

**Khmer Rouge Military Operations, Structure, and Purges Detailed
Amidst Challenges to the ECCC's Legacy**

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Witness Meas Voeun continued testifying Thursday, October 4, 2012, before the Extraordinary Chambers in the Courts of Cambodia (ECCC), providing extensive insight into the battles leading to the fall of Phnom Penh on April 17, 1975, as well as the military structure, leadership and purges in the Southwest and North zones during the Democratic Kampuchea (DK) period.

At the same time, storm clouds gathered both outside and within the courtroom, as International Co-Counsel for Nuon Chea Andrew Ianuzzi attempted to turn the focus from the testimony to the day's front-page story in the Thursday's *Cambodia Daily* suggesting, as Mr. Ianuzzi asserted, that the ECCC's intention to have a positive effect on the municipal legal system had been an "abject failure" in light of the 20-year sentence handed down this week to Beeline radio owner and political campaigner Mam Sonando for crimes including insurrection.

Determinations on Time Allocation

Thursday's hearings were largely before a half-full public gallery of high school students – in the morning, students and youth association members from Kandal dressed in newly-issued youth association shirts, and in the afternoon, students from Takeo province. At the hearing's outset, International Senior Assistant Co-Prosecutor Tarik Abdulhak sought clarification from Trial Chamber President Nil Nonn as to the time allocation to the Office of the Co-Prosecutors (OCP) and the Lead Co-Lawyers. He relayed the prosecution's understanding that they would have the

entire day today as well as an additional hour on Monday, October 8, 2012 to question the witness, in view of the delayed start to questioning the previous day.

The president advised instead that calculations of time allocation were based not on hours but on sessions in the day, and that accordingly, the OCP and Lead Co-Lawyers would only have until the end of today to complete their questioning.

Battles along National Road 5

Mr. Abdulhak then turned to the witness, directing Mr. Voeun to his previous day's testimony concerning the battles at Uddong and along National Road 5. Granted leave by the president, he showed the witness a document, purported to be a statement by Khieu Samphan, Hu Yun, and Hu Nim, concerning advances in the battles at those sites.¹ Mr. Abdulhak quoted a number of passages in that document as follows:

As to battlefields along National Road 5, the Kampuchean People's Liberation Armed Forces are continuing to smash the enemy from the south of Kampong Chhnang and from Kampong Chhnang to Sala Lek Proam.² ... According to the interim statistics, we have smashed, injured, killed, deserted, and made prisoners of war 1,050 enemies at the battlefields of Banteay Meah, Kampong Chhnang, and Prek Khmer along National Road 5. Additionally, our militia squads in the battlefields along National Road 5 have jointly smashed 120 enemies.

Mr. Abdulhak asked the witness whether he recalled these battles and victories and whether the descriptions of them were accurate. Mr. Voeun agreed to both propositions. As to what position Khieu Samphan held at that time, the witness stated, "At that time, I did not know." Finally, as to how this information was communicated from the battlefields to people like Mr. Samphan, the witness explained that "it was done through a kind of radio communication" and that would communicate this information "up to the division."

The Fall of Uddong

Mr. Abdulhak moved to the events at Uddong that the witness had said took place either in 1973 or 1974 and asked the witness whether there were any civilians still in Uddong when the witness entered. The witness denied this, adding that "they had all left to the liberated zones ... which were not that far ... about 8 km away. ... At that time, zones were not yet set up; there were divisions along National Road 5 and at the rear. There were villages inside the liberated zone."

Asked whether any Khmer Republic soldiers or officials were captured during the fall of Uddong, Mr. Voeun said, "We did not capture any soldiers, that is from the west ... but I did not know what happened from the east direction." At this juncture, Mr. Abdulhak read to the witness from a broadcast by the Information Bureau of the United National Front of Kampuchea dated April 11, 1974.³ This broadcast recounted a speech given by Khieu Samphan, in his capacity as

¹ This document has the number E3/27, with ERNs 00442329 (in Khmer), 00752171 (in French), and 00740933-934 (in English).

² This is translated as "School Number 5."

³ This record of broadcast has the document number E3/167 and ERNs 00596141 (in Khmer), S00000122 (in French), and 0000280586 (in English).

Deputy Prime Minister, at a reception in the Democratic People's Republic of Korea, in which he stated:

The Cambodian People's National Liberation Armed Forces attacked the enemy forcefully and are now solidly implanted at the very gates of Phnom Penh, and Phnom Penh itself, the last hideout of the traitors, has become a burning battlefield under the increased pressure of our People's National Liberation Armed Forces. On March 18, our People's National Liberation Armed Forces liberated another city, Uddong, by annihilating all the puppet soldiers there along with their reinforcements. In other words, over 5,000 enemies were eliminated, 1,500 of whom were captured.

Mr. Abdulhak inquired whether this passage refreshed the witness's memory as to the fate of the Khmer Republic soldiers. Mr. Voeun stated that he did not know the numbers of casualties, although "there were dead soldiers there." Nor could the witness provide details about what happened to the captured soldiers.

Returning to the situation of civilians of Uddong at that time, Mr. Abdulhak read the witness a passage from an American cable issued in July 1974 containing a press summary in relation to the events.⁴ The relevant passage stated:

GKR⁵ announces capture of Uddong though city devastated and all of its 100 monasteries destroyed or damaged. Uddong's 30,000 civilians were marched away when rebels overran town. ... Military sources say about 1,300 rebels and 100 GKR soldiers KIA⁶ in two month effort to recapture Uddong.

Mr. Abdulhak sought the witness's views on whether he recalled the latter event, namely the alleged attempt to recapture Uddong. Mr. Voeun replied that he recalled the liberation of Uddong but not the fate of captured soldiers. As to the 30,000 civilians, he recalled that people left but could not comment on the exact number. Pressed by Mr. Abdulhak as to whether the civilians left voluntarily, Mr. Voeun said, "It is my knowledge that the people did not want to go but we had to force them to go in order to avoid the fighting," and further, that "there was no order. They left by themselves."

The Liberation of Phnom Penh on April 17, 1975

At this point, Mr. Abdulhak returned to the battles for Phnom Penh and the events immediately prior to April 17, 1975. He noted that in the witness's first Office of the Co-Investigating Judges (OCIJ) interview,⁷ he had told the investigators of a meeting between the "general staff" and division commanders of the military from the East and Southwest zones, conducted by Son Sen

⁴ This cable has the document number E3/194 and ERNs 00709524 (in Khmer), 00726584 (in French), and 00412834 (in English).

⁵ Mr. Abdulhak postulated that this acronym might refer to the government of the Khmer Republic.

⁶ This acronym usually refers to the phrase "killed in action."

⁷ This document has the number E3/424, and begins with ERN 00418518 (in Khmer), 00784178 (in English), and 00455266 (in French).

and Nuon Chea. Following this, Mr. Voeun had said, the division commanders then conducted further meetings to disseminate relevant information to regiment commanders.

With respect to these statements, Mr. Abdulhak first asked the witness what the “general staff” was. After some clarification from Mr. Abdulhak, Mr. Voeun stated, “My understanding was that the general staff had the overall command of divisions across the country.” The witness recalled that in addition to Son Sen and Nuon Chea, Ta Mok was also part of the general staff. However, in times of battle, divisions such as the witness’s did not receive orders or instructions from the general staff. Instead, they took orders from the division commanders, namely Ta Mok and Ta Sy. He confirmed that Ta Sy was an alias for Chou Chet.

The witness then testified that in the subsequent regiment commanders meeting the witness attended:

The division would receive orders from the general staff and then the commanders of the division would continue to circulate information to the military structures down below the line, but the meeting did not take place in a proper venue, [such meetings] were normally conducted under the trees, etc.

When prompted from Mr. Abdulhak as to the order to liberate Phnom Penh, Mr. Voeun explained that the general staff determined the aim “to liberate Phnom Penh on April 18, ... but in reality, we were able to liberate Phnom Penh on April 17, 1975.” Mr. Abdulhak noted that in the same passage in the witness’s OCIJ interview, the army was tasked to open attacks into Phnom Penh but instructed by the upper echelon not to attack enemies who raised white flags. As to who the “upper echelon” was, the witness responded, “Those who were in senior command, such as Ta Mok, Son Sen, and those who were above them.” Mr. Voeun added, “Back then, I only knew Ta Mok, Son Sen, and Khieu Samphan.” As to his understanding of the latter’s role, the witness said, “I heard from the radio broadcast that he was the head of the Democratic Kampuchea (DK) National Reunion Front.”

Mr. Abdulhak inquired how many divisions were involved in the liberation of Phnom Penh. The witness did not specify a number and could not recall their names but advised that they were from the Southwest, East and the North zones, were fighting their way into Phnom Penh from various directions, and “received direct instructions from Ta Mok and Son Sen.”

Mr. Abdulhak then asked several questions on the actual entry of Khmer Rouge troops into Phnom Penh. The witness advised that there were 600 troops fighting their way from the spearheads Pochentong, Stung Meanchey, and O’Bek Ka-Am. They entered Phnom Penh on April 17, 1975, perhaps around 9 a.m., he recalled, stating that his division and others “entered Phnom Penh later than the North zone division and the division from the East zone.” His division had been “instructed to fight our way in order to occupy the headquarters of Lon Nol soldiers,” he continued, noting, though, that they did not reach this target, but the divisions from the North and East zones did. The witness’s troops were then stationed “west of Borei Keila complex” and stayed for only one full day.

Mr. Abdulhak referred to the witness's testimony the previous day that when he entered Phnom Penh, it was quiet and whether this was because the fighting with the Lon Nol soldiers was already over. The witness confirmed that there was no fighting anymore: "Phnom Penh dwellers were staying inside their homes quietly."

As to whether any civilians were leaving their homes on April 17, the witness first stated that he did not see any civilians as they were staying in their homes. When Mr. Abdulhak pressed on this point, Mr. Voeun said that he saw them leave the city as he stayed in the city for one full day. A few days later, he saw people leaving the city on National Roads 3 and 4. Mr. Voeun heard that people were required to leave the city, he said, "from people who were marching out of the city. Those civilians told me that they were required to leave." He did not know whether anyone was permitted to stay in the city.

The prosecutor pressed the witness on the reasons for the evacuation of Phnom Penh. Mr. Voeun responded that he heard from his division commander informally, about a week after the evacuation, "that city people would be evacuated for a week or so, and once Phnom Penh was very well organized ... they would be returned back."



*Khmer Rouge soldiers await orders from their commanding officer during the Democratic Kampuchea period.
(Source: Documentation Center of Cambodia)*

Transfer to Koh Kong and Operations in the West Zone

"Following the liberation of Phnom Penh," the witness stated in response to Mr. Abdulhak's next line of questioning on this point, he was instructed to withdraw his troops out of Phnom Penh. At that time, their role was to undertake "farming in Kambol."⁸ They were farming crops, and, after a time, were ordered to further withdraw to Kampong Trach in Kampot, he recalled.

⁸ Kambol is a commune which in 1975 would have been considered to be on the outskirts of Phnom Penh.

Mr. Abdulhak sought clarification on the witness's first OCIJ interview in which he stated that the "upper echelon" had transferred the witness. Mr. Voeun stated that he left for Kampong Trach in 1975, and then, sometime in 1977, he left for Koh Kong province. Mr. Abdulhak referred to the witness's second OCIJ interview,⁹ in which he said that he went to Koh Kong in December 1976. Asked for clarification, the witness responded that he "was stationed in Kampot province for ... about 10 months or so, and then my troops were transferred to Koh Kong province ... in late 1976 or nearly 1977, I cannot recall it very well."

Next, Mr. Abdulhak questioned the witness on the number of soldiers who were transferred to Koh Kong, noting that in his previous day's testimony, Mr. Voeun had said that he was transferred with one and a half regiments but to the OCIJ, that he was transferred with 2,700 soldiers. The witness confirmed that 2,700 was the initial number but then several fell ill with malaria and were sent back, leaving only a few hundred soldiers left.

Mr. Abdulhak noted that, according to the witness's first OCIJ interview, he was appointed deputy commander of Division 1 while working in Koh Kong. As to who appointed him, the witness stated that it was the "division commander and the West zone secretary." Mr. Abdulhak noted that, according to Mr. Voeun, Soeung was the division commander and Chou Chet *alias* Sy the West zone secretary. The witness confirmed that these were the people who appointed him. Referring to Ta Soeung, Mr. Abdulhak noted the witness's previous testimony to the OCIJ that Ta Soeung was appointed to the zone committee, and he asked who made this appointment. The witness stated that he believed it was Ta Mok.

At this point, Mr. Abdulhak turned his attention to the witness's duties in Koh Kong. The witness confirmed his previous testimony to OCIJ investigators that his duty was to protect sea and land territory. With respect to the former, the witness stated, "We had ships and infantry stationed on the islands and along the coastal lines."

Mr. Abdulhak then referred to the witness's testimony to the OCIJ that at one point, "there was another event. Our people were trying to flee to Thailand."¹⁰ He sought additional details on this event. Mr. Voeun stated that sometimes his troops "saw people in the forests and sent them back to the rear. There was no proper path to travel [to Thailand]. There were no boats for them to cross the sea, so usually they would travel in the forest, along the trails." Civilian attempts to flee to Thailand did not happen often, according to Mr. Voeun. There were sometimes one or two, and his troops would "feed them, take them to their barracks and then return them to their cooperatives." He had no instructions about what to do with such people but he would report this to the division via "mobile radio communications and telegrams," and then the division would take these people back to the rear. The witness confirmed that these communications were with Ta Soeung.

Mr. Abdulhak next referred to the witness's testimony before the Trial Chamber that while guarding Cambodia's coastline, he received orders from the division, which also received orders from the general staff. As to how the division and general staff communicated, the witness advised that telegrams, and sometimes direct visits, were used. Mr. Voeun stated that "Son Sen

⁹ This document is numbered E3/80.

¹⁰ E3/80.

... together with Ta Mok” were in charge of the general staff. The witness denied ever receiving direct orders from the general staff, only from the division secretary.

Returning to the witness’s role in the coastal defense of Cambodia, Mr. Abdulhak asked which islands the witness was responsible for protecting. The witness identified Koh Sdach island to Koh Kong, and Koh Yorng, and then from Koh Sdach to Koh Rong (in Kampong Som) and to Koh Poulou Wai, these islands were under the control of Division 3, for which Ta Mut was the commander. Mr. Voeun advised that at regimental level, Divisions 1 and 3 communicated to get to know each other and familiarize themselves with each other’s tasks and ensure there was no overlap. However, he added, division commanders did not meet.

The prosecutor probed the witness on his telegraphic communications with Ta Soeung, asking a number of questions to clarify points made in the witness’s testimony before the Trial Chamber and in his third OCIJ interview.¹¹ The witness confirmed that he communicated with Ta Soeung through daily telegraphic communications and that he communicated by telegraphs with the regiments of Division 3. Mr. Voeun said that in the three years in which he stayed in Koh Kong, Ta Soeung visited only once.

At this point, Mr. Abdulhak once again returned to Cambodia’s coastal defense and the issue of the capture of boats. The witness stated that, pursuant to an order from the division, he sometimes captured Thai fishing boats when “they encroached into our territorial waters to engage in their fishing.” Upon capture, the witness’s troops “would keep the boat, and those on the boat would be sent to Ta Soeung’s division headquarters in Kampong Som. Ta Soeung’s office was in Prey Nub, the witness explained, but he worked in Kampong Som as well. Mr. Voeun did not discuss with Ta Soeung what happened to the Thai fishermen; he simply advised Ta Soeung of their capture, and then Ta Soeung requested these fishermen be sent to him.

“Occasionally, we saw Vietnamese boats,” the witness went on, following prompting from Mr. Abdulhak. They saw these boats about once a month and sometimes successfully captured them, he explained; there were “Vietnamese ... women and children and men, usually husbands and wives” on those boats. The witness stated that these people were also sent to Kampong Som. He stated that these people were heading to Thailand, “but because they did not speak Khmer that fluently, I could not understand fully when they spoke.” Mr. Voeun captured these boats because once again, they encroached on “Cambodia’s territorial waters,” so his troops “needed to capture and question them.” Mr. Voeun reported this to the division, and due to communication difficulties with these people was the reason they were sent to Kampong Som. He did not know, however, whether the division in turn reported these captures to the general staff.

Before the morning adjournment, Mr. Abdulhak’s final questions related to the witness’s testimony in his second OCIJ interview about the West zone and removals of its leaders. Mr. Abdulhak cited a portion of that testimony in which the witness stated that a month after he arrived in Koh Kong, “Nhoek, the Sector 37 secretary, original name Aiev and the person in charge of the Sector 37 military, were removed. When they were removed, I knew that they were sent to the zone, but I did not know the reason for their removal.” Mr. Voeun said that he learned

¹¹ This has the document number E3/73.

of their removals through some of the sector soldiers. As to the structure of the West zone, the witness confirmed that the zone was comprised of three sectors: 31, 32, and 37.

West Zone Structure, Communication, and Leadership

After the adjournment, Mr. Abdulhak continued discussion of the various sectors in the West zone, with the witness confirming that he was based in Sector 37. Mr. Abdulhak asked the witness to clarify what it meant when the Sector 37 secretary was removed and “sent to the zone.” The witness stated that this meant that they “were sent to the location of Ta Sy.”

At this point, Mr. Abdulhak began showing the witness a series of telegrams from the West zone. The first, Telegram 45, was dated October 6, 1977.¹² This document, Mr. Abdulhak described, had “Western Division, Political Section” inscribed in the top left hand corner of the page, while in the bottom right hand corner, it indicated that it was authored by “Office 09, Koh Kong.” Mr. Abdulhak inquired whether this reference was to the witness’s office in Koh Kong. Mr. Voeun stated that he did not know about this office; there was no office where he was located, they were only a group of soldiers.

Mr. Abdulhak then read from the document in an attempt to refresh the witness’s memory, as follows:

During the evening of 5-10, our defense unit along the cast dispatched a defense patrol since many enemy boats entered west of outer Koh Kong. ... Arriving at 4 in the morning, one enemy boat was captured west of Koh Srau island. ... One Thai person was aboard the vessel.”



The witness stated that he did not recall this and this document was not sent from his place.

Asked whether there was a telegram office that he used, the witness said there was not and that he had a telegraph machine for communicating with Ta Soeung. Mr. Abdulhak directed the witness to the bottom left hand corner of the document, which noted that the telegram was copied to “Brother 89, Office Archive Files.” Mr. Voeun stated that he did not know who this was. As to the format of the telegram, he stated that this was not a telegram like the ones from his area and that his telegrams differed in that “at my area, we would have ‘07’” on the telegrams by way of identification.

Mr. Abdulhak showed Mr. Voeun a second telegram from the Western Division dated August 12, 1977, this time with handwritten annotations and signed by Soeung.¹³ Again, this telegram had “Western Division, Political Section” typed on the top left hand corner of the page. “On August 11, at 10

¹² This document has the number E3/137.

¹³ This document has the number E3/1031.

a.m.,” Mr. Abdulhak read from the telegram, “an enemy jet plane S15 was flying over our islands at Koh Kong Krao from the north to the south.” Mr. Abdulhak noted that the document’s author was Soeung, and Mr. Voeun confirmed that this could be Ta Soeung. The witness then added that this island was one that he had been tasked with protecting and that Ta Soeung would likely have received this information from the battalion commander during the witness’s absence.

Moving on, Mr. Abdulhak turned to the handwritten annotations. He noted that they were signed by Khiev, and asked whose alias this might have been. The witness responded that there was no one with such a name at the battalion level in his regiment and that he did not know the aliases of everyone in the army. At this point, Mr. Abdulhak asked Mr. Voeun if he could recall the alias of Son Sen. The witness responded, “At the general staff level, Khiev referred to Son Sen.”

This exchange prompted an objection from International Co-Counsel for Khieu Samphan Anta Guissé. Ms. Guissé noted that there was an apparent error in that there was no mention of the name Khiev in the French version of the document. Mr. Abdulhak duly advised Ms. Guissé of the correct ERNs, and then referred back to the telegram, and specifically to the first handwritten annotation on the left hand side, which read:

To Angkar, for information: Based on the oral report of Comrade Mut, yesterday we caught a boat, 150 h.p. in Koh Kong Krao, on the southern part of the island, the place where Brother and I docked the ship. Arrested four Thais and one Khmer. Their responses are relevant. There were bamboo rafts on the boat. Under investigation.

The witness stated that his unit was not involved in the August 1977 capture of these people.

The final West zone telegram Mr. Abdulhak showed to the witness, dated March 31, 1978,¹⁴ was again signed by Soeung. He quoted from the document as follows: “On the night of March 29, 1978, at 3.15 a.m., we seized three Thai boats in front of Yornng Island. The boats were 5 km away from the island.” Mr. Abdulhak inquired whether the “Yornng Island” mentioned in the telegram was the same island the witness mentioned as one that he was protecting. The witness confirmed both this and the fact that the telegram was from his unit.

Mr. Abdulhak indicated that at the third point in the telegram, there was mention of an arrest of one person. The witness said that he could not recall that event. As to the communication of information in the zone, the witness confirmed that the telegram was an instance of information being provided to Soeung and then Soeung sending this information on to a higher level.

Next, Mr. Abdulhak showed the witness a copy of a Report by the Office of General Staff on Telegrams received during December 1976.¹⁵ He noted that in the top left hand corner of the document were the words “Revolutionary Army of Kampuchea, Office of General Staff” and, in the body of the document, the heading “Overall Situation in the Country and Along the Border from December 1 to December 31, 1976. “At 1130 hours,” read part of the document, “our

¹⁴ This document has the number E3/1001.

¹⁵ This document has the number E3/1132.

patrol unit exchanged fire with Thai soldiers who were preparing their defense line along the border with the rubber plantation.” Mr. Abdulhak asked if this document was about events along the maritime border, to which the witness stated that he did not know.

Koh Kchhang Security Center and Reasons for Peoples’ Arrest

At this point, Mr. Abdulhak moved on to ask the witness for details of Koh Kchhang security center in Prey Nub district operating in the area where the witness was based, as discussed in the witness’s second OCIJ interview. Mr. Voeun said that he never went there himself but was informed of its existence from others. He did not know how often Ta Soeung visited the security center. He added, “Initially, he [Ta Soeung] did not supervise that area, because the Koh Kchhang security center was established before he arrived.” The witness confirmed that the security center was established before the witness was transferred to the Koh Kong area in 1976.

Mr. Abdulhak noted that according to the witness’s testimony to the OCIJ, the soldiers arrested and sent to Koh Kchhang included soldiers “whose fathers had been soldiers in the previous regime.” Mr. Voeun stated that, in this respect, “as for those soldiers in Division 1, Ta Soeung took them to that security center but he did not arrest them from their base, they were called to his location and then they were taken to Koh Kchhang security center or elsewhere, I was not completely sure on that.”

Mr. Abdulhak noted the witness’s testimony that a “special force of the division [was] tasked to conduct investigations and examine the biography of each combatant.” He then pressed the witness for details of role of the special unit. Mr. Voeun confirmed that this was the unit which would arrest people and take them to Ta Soeung, and that Ta Soeung issued orders as to who the special unit should arrest.

At this point, Mr. Abdulhak returned once more to the issue of people linked to the Khmer Republic regime, noting the witness’s testimony that the “child of a ranking soldier or official in the previous regime” would be arrested and “taken to the rear” if this detail was discovered from the examination of biographies. Mr. Abdulhak asked about the motive for such arrests. “Combatants in Koh Kchhang were sent to tempering places to dig canals at Banteay Longvek, and Ta Soeung was the one who decided the transfer of the soldiers,” Mr. Voeun replied. He confirmed that this meant some of his own soldiers were arrested. He advised that they were physically taken away by “the special division,” that he was informed that the soldiers were being removed, and that he did not resist this due to “fear of my personal security.”

Again Mr. Abdulhak pressed the witness on the reasons for these removals. Mr. Voeun responded, “There was an order ... and it came from the supervisor of all the regiments [i.e., the head of the division]; ... he had the final say on the fate of soldiers.” The unit who carried out the removals, Mr. Voeun clarified, “was not the special division, it was the special regiment subordinate to the division. They received orders from the division commander to remove certain regiment soldiers to the rear.”

Mr. Voeun added that people were removed because “they had some family connections with the previous regime.” Mr. Abdulhak noted that in the witness’s third OCIJ interview,¹⁶ the witness

¹⁶ This document has the number E3/73.

had stated that removals could occur “when there were bandits and when people attempted to flee to Thailand.” Mr. Abdulhak asked the witness if these were indeed additional reasons for which people were removed, and the witness confirmed this.

Moving on, Mr. Abdulhak asked the witness whether Ta Soeung ever mentioned the arrests of people during his regular meetings with the witness. The witness said that:

When he convened a meeting with me, he instructed me to keep a record of the biographies, and keep track of the performances of the soldiers, and also discover the previous acts of the soldiers before a decision would be made to remove any individual soldiers. . . . As far as the biographies were concerned, they collected those biographies and handed them in to Ta Soeung.

Torture-Tainted Evidence and the “Enemies Burrowing From Within”

Mr. Abdulhak turned to the witness’s discussion, in his second OCIJ interview, of his attendance of two congresses — a West zone congress and a West zone military congress. International Co-Counsel for Nuon Chea Andrew Ianuzzi interjected at this point that some of the paragraphs in this portion were “in the realm of torture-tainted evidence” and that some of the evidence being referred to by the OCP was obtained through torturous means.

Mr. Abdulhak responded that the OCIJ interview was in evidence and that the content of the S-21 confession would not be relied upon in a way that would contravene the Convention against Torture. He clarified that he sought to ask the witness questions simply based on the witness’s own memory and not based on questions he might have been asked by the OCIJ investigators.

President Nonn noted that the judges were cognizant of these issues and would observe, from time to time, whether questions were appropriate with respect to the use of torture-tainted evidence. He then directed Mr. Voeun to respond to Mr. Abdulhak’s question.

Mr. Voeun answered that he did participate in the two congresses. Mr. Abdulhak responded by highlighting additional statements that Mr. Voeun made in his witness interview, including that “Ta Nuon Chea or Ta Pol Pot were usually present at the zone congresses” and that “the West zone congresses lasted about a week because during the congresses, there were study and discussion sessions, and we were divided into groups to have self-criticism meetings, day and night.” Asked whether this was correct, the witness responded, “I only saw Ta Pol Pot, Ta Pal, Ta Sy, the zone committee, and commanders of regiments, together with the secretary of the division.” How then, Mr. Abdulhak continued, did Mr. Voeun know that it was usually Nuon Chea and Pol Pot who were present at congresses? The witness reiterated his previous statement regarding the identities of leaders present at those congresses and stressed that he “did not see Nuon Chea.”

This statement prompted a second objection from Mr. Ianuzzi, who noted that in the witness’s OCIJ interview, his statement about the attendance of Nuon Chea and Pol Pot had immediately followed the OCIJ’s earlier reliance upon torture-tainted evidence in which the OCIJ had put the title “Brother Number Two” to the witness. “This witness has been improperly influenced by torture-tainted evidence, and now it’s coming out in court,” Mr. Ianuzzi opined. Mr. Abdulhak

disagreed, arguing that “these words, ‘Ta Nuon Chea and Ta Pol Pot,’ are the witness’s words. ... I was very cautious and I asked him to give us only the information from his own memory. I just wanted to clarify whether that was from his own memory or a mistake.”

The president cut off Mr. Ianuzzi’s attempt to reply, stating that the Trial Chamber would not grant leave for parties to make such replies, advising Mr. Abdulhak to be cautious as to his line of questioning and to rephrase the question so as to directly put it to the witness. Mr. Abdulhak then asked Mr. Voeun whether it was correct that Pol Pot or Nuon Chea usually attended zone conferences. This prompted Mr. Ianuzzi to object yet again, insisting that Mr. Abdulhak was relying on the same piece of evidence and that the name Nuon Chea had been put to the witness by the investigator.



Mr. Abdulhak began to respond that Mr. Ianuzzi was “quite mistaken,” when the president advised the prosecutor to stop his reply to permit the Trial Chamber judges to confer. Following this conference, the president advised that the objection was not well-founded and that the witness was to respond to the general questions from the OCP seeking to elicit the witness’s own memory of facts or events. Mr. Voeun then returned to the question of how he knew that Nuon Chea and Pol Pot had attended congresses and added that he did not “recall it very well. In the zone congresses, I did see the leaders, but I did not see Nuon Chea. I don’t know whether or not he attended those meetings, but I did not know.”

Mr. Abdulhak then directed the witness to his testimony that in the two congresses Mr. Voeun attended, there was discussion of the purges of “enemies burrowing from within,” referring to the “the activities of the Vietnamese enemy.” Who, Mr. Abdulhak queried, discussed this? This elicited a further objection from Mr. Ianuzzi, who asserted that the phrase “Brother Number Two” was put into this witness’s mind when the OCIJ investigators discussed torture-tainted evidence, and suggested that if it remained there now, it was because it was the “fruit of the poisonous tree.” Mr. Abdulhak retorted that this was “a completely unfounded objection” and that the OCP was losing precious time for questioning. Mr. Ianuzzi responded by offering to give the OCP further time for questioning from its own allocation of time for the questioning of this witness next Monday, October 8, at which point the president chastised that it was not the party’s place to determine the time allocation granted to the parties.

The Trial Chamber judges convened for a number of minutes to consider Mr. Ianuzzi’s objections. The president then reported that the Chamber found that Mr. Ianuzzi’s objection and its grounds were not well-founded. He directed Mr. Abdulhak to proceed but issued a further caution that prosecutor’s questions should relate to the experience of the witness. Mr. Abdulhak then reiterated his question about who discussed the purges of the “enemies burrowing from within.” Mr. Voeun answered “Ta Pol Pot, Ta Sy, and Ta Pal.”

Mr. Abdulhak once again asked Mr. Voeun what his reason was for stating that it was either Pol Pot or Nuon Chea who attended those congresses. The Nuon Chea defense team again objected to the question, this time through National Co-Counsel Son Arun, who suggested that Mr. Abdulhak was again referring to a previous statement from the witness in an OCIJ interview and that this question was calling for the witness to speculate. The president dismissed the objection. He directed Mr. Voeun to respond to Mr. Abdulhak's question, but not before addressing the Nuon Chea defense team directly to advise that while they did have the right to object, it was not appropriate to do so in a way that was not provided for in the Code of Criminal Procedure of the Kingdom of Cambodia.

The witness then responded that, based on his own experience, "I did not see Nuon Chea. I saw Ta Sy, Ta Pal, and Ta Pol Pot."

At this point, just prior to the lunchtime adjournment, the Chamber permitted Mr. Ianuzzi to make three brief points. First, the counsel noted that he was not trying to overstep his bounds and that the Nuon Chea defense team did not object to the OCP being granted more time from the defense time allocation for questioning the witness on Monday.

Second, Mr. Ianuzzi added, he did not understand the Trial Chamber's ruling the previous day regarding Nuon Chea's request to make a public comment in court about the reading of Closing Order paragraphs that were relevant to this segment of the trial. Noting that he had read the *Cambodia Tribunal Monitor* article on this point, Mr. Ianuzzi requested the president's clarification as to whether it meant that the Trial Chamber would first hear Mr. Voeun's testimony. The president responded that in his view, it was clear that it would consider granting leave for Mr. Chea to make remarks concerning the reading out of the Closing Order following the conclusion of the hearing of Mr. Voeun and would choose a morning of the Court's hearing days for Mr. Chea to make such remarks. He added that he thought ordinary, reasonable people would have understood this ruling, to which Mr. Ianuzzi quipped, "I'm certainly not a reasonable person."

Finally, Mr. Ianuzzi requested on behalf of Mr. Chea for the defendant to spend the rest of the afternoon observing the proceedings from his holding cell due to health reasons. The president permitted the request subject to the immediate submission of the waiver of Mr. Chea to the Chamber.

The ECCC's "Abject Failure"

After the lunchtime adjournment, Mr. Ianuzzi submitted a further application, relating to an article on the front page of the day's *Cambodia Daily* newspaper on the Mam Sonando case and entitled "Sonando Verdict a Tough Test for KRT Legacy." The article, Mr. Ianuzzi outlined, concerned the "abject failure of this tribunal to have any effect on the appalling nature of the municipal justice system." He quoted from the article: "'Far from setting a good example, the Khmer Rouge tribunal may have done the exact opposite,' said Rupert Abbott, Amnesty International's Asia researcher for Cambodia." Asserting that the article had great relevance for the ECCC's legacy, Mr. Ianuzzi sought to have it tabled for public discussion by all the parties.

Purges in Sector 37 of the West Zone

After this submission, Mr. Abdulhak resumed his line of questioning on the issue of the “enemy burrowing from within” and Vietnamese enemies. Mr. Abdulhak first drew the witness’s attention to a speech given at a congress in July 1977, which was reported in the August 1977 issue of *Revolutionary Flag* magazine.¹⁷ This speech, Mr. Abdulhak summarized, contained a presentation of the party organization representative regarding a number of instructions in building, strengthening and expanding party leadership on the occasion of the West zone cadre conference on July 20, 1977. Mr. Abdulhak quoted a few passages of that document in particular to see whether the witness recognized the speech:

The movement herded and trampled elements that betrayed the revolution: counter-revolutionary elements, dangerous elements, no-good elements. All these elements were trampled and crushed by the mass movement during these past six months.¹⁸

...

Sector 37 is the same. Comparatively, Sector 37 is still more complicated than sectors 31 and 32 because there are many new elements and it has a bad history. Koh Kong has had betrayal since long, long ago. In 1974, we sorted that out and got good control.¹⁹

Mr. Abdulhak asked the witness whether he remembered a speech being given in these terms. The witness said that “within the military units” such as his own, “we rarely heard of such speeches because we were far away.”

Mr. Abdulhak read one final passage from the same *Revolutionary Flag* article:

We all make the assessment to be crystal clear about the party line. This is because it is not like a party circular or instruction is down without understanding. The party has raised this principle based on the concrete situation and a complete analysis. ... Imagine sector 37, the history of which I spoke about earlier. The contemptible Choengs group controlled it all along, and later, the contemptible Nueks groups controlled it all along. They were built into party members, into cadre, into the army. This is a location about which we must be vigilant.²⁰

Mr. Abdulhak inquired whether the reference to Nuek could be to the removed Sector 37 secretary to whom the witness had referred earlier. Mr. Voeun stated that he did not know, however, he “heard about that event, as it was told by my friends. But I myself did not attend the meeting organized by the general staff.” Mr. Abdulhak then referred to speeches that the witness did hear, and queried whether these speeches were of a similar nature to the one reported in the *Revolutionary Flag* article. The witness agreed that they were.

¹⁷ This document has the number E3/193.

¹⁸ This statement can be found at ERNs 00062949 (in Khmer), 00611827 (in French), and 00399224 (in English).

¹⁹ This statement can be found at ERNs 00062952 (in Khmer), 00611829-30 (in French), and 00399226 (in English).

²⁰ This statement can be found at ERNs 00062956 (in Khmer), 00611833 (in French), and 00399229 (in English).

Next, Mr. Abdulhak showed the witness a report authored by Office M401 which had been discussed with the witness during one of his OCIJ interviews.²¹ “To respected and beloved Angkar,” Mr. Abdulhak read from the document, “we would like to give additional report to Angkar on actions to purge the contemptuous traitors in the ranks across the zone.” He then referred to a further point in the document listing 37 individuals who had purportedly been purged.²² In particular he noted the first person in that list – Tin – who was described as a member of the sector and secretary of the Sre Ambel district. The witness denied knowledge of this person, although he acknowledged knowing the next person in the list, namely “Savath,” the secretary of Sre Nub and another district. However, the witness said that Savath did not disappear. He was a soldier and, after surgery, was relieved of his duty, although the witness did not know where he was sent at that point.

Mr. Abdulhak then asked the witness to confirm whether, as he stated in his third OCIJ interview, he had meant to identify Office M401 as Ta Sy’s office. Mr. Voeun confirmed this.

Another document from the same office, M401, was then shown to the witness.²³ This document, Mr. Abdulhak introduced, was addressed to “respected, beloved, and missed Angkar” and was a monthly report to Angkar. Referring the witness to section headings entitled “Sector 37”, “The Activities of the Hidden Enemy Burrowing From Within,” and “About the Screening of the Yuon Elements, CIA Agents and the No-Good Elements,” he quoted from beneath that heading:

1. Smashed 100 ethnic Yuons, included small and big, adults and children.
2. Smashed 60 persons who had been from the ranking group as well as the CIA of the American imperialists who were hiding in the units and cooperatives.²⁴

“This seems to describe the smashing of a large number of Vietnamese people in Sector 37,” Mr. Abdulhak remarked. He asked whether Mr. Voeun was aware of this smashing, which the witness denied. Mr. Abdulhak next asked, with respect to the reference to the CIA, whether people were accused of being CIA agents or associates when they were removed from Division 1. Mr. Voeun agreed that there were such accusations.

At this point, Judge Jean-Marc Lavergne interrupted. He asked Mr. Abdulhak to clarify what he was saying and to ask the witness whether, as at the date of that report, the witness was still working at Sector 37. Accordingly, Mr. Abdulhak reminded the witness that document was dated August 4, 1978, and was a monthly report for July 1978. Mr. Abdulhak inquired whether Mr. Voeun was still in the Koh Kong region in July 1978. The witness responded that he had already left by then.

Next, Mr. Abdulhak inquired whether the witness was ever required to attend any meetings in Phnom Penh. The witness said he was not and that he also did not travel to Phnom Penh for any other events.

²¹ This document has the number E3/1220.

²² This statement can be found at ERNs 00021511 (in Khmer), 00532782 (in French), and 00583934 (in English).

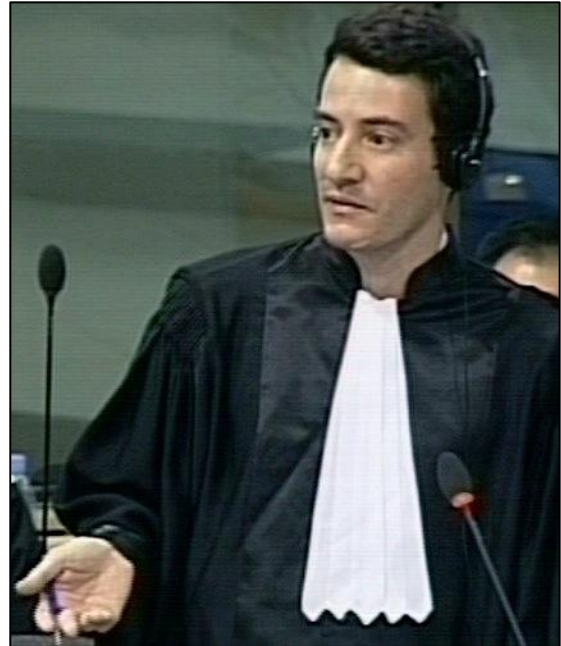
²³ This has the document number E3/1094.

²⁴ This statement is at ERNs 00143610 (in Khmer), 00593530 (in French), and 00315374 (in English).

Suggested Shirking of the Chamber's Duties

While the witness took a short bathroom break at this point, Mr. Ianuzzi rose to address the Trial Chamber judges, stating:

I know it's rather embarrassing to be confronted with what your colleagues are up to across town; ... however, that doesn't change the fact that those events are transpiring beyond this glass wall, that there are certain very unpleasant judicial realities being executed by your brethren, that is, by members of your judiciary, and to simply cut off my microphone and pretend that you don't want to hear about these things – I suggest that is a shirking of your duty as judicial officers. Now, the legacy of this tribunal – one of the legacies of this tribunal, is to have an impact, a positive effect, on the national justice system --



The president cut Mr. Ianuzzi off at this point and responded that Mr. Ianuzzi of course had his own reasons in attempting to submit this new document and that if Mr. Ianuzzi wanted to do so, he was required to submit the document in writing with sufficient grounds, as stipulated in Internal Rule 87 so that the Chamber would consider the application.

Moreover, President Nonn declared:

We are not here to please you. We are here for just cause, an expeditious trial, justice and effective use of time. You cannot just be on your feet and raise any matter. You need to have grounds for raising your point. ... It is contradictory to the instructions by the Chamber in regards to the submission of a new document. There is an existing procedure for you to follow. If you intend to submit that new document, please follow that procedure and do that in writing. ... You are not allowed to speak any more on this point.

Transfer to Preah Vihear, Khieu Samphan's Relatives, and Purges in the North

Upon the witness's return, Mr. Abdulhak began a line of questioning in relation to the witness's experiences in Preah Vihear province, which is where Mr. Voeun was transferred after his time in Koh Kong. Citing from the witness's first OCIJ interview, Mr. Abdulhak noted the witness's testimony that he went to control a sector in Preah Vihear in August 1978. Mr. Abdulhak sought the witness's confirmation as to whether he left Koh Kong in August 1978 or earlier. The witness responded, while perusing a document, that he did leave Koh Kong in August 1978.

Queried by Mr. Abdulhak on the mode of transportation and overall journey, the witness described leaving Koh Kong on a motorboat, arriving in Sre Ambel, and from there, taking a truck to Phnom Penh. Upon arriving in Phnom Penh, he was joined by Ta Soeung, and they then

met with Pol Pot at Ounalom pagoda, Mr. Voeun recalled; in addition, other division commanders were there, although he did not know their identities. There were about a dozen people in all, he said; the division in Phnom Penh then took them to Siem Reap and they traveled from Siem Reap to Preah Vihear.

Mr. Abdulhak asked whether Mr. Voeun ever met or spoke to Nuon Chea or Khieu Samphan while in Phnom Penh en route to Preah Vihear. The witness denied this, stating that he “met with only Pol Pot.” He further described that Ta Soeung summoned him to meet with Pol Pot and that at this meeting, Pol Pot “reported to us the ongoing situation, particularly from the east, including Prey Veng, Svay Rieng, Kampong Cham, Ratanakiri and Mondulkiri ... [and] particularly [regarding] the Vietnamese enemies who were attacking along the border.”

At this meeting, the witness continued, he listened to Pol Pot report on the ongoing situation from the eastern zone, and also particularly the situation in Preah Vihear and a similar situation in Siem Reap, where there were people arrested and starving. Mr. Voeun continued:

First, [Pol Pot] asked Ta Soeung to be stationed in Siem Reap in order to investigate the issue concerning the imprisonment of some people over there. My task in Preah Vihear was to conduct investigations concerning the arrest and imprisonment of some people, whether or not that was the case. In addition, I was tasked with following up on the transport of material and goods to people in Preah Vihear province, whether they reached destinations in Preah Vihear.

Mr. Abdulhak referred to the witness’s statement in his first OCIJ interview that there was a meeting in Siem Reap attended by “Pol Pot, Ta Mok, Ta Say, and Ta Soeung,” but not Mr. Voeun, since the witness was too junior to attend that meeting. As to the identity of Ta Say, the witness said that he did not know him personally.

Moving on, Mr. Abdulhak cited another of Mr. Voeun’s statements in his first OCIJ interview in which the witness stated that, having been instructed by a telegram from Khieu Samphan to report to Mr. Samphan, the witness duly did so, reporting to Mr. Samphan in telegrams in which he wrote down the report, his name, and section 103, and sending these once a week and sometimes once a month. Mr. Abdulhak sought further details with respect to these comments. As to Mr. Samphan’s instructional telegram, the witness responded, “Yes, he did send me a telegram ... and I reported to him the situation in Siem Reap, particularly those who were in prison and those who were later released by Ta Soeung, including his in-laws as well.” The witness said that he received the telegram at a time when the situation was “looming and tense” and that Mr. Samphan had asked Mr. Voeun to investigate what had happened to Mr. Samphan’s relatives. In response to this telegram, the witness said:

I went all the way to Preah Vihear and found [Khieu Samphan’s] mother-in-law as well. She was an elderly person and she was fearful of the arbitrary detention of people at that time, so I took her to Siem Reap. When they arrived in Siem Reap, they were not comfortable because they were fearful that they would be arrested. I sent them to the division at Siem Reap,

Mr. Voeun did not know what happened to Khieu Samphan's relatives after that, however, Mr. Samphan had not, Mr. Voeun clarified, indicated in his telegram to Mr. Voeun what might have happened to his relatives.



Khieu Samphan in France in the 1980s. (Source: Documentation Center of Cambodia)

Mr. Abdulhak sought to more precisely identify the relatives in question. He read from Mr. Voeun's previous statement indicating that Mr. Samphan's sister-in-law had been detained. The witness said that she had been detained in Siem Reap in a security center located in the former regime prison complex. Questioned further, Mr. Voeun said that this prison complex was fairly large, made of brick, and left from the previous regime. "There could have been up to 700 prisoners" there, the witness estimated.

As to how Mr. Samphan's sister-in-law had been located, Mr. Voeun stated, "Ta Soeung conducted the investigation, and then he learned about her detention." He added, when prompted, that at this point, he personally went to the prison, "along with Ta Soeung." To secure her release, he explained, Ta Soeung had already met the officer in charge of the prison. By the time he went to the prison, Mr. Voeun concluded, the release issue "was already sorted out."

"As for the father and mother-in-law of Khieu Samphan, they were not arrested and detained. They stayed at their home in Preah Vihear province. They did not come to Siem Reap province," the witness testified next. Mr. Samphan appeared impassive throughout this discussion of the experience and fate of his relatives. The witness continued that he did not know all the relatives of Mr. Samphan, only Mr. Samphan's parents-in-law and sister-in-law, named Yiet. The witness added that he reported to Mr. Samphan only once about the welfare of Mr. Samphan's parents-in-law and the situation of starvation. After this, the witness added, there were attacks from the Vietnamese which caused him to lose contact with Mr. Samphan.

Mr. Abdulhak revisited the witness's previous OCIJ statement that he had reported sometimes weekly, sometimes monthly, to Mr. Samphan. Mr. Abdulhak asked the witness what he understood to be Mr. Samphan's position at that time. Mr. Voeun responded, "To my knowledge, Sector 103 was under his supervision. According to what people told me at that time, this sector was known as an 'autonomous sector' and we were to report directly to Khieu Samphan. At that time, he was called Uncle Khieu Samphan." Mr. Abdulhak sought clarification on precisely which people advised the witness of this fact. Mr. Voeun replied that it was "ordinary people ... those who were at the hospitals ... and the chief of the hospital." He said that he reported directly to Mr. Samphan for this reason.

Next, Mr. Abdulhak sought the witness's knowledge of what happened to the other 700 prisoners at the security center after the witness had left. Mr. Voeun disclaimed any knowledge of this, confirming that the only person he took out of the security center was Mr. Samphan's sister-in-law. Regarding whether Ta Soeung had found out who had ordered Mr. Samphan's sister-in-law to be imprisoned, the witness asserted that Ta Soeung had not because the distance between Siem Reap and Preah Vihear was great and it was extremely difficult to travel at that time.

Asked if he knew who nominated Ta Soeung to be the new chairman of the North zone, the witness said that it was Ta Mok. Staying on the topic of the central leadership, Mr. Abdulhak then turned to the witness's previous statements about there being a meeting between "Ta Pol Pot, Ta Mok, Ta Say, and Ta Soeung." Mr. Abdulhak asked whether the witness had any knowledge of Ta Say's duties. The witness stated that he did not.

At this point, Mr. Abdulhak requested permission to show Mr. Voeun the statement of another witness before the ECCC, Witness TCW 548,²⁵ since it discussed Mr. Voeun's activities during the DK period. The Trial Chamber judges conferred, after which the president permitted Mr. Abdulhak to use the statement so long as he did not reveal the name of the witness. The president also advised Mr. Voeun's duty counsel Say Vuthy to convey this advice, and Mr. Abdulhak also instructed Mr. Voeun not to say the witness's name²⁶ but simply to look at the name and see if he recognized it. The witness confirmed that he knew witness TCW 548 but that he did not speak to him. Mr. Abdulhak read short excerpts from that statement, which stated, "When [Mr. Voeun] came to Sector 103, there were no more arrests. He tried to come to deal with the emotional fear of the cadres and people living there" and released prisoners. The witness also said that survivors in the sector included Bang Chhorn, male, who worked at Sector 103's "commerce" and also was the elder brother-in-law of Khieu Samphan, and Bang Yiet, female, who was the head of females in the sector and also the elder sister-in-law of Mr. Samphan. Mr. Abdulhak inquired whether Mr. Voeun knew of Bang Chhorn. Mr. Voeun said that he knew of that person but did not know he was an in-law to Mr. Samphan.

After a short adjournment, the hearing resumed for its final session of the day, amidst thunderous storms gathering outside. Before permitting Mr. Abdulhak to resume with the final stage of the OCP's questioning, President Nonn raised the issue of time allocation. Mr. Abdulhak advised that the OCP and the Lead Co-Lawyers had consulted on the time allocation and together required slightly more time than was remaining that day. He sought the president's directions as

²⁵ This record of OCIJ interview has the document number E3/420.

²⁶ This name is mentioned at ERN 00407773 (in Khmer).

to how they should proceed. National Lead Co-Lawyer for the civil parties, Pich Ang, also made submissions on the amount of time needed, and noted that the OCP had been forced to start questioning later than scheduled on the previous hearing day.

After conferring briefly with his colleagues on the bench, the president permitted this request in light of the relevance of the questions currently being put to the witness, while reminding the prosecution to be mindful of time. At this point, Mr. Ianuzzi interjected that, referring to the storm outside, “I hope that thunder didn’t have anything to do with you not consulting the defense, but we have absolutely no objection” to the granting of extra time.

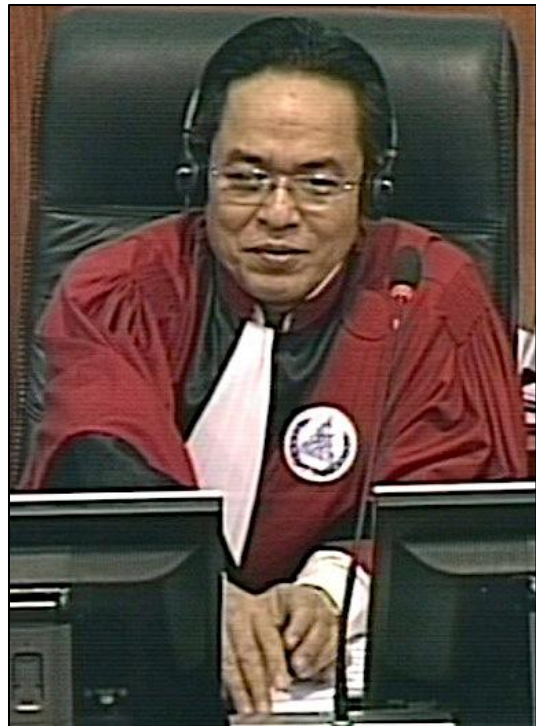
Mr. Abdulhak then returned to the issue of the two people mentioned just prior to the break, Bang Chhorn and Bang Yiet. He sought Mr. Voeun’s confirmation as to whether Bang Yiet, the sister-in-law of Khieu Samphan, was indeed the head of the women in the sector. Mr. Voeun responded that he was there to secure her release and did not bother to inquire as to what position she held. Similarly, the witness did not know the position of Bang Chhorn, Mr. Samphan’s brother-in-law. Finally, Mr.

Abdulhak asked whether the witness knew where Bang Chhorn had been arrested and detained. The witness stated that he did not.

The next topic Mr. Abdulhak put forward was the witness’s statement in his first OCIJ interview that the reason he was transferred to Preah Vihear was because “Preah Vihear was the autonomous area, directly controlled by the Central Committee. Ta Nuon Chea and Ta Khieu Samphan used to visit there.” Mr. Abdulhak asked the witness how he learned of Mr. Chea and Mr. Samphan’s visits. Mr. Voeun responded, “There was one representative of the people who was actually detained in Preah Vihear, and he told me. Also, over there, I also saw photos of Khieu Samphan and Nuon Chea in an office there.”

In response to a follow-up question by Mr. Abdulhak on this point, the witness described this office as “a place where they store statistics, figures and information.” The people in this office, Auey and Ol, did not tell the witness directly about Mr. Chea and Mr. Samphan’s visits, rather, simply, that the office was under the direct supervision of the two co-accused. The witness then confirmed that the office was part of Office, not Sector, 103.

Mr. Abdulhak inquired further as to the responsibilities of Auey and Ol. Mr. Voeun did not discuss this, but instead responded that when he “got there, they had already transferred or removed the [former] secretary of Sector 1, because the former secretary of the sector was assassinated.”



Next, Mr. Abdulhak quoted the witness's previous statement to the OCIJ investigators that "Ta Mok ordered to remove Ta Khim from the Sector 103 by using his forces to transport Ta Khim from Preah Vihear province." Mr. Abdulhak then probed the witness as to the fate of Ta Khim. Mr. Voeun said, "When I went there, I met Ta Khim in Ro Veang district office, and then ... many people in Chheb, Cham Ksan, Tala Borivath districts all told me about the arrest of Ta Khim, but I did not know how they went about arresting him and what they did to him."

Mr. Voeun agreed that Pol Pot had instructed him to investigate arrests in the Preah Vihear region. He said that Pol Pot "did not tell me the names of those who had conducted the arrests." At this point, Mr. Abdulhak showed the witness a telegram, signed by Say, addressed to the "beloved Committee 870," dated April 10, 1978, that discussed arrests taking place in the Preah Vihear region.²⁷ Mr. Abdulhak then quoted as follows:

The base of these traitors is on Dangrek Mountain. We have a plan to search and destroy it. Ah In Tam's group previously used the traitors in Sector 103, whose leader was Ah Hong. He was their supporter, but after we arrested Hong and all of his henchmen in Cham Ksan district and in Sector 103 military unit, In Tam group has no more support. ... The internal situation: there is no important change. The situation is normal. We are continuing to purge the remaining group continuously including those who oppose our revolution openly and secretly.

The witness advised that he did not know about such reports being given to Pol Pot.

Mr. Abdulhak then put to the witness a series of short, final questions. First, he brought up the person Chou Chet *alias* Sy, inquiring as to his fate during the DK period. "In his capacity as the secretary of the West zone," the witness replied, "as far as I knew, he did not stay in that position until the end." Mr. Voeun did not know what happened to him, however, "because it was an affair between him and the Center." By "Center," he clarified, he meant Pol Pot and Ta Mok.

Returning once again to the topic of the meeting of general staff which the witness stated that he did not attend, Mr. Abdulhak inquired how Mr. Voeun had learned that Ta Nuon Chea and Ta Son Sen had taken part in that meeting. The witness said that he learned of this through his division commander, Soeung.

Mr. Abdulhak followed this answer with a brief question about whether, during the entire DK period from 1975 to 1979, the witness ever attended meetings or study sessions with Nuon Chea. Mr. Voeun responded that "from 1970 to 1979, I did not attend any meeting with Nuon Chea."

Finally, Mr. Abdulhak queried, as far as the witness knew, whether Mr. Chea "hold any position that related to the military after the fall of Phnom Penh." Mr. Voeun stated that he did not know the answer as this was again an affair of the Center.

Establishment of the Revolutionary Army of Kampuchea

Taking over the examination on behalf of the civil parties, Mr. Ang inquired first on details of the establishment of the Revolutionary Army of Kampuchea (RAK). The witness responded that

²⁷ This document has the number E3/1077.

“it was started on April 17, 1975, with all the three main forces — air force, naval force and infantry.” Mr. Voeun added, in response to further questioning from Mr. Ang, that “prior to 1979 and commencing from 1968 to 1969, there was about 100 soldiers only, in the southwest.”

Mr. Ang asked if the witness had heard of any event that could have taken place at Bay Damram. Mr. Voeun said that he had; the event concerned the establishment of a resistance force at Vay Chab mountain in 1967 or perhaps 1969. What led to the creation of this resistance force? Mr. Ang queried. Mr. Voeun responded, “The leadership of the cadre told us about that issue; it could have been Ta Mok. He said that after the conclusion of the war of Issarak, the Kampuchean people didn’t have independence and so there was an inception of this resistance movement and until the French left.” He could not recall who formed the resistance movement, but simply that Bay Damram village was the source of the resistance.

When probed by Mr. Ang on this point, Mr. Voeun stated that he could not recall the name of the resistance movement. This prompted Mr. Ang to ask Mr. Voeun if he thought it could have been called the “Secret Protective Force.” Mr. Voeun said that this was the name of the force for the protection of the cadres, which, in the 1960s, was:

Based at the countryside, and [whose members] would conceal themselves and their identities in the resistance to gain independence and to overthrow the capitalists ... by engaging in secret propaganda with the people, telling them about the oppression, economic situation and other situations inside the country ... without having it known to the authorities.

Mr. Ang asked if any group had the task of ambushing Lon Nol forces. Mr. Voeun denied this on the grounds that “there was no weaponry” with which to do so. Mr. Ang inquired whether Mr. Voeun had ever heard the force referred to as the “soul, equipment or tool of the dictatorship.” Mr. Voeun said that the phrase did not exist at that time, only in the early 1970s. Asked what such a description of the force would have meant, the witness responded, “That we would strive as best we could without thinking of the benefits; that we sacrificed ourselves for the benefit of the nation.” Mr. Ang asked if it could also have meant that they would carry out orders without question. Mr. Voeun disagreed, saying, “It did not have that kind of connotation because the forces were minimal.”

Later, when the forces were rather large (for example from 1970 to 1979), Mr. Ang persisted, what kinds of tasks did the force engage in then? “In 1970, during the *coup*



d'état, the people, and the armed forces mainly backed Samdech, that was the time we mobilized the armed forces and in which we could work as proper armed forces,” Mr. Voeun responded.

The next topic for discussion was an alleged attack on the barracks at Bay Damram. Asked whether he had heard of this attack, Mr. Voeun stated that at that time, he did not even know if there were such barracks and that there were no forms of communication; “it took months” to communicate, and there could be a communication disconnect between these small forces, “for months,” he emphasized.

Mr. Ang turned the witness’s attention to the DK period and asked about the role of the RAK. Mr. Voeun stated that the roles “were based on the line that on one hand, we attacked the enemy, and on the other hand, we engaged in production.” In response, Mr. Ang asked if the former role encompassed security matters. “The military had their duties at the borders, at all sides of the border to the east and to the west,” Mr. Voeun replied. Mr. Ang probed further to ask the witness about security centers and whether they were under any particular ministry. “As far as I knew, if the security center belonged to the zone, it would be under the zone’s supervision,” the witness replied, “If it was within the supervision of the division, then the division would take charge. Thus, most of the security centers would be under the supervision and coordination of the zones and divisions.”

In response to prompting from Mr. Ang, the witness agreed that he had heard of the goal of producing three tons of rice per hectare. As to the origins of that phrase, and whether the production goal was mandatory, the witness said that the phrase “originated from the leadership level, from the zone secretaries, or from the division commanders ... in order to sustain ourselves and support the state.”

Mr. Ang inquired whether the three tons per hectare command was ultimately from a higher level. The witness stated that the decision was made by the zone or sector secretaries but was not sure “whether [they] received further instructions from the Center, and if that was the case, then it would have been a decision of Pol Pot.” This prompted Mr. Ang to ask if the witness could identify the members of the Center. “Pol Pot, Nuon Chea, Ta Mok,” Mr. Voeun replied, “They were the main characters.” He could not identify any other people that were part of the Center.

At this point, Mr. Ang moved on to the issue of military structure, asking the witness several questions as to the structure in his area, from the sector downward. In response, the witness described:

In the zone, there would be the zone military, and then the sector military, the district military, and that was all. ... For the zone military, it started from a group and it went up to battalion, to regiment, and up to division. As for the sector military, I have no knowledge about that, but I believe that the military structure would be similar to the zone military structure. ... Within one regiment, there would be three battalions, and the structure went like that – times three. So, three regiments would assemble as one brigade. The zone military had the responsibility of protecting the outer border. The sector military would provide

protection within the sector, and likewise the district military would provide protection for its respective district.

President Nonn adjourned the day's hearings at this point. They will resume on Monday, October 8, 2012 at 9 a.m. with the continued questioning of Meas Voeun by the civil parties and then by the defense teams.