



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
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Trial Chamber
Chambre de première instance

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Trial Day 116

Before the Judges: NIL Nonn, Presiding
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
JUDGE CARTWRIGHT	English
MR. IANUZZI	English
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
MR. MEAS VOEUN (TCW-428)	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer

1

1 P R O C E E D I N G S

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 During our last Thursday proceeding, the floor was given to the
6 Lead Co-Lawyers for civil parties, and at that time the national
7 lawyer for civil parties already concluded his questioning. The
8 floor is now given to the international lawyer for civil parties.

9 [09.05.14]

10 The Defence Counsel, you need to first mention the subject matter
11 of what you intend to speak, and please, try not to interrupt the
12 proceeding and the time allocation for each party. So first,
13 please, mention the subject matter that you wish to proceed
14 before the Chamber may give you the floor.

15 And the Chamber has noted that you sometimes do not comply with
16 the instructions and the rules in force in this Chamber.

17 MR. IANUZZI:

18 Thank you, Mr. President. Good morning, everyone. I hope everyone
19 had a pleasant weekend. I'll be very brief. I have two points for
20 this morning.

21 My first point is, very, very briefly, just to quickly
22 rehabilitate the record -- and I'm quoting now:

23 "This is an oral application that I've made. I think, in
24 fairness, we need to hear from my colleagues on this side of the
25 stage, from the Prosecution, and that you'll need to make an oral

2

1 ruling. Now, I see you're all getting up and walking out of here,
2 but you're judges and you need to be able to deal with this
3 matter when it comes up in Court. Walking away doesn't solve the
4 problem."

5 [09.06.44]

6 So, that, of course, was what I said on Wednesday, which was
7 stricken--

8 MR. PRESIDENT:

9 The Chamber will not allow you to proceed with that. Do you have
10 any other subject matter to raise?

11 MR. IANUZZI:

12 Thank you, Mr. President, I do. As I said, I have two brief
13 points. That was my first point.

14 My second point is a request for a clarification, and, very
15 briefly, it concerns something Judge Cartwright said on Wednesday
16 - and, again, I'm quoting:

17 "As an addendum -- because, clearly, you don't fully understand
18 the procedures under which we're working here -- the applicable
19 legal framework that this Court operates under does not provide
20 for striking out as a remedy, so that is not an application that
21 can be seriously considered by the Chamber."

22 [09.07.48]

23 So that's Judge Cartwright on the record: "...the applicable legal
24 framework [...] does not provide for striking out as a remedy..."

25 So the point I'd like to have clarified is the following. Shortly

1 after -- I should say -- not "shortly"; two days after Judge
2 Cartwright spoke those words on the record, she signed what has
3 been styled an "Order to Strike Words from the Record". So I'm
4 very confused. I'm very confused.

5 So that what I'd like to have clarified is, Judge Cartwright has
6 clearly said that striking out is not a possibility, and then the
7 Chamber, under her signature, I believe, went ahead and struck
8 something out from the record.

9 So, if I may just refer to something Judge Hunt of the ICTY once
10 said in relation to the use of judicial language -- and that was
11 in the Milosevic Case, and he himself was referring to something
12 that had been said before by an English judge, Lord Atkin -- and
13 I'm quoting:

14 [09.08.47]

15 "I know of only one authority, which might justify the suggested
16 method of construction. 'When I use a word,' Humpty Dumpty said
17 in a rather scornful tone, 'it means just what I choose it to
18 mean, neither more neither less'. 'The question is,' said Alice,
19 'whether you can make words mean so many different things.' 'The
20 question is,' said Humpty Dumpty, 'which is to be the master,
21 that is all.'"

22 And that, of course, is from Lewis Carroll's "Through the Looking
23 Glass".

24 So--

25 MR. PRESIDENT:

4

1 That is enough, Counsel. You are not allowed to speak on this
2 matter.

3 The floor is now given to the Lead Co-Lawyers for civil parties.
4 You may proceed.

5 MR. IANUZZI:

6 Your Honour, can I--

7 MR. PRESIDENT:

8 You are not allowed to speak on this matter again. It is already
9 on the record and in the transcript that I, as the President of
10 this Chamber, do not allow you to speak on this matter again.

11 The floor is now given to the Lead Co-Lawyers for civil parties
12 to question this witness.

13 [09.10.15]

14 QUESTIONING BY MR. PICH ANG RESUMES:

15 Good morning, Mr. President, Your Honours, parties, venerable
16 monks, and everyone in and around the courtroom. In fact, Mr.
17 President, I have not yet concluded my questioning of this
18 witness. Last time, we, the Lead Co-Lawyers for civil parties,
19 spent 20 minutes on this witness, and we still have one hour time
20 allocation. With your permission, I wish to proceed.

21 Q. Good morning, Mr. Witness, Meas Voeun. I have some more
22 questions to put to you.

23 On Thursday, you said Ta Mok provided you with some trainings.
24 Can you tell the Court, when did he teach you and what were the
25 subject matters that he taught you?

1 MR. MEAS VOEUN:

2 A. Ta Mok had taught me since I was in the forest. However, at
3 that time the topics were different from the times that I learned
4 from him during the time that we attacked. While we were in the
5 forest, he taught us about the status of the country, that our
6 country lack independence and we were under the French
7 colonialism economically.

8 [09.12.10]

9 And during the fight in the battlefields, he taught us the
10 military techniques and how to defeat the enemy, and the
11 strategies to take control or seize the villages, the barracks,
12 or along the road, or to destroy bridges.

13 And after the victory, he taught us about how to defend and
14 construct the country, that on one hand we fight the enemy and on
15 the other hand we defend the country. That were the topics that
16 he taught.

17 [09.13.10]

18 Q. Thank you. I am interested in one point in regard to the
19 destroy -- the destruction of the bridges. The question is: Why
20 is it necessary to destroy bridges during the wartime?

21 A. In attacking the enemy or in destroying the bridges or the
22 roads -- because they were the main transportation way of the
23 enemy. In order to defeat the enemy, we had to cut off their
24 blood vessel.

25 Q. Did he also teach you what to do to the civilians?

6

1 A. In attacking the enemy, we must not mistreat any civilians,
2 and in reality, when the soldiers were captured in 1970, they
3 would be taken to the barrack and then to the rear, and the -- if
4 any of the family members or the soldiers died during the war,
5 then they would be taken to the back and then the religious
6 ceremonies would be held and money would be provided to the
7 family.

8 Q. Thank you.

9 Regarding the value of such instruction or the order from the
10 Upper Level -- whether it was an instruction or policy -- when
11 you were with the military, were all those orders or instructions
12 implemented fully, or whether the military or soldiers at the
13 lower level had the option not to implement it?

14 [09.16.01]

15 A. The plans assigned to the subordinates from the military
16 battlefield headquarters -- for instance, if a location had to be
17 attacked and seized, then that had to be done. We must not
18 withdraw ourselves unless there was a further instruction for
19 such withdrawal, otherwise, we had to attack and seize control of
20 such a location.

21 Q. Was there any case where an order was implemented but due to
22 its nature then the soldiers withdrew themselves?

23 A. In implementing the orders -- and if we could not do it -- and
24 it happened in certain places as the enemy forces were
25 overwhelming and we were attacked and we withdrew ourselves, if

7

1 that is the case and invariably, of course, we withdrew
2 ourselves.

3 Q. Now, I move to the time period between 1975 to 1979.

4 Can you tell us, in regard to the orders from the Upper Echelon
5 to the military subordinates -- that is to you, were those
6 instructions or had those instructions been implemented
7 absolutely and fully?

8 [09.17.58]

9 A. After 1975 and after 1979, the orders to us were to defend the
10 borders, and at my target, we did not have a serious clash with
11 the neighbouring countries.

12 And, secondly, we had to be self-sustained, which meant on one
13 hand we had to engage in the defence, on the other hand, we had
14 to engage ourselves in rice production, but we did not achieve
15 that much because the water at the coastal area was salty water,
16 so we did not get much rice production.

17 Q. You said that in your duty to defend the borders, were there
18 orders as to what to do with those people who fled to Thailand or
19 the illegal fishermen? If there were orders for the arrests of
20 those people, must those orders be implemented fully?

21 A. During the time that I stayed there, actually people had been
22 moved to the rear, and it was extremely difficult for people to
23 flee as they had to cross canals, creeks, and forests. So it was
24 virtually impossible for them to cross.

25 [09.20.04]

8

1 As for the illegal fishermen from the neighbouring countries, if
2 they encroach in the maritime border, I meant deep inside our
3 maritime border, we had to capture them. If they fled and they
4 could not capture them then that would be it, but in certain
5 cases we captured some of those illegal fishermen in our maritime
6 border.

7 Q. Thank you. Now, I move to another topic -- that is, the attack
8 on Phnom Penh.

9 Can you tell us about the soldiers under your command to attack
10 Phnom Penh? How many days did it take before the entire Phnom
11 Penh City was defeated? I meant from the commencement of the
12 attack until the victory on the 17 April.

13 A. During the commencement of the attack on Phnom Penh, I
14 received my orders from the division five days prior. So the
15 order was that we had to engage in five days attack only on Phnom
16 Penh, and the victory must be won on the 18 April, but in reality
17 we liberated Phnom Penh one day earlier - that is, on the 17
18 April 1975.

19 [09.22.02]

20 Q. Thank you. My next question is the following: Those soldiers
21 who attacked Phnom Penh, were they divisional soldiers or were
22 they soldiers from zones? And when they arrived in Phnom Penh,
23 were Phnom Penh controlled by various divisions or were they
24 controlled by those soldiers from zones?

25 A. As far as I knew, Phnom Penh controlled by -- was controlled

1 by the divisions. For example, the East would control the East,
2 or the Southwest would control the Southwest, or the North would
3 control the North.

4 Q. On Phnom Penh maps, did they clearly clarify which part shall
5 be controlled by the North, or which part shall be controlled by
6 the Southwest or the East?

7 A. They actually made that distinction during the attack, but
8 after the liberation there was no such division of the controlled
9 areas.

10 [09.23.56]

11 Q. Last week, you mentioned one point of my interest, that your
12 troops from the Southwest controlled the area around Borei Keila
13 to the West. Did any other soldiers from other zones or so
14 divided their control as part of the cities? Can you tell us
15 which part of the cities controlled by which zones?

16 A. I knew that -- I knew only about the Southwest soldiers and
17 where we controlled, but I did not move around so I could not
18 know which parts of countries were controlled by which zones, but
19 I believed it was the same thing.

20 Q. Thank you. Now, I'd like to ask you in relation to the Lon Nol
21 soldiers.

22 From your eyewitness during your attack on Lon Nol soldiers --
23 that is, during those five day attacks -- were Lon Nol soldiers
24 in a large number to counter your attack? And while you reach
25 Phnom Penh, did you see a number of Lon Nol soldiers who

10

1 surrendered?

2 [09.25.47]

3 A. During the attack on my spearhead, there was not much damages
4 to the Lon Nol soldiers -- that is, from Pochentong to Phnom
5 Penh, but while we reach Phnom Penh, there was no longer any
6 shooting. I did not see Lon Nol soldiers in their barrack.
7 Sometime I saw some of them on the track, but I did not see any
8 military barrack in Phnom Penh.

9 Q. Based on the real situation back then, was it difficult for
10 your troop to attack the Lon Nol soldiers? Was artillery used?

11 A. While we attacked and reached Pochentong, we actually used 120
12 millimetre artillery, but once we were in Phnom Penh, we no
13 longer engage in the use of artillery.

14 Q. Thank you. My next question is in regard to the movement of
15 Phnom Penh during the attack on Phnom Penh.

16 [09.27.38]

17 Last week you stated that during the attack, people or civilians
18 remained in their houses. Can you tell us, were those civilians
19 in their houses in large number? What was their condition --
20 whether they were elderly, children, or the sick people?

21 A. I reached Phnom Penh, but not much further, and at that time,
22 I saw the civilians flying their white flags at their houses and
23 flats. They were not actually inside their houses. They were at
24 the -- they were gathered around those concrete houses. Some were
25 on upper floors. Some were on the ground floor. They lacked food

11

1 and medicine, but there were not many incidents, but I also
2 observed that they did not wander around. And actually, at that
3 time, the streets were occupied by the Khmer rouge soldiers. The
4 situation was that they lacked food and medicine.

5 Q. Can you please clarify whether someone would be ready to help
6 solve the problem of the shortcoming of the medicine or foods,
7 because you said that people didn't have enough food or medicine,
8 but who helped solve these problems?

9 [09.29.56]

10 A. I do not know whether people were starving or how this problem
11 was fixed, but I remember that when we went to a location where
12 the medicine would be stored, people looted the medicines, and
13 some got injured because of the broken glasses, and we told them
14 not to go into that building again because we did not want them
15 to get injured, so people retreated, and I just don't know what
16 happened or whether this problem was solved or not.

17 Q. Thank you. You said that people looted the hospital or went
18 into the hospital to get the medicine. So you were there. Can you
19 tell me, how many people did you see at the hospital? Or did you
20 happen to see any patients still being admitted to that hospital?

21 A. I did not see any people. It was the drugstore, the warehouse
22 where medicine would be stored. I did not see any staff member or
23 medical staff member at all.

24 [09.31.30]

25 Q. I have a few more questions.

12

1 Did you ever meet people dwellers? For example, did you see a lot
2 of children, elderly people or sick people there when you
3 attacked and liberated Phnom Penh?

4 A. Yes, I saw a lot of them, but I cannot say exactly how many
5 they were. I saw them in houses, in apartment buildings.

6 Q. At that time, did you or did your soldiers talk anything or
7 converse with the people to gain their trust?

8 A. Our soldiers just told them to be calm, to be not worried, and
9 there should be no more firing, and I then retreated.

10 Q. After your troops retreated back to the rear, did you notice
11 what people would be bringing with them when they were leaving
12 the city, and how did they leave the city?

13 A. We returned to the location near Stueng Mean Chey location.
14 For about three days we noted that some people were seen walking
15 on the road. Some were carrying some luggage's - luggage, and
16 some were pushing the carts, carrying their babies, and some had
17 to push their -- ran out of gas, vehicles, like cars.

18 [09.43.12]

19 And people could bring along with some of their belongings. They
20 could bring their own cars or motorbikes, but when the vehicle
21 ran out of gas they would be pushing them.

22 Q. Did you note or did you look at their faces and to see how
23 they felt when leaving the city? Were they happy, sad?

24 A. I talked to some people. People told me that they did not want
25 to leave behind their belongings, and I could tell very quickly

13

1 from seeing their faces that they were not happy, because they
2 did not come with the rice or other food. They could only grab
3 some belongings just like clothes but not foods.

4 Q. I thank you very much. I have a few more questions on this
5 particular topic.

6 Did you know whether the people who were leaving Phnom Penh were
7 informed at all that they would be coming back to the city after
8 a few days? Did they know anything about this?

9 [09.36.04]

10 A. I did not remember having heard whether people would be
11 allowed to leave the city and be returned. They just told -- when
12 I talked to them about this, they just told me that the city was
13 liberated and that's all and they had to leave.

14 Q. You knew Mr. Hou Youn in the jungle when you were the soldiers
15 for Ta Mok. After the 17th of April 1975, what happened to Mr.
16 Hou Youn? Please tell the Court what you know about him after --
17 even 1975 - or, rather, 1979?

18 A. Mr. Hou Youn and Hu Nim were loved by me and I loved the three
19 people. I treated them as my brothers and fathers, but by 1975 --
20 by 1975, it was the first time I knew something about him because
21 I did not hear anything about him since 1970.

22 I did not see them or him again, even after 1975, but I heard
23 that he had problems. He had some morality problem or -- like
24 moral misconduct.

25 Q. Please, tell us about what happened to him, to Hou Youn, and

1 Hu Nim?

2 A. I did not meet both of them. I did not see them even until
3 1979.

4 [09.38.44]

5 Q. Have you ever heard anything about Mr. Hou Youn, whether he's
6 still alive or deceased?

7 A. I heard that he died. He was arrested before he died.

8 Q. Do you still remember what was the problem? What made him --
9 or why Mr. Hou Youn was arrested?

10 A. I heard that he had some conflicts or some problem concerning
11 his opposing opinion with regard to the money circulation.

12 Q. I have a few last points to put to you concerning your time
13 when you were in Preah Vihear and you said you went there to see
14 the people and you noted the live condition of the people and you
15 noted the difficulties people encountered in Preah Vihear, and
16 you even reported this event. I want to know whether you even
17 reported to the Central Committee, and if so, to whom?

18 [09.40.38]

19 A. When I went to Preah Vihear, Pol Pot instructed me to go and
20 see the people, because the -- a lot of people were arrested and
21 were starving, and when I went there I saw what happened, and it
22 was true that people did not have enough food to eat.

23 I was there for about four months, by late 1978, and at that time
24 I reported to -- I reported on the situation, that the report on
25 the people being arrested and detained in Siem Reap. However, due

15

1 to the time constraints, I did not report to my upper echelon,
2 although I, on one occasion, reported on the relatives of Khieu
3 Samphan and the people who did not have food to eat and those who
4 were arrested and detained.

5 That was the only part of information in the report that I made
6 on one occasion, and there was no other report because we did not
7 have further communication when the Vietnamese attacked us and
8 telephone communication was cut off.

9 Q. When you reported to your upper echelon -- could you please be
10 more precise? To whom did you report to?

11 [09.42.34]

12 A. I reported to Mr. Khieu Samphan.

13 Q. After reporting to Mr. Khieu Samphan, did you know whether
14 there is, or there was any kind of solution to the problems you
15 listed in your report?

16 A. He did not give me any feedback or response. The report was
17 made to him and I did not know whether there was any solution at
18 all, and I told him that about 500 people were detained in
19 Rovieng location, and they later on were asked to be released,
20 but I have no idea what happened to the people in Preah Vihear.

21 Q. Do you think that - or, did you know that the situation
22 remained the same? For example, when it comes to the food
23 shortages?

24 A. At that time, people did not have food to eat, and it was
25 almost the harvest season, and before I went there the -- it was

16

1 not close to the harvest season, but when I was there, indeed,
2 people were harvesting their rice, so they had some rice to eat.
3 [09.44.28]

4 And all those people who lacked food were collected, and
5 gathered, and brought back to live in the cooperatives so that
6 they could be fed, and I noted also that the people who, on one
7 occasion had to go to the jungle and grew some cassavas, had to
8 be returned to the cooperatives.

9 Q. You said that some people were released. However, you said
10 last week that only the elder brother-in law of Khieu Samphan was
11 released, not other people. Can you please be more precise to see
12 whether apart from Mr. Khieu Samphan's in-law, were other people
13 also released?

14 A. When I was at Preah Vihear, Bong Soeung, in Siem Reap,
15 released people at Rovieng district. Indeed, these 500 people
16 were kept. They were not merely detained, they were kept in a
17 location without any fences or wall, but in solitary confinement,
18 but later on they were all released.

19 [09.46.18]

20 MR. PICH ANG:

21 I thank you very much, Mr. Witness, for responding to all my
22 questions. May I now cede the floor over to my colleague to put a
23 few more questions?

24 And I thank you very much indeed, Mr. Witness, for your
25 responding to the question. And I thank you, Mr. President, and

1 Your Honours for this, as well.

2 QUESTIONING BY MS. SIMONNEAU-FORT:

3 Yes. Good morning, President. Good morning, Your Honours, and
4 good morning to all of you. Good morning, Witness. I'm going to
5 put a few questions to you and I will try to manage the limited
6 time that is given to me as often.

7 Q. Witness, I'm going to limit myself to questions regarding
8 internal security, which was one of the roles of the army. And
9 before that I would like to ask you a general question, however.
10 You said that as of 1976, you were nominated deputy commander of
11 Division 1 in the West Zone and you had 2,700 soldiers under your
12 orders. Can you tell me if among these soldiers they were people
13 who were younger than 18?

14 [09.47.49]

15 MR. MEAS VOEUN:

16 A. It was not a division; it was a brigade as I was in charge,
17 and my soldiers -- the age group -- they were all 17 years of age
18 or above.

19 Q. Thank you. Well, I'm now going to speak to you about the
20 questions of internal security, and the prosecutors questioned
21 you about the arrests of soldiers within the army and also spoke
22 about the way these soldiers were treated later, but I would like
23 to question you more about the civilians.

24 When you were the deputy commander of brigade in the West Zone,
25 as a soldier, did you receive orders regarding how to manage and

18

1 control civilians in order to ensure internal security?

2 A. With regard to the internal security, we, soldiers at the
3 border, were not in charge of civilians. We were fully in charge
4 of the soldiers.

5 [09.49.35]

6 Q. Thank you. Did I understand well when you told me that you
7 received no specific orders to arrest civilians, is that so?

8 A. Yes, it is.

9 MS. SIMONNEAU-FORT:

10 President, with your leave, I would like to quote an excerpt from
11 a written record of interview from one of the civil parties, the
12 -- and it is indexed at D170/1, and it is Civil Party D22/27. And
13 I'd like to specify that this written record is referred to in
14 the footnotes of the Closing Order and it is also on the
15 Prosecutor's list as well as on the list of the civil parties.
16 And the ERNs are the following: French, 00485416; English,
17 00338390; and Khmer, 00304334 to 35.

18 I -- may I please read out this excerpt, President?

19 MR. PRESIDENT:

20 (No interpretation)

21 BY MS. SIMONNEAU-FORT:

22 Thank you. The excerpt is the following. It is the excerpt of a
23 written record of interview of a civil party, and he states the
24 following:

25 [09.51.14]

1 "One day, during the night, I was sleeping with my woman (sic),
2 who had been ordered to go dig up spuds in the area. A soldier
3 called Hak came to call me, maybe between 9 and 10 in the
4 evening, telling me to go fix a machine in a rice paddy that
5 night. And I said to myself that maybe it was not to go repair a
6 machine that I was being called, because usually civilians would
7 call me, not soldiers -- not the Khmer Rouge soldiers such as he.
8 When I arrived at the rice paddy, I saw soldiers waiting along
9 the road. I knew that I was going to be arrested. [...] And when I
10 stepped into the trailer, I knew that I was going to be arrested
11 for sure because there were soldiers who were there, as well.
12 When I arrived at Comrade Hak's and as soon as I stepped out of
13 the trailer I was tied up suddenly, and they put me into a shed.
14 And they told me to first rest, before they sent me the following
15 day to the detention centre. The following morning, I noticed
16 that before Comrade Hak's house there were all kinds of human
17 organs. That day, I was given solid rice to eat. That evening, I
18 was tied up and I was escorted from Veal Renh to the Kaoh Khyang
19 Detention Centre, which is located in Srei Cham commune, Prey Nob
20 district, Kampot province. I was tied up with hammock rope and I
21 was being drawn like an ox." End of quote.

22 [09.53.06]

23 Witness, does this remind you of any kinds of situations you
24 might have heard of from the soldiers?

25 MR. MEAS VOEUN:

20

1 A. No, it doesn't.

2 Q. Fine, fine. Witness, given your rank, as far as you know, were
3 orders given by the military hierarchy to the soldiers regarding
4 interrogating people who were arrested by the person I just
5 mentioned -- I just quoted?

6 A. No, I don't know anything about this.

7 MS. SIMONNEAU-FORT:

8 President, may I read out another excerpt of this same written
9 record of interview? It's a shorter excerpt and the ERN in French
10 is 00485417; in English, 00338391; and in Khmer, 00304335. May I
11 read this excerpt, President?

12 MR. PRESIDENT:

13 You may proceed.

14 [09.54.44]

15 BY MS. SIMONNEAU-FORT:

16 [Free translation] Thank you.

17 Q. So I'm going to quote the same civil party, who tells what
18 happened to him in -- once he had been arrested in the Kaoh
19 Khyang Security Centre:

20 "This morning, I was the fourth person to be brought away for
21 interrogation. Among those who had been interrogated before me,
22 only one single person survived; he was able to come back with
23 his feet shackled. When I was before the door of the
24 interrogation room, I saw that bodies were being dragged out and
25 that they had been beaten until they died. I would like to

21

1 specify that the first shackles that were used on me were in
2 wood, then they used steel shackles."

3 [09.55.29]

4 Question from the Investigating Judge: "Can you describe the
5 facts when you were being beaten during the interrogation?"

6 Reply from the civil party:

7 "Chorn was the deputy commander of the prison. The leader, whose
8 name I don't remember, and two soldiers were those who
9 interrogated me. At the beginning, they showed the torture
10 instruments to me, such as the steel rods, a wooden stick, and a
11 plastic raincoat."

12 Witness, does this remind you of any comments or any reports that
13 might have been given to you by soldiers?

14 MR. MEAS VOEUN:

15 A. No, it doesn't. I don't know anything about this.

16 Q. Witness, given your rank at the time, did you receive specific
17 orders regarding prisoners who might have escaped from the
18 security centres or from the prisons?

19 A. No one escaped from my location because it was very far from
20 other locations.

21 [09.57.02]

22 MS. SIMONNEAU-FORT:

23 President, may I read an excerpt of the civil party application
24 of D22/1328? And the French ERN is 00850561; Khmer, 00525741--

25 MR. PRESIDENT:

1 Counsel, could you please slow down when reading the ERN numbers,
2 and please repeat the last ERN numbers? Because they were not
3 translated - interpreted.

4 MS. SIMONNEAU-FORT:

5 Yes, I apologize. So, it is Civil Party D22/1328, and the French
6 ERN is 00850561; in Khmer, 000525741 and 42. May I read out this
7 excerpt?

8 MR. PRESIDENT:

9 Yes, you may proceed.

10 BY MS. SIMONNEAU-FORT:

11 Q. [Free translation] So, this is a civil party who was living in
12 the area where you held your military rank, and this civil party
13 states the following: "Ten days later--" The civil party had
14 escaped and he's telling what happened -- well, I'm sorry; the
15 civil party did not escape.

16 [09.58.47]

17 "Ten days later, soldiers transferred me to the correction centre
18 (and to the prison) where my feet were shackled at night and
19 during the day; I was sent to pick sweet potatoes. Every evening,
20 Khmer Rouge soldiers would bring 'New People' or people who had
21 been accused of treason to execute them. And their bodies were
22 buried next to the prison. During the day, the prison guards
23 ordered the detainees to dig pits at the -- by the mango and
24 coconut trees. I dug two pits, obeying their orders." End of the
25 first excerpt.

1 Then, a little bit further, this civil party states the following
2 -- [free translation]:

3 "One day during the dry season of 1978, a prisoner called Chhorn
4 escaped from the prison. Seven days later, he was caught by the
5 Khmer Rouge soldiers. These Khmer Rouge soldiers brought together
6 the other prisoners and took them to the banana plantation in
7 front of the prison. And then a soldier whose name I don't
8 remember said that we shouldn't follow the example of Comrade
9 Chhorn. And finally he executed him with a hoe and dumped him
10 into a pit.

11 [10.00.12]

12 "A month later, two other prisoners were caught by the prison
13 guards following an attempt to escape. These Khmer Rouge soldiers
14 brought the prisoners together again and ordered the escapees to
15 dig a pit and to plant a pole, and they crucified them to the
16 pole. Lorn, the regiment commander, ordered us -- ordered another
17 prisoner, Thy, and myself, with -- and gave us a knife and asked
18 us to open up their stomach. And since I did not refuse, I
19 disembowelled him."

20 Does this refresh your memory? Does this remind you of any
21 souvenirs that you might have heard of from soldiers who were
22 under your orders?

23 MR. PRESIDENT:

24 Witness, please wait.

25 The National Counsel for Khieu Samphan, you may proceed.

1 [10.01.14]

2 MR. KONG SAM ONN:

3 Thank you, Mr. President. I'll object to this question put by the
4 Lead Co-Lawyer for civil parties.

5 This witness went to Preah Vihear province after August 1978, and
6 the facts mentioned in that record was in the dry season of 1978.
7 However, according to the season in Cambodia, the dry season
8 would be between January up to April. So it means it happened
9 before this witness went to Preah Vihear. For that reason, he
10 cannot testify to that fact.

11 MS. SIMONNEAU-FORT:

12 May I respond, President, please?

13 My question is obviously an example, among many others. I am not
14 asking the witness if he knows this specific example. I'm simply
15 asking him if he heard of such examples of prisoners escaping and
16 the prisoners being arrested, and if he knew of the fate that
17 awaited these prisoners who tried to escape.

18 [10.02.45]

19 This was the simple aim of my question. It's not necessarily in
20 relation to this specific civil party at this specific moment.

21 MR. PRESIDENT:

22 The objection and its ground is unfounded.

23 Witness, you're instructed to respond to the last question put to
24 you by the Lead Co-Lawyer for civil parties.

25 MR. MEAS VOEUN:

25

1 A. No, I did not know about that. That area belongs to the
2 secretary of the division, and the distance from that location to
3 my location was very far.

4 BY MS. SIMONNEAU-FORT:

5 Q. Witness, when you held the rank you held in Koh Kong, did you
6 receive orders to supervise the mobile units?

7 [10.04.05]

8 MR. MEAS VOEUN:

9 A. There was no mobile units in Koh Kong. There were no mobile
10 units to dig canal or to build dams, nor the place to make a 3
11 tonnes per hectare rice production; it was purely military force.

12 MS. SIMONNEAU-FORT:

13 Thank you.

14 President, may I please read out another excerpt of a written
15 record of interview of a civil party? It is on the list of the
16 prosecutors and it's indexed D125/86. And I would like to read
17 out an excerpt with the following ERNs: French, 00243025;
18 English, 00243011; Khmer, 00206389.

19 [10.05.18]

20 May I read out this excerpt, President?

21 MR. PRESIDENT:

22 Yes, you may proceed.

23 BY MS. SIMONNEAU-FORT:

24 Thank you very much.

25 Q. I'd like to specify that this civil party indexed D22/892 was

1 20 years of age in 1975 and he was working in a mobile unit in
2 the West Zone. And he states the following -- [free translation]:
3 "...in general, when I went to work in the fields, I had to
4 participate in meetings in order to produce monthly reports to
5 the regiment and to the commanders of Sector 37. Back then, my
6 workplace was called Sector 37. And since I was ill, I sent my
7 report to them through a young soldier who usually was going to
8 the meetings."

9 [10.06.12]

10 A little bit later this civil party answers to the following
11 question: "How were you arrested?"

12 Answer: "At the beginning of the evening, that is to say around 6
13 o'clock, the young soldier in question came to tell me that
14 Brother Voeun wanted to see me just for a small moment. And then
15 I followed him to an -- at the place where I was arrested, the
16 young boy said, 'Please wait for me, Brother, I'm going to go
17 look for Brother Voeun.' Voeun was the person in charge of the
18 mobile units of the entire Sector 37. Back then, Voeun's position
19 was equivalent to division commander. A little while after the
20 young boy left, two soldiers with AK rifles threatened me, and
21 told me to raise my arms, and ripped and took off the scarf
22 around my waist so that they could tie my two hands behind my
23 back."

24 [10.07.20]

25 Witness, does this episode remind you of anything? Did you hear

1 about similar events to the event that I just described?

2 MR. MEAS VOEUN:

3 A. I never went to the rear, so I could not know about this
4 event.

5 [10.07.55]

6 Q. Witness, given your rank in the West Zone and in Koh Kong in
7 particular, did you sometimes receive orders from the military
8 hierarchy to transfer prisoners from one security centre, such as
9 the Kaoh Khyang Security Center, to cooperatives around Koh Kong
10 for these prisoners to work in the cooperatives?

11 A. No, I never did.

12 MS. SIMONNEAU-FORT:

13 President, may I read out another excerpt? And this will be the
14 last. It is an excerpt from a civil party application, and it is
15 Civil Party D22/772. I will give you the French ERN references:
16 French, 00850348. Khmer: 00502123.

17 May I read out this excerpt?

18 [10.09.20]

19 MR. PRESIDENT:

20 Yes, you may proceed.

21 BY MS. SIMONNEAU-FORT:

22 Thank you.

23 Q. This excerpt is the following, and this is a civil party who
24 was detained in the West Zone at the security centre, and the
25 civil -- [free translation]:

1 "Two weeks later, the prison leader (whose name I don't remember)
2 ordered me to go work outside of the prison, for example to dig
3 earth, and to plant sweet potatoes, and to raise dikes and to
4 plant rice. In May 1977, the Khmer Rouge soldiers transferred
5 about 100 families and my family as well, by truck to the Bak
6 Ronors village, Champar commune, Kampong Seila district, Koh Kong
7 province. And when we arrived, the soldiers designated 10 group
8 leaders who had to take care of these hundreds of families."

9 [10.10.23]

10 Witness, did you hear about this kind of occurrence? Does this
11 remind you of anything?

12 MR. MEAS VOEUN:

13 A. No, I did not know about that.

14 Q. These soldiers who arrested people and who were in charge of
15 prisoners at the security centres, and who also managed them when
16 they escaped, and who executed them, and who transferred them,
17 who would they report to, if it was not to you?

18 A. My soldiers did not control the security at the rear at all
19 because we were constantly at the front. We did not go to the
20 rear.

21 Q. Witness, I have a last question to put to you regarding you,
22 specifically. You said to the prosecutors last week that you
23 feared for your own personal security and that you, therefore,
24 did not challenge the arrests. You said this to the
25 Co-Prosecutors and I would like to know, Witness, given your rank

1 which was quite high, what you were afraid of exactly? Why you
2 feared for your own personal safety?

3 A. I was concerned about my safety because I had to obey the
4 orders from my upper echelon and I never refused to do so.

5 [10.12.46]

6 Q. But what were you afraid of, Witness?

7 A. I was afraid that I might have been arrested because my in-law
8 was arrested, and as I was at the front all the time, I only paid
9 attention to my work at hand and I did not bother or interfere
10 with the events happening at the rear. So I only did what I was
11 instructed to do.

12 Q. So, maybe I will put a very last question to you: What
13 happened to the members of your in-laws who -- or what happened
14 to the in-laws who were arrested?

15 A. My in-law and relatives were arrested, and I was afraid that
16 due to our connection -- that I would also be arrested. But I,
17 myself, did not pay much attention to what happened at the rear.

18 [10.14.39]

19 Q. You did not answer my question; I will put it to you again:
20 So, what happened to your in-laws?

21 A. Who were you referring to? I could not get your question.

22 Q. I'm speaking about your in-laws who were arrested. What
23 happened to them after their arrest?

24 A. My other in-law engaged in immoral acts and he was imprisoned
25 and died. But I did not react to that event as I was only

1 concerned about myself as well.

2 MS. SIMONNEAU-FORT:

3 Thank you, Witness, and thank you especially for having answered
4 at least some of my questions even if they were difficult for
5 you. Thank you.

6 [10.16.16]

7 MR. PRESIDENT:

8 Thank you.

9 Judges of the Bench, do you have any questions to be put to the
10 Witness?

11 Judge Lavergne, please proceed.

12 QUESTIONING BY JUDGE LAVERGNE:

13 Yes. Thank you, President. Good morning, Mr. Meas Voeun. I am
14 Judge Lavergne and I have a few questions to put to you.

15 But before I put these questions to you, I have a document that I
16 would like to distribute and I believe that it should be given to
17 the witness as well as to the parties, and this is a coloured map
18 of Democratic Kampuchea. This map is to give you an idea of what
19 we're speaking about when we speak about zones and sectors, or
20 districts.

21 [10.17.23]

22 Q. Mr. Meas Voeun, you were interrogated at length and you
23 explained that you had joined the Revolution when you were very
24 young, and you joined the Patriotic Youth League and Ta Mok
25 trained you as well, which we spoke about this morning again, and

1 I would like to return to the issues regarding the military
2 organization structure. I'd like you to explain to me, please,
3 exactly -- what exactly the situation was before the capture of
4 Phnom Penh. Because you were leading a regiment that was part of
5 Division1, and if I understood well, this Division 1 was part --
6 belonged to the Southwest Zone, or in any case, was under the
7 orders of the secretaries of the Southwest Zone. Mr. Meas Voeun,
8 did I -- do I understand the situation before 1975 correctly? Was
9 Division 1 under the authority of the Southwest Zone?

10 MR. MEAS VOEUN:

11 A. Yes, what you stated is correct.

12 [10.19.21]

13 Q. And the Secretary of the Southwest Zone, was it Ta Mok? And
14 who were Ta Mok's deputies? Who were the deputy secretaries?

15 A. Previously, Southwest Zone was under Ta Mok, and then Ta Si
16 after him. I only knew of these two zone secretaries.

17 Q. And these zone secretaries, they had deputies, didn't they?

18 They were not alone. Who were the other members of the zone
19 committee?

20 A. I cannot recall their names. I only recall Ta Mok and Ta Si. I
21 only knew of these two and I didn't know about other peoples'
22 appointments.

23 Q. What were the other divisions under the authority of the
24 Southwest Zone? How many divisions were under the authority of
25 the Southwest Zone in 1975, before the capture of Phnom Penh?

1 A. There was only this one division of the Southwest Zone.

2 Q. You never heard of a division called Division 2 that might
3 have been under the orders of someone by the name of Sam Bit?

4 [10.21.53]

5 A. I heard of the name, but I didn't know which military
6 structure he was in charge.

7 Q. So, what did you hear about regarding Division 2 or about Mr.
8 Sam Bit?

9 A. I heard of the name, but I never saw his face. I did not know
10 whether he was within the zone structure or within the divisional
11 structure.

12 Q. Did you hear of a Division 3 and of someone by the name of
13 Meas Muth?

14 A. Yes, I did hear the name Meas Muth.

15 Q. And was Division 3 under -- Division 3 was under whose
16 authority in 1975?

17 A. I believe it was under the control of Meas Muth.

18 Q. And to whom did Meas Muth report? Who was Meas Muth's
19 superior?

20 A. I did not know because we rarely had our communication.

21 Q. And during the capture of Phnom Penh, did you hear of Mr. Meas
22 Muth or of Division 3?

23 A. Yes, I heard of Division 3.

24 [10.24.48]

25 Q. And where was Division 3?

1 A. I did not know which target Division 3 was assigned to. I only
2 knew my group was at the north, but I could not know the target
3 or direction of Division 3.

4 Q. So, let's return to Division 1 during the capture of Phnom
5 Penh. Division 1 -- who led Division 1? Who was the Secretary of
6 Division 1? Who was the deputy secretary? Was there a political
7 commissar?

8 A. It was Ta Soeung; he was the sole political commissar. And
9 there was another person whose name I cannot recall; he replaced
10 Ta Soeung. I cannot recall his name.

11 Q. And the person heading the division, was he the political
12 commissar or was his rank division secretary? What was his rank
13 called?

14 [10.26.50]

15 A. There was the division secretary; there was the commander and
16 deputy commander. As for Ta Soeung, he was in charge and there
17 was another person, but I cannot recall his name. And below that
18 there was another deputy by the name of Yon, but that person
19 already passed away. He passed away in 1976.

20 Q. So, what were the commanders and deputy commanders called? Do
21 you remember their names or do you not remember their names?

22 A. Ta Soeung was the commander. Sometimes he was in charge alone,
23 by himself, sometimes another person came to act in his capacity,
24 and some other times he would have a regiment commander acting in
25 his capacity in the battlefield.

1 Q. Thank you. Can you tell me how many regiments there were in
2 Division 1 and what the -- what were the names of these
3 regiments?

4 A. I refer to a brigade. In the brigade, there were three
5 regiments: Regiment 16, Regiment 15, and Regiment 17. And there
6 was another special battalion attached to the brigade, but I
7 cannot recall the designated number of that battalion.

8 [10.29.58]

9 Q. And what was the function of the special battalion -- what was
10 its specific function? What was it in charge of?

11 A. This small battalion, or special battalion, was in charge of
12 bringing the intelligence unit concerning the enemies at the
13 battlefield.

14 Q. Mr. Witness, which regiment did you, yourself, head?

15 A. I was the head of the Regiment 16.

16 Q. (No interpretation)

17 A. In the regiment, there were three battalions and there were at
18 least 300 - 600 people.

19 Q. Three hundred persons per battalion or 300 persons per
20 regiment?

21 [10.32.07]

22 A. In the regiment, there were three battalions and in each
23 battalion there were about 300 to 400 soldiers. It depends on the
24 actual circumstance of the battlefield. Some people -- or some
25 soldiers were injured or wounded during the fights.

1 MR. PRESIDENT:

2 Thank you, Judge Lavergne.

3 Since it is now appropriate time for the adjournment, the Court
4 will adjourn for 20 minutes.

5 Court officer is now instructed to assist the witness and his
6 duty counsel during the adjournment and have them returned to the
7 courtroom when the next session resumes. Indeed, the next session
8 will resume at 10 to 11.00.

9 (Court recesses from 1033H to 1053H)

10 MR. PRESIDENT:

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

12 The floor will be given to Judge Lavergne to continue putting
13 question to this witness. You may proceed, Judge Lavergne.

14 BY JUDGE LAVERGNE:

15 Thank you Mr. President.

16 Q. Mr. Meas Voeun, you have just told us that there were
17 approximately 300 to 400 soldiers per battalion. And that there
18 were three battalions in each regiment and three regiments in the
19 brigade or division. So, if I understand your testimony
20 correctly, the total number of soldiers in the division was to
21 what tune? How many soldiers were there in all? How many soldiers
22 were there in the division in all?

23 [10.55.20]

24 MR. MEAS VOEUN:

25 A. Within the military structure at the battlefield the number

1 varied. Usually a battalion comprised of three companies and
2 there were about 300 soldiers. So, usually, the number is a three
3 time multiplication plus some special units if there is. So,
4 usually, there should be about 7,000 soldiers for special
5 division - for a special division.

6 Q. I'd like us to talk about the military structure in Democratic
7 Kampuchea. In general terms, after 1975 -- that is, after the
8 liberation of Phnom Penh -- according to you, did that structure
9 change, and do you know whether some divisions remained under the
10 jurisdiction of zones or they were under the direct authority of
11 the central organs of the Party? Was there any change in the
12 military structure?

13 A. All military personnel and soldiers were under the control of
14 the Communist Party of Kampuchea.

15 Q. I do understand that everyone was under the control of the
16 Communist Party, Witness, but what is of interest to me is the
17 command lines -- the chain of command, how authority was
18 exercised.

19 Initially, we understand that all divisions or practically all of
20 the divisions were under the control of the secretary of the
21 zone. And regarding the Southwest Zone, the divisions were under
22 the control of Ta Mok. Was there any change subsequently, and
23 were some divisions placed under the authority of the central
24 organs of the Communist Party? What I mean is the Central
25 Committee or any other organs.

1 [10.58.27]

2 A. I did not know the details of the affairs of the Centre. I
3 knew partly of the affairs of the zone or the division. The
4 division or the zone could issue commands to those subordinates
5 within their respective zone, but it is beyond my knowledge as to
6 which units or divisions under the direct control of the Centre.

7 Q. Now let us talk about the zones.

8 We heard a while ago that there were changes in the way those
9 zones were organized, administratively -- they were split.

10 Regarding the Southwest Zone, it is obvious that it was split and
11 a Western Zone was created form the Southwest Zone. Can you tell
12 us when that happened?

13 A. I cannot recall the dates of the separations of the zone. What
14 I knew is that after 1975, there were the separations of the
15 Southwest and of the West.

16 [11.00.28]

17 Q. So, then, what was the impact of this change? For example, the
18 division one which originally was under the authority of Ta Mok,
19 did it fall then under the authority of another Zone secretary
20 and then who?

21 A. Yes, that is correct.

22 Q. So, first of all, can you tell us - well, you told us after
23 the capture of Phnom Penh you left quickly to the area of Kampot.
24 Can you tell us what you went to do in the area of Kampot? With
25 how many men did you go there and how long did you stay there?

1 A. After I left for Kampot, I was tasked to lead the soldiers to
2 the mines along the railway tracks so that the trains can't be
3 mobilized. I was engaged in that task for about three months.

4 Q. And were your forces also sent to grow rice in the area of
5 Kampot?

6 A. No, we did not engage in rice farming when we reached there.
7 We only clear the land and engage in the mining from Tuk Meas to
8 Traeng Sor Sou areas. That was all we did.

9 [11.02.55]

10 Q. And the places where you were stationed depended on the Kampot
11 area and who was at the head of the Kampot sector?

12 A. At that time, there was Ta Ren, who was in that Kampot sector.
13 But I do not know whether he survived or not.

14 Q. And was the Kampot sector called Sector 35 and was there
15 someone by the name of Kang Chap alias Sae, who was part of the
16 sector committee?

17 A. I do not know the person by the name of Kang Chap; I never met
18 that person.

19 Q. When did you go to the West Zone -- at which moment exactly?

20 A. It was probably in late 1976, but I cannot recall the exact
21 month or date.

22 [11.04.54]

23 Q. And your departure to the West Zone, did it happen at the same
24 time as your appointment to the position of deputy leader of
25 division one?

1 A. No, not yet. It was done one year later -- that is after I was
2 stationed in Koh Kong. I was the regiment commander there for one
3 year and later on I was promoted.

4 Q. And back then, were all forces of Division 1 sent to the West
5 Zone or were certain units -- or did certain units remain in the
6 Southwest Zone or were sent to other zones or were sent to other
7 divisions?

8 A. During the time that I was stationed in Koh Kong, for a little
9 bit more than one year, not all soldiers of Division 1 went
10 there. There were only -- more than one regiment went there and
11 the rest stayed behind at Longveaek. And I stayed there for a
12 little bit more than one year, and those remaining forces at the
13 back were then sent to the Northwest Zone. There were about 100
14 soldiers who were sent to the Northwest by the division
15 commander.

16 [11.07.02]

17 Q. Witness, I understood, but we have a few problems here with
18 the interpretation. So, I understood that you were heading the
19 regiment that was in charge of the Koh Kong area, and I also
20 understood that other forces had remained in the rear, but we did
21 not hear the name of the place where these forces were stationed.
22 Were all the forces stationed in the same place or were the
23 forces stationed in several different places? Can you answer
24 this, please?

25 A. Could you please repeat your question, Your Honour?

40

1 Q. Yes. Witness, I understood that you were leading your regiment
2 that was stationed in the Koh Kong area but that certain forces
3 -- I don't know if these were forces from your regiment or from
4 your division remained at the rear. But I did not hear where
5 these forces had remained and what I would like to know is
6 whether these forces remained in one single place or in several
7 different places, these forces from Division 1.

8 [11.08.37]

9 A. I would like to clarify this point.

10 I was commander of the regiment then, not the division commander,
11 and I remained there for a little bit more than one year. Later
12 on, I was promoted to deputy commander of the division. One force
13 of the division was with me, was at Koh Kong area, and the
14 remaining was at Longveaek. And the division commander was at
15 Longveaek.

16 When 100 soldiers were sent to the Northwest, they were sent by
17 the division commander, not by my command, and those who were
18 sent were not part of my force, but they were the force that
19 remained at Longveaek.

20 Q. And what was the total number of soldiers under your orders
21 when you were in Koh Kong?

22 A. There were about 2,700 soldiers who went with me.

23 Q. So, now, I would like to take a look at this map of Democratic
24 Kampuchea, which I passed on and maybe we could also display this
25 map on the screen. And in order for things to be clear, the West

41

1 Zone is a zone that is in light green on the map. And we can see
2 -- well, let me specify that this map is not a new document, but
3 it is a document that we -- for which we have translated the
4 Khmer names directly.

5 [11.11.02]

6 And this map was published in 1976 but to -- and in Khmer, but in
7 order to make things easier to understand, we made -- we
8 translated the annotations directly on the map.

9 Now, regarding the French version on the case file, there is a
10 mistake because Zone 401 -- or 405, rather is mentioned as the
11 Southeast Zone, whereas it is the Southwest Zone.

12 But let's return to the West Zone. The West Zone goes from
13 Kampong Chhnang to Koh Kong and it covers, therefore, the entire
14 western part -- western region behind Phnom Penh as well as a
15 relatively important part of the Cambodian coast, and Longveaek,
16 that you mentioned because Longveaek was the -- where the
17 headquarters of Division 1 were based.

18 A. Longveaek, the headquarters for Division 1.

19 [11.12.23]

20 Q. So, the West Zone a priori includes three sectors: Sector 31,
21 Sector 32, and Sector 37. And I also see an area called Region
22 11.

23 So, can you first of all confirm the amount of sectors in the
24 zone as well as their names? And can you tell us where Longveaek
25 is located?

1 A. There was no Sector 11 but there was Sector 31. It was in
2 Kampong Speu, and there was Kampong Chhnang, Kampong Speu, and
3 then there was Koh Kong. Koh Kong was part of Sector 37.

4 Q. So, was Sector 11 -- because we can see on the map a Sector
5 11, which is located at the border with the Northwest Zone. Can
6 you see "11" on the map? Because you're telling us that this
7 Sector 11 did not exist.

8 A. I did not know about the existence of Sector 11.

9 [11.14.35]

10 Q. So, we see here Sector 32 and we see that it adjoins the city
11 of Kampong Som. Can you tell us if the city of Kampong Som had
12 any kind of special status; if it depended on the West Zone or on
13 the Southwest Zone or if it had a special status?

14 A. I never went to Kampong Som. When I went to Koh Kong, I would
15 take the inner road through Srae Ambel. So I did not know about
16 the situation in relation to Kampong Som.

17 Q. Do you know who was heading the city of Kampong Som? Was there
18 a committee in charge of managing the city of Kampong Som?

19 A. I do not have that knowledge.

20 Q. Did you ever hear about a division - or, rather, can you tell
21 us what happened to Division 3, which was under the orders of Mr.
22 Meas Muth?

23 [11.16.46]

24 A. My division patrolled from Koh Kong to Kaoh Sdach -- that's to
25 the North. And, as to the South, it was under the control of

1 Division 3. But the division commander never communicated
2 directly with me. Only the regiment or the battalion commander
3 communicated with my group. Since I stationed there, they never
4 come to meet me in person at the divisional level. Only the
5 battalion and the regiment communications were maintained at the
6 time.

7 Q. Did you ever hear about Division 164?

8 A. During the time that I was at that western part of Cambodia, I
9 did not hear about that but only learned about that division when
10 we engaged in the battlefield at the East border. Some of us knew
11 about that when we went to engage in the battle and we learned of
12 this Division 164.

13 Q. Who was heading Division 164?

14 A. I cannot recall the name. When we were fighting along the
15 border, we learned that Ta Muth was in charge of Division 164
16 with the green military uniforms, and I heard about that through
17 my soldiers.

18 [11.19.35]

19 Q. So you learned that it was Mr. Meas Muth who was heading
20 Division 164; is that so?

21 A. Yes, that's what I learned.

22 Q. So, now, I would like you to tell us if you were aware of the
23 existence of a navy force, of the Cambodian Navy. How was the
24 Cambodian Navy organized? Who was at the head of the Cambodian
25 Navy?

1 A. I knew that the naval force was under the command of Ta Mok --
2 that is Division 164. I learned that during the fighting and that
3 he was in charge of that division. That's all I knew.

4 Q. Where were the Cambodian naval forces stationed?

5 A. The naval forces stationed in Kampong Som and also stationed
6 in Poulo Wai Island, Tang Island and maybe other islands where I
7 did not know.

8 [11.21.41]

9 Q. So, let's return to your duties, to your mission in the Koh
10 Kong sector.

11 Can you tell us if your mission was limited simply to the island
12 of Koh Kong or if your mission involved the entire Section 37?
13 And when I'm speaking about Sector 37, it's Sector 37 as appears
14 on the map that I distributed.

15 A. My duty was not to control the entire sector. It was the
16 sector itself who controlled the sector and the monitoring,
17 probably by the zone. My duty was to protect the border, some
18 islands, and the maritime border.

19 Q. And were you in contact with the authorities of Sector 37?

20 A. No, because there was constant replacement of the command
21 structure. By the time I went there, there were no civilians
22 living in that area. Initially, Ta Sary, who was an amputee,
23 controlled at the sector level. But later on, when he was gone,
24 there was Ta Nhek. And as I said, I did not know much about the
25 appointment of people to be in charge in that area by the people

1 at the back.

2 [11.24.12]

3 Q. So, you told us that Ta Sari and Ta Nhek were there. And what
4 happened to them? Did they disappear or were they transferred
5 somewhere else? Do you know what happened to them?

6 A. Ta Sari was my supervisor. He got one of his legs amputated
7 and later he stationed at Srae Ambel. During the time of his
8 disappearance, I believe he went to the zone.

9 Later on, there was Ta Rorn. Ta Rorn was also an amputee.

10 And later on there was Ta Nhek, but I did not meet him when he
11 was in charge.

12 And then there was Ta Chev. Ta Chev was in charge of Sector 37.
13 He already left when I went there, but I only learned of his
14 name. And I did not know whether -- or where he was transferred
15 to, but I only knew that he was sent to the zone. But I did not
16 know where he was sent further by the zone.

17 JUDGE LAVERGNE:

18 President, I have a document that I would like to present to the
19 witness, and this is document D43/IV-Annex 78. So could we please
20 give this document to the witness?

21 So this is -- these are Pok Pin's confessions -- alias Siv. He
22 was a member of Sector 37 in the West Zone. And the Khmer ERN is
23 00174715 (sic), 75 to 81; English 00782272 to 78--

24 [11.27.05]

25 MR. PRESIDENT:

1 Judge Lavergne, could you please repeat the ERN numbers as the
2 interpreter could not get it?

3 BY JUDGE LAVERGNE:

4 Yes, Khmer ERN 00174775 to 81; English 00782272 to 78; and
5 there's also another ERN, 00224640. I do not have the French ERN.

6 Q. Do you know, Mr. Pok Pin, alias Siv?

7 MR. MEAS VOEUN:

8 A. No, I do not know this person.

9 Q. Fine. Thank you. I would like to simply specify that this
10 confession is dated August 26th, 1977, and there's a certain
11 number of annotations on the first page, which we might turn to a
12 little later, annotations mentioning the involvement -- the
13 incrimination of other people, Khoem and Ta Nor.

14 [11.28.50]

15 Witness, did you ever hear of Khoem and of Ta Nor?

16 A. Yes. It's not "Khim", it's "Khoem", and another one is Ta Nor.

17 Q. So, it seems that following Pok Pin's confessions that were
18 transmitted to Zone 401 -- that is to say to the West Zone --
19 that Khoem was sent to S-21; and Ta Nor, I do not know if he also
20 disappeared. Do you know if he disappeared?

21 A. Let me clarify that Khoem was previously at Sector 31 in
22 Kampong Speu. He was in charge of military sector there.

23 As for Ta Nor, he went to the forest with me in 1968 but when I
24 became a soldier, he was engaged at the work at the rear or at
25 the base. And then I -- we did not meet since 1970.

1 Q. So, you do not know whether he is alive or dead?

2 [11.30.45]

3 A. I know that he passed away already.

4 Q. Do you know the persons who were at the head of the West Zone?

5 Does the name Chou Chet, alias Si, mean anything to you?

6 A. Yes, I know him. Previously, he was only known as Ta Si, not

7 Chou Chet.

8 Q. Do you know when Chou Chet was arrested?

9 A. No, I don't. I learned that he disappeared, but I know nothing
10 more than this.

11 Q. Now, we have some information including confessions of Chou

12 Chet, alias Si. It's E3/1682. We also have -- Khmer ERN 00013660

13 to 00013990. We are also aware that Ms. Li Neary -- or "Ne-ary",

14 depending on how it should be pronounced -- the spouse of Chou

15 Chet, headed a sector - a sector in the West Zone. Do you know

16 what became of Ms. Li Neary?

17 [11.33.14]

18 A. I saw her on one occasion. It was back in 1975. When I saw

19 her, I didn't realize that she was Ta Si's wife at that time.

20 Q. Let me make a few points more specific.

21 Chou Chet's confession is at the following ERN. The English ERN

22 is 00818951 to 00819084, and in French it is 00842835 to

23 00842896.

24 Regarding Chou Chet's wife, we know she was arrested and, in

25 principle, led to Phnom Penh. We also have a letter signed by Pal

1 dated the 26th of March 1978. It's exhibit number E3/198 (sic),
2 and it says that: "I saw (sic) Ms. Li Neary, the wife of Chet."
3 So there were a series of arrests in March 1978. And I would like
4 to know whether you are aware of who replaced Chou Chet at the
5 head of the West Zone?

6 A. When he disappeared, there was no one else other than Ta
7 Soeung from the division who remained.

8 Q. Ta Soeung was a member of the sector committee in addition to
9 being the secretary of Division 1; is that correct?

10 [11.36.13]

11 A. He was only in charge of the division and he was the second
12 from Ta Si.

13 Q. Who replaced Nhek after he was arrested when he was head of
14 Sector 37?

15 A. When Ta Nhek disappeared, I saw Ta Rath alias Ruos, who came
16 to take over from this, and he was all by himself. And I think
17 there was another man whose name I don't remember.

18 Q. Ta Rath alias Ron (phonetic) or thereabouts, was he from
19 Sector 31? Had he previously been Deputy Secretary of Sector 31?

20 A. Yes, Ta Ruos alias Rath was in charge of Sector 31 in Kampong
21 Chhnang.

22 Q. Let us return to Sector 37. Part of Sector 37 is on land, and
23 the part that is on the coast of Cambodia may be related to Srae
24 Ambel. Have you heard of Srae Ambel; what was in Srae Ambel?

25 [11.39.10]

1 A. Yes, I have. There was a sector called Srae Ambel, and there
2 was a pagoda and also a location where the -- a person was there
3 -- a person who has the authority was there.

4 Q. Was Srae Ambel known for its salt marshes?

5 A. I have never been there to the south fields, but people named
6 the location as Koh Kong Srae Ambel all along.

7 Q. Did you know Prey Nob district?

8 A. I do not know the provincial town of that district because
9 I've never been there. I know that there was a district called
10 Prey Nob but I've never been there.

11 Q. Was the security centre referred to on several occasions as
12 Kaoh Khyang? Was that situated in Prey Nob district?

13 A. Yes, it is.

14 [11.41.13]

15 Q. And who was the head of that security centre?

16 A. At the beginning, I was not there yet, Ta Nhek was in charge
17 of Srae Ambel and Prey Nob sector but when I went to Koh Kong, Ta
18 Ruos came to take over from a position in Prey Nob and Koh Kong.
19 And later on Ta Soeung, who was the deputy of the division, was
20 also seen there.

21 Q. You were in charge of defending the coast; you were in charge
22 of Koh Kong, Kaoh Sdach, and another island, and that -- you said
23 that the rest was under Division 3. You also stated, unless I am
24 mistaken, that you did not have any contacts at the level of the
25 division, but you were in contact with regiments in Division 3

1 and Division 64, unless I am mistaken.

2 Can you please specify what was your role regarding your
3 assignment to defend the coast?

4 A. I was contacted at the Division 3, and I said that somebody
5 had to meet with me so that we could be in communication so that
6 we could avoid any conflicts. And we had to meet once every three
7 days.

8 [11.43.48]

9 Actually, the head of division did not come to see me, but they
10 sent their people representing the regiment and also the
11 battalion, so that we could understand one another and that we
12 should refrain from firing at one another.

13 And I was also asked to help guard or watch out for the ships or
14 vessels in the sea.

15 Q. Can you tell us what resources you had at your disposal? Did
16 you have ships? Did you have anti-air batteries? Did you have
17 radar? Can you please explain to us how you went about doing your
18 work on a daily basis?

19 A. We didn't have the air base. We didn't have any proper sea
20 port. Some heavy weaponry was transported and installed in Koh
21 Kong location, and there's some weapons that were also brought to
22 Kaoh Ya, and we had these weapons installed -- placed in the
23 location and we had to maintain them.

24 [11.46.56]

25 And later on forces would be deployed to small islands. For

1 example, one regiment would be deployed to any particular
2 location, and that -- we did not have enough weapons to attack
3 our enemies because we were in short supplies of these. What we
4 had to do is that we had enough supplies to protect ourselves
5 from mosquito bites; like we had mosquito nets, but not heavy
6 weapons.

7 Q. Did you have any ships -- or regarding ships, you depended on
8 the naval force? And who managed the vessels belonging to the
9 naval force?

10 A. With regard to the naval forces, the forces were under the
11 supervision of Division 3 only. The ships would be docked at the
12 island and we would be asked to help guard the vessel. So it was
13 as simple as that. When they came to our location, then we would
14 be asked to help guard their vessel.

15 Q. Are you saying that if, for instance, you saw any ships or
16 boats, you were instructed to report the presence of those
17 vessels in Cambodian territorial waters and to whom did you have
18 to send such reports?

19 [11.48.28]

20 A. If we saw such ship that belonged to Thais, then we would
21 communicate this message through radio communication to our -- to
22 the respective division -- division who had contact with us. And
23 for example, if the vessel was deep in their territory other than
24 ours, but we could see, then we could also communicate such
25 message to people concerned through the radio communication.

1 Q. Were such information communicated to Soeung or also to
2 Division 3, specifically, Meas Muth?

3 A. Different people had to report to different persons; for
4 example, they had to report to Ta Soeung – Ta Soeung, and I had
5 to report to the division that we had contact.

6 Q. I do not believe you properly understood my question. Perhaps
7 there is a problem of interpretation.

8 Did you have occasion to send reports to Division 3 -- to send
9 messages to Division 3, for instance to intercept boats or ships?

10 [11.50.18]

11 A. I never reported to Division 3. However, I would communicate
12 the message to the people who were in charge of the vessel who
13 then reported to their superiors. And I also had to report to Ta
14 Soeung, who was at the rear so that he can be informed.

15 Q. Regarding those ships with which you communicated, did they
16 belong to a military regiment or a military unit and what was the
17 name of that regiment or unit?

18 A. The ship belonged to Division 3, but I don't remember which
19 regiment this ship belonged to.

20 Q. Now, we have a number of documents that may be relevant,
21 particularly: document D108/28/48 (sic). The ERN in English is
22 00233647 to 48, and in French it is 00623217 to 18, and in Khmer
23 it is 00000860. It's dated 13th of August 1977 (sic) and it deals
24 with a meeting between Ta Soeung, Ta Rorn, and Comrade Muth. Were
25 you aware of the holding of such a meeting between Soeung and

1 Meas Muth?

2 A. No, I don't.

3 [11.52.50]

4 Q. We have another document that has already been presented by
5 the prosecutors. It's E3/1037 and it is a telegram whose ERNs are
6 as follows: and the ERN in Khmer is 00161770 (sic); and the other
7 one is 00233645; and the other one is 00710220.

8 This telegram has to do with an incident with enemy ships close
9 to Koh Kong. It also talks about the seizure of a Thai vessel.
10 The telegram is signed "Office 09, Koh Kong" and it is sent to
11 Brother 89 - and to the archives.

12 You have already told us that Office 09 was not under Division 1.
13 Now, do you know whether that office was under Zone (sic) 3 or it
14 was an office of the naval force? Was there an office of the
15 naval force in Koh Kong?

16 A. No, there was no division office of Division 1 in Koh Kong.

17 [11.54.50]

18 Q. Was there a radar in Koh Kong or did you receive information
19 from a radar on the coast -- a radar located on the coast?

20 A. As I indicated, such radar was not yet in existence. We only
21 used the binoculars to watch or to see things from a far
22 distance.

23 Q. I have another document to show you.

24 And may I request that the witness be shown this document? It is
25 document E3/1007. It is a telegram dated the 12th of April 1978,

1 and the Khmer ERN is 0000111 (sic), and in English it is
2 00324834, and in French it is 00811278. This telegram is signed
3 by Rath.

4 Is Rath the Secretary of Sector 37?

5 A. Yes, he was -- he was the same person by the name Ruos, alias
6 Rat.

7 Q. It appears that there are some problems regarding
8 interpretation in French, since the telegram was sent on the 12th
9 of April and it is said that: "On the 30th of April, I took a
10 letter to the Thai Embassy" -- reference is made -- is made to
11 the 10th of April in the letter. It appears that on the 10th of
12 April, Rath delivered letters and instructions to the Thai
13 Embassy.

14 [11.58.10]

15 "On the 10th of April, we brought the Brothers' letter and
16 instructions to inform the Thai Embassy. They were happy to send
17 the letter and matters we met with them about to their Ministry
18 of Foreign Affairs. In that meeting, the Thai raised the same
19 issue, that our troops, together with the Thai Communists, had
20 entered and attacked them. They said that they had reported to
21 their Ministry of Foreign Affairs and that there was no fighting.
22 In fact, their Ministry of Foreign Affairs believed that. But the
23 military had reported back that it was certain that Kampuchean
24 troops were together with the Thai Communists.
25 And the last paragraph makes mention of conditions for

1 cooperation between the Khmers and the Thai. It said: The Thai
2 had said [...] In Tam went to France with all his family after,
3 according to the Ministry of Foreign Affairs and that they were
4 waiting for a request from Kampuchea to solve the Thai-Cambodian
5 border issues quickly. They pressured us to return the people and
6 property that they say are now in our territory."

7 [11.59.33]

8 Let me point out that the telegram was sent to Uncle Nuon,
9 Brother Van, Brother Vorn, and to archives.

10 Mr. Witness, does this refresh your memory? Were you aware of the
11 border clashes and negotiations between Cambodia and Thailand?

12 A. The person by the name of Rath was not the same person in
13 Sector 37 because this person at Sector 37 had nothing to do with
14 the foreign affairs section or perhaps this was another person at
15 different office and -- who had to report on this because if it
16 were the Rath, the person I knew, he would not be doing something
17 or reporting on anything like this about diplomatic relations so
18 I believe that he was not Rath under Sector 37. He could have
19 been another person by the same name.

20 [12.01.04]

21 Q. Can you tell us what happened when Vietnamese vessels --
22 Vietnamese fishing boats would come and were arrested and what
23 would happen when Thai fishermen were arrested?

24 A. I think I already emphasized that when people were arrested,
25 we would then have to report to the division to receive them in

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1 Kampong Som. They were not based in Kampong Som, but there were
2 the vessels that belonged to the division that could be docking
3 at Kampong Som to receive the people arrested. So the people who
4 were arrested would then be handled by them, not us.

5 MR. PRESIDENT:

6 Thank you, Mr. Witness. And thank you, Judge Lavergne.

7 It is now appropriate moment for lunch adjournment. The Chamber
8 will adjourn until 1.30 p.m.

9 Court officer is now instructed to make sure that Mr. Witness and
10 his duty counsel are properly assisted during the adjournment and
11 have them returned to the courtroom by 1.30 p.m.

12 Counsel for Mr. Nuon Chea, you may now proceed.

13 MR. IANUZZI:

14 Thank you, Mr. President. I have three -- three very brief
15 points.

16 First point, just to complete the citation I was trying to do
17 this morning. That was Lewis Carroll, "Through the Looking Glass
18 (And What Alice Found There)". That's a book from 1871.

19 [12.03.08]

20 My second point relates to--

21 MR. PRESIDENT:

22 This morning we already ruled upon this and that you are not
23 allowed to have any other few words concerning the point we ruled
24 upon. So, again, you are not allowed to touch upon this issue
25 again.

1 MR. IANUZZI:

2 Thank you, Mr. President.

3 So, very quickly, the order that I referred to -- order to
4 strike, that's E1/129/1 -- and that's just for the record, for
5 posterity, so to speak.

6 And my final application: I've just been informed by Nuon Chea,
7 our client, that he's suffering from a backache, a headache, and
8 a general lack of concentration and, for those three reasons, he
9 would like to follow the proceedings today -- this afternoon from
10 the holding cell. And that's our final application for this
11 morning. Thank you.

12 [12.04.19]

13 MR. PRESIDENT:

14 The Chamber notes the request by counsel for Nuon Chea asking the
15 Chamber that Mr. Nuon Chea would like to be excused and that he
16 would like to observe the proceedings from his holding cell due
17 to his health concern.

18 The Chamber, therefore, grants such a request and that Mr. Nuon
19 Chea is allowed to observe the proceedings from his holding cell
20 via audio-visual link. And by that, the Chamber notes that Mr.
21 Nuon Chea has expressly waived his right to participate in the
22 courtroom and that the Chamber asks that counsel for Mr. Nuon
23 Chea submit the waiver giving thumbprint or signed by Mr. Nuon
24 Chea to the Chamber.

25 [12.05.14]

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1 And AV officers are now instructed to ensure that the
2 audio-visual link is connected to the holding cell of Mr. Nuon
3 Chea so that he can observe the proceedings from there.
4 Security personnel are now instructed to bring Mr. Nuon Chea and
5 Khieu Samphan to their respective holding cell and have Mr. Khieu
6 Samphan returned to the courtroom when the next session resumes.
7 The Court is adjourned.

8 (Court recesses from 1205H to 1331H)

9 MR. PRESIDENT:

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

11 And I'd like to give the floor again to Judge Lavergne to put
12 questions to this witness. You may proceed.

13 BY JUDGE LAVERGNE:

14 Thank you, Mr. President.

15 [13.31.37]

16 Q. Mr. Meas Voeun, we are going to pursue with my examination,
17 and I'd like to ask you questions about the prisoners who were
18 arrested at the rear.

19 You said this morning that the Thai fishermen or the people who
20 had been arrested at sea were brought to Kampong Som, and we saw
21 that Kampong Som is -- was under the authority of Mr. Meas Muth.
22 And I'd like to present you a new document, and this is document
23 E3/928; ERN Khmer, 00017026; French ERN 00611668 -- 68, that's
24 it, yes. English ERN, I cannot find it for the moment, I'm sorry.
25 Well, this is what is stated in this telegram:

1 "In all, as of 27 March 1978 until 30 March 1978, the number of
2 arrested Vietnamese -- and shot was of 120 men, and five boats
3 with a 5 horsepower power [...], and a certain number of weapons
4 [...], as well as other material that was confiscated."

5 In paragraph 2: "The liberation of the Thai was delayed and was
6 not able to be completed by the set date because of the errors in
7 the names of the people who came to take these captured people.
8 But, however, after verification, these names were not entirely
9 wrong. There were only small errors at the ends of the first
10 names. Generally speaking, the names were correct."

11 [13.34.07]

12 So, we see that there are certain plans to release the arrested
13 people. And I'd like to specify that this telegram is dated 1
14 April 1978, it is signed by Muth, and it is addressed to Uncle
15 Nuon, "Frère" Van, and to the Archives.

16 So, Meas Voemun, were you made aware of the existence of
17 diplomatic negotiations or of negotiations period regarding the
18 release of these Thai fishermen?

19 MR.MEAS VOEUN:

20 A. No, I was not aware of what happened in Kampong Som. It was
21 not the affair within my section.

22 [13.35.14]

23 Q. Well, I can add to this that on the case file, there are a
24 certain number of articles that mention diplomatic negotiations
25 between Thailand and Cambodia -- in particular, document D56-Doc.

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1 098, and in particular, page with the following ERN, S00008979,
2 where the visit of a Thai delegation to Phnom Penh is described
3 -- a delegation, apparently, that was received by Mr. Ieng Sary.
4 And this document apparently mentions negotiations regarding the
5 release of fishermen.

6 And we have another document on the same topic; this is document
7 E3/1275, and in particular, page at ERN S00010313.

8 [13.36.26]

9 And finally there is a last article that is indexed as
10 E108/28.292 (sic). This is an article from the "Far Eastern
11 Economic Review" of 31 January 1978, with the following ERNs:
12 English, S00008277; Khmer, S00795923 to 25; and French,
13 S00768339.

14 So, let me specify that the heading of this article, in French,
15 is "Mise en garde sévère de Bangkok" - "Bangkok's Severe Warning
16 and Phnom Penh Propaganda" - "Propagande--"
17 "Tough Warning From Bangkok -- in English -- and Phnom Penh
18 Propaganda". And a visit by Mr. Ieng Sary in -- to Thailand is
19 described, as well as a meeting with General Kriangsak Chamanand,
20 and this article dates from July 1978 -- 31 July 1978,
21 specifically.

22 So, now, let's turn to the relations that you might have had with
23 the zone and in particular after the disappearance of Mr. Chou
24 Chet.

25 You told me that after the disappearance of Chou Chet, who was a

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1 zone secretary, only Soeung remained who headed the zone, and it
2 happens to be that on the case file we have many reports
3 addressed by the zone -- the West Zone, also called 401 -- to the
4 Angkar.

5 [13.38.50]

6 And now, I would like to focus simply on one of these reports,
7 which is document indexed E1-- E3/1014. Can you tell me if you
8 remember having received from the zone authorities directions
9 regarding servicemen who did not have good biographies, that is
10 to say servicemen who might have had ties with soldiers or
11 officials from the previous regime, or if you also received
12 directions regarding servicemen who were of Chinese descent, or
13 if you received directions regarding Vietnamese?

14 A. No, I did not.

15 Q. So, now, let's look at this report in detail, which is the
16 monthly report of July 1978 from Zone 401 addressed to the
17 Angkar.

18 [13.40.20]

19 On page 8 in French, ERN 00593530, the following is stated -- and
20 I think the Prosecution already quoted this:

21 "Regarding the purges of Vietnamese, and of CIA agents, and of
22 bad elements:

23 "First of all, we eliminated 100 Vietnamese, whether big or
24 small, whether old or young.

25 "Two, we executed 60 people who were high-ranking people and CIA

1 agents or infiltrated American imperialists in units and in
2 cooperatives.

3 "Three, in the regional army, we conducted purges on Chinese
4 combatants who were in the army. Forty Chinese soldiers in the
5 army were kept, however, to perform production work.

6 "Four, measures were taken against three Vietnamese soldiers.

7 "Five, 10 people from sections, and companies, and all
8 cooperatives were purged. Among these elements, some were lazy,
9 whereas others were dissidents and insulted the population, and
10 some others were denounced by the enemies and they did not accept
11 to work.

12 "Our measures against the enemy operations mentioned above:

13 Continue to proceed and to look for enemies from all sides who
14 were burrowing from within; and we have to continue purging the
15 bases, the units, the offices, and the different ministries for
16 these units to be clean."

17 [13.42.26]

18 So, I would like to remind you, Mr. Meas Voeun, that this report
19 is dated July 1978, so this report was produced when, a priori,
20 the only person in charge of the zone was Soeung, the head of
21 Division 1. So, did you speak to Soeung about such directions --
22 about such policies?

23 A. As far as I knew, regarding that plan, there was a plan to
24 smash the Yuon enemy and the infiltrated enemy within the units.
25 However, I did not know whether those enemies were smashed.

1 Q. Well, here the Regional Army is mentioned. According to you,
2 the Regional Army, outside of Division 1, what was it made up of,
3 what did it consist of?

4 A. I did not control the sector armies as the sector armies were
5 also separate from the zone armies. I was -- I took charge of
6 those forces outside the sector.

7 Q. Do you remember directions regarding other policies, whether
8 policies involving Khmer trying to escape to Thailand, for
9 example? You said this morning that they were supposed to be sent
10 to the rear. Whom would you turn them into if ever you caught
11 these people? Did you know where these people went?

12 [13.45.57]

13 A. If they fled to my place, then they would be arrested and sent
14 to the rear to the sector and the sector would take measures
15 against them. That's all I knew, but I did not know if a similar
16 process was practised elsewhere.

17 Q. Were there any specific directions regarding cases of moral
18 misbehaviour? Do you know what moral misbehaviour meant?

19 A. The word "moral misconduct", in the eyes of the leadership, is
20 about the moral offence between a man and a woman, and people
21 were prohibited from committing such moral misconduct, but the
22 important point was for those men to -- not to play around with
23 women or to violate any discipline, military disciplines
24 regarding women, and that's important for them to adhere to such
25 guidelines.

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1 Q. Did you ever hear of directions regarding marriages that were
2 arranged by the Party?

3 [13.46.50]

4 A. As for the marriage, there was a meeting in the zone regarding
5 the instructions for the marriage. Male must at least be 20 years
6 old and women must be at least 18 years old, as I recall.

7 Marriage shall be conducted by making a commitment, and in my
8 section, as I observed, the men and the women needs to see each
9 other first and if they liked each other then they would inform
10 me, so is based on their consent when they were married, and
11 there was no forced marriage. That's the practise within the
12 military structure. And I actually did that as well for my
13 soldiers. If they loved one another, then they would inform me
14 and I would consent to their marriage.

15 But let me tell you, during that time there was no musical
16 performance during the marriage. They would just hold hand --
17 hold one other's hands and make a commitment.

18 Q. Thank you, Witness.

19 [13.48.25]

20 I'm just going to read out an excerpt from the report we spoke
21 about. This is document E3/1094 on page 7, in French at ERN
22 00593529 -- [free translation]:

23 "Suicide by Hanging: In District 27, in Taing Krauch cooperative,
24 a man called Ol was living in a mobile regional unit. After his
25 arranged marriage by Angkar, he was demobilized to come back to

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1 the cooperative. Two weeks later, and it was in July 1978, he
2 hung himself. We tried to analyze the reasons, but there was
3 nothing in his past that might have explained this act."
4 Were you aware of people who committed suicide by hanging
5 themselves?

6 A. No, I was not, because I never went to Takeo.

7 Q. So, now, let's -- we're going to be speaking about another
8 aspect of this interview regarding your activities in the North
9 Zone, and previously, or before, I would like you to tell me if
10 you are aware of the history of the different sectors that made
11 up this North Zone. If I am not mistaken, the North Zone was made
12 up of two sectors: Sector 106, which is the Preah Vihear area,
13 and Sector 103, which is the Siem Reap area, as well as Oddar
14 Meanchey.

15 [13.50.40]

16 First of all, do you know if some of these sectors had been under
17 the control of someone by the name of Koy Thuon?

18 A. No, I did not know that.

19 Q. But did you ever hear about Koy Thuon alias Khuon, alias
20 Thuch, the former secretary of the North Zone, the former
21 Minister of Commerce?

22 A. I heard of the name, but not at the North Zone. I heard that
23 Koy Thuon was at the East Zone because there was no name -- no
24 one by the name of Koy Thuon at the North Zone.

25 Q. Did you ever hear if Koy Thuon had been arrested?

1 A. Yes, I heard about that.

2 Q. Do you know if Koy Thuon made any confessions?

3 A. No, I did not.

4 [13.52.34]

5 Q. Well, for the purposes of the record, I will mention that Koy
6 Thuon was arrested, that he was brought to S 21, that he made
7 quite a few confessions at index D108/31.24, and apparently in
8 his confessions he incriminated a certain number of people who
9 were living in Sector 106.

10 So, did you ever hear about purges in Sector 106?

11 A. No, I did not know about that. I heard only of Sector 103 that
12 comprised of Siem Reap, and I knew only -- I also knew that Preah
13 Vihear fell within Sector 103.

14 MR. KARNAVAS:

15 Mr. President, if I may be heard for a second?

16 It appears that Judge Lavergne is going into the content of
17 confessions. Now, I can recall when there was a witness here
18 which I wanted to point out a segment, in her confession, on how
19 she arrived at S 21, and I was lectured. Now, it would appear
20 that a Judge from the Bench is commenting about contents in a
21 confession. There is a double standard.

22 I don't know what the rulings are; I certainly would like
23 clarification. Thank you.

24 [13.54.18]

25 MR. IANUZZI:

1 If I could just support that application, for the record? Thank
2 you very much -- very quickly. Good afternoon, everyone. If I
3 could just support that application for the record?
4 Thank you.

5 BY JUDGE LAVERGNE:

6 Q. Well, we -- let's -- we will continue. We take note of these
7 remarks and -- but this is not information that is not in the --
8 only in the confession, but it's a list of names of people for
9 whom it's known that they were working in Sector 106 and who were
10 led to S 21, and I'm only asking the witness if he knows these
11 people, and this is someone by the name of Pa Phal, alias Sot,
12 who was Secretary of Sector 106.

13 [13.55.22]

14 Did you ever hear of Mr. Pa Phal alias Sot, Secretary of Sector
15 106, arrested on 21 February 1977, and whose confessions are on
16 the case file at index D366/7.1.91? If you don't know, just tell
17 me. I'm not going to make you speak about something you don't
18 know.

19 MR. MEAS VOEUN:

20 A. No, I did not know that.

21 Q. Did you ever hear about Nhem Noeun alias Khoeun, who was the
22 Secretary of Sotr Nikum district, and also of Prak Sam alias
23 Beng, Secretary of Puok district, or Ta Sakun alias San, member
24 of the Commerce Committee of Sector 106, or of Yang Pov, head of
25 security in Sector 106, or Nov Chan alias In (phonetic),

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1 Secretary of the 350th division of Sector 106?

2 [13.56.56]

3 Do these names in the revised prisoner list of S-21 mean anything
4 to you?

5 A. No, I did not know them.

6 Q. Well, you told us earlier that you had not met Chan Sam alias
7 Kang Chap alias Sae. While not having met him, did you meet
8 people who spoke to you about Mr. Sae while he was working in the
9 North Zone, and do you know if, for example, he had any ties with
10 Ta Mok or with Ke Pauk?

11 A. I only heard of the names but I did not know the contact
12 amongst any of them.

13 Q. Well, Ke Pauk was the secretary of which sector then?

14 A. I heard that after we were -- we fled from the Vietnamese,
15 through the women's unit I learned that Ke Pauk was in charge in
16 Kampong Thom.

17 Q. Well, I'd like to specify that on the case file we have a
18 telegram listed as E3/239, dated 30 April 1977, and signed by
19 Comrade Ok, and that states the following--

20 [13.59.16]

21 He says that he already provided recommendations to Bong Se, and
22 in particular to go to Ambel district following an incident that
23 occurred in this district because this district depended on the
24 Oddar Meanchey area and grenades had apparently been thrown at
25 the sector office.

1 Are you aware of this incident?

2 A. No, I'm not.

3 Q. Were you told whether Mr. Ke Pauk had carried out purges in
4 the North Zone sectors?

5 A. As I told you, when the Vietnamese came, I learned about Ke
6 Pauk who fled all the way to Kampong Thom through Preah Vihear,
7 so I had no more information about what he did there.

8 Q. Were the leaders of Democratic Kampuchea you were able to meet
9 or to contact talk to you of Ke Pauk and the purges that may have
10 been carried out in the North Zone?

11 A. No.

12 [14.01.30]

13 Q. Now, let me point out that we have on record a very
14 significant number of telegrams sent by Comrade Se to Angkar or
15 directly to 870 Committee, and all of these telegrams were
16 addressed to a number of addressees most of whom were -- in these
17 cases there were Uncle -- that is Pol Pot -- Nuon Chea, Brother
18 Van, and at times Brother Vorn, and sometimes Brother Khieu, as
19 well as to the office and archives. And in practically all of
20 these telegrams, they are talking about cleansing and sometimes
21 purges.

22 So, you are not aware of anything at all when you went to the
23 North Zone? No one ever talked about Ke Pauk and purges that were
24 allegedly carried out there? Is that your testimony?

25 A. When I went to Preah Vihear, I did not stop at Kampong Thom

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1 and I did not see anyone in Preah Vihear except one leader at the
2 location. And when it comes to the representative of the zone, I
3 do not know to which zone Preah Vihear belong. I met only Ta
4 Khoem, and with regard to the affairs of the zone, it was none of
5 my knowledge.

6 [14.03.58]

7 Q. Ta Khoem told you he was whose subordinate; who did Ta Khoem
8 report to?

9 A. Ta Khoem was the person I knew who was close, and above him
10 was Ta Hang, but Ta Hang already died before I came to the
11 location. I don't remember whether he was shot dead or he died of
12 other cause. And Ta Hang was responsible for a sector. And also
13 there was another person by the name of Phen (phonetic). Phen was
14 later on removed and allowed to stay home, and I paid him a visit
15 at his home. When the Vietnamese attacked Phnom Penh, he's still
16 alive.

17 [14.05.17]

18 So I do not know much about what happened at the North because it
19 was the autonomous zone, or sector, and I was only in charge of
20 my -- carrying out my duties for 103 only.

21 Q. For the record, I would like to state that the telegrams sent
22 by Mr. Kang Chap to the 870 Committee were the following. The
23 telegrams on record are referenced: E3/1091, dated 23 August
24 1977; E3/1144, dated 5 September 1977; E3/898, dated 11 December
25 1977; E3/1918 (sic), dated 10 January 1978; E3/996, telegram of

1 13 (sic) March 1978; E3/1077, dated 10 April 1978; and the last
2 telegram is E3/1209.

3 Mr. Witness, you stated that the sectors of the North Zone were
4 autonomous sectors. What do you mean by that, precisely?

5 [14.07.33]

6 A. Autonomous Zone here refers to the -- sector refers to the
7 sector that entered by Nuon Chea and Khieu Samphan, but when I
8 came there they were not seen coming to the location because I
9 had been there for a short period of time; I was there for about
10 four months only.

11 Q. If I understood what you said clearly, you stated before this
12 Chamber that you received a telegram from Khieu Samphan.

13 Do you recall when you received that telegram? Was it while you
14 were still in the West Zone or when you were already in Preah
15 Vihear sector?

16 [14.08.50]

17 A. I may not wish to respond to this question again because I
18 already stated previously about this.

19 Q. Mr. Witness, can you tell us whether you met with Khieu
20 Samphan, whether you discussed the situation in the North Zone
21 with him, and what he told you precisely?

22 A. I did not say anything to him. I only talked to him about his
23 family members and the details of which had already been
24 discussed before the Chamber.

25 Q. Mr. Witness, I believe there may be an interpretation problem.

1 I didn't ask what you told Khieu Samphan. What I am asking of you
2 is to tell us what Khieu Samphan may have told you either
3 directly or via telegrams.

4 What did he talk to you about? What did he draw your attention
5 to? Did he give you any clear instructions and if, yes, which
6 instructions -- or what instructions?

7 A. He did not talk anything directly or in person to me. He wrote
8 in a telegram asking me to look after his parents and his
9 brother, and that's all he wrote to me.

10 [14.11.10]

11 Q. And when he talked to you about his family, did he give you
12 any specific information with regard to the identity of the
13 persons you had to protect?

14 A. He referred to his brother without mentioning name, and he
15 said that his parents were old and he would like me to give good
16 care to them and to see where they lived, how they had been
17 doing; that very short message in that text.

18 Q. Can you please describe to us the situation you found when you
19 arrived in Preah Vihear sector? Did you find people who were
20 happy, feeling fulfilled, and who ate to their fill, who feared
21 nothing, or you met people who were grappling with all sorts of
22 problems? And if, yes, what problems?

23 A. When I entered Rovieng district in the first place, I noted
24 that people who were under Ta Khoem's control had been living in
25 fear, fear of being arrested because they could be arrested even

1 at nights.

2 And when I went to Chhaeb district, I could also note that people
3 were fearful. They told me that they could not sleep very well at
4 night because they had been fearful and they noted that a Jeep
5 would be seen coming to the location. And, again, some nights,
6 people came from Chhaeb district to report on these incidents.

7 [14.13.46]

8 And I told them not to be afraid or fearful again, and I told
9 them that if anyone wanted to arrest them then they could report
10 this on to me and I could help.

11 And, later on, some people keep coming to report to me about
12 their fear because they were afraid that they would be arrested,
13 and eventually they learned that Angkar was in the location to
14 assist them. They treated us as Angkar and they said that with
15 our presence they would no longer be intimidated as they were
16 before.

17 And I also received -- already sent some telegrams to Khieu
18 Samphan on the situation near the border. I do not know whether
19 he received the telegram or not and I indeed assured the people
20 not to be very worried again.

21 [14.15.11]

22 And when it comes to the shortages of mosquito nets or blankets,
23 I went to the warehouse to see that the blankets or mosquito nets
24 were stacked in the warehouse only to be destroyed by the
25 termites. They were not really offered to the people, and I could

1 feel that people's livelihood was in great difficulty, and they
2 left the salt -- or the salt was left in the open to be
3 destroyed. They were not offered to the people.

4 And when I reached Chhoam Khsant, the location near Mlu Prey near
5 the mountain, I also went to the cooperative and also saw what
6 the situation of the people's living condition was like.

7 And then I went to Doun Tun (phonetic) or Damnak Trach. I was
8 told that people had been arrested and sent there and I went
9 there to tell people not to be afraid of being arrested again,
10 and I told them that as long as I was there no one could be
11 further arrested.

12 [14.16.53]

13 And I went all the way to Khieu Samphan parents' home and when
14 people had to be moved to the cooperatives, Khieu Samphan's
15 parents had to be left alone in the house. And I reported on this
16 to Khieu Samphan, but I did not know whether he received the
17 message or not because I did not get any response from him on
18 this.

19 Q. Mr. Meas Voeun, were you surprised at the situation you have
20 just described to us? Were you expecting that situation, or you
21 found yourself in an unexpected situation?

22 A. I felt that if I were not there people could be in great
23 danger than this.

24 Q. I will try to be more specific, sir.

25 When you went to Preah Vihear sector, had you been forewarned

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1 that you would find a situation different from what you found? In
2 other words, were you told that you might encounter excesses?

3 A. I was not forewarned whether there would be any obstacles or
4 problem at Preah Vihear. I was just told to go to Preah Vihear to
5 see the situation that people were arrested, and also to see how
6 people lived their lives. And I was told that when I would be
7 there, I ask them to only do farming and then I had to help them
8 build their houses.

9 [14.19.51]

10 So, these are the two main important -- or two important things
11 that I was told before I went to Preah Vihear.

12 Q. Mr. Meas Voeun, you told us of a meeting held in Phnom Penh
13 while you were with Soeung, the commander of Division 1.

14 At that point in time, were you given any instructions to be
15 liberal in your approach; to apply the Party lines in a moderate
16 manner?

17 A. At Preah Vihear -- I think I already stated about this in the
18 previous response to the previous questions -- before that, Pol
19 Pot talked to me about the situation of the enemy who attacked us
20 at the East Zone. It was in August 1978. I don't remember the
21 date exactly when this instruction was informed to me.

22 [14.21.40]

23 He talked about the enemy situation near the border. He talked
24 about the tug of wars between our troops, the fightings that took
25 place in the area of Snuol, Svay Rieng province and in the

1 vicinity of Kampong Cham province.

2 And, secondly, he also talked to me that I had to go to Preah
3 Vihear sector to see the situation concerning the arrests of
4 people because he heard that a lot of people had been arrested
5 and the situation had to be under control because it could have
6 been implicated -- other senior leaders.

7 And he asked me to be there to help people build canals like we
8 did in 1970s, and also I was told or instructed to build the
9 houses for people to live because it was a kind of plateau area
10 where canals could not be properly dug.

11 Q. He also stated on several occasions that there was a security
12 centre at Rovieng. I do not know whether I am pronouncing it
13 correctly. You stated that there were several hundreds of persons
14 detained at that place.

15 Can you tell us, what was the situation prevalent at the centre
16 when you went there?

17 [14.23.45]

18 A. At the Rovieng security centre, there were guards who were on
19 duty. They were guarding the people who were detained. There were
20 more Cambodian detainees than the Vietnamese.

21 The Vietnamese had been there long ago during the Issarak regime
22 and they had -- there were about three families of Vietnamese,
23 and apart from them there were about 100 women.

24 I can't say exactly how many detainees there were because I
25 didn't pay attention to count them, but among the detainees -- of

1 course, detainees were kept in the sheds or shacks where they
2 were made to live and they could raise pigs. There were no
3 fences.

4 [14.25.02]

5 And when I was there I could not say anything as yet, I needed to
6 inspect the situation and I could see that a lot of women in the
7 women unit were mentally challenged and they were kept there and
8 I had an opportunity to talk to a woman who was detained at the
9 Rovieng School. I asked her a few questions, why she had to be
10 confined in that detention facility? But she -- some people told
11 me when they asked her this question that they were detained
12 because they asked to go home and others would say that they
13 stole some eggs.

14 And on top of that, a woman who was in love with -- or had an
15 affair with another person also was detained at the hospital and
16 she perhaps had been influenced by some kind of magic spell and
17 then she presented to me a kind of wax in a small box, it's a
18 kind of love magic wax. And she also was transferred to Siem Reap
19 and she could be heard crying, shouting when on board the
20 vehicle.

21 And by the August of 1978, it was one month past and I noted that
22 there was not enough food at the detention facility and at the
23 same time the intensive attack by the Vietnamese from the borders
24 could be heard, then we allowed some people to go to Thala
25 Barivat. Before they were released, they were allowed to kill

1 some pigs for food. Then the Vietnamese came and that's end of
2 the story.

3 [14.27.55]

4 Q. You have talked to us of the liberation of people detained at
5 Rovieng security centre. For the sake of clarity, can you tell us
6 why those persons were released? Were they released because the
7 Vietnamese were approaching? Was it because of the war? Or it was
8 because you had received instructions to do so? Or was it because
9 you personally deemed it necessary?

10 A. I decided on my own that if they were to be kept there nobody
11 would take care of them, so I made that decision on my own
12 together with one person from the district who came together with
13 me. And also due to the intense situation at the front, I decided
14 to set them free so all of them were set free.

15 Q. In order for us to be very clear on this matter, are you
16 saying that you never received any instructions whatsoever from
17 the authorities, the hierarchy in Phnom Penh to release the
18 detainees in Preah Vihear Sector?

19 A. That is correct.

20 [14.29.50]

21 Q. And later on did you have the opportunity to meet, for
22 example, Mr. Khieu Samphan?

23 A. No, I did not.

24 Q. Well, I would like to mention a certain number of statements
25 by Khieu Samphan, who publicly spoke. And I'm referring in

1 particular to a document indexed E3/198, and this is the report
2 from an interview. And the French ERN is 00296212; the English
3 ERN is 00184680; and Khmer, 00078213.

4 So this is an interview that took place in Pailin on 17th August
5 2005, and the person drafting the report wrote the following, he
6 said:

7 "According to him, under the Khmer Rouge regime, each zone, in
8 particular the zone secretary, was considered like a vice-king
9 managing the affairs in the zone according to his desires. The
10 Central Committee was not able to control what was happening
11 because it only received reports. In the new North Zone, after
12 Kang Chap was designated as head, there were arrests and they
13 were against the instructions of the hierarchy. In 1978, Bong
14 Number One sent men to receive tourists, and then they learned
15 about this, and then they reported on what had happened."

16 [14.32.15]

17 So, did you ever hear about such a mission that consisted in
18 preparing tourists in the Preah Vihear or Siem Reap areas?

19 A. No, I did not go and receive them.

20 Q. And aside from Pol Pot or Khieu Samphan, did you receive any
21 instructions from your superior who apparently was the new person
22 in charge of the North Zone?

23 A. I did not receive any instructions from him; he went to my
24 workplace once also to see the living condition of the people
25 there. He went only to two districts as the districts were far

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1 from one another, it was about 100 kilometres away between two
2 districts and the mode of travel was difficult through those
3 roads. So he discussed about the works at those districts and the
4 living condition of the people, the food and that's how I saw it
5 and described to you.

6 Q. Can you remind us -- Mr. Meas Voeun, can you remind us when
7 precisely you arrived in the Preah Vihear zone?

8 [14.34.45]

9 A. I went to Preah Vihear in August 1978, but I cannot recall the
10 date.

11 Q. And in August 1978 when you arrived, were you given an office
12 that allowed you to send out telegrams? Did you have staff to
13 send telegrams and to receive telegrams?

14 A. Yes, there were two staff, they were the remaining staff from
15 Ta Hang's place, so I used them but I did not bring any staff
16 with me. And when I was there I saw the two staff, one by the
17 name of Euy and another one by the name of Ol.

18 Q. So, concretely speaking, when you arrived, you had staff and
19 you had equipment to send out and receive messages from Phnom
20 Penh, is that so?

21 A. Yes. Initially, we received the telegram from Phnom Penh and
22 the first one was the message from Khieu Samphan. And I did not
23 report to anyone at that stage except to Khieu Samphan regarding
24 the situation of his relatives. And due to the intolerable
25 situation I did not make many reporting, so I did not make much

1 report.

2 [14.37.10]

3 Q. In August 1978, were the Vietnamese already close to the area
4 of Preah Vihear or close to Phnom Penh? And is this why you could
5 not send messages or send more messages than the few messages
6 that you sent?

7 A. Yes, that is correct.

8 Q. When did you see the first Vietnamese soldier in Preah Vihear?

9 A. Vietnamese soldiers first entered Phnom Penh and then Preah
10 Vihear -- they did not yet reach Preah Vihear and I cannot recall
11 the date when they reached Preah Vihear. It was likely that they
12 entered in November or December, but I cannot recall the date.

13 Q. Mr. Meas Voeun, do you know exactly when the Vietnamese
14 soldiers arrived in Phnom Penh; what was the date?

15 [14.39.02]

16 A. I do not know exactly when Vietnamese attacked Phnom Penh, but
17 I listened to the radio broadcast from America that on the 6th of
18 January Vietnamese attacked Phnom Penh. At that time Ta Soeung
19 stayed overnight with me and I told him that Vietnamese entered
20 Phnom Penh and he replied that -- don't say that, they could not
21 reach Phnom Penh. But I said that I listened to VOA and I heard
22 about that but he did not believe me. And then he said, okay,
23 then he would go to Siem Reap, so he left.

24 By that time, I was by myself in Rovieng district and the next
25 morning I saw soldiers coming from the border crossing Preah

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1 Vihear sector as they crossed from Stung Treng. And I asked them
2 where they were -- where they had been and they told me that they
3 came from the border and that the Vietnamese troops reached
4 Kampong Cham and Snuol area. I asked them was it true and they
5 said yes. So then I could determine that Vietnamese troops
6 arrived in Preah Vihear either on the 7th or the 8th of January,
7 and by that time I had removed myself.

8 [14.40.48]

9 Q. Mr. Meas Voeun, between August 1978 and January 1979, it
10 wasn't possible to communicate with Phnom Penh; is that what we
11 must understand?

12 A. No, communication could not be established with Phnom Penh.
13 The telegraph machine could not link with one another.

14 MR. PRESIDENT:

15 Thank you, Judge Lavergne. Thank you, Witness.

16 The time is appropriate for a break. We will take a 20-minute
17 break and return at 3 p.m.

18 Court Officer, could you assist the witness and the duty counsel
19 during the break and have them return to the courtroom at 3 p.m.?

20 The Court is now adjourned.

21 (Court recesses from 1442H to 1502H)

22 MR. PRESIDENT:

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

24 We would like to now give the floor to Judge Lavergne to continue
25 putting questions to the witness.

1 JUDGE LAVERGNE:

2 Thank you, Mr. President.

3 I would like to provide some clarifications in answer to the
4 remarks of the Defence regarding the use of confessions of S-21
5 detainees.

6 [15.03.28]

7 Let me point out that the Chamber has not changed its decision
8 regarding the fact that the contents of such documents are still
9 forbidden, but the questions that I asked were not based on the
10 contents of those confessions, but on sources other than those
11 aimed at confessions -- notably, the fact that Mr. Koy Thuon had
12 links with Sector 106.

13 Let me cite document E3/232 titled in French, "Record of the
14 Working Meeting of March 1976" -- in English, "Minutes of the
15 Meeting of Base Work" -- and the Khmer reference is 00017116 to
16 123. The French ERN is 00323932 to 00323936, and in English it is
17 00182628 and up to 31. This is a meeting which involved the
18 following participants: "Comrade Secretary; Comrade Deputy
19 Secretary; Comrade Hem; Comrade Doeun; Comrade Sreng; Comrade
20 Hang; Comrade Sot; Comrade Touch."

21 So, we can suppose that they include all except Koy Thuon. The
22 agenda is the election of the 20th of March 1976 and also the
23 situation in the North -- the North Zone and Sectors 106 and 103.
24 Let me state, to all intents and purposes, that Koy Thuon was
25 arrested as were all the other participants with the exception of

1 Pol Pot, Nuon Chea, and Khieu Samphan. And Comrade Hang who was
2 in charge of Sector 103 was arrested. Comrade Sot alias Pa Pal
3 (phonetic) -- or Pa Phal was arrested, and the same applies to
4 the other.

5 [15.06.27]

6 Let me point out that Mr. Khieu Samphan attended that meeting and
7 the officials were called upon to report permanently to the
8 Standing Committee of the situation on the ground; whether we're
9 talking of the general situation in each of the sectors and he
10 had -- they had to give reports by telegrams in order that the
11 Committee -- the Standing Committee would take the necessary
12 decisions.

13 Having said this, Mr. President, I have no further questions for
14 the witness and I thank the witness for his participation in this
15 examination.

16 MR. PRESIDENT:

17 Thank you, Judge Lavergne.

18 [15.07.18]

19 Mr. Meas Voeun, do you have any problems you wish to tell the
20 Chamber?

21 MR. MEAS VOEUN:

22 I do not have any -- I don't know.

23 MR. PRESIDENT:

24 Since you have no problem, we can continue the examination.

25 And we would like now to proceed to counsel for Mr. Nuon Chea to

1 pose questions to Mr. Meas Voeun, should they wish to do so.

2 QUESTIONING BY MR. SON ARUN:

3 Good afternoon, Your Honours, Mr. President, and good afternoon,
4 Mr. Meas Voeun.

5 [15.08.18]

6 Q. First and foremost, I have some questions -- follow-up
7 questions. The questions are about the structure; questions that
8 were put by the Co-Investigating Judges already, but I am still
9 not very clear as to the precise structure -- military structure.
10 Can you please tell the Chamber, in 1970, you said you were 18
11 years old and you joined the army. At that time, you were asked
12 to attend military training to learn the skills to become a
13 soldier. As a military trainee, as others, can you tell the
14 Chamber, please, the structure of the military? And I may wish to
15 emphasize that when I talk about the military structure, I am
16 referring to the hierarchical structure of the military from the
17 very lowest level to the highest level, but please, tell the
18 Chamber precisely the exact structure as you learned during that
19 training.

20 [15.10.14]

21 MR. MEAS VOEUN:

22 A. Allow me to elaborate on the new structure of the military.
23 First, they called them the squad - or, rather, group -- a group
24 of 12 people; that -- that's a squad or team containing 12
25 people. Then there's a platoon -- a platoon that comprised of

1 three groups -- or three squads.

2 Q. You said a group that composed of three teams is a platoon; is
3 that correct?

4 A. Yes, it is. A platoon consists of three squads. And then after
5 the platoon, there is a company. The company composed of three
6 platoons and then three companies make a battalion. Three
7 battalions then make a brigade -- rather, a regiment and three
8 regiments combined; we have a brigade. And in the brigade, there
9 is a special -- a special regiment - or, rather, a -- a special
10 battalion. And finally, three brigades all together combined
11 makes a division.

12 [15.12.52]

13 There were also other units within that structure. We have the
14 arsenal unit. We have the special unit for both the -- under
15 direct supervision of the division and brigades. So I can say
16 that to understand the structure of the military, you can start
17 from the 12-member team; then have them multiplied by 3, you will
18 get a higher unit. Then keep multiplying by 3 and 3 and 3; then,
19 finally, you got the division.

20 And some people died during the war or the fighting so the number
21 of exact -- the exact number of soldiers may vary from time to
22 time in each unit.

23 Q. Thank you, Mr. Witness.

24 Can you also please clarify how many people were in the brigade?

25 And, indeed, I'm talking about the exact structure as what you

1 understood during the training. So, in your opinion, as what you
2 learned, how many people or how many soldiers were in a brigade?

3 A. There were no more than 3,000 people in average.

4 Q. What about the number of people in the regiment?

5 A. There were no more than 600 people in that unit.

6 [15.15.16]

7 Q. Thank you.

8 In the statement you made before the Co-Investigating Judges,
9 document E3424 -- or E3/424, you indicated you joined the
10 Revolution in 1970 when you were about 18 years old and you
11 joined the youth group to fight -- to free the country from
12 French -- from the colonialism and from the imperialism. At the
13 same time, you became a bodyguard and escort of the cadres.
14 Now, can you explain to the Chamber please, when you said that
15 you joined the Patriotic Youth League in struggling to liberate
16 the country from colonialism -- rather, colonization and
17 capitalism, are you referring to people or countries when you
18 mentioned about this?

19 A. When I said we had to fight to liberate the country from
20 French colonization, indeed, it referred to the French colony
21 because French had been in Cambodia for almost a century and when
22 the French left, we still felt that French influence was still
23 there. And, for example, a factory -- the soft drink factory or
24 the plantations were all under the control of the French people
25 and Cambodian people did not have any authority to control the

1 French and they were, of course, controlled by the French so this
2 I refer to the French colonization.

3 [15.18.24]

4 And when it comes to the capitalism, I may explain to you that
5 this has to do with the exchange of commodities from one country
6 to another. And in the exchange of commodities, we noted that
7 when the goods or products are produced -- were purchased from
8 the people; they were purchased at a lower price, then when they
9 were sold back to us; they sold them at a higher price. So
10 Cambodian people suffered greatly and we did not have any power
11 to control or to contest such ordeal and, indeed, we did not have
12 power to control the trading. So this is part of the economy and
13 that -- and our struggle to liberate the country from feudalism
14 was also the same cause because our people did not enjoy the
15 right to go about their normal businesses.

16 Q. Thank you.

17 [15.20.10]

18 When you worked -- when joined the resistance movement, you were
19 18 years old and just now you explained to the Chamber about the
20 terms "colonization and capitalism or feudalism". Did you explain
21 to the Chamber about these terms based on your lessons learned
22 during that time or you refer to any particular documents as your
23 reference for explain -- for your explanation?

24 A. I knew about the national affairs. I learned from the
25 intellectuals who shared these thoughts to me. I learned from Mr.

1 Hu Nim and I also learned from other people -- intellectuals whom
2 I don't recall the names who taught me about this. And I still
3 recall another teacher by the name of Ta Krin (phonetic) who
4 taught me about the country so I learned from senior people --
5 from the intellectuals, and that during that time I did not
6 attend any proper school; I learned under the trees in the jungle
7 in 1970s. And when I was 18, it was not in 1970; it was in 1968
8 when I was about 18. So, by the year of 1970, I was no longer 18.
9 I could have been older than that.

10 [15.22.35]

11 I hope I have answered your question concerning how I learned
12 about this to explain to the Chamber. I learned from the
13 nationalists and intellectuals.

14 Q. Thank you very much.

15 On the 17th of April 1975, you were in Division 1, and you helped
16 Ta Soeung with his tasks, and you were the commander of the
17 regiment; is that correct -- Regiment 136 under Division number
18 1. Is that account correct? If it's not correct, then please
19 correct me.

20 A. I worked at Regiment 16. When it was at the battalion, it was
21 136, but the regiment was Regiment 16.

22 Q. Thank you. At that time, the Khmer Rouge soldiers decided to
23 attack Phnom Penh. When attacking Phnom Penh, you were in charge
24 of Regiment 16. And according to the document, only one division
25 -- or Division 1 attacked Phnom Penh from the Pochentong, Ou Baek

1 K'am, and Stueng Mean Chey direction; is that correct?

2 A. Yes, it is.

3 [15.25.10]

4 Q. Under the same document, document E3/424, with regard to the
5 second response; you said that you worked as a soldier and you
6 were asked to attack Phnom Penh, but before you attacked Phnom
7 Penh, were you informed of the plan to evacuate the city of Phnom
8 Penh -- to evacuate the population of Phnom Penh city?

9 A. No, I wasn't informed.

10 Q. Before attacking Phnom Penh -- the spearheads in the West or
11 the Southwest -- there were meetings with Son Sen and Nuon Chea
12 and that commanders of all divisions were asked to convene the
13 meeting and the meeting -- the minutes of the meeting were
14 distributed to the heads of regiments including your regiment.

15 [15.26.47]

16 And the plan was to liberate Phnom Penh by the 17th of April --
17 rather before the 17th of April 1975. However, Phnom Penh was
18 liberated on the 17th of April. The army who were tasked to open
19 attacks into Phnom Penh were strictly instructed by the Upper
20 Echelon not to counter attack the enemy who raised white flag to
21 accept their defeat, nor touch belongings and property in the
22 city. Apart from this order, do you still remember if there was
23 any other orders at all?

24 A. No, there were no further instructions for my side.

25 Q. In the -- in the same answer and -- question and reply, the

1 question that you had a meeting with the General Staff chaired by
2 Son Sen and Nuon Chea with all the division commanders from all
3 zones so you knew that Son Sen and Nuon Chea were part of the
4 General Staff. How did you acquire that knowledge?

5 [15.28.52]

6 A. Because I was the deputy, I received orders from my commander,
7 Ta Soeung, and of course Ta Soeung attended the meeting so that
8 he learned of the plan and then he disseminated that information
9 to me and I relayed that to my subordinates within my regiment.

10 Q. Did Ta Soeung clearly tell you that the General Staff had Son
11 Sen and Nuon Chea or Son Sen and Ta Mok?

12 A. He did not tell me the names that I -- that Ta Son Sen or Nuon
13 Chea, but he said that he had a meeting with the General Staff
14 although he did not mention the names of the people at the
15 General Staff when he learned of the plans to attack and he
16 realized the information that we had to plan for the attack in
17 that so-called battlefield 940; that is, the name of the battle
18 to attack on Phnom Penh and to gain the victory on the 18 of
19 April. So he only told us about the plan to attack, but -- but
20 not the names of those at the General Staff. And I received that
21 order and plan from Ta Soeung.

22 [15.30.34]

23 Q. Thank you. You said that you did not know what the General
24 Staff was or who were the General Staff, but in that written
25 record of interview with the Co-Investigating Judges, you said

1 that: "The General Staff, such as Son Sen and Nuon Chea..."

2 How could you make such a response or assertion?

3 MR. PRESIDENT:

4 Witness, please wait.

5 Prosecutor, you may proceed.

6 MR. ABDULHAK:

7 Thank you, Mr. President. It might be a translation issue, but I
8 -- as it came through in English, it sounded like my learned
9 friend mischaracterized the witness's evidence. He suggested that
10 the witness had said that he didn't know who was in the General
11 Staff; whereas, in fact, the witness had simply said that Ta
12 Soeung had not mentioned any names. It -- it's a subtle
13 difference, but it's an important difference. The witness did not
14 say that he did not know who was on the General Staff.

15 [15.32.12]

16 BY MR. SON ARUN:

17 Q. In your statement with the OCIJ -- that is, E3/424 -- in
18 question-answer number 3, you clearly state -- stated that before
19 attacking into Phnom Penh, commanders of the military from the
20 Eastern and South-western Zones and so on attended a meeting with
21 the General Staff such as Ta Son Sen and Ta Nuon Chea who
22 conducted a meeting with -- using commanders from all zones who
23 then conducted further meeting to disseminate the information.
24 And then I asked supplementary question as you knew about the
25 General Staff, but you did not who belongs to the General Staff.

1 Once again, my question to you is: How did you learn that Son Sen
2 and Nuon Chea participated in that meeting with the General Staff
3 and why, in that statement, you mention the name -- the two
4 names; that is, Son Sen and Nuon Chea?

5 [15.33.36]

6 MR. MEAS VOEUN:

7 A. I learned of the names of these two after the liberation; then
8 I learned that the General Staff comprised of Son Sen and Ta Mok,
9 but I did not have that knowledge before the liberation. During
10 that meeting when I received orders from the division, the
11 division commanders received information from the Upper Echelon
12 -- that is, from the General Staff, but he did not mention the
13 names of the General Staff.

14 Q. So does it mean that in your statement before the
15 Co-Investigating Judges that you said Son Sen and Nuon Chea -- as
16 stated in the transcript -- do you still stand by that statement
17 or you wish to strike it out?

18 A. It should be removed because I learned that Son Sen was the
19 General Staff after the liberation, but during the war, I did not
20 have such information. But at that time, my commander did not
21 tell me the names of the General Staff. He only told me about the
22 plans to attack and not to retreat at any cost.

23 [15.35.24]

24 Q. Allow me to reconfirm your statement that in your statement
25 before the Co-Investigating Judges, that there was the name of

1 Nuon Chea, but you did not mention that name before the
2 Co-Investigating Judges. Is that correct or you wish to make any
3 further amendment or, alternatively, it means that you do not
4 stand by your statement and that you wish to remove the names
5 from the record?

6 MR. PRESIDENT:

7 Mr. Witness, could you please the document E3/424 and your
8 response to question number 3?

9 Court Officer, could you assist the witness?

10 And, Witness, please read that question and response carefully,
11 as you may get confused by the questions put to you by the
12 counsel.

13 (Short pause)

14 [15.37.15]

15 BY MR. SON ARUN:

16 Q. Mr. Witness, would you like to -- would you like me to read it
17 to you or have you read that question and answer session?

18 MR. MEAS VOEUN:

19 A. I would like to strike out the names Son Sen and Nuon Chea. I
20 do not know whether there is a mistake in this
21 question-and-answer session.

22 Q. Thank you. Let me go through another question. Did you know
23 about the attack target from the west that is presently known as
24 Kab Srov area? Which division was in charge of that spearhead of
25 attacking from the west direction? Do you know which division was

1 in charge in that direction?

2 A. From the Kab Srov Pagoda, that was part of Division 1 forces.

3 [15.39.24]

4 Q. Was other parts of other division taking part in that attack
5 in that -- from that west direction?

6 A. Another part was a division from the North, but I cannot
7 recall the designated number of that division.

8 Q. You was in charge of a regiment during the attack on Phnom
9 Penh. Did you issue direct orders for the attack and did you
10 issue such order as you relayed it from the General Staff or from
11 the division commander?

12 A. I received the order from the division.

13 Q. Did you know, however, whether all the military attacks from
14 all those directions -- were you aware as to which division was
15 in charge of which spearhead or were you aware only the spearhead
16 -- your own spearhead during that attack?

17 A. I knew that from the West there was the forces from Division
18 1, as toward the East there was those North division, and further
19 north -- further east there was another force, but I could not
20 know the number, but they were the division from the east. And
21 there was a special division, as well, but I could not recall the
22 designated number of that division.

23 [15.41.53]

24 Q. In your statement before the Co-Investigating Judges that the
25 instruction from the General Staff was to attack and completely

1 liberate Phnom Penh on the 18 April 1975, but for some reason,
2 due to the advancement, the attack was done and the liberation
3 was one day ahead.

4 Can you tell us why it was liberated on the 17 April 1975 rather
5 than on the designated day of the 18 April 1975?

6 A. During the plan to attack and to liberate on the 18 of April
7 1975, it was the instruction relayed from the division. However,
8 it was liberated on the 17 April 1975, and we were informed by
9 the division that the enemy had been defeated early and as they
10 lost their battle spirit, so we advanced rather quickly toward
11 Phnom Penh. And as we were told by the division that the enemy
12 lost their spirit of battle, we made our attacks promptly and we
13 won the victory on the 17 of April 1975.

14 [15.43.55]

15 Q. I have another question for you. And if you do not know the
16 response to this question, please state so.

17 The reason for the one-day-earlier victory -- were you informed
18 by the General Staff or by the division that there was a
19 negotiation between the Lon Nol soldiers and the Khmer Rouge
20 forces?

21 A. No, I wasn't aware of that.

22 Q. Thank you. In that -- in document E3/73 in question and answer
23 number 6 that there was a meeting in March 1976 organized by Ta
24 Chou Chet at Chbar Mon in the West Zone; that is, in Kampong Speu
25 and also there was a meeting held in Kampong Chhnang. At that

1 time, there was Nuon Chea or Pol Pot. My question is the
2 following: Did you attend a meeting held in Kampong Chhnang --
3 that is, in Longveaek or at Chbar Mon?

4 A. Yes, I did, but I attended the meeting in Kampong Speu -- that
5 is at Ta Si's place, but I did not stay until the conclusion of
6 the meeting as Ta Si instructed me to return to the battlefield
7 due to the changed situation.

8 [15.46.34]

9 Q. So you mentioned that you attended a meeting in Chbar Mon
10 district in Kampong Speu; is that correct?

11 A. Yes.

12 Q. What about the meeting held in Longveaek in Kampong Chhnang;
13 did you attend that meeting?

14 A. Yes, I did.

15 Q. If you attended the meetings at the two locations, are you
16 sure that it was under the chairmanship of Nuon Chea or Pol Pot?

17 A. At that time, I saw Pol Pot, who led the meeting, and Ta Si;
18 he chaired the meeting. I did not see Nuon Chea there.

19 Q. So, it means that the two meetings were not attended by Nuon
20 Chea, but it was Pol Pot; is this correct?

21 A. Yes, that is correct.

22 [15.48.14]

23 Q. So, in your statement that it was Nuon Chea or Pol Pot chaired
24 the meeting -- do you still stand by that statement or you wish
25 to remove it?

1 A. At that time, Soeung told me that Nuon Chea also came, but
2 because -- I did not see him, so I said so. However, as for Pol
3 Pot, and Ta Si, and another person, Phal, I saw them attending
4 the meeting.

5 As for Nuon Chea, I, personally, did not see him. I was not sure
6 whether he was present or not, but I did not see him back then.
7 So for that reason, I wish to remove his name.

8 Q. Thank you. Let me continue to another question--

9 MR. PRESIDENT:

10 The Prosecutor, you may proceed.

11 [15.49.24]

12 MR. ABDULHAK:

13 Thank you, Mr. President. I raise now, in between two questions,
14 because I -- there's a -- there's a procedure that my friend is
15 following that is not appropriate in our submission. It is not
16 appropriate to ask a witness whether or not he wishes to remove
17 something from his or her statement. That's not a procedure
18 available at this Court. A witness can be asked if a prior
19 statement is correct and he or she can be asked to clarify, but
20 the witness should not be asked whether he wishes to remove
21 something from his statement. That procedure does not exist.

22 MR. SON ARUN:

23 Allow me to respond to the Prosecution.

24 The statement has been used by the Prosecution and by various
25 parties, and there have been no objection from the Prosecution.

1 The witness has the right to remove or to distract (sic) part of
2 his record or statement.

3 MR. PRESIDENT:

4 Michael Karnavas, you may proceed.

5 [15.50.46]

6 MR. KARNAVAS:

7 Thank you, Mr. President. Since this issue may affect us as well,
8 I wish to comment.

9 I think that the Prosecution is incorrect. The gentleman is
10 perfectly capable of saying that the statement -- the summary,
11 that is -- does not reflect what he said at the time and,
12 therefore, he disavows what is in the statement itself. I think
13 that's what the gentleman from the Nuon Chea team is attempting
14 to do. Perhaps he's using the wrong terminology, such as
15 "striking", but I think the purpose is that the gentleman wishes
16 to withdraw that from the statement. He does not stand behind
17 that -- that statement that's in the summary, and I think that
18 that is the correct approach to take. Thank you.

19 MR. KONG SAM ONN:

20 Mr. President, I fully support the position by the two defence
21 teams. The witness has his right to withdraw his statement where
22 he thinks it's incorrect. Both the statements before the
23 Co-Investigating Judges or his statement are not the verbatim
24 record. It was a summary by the investigators. For that reason,
25 there could be mistakes. So the witness has the right to withdraw

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1 the points that he thinks are inappropriate.

2 [15.52.33]

3 MR. PRESIDENT:

4 Defence Counsel for Khieu Samphan, you said you support the two
5 positions by the two defence teams, but in fact, in the -- even
6 in the Khmer language, the words the two defence teams used are
7 far from one another. One is to remove the statement or the
8 portion of the statement, and one is of the inconsistent
9 statement made by the witness. These are two distinctive
10 features, even in the Khmer language, as it is also related to
11 the procedural matter.

12 So, once again, you said you were on your feet to support the
13 position by the two defence teams. Is it in your mind that you
14 think they both have the same idea and notion?

15 MR. KONG SAM ONN:

16 Thank you, Mr. President. In fact, the withdrawal of a statement
17 could be in whole if it is wholly inappropriate. However, the
18 removal or the striking out portion of the statement is the right
19 of the witness. Thank you.

20 [15.53.58]

21 MR. PRESIDENT:

22 The National Lead Co-Lawyer for civil parties, you may proceed.

23 MR. PICH ANG:

24 Mr. President, I apologize that I stand on my feet after the
25 Defence already made their points. The written record of

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1 interview of this witness, in fact, had been read back to the
2 witness and he confirms its accuracy so the parties here have the
3 right to question him on points from the statements. And if his
4 response is consistent or otherwise, the witness, himself, cannot
5 withdraw such a statement as the witness already provided a
6 thumbprint to the statement. And we also saw -- allow ourselves
7 to hear the -- the opinion of the witness during his response
8 and, of course, it is entirely up to the discretion of the Bench
9 to consider whether the previous statement or the current
10 statement is appropriate and correct.

11 (Judges deliberate)

12 [15.57.40]

13 MR. PRESIDENT:

14 Judge Cartwright, please proceed.

15 JUDGE CARTWRIGHT:

16 Thank you, President.

17 After a brief deliberation, the Chamber agrees that there is no
18 procedure available for striking a statement from the record of
19 the -- made by the Co-Investigating Judge.

20 However, we take into account the oral testimony of this witness
21 in weighing -- and placing such weight, as we think appropriate,
22 on his evidence -- in reaching our verdict.

23 Was there anything else you wished to add to that statement,

24 President?

25 MR. PRESIDENT:

1 No, Judge Cartwright.

2 Counsel Son Arun, you may proceed.

3 [15.58.54]

4 BY MR. SON ARUN:

5 Thank you, Mr. President. I'll continue with my questions.

6 Q. In your document, E3/424 in question-answer number 1, before
7 the Co-Investigating Judges, you said that in 1970 you joined the
8 -- in '71 you joined or you became a soldier until April 1975.

9 During that period, did you learn of the name Nuon Chea?

10 MR. MEAS VOEUN:

11 A. I learned of his name in 1975.

12 Q. You heard of his name. Did you ever meet him in person or did
13 you communicate with him via letter or mails?

14 A. No.

15 Q. So you did not know Nuon Chea well. You only learned of his
16 name through other people; is that correct?

17 A. No, not through any other people. It was through my division.

18 Q. Thank you.

19 During the attack on Phnom Penh, there was a communication
20 between one division to another, from a division to the local
21 level -- that is, from the division to the regiment. How did
22 divisions communicate with one another?

23 [16.01.48]

24 A. Between battles, from one regiment to -- rather, from -- yes,
25 from one regiment to another, we had to communicate and we would

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1 meet at the battle line and we would identify the area of our
2 supervision -- from which area could be controlled by any
3 particular regiment -- and we had some focal persons to
4 communicate the messages.

5 People did not stay far away from one another. We were close like
6 -- like the seating arrangement here, so we could communicate.

7 MR. SON ARUN:

8 Thank you.

9 [16.02.52]

10 Mr. President, I have a few more questions -- about five to six
11 questions -- but it is already 4 o'clock. I don't know whether I
12 should finish the questions or I should wait until tomorrow to
13 put the rest of the questions.

14 MR. PRESIDENT:

15 Thank you, Counsel.

16 It is indeed appropriate time for today's adjournment. We will
17 adjourn now, and the next session will be resumed by 9 a.m.
18 tomorrow.

19 During tomorrow's session, the Chamber continue to hear the
20 testimony of Mr. Witness. The questions continue to be put by
21 counsel for Nuon Chea and other two defence teams.

22 Mr. Meas Voeun, your testimony has not yet been concluded and the
23 Chamber would like you to come back tomorrow to give the
24 testimony from 9 a.m.

25 Duty counsel is also invited to return to the courtroom to assist

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1 Mr. Witness for tomorrow's session.

2 Court officer is now instructed to ensure that the witness is
3 properly accommodated and that he's returned to the courtroom by
4 9 a.m.

5 Security personnel are now instructed to bring Mr. Nuon Chea and
6 Khieu Samphan to the detention facility and have them returned to
7 the courtroom by 9 a.m. tomorrow.

8 The Court is adjourned.

9 (Court adjourns at 1604H)

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