



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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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

11 January 2013
Trial Day 146

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

The Accused: NUON Chea
IENG Sary
KHIEU Samphan

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Victor KOPPE
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Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. CHAN DARARASMEY	Khmer
MR. CHHAOM SE (TCW-100)	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. KARNAVAS	English
MR. KOPPE	English
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. SAM SOKONG	Khmer
MR. SON ARUN	Khmer
MR. UNG REN (TCW-754)	Khmer
MR. VERCKEN	French
MS. YE	English

1

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 For today's proceeding, we will continue to hear the testimony of

6 Witness Ung Ren. And after, we will commence hearing the

7 testimony of TCW-100.

8 Ms. Se Kolvuthy, could you report the attendance of the parties

9 and individuals to today's proceeding?

10 [09.05.51]

11 THE GREFFIER:

12 Mr. President, all parties to today's proceeding are present,

13 except the Counsel Kong Sam Onn, national counsel for Khieu

14 Samphan, and Ms. Élisabeth Simonneau-Fort, the International Lead

15 Co-Lawyer for civil parties, who are absent for personal reasons.

16 As the accused Ieng Sary and Nuon Chea, they are present in the

17 holding cells downstairs, due to health reasons, and the witness,

18 Mr. Ung Ren, is already in the courtroom.

19 The next witness - that is, TCW-100 - is waiting in the waiting

20 room to be called by the Chamber. To the witness's knowledge and

21 ability, the witness does not have any relationship by blood or

22 by law to any of the three Accused - namely, Nuon Chea, Ieng

23 Sary, and Khieu Samphan - nor to any of the civil parties

24 recognized in this case. The witness already took an oath this

25 morning. This witness will have a duty counsel, Mr. Lim Bunheng.

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1 [09.07.16]

2 MR. PRESIDENT:

3 Thank you, Ms. Se Kolvuthy.

4 This morning, the Chamber received a medical report from the
5 physician at the ECCC detention facility who examined Nuon Chea's
6 health prior to the hearing today and observed that Nuon Chea has
7 problems with his health, and he recommends that Nuon Chea cannot
8 participate directly in the courtroom. However, he can follow the
9 proceeding from the holding cell downstairs.

10 In order to avoid substantial delay, and as to justice so
11 requires, and based on the medical report of the physician, the
12 Chamber orders Mr. Nuon Chea, to follow the proceeding remotely,
13 from the holding cell downstairs. That applies for today's
14 proceeding.

15 AV Unit, you are instructed to link the proceeding to the holding
16 cell downstairs so that the Accused can follow it.

17 I would now like to give the floor to the international defence
18 counsel for Khieu Samphan to continue putting further questions
19 to this witness. You may proceed.

20 [09.09.08]

21 QUESTIONING BY MR. VERCKEN RESUMES:

22 Thank you, Mr. President.

23 Q. Mr. Witness, we interrupted your examination yesterday while I
24 was trying to find out from you whether, on the day you went to
25 the Olympic Stadium to attend the ceremony regarding the

3

1 establishment of Division 801, you were still in the hospital or
2 you had already left the hospital to join your men in Phnom Penh.
3 That is a question I would put to you again this morning. With a
4 view to trying to situation in time when that ceremony started,
5 were you still in the hospital, or you left the hospital to
6 attend that ceremony, or you had already joined your men based in
7 Phnom Penh?

8 MR. UNG REN:

9 A. I already left the hospital at that time, so I went with my
10 deputy to the west of the stadium.

11 [09.10.35]

12 Q. And to the best of your recollection – and I don't want you to
13 give me any specific details, since these events occurred a long
14 time ago – did any time elapse between the time you left the
15 hospital and the ceremony at the Olympic Stadium? Can you give us
16 an idea of the duration of that period, that time lapse?

17 A. I can't recall the exact number of days. However, after I left
18 the hospital and to stay to the west of the Olympic Stadium, it
19 was quite a while.

20 Q. Very well. Who attended that ceremony? What calibre of persons
21 were present at that assembly? Were they civilians, politicians,
22 soldiers – a mixture of all these people? Can you describe to us
23 who exactly attended that assembly?

24 A. As I stated earlier, there were only division forces,
25 including the all the subordinate companies and regiments.

4

1 [09.12.30]

2 Q. Now, when you were interviewed by the Co-Investigating Judges,
3 as well as before this Chamber, you gave the names of the
4 political leaders who attended that ceremony. You did not mention
5 Mr. Khieu Samphan.

6 Similarly, if we look at the audio recording of your interview,
7 the interview you granted to tribunal investigators on the 23rd
8 of October 2009 – I requested a translation, and the reference is
9 D232/34.34 (sic). And you specify that Mr. Khieu Samphan did not
10 attend that ceremony.

11 Do you confirm today that he was not, indeed, present at that
12 assembly?

13 A. Yes, I stand by my statement. I can recall that. At that time,
14 Pol Pot, Ieng Sary, Nuon Chea, and Son Sen were the leaders whom
15 I knew by then. There were other senior cadres, but I did not
16 recognize or know them. I only talked about the people that I
17 knew.

18 And as for Mr. Khieu Samphan, I, myself, never knew him. Even
19 when I arrived in Phnom Penh, I still did not know him.

20 [09.14.25]

21 Q. Regarding those who delivered messages at that assembly, did
22 they introduce themselves? Were their names given?

23 A. Yes, the presenter actually announced the names of those
24 dignitaries, and I recall the three or four names that I
25 mentioned earlier.

1 Q. What was the specific purpose of that assembly? Why was this
2 assembly convened? What was said at the assembly? And what was
3 done at that assembly?

4 A. The main content was for the – for the integration of Division
5 11 and for the assignment of the new division to Ratanakiri
6 province.

7 Q. And, to be very specific, how long after the ceremony did you
8 leave? Was it long after the ceremony or shortly after the
9 ceremony that you left? Can you give us an idea of the time that
10 elapsed between that ceremony and when you left, when you were
11 appointed?

12 A. After the announcement of the new division, in each respective
13 unit we had the duty to organize within ourselves. So, all the
14 battalions and regiments had to go to the designated areas as
15 assigned. But at that time the soldiers were still in Phnom Penh,
16 but we went to the assigned locations first to prepare the ground
17 for the soldiers to arrive at a later stage.

18 [09.17.03]

19 Q. And how long was that after the assembly?

20 A. As I recall, I left 15 days later.

21 Q. How about the soldiers?

22 A. Yes, they did. In fact, at that time, only the platoons, the
23 companies, and the battalion went along with me to prepare the
24 ground for the soldiers. And later on, when the soldiers arrived,
25 they would know exactly the locations where they had to base

6

1 themselves.

2 Q. So, you left 15 days after the ceremony. And when did the
3 soldiers leave – that is, how many days or weeks after the
4 assembly?

5 A. As I recall, at that time the water current in the river was
6 still high, and I believe they went in around October.

7 Q. How long did it take troops to travel from Phnom Penh to
8 wherever they had been transferred to? How many hours or how many
9 days did it take?

10 [09.19.05]

11 A. They had to mainly travel by bicycle or other means. They
12 reached an area in Kratie province in around late November. They
13 rested there for three or four days to gain some further
14 strength, and then they continued to Stung Treng, and they
15 reached Stung Treng probably on the 15th of December. And there
16 had been some sick soldiers who would be left at the mobile
17 hospital there while the rest tried to reach the designated
18 locations. And, once they arrived there, some would prepare the
19 shelter for the soldiers while other forces looked for the area
20 where they could do rice farming to support all the soldiers.

21 Q. So, if I understand you correctly – and tell me if I am wrong
22 – it took them quite a long time, since you give dates which give
23 us that impression – that it was a very long time?

24 A. Yes, that is correct.

25 Q. Coming back to the ceremony you referred to a while ago, to

7

1 your knowledge, were several ceremonies organized at the Olympic
2 Stadium to rally together soldiers concerned with the
3 establishment of Division 801? Were several such ceremonies
4 customarily organized?

5 [09.21.23]

6 A. Before I respond to this question, I'd like to clarify that
7 after the creation of Division 801, then the representatives from
8 divisions were called for study sessions. I attend - there was
9 that ceremony of this size once at the Olympic Stadium, and I
10 attended a ceremony twice or three times at the Olympic Stadium
11 and another study session in Phnom Penh.

12 Q. So, in all, you attended several ceremonies at the Olympic
13 Stadium; is that your testimony?

14 A. I attended the ceremonies held at the Olympic Stadium on two
15 occasions: the first was the organization of Division 801; and
16 the second, that was the study sessions called for all the
17 representatives of all the units throughout the country. There
18 were representatives from districts, from zones, and from
19 regiments, as well.

20 I attended another ceremony as well, but I could not recall what
21 the ceremony was for, and it was held at the Olympic Stadium, as
22 well.

23 Q. Very well. How about the two other assemblies? Did they also
24 have to do with the establishment of Division 801 or they were
25 organized for other purposes?

1 [09.23.27]

2 A. The study session was about the victory of 17 April, about the
3 meaning of that victory, and then the future directions that we
4 needed to follow. As for – the duties of the army were first to
5 defend the country, in particular along the borders with the
6 neighbouring countries and at the designated spearhead. We needed
7 to grasp the situation well, the territory well and, number two,
8 to be vigilant in solving the livelihood problem in each
9 respective division. These were the two core duties for the army.
10 And I'd also like to add that I received instructions through the
11 first study session on these topics, and then, when I returned to
12 Siem Pang, I tried to implement these instructions to engage in
13 rice farming in order to support my unit.

14 Q. Mr. Witness – Mr. Witness, what you are saying is very
15 interesting, but it only answers my question partially. What I
16 want you to say, by way of an answer, has to do with the three
17 assemblies organized at the Olympic Stadium, which you attended.
18 Were all the three assemblies related to the establishment of
19 Division 801, or it was only the first one? So, were these
20 meetings organized with a view to assisting with the
21 establishment of Division 801 – yes or no?

22 [09.25.52]

23 A. I understand your question, but in my response I did not talk
24 about the creation of division. I talked about the three main
25 topics; I talk about the second time that I attended the meeting,

9

1 and I told you what we were given in instructions, and that is,
2 number one, to recall the anniversary of the victory of the 17
3 April.

4 Q. Please, Witness, you don't need to repeat that; I understand
5 that you said it, and it is noted on the record. What I am trying
6 to ascertain is whether all the meetings were organized for the
7 same purpose, and you have told me that is not so. And you've
8 stated that two other meetings were organized at the Olympic
9 Stadium in 1975, and others were held at other times. So I wanted
10 you to specify whether other meetings were held at other - (end
11 of intervention not interpreted).

12 A. They were held in 1975, not at any other time.

13 Q. All the three meetings?

14 A. Yes.

15 Q. Very well. Do you agree with me that the other two meetings,
16 the two other two assemblies you refer to, had nothing to do with
17 the establishment of Division 801? Right?

18 [09.28.00]

19 A. Yes, they did not relate to any of the division creation.

20 Q. To compliment your answer, I follow-up to the question I asked
21 a while ago, and you said something else. To your knowledge, as
22 far as the assembly relating to the establishment of Division
23 801, was that the only assembly organized for that purpose? Did
24 you hear of any other assemblies organized with a view to
25 assisting the establishment of Division 801 or if that is the

10

1 only assembly that you heard about?

2 A. I can recall that. That was the only occasion where the
3 announcement of the creation of that division was made.

4 Q. Now I'd like to change topics and I'd like to ask you, what
5 was your military training? I know that you led a rather
6 substantial number of troops, so I'd like to know, what was your
7 military training? Did you go to military school or did you study
8 military strategy? And if that is the case, can you tell us which
9 one?

10 [09.30.02]

11 A. From the day I joined the army, I never attended any military
12 trainings or school. I joined the army and learned on the job.
13 Whenever - I learned from running from the bullets; when, for
14 example, the gunshot was heard, then we would then take refuge in
15 the bunkers or trenches or hide behind some trees or stumps. And
16 this is what I learned to become a soldier during the Democratic
17 Kampuchea. We never attended any formal military trainings.

18 Q. And among the cadres, the military cadres of your level or
19 those with whom you were working, did any of them follow any kind
20 of military training? Did they - had any of them gone to military
21 school, or were these people who basically learned on the job,
22 like you?

23 A. At that time, there was no school for military training. If it
24 were, soldiers could have been invited to attend such sessions,
25 but it was none, and I don't remember having heard or attended

11

1 any of the training. So, I can say no. And the commander of my
2 division even told me that - or told us that we did not need to
3 be trained because by learning on the jobs, engaging in the
4 fighting or going all the way to the border area, we would learn
5 already from how to become a soldier.

6 [09.32.48]

7 Q. Yesterday, you were questioned about the ties you had with the
8 higher echelons when you were posted near the border and you
9 spoke about the two ways you could communicate with the higher
10 echelons. You said that when you had batteries, you could send
11 telegrams, but otherwise it was necessary to walk for five days.
12 Do you remember saying that?

13 A. Yes, I do. If the telegram was not operational, then we had to
14 walk five days.

15 Q. And was it easy to find power, back then, or batteries in
16 order to send telegrams? What was the most common situation? Was
17 it being able to use the telegraph or was it having to walk for
18 five days in order to meet the people face to face?

19 A. I already stated about this. There was no such power or it -
20 the battery was not easy to obtain, and we used a small device
21 that consumed the battery, and the battery would run out very
22 easily or quickly after one or two days, and after this we had to
23 resort to walking all the way to see one another.

24 [09.35.15]

25 Q. Is it fair to say that you were very often on your own and

12

1 forced to make your decisions on your own in that situation?

2 A. I don't think it is fair to say that. However, I can also make
3 - I could also make some own decisions in my unit if that - those
4 decisions were needed.

5 Q. And back then, your unit was a unit that was stationed close
6 to the Vietnamese border, as you said; this was a very strategic
7 position. Can you tell us if you felt you were among the best
8 equipped units because, of course, you were in a key position?
9 Was your equipment more substantial or less substantial than the
10 equipment of the other units? So, can you tell us a bit about
11 your equipment back then? Was your equipment better or not as
12 good as the equipment from other units, in your eyes?

13 A. Within my unit posted near the border area, the equipment, the
14 ammunition - or, to put it simply, we could resist the attacks by
15 the enemy, and the supplies could last for three days without any
16 problem. So, after three days, we would have to ask for backup.

17 [09.37.37]

18 Q. Thank you for this answer.

19 And this will now be my last question so I can get some
20 clarification about this answer. So, this situation of autonomy,
21 this three-day situation of autonomy, was it something that was
22 normal - normal for the units placed along the border, or was
23 this a situation that was particular?

24 I see that the prosecutor is on his feet, so--

25 MR. PRESIDENT:

13

1 Witness, please hold on.

2 International Co Prosecutor, you may now proceed.

3 MR. LYSAK:

4 Mr. President, I would just object to the form of the question,
5 to characterize this as a situation of autonomy. The witness
6 simply said he had supplies for three days. I don't think it's
7 proper for counsel to put words in the mouth of the witness and
8 characterize that as meaning they were autonomous.

9 [09.38.46]

10 MR. VERCKEN:

11 Mr. President, I simply was referring to the - the situation of
12 autonomy that the witness was describing; I didn't add anything
13 to that. It was three days of being able to function on their
14 own, if you prefer. That's what I meant.

15 Would you like me to reformulate my question, maybe?

16 BY MR. VERCKEN:

17 Q. What I'm trying to know, Witness, is not how long you were
18 able to function on your own if you were going - if you were
19 attacked by the enemy, it was especially to know if you were able
20 - or if you are able to compare the situation in your unit from
21 the standpoint of equipment, in terms of its quality and
22 quantity, with equipment in the - in other units. Would you say
23 that you were as well equipped in your unit as in the other units
24 or less well equipped, or are you not able to make such a
25 comparison?

14

1 [09.40.10]

2 MR. UNG REN:

3 A. As far as the materials and equipment are concerned, our
4 division was equipped – or similarly equipped as that of other
5 divisions, and – but the convenience for other division was
6 different from us. We had faced some difficulties because we did
7 not really have road access close to the position where we had
8 posted. Other divisions could been (sic) more convenient because
9 they could go to the roads more easily.

10 MR. VERCKEN:

11 This was my last question. Thank you very much, Witness. I have
12 no further questions.

13 [09.41.11]

14 MR. PRESIDENT:

15 Thank you.

16 Mr. Ung Ren, your testimony has now come to a conclusion, and you
17 are now excused. You may return to your home or wherever you wish
18 to go. The Court is very grateful, indeed, to your attendance. We
19 appreciate your patience and your efforts to give the testimony
20 during the last two days. Mr. Ung Ren, your testimony helps
21 ascertain the truth. The Chamber wishes you all the very best and
22 safe travels.

23 Court officer is now instructed to assist Mr. Ung Ren, with the
24 WESU unit, to make sure that Mr. Ung Ren is returned home or
25 wherever he wishes to go safe and sound.

15

1 (Mr. Ung Ren exits courtroom)

2 (Judges deliberate)

3 [09.43.36]

4 Next, the Chamber would like to proceed to bring about an issue
5 for discussion.

6 Yesterday, the Chamber already informed the parties to the
7 proceedings, and there is another email sent to the parties
8 concerning the application by Lead Co-Lawyers for the civil
9 party, in which the counsels requested that civil party TCCP 94
10 be summoned to give testimony before the Chamber. The Chamber
11 already informed the content of the matter to the parties to the
12 proceedings already.

13 Now, we are still considering on how - whether this civil party
14 should be summoned to give testimony or not. We would like now to
15 give the opportunity to parties to comment on this.

16 We first proceed with the Lead Co-Lawyers for the civil party,
17 who are the original requestors of this application.

18 We would like to give the opportunity to parties for five minutes
19 to do this, and please be brief.

20 [09.45.15]

21 MR. PICH ANG:

22 Thank you, Mr. President.

23 We would like to share this floor with Counsel Sam Sokong and
24 Counsel Beini Ye to address this.

25 MR. SAM SOKONG:

16

1 Thank you, Mr. President, and Your Honours, and parties to the
2 proceedings.

3 Regarding civil party TCCP 94, and due to the fact that the Lead
4 Co-Lawyers have not made a specific request to hear the testimony
5 of this civil party on the evacuations, the first and second
6 phases, but Lead Co-Lawyers for the civil party would like the
7 civil party to give testimony concerning the roles of the
8 Accused, and the situation at Boeng Trabek, and the policy of the
9 Khmer Rouge regarding the returnees from abroad.

10 Nonetheless, we see that the fact relevant to the testimony of
11 this civil party is relevant to the fact that the whole family of
12 the civil party has suffered from the evacuation. And in Case
13 File 002/01, there is part in which the roles of the Accused are
14 discussed, and this civil party knows clearly about the roles of
15 the two Accused, Mr. Ieng Sary and Khieu Samphan. The civil party
16 attended the session chaired by these individuals when the
17 returnees from abroad also were the attendees.

18 [09.47.45]

19 This civil party also knows the policy of the Khmer Rouge
20 concerning the evacuation and how returnees were treated.

21 So, as the counsel for the civil parties, we would respectfully
22 submit that this civil party is summoned to give testimony
23 concerning the facts relevant to the roles of the two Accused.

24 And I thank you very much indeed, Your Honours.

25 I would like to cede the floor over to my colleague, Beini Ye.

17

1 MS. YE:

2 Thank you. Good morning, Your Honours. Good morning to everyone
3 in and around the courtroom.

4 I am speaking here on behalf of Nushin Sarkarati, who is the
5 civil party lawyer of TCCP 94 but who cannot be here today.

6 I just want to address briefly the three points mentioned in the
7 email circulated yesterday by the Trial Chamber to all the
8 parties.

9 First, on number 2 of the email, where the issue is raised that--
10 [09.49.00]

11 MR. PRESIDENT:

12 Counsel Beini Ye, could you please slow down a little bit?

13 MS. YE:

14 Yes, I will, Mr. President.

15 So, at first, I wanted to address the issue of the VOA interview
16 that is not on the case file but is publicly accessible. I want
17 to reiterate that there is no duty to disclose prior publicly
18 available statements as evidenced by the civil party lawyers.

19 This obligation only is applicable to the Co Prosecutors,
20 according to the Internal Rules.

21 In addition to that, there is no prejudice to any of the other
22 parties by not having the VOA interview put on the case file
23 because the existence of this interview has been known all along,
24 since it was cited and referenced in the Victim's Information
25 Form of TCCP 94.

1 [09.49.53]

2 Secondly, within this week, there will be a publicly accessible
3 version in two Court languages, in English and Khmer, available
4 on the web site of VOA.

5 Thirdly, the civil party lawyers do not intend to use or cite any
6 parts of these VOA interview transcripts during the examination.

7 And, lastly, the civil party lawyers have no objection against
8 the use of these transcripts, in Khmer or in English, during the
9 examination by other parties.

10 Now, I would come to number 3 of - in your email, which deals
11 with the issue that the Accused might be implicated in the
12 statement of suffering.

13 I just want to clarify that this concern is based on a wrong
14 assumption on the part of the Trial Chamber. The civil party,
15 TCCP 94, will not testify on the roles of the Accused during her
16 statement of suffering, but during the fact-based segment of her
17 testimony. This will give the opportunity to all parties,
18 including the Defence, to pose questions to her following the
19 examination by the civil party lawyers.

20 [09.51.09]

21 Therefore, issues that were raised in regard to TCCP 187, who
22 testified previously before the Chambers, will not occur.

23 Now, lastly, on the point 4 in the email, which deals with the
24 problem of the necessity of expanding the time for the
25 testimonies. Now, according to our knowledge, half day is

19

1 allocated to the OCP and CPLs, and half day is allocated to
2 Defence. As this decision was made, it was already proposed by
3 the civil party lawyers that TCCP 94 will testify on the roles of
4 the Accused so that we do not see that there will be any issues
5 with additional time requirements.

6 Thank you very much.

7 [09.52.10]

8 MR. PRESIDENT:

9 Thank you, Counsels.

10 We would now to hand over to the Prosecution.

11 MR. LYSAK:

12 Thank you, Mr. President. I will be brief.

13 Based on the description of the Voice of America interview that
14 is contained in the letter from the Civil Party Lead Co-Lawyers
15 that was distributed, it does appear to us that, while this civil
16 party may not be able to provide information to the Court about
17 the evacuation of Phnom Penh – that the civil party has very
18 useful information on two of the Accused and their roles in the
19 regime. And specifically in relation to Mr. Khieu Samphan, the
20 civil party is able to testify to political education that he
21 provided, and in particular, of interest, political discussion
22 and education of a policy of forced movement of the Vietnamese.
23 It seems to us that that is a fairly significant matter in order
24 to establish Khieu Samphan's knowledge of and involvement in
25 regime policies related to forced movement.

20

1 [09.53.41]

2 And it is also indicated that this civil party can testify to the
3 role of Ieng Sary in relation to Boeng Trabek. And in particular,
4 this will help in establishing the authority of Ieng Sary
5 relating to diplomats and returnees.

6 And, in addition, it appears that this civil party was present at
7 some meetings at which Ieng Sary spoke and through which it would
8 be established of his knowledge and participation in matters
9 related to persecution or purges.

10 So, because of this, it appears that this is a civil party who
11 would be useful. I agree with the civil party counsels that she
12 should be called, and I would not expand the time for this
13 witness. These are fairly discrete matters and events that should
14 be able to be covered fairly quickly. If this civil party is
15 willing to travel from her location to come here and tell us
16 about these events, I think it would be good for the Court to
17 hear that and to find the time to do so.

18 [09.55.02]

19 So, that is the position of - that we have on this issue, based
20 on the new information about the Voice of America interview. And,
21 if indeed that is posted and made available to - on the website,
22 then that should be plenty of time for the parties to prepare.

23 MR. PRESIDENT:

24 Thank you, Mr. Co Prosecutor.

25 We would like now to hand over to defence teams, starting from

21

1 counsels for Nuon Chea first.

2 MR. KOPPE:

3 Thank you, Mr. President.

4 Pursuant to paragraph 1 of the email of yesterday, this witness -
5 excuse me - doesn't seem to be highly relevant to our case
6 presently.

7 We concur with - we shall concur with the position taken by the
8 defence teams of Ieng Sary and Khieu Samphan because it seems
9 that the potential witness is likely to give evidence especially
10 in their cases. So we shall concur.

11 [09.56.18]

12 MR. PRESIDENT:

13 Thank you, Counsel.

14 We would like to now hand over to counsels for Mr. Ieng Sary.

15 MR. KARNAVAS:

16 Good morning, Mr. President. Good morning, Your Honours; and good
17 morning to everyone in and around the courtroom.

18 First of all, our position has always been consistent when it
19 comes to civil parties, and that is, we do not wish to exclude
20 any civil party from giving evidence in this particular case. And
21 I think that we have been more than generous in not challenging
22 any testimony provided by civil parties.

23 That said, with respect to this particular civil party, we've had
24 no fewer than 10 instances where - or submissions where this
25 civil party has been mentioned, dating back from February 17th,

1 2011. The Prosecution wanted to have the civil party, the civil
2 parties -- the Lead Lawyer said no, not now, then the prosecutor
3 said yes, let her come later, and so the confusion has been on
4 that side, not this side.

5 [09.57.43]

6 In yesterday's email, if we look at Paragraph 1 - and it seems to
7 me this is the tripwire for the Trial Chamber's decision - I
8 quote: "Her inclusion in Case 002/01 was mainly" - and I
9 underscored the word "mainly" - "on the basis of information that
10 she and her family were directly involved in the evacuation of
11 Phnom Penh."

12 Now, it seems to me that that was the Trial Chamber's impression,
13 that that was the purpose, and that's why they included her.

14 Obviously, if we look at the documentation provided by the civil
15 parties and the arguments made by the Prosecution, the Trial
16 Chamber also had in its possession information as to what else
17 this particular civil party could give evidence to. However, it
18 would also appear from the email that we received yesterday from
19 the Trial Chamber that those other matters were not deemed to be
20 sufficiently important for this case - 002/01 - because, I
21 presume, other witnesses would cover the areas, such as those
22 that are being proposed here today. In other words, the Trial
23 Chamber made a calculated decision not to have this witness - or
24 made a calculated decision that the witness would primarily
25 testify about the evacuations of Phnom Penh. We now know that she

1 was not directly involved.

2 [09.59.38]

3 The civil parties are saying - and the Prosecution as well is
4 chiming in - that it's primarily Boeng Trabek, but - and it's a
5 big "but" - she has direct - she has information about policy
6 concerning the evacuation, and therefore we want her to cover
7 that.

8 Our primary position is as follows. There is absolutely nothing
9 that this witness can offer that has not already been presented
10 to this Court.

11 Now, she may have some information concerning my client and Mr.
12 Khieu Samphan about her - when she was in Boeng Trabek, so I will
13 make a concession on that; she might be able to add to that.

14 However, let me remind the Trial Chamber that with respect to TCW
15 243 and TCW 292, which are only down the street not too far from
16 here, in the centre of the town, we had made repeated requests -
17 and so have others - that they come and testify. And, in fact, on
18 the basis - on the basis of information elicited from one of the
19 witnesses, who is a returnee himself and was in Boeng Trabek, on
20 14 September 2012, in document E228, we made - we removed our
21 request that TCW 243 and TCW 292 come and give evidence.

22 [10.01.15]

23 What is my point? My point is that, should you decide that it is
24 necessary to hear further information on Boeng Trabek, we would -
25 we would submit that it would be incumbent upon the Trial Chamber

24

1 to also include these two witnesses to come and give their
2 evidence.

3 Alternatively, if the issue is Boeng Trabek and we don't have
4 sufficient information about that, then we can save the
5 international taxpayers the money of having to fly people in from
6 the United States or elsewhere, put them up at hotels, and merely
7 ask people who are in Phnom Penh - and I'm sure the government
8 would provide access free, you know, transportation, with sirens
9 and all, so they can come and give evidence in an expedited and
10 efficient manner, and that would certainly save the trouble.

11 So, while we do not oppose any civil party from coming and giving
12 evidence, we do think that the information that this witness has
13 to provide is redundant, and there is nothing that would -
14 nothing of added value. However, it may be sliced and diced by
15 the civil parties and by the Prosecution.

16 [10.02.45]

17 And we would respectfully request that the Trial Chamber simply
18 deny the request for this civil party to come and give evidence,
19 since it would appear that the Trial Chamber, in its infinite
20 wisdom and having given due consideration to all of the
21 information it had in all the submissions, it included this
22 particular witness mainly - mainly - on the basis of information
23 that she would - she and her family had direct knowledge on the
24 evacuation of Phnom Penh, which we now know that is absolutely
25 not the case.

25

1 Thank you, Your Honours.

2 MR. PRESIDENT:

3 Thank you.

4 The International Counsel for Khieu Samphan, you may proceed.

5 [10.03.36]

6 MR. VERCKEN:

7 Thank you, Mr. President.

8 Indeed, may I recall a few facts of our trial, the trial before
9 us today? This trial has to do with the historical context,
10 administrative structures, military structures, communication
11 means, the evacuations of towns of phases 1 and 2, crimes
12 committed during the evacuation, crimes committed against former
13 leaders and cadres of the Khmer Republic, and, within this
14 framework, the role of the Accused.
15 Now, it is obvious that it is because this particular civil party
16 appears to relate to these themes - specifically, the evacuation
17 of Phnom Penh - it is for that reason that she was called to
18 appear. And in the last minute - I am surprised to hear that
19 indeed, if that lady does not have anything to say directly
20 regarding the evacuation of Phnom Penh. And to try to justify her
21 appearance despite everything, we are told that, "Well, be
22 careful, she will talk about Boeng Trabek and an education
23 session that was conducted by Mr. Khieu Samphan."
24 [10.05.07]
25 Let me remind you of one simple fact. At no point in time during

1 the civil party application or the filing of that application did
2 that person assert that she attended education sessions by -
3 conducted by Mr. Khieu Samphan or that she was in Boeng Trabek.
4 It is very easy for us to arrive, hanging on the branch, and to
5 tell us that her testimony will be very interesting. Not only are
6 we told things to try to justify her appearance, the things that
7 do not have to do with any of the facts of the case - and none of
8 this transpires in her civil party application. And, to add
9 something to what my two colleagues have said, I would say that
10 it would be a waste of our time.

11 Our position here is that all the witnesses who are called to
12 testify are free to come and testify, and we do not object to
13 their appearance - we totally agree with the principle of
14 adversarial proceedings - but on condition that their testimony
15 has to do with the trial, is relevant to this trial, which is not
16 the case.

17 [10.06.52]

18 MR. PRESIDENT:

19 Yes, you may proceed.

20 MS. YE:

21 Thank you, Mr. President. I just wanted to respond to the - to
22 what the Defence has been saying about for which reason TCCP 94
23 was called.

24 I want to point out the memorandum E172, which was issued by the
25 Trial Chamber on February 17th, 2001. And in this memorandum,

27

1 TCCP 94 is listed as – under Office B 1, Boeng Trabek, so that it
2 cannot be said that in the last moment we changed the reason for
3 her to be called to turn to force – to testify on forced transfer
4 1. We never proposed this civil party to be called on forced
5 transfer number 1.

6 Thank you.

7 [10.08.03]

8 MR. LYSAK:

9 Mr. President, let me just follow on that.

10 There were two things stated by the Defence that are completely
11 incorrect that should be corrected.

12 The first is the assertion by counsel that Boeng Trabek was not
13 disclosed in the civil party application. I believe it is
14 disclosed. It was disclosed in the – in the summary that was
15 provided by the civil parties. And as counsel has stated here,
16 when this civil party was initially selected, she was included in
17 the Boeng Trabek section of phase 1. That was where this witness
18 – civil party was selected, not selected as a forced-movement
19 witness in that part of the case. So, I think that the assertions
20 that the Defence have made are not a correct statement of the
21 prior – the history of how this witness or how this civil party
22 was proposed.

23 [10.09.05]

24 And then the other issue I would just note is I think that the
25 Defence are not conceding the facts on which this civil party

28

1 would testify regarding the roles of Khieu Samphan and Ieng Sary.
2 Therefore, to suggest that we've already heard one witness,
3 therefore it's not necessary to hear another, I think, is a
4 completely inappropriate argument for the Defence to make. The
5 Prosecution bears the burden of proof. The Defence are disputing
6 these facts. We have a civil party who is able to testify, not
7 just about the role of one Accused but about two Accused. That
8 seems to me to be fairly significant.

9 And lastly, I would note that, when counsel for Khieu Samphan
10 listed the issues that are part of Case 002/01, he seemed to
11 leave out the role of the Accused, which is, of course, a very
12 significant part of the case and the reason it seems that this
13 civil party would be useful to be heard.

14 Thank you.

15 [10.10.22]

16 MR. VERCKEN:

17 May I respond very quickly, Mr. President?

18 I have before me a document; it is referenced D22/3762. It is
19 titled, in French, "Form" - or "Victim's Information Form". I
20 don't know what the prosecutor is referring to; Boeng Trabek is
21 not mentioned in the civil party's application. If that is what
22 the prosecutor is saying, I disagree with him because Boeng
23 Trabek is not mentioned in this document.

24 MR. KARNAVAS:

25 Mr. President, and it's also not mentioned in the summary either.

29

1 It's not mentioned in the summary that we have, at least, that
2 was provided by the civil parties.

3 [10.11.27]

4 MR. PRESIDENT:

5 The Chamber wishes to thank all the parties' opinions and
6 submissions regarding this matter. All your opinions will be used
7 as the basis for our decision regarding TCCP 94 in due course.

8 The time is now appropriate for a short break. We will take a
9 break and return at half past 10.00.

10 The Court is now adjourned.

11 (Court recesses from 1012H to 1032H)

12 MR. PRESIDENT:

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

14 Before we call witness TCW 100 into the courtroom, the Chamber
15 will rule on the application concerning the TCCP 94.

16 The Chamber has already noted the submissions by the parties to
17 the proceeding concerning this. The Chamber therefore defers the
18 summons of this civil party for the time being, and at the
19 meantime, the Chamber will consider the relevance of this civil
20 party, as opposed to the other civil parties before the Chamber,
21 and the final decision will be made in due course concerning this
22 matter.

23 Court Officer, please call the next witness.

24 (Mr. Chhaom Se enters courtroom)

25 [10.36.04]

1 QUESTIONING BY THE PRESIDENT:

2 Q. Good morning, Mr. Witness. What's your name, please?

3 MR. CHHAOM SE:

4 A. I am Chhaom Se.

5 Q. Thank you, Mr. Chhaom Se. Do you have any other names?

6 A. No, I don't, Mr. President.

7 Q. Mr. Chhaom Se, how old are you? Can you tell the Chamber
8 please, your date of birth?

9 A. I was born on the 15 of September 1950.

10 Q. Mr. Chhaom Se, where were you born?

11 A. I was born in Dei Kraham village, Prey Rumdeng commune, Kiri
12 Vong district of Takeo province.

13 Q. Where do you live?

14 A. Currently, I live in Lumtong Thmei village, Lumtong commune,
15 Anlong Veang district of Oddar Meanchey province.

16 Q. What do you do for a living?

17 [10.37.56]

18 A. I am a farmer, and at the same time I am a Chairman of the
19 Association of Military Veterans of Anlong Veang.

20 Q. Can you please tell the Chamber your parents' names?

21 A. My father is Chhaom Som, my mother is Koem Morn.

22 Q. What's your wife's name? And how many children do you have?

23 A. (Microphone not activated)

24 Q. Please hold on. You observe some pause before you proceed to
25 respond. You may now proceed.

1 A. My wife is Orn Sopheap. We have four children.

2 [10.39.08]

3 Q. Thank you

4 According to the report by the Greffier of the Trial Chamber,
5 you are not in relationship with an Accused or a civil party in
6 the proceedings. You are not in relation with the accused
7 persons, including Mr. Nuon Chea, Ieng Sary, and Khieu Samphan.

8 Is that correct?

9 A. Yes, it is.

10 Q. According to the same report by the greffier, you already took
11 the oath in accordance with your religion in the Court. Is that
12 true?

13 A. Yes, it is.

14 Q. We also note the presence of your duty counsel, Mr. Lim
15 Bunheng.

16 Mr. Chhaom Se, now the Chamber would like to notify you of your
17 right under Rule 28, right against self-incrimination of
18 witnesses.

19 [10.40.52]

20 As a witness, you may object to making any statement that might
21 tend to incriminate you. In other words, you have the right not
22 to incriminate yourself. To exercise your right, you are provided
23 with your duty counsel, and in case you feel you would
24 incriminate yourself in your response, you may consult with your
25 duty counsel before you respond or not respond.

1 You, as the witness, are to respond to all the questions put to
2 you by the Judges or the parties to the proceedings, except the
3 responses that you feel are self-incriminating.

4 The testimony that you are to give shall relate to what you have
5 had knowledge of, borne witness to, experienced, lived through,
6 and heard, and that – it shall be the truth, the whole truth, and
7 nothing but the truth. Do you understand this?

8 A. Yes, I do.

9 Q. Mr. Chhaom Se, have you ever given any interviews to
10 investigators from the Office of the Co-Investigating Judges
11 during that last few years? If so, how many times have you given
12 such interviews to them?

13 [10.42.48]

14 A. Yes, I have, Mr. President. I have been interviewed on four
15 occasions.

16 Q. Do you still recollect where were the interviews conducted?

17 A. In 2010, I was interviewed on two occasions. And by 2011, I
18 was then interviewed on another – other two occasions at my home.

19 Q. Thank you. Before you appear before the Chamber, have you had
20 the opportunity to review the written record of witness
21 interviews you gave to the Co-Investigating Judges to refresh
22 your memory?

23 A. Yes, I have reviewed the interviews. However, I believe that
24 there are quite a lot of things, that I may not remember them
25 all.

1 Q. How many records of interviews have you read?

2 A. (Microphone not activated)

3 Q. Once again, Mr. Witness, could you please be reminded to
4 observe some pause and wait until you see the red light before
5 you proceed?

6 [10.44.44]

7 A. I have read the four interviews and I don't remember them all
8 because some questions are longer than the others.

9 Q. You said you were interviewed on two occasions in 2011. Are
10 you sure that the date you gave to us is accurate, that two
11 interviews were conducted in 2011?

12 A. I think perhaps it is mistaken. The interviews were conducted
13 all in 2009 and 2010. I perhaps overstepped this boundary by
14 saying 2011.

15 Q. According to your recollection and examination of the records
16 of witness interviews, are the content of the interviews
17 consistent to the statements you provided back then - of course,
18 the interviews you gave in 2009 and '10, as you just said.

19 A. All in all, I can see that the content of the interviews I
20 read and reviewed is consistent with what I gave her back then.

21 [10.46.40]

22 MR. PRESIDENT:

23 Thank you.

24 The Chamber wishes to inform the Prosecution that during the
25 testimonies of this witness, the Co-Prosecutors will be allocated

1 the time and opportunity to put questions to this witness first.
2 Both the Co-Prosecutors and the Lead Co-Lawyers for the civil
3 parties will have the whole day to put questions.

4 QUESTIONING BY MR. CHAN DARARASMEY:

5 Good morning, Mr. President and Your Honours. I thank you very
6 much for giving me the opportunity to put questions to the
7 witness. Good morning, Mr. Chhaom Se. I am Chan Dararasmey. I am
8 here on behalf of the Prosecution. I will have a few questions
9 for you.

10 With Mr. President's leave, I would like these documents, the
11 written record of witness interviews, the four interviews, be
12 given to Mr. Chhaom Se to help him refresh his memory and to
13 assist him during the examination.

14 MR. PRESIDENT:

15 You may proceed, but it would be good if you can also identify
16 the ERN numbers or the code numbers of the document.

17 [10.48.15]

18 MR. CHAN DARARASMEY:

19 Document I wish to offer to him is E3/405. The documents are all
20 available in Khmer, English, and French. Another document is
21 D232/50, document E3/407, and D237/53, document D369/8. These
22 documents are in the case file.

23 And again, Mr. President, with your leave, I would like them to
24 be handed over to the witness.

25 MR. PRESIDENT:

1 You may proceed.

2 And, Court Officer, please bring the documents from the
3 Prosecution to the witness.

4 BY MR. CHAN DARARASMEY:

5 Q. Mr. Chhaom Se, my first question is relevant to your
6 background when you joined the Revolution. According to document
7 E3/405 and D232/49, the document in which you provided testimony
8 before the Co-Investigators, you said you joined Revolution in
9 1970. Can you please tell the Chamber what made you join the
10 Revolution?

11 [10.50.25]

12 MR. CHHAOM SE:

13 A. The reason I joined the Revolution Movement. First, I didn't
14 understand anything about politics. However, during the period of
15 time, we were influenced by the appeal by then Prince Norodom
16 Sihanouk. We were convinced that only upon running into the
17 jungle that we could join force to liberate the country. And at
18 that moment I also learned that the situation was convenient
19 enough for us to join the Revolution rather than staying behind
20 at home.

21 Q. How old were you at that time?

22 A. (Microphone not activated)

23 MR. PRESIDENT:

24 Witness, please hold on. You may now proceed.

25 MR. CHHAOM SE:

1 A. I apologize.

2 In 1970, I was 20 years old.

3 [10.51.47]

4 BY MR. CHAN DARARASMEY:

5 Q. Can you also tell the Chamber, please, in which Military Unit
6 you joined when you were engaged in the Revolution?

7 MR. CHHAOM SE:

8 A. At the beginning, I was not involved in any Khmer Rouge
9 military movement. But in Preah Bat Choan Chum village there was
10 a movement. People were gathered to join a movement, a Resistance
11 Movement. We were not yet cooperating with the Vietnamese. We had
12 our local network, and the Movement gained momentum and it
13 evolved over time. And then I move to Kampong Speu. Then we
14 joined forces with the Vietnamese in the jungle and we continued
15 to work shoulder to shoulder with the Vietnamese all along, until
16 later years.

17 Q. Did you hold any position at that time?

18 A. (Microphone not activated)

19 [10.53.18]

20 MR. PRESIDENT:

21 Please be reminded, Mr. Witness, speak when the mic is activated.

22 You may proceed.

23 MR. CHHAOM SE:

24 A. First, I did not hold any position or rank; I was a simple
25 combatant. But when we joined force with the Vietnamese for one

1 year, then the military structure was established, and we
2 continued to join the Resistance Movement in Takeo and Kampong
3 Speu regions. The Military Unit was established. It was called
4 Unit 6, and I was engaged in this Movement all along. It was in
5 1971 and the following years that I was still engaged in the
6 Movement.

7 BY MR. CHAN DARARASMEY:

8 Q. In your first testimony before the Co-Investigators, you said
9 you were assigned as the Chairman of the Military Unit; is it
10 correct -- or Chairman of a military squad?

11 [10.55.00]

12 MR. CHHAOM SE:

13 A. It is true to say that, because in 1971 a unit was
14 established, and I was assigned as the chief or leader.

15 Q. As the leader having some soldiers under your control, what
16 was your main task?

17 A. (Microphone not activated)

18 MR. PRESIDENT:

19 Mr. Witness, please wait until you see the red light before you
20 respond because, without having your mic being activated, then
21 you would not be able to be heard. You may proceed.

22 MR. CHHAOM SE:

23 A. I was still the military chairperson leading the soldiers to
24 engage in the fighting in the battlefields.

25 [10.56.13]

1 BY MR. CHAN DARARASMEY:

2 Q. You said your soldiers cooperated with the North Vietnamese
3 troops. What made your military personnel join force with the
4 Vietnamese?

5 MR. CHHAOM SE:

6 A. In 1970, the Resistance Movement had some cooperation or
7 joined force with the North Vietnamese troops, and this
8 cooperation was in place from the beginning. And without such
9 cooperation, the Khmer Rouge forces could have never been
10 gathered.

11 Q. Due to time limitation, I would like to now move on to some
12 few more key questions concerning the structure of the Khmer
13 Rouge Army.

14 Can you also tell the Chamber, please, concerning the Khmer Rouge
15 military structure from 1970 to 1972?

16 A. The Khmer Rouge soldier was established, but I know only the
17 military structure in my region.

18 The movement that I engaged, we have Units 110, 120, 140, 160,
19 170, and 190, the units attached to the Southwest Zone. That
20 happened in 1970-'71, when the forces were gathered and built and
21 such units were established eventually.

22 [10.58.57]

23 Q. To whom were you responsible at that time?

24 A. (Microphone not activated)

25 MR. PRESIDENT:

1 Please observe some pause, Mr. Witness.

2 MR. CHHAOM SE:

3 A. In my unit, it was in the first platoon of the first company
4 under the Battalion 6 or 160, and it was in the Southwest Zone,
5 under the command of a battalion commander – that is, Sou
6 Saroeun.

7 BY MR. CHAN DARARASMEY:

8 Q. Thank you. Who was above Sou Saroeun?

9 [11.00.10]

10 MR. CHHAOM SE:

11 A. At that time, the high level was up to battalion, and the
12 person above Sou Saroeun was Chhit Choeun, alias Mok. He was the
13 – he was in charge of the zone.

14 Q. Thank you.

15 In your written record of interview – that is, for
16 question-answer 3 in E3/405 – you said a Special Zone was
17 created. Can you indicate to the Chamber the reasons for the
18 Special Zone's creation?

19 A. I did not know much the details of the strategy at the time,
20 but the Special Zone was created from various parts of other
21 zones in order to form the Resistance for the protection of the
22 Phnom Penh zone.

23 The Special Zone, based on the structure, comprised of three
24 divisions. They were situated surrounding Phnom Penh City.

25 Q. Can you tell us the location of the Special Zone? Where were

40

1 this Military Special Zone located?

2 [11.02.02]

3 A. As I said, there were three divisions. Division 12 was located
4 to the East, 11 to the South, and 14 to the Northwest.

5 Q. Thank you. Who was in charge of the Special Military Zone?

6 A. It was under the command of Vorn Vet.

7 Q. Who was Vorn Vet? And what were his responsibilities?

8 A. (Microphone not activated)

9 MR. PRESIDENT:

10 Witness, please wait a little bit before you speak. You speak
11 only when you see the red light on the microphone.

12 [11.03.23]

13 MR. CHHAOM SE:

14 A. At that time, I did not know much, but I knew that for - the
15 management of the division was the only thing I knew when I was
16 within Division 11.

17 BY MR. CHAN DARARASMEY:

18 Q. How did you know that Vorn Vet was in charge of the Special
19 Military Zone?

20 MR. CHHAOM SE:

21 A. I heard it from Sou Saroeun, the division commander.

22 Q. Between 1973 through April 1975, which division were you
23 attached to?

24 A. Are you referring to 1973? In 1973, I was with the same
25 division - that is, Division 11.

41

1 Q. Up to the time that Phnom Penh was liberated, did Division 11
2 remain intact, or was its name changed, or was it reintegrated
3 into another division?

4 A. (Microphone not activated)

5 [11.05.24]

6 MR. PRESIDENT:

7 Witness, you are reminded once again to observe some pause. Can
8 you actually see the red light on the microphone or the console?

9 MR. CHHAOM SE:

10 A. Division 11, in 1973 and 1974 or late 1974, it was combined
11 with Division 14, which was situated in the Northwest. And in
12 1975 we started to attack and liberate the city, and we actually
13 were part of Division 14 by then.

14 BY MR. CHAN DARARASMEY

15 Q. You said that your Division 11 was combined with Division 14;
16 is that correct? If so, what was the reason for the reintegration
17 of these two divisions?

18 [11.06.37]

19 MR. CHHAOM SE:

20 A. Based on my observations of the activities back then, Division
21 14 lost a substantial number of forces, and Division 11 had full
22 forces, so half of the forces of Division 11 had to be shared
23 with Division 14 prior to the attack on Phnom Penh.

24 Q. Can you clarify one thing? Division 11 was integrated into
25 Division 14, or was Division 14 reintegrated into Division 11?

1 A. Actually, some forces from Division 11 was (sic) added to
2 Division 14 - that is, for the forces along National Road Number
3 5. And Division 11 itself, half of its force was still at the
4 South direction. As for my own unit, Sou Saroeun attached it to
5 Division 14, so I was no longer with Division 11.

6 Q. After the reintegration of Division 11 and Division 14, was a
7 new division name formed?

8 A. Later, the three divisions had its (sic) name changed into a
9 new one - that is after the attack on Phnom Penh and after Phnom
10 Penh was liberated: Division 14 changed to Division 801; Division
11 11 changed to 605; and Division 12 changed to 703, and they were
12 all in the Special Military Zone.

13 [11.09.24]

14 Q. After the integration of the two divisions, which division
15 were you attached to? And what was then your position?

16 A. After the division reintegration, I was the deputy commander
17 of a company as part of Division 801.

18 Q. Can you tell us, at that time, did you have the discretion to
19 decide on certain issues within the unit that you were in charge?

20 A. The authority for me was to manage my soldiers in my own
21 company, and there were a little bit more than 100 soldiers in my
22 company.

23 Q. My next question is still for pre-1975, regarding your role.
24 Can you tell us who was the main leader or commander in your
25 division?

1 A. You're talking about the main commander of the division, and
2 that was Sou Saroeun.

3 [11.11.17]

4 Q. Can you tell the Chamber the role and responsibilities of Sou
5 Saroeun back then?

6 A. At that time, the leadership was a one-man-leader style, and
7 Sou Saroeun was in charge of politics, and for that he was the
8 top person in the division. He had the authority to make
9 decisions. And at that time that division was kind of a mobile
10 division in charge of certain targets or directions. And, after
11 the war ended, it was then assigned to relocate itself to
12 Ratanakiri province.

13 Q. A document indicates that during the Movement of Resistance,
14 code names were used to identify certain individuals. As for Sou
15 Saroeun, as you indicated, did he have any code name for himself,
16 if you can recall it?

17 A. His code name was 05.

18 Q. Did you know a person by the name of Ta San? If so, who was Ta
19 San? And who (sic) was his role and responsibility?

20 [11.13.27]

21 A. Ta San was the deputy commander of Sou Saroeun. His code name
22 was 06.

23 Q. So, Ta San was the deputy commander of a division. Which
24 division are you referring to?

25 A. It was Division 801.

1 Q. What was your role and position in that division prior to the
2 liberation of Phnom Penh?

3 A. Prior to the liberation of Phnom Penh, I was the deputy
4 commander of a company. In Khmer, it was said - it was called
5 "kong roy", which is "company" in English.

6 Q. Did your unit or division ever attack Lon Nol soldiers between
7 1973 and '74?

8 A. Yes, we did. The attack took place at the West - that is,
9 within the vicinity of Kampong Speu province. And also, for the
10 attack on Phnom Penh, we were at the South and the North parts of
11 Phnom Penh.

12 [11.15.41]

13 Q. Can you tell us about the date of the attacks, if you can
14 recall, and for under what form of movement that you engaged in
15 those attacks?

16 A. I can't recall every one of it - of them because there were
17 several attacks.

18 Q. During the attacks against the Lon Nol soldiers, did you ever
19 observe that Lon Nol soldiers were injured, or were there
20 casualties, or any of them were captured? And if so, what
21 happened to the captured Lon Nol soldiers?

22 A. During the fighting at the battlefield, of course there were
23 shootings, and we had to fight and kill one another; there was no
24 exception. Only at the end of a battlefield, then soldiers could
25 have been captured on both sides, and if so, the captured

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1 soldiers would be sent to another location, and not at the – not
2 kept at the front battlefield. I did not know, personally,
3 whether the captured soldiers were beaten or not at the end of
4 each battle. It was up to the upper echelon to decide the fate of
5 the captured soldiers.

6 Q. Regarding the liberation of Udong City in March 1974, was your
7 division assigned to attack and liberate Udong in March 1974 or
8 not?

9 [11.17.55]

10 A. For the liberation of Udong City, my troop did not yet reach
11 Udong – we did not arrive at the Udong area yet.

12 Q. Where was your troop stationed then?

13 A. (Microphone not activated)

14 MR. PRESIDENT:

15 Witness, please observe some pause.

16 MR. CHHAOM SE:

17 A. We were along Road 38 – that is, at the Kampong Tuol, or
18 Kantuot, or Wat Ha. It was at the South line.

19 BY MR. CHAN DARARASMEY:

20 Q. At that time, what did you know about the liberation of Udong?

21 If so, how did you know about it?

22 [11.19.08]

23 MR. CHHAOM SE:

24 A. We did not reach Udong when it was liberated, only later on we
25 learned about it and about the Basedth and Chitrous.

1 Q. Can you also tell the Chamber, if you knew, who was assigned
2 by the Party or the People's Revolutionary Army for the
3 preparation of the attack plan to attack and liberate Udong City?
4 If you don't know, please state so.

5 A. For such a major battlefield, I was not aware of this kind of
6 information.

7 Q. After Udong had been liberated, did you receive any
8 information from other sources or locations regarding the
9 situation and the people situation at Udong after its liberation?

10 A. I could not grasp the situation.

11 [11.20.48]

12 Q. Also regarding the liberation of Udong - I mean at a later
13 stage - did you know about the people's evacuation from Udong?

14 A. No, I did not.

15 Q. Beside Udong and prior to April 1975, did you know whether any
16 other towns or cities had been liberated by the Revolutionary
17 Army?

18 A. I cannot recall them all by April that year. I could not grasp
19 the overall situation.

20 Q. Can you recall, if you experienced it, what happened in
21 Kratie, Kampong Cham, and Kampong Speu prior to April 1975?

22 A. Regarding - the situation at those provinces that you mention
23 was beyond my capacity and knowledge.

24 [11.22.31]

25 Q. Regarding other areas or provinces nationwide, did you hear or

1 were you told about liberation of any towns, or cities, or
2 provinces by the Revolutionary Army?

3 A. Yes, I did hear some news, for instance what happened in Takeo
4 and Kampong Speu. That is for the southern provinces.

5 Q. Can you tell us the information that you heard about what
6 happened in Takeo and Kampong Speu provinces, as you just
7 indicated?

8 A. They - after they attacked each provincial town, then people
9 would be evacuated from the provincial town for a while. That was
10 based on my observation. They would not allow people to remain at
11 their residence during the period immediately after the
12 liberation. And that was for security reasons. That's all I knew.

13 Q. You just said that people were evacuated due to security
14 concerns. What do you mean when you say "security concerns"?
15 [11.24.23]

16 A. Because in each provincial town, there would remain some
17 weapons and there could be people scattered here and there within
18 the provincial town that could counterattack the forces or cause
19 harm to the residents. So the order was for the people to
20 evacuate so that we could control the situation absolutely,
21 immediately after the liberation.

22 Q. Beside the matter of security concern, were you told or did
23 you experience other reasons that the Khmer Rouge took - told
24 people to be evacuated from the provincial town? If you know,
25 please tell us the reasons that you knew back then.

1 A. Of course, there were reasons, but these things happened so
2 long ago, I cannot recall them all.

3 Q. Can you also tell the Chamber – people were evacuated from the
4 provincial town. And where were they evacuated to?

5 [11.26.20]

6 A. They targeted areas were based on their decision. For example,
7 after the liberation of Phnom Penh, people were evacuated to this
8 direction or that direction. I did not know the details of such a
9 plan.

10 Q. When there were orders for people to leave their houses at the
11 provincial town, did the people have the right to refuse to leave
12 – to leave their house or to leave their native village? And if
13 not, what were the reasons, if you know?

14 A. There were reasons behind this. People talked about their
15 houses, about their properties, and they did not want to leave,
16 but based on the commander's orders, they had to leave. However,
17 they were not threatened or threatened to shoot. We just informed
18 them of the reasons for them to leave. But as for the loss of
19 property or houses, it was beyond my knowledge. I just
20 implemented the orders.

21 Q. When there were objections by the people not to leave and the
22 Khmer Rouge ordered them to leave based on the order – the orders
23 of the Centre, what happened to the people who refused to leave
24 or did not obey the orders of the army?

25 [11.28.28]

1 A. At the areas that I was there, I did not see any incidents of
2 people refusing to leave or of any shot being fired to threaten
3 them to leave; there was not such incidents. The Liberated Army
4 was of a high moral. They did not conduct any vicious acts toward
5 the people. That was the discipline of the army.

6 Q. Thank you. When people had to be evacuated and orders were
7 rendered from the top, what kind of items people were allowed to
8 bring along with them? Or were they not allowed any things at
9 all?

10 A. People were not prohibited from taking anything with them.
11 They could manage to bring anything at all they could carry with
12 them, but they could not take heavy loads, I believe. So, they
13 could do their best to bring whatever they could.

14 Q. Thank you. I have another question concerning the evacuation.
15 Did the Khmer Rouge use any transportation – transportation means
16 to evacuate the population or did they not use such transport
17 means at all?

18 [11.30.51]

19 A. No transportation was provided. People could be on their own.
20 There was no such truck or vehicle provided for easing the
21 evacuation of the people.

22 Q. Thank you. To the best of your knowledge, prior to the 17th of
23 1975 (sic), were you aware how people in the city were treated?
24 Were they treated like ordinary people or as enemies?

25 A. To the best of my knowledge and in my own observation, I

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1 believe that people were treated equally as the people of the
2 country and they were not classified as the enemies. It doesn't
3 matter where - whether they lived under the Liberated Zone or in
4 the area controlled by the opponent forces. I don't know whether
5 there was such policy to discriminate against any people and I
6 don't know what happened if - when these people returned to their
7 hometown and how they were treated. But, according to my best
8 recollection, people were equally treated.

9 Q. Thank you.

10 Prior to the 17th of April 1975, I would like you to confirm
11 concerning the command structure of the Khmer Rouge. Can you tell
12 us anything about this?

13 [11.33.25]

14 A. I'm afraid I don't understand your question.

15 Q. I am asking you about your knowledge of the command structure
16 in the military before 1975 - April 1975.

17 A. When it comes to the command order or structure, I'm afraid I
18 do not have knowledge about this. The only thing I know is that I
19 received direct orders from my commander. So, whatever orders
20 were rendered down to us, then we had to follow them, and that's
21 all.

22 Q. Thank you. When orders were rendered to your division by the
23 Khmer Rouge leaders, how were the orders delivered to you? How
24 were they channelled all the way to you before you implemented
25 them?

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1 A. (Microphone not activated)

2 [11.35.14]

3 MR. PRESIDENT:

4 Witness, please observe some pause. You may now proceed.

5 MR. CHHAOM SE:

6 A. I normally received orders from the division commander through
7 radio communication, and sometimes I would receive - would
8 receive orders through messengers.

9 BY MR. CHAN DARARASMEY:

10 Q. Thank you.

11 During the time of fighting at the battlefields, how did you
12 manage to keep communication with your superiors and your
13 subordinates? How did people communicate one another during this
14 period of time?

15 [11.36.24]

16 MR. CHHAOM SE:

17 A. Information during the fighting would be submitted or
18 transmitted to one another. Nonetheless, such communication was
19 not easily or quickly sent to people concerned because of the
20 constraints in the radio communication. It could have been,
21 sometimes, very late before the important information could be
22 transmitted; sometimes it was even too late for the wounded
23 people to be treated and collected.

24 Q. Thank you. During fighting, did you often contact or keep
25 contact with your superiors? If so, how?

1 A. During the time when we engaged in fighting, the means of -
2 communication was done through different means. Each small unit
3 or squad - for example like a squad, a platoon, and company - had
4 to be on their own. They had to manage their own decisions so
5 that - manage their own forces so that decisions - rather, so
6 that the forces could be properly managed and the situation was
7 under control.

8 Q. After the fall of Phnom Penh, did you ever engage or attend a
9 meeting or meetings attended by the senior leaders? If so, who
10 were the leaders of the Khmer Rouge who attended such meetings,
11 and what was the meeting about?

12 [11.38.49]

13 A. After Phnom Penh was liberated, I attended a conference in
14 which a pronouncement was made publicly concerning the leadership
15 of the Khmer Rouge and also the birthday or the anniversary of
16 the establishment of the army at that time. The event was held at
17 the Olympic Stadium, and people from different military divisions
18 and establishments were invited to attend the event. It was -
19 there were people from the company, and battalion, and so on and
20 so forth. Names of individuals at - in the leadership were also
21 read out during such conference, and I did attend it.

22 Q. Thank you. On the same topic of the meeting, I would like you
23 to tell the Chamber concerning the events before the liberation
24 of Phnom Penh. Had you ever attended a meeting or meetings with
25 the senior Khmer Rouge leaders? My question is now relevant to

1 the events before the fall of Phnom Penh.

2 [11.40.51]

3 A. I had never attended in the meetings – important meetings. I
4 did attend some sessions, the important sessions where people
5 from various divisions were needed to attend.

6 Q. You said you attended sessions – study sessions, I believe.
7 What kind of sessions were that? What kind of topics were being
8 discussed during those sessions?

9 A. During the study sessions, important documents were handed
10 over to the participants. These documents were meant to educate
11 us on the general situation, and certain situation concerning the
12 military and the progress that was being made, and also the
13 building of the Resistance Movement, how the Movement progressed,
14 so on and so forth. And, indeed, the documents were for improving
15 the leadership capacity so that, eventually, we could liberate
16 the country. That's what we learned from the sessions. There were
17 conditions, there were political issues being touched upon, these
18 lessons on understanding enemies as opposed to friends. And, as I
19 stated, it was to ensure that we could win the victory,
20 ultimately.

21 [11.43.06]

22 Q. Thank you. You said you attended the sessions where trainees
23 or participants would be lectured on how to build the forces. And
24 could you elaborate further on this? What was actually the main
25 purpose of the sessions, and objective?

1 A. The building of the forces was to ensure that the country is
2 liberated, and indeed, the Resistance would really like these
3 policies and objective. I did not know the plan behind this, but
4 I believe from the sessions I attended the intention was made to
5 ensure that people are freed from the suffering, and the country,
6 liberated.

7 Q. Thank you. During the study sessions, did you also learn about
8 the building of the Resistance Movement to overthrow the Phnom
9 Penh government?

10 [11.44.39]

11 A. I am familiar with this. We were lectured on how to topple the
12 government of Phnom Penh and install the policy ideology we
13 wished to have installed afterward.

14 Q. Who were the chairpersons during the meetings or the study
15 sessions?

16 A. Normally, the commanders of the battalions would be the
17 chairpersons. They would attend the study sessions where they
18 mentally or psychologically educated. Their ideology was
19 strengthened during such a session so that they can remain with
20 the Resistance Movement all along.

21 Q. Thank you. Can you also tell the Chamber, please, if you still
22 remember, what kind of attack plan that was introduced to
23 participants during the study sessions?

24 A. Plan to attack different locations in the city was introduced
25 in the meeting. Normally, in such study sessions, as a soldier,

1 we were lectured on the strategic plan, the plan to attack,
2 tactical plans, for example how to win the victory over these
3 strategic locations.

4 [11.47.00]

5 Q. Can you share with us, please, briefly, the kinds of
6 strategies, tactical strategies that introduced during such study
7 sessions - just briefly?

8 A. I'm afraid I cannot recollect this because there were too many
9 tactics and strategies being lectured to us on - during that
10 time, but they were very practical and implementable. But I just
11 don't remember the details; I'm sorry.

12 Q. Thank you. If you still recall the names of the individuals
13 who chaired the study sessions, who were they? What roles did
14 they hold, for example?

15 A. There were too many names to remember. There were leaders,
16 there were secretaries of the battalions, regiments; some people
17 disappeared, some people came, and I don't remember them all.

18 Q. Did you ever meet any of the senior leaders of the Khmer
19 Rouge, including Mr. Ieng Sary, Nuon Chea, Khieu Samphan, or any
20 other senior leaders? Can you please tell the Chamber?

21 [11.49.07]

22 A. I saw them from a distance; I never met them face to face. I
23 knew their names, their full names, but I just saw them when I
24 was standing from a distance. For example, I knew about Mr. Khieu
25 Samphan, Nuon Chea. I saw them from a distance, but we never been

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1 in contact, or I never knew them personally because in my
2 capacity as a low-ranking soldier, I was not entitled to be close
3 to any of them because our titles were too far different.

4 Q. How did you know about the names of these senior leaders? And
5 who else have – had you heard of?

6 A. (Microphone not activated)

7 MR. PRESIDENT:

8 Please hold on, Witness. You may now proceed.

9 [11.50.33]

10 MR. CHHAOM SE:

11 A. I already mentioned that during the conference in the stadium,
12 there were 21 senior leaders who attended the event. A lot of
13 names were involved. I do not recognize every one of them, but I
14 do still remember having seen Pol Pot, Nuon Chea, Chhit Choeun.
15 Chhit Choeun was closer to me. Chhit Choeun was also known as Ta
16 Mok. I think I have had some contact with Chhit Choeun in my
17 capacity as a soldier.

18 And I still recall having seen Mr. Koy Thuon – Thuch – Mr. Ya,
19 and Son Sen, Ieng Sary, Mr. Khieu Samphan, Madam Ieng Thirith,
20 Ros Nhim, Kang Chap, Vorn Vet, Chey Suon, Cheng An. These are all
21 the people who were the senior leaders. Altogether, as I told
22 you, there were 21 people whose names I don't remember in full.

23 [11.52.30]

24 BY MR. CHAN DARARASMEY:

25 Q. Thank you, Mr. Witness.

1 Due to time limitation, I would like to move to the -- another
2 topic.

3 In your statement, you stated that you knew a woman by the name
4 of Vann. Can you tell the Chamber who she was and what she did
5 during the period prior to the - April 1975?

6 MR. CHHAOM SE:

7 A. Vann - the person by the name of Vann was a woman. I was asked
8 whether I knew the person by the name of Vann as a male
9 individual, but I said no, I didn't, I only knew this person as a
10 woman. This woman now lives in Ratanakiri province. I don't know
11 whether she is still alive.

12 Q. Thank you. After Phnom Penh was liberated, did you join force
13 with this lady, Vann, to attack Phnom Penh?

14 [11.54.14]

15 A. Our units worked together. We had the male and female
16 combatants and soldiers who jointly advanced on from the
17 Pochentong location, and we reached the Propaganda Ministry all
18 together when we were attacking Phnom Penh.

19 Q. Thank you.

20 Can you describe to the Chamber, please, what Phnom Penh was like
21 the first time you saw it when you came to Phnom Penh?

22 A. Phnom Penh was a crowded city. We saw a lot of people on the
23 street. They were mixed with soldiers. And I did not spend a lot
24 of time in Phnom Penh because immediately we were asked to move
25 out of the city as well, and the population of the city was asked

1 to also leave the city in a certain – for a certain period of
2 time, and we left immediately.

3 Q. Thank you.

4 How long did it take for the soldiers to liberate Phnom Penh?

5 A. It took us about three months before we could finally liberate
6 Phnom Penh. The fighting was fierce, intense before we achieved
7 this victory.

8 [11.56.19]

9 Q. Thank you.

10 My next question is – after Phnom Penh was liberated, the Lon Nol
11 soldiers were arrested or killed. Can you tell us how or what
12 happened to those soldiers who were captured alive or those who
13 resisted or opposed the Khmer Rouge soldiers and what happened to
14 people who were not faithful regarding their biography?

15 A. I'm afraid I don't know much about this. This has to do with
16 the leadership, people who were in control of managing these
17 issues, so I perhaps am not the right person for that.

18 Q. Thank you. Mr. Witness, I have only final three questions to
19 put to you.

20 When you entered Phnom Penh, can you describe what you saw? Were
21 people evacuated? Did you bear witness to the evacuation?

22 A. Yes, I did. I saw people walking on the roads, some
23 (unintelligible) – or there were gates where people would be
24 allowed to leave the city.

25 [11.58.34]

1 Q. Did you also know whether there were any plans after people
2 had already been evacuated?

3 A. There were other plans that I don't remember, but for my unit,
4 we were asked to be on the ready to control the situation. But we
5 eventually were deployed to Ratanakiri, and I did not know much
6 else about the aftermath of the city evacuation.

7 Q. It is heard that – rather, have you ever heard that the
8 population had to be evacuated because the American would bomb
9 very soon?

10 A. I have never heard anything about this.

11 MR. CHAN DARARASMEY:

12 Thank you, Mr. Chhaom Se. On behalf of the Prosecution, I would
13 like to thank you very much indeed for your testimonies. And I
14 hope your testimony will help ascertain the truth. I wish you all
15 the very best. Thank you.

16 Mr. President and Your Honours, I am very grateful to the Bench,
17 indeed. I have no further questions.

18 [12.00.07]

19 MR. PRESIDENT:

20 Thank you, Mr. Witness and the Prosecutor.

21 It is now appropriate time for the adjournment. The Chamber will
22 adjourn until 1.30 p.m.

23 Court officer is now instructed to assist the witness during this
24 time and have him returned to the courtroom before the next
25 session resumes.

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1 Security personnel are now instructed to bring Mr. Khieu Samphan
2 to his holding cell downstairs and have him returned to the
3 courtroom before the next session resumes.

4 The Court is adjourned.

5 (Court recesses from 1200H to 1330H)

6 MR. PRESIDENT:

7 You may be seated. The Court is now back in session.

8 The floor is once again given to the Prosecution to continue
9 putting questions to this witness. You may proceed.

10 [13.33.34]

11 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

12 Thank you very much, Mr. President, Your Honours. Good afternoon
13 to all the parties. Good afternoon to those in the gallery; and
14 good afternoon, Witness. This afternoon, I will put some
15 questions to you and I will try to be as concise as possible.
16 Please be as concise as possible in your answers as well.

17 Q. My first question has to do with what you stated this morning.
18 You stated that before the 17th of April 1975, you attended a
19 number of training sessions with division members, and you stated
20 that you were taught to make the distinction between enemies -
21 that is, you had to understand who the enemies were and who the
22 friends were.

23 What were you told in that regard before Phnom Penh was captured?
24 Who were your enemies, according to what you stated during this
25 morning's session?

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1 [13.35.04]

2 MR. CHHAOM SE:

3 A. So, is your question asking me to clarify who the enemy was?

4 As I said earlier, the enemy was those people worked under the
5 Lon Nol regime and those soldiers, the Lon Nol soldiers as well.

6 I was a soldier in that Movement – that is, during the period of
7 1975. And this is my response to your question.

8 Q. Thank you. Regarding those who worked for the Lon Nol regime,
9 did you – during that period – that is, before you entered Phnom
10 Penh – did you hear any broadcasts over the radio or receive
11 information by other channels, information provided by the
12 leaders of the Movement, regarding the seven super traitors of
13 the Lon Nol regime? Did you ever hear about them?

14 A. Yes, I heard about that at the time because after the coup
15 d'état to overthrow the Pol Pot regime – and then I heard about
16 that, and then there was the creation of the Front Movement; in
17 particular at the countryside. And those people who suffered
18 tried to follow the Front policy.

19 [13.37.07]

20 Q. Thank you. Who sent that message regarding the seven super
21 traitors of the Lon Nol regime? Do you know who issued such a
22 communiqué?

23 A. It's been so long already. It was passed on from one to
24 another, but I can't recall as to the original source of that
25 information. And everybody was well aware of that phrase.

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1 As a - also in response to the appeal, they all fled to the
2 jungle to join the Resistance because in the country, despite
3 their demonstration, no result was achieved, so they decided to
4 join the Front in the jungle, and that was heeded by the
5 Sihanouk's appeal. And they were sympathize (sic) with Sihanouk.

6 Q. Thank you.

7 For purposes of greater clarity, can you tell us exactly when you
8 entered Phnom Penh? When you entered Phnom Penh, was the division
9 you belonged to one of the first to enter the town? Was it one of
10 the first or not?

11 [13.38.50]

12 A. At that time, there were a number of divisions, but the forces
13 were not that up to the level of a division. In fact, there were
14 battalions and regiments based on the assigned directions. Of
15 course, there was chain of command from the lower level to the
16 upper level, and that, in fact, formed since the creation of the
17 Movement of Resistance, and I believe it was uniform throughout
18 the country.

19 Q. Thank you.

20 May I request that you be as concise as possible in your answers?
21 Because my question was more precise; I was asking for - in fact,
22 let me be more precise - be more precise: Did you enter Phnom
23 Penh specifically on the 17th of April 1975?

24 A. Yes, the force entered and liberated Phnom Penh on 17 April
25 1975.

1 Q. Thank you. Before liberating the town on the 17th of April,
2 did your commander, Sou Saroeun, issue specific orders regarding
3 Lon Nol soldiers who were based in Phnom Penh? What did you have
4 to do with the Lon Nol soldiers who were based in the town, after
5 the town had fallen to the Khmer Rouge?

6 [13.40.57]

7 A. After Phnom Penh was liberated, I did not have the knowledge
8 of the Lon Nol soldiers, but they were taken from the city to the
9 countryside. But I did not know what measures were taken against
10 them.

11 Q. Thank you. Can you tell us when exactly the order was issued
12 in your regiment for the evacuation of the population of Phnom
13 Penh? Before you entered the town, had you received such orders,
14 or those orders were issued after you entered Phnom Penh town?

15 A. I believe the plan to evacuate the people had been
16 preconceived because, based on the experience, there always were
17 plans to evacuate the people after that area was won. Otherwise,
18 there could be other incidents of fighting, exploding here and
19 there within the newly seized location. So the plan was
20 preconceived, and maybe there would be a few days delay for the
21 evacuation.

22 Q. This morning, you stated that, regarding the headquarters of
23 regions that had been captured before April 1975, it was a
24 question of evacuating the regions or towns for security reasons.
25 In the case of Phnom Penh, were the reasons the same? Were you

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1 told why you had to evacuate the population?

2 [13.43.23]

3 A. Yes, they told us the reasons, and instructions were also
4 relayed to us for the evacuation so that we would be able to take
5 control of the city. And all the soldiers in - from all
6 directions were issued the same orders in order for us to control
7 the situation.

8 Q. Were you told that enemies were still in Phnom Penh?

9 A. Yes, because even if the enemy was defeated, there were still
10 pockets of them here and there, because once we controlled the
11 situation, we did not stay put in one place; we were on mobile
12 for safety concerns, because we were afraid that our troops would
13 be attacked from the remnants of the defeated army.

14 Q. Thank you. Regarding instructions for the evacuation of the
15 population, was it a question of evacuating the entire population
16 without any exception, or there was a category of people who were
17 entitled to remain in the town?

18 [13.45.11]

19 A. The order was that everyone had to leave; there was no
20 exception, and that applied immediately after the liberation.

21 Q. So, if I understand you correctly, pregnant women, the sick in
22 hospitals, the elderly, and handicapped persons also had to leave
23 the town; is that what you're saying?

24 A. Yes. In reality, that's what happened.

25 Q. The troops wanted to capture the entire town and to control

1 it. And you talked about the arrest of Lon Nol soldiers in the
2 rear. Were any control points established in Phnom Penh and
3 around Phnom Penh with a view to identifying persons belonging to
4 Lon Nol's forces or persons who were officials in the Lon Nol
5 regime? I'm talking of checkpoints established in Phnom Penh and
6 around Phnom Penh.

7 A. I did not know the details of this affair because my knowledge
8 at the time was limited, and I only knew what happened at my
9 target. I only knew about my company and the nearby companies
10 which were - we worked together in that specific target.

11 [13.47.09]

12 As for - the evacuation or the process of transporting the
13 prisoners of war were the responsibility of the division
14 commander; that was their authority. I only did what I was asked
15 to and I did not have the authority to make that decision.

16 Q. Thank you. I am done with my questions on the evacuation of
17 Phnom Penh.

18 Let us now talk about the period following the evacuation - that
19 is, the period between late April 1975 and the time of your
20 assignment to Ratanakiri. And you told the Co-Investigating
21 Judges that that was in November 1975, that that is when you went
22 to Ratanakiri.

23 Now, during the period following the liberation of Phnom Penh,
24 where was your division stationed in Phnom Penh? And what was
25 that division supposed to guard, if that was the case?

1 A. The division was stationed to the west of the Phsar - Thmei
2 Market. Parts of the forces and the headquarters was itself based
3 near the Olympic Market, and my own unit was stationed to protect
4 the Ministry of Propaganda - that's the target for my own unit -
5 because there was a concern that there could be still enemies
6 remained inside so that we had to put this plan in order to avoid
7 any possible war eruption within a few months after the
8 liberation. And that's all I knew about the plan at the time. And
9 we patrolled during the night along the street in the targeted
10 area.

11 [13.49.50]

12 Q. Thank you. In the first record of your interview dated the
13 30th (sic) of October 2009 - and it's document E3/465 (sic),
14 answer number 3 of this document - this is what you told tribunal
15 investigators: you stated that your division was part of the
16 Central Army, which covered the entire country.
17 Do you remember the exact date on which your division was
18 attached to the Central Army?

19 A. The division attached to the Central Army when we were part of
20 the Special Zone. As I said earlier, the three divisions were
21 part of the Special Zone, and in fact, the divisions were kind of
22 mobile divisions. And later on some of the forces were gathered
23 from throughout the country to join the Central Army, and there
24 were about 12 divisions all together that belonged to the Central
25 Army.

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1 Q. Very well. Thank you.

2 In another interview, E3/407, you talk of Divisions 502, 450,
3 417. Do you remember any other divisions attached to the Central
4 Army, apart from those I have just referred to, which you
5 mentioned to the Co-Investigating Judges?

6 [13.52.10]

7 A. Yes, there were, but I can't recall the number of - the
8 division numbers. There were three divisions from the Southwest
9 and a few other divisions from various other zones, totalling 12
10 divisions under the Central Army.

11 Q. Thank you.

12 In the first record of your interview before the Co-Investigating
13 Judges - that is, E3/405 - in answer to the first question--

14 With your leave, Mr. President, may I request that this document
15 be placed on the screen? Because I intend to quote an excerpt of
16 it.

17 MR. PRESIDENT:

18 Yes, you may proceed.

19 BY MR. DE WILDE D'ESTMAEL:

20 Thank you.

21 Q. In answer to question number 3, which is quite long, this is
22 what you stated:

23 "Division 801 was created in Phnom Penh during the General
24 Assembly at the Olympic Stadium, during - in the month of
25 September, approximately." The excerpt says September 1975.

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1 "As part of the Division 801, I was deputy commander of the
2 company." End of quote.

3 [13.53.49]

4 And in the same record, in answer to question number 5, you
5 testify that that 11 Company was part of Division 801.

6 This morning, you also talked of the establishment of Division
7 801 and you specified the names of those who participated at that
8 General Assembly at the Olympic Stadium.

9 During that General Assembly, were you told that Division 801
10 would be assigned to Ratanakiri or you heard about that
11 subsequently?

12 MR. CHHAOM SE:

13 A. After that organization, the instruction was relayed through
14 the division commander. There was no public announcement that
15 everyone should know that Division 801 would have to go to
16 Ratanakiri, but that message was relayed directly through the
17 division commander. And we were not told in advance, as we, in
18 fact, were told to control the situation in Phnom Penh first for
19 up to four month; and once it was under the complete control,
20 then we would be assigned to go.

21 [13.55.39]

22 Q. This morning, you stated that that the General Assembly was
23 attended by members of all the divisions. Can you give us an
24 estimate of the number of participants at that big assembly? Was
25 it several hundreds, several thousands of people?

1 A. There were more than 1,000 people attending that big meeting,
2 because there were representatives from the company level up who
3 were to attend that big rally.

4 Q. Thank you. This morning, you gave the names of senior
5 officials who attended that rally and you did the same in the
6 record of your interview, E3/417 (sic), of the 8th of November
7 2009. And this is what you stated in answer to answer number --
8 to question number 4. You said that Chan (sic) and all division
9 commanders, as well as Son Sen, Pol Pot, and Khieu Samphan spoke
10 at that General Assembly.

11 Do you recall whether Nuon Chea also delivered a message at that
12 General Assembly?

13 A. Yes, he did make a speech in that assembly, but I cannot
14 recall the content of that speech; it's been so long already. But
15 from a far distance, I could see him making his speech.

16 Q. Do you know Son Sen's code name at the time? How was he
17 called? Was he called Son Sen? Did he have a revolutionary name
18 or was he known by a code - a code name?

19 [13.58.10]

20 A. No, I did not because I was not close to him.

21 Q. During that General Assembly, do you recall whether the
22 persons who took the floor talked about discipline in the ranks
23 of the different divisions or about the enemy within or the enemy
24 without?

25 A. Yes, they talked about the enemy within the country and

1 outside the country, and also they talked about the enemy within
2 the rank or within the unit. However, the measures taken were
3 depending on the real situation because the Movement kept going,
4 and people kept being re-educated. So it was actually based on
5 the actual situation.

6 Q. Thank you. You also said that this General Assembly took place
7 in September – certainly, in September 1975; that's what you said
8 to the Investigating Judges. And I'd like now to return to this
9 period and to see if we can understand more precisely what the
10 date was for this gathering.

11 And however, before that, I'd like to ask you if before the Khmer
12 Rouge period, you were able to read occasionally a magazine by
13 the name of "Revolutionary Flag"?

14 [14.00.27]

15 A. Would you like to know about the content of the "Revolutionary
16 Flag"? I may say that I was not in the capacity to be offered
17 such "Revolutionary Red Flag" to read; I was in the Youth League,
18 and for my membership as the – in the Youth League, I was allowed
19 to read the "Youth League" – "Youth Flag", not the "Revolutionary
20 Flag" magazine.

21 So I was not fully engaged in the insight of the internal affairs
22 because at that time we were engaged in the Front phase – the
23 phase of the Front, indeed. And it was a kind of stepping stone
24 for people to move forward to another level in the stages of the
25 Revolution, when we first joined the Youth League.

1 [14.01.48]

2 Q. Thank you. In order to save a bit of time, I'm not going to
3 show a copy of "Revolutionary Flag", but I would like to read out
4 an excerpt of one of these issues of "Revolutionary Flag", dated
5 August 1975, and this is document E3/5. And the excerpt that I'm
6 going to read is on page: in Khmer, 00063324 - 00063324; in
7 French and in English, it's on page 13 of each one of these
8 issues. And there is a heading called "Long Live the
9 Revolutionary Army of the Communist Party of Kampuchea: The Most
10 Extraordinary Communist Party". And under this heading, for
11 translation, this is what I'm going to read.

12 "On 22 July 1975, during an organizational ceremony of the
13 Revolutionary Army of the Central Committee of the Communist
14 Party of Kampuchea, Comrade, the head of the supreme military
15 committee of the Party, organized an important conference, a
16 political conference for the 3,000 representatives of all of the
17 units of the Revolutionary Army of the Central Committee of the
18 Communist Party of Kampuchea, and the topics of this conference
19 were the following: first, the significance of the grandiose
20 historic victory of the nation of the population, of the army,
21 and of our Party; second, the summarized history our
22 Revolutionary Army; and third, the reasons for this grandiose
23 victory of our Revolutionary Army; and fourth, the new tasks of
24 our Revolutionary Army." End of quote.

25 [14.04.08]

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1 And the General Assembly that you spoke to us about, did they -
2 you told us that there were more than a thousand participants.
3 And did - this General Assembly which you said took place in
4 September 1975 was a meeting that was different from the meeting
5 of 22 July 1975, which is mentioned in the excerpt I just read
6 out to you from "Revolutionary Flag", or did this General
7 Assembly which you attended - was it the same as this great
8 ceremony that took place on 22 July 1975?

9 A. I believe that that is the consistent message that was
10 registered on the day - I actually do not take good notes of the
11 content of what being said, but I believe that that's something
12 that reminds me, and it - the content that read - that happened
13 on that date. So I can say that it is fair to say this
14 information is relevant.

15 Q. I believe that we didn't hear the entire French translation of
16 your answer. So, what I'd like to know is that: Do you believe
17 that the General Assembly which you attended took place on 22
18 July 1975, which was a ceremony regarding the Revolutionary Army?

19 [14.06.23]

20 MR. PRESIDENT:

21 Witness, please hold on.

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

23 MR. KOPPE:

24 Thank you, Mr. President.

25 I'm a little puzzled as to the line of questioning of the

1 Co-Prosecutor, but it seems that the prosecutor is asking the
2 witness to speculate on the subject of this meeting. It's not
3 about what he believes, I think; it's about what he knows. So I
4 object to the question.

5 MR. DE WILDE D'ESTMAEL:

6 Mr. President, if I may answer, well, in reality, this excerpt
7 from "Revolutionary Flag" - I read out this excerpt to refresh
8 the witness's memory on this great gathering which he attended
9 with more than a thousand participants. So, what I wanted to
10 know: if - whether there was one or several great gatherings of
11 this kind that took place then or whether he only attended one
12 single and the same gathering then. So, therefore, I believe
13 that, yes, I can ask this question.

14 (Judges deliberate)

15 [14.08.23]

16 MR. PRESIDENT:

17 The objection by counsel for Mr. Nuon Chea concerning the line of
18 questioning is sustained.

19 Mr. Co-Prosecutor, you may now rephrase your question.

20 BY MR. DE WILDE D'ESTMAEL:

21 I will try to reformulate, President.

22 Q. Witness, you spoke about a general assembly which you said
23 took place probably in September 1975. And I read out to you an
24 excerpt of "Revolutionary Flag" which describes a ceremony
25 regarding the Revolutionary Army of the Central Committee of the

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1 Communist Party that took place on 22 July 1975 which was
2 attended by 3,000 people.
3 So, do you remember more specifically if the General Assembly
4 which you attended took place or might have taken place this --
5 the specific meeting that's mentioned in "Revolutionary Flag",
6 you can say that it might have taken place then?

7 [14.09.49]

8 MR. VERCKEN:

9 Mr. President, if you please allow me, I believe that the
10 question here that should be put in -- should be first to ask the
11 witness if he's speaking about the same thing and ask him whether
12 or not he has a clear memory of the date, and if he has elements
13 to decide whether or not the date chosen is the right one.
14 Cornering the witness and telling him that this is the same
15 meeting is a little bit quick, I believe.

16 BY MR. DE WILDE D'ESTMAEL:

17 Okay, I will try to proceed in steps, but I don't want to
18 belabour this point too much.

19 Q. Witness, when I read out to you the excerpt of "Revolutionary
20 Flag", the topics mentioned in this article -- that is to say,
21 the significance of the grandiose historical victory, and the
22 summarized history of the Revolutionary Army, and the reasons for
23 the grandiose victory of the Revolutionary Army, as well as the
24 new tasks facing the Revolutionary Army -- do these topics
25 correspond to what was discussed during the General Assembly

1 which you attended in person?

2 MR. CHHAOM SE:

3 A. I say yes. However, I just don't remember the exact date
4 because I did not take note of the date and I have not had any
5 documents with me to prove this.

6 [14.11.50]

7 Q. Thank you. That's all I wanted to know.

8 And later on, you said that you were sent with Division 801 to
9 Ratanakiri. And do you remember when you travelled there?

10 A. I was there by late 1975. It took us rather long because we
11 had to cycle there from Kratie province to that location. We did
12 go by boat from Phnom Penh to Kratie.

13 Q. Can you tell us what the main roles were that had been
14 assigned to Division 801 in the Northeast of the country?

15 A. The roles were to be deployed to fend off the country from the
16 external forces at the border -- border -- Cambodia border with
17 Laos, and it was to the North area of the country.

18 [14.13.50]

19 Q. Thank you. I believe that I didn't get the full answer in
20 French. You were speaking about the border of -- with Laos. But
21 what about the border with Vietnam? Were you also monitoring the
22 border with Vietnam?

23 A. Yes. But to make it clear, it's -- that the division comprised
24 of three regiments, so these three regiments had to cover
25 different part of the country, and -- including the border with

1 Vietnam.

2 Q. And back then, were the Vietnamese already considered a
3 threat, considered enemies of the Khmer Rouge regime?

4 A. We were friends at the beginning. Later on, we were half
5 enemy, half friend, and the borderline was not properly marked,
6 so we could still clash. And at that time, we couldn't regard the
7 Vietnamese as our friends nor enemies very clearly, but indeed,
8 enemies increased.

9 [14.15.44]

10 Q. Thank you.

11 Now I would like to speak about the structure of Division 801,
12 and we're going to distinguish two periods here, the first period
13 running from the moment when you went to Ratanakiri and you were
14 still a Deputy Commander of Division 11, and then, later on, we
15 will speak about the second period which begins when you took on
16 your duties at the education centre in Au Kanseng.

17 And I'd like to start now with the period that goes from the
18 moment when you arrived at Ratanakiri to somewhere around the end
19 of 1976. And if I'm not mistaken, you were still a Deputy
20 Commander of Division 11 then.

21 Can you tell us who -- what the names were of the three regiments
22 that you have just mentioned -- the names of the three regiments
23 making up Division 801?

24 [14.16.56]

25 MR. PRESIDENT:

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1 Counsel -- rather, Witness, please hold on.

2 Counsel for Mr. Nuon Chea, you may proceed.

3 MR. SON ARUN:

4 I heard the Co-Prosecutor was mentioning about the regiment or
5 the brigade interchangeably. I don't think whether it was a slip
6 or whether it was intentional. Please clarify this.

7 MR. DE WILDE D'ESTMAEL:

8 Thank you. Yes, I believe that this is a translation issue. What
9 I was speaking about was Division 801, and I believe the witness
10 spoke about the three regiments that had been deployed to the
11 Northeast and I wanted to know the names of these three
12 regiments.

13 MR. CHHAOM SE:

14 Would you like to know the name -- the name -- code name of the
15 regiments or the number of people deployed under each regiment?
16 Could you please be more precise?

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. The numbers -- the numbers designating the three regiments.

19 Thank you.

20 [14.18.29]

21 MR. CHHAOM SE:

22 A. Under 801, there were three regiments and three battalions.
23 The first regiment was Regiment 81. Regiment 81 was tasked to
24 patrol the Road 19 to the North. And from Au Sedthei to the
25 Dragon's Tail, it was for the Regiment 83. And from the North

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1 to Ta Lav, it was the task of Regiment 82. And for the three
2 battalions and four transportation units, were deployed to patrol
3 surrounding this area near the river. And I personally was tasked
4 as the head of the company.

5 And in 1975, when I got there, for a period of more than one
6 year, I worked in the military to patrol the area along the Sesan
7 River, from Au Tres region to Ou Ya Dav border to Au Sedthei, all
8 the way to the Dragon's Tail--

9 MR. PRESIDENT:

10 Witness, I would like to stop you here. But please confine your
11 response to only the question being put to you because you will
12 be asked a lot more questions on this.

13 [14.20.39]

14 BY MR. DE WILDE D'ESTMAEL:

15 Thank you.

16 Q. Was there a Regiment 83? I'm not asking you where it was
17 deployed; but was there a Regiment 83?

18 MR. CHHAOM SE:

19 A. Yes, I just said already that there were also Regiment 83, in
20 my statement.

21 Q. Thank you. I had not heard this in French.

22 Who was the Secretary of Division 801 back then?

23 A. Sou Saroeun was the commander.

24 Q. And who were his deputies?

25 A. Pao Sam Ol .

1 [14.21.54]

2 Q. We will return to this.

3 But within Division 801, outside of the regiments, were there any
4 special units? And can you tell us which special unit was in
5 charge of logistics, if there was such a special unit?

6 A. Yes, there -- it was.

7 Q. And was there a specific number referring to the Logistics
8 Unit?

9 A. Yes, it was 806.

10 Q. And you described the structure of the Northeast Zone
11 Committee in answer 22 of your record E3/405, and you said in
12 this record that Ta Ya was the secretary, that he had been
13 replaced later, after his arrest by Ta Lav and then, afterwards,
14 by Ta 05 or Sa Saroeun (phonetic).

15 What can you tell us about the disappearance of Men San alias Ta
16 Ya?

17 A. I never know Men San or Ta Ya. I don't know the reason behind
18 the disappearance of Ta Ya, nonetheless, because he was holding a
19 senior position, but he disappeared, as I know, in 1977.

20 [14.24.15]

21 Q. And how did you learn that Ta Ya had disappeared? Who told you
22 that?

23 A. I think it's a long story; I'm afraid I cannot really say it
24 all.

25 I worked in the division. I only know about what happened in the

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1 division, but that story is relevant to the zone and it was
2 internal affair, and I have no authority to be informed.

3 MR. DE WILDE D'ESTMAEL:

4 Thank you.

5 Mr. President, now I would like to read again part of the record,
6 and referenced as E3/405, and I'd like to read again question and
7 answer 21 -- so, E3/405, question and answer 21. With your leave,
8 maybe the -- his counsel can show the excerpt from the question,
9 and maybe we can display it on the screen.

10 MR. PRESIDENT:

11 You may proceed.

12 [14.25.56]

13 BY MR. DE WILDE D'ESTMAEL:

14 Thank you.

15 Q. Maybe -- in fact, it's answer 22 -- question and answer 22; I
16 made a mistake.

17 This is what the witness says:

18 "After liberation day, 17 April 1975, Ta Ya was Chairman of the
19 Northeast Zone. Ta Phat was responsible for the soldiers of the
20 zone. Ta Ya disappeared in 1977. Indeed, he had been summoned to
21 go work in Phnom Penh, and then he was arrested, and I learned
22 this during the information meeting. And during this meeting, we
23 saw that Ta Ya had been affiliated with the Vietnamese and that
24 he had rallied the Indochinese Federation. Ta Ya was a member of
25 the Central Committee and he occupied probably the seventh or the

1 ninth rank." End of quote.

2 Witness, was it usual for high-ranking cadres in the zone or in
3 Division 801 to be summoned to Phnom Penh and then to disappear?
4 [14.27.23]

5 MR. CHHAOM SE:

6 A. It is true, and I agree with the statement that I made and I
7 still stand by it, because information had to be informed to the
8 remaining members so that we can mentally strengthen.

9 Q. Thank you. As a division of the Centre, Division 801, what was
10 the relationship between Division 801 and the Northeast Zone? And
11 maybe you could tell us if the Northeast Zone also had its own
12 military forces.

13 A. It was our intention to cooperate, to mutually assist each
14 other, because the zone was close to the area we were deployed.
15 However, as a low-ranking personnel, I did not know much about
16 what happened at the upper level and I had to focus on my tasks.
17 I was supposed to know much about my own business, mind my own
18 business. At that time, it was a transition -- a transitional
19 period from converting -- for converting Communism into
20 Socialism. And I know something, but I just don't know
21 everything.

22 [14.29.45]

23 Q. Thank you. Perhaps you knew at that time or later on, when you
24 were head of the centre, whether Division 801 and the Northeast
25 Zone collaborated in matters of security, the fight against the

1 enemy within and the enemy outside of the Northeast Zone.

2 A. When I came to control that centre initially, I only knew of
3 the role of the units and all those forces that were gathered
4 from the battalions and the regiments. They were from the level
5 of the company upward, and my level was rather limited at the
6 time. I did not have the authority to receive those from the
7 cooperatives or from the union. I was authorized to control those
8 within Division 801.

9 [14.31.11]

10 MR. DE WILDE D'ESTMAEL:

11 Thank you.

12 With your leave, Mr. President, may I show the witness a
13 document? And I would like it to be placed on the screen. And it
14 is E3/876, and the number is IS21.15.

15 Witness, I believe that as the chief of the re-education centre,
16 you should be in a position to tell us more on this telegram
17 number 43 sent by Leu of Division 801 to the Beloved Bong Roen
18 on the 23rd of April 1977.

19 May I show the witness this document? And I would also like you
20 to allow it to be placed on the screen.

21 [14.32.10]

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 BY MR. DE WILDE D'ESTMAEL:

25 Thank you.

1 Q. While the witness is reading this telegram, this telegram is
2 sent by Leu to the Beloved Bong Roeun on the 23rd of April 1977
3 and is copied to Bong 99 (sic) and to the archives and it has to
4 do with the arrest of enemies. And it is stated that it was
5 entrusted to Om Lav, and two other enemies were entrusted to the
6 district.

7 Let me read the telegram, then, and it states as follows
8 regarding the above situation -- that is, the situation of the
9 identified enemies: "Om Lav proceeded to arrest them, but he
10 hasn't completed his job. His wish is that we cooperate with him
11 closely and he wants us to help him with surveillance and further
12 cooperation."

13 [14.33.36]

14 Witness, do you know the author of this telegram, called Lav, who
15 sends this telegram to Brother Roeun?

16 MR. CHHAOM SE:

17 A. Yes, I knew this person, Lav, but I am not familiar with the
18 content of this telegram because it was not related to my
19 section.

20 Q. Thank you. What was the role of Lav in Division 801?

21 A. It depends on the period, because some of the cadres in
22 divisions had been removed by the division commander. In the
23 third phase, he was a member of Division 801.

24 Q. Thank you. When you said that "he was a member of Division
25 801", do you mean the Division 801 Committee?

1 A. Yes, he was within the committee.

2 [14.35.12]

3 Q. Do you know who this person called Uncle Lav was? He is
4 mentioned in this telegram as someone who carried out arrests. It
5 is also stated that he wanted us -- quote -- "to cooperate
6 closely with him". Do you know that person called Uncle Lav?

7 A. Uncle Lav was the one who had the leading role at the base. I
8 did not really know this person well.

9 Q. Thank you. Let us now talk about the period when you were the
10 Director of the Re-Education Centre of Au Kanseng. Did it happen
11 that civilians were transferred to you centre, and if yes, during
12 what period?

13 A. Civilians were sent to me in around 1977 -- that is, mid-'77.

14 Q. Thank you. Can you specify whether, when those civilians were
15 sent, they were sent by the Administration of the zone or they
16 were sent by Division 801?

17 A. I cannot recall it exactly, but the base sent those people
18 from the cooperative and from the union, and they were both new
19 -- there were old and young people.

20 [14.37.29]

21 However, it was the decision of Sou Saroeun, instruction --
22 instructing me to receive them. And because I did not have the
23 capacity to receive them but I could not deny -- and with Sou
24 Saroeun's instructions, then I agreed to receive them
25 temporarily, and they stayed only for a while. After that, they

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1 were sent back to the base, and I was, once again, to take
2 control of those people from the army.

3 Q. Thank you. This is perhaps my last question before the break.
4 Do you know whether Sou Saroeun regularly met Ta Ya or Ta Lav
5 when you were still the Chief of Division 801?

6 A. I could not say for sure whether the meeting was regular, as
7 my base was a distance -- a far distance away from his, and it
8 was not part of my responsibility to know that.

9 [14.39.00]

10 MR. PRESIDENT:

11 Thank you, the Prosecution and Witness.

12 We will take a short break and return at 3 p.m.

13 Court Officer, could you assist the witness and the duty counsel
14 during this brief session and have them returned to the courtroom
15 at 3 p.m.?

16 The Court is now adjourned.

17 (Court recesses from 1439H to 1501H)

18 MR. PRESIDENT:

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

20 We would like to now hand over to the Prosecution to continue
21 putting questions.

22 BY MR. DE WILDE D'ESTMAEL:

23 Thank you, Mr. President.

24 Q. Witness, can you tell us who, within the Division 801, had the
25 power to decide on the fate of enemies who had been identified in

1 the zone in which Division 801 was operating?

2 MR. CHHAOM SE:

3 A. I'm afraid I don't know about this.

4 [15.03.24]

5 Q. Thank you. Maybe this was a bit convoluted. Let me get back to
6 this later.

7 But can you tell us why the re-education centre or the Au Kanseng
8 Security Centre was created within Division 801?

9 A. I do not know much about this. Discussion could have been made
10 among the committee of the division, because at that time the
11 situation at the border was chaotic, and a lot of people in the
12 army were not properly disciplined. And for that reason, at each
13 regiment, they had to make sure that a system was in place to
14 discipline those people who were free and ill-disciplined. Each
15 division had to properly manage this, and that's why a centre was
16 set up, so that the bad elements -- irregular elements could be
17 contained and detained at the centre.

18 [15.05.25]

19 Q. Thank you.

20 You also said, in your first written records of interview with
21 the Investigating Judges, in document E3/405, at answer 6 -- you
22 said that "this Kanseng Centre was open when the enemies from
23 within were emerging throughout the entire country" -- end of
24 quote.

25 What does this mean exactly? When you speak about these enemies

1 from within developing throughout the entire country, what do you
2 mean by this?

3 A. As I already mentioned, that -- within the unit, people had
4 been removed, people who were holding the ranks of the colonel
5 and other senior people had to be removed. And security concern
6 was -- security was part of a primary concern, and enemy could
7 take the advantage of this opportunity to make the situation
8 worse. That's why the centre was set up.

9 Q. Thank you. Do you remember the periods or approximately when
10 this centre opened and when you took on your duties as head of
11 this centre?

12 [15.07.34]

13 A. It was around late 1976 when it was established, when I was in
14 control of the centre for about two years.

15 Q. Thank you.

16 Now, regarding the servicemen who were sent to Au Kanseng, who
17 sent them there? Did the centre have the power to arrest people,
18 or was it -- or were decisions taken at the division level to
19 send these servicemen to Au Kanseng?

20 A. People were arrested and sent to my office or centre through
21 the regiment, under the decision made by the secretary of
22 division. Reports could have been filed before people were sent
23 gradually to the centre -- the correction centre.

24 [15.09.05]

25 Q. Thank you. You would take in prisoners up to which rank at Au

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1 Kanseng? Were there people, for example, of a certain rank who
2 were never sent to Au Kanseng because they were too senior? Can
3 you tell us if there was a distinction made and which kind of
4 military personnel would be sent to Au Kanseng?

5 A. It was the right and my capacity because I was holding the
6 rank equivalent to the lieutenant, and for that reason, people
7 who were holding the rank of captain or major would not be
8 subjected to be sent to this centre. We received people who were
9 the deputy chairmen of the Party branch. So, these are the people
10 who were sent there.

11 Q. Did you receive information back then on the location where
12 high-ranking military personnel were sent to, if they were not
13 sent to your centre? Did you get -- receive any information
14 regarding the captains or the colonels who were - who might have
15 been arrested back then?

16 A. Those people could have been sent to only one location in
17 Phnom Penh. I learned that these people who disappeared came to
18 Phnom Penh for study purposes. Some came to Phnom Penh through --
19 by car or by helicopters.

20 [15.12.00]

21 Q. Thank you. And how did you learn of this? Was this something
22 that was discussed within Division 801 or was this something that
23 was said to you during a meeting? Did Sou Saroeun speak about
24 this at one moment or the other?

25 A. They didn't tell us, but I -- as you know, this information

1 could not be hidden for -- all along, because people could
2 exchange during conversation, because people noted the
3 disappearance of other colleagues. So we kept asking one another
4 what happened to them. Then we learned about this information.

5 MR. PRESIDENT:

6 (No interpretation)

7 [15.13.08]

8 MR. DE WILDE D'ESTMAEL:

9 Thank you. So, we're going to try to understand the context, the
10 security context in the Northeast Zone when the centre was
11 created, and we're also going to try to understand when exactly
12 this centre was created.

13 And I'm going to show to the witness and display on the screen
14 document E3/1164 -- document E3/1164. And this is a report that
15 was sent on 25 November 1976 by Roeun from the Party Committee of
16 Division 801 to Uncle 89.

17 And, with your leave, Mr. President, I would like to read three
18 relevant excerpts of this document.

19 MR. PRESIDENT:

20 You may proceed.

21 BY MR. DE WILDE D'ESTMAEL:

22 Q. The first segment is under heading 2, on the second page; in
23 Khmer, 0052325 -- I'm sorry, it's on page 3 -- page 3 in all
24 three languages. And the report speaks about the enemies and the
25 enemy networks within Division 801, and in particular about

1 Regiment 83. And on page 3, the following is said -- and I quote:
2 "All of this information comes from the confessions of the
3 soldiers we arrested in Unit 83". End of quote.

4 [15.15.05]

5 And a second segment is under heading 4 of this document, and
6 it's called "A Certain Number of Priority Measures". And in Khmer
7 it's on page 00052327 - 52327; French, 00532754; English,
8 00516711 -- so, 00516711. And five measures are mentioned,
9 measures recommended by Roeun:

10 "1. Anyone who is suspicious of being an enemy must absolutely be
11 arrested;

12 "2. Regarding those that were denounced by the enemies, we must
13 examine the documents and ask for them to be arrested for the
14 moment;

15 "3. To impose a measure to remove and put into -- or who violate
16 discipline and who, after re-education, do not change their
17 behaviour should be cast aside and ordered to be followed
18 carefully." And fourth point: "Any company or squad cadres who

19 are inactive, deceitful, or lazy must absolutely be removed; and

20 "5. Those who are affiliated to political tendencies should be
21 arrested one after the other."

22 A little bit further: "Those who are good must be left alone, and
23 those who are against or those who are not active should be
24 removed and detained. Basically, those violating discipline and,
25 after three or four episodes of re-education, do not change their

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1 behaviour should be arrested or removed from the unit." End of
2 quote -- [free translation] -- regarding these measures.

3 [15.17.33]

4 And, finally, this report from Roeun to Uncle 89 states the
5 following on the very last page -- I believe it's the last
6 paragraph:

7 "This is a report of Committee 801 regarding enemy activities and
8 measures as stated above, and we request that Uncle make remarks
9 and comments. We look forward to receiving the Party's
10 recommendations." End of quote.

11 So, my first question here. Regarding the first except that I
12 read out, it was a question of soldiers who were arrested in 80
13 -- Unit 83. And I'd like to remind you that this report dates
14 back to November 25th, 1976. So I would like to know if the
15 confessions of these soldiers of Unit 83, described here --
16 whether these confessions were gathered at Au Kanseng or not?

17 [15.18.44]

18 MR. PRESIDENT:

19 Mr. Witness, please hold on.

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

21 MR. KOPPE:

22 Thank you very much, Mr. President. I am not quite sure how this
23 line of questioning fits within the scope as defined and set by
24 the Court. We are talking about a security centre, and the
25 questions don't seem to fit in the extent -- in the scope that

1 you had set. So I object to the question.

2 MR. DE WILDE D'ESTMAEL:

3 Mr. President, regarding the Au Kanseng Re-Education Centre, I
4 don't want to speak in detail about the detention conditions
5 because this is not part of the context of this trial. However,
6 what I want to know, what we should be focusing on is that, as a
7 unit part of Division 801 -- I'd like to understand how this unit
8 was part of the organization of this division.

9 [15.19.52]

10 And second of all, we are going to focus on the communication
11 that took place between the re-education centre and the higher
12 ranks.

13 And third of all, we would like to focus on the policies
14 regarding enemies. And as far as knowing who had -- and we'd like
15 to focus on who had the power to decide on the enemies' fate --
16 should they be released, should they be executed, should they be
17 detained - and who had that power within Division 801 and who
18 possibly had that power in Phnom Penh.

19 All of these topics that are linked to the Au Kanseng
20 Re-Education Centre, which the witness was the head of, seem
21 important to me. And in the same way, there's a certain amount of
22 information that the witness is liable to give to us because of
23 his duties in the past as head of this re-education centre, who
24 would closely follow the -- what was said by the detainees there.
25 So, this is my answer. And, therefore, I would like my question

1 to be answered by the witness.

2 (Judges deliberate)

3 [15.21.45]

4 MR. PRESIDENT:

5 The objection is not sustained. The question is not deeply
6 relevant to the correction centre at Au Kanseng; it's relevant
7 rather to the military structure.

8 Mr. Witness, please respond to the question, if you still
9 remember.

10 MR. CHHAOM SE:

11 A. I have no answer to this. The situation he mentioned was
12 consistent, though, but I just do not think I am in the capacity
13 to shed any light on this.

14 BY MR. DE WILDE D'ESTMAEL:

15 Q. Thank you. So, I read out five measures that were proposed by
16 Roeun to Bong 89, and let me remind these quickly: those
17 suspected of being enemies should be arrested; those who have
18 been denounced by enemies should also be arrested while we
19 examine the document; and we spoke about the arrest of those who
20 violated discipline - or, rather, to follow carefully those who
21 violated discipline; and we also said that the cadres of inactive
22 sections or cadres who are lazy should be removed; and those who
23 had political leaning should also be removed.

24 [15.23.43]

25 So, within Division 801 -- were these five measures sent to the

1 cadres of Division 801? And were they implemented?

2 MR. CHHAOM SE:

3 A. I think the measures you quoted were consistent to those
4 applied at different units, but that's not the case in my unit.

5 Q. And as the head of the Au Kanseng Re-Education Centre, did you
6 -- did the people who were sent to you correspond to the
7 categories of enemies or of people who did not behave properly
8 that were mentioned in the reports?

9 A. I am afraid I do not understand about this task because I were
10 to receive people who had been sent to me.

11 Q. Thank you.

12 Now, I'm going to speak about the communication between the Au
13 Kanseng centre and Division 801. As the head of the centre, to
14 whom did you have to report within Division 801?

15 [15.25.51]

16 A. There were different means of report concerning economy and
17 other affairs. 06 used to be in charge of this section, and later
18 on he did not ask me to report things to him and he asked me to
19 report directly to the commander of the division.

20 Q. And when you speak about 06, are you referring to a specific
21 person or to a unit - Unit 806? I didn't understand your answer
22 clearly. Can you be more specific, please?

23 A. In the 806, there were three battalions, and each battalion
24 had each a secretary or head, and we have to report to different
25 - to the head of the battalion. And with regard to the report

1 that we obtained from the confessions, for example, we did not
2 report to or copy to these heads of the battalions but to the
3 division commander instead.

4 [15.28.00]

5 Q. Thank you. Now, regarding the reports you would send about the
6 confessions, how often would you send these reports to the
7 division commander, Sou Saroeun?

8 A. I cannot recall such a detail; it's been so long already. And
9 I believe it depends on the urgency of the matter. If it's
10 urgent, then it would be more frequent.

11 Q. Thank you. Can you provide us some detail about the content of
12 these reports on the confessions? What was the purpose of sending
13 these reports to the division commanders? Why were these reports
14 useful to the division commander?

15 A. It was for him to make the decision whether the case was
16 involved greatly in politics, or whether it became a systematic
17 issue, or whether it was an isolated incident, and whether the
18 person should be arrested or disciplinary actions shall be taken
19 for that particular individual. That was the nature of the
20 report.

21 [15.29.58]

22 Q. And to be more specific, what is the nature of decisions taken
23 or disclosed by Sou Saroeun? Were these decisions related to
24 liberation or the need to carry out further investigations on
25 persons or were these decisions with regard to executions?

1 A. It is difficult to conclude regarding this matter because I,
2 myself, did not receive any instruction for the execution of
3 anyone. Because their offence was not of a criminal nature; it
4 could be isolated, it could have been implicated, and it was not
5 of a criminal nature. So, for that – for that kind of offence, it
6 would be difficult to make an immediate decision regarding the
7 execution. And later, more and more people had been – had been
8 sent, and then there needed to be a sort of study, a review of
9 the process. So, there was no instruction from him for executing
10 anyone or that because of them being -- committed treason or not.

11 Q. Thank you. I will revisit this point later.

12 [15.31.55]

13 In the first interview report, E3/405 -- that is, the interview
14 granted to tribunal investigators -- in answer to question number
15 8, this is what you stated:

16 "Among the errors made by military prisoners, there was, on the
17 one hand, people who -- had to do with confessions done by the
18 soldiers themselves or those who had been summoned to appear
19 according to confessions, and those who get -- who were
20 implicated in confessions given in Phnom Penh."

21 Can you tell us exactly how confessions obtained in Phnom Penh
22 were communicated to you? And can you also tell us whether those
23 confessions were sent to you in different ways? To be more
24 specific, I am talking of confessions obtained in Phnom Penh. How
25 were they communicated to your centre?

1 [15.33.35]

2 A. I received the confessions, in fact, usually through a message
3 from 05's office. It would be the names of people who had been
4 implicated in a confession of this person or that person.

5 And, on another instance, a person named Nau -- coming from the
6 General Staff, coming down to the location -- to my location for
7 a while, asking about the people who were implicated and those
8 people who were within Division 801.

9 Q. Thank you. Let me clarify something. You stated that most of
10 the confessions were received via Office 805; is this a reference
11 to - or, rather, 05 - I beg your pardon - not 805. Is this a
12 reference to Sou Saroeun and the code name 05?

13 A. Indeed, it was the code name for Sou Saroeun.

14 [15.35.04]

15 Q. Did it happen that the messenger from Ta Saroeun came and gave
16 you the confessions, or the confessions were conveyed to you in a
17 different manner? I want this to be very clear because I didn't
18 quite understand it.

19 A. Sometimes it was hand delivered, and some other times I was
20 called to receive the confessions from his place.

21 Q. Were there confessions obtained in Phnom Penh that were sent
22 to you because they were sent with the persons who came to your
23 centre? Did such a thing happen?

24 A. Yes.

25 Q. And do you know how Sou Saroeun himself received confessions

1 from Phnom Penh? Were you able to gather any information on this
2 subject, as to how he obtained confessions from Phnom Penh?

3 A. He had all kinds of radio communication at his disposal.

4 [15.36.58]

5 Q. Thank you. You talked about Nau from the military
6 headquarters. I want you to clarify this matter as well. Did that
7 person bring confessions from Phnom Penh?

8 A. Yes, he brought along some documents and he brought along
9 those documents as those documents were related to the work at my
10 place.

11 Q. Now, the confessions you received from - or that came from
12 Phnom Penh, were they from soldiers in Division 801 or from
13 cadres from the Northeast Zone?

14 A. They all came from Division 801, as some people had been
15 removed.

16 Q. Do you recall any of the names of some of those persons or the
17 positions they held when they gave the confessions in Phnom Penh?

18 A. No, I cannot recall any of the names, I forgot them all. It's
19 been a long time already.

20 [15.38.48]

21 Q. Did Sou Saroeun give you specific instructions regarding the
22 contents of confessions received from Phnom Penh - that is,
23 regarding what you had to do after receiving those confessions?

24 What was the purpose of sending those confessions to you?

25 A. Yes, he did tell me to be vigilant in following up on the work

1 -- how far did the matter go, for instance. And, if the matter
2 was serious, of a systematic nature, then further measures and
3 actions needed to be taken.

4 Q. Did Sa (phonetic) Saroeun ask you to carry out investigations
5 regarding those detained in your centre, regarding facts
6 contained in the confessions that were sent from Phnom Penh?

7 A. In some instances, yes, as some had been implicated. However,
8 they were not of a serious nature but they were afraid; then they
9 attempted to escape, then they were recaptured.

10 Q. Thank you.

11 Witness, please tell me whether you know a person called Keo
12 Saroeun alias Seng within Division 801.

13 [15.41.00]

14 A. I only knew Keo Saroeun but I did not know whether it was the
15 same as Keo Saroeun alias Seng. He was -- the one that I knew was
16 the Commander of Regiment 81.

17 Q. Was he also a member of the 801 Committee as Commander of
18 Regiment 81?

19 A. He was the Commander of Regiment 81.

20 Q. Do you know what became of him? Did he occupy that position
21 throughout the period of Democratic Kampuchea, up to 1979, or do
22 you know what became of him?

23 A. Later, he became a member of Division 801 -- that is toward
24 the end of the regime. And after a while, he was called for a
25 study session in Phnom Penh and he disappeared.

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1 [15.42.40]

2 Q. In your third interview record, E3/407, you stated that Keo
3 Saroeun disappeared in 1977, when he was called to report to
4 Phnom Penh. Do you confirm the year 1977 as the year in which Mr.
5 Keo Saroeun was arrested?

6 A. Yes, that is correct.

7 MR. DE WILDE D'ESTMAEL:

8 Mr. President, I would like to show the witness and to have
9 placed on the screen document D108/26.86. It is a list of S-21
10 prisoners, titled "Names of Prisoners Smashed on the 9th of
11 December 1977". In fact, it is one of the titles in the document.
12 The page that I would like to have placed on the screen: in
13 Khmer, it is 00009298 -- that is 00009298; in English, it is
14 00873622, and it is on page 501. On this list, I would like draw
15 the witness's attention to numbers 183 and 191 of the second
16 document I would like to show him. Thank you.

17 MR. PRESIDENT:

18 Yes, you may proceed.

19 [15.44.43]

20 BY MR. DE WILDE D'ESTMAEL:

21 Q. Very well. Witness, it is the second page. Highlighted in
22 blue, you can see the different numbers. I hope you (sic) do not
23 mistake the lines. There is no French ERN for this document.
24 May I request you to tell us whether number 189, "Kev Saroeun"
25 alias "Seng", member of Division 801, who went into S-21 in May

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1 1977 -- is that indeed the Keo Saroeun we have just referred to?

2 MR. CHHAOM SE:

3 A. Yes, that is the name.

4 Q. Now, on the same page, numbers between 183 and 191, there are
5 other names of cadres of Division 801. Do you know some of these
6 names, the names that feature on this list?

7 A. It was Pao Sam Onn (sic), Touch San. I only knew these three
8 -- that is, including Keo Saroeun.

9 [15.46.34]

10 Q. Thank you.

11 Mr. President, with your leave, I would like to show another
12 document referring to Keo Saroeun, and it is document D267/D.2
13 (sic). It is Keo Saroeun's confession given at S-21.

14 Witness, by way of an introduction, in your interview before the
15 Co-Investigating Judges, you said that you took note of certain
16 confessions. I would like to show you one of the pages of this
17 confession. In Khmer - in Khmer, it's 00414996; and in English,
18 it is 00783155. May I request you to look at the annotations on
19 this page?

20 Mr. President, may I also request your leave to have this page
21 placed on the screen?

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 [15.48.32]

25 BY MR. DE WILDE D'ESTMAEL:

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1 Q. I'll read the annotation signed by Duch to "Respected
2 Brother", dated the 5th of June 1977. I will read it in English
3 because there is no French translation of this page, I believe.
4 And may I request the interpreters, therefore, to interpret from
5 English instead of from French -- [intervention in English] - I
6 quote: "When asked about the situation in the unit of A Keo
7 Saroeun, he reported that there were up to 58 [...] embedded in his
8 traitorous network in Division 801, some of whom were Chhaom ,
9 Lem , Nat , Than , Kev Narong alias Bav , who have already been
10 removed to the base." End of quote -- [end of intervention in
11 English]

12 Witness, my first question to you, even though this annotation is
13 in black and white and not in red - the question is: Do you
14 recognize these handwritten annotations?

15 [15.50.12]

16 MR. CHHAOM SE:

17 A. No, I can't recognize the handwriting, but I might know the
18 person by the name of Chhaom who had been removed.

19 Q. What was the duty of this person called Chhaom in Division
20 801?

21 A. Chhaom was in charge of a battalion.

22 Q. Is this person called Chhaom one of them detained at the Au
23 Kanseng Centre?

24 A. No, he was not because he had been sent.

25 Q. When you say that he was "sent" - or "he had been sent", do

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1 you mean that he was sent to Phnom Penh? Did he disappear?

2 A. Yes. We heard that he had been sent to Phnom Penh, and he
3 never returned to the office again.

4 [15.51.51]

5 Q. When you heard that a number of cadres – you mentioned Ta Ya
6 in the zone; now you've mentioned Chhaom and Keo Saroeun. When
7 they were called to Phnom Penh, did you never receive any
8 information regarding the entity in Phnom Penh that had summoned
9 them to go to Phnom Penh?

10 A. I did not know the details of this matter. It was based on
11 their own chains of command – that is, the instructions from the
12 division commander.

13 Q. Thank you. I have a few questions regarding instructions you
14 may have received as the director of the Au Kanseng Re-Education
15 Centre.

16 Did Sao Saroeun send you any instructions regarding a distinction
17 that had to be made between persons who had committed minor
18 offences and persons who had to be monitored closely?

19 A. Yes, he did send that document to me. If – the instructions
20 were if the nature of the offence could be re-used – otherwise, I
21 had to consider that, depending on the severity of the offence.

22 [15.53.51]

23 Q. Thank you. You told us a while ago that you did not give
24 details on executions. You said that, among those who were
25 detained, some were sent for execution. Was it the centre itself

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1 that sent people for execution or other members of Division 801
2 who sent those persons to be executed when you were the director
3 of the centre?

4 A. Regarding the execution, I, myself, never issued any orders
5 for the execution because they were not criminals, even if those
6 people who committed serious offence and were shackled, since we
7 did not have a complete document on those people.

8 However, some of them caused an injury to one of my guards. They
9 were into a fight, and as a result, one died. And in the second
10 instance, one person who was shackled escaped; that person was
11 chased, and it resulted in his death. But there was no instance
12 at all of where people were released to work outside and were
13 later being executed.

14 Separately, regarding the group of six people, I receive
15 instructions from Sao Saroeun for them to be executed.

16 [15.55.51]

17 Q. In your first interview, E3/405, in answer to question number
18 16, you stated - [free translation]: "Most executions of
19 prisoners which - who were not able to correct took place in late
20 1978."

21 Apart from the six persons you have just referred to, were there
22 other persons who were received at the centre and were
23 subsequently executed?

24 A. As I stated earlier, there were three other people, due to
25 their reactions and the harm they caused to one of the - my

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1 guards. Besides that, no one else had been sent for execution.

2 Q. As director of the centre, one of your duties was to obtain
3 confessions from detainees. Did you receive orders from the upper
4 echelons of Division 801 regarding the need to resort to
5 torturing persons who – who refused to make confessions?

6 [15.57.43]

7 MR. PRESIDENT:

8 Witness, wait.

9 Defence Counsel, you may proceed.

10 MR. KOPPE:

11 Thank you, Mr. President. I object to this line of questioning
12 because it doesn't fall within the scope. It's not about
13 structure anymore; it's about actual executions within the
14 sector, so I think that is outside of the scope of this trial.

15 MR. DE WILDE D'ESTMAEL:

16 Thank you. Let me respond, Mr. President.

17 My question was whether any orders were issued by the upper
18 echelons of Division 801. I am talking about internal
19 communications in that division. What I want to know is whether
20 such orders were issued and whether there were communications
21 between Division 801 and the Centre. I think that in the final
22 analysis, since this deals with communications, this question is
23 acceptable, Mr. President.

24 (Judges deliberate)

25 [16.00.05]

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1 MR. PRESIDENT:

2 The Co-Prosecutor, please try to rephrase your question. And the
3 nature of your question shall be the one of the nature of the
4 communication and its – the structure, and not focus on the
5 functioning of the Au Kanseng structure.

6 BY MR. DE WILDE D'ESTMAEL:

7 Thank you.

8 Q. I would like to ask you a question about the possible release
9 of detainees. Did you have the power to decide that they would be
10 released, or was that decided at the division level by the
11 division secretary?

12 [16.01.07]

13 MR. CHHAOM SE:

14 A. Yes, it is.

15 Q. Now, regarding the decisions taken by Sou Saroeun – and you
16 said that you sent summaries of confessions for him to take
17 decisions. During the meetings with him, did he ever speak to you
18 about the fact that he, himself, had to sometimes refer or report
19 to the Party Centre in Phnom Penh and wait for the decisions from
20 the Centre before deciding on the fate of a prisoner?

21 A. It was part of the confidential policy, and I think we were
22 not authorized to be informed.

23 MR. PRESIDENT:

24 Thank you, Mr. Co-Prosecutor, and thank you, Mr. Witness.

25 It is now appropriate time already for today's adjournment. The

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1 hearing is adjourned today, and the next session will be resumed
2 on Monday, the 14th of January 2013.

3 Mr. Chhaom Se, your testimony has not yet been concluded. The
4 Chamber would like to hear your testimonies again on Monday next
5 week. The session on Monday will start, as usual, from 9 a.m.

6 [16.03.02]

7 And duty counsel is also invited to come and assist the witness
8 during his testimony next week.

9 Court officer is now instructed to assist the witness during the
10 adjournment and have him returned to the courtroom by 9 a.m. on
11 Monday.

12 Security personnel are now instructed to bring all the Accused to
13 the detention facility and have them returned to the courtroom by
14 9 a.m. on Monday, except Mr. Ieng Sary, who is now instructed to
15 return to the holding cell, where he can observe the proceedings
16 from there.

17 The Court is adjourned.

18 (Court adjourns at 1603H)

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