



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
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4 October 2012  
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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. ABDULHAK	English
MS. GUISSÉ	French
MR. IANUZZI	English
JUDGE LAVERGNE	French
MR. MEAS MOEUN (TCW-428)	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. SON ARUN	Khmer

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 The floor will be given to the Prosecution to put questions to  
6 this witness. You may proceed.

7 [09.01.54]

8 MR. ABDULHAK:

9 Good morning, Your Honours. Good morning, Counsel. Good morning  
10 Mr. Meas Voeun. Mr. President, if I can just address an issue of  
11 timing as we commence, we were allocated a day and a half, as  
12 Your Honours indicated yesterday, and we're - we're keeping track  
13 of our time. We've thus far spent one hour and 33 minutes, or  
14 thereabouts, which would leave some five hours and 40 minutes out  
15 of our allocation. That would mean that we would -- between us  
16 and the civil parties, we would continue to examine today, and  
17 there would be one more hour left on Monday, subject, of course,  
18 to any interruptions or delays.

19 With that, I'll - I'll proceed with my examination.

20 MR. PRESIDENT:

21 It is unlikely that would be the appropriate time allocation. You  
22 will have only one day allocation today for both you and the Lead  
23 Co-Lawyers, unless there is an exceptional circumstance where  
24 potential (phonetic) questions need to be put to this question.  
25 It does not mean -- the one-and-a-half-day sessions allocated to

2

1 you and to the Lead Co-Lawyers mean you will occupy the hours or  
2 the sessions based on the hours; the time allocation is based on  
3 the sessions -- morning session and afternoon session.

4 [09.03.58]

5 This time allocation would mean that parties need to strive hard  
6 to put more potential (phonetic) questions to the witness, rather  
7 than repetitive questions.

8 MR. ABDULHAK:

9 Thank you, Mr. President. We note and respect the ruling. I was  
10 simply proceeding on the basis that we started late, and not at  
11 half point yesterday. But I respect the ruling. I'll move on.

12 QUESTIONING BY MR. ABDULHAK RESUMES:

13 Q. Mr. Voeun, yesterday, when we broke, one of the areas that we  
14 were discussing were the battles around the city of Udong and  
15 also other battles that you had taken part in along National Road  
16 5, and I just want to take a brief - a moment to discuss with you  
17 some of the battles which appear to have taken part in early 1973  
18 and see if you confirm for us some of the documentary evidence or  
19 if it accords with your - with your recollections.

20 [09.05.30]

21 Your Honours, I have document E3/637. It has been referred to in  
22 Court in the past. It's a statement attributed to Mr. Khieu  
23 Samphan, and Hou Youn, and Hu Nim, and it discusses the advances  
24 in the battlefield, and specifically along National Road 5.,  
25 With your leave I would show it to the witness and read a brief

1 paragraph simply to see if the battles discussed here are those  
2 he took part in.

3 MR. PRESIDENT:

4 Yes, you may proceed.

5 BY MR. ABDULHAK:

6 Q. The relevant ERNs are: in Khmer, 00442329; in French,  
7 00752171; and in English, 00740933 to 934.

8 [09.06.55]

9 Mr. Voeun, the court officer is showing you the relevant page,  
10 and under number 3 is the section that I'm going to read from --  
11 I'll just read a couple of passages in the interest of time. If  
12 you could just read or listen to the interpretation and let me  
13 know whether you recall these particular battles?

14 Quote: "As to battlefields along National Road Number 5, the  
15 Kampuchean People's Liberation Armed Force is continuing to smash  
16 the enemy from the south of Kampong Chhnang and from Kampong  
17 Chhnang to Sala Lek Pram."

18 I will just skip a couple of sentences just to proceed as quickly  
19 as we can. A few lines down, this says:

20 "According to the interim statistics, we have smashed, injured,  
21 killed, deserted, and made prisoners of war 1,050 enemies at the  
22 battlefields of Banteay Meas, Kampong Chhnang, and Prey Khmaer  
23 along National Road Number 5. Additionally, our militia squads in  
24 the battlefields along National Road Number 5 have jointly  
25 smashed 120 enemies."

4

1 [09.08.33]

2 And I'll pause there.

3 Mr. Voeun, do you recall these particular battles and the  
4 victories in the battlefield being described?

5 MR. MEAS VOEUN:

6 A. Yes, I can recall some.

7 Q. And to the extent that you recall, are these accurate  
8 descriptions of the -- of some of the advances that were being  
9 made?

10 A. Yes, that is correct.

11 Q. As I said, the document, towards the end, seems to indicate  
12 that it was a review as at January 1973. Do you recall what  
13 position Mr. Khieu Samphan held at that time?

14 A. At that time, I did not know what position he held.

15 Q. And just one final question on this document: Do you know how  
16 this information was communicated from the battlefields towards  
17 people such as Mr. Khieu Samphan?

18 A. I cannot quite get your question.

19 [09.10.40]

20 Q. I will rephrase. You've confirmed that some of this  
21 information as to the situation in the battlefields is accurate.

22 It is provided here by -- or attributed to Mr. Khieu Samphan.

23 And my question is: Do you know how that information was

24 communicated from the battlefield, where you were, to people such

25 as Mr. Khieu Samphan?

5

1 A. Regarding the transmission of this information, it was done  
2 through a kind of a radio communication. It's via mobile  
3 communication -- radio communication.

4 Q. So, do I understand correctly that you would communicate  
5 information from the battlefield to others and that that  
6 information would reach people such as Khieu Samphan?

7 A. Yes, it was done via radio communication.

8 Q. Who did you communicate your information to?

9 [09.12.39]

10 A. I relayed the information via radio communication up to the  
11 division.

12 Q. We'll move forward, now, to the events in Udong, which you  
13 said yesterday took place either in 1973 or 1974. And you  
14 discussed yesterday how people had fled to the liberated zones  
15 and how arrangements were being made in the rear for those  
16 people. I just have a few questions on that before we leave that  
17 topic and a couple of documents.

18 Firstly, when you entered Udong, were there still any civilians  
19 left in the city at that point?

20 A. At the time of the liberation of Udong, there were no  
21 civilians. They all had left to the liberated zones.

22 Q. And do you recall how long before your entry into Udong the  
23 population had crossed over to the Liberated Zone?

24 A. The people had already left to the liberated zones, which were  
25 not that far. It was about 8 kilometres away.



6

1 [09.14.59]

2 Q. And do you recall which places the civilians were being  
3 settled in -- which zone?

4 A. At that time, zones were not yet set up. There were divisions  
5 along National Road Number 5, and at the rear there were villages  
6 inside the liberated zones.

7 Q. Very well. Just while we're on Udong and while we're  
8 discussing the situation there, were any Khmer Republic soldiers  
9 or officials captured during the fall of Udong, as your troops  
10 advanced?

11 A. At my target, we did not arrest any -- or capture any soldier  
12 that is from the west, but I did not know about what happened at  
13 the east direction.

14 MR. ABDULHAK:

15 Just to see if we can explore those facts briefly a little bit  
16 further -- Your Honours, another document which discusses the  
17 fall of Udong, in this case, is E3/167. It is a broadcast by the  
18 Information Bureau of the United National Front of Kampuchea  
19 dated the 11th of April 1974. With your leave, I will give the  
20 witness a hard copy and read a very brief passage again, which  
21 describes the fall of Udong.

22 [09.17.30]

23 MR. PRESIDENT:

24 Yes, you may proceed.

25 Court Officer, could you deliver the hard copy document from the

7

1 prosecutor for the witness's examination?

2 BY MR. ABDULHAK:

3 Thank you, Mr. President. Again, we're not showing these  
4 documents on the screen, simply to move on quickly.

5 Q. The relevant ERNs are: Khmer, 00596141; French, S00000122; and  
6 English, 00280586. This is a speech given by Mr. Khieu Samphan in  
7 his capacity as deputy prime minister on the 10th of April 1974  
8 at a reception. I should correct that, I believe the speech was  
9 given on the 5th of April at a reception in the Democratic  
10 People's Republic of Korea.

11 [09.18.43]

12 A very short passage relates to our discussion, Mr. Voeun, and  
13 this is the passage -- quote:

14 "On the contrary, the Cambodian People's National Liberation  
15 Armed Forces attacked the enemy forcefully and are now solidly  
16 implanted at the very gates of Phnom Penh. And Phnom Penh itself,  
17 the last hideout of the traitors, has become a burning  
18 battlefield under the increased pressure of our People's National  
19 Liberation Armed Forces. On 18 March, our People's National  
20 Liberation Armed Forces liberated another city, Udong, by  
21 annihilating all the puppet soldiers there, along with their  
22 reinforcements; in other words, over 5,000 enemies were  
23 eliminated, 1,500 of whom were captured."

24 Mr. Voeun, does that account refresh your memory at all in  
25 relation to the capture of enemy soldiers? Here it appears a

8

1 number of 1,500 is given?

2 MR. MEAS VOEUN:

3 A. I did not know about the number, but there were dead soldiers  
4 there. But I did not know the exact figure of the casualties or  
5 those who were captured.

6 [09.20.43]

7 Q. Did you know anything about those captured -- where they were  
8 taken or what happened to them?

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

10 MR. ABDULHAK:

11 And one final document on Udong before we move on to the battles  
12 in Phnom Penh, and this is to explore further the situation of  
13 the civilian population there. Your Honours, the next document I  
14 have is E3/194. It is a United States cable containing a press  
15 summary. It's issued in July 1974. And, again, I have a hard copy  
16 for the witness, with your leave, and I'll give it to him and  
17 read a very brief passage describing the events in Udong.

18 MR. PRESIDENT:

19 Yes, you may proceed.

20 Court Officer, could you assist in taking the document from the  
21 Prosecution for the witness's examination?

22 [09.22.11]

23 BY MR. ABDULHAK:

24 Thank you, Mr. President.

25 Q. The relevant ERNs are: Khmer, 00709524; French, 00726584; and

1 English, 00412834. And this passage starts at number 2, and this  
2 is what it says -- quote: "GKR", which may be a reference to the  
3 Government or the Khmer Republic.

4 So, continuing: "GKR announces capture of Udong though city  
5 devastated and all of its 100 monasteries destroyed or damaged."

6 Then it continues: "Udong's 30,000 civilians were marched away  
7 when rebels overran town."

8 And then, a little bit further down: "[Military] sources say  
9 about 1,300 rebels and 100 GKR soldiers KIA" -- meaning "killed  
10 in action", I assume -- "in two-month effort to recapture Udong."

11 Mr. Vo Eun, if I read this correctly, it seems to be describing a  
12 recapture of Udong by Khmer Republic forces. Do you recall that  
13 event?

14 MR. MEAS VOEUN:

15 A. I can recall about the liberation of Udong but I did not know  
16 about the captured soldiers.

17 [09.24.45]

18 Q. This document seems to suggest that some 30,000 civilians had  
19 been marched away when the Khmer Rouge troops took the town. Does  
20 that accord with your recollection?

21 A. I can recall that people left, but as to the exact number of  
22 the people, I cannot say.

23 Q. And just one more question on that: To your understanding, did  
24 all of those people leave and go to the liberated zones  
25 voluntarily, of their own free will?

10

1 A. It is my knowledge that the people did not want to go but we  
2 had to force them to go in order to avoid the fighting.

3 Q. Were you given any order to that effect -- to move them, to  
4 force them to leave?

5 A. No, there was no order; they left by themselves.

6 [09.26.41]

7 Q. Very well. I'll move on in the interest of time.

8 Now, returning to the battles for Phnom Penh and the events  
9 immediately preceding the 17th of April 1975, you discussed with  
10 my colleague a meeting between the General Staff and various  
11 commanders from the zone.

12 In your first OCIJ interview, which is E3/424, in question and  
13 answer number 3, you said that the "commanders of the military  
14 from the Eastern, South-western Zones, and so on, attended the  
15 meeting with the General Staff such as Ta Son Sen and Ta Nuon  
16 Chea, who conducted the meeting with the division commanders from  
17 all zones". And then you describe that the division commanders  
18 "conducted further meeting to disseminate the information to the  
19 regiment commanders".

20 Can I ask you first, what was the General Staff?

21 A. In that meeting, I initially did not know that it was held by  
22 the General Staff. And I did not attend the meeting myself; the  
23 information was relayed to me by the division commander.

24 Q. I understand. My question is slightly different. What was the  
25 General Staff? What was its role?

11

1 [09.29.17]

2 A. In my understanding, the General Staff had the overall command  
3 on the division across the country.

4 Q. Who, apart from Ta Son Sen and Ta Nuon Chea, was in that  
5 General Staff?

6 A. There was Ta Mok as well.

7 Q. And how often did divisions such as yours receive orders or  
8 instructions from the General Staff?

9 A. In time of war and when we were in the battlefield, we did not  
10 receive instruction from the General Staff; we listen to the  
11 order of the division commander, namely from Ta Mok and Ta Si.

12 Q. And is Ta Si the same person as Chou Chet?

13 A. Before, I called him Ta Si, and it -- that was the name which  
14 was normally called during the three years and eight months and  
15 20 days period. But later on I found out that this was the name  
16 belonged to Chou Chet.

17 Q. Thank you. You described how you - how meetings were conducted  
18 to disseminate information following the meeting with the General  
19 Staff. What specific orders were you given in the meeting that  
20 you attended?

21 [09.32.01]

22 A. In the meeting, the division would receive orders from the  
23 General Staff, and then the commander of the division would  
24 continue to circulate information to the structure -- military  
25 structure down below the line. But the meetings normally did not

12

1 take place in a proper venue; they were normally convened under  
2 the trees or so.

3 Q. Thank you. I'm conscious of time, so I'm going to keep moving  
4 through this quickly.

5 You said in that same statement, in a passage that we were  
6 looking at earlier, that there was an aim to attack and liberate  
7 on the 18th of April 1975. Was that a date designated by - by the  
8 General Staff, as far as you know?

9 A. As for -- the aim to attack to liberate Phnom Penh by the 17th  
10 of April 1975 was determined by the General Staff -- rather, it  
11 was designated to liberate Phnom Penh on the 18th of April. It  
12 was the decision by the General Staff. But in reality we could  
13 liberate Phnom Penh by - on the 17th of April 1975.

14 [09.33.57]

15 Q. In that same passage, you also describe how the army was  
16 tasked to open attacks into Phnom Penh, but strictly instructed  
17 by the Upper Echelon not to counter attack the enemy who raised  
18 white flags. Who is "the Upper Echelon"? Who were you referring  
19 to when you used the words "Upper Echelon"?

20 A. The "Upper Echelon" referred to those who were in the senior  
21 command, such as Ta Mok, Son Sen, and those who were above him -  
22 them.

23 Q. And do you know who was above those in General Staff, who was  
24 above Ta Mok and Son Sen?

25 A. Back then, I only knew Ta Mok, Son Sen, and Khieu Samphan. I

1 did not know any others.

2 Q. What was your understanding of Mr. Khieu Samphan's role at  
3 that point in time?

4 A. I did not meet him in person, but I heard from the radio  
5 broadcast that he was the head of the Democratic Kampuchea  
6 National Reunion Front.

7 [09.36.03]

8 Q. Now, moving towards the actual entry into Phnom Penh, can you  
9 tell us first how many divisions there were from the Southwest,  
10 apart from your division.

11 A. I knew that there were other divisions. I did not know the  
12 names of those divisions, but there were divisions sent from the  
13 Southwest, from the East, and from the North Zones. They were  
14 fighting their way from various directions into Phnom Penh. But I  
15 do not recall the names of those divisions.

16 Q. Were those other divisions commanded by the General Staff, as  
17 far as you know?

18 A. As far as the order was concerned by the division, they  
19 received direct instruction from Ta Mok and Son Sen.

20 Q. Thank you.

21 How large was your – your regiment on that day, on the 17th of  
22 April, as you advanced into Phnom Penh?

23 [09.38.04]

24 A. In my regiment, we were ordered to attack from Pochentong into  
25 Phnom Penh, and there were also troops under my command who were



14

1 fighting from the direction of Stueng Mean Chey and Ou Baek K'am.

2 Q. Thank you. How many troops in total in those three spearheads?

3 A. There were 600 troops.

4 Q. And exactly when did your troops enter the city of Phnom Penh?

5 (Short pause)

6 I'll just repeat the question: Exactly when -- what time and on

7 what day -- did your troops enter Phnom Penh?

8 A. It was on the 17 of April 1975.

9 Q. Was it in the morning? Do you recall a time of day that this  
10 happened?

11 A. I do not recall it exactly when of the day, but it could have  
12 been sometime around 9 o'clock in the morning.

13 [09.40.27]

14 Q. And as you entered with your soldiers, did other divisions  
15 enter at about the same time, or earlier, or later? Could you  
16 describe for us when other divisions entered the city?

17 A. Actually, my division, together with other divisions, entered  
18 Phnom Penh later than the North Zone - North Zone Division. And I  
19 was entering Phnom Penh later than the division from the East  
20 Zone as well.

21 Q. Were you given directions as to where you should go? Was there  
22 a place where you should go to station immediately when you enter  
23 Phnom Penh?

24 A. It was - I was instructed to fight our way in order to occupy  
25 the headquarters of Lon Nol's soldiers.

15

1 Q. And did you reach the headquarters of Lon Nol's soldiers?

2 A. No, I did not reach that headquarter, but the division from  
3 the North and East Zone reached there.

4 Q. And where – where did you go on the 17th of April? Where in  
5 the city did you – did you go?

6 [09.42.51]

7 A. My troops were stationed west of Borei Keila Complex.

8 Q. And at that location -- how long did you stay west of Borei  
9 Keila?

10 A. I stayed there for only one full day.

11 Q. You told my colleague yesterday that when you entered the  
12 city, it was quiet. Does that mean that there was no fighting  
13 anymore between you – your troops – and the troops of the Lon Nol  
14 army?

15 A. Would you mind repeating your question?

16 Q. Of course. Thank you. You told my colleague yesterday that the  
17 city was quiet when you entered.

18 My question is: Was there any fighting on the 17th of April as  
19 you entered the city? Did the Lon Nol soldiers continue to  
20 resist?

21 A. No, there was no fighting anymore. There was no armed clashes  
22 anymore. People who -- Phnom Penh's dwellers was (sic) staying  
23 inside their homes quietly.

24 Q. You said you stayed in the city on that day, the 17th of  
25 April. Did you see any civilians leave their homes? Did you see

16

1    them anywhere in the streets on that day?

2    A. No, I did not see civilians loitering in the streets; they  
3    stayed in their homes.

4    [09.45.40]

5    Q. You told my colleague yesterday that you had heard that people  
6    were required to leave the city and you let them leave as they  
7    were being evacuated. Did you see any people leaving the city on  
8    the 17th of April?

9    A. I saw them leave the city because I stayed in the city for one  
10   day, and then Ta Mok ordered that I withdrew the troop to Stueng  
11   Mean Chey. Then, a few days later, I saw people being evacuated  
12   out of the city through National Route Number 3 and Number 4.

13   Q. Thank you. Who told you that people were required to leave the  
14   city?

15   A. I did not hear from any leaders, I only heard from people who  
16   were marching out of the city. And those civilians told me that  
17   they were required to leave the city.

18   [09.47.31]

19   Q. Did you ask anyone as to the reason why they were leaving?

20   A. No, I did not ask. I heard from the people that they were  
21   required to leave the city. So, I just learned from those  
22   civilians.

23   Q. Was anyone permitted to stay in the city -- any of the  
24   civilians?

25   A. That, I do not know.

17

1 Q. In the following days and months, did you ever find out why it  
2 was that the population of the city was required to leave?

3 A. No, I did not know. I did not know the plan to evacuate people  
4 out of the cities.

5 Q. I understand that you were not informed; you tell us about the  
6 plan. But in the days after the 17th of April and the weeks that  
7 followed and the months that followed, did you ever discuss the  
8 evacuation and why it happened?

9 [09.49.41]

10 A. I heard from the division commander as well, but there was no  
11 formal notification or information sharing in a meeting session  
12 or so. They only told me that the city people would be evacuated  
13 out of the city for a week or so and, once Phnom Penh was very  
14 well organized and it returned to normal situation, they would be  
15 returned back.

16 Q. Thank you. Just one last question on that: When did the  
17 division commander tell you that people would be evacuated for  
18 one week?

19 A. I do not recall the date, but it was sometime after the  
20 evacuation of people out of the city. It was about a week after  
21 the evacuation; then he told me.

22 Q. Thank you.

23 You were then directed by Ta Mok to leave the city. Where did you  
24 station next? And what were – what were your responsibilities?

25 [09.51.41]

18

1 A. Following the liberation of Phnom Penh, I was instructed to  
2 withdraw my troops out of Phnom Penh. And then, at that time, my  
3 role and my troops' role were doing farming in Kampot province -  
4 in Kamboul, [corrects interpreter] -- Kamboul.

5 Q. You told us that you were required to leave within one week.  
6 Where were you for that one week between the 17th of April and  
7 one week after that?

8 A. We were doing farming in Kamboul. We have not even harvested  
9 the crops, but we were then ordered to move our troops to Kampong  
10 Trach. We, the entire regiment were transferred to Kampong Trach  
11 -- some 600 soldiers in -- under my command.

12 Q. Now, you told the investigators in your first statement --  
13 this is E3/424, in question and answer number 6 -- that after  
14 being stationed in Kampong Trach, in Kampot -- that the Upper  
15 Echelon transferred your regiment to Koh Kong province for three  
16 years. Do you recall the month and the year that you were  
17 transferred to Koh Kong?

18 [09.54.14]

19 A. I left for Kampong Trach in 1975. I do not recall the month  
20 when I left for Kampong Trach. Then, I left Kampong Trach for Koh  
21 Kong province; it was sometime in 1977. I do not recall the  
22 month, either.

23 Q. I just want to make sure we have the right periods. You went  
24 to Kampong Trach in 1975, and then you said you went to Koh Kong  
25 in '77.

19

1 And I'm just looking at your second OCIJ statement, E3/80, in  
2 question and answer number 1. You said that you went to work in  
3 Koh Kong in December 1976. Are you able to recall more precisely  
4 the year you - how long were you - were you stationed in Kampot  
5 before you went to Kampong?

6 A. I was stationed in Kampot province for about a year. If I  
7 remember correctly, it was about 10 months or so in Kampot  
8 province, and then my troops were transferred to Koh Kong  
9 province. It was in 1976, yes. That was in late 1976 or nearly  
10 1977; I cannot recall it very well.

11 [09.56.33]

12 Q. Thank you for attempting to clarify that.

13 You told my colleague yesterday, I believe, that when you - when  
14 you went to Koh Kong, you were transferred with one and a half  
15 regiment. And in your first statement with the investigators, in  
16 question and answer number 1, E3/80, you indicated that there  
17 were approximately 2,700 soldiers. Is that - is that correct,  
18 that you transferred together with some 2,700 soldiers?

19 A. Well, these 2,700 soldiers were stationed close to my  
20 regiment, but then they suffered from malaria. Then, most of them  
21 had to return back, and that left only a few hundreds there.

22 Q. So, how large was the force that you were commanding in Koh  
23 Kong from 1976 onwards?

24 A. 2,700 soldiers.

25 Q. Thank you.

20

1 You also told the investigators in your first interview, E3/424,  
2 in question and answer 7, that while working in Koh Kong you  
3 became the Deputy Commander of Division 1. Who appointed you as  
4 Deputy Commander of Division 1?

5 [09.59.21]

6 A. The appointment was made by the division commander and the  
7 West Zone Secretary.

8 Q. Now, we know that Soeung was the division commander, from your  
9 testimony yesterday, and in your statements that I cited earlier,  
10 at answer number 6, you said that the West Zone Secretary was  
11 Chou Chet, alias Si. So, is that the person, the zone secretary  
12 who appointed you deputy division commander together with Soeung?

13 A. Yes.

14 Q. Thank you. You indicated also that -- in that same answer --  
15 so E3/424, answer number 6 -- that Ta Soeung became the Division  
16 1 Commander and also a member of the zone committee. Who  
17 appointed him to be a member of the zone committee?

18 [10.01.05]

19 A. As far as I knew, the appointment was made by Ta Mok.

20 Q. The next question and answer in your statement, E3/424 --  
21 again, document E3/424, question and answer number 7 -- here you  
22 say that "in Koh Kong province, [the] army had [the] duty to  
23 protect sea and land territory", and "there was fighting with  
24 Thai soldiers for one week, consecutively". Were these your  
25 responsibilities in the Koh Kong province, to protect the sea and

1 land territory?

2 A. Yes, that is correct.

3 Q. And in relation to the protection of the sea, how did you -  
4 how did you protect the sea border?

5 A. For the protection of the sea, we did have ship and we had  
6 infantries stationed on the islands and along the coastal line,  
7 and a lot of troops were on mobile.

8 Q. In your second OCIJ statement, E3/80, question and answer  
9 number 1, you say that "there was another event; our Khmer people  
10 wanted to flee to Thailand". Could you describe what this was?  
11 What was the event where people were attempting to flee to  
12 Thailand?

13 [10.04.42]

14 A. Before my arrival and took charge of the battlefield in Koh  
15 Kong, people had been evacuated from the provincial town; they  
16 had already left. They also left Trapeang Rong and along those  
17 islands and they were sent to the rear, at Srae Ambel. So there  
18 were no people living in the area that we had our soldiers  
19 stationed.

20 Q. How did you know that Khmer people wanted to flee to Thailand?

21 A. I did not know how people fled to Thailand. Sometimes we saw  
22 them in the forest and we returned them back to the rear. And  
23 there was no proper path to travel, there were no boats for them  
24 to cross the sea. So, usually, they would travel in the forest  
25 along the trail.



1 Q. How often did this happen? How often did you find people  
2 attempting to flee, and then return them to the rear?

3 [10.06.41]

4 A. Not that often. Sometimes we spotted one or two of them. They  
5 did not have food to eat, so we gave them food, and then we  
6 brought them to our barrack and later returned them to the  
7 cooperative.

8 Q. Were you given any orders about what you should do if you  
9 encounter these people trying to flee?

10 A. There was no order, but as we spotted them, we brought them  
11 back and we also made a report to the division, and the division  
12 then instructed us to bring them back to the rear.

13 Q. How did you report to the division? What means did you use?

14 A. The report was made via the mobile radio communication and  
15 telegram. We also used telegram.

16 Q. So, do I understand correctly that you communicated with Ta  
17 Soeung by telegram and radio from Koh Kong? Is that correct?

18 A. Yes, that is correct.

19 [10.09.29]

20 Q. Yesterday, when you were being questioned by my colleague, you  
21 said that while you were guarding the coastline, in that period,  
22 you received orders from the division, and the division got its  
23 orders from the General Staff. Did I understand that answer  
24 correctly?

25 A. Yes, that is correct.

1 Q. How did the division communicate with General Staff? Did they  
2 also use telegram, or were there also other ways of  
3 communicating?

4 A. They used telegram, and sometimes vehicles were used as he  
5 went to report it directly to the General Staff.

6 Q. And do you recall who was in charge of the General Staff?

7 A. It was Son Sen who was in charge of the General Staff,  
8 together with Ta Mok.

9 Q. Did you ever receive any orders from the General Staff?

10 [10.11.41]

11 A. No, I did not receive any direct order. I only received order  
12 from the division secretary.

13 Q. Now, you've told us that you were responsible for the maritime  
14 border, you describe the ships and the troops stationed on the  
15 islands. Where you responsible for all of the islands of  
16 Cambodian coast, or were there any other military units in the  
17 area?

18 A. My target was between Kaoh Sdach Island to Koh Kong and Koh  
19 Ya, which was close to the Thai maritime border.

20 Q. And what about other islands further south from your - from  
21 your area? Were they protected by any other military divisions or  
22 units?

23 A. From Koh Sdach to Koh Rong to the south, that base toward  
24 Kampong Som, and Koh Polowai, there -- they were under the patrol  
25 of Division 3, where Ta Muth was the commander.

24

1 Q. Did you coordinate your work or did you communicate with  
2 Division 3?

3 A. Yes, there was communication at the regimental level, but  
4 their division commander never came to meet us.

5 [10.14.58]

6 Q. And what did you communicate about?

7 A. We cooperated with Division 3 at the regimental level. We got  
8 to know one another, so then we could familiarize ourselves with  
9 our task and their task and not to overlap our responsibility.

10 Q. Now, you've described for us the -- your telegram  
11 communication with Ta Soeung and you also gave some information  
12 on this in your third OCIJ statement, E3/73, in question and  
13 answer 5 and 6.

14 In number 6, you said:

15 "I always reported by telegrams to the division chairman. Once in  
16 every three or four months, I attended a meeting only if there  
17 was zone meeting because it was very far from Koh Kong; it was  
18 difficult to travel (by sea)."

19 And then the last sentence: "The telegraph report was made daily  
20 if there was a border situation with Thailand."

21 [10.17.11]

22 So, if I can just start first with telegraphs, do I understand  
23 correctly that you reported daily to Soeung if there were  
24 problems at the border with Thailand?

25 A. Yes, that is correct.

1 Q. Did you also communicate by telegraph with the regiments  
2 belonging to Division 3?

3 A. Yes, that is also correct.

4 Q. Did Ta Soeung ever come to Koh Kong to supervise and give  
5 orders or meet with you?

6 A. During the three-year time that I stayed, he went there only  
7 once.

8 Q. Now, returning briefly to your work in protecting the sea and  
9 the islands, were there ever situations where you captured boats  
10 or ships on the sea?

11 A. We captured some fishing boats belong (sic) to Thai people.

12 Q. What was the reason that you captured those fishing boats?

13 A. They encroached into our territory water to engage in their  
14 fishing.

15 Q. Were there any orders to capture boats that are encroaching  
16 into Cambodian waters?

17 [10.20.29]

18 A. Yes, there was an order to such a degree by the division.

19 Q. And what were you required to do once you captured the boats?

20 A. When the boat was captured, we would keep the boat, and for  
21 those who were on the boat, they would be sent to Kampong Som.

22 Q. Was -- let me rephrase. Where, in Kampong Som, where they  
23 sent?

24 A. They were sent to Ta Soeung's place, at that division's  
25 headquarter.

1 Q. So, was Ta Soeung also based in Kampong Som?

2 A. In fact, his office was in Prey Nob, but he usually was in  
3 Kampong Som as well.

4 Q. Did you ever discuss with Soeung what happened to those  
5 fishermen who were sent down to Kampong Som?

6 A. No, I did not discuss with him. What I informed him was that I  
7 - that we captured some Thai fishermen, and he instructed us to  
8 send them to him. And I then returned to my work -- my place.

9 Q. Thank you. Did you ever encounter any Vietnamese boats?

10 [10.23.23]

11 A. Occasionally, we saw Vietnamese boats. Sometimes we spotted  
12 once a month. Sometimes we captured it, sometimes they fled.

13 Q. And those that you captured, who were the people on those  
14 boats?

15 A. They were Vietnamese people. There were women, there were  
16 children, and there were men. They could be husbands and wives.  
17 But usually those boats were of a small size.

18 Q. And what did do with those people -- the men, women, and  
19 children -- the Vietnamese people?

20 A. They were also sent to Kampong Som.

21 Q. Do you know what those people were doing? Were they also  
22 fishing or were they doing other activities at sea?

23 A. Their destination was to go to Thailand. But because they did  
24 not speak Khmer that fluently, I could not fully understand what  
25 -- when they spoke.

1 Q. Thank you for being comprehensive in your answers.

2 Why were these boats captured?

3 [10.26.02]

4 A. We captured those boats as they encroached our territory  
5 waters. So we needed to capture them and question them.

6 Q. When you questioned them, did you provide any reports to  
7 Soeung about information received and people captured, etc.?

8 A. When we captured the boat and the people on the boat, I  
9 reported it to the division. But because of the difficulty in  
10 communication, they were sent further to Kampong Som.

11 Q. Thank you. And just one more question on that: As far as you  
12 know, were reports given by Soeung to General Staff about those  
13 boats that were being captured?

14 A. Regarding the capture of a boat, I would report by a telegram  
15 to the division. But I did not have the knowledge whether the  
16 division would report it to the General Staff.

17 [10.28.18]

18 Q. Thank you.

19 When you discussed with the investigators your transfer to Koh  
20 Kong -- and this is in statement E3/80, question and answer  
21 number 1 -- you said the following:

22 "A month after I arrived in Koh Kong [...], Nhik, the Sector 37  
23 Secretary, Ran (original name was Iv), the deputy sector  
24 secretary, and Ev, the member in charge of the sector military,  
25 were removed. When they were removed, I knew that they were sent

28

1 to the zone, but I did not know the reason of their removal."

2 How did you find out what these three people from the Sector 37  
3 Committee had been removed? How did you find that out?

4 A. The removal of Nhik, Ev -- was known to me by the sector  
5 soldiers, as some of those sector soldiers told me about that.

6 Q. And just if I can confirm with you the structure of the zone.  
7 In your second interview, the one we just discussed, E3/80, in  
8 question an answer number 22 and 23, you discussed the structure  
9 of the West Zone and you said that there were three sectors in  
10 the zone: Sector 31, Kampong Chhnang province; Sector 32, Kampong  
11 Speu province; and Sector 3, Koh Kong province. Then you explain  
12 further on that it was sector 37 that was Koh Kong province.  
13 So I just want to make sure we have that correct: it was those  
14 three sectors -- 31, 32, and 37 -- which were part of the West  
15 Zone.

16 [10.31.54]

17 A. Yes, that is correct.

18 MR. PRESIDENT:

19 Thank you.

20 The time is now appropriate for the morning adjournment. The  
21 Chamber will adjourn now until 10 to 11.00.

22 Court officer is instructed to facilitate the break for the  
23 witness and his duty counsel and have him back in this courtroom  
24 before 10 to 11.00.

25 The Court is now adjourned.

1 THE GREFFIER:

2 (No interpretation)

3 (Court recesses from 1032H to 1053H)

4 MR. PRESIDENT:

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

6 The floor is once again given to the Prosecution. You may  
7 proceed.

8 BY MR. ABDULHAK:

9 Thank you, Mr. President.

10 [10.53.51]

11 Q. Just returning briefly to Sector 37, which you say was in Koh  
12 Kong province, were you based in Sector 37 during your time in  
13 Koh Kong?

14 MR. MEAS VOEUN:

15 A. Yes, I was based in that sector.

16 Q. And when you said, in that passage that we looked at earlier,  
17 that the sector secretary, Nhik, was sent to the zone, what did  
18 you mean by that -- that he was "sent to the zone"?

19 A. I did not know for sure the reason for them being sent there.

20 Q. And if I can just ask you more specifically, what location --  
21 what place were you referring to when you said "to the zone"?

22 A. The location was the location of Ta Si.

23 MR. ABDULHAK:

24 Thank you.

25 I would like to return briefly to the issue of telegram



30

1 communication because we have a few documents that I'd like to  
2 show you and see if you're able to assist us in understanding  
3 them a little bit better.

4 [10.56.09]

5 Your Honours, the first document that I'd like to show the  
6 witness is E3/1037. It is a telegram dated the 6th of October  
7 1977. I have a hard copy for the witness, and if Your Honours  
8 permit, we can also show it on the screen.

9 MR. PRESIDENT:

10 Yes, you may proceed.

11 Court Officer, could you take the document from the Prosecution  
12 for the witness's examination?

13 BY MR. ABDULHAK:

14 Q. Now, I realize the writing is very small in Khmer, so I'll try  
15 and assist by reading from the - from the English translation.

16 It's a one page document only in all three languages. This is a  
17 telegram number 45, it's dated the 6th of October 1977, and it is  
18 -- we see on the left-hand side, from -- we have the heading,

19 "West Division -- Political Section", and then, at the bottom of  
20 the page, on the right-hand side, we see that it is authored by  
21 "Office 09 Koh Kong".

22 [10.58.04]

23 Is that a reference to your office in Koh Kong or another office?

24 MR. MEAS VOEUN:

25 A. I did not know about this office. There was no office at my

1 place, as we were just a group of soldiers.

2 Q. Thank you. If we just look at the content for a brief moment,  
3 at number 1 it states: "During the evening of 5-10, our defence  
4 unit along the coast dispatched a defence patrol since many enemy  
5 boats entered west of outer Koh Kong."

6 And then, number 2: "Around--" Apologies.

7 "Arriving at 4:00 in the morning, one enemy vessel was captured  
8 west of Koh Srauv Island."

9 And at number 3 it states that "one Thai person was aboard that  
10 vessel".

11 Does that refresh your memory? Is this an incident that you are  
12 familiar with?

13 [10.59.49]

14 A. I cannot recall that, but this document was not sent from my  
15 place.

16 Q. Now, you told us that you sent telegrams from your area. Was  
17 there an office that you were using? Did you have a telegram  
18 office in Koh Kong that you used?

19 A. At that time, there was no office. There was like the barracks  
20 for soldiers and there were those small houses for soldiers to  
21 stay along the islands.

22 Q. And do I take it that there was a telegraph machine that you  
23 used to communicate with Soeung?

24 A. Yes, we had one such machine.

25 Q. Looking at the bottom left-hand side of the document -- and

32

1 tell us if you're not able to assist -- we see "Copies: Brother  
2 89 -- Office -- Archive files". Do you know who "Brother 89" is  
3 being referred to in this document?

4 [11.01.54]

5 A. No, I do not know who that person is.

6 Q. Now, in terms of format, the telegrams that you sent and  
7 received, were they in a similar format to the document that  
8 you're looking at there?

9 A. No, this is not the kind of the document belonging to my area.

10 Q. What were some of the main differences? How did your telegrams  
11 differ from that telegram?

12 A. At my area, we would have "07" to designate our part.

13 Q. I understand. So, your - your office number was 07, and this  
14 was a different office, 09, in Koh Kong; is that correct?

15 A. Yes.

16 Q. Thank you.

17 I'd like to show you a couple more telegrams. And time is  
18 limited.

19 I want to show you document E3/1031.

20 Mr. President, this is another telegram from the West Division,  
21 and it is dated the 12th of August 1977 and signed by Soeung.  
22 With your leave, I have a copy for the witness, and we can  
23 display it on the screen.

24 [11.04.28]

25 MR. PRESIDENT:

1 Yes, you may proceed.

2 BY MR. ABDULHAK:

3 Thank you.

4 Q. Again, it's a very short document and it has two annotations  
5 -- handwritten annotations in Khmer. The -- again, it's - it has  
6 the heading "Western Division -- Political Section", top  
7 left-hand corner, and it states: "On 11 August [...], at 10 a.m.,  
8 an enemy jet plane (S 15) was flying over our islands at Koh Kong  
9 Krau from the north to the south." And the person who is the  
10 author of that telegram is Soeung.

11 May I ask you first, could that be the same person, Soeung, head  
12 of the division, that you have described for us?

13 [11.05.54]

14 MR. MEAS VOEUN:

15 A. Yes, that is correct.

16 Q. Now, it is referring to an enemy plane flying over islands at  
17 Koh Kong Krau. Was that one of the islands that you were  
18 responsible for protecting?

19 A. Yes, that is correct.

20 Q. And how would Soeung have this information? Was it information  
21 that you provided to him and he then put in this telegram, or did  
22 he get that information in some other way?

23 A. It is likely that this information was relayed to Soeung by  
24 the battalion commander during my absence.

25 Q. So, during your absence, a battalion commander would send this

34

1 type of information to Soeung; is that correct?

2 A. Yes.

3 Q. If we take a brief look at the annotations, they are signed by  
4 "Khieu". Do you know whose alias that is -- Khieu?

5 [11.08.27]

6 A. There was no person by the name of Khieu at the battalion  
7 level at the Koh Kong Krau.

8 Q. Do you recall any other individual -- not in Koh Kong, but  
9 elsewhere -- whose -- who had the alias Khieu?

10 A. There is no person by the alias of Khieu in my regiment. I did  
11 not know whether this alias belongs to somebody else outside of  
12 my regiment.

13 Q. Do you recall if anyone else in the army -- not in your  
14 regiment, but anywhere else in the army -- did anyone else have  
15 that alias, Khieu?

16 A. It seems no, because I did not know everyone. But as I said  
17 earlier, there is no one by the name of Khieu in my regiment.

18 Q. Do you recall what alias was used by Son Sen, whom you  
19 discussed earlier?

20 [11.10.32]

21 A. I already stated that there is no one by the name of Khieu in  
22 my regiment. But if it is at the General Staff level, "Khieu"  
23 referred to Son Sen.

24 Q. Now, if we just--

25 MR. PRESIDENT:

35

1 The International Defence Counsel, you may proceed.

2 MS. GUISSÉ:

3 Thank you, Mr. President. Very rapidly, for the record, may I  
4 note that in the French interpretation -- and I believe there is  
5 an omission. Document E3/031 (sic), there is no mention of the  
6 name "Khieu". I just want to point it out, that -- as we proceed;  
7 there is an error in the interpretation.

8 BY MR. ABDULHAK:

9 Thank you. Just for the record, that should be E3/1031.

10 [11.12.09]

11 Q. If we just look at that first annotation on the left-hand side  
12 to see if you recall the event, it states the following:

13 "To Angkar for information. Based on the oral report of Comrade  
14 Muth, yesterday we caught a boat (150 hp) in Koh Kong Krau, on  
15 the southern part of the island. The place where Brother and I  
16 docked the ship. Arrested 4 Thais and 1 Khmer. Their responses  
17 are relevant. There were bamboo rafts on the boat. Under  
18 interrogation."

19 I know we're discussing events which took place a long time ago.

20 I wonder if that description refreshes your memory. This is  
21 August 1977. Do you recall this capture of a boat and the  
22 interrogation of four Thais and one Khmer?

23 MR. MEAS VOEUN:

24 A. My unit did not capture these people.

25 MR. ABDULHAK:

1 Thank you.

2 I'll move on to another document, just one more telegram from the  
3 West Division. Your Honours, this is document E3/1001. It's  
4 another brief telegram dated the 31st of March 1978. With your  
5 permission, I have a hard copy for the witness.

6 [11.14.25]

7 MR. PRESIDENT:

8 Yes, you may proceed.

9 BY MR. ABDULHAK:

10 Q. Looking at this document, Mr. Voeun, again, it is signed by  
11 "Soeung", "31st of March 1978". In the top left-hand corner,  
12 again, we see the "West Zone Division", and I just want to look  
13 at the content to see if you recognize this event.

14 Number 1: "On the night of 29 March 1978, at 3.15 a.m., we seized  
15 three Thai boats in front of Ya Island. The boats were five  
16 kilometres away from the island."

17 The reference there to Ya Island, is that the same island that  
18 you mentioned earlier as one of the islands that you were  
19 protecting?

20 MR. MEAS VOEUN:

21 A. Yes, that is correct. It was from my unit.

22 Q. Now, we see that at number 3 there was an arrest of one  
23 person. Is this an event that you recall? Was this a capture by  
24 your regiment?

25 [11.16.31]

1 A. It seems that I cannot recall that event.

2 Q. Very well. I understand this is an event that took place a  
3 long time ago.

4 But if we discuss broadly the flow of information, here again,  
5 would this be a case of information being provided by troops in  
6 the Koh Kong region to Soeung, and then Soeung preparing the  
7 telegram?

8 A. Yes, that is correct.

9 MR. ABDULHAK:

10 Thank you.

11 And one last document that I wish to show you on this issue of  
12 communications within the military: this is document E3/1132 --  
13 E3/1132. It is a report by the Office of General Staff on  
14 telegrams received during December 1976. I have a hard copy for  
15 the witness, Your Honours, and with your permission I'll give it  
16 to the witness.

17 [11.18.26]

18 MR. PRESIDENT:

19 Yes, you may proceed.

20 BY MR. ABDULHAK:

21 Thank you, Mr. President.

22 Q. This document is a little bit longer, and I want to try and be  
23 very brief.

24 We see there, in the left-hand corner, "Revolutionary Army of  
25 Kampuchea -- Office of General Staff", and then the heading



1 "Overall Situation in the Country and Along the Border via  
2 Telegrams from 01 to 31 December 1976". And then there are a  
3 number of individual entries from 1 December to 28th December in  
4 relation to the maritime border.

5 And if we just look at the last entry as an example, 28 December  
6 1976, it says the following: "At 11:30 hours, our patrol unit  
7 exchanged fire with Thai soldiers who were preparing their  
8 defence line along the border north of the rubber plantation."

9 And it explains that encounter.

10 As far as you know -- and tell us if you don't know -- is this  
11 document a collection of reports being received about the  
12 situation along the maritime border?

13 MR. MEAS VOEUN:

14 A. I cannot recall that.

15 [11.20.57]

16 Q. Thank you.

17 Now, I would like to move on to a different topic, and it has to  
18 do with the operation of a security centre in the region where  
19 you were based. This is discussed in your second interview with  
20 the investigators, document E3/80, and the relevant questions and  
21 answers are from number 4 to number 7.

22 In number 4, you say that "there was a security centre in Prey  
23 Nob district ([in] Kampong Som province)", and that "it was Kaoh  
24 Khyang Security Centre".

25 In number 5, you say that the centre "belonged to the sector and

1 [...] zone" and that Ta Soeung "occasionally visited Kaoh Khyang,  
2 and some Division 1 soldiers were arrested and sent to Kaoh  
3 Khyang Security Centre".

4 [11.22.49]

5 Do you recall when this security centre commenced operation?

6 A. I never went there, but I was told by my combatants that there  
7 was a security centre at Kaoh Khyang, and it was quite a fair  
8 distance between Prey Nob and Kaoh Khyang.

9 Q. And how did you know that Ta Soeung would occasionally visit  
10 this security centre?

11 A. I did not know how occasionally he visited there, but I knew  
12 that he went there.

13 Q. Did he have some responsibility for that centre?

14 A. Initially, he did not supervise that area because the Kaoh  
15 Khyang Security Centre was established before he was in control  
16 of that centre at a later stage.

17 Q. So, returning to my earlier question, was it already in place  
18 in 1976, when you became deputy division commander?

19 A. Yes, it was established even before I went there.

20 [11.25.17]

21 Q. Now, you describe in that same statement, in question and  
22 answer number 6, that tthe "soldiers arrested and sent to Kaoh  
23 Khyang were, for instance, those whose fathers had been soldiers  
24 in the previous regime".

25 Could you describe for us what other categories were sent to Kaoh

40

1 Khyang -- what categories of people were imprisoned there?

2 A. As for those soldiers in Division 1, Ta Soeung took them to  
3 that security centre, but he did not arrest them from their base.  
4 They were called to his location, and then they were taken to  
5 Kaoh Khyang Security Centre or elsewhere. I was not completely  
6 sure on that.

7 Q. Thank you.

8 Now, just to explore that a little bit further, in your statement  
9 -- E3/80, at question and answer number 10 -- you say that  
10 "regarding all decisions to arrest people in the division, there  
11 was a special force of the division tasked to conduct  
12 investigations and examine the biography of each combatant".  
13 Were these the people who would arrest and bring people to Ta  
14 Soeung?

15 [11.27.39]

16 A. Yes, that is correct.

17 Q. And that special unit -- who issued orders to that unit as to  
18 who they should arrest?

19 A. It was Soeung.

20 Q. Now, in that same passage, you go on to say the following:

21 "In case an event happened, the special force of the division  
22 would come to request to send to the rear any combatant who,  
23 according to his biography, was linked because he was a child of  
24 a ranking soldier or official in the previous regime..."

25 So, do I understand correctly that this unit was reviewing

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1 biographies and identifying people linked to the previous regime?

2 A. Yes, that is correct.

3 Q. What is your understanding as to why they were looking for  
4 people with links to the previous regime in examining  
5 biographies?

6 [11.29.56]

7 A. That, I do not understand why they tried to single out the  
8 children of the officials or soldiers from the previous regime. I  
9 did not understand the motive.

10 Q. Now, returning to your statement -- E3/80, question and answer  
11 number 7 -- you were discussing combatants from Koh Kong, and  
12 this is what you said: "Combatants in Koh Kong were sent to  
13 tempering places to dig canals at Banteay Longveaek. [And] Ta  
14 Soeung, the division commander, was the one who decided the  
15 transfer of the soldiers."

16 So do I understand correctly that some of the combatants in your  
17 regiment were removed and taken to tempering places?

18 A. Yes, that is correct.

19 Q. Who actually -- physically -- took them and removed them from  
20 your regiment?

21 A. The special division.

22 Q. And when the special division, or special force, came to  
23 collect these people, did they inform you that they would remove  
24 them?

25 [11.32.05]

42

1 A. Yes, they did, but I did not resist -- I did not resist  
2 against their order.

3 Q. And why did you not resist them removing soldiers from your  
4 regiment?

5 A. I dared not resist for fear of my personal security.

6 Q. What were the reasons that the special force would remove  
7 soldiers from your regiment?

8 A. There was an order, and the order came from the -- came from  
9 him who supervised all the regiments. So, he had the final say on  
10 the fate of soldiers.

11 Q. I understand that the order came from the head of the  
12 division.

13 My question is simply: Why were these soldiers being removed by  
14 the special force?

15 A. I do not understand your question. Could you please clarify  
16 it?

17 Q. Of course. What were the reasons that soldiers would be  
18 removed from your regiment?

19 A. No, it was not the special division, but it was the special  
20 regiment subordinate to the division, and they received order  
21 from the division commander to remove certain soldiers from  
22 various regiments to the rear.

23 [11.34.59]

24 Q. Were they removed because they were identified as having  
25 family relations with member of the former regime? Was that one

1 of the reasons they were removed?

2 A. Yes, that is correct, because they had some family connection  
3 with the previous regime.

4 Q. In your second -- rather, in your third statement, E3/73, at  
5 question and answer number 2, you said -- in relation to people  
6 being purged in the West Zone, you said: "...for example, when  
7 there were bandits and when people attempted to flee to  
8 Thailand."

9 Are these additional reasons why people were removed, because  
10 they were bandits or because they attempted to flee to Thailand?

11 A. Yes, these were also the reasons.

12 Q. Now, we saw earlier from your statements that you sometimes  
13 attended meetings with Ta Soeung -- I think you said it was once  
14 every three or four months. During those meetings, did Ta Soeung  
15 discuss the arrests and removals of people?

16 [11.37.34]

17 A. When he convened a meeting with me, he instructed me to keep a  
18 record of the biographies, and keep track of the performance of  
19 the soldiers, and also find out the previous activities of the  
20 soldiers before the decision was made to remove any individual  
21 soldiers.

22 Q. And those biographies that you kept record of, were these the  
23 biographies that the special regiment used to identify people to  
24 be removed?

25 A. As far as the biographies were concerned, they collected those

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1 biographies and hand them in to Ta Soeung.

2 Q. Thank you.

3 Move on to another topic, in the interest of time. In your second  
4 statement, E3/80 -- and the relevant questions and answers are  
5 from number 14 all the way up to number 21 -- you discussed  
6 congresses of the West Zone, which you attended.

7 [11.39.50]

8 Now, if I understand your answers correctly here, you recall  
9 having attended two congresses, a West Zone congress and also a  
10 military congress of the West Zone.

11 MR. IANUZZI:

12 Excuse me, Your Honour?

13 MR. PRESIDENT:

14 Witness, please hold on.

15 Counsel, you may proceed.

16 MR. IANUZZI:

17 This is not an objection as such; I'm simply hearing what my  
18 colleague across the stage has said. I believe he referred to  
19 question and answers 14 through 21 of this statement.

20 Now, the issue that I raised yesterday about the torture-tainted  
21 evidence -- as far as I'm concerned, we are looking at E3/80 --  
22 that falls directly within that range.

23 [11.40.38]

24 So I would just like to ask the Chamber to caution the

25 Prosecution to tread carefully here. We are in the realm of

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1 torture-tainted evidence, and some of what this witness has said  
2 with respect to the questions that have just been put by my  
3 colleague were elicited from questions put based on  
4 torture-tainted evidence by the OCIJ investigators.  
5 So I just wanted to flag that for the moment. Thank you.

6 MR. ABDULHAK:

7 If I may respond briefly, Mr. President, the Chamber – the  
8 Chamber ruled yesterday that the statement is in evidence and, of  
9 course, it ruled also that the confession itself -- the content  
10 of the confession -- will not be relied upon contrary -- in a way  
11 that would be contrary to the Convention Against Torture.

12 I disagree with my friend that the witness's answers are in any  
13 way based on that document. In fact, the witness discusses a  
14 congress he attended before that document is mentioned. He then  
15 essentially gives evidence from his own memory.

16 And that's all I seek to do; I seek to ask the witness questions  
17 based on his own memory, and not by reference to any confessions  
18 he may have been asked about.

19 [11.42.14]

20 MR. PRESIDENT:

21 Thank you. Thank you for the observation made by counsel. And the  
22 Chamber notes your observation. And the Chamber also issued a  
23 ruling. And Chamber is cautious of these facts. And we are  
24 following the lines of questioning, and we will from time to time  
25 observe the line of questioning, and we will decide whether or



1 not the question is appropriate.

2 And parties are reminded that they have a specific question  
3 should they have any concern in relation to the any statement  
4 from the tainted evidence. So far, we have not actually heard any  
5 question concerning the confession extracted from - by ways of  
6 torture.

7 Witness, you are now instructed to respond to the last question  
8 posed by the Prosecution if you still recall. Otherwise, we may  
9 ask the prosecutor to repeat the last question.

10 (Short pause)

11 It appears that the witness does not recall the last question  
12 posed. Mr. Prosecutor, please repeat your last question.

13 [11.43.53]

14 BY MR. ABDULHAK:

15 Thank you, Mr. President.

16 Q. My question was simply: Did I understand correctly your  
17 answers in a statement, that you attended two congresses in the  
18 West Zone?

19 MR. MEAS VOEUN:

20 A. Yes, I did participate in those congresses.

21 Q. Thank you. Now, at question and answer number 16 -- and please  
22 only tell us what you recall from your memory -- you said that  
23 "Ta Nuon Chea or Ta Pol Pot were usually present [at] the zone  
24 congresses". And then you said:

25 "The West Zone congress lasted about a week because, during the

1 congress, there were study and discussion sessions, and we were  
2 divided into groups to have a self-criticism meeting days and  
3 nights."

4 Is that a correct summary of your response? Do you recall that it  
5 was Nuon Chea or Pol Pot that would attend zone congresses?

6 [11.45.31]

7 A. I only saw Ta Pol Pot, Ta Pal, Ta Si, and the zone committee,  
8 as well as the commander of regiments, together with the  
9 secretary of division.

10 Q. Thank you. How did you learn that it was usually Ta Nuon Chea  
11 or Ta Pol Pot that would be present at zone congresses?

12 A. The leaders in attendance in those congresses were Ta Pol Pot,  
13 Ta Pal, Ta Si, and then commanders in the military ranks, but I  
14 did not see Nuon Chea.

15 Q. I might just repeat that question to make sure we understand  
16 exactly what you knew. You said that Ta Nuon Chea or Ta Pol Pot  
17 usually were present at zone congresses--

18 [11.47.18]

19 MR. IANUZZI:

20 Objection, Your Honour. The witness said-

21 MR. PRESIDENT:

22 Witness, please hold on.

23 Counsel, you may proceed.

24 MR. IANUZZI:

25 Thank you. As far as I can tell from the statement, the witness

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1 said: "Ta Nuon Chea or Ta Pol Pot were usually present", etc.,  
2 etc. That's what's stated in the question that immediately  
3 follows the use of the torture-tainted evidence, whereby the name  
4 "Brother Number Two" was put to the witness by the investigators  
5 from a confession. The witness didn't say it on his own. That's  
6 our position.

7 That's exactly the point I was trying to make yesterday, that's  
8 the point I'm trying to make today. This witness has been  
9 improperly influenced by torture-tainted evidence, and now it's  
10 coming out in Court.

11 [11.48.11]

12 MR. ABDULHAK:

13 If I may respond, Mr. President, I disagree with my friend.  
14 First of all, these words, "Ta Nuon Chea or Ta Pol Pot were  
15 usually present", are the witnesses words; they are not from the  
16 - from the confession. These are the words that he spoke. And he  
17 confirmed earlier that these were his words. I was very cautious  
18 and I asked him to give us only the information from his own  
19 memory. And that's where I was heading; I just wanted to clarify  
20 whether this information was from his memory or whether that was  
21 a mistake, and then I would move on.

22 MR. IANUZZI:

23 If I could just reply very briefly, I think the witness was--

24 MR. PRESIDENT:

25 Counsel, you need not reply to the response made by the

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1 Prosecution. In the conduct of the hearing, we would not grant  
2 leave for the party to reply to a response.

3 (Judges deliberate)

4 [11.50.09]

5 Mr. Prosecutor, please be cautious of your line of questioning.  
6 And we would like to remind you to rephrase your question. And  
7 the question should be directly put to the witness, as the  
8 witness is now in front of the Chamber. And you should be  
9 specific and direct to the witness in question.

10 BY MR. ABDULHAK:

11 Thank you, Mr. President.

12 Q. Mr. Voeun, based on your recollection, is it correct that Pol  
13 Pot or Nuon Chea usually attended zone conferences?

14 MR. IANUZZI:

15 Objection; it's the same bit of evidence. It's the same bit of  
16 evidence.

17 The witness has been asked twice already about who attended these  
18 - these congresses. He talked about Pol Pot and he mentioned some  
19 other names; he didn't say "Nuon Chea". He said "Nuon Chea" in  
20 the statement, at the prompting of the investigator's "Brother  
21 Number Two". That's what's happened.

22 [11.51.38]

23 I think what we ought to do is listen to the transcript,  
24 perhaps, and then we could clarify this.

25 This is exactly - this is - this is A16. That's the question that

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1 I raised yesterday, and I knew this was going to happen. And the  
2 President said, "Don't worry, it's a procedural defect; you  
3 should of dealt with it during the investigative stage; it's not  
4 going to cause any problems at the trial". It's causing major  
5 problems at the trial, I would say.

6 MR. ABDULHAK:

7 Thank you, Mr. President. My friend is quite mistaken. I was  
8 very-

9 (Judges deliberate)

10 [11.52.44]

11 MR. PRESIDENT:

12 The objection and the grounds of objection by the international  
13 defence counsel for Mr. Nuon Chea are not well founded so not  
14 sustained. The witness is instructed to respond to the general  
15 question by the Prosecution, the question that elicits the memory  
16 of -- the experience of the witness.

17 And if you can recollect the past event based on your experience,  
18 then you are instructed to respond to this question. But if you  
19 do not recall the question asked by the prosecutor, you may seek  
20 his repetition.

21 BY MR. ABDULHAK:

22 Q. Perhaps I'll just repeat the question: Mr. Meas Voeun, based  
23 on your recollection is it correct that Pol Pot or Nuon Chea  
24 would attend zone congresses?

25 MR. MEAS VOEUN:

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1 A. I do not recall it very well. But in the zone congress, I did  
2 see the leaders but I did not see Nuon Chea. But I don't know  
3 whether or not he attended in those meetings, but I did not know.  
4 [11.54.26]

5 Q. Thank you.

6 Now, you said also in E3/80, at question and answer number 19,  
7 that in those congresses - in the two congresses you attended,  
8 "there was discussion about the purges of the enemy burrowing  
9 from within, referring the activities of the Vietnamese enemy".  
10 Who was it that discussed "the purges of the enemy burrowing from  
11 within?

12 MR. IANUZZI:

13 Objection, Your Honour. I again would say that this is an  
14 additional fruit of that original poisonous tree that I was  
15 talking about yesterday. This is what we're talking about.  
16 "Brother Number Two" was put in this witness's mind; it was  
17 injected into this statement, into this series of questions, and  
18 it remained there. That's the fruit of the poisonous tree.  
19 You need to deal with that, you need to address that.

20 [11.55.41]

21 MR. ABDULHAK:

22 Mr. President, we've moved on from the issue. We've already lost  
23 precious time yesterday, and I'm losing time today from very  
24 limited amount of time.

25 This is a completely unfounded objection. I will ask the Chamber

1 to overrule it and allow me to continue.

2 MR. IANUZZI:

3 I am happy to give the Prosecution more time on Monday; I think  
4 that's absolutely reasonable. If they need more time, that's fine  
5 with us.

6 MR. PRESIDENT:

7 It is not the party who decides how much time is to be allocated  
8 to parties; it is the discretion of the Chamber. It is not up to  
9 the party to decide as to how much time the other party should  
10 have time. You may have been mistaken with your role in the  
11 proceedings.

12 (Judges deliberate)

13 [11.58.08]

14 The objection and the grounds of objection by the international  
15 defence counsel for Mr. Nuon Chea are not founded, and thus not  
16 sustained.

17 So, Mr. Prosecutor, you may proceed with your line of  
18 questioning. However, the Chamber reminds the prosecutor that the  
19 -- your questions should relate to the experience of the witness  
20 before you.

21 BY MR. ABDULHAK:

22 Thank you, Mr. President. And we will continue to ask about the  
23 witnesses own experiences.

24 Q. Mr. Voeun, just if I can repeat that last question, who was it  
25 that discussed "the purges of the enemy burrowing from within" at

1 the zone congress?

2 MR. MEAS VOEUN:

3 A. They were Ta Pol Pot, Ta Si, and Ta Pal.

4 [11.59.45]

5 Q. Now, in a separate statement -- E3/73, at question and answer  
6 number 11 -- you said the following: "I attended the congress  
7 twice, which either Ta Nuon Chea or Ta Pol Pot was present, in  
8 Kampong Speu province and Banteay Longveaek, in Kampong Chhnang  
9 province."

10 What was the reason that you said that it was "either Ta Nuon  
11 Chea or Ta Pol Pot" that attended the congresses that you  
12 attended -- based on your own memory?

13 MR. PRESIDENT:

14 Witness, please hold on.

15 National Counsel for Mr. Nuon Chea, you may proceed.

16 MR. SON ARUN:

17 I would like to object against the question posed by the  
18 prosecutor.

19 [12.00.49]

20 He reads out the statement from the previous record of interview  
21 when he reads that either Ta Nuon Chea or Pol Pot were present in  
22 Kampong Speu province. I think that this - this statement was not  
23 precise because that would elicit speculation from this witness.

24 MR. ABDULHAK:

25 Mr. President, I am simply asking the witness, in this separate



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1 statement where he mentioned Nuon Chea, why it was that he  
2 referred to Nuon Chea, and I'm eliciting an answer based on his  
3 memory. I think that's entirely appropriate.

4 MR. PRESIDENT:

5 The objection by the defence counsel for Mr. Nuon Chea against  
6 the questions by the Prosecution is not sustained.

7 You may object, but if you refuse the questions by the  
8 Prosecution that was not defined in the Code of Criminal  
9 Procedures of Cambodia -- so this objection as well as the  
10 refusal of this question is not appropriate and does not sustain.

11 [12.02.33]

12 BY MR. ABDULHAK:

13 Thank you, Mr. President.

14 Q. So, just returning to that statement that you gave, Mr. Meas  
15 Voeun, when you said that the congresses you attended -- that it  
16 was either Ta Nuon Chea or Ta Pol Pot that was present, what was  
17 the reason that you said it was "either Ta Nuon Chea or Ta Pol  
18 Pot"?

19 MR. MEAS VOEUN:

20 A. I will respond to this question based on my own experience. I  
21 did not see Mr. Nuon Chea; I saw Ta Si, Ta Pol Pot, Ta Pal.  
22 That's what was based on my own experience at that time. I saw  
23 them.

24 MR. PRESIDENT:

25 The time is now appropriate for lunch adjournment. The Chamber

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1 will adjourn now and resume at 1.30 this afternoon.  
2 Court officer is instructed to facilitate the rest for the  
3 witness and his duty counsel during the break and have him back  
4 in this courtroom before 1.30 this afternoon.  
5 Counsel, you may proceed.

6 [12.04.10]

7 MR. IANUZZI:

8 Thank you, Mr. President. I have three very brief points, my  
9 first point returning briefly to something that we just  
10 discussed.  
11 I'm certainly not trying to overstep my bounds or go beyond my  
12 position. I do appreciate, though, that time is lost -  
13 substantive time is lost on objections, and I'm simply trying to  
14 make it clear to the Chamber that we, the Nuon Chea defence team,  
15 has absolutely no objection to the Prosecution being given a bit  
16 of extra time on Monday. In fact, if they need 15 minutes of my  
17 own time, they can have it. I just wanted to make that very  
18 clear. I am not trying to take over your duties Mr. President. I  
19 would certainly never attempt to do that.  
20 My second point is with respect to an application I made  
21 yesterday about the possibility of Nuon Chea being given time to  
22 make some comments, some remarks in reaction to the Closing  
23 Order. Quite frankly, I didn't understand your ruling. There's  
24 been no transcript circulated; I had to look at the "Cambodia  
25 Tribunal Monitor". And according to that source, "the Trial

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1 Chamber would first hear the testimony of witness TCW-428".  
2 So, does that mean, at the conclusion of this witness's  
3 testimony, Nuon Chea will be able to make the remarks that he  
4 requested to make yesterday - just so I have it very clearly?  
5 Judge Cartwright said yes, I think.

6 [12.05.35]

7 MR. PRESIDENT:

8 In Khmer, it was clear in the decision of the Chamber in relation  
9 to the request by Nuon Chea, who wished to make certain remarks  
10 in relation to the relevant paragraphs of the Closing Order read  
11 out in open Court by the greffiers.

12 The Chamber will consider granting leave for him to make such  
13 remarks following the conclusion of the hearing of testimony of  
14 witness TCW-428, and we would choose any one morning of the Court  
15 hearing days for him to make such remarks in relation to the  
16 scope of the relevant paragraphs of the Closing Order read out by  
17 the greffier in Case 002/01.

18 And that should be clear to all parties. Even ordinary and other  
19 reasonable people would understand this ruling.

20 [12.07.14]

21 MR. IANUZZI:

22 I'm certainly not a reasonable person, Your Honour.

23 Thank you very much for that.

24 I forgot my last request. I have just been informed that Nuon  
25 Chea is suffering from a headache, a backache, and a genuine - a

1 general lack of concentration, and for those reasons he would  
2 like to spend the afternoon in the holding cell. That's our final  
3 application for the morning. Thank you.

4 MR. PRESIDENT:

5 The Chamber notes the request by Mr. Nuon Chea through his  
6 defence counsel to follow the proceeding remotely for the  
7 remainder of today's proceeding due to his health reason, and the  
8 defence team for Mr. Nuon Chea would submit the waiver to the  
9 Chamber immediately.

10 The Chamber grants the request for Mr. Nuon Chea to follow the  
11 proceeding from a holding cell downstairs, where audio-visual  
12 equipment is linked for him to follow the proceeding remotely.

13 [12.08.41]

14 And however the Chamber requires that the defence team for Mr.  
15 Nuon Chea to submit the Chamber the waiver of Mr. Nuon Chea not  
16 to be present directly in the courtroom today.

17 And AV assistants are instructed to link the audio-visual  
18 equipment to the holding cell downstairs for the remainder of  
19 today's proceeding so that Mr. Nuon Chea can follow the  
20 proceeding remotely from there.

21 And security guards are instructed to bring the co-accused to the  
22 holding cell downstairs. Mr. Nuon Chea is to remain in the  
23 holding cell, where he will be connected to the audio-visual  
24 means, to follow the proceedings remotely, and Mr. Khieu Samphan  
25 is to be brought to this courtroom before 1.30 p.m. Thank you.

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1 (Court recesses from 1209H to 1333H)

2 MR. PRESIDENT:

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

4 The International Counsel, you may proceed.

5 MR. IANUZZI:

6 Thank you, Mr. President. Good afternoon, everyone. I won't take  
7 up much time. I meant to do this earlier, but I didn't want to  
8 cut too deeply into the lunch break. I have a very quick  
9 application concerning something in today's "Cambodia Daily", and  
10 this relates to a -- to an article on the front page, and the  
11 title of that article is "Sonando Verdict -- A Tough Test for KRT  
12 Legacy". And that, of course, is referring to the Mam Sonando  
13 Case. And I won't go into the details, but mindful of the knuckle  
14 rapping I received yesterday from Judge Cartwright about making  
15 timely applications, I wanted to get this on the record as soon  
16 as possible.

17 [13.34.26]

18 This article briefly concerns the abject failure of this Tribunal  
19 to have any effect on the appalling state of Cambodia's municipal  
20 justice system. And given that next week we're going to have some  
21 time to discuss documents, my application today is that this  
22 article, in particular, be tabled for discussion. I'm certain it  
23 will be part of the official press releases today.

24 So, perhaps everyone could have a look at it. We could hear

25 responses and replies, if any, on Monday, and then we could have

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1 a decision as to whether or not that's an appropriate topic for  
2 discussion in the Court.

3 If I could just briefly quote from that article just to give the  
4 public a flavour of what's contained -- and I'm quoting now: "Far  
5 from setting a good example, the Khmer Rouge Tribunal may have  
6 done just the opposite, said Rupert Abbott, Amnesty  
7 International's Asia researcher for Cambodia."

8 [13.35.21]

9 I won't go on. That just -- I'll leave it there, but I do think  
10 this is an important issue that ought to be discussed in the  
11 public, before this Chamber. It clearly concerns the legacy of  
12 this Tribunal.

13 MR. PRESIDENT:

14 The Prosecution, you may proceed.

15 BY MR. ABDULHAK:

16 Thank you, Mr. President.

17 Q. Mr. Voeun, if we can return to our discussion of the West Zone  
18 congresses which you attended and described a little bit earlier,  
19 and we talked about speeches referring to purges of enemy  
20 burrowing from within and the Vietnamese enemy.

21 What I'd like to do is show you a -- a document, which contains a  
22 speech given at a conference in August 19 -- in July 1977, and  
23 see whether the content -- some of the contents of that speech  
24 resonate with you and whether you recall that particular speech.

25 [13.36.59]

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1 Your Honours, this is document E3/193. It is the August 1977  
2 issue of the "Revolutionary Flag". Of course, I have a hardcopy  
3 for the witness and we can display it on the screen, with your  
4 permission.

5 MR. PRESIDENT:

6 Yes, you may proceed.

7 Court Officer, could you take the document for the witness  
8 examination?

9 BY MR. ABDULHAK:

10 Q. Mr. Voeun, you will see that on the -- on your second page,  
11 this document says that it is -- contains a presentation of the  
12 Party organization representative regarding a number of  
13 instructions in building, strengthening, and expanding Party  
14 leadership on the occasion of the West Zone cadre conference, 25  
15 July 1977.

16 [13.38.12]

17 It's a long document and we don't have the time to review its --  
18 all of its contents. I'll just read to you from a couple of  
19 passages and see whether you recognize that speech.

20 Your Honours, this is -- the first passage is at Khmer ERN  
21 00062949, French 00611827, and English 00399224, and under point  
22 1, the speech says:

23 "The movement herded and trampled elements that betrayed the  
24 revolution: counter-revolutionary elements, dangerous elements,  
25 no-good elements. All these elements were trampled and crushed by

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1 the mass movement during these past six months."

2 And I'll read to you another passage before I ask you some  
3 questions and this is at Khmer ERN 00062952, French 00611829 to  
4 30, and English 00399226. And here the speech discusses the  
5 situation in a number of sectors, and Sector 37 is the one I wish  
6 to look at because that's where you were located. The speech goes  
7 on to say -- quote:

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

13 [13.40.37]

14 Just looking at those two passages, do they resonate with you,  
15 Mr. Voeun? Do you recall a speech being given in the terms that I  
16 just read?

17 MR. MEAS VOEUN:

18 A. Within the military units, we rarely heard of such speech  
19 because we were far away.

20 Q. I'll just read one other brief passage and see whether this  
21 one -- whether you recognize some of this information.

22 [13.41.30]

23 At Khmer 00062956, French 00611833, and English 00399229, here we  
24 have the following passage -- quote:

25 "We all make the assessment to be crystal-clear about the Party



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1 line. This is because it is not like a Party instructional  
2 circular is done without understanding. The Party has raised this  
3 principle based on the concrete situation and a clear analysis..."

4 A little bit further down, it continues:

5 "Imagine Sector 37, the history of which I spoke about earlier.  
6 The contemptible Chong's group controlled it all along, and later  
7 the contemptible Nheuk's group controlled it all along. They were  
8 built into Party members, into cadres, into the Army. This is a  
9 location about which we must be vigilant. We must pay attention  
10 to and be vigilant toward the sources built by those groups."

11 The reference to Nheuk, could that be a reference to the  
12 individual that you were describing earlier as the Sector 37  
13 Secretary who had been removed?

14 [13.43.10]

15 A. I did not know whether this man referred to the same person.  
16 However, I heard about that event as was told by my friends. But  
17 I, myself, did not attend the meeting organized by the General  
18 Staff.

19 Q. The speeches that you did hear and which we were talking about  
20 before the adjournment, those speeches discussed the purges of  
21 the enemy burrowing from within. Were those speeches similar to  
22 these passages that we've been looking at?

23 A. Yes.

24 MR. ABDULHAK:

25 Now, if I move on to a couple of other documents and see whether

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1 you are able to recognize some of the names in them--

2 [13.44.38]

3 Your Honours, the next document that I want to show the witness  
4 is E3/1220. This is a report authored by Office M-401, and it was  
5 one of the documents that was discussed with the witness during  
6 his interview. And, with your leave, I will give him a hard copy.

7 MR. PRESIDENT:

8 Yes, you may proceed.

9 Court Officer, could you deliver the document from the  
10 Prosecution for the witness's examination?

11 BY MR. ABDULHAK:

12 Thank you.

13 Q. At the very start of the document, the author says:

14 "To respected and beloved Angkar.

15 "We would like to give additional report to Angkar on actions to  
16 purge the contemptible traitors in the rank across the zone."

17 [13.45.52]

18 And if you look further down -- at Khmer ERN 00021511; French,  
19 00532782; and English, 00583934 -- there is a list of Sector 37  
20 individuals who had been purged according to this document.

21 There's a reference here to Tin, a member of the sector and  
22 Secretary of the Srae Ambel district. Are you familiar with that  
23 individual?

24 MR. MEAS VOEUN:

25 A. No, I did not know this person.

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1 Q. And the individual immediately below at number 2, Savath,  
2 Secretary of Prey Nob and Srae Ambel districts, is that someone  
3 that you are familiar with?

4 A. Yes, I knew this person.

5 Q. Is that someone who disappeared during the time that you were  
6 in the West Zone?

7 [13.47.34]

8 A. The person by the name of Savath, he did not disappear. He was  
9 a soldier and, after his surgery, he was relieved of his duty,  
10 but I didn't know where he was sent to.

11 Q. Thank you.

12 Now, I'd like to look at another document, and perhaps before we  
13 do that, I just want to make sure that we have the record  
14 complete.

15 In your third OCIJ interview, E3/73, in question and answer  
16 number 4, you indicated that M-401 was Ta Si's office. Is that a  
17 correct summary of your statement -- M-401 was the office of Ta  
18 Si, who was also known as Chou Chet?

19 A. Yes, that was his office, and nobody could enter there except  
20 authorized people like Ta Soeung. I, myself, would not be  
21 authorized to enter that office.

22 MR. ABDULHAK:

23 Thank you.

24 Moving right along to this other document that I wish to show  
25 you, it's another report from M-401, and this is document

1 E3/1094.

2 [13.49.38]

3 Your Honours, I have a hard copy. With your permission, I'll hand  
4 it to the witness.

5 MR. PRESIDENT:

6 Yes, you may proceed.

7 Court Officer, could you deliver the hard copy from the  
8 prosecutor for the witness's examination?

9 BY MR. ABDULHAK:

10 Thank you, Your Honours.

11 Q. This document is addressed "To respected, beloved and missed  
12 Angkar", and it is a monthly report to Angkar -- only one section  
13 that I wish to look at because it relates to Sector 37.

14 [13.50.58]

15 If we go to Khmer ERN 00143610, French 00593530, and English  
16 00315374, there's a heading there, Mr. Voeun, "Sector 37", and  
17 below that, subheading "The activities of the hidden enemy  
18 burrowing from within".

19 There is another heading, just a few lines lower, that is as  
20 follows:

21 "About the screening of the Yuon elements, CIA agents, and the  
22 not good elements:

23 "[Number] 1. Smashed 100 ethnic Yuons, included small and big,  
24 adults and children.

25 "[Number] 2. Smashed 60 persons who had been from the ranking

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1 group as well as the CIA of the American Imperialist who were  
2 hiding in the units and cooperatives."

3 This seems to describe the smashing of a large number of  
4 Vietnamese people in Sector 37. Were you aware of the screening  
5 of Vietnamese people in the region?

6 MR. MEAS VOEUN:

7 A. No, I was not aware of that.

8 Q. Here we have also a reference to CIA American imperialist  
9 ranking group.

10 When people were removed from Division 1, were some of them  
11 accused of being CIA or associated with the CIA?

12 A. Could you please rephrase your question?

13 Q. Yes, of course. There's a reference there to the smashing of  
14 CIA people. My question is: When soldiers were removed from  
15 Division 1, were any of them accused of being associated with  
16 CIA?

17 [13.53.36]

18 A. Yes, they were, both for the CIA and those who were associated  
19 with that CIA.

20 MR. PRESIDENT:

21 Judge Lavergne, you may proceed.

22 JUDGE LAVERGNE:

23 Excuse me, Prosecutor, for this interruption to clarify what you  
24 are saying.

25 Can you ask the witness whether, as of the date of that report,

1 he was still working at Sector 38?

2 BY MR. ABDULHAK:

3 Thank you very much, Judge Lavergne.

4 Q. Mr. Voeun, this document is dated 4 August 198 -- apologies --  
5 4th of August 1978. As of that time -- and I should indicate it  
6 is a monthly report for July 1978 -- so as at that time, July  
7 1978, were you still in the Koh Kong region?

8 [13.55.27]

9 MR. MEAS VOEUN:

10 A. I already left Koh Kong by then.

11 Q. And just before we move on to your next location, I just have  
12 a couple more questions about your activities in Division 1.  
13 Were you ever required to attend -- were you ever required to  
14 attend any meetings in Phnom Penh?

15 A. No, I never attended any meeting held in Phnom Penh.

16 Q. What about other events, annual celebrations or otherwise, did  
17 you travel to Phnom Penh for any other events?

18 A. No, I did not. If such an event was held, it would be held at  
19 our place.

20 MR. ABDULHAK:

21 Did you need to take a break, Mr. Voeun?

22 MR. PRESIDENT:

23 Mr. Witness, would you like to go to the bathroom? You may do so  
24 if you wish.

25 [13.57.34]

1 MR. IANUZZI:

2 Mr. President, if I just may use this time to make a brief  
3 comment, I know it's rather embarrassing to be confronted with  
4 what your colleagues are up to across town; I'm sure that's  
5 embarrassing for all seven of you up there on the Bench. However,  
6 that doesn't change the fact that those events are transpiring  
7 beyond this glass wall; that there are certain very unpleasant  
8 judicial realities being executed by your brethren, that is, by  
9 members of your judiciary.

10 And to simply cut off my microphone and pretend that you don't  
11 want hear these things, hear about these things, I suggest that  
12 is a shirking of your duty as judicial officers.

13 Now, the legacy of this tribunal -- one of the legacies of this  
14 tribunal -- is to have a positive impact, a positive effect, on  
15 the national justice system. Now, if you're confronted with--  
16 [13.58.44]

17 MR. PRESIDENT:

18 Of course, you have your own reason in your attempt to submit a  
19 new document before this Chamber. We have instructed all the  
20 parties in regard to the process of submitting a new document. If  
21 that is your intention, please do so in writing with sufficient  
22 grounds as stipulated in Rule 87.3, including all the subrules in  
23 Rule 87, so that the Chamber will consider that application.  
24 We are not here to please you. We are here for the just cause and  
25 for the expeditious trial and for the justice, as well as the

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1 effective use of the time. And you just cannot be on your feet  
2 and raise any matter.

3 [13.59.50]

4 You need to have grounds for raising your point, and what you  
5 raised is a new point and it is contradictory to the instructions  
6 by the Chamber in regards to the submission of a new document.

7 There is an existing procedure for you to follow, and if you  
8 intend to submit that new document, please follow that procedure  
9 and you do that in writing.

10 Please be seated. You are not allowed to speak any more on this  
11 point.

12 Mr. Prosecutor, you may continue your line of questioning.

13 BY MR. ABDULHAK:

14 Thank you, Mr. President.

15 Q. Mr. Voeun, just earlier we were discussing your move - or,  
16 rather, the timing of your departure from Koh Kong. Now, we will  
17 be discussing your time in Preah Vihear region, but I just want  
18 to refer to your -- one of your statements for the purposes of  
19 clarifying the timing.

20 [14.01.33]

21 E3/424 at question and answer 19, you state that you went to  
22 control sector in Preah Vihear in August 1978. Does that refresh  
23 your memory as to the time? Was it in August 1978 that you left  
24 Koh Kong or was it earlier in that year?

25 MR. MEAS VOEUN:



1 A. I left Koh Kong for Preah Vihear province. It was in August  
2 1978. It was on that date I left for Preah Vihear from Koh Kong  
3 province.

4 Q. Now, you left Koh Kong in August 1978. How did you travel to  
5 Koh Kong (sic); which direction did you take leaving from Koh  
6 Kong and travelling towards Preah Vihear? Did you go through  
7 Phnom Penh or some other route?

8 [14.03.21]

9 A. I left Koh Kong on a motorboat and then we got to Srae Ambel,  
10 and then from Srae Ambel we took the truck from Srae Ambel to  
11 Phnom Penh. And then the division in Phnom Penh took us to Siem  
12 Reap and then we travelled from Siem Reap to Preah Vihear.

13 Q. While you were in Phnom Penh, did you have any meetings to  
14 discuss what you were going to be doing in Preah Vihear?

15 A. When I left Koh Kong and arrived in Phnom Penh, I -- joining  
16 the company was Ta Soeung who was the secretary of the division,  
17 and then I -- we met with Pol Pot in Ounalom pagoda.

18 Q. Did you meet -- was it just Ta Soeung and yourself who met  
19 with Pol Pot or were there other people also present?

20 A. Yes, I met with the commanders of other divisions, but I did  
21 not know who were who. But altogether there were around 12  
22 people.

23 Q. During that stay in Pol Pot -- I apologize. During that stay  
24 in Phnom Penh, did you at any time meet or speak to Nuon Chea or  
25 Khieu Samphan?

1 A. No, I did not meet Nuon Chea or Khieu Samphan. I met with only  
2 Pol Pot.

3 [14.06.13]

4 Q. And what was discussed in that meeting with Pol Pot?

5 A. When I was meeting with Pol Pot, he reported to us the  
6 on-going situation, particularly from the Eastern part of the  
7 country, namely, from Prey Veng, Svay Rieng, Kampong Cham,  
8 Rattanakiri and Mondulkiri provinces. He described the on-going  
9 situation over there, particularly the Vietnamese enemy who were  
10 attacking along the border.

11 Q. And was it Pol Pot that summoned you and Ta Soeung to this  
12 meeting?

13 A. Ta Soeung actually convened me to meet with Pol Pot.

14 [14.07.34]

15 Q. And did you receive any instructions at that meeting about  
16 your transfer to Preah Vihear?

17 A. Before I left for Preah Vihear station, I listened to him  
18 concerning the ongoing situation from the Eastern Zone and, in  
19 addition, he also told me the situation in Preah Vihear as well  
20 because there, there were people who were arrested and people who  
21 were starving over there. And people in Siem Reap were also  
22 facing the similar situation. People were imprisoned over there.

23 Q. And what was your task; what were you tasked to do in going to  
24 Preah Vihear?

25 A. First, he asked Ta Soeung to be stationed in Siem Reap in

1 order to investigate the issue concerning the imprisonment of  
2 some people over there.

3 And my task in Preah Vihear province was to conduct investigation  
4 concerning the arrest and imprisonment of some people, whether or  
5 not that was the case. And, in addition, I was also tasked to  
6 follow-up with the transport of materials and goods to people in  
7 Preah Vihear province, whether or not those goods reached the  
8 people and destination in Preah Vihear.

9 [14.09.45]

10 Q. Before we move on, I just want to clarify one thing. In your  
11 statement E3/424 at answer number 11, you said that "during the  
12 meeting in Siem Reap, there were Pol Pot, Ta Mok, Ta Sae and Ta  
13 Soeung attending, but I was not". Was that a different meeting?  
14 Was there another meeting in Siem Reap attended by Pol Pot, Ta  
15 Mok, Ta Sae, and Ta Soeung?

16 A. The meeting held in Siem Reap, I did not attend. Because I was  
17 in the lower rank position, I was not supposed to be in that  
18 meeting. The meeting was convened with the attendance of the  
19 committee members attached to that sector.

20 Q. And was Ta Sae one of the people attached to that sector in  
21 Siem Reap?

22 A. I did not know him personally, I only overhead his name.

23 [14.11.45]

24 Q. Now, when you were describing your activities in Siem Reap -  
25 or, rather, in Preah Vihear -- you said the following in

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1 statement E3/424, the same one we were looking at earlier. This  
2 is question and answer number 13. You said: "I reported to Khieu  
3 Samphan by telegrams in which I wrote down the reports and my  
4 name and Sector 103 on paper for dispatch to Khieu Samphan."

5 And then you said that you -- when the situation became tense you  
6 reported once a week and sometimes once a month.

7 And for completeness, just before I asked you a couple of  
8 questions, in the same statement at answer 18, you were asked:

9 "Why did you have to report to Khieu Samphan?"

10 You said: "Because there was a telegram sent from Khieu Samphan  
11 to me instructing that I had to report about any situation to  
12 him."

13 Is that a correct summary of your statement to the investigators;  
14 that you had received a telegram from Mr. Khieu Samphan  
15 instructing him to report to him?

16 [14.13.35]

17 A. As for the telegram, yes, he did send me a telegram  
18 instructing me so. And I reported to him the situations from Siem  
19 Reap, particularly people who were imprisoned and those who were  
20 later released by Ta Soeung, including his in-law as well, and he  
21 was later on attached to the division in Siem Reap.

22 Q. Thank you for giving a comprehensive answer, and we'll just  
23 take it one step at a time.

24 Where did that telegram reach you, the first telegram from Khieu  
25 Samphan instructing to report; where was it sent to you?

1 A. I do not recall the exact date, but the telegram was sent to  
2 me once. At that time, the situation was looming and tense and  
3 then he sent me the telegram. He asked us to report whether or  
4 not we saw any of his relatives, for example, his uncles or so.  
5 So I had to report this to him.

6 [14.15.14]

7 Q. So, when you received the telegram asking you to inquire into  
8 the whereabouts of his relatives, did you then go and investigate  
9 what had happened to them?

10 A. Yes. When I actually conducted investigation, I went all the  
11 way to Preah Vihear and I also found his mother-in-law as well.  
12 She was an elderly person and she was fearful of the arbitrary  
13 arrest of the people at the time. So I took them from Preah  
14 Vihear to Siem Reap and then when they got to Siem Reap they were  
15 not comfortable because they were afraid that they would be  
16 arrested. But then I sent them to the division in Siem Reap, and  
17 I did not know where they continue their journey to at that time  
18 because the situation of the war, at that time, was looming and  
19 tense.

20 Q. In the telegram that you received from Mr. Khieu Samphan, did  
21 he say anything about what had happened to his relatives? Was  
22 there any information that they may have been arrested in that  
23 telegram?

24 [14.17.15]

25 A. As per his instruction, that was it. He instructed me to

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1 follow-up with the welfare of his relatives and if they were  
2 facing hardship then they should be sent to Phnom Penh. And then  
3 because the situation at the time was chaotic and then we lost  
4 contact from then on.

5 Q. Now, I just want to resolve one small issue. I think you said  
6 earlier that the sister-in-law and mother-in-law of Khieu Samphan  
7 were in Preah Vihear, and I just want to read one section from  
8 your statement in A14 - answer number 14 of statement E3/424. You  
9 said:

10 "At the beginning, I reported about his older sister-in-law named  
11 Yeat, who now lives in Malai, who was detained at the security  
12 centre in Siem Reap province. Then, I reported about the people  
13 in Preah Vihear, many of whom were facing starvation, and the  
14 arrests of the people and detention in the security office."

15 Just, first, where was Khieu Samphan's sister-in-law detained?  
16 Was it in Preah Vihear or in the Security Centre Siem Reap?

17 [14.19.13]

18 A. She was detained in Siem Reap.

19 Q. What was the location? You described it as a security centre.  
20 Was that a security centre that belonged to the Siem Reap region?

21 A. The security centre, at that time, was located in the former  
22 regime prison complex.

23 Q. Was that a large complex -- was it a large prison?

24 A. It was fairly large. It was a brick building and this prison  
25 actually was left from the previous regime.

1 Q. Were there many prisoners in that complex?

2 A. In my estimation, there could have been up to 700 prisoners.

3 Q. When you went there, did you meet with people in charge of the  
4 prison? How was it that you were able to locate Khieu Samphan's  
5 sister-in-law?

6 [14.21.10]

7 A. Ta Soeung conducted investigation and then he learned about  
8 her detention, and then he sent me to Preah Vihear province.

9 Q. Did you personally go to the security centre in Siem Reap to  
10 have Khieu Samphan's sister-in-law released?

11 A. Yes, I went to the prison along with Ta Soeung.

12 Q. And when you went there, how were you able to release this  
13 person?

14 A. In order to secure her release, I did not go to meet with the  
15 officer in charge of that prison. Ta Soeung had done that earlier  
16 on and then I only went there later on after the issue was  
17 already sorted out.

18 Q. You mentioned earlier Khieu Samphan's mother-in-law. Was she  
19 also at the same security centre when you had the sister-in-law  
20 released?

21 A. As for the father and mother-in-law of Mr. Khieu Samphan, they  
22 were not arrested and detained. They stay at their home Preah  
23 Vihear province. They did not come to Siem Reap province.

24 [14.23.22]

25 Q. Apart from the sister-in-law, mother-in-law and father-in-law,

1 did you meet any other relatives of Mr. Khieu Samphan?

2 A. I did not know all the relatives of Mr. Khieu Samphan, I only  
3 knew his father and mother-in-law and his sister-in-law by the  
4 name Yeat, and we did not discuss anything with each other.

5 Q. Very well. Did you then send a telegram to Mr. Khieu Samphan  
6 or did you report in some other way to him about what you had  
7 done?

8 A. Yes, I reported to him only once about the situation of his  
9 mother and father-in-law, and the situation of the starvation  
10 people were facing. I also reported to him about the welfare of  
11 his mother and father-in-law as well, and that was the only one  
12 instance when I reported to him.

13 And, after that, there were attacks by the Vietnamese troops  
14 along the way, so we lost contact with each other.

15 [14.25.15]

16 Q. Just on the issue of reporting, in your first statement,  
17 E3/424 -- we looked at this passage earlier -- question and  
18 answer 13, you described how you wrote down the reports and your  
19 name as well as Sector 103 on paper for dispatch to Khieu  
20 Samphan. Then you ordered some men to type and send the reports,  
21 and then you said: "When the situation became tense, I reported  
22 once a week and sometimes once a month."

23 Is that a correct summary of the position, that you sent a number  
24 of reports sometimes once a week and sometimes once a month?

25 A. That is correct.



1 [14.26.30]

2 Q. What did you understand to be Mr. Khieu Samphan's position at  
3 that point in time?

4 A. To my knowledge, Sector 103 was under his supervision.  
5 According to what people told me, at that time, that the sector  
6 was known as autonomous sector and it was supposed to report  
7 directly to Khieu Samphan. And, at that time, Khieu Samphan was  
8 called Uncle Khieu Samphan.

9 Q. Who were these people that told you that Sector 103 was under  
10 Khieu Samphan's supervision?

11 A. People over there knew that and they told me.

12 Q. Can you be a bit more specific? Who were these people? Were  
13 they members of the Party, people working in the area? What were  
14 their positions?

15 A. They were ordinary people. Some of them who -- were those who  
16 were at the hospitals and the chief of the hospital also told me,  
17 but I did not know the name of that chief of the hospital.

18 [14.28.34]

19 Q. And is that the reason that when you received a telegram from  
20 Khieu Samphan instructing you to report, is that the reason that  
21 you proceeded to report to him?

22 A. I did not quite get your question.

23 Q. Thank you.

24 You had said earlier that you were told that Sector 103 was under  
25 Khieu Samphan's supervision. Is that the reason that you

1 responded to his instruction to report and to look for his  
2 relatives?

3 A. Yes, that is correct.

4 Q. Was -- I'll rephrase that. When you went and released Khieu  
5 Samphan's sister-in-law from the prison in Siem Reap, what  
6 happened to the other 700 prisoners? Were they still detained?

7 A. After I released them, I left for Preah Vihear and so I did  
8 not know what happened at the back after I left.

9 Q. But on the day you went there, the only prisoner you took out  
10 of the prison -- if I understand you correctly -- was Khieu  
11 Samphan's sister-in-law, the other prisoners remaining at the  
12 prison; is that correct?

13 [14.31.21]

14 A. Yes, that is correct.

15 Q. Do you recall whether -- I'll rephrase that. Did Ta Soeung  
16 find out, in his investigation, who had ordered Khieu Samphan's  
17 sister-in-law to be imprisoned?

18 A. I did not know about that because the distance between Siem  
19 Reap and Preah Vihear was a long distance, and I did not know  
20 what had happened at the back when I left for Preah Vihear. And  
21 the -- it's also extremely difficult to travel at the time.

22 Q. Very well.

23 [14.32.40]

24 In your first statement, E3/424, at question and answer number  
25 11, you explained how Ta Soeung had told you that he was

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1 nominated to be the chairman of the new North Zone. Do you know  
2 who he was nominated by?

3 A. Yes, I knew. It was Ta Mok. And I didn't know if there were  
4 anybody else who actually appointed him to that position.

5 Q. Do you know who was the preceding secretary of the new North  
6 Zone? In other words, before Ta Soeung was appointed, who was in  
7 that position before him?

8 A. No, I did not know.

9 Q. You mentioned earlier -- we looked at a passage where, at a  
10 meeting in Siem Reap, there were Ta Pol Pot, Ta Mok, Ta Sae and  
11 Ta Soeung.

12 To the best of your knowledge, did Ta Sae have any  
13 responsibilities in the Siem Reap region before Ta Soeung?

14 A. I only knew that -- Ta Soeung, Ta Mok, but I did not see Ta  
15 Sae or Pol Pot. I did not actually know much about the meetings  
16 amongst those people because I was at a lower level.

17 [14.35.28]

18 MR. ABDULHAK:

19 Thank you.

20 In the limited time that is remaining, I want to show you one  
21 more document.

22 Your Honours, this is a witness statement, an OCIJ record of  
23 interview number E3/420, and it is a statement by TCW-548. This  
24 individual discusses, I believe, Mr. Voeun's activities.

25 With your leave, I will show it to Mr. Voeun and see if he

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1 recognizes that individual, and ask him a couple of questions  
2 about issues in that statement?

3 (Judges deliberate)

4 [14.36.40]

5 MR. PRESIDENT:

6 Yes, you may use that statement, but please do not reveal the  
7 name of that witness.

8 Court Officer, could you deliver that document for the witness's  
9 examination?

10 And, Duty Counsel, could you assist and advise your client not to  
11 speak of the name of that witness?

12 BY MR. ABDULHAK:

13 Thank you, Mr. President.

14 [14.37.17]

15 Q. Mr. Voeun, you heard Mr. President's instruction. We are not  
16 to mention the name of this person, so please just look at the  
17 name. It's at Khmer ERN 00407773, just for your benefit, so the  
18 page.

19 Are you able to identify or locate the part of the statement  
20 where the person's name is indicated?

21 MR. MEAS VOEUN:

22 A. Yes, I know this person, but I did not speak to him.

23 Q. Thank you.

24 [14.38.27]

25 Now, so that the record is complete, I want to indicate that in

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1 that statement at question and answer number A13, this individual  
2 actually says that when you came to Sector 103, there were no  
3 more arrests. And he says about you: "He tried to calm and deal  
4 with the emotional fear of the cadres and people living there.  
5 And also he released prisoners who were arrested", etc. This is  
6 his description of what you did in Preah Vihear.

7 [14.39.27]

8 There is just another part of his statement that I want to  
9 quickly go through with you; we have very little time. At A4 in  
10 that statement, he was asked: "Do you know staffs of Sector 103  
11 who were arrested to Siem Reap Security Centres and still  
12 survive?"

13 And then he goes on to say:

14 "The survivors include", and a few lines down, "Bong Chhorn  
15 (male), who worked at Sector 103's commerce and also was the  
16 elder brother-in-law of Ta Khieu Samphan, and Bong Yeat (female),  
17 who was the head of women of sector and also was the elder  
18 sister-in-law of Ta Khieu Samphan."

19 [14.40.34]

20 This person seems to recall another relative, Bang Chhorn. Do you  
21 recall that person; do you recall whether that person was also  
22 held at the Siem Reap prison?

23 A. Yes, I knew that but I was not sure of the in-law relation of  
24 that person to Khieu Samphan.

25 MR. PRESIDENT:

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1 Thank you, Witness. Thank you, the Prosecutor.

2 The time is appropriate for a break. We shall take a 20-minute  
3 break and return at 3 p.m.

4 Court Officer, could you assist the witness and the duty counsel  
5 during the break and have them return at 3 p.m.?

6 The Court is now adjourned.

7 THE GREFFIER:

8 (No interpretation)

9 (Court recesses from 1441H to 1502H)

10 MR. PRESIDENT:

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

12 Before we start, I would like to ask the Prosecution and the  
13 civil party lawyer, have you consulted with one another  
14 concerning the use of the remaining time allocated to you?

15 MR. ABDULHAK:

16 Yes, Mr. President, we have been consulting throughout the day  
17 and the position, at the moment, is as follows: My colleagues  
18 have shortened their examination, just as I have. They require  
19 approximately one hour. I would ideally require another half an  
20 hour to one hour. I do recognize that takes us -- would take us  
21 beyond today. We're in your hands. If you're able to grant us  
22 some additional time, we will continue for another half an hour  
23 to an hour; in which case, the civil parties could continue on  
24 Monday. Subject to your instructions, of course, we're in your  
25 hands.

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1 [15.04.08]

2 MR. PRESIDENT:

3 The National Lead Co-Lawyer for the civil party, you may proceed.

4 MR. PICH ANG:

5 Good afternoon, Mr. President. Good afternoon, Your Honours. We  
6 have consulted with the Prosecution. The civil party may take up  
7 to around one hour or one hour and 15 minutes. We have reviewed  
8 the questions posed by the Prosecution and the time the  
9 Prosecution started to put questions to the witness was at around  
10 2.00 or 2.30 yesterday, so it has -- we actually have agreed with  
11 each other on -- in terms of time allocation among the two teams.  
12 Thank you.

13 (Judges deliberate)

14 [15.06.05]

15 MR. PRESIDENT:

16 Considering the request by the Prosecution and taking into  
17 consideration the relevance of the question with the witness in  
18 question now, we grant the request for the Prosecution. But we,  
19 however, remind the Prosecution to be mindful of the time and try  
20 to frame the question so as to ascertain the truth.

21 MR. ABDULHAK:

22 We're very grateful, Mr. President. We will be as -- as efficient  
23 as we possibly can and -- and as brief.

24 [15.06.55]

25 MR. IANUZZI:

1 Excuse me, if I could just make one quick comment, Mr. President.

2 I hope that thunder didn't have anything to do with you not  
3 consulting the defence, but we have absolutely no objection to  
4 the extra time given to the prosecutors and the civil parties.

5 Thank you.

6 MR. PRESIDENT:

7 Mr. Prosecutor, you may now resume the line of questioning.

8 BY MR. ABDULHAK:

9 Thank you, Mr. President.

10 Q. Mr. Voeun, as you've heard from Mr. President, we will try and  
11 complete our questions shortly and I'm very grateful to you for  
12 your patience and for your answers.

13 [15.07.48]

14 Just before we broke, we were discussing two individuals -- two  
15 relatives of Mr. Khieu Samphan's, who were identified by another  
16 witness and, of course, one of them, you have already described.

17 Let me ask you first, in relation to Bong Yeat, the  
18 sister-in-law, she is described by this witness as the head of  
19 women in the sector. This is the same section -- A4 -- that we  
20 were looking at before.

21 Was -- is that your understanding of the position that Bong Yeat  
22 held? Was she the head of the women in the sector?

23 MR. MEAS VOEUN:

24 A. That, I did not know. Actually, I did not know what specific  
25 position she held. I actually wanted to secure her relief -



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1 release, at that time. I did not bother to ask what position she  
2 had held before that.

3 Q. And in relation to the other individual, Bang Chhorn, he is  
4 described as having worked in the Sector 103 commerce. Do you  
5 recall whether that is the position held by Bang Chhorn, Khieu  
6 Samphan's brother-in-law?

7 A. That, I did not know either.

8 [15.10.00]

9 Q. Just one more question on these individuals. I'm not sure if  
10 you answered my question earlier. Do you know whether Bang Chhorn  
11 was also arrested and detained in Siem Reap?

12 A. I did not know. I only knew that Yeat were detained there.

13 Q. Thank you.

14 Now, returning to your first statement, E3/424, at question and  
15 answer number 10, you were describing the Preah Vihear region and  
16 you said the following -- I'll read the question and answer for  
17 context:

18 "Why were you transferred by Upper Echelon to Preah Vihear  
19 province?"

20 Answer: "Because Preah Vihear was the autonomous area directly  
21 controlled by the Central Committee. Ta Nuon Chea and Ta Khieu  
22 Samphan used to visit there."

23 [15.11.31]

24 How did you know that Nuon Chea used to visit the Preah Vihear  
25 region?

1 A. I knew it from the people. There was one representative of the  
2 people who was actually detained in Preah Vihear, as well, and he  
3 told me. And over there, I also saw the photos of Mr. Khieu  
4 Samphan and Mr. Nuon Chea. I did not know whether or not they had  
5 received it over there, but I saw the photos that they were drag  
6 out in that photo.

7 Q. Could you describe where -- where you saw these photographs?

8 A. I saw those photographs in the office known as the Tunloab  
9 Office.

10 Q. What was the purpose of that office?

11 A. That office was meant for the telegram office and it was a  
12 place where they store statistics and figures and information as  
13 well. And when I went there, I saw two personnel by the name of  
14 Euy; and the other one, I do not recall the name, but there were  
15 two personnel at that office.

16 Q. Were these the people that you described in your statement who  
17 would type and send your telegrams to Mr. Khieu Samphan?

18 A. I recall -- I recall them now. The two people were Euy and Ol,  
19 but Euy had already left Cambodia and he is residing in --  
20 overseas. I don't know whether or not he is deceased or alive,  
21 but as for Ol, he is still alive and is residing in Cambodia.

22 [15.14.37]

23 Q. Did those two people tell you about Nuon Chea and Khieu  
24 Samphan's visit to -- or visits to Preah Vihear?

25 A. No, they did not tell me directly, but they simply told me

1 that this office were under the supervision of Nuon Chea and  
2 Khieu Samphan. But they did not tell me that Nuon Chea and Khieu  
3 Samphan came to this office.

4 Q. Thank you. And if I can just explore that a little bit  
5 further. When you say "this office", is that an office of Sector  
6 103?

7 A. To my understanding, that was the office attached to Sector  
8 103. No, actually, it's Office 103, not Sector 103.

9 [15.16.07]

10 Q. Thank you. These two individuals, according to your statement,  
11 they would type and send your telegrams to Mr. Khieu Samphan. Do  
12 you recall what their positions or responsibilities were in  
13 Office 103?

14 A. When I got there, they had already transferred or removed  
15 secretary of Sector 1 because the former secretary of the sector  
16 were assassinated, and then that office were located in Lovoeung  
17 (phonetic). And then, later on, I knew another man by the name of  
18 Wung who had his office in the former high school of Rovieng  
19 district.

20 Q. In your first statement that -- this is a document we've been  
21 looking at, E3/424, in question and answer number 12, you said  
22 that -- the following:

23 "When I was observing the situation in Preah Vihear province for  
24 about two months, Ta Mok ordered to remove Ta Khim from the  
25 Sector 103 by using his forces to transport Ta Khim from Preah

1 Vihear province."

2 [15.18.23]

3 In that same question you identify Ta Khim as the Sector 103  
4 Committee. So is it correct that Ta Khim was your predecessor as  
5 the person in charge of Preah Vihear?

6 A. Yes, that is correct.

7 Q. The office where Euy and Ol were working, Office 103, was that  
8 Ta Khim's office?

9 A. To my knowledge, it was not. It was not the office of Ta Khim.  
10 Ta Khim's office were located in the former high school compound  
11 and Rovieng district office was far away from that former high  
12 school.

13 Q. Do you know what happened to Ta Khim when he was removed by Ta  
14 Mok's forces?

15 A. When I went there, I met Ta Khim in Rovieng district office  
16 and the people told me that -- actually, there were many people  
17 in Chhaeb, in Chaom Ksan, and Thala Barivat districts all told me  
18 about the arrest of Ta Khim, but I did not know how they went  
19 about arresting him and what they did to him.

20 [15.21.08]

21 Q. Now, if I can recap for a moment, your -- what you told us  
22 earlier about your meeting with Pol Pot, and please correct me if  
23 I'm -- if I'm incorrect here. Pol Pot had said to you that there  
24 were many arrests -- there had been many arrests in the region.  
25 Is that -- is that a correct summary of what you were telling us?

1 A. That is correct.

2 Q. And also, I just want to make sure I recall your answers  
3 correctly. Did he ask you or direct you to investigate the  
4 situation in -- in the region and to investigate the arrests?

5 A. Yes, he instructed me. Before he left, he told me that  
6 comrade, you had to go and inspect that place because that  
7 location was the autonomous sector under the direct supervision  
8 of the Centre. So he instructed me to conduct investigation in  
9 relation to the arrest of his mother-in-law and relatives in  
10 order to find out the truth.

11 [15.23.12]

12 Q. I think we -- we might have just slight confusion. My question  
13 was whether Pol Pot had instructed you to investigate arrests in  
14 the Preah Vihear region.

15 A. Yes, he did.

16 Q. Did he say to you anything about who was arresting people in  
17 the region and who you are supposed to investigate?

18 A. He did not tell me the names of those who conducted the  
19 arrest.

20 Q. Now, I just want to show you a -- a document that discusses --  
21 discusses arrests taking place in that region.

22 MR. ABDULJAK:

23 Your Honours, this is document E3/1077. It's a telegram which we  
24 have discussed previously in Court. It's addressed to the  
25 "Beloved Committee 870" and dated the 10th of April 1978.

1 With your leave, I will give the witness a hard copy and ask him  
2 a couple of short questions about these events in the North.

3 [15.25.37]

4 MR. PRESIDENT:

5 You may proceed.

6 BY MR. ABDULHAK:

7 Q. Mr. Voeun -- and it's a slightly long document and we're going  
8 to look at only a -- a brief portion of it -- the second  
9 paragraph -- and I should say before I start, this document is  
10 signed by Sae -- and you've mentioned earlier someone called Sae  
11 who was attending meetings in the North -- Pol Pot, and Ta Mok.

12 The third paragraph says the following:

13 "The base of these traitors is on Dangrek Mountain. We have a  
14 plan to search and destroy it. 'A' In Tam's group previously used  
15 the traitors in Sector 103 whose leader was 'A' Hang. He was  
16 their supporter. But after we arrested Hang and all of his  
17 henchman in Chaom Ksan district and in Sector 103 military unit,  
18 In Tam group has no more support."

19 [15.27.14]

20 And just one more brief reference at paragraph -- further down.

21 This starts with number 3 -- point number 3. It says the

22 following:

23 "The internal situation: There is no important change. The  
24 situation is normal. We are continuing to purge the remaining  
25 group continuously, including those who oppose our revolution

1 openly and secretly."

2 In your discussions with Pol Pot, did he mention to you receiving  
3 reports from the North about arrests that were being carried out  
4 on a continuous basis in that region?

5 MR. MEAS VOEUN:

6 A. I did not receive that information. It could have happened  
7 before my arrival.

8 Q. Thank you.

9 [15.28.32]

10 I'm going to move on to a slightly different topic or one point  
11 that we covered earlier. We discussed an individual called Chou  
12 Chet who was the Secretary of Division - rather, Secretary of the  
13 West Zone.

14 Could you tell the Court what happened to Chou Chet? Did he  
15 continue to be the Secretary in the West until the end of the  
16 Democratic Kampuchea period?

17 A. In his capacity as Secretary of the West Zone, as far as I  
18 knew, he did not stay in that position until the end.

19 Q. What happened to him?

20 A. I did not know what happened to him because it was the affair  
21 between himself and the Centre.

22 Q. When you say it was an affair between him and Centre, who do  
23 you mean? Which individuals were "the Centre"?

24 A. I meant Pol Pot and Ta Mok.

25 [15.30.36]

1 Q. Mindful of instructions by the Chamber, I'm going to finish  
2 briefly. I just want to ask you a few more very brief questions.  
3 When we were discussing the -- a meeting to plan the attack on  
4 Phnom Penh, we were looking at your statement, E3/424, and this  
5 was question and answer number 3. We've already looked at this.  
6 And this is the passage where you said that the commanders -- the  
7 military commanders from the zones attended a meeting with the  
8 general staff such as Ta Son Sen and Ta Nuon Chea. You also told  
9 us that you didn't attend that meeting yourself.

10 How did you learn that Nuon Chea and Son Sen took part in that  
11 meeting of the general staff with the military commanders?

12 A. As I said earlier, I only learned of this information through  
13 my division commander as I, personally, did not attend that  
14 meeting.

15 [15.32.15]

16 Q. So it was your divisional commander, Soeung, that told you  
17 that the general staff people such as Ta Son Sen and Ta Nuon Chea  
18 had met with him and other commanders; is that correct?

19 A. Yes, that is correct.

20 Q. Thank you. And just a couple very brief questions.

21 During the time -- during the Democratic Kampuchea period -- so  
22 the entire time from 1975 to 1979, did you ever attend meetings  
23 or study sessions with Nuon Chea?

24 A. From 1970 to 1979, I did not attend any meeting with Nuon  
25 Chea.



1 Q. And perhaps my last question: What position -- or I'll  
2 rephrase that, as far as you know, did he hold any position that  
3 related to the military after the fall of Phnom Penh?

4 A. I did not know which position he held or for which section he  
5 was in charge of. It was the affairs of the Centre.

6 MR. ABDULHAK:

7 Thank you very much. That was my final question.

8 Mr. Meas Voeun, on behalf of myself and the Prosecution team, I  
9 want to thank you for coming and answering our questions and  
10 being patient with us.

11 [15.34.57]

12 Your Honours, we're grateful for the time allotted to us and we  
13 have no further questions.

14 MR. PRESIDENT:

15 The floor is now given to the Lead Co-Lawyers for civil parties  
16 to put questions to this witness. You may proceed.

17 QUESTIONING BY MR. PICH ANG:

18 Good afternoon, Mr. President, Your Honours, parties, and --  
19 civil parties, and everyone in and around the courtroom. Good  
20 afternoon, Mr. Meas Voeun. My name is Pich Ang. I'm the lead --  
21 National Lead Co-Lawyer for civil parties. I and my colleague,  
22 Élisabeth Simonneau-Fort, will have some questions for you.

23 So far, you have responded to several questions and we hopeful  
24 that you would respond to our questions so that the Court and the  
25 public will have more knowledge of what happened during the past.

1 [15.36.24]

2 Q. My first few questions are -- will be related to the death of  
3 the establishment of the revolutionary army. You were in that  
4 army of the Khmer Rouge for so long so my question is: When was  
5 that army established?

6 MR. MEAS VOEUN:

7 A. Regarding the establishment of the Democratic Kampuchea army,  
8 it was started on 17 April 1975 with all the three main forces;  
9 the air force, the naval force, and the infantry.

10 Q. Can you tell the Chamber, prior to 17 April 1975, were there  
11 -- was -- or did the Democratic Kampuchea revolutionary army  
12 exist?

13 A. Prior to 1975 and actually, commencing from 1968 or '69, there  
14 were about 100 soldiers, only, in the Southwest, but I cannot  
15 recall the date.

16 [15.38.18]

17 Q. Did you hear about any event that could have taken place at  
18 Bay Damram?

19 A. Yes, I heard about that. That is the establishment of the  
20 resistance force in that area, in Chhaeb, in 1967 - or it could  
21 be in 1969; I am unclear.

22 Q. Can you tell us why you said there was establishment of the  
23 resistance force from that area? What led to the creation of that  
24 resistance force or movement?

25 A. I learned about that as the leadership or the cadres

1 instructed us on that issue. It could be Ta Mok who told us about  
2 the resistance back then. And he said after the conclusion of the  
3 war of Issarak, the Kampuchean people didn't have independence  
4 and for that reason, there was this inception of the resistance  
5 movement. Until when the French already left, the movement still  
6 existed in the rural areas.

7 [15.40.22]

8 Q. This is my last question regarding that point. Who actually  
9 formed the resistance movement in Bay Damram, as you just stated?

10 A. I cannot recall the name, but I was told by Ta Mok, Bay Damram  
11 village was the source of the inception of the resistance  
12 movement since the Issarak era.

13 Q. My next question is the following: Can you recall, clearly,  
14 the date of the establishment of that resistance movement which  
15 later on to bring about the birth of the armed forces?

16 A. I learned of the inception year that was 1968, but I did not  
17 -- or I cannot recall the date applied to that. I can only recall  
18 the year. It started from 1968.

19 Q. From that date onward, can you recall whether you received any  
20 information regarding the name of that resistance movement or  
21 whether it was known as a particular unit? So what was the actual  
22 name of that resistance movement?

23 A. I cannot recall that or maybe I was not told of the actual  
24 name of that movement.

25 Q. Did you hear the words that it was called the "Secret

1 Protective Force"?

2 A. The name "Secret Protective Force" was the force for the  
3 protection of the cadres, but there was nothing else.

4 [15.43.31]

5 Q. Can you tell us what was -- what was the duty of that Secret  
6 Protective Force in the 1960s?

7 A. The Secret Protective Force would be based at the countryside  
8 and they would conceal themselves and concealed their identity in  
9 their resistance to gain independence, to overthrow the  
10 capitalists.

11 Q. In relation to the effort to overthrow the capitalists, what  
12 did they actually do?

13 A. I did not know the details of that, but at the countryside,  
14 they would engage in the propaganda secretly with the people  
15 telling them about the oppression, about the economic situation,  
16 and about other situation inside the country. They would engage  
17 in the relay of that information to the people secretly without  
18 having it known to the authority.

19 [15.45.30]

20 Q. In the 1960s, did any group have any special role to carry out  
21 an ambush against the Lon Nol's force?

22 A. There was no such force back then because there was no  
23 weaponry.

24 Q. Did you hear the phrase that the armed forces were the -- the  
25 force of the dictatorship?

1 A. This phrase was not used back then. It only existed in this  
2 1960, '61, or '62 -- '71 or '72, rather.

3 Q. Can you explain to us the actual meaning of this phrase that  
4 the -- the air force was the sole equipment or tool of the  
5 dictatorship?

6 A. It means that we strived our best without thinking of the  
7 benefit. We sacrifice ourselves for the nation.

8 Q. Could it also mean that once you receive an order that armed  
9 forces had to carry out that order?

10 A. At that time, it did not have that kind of connotation because  
11 the forces were minimal.

12 Q. What about at a later stage when the forces were rather large,  
13 for example, in the 1970 or 1971 up to 1979, let's say; did that  
14 connotation that the armed forces was the absolute tool of the  
15 dictatorship? What kinds of tasks did they engage in?

16 A. In 1970, during the coup d'état, the people and the armed  
17 forces mainly backed Samdech orders and that was the time we  
18 mobilized the armed forces and that we could actually work as a  
19 proper armed forces.

20 [15.49.06]

21 Q. Let me go back a little bit in this next question. Did you  
22 ever hear about the attack on the barrack in Bay Damram by the  
23 secret force?

24 A. At that time, I did not know whether there was a barrack in  
25 the Bay Damram village and whether there was a base of the Khmer

1 Republic Armed Forces. At that time, there was no way of  
2 communicating from one to another. It took months for us the  
3 contact one another and that was difficult. And sometimes, we had  
4 to walk in the forest for -- for months from Battambang to  
5 Kampong Chhnang or to Kampong Speu so there was actually a  
6 disconnection of the communication between these small forces for  
7 months.

8 [15.50.15]

9 Q. Thank you. Can you tell us that after 17 April 1975 and until  
10 the 6 of January 1979, did the armed forces or the military had  
11 any -- have any specific roles inside the country?

12 A. The roles and responsibilities of the military from 1975 were  
13 based on the line that on one hand, we attack the enemy and on  
14 the other hand, we engage in production.

15 Q. In the role of attacking the enemy, did it also -- or was it  
16 also involved in the security matters?

17 A. The military had their duties at the borders -- at all sites  
18 of the borders to the East as far as to the West. Only one  
19 special zone forces remained inside the zone.

20 Q. Can you tell us about the various security centres? Were they  
21 under the supervision of any specific ministry under that  
22 three-year and eight-month period of the regime?

23 A. As far as I know, if the security centre belongs to the zone,  
24 it will be under the zone's supervision; if it was within the  
25 supervision of the division, then division would take charge. So

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1 most of the security centres would be under the supervision and  
2 the coordination between the zones and the divisions.

3 [15.53.07]

4 Q. You said the military had one hand with the weapon and another  
5 hand to engage in the production. Did you hear the phrase that  
6 "to produce a 3 tonne of rice production per hectare"?

7 A. I heard about that because while I was in Koh Kong, I was  
8 protecting the coastal areas, but at the same time, we engage in  
9 the production, as well, so of course I heard that phrase.

10 Q. Can you tell us from where that phrase was originated? Was it  
11 compulsory to produce 3 tonnes per hectare of rice production?

12 A. It originated from the leadership level; from the zone  
13 secretary or from the division commanders that we had to produce  
14 3 tonnes per hectare of rice production in order to sustain  
15 ourselves and to support the state.

16 [15.54.57]

17 Q. The zone secretaries and the division commanders, did they  
18 initially make that decision or whether there was somebody else  
19 who made that decision of producing 3 tonnes per hectare of rice  
20 production?

21 A. The decision was made by the sector and the zone secretaries  
22 -- that is, in regards to the decision for the production of 3  
23 tonnes per hectare.

24 Q. I cannot really quite get what you -- you just stated. So it  
25 means that the decision was made at the zone level or was it made

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1 at -- at the level higher than the zone level?

2 A. As far as I knew, quite clearly, the secretaries of the  
3 sectors and the zones made that decision, but I am not sure as to  
4 whether the zone or the sector secretaries received further  
5 instructions from the Centre. And if that was the case, then it  
6 would be the decision from Pol Pot.

7 Q. You said the decision could have come from the Centre. Did you  
8 know who were at the Centre level?

9 A. At the Centre level, there were Pol Pot, Nuon Chea, Ta Mok.  
10 They were the main characters.

11 [15.57.28]

12 Q. Were there other people at the Centre? As you said, these were  
13 the main people. Can you try to recall, besides these people that  
14 you mentioned, were there other -- other people at the Centre  
15 level?

16 A. I -- that's all I knew.

17 Q. Thank you. Now, I'd like to touch up on the -- the structure  
18 -- the military structure. As you were a soldier and involved in  
19 the military, you have that knowledge. So you knew that there  
20 were three main armed forces. Can you tell us the military  
21 structure from the sector level downward to your level at the  
22 area where you were based; how the structure was like --  
23 militarily like, from the sector downward?

24 A. In the zone, there would be the zone military and then the  
25 sector military, the district military and that was all.



1 [15.59.22]

2 Q. As for the zone secretary, were they divided into various or  
3 were they given responsibility into various sectors or were their  
4 structure divided into the military style like, for instance,  
5 division, regiment, and battalions?

6 A. Allow me to -- to make it clear when it comes to the military  
7 structure.

8 For the zone military, it started from a group and it went up to  
9 battalion to regiment and up to division.

10 As for the sector military, I have no knowledge about that, but I  
11 believe the military structure would be similar to that of the  
12 zone military structure.

13 Q. You talk about regiment and various other structures. What was  
14 the level above the regiment?

15 A. Within one -- within one regiment, there would be three  
16 battalions and the system of the structure goes like that. It's  
17 times three so three regiments would assemble one brigade.

18 [16.01.31]

19 Q. Thank you. You said about the three time multiplication of the  
20 structure. Can you now tell us about the specific tasks assigned  
21 to these kinds of structure?

22 A. The zone military had the responsibility of protecting the  
23 outer border. As for the sector military, they would provide a  
24 protection within the sector and likewise, the district military  
25 would provide the protection for each respective military

1 district.

2 MR. PRESIDENT:

3 Thank you, Witness.

4 The time is now appropriate for today's adjournment and the  
5 Chamber will adjourn it now and will resume on Monday the 8th  
6 October 2012, starting from 9 a.m. And on that day, the Chamber  
7 will continue to hear the testimony of this witness, Mr. Voeun,  
8 who will be questioned again by the Lead Co-Lawyers for civil  
9 parties and then by the defence teams.

10 [16.03.02]

11 Mr. Meas Voeun, the hearing of your testimony has not yet  
12 concluded and you are required to return to next Monday starting  
13 from 9 a.m. Likewise, the Duty Counsel, you're also invited to  
14 return next Monday.

15 Court Officer, in coordination with the WESU section, assist --  
16 please assist the witness for the transportation for his return  
17 to his residence and have him returned next Monday.

18 Security guards, you're instructed to take the two Accused, Nuon  
19 Chea and Khieu Samphan, to the detention facility and have them  
20 returned next Monday, before 9 a.m.

21 The Court is now adjourned.

22 (Court adjourns at 1603H)

23

24

25