Mr. Voeun had testified in the ECCC Trial Chamber, stating:

During the fighting along National Road 5, at the time, there were Southwest soldiers to the east of Krokor, up to Kampong Chhnang, and through to Oudong, under overall charge of Ta Mok and then Ta Soeun. We fought all the way to Oudong, but at that time, sometimes we won, and sometimes we lost. By the time we reached Oudong, we had many casualties by the bombardment and by the shelling from the artillery. ... I cannot recall the exact date [when we reached Oudong], but it was around 1973 and 1974. ... We fought all around during both the rainy and dry seasons.⁸

The prosecutor asked the witness if this refreshed his memory about his early military activities. Mr. Thy agreed that it briefly did. He said that he did not engage in the fighting at Oudong itself but in the vicinity, at Commune 5. Mr. Lysak asked if Mr. Thy knew what had become of the civilian population of Oudong after the fighting, but Mr. Thy said that he did not.

Liberation and Evacuation of Phnom Penh and Witness's Experiences Post-Evacuation

Mr. Lysak drew Mr. Thy's attention to his testimony that during the evacuation of Phnom Penh, he had been located at the intersection of National Roads 3 and 4. Mr. Lysak asked if the witness had been referring to the circle to the south of Pochentong Airport. Mr. Thy agreed and explained that "other units had to move into the city and my unit had to remain in this area and we saw people who had to be evacuated from the city."

Mr. Lysak advised Mr. Thy that Mr. Voeun's unit had been required to attack Phnom Penh from Stung Meanchey. Asked from which area his own unit had to attack Phnom Penh, Mr. Thy said that they had to attack from "Samraong railway station," which was "north of Pochentong [airport and] south of Tuol Leap. Mr. Lysak inquired as to when Mr. Thy's battalion was given its orders on the direction from which to attack Phnom Penh. Mr. Thy answered, "I was in a company. I was not the commander of the battalion. I did not know where or from which direction we were to attack Phnom Penh. I just stayed over there." Mr. Thy added, "My unit did not participate in the evacuation of Phnom



⁷ Mr. Voeun testified in the ECCC for four hearing days during 2012. Cambodia Tribunal Monitor's daily blog posts concerning this testimony may be accessed at <http://www.cambodiatribunal.org/blog/2012/10/testimony-military-structure-and-forced-movement-commences> (October 3), <http://www.cambodiatribunal.org/blog/2012/10/khmer-rouge-military-operations-structure-and-purges-detailed-amidst-challenges-eccc%E2%80%99s> (October 4), <http://www.cambodiatribunal.org/blog/2012/10/court-continues-scrutinize-military-structure> (October 8), and <http://www.cambodiatribunal.org/blog/2012/10/further-insights-military-structure-and-challenges-eccc-procedure> (October 9).

⁸ This transcript has the document number E1/129.1.

Penh.” He then clarified, when pressed, that his unit “received the order to attack Phnom Penh” but not to evacuate people.

While other units advanced to Phnom Penh, Mr. Thy said that his remained stationed at the intersection of National Roads 3 and 4 “for around three or four days.” During that time, he observed people leaving the city, and “[p]eople and military officers seemed to be happy. We laughed together. There seemed to be no problems at that time.” Elaborating on his unit’s role, Mr. Thy said that it “just ... stayed over there ... at that location ... and that’s all.” Pressed for more details about the departure of people from Phnom Penh during the evacuation, the witness said, “I just saw people leaving the city. They left the city from the day Phnom Penh collapsed.” He denied receiving any orders to help those people.

After the evacuation, Mr. Thy’s unit “went to National Road 3. We took rocks from Chiso Mountain⁹ to repair the road.” He could not recall how long they remained on this task. His unit then “did farming. ... At that time, there were no cattle. There were no plows. We used our hands. We did the farming near Pochentong.” The witness was unable to recall how long he stayed in this location undertaking farm work. Next, the unit was “stationed at Banteay Longvek,”¹⁰ which Mr. Thy confirmed was the headquarters of Division 1. He recalled, “At Longvek, we did farming,” and confirmed, when asked, that he stayed in Longvek until he went to Svay Rieng.

Details on Military Structure and Witness’s Movements

Mr. Lysak moved on to questions concerning military structure. He first relayed a number of statements Mr. Thy had made to the OCIJ regarding his military positions:

- At the time of the 1978 meeting with Pol Pot, “I was in Prey Nub prong, Kampong Som ... in Division 1 of the West Zone.”
- “When I was called to the meeting with Pol Pot ... as a member of Division 1 and the commander of Regiment 15, Pol Pot must have known about me and my position.”
- “In early 1976, when Division 502 was established and Sou Samet became its commander, Ta Soeun became the commander of Division 1, Ta Sary deputy commander, and I became the commander of Regiment 15.”

Mr. Lysak asked the witness to clarify the chronology of his rise through the military ranks. Mr. Thy said he was promoted to regiment commander and “shortly after” was sent to Svay Rieng. When he was promoted to the rank of regiment commander, Mr. Thy had been located “along National Road 4 near Sre Ambel; ... it was Sre Ambel district, in Prey Nub.”¹¹

The prosecutor asked if there was a period in which Division 1 was transferred from the Southwest Zone to the West Zone. Mr. Thy agreed, explaining, “My unit was stationed along National Road 4 ... in the forest along that national road.” Seeking more clarification, Mr. Lysak asked if Longvek was located in Kampong Chhnang. Mr. Thy confirmed this. Mr. Lysak noted that it appeared that Mr. Thy’s unit had at some point moved to Sre Ambel. He asked when this

⁹ This is located in Takeo province.

¹⁰ This is located in Kampong Chhnang province.

¹¹ This is located in Kampot province.

occurred, but Mr. Thy said he had forgotten, though he did confirm that Sre Ambel was in the West Zone and north of National Road 4. Mr. Lysak asked if Mr. Thy could recall Sre Ambel being part of Sector 37 of the West Zone. Mr. Thy confirmed that it was. The president then adjourned the hearings for the lunch break.

Military Communications

Following the lunch break, a new audience of approximately 100 members of a youth association took their seats in the public gallery. They heard Mr. Lysak begin the afternoon session by directing Mr. Thy to his previous answer to the OCIJ on military communications, in which he had said:

In Division 1, I had to report to the commander, Ta Soeun, but did not copy to others besides the commander. But I knew that he had to report to his upper echelon because it was the way military affairs went. For the mode of reporting, I used communication radio C-25 to report to the division leadership.

The prosecutor asked Mr. Thy how he sent written reports. Mr. Thy said he used messengers. Asked what the C-25 radio was used for, Mr. Thy said it was used “occasionally, for communication” and “would be kept [with him]” when he needed it and transferred to the division when it needed it. Mr. Thy advised that Commander Soeun was stationed at Longvek. Mr. Lysak then read another extract from the OCIJ interview, in which Mr. Thy had said, “I used to receive some telegrams involving plans and activities only from division leadership. Such telegrams were translated from the original ones, which contained secret codes. ... [These telegrams were] copied to other leaders [and] mentioned the enemies’ activities.”

The prosecutor was permitted to show the witness three telegrams:

- Telegram 28 from Soeun, of the West division political section on August 12, 1977, regarding enemy jets flying over Koh Kong islands. There was a handwritten annotation in which the report was sent from “Khieu” to Angkar.¹²
- Telegram 32 from Soeun, of the West division political section on August 24, 1977 to “Beloved and Missed Brother.”¹³
- Telegram 1 from Soeun on March 31, 1978, regarding the capture of three Thai boats and the arrest of one person, and copied to “Uncle Nuon,” “Brother Van,” and “Documentation.”¹⁴

Mr. Lysak asked if these telegrams were similar to the ones Mr. Thy saw regarding enemies. Mr. Thy advised that they “were not the same as those used for our communication and reporting. I think that we did report on the internal enemy at that time, but I am not familiar with this form of reporting.” Asked to elaborate on the differences, Mr. Thy explained, “The telegrams you are presenting to me were produced by people who were in charge of the national affairs. I was holding a low-ranking position and would not be able to know something about this.” Mr. Lysak asked whether the telegrams Mr. Thy saw were written by Commander Soeun or other leaders.

¹² This telegram has the document number E3/1031.

¹³ This telegram has the document number E3/1033.

¹⁴ This telegram has the document number E3/1001.

The witness responded that he “had never received any telegrams from any people above the division” and that reports were issued from division level “downwards.”

Communication of Party Lines

Mr. Lysak turned to the topic of communication of Party lines. He focused first on the witness’s attendance at the meeting with Pol Pot in 1977. He noted that Mr. Thy had testified to the OCIJ that “Pol Pot chaired the meeting, and spoke from the beginning to the end for almost one week.” He also testified as to the types of attendees at the meeting and recalled:

Pol Pot also asked the participants who were cooperative chiefs, sub-commune committees and district committees, whether people at the base level had sufficient food. Most cooperative committees responded that their people had sufficient food. Only a few said that they did not have sufficient food. Pol pot also asked where the harvested rice went. These subcommittees said that the rice production was not good. Pol Pot stated, “The surplus of rice must be exported to exchange [for] agricultural materials from other foreign countries.”

Mr. Lysak asked Mr. Thy if the meeting participants were all from the West Zone. Mr. Thy said, “I don’t know all the participants because people were not introduced and [did not] tell where they were from.”

The prosecutor presented to the witness an excerpt from the West Zone monthly report for July 1978. The excerpt was as follows:

In July 1978, we organized education sessions to educate cadres and Party members from all sectors in the zone. The attendees in gen included members of the sector and district committees, commune cooperatives, and Party members. At the same time, we opened education sessions to educate the core organizations ... including Youth League and base people.

The documents used for education were taken from all seven documents of the Party. They were documents which the Party used to educate us in June. We took some parts of the documents to use in general study. The result of the education sessions shows that cadres, Party members and core organizations have understood and absorbed well from all documents, especially about the lines on country defense, organizing socialist revolution, and construction of socialism on all sectors. They also understood well that the main factor here was to build leadership forces and to destroy the hidden enemy burrowing from within. They also understood clearly and absorbed well about the Party’s method to increase friends and reduce enemies.¹⁵

Mr. Lysak asked if, after the meeting with Pol Pot, documents were distributed. The witness responded instead that he never attended meetings after the June 1978 meeting as he was

¹⁵ This report has the document number E3/1094, and the relevant ERNs are 00143611 to 12 (in Khmer), 00315376 (in English), and 00593532 (in French).

transferred to the border. Mr. Lysak explained that he was interested in the distribution of documents at the June 1978 meeting. Mr. Thy said that there was none.

Next, Mr. Lysak showed the witness a document dated June 20, 1978 and entitled *Guidance of the Central Committee of the Communist Party of Kampuchea on The Party's Policy towards Mised Persons Who Have Joined the CIA, Served as Yuon Agents, or Joined the KGB and Opposed the Party, Revolution, People, and Democratic Kampuchea*.¹⁶ The president permitted Mr. Lysak to proceed but cautioned that he first had to ask whether the witness had seen the document before; if not, the document had to be withdrawn.

Before Mr. Lysak could continue, however, Ms. Guissé objected that as Mr. Thy had said that he had not seen documents at the June 1978 meeting, she did not understand the point of showing the document to the witness. Mr. Lysak said that the point was that “sometimes witnesses forget things” and this was an attempt to refresh the witness’s memory. A court officer then handed the document to the witness and asked if he had ever seen it before. Mr. Thy denied this, at which point the president had the document removed from him.



Moving on, Mr. Lysak noted that in Mr. Thy’s OCIJ interview, he had testified receiving and reading the *Revolutionary Flag* magazine monthly. The prosecutor asked how the witness received it. Mr. Thy said it was “distributed to soldiers for reading.” Mr. Thy had also testified to the OCIJ that he had read about KGB and CIA agents in the *Revolutionary Flag*. With this, the prosecutor was granted leave to show the witness a copy of the May-June 1978 issue of the *Revolutionary Flag*.¹⁷ The witness advised, when asked, that he recognized the documents as the *Revolutionary Flag*. Mr. Lysak referred the witness to two excerpts from that magazine:

The heads we must attack are CIA, Yuon, and KGB. Since 1975, the forces that have attacked us are all nothing other than CIA and Yuon. The contemptible Chakry, the contemptible Chhouk, the contemptible Thuch, the contemptible Doeun, the contemptible Phum, the contemptible Sy, the contemptible Keo Meas, and the contemptible Chey were all CIA. The only difference is that some were more on the American side while others were more on the Yuon side. Document after document show that they were initially together with the contemptible Nol to attack the Communists.¹⁸ Our duty is therefore to attack absolutely, powerfully, and successively these CIA, Yuon, and KGB agents: to attack them and attack them again, so that they are liquidated and successively liquidated again and again.¹⁹

¹⁶ This document has the document number E3/763.

¹⁷ This magazine has the document number E3/727.

¹⁸ The relevant ERNs are 00064566 (in Khmer), 00185333 (in English), and 00524460 (in French).

¹⁹ The relevant ERNs are 00064578 (in Khmer), 00185342 (in English), and 00524469 (in French).

Mr. Lysak asked whether this was an example of the type of statements Mr. Thy read in the *Revolutionary Flag*. Mr. Thy responded, “Those who were regarded as KGB, Yuon, or CIA agents, I did not know about those people. I did not know about that. They did not tell me at all.”

The prosecutor noted that one of the people referred to in the excerpt was “the contemptible Sy.” Mr. Lysak asked Mr. Thy if this was the person in charge of the West Zone, known as Chou Chet *alias* Sy. Mr. Thy said that he did not know who this was “because they changed their names during the period. Of course I heard the name Sy, but I did not know of that person.” The prosecutor noted that in Mr. Thy’s OCIJ interview, he had referred to Ta²⁰ Sy being in charge of the West Zone and being absent from the June 1978 meeting. Mr. Thy said that he “did not know about the reason [for his absence] because that was at the national level, so low-ranking cadres could not understand that.” Neither did Mr. Thy know Chou Chet’s wife, Im Nen *alias* Ly.

At this point, Mr. Lysak advised the court that the following documents were on the case file:

- Documents showing that Im Nen *alias* Ly, secretary of the Oudong district, was admitted to S-21 and reported to Angkar on April 11, 1978.²¹
- S-21 confession documents of West Zone secretary Chou Chet *alias* Sy S-21 reported on April 14, 1978.²²

Mr. Lysak asked Mr. Thy about the fact that the witness had been at a meeting in June 1978, just some weeks after the West Zone secretary had been admitted into S-21, suggesting that there was surely some discussion about this situation at the June 1978 meeting. The witness responded, by way of apparent denial, that “the situation was no more.” As to whether he ever learned the fate of Ta Sy, Mr. Thy said, “I only knew after the Vietnamese forces came to Cambodia; at that time, I knew that Ta Sy had been arrested already.”

Finally, Mr. Lysak referred the witness to his testimony to the OCIJ about the consolidated troops in Svay Rieng, in which he had mentioned that artillery and tank units belonged to the Central Committee. The prosecutor asked the witness what he had meant by this statement. Mr. Thy said, “The artillery and the tank units belonged to the Ministry of Defense, so there had to be an order from the top. For the local units, we did not have artillery or tanks at all.”

Civil Party Lawyers Seek Clarification on a Range of Issues

At this point, National Lead Co-Lawyer for the civil parties Pich Ang took the floor. He first asked the witness which unit attacked Phnom Penh before April 1975. Mr. Thy said, “At that time, I was only a low-ranking soldier. They just told me that all the divisions from different zones cooperated to coordinate the attack on Phnom Penh, but of course I did not know about that.” Concerning the evacuees from Phnom Penh, the civil party lawyer asked the witness to describe the types of people evacuated. Mr. Thy explained, “A lot of people came out, a lot of cars, many people. I could not say who they were. ... At that time, we were happy with them.” He continued, “Some drove their cars. There were young people, there were children, there were

²⁰ Ta is a Khmer honorific signifying grandfather.

²¹ This file has the document numbers D159/5.35 and E3/2468.

²² This record has the document number E3/1682.

old people, of course there were. ...When we met them, we shook hands with each other, and I did not pay attention to their difficulties. I did not know about that at that time.”

Mr. Ang inquired whether the witness had seen people evacuated only on the first day of the liberation. The witness replied instead that he saw these people leaving Phnom Penh spread “all over the road.” The witness said that these people “looked normal. They talked with us; they told jokes.”

The civil party lawyer asked the witness if he encountered Lon Nol soldiers at that time. Mr. Thy explained that he was “not sure about that. I just saw a lot of people. Some soldiers came out. They were not armed.” As to the existence of any Khmer Rouge arrangements for food and medical treatment, Mr. Thy advised that he could not respond on this because “I know nothing about that. ... I was only in a low-level unit. I was told that the authorities at the base were responsible for receiving those people, in fact.”



With respect to accused person Nuon Chea, Mr. Ang noted how the witness had testified having seen Nuon Chea in Phnom Penh in 1977. The civil party lawyer asked Mr. Thy what Mr. Chea was doing at that time. Mr. Thy responded:

I saw him when I visited to Phnom Penh after the victory. At that time, I did not know he was Nuon Chea. During the fighting, during the war with Lon Nol, I did not hear of his name, I did not know of him either. ... At that time, I just came to Phnom Penh and I saw him, but I did not talk to him at all.

On the subject of Khmer Rouge policies on marriage and the need to increase the population to 20 or 30 million people, Mr. Ang asked whether this slogan could be seen in other parts of the country. Mr. Thy agreed that these types of slogans “could be seen in all the workplaces” and “were stuck on the wall only where there were study sessions or ... meetings.” However, before this discussion could proceed further, Mr. Sam Onn was given the floor. He objected that marriages were not within the scope of the trial and that the witness had already testified that people got married voluntarily. Mr. Ang responded that he had been citing Mr. Thy’s own statements and Mr. Arun had also asked questions on this topic today, and he believed the question was appropriate. The president disagreed, however, directing Mr. Thy not to respond to the question as it was irrelevant.

Moving on, the civil party lawyer questioned whether people were free to ignore or disobey orders. Mr. Thy disagreed and said simply, “Orders had to be followed.” Mr. Ang queried whether Mr. Thy could cite any examples of disobedience with orders and the consequences. Mr. Thy replied, “In the army, each soldier had to fully obey the instructions and the orders. No one disagreed with them.”

Turning to the June 1978 meeting with Pol Pot, Mr. Ang asked whether any soldiers from communes attended the meeting. Mr. Thy said that he “believed” this was so and that all attendees at the meeting “were wearing black clothes.” The witness could not shed any further light on where the attendees were from, however. Mr. Ang asked whether the witness could identify anyone sitting in the dignitaries’ seats. Mr. Thy advised that he saw only Pol Pot.

After the mid-afternoon break, Mr. Ang asked the witness to elaborate on his earlier testimony that Pol Pot had raised the matter of internal enemies at the Kampong Chhnang meeting and cautioned people to be careful of internal enemies. Mr. Thy obliged and explained, “We were told that we won the victory over the Lon Nol regime, and we had to be very careful not to allow this imperialist regime to return.” Mr. Ang said that Mr. Thy’s OCIJ statement included a reference to “ideology” and asked what this meant. Mr. Thy replied that it “referred to our way of thinking” but could not provide any further explanation of what this meant.

Referring to the witness’s testimony that he learned of Pol Pot’s role in the CPK through a radio broadcast, Mr. Ang asked how this was carried out. Mr. Thy responded, “After April 17, 1975, there were several radio stations. ... They took advantage of having functioning radio stations to broadcast this [information] to the whole nation.” Asked what kind of information was broadcast, Mr. Thy said, “I can’t say more precisely on this, but what I still recollect is that we heard about how we would be expected to do farming, to grow crops, so on and so forth.” He also confirmed hearing about the three tons per hectare plan over the radio. Mr. Thy denied, however, hearing about CPK marriage policies, explaining that he heard about it instead “through [my] local superiors ... at local level.”

Asked whether he heard any senior leaders’ names broadcast on the radio, Mr. Thy confirmed that he heard “Pol Pot, Nuon Chea, and Khieu Samphan’s names being mentioned on those programs.” Mr. Thy could not, however, recall hearing information about their roles or functions. Finally, Mr. Ang asked whether the witness had ever heard broadcasts mentioning the “seven super traitors.” Mr. Thy denied this.

Evacuation Conditions and Internal Security

International co-lawyer for the civil parties Emmanuel Jacomy then took the floor. Directing the witness again to his experience of the evacuation of Phnom Penh, Mr. Jacomy to the testimony of another witness on October 19, 2012, on the evacuation conditions, in which he described seeing crowds of people along the road, corpses, and people trampled, car drivers pulled out and executed, as well as some families being separated.²³ Mr. Jacomy said that this testimony had been confirmed by many civil parties who had come to testify and asked Mr. Thy whether he indeed saw the evacuees and “genuinely believed they were happy.”

²³ The relevant ERNs are 00855227 (in Khmer), and 00855698 (in English). This testimony was given by the civil party Yim Sovann. Cambodia Tribunal Monitor’s blog post reporting on this testimony may be accessed at <http://www.cambodiatribunal.org/blog/2012/10/civil-party-speaks-evacuation-after-tense-document-debate>.

However, before Mr. Thy could respond, Mr. Koppe objected that what Mr. Thy “believed” was not relevant, only what he had “seen,” thus the question should focus on the witness’s knowledge. Mr. Jacomy rephrased, asking if this testimony refreshed Mr. Thy’s memory about the conditions during the evacuation. At this point, the president checked whether the witness had heard the question in Khmer. The witness confirmed that he had, although both the president and Mr. Sam Onn indicated that they had only heard French through the Khmer translation channel. The president then advised Mr. Jacomy to speed up if possible. Mr. Thy advised that he saw that “people were happy” and did not see any corpses.



Next, Mr. Jacomy asked whether the witness undertook any arrests of civilians in Sector 37 in the West Zone. “There were no civilians arrested in the sector where I worked,” Mr. Thy replied. In an attempt to refresh Mr. Thy’s memory, Mr. Jacomy proceeded to read to the witness an extract from a civil party statement:

During the night, I was sleeping with my wife, who had been ordered to go and harvest potatoes in the area. A soldier named Aok came to call me, perhaps at 9 or 10 in the evening, telling me to repair a machine in a paddy field that night. I said that it might be to repair a machine, because normally speaking, civilians came to me for that sort of purpose, not Khmer Rouge soldiers. Once I got to the paddy field, I saw soldiers waiting on the route, and I knew I was going to be arrested ... because of the soldiers there. As soon as I got down from the trailer, I was tied up and put into a hut.²⁴

Mr. Jacomy asked whether this refreshed the witness’s memory. Mr. Thy denied this, stating that no one was ever arrested in his sector. Continuing on the theme of internal security, Mr. Jacomy noted that during the hearing this morning, Mr. Thy had denied being aware of the existence of a security center in his region. However, Mr. Jacomy continued, Mr. Thy said the opposite in his OCIJ interview, stating, according to the record, “I knew that Koh Kyang [security center in Prey Nub] was established in 1978 for detaining the lazy and those who met in secret.”²⁵ To refresh Mr. Thy’s memory on Koh Kyang security center, Mr. Jacomy read to the witness an extract from the statement of a civil party who had lived in the area and was arrested and taken to that security center. The statement was as follows:

In 1977, one day, at 7 p.m., the unit chief named Kan came to call me and took me to the soldier station near the Prey Nub commune center in Prey Nub district, Kampot province. When I arrived there, the soldiers detained me at their place for three nights. In the first evening, two soldiers, names unknown, took me to be interrogated. They asked me if I had stolen rice to eat. At that time, I repeatedly answered them that I had not done it. They then grabbed a hoe handle to strike me

²⁴ This statement has the document number E3/1745, and the relevant ERNs are 00304334 (in Khmer), 00338390 (in English), and 00485416 (in French).

²⁵ The relevant ERNs are 00485628 (in Khmer), 00513318 (in English), and 00520461 (in French).

three times on my back until I became unconscious. In the second evening, they took me out to be interrogated again. They still asked me the same question, about if I had stolen rice. When I still denied it, they struck me with the hoe handle until I fainted again. In the evening of the third day, the soldiers took me to Koh Kyang prison in Koh Kyang village, Sre Cham commune, Prey Nub district, Kampot province. When I arrived in Koh Kyang prison, they shackled my ankles and tied up arms for 24 hours. In that prison, once every two days, they took me out to be interrogated.²⁶

Mr. Jacomy asked whether this statement reminded Mr. Thy of anything, in particular soldiers taking civilians into the security center. Mr. Thy responded:

Allow me to make it clear that I [was] not involved and I don't know anything about this. Soldiers had nothing to do with internal security duties. But I have heard that something happened in that area. I just don't know whether it was under the control of the military or civilians. ... I heard that there was a security center at Koh Kyang. I had already left the area to the border, and I had no more information about this since.

The president advised at this point that Mr. Jacomy had run out of time. The latter responded that he was, in any case, at the end of his questions.

Khieu Samphan Team Seeks Clarification on Witness's Past Statements

Mr. Sam Onn took the floor for the Khieu Samphan team at this point. For his first topic, he revisited the issue of when the witness had become the commander of Regiment 15. The defense counsel asked the witness whether he was the commander of Regiment 15, or whether it was the person he had identified named Rom. Mr. Thy explained, "In the command position, there were three individuals: the head, the deputy head, and the member. I was part of the committee, but as a member. ... I said I was in the commanding committee of Regiment 15, but not the commander itself." Mr. Thy then confirmed, when asked, that he had been the deputy commander.

Next, and with reference to the June 1978 meeting with Pol Pot, Mr. Sam Onn asked the witness whether he knew Pol Pot very well. Mr. Thy said, "It was during that time that I knew him. I never knew him before. Indeed, I had heard of him before, but I had never had an opportunity to meet him [before the meeting]." Mr. Thy then confirmed that his colleague advised him that the speaker was Pol Pot. When he met Pol Pot personally, Mr. Thy continued, Pol Pot did not identify himself, rather Soeun advised Mr. Thy that it was Pol Pot.

Mr. Sam Onn asked the witness to describe the person identified as Pol Pot. Mr. Thy said that he did not know how to do this, but when pressed, said that "he was a person of fair complexion and had a very nice smile. He was a very popular person and a very friendly person indeed."



²⁶ This statement has the document number E3/1746, and the relevant ERNs are 00535741 (in Khmer), 00850561 (in English), and 00858561 (in French).

The defense counsel referred the witness to the statement which he had alleged Pol Pot made concerning the use of rice surpluses. He asked the witness whether he stood by his statement that it was Pol Pot who discussed this issue. Mr. Thy confirmed this, though he said that he did not hear this statement “in person; I heard it from others. But when I worked in my unit, I could hear other colleagues talking about this same statement.” Mr. Sam Om asked the witness where he heard this said, but Mr. Thy said that he could not remember, and when pressed, said that this “statement was said during study sessions long before I met him.”

Final Clarifications: Witness’s Military Experience

Ms. Guissé took over from her colleague and asked Mr. Thy to confirm some answers he gave to Mr. Lysak today. First, she asked Mr. Thy whether it was indeed the case that in 1975, he was made to do farm work. Mr. Thy confirmed this. Next, Ms. Guissé asked whether the witness participated in “military confrontations” between the time in which he was made to farm work and June 1978. Mr. Thy said, “During that period, I was responsible for defending the country, but ... I did not engage in any conflict during that period.”

Mr. Thy also confirmed, when asked, that during the period mentioned, he was exclusively involved in farm work. Ms. Guissé asked for a detailed description. Mr. Thy responded simply, “My base was in Longvek ... and we did farming over there.” Pressed for further details, Mr. Thy said, “We transplanted rice for eating to support the unit.” Ms. Guissé queried whether Mr. Thy worked with civilians or only with other soldiers. Mr. Thy advised that civilians and soldiers performed farm work “separately.”

Ms. Guissé asked whether Mr. Thy had “any problem” with performing farm work instead of carrying out military services. Mr. Thy said, by way of denial, “I did not receive any orders. If we did not grow rice, what would we have for food? According to the slogan, we had to grow rice to support ourselves. Soldiers had to do farming in order to support ourselves as well.”

At this point, the defense counsel returned, as with other counsel today, to the subject of the June 1978 meeting with Pol Pot. She first asked the witness how he was summoned to that meeting. Mr. Thy explained, “The division commander, Pech Soeun, called me to attend the meeting. When I was told by the division commander, I went to attend that meeting.”

Switching tack again, the defense counsel asked whether, between the liberation and the June 1978 period, Mr. Thy also carried out military work. The witness advised that they exclusively performed farm work and their weapons were put in storage. Ms. Guissé asked whether this meant that when Mr. Thy’s troops were called to defend the eastern border, he was commanding a unit that had not seen battle for three years. Mr. Thy confirmed this was so. This prompted Ms. Guissé to ask whether he was given a reason for being summoned to that meeting, in light of his military inactivity. Mr. Thy denied this.

Turning to a final topic, Ms. Guissé noted Mr. Thy’s comment that the weapons had been put in storage and asked the witness whether, when his troops went to Svay Rieng, he used the weapons that had been in storage for three years. Mr. Thy confirmed this and added, “It took a long time for the soldiers to be mobilized, and it was too late; the Vietnamese were in Cambodia already.”

Ms. Guissé advised that she had finished her questioning and the few remaining minutes should be considered as a way of excusing the time taken for her request at the outset of today's hearing. The president then concluded the hearings for the day.

Hearings will resume on Thursday, April 24, 2013 at 9 a.m. with the testimony of witness TCW 570. This witness, who was called by the Khieu Samphan Defense Team, will first be questioned by that team.