



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
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9 October 2012  
Trial Day 117

Before the Judges: NIL Nonn, Presiding  
Silvia CARTWRIGHT  
YA Sokhan  
Jean-Marc LAVERGNE  
YOU Ottara  
THOU Mony (Reserve)  
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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. ABDULHAK	English
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MS. GUISSÉ	French
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
MR. SON ARUN	Khmer

1

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 This morning, the Chamber (sic) will be given to Nuon Chea's  
6 defence team to continue putting questions to this witness, Mr.  
7 Voeun. You may proceed--

8 [09.03.49]

9 International Defence Counsel, you may proceed.

10 MS. GUISSÉ:

11 Good morning, Mr. President. Thank you. Good morning, Your  
12 Honours, and to all the parties. Mr. President, I will be brief.  
13 I would simply like to make a remark regarding yesterday's  
14 transcript.

15 Yesterday, after the break in the afternoon, Judge Lavergne  
16 referred to a document, E3/232, which is a record of a meeting  
17 held in the village (sic) on the 18th (sic) of March 1976.

18 And when he presented that document, he - I think he stated that  
19 Koy Thuon attended that meeting. However, when we look at the  
20 list of participants, the alias on the list of participants is  
21 "alias Comrade Touch" - T-o-u-c-h - but Touch is not Koy Thuon's  
22 alias; it is T-h-u-c-h. That is the alias of Koy Thuon. I think  
23 it is important to make this clarification.

24 [09.05.26]

25 For Khmer speakers -- I want the record to be clear -- I refer

2

1 you to E3/E30 (sic), in which both aliases appear - that is,  
2 Comrade T-h-u-c-h, alias Koy Thuon, and alias T-o-u-c-h, alias  
3 Phouk Chhay -- I crave your indulgence for my pronunciation  
4 problems -- C-h-e-k and C-h-a-y (sic). I think it is important  
5 for the pronunciation to be correct because there may be a  
6 confusion; there may be a mix-up in the way the names are  
7 pronounced. I crave Your Court's indulgence once more.

8 Thank you, Mr. President.

9 MR. PRESIDENT:

10 Judge Lavergne, you may proceed.

11 JUDGE LAVERGNE:

12 Thank you, Mr. President. May I ask Lawyer Anta Guissé to also  
13 check the spelling in the French - sorry, in the English and the  
14 Khmer?

15 MS. GUISSÉ:

16 Absolutely, Judge Lavergne. I have checked the spelling:  
17 T-h-u-c-h, Thuch, as it appears in Khmer, corresponds to Phouk  
18 Chhay, and not to Koy Thuon. It is certainly clearer in Khmer.

19 [09.07.02]

20 I crave your indulgence again for my pronunciation problems.

21 But when it is written in French and in English, there is indeed  
22 a difference between the two aliases.

23 MR. PRESIDENT:

24 Counsel Son Arun, you may continue.

25 QUESTIONING BY MR. SON ARUN RESUMES:

3

1 Thank you, Mr. President. Good morning, Your Honours, everyone in  
2 and around the courtroom. Good morning, Mr. Meas Voeun. I asked  
3 you some questions yesterday and I have a couple more questions  
4 to put to you, and my colleague will have about 40 minutes of  
5 question time for you.

6 [09.08.07]

7 Q. Mr. Meas Voeun, you knew that Phnom Penh was captured on the  
8 17th April 1975. Were you aware that all the towns and provinces  
9 were under the control of the Khmer Rouge on the same day?

10 MR. MEAS VOEUN:

11 A. On the day of the liberation of Phnom Penh and for -- I  
12 already knew about the liberation of Kampong Chhang provincial  
13 town, which was after Phnom Penh's liberation.

14 Q. Thank you.

15 During the attack on Phnom Penh, divisions came from various  
16 directions, advancing toward Phnom Penh for the final capture.  
17 Did you know if there were other military structures or divisions  
18 attacking other provinces throughout Cambodia?

19 A. I only knew about Kampong Chhang province. The Sector 32  
20 soldiers attacked Kampong Chhang province at the time.

21 Q. So you had no knowledge about the attack by Khmer Rouge  
22 soldiers in other provinces?

23 A. Yes, that is correct.

24 Q. When you went to take charge in Koh Kong in your capacity as  
25 the deputy commander of division, starting from the 17 July 1976,

4

1 what is the percentage of the territory and the islands under  
2 your command at the time in the Koh Kong province?

3 [09.11.38]

4 A. I left Kampot for Koh Kong, and we went there directly. At  
5 that time, I controlled part of Koh Kong, starting from the outer  
6 Koh Kong to a number of smaller islands. The outer Koh Kong  
7 Island was the big main island. However, there were other  
8 surrounding smaller islands, including Kaoh Sdach -- Kaoh Sdach  
9 Island, Kapi Island, Ya Island, Pao Island, Sralau Island, and  
10 another island at the upper part -- it was known as Sanchaura  
11 Island, it was near Kaoh Pao - Pao Island. And also there was a  
12 Chhlam Island, which was a small island. There was also the  
13 Krasob coastal part.

14 Q. Thank you. What about the inland territory of Koh Kong? Which  
15 division were in charge of those inland parts of Koh Kong? And  
16 what about the other islands, including Tral Island and Arch She  
17 (phonetic) Island, and other large islands? Who were controlling  
18 those islands at the time?

19 A. As far as I know, those islands were under the control of  
20 Division 13, starting from Rong Island to the further islands  
21 from Kampong Som, including Tang Island, Poulo Wai Island, Pring  
22 Island, Seh Island, and Tral Island. That's all I can recall.

23 [09.14.46]

24 Q. So those small islands near Koh Kong were under your control.  
25 What about the main islands that you just described? Who were

1 controlling those main islands?

2 A. They were under the control of Division 3, as I knew a person  
3 by the name of Roeun (phonetic), who already passed away, and  
4 under the control of Muth. They were in Division 3.

5 Q. What about the inland territory of Koh Kong? Was it also under  
6 the control of Meas Muth or under another military commander?

7 A. I did not know who controlled the inland territory, whether  
8 the base authority controlled it or whether Meas Muth controlled  
9 it.

10 [09.16.58]

11 Q. During the time that you took control of the smaller islands  
12 near Koh Kong, you stated previously that there were Thai fishing  
13 boats which encroached frequently into the maritime border of  
14 Cambodia. Were you aware that at those larger islands under the  
15 control of Meas Muth and another person -- that Vietnamese  
16 soldiers encroach on those islands? And if so, how frequent?

17 A. While I was in Koh Kong, I heard that Vietnamese soldiers  
18 attacked and seized control of Wai Island. That island was under  
19 the control of Muth. However, I did not know how it happened or  
20 how he defended the island, it was unclear to me, but I learned  
21 that Vietnamese used a larger ship and anchored in the sea about  
22 3 kilometres from the island, and then they mobilized a smaller  
23 boat to attack and seize that Poulo Wai Island. I did not gain  
24 this knowledge first hand; I knew those people from Division 3 --  
25 talked about that. And the attack took place in the very early



6

1 morning, around 4 or 5 a.m. That's all I knew.

2 Q. Thank you. So, you heard people from Division 3 said that  
3 Vietnamese naval forces attacked Poulo Wai Island and Tang  
4 Island. Did you hear later on whether, after the attack, they  
5 made their base there or they withdrew?

6 [09.19.41]

7 MR. PRESIDENT:

8 Witness, please wait.

9 The Prosecutor, you may proceed.

10 MR. ABDULHAK:

11 Your Honours, again, it might be an issue of interpretation, but  
12 we didn't hear a reference to the Tang Island in the witness's  
13 previous response. We heard him discuss the Poulo Wai Island. And  
14 counsel has just asked the witness to confirm that he had seen --  
15 that he was aware of attacks on Poulo Wai and Tang Island, and  
16 the latter does not flow from the witness's previous response.

17 MR. SON ARUN:

18 My first question to him, which -- he responded that he did not  
19 personally witness it but he heard people from Division 3 talk  
20 about the fighting on a number of islands, including Tang Island.  
21 So, my question to him was whether those foreign forces remained  
22 at those islands or they withdrew after the fight.

23 [09.20.55]

24 MR. PRESIDENT:

25 Witness, could you please respond to the last question?

7

1 MR. MEAS VOEUN:

2 A. After the attack, they remained on those islands, and I did  
3 not know when they withdrew themselves.

4 BY SON ARUN:

5 Q. Besides the attack by the Vietnamese naval forces on those  
6 larger islands, did you know whether Vietnamese civilians, or  
7 Vietnamese fishermen, or Vietnamese soldiers came to settle on  
8 those islands -- because you controlled the nearby islands, so  
9 whether it became to your knowledge that those Vietnamese people  
10 or forces settled there or they left before you relocated  
11 yourself to Preah Vihear?

12 [09.22.41]

13 MR. MEAS VOEUN:

14 A. After their attack and seizure of those islands, no Vietnamese  
15 civilian came to live there; there were only Vietnamese soldiers.  
16 But I did not know, as I said previously, when they withdrew  
17 their forces.

18 Q. Thank you.

19 In your statement before the Co Investigating Judges, you stated  
20 repeatedly -- as well in this Court - about the name of Nuon Chea  
21 -- that Nuon Chea participated with Son Sen in the General Staff.  
22 I asked that question to you yesterday, but I have another  
23 question to put to you regarding this point: Did you know Nuon  
24 Chea well or did you just hear about his name?

25 [09.24.15]

8

1 A. In 1975, of course, the subordinates wanted to know about the  
2 upper level. For example, at my level, we rarely saw the  
3 leadership level, except in the cases where meetings were  
4 organized and held at the zone level. And if I was invited, then  
5 I would know him. Otherwise, I will not -- I did not know him  
6 well, but I of course knew of his name.

7 Q. Thank you. During the three years, eight months, and 20 days  
8 period, did you ever attend a mass meeting or a conference with  
9 Nuon Chea?

10 A. If I was told by my division commander, I would participate in  
11 such meeting. And if there was a need for me at the front  
12 battlefield, then I would not attend such a meeting.

13 Q. My question is whether you personally ever attended any mass  
14 meeting or conference with him during that regime -- that is,  
15 from 1975 to 6 January 1979. Did you ever take part in any  
16 conference or meeting under the chairmanship of Nuon Chea? Were  
17 you ever invited -- or whether your division commander ever  
18 authorized you to attend such a meeting?

19 [09.26.27]

20 A. I attended twice, as I said. Once was in Longveaek, and  
21 another one was in Kampong Speu.  
22 However, as for the meeting in Kampong Speu, I was instructed by  
23 my division commander that the meeting would last for five days  
24 and that -- that Uncle would attend, those uncles including Uncle  
25 Pol Pot and Uncle Nuon Chea, as well as Ta Si.

1 But when I attended that meeting or conference, I only saw Uncle  
2 Pol Pot, and Ta Si, and Ta Pal, but I did not see Uncle Nuon  
3 Chea. So, during that meeting, I did not see him. I only see -- I  
4 only saw the three people and those cadres from the West.

5 MR. SON ARUN:

6 Thank you, Mr. President. I have no more questions for this  
7 witness, and my colleague will have some questions.

8 Thank you, Mr. Witness.

9 QUESTIONING BY MR. IANUZZI:

10 Thank you, Major Son Arun. Thank you, Mr. President. Good  
11 morning, everyone, and good morning to you, Mr. Witness. I have a  
12 few more questions for you this morning. I will certainly aim to  
13 finish before the coffee break. My colleague suggested that it  
14 might take 40 minutes; I think that's about right, but I'll try  
15 to move slowly for the interpreters.

16 [09.28.38]

17 Q. If I could first of all just clarify a few points of geography  
18 before we get started into the substantive questioning, just to  
19 clarify, your current home -- that is, your present home -- is at  
20 Thma Daekkeh village in Banteay Meanchey province; is that  
21 correct?

22 MR. MEAS VOEUN:

23 A. Yes, it is.

24 Q. Thank you, Mr. Witness. And how long have you lived in that  
25 village?

10

1 A. I have lived in the village from the date when UNTAC arranged  
2 the first national elections.

3 Q. Thank you, Mr. Witness. And prior to that, where did you live?

4 A. Prior to that, I lived in a camp -- Refugee Camp Number 8.

5 Then I moved to Kang Va Refugee Camp before I headed to Thma  
6 Puok. And, noting that I did not have land to live at Thma Puok,  
7 I moved to another location.

8 Q. Thank you, Mr. Witness. And that refugee camp, Refugee Camp  
9 Number 8, I believe you said, where was that located -- where was  
10 that camp located?

11 A. Refugee Camp Number 8 is also known as Ta Ngoc Refugee Camp. I  
12 had been there for about three months. It is located near the  
13 border.

14 [09.31.05]

15 Q. And when you say "the border", are you referring to the border  
16 between Thailand and Cambodia? Is that correct?

17 A. Yes, it is.

18 Q. Thank you, Mr. Witness. And prior to living in that camp --  
19 Camp Number 8, where I think you just said you spent  
20 approximately three months -- where did you live before then?

21 A. Before I moved to this camp, which is in Thailand territory,  
22 it was in 1983, and I was in Boeng Trakuon before that. Boeng  
23 Trakuon is in the location of Chhat Mountain.

24 Q. Is that also adjacent to the Thai-Cambodian border, that  
25 location?

11

1 A. Yes, it is correct.

2 Q. Thank you, Mr. Witness. So, just to recap very briefly, based  
3 on your experience both during the DK period and after, is it  
4 fair to say that you are quite familiar with the Thai-Cambodian  
5 border?

6 [09.32.51]

7 A. Yes, it is fair to say so.

8 Q. Thank you, Mr. Witness. Have you ever visited the city of  
9 Battambang -- Battambang city?

10 A. Yes, I have.

11 Q. Thank you, Mr. Witness. And just one last question on this  
12 area for now: Approximately, how far is your current home - your  
13 current home -- from Malai town in Malai district?

14 A. From my home to the border, it is far, but from my home to  
15 Chhat Mountain, it is about 15 kilometres from the Cambodian-Thai  
16 border. But from my home to Malai location, I am afraid I cannot  
17 say exactly how far it is, but it is about 100 kilometres at  
18 least.

19 Q. Thank you, Mr. Witness. Have you ever visited Malai district  
20 or, in particular, Malai town?

21 A. Yes, I have been there before.

22 [09.34.29]

23 Q. Thank you, Mr. Witness.

24 Now, I'd like to move on to another -- another topic. I may refer  
25 to these geographical points a bit later, but for now, if we

12

1 could turn very briefly to the scope of your knowledge, and just,  
2 again, to recap with respect to what you've told us regarding the  
3 DK military structures, am I correct to say that your own  
4 personal knowledge does not extend beyond -- or perhaps above, I  
5 should say, the zone level? Is that correct?

6 A. Yes.

7 Q. Thank you, Mr. Witness. And you've - you've already clarified  
8 for us several times, I believe, that you personally did not know  
9 whether Nuon Chea attended zone congresses and you personally did  
10 not know whether Nuon Chea was a member of the General Staff,  
11 despite, I might add, what's been inaccurately reflected in your  
12 OCIJ statements. And we, of course, accept and welcome those  
13 clarifications; that's one of the reasons we're here. So I won't  
14 ask you any more questions on those areas.

15 [09.35.42]

16 However, just for the record, I would like to point out at this  
17 stage that one of the questions that caused us some confusion  
18 yesterday -- and I'm referring to document E3/434, and that was  
19 question and answer number 3 -- in reality, in actual fact,  
20 that's at least nine questions -- at least nine questions, with,  
21 as far as I could tell, at least two instances of prodding by the  
22 questioner.

23 So, just for the record and to give everyone on the stage and in  
24 the audience a sense of what's happening, I know the Chamber has  
25 a preference for certain legal fictions and that you do prefer to

13

1 ask witness's at the beginning of their testimony whether or not  
2 they adopt and accept their statements, but again, as the case  
3 may be -- as it seems to me, in fact -- it's rarely the case.  
4 It's rarely the case that those statements reflect reality --  
5 that is, they rarely reflect what actually transpired.

6 And I'll move away from this issue. I have no--

7 MR. PRESIDENT:

8 We note the Co Prosecutor is on his feet. He may proceed.

9 [09.36.55]

10 MR. ABDULHAK:

11 Your Honours, we would object to our learned friend engaging in  
12 testifying and giving submissions, both in the presence of the  
13 witness and halfway through his examination. It's entirely  
14 inappropriate.

15 It is not -- if the counsel wishes to point to portions of the  
16 audio record or transcript, that is an option available to him.  
17 And at this juncture, I want to refer to the Chamber's decision  
18 from the 13th of March 2011. So, more than a year ago, the  
19 Chamber instructed the parties on these types of matters - or, I  
20 apologize, I think that decision might have been misstated; it's  
21 in fact 2012. It's the 13th of March 2012. The decision is found  
22 in E142/3, and the Chamber gave guidance on this very issue at  
23 paragraph 12, where it said that "it will consider on a  
24 case-by-case basis challenges" -- specific challenges - "to  
25 testimony of witnesses".



1 [09.37.56]

2 And then it goes on to say:

3 "However, it will entertain allegations of inconsistency between  
4 the audio recording and written records of interview only where  
5 these are identified with sufficient particularity and pertain to  
6 alleged discrepancies on the substance which have clear relevance  
7 to the trial."

8 And then, further, and importantly:

9 "Any party raising such a challenge further bears the burden of  
10 clearly identifying the alleged inconsistency and give timely  
11 advance notice to the Chamber and the other parties of these  
12 allegations and the documents relevant to them."

13 [09.38.37]

14 It's incumbent on all parties to follow the Chamber's directions.  
15 The proper course to follow in instances where the defence have  
16 concerns about prior records of interview is to obtain the  
17 transcripts in a timely manner, place them on the case file, and  
18 then, during the examinations, take us to the specific passages  
19 and put specific and relevant questions to the witness, and not,  
20 as my learned friend was doing earlier, purporting to give  
21 evidence and also, along the way, critique the Chamber's approach  
22 in accepting the established procedure before this Court. Thank  
23 you.

24 MR. IANUZZI:

25 If I may just reply - reply very briefly, I was about to move on

15

1 to my next point.

2 And I've got this decision in my hands, and I certainly agree  
3 with certain portions of the decision. I certainly agree that  
4 it's crucial - crucial -- that we be able to test the credibility  
5 of witnesses against what they have purportedly said to the  
6 Office of the Co Investigating Judges.

7 But I would like to state again for the record that this is an  
8 incredible burden to place on a defence. We have an obligation to  
9 do our due diligence. We have an obligation to prepare for  
10 cross-examination, obviously. But equally, this tribunal has an  
11 obligation to produce accurate records which reflect what  
12 actually transpired, and not the kinds of things that we're  
13 seeing here.

14 [09.40.06]

15 We don't have the time, we don't have the resources. This has  
16 been said ad nauseam, you're familiar with this. We don't have  
17 the time to listen to hours and hours and hours of audio  
18 recording every time a witness comes up into Court, especially as  
19 Your Honours have told us that we need to maintain a flexible  
20 schedule. The witness schedule is changing on a daily basis, so  
21 we just don't have that kind of time.

22 I accept that to the extent that we're able to do it -- able to  
23 assist the Chamber, we will do it, and we've done it here in  
24 Court, and I believe we have clearly identified the problem areas  
25 with respect to the statements of this witness -- from the moment

16

1 he took the stand, I might add.

2 In any case, that's all I have to say about that. I'll move on to  
3 my next section.

4 [09.40.53]

5 BY MR. IANUZZI:

6 Q. Now, Mr. Witness, back to – back to some questions for you.

7 I'd like to talk a little bit about your own roles and positions  
8 before and during the DK period.

9 Now, from your statements and, more importantly, from what you've  
10 told the Chamber to date, it seems to me that you have had quite  
11 a successful career; you were promoted quite quickly: from  
12 soldier in 1971, to team leader in 1972, to battalion commander  
13 in 1973, to regiment commander, 1975 -- in which position, I  
14 might add, you played a key role in the liberation of Phnom Penh;  
15 you were then sent to the Southwest Zone which was integrated  
16 into the West Zone, 1976, where you made deputy division  
17 commander.

18 Now, correct me if I'm wrong, Mr. Witness, but just to summarize,  
19 and based on what you've told us before about your relationship  
20 to the Centre, from 1975 through 1978 you were operating as a  
21 very successful military commander in the Western Zone, with no  
22 direct reference or contact to the Party Centre; is that correct?  
23 Is that a -- more or less a correct summary of your professional  
24 career between 1975 and 1978?

25 [09.42.31]

1 MR. MEAS VOEUN:

2 A. Yes, it is correct. I still recollect some relevant points,  
3 but I believe that my memory does not serve me well all the time.  
4 And I note also that I had nothing to do with the senior leaders.  
5 I had no contact with the senior leaders. I only was engaged in  
6 the work rendered -- orders rendered to me from the division or  
7 division-related tasks that had to be shouldered by me, that I  
8 was supposed to know. And I was told from my commander not to  
9 leave the base, and that's all I learned.

10 Q. Thank you, Mr. Witness. One question on this point: How do you  
11 account -- how do you personally account for your very rapid rise  
12 through the military ranks?

13 A. In reality, I did not rise to the positions more rapidly. I  
14 was promoted as the deputy commander. I had been assigned this  
15 new task after I had been severely injured, and the position was  
16 not fully -- a full-rights deputy commander of the division; I  
17 was tasked with assisting the deputy commander of division who  
18 had been hospitalized, who got injured in the battle and who  
19 could not perform his duty very well. So I was called in to help  
20 him while he was not doing his job completely. So, I was attached  
21 to Koh Kong and I did not go elsewhere more frequently.

22 [09.45.21]

23 And I -- in my capacity as a so-called deputy commander of the  
24 division, I -- it was a brief position, and I didn't take charge  
25 of the position for a long time and I was only in charge of a

1 small fragment of geographical location in Koh Kong province.

2 That's all.

3 Q. Thank you, Mr. Witness. So, maybe just so I can understand  
4 what you have just said, am I correct in saying that despite your  
5 quite impressive, quite senior sounding title, deputy division  
6 commander -- are you telling us that you didn't actually do much  
7 -- you didn't actually have too many responsibilities?

8 A. Yes, it is correct to say so.

9 Q. Thank you very much.

10 Turning to something that you discussed at length with Judge  
11 Lavergne yesterday, and that is Mr. Meas Muth, do you recall that  
12 discussion, the discussion you had with one of the Judges about  
13 Meas Muth?

14 [09.46.49]

15 A. Yes, I do. Yesterday, Meas Muth was mentioned, and I know this  
16 person by the name of Ta Muth.

17 Q. Thank you, Mr. Witness. And what about an individual called  
18 Sou Met or Met? Are you familiar with that individual, Sou Met?

19 A. Yes, I am. I -- rather, I have never met this person. I do not  
20 know in which division he worked. I have heard of his name,  
21 indeed, but I never know what he did or what kind of functions he  
22 performed. I don't even know where he works. I only know the  
23 person who worked under me.

24 Q. Thank you, Mr. Witness. So, is it -- just so I've got it  
25 clearly for the record, is it your evidence today that despite

19

1 your quite successful military career under DK, you have no idea  
2 what position Sou Met held? Is that what you're telling the  
3 Chamber?

4 [09.48.36]

5 A. I have heard of his name for sure, but I do not know more than  
6 this.

7 Q. Thank you, Mr. Witness.

8 One last question on this point: Where would you place yourself,  
9 by way of comparison in the military hierarchy, to Meas Muth? At  
10 what level were you compared to Meas Muth? In other words, how  
11 would you describe the seniority of your position?

12 A. I did not have the rank as that of Mr. Meas Muth. I was much  
13 inferior than he was. Meas Muth controlled a naval division, and  
14 I was far below his rank.

15 Q. Thank you, Mr. Witness.

16 Let me move on to another individual whose name you've mentioned  
17 several times, and that is Ta Mok. And you've – you've described  
18 a bit already his role during the DK period. Is it fair to say  
19 that you knew Ta Mok rather well or fairly well? How well did you  
20 know Ta Mok?

21 A. I got to know Ta Mok when he went into the jungle and he  
22 recruited me as a person who gave protection to the cadres in the  
23 jungle. So I had known him for several years and learned that he  
24 was a leader of the Resistance Movement. And I also saw him going  
25 everywhere. Wherever I went, I would see him.

20

1 [09.51.07]

2 And after I had left my hometown for the jungle, the first person  
3 I knew was Ta Mok. And by 1975, I worked in the jungle. He had  
4 been travelling places.

5 Q. Thank you. Thank you, Mr. Witness. If I could -- if I -- is my  
6 microphone on? Yes. My own problem. Thank you, Mr. Witness.

7 Now, if I could, I would like to read out something that another  
8 witness in this case, whose name I shall not mention at the  
9 moment, has said regarding Ta Mok -- and I'm quoting now:

10 "Mr. Witness, about the middle of that page, you were talking  
11 about zones, and you said: 'Each zone had a leader like a  
12 warlord.' Maybe you could just tell us in your own words what you  
13 meant by the word 'warload'. What does that mean to you?"

14 Answer: "'Warlord', I referred to Ta Mok, because they -- he  
15 killed cadres from the - from the Southwest."

16 Question: "Thank you, Mr. Witness."

17 Answer: "Rather, he really brought cadres from the Southwest to  
18 kill other -- in other zones."

19 "Thank you very much for that..." And that's the end of the  
20 quote.

21 [09.53.04]

22 So my question to you, Mr. Witness, is as follows: Would you  
23 agree, based on your own personal experience, that Ta Mok  
24 behaved, as this witness said, as a "warlord". And I'm using that  
25 word in its - in its plain English sense, in its normal sense,

21

1 and that is to say, as a military leader with a great deal of  
2 personal power, authority, and autonomy? Would you agree that Ta  
3 Mok had a great deal of personal power, authority, and autonomy?

4 MR. PRESIDENT:

5 Mr. Witness, could you please hold on?

6 Mr. Co Prosecutor, you may now proceed.

7 MR. ABDULHAK:

8 Thank you, Mr. President. I'm reluctant to intervene, but just a  
9 brief point of order. Could we have the relevant references to  
10 which witness statement and specific ERNs so that we can all look  
11 at the specific passage?

12 [09.54.10]

13 MR. IANUZZI:

14 I apologize. That's a - that's a trial transcript of 31st of July  
15 2012, at page 73, lines 5 through 16, and it's document number  
16 E1/99.1. I apologize; I'm just having a bit of difficulty with my  
17 headset.

18 MR. PRESIDENT:

19 Counsel, can you please repeat the identification of the  
20 document? Because it was not well-captured by the interpreter?

21 MR. IANUZZI:

22 Certainly, Mr. President. It's document number E1/99.1 and that's  
23 the trial transcript of the 31st of July 2012, and the bit I  
24 quoted was at page 73, lines 5 through 16. And that was the  
25 testimony of -- well, let me hear the witness's answer first, and



22

1 then I'll be happy to tell you who it was. And it should be  
2 obvious to everyone -- on the stage, at least.

3 BY MR. IANUZZI:

4 [09.55.15]

5 Q. Mr. Witness, do you agree that Ta Mok was a military leader  
6 with a great deal of personal power, authority, and autonomy?

7 MR. MEAS VOEUN:

8 A. Yes, I do. I used to be with him from the beginning and -- of  
9 1968 all the way to 1975. I, indeed, did not understand the term  
10 "warlord" precisely, but I know for sure that Ta Mok enjoyed the  
11 -- some kind of high authority, absolute power, and he could make  
12 any decision on his own. And, practically, whatever order he had  
13 rendered to me and -- I had to follow them without condition. If  
14 he asked me to leave or to do something at night, I would have to  
15 do these things at night.

16 By 1975, his power increased. He could even remove any leader or  
17 soldiers on his own accord. And, on top of that, whenever I went  
18 -- or wherever I went, I always saw him -- I always saw Ta Mok.  
19 And at some point he had removed his own forces for the purpose  
20 of work, or education, or tempering. Ta Mok would do that on his  
21 own. So I agree with your point.

22 [09.57.33]

23 Q. "Absolute authority". Thank you, Mr. Witness, and thank you,  
24 Mr. Court Officer, for the new headset.

25 If I could just turn to another area of questioning now, Mr.

1 Witness, at this stage I'd like to put a few factual propositions  
2 to you--

3 MR. PRESIDENT:

4 Could you please hold on, Counsel? We happen to have some  
5 technical difficulty.

6 (Short pause, technical problem)

7 [09.58.25]

8 Counsel, you may continue.

9 MR. IANUZZI:

10 Thank you, Mr. President. Can everyone hear me? Thank you--

11 MR. PRESIDENT:

12 Counsel, please wait.

13 (Short pause, technical problem)

14 I was informed that the technical issues may take quite some time  
15 to resolve.

16 (Short pause, technical problem)

17 [10.02.22]

18 Counsel, you may now proceed with your question.

19 BY MR. IANUZZI:

20 Thank you, Mr. President.

21 Q. Mr. Witness, I'd now like to put, as I said, a few  
22 propositions to you and ask for your comments or your  
23 explanation, and that, of course - of course, keep in mind, must  
24 be based on your personal experience, your personal experience as  
25 a military professional and to the extent that explanation is

24

1 within your sphere of knowledge.

2 So what I'm saying, in a nutshell: Please do not speculate,  
3 please do not guess. If you don't have any comment on what I'm  
4 about to put to you, please tell me, and I'll move on to the next  
5 item.

6 [10.03.17]

7 First of all, are you aware, Mr. Witness, that Ta Mok and Meas  
8 Muth have all been identified as having directly -- directly --  
9 and without any reference to the Party Centre, overseen  
10 executions carried out by their subordinates? Are you aware of  
11 that?

12 Don't answer, Mr. Witness, there is an objection.

13 MR. PRESIDENT:

14 Witness, please wait.

15 The Prosecution, you may proceed.

16 MR. ABDULHAK:

17 Your Honours, the question is not in the proper form; it is  
18 missing a crucial component: Are you aware that certain  
19 individuals have been identified as doing certain things, by  
20 whom, when, and in which document?

21 [10.04.10]

22 My learned friend should be directed to use specific documents  
23 and refer to materials from which he draws that information, and  
24 then he can ask the witness questions within his knowledge.

25 MR. IANUZZI:

25

1 Very briefly, Mr. President, these are my instructions.  
2 And may I add for the records that ideas -- ideas exist separate  
3 and apart from documents. Ideas exist in the world. I know this  
4 Chamber has a predilection for relying on documents. Here's a  
5 witness, he knows Ta Mok, he knows Meas Muth, I have  
6 instructions. This is a military commander. Surely - surely he  
7 can tell us, by virtue of his own personal and professional  
8 experience, whether what I'm saying makes sense, is true, is not  
9 true, is within his field of knowledge, is without his field of  
10 knowledge? This is the point of having witness testimony.  
11 Again - again, ideas exist separate and apart from the fact that  
12 they're written down somewhere. We all have brains in our heads,  
13 we can all formulate ideas, and it doesn't need to be put in a  
14 document to have any weight, any value -- any existence, for that  
15 matter -- before this Chamber.  
16 And, anyway, we're having a document hearing next week. We're  
17 having a document hearing next week, so perhaps that's the time  
18 to talk about documents. Now we have a live witness; let's ask  
19 the witness questions and see what the witness has to say.  
20 (Judges deliberate)  
21 [10.11.00]  
22 MR. PRESIDENT:  
23 I'd like to give the floor to Judge Cartwright to rule on the  
24 matter in relation to the question put to the witness by the  
25 international counsel for Nuon Chea and as objected by the

1 Prosecution.

2 You may proceed, Judge Cartwright.

3 JUDGE CARTWRIGHT:

4 Thank you, President.

5 The Chamber is agreed that a question that is not based on some  
6 material or witness statement in this Court, that cannot be  
7 tested by the Court is not admissible. Ideas, as you expressed  
8 them, are insufficient. The Court can operate only on evidence.  
9 Consequently, if there is a prior witness statement that has been  
10 heard and examined in this Court or a document that has been put  
11 before the Chamber, these are all viable bases for putting a  
12 question to a witness.

13 [10.12.28]

14 Instructions from an accused cannot be given much weight unless  
15 the accused chooses not to exercise his right to remain silent  
16 and makes himself available for questioning on that topic.

17 Consequently, any other questions are based on in effect  
18 hypotheses, which are unable to be appropriately tested and  
19 relied upon in reaching a verdict.

20 So, Mr. Ianuzzi, if you wish to found your question on some such  
21 material, then it can be put to the witness. Otherwise, please  
22 move on.

23 MR. IANUZZI:

24 Thank you, Judge Cartwright.

25 I haven't been a lawyer for very long, but that certainly --

1 certainly sounds to me like an absolutely incorrect statement of  
2 what's--

3 JUDGE CARTWRIGHT:

4 Mr. Ianuzzi, you have been told before--

5 [10.13.38]

6 MR. IANUZZI:

7 This is a live trial.

8 JUDGE CARTWRIGHT:

9 Mr. Ianuzzi--

10 MR. IANUZZI:

11 This is a live trial.

12 JUDGE CARTWRIGHT:

13 --you have been told before, you do not comment--

14 MR. IANUZZI:

15 We might as well have this trial on paper. We might as well have  
16 it on paper. Where on earth, Judge Cartwright, did you find the  
17 legal support for the ruling--

18 [10.14.13]

19 MR. PRESIDENT:

20 Counsel, you may move on with your questions if you have any. And  
21 if you don't have any further questions, the floor will be given  
22 to another defence team.

23 MR. IANUZZI:

24 Thank you, Mr. President. I obviously am being forced to abandon  
25 my next five questions, and I would like to note that for the

1 record. I am being forced by the Trial Chamber to abandon five  
2 relevant questions that--

3 MR. PRESIDENT:

4 If you have no further questions, please be seated so that the  
5 floor can be given to another defence team.

6 BY MR. IANUZZI:

7 Thank you, Mr. President. I have approximately three pages of  
8 questions left. I'll do my very best to finish before the coffee  
9 break.

10 [10.15.11]

11 Q. Perhaps let me start, Mr. Witness, given the last ruling, with  
12 a document.

13 Now, Mr. Witness, you mentioned earlier that you had indeed  
14 visited the city of Battambang. Let me put something to you from  
15 a document regarding events said to have taken place in that  
16 city, and then let me ask you a question or two.

17 And I'm referring now to a document -- it has a document number  
18 E5 -- and let me just quote this:

19 "We talk with Judge Nil, who says that he's upset by peoples'  
20 lack of faith in the justice system. He laments that he often has  
21 to defend his profession to friends. He admits that, yes, he does  
22 take bribes -- of course -- but only after a case is over--"

23 MR. PRESIDENT:

24 The Chamber already ruled on that matter, and you also appealed  
25 that decision.

1 So, let me repeat, once the matter has been ruled by the Chamber,  
2 you cannot raise that matter again. You are not allowed to  
3 proceed in that fashion.

4 We have heard a number of your questions that you have put to  
5 this witness, and they are irrelevant to the facts alleged  
6 against your client. We are here attempting to hear clearly the  
7 ideas you put in your questions, but in the end your relevance --  
8 your questions are not relevant to the facts.

9 [10.17.35]

10 Please proceed with questions substantially relevant to your  
11 client.

12 MR. IANUZZI:

13 Thank you, Mr. President.

14 Just for the record, we did not appeal that - that decision. That  
15 was another party who appealed--

16 MR. PRESIDENT:

17 Once again, Counsel, you are not allowed to raise this issue.

18 You may put questions to this witness relevant to the facts  
19 determined by the Trial Chamber concerning Case 002/1 and other  
20 facts known to this witness.

21 BY MR. IANUZZI:

22 Thank you, Mr. President. Then, in that case, I will move on to  
23 another area.

24 Q. Mr. Witness, are you familiar with an individual by the name  
25 of Ta Cheam?



30

1 [10.18.50]

2 MR. MEAS VOEUN:

3 A. Yes, I am familiar. Ta Cheam did not have any significant role  
4 to play. That's the Ta Cheam that I know; I'm not sure if you are  
5 referring to that person or not.

6 Q. Well, before I move on, let's clarify that point. Who are you  
7 referring to? Who is the Ta Cheam that you are referring to?

8 A. You need to tell me first which Ta Cheam you refer to or where  
9 he worked, because there are a number of people by the name of  
10 Cheam.

11 Q. Thank you, Mr. Witness. The individual that I have in mind  
12 also goes by the name Phy Phuon, or Rochoem Ton. Do you know that  
13 individual, or is it another Ta Cheam that you know?

14 A. I know another person by the name of Ta Cheam. He is alive,  
15 but I'm afraid that you refer to another Ta Cheam.

16 Q. Thank you, Mr. Witness. In that case, I have no further  
17 questions on that point.

18 One last question before I sit down, Mr. Witness, are you aware -  
19 are you aware -- is it within your sphere of knowledge that one  
20 of the reasons for the recent treatment given to Mr. Mam Sonando  
21 by the Phnom Penh Municipal Court is the fact -- the fact, that  
22 his radio station had the courage to publicize news regarding a  
23 complaint lodged against Hun Sen at the--

24 [10.21.07]

25 MR. PRESIDENT:

31

1 This question is not relevant at all to the facts before us.  
2 Witness, you are not -- you are instructed not to respond to this  
3 kind of question.

4 MR. IANUZZI:

5 Thank you, Mr. President. Just to finish that sentence, the  
6 International Criminal Court accused of crimes against--

7 MR. PRESIDENT:

8 We have told you repeatedly that you are not allowed to be on  
9 your feet and to make a deliberate comment on anything. The floor  
10 is given to you to put questions relevant to the facts determined  
11 by this Trial Chamber to this witness -- that is, within the  
12 framework of Case 002/01 -- except a number of witnesses where  
13 questions can be put regarding all of the facts within Case 002.  
14 [10.22.19]

15 MR. IANUZZI:

16 Thank you, Mr. President. That was indeed my last question.  
17 And perhaps I could just end by registering my agreement with Mr.  
18 Richard Rogers -- and I'm referring to the famous musician, not  
19 the famous lawyer: "There's nothing like a dame."

20 Thank you, Mr. Witness.

21 MR. PRESIDENT:

22 The floor is now given to Ieng Sary's defence to put questions to  
23 this witness.

24 QUESTIONING BY MR. KARNAVAS:

25 Thank you, Mr. President. Good morning, Your Honours. Good

1 morning to everyone in and around the courtroom, and good  
2 morning, sir. Along with Mr. Ang Udom, I represent Mr. Ieng Sary.  
3 I just have a few questions.

4 Q. I would like to refer to your second interview of March 3,  
5 2010. It's document E3/80 - E3/80 -- and I'm referring to a  
6 passage that can be found on Khmer page 00486472; French,  
7 00509787 to 88; in English, 00491657.

8 [10.24.10]

9 We see that a question is posed to you at the very top of the  
10 page in English, where it says: "The Confession of Chou Chet  
11 alias Si stated that..." And then it goes on to quote from the  
12 confession.

13 Was this confession shown to you or was it merely read out to you  
14 by the Investigative Judges who were there representing the  
15 Office of the Co-Investigative Judges? Did the investigators show  
16 you this -- this confession? And there's a point that I want to  
17 make on this.

18 MR. MEAS VOEUN:

19 A. They read it to me.

20 Q. Did they read any other confessions, these investigators who  
21 were there on behalf of the Co-Investigative Judges, one of whom  
22 was an international -- supposedly knew and appreciated the  
23 Convention Against Torture and how torture tainted evidence  
24 should not be used in Court?

25 [10.25.51]

1 MR. PRESIDENT:

2 Witness, please wait.

3 The Prosecution, you may proceed.

4 MR. ABDULHAK:

5 Mr. President, we have no objection to my learned friend asking  
6 questions about the use of documents during that interview, but  
7 the offhand commentary, and references, and quasi-submissions on  
8 the work of the Investigating Judges have no place in the course  
9 of the questioning of a witness. My learned friend can reserve  
10 those for subsequent occasions where he will be in a position to  
11 make submissions.

12 He should ask this witness questions, direct questions, based on  
13 the facts within his knowledge.

14 MR. KARNAVAS:

15 Point taken. I just wanted the record to reflect that, since the  
16 issue came up yesterday, when another Judge was making reference  
17 to a confession.

18 [10.26.44]

19 BY MR. KARNAVAS:

20 Q. Sir, did they also show you or make reference to other  
21 confessions during that interview or other interviews?

22 MR. MEAS VOEUN:

23 A. They did not read the confession of Ta Si. He read the portion  
24 of the report from the sector. It was a brief summary about  
25 smashing of the enemy. But they did not read many documents to

1 me.

2 Q. All right.

3 Now, if you look at your statement, on the very first page, it  
4 says that it began "at 1020 hours" -- that would be 20 minutes  
5 past 10.00 in the morning. And if we look at the very last page,  
6 it says that the interview was concluded "at 1730" -- that would  
7 be 5.30 in the afternoon, approximately seven hours and 10  
8 minutes.

9 [10.28.07]

10 We have the tape recording, which is only approximately two hours  
11 and 42 seconds.

12 Can you please tell us what exactly happened during the nearly  
13 five hours of missing tape -- what you and the investigators for  
14 the Office of the Co-Investigative Judges were doing during that  
15 period?

16 MR. ABDULHAK:

17 We would object to that question, Mr. President.

18 MR. PRESIDENT:

19 Witness, please wait.

20 The Prosecutor, you may proceed.

21 [10.28.57]

22 MR. ABDULHAK:

23 The question makes an assumption that there is a -- five hours of  
24 missing tape.

25 There are a number of possible explanations as to the apparent

35

1 difference between the record or at least the time stated in the  
2 record and the tape. A missing tape may be one of the hypotheses,  
3 but, in our submission, it cannot be seriously put to a witness  
4 as a fact for him to comment on.

5 MR. KARNAVAS:

6 Mr. President, we were not entitled to investigate. I'm dealing  
7 with what I was provided with. I have a statement here that says  
8 when the questioning began and when the interview ended. We have  
9 a tape that is two hours and 42 seconds.

10 Now, I'm -- the gentlemen can tell us what exactly happened  
11 during that seven-hour period and what happened during the five  
12 hours that are not apparent on the tape itself. He was there, we  
13 were not. I don't know why the Prosecution is scared to hear what  
14 the witnesses have to say.

15 (Judges deliberate)

16 [10.31.36]

17 MR. PRESIDENT:

18 The objection by the co-prosecution is reasoned, and any question  
19 concerning the nullification of the procedures before the  
20 Co-Investigating Judges is not - is not consistent, relevant to  
21 the Laws before the Court.

22 Since the witness is before us here today, if counsels or parties  
23 to the proceeding would like to put some questions to seek  
24 clarification, then he or she may proceed to do so.

25 MR. KARNAVAS:

1 Thank you, Mr. President, although were not seeking  
2 nullification. I understand that's the position taken by you and,  
3 perhaps, other Judges. We've not -- that has not been our  
4 position. We are entitled to question the process.

5 BY MR. KARNAVAS:

6 Q. Now, sir, yesterday we were provided with a transcript -- part  
7 of the -

8 MR. PRESIDENT:

9 Indeed, we also reserve the right to instruct a witness not to  
10 respond to questions that are not aimed to ascertain the truth or  
11 are repetitive in nature, for example.

12 [10.33.16]

13 MR. KARNAVAS:

14 Mr. President, I don't wish - I don't want to debate the point,  
15 but when questions are posed to the witness that go to the weight  
16 of the witness's testimony, that, in and of itself, goes to the  
17 ascertainment of the truth. Now, perhaps that's not the procedure  
18 in the Cambodian Courts, but in this Court, which is funded by  
19 the International Community and is supposed to uphold the  
20 international standards, does provide for that.

21 BY MR. KARNAVAS:

22 Q. Yesterday, sir, we we're provided with a copy of the  
23 transcript -- and its D369/7.2 -- of the interview that you gave,  
24 and at approximately the time of one hour 27 minutes and six  
25 seconds in the tape, it says -- there's a reference being made by

1 the Cambodian investigator that they have shown you the  
2 "Revolutionary Flag" in the morning. Nowhere in the tape is there  
3 any reference to the "Revolutionary Flag" prior to this  
4 mentioning.

5 Can you please tell us whether, prior to being tape-recorded, you  
6 were questioned by the investigators and shown documents,  
7 including the "Revolutionary Flag", in preparation for your  
8 question and answer session on the tape – on the tape recorder?

9 (Short pause)

10 [10.35.36]

11 MR. MEAS VOEUN:

12 A. Could counsel please repeat the question?

13 Q. Yes. Prior to being interviewed on that day, 3 March 2010,  
14 were you shown – did you have a conversation with the  
15 investigators and were shown the "Revolutionary Flag" or – and  
16 other documents before being questioned on tape?

17 A. He went to my home, and I was interviewed and I was read out  
18 some documents to brief me on this. I do not remember whether the  
19 "Revolutionary Flags" were also read out to me, but I remember  
20 that he read out some short documents to me, and I don't remember  
21 the details of those documents.

22 Q. Thank you. And during your interviews, was there somebody else  
23 next to you, a woman, who was also helping you answer some of the  
24 questions?

25 A. My wife was close to me and she would just be there to listen



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1 to the questions and at times would remind me of my recollection  
2 of the events.

3 [11.37.30]

4 MR. KARNAVAS:

5 Thank you very much, sir. I have no further questions.

6 MR. PRESIDENT:

7 It is now appropriate moment for adjournment. The Chamber will  
8 adjourn for 20 minutes. The next session will be resumed by 11  
9 o'clock.

10 Court officer is now instructed to assist the witness and his  
11 duty counsel during the adjournment and have them return to the  
12 courtroom when we resume. Thank you.

13 (Court recesses from 1038H until 1102H)

14 MR. PRESIDENT:

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

16 The floor will be given to Khieu Samphan's defence to put  
17 questions to the witness.

18 And, before that, I'd like to inquire with Ieng Sary's defence  
19 whether the national counsel has any questions for this witness.

20 [11.03.17]

21 MR. ANG UDOM:

22 Our team do not have any further questions for this witness.

23 MR. PRESIDENT:

24 Defence team for Khieu Samphan, you may proceed.

25 QUESTIONING BY MR. KONG SAM ONN:

1 Good morning, Mr. President, Your Honours. Good morning, everyone  
2 in and around the courtroom. Good morning, Mr. Meas Voeun. My  
3 name is Kong Sam Onn, national counsel for Khieu Samphan. I have  
4 some questions for you and I seek your cooperation to respond to  
5 my questions in your capacity as a witness in this case.

6 [11.04.03]

7 Q. My first few question's related to your involvement in the  
8 Resistance prior to the coup d'état in 1970.

9 You testified before this Court that you joined the Resistance  
10 Movement in the forest due to the bombardment and that your house  
11 was burned down. Could you tell us if there are other reasons for  
12 you to join the Movement in 1967?

13 MR. MEAS VOEUN:

14 A. In 1968, there was a cadre who told me and educated me so that  
15 I will be aware of the situation in the country -- that we were  
16 amongst those countries which lacked independence. However, such  
17 education was done quietly. It was held for one or two people  
18 only, and it was also conveyed through the Male and Female Youth  
19 groups secretly in the forest so that we would be aware of the  
20 regime -- that is, the regime under the leadership of Samdech.  
21 So, once we were familiar with the situation, then I was  
22 instructed by him to relate such education or knowledge to other  
23 youth, and that was done covertly.

24 Q. Thank you.

25 Did you know the "Angkar" who assigned that person to meet you,

1 what was that "Angkar" known as?

2 [11.06.56]

3 A. At that time, there was no proper "Angkar". It was actually a  
4 resistance movement -- our resistance movement, so that we would  
5 have spirit to liberate our country from the French colonization.

6 Q. When you initially joined the Movement, did you meet Khieu  
7 Samphan immediately? Or when did you meet him for the first time  
8 -- that is, in 1968?

9 A. In 1968, at the beginning, I did not meet him, and it was --  
10 in around mid-1969, though I cannot recall the date, I listened  
11 to the radio broadcast from Phnom Penh. It talked about the  
12 meeting of the congress and that Khieu Samphan had a conflict  
13 with Samdech Sihanouk. And maybe for that reason that he could no  
14 longer live in Phnom Penh, he left, and the cadres instructed me  
15 to go and receive him along National Road Number 4, to the east  
16 of Pich Nil. That was around 10 or 11 p.m. when he left and where  
17 I received him with other cadres at that junction. And then we  
18 escorted him to the forest.

19 [11.09.08]

20 Q. So, you went to -- you took him to the forest with the other  
21 cadres. Who were those cadres? And can you tell us the exact time  
22 of your receiving of Mr. Khieu Samphan?

23 A. The cadre that I recall was by the name of Moeun. He was in Ta  
24 Lat village. I do not know his current whereabouts or whether he  
25 is living or not.

1 The time was at night, though I cannot recall the exact hours.

2 Q. Was it the time that he immediately left or it was quite a  
3 while after he left Phnom Penh before you met him at instruction  
4 of the cadre?

5 A. It was a little bit longer before he had left -- after he had  
6 left.

7 Q. What was your role at that time?

8 A. At that time, our youth groups had a duty to protect him and  
9 to escort him to a location where the enemy could not find him.

10 [11.10.50]

11 Q. Thank you. Can you tell us your duty in your capacity to  
12 protect him and to escort him so that the enemy could not find  
13 him? What was your actual role in that Resistance Movement?

14 A. I was a patriotic youth in the countryside.

15 Q. Thank you. In your contact -- in your capacity as a patriotic  
16 youth with Khieu Samphan, what was the level of contact with him?

17 A. I cannot tell you that because at that time I did not receive  
18 any clear political education yet.

19 Q. Does it mean that At that time you did not have a work  
20 relation or -- a work relation closely with Khieu Samphan but you  
21 were part of the youth to protect him? Is that correct?

22 A. Other youth also joined together, but when he was escorted to  
23 the safe location, we returned to the outside perimeter to guard  
24 the road, but I did not stay with him.

25 [11.12.47]

1 Q. Previously, you stated that Ta Mok was the leader in  
2 administering or in taking care of certain individuals, including  
3 Khieu Samphan. Can you tell us, under the management and the  
4 leadership of Ta Mok, was it a strategy or was it a kind of a  
5 concealment from the enemy?

6 A. The leadership of the cadre who supervised me -- that is, Ta  
7 Moeun -- and above Ta Moeun was Ta Mok. Ta Mok was the one who  
8 managed, who gave the instructions before Khieu Samphan was moved  
9 elsewhere. So the instructions would be given to Ta Moeun, as Ta  
10 Moeun was very familiar with the geographical surrounding in that  
11 location, and then Ta Moeun would be tasked to provide the  
12 protection and to escort other individuals to safety.

13 Q. My question to you was regarding the leadership. Was that kind  
14 of leadership part of a close escort, or whether your task was to  
15 patrol at the outside perimeter, further away from Khieu Samphan?

16 A. We were together; we walked together.

17 [11.15.10]

18 Q. You said that Ta Mok also would provide the protection to  
19 Khieu Samphan and other individuals from Ta Moeun. Can you tell  
20 us when that happened?

21 A. It happened when Khieu Samphan went to the forest.

22 Q. Was it the first day that Khieu Samphan went to the forest?

23 A. Yes, it was the first day that Khieu Samphan went to the  
24 forest, but I cannot recall the exact date. I can only recall the  
25 year.

1 Q. I would like to clarify with you because previously you said  
2 that you met Khieu Samphan a while after he had gone to the  
3 forest and that you worked under the leadership of Ta Moeun, and  
4 later on there was Ta Mok who came to receive him.

5 [11.16.27]

6 So, does it mean that Ta Mok had the duty to provide protection  
7 to Khieu Samphan after Ta Moeun - so this also means that it's  
8 not immediately after Khieu Samphan went to the forest? But now  
9 it seems contradicting that it happened when Khieu Samphan  
10 immediately went to the forest. Can you clarify this point?

11 A. Let me clarify it.

12 Ta Mok already went to the forest and Ta Moeun received orders  
13 from Ta Mok, and Ta Moeun organized the receipt of Khieu Samphan.  
14 And at that time Ta Mok had already left to the forest.

15 Q. Thank you. My question to you is for you to clarify the time  
16 period. When Ta Mok had the duty to provide protection to Khieu  
17 Samphan, was it immediately after Khieu Samphan went to the  
18 forest or a while after Khieu Samphan was already under the  
19 protection of Ta Moeun?

20 A. Ta Moeun had left to the forest, and then Khieu Samphan left  
21 for the forest.

22 Q. When Khieu Samphan went to the forest, did he immediately meet  
23 with Ta Mok or did he meet with Ta Moeun first?

24 A. He met Ta Moeun first and, of course, my group, which provided  
25 the protection to him, and then we escorted him to Ta Mok's

1 location.

2 [11.18.38]

3 Q. So let me make it clear. When Khieu Samphan left, he first met  
4 with Ta Moeun and your protection group, and then you escorted  
5 him to meet Ta Mok; is that correct?

6 A. Yes, that is correct.

7 Q. Thank you.

8 Did you know which role Khieu Samphan held while he was in that  
9 forest?

10 A. At that time, he did not engage in any work. The main thing  
11 for him was to not being located by authority from Phnom Penh.

12 [11.19.37]

13 Q. Thank you. Did you know the reason for Khieu Samphan fleeing  
14 to the forest from being troubled by the Phnom Penh authority?

15 A. At that time, I did not ask him any questions related to this,  
16 but I listened to the radio, and Samdech Sihanouk scolded him,  
17 and was looking for him, and actually wanted to behead him. But  
18 if I can recall, if Khieu Samphan or Hu Nim could be found, then  
19 a handsome award would be given. I believe it was 7 million or  
20 something. But I learned of all this information through  
21 listening to the radio.

22 Q. Thank you. Did you know if there were any other events besides  
23 the radio broadcast for a reward for the identification of Khieu  
24 Samphan? Did you learn of any other reasons for him to flee?

25 A. I only knew that after Khieu Samphan left, Hou Youn also left,

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1 but I did not receive Hou Youn. After, I escorted Khieu Samphan  
2 to safety in the forest so that he could not be located by the  
3 enemy. I did not meet with Hu Nim.

4 [11.22.08]

5 Q. Thank you. You talk about a reward for information leading to  
6 the identification of Khieu Samphan.

7 My question to you is the following, why did not provide such an  
8 information to the Phnom Penh administration back then, since you  
9 knew about the whereabouts of Khieu Samphan?

10 A. The – the authority was very strict back then, and there would  
11 be a thorough investigation, and if I made any accusations  
12 regarding a political tendency, there could be complications. I  
13 heard Khieu Samphan saying that Samdech caused him trouble and  
14 put a price on his head, but he said that he already arrived at  
15 the forest.

16 Q. Thank you.

17 So, you stayed with Khieu Samphan from what time to what time in  
18 your capacity as a bodyguard or to provide the protection to him?

19 [11.23.53]

20 A. I provided protection to him from 1978 -- 1968 until 1970,  
21 when the coup d'état took place.

22 Q. Thank you. And after the coup d'état, did you have any contact  
23 with Khieu Samphan?

24 A. I did not have any contact with him after the coup d'état, as  
25 at that time I already joined the -- I became a soldier in the



1 mobile unit. At that time, I was part of a 100-men group.

2 Q. Thank you. On the 4th of October 2012, in your response to the  
3 question relating to the communication or message from the  
4 battlefield to certain individuals, including Khieu Samphan -- and  
5 the question was how the information was sent, and you replied --  
6 and let me quote from the transcript, it's on page 4 in the Khmer  
7 version, it's a little bit before 9.12. You replied that "the  
8 communication was sent through a radio communication. It was a  
9 mobile radio communication".

10 My question to you is the following: How did you know about the  
11 transmission of information from the battlefield to Khieu Samphan  
12 via mobile radio communication? Was it your conclusion for  
13 general transmission of such information, or were you fully aware  
14 that that was the communication that took place at the time?

15 [11.26.31]

16 A. Can you please state the year again?

17 Q. That was before 1975. It was during the time of a clash after  
18 the coup d'état. So it was after the coup d'état, but prior to  
19 1975.

20 A. If it was after the coup d'état and prior to 1975 -- and in my  
21 statement, on that day, where was I located? Can you tell me? I  
22 cannot recall my response back then. Please give me the location.

23 Q. Thank you. That was related to the events that took place in  
24 January 1973. The question was put to you in relation to the role  
25 of Khieu Samphan and what he did back then. And then the question

1 continued to how the communication was transmitted to Khieu  
2 Samphan.

3 In the statement, Khieu Samphan was appointed as the commander,  
4 and there was a communication or transmission of information from  
5 the battlefield to him. And there is not location identified in  
6 that response.

7 [11.28.53]

8 A. Before or after 1970, I did not make any report to Khieu  
9 Samphan. In 1975, when I was transferred to Sector 103 in Preah  
10 Vihear, he sent me a telegram talking about the situation of his  
11 relatives. And I did not report to him during the combat period.

12 Q. Thank you. Regarding the role of Khieu Samphan prior to 1975  
13 but after the coup d'état in 1970, did you know what roles he  
14 held -- that is, through a public channel?

15 A. At that time, I did not know what roles he performed, but I  
16 listened to the radio by the FUNK and I heard that he was the  
17 head of the FUNK. However, as his specific appointment or his  
18 specific duties, that was not known to me.

19 Q. Thank you very much. In the hearing on the 4th of October, on  
20 the same date at 9 o'clock 34 minutes 58 seconds, on line number  
21 14 in the Khmer transcript, you were asked: "According to your  
22 best recollection, what did Khieu Samphan do?"  
23 And you responded that: "I did not see him, but I listened to the  
24 radio broadcast, knowing that he was the head of the FUNK."

25 [11.31.57]

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1 You said that -- just now, he was the FUNK, but previously you  
2 said that he was the head of the Democratic Front, or something  
3 with the term "democratic". Could you please clarify on this?

4 A. At that time, I did not say the full statement, but indeed it  
5 is correct as what you said.

6 Q. Are you sure that Mr. Khieu Samphan was the head of the FUNK  
7 and representing Democratic Kampuchea?

8 A. Yes, I am.

9 Q. Apart from being the head of this FUNK, and after the coup  
10 d'état - or, rather, -- yes, after the coup d'état until 1975,  
11 are you still familiar whether there was any other resistance  
12 movements in the jungle?

13 A. I do not remember knowing other movements other than that  
14 resistance. I do not know whether there was an organization -- or  
15 any other organization on top of this.

16 Q. Thank you. Can you please tell the Chamber whether the FUNK --  
17 or the institution you refer to, what was it like?

18 A. According to my knowledge, the Democratic Kampuchea FUNK was  
19 meant to gather forces from all walks of life to join hands to  
20 liberate the country and the nation, indeed.

21 [11.35.16]

22 Q. Thank you. Do you know who was the senior leader of that body?

23 MR. PRESIDENT:

24 Witness, could you please hold on?

25 Co-Prosecutor, you may now proceed.

1 MR. ABDULHAK:

2 Well, the question, Your Honours, has been asked and answered.  
3 The witness has said that, to his knowledge, Mr. Khieu Samphan  
4 was the head of FUNK.

5 MR. KONG SAM ONN:

6 According to the facts before us, we noted that other people  
7 could be involved in leading the Movement, and some people could  
8 have been on top of Khieu Samphan. That's why I would like to put  
9 the question.

10 [11.36.35]

11 MR. PRESIDENT:

12 The objection is not sustained, and witness is instructed to  
13 respond to the question by counsel.

14 MR. MEAS VOEUN:

15 A. I learned that, after the coup d'état, there were forces led  
16 by Samdech Norodom Sihanouk for the resistance purpose.

17 BY MR. KONG SAM ONN:

18 Q. Thank you.

19 As a soldier during the regime before 1975 -- and you had engaged  
20 in the Resistance Movement all along -- was -- or how was your  
21 movement related to the movement led by Samdech Norodom Sihanouk?

22 [11.38.03]

23 MR. MEAS VOEUN:

24 A. In 1970, there were the joint forces, the Khmer movements  
25 joined by the Vietnamese forces that joined the forces in 1970.

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1 Q. Thank you, but I would like to ask you to emphasize on your  
2 military group and how it was connected to the movement led by  
3 Samdech Norodom Sihanouk during the war time, in particular after  
4 1970 all the way to 1975 -- during this period of time.

5 A. What I know is that, after the coup d'état of 1970, I did not  
6 have any contact with the former King because he had been abroad.  
7 But he made an appeal from a foreign country, asking his own  
8 people to rise to fight the Lon Nol soldiers and regime, and I  
9 was convinced by the appeal because I would like to fight to make  
10 sure that the King would then be reinstalled to power.

11 MR. KONG SAM ONN:

12 Thank you, Mr. Witness, very much for your responses. I would  
13 like to cede the floor over to my colleague to proceed with  
14 further questions.

15 QUESTIONING BY MS. GUISSÉ:

16 Good morning, Mr. Meas Voeun. My name is Anta Guissé, and I am  
17 the co-international lawyer for Khieu Samphan and I am going to  
18 put a few questions to you.

19 [11.40.35]

20 I would like to remind you -- but you probably know this already  
21 -- that you are testifying before us and your testimony is being  
22 interpreted, so could you please speak slowly -- and I'll try to  
23 do the same -- so that I may understand the totality of your  
24 answers?

25 In the same way, you were examined at length, and I am aware that

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1 you are a bit tired, so please be patient -- it's almost over, I  
2 am the last person to examine you -- knowing, of course, that I'm  
3 going to revisit certain points that you already brought up with  
4 the different parties that questioned you, in order to obtain  
5 clarification.

6 Q. Now, in response to what you told my colleague, you spoke to  
7 him about an appeal that was launched from abroad by Samdech  
8 Sihanouk, an appeal to the population to fight against the Lon  
9 Nol troops.

10 So, my first question is: During the period right after the coup  
11 d'état -- that is to say, right after 1970 - did you notice in  
12 the maquis more people joining? Did you notice that more people  
13 were joining the Resistance back then?

14 [11.42.44]

15 MR. MEAS VOEUN:

16 A. The appeal was launched from France by Samdech Norodom  
17 Sihanouk and it convinced people all across the country, from  
18 Kampong Speu and Battambang, to go all the way to the jungle, the  
19 maquis -- the maquis jungle to liberate the country. A lot of  
20 people were convinced by the appeal. In Kampong Speu, a lot of  
21 people joined the army because of that, and we also contacted  
22 people in Battambang to learn that about 30,000 people had to  
23 join the Resistance Movement. And I also joined the same movement  
24 for the same cause. That's all I know.

25 Q. Thank you for your response, Witness. Do you remember terms

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1 that were used by Prince Sihanouk during -- in his appeal?

2 A. Samdech Sihanouk didn't use more terms other than his message  
3 to tell his own people to join the Resistance Movement. That's  
4 all I remember.

5 [11.44.54]

6 MS. GUISSÉ:

7 Mr. President, with your leave, I would like to read out to the  
8 witness an excerpt from document D359/1/1.1.1, which is coming  
9 from the German Political Archives, which is called "The Solemn  
10 Declaration of Samdech Sihanouk," dated 23 March 1970. If you  
11 allow me to do so, I would like to read out a first excerpt that  
12 -- and I'll provide the ERN numbers as soon as you allow me to do  
13 so.

14 MR. PRESIDENT:

15 Indeed, you should give us the ERN numbers before you proceed  
16 with reading the excerpt. Please make sure that ERN in three  
17 languages are available first.

18 MS. GUISSÉ:

19 The French ERN is 00535853, and it's paragraph 5. The Khmer ERN  
20 00851605, and it covers page 6 as well. English ERN 00852374.

21 [11.46.48]

22 MR. PRESIDENT:

23 You may proceed.

24 BY MS. GUISSÉ:

25 Thank you, Mr. President.

1 Q. I, therefore, would like, Witness, to read to you again -- or  
2 to read to you a first excerpt of this document, which is a  
3 statement by Prince Sihanouk dated 23 March 1970. And here is the  
4 excerpt --[free translation]:

5 "Millions (sic) of Khmer people within Cambodia and thousands of  
6 Khmer people outside of Cambodia will soon not fail to raise the  
7 standards of revolution against the Lon Nol reactionary clique  
8 including Sirik Matak, Cheng Heng, and against his masters, the  
9 American imperialists. All of the patriot Khmers will crush these  
10 traitors and will chase their accomplices and U.S. masters from  
11 our country. After our victory, our patriots will build a new  
12 Kampuchea, and the power of this new Kampuchea will always be in  
13 the hands of the hard-working and progressive people that will be  
14 given a rarious future where social justice, equality, and  
15 fraternity among all Khmers will prevail." End of quote.

16 [11.48.21]

17 So, my first question, Witness, is: Does this excerpt remind you  
18 of the declaration you heard back then, the declaration by Prince  
19 Sihanouk?

20 MR. MEAS VOEUN:

21 A. Yes, it does partly because I don't remember the full message.

22 Q. Yes, I understand. Of course, it's been a while.

23 Another question regarding this point -- regarding the content of  
24 the excerpt I just read out to you: Do you remember if, back  
25 then, in the Revolutionary Movement -- if what was said regarding



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1 those who staged the coup d'état -- that is to say, Lon Nol,  
2 Sirik Matak, and Cheng Heng -- whether what was said in terms of  
3 propaganda was similar to what Prince Sihanouk declared? Does  
4 this remind you of anything regarding the propaganda of the  
5 period?

6 A. Yes, it does.

7 MS. GUISSÉ:

8 Now I would like to read to you a second excerpt from this  
9 declaration of 23 March 1970. So it is again document D359/1.1.1  
10 (sic), and the French ERN is 00535855, the Khmer ERN 00851607,  
11 and English ERN is 00852375.

12 President, with your leave, may I read this second excerpt?

13 MR. PRESIDENT:

14 Indeed, you may proceed.

15 [11.50.56]

16 BY MS. GUISSÉ:

17 Thank you.

18 Q. So, I will read the second except to you, Witness:

19 "In the context of this struggle, I am asking all of my children  
20 (compatriots), servicemen, and civilians who can no longer  
21 tolerate the undue injustice of the traitors and who have the  
22 courage and feel patriotic about liberating our motherland to  
23 join the Resistance and fight out enemies.

24 "For those of you who are already armed or those who have  
25 received military training, I will send you ammunition and new

1 weapons in a timely manner. Should you not want weapons but wish  
2 to receive military training, I will make arrangements to send  
3 you to the Military Academy of the United National Front of our  
4 Kampuchea, which is located quite far away from your barracks and  
5 village, at a safe distance from the enemy." End of quote.

6 [11.52.21]

7 So my question -- or my first question, at least, is: Do you  
8 remember this except from Prince Sihanouk's declaration?

9 MR. MEAS VOEUN:

10 A. I'm afraid I don't remember this. I did not have an  
11 opportunity to listen to the radio broadcast on this.

12 Q. Okay, that's fine. Earlier on, you however said that you had  
13 heard an appeal from abroad from Prince Sihanouk; can you confirm  
14 this?

15 A. When I turned on the radio to listen to the radio broadcast,  
16 then I would be familiar with the text. But on some other  
17 occasions that I did not listen to the radio, I would not  
18 remember.

19 Q. No problem, Witness.

20 My question in relation to what I just read out to you is to  
21 know, when you joined the Resistance in 1970 -- because this is  
22 the date when, you said, you became a soldier -- my question is:  
23 Did you meet soldiers who had come to support Prince Sihanouk?  
24 Did you meet these people who joined the Resistance following  
25 Prince Sihanouk's declaration?

1 A. Yes, I did, because I joined with other people who later on  
2 became the soldiers for the Resistance.

3 Q. Another point regarding this point, since - well, in this  
4 appeal, he's calling upon people who already have military  
5 training. So did you meet any former Lon Nol servicemen who might  
6 have joined the Revolutionary Forces following Prince Sihanouk's  
7 appeal? Did you meet such people?

8 [11.55.25]

9 A. Yes, I did. I met a soldier from a unit led by a major, the  
10 unit that contained about 100 soldiers. I met them in 1971.

11 Q. Thank you, Witness, for having shed light on this.

12 Now I would like to turn to a complete different line of  
13 questioning, so we're going to be no longer speaking about the  
14 period from '70 to 1975. And now I would like to turn to the  
15 period of 1978 -- that is to say, when, you said, you left Koh  
16 Kong to go to Preah Vihear. So, I would like to understand the  
17 sequence of events then.

18 On 4 October, between - at around 2 o'clock, during the hearing,  
19 you said that you had left Koh Kong and that you went to Srae  
20 Ambel, and from there, apparently, you took a truck to Phnom  
21 Penh. And then you explained that after - after I (sic) left Koh  
22 Kong by boat, you went to Siem Reap. So that's what - that's the  
23 trip you described.

24 So, my question is: When you left Koh Kong, even before you  
25 boarded the small boat, did you know what your next assignment

1 was going to be -- your next station?

2 [11.57.56]

3 A. Before I had left Koh Kong, I met people in my division and I  
4 did not receive any information yet, although I was told that I  
5 would be joined on a trip later to Phnom Penh.

6 Q. Who gave you the order to leave Koh Kong?

7 A. My - the head of my division, by the name Soeung.

8 Q. And how did you receive this order -- by -- through which  
9 means?

10 A. He would communicate to me through a telegram.

11 Q. And in the telegram you received, where, precisely, did they  
12 ask you to go?

13 A. In the telegram, I was asked to only meet him first before  
14 leaving.

15 Q. And where were you supposed to meet him?

16 A. I was supposed to meet him in Prey Nob.

17 [12.00.30]

18 MS. GUISSÉ:

19 Thank you, Witness.

20 Mr. President, I would like to move into another line of  
21 questioning. Perhaps this is the right time for us to take the  
22 lunch break.

23 MR. PRESIDENT:

24 Counsel, could you please advise the Chamber, how much time would  
25 you need to pose questions to this witness?

1 MS. GUISSÉ:

2 Well, I have covered a third of my questions, barely. I believe I  
3 would need between an hour and an hour and a half, but I believe  
4 I should be able to complete my examination this afternoon.

5 MR. PRESIDENT:

6 Thank you, Counsel.

7 (Judges deliberate)

8 [12.04.54]

9 Since it is appropriate moment for lunch adjournment, we may  
10 adjourn now.

11 However, before the adjournment, the Chamber wishes to inform the  
12 public and parties of the proceeding that testimony of Mr. Meas  
13 Voeun continues to be heard during this afternoon's sessions. And  
14 if time allows, the Chamber will assign the greffier of the Trial  
15 Chamber to read the paragraphs that are relevant of the Execution  
16 Site of Tuol Po Chrey, in particular the paragraphs relevant to  
17 the first segment of the Case 002/1 and the facts that have been  
18 extended upon the request by the prosecutors.

19 Counsel for Mr. Nuon Chea, you may not proceed.

20 [12.06.00]

21 MR. IANUZZI:

22 Thank you, Mr. President. I've got four short points. You've  
23 actually touched on one of them; I was going to ask what we're  
24 going to do later this afternoon.

25 I would ask for five minutes to consult - well, why I don't just

1 put it this way: I will consult - we will consult with our client  
2 after the lunch break and discuss with him during the lunch break  
3 - discuss with him whether or not he's willing to waive his  
4 presence for the reading of those Indictment portions.

5 This, of course, relates to one of the applications I have this  
6 morning. I am informed that Nuon Chea is sufferings from a  
7 headache, a backache, and general lack of concentration, and for  
8 those reasons he would like to retire to the holding cell this  
9 afternoon.

10 So, given what you've just said, we will discuss with him at the  
11 lunch break whether or not he wants to waive his presence this  
12 afternoon for the reading, and perhaps that reading could be done  
13 at another juncture.

14 Two other quick points.

15 One just to clarify; I misspoke this morning. The correct  
16 reference was Oscar Hammerstein, not Richard Rogers, who penned  
17 those words, and of course it' from "South Pacific, 1949".

18 And, finally, Nuon Chea - there's a pending request that-

19 [12.07.21]

20 MR. PRESIDENT:

21 I think we have resolved this issue already and we heard your  
22 case this morning.

23 It is now time for lunch adjournment. Please tell the Chamber,  
24 what else would you need to address the Chamber?

25 However, for the time being, you are not allowed to make any

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1 other application other than the request relevant to your client,  
2 because we are now listening -- or hearing your request on Nuon  
3 Chea's health condition, and this is the issue before us now.

4 MR. IANUZZI:

5 Thank you, Mr. President. This one is very much connected to my  
6 client - to our client -- excuse me.

7 We have a pending request that Nuon Chea be permitted to make a  
8 short comment on the portions of the Indictment that were read  
9 out -- last week, I believe that was.

10 Your Honour indicated that you would afford some time one morning  
11 this week. We've already gotten - I don't want to interrupt the-  
12 [12.08.27]

13 MR. PRESIDENT:

14 The Chamber has already ruled upon this, and tomorrow's session  
15 the Chamber will hand over the floor to Mr. Nuon Chea to respond  
16 the paragraphs that -- read out by the greffier. Indeed, this  
17 right is enshrined in the Internal Rules and that -- the accused  
18 person can enjoy it.

19 For that reason, the Chamber wishes to make sure that the  
20 relevant facts and relevant paragraphs will be read out so that  
21 the Accused is ready to be prepared, indeed, to respond to all  
22 the relevant paragraphs concerning the first segment of the  
23 trial.

24 [12.09.25]

25 MR. IANUZZI:

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1 Thank you, Mr. President.

2 So, on that point, we will communicate to the Chamber - we'll  
3 consult with our client, communicate to the Chamber -- perhaps to  
4 the senior legal officer -- over the break whether or not Mr.  
5 Nuon Chea still intends to waive his right to be present this  
6 afternoon, if that's acceptable.

7 Or perhaps I could consult with him right now; you could give me  
8 one minute. I could consult with him now.

9 MR. PRESIDENT:

10 Indeed, you may proceed.

11 (Mr. Ianuzzi consults with the accused Nuon Chea)

12 [12.10.52]

13 MR. IANUZZI:

14 Thank you.

15 He does indeed -- Nuon Chea does indeed waive his presence at  
16 this afternoon's hearing if, in fact, all we're going to is  
17 finish this witness and then read out additional portions of the  
18 Indictment.

19 Thank you.

20 MR. PRESIDENT:

21 Thank you, Counsel.

22 The Chamber notes the request by Nuon Chea through his counsel,  
23 in which Mr. Nuon Chea has requested that he be excused and be  
24 allowed to retire to his holding cell to observe the proceedings  
25 from there due to his health concerns.



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1 The Chamber therefore grants such request. Mr. Nuon Chea is now  
2 allowed to observe the proceedings from his holding cell through  
3 the audio-visual link for the remainder of the day.

4 Counsels for Nuon Chea are asked to submit the waiver given  
5 thumbprint or signed by Mr. Nuon Chea.

6 [12.12.14]

7 And the AV booth officers are instructed to ensure that the AV  
8 equipment is properly linked to the holding cell of Mr. Nuon Chea  
9 so that he can observe the proceedings from there.

10 And the security personnel are now instructed to bring Mr. Nuon  
11 Chea and Khieu Samphan to their respective holding cell, and that  
12 -- Mr. Khieu Samphan is instructed to be returned to the  
13 courtroom in the afternoon session, at 1.30.

14 The Court is adjourned.

15 (Court recesses from 1212H to 1333H)

16 MR. PRESIDENT:

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

18 The floor will once again given (sic) to Khieu Samphan's defence  
19 to put further questions to this witness. You may proceed.

20 BY MS. GUISSÉ:

21 Thank you, Mr. President.

22 [13.34.21]

23 Q. Mr. Meas Voeun, we were speaking before the lunch break about  
24 the moment when Ta Soeung was asking you to join him to go  
25 together to Phnom Penh, and now I would like to spend a little

1 time on the meeting that you brought up on 4 October last,  
2 between four past 2.00 and six past 2.00 in the afternoon -- the  
3 meeting with Pol Pot, that is to say.

4 If I understood well, this meeting took place in Phnom Penh, and  
5 more specifically at the Wat Ounalom.

6 And you attended a meeting -- and let me quote the excerpt from  
7 the hearing of 4 October -- this is what you said - [free  
8 translation]: "When I left Koh Kong and I arrived in Phnom Penh,  
9 Mr. Ta Soeung was there. He was a division secretary. And then we  
10 met Pol Pot at the Wat Ounalom."

11 And the following question is put to you then: "Were you the only  
12 one there with Ta Soeung, or were other people present when you  
13 met Pol Pot?"

14 [13.35.55]

15 And your answer was the following: "I met the commanders of other  
16 divisions, but I did not know who was who. In total, there were  
17 about 12 people."

18 So, my question is the following: All of these commanders from  
19 other divisions, were they attending the meeting because they  
20 received new assignments, or were there other reasons for these  
21 commanders to attend that meeting?

22 MR. MEAS VOEUN:

23 A. When I left Veal Renh for Phnom Penh together with Soeung, we  
24 went to Pol Pot's place at Wat Ounalom, and in there, there was  
25 only Pol Pot when we arrived. Then I saw other people whom I

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1 presume they were representing the divisional commanders from the  
2 East Zone; they were gathering there as well.

3 [13.37.30]

4 During that meeting, Pol Pot had a piece of map attached to the  
5 wall and he had a stick. He pinpointed to the map to us and other  
6 participants. And, firstly, he talked about the enemy situation  
7 along the eastern border and that there was fighting -- fist  
8 fighting in certain places, moderate fighting in other locations,  
9 and in other locations there were only skirmishes. While he was  
10 pinpointing the map on the wall, he talked about enemy situations  
11 for about two hours. After that, the session concluded. And,  
12 finally, he told me that - "Now, Comrade, you are instructed to  
13 go to Preah Vihear", as he heard about the arrest of people and  
14 that the people were starving. So he instructed me to go there to  
15 monitor the situation, but he did not tell me that I needed to  
16 report back to him. So, that's what I was instructed back then.

17 [13.39.27]

18 MS. GUISSÉ:

19 Q. Fine, thank you for this clarification. So, if I understood  
20 well, this meeting took place in two phases: first, there was the  
21 meeting with the other commanders, the other division commanders,  
22 where you were being told about the military situation in  
23 Cambodia; and then, afterwards, you were speaking to Pol Pot and  
24 Ta Soeung only and you were being described - you were -- your  
25 assignment was being described to you. Is that so?

1 A. Yes. Later on, that's what he told me for my trip to Preah  
2 Vihear, as I just described.

3 Q. When Pol Pot was speaking to you about this investigation  
4 mission in Preah Vihear, did he tell you how long you were to  
5 stay over there?

6 A. He did not tell me how much time I needed to spend there, but  
7 his instruction was for me to go to that location. And when I  
8 went there, I stayed in Siem Reap for three days, then I made my  
9 further trip to Preah Vihear.

10 [13.41.17]

11 Q. Now, I would like to speak about this meeting a little bit  
12 more.

13 When Pol Pot was explaining to you the situation in Preah Vihear  
14 and when he was telling you that there were people who had been  
15 arrested and there -- that there were people who were hungry,  
16 when he described the situation to you, did he seem to know all  
17 of the details or was he asking you to go find out what the  
18 situation was?

19 Let me be clearer about this. When he gave you this assignment,  
20 did he tell you that the situation there is not normal and that  
21 he wanted to know why?

22 A. He didn't have any documents to read out to me; he only gave  
23 me his verbal instructions. I did not know whether he had been  
24 reported from somebody else before he briefed me and gave me that  
25 instruction.

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1 Q. You said a little while ago that Pol Pot was not asking you to  
2 report to him.

3 But my question: Given the nature of your mission, wasn't it  
4 logical that once you would have completed your investigation in  
5 Preah Vihear -- that you would produce a report in regard to this  
6 mission? Wasn't that the way you understood things?

7 [13.43.23]

8 MR. PRESIDENT:

9 Witness, please wait.

10 The Prosecution, you may proceed.

11 MR. ABDULHAK:

12 Thank you, Mr. President. For the second time, now, my learned  
13 friend is using the term "investigation mission" in Preah Vihear.

14 The witness - the witness has not used those words and has not,  
15 thus far, said that he was sent by Pol Pot to investigate.

16 Certainly, there is -- he has indicated that Pol Pot talked about  
17 the situation in the North, but the witness has not said that he  
18 was sent on an "investigation mission".

19 And so I would just kindly ask that my friend be a little bit  
20 more pointed and precise in her questions.

21 BY MS. GUISSÉ:

22 Q. Mr. Meas Voeun, you have just heard the Co Prosecutor. So,  
23 what exactly was the object of the mission that was given to you  
24 by Pol Pot on that day?

25 [13.44.45]

1 MR. MEAS VOEUN:

2 A. His instruction to me is to grasp the situation on the ground  
3 in Preah Vihear.

4 Q. In the hearing of 4 October, at eight past 2.00, this is the  
5 question that was put to you: "What were you tasked with doing in  
6 Preah Vihear, and why did you have to go there?"

7 And your answer was:

8 "First of all, he asked Ta Soeung to go to Siem Reap to  
9 investigate the tension of certain people, and my task in Preah  
10 Vihear was to investigate the arrest and the detention of certain  
11 people to determine if this actually happened. And, beyond this,  
12 I was in charge of sending supplies to Preah Vihear, and more  
13 precisely to make sure that these supplies had arrived properly."  
14 So, my first question is: Is it so, therefore, that you were in  
15 -- you were tasked with investigation in Preah Vihear?

16 [13.46.23]

17 A. Yes, to investigate and monitor all the situations back there,  
18 as I stated earlier. He said that people were arrested and people  
19 were starving and there was a feeling of being intimidated over  
20 there.

21 After I grasped the situation, I did not report to Pol Pot  
22 because Ta Soeung was there with me, and I clarified the matter  
23 with Ta Soeung. And Ta Soeung himself was there, so he could  
24 observe the situation, and it is likely that Ta Soeung would make  
25 such a report to Pol Pot by himself.

1 Q. Thank you for this clarification.

2 Now, let me return to the question I put to you earlier. When Pol  
3 Pot was speaking to you about this situation, did Pol Pot tell  
4 you to go investigate because he found the situation abnormal?  
5 How did you understand his instructions?

6 A. His instruction was like I stated earlier, but he did not give  
7 me any instruction as to whether I should report to him. I  
8 believed it's because Ta Soeung went with me. So he only told me  
9 about going there to investigate and to check whether what he  
10 heard were true.

11 [13.48.37]

12 Q. Fine.

13 Yesterday, when you were answering a question from Judge Lavergne  
14 on the situation in Preah Vihear, you brought up a visit that you  
15 had done to a storage house where you found mosquito nets and  
16 covers that were eaten up by termites.

17 So, my question is whether these blankets and mosquito nets were  
18 among the supplies that you had to check to see if they had  
19 properly arrived.

20 A. Yes, that is correct.

21 Q. And if I understood properly, these supplies were sent from  
22 Phnom Penh?

23 A. Those were sent from Phnom Penh. There was a transportation by  
24 the ministry personnel, and I did not know when those equipment  
25 had been sent to the people at Preah Vihear prior to my arrival.

1 They included cloth, mosquito net, salt, sugar, and all other  
2 commodities for the people there. But when I went, I did not  
3 transport any of these items.

4 Q. Thank you.

5 [13.50.45]

6 You also spoke about a meeting that was held in Siem Reap, during  
7 which Ta Soeung was nominated head of the New North Zone.

8 So, my question here is to know when this meeting took place;  
9 after the meeting in Phnom Penh with Pol Pot?

10 A. The meeting in Siem Reap comprised of Ta Soeung, Ta Mok, Pol  
11 Pot, and it was held around 7 a.m. in the morning. I was a bit  
12 far from the meeting as I was resting there.

13 Q. My question now is: When you left Pol Pot after the meeting in  
14 Phnom Penh, did you go directly to Siem Reap?

15 A. Immediately after the meeting, I prepared myself for the trip  
16 to go there.

17 Q. Last point of clarification regarding this meeting in Phnom  
18 Penh with Pol Pot. Did Pol Pot speak about the arrest of Khieu  
19 Samphan's in laws? Did he speak about that with you?

20 A. No, he did not.

21 [13.53.10]

22 Q. So, therefore, you left Phnom Penh and you went directly to  
23 Siem Reap. So, when did the meeting take place, during which Ta  
24 Soeung was present? Was it after or before the release of Khieu  
25 Samphan's sister-in law?



1 A. The meeting was held before that. And after that, there was  
2 the release, but I could not recall how many days after before  
3 she was released.

4 Q. Now, I would like to bring up with you -- or to refer to your  
5 statement, E3/424, and more specifically question and answers  
6 number 11, during -- in which you refer to this meeting.

7 And with the leave of the President, may I please display this  
8 segment of the statement? French ERN 00455270, Khmer ERN  
9 00418521, English ERN 00421072.

10 And as I see now that the questions are numbered, I will avoid  
11 repeating the ERN numbers all the time, which might be a bit  
12 fastidious.`

13 Witness--

14 [13.55.19]

15 MR. PRESIDENT:

16 (No interpretation)

17 BY MS. GUISSÉ:

18 Thank you, Mr. President.

19 Q. This is what you explained in your statement. So, you're  
20 speaking -- okay, I will quote everything and make things easier:

21 "During the meeting in Siem Reap, there were Ta Pol, Ta Mok, Ta

22 Sae, and Ta Soeung. I was not attending. After the meeting, Ta

23 Soeung told me about the change of army commanders and the

24 chairman of the North Zone. Regarding this, Ta Soeung was

25 nominated head of the New North Zone of Siem Reap province, and I

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1 went to control Sector 103 in Preah Vihear province."

2 So, my question is the following: When was -- when did Ta Soeung  
3 explain to you that you had been nominated to head Sector 103?

4 [13.56.42]

5 MR. MEAS VOEUN:

6 A. After the conclusion of the meeting, Ta Soeung told me next  
7 day about the Sector 103 and he said that I needed to go there.  
8 And as I was not familiar with the road, he then accompanied me  
9 up to Rovieng district for my trip to go further to that sector.

10 Q. Fine. So, when he accompanied you, did you know that you had  
11 been nominated as head of Sector 103?

12 A. No, he did not tell me yet about whether I would be nominated  
13 as the head -- deputy head of Sector 103. He just said that I  
14 went to receive my duties at Sector 103 by myself.

15 Q. And what were the duties you were supposed to hold in Sector  
16 103?

17 A. He did not tell me about the specific tasks, but the  
18 instruction was for me to go and receive my duties there. But he  
19 did not tell me specifically that I would be appointed as the  
20 chief or the deputy chief of that Sector 103.

21 [13.58.55]

22 Q. When did you learn that those were going to be your duties?

23 A. I did not know about my specific duty there until the time of  
24 the invasion into Cambodia by the Vietnamese troops.

25 Q. Should I therefore understand that you believed you were in

1 charge of Sector 103 in January 1979?

2 A. I was told about this, it was not in 1979, it was in August  
3 1978. It was not yet '79. I remember that it was four months  
4 before 1979. I was not told precisely of what kind of functions I  
5 would be carrying until the Vietnamese came.

6 Q. I believe there is a problem of understanding somewhere.

7 During the meeting at Siem Reap, when Ta Soeung was appointed the  
8 chairman of the North Zone, when would you situate that meeting,  
9 precisely?

10 [14.01.16]

11 A. The meeting in Siem Reap was conducted -- the date of which I  
12 don't remember precisely, but it was in August. When I came  
13 there, a day after I arrived, the meeting was convened. And Ta  
14 Soeung told me something about this and the next morning he asked  
15 me to go to Preah Vihear to be in charge of Preah Vihear Sector,  
16 when he was in charge of Siem Reap. I don't remember the exact  
17 day, but it was in August.

18 Q. Very well. We are in August 1978, and you arrive in Preah  
19 Vihear in Sector 103. How did you introduce yourself to the  
20 people in that area? In what capacity did you introduce yourself  
21 to them?

22 A. I did not introduce myself to the people there in what  
23 capacity whatever; I was there to only grasp the situation at the  
24 location. And I was not informed about what function I would be  
25 holding; I was there only to inspect the living condition and

1 also the supplies that would be delivered to the people and how  
2 these supplies would be managed.

3 Q. Very well. And after inquiring about the situation and  
4 supplies, did you return to Siem Reap to report back to Ta  
5 Soeung?

6 [14.03.33]

7 A. Yes. Ta Soeung came down to Rovieng again to see me, and I  
8 reported orally to him, without having to put things in writing,  
9 and I talked to him on the situation of the people and why people  
10 were arrested, and also I talked to him about the detainees in  
11 Rovieng district and the shortages of food that people in Chhoam  
12 Khsant experienced and also the situation at Thala Barivat,  
13 concerning the road conditions, because there were no proper road  
14 access to the location. And he was well-briefed of the situation  
15 and noted them well. And what else he did, I don't know because  
16 he returned to Siem Reap.

17 Q. Right. So, he was the one who came. How long after your  
18 arrival in Preah Vihear did Ta Soeung come to see you?

19 [14.05.16]

20 A. He was there for one day only. He did not stay there longer  
21 than that, just to be briefed on the overall situations.

22 Q. And on that day when he came to get your report, how long was  
23 that after your arrival in Preah Vihear? Was that a few days  
24 later, one week later, one month later? How long after your  
25 arrival in Preah Vihear did he come to see you?

1 A. It was one week after my arrival at Preah Vihear?

2 Q. Thank you for this clarification.

3 Let us again revisit the issue of the release of Khieu Samphan's  
4 sister-in law.

5 When you were examined on the question on the 4th of October,  
6 shortly before 2.30 p.m., you stated that: "After having her  
7 released, I returned to Preah Vihear. I do not know what happened  
8 there after my departure."

9 [14.06.48]

10 My question to you is as follows: Regarding the release of Khieu  
11 Samphan's sister-in law, did that occur before you arrived in  
12 Preah Vihear for your investigations or was it afterwards?

13 A. Before I arrived at Preah Vihear, the release had already been  
14 made, and Ta Soeung then took me to Preah Vihear.

15 Q. Very well. In your statement, E3/424--

16 May I request the President to allow me to have it placed on the  
17 screen? And it is question number 20 -- question and answer  
18 number 20.

19 MR. PRESIDENT:

20 You may proceed.

21 BY MS. GUISSÉ:

22 Q. This is a question that was put to you on that day: "Who  
23 released Khieu Samphan's older sister-in law named Yeat from the  
24 security centre in Siem Reap province?"

25 Answer: "Ta Soeung went to meet her and ordered her release." End

1 of quote.

2 [14.08.31]

3 My question to you is as follows: Was it you or Ta Soeung who  
4 went to see her and to order her release?

5 MR. MEAS VOEUN:

6 A. First, the release had not yet been made. Ta Soeung had to  
7 make some contacts with the military there. And with some  
8 investigation and inquiries, then the release of elder sister of  
9 Mr. Khieu Samphan was made.

10 Q. During your testimony, you stated that you received a telegram  
11 from Khieu Samphan requesting you to submit to him a report on  
12 the situation of his in laws, and you told the Chamber at the  
13 hearing of the 4th of October, at 4 -- at 2.14, you stated that  
14 you did not know the exact date and that the telegram was sent to  
15 you once. And you said -- and I quote: "He sent me a telegram  
16 asking me to submit a report stating whether we saw members of  
17 his family -- for instance, his uncles."

18 My question to you is as follows: When you received that  
19 telegram, where were you, precisely?

20 A. I was in Preah Vihear.

21 [14.10.47]

22 Q. And if I understood your testimony correctly, if Khieu Samphan  
23 sent you that telegram, it means that he did not know what was  
24 the situation of his in-laws in 103 Sector; is that correct?

25 MR. PRESIDENT:

1 Witness, could you please hold on?

2 And, Co-Prosecutor, you may now proceed.

3 MR. ABDULHAK:

4 We object, Your Honours. Counsel is asking the witness to  
5 speculate as to the state of mind of Mr. Khieu Samphan in  
6 December 1978 or in the event at the time, when the witness was  
7 in Preah Vihear.

8 BY MS. GUISSÉ:

9 Q. Mr. Witness, are we agreed on the fact that in that telegram  
10 you claim to have received, Mr. Khieu Samphan asked whether you  
11 had seen members of his family?

12 [14.12.16]

13 MR. MEAS VOEUN:

14 A. When I received Mr. Khieu Samphan's message, it didn't mention  
15 about his sisters or brothers, he was mentioning about his  
16 elderly parents.

17 Q. The hearing of 4 October, between 2.15 and 2.18, in answer to  
18 a question put to you by the Co-Prosecutor, this is what you  
19 stated regarding the telegram -- the telegram sent by Khieu  
20 Samphan -- and I quote:

21 "All he did was to instruct me to take proper care of his family  
22 members and to find out whether they were in difficulty. And, if  
23 need be, I had to send them to Phnom Penh. At the time, the  
24 situation was chaotic. Contact with them was difficult." End of  
25 quote.

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1 [14.13.21]

2 My question, therefore, is as follows: When you received that  
3 message from Khieu Samphan, did you understand that he didn't  
4 know what had happened to his family and he was asking you  
5 whether you could tell him what was happening to them or what had  
6 happened to them? Are we on the same wavelength? Is this what you  
7 are saying?

8 A. Yes, it is correct.

9 Q. You have just stated that when you received the telegram, you  
10 were in Preah Vihear. Did you receive that telegram in the  
11 telegraph office you referred to in your testimony, in which Euy  
12 and Ol were working? Was that the office in which you received  
13 the telegram?

14 A. That was not appropriate - a proper office; it was the office  
15 where Ta Khim and his spouse would spend overnight there when  
16 they came to the location, and when I went there I also took the  
17 advantage of staying at the office. And Ol and Euy were in charge  
18 of telegram. So, it was that office that we received the  
19 telegram.

20 Q. Very well.

21 [14.15.29]

22 At the hearing of 4 October, this time at 2.24, this is what you  
23 stated -- and I quote:

24 "I submitted a report once to him on the situation of his in-laws  
25 and the situation of his family. I also told him about his



1 in-laws. That was the only occasion when I sent a report to him.  
2 "Subsequently, Vietnamese soldiers launched attacks on the road,  
3 and we abruptly lost contact with one another." End of quote.  
4 Furthermore, in answer to a question put to you by the civil  
5 parties, you also stated yesterday -- that was between 9.38 and  
6 9.42 -- that there were communication problems. Let me quote what  
7 you stated - [this is a free quotation]: "It was only one part of  
8 the report I had written. There were no other reports because we  
9 did not have any further communication because the Vietnamese  
10 attacked and cut all phone lines."  
11 And, lastly, in answer to a question put to you by Judge  
12 Lavergne, still yesterday, you confirmed that between August 1978  
13 and January 1979 it was not possible to communicate with Phnom  
14 Penh because -- and I quote -- that is at 2.41 -- "the two  
15 telegraph lines had been cut".  
16 [14.17.12]  
17 In light of this statement, my question to you is as follows:  
18 Regarding the telegraph machine that was malfunctioning, was it  
19 managed by Ol and Euy? Is that, indeed, the machine you are  
20 referring to?  
21 A. Yes, it is.  
22 Q. Was it those two workers in charge of the telegram, Ol and  
23 Euy, who explained to you that there were communication problems  
24 with Phnom Penh?  
25 A. Yes, I was told about this. That's why I was informed. Euy and

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1 Ol had been working even during the time of Ta Hang. So, when I  
2 was there, I asked Euy and Ol to help me to communicate the  
3 message to Phnom Penh. And I knew that they had experience in  
4 dealing with this, so they were used.

5 [14.18.51]

6 Q. And when you made that request to them, what was their  
7 response?

8 A. We couldn't contact one another because the connection was  
9 disconnected.

10 Q. In your statement E3/424, in question and answer number 13--  
11 With the President's leave, may I request that this be put on the  
12 screen?

13 MR. PRESIDENT:

14 (No interpretation)

15 BY MS. GUISSÉ:

16 Q. During the investigations conducted by the OCIJ investigators,  
17 this is what you stated:

18 "I reported to Khieu Samphan by telegrams which I wrote down the  
19 reports and my name and Sector 103 on paper for dispatch to Khieu  
20 Samphan, then I ordered men named Ol and Euy to type and send the  
21 telegrams."

22 My - that was end of quote.

23 [14.20.25]

24 My question to you is as follows: Did you know whether that  
25 report which you entrusted to Ol and Euy for typing -- do you

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1 know whether that report was indeed dispatched, in view of the  
2 communication problems you referred to?

3 MR. MEAS VOEUN:

4 A. With regard to the response, Euy and Ol told me that the  
5 message could not be communicated because of the line problem. So  
6 he told me that the message was not sent out.

7 Q. Very well. Let me press on with your statement, E3/424, still  
8 before the same investigators, and this time it is question and  
9 answer number 18.

10 With the President's leave, may I request that it be placed on  
11 the screen?

12 MR. PRESIDENT:

13 You may proceed.

14 BY MS. GUISSÉ:

15 Q. In answer to the following question -- and I quote: "Why did  
16 you have to report to Khieu Samphan? What did you report about?"  
17 [14.22.17]

18 Now, let me point out that I am aware that - that in Khmer it is  
19 not always easy to translate the plural and the singular, so let  
20 me specify that it is in the plural.

21 This is your answer: "Because there was a telegram sent from  
22 Khieu Samphan to me, instructing that I had to report about any  
23 situation to him." You had to submit a report.

24 And in your answer to the investigators this is what you stated  
25 -- and I quote: "The contents of the reports" -- in plural --

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1 "were about how the living conditions of the people in the  
2 cooperative were..." And let me stop here for the time being.  
3 When you read that answer, the answer you gave to the  
4 investigators of the OCIJ, one understands that you had sent  
5 several reports in light of what you stated yesterday,  
6 subsequently, and today. Could you please tell us whether you,  
7 indeed, sent several reports or you tried to send one,  
8 unsuccessfully? Can you please answer that question?

9 [14.23.54]

10 MR. MEAS VOEUN:

11 A. So far as I remember, with regard to the telegram sent to me  
12 by Khieu Samphan, Khieu Samphan asked me about his parents;  
13 that's what he wrote in the telegram. He talked a little bit  
14 about the people's matters, but very brief. And I wrote to him on  
15 that, telling him about his parents and sisters or brothers and  
16 also the living condition of the people, in brief.

17 And with regard to my report -- written report to him, I have no  
18 idea whether it was transmitted to him or not because I never  
19 received anything back from him. And that was the only one  
20 occasion that I did write to him.

21 Q. You told me a few minutes ago that you, indeed, submitted that  
22 report to Ol and Euy and that they told you that it was not  
23 possible to dispatch it because there were communication  
24 problems. Do you stand by that statement?

25 A. Yes, I do, because the people who were in charge of the

1 telegram said that only fragments of the message would be  
2 communicated; the rest could not be dispatched. And message then  
3 was retrieved and kept at my place because -- I believe that he  
4 could have never received such message because he didn't respond.

5 [14.26.17]

6 Q. Thank you for this clarification.

7 Let us now talk about your functions in Sector 103.

8 When was it, then, that you heard that you had been appointed by  
9 Ta Soeung as the chairperson of Sector 103?

10 A. I don't remember the exact day. He was in charge of 103  
11 Sector. Whether he was having any particular -- holding any  
12 particular position, I don't know.

13 Q. I think there is a mix-up somewhere.

14 Do you confirm that Ta Soeung had been appointed as the person in  
15 charge of the New North Zone during this meeting held at Siem  
16 Reap?

17 A. He did not say this himself, but he was in charge of Siem Reap  
18 Sector. But he did not tell us that he was in charge of the new  
19 zone. There was no official pronouncement concerning his new role  
20 and function.

21 [14.28.21]

22 Q. There was no official statement, but you were aware of it,  
23 isn't it (sic), since that is what you stated in your statement  
24 to the investigators. You did say that he was in charge of the  
25 New North Zone, didn't you?

1 A. It was my understanding that he would undertake that duty as  
2 one division had to be transferred by Ta Mok -- that is, those  
3 divisions from the North. That is my personal understanding due  
4 to the transfer of the military division.

5 Q. And you, Mr. Meas Voeun, in Sector 103, did you arrive there  
6 with your own troops?

7 A. There were about 10 soldiers under my command who accompanied  
8 me.

9 Q. And were you given specific military missions to accomplish in  
10 Sector 103?

11 A. I could not fulfil my military function as there were  
12 insufficient soldiers under my command. I was there for four  
13 months, and there were only 10 soldiers under my command. And the  
14 situation I did there was as I described earlier.

15 [14.30.35]

16 Q. And during those four months, what did you do exactly in  
17 Sector 103?

18 A. I sawmill (sic) and I asked my subordinates to sawmill to  
19 build houses for the people, to go and meet the people at the  
20 districts where I could travel to. And I did not travel to every  
21 district due to the distance.

22 Q. You said that you had once received Ta Soeung during a one-day  
23 visit during which you produced your report on the situation in  
24 Preah Vihear. And yesterday, when you were answering a question  
25 from Judge Lavergne, you said that Ta Soeung had come to your

1 place when you heard a program, a broadcast from Voice of America  
2 speaking about the Vietnamese entering Phnom Penh. And a few  
3 minutes ago, you said that you received Ta Soeung on the first  
4 visit one week after you had arrived in Preah Vihear.

5 And if we now speak about the Vietnamese entering Phnom Penh --  
6 this was in January 1979 or, in any case, not before the end of  
7 1978 -- so may we, therefore, conclude that Ta Soeung came to  
8 visit you twice in Preah Vihear?

9 [14.32.45]

10 A. The first time was the time that he accompanied me, and then  
11 he went back, and later he came once. So, if you count that, it  
12 means it's two trips. He came to Rovieng twice, and due to the  
13 intensified situation at the border, that's when he came the  
14 second time. I made a report to him, and that was the time that I  
15 had the message to be sent to Khieu Samphan. So, yes, you can say  
16 he made the trip twice.

17 Q. So when, yesterday, you were speaking about the broadcast from  
18 Voice of America during which you heard, apparently, that the  
19 Vietnamese had entered Phnom Penh -- when did you hear this  
20 broadcast?

21 A. I cannot recall the date. I listened to its broadcast but I  
22 could not recall the date. That was the time that Ta Soeung came  
23 to monitor the situation, and he stayed overnight at my place.  
24 And I told him about the broadcasts by the Voice of America to  
25 him.

1 [14.35.02]

2 Q. And how long after this broadcast did you leave Preah Vihear?

3 A. I had already been in Preah Vihear when I listened to that  
4 broadcast, so I was in Preah Vihear. And I heard that broadcast  
5 on the day that Ta Soeung came to meet me.

6 Q. I understood this, but my question was: How long after this  
7 broadcast did you leave Preah Vihear for good?

8 A. After I heard that broadcast, Ta Soeung returned to Siem Reap,  
9 and I remained in Preah Vihear.

10 Q. Yesterday, when you were answering a question from Judge  
11 Lavergne as well as from the civil parties, you confirmed what  
12 you said in your previous statements -- that is to say that you  
13 had neither seen Nuon Chea nor Khieu Samphan during the entire  
14 duration of your stay in Preah Vihear. And if I understand  
15 correctly, during the time you exercised your duties in Region  
16 103, the only hierarchical superior you saw was Ta Soeung; is  
17 that correct?

18 [14.37.04]

19 A. I only saw Ta Soeung.

20 Q. Now I would like to turn to another point, regarding, again,  
21 Sector 103.

22 Can you confirm that Sector 103 belonged to the New North Zone?

23 A. I did not know whether it belongs to the New North Zone.

24 However, that sector was autonomous and it was in the -- but I,  
25 again, did not know that it was in the New North Zone or not,



1 under Nuon Chea or Khieu Samphan, but I am not clear on this  
2 point.

3 MS. GUISSÉ:

4 Indeed. And now I'm going to quote--

5 I don't know, President, if we should take the break now because  
6 I would like to present an excerpt of his statement to the  
7 witness. So, can I continue or should we do this after the break?

8 MR. PRESIDENT:

9 You have five more minutes, Counsel.

10 BY MS. GUISSÉ:

11 Thank you, President.

12 [14.38.58]

13 Q. So can we please display -- or could we please show the  
14 witness the excerpt from the statement? This is question and  
15 answer 10 in document E3/424.

16 This is what you said when you spoke to the investigators.

17 And the question they put to you is the following: "Why were you  
18 transferred by the upper echelon to Preah Vihear province?"

19 And your answer is: "Because Preah Vihear was the autonomous area  
20 directly controlled by the Central Committee. Ta Nuon Chea and Ta  
21 Khieu Samphan used to visit there."

22 And when you answered a question put to you by the prosecutors,  
23 you said that the reason you knew that Ta Nuon Chea and Ta Khieu  
24 Samphan had come to that sector is because you had seen  
25 photographs in the telegrams office.

1 [14.40.11]

2 So, did I understand your statement correctly during the hearing?

3 MR. MEAS VOEUN:

4 A. I saw his photo on the ground. It probably fell down from the  
5 wall at the office in Tunloab, not Rovieng. Yes, I can confirm  
6 about that photo.

7 Q. Therefore -- and I will finish here -- it was not in Euy and  
8 Ol's office that you saw Khieu Samphan's photograph; is that so?

9 A. At the Tunloab office, but Euy and Ol had already left. They  
10 were no longer there at the time.

11 MR. PRESIDENT:

12 Thank you, Counsel. Thank you, Witness.

13 We will take a 20-minute break and return at 3 p.m.

14 Court Officer, could you assist the witness during the break, as  
15 well as the duty counsel, and have them return at 3 p.m.?

16 The Court is now adjourned.

17 THE GREFFIER:

18 (No interpretation)

19 (Court recesses from 1442H to 1510H)

20 MR. PRESIDENT:

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

22 We would like to now hand over to counsel for Mr. Khieu Samphan  
23 to proceed with their remaining questions to the witness.

24 BY MS. GUISSÉ:

25 Thank you, Mr. President.

1 Q. Mr. Meas Voeun, here we are again, and I'm going to continue  
2 putting questions to you. We'll talk about the status of Sector  
3 103.

4 But before we get there, I would like also discuss a point which  
5 you raised a while ago.

6 [15.12.12]

7 When you talked about the second visit of Ta Soeung in Preah  
8 Vihear, you explained that the first time he came there was when  
9 he accompanied you for your installation and that the second time  
10 was one week later. And when I reminded you of your statement  
11 given yesterday in answer to a question by Judge Lavergne  
12 regarding the fact that he was present when the Vietnamese  
13 arrived in Phnom Penh, you stated that you no longer recalled the  
14 date.

15 I would like to refresh your memory by reading out to you part of  
16 your statement of yesterday – that is, the hearing of the 8th of  
17 October 2012, between 2.38 and 2.39 p.m.

18 And this is a question that was put to you: "Mr. Meas Voeun, do  
19 you know on what date the Vietnamese troops arrived in Phnom  
20 Penh?"

21 [15.13.21]

22 And your answer was as follows:

23 "I did not know exactly when the Vietnamese attacked Phnom Penh,  
24 but I listened to the radio and heard that on the 6th of January,  
25 the Vietnamese attacked Phnom Penh. At the time, Ta Soeung had

1 spent the night at my place. I told him that the Vietnamese had  
2 entered Phnom Penh." Let me stop here.

3 So, yesterday, it was obvious to you that Ta Soeung had spent the  
4 night in your home sometime in January 1979, at the time when the  
5 Vietnamese entered Phnom Penh. Do you confirm that point?

6 MR. MEAS VOEUN:

7 A. Yes, I do. However, I perhaps have been rather confused  
8 concerning the question with regard to the location from Siem  
9 Reap to Preah Vihear and from Preah Vihear back to Siem Reap. I  
10 think my statement was rather mixed up in that sense, but I still  
11 confirm that my account was accurate with regard to the  
12 Vietnamese troops attacking Phnom Penh.

13 [15.15.13]

14 Q. Very well. My question to you, therefore, is whether that was  
15 the second or third visit of Ta Soeung at the time of the arrival  
16 of the Vietnamese in Phnom Penh.

17 Let me give you a recap of what you said, for this to be very  
18 clear. You said he accompanied you to Preah Vihear when you were  
19 installed, and then you said that he came again one week after  
20 your installation, which must have been between August and  
21 September 1978. And if he was there at the time of the arrival of  
22 the Vietnamese in Phnom Penh, that means that there was a third  
23 visit. Does that reflect - or, rather, does that refresh your  
24 memory, or not at all?

25 A. I think I had been confused concerning the question on the

1 Vietnamese attack, but now let me clarify.

2 He took me on one occasion to Preah Vihear. He didn't spend  
3 overnight there; he had to return on the same day. And on the  
4 second occasion, he also went there again. And on that second  
5 occasion, I reported to him the message I received from Mr. Khieu  
6 Samphan, and on that second occasion, he also had to return back  
7 to Phnom Penh on the same day. So I think it was, again, on the  
8 third occasion, the final occasion, he spent overnight there.

9 [15.17.17]

10 So I think perhaps I didn't make myself clear with regard to the  
11 second occasion or the third one.

12 Q. Indeed, Witness, your clarifications are useful.

13 Let us now talk about the status of Sector 103, where you stayed  
14 from August 1978 up until the arrival of the Vietnamese.

15 In answer to a question put to you by the International  
16 Co-Prosecutor when he asked you why, in your opinion, Sector 103  
17 was placed under the jurisdiction of Khieu Samphan -- and this  
18 was the answer you--

19 "According to your understanding," he asked -- "According to your  
20 understanding, what was Khieu Samphan's position at the time?"

21 And your answer before the Chamber was as follows:

22 "To my knowledge, Sector 103 was placed under his supervision.  
23 According to what I was told at the time, that sector was called  
24 an "autonomous sector" and it was supposed to report directly to  
25 Khieu Samphan. At the time, Khieu Samphan was known as Uncle

1 Khieu Samphan."

2 [15.18.49]

3 And further, on the 4th of October, between 2.26 and 2.28, the  
4 International Co-Prosecutor asked you to explain the following:

5 "Who told you about the status of Sector 103 and who told you it  
6 was under Khieu Samphan?"

7 This is what you stated: "It was ordinary people. Some of them  
8 were at the hospital. The director of the hospital also told me  
9 about it, but I do not know the name of the director of the  
10 hospital."

11 My question to you is as follows: Apart from those ordinary  
12 people, did anyone else tell you that Sector 103 was under the  
13 responsibility of Khieu Samphan?

14 MR. PRESIDENT:

15 Witness, could you please hold on?

16 Mr. Co-Prosecutor, you may now proceed.

17 [15.19.55]

18 MR. ABDULHAK:

19 Your Honours, I've refrained from objecting thus far, even though  
20 my friend is repeatedly, selectively quoting from the transcript,  
21 and then again, on this occasion, that is the case. I don't want  
22 to interfere and lead the witness in any particular direction;  
23 counsel need to be able to examine the witness. But if they're  
24 putting to him certain facts, they need to be complete.

25 The witness has mentioned a number of sources, and one could read

1 the counsel -- counsel's question to mean that she had just given  
2 him all the sources from which he had gained that knowledge. That  
3 is not a correct state of affairs.

4 On the transcript, if one looks at the page 85 of the draft  
5 transcript in English, which is around 3 p.m. -- 3.15 p.m. in the  
6 afternoon, there was further information given.

7 It's an important issue, and I -- and I'm interjecting because I  
8 don't want counsel to mislead the Court and the witness into what  
9 evidence is before us.

10 MS. GUISSÉ:

11 (No interpretation)

12 [15.21.20]

13 MR. PRESIDENT:

14 National Lead Co-Lawyer for the civil parties, you may proceed  
15 first.

16 MR. PICH ANG:

17 Thank you, Mr. President, and Your Honours, and the parties to  
18 the proceeding. The question itself was repetitive.

19 Witness already stated concerning who provided the information  
20 with regard to Mr. Khieu Samphan and his contact with Sector 103.

21 He also stated about the information that -- obtained from the  
22 head of the hospital.

23 MS. GUISSÉ:

24 Mr. President, may I respond briefly?

25 The entirety of my examination is premised on the need to clarify

1 certain points. I think it would be wrong to accuse me of  
2 misleading the witness in reading out statements to him. These  
3 are very precise statements I am reading out, and if the witness  
4 has anything to add, he may do so.

5 I will slow down because, when I am in the heat of action, I tend  
6 to speak very quickly.

7 [15.22.50]

8 Let me point out, therefore, Mr. President, that all I am doing  
9 is to quote excerpts of the transcripts of these hearings in  
10 which we all participated, and at no point in time have I tried  
11 to mislead the witness. On each occasion, I give an opportunity  
12 to clarify points that are not very clear to me. That is exactly  
13 what I'm doing.

14 I have not completed my questioning on this line. As the first  
15 question, there are follow-up questions. And I have not, on any  
16 account, tried to mislead the witness.

17 So may I, therefore, request your leave to continue in this line  
18 of questioning?

19 MR. PRESIDENT:

20 The objection is not sustained.

21 The Chamber wishes to hear the response from witness to the  
22 current question posed by counsel for Mr. Khieu Samphan. Witness,  
23 you may proceed.

24 MR. MEAS VOEUN:

25 Counsel, please repeat your question.



1 [15.24.03]

2 BY MS. GUISSÉ:

3 Q. No problem with that, Mr. Witness.

4 My question to you was whether -- apart from statements by  
5 ordinary people you referred to during the hearing of the 4th of  
6 October, did any other persons tell you that Sector 103 was under  
7 the supervision of Khieu Samphan?

8 MR. MEAS VOEUN:

9 A. The majority of people learned about the leadership of Mr.  
10 Khieu Samphan, and I was informed by the head of the hospital.  
11 And the chief of the district or the province also confirmed  
12 this. And some elderly people, after being asked, also talked to  
13 me about this. So I received information both from the people,  
14 and from the hospital, and from another district, Chhaeb  
15 district. I do not remember the names of those individuals  
16 because it was a very long time ago.

17 [15.25.37]

18 Q. Very well. You answered my question -- because I wanted to ask  
19 another follow-up question regarding what you said.

20 Do you remember what Khieu Samphan's revolutionary name was?

21 A. I know that he also was called Brother Hem.

22 Q. And do you know at what time that alias, Brother Hem, was  
23 used?

24 I asked you that question because you stated in your interview  
25 that people of the region called him Khieu Samphan - "Uncle Khieu

1 Samphan".

2 A. He was known as Brother Hem since 1967.

3 MS. GUISSÉ:

4 Thank you.

5 Since you talked of a number of statements given by people who  
6 talked about the status of Khieu Samphan and that of Sector 103,  
7 Mr. President, may I request your leave to show the witness a  
8 statement? It is the statement of witness TCW-548. It was also  
9 used by the prosecutor in his examination, and I would like to  
10 read out an excerpt of that statement and I would have to show  
11 the witness a copy of this document, rather than put it on the  
12 screen, for reasons of confidentiality.

13 May I, therefore, request the court officer to give a copy of  
14 this statement to the witness?

15 [15.28.09]

16 MR. PRESIDENT:

17 Yes, you may proceed.

18 Court Officer, could you deliver the hardcopy document from the  
19 counsel for the witness's examination?

20 BY MS. GUISSÉ:

21 Q. And may I avail myself of this opportunity to point out to the  
22 witness and all parties that the part of the statement that is of  
23 interest to me is question and answer 15 in that statement.

24 Maybe -- may I remind you, Mr. Witness, that you should refrain  
25 from uttering the name of the witness whose statement you have

1 before you.

2 I would like us to revisit a point regarding the North Zone.

3 [15.28.51]

4 In question and answer 15 in this document, this is what is  
5 stated:

6 Question: "How many regions were there in the New North Zone?

7 What were their names? And what was the name of each district?"

8 This is the answer the witness gave: "According to what I know,  
9 the New North Zone consisted of Region 103, Region 106, and the  
10 Kampong Thom region of the former zone."

11 My question to you is as follows: Does this refresh your memory  
12 as to the composition of the New North Zone at the time?

13 MR. MEAS VOEUN:

14 A. When I arrived there, I did not know how many sectors within  
15 the North Zone or which provinces were encompassed in the North  
16 Zone. I knew that Preah Vihear – that is, Sector 103 -- was  
17 autonomous. So, I cannot recall clearly the sectors under the  
18 North Zone.

19 [15.30.25]

20 MS. GUISSÉ:

21 Okay. Now, regarding this question of the status of autonomous  
22 region of Sector 103, I would like again, with the leave of the  
23 President, to present to the witness a statement of witness  
24 TCW-637, and the statement is E3/425. And here again, for the  
25 same reasons, I would like to give a paper copy to the witness of

1 the statement in order to guarantee confidentiality.

2 MR. PRESIDENT:

3 Yes, you may proceed.

4 Court Officer, could you assist in taking the document for the  
5 witness's examination?

6 BY MS. GUISSÉ:

7 Q. For the witness and for all of the parties, what I would like  
8 to focus on in the statement from witness TCW-637 is answer  
9 number 1. In French, it's at the end of the page because answer 1  
10 is rather long.

11 [15.31.56]

12 So, it's in the middle of this answer that -- and this answer  
13 states that -- speaking about - in this answer, he's describing  
14 his activities and he speaks about his activities and the status  
15 of Region 103. He says: "Later on, the autonomous Sector 103 was  
16 integrated by the hierarchy in the New North Zone in the course  
17 of 1977."

18 Witness, this witness who was living in Preah Vihear states that  
19 yes, indeed, Sector 103 was an autonomous region but that in 1977  
20 it was incorporated into the New North Zone by the upper  
21 echelons. So, does this remind you of the situation that you  
22 experienced in 1978?

23 MR. MEAS VOEUN:

24 A. I did not know about that announcement. And I did not know  
25 this person, as well.

1 Q. Now, I would like to know if -- in the context of the sectors'  
2 communication with the Centre, what were the rules governing  
3 telegram communication?

4 A. I did not know about their work.

5 [15.34.19]

6 MS. GUISSÉ:

7 President, I would like to do the same for a last document -- the  
8 same as with the two previous documents, and I'd like to give to  
9 the witness the statement of TCW-695 - this is statement E3/411  
10 -- if I have your leave, Mr. President.

11 MR. PRESIDENT:

12 Yes, you may proceed.

13 Court Officer, could you assist in taking a document for the  
14 witness's examination?

15 BY MS. GUISSÉ:

16 Q. And for everything to be clear for the parties -- well, here,  
17 there are no -- the questions are not numbered.

18 I apologize, President; I am just trying to locate the ERN  
19 numbers here, which I forgot to list. I found them. So, this is:  
20 French ERN 0424036; Khmer, 00373510; English, 00390077.

21 [15.36.02]

22 And for your information, Witness, this is the testimony of a  
23 witness who was leading a telegram unit. And this is what he says  
24 in this excerpt: "Each sector had its own telegram unit, and if  
25 one sector wished to send a message to another place, this

1 message had to first go through the zone."

2 So, does this shed light in relation to what you experienced or  
3 does this not mean anything to you?

4 MR. MEAS VOEUN:

5 A. Yes, that is correct, it had to go through the zone.

6 MS. GUISSÉ:

7 Thank you for this clarification.

8 And I have finished with my examination. Thank you, Mr.

9 President.

10 MR. PRESIDENT:

11 Thank you, Counsel. Do you have anything else?

12 [15.37.27]

13 MS. GUISSÉ:

14 Yes, Mr. President. My colleague told me that I was very impolite  
15 because I did not thank the witness for the time he granted to  
16 us. So, on behalf of the Khieu Samphan defence, I would like to  
17 thank you for the time you shared with us, answering my  
18 questions, and I wish you a safe trip home.

19 MR. PRESIDENT:

20 Mr. Meas Voeun, the hearing of your testimony has concluded, and  
21 you are now excused from the hearing. You may return to your  
22 residence or wherever you wish to.

23 The Chamber is grateful of your testimony for the last three  
24 days. With your perseverance and your best effort, your testimony  
25 may contribute to ascertaining the truth. And we wish you good

100

1 luck and bon voyage.

2 Court Officer, in cooperation with the WESU unit, please arrange  
3 for his return to his residence or wherever he wishes to go to.

4 And, Mr. Meas Voeun and Duty Counsel, you may now leave the  
5 courtroom.

6 (Witness and duty counsel exist courtroom)

7 [15.39.22]

8 For the remaining session of today's proceeding, the Chamber will  
9 instruct the greffier to read the relevant paragraphs to the  
10 facts related to the killing of the former Lon Nol officers and  
11 officials at Tuol Po Chrey. This is pursuant to Rule 89.bis,  
12 paragraph 1, of the Internal Rules, and the relevant document is  
13 the Closing Order, document - and document E163/5, and E124/7.3.  
14 Ms. Se Kolvuthy has been assigned by the Bench to read the  
15 relevant paragraphs in the Closing Order as I mentioned above --  
16 that is, paragraphs 205 to 209, 698 to 711, paragraphs 975 to  
17 977, paragraphs 1105 to 1113, and 1191 to 1193.

18 Ms. Se Kolvuthy, you may proceed.

19 [15.41.15]

20 THE GREFFIER:

21 D. Treatment of Targeted Groups.

22 Paragraph 205. One of the five policies was to implement and  
23 defend the CPK socialist revolution through the targeting of  
24 specific groups by whatever means necessary. This measure  
25 adversely affected many groups of people within Cambodia at that

1 time, directly or indirectly. The Co-Investigating Judges have  
2 been specifically seized of acts of the CPK targeting the Cham,  
3 Vietnamese, and Buddhist groups, and the targeting of former  
4 officials of the Khmer Republic (including both civil servants  
5 and former military personnel and their families), occurring  
6 throughout Cambodia from the early stages of CPK control over  
7 certain parts of the territory before 1975 and continuing until  
8 at least 6 January 1979.

9 Paragraph 206. The Co-Investigating Judges are seized of  
10 treatment of the Cham in the Central, East, and Northwest Zones;  
11 of the Vietnamese in Prey Veng and Svay Rieng provinces in the  
12 East Zone and during incursions into Vietnam; of Buddhists  
13 throughout Democratic Kampuchea; and of former officials of the  
14 Khmer Republic during the movement of the population from Phnom  
15 Penh. This last incident constitutes only one of several  
16 occurrences of a pattern of targeting former officials of the  
17 Khmer Republic.

18 [15.43.11]

19 Paragraph 207. An objective of this policy was to establish an  
20 atheistic and homogenous society without class divisions,  
21 abolishing all ethnic, national, religious, racial, class, and  
22 cultural differences. This is evidenced through Party documents  
23 relating to class. In 1974, an article written by Pol Pot in  
24 "Revolutionary Flag" set forth the notion that a "special class"  
25 existed in Cambodian society, comprised of "soldiers, police, and



1 Buddhist monks". The notebooks of cadre that appear to refer to  
2 this article state that all national minorities were also  
3 considered to be part of this "separate special class type".  
4 Other classes such as the feudalists, capitalists, and bourgeois  
5 were described as opponents of the revolution. In September 1975,  
6 the implementation of this objective evolved when the CPK  
7 proclaimed these classes and the special separate class types  
8 abolished, declaring that the only classes that existed were  
9 workers and peasants and that all of the other classes had been  
10 melded into these two groups. At this time, or shortly  
11 thereafter, Phnom Penh radio made its last references to Buddhist  
12 monks, Cham, and other "national minorities". Although senior  
13 Party authorities continued to talk about a Cambodian population  
14 incorporating non-Khmer nationalities into 1976, by August 1977,  
15 the national minorities' de facto abolition and assimilation was  
16 officially stated to have advanced to the point where the country  
17 was described as "99 per cent" Khmer. Another objective of this  
18 policy was to eliminate enemies and to destroy certain groups, as  
19 such, in whole or in part. The targeting of specific groups was a  
20 key means by which the CPK did "whatever can be done that is a  
21 gain for the revolution".

22 [15.46.03]

23 Dates and Participation.

24 Paragraph 208. With respect to the targeting of former officials  
25 of the Khmer Republic, this policy came into existence before

1 1975 and continued until at least 6 January 1979. Public  
2 declarations of intent in February 1975 to execute the most  
3 senior Khmer Republic figures upon victory were followed after 17  
4 April 1975 by a secret decision to kill many other members of the  
5 Khmer Republic elite on the basis that "it was decided to do  
6 whatever had to be done in order to make it impossible for them  
7 to stage a counter-revolutionary comeback".

8 Paragraph 209. During the evacuation of the population of Phnom  
9 Penh, former officials of the Khmer Republic, especially  
10 high-ranking officials, were targeted to be arrested and killed.  
11 There is also evidence that this group was targeted during the  
12 movement of people from other urban centres and subsequently  
13 throughout Cambodia, in particular in the Northwest Zone and the  
14 Southwest Zone as set out in the section of the Closing Order  
15 regarding Factual Findings of Crimes.

16 Tuol Po Chrey Execution Site.  
17 Location and Establishment.

18 [15.47.50]

19 Paragraph 698. The Tuol Po Chrey execution site was operational  
20 intermittently from late April 1975 to approximately 1977, during  
21 which large-scale killings of the ex-military and civilian  
22 population were carried out.

23 Paragraph 699. Located on an area of elevated ground, the site  
24 was close to the western moving shores of Boeng Tonle Sap, close  
25 to Kdei Chhvrit village, Srae Sdok sub-district of Kandieng

1 district in Pursat province. According to the CPK's system of  
2 identifying administrative boundaries, Tuol Po Chrey was located  
3 in Kandieng district, Sector 7, Northwest Zone.

4 Paragraph 700. The Tuol Po Chrey execution site included a former  
5 Khmer Republic military fort (also known as the Po Village Fort).  
6 Located approximately 4 kilometres from Tuol Po Chrey was a  
7 smaller lake which was also a killing site into which bodies were  
8 dumped.

9 [15.49.07]

10 Functioning.

11 Structure and Personnel.

12 Paragraph 701. The Northwest Zone Committee Secretary was Moul  
13 Sambath (alias Ta Nhim alias Ros Nhim alias Moul Un) until his  
14 arrest by Southwest Zone cadre in mid-1978 and replacement as  
15 Northwest Zone Secretary by Ta Mok. Vice Chairman of the  
16 Northwest Zone was Kong Sophal alias Ta Keu, himself arrested and  
17 transferred to S-21 in November 1978.

18 Paragraph 702. A Northwest Zone Military Division Commander was  
19 Ta Khleung, whose division captured the town of Pursat. Ta Khi was  
20 the Secretary of Kandieng district, and the Deputy Secretary was  
21 Ta San. Ta Mao was on the Committee for Kandieng district. Ta Sot  
22 alias Ke Kim Huot was the Secretary of Sector 7, and Ta Tuoy was  
23 Deputy Secretary. Ta Sot would later be arrested and transferred  
24 to S-21 in July 1977, as was Ta Tuoy.

25 [15.50.24]

1 Paragraph 703. As reported by witnesses, regular meetings were  
2 held in 1976 between high ranking CPK cadre including the zone,  
3 district, and sector committee secretaries as well as the unit  
4 chiefs in the sub-districts and the chiefs of the cooperatives.  
5 Witness evidence supports that Nuon Chea convened two or three  
6 times these meetings and prepared the plans to purge internal  
7 enemies, which included placing spies inside the districts to  
8 report to the district and sector committees. Based on these  
9 reports, the sector committees would make arrests in the  
10 districts and sub-districts. Witness testimony supports the  
11 personal attendance of Nuon Chea at these meetings.

12 Arrest, Transfer, and Execution at Tuol Po Chrey Execution Site.  
13 Paragraph 704. Tuol Po Chrey functioned from 1975 through to  
14 1977, and there appear to have been a number of killings through  
15 this period.

16 [15.51.42]

17 Former Lon Nol Officers and Officials.

18 Paragraph 705. Immediately following the fall of Phnom Penh, CPK  
19 cadre moved in and took full control of Pursat province and the  
20 regional area where Tuol Po Chrey was located. Pursat province  
21 fell to the CPK on 17 (sic) April 1975, and in the days shortly  
22 thereafter a meeting was called summoning the Pursat provincial  
23 governor, soldiers, and civil servants of the former Khmer  
24 Republic government to the Pursant provincial office, the subject  
25 of which was an "invitation to receive the Angkar at Tuol Po

1 Chrey". CPK soldiers were deployed around the provincial  
2 headquarters to prevent attendees from escaping.  
3 Paragraph 706. Witness testimony supports that "all former  
4 officers" of the regime were summoned to the meeting.  
5 Paragraph 707. Present at this meeting were Ta Nhim and Ta Kan  
6 (from the Northwest Zone Committee), Ta Sot (from the Sector 7  
7 Committee). Also present was Ta Tuoy (the Deputy Secretary of  
8 Sector 7), Ta San (the Deputy Secretary of Kandieng district),  
9 and Ta Mao (from the Kandieng District Committee). According to  
10 one former CPK cadre, Ta Nhim and Ta Sot had given the orders  
11 that "all dignitaries, both military and policemen, from Lon Nol  
12 regime had to be killed. If we kept them [alive], there would be  
13 resistance in the later time so they all had to be executed. The  
14 soldiers who took the [Lon Nol] military and policemen to be  
15 killed were only soldiers from zone and sector".  
16 [15.53.54]  
17 Paragraph 708. The victims arrived at the provincial headquarters  
18 compound by their own accord. It was estimated that approximately  
19 3,000 were gathered in the compound to attend this meeting.  
20 Paragraph 709. The victims were deceived, being told that they  
21 were going to undergo study to be then reintegrated into the army  
22 at their previous ranks or higher. This was announced to the  
23 assembled crowd via loudspeakers. As a consequence, the former  
24 Khmer Republic participants left the meeting happy and  
25 undisturbed, having been made this promise and that they would be

1 given an opportunity to meet King Sihanouk. The victims were then  
2 transported by large trucks to the fort at the Tuol Po Chrey  
3 execution site. Each truck carried approximately 30 to 40 people,  
4 and witnesses estimate there were approximately 30 to 40 trucks  
5 making the trips. There were not enough trucks to transport all  
6 the victims at once, so a number of round-trips had to be made.  
7 This operation was carried out by troops of Sector Battalion 201  
8 and Northwest Zone Battalion 24. Ta Khleung, is said to have  
9 personally participated in this operation.

10 [15.55.36]

11 Paragraph 710. Victims were killed immediately upon arrival. The  
12 CPK soldiers spent the whole day shooting the victims, lasting  
13 from morning to evening.

14 Paragraph 711. The victims were buried in a series of large pits,  
15 each containing numerous bodies and were 10 square metres.

16 Bulldozers were used to bury the victims, and corpses were piled  
17 on top of each other. Khmer Republic army uniforms were found  
18 next to the pits. The victims had their hands tied behind their  
19 backs and were tied together in lines. The bodies were covered in  
20 blood, and gunshot wounds were seen on the bodies, with some  
21 being shot in the head, and others in the chest. Witness  
22 estimates as to the number of victims range from 2,000 up to  
23 approximately 3,000 corpses.

24 Targeting of Groups.

25 Paragraph 975. Through his various roles and functions in the

1 CPK, Nuon Chea participated in the targeting of particular groups  
2 of people.

3 [15.56.59]

4 Paragraph 976. As a full-rights member of the Central and  
5 Standing Committees, Nuon Chea would have participated in the  
6 formulation of the September 1975 Party document which specified  
7 that the only classes that remained were workers and peasants and  
8 that all of the other classes had been melded into these two  
9 groups.

10 Treatment of Former Officials of the Khmer Republic.

11 Paragraph 977. This group was targeted while Nuon Chea was Deputy  
12 Secretary of the Central Committee and full-rights member of the  
13 Standing Committee. At the May 1975 conference in Phnom Penh,  
14 Nuon Chea explained that former Lon Nol soldiers and officials  
15 would not be allowed to stay in the framework of the new regime.  
16 Among the S-21 confessions is one that is believed to be from a  
17 "new person" who had served the Lon Nol government and that was  
18 sent to Nuon Chea. He received at least one telegram categorizing  
19 officials of the Khmer Republic as enemies.

20 [15.58.32]

21 Targeting of Groups.

22 Paragraph 1105. Through his various roles in the CPK, Ieng Sary  
23 participated in the targeting of particular groups of people.

24 Paragraph 1106. As a full-rights member of the Central and  
25 Standing Committees, Ieng Sary participated in the formulation of

1 the September 1975 Party document which specified that the only  
2 classes that existed were workers and peasants and that all of  
3 the other classes had been melded into these two groups.  
4 Treatment of Former Officials of the Khmer Republic.  
5 Paragraph 1107. This group was targeted while Ieng Sary was a  
6 full-rights member of the Standing Committee.  
7 Paragraph 1108. It is unlikely that Ieng Sary personally attended  
8 the February 1975 Second National Congress of the FUNK chaired by  
9 Khieu Samphan, at which the Congress called for the killing of  
10 the "seven traitors in Phnom Penh". However, the following month,  
11 at a banquet in Beijing,  
12 Ieng Sary briefed those in attendance "of the Second National  
13 Congress convened in Cambodia recently". By doing this, Ieng Sary  
14 endorsed the Congress's call for the killing of the "seven  
15 traitors".  
16 [16.00.22]  
17 Paragraph 1109. Through the receipt of telegrams, Ieng Sary was  
18 advised of the execution of former officials and soldiers of the  
19 Lon Nol regime throughout Cambodia who were accused of  
20 involvement in enemy activities. For example, in March 1978, Ieng  
21 Sary received a telegram advising him that: "In this dry season,  
22 the remained enemies re-emerged and took actions against us in  
23 the worksites. These enemies contacted with the [former]  
24 policemen, soldiers, and government officials. They mingled  
25 themselves as the 'new people'. After they acted against us, we



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1 knew them clearly and we systematically purged them. Right now,  
2 some policemen, soldiers, and government officials escaped after  
3 more than 20 people were purged. More actions will be taken to  
4 arrest more people."

5 Paragraph 1110. In September 1975, Ieng Sary said in an interview  
6 that officers of the former Lon Nol regime participated in  
7 agricultural production and were being used by the CPK  
8 administration when they were "sincere". Regarding the fate of  
9 former Prime Minister Long Boret, he said: "Dead or not dead, he  
10 is a traitor and was judged by the people and Congress". Two  
11 months later, in November 1975, he admitted to foreign  
12 journalists that Long Boret and Sirik Matak had been executed.

13 [16.02.28]

14 Paragraph 1111. In May 1977, Ieng Sary said of former officials  
15 of the Lon Nol regime that only the "dangerous criminals were put  
16 to trial" and suggested that the others had simply joined the  
17 masses and were now working in cooperatives throughout Cambodia.  
18 He denied that they had been placed in detention centres. He  
19 recalled visiting a cooperative where a farmer wished to kill a  
20 former major who also worked in the cooperative, but his life was  
21 spared because he had "behaved well after the liberation".

22 Paragraph 1112. In April 1978, Ieng Sary wrote a letter to the  
23 United Nations Secretary General in which he said that former  
24 government employees were now working alongside the people in the  
25 cooperatives and that "everyone is equal".

1 Paragraph 1113. In December 1996, Ieng Sary said in an interview  
2 that he knew nothing at all about the plan to kill Lon Nol  
3 military officers and civil servants during the evacuation of  
4 Phnom Penh. He says that the decision to execute officers and  
5 officials must have been taken on around the 20th of April 1975,  
6 when he was not present in Cambodia. He also said the decision  
7 was made to execute these groups and evacuate the city after  
8 discovering weapons in the houses of military officers, which  
9 suggested that they were preparing to start a coup.

10 [16.04.39]

11 Targeting of Groups.

12 Paragraph 1191. Through his various roles within the CPK, Khieu  
13 Samphan participated in the targeting of particular groups of  
14 people.

15 Paragraph 1192. As a member of the Central Committee, Khieu  
16 Samphan would have participated in the formulation of the  
17 September 1975 Party document that specified that the only  
18 classes that existed were workers and peasants and that all other  
19 classes had been melded into these groups. Indeed, in late-1975,  
20 Khieu Samphan explained to a group of returned students in  
21 Cambodia that there were only two social groups in existence in  
22 Cambodia, the workers and the peasants. Khieu Samphan expanded on  
23 this theory during a December 1975 national congress that  
24 formally adopted the Constitution of Democratic Kampuchea. He  
25 delivered the keynote speech at this gathering and emphasized

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1 that the Constitution guaranteed that the country was run by a  
2 "worker-peasant administration" overseeing a system of collective  
3 labour in agriculture and other realms. He endorsed the  
4 Constitution's banning of reactionary religion, commenting that  
5 the country's enemies were attempting to use "a religious cloak"  
6 against it, which must be opposed "at all costs". In this manner,  
7 he generally affirmed and contributed to the execution of this  
8 policy. Indeed, his statements were made at around the same time  
9 that the CPK affirmed its intention to abolish all national  
10 minorities and other groups.

11 [16.07.03]

12 Treatment of Former Officials of the Khmer Republic.

13 Paragraph 1193. As explained above, on the 26th of February 1975,  
14 Khieu Samphan released a communiqué on behalf of the FUNK and in  
15 his position as the Chairman of the National Congress of the  
16 FUNK. Khieu Samphan reported that the FUNK had held a two-day  
17 congress and issued pronouncements on a number of policies and  
18 issues. Khieu Samphan stated that the "seven traitors in Phnom  
19 Penh [...], Lon Nol, Sirik Matak, Son Ngoc Thanh, Cheng Heng, In  
20 Tam, Long Boret, and Sosthene Fernandez", should be killed. Out  
21 of the seven named individuals, only Long Boret and Sirik Matak  
22 remained in the country. Sirik Matak attempted to take refuge in  
23 the French embassy but was later handed over to the CPK. They  
24 were both executed by the CPK, as confirmed by Ieng Sary. Khieu  
25 Samphan made several additional public statements about the

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1 "traitorous Lon Nol clique".

2 MR. PRESIDENT:

3 Thank you, Ms. Se Kolvuthy.

4 [16.08.44]

5 The Chamber also wishes to inform the parties to the proceedings  
6 that the facts, as laid out in the paragraphs relevant to the  
7 execution of the former Lon Nol soldiers and officials at Tuol Po  
8 Chrey have already been read out by the greffier of the Trial  
9 Chamber and these paragraphs have been decided to be included  
10 into a portion of the facts to be included in segment 3 of Case  
11 File 002. By doing so, the Chamber is of the opinion that parties  
12 to the proceeding will have some time to prepare for the future  
13 arrangement.

14 Since it is now appropriate time for the adjournment, the Chamber  
15 will adjourn momentarily.

16 Before this, the Chamber will have to rule on the behaviour of  
17 Counsel Ianuzzi.

18 I now address repeated insolent comments criticizing my rulings,  
19 those of the Chamber, as well as the personal remarks made this  
20 morning by Mr. Ianuzzi, one of Nuon Chea's international lawyers.

21 [16.10.21]

22 The personal remarks, apparently quoting an American musical by  
23 Rodgers and Hammerstein, were expanded upon immediately before  
24 the lunch adjournment and were personally insulting. Those  
25 comments and the persistent questioning of the Chamber's rulings

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1 fall well below the professional standards expected of any lawyer  
2 in this or any other court. The Chamber has previously warned Mr.  
3 Ianuzzi of this unacceptable behaviour. It will forward this  
4 complaint to the Bar Association of which he is a member and will  
5 invite their association to consider it together with the earlier  
6 complaint made against him.

7 The trial proceedings today have now come to a conclusion. The  
8 Chamber will adjourn, and the next session will be resumed by  
9 tomorrow morning, at 9 a.m.

10 For tomorrow's sessions, the Chamber will give the floor to Mr.  
11 Nuon Chea to be able to respond to any of the paragraphs in the  
12 Closing Order, as indicated relevant to portion of segment 3 of  
13 Case File 002, the facts that are relevant to the execution of  
14 the former Lon Nol soldiers and officials and those that are  
15 relevant to Tuol Po Chrey area. And then we'll proceed to the  
16 document hearing. Please be informed.

17 Security personnel are now instructed to bring Mr. Nuon Chea and  
18 Khieu Samphan to the detention facility and have them returned to  
19 the courtroom before 9 a.m. tomorrow.

20 The Court is adjourned.

21 THE GREFFIER:

22 (No interpretation)

23 (Court adjourns at 1612H)

24

25