



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
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ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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Case File N° 002/19-09-2007-ECCC/TC

3 May 2013
Trial Day 175

Before the Judges: NIL Nonn, Presiding
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I N D E X

MR. LIM SAT (TCW-389)

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Questioning by Ms. Guissé page 48

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MS. GUISSÉ	French
MR. KOPPE	English
MR. KONG SAM ONN	Khmer
MR. LIM SAT (TCW-389)	Khmer
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	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 For today's proceeding, we will continue to hear the testimony of
6 the witness and the floor will be given to the two defence teams.

7 [09.01.57]

8 The floor is now given to Nuon Chea's defence to continue putting
9 questions to the witness. You may proceed.

10 QUESTIONING BY MR. KOPPE RESUMES:

11 Thank you, Mr. President. Good morning. Good morning, Your
12 Honours. Good morning, counsel. Good morning, Mr. Witness.

13 Q. I would like to ask you some more questions on the events of
14 17 April and the days after.

15 Mr. Witness, what could you tell the Chamber about the final
16 attack on the fortress on Tuol Po Chrey? When did the attack
17 start?

18 MR. LIM SAT:

19 A. For the final attack - that is in '74 to 1975, the attack was
20 at Tuol Po Chrey village.

21 Q. Do you remember when the final attack on the fort started? Was
22 that on 17 April?

23 A. I cannot recall the exact date, but I only can recall the
24 year.

25 [09.04.04]

2

1 Q. But could it be that the final attack on the fortress wasn't
2 17 April?

3 A. The attack at Tuol Po Chrey battlefield occurred in 1975.
4 However, prior to 17 April 1975, the attack was ongoing and only
5 after the fall of Phnom Penh on the 17 April 1975, I entered
6 Phnom Penh at around 9.00 or 10.00 a.m. So actually, I was one
7 hour behind the arrival in Phnom Penh. That was at 9.00 a.m.

8 Q. Okay. Let me ask it differently, Mr. Witness.

9 At what moment did the Lon Nol soldiers who were stationed at the
10 fort in Tuol Po Chrey surrender themselves?

11 [09.05.33]

12 A. It was on the 17 April. That was the only time they
13 surrendered because the force arrived in Phnom Penh at 9.00 a.m.
14 and we arrived at around 10.00 or 11.00 a.m. on that morning.

15 Q. Could you tell the Chamber a little bit more how that went;
16 how did the Lon Nol soldiers surrender themselves? Did they come
17 out of the fort with their hands up, for instance?

18 A. Of course they raised the white flags in all the barracks in
19 the fortress. It's a sign of surrender.

20 Q. Did you see that with your own eyes; the Lon Nol soldiers with
21 the white flag coming out of the barracks?

22 A. Yes, I saw it with my own eyes. The white flag was raised at
23 the fortress and another flag was raised outside the fortress.
24 And at that time, then we entered the fortress after we saw the
25 white flag raised.

3

1 Q. And at that moment in time when you saw the soldiers and the
2 white flag, are you able to estimate about how many soldiers
3 there were around the barracks and around the fortress?

4 A. It is my estimation that there were about 100 soldiers.
5 However, there were several commando's surrounding the fortress.
6 However, this is purely based on my estimation.

7 [09.08.15]

8 Q. I understand. Do you remember how they were dressed; did they
9 wear their uniform or were they in civilian clothes?

10 A. They wore different kinds of clothes. The soldiers dressed in
11 their military uniforms. As for the commandos, they wore civilian
12 clothing.

13 Q. Once they had surrendered themselves, do you know what
14 happened with the group of soldiers and commandos?

15 A. Nothing happened to them. We settled in there together and we
16 collected the weapons and then we put them into a separate group
17 with the weapons piled in one place. And my team was on a
18 separate group. As for the commanders of the military and the
19 commandos, they led their own groups and later on I left to the
20 region.

21 [09.09.52]

22 Q. Do you know how long this group of Lon Nol soldiers from the
23 fortress and those commandos stayed together; were they together
24 all day?

25 A. I could not know because I already had left until I arrived at

4

1 Pursat and then I returned to Angkor district. So I could not
2 know what happened at the barrack.

3 Q. Have you heard from others – your colleagues at the time – how
4 this group of Lon Nol soldiers and commandos reached the
5 provincial town house?

6 A. My group actually left. As for the commandos, they still
7 remained at their barrack.

8 Q. My question to you, Mr. Witness, if you have heard at that
9 time or maybe later, how this group of soldiers who had just
10 surrendered went from their barracks where they were being held
11 to the provincial town house?

12 A. I did not hear from anyone regarding those people as I left
13 and then arrived at the provincial town and then further, I went
14 to Angkor district by truck.

15 [09.12.24]

16 Q. Have you heard anything from your colleagues at the time or at
17 a later stage if those Lon Nol soldiers who were still wearing
18 uniforms, were allowed to dress into civilian clothes?

19 A. No, they did not change their uniforms. So the military
20 remained in their military uniforms.

21 Q. Do you know whether this group when they arrived at the
22 provincial town house had always stayed together? So when they
23 were going from the barracks to the provincial town house, were
24 they always together or were they allowed to leave?

25 A. I could not grasp the situation. Those soldiers were on their

5

1 own with their own group and my group was separate from them. So
2 let me clarify this matter.

3 Q. Do you know – because you have seen it or you have heard it –
4 if other groups of Lon Nol soldiers, for instance, from other
5 parts of the Pursat province were directed or were sent to the
6 provincial town house or was it only the group from the fortress
7 at Tuol Po Chrey which were sent to the provincial house?

8 [09.14.32]

9 A. They were not sent to anywhere. They remained where they were.
10 For example, those from Po Chrey would remain at Po Chrey and at
11 the provincial town hall they all stayed in their respective
12 units.

13 Q. Maybe I wasn't clear enough, Mr. Witness. I apologize, but my
14 question was the Lon Nol soldiers; there was one group going from
15 Tuol Po Chrey to the provincial town house; do you know if there
16 were other groups of Lon Nol soldiers from other parts of the
17 province that were sent to the provincial town house?

18 A. No, nobody was sent to the provincial town hall. They remained
19 at where they were.

20 Q. At one point in time, you were stationed at a checkpoint in Po
21 nearby; is that correct?

22 A. I think it's a bit confusing. When I returned – and, in fact,
23 on the 17 April 1975, I went further and I did not return back,
24 so it's difficult to respond to your question.

25 Q. Maybe I have misunderstood you, but it was my understanding

6

1 that after the capture of the fortress you were stationed as a
2 guard with your platoon at the intersection or at the checkpoint
3 of Po; correct?

4 [09.17.07]

5 MR. PRESIDENT:

6 Witness, please wait.

7 The Prosecution, you may proceed.

8 MR. LYSAK:

9 Thank you, Mr. President. My objection to counsel's question is
10 that he is not specifying the time period here. He was asking
11 questions about the 17th of April; I think he's now asking
12 questions about a different time period and that may be part of
13 the problem he's having. So if he was more specific in the time
14 period, letting - in his questions to the witness, I think he'd
15 have a - we'd be getting better answers, more clear answers from
16 the witness.

17 [09.17.52]

18 BY MR. KOPPE:

19 Mr. President, I agree. Well I tried to do it in a different way,
20 but I'll focus on the chronology.

21 Q. Mr. Witness, do you know - can you remember where you went
22 after the Lon Nol soldiers had surrendered and were gathered
23 together; where did you go?

24 MR. LIM SAT:

25 A. As I indicated earlier, I went further up to the provincial

7

1 town hall and then I went to Angkor district.

2 Q. Do you remember the exact time when you saw the trucks with
3 the Lon Nol soldiers coming from the fortress and going to the
4 provincial town?

5 A. That is incorrect.

6 Q. Please correct me, Mr. Witness.

7 A. Soldiers were transported from provincial town hall to Tuol Po
8 Chrey, but it was not the other way around. For that reason, I
9 could not respond to your last question.

10 [09.19.46]

11 Q. I understand, Mr. Witness, but I'm trying to find out if you
12 know anything about the way the soldiers were transported from
13 the fort in Tuol Po Chrey to the provincial town hall?

14 A. I do not know how to respond to your question. I only knew
15 that they were transported from the provincial town hall to Tuol
16 Po Chrey.

17 Q. I understand it, Mr. Witness, but at one point they were at
18 the fort in Tuol Po Chrey and at one point they were at the
19 provincial town hall. My question is if you know how they arrived
20 coming from the fort and arrived at the provincial town hall; how
21 did that go? Did you see that?

22 A. I did not know or did not see any soldiers were being
23 transported from Tuol Po Chrey to the provincial town hall.

24 Q. And is it correct to say that you also didn't see any other
25 groups of soldiers coming from other parts of the province

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1 entering the town of Pursat to go to this meeting at the
2 provincial town hall?

3 A. That is correct. I did not see. It was one time that I was
4 stationing near the Po district (sic), but the timeline that you
5 asked, that was at the time I did not see any.

6 [09.22.15]

7 Q. Okay, Mr. Witness, let us go back to the moment that you saw
8 the trucks with the Lon Nol soldiers passing by. Yesterday, you
9 testified that you saw between 10 and 15 trucks passing by and in
10 those trucks were people sitting. You had one night's sleep and
11 maybe you have been thinking about it a little more. Are you sure
12 the trucks that you saw were in the number between 10 and 15?

13 A. It's been so long already because the year is now 2013. I
14 could only recall that soldiers were transported by trucks to
15 Tuol Po Chrey. Maybe my estimation of 15 trucks were not correct.

16 Q. Was it maybe 10, 11, 12, 13?

17 A. If my estimation of 15 trucks may not be correct, I wish not
18 to make another estimation because I, myself, did not go and see
19 the actual numbers myself.

20 Q. That is something I do not understand, Mr. Witness. You have
21 testified yesterday, that you saw between 10 and 15 trucks.
22 Earlier to the Investigating Judges, you were talking about maybe
23 30 trucks. Yesterday, you were quite specific that you saw
24 between 10 and 15 trucks. Are you now saying that you didn't see
25 trucks or am I mistaken?

1 [09.24.43]

2 A. I knew that there were 15 trucks, but of course, the situation
3 at that time was rather confusing. So I cannot put exact figure
4 to the number of trucks there were. I could say there were about
5 15 trucks, but I did not just stand there and count the number of
6 trucks.

7 Q. Very well, Mr. Witness. Are you able, from your memory, to
8 describe what kind of trucks you saw?

9 A. The trucks were kind of the military trucks - CMC trucks -
10 with the - covered at the back. That were the kind of trucks
11 used. Or we sometimes refer to it as Angkor - Angkor vehicles or
12 trucks.

13 Q. So were they all military trucks or were there also civilian
14 trucks in that convoy?

15 A. There were less military trucks than the civilian trucks as
16 civilian trucks with the cover at the back for transporting goods
17 were also used. And as for the military trucks, there were about
18 two or three 10-wheel CMC trucks.

19 [09.27.01]

20 Q. And would you be able to remember how many trucks were
21 civilian trucks and how many trucks were military; was it
22 half/half, was it two-third, one-third?

23 A. I cannot recall it for sure, but there were less military
24 trucks than the civilian trucks.

25 Q. And did I understand correctly when you said that not only the

10

1 military trucks but also the civilian trucks were covered; that
2 the back was covered?

3 A. No, they were not fully covered. You could see the opening at
4 the back of the truck because it was the hot season at the time.

5 Q. Does that apply to all trucks? Were you able to see in the
6 inside of the back of all trucks?

7 A. The trucks were not covered so we could see people standing on
8 the trucks.

9 [09.28.43]

10 Q. The people that you saw in those trucks, were there people
11 dressed in military uniform?

12 A. Soldiers wore the military uniforms. That is the clothing and
13 the boots as well. They also have their backpack with them.

14 Q. Did you also see civilians?

15 A. No. There were no civilians mixed with the soldiers. They were
16 only the (unintelligible) soldiers and military officers on the
17 trucks.

18 Q. So the trucks that you saw going from the provincial town hall
19 to Tuol Po Chrey were filled only with people wearing uniforms
20 and some of them or more, a lot of them had their military
21 backpacks with them; is that correct?

22 [09.30.20]

23 A. Yes, it is correct. People had to pack because they were told
24 earlier on that they would be attending a study session and they
25 prepared for the session. They could not go there empty handed,

1 but they were not armed.

2 Q. How do you know that the military you saw in uniform in those
3 trucks had just come from that study session in the provincial
4 town hall; how do you know that?

5 A. I knew about this through my commander.

6 Q. I'll go back to the civilians. Did you see any civilians in
7 this convoy of trucks which were carrying the military?

8 A. No, there was no civilian seen on those trucks. They were all
9 soldiers.

10 Q. Are you able to tell us how many soldiers were sitting in each
11 of those, approximately 15 trucks?

12 A. It depends. Some trucks could accommodate 30 people; some
13 could even accommodate up to 40 people because these people had
14 to stand when on the trucks. And I didn't care to count the
15 number of people on the trucks because every time the first leg
16 was filled, then the trucks would have to leave the premises for
17 Tuol Po Chrey. And then I would hear radio communication to us
18 ordering us to release a few more trucks after the previous ones
19 already left.

20 [09.33.44]

21 Q. So Mr. Witness, are you saying that when one truck was sent
22 from this intersection at Po to Tuol Po Chrey, they were all -
23 the people inside the truck were wearing a military uniform;
24 correct?

25 A. I think we seem to be on different pages here. Now, when you

12

1 refer to the soldiers, you appear to be referring to Khmer Rouge
2 soldiers other than the Lon Nol soldiers, but the fact is that
3 military - I mean, the Lon Nol soldiers were those who were seen
4 on the trucks being transported to Tuol Po Chrey. Please
5 distinguish between the term "military" and "soldiers",
6 "soldiers" here referring to the Khmer Rouge - rather, the Lon
7 Nol soldiers, but the "military" referring to, rather, the Khmer
8 Rouge soldiers.

9 [09.35.18]

10 Q. Just to be very clear, Mr. Witness, when I was asking about
11 the people who were sitting in the trucks which had just been
12 coming from the provincial town hall, were those Lon Nol soldiers
13 or were those your colleagues?

14 A. We, the Khmer Rouge soldiers, did not have anything to do with
15 the trucks. I mean, we were not on these trucks. Only the Lon Nol
16 soldiers would be the ones supposed to be transported to Tuol Po
17 Chrey.

18 Q. That's what I was thinking as well. Just to be 100 per cent
19 sure, those Lon Nol soldiers were wearing uniforms, according to
20 you, correct?

21 A. Yes, I am 100 per cent sure that it is correct because Khmer
22 Rouge soldiers were wearing different uniforms when the Lon Nol
23 soldiers would be wearing different uniforms. Lon Nol soldiers
24 had their boots and their military uniforms. The Khmer Rouge
25 soldiers would be wearing the car tire sandals instead of the

13

1 boots, and it was not difficult to identify the Lon Nol soldiers
2 because they were wearing some logos representing the Lon Nol
3 soldiers and the Khmer Rouge soldiers did not have anything to
4 wear as logos like that.

5 [09.37.29]

6 Q. And when the trucks went one by one to Tuol Po Chrey and when
7 they came back empty, when they were sent there to Tuol Po Chrey,
8 there were Lon Nol soldiers in there wearing their uniform. Am I
9 correct?

10 A. I don't know how I can really respond to your question time
11 and again when I made it very clear that they were all soldiers.

12 Q. Well, Mr. Witness, the reason that I'm trying to be very sure
13 about things is that somebody who testified earlier this week has
14 explained to the Trial Chamber that the people coming from the
15 provincial town hall going to Tuol Po Chrey who were in the
16 trucks were all wearing civilian clothes and that it was not
17 possible to see any things like signs for ranks or anything that
18 indicated that they were soldiers. That's why I'm trying to be
19 very precise.

20 [09.39.21]

21 A. In short, the soldiers who were executed at Tuol Po Chrey
22 would have their uniforms removed and their backpacks removed,
23 including the boots, and then the Khmer Rouge would bring back
24 only these belongings.

25 Q. But it is your testimony that when they were executed, they

14

1 were still wearing their military gear; is that correct?

2 A. They were wearing the uniforms, indeed, when they were
3 executed, but after that, the Khmer Rouge soldiers would remove
4 some belongings, including the watches, the wrist watches, and
5 the backpacks. These are the items that the Khmer Rouge soldiers
6 would remove from the dead bodies.

7 Q. Do you know whether that day there were also people wearing
8 only civilian clothes who were being brought to Tuol Po Chrey in
9 order to be executed?

10 A. I don't know or I don't remember having seen any civilians
11 being brought to Tuol Po Chrey for execution.

12 [09.41.25]

13 Q. But could you think about it again? Did you see, in the backs
14 of those 15 trucks, any people not wearing a military uniform?

15 A. To my knowledge, I never saw anyone at the back of these
16 trucks was wearing civilian uniform or clothes.

17 Q. Did you see, that day, any civilians in normal cars going to
18 the same place where the military trucks with the soldiers were
19 going? Did you see them - that they were gathering - if civilians
20 were gathering with the military?

21 A. No, that was not the case. Absolutely only soldiers would be
22 transported to this location because no civilian would be allowed
23 to access to that location, because normally before someone could
24 gain access to this Tuol Po Chrey or Po village, they had to have
25 some permits. With that, I can say that no civilian would ever be

15

1 allowed access to these locations.

2 [09.43.29]

3 Q. Now, let me rephrase the question, Mr. Witness. Do you know
4 if, that day, also people only wearing civilian clothes were
5 executed at Tuol Po Chrey?

6 A. I didn't see this. I can't tell.

7 Q. Very well. Now I come to an important subject, Mr. Witness.
8 Yesterday, I asked you briefly about how many people in total
9 would fit into 15 trucks, and I asked you the question if it were
10 indeed 15 trucks that you saw, and there were about 30 people
11 average in those trucks. I asked you to tell me and the Chamber
12 how many people in total were in the trucks. Do you remember me
13 asking you that?

14 A. I have already testified that the numbers of trucks could not
15 be very certain. I still stand by my estimation that it could
16 have been 15 trucks, and that number of people could vary from
17 one truck to another when they were loaded. That's my point.

18 [09.45.34]

19 Q. I understand, Mr. Witness, but my question then and my
20 question now is if you saw 15 trucks and in each truck there were
21 about 30 to 40 people in the trucks, how many people in total
22 were going from the provincial town house in this convoy to Tuol
23 Po Chrey? How many in total?

24 And I will - now that I see my learned friend standing, let me
25 explain why this point is so important for the Defence, and I

16

1 will put it in a question, if you like.

2 MR. PRESIDENT:

3 Mr. Witness, please hold on.

4 And Co-Prosecutor, you may now proceed.

5 [09.46.29]

6 MR. LYSAK:

7 Thank you, Mr. President. The questioning is getting rather
8 repetitive. This witness has been asked this a number of times.
9 Counsel is now asking - I believe asking the witness to engage in
10 multiplication. I think this is getting to the point of badgering
11 this witness. He's made it clear that he's not someone who
12 received a detailed education in mathematics and is able to do
13 that. He's given us on many, many times now his best estimates of
14 the number of trucks, his best estimate of the number of people
15 in trucks and also his best estimate of the total number of
16 people. We can all do the math and that, but I just do not see
17 the point of continuing to ask repetitive questions that seem
18 intended to badger this witness.

19 [09.47.25]

20 MR. KOPPE:

21 Mr. President, may I reply?

22 Yesterday, I think I was very withholding toward the witness
23 about the question or his capacity to calculate. The reason that
24 I'm returning to this point is the following: When you watch -
25 when you read the Closing Order in respect of Tuol Po Chrey and

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1 when you go to paragraph 708, in that paragraph 708 it's argued
2 or reasoned as follows. It says:

3 "The victims arrived at the provincial headquarters compound by
4 their own accord. It was estimated that approximately 3,000 were
5 gathered in the compound to attend this meeting."

6 The only evidence - the only evidence that the Investigating
7 Judges have is his testimony to the OCIJ that there were in fact
8 3,000 people going from the provincial town hall to Tuol Po
9 Chrey. So the number of 3,000 is coming from this witness and
10 from this witness alone.

11 If he was witness number 30, number 31, I wouldn't be bothering
12 asking these questions for a second time, but it is crucial for
13 this case to be able to establish whether it was a group of 200,
14 maybe 300, or in fact 3,000 that was sent from the provincial
15 town hall to Tuol Po Chrey.

16 Just have a look - I invite you, Mr. President and Your Honours,
17 to have a look at paragraph 708 and see how important it is to
18 have this number established in a correct way.

19 [09.49.20]

20 MR. LYSAK:

21 Mr. President, if I just may respond briefly, that is a flat-out
22 misrepresentation of the record. He may have picked a certain
23 citation here, but I was just reading a statement of another
24 person interviewed by OCIJ who provided his estimate of the
25 number of trucks and people. There are many witnesses who have

18

1 provided estimates of the number of trucks, number of people that
2 they saw being transported that day. So to represent to this
3 Court that this witness is the only person who has provided that
4 information is simply a gross misstatement of the investigative
5 record, and for that reason I think this witness has provided his
6 best estimates. I simply do not see the point of engaging in a
7 mathematics exercise with him.

8 MR. KOPPE:

9 Please allow me, Mr. President. I invite the Chamber to go to
10 that paragraph, to go to footnote 3,049 to see who is quoted in
11 respect of that footnote. It's this witness only and it is the
12 number of 3,000 only. From no other witness is this number
13 coming. So it is crucial that we establish that.

14 (Judges deliberate)

15 [09.53.00]

16 MR. PRESIDENT:

17 The objection lodged by Co-Prosecutor concerning the line of
18 questioning by counsel for Mr. Nuon Chea to the witness is
19 sustained as the question itself is repetitive. The witness is
20 now directed not to respond to the question and the Chamber
21 wishes to inform Mr. Koppe that with regard to the numbers of
22 trucks or people, in this case the Chamber has already heard a
23 lot already. So you would be now asked to proceed to another
24 question and avoid these repetitive questions.

25 BY MR. KOPPE:

19

1 I beg to disagree, Mr. President. You've only heard one witness
2 so far about how many people were in those trucks. It was the
3 witness of earlier this week, and he said there were about 200
4 and he's saying 3,000. And there's no other evidence. But I will
5 continue.

6 [09.54.20]

7 Q. Mr. Witness, in your statement to the OCIJ – that is E3/364,
8 English page 00250759; Khmer, 00242422; and French, 0028497 – and
9 I quote:

10 "On about 19 or 20 April 1975, I received orders to assemble the
11 soldiers and policemen from low to high rank who had connections
12 to the Lon Nol era and kill them at Tuol Po Chrey in Kandieng
13 district."<V>

14 Could you expand more, Mr. Witness, on what you meant when you
15 said "I received orders to assemble the soldiers"? From who did
16 you get those orders and how did you assemble those soldiers?

17 MR. LIM SAT:

18 A. I received orders from the Zone Committee and the order was
19 rendered down to the Sector Committee and further.

20 Q. But what did you mean when you said that you received orders
21 to – and I quote, "assemble the soldiers"? What did you mean with
22 that?

23 [09.56.25]

24 A. That means I was asked to assemble soldiers with ranks to
25 attend a study session. That's all.

1 Q. But those soldiers were already in one group together after
2 they had surrendered. I remember we were talking about them
3 having the white flag, etc. When you were ordered to assemble
4 them, what did you mean? Did you have to physically get them from
5 somewhere, physically bring them somewhere?

6 A. I think we did not need to physically gather people. We just
7 passed the message on to their group leaders. The message would
8 then be relayed and then these leaders would then pass on this
9 order to their subordinates or soldiers. Then the soldiers would
10 gather eventually.

11 [09.57.57]

12 Q. So you were not, yourself, physically involved in taking Lon
13 Nol soldiers from one place and bringing them to another place;
14 is that correct?

15 A. Yes, it is. I just communicated this message to their
16 superior. Then the superior would pass on the message to their
17 subordinates and people could then be gathered.

18 Q. Do you know whether there were also Lon Nol soldiers who were
19 not at the fortress being picked up from various places, for
20 instance, their home? Maybe they were off duty and they were
21 taken from their homes?

22 A. On that day, soldiers were kept in that place. They were not
23 allowed to leave their fortress. And in some cases, if these
24 people were off duty or soldiers were off duty when they were
25 needed, then we had to pick them up from the places where they

1 were, but in such situations, they were there in one place.

2 [09.59.46]

3 Q. But do you remember whether there were standing orders to go
4 from one house to another house and to look for Lon Nol soldiers
5 who were not actively in duty at that time?

6 A. At a later date, people were demobilized and they had to go to
7 different places. For example, they had to be dispatched to
8 different cooperatives. That was the responsibility by the
9 district committees or the heads of cooperatives to gather the
10 people if they were needed. That's another case.

11 Q. Let me be more specific in time, Mr. Witness. I'm referring to
12 the period between, on the one hand, the capture or the surrender
13 of the Lon Nol soldiers in the fort and, on the other hand, the
14 meeting at the provincial town hall. Were there orders in that
15 particular period to search houses to find Lon Nol soldiers?

16 A. No, there was no order to search. We, all day, stayed in the
17 respective units and we only informed commanders of the heads of
18 the unit, and we did not go around and searching the houses.

19 [10.01.55]

20 Q. Do you know if in that very same period people were asked to
21 come to the provincial town hall through loudspeakers? Were there
22 loudspeakers being used to have Lon Nol officials or soldiers
23 going to the provincial town house?

24 A. The Zone Committee made such an announcement. So the
25 information or the instruction was relayed from the zones to the

1 provincial governor for the gathering of soldiers at various
2 locations, but the information was only given to the commanders,
3 and the commanders would gather their subordinates.

4 Q. So do I understand correctly when you're saying that officials
5 from the Lon Nol regime were called upon through means of
6 loudspeakers on the street to go to the meeting at the provincial
7 town hall?

8 [10.03.40]

9 A. Of course, when the announcement was made, they would come.

10 Q. Now, have you heard in those days or on the day of the meeting
11 in the provincial town hall how many military – how many former
12 Lon Nol soldiers were in the provincial town house and how many
13 civilians, how many Lon Nol officials were gathered together in
14 the town house?

15 A. I could not say. There was a meeting for them to prepare their
16 belongings, for instance, tomorrow they would be sent for a study
17 session and they would do so. But, you know, the information was
18 not just for them to prepare and to leave immediately.

19 Q. But do you know whether during this meeting in the provincial
20 town hall, the military who were wearing their uniforms were in
21 the majority, or were the civilians who were in the majority?

22 A. There were soldiers and there was no civilian. At that time
23 the instruction was clear. It was the gathering only for the
24 soldiers, not for the civilians. So the civilians had no business
25 to go for a study session.

1 [10.05.51]

2 Q. But, Mr. Witness, you just testified that there was a call
3 upon – formalized the neutral people, through use of
4 loudspeakers, to come to this meeting in the provincial town
5 hall; isn't that correct?

6 A. My response was that only the commanders were informed, or the
7 instruction was relayed through the provincial governor, and the
8 provincial governor down to the military commanders. So that was
9 the change of the – relay of the instructions.

10 Q. How do you know that there were no civilians in that meeting
11 in the provincial town hall?

12 A. I knew it because the instructions were specific. That was the
13 concrete plan for the meetings for the soldiers, not for the
14 civilians. So civilians had no business to attend that meeting
15 unless they stole uniforms – that is military uniforms – and wore
16 the uniforms in order to attend the meeting.

17 [10.07.51]

18 Q. Have you ever been inside the provincial town building in the
19 period April '75 and before?

20 A. It happened before the 17 April 1975, so I did not dare enter
21 the town hall. I only went into the town hall after the 17 April
22 1975. If I were to go into the town hall before 17 April 1975
23 then the soldiers would arrest me.

24 Q. I understand. Do you remember when, exactly, you were inside
25 the building of the provincial town hall after 17 April 1975?

24

1 A. It was two days after the 17 April 1975. So I went quickly
2 into the town hall and then I left for Krakor district, and only
3 later when I came back to station. So I was there only for a
4 short while before I went to Krakor district.

5 Q. Mr. Witness, would you be able to give an estimate as to how
6 many people you think would fit in the big room of the provincial
7 town hall?

8 A. It's difficult to say because there were different offices and
9 there was a meeting place about the size of this courtroom. So it
10 could fit hundreds of soldiers, but meetings could be held in
11 smaller offices within the provincial town hall, that each room
12 could hold about 20 people.

13 [10.10.51]

14 Q. I'm asking you specifically about the meeting in which it was
15 conveyed to the people who were present that they were going on a
16 study session, and that they might even be meeting the King. Have
17 you heard from anybody or have you been able to see for yourself,
18 how many people in total attended that very specific meeting in
19 which it was said that people were going to study sessions?

20 A. I could not say for sure as I did not go around and counting
21 the people there.

22 Q. Just to be clear, you haven't heard a number of the total
23 amount of people being present at that meeting? You didn't hear a
24 number, 100, or 200, or 300?

25 A. That is correct. Nobody told me the number. So the meeting

25

1 took place then I went to my own place. I did not care anybody
2 would tell me about the numbers of people attending the meeting
3 because I was only waiting for my instruction to carry out my
4 duties. That was all.

5 [10.12.58]

6 Q. Let me go back, Mr. Witness, to a moment in time before that.
7 You had testified yesterday that a meeting was held in which it
8 was decided that Lon Nol soldiers were to be executed. Do you
9 remember any other details that were conveyed to you by your
10 regiment commander about that meeting? Do you remember, for
11 instance, whether there was talking in the meeting about what was
12 to happen, specifically to commander and deputy commander, Pel
13 (phonetic) and Rum (phonetic)?

14 A. No. I did not know because the distance was far. It was more
15 than 10 kilometres so I would not know what happened down there.

16 Q. But my question was related to the meeting in which it was
17 decided that people were, allegedly, to be executed. Do you know
18 if at that particular meeting anything was discussed or said
19 about what was to happen to Commander Pel (phonetic) and Deputy
20 Commander Ru (phonetic)?

21 [10.14.52]

22 A. I was not told anything because we were separate from them.
23 They were on the military side. I was not told that they would be
24 shot dead. The only information that I received was that the
25 ranking officers would be sent for a study session.

26

1 Q. Have you heard anybody in those days or later that Commander
2 Pel and Deputy Commander Ru (phonetic), their heads were
3 decapitated?

4 A. No, I did not know about that. As I said, the distance from
5 their location and mine was more than 10 kilometres.

6 Q. Do you remember if there was, with you or with any other of
7 your colleagues, any feeling of having revenge on Commander Pel
8 (phonetic) and Deputy Commander Ru (phonetic), for the things
9 they had been doing prior to 17 April 1975?

10 [10.16.33]

11 A. I do not know what to respond to your question.

12 Q. I will explain my question, Mr. Witness. There might be
13 evidence suggesting that Commanders Ru (phonetic) and Pel's
14 (phonetic) heads were decapitated and there might be evidence
15 which suggests that that was done, maybe, out of revenge. My
16 question to you is whether you know, or whether you remember
17 anybody saying anything about those two people, which would
18 suggest that revenge measures were taken?

19 MR. PRESIDENT:

20 Witness, please hold.

21 The Co-Prosecutor, you may proceed.

22 MR. LYSAK:

23 Yes, Mr. President. The question - counsel is attempting to lead
24 the witness by suggesting that there is evidence that these were
25 revenge killings. I am not aware of any such evidence. I think he

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1 is misleading the witness. It's rather plain from the facts here
2 that there is no suggestion that organized killings were revenge
3 killings. So, I think, it's fine for him to ask the question, but
4 he should not be suggesting to the witness that there is evidence
5 that these were revenge killings.

6 [10.18.21]

7 BY MR. KOPPE:

8 Very well, Mr. President, I will rephrase.

9 Q. Do you - have you heard, Mr. Witness, anything in those days
10 about colleagues of yours seeking to specifically revenge
11 Commander Pel (phonetic) or Commander Ru (phonetic)?

12 A. No, I did not know. If anyone were to seek revenge against
13 anybody else; it was their own business, because Pel (phonetic)
14 and Ru (phonetic) was the Lon Nol soldiers and I did not know
15 whether they sought revenge amongst themselves. Taking revenge or
16 not was their own business and I could not know about that.

17 Q. Mr. Witness, have you ever heard anything which might suggest
18 that after the Lon Nol soldiers were killed that their houses in
19 which they lived were searched and that maybe property was seized
20 from those houses?

21 A. No, I did not hear about that. What I knew was the soldiers
22 were sent for their study sessions and later on they were
23 demobilized both in Phnom Penh and Pursat. So I did not know
24 about any house searches.

25 [10.20.18]

1 Q. Mr. Witness, have you ever heard that in that area between the
2 surrender of the fortress and the meeting in the provincial town
3 house, Lon Nol soldiers or former Lon Nol soldiers from other
4 areas in the country, came into Pursat; for instance, from Phnom
5 Penh or from Battambang?

6 A. No. For those who were in Pursat, would be gathered in Pursat
7 and for other places, like Battambang or Moung, they would be
8 guarded at their respective locations. So they would do it in
9 their respective locations. It's not the gathering from all other
10 places at the provincial town hall. So for those around the
11 provincial town hall would gather at the provincial town hall.
12 For the rest, they would be guarded at their respective
13 locations. So it was kind of a segmented gathering and not a
14 collective gathering at the town hall. So this meant that for
15 each respective district the gathering would be at their
16 district, for example, at Bakan or at other districts.

17 [10.22.04]

18 Q. Mr. Witness, do you know whether in the period between the
19 surrender of the Lon Nol soldiers in Tuol Po Chrey and the
20 meeting at the provincial town hall, checkpoints had been set up
21 on route 5, National Route 5, checking everybody coming from the
22 direction of Phnom Penh and everybody checking who was coming
23 from Battambang?

24 A. No, because after the 17 April 1975, came the peace time.
25 There were no checkpoints, because by that time there were no

1 vehicle traffic on road. Only when there were instructions for
2 the vehicle passing through, then we could see vehicles.
3 Otherwise nobody could travel anywhere freely.

4 Q. Mr. Witness, do you know or do you have information to suggest
5 that the Lon Nol soldiers that we have been speaking about all
6 morning were soldiers stationed in, or near, Tuol Po Chrey or in
7 Pursat province?

8 A. As I said, soldiers were stationed at their respective
9 barracks. For example, at Po or at Tuol Po Chrey, and for example
10 at Svay Banteay (phonetic) there would be a group stationed
11 there. So they were stationed at their respective assigned
12 locations.

13 [10.24.28]

14 Q. Let me rephrase, Mr. Witness. Do you know whether the Lon Nol
15 soldiers who were allegedly executed were Lon Nol soldiers from
16 the Pursat province only?

17 A. Let me say this, those soldiers at the Pursat province would
18 be gathered there. However, for example, at the Krakor district
19 or Bar Keo district, they would be gathered at their own
20 respective districts, not going to the provincial town. So let me
21 repeat, they would be gathered at their station.

22 Q. Let me try it in another manner, Mr. Witness. Maybe you don't
23 understand me correctly. What I'm trying to find out is if you
24 know whether the Lon Nol soldiers who were allegedly executed
25 were coming from the fortress at Tuol Po Chrey, or Po village

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1 fort, or whatever you want to call it.

2 A. I said that they were gathered at the provincial town hall and
3 they would be sent off.

4 [10.26.22]

5 MR. KOPPE:

6 Mr. President, I'm going to a completely different topic relating
7 to what the witness knows about our client. This may be a good
8 moment to pause, otherwise I'll just continue.

9 MR. PRESIDENT:

10 Thank you.

11 The time is now appropriate for a short break. We will take 20
12 minutes break and return at 10 to 11.00.

13 Court officer and the greffier, could you assist the witness
14 during the break and have him returned to the courtroom at 10 to
15 11.00?

16 (Court recesses from 1027H to 1051H)

17 MR. PRESIDENT:

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

19 The floor is once again given to Nuon Chea's defence to continue
20 putting questions to this witness. You may proceed.

21 BY MR. KOPPE:

22 Q. Thank you, Mr. President. I think I have another 20 to 30
23 minutes.

24 Mr. Witness, yesterday you testified, answering questions of my
25 colleague about Nuon Chea, and I have in front of me a draft, not

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1 official, transcript from what happened yesterday and I'm
2 paraphrasing from there. You said:
3 "Yes, I never saw the other people" [and you mean Khieu Samphan,
4 Ieng Sary etc] other than him on that one occasion. I saw him -
5 that is, Nuon Chea, with my own eyes in Pursat province when he
6 was on this way from Pursat to Battambang. It was in 1979 in
7 Battambang province. He did nothing other than being on his trip.
8 He was on a vehicle, traveling to Battambang. Our troops were
9 stationed along these national roads and we were told who would
10 be passing us."

11 [10.53.05]

12 When you were told that the person in the car was Nuon Chea or
13 that the person was Nuon Chea; was he in the car is the question,
14 and then you say: "Yes, he was".

15 Now, Mr. Witness, if I reread this testimony of you of yesterday,
16 it seems that you have been testifying that you only saw Nuon
17 Chea once, in 1979, when he was passing through Pursat province;
18 am I correct?

19 MR. LIM SAT:

20 A. Yes. The soldier's stationed along the road told me about him.
21 That was the only time.

22 Q. That was the only time that you physically, with your own
23 eyes, saw Nuon Chea; is that correct what I'm saying?

24 [10.54.16]

25 A. Yes, I saw him once because after that, I never stayed along

1 the highway or the national road.

2 Q. But then you have to explain to me the following. You also
3 testified that you saw Nuon Chea in a meeting as early as 1976, a
4 meeting where he spoke about half hour, and that he was talking
5 about building dams and digging canals. Could you explain to me
6 how that is possible if you just said that you only saw him once
7 passing by in 1979?

8 A. The meeting took place earlier. It was a separate time.

9 Q. So when you were saying yesterday, in answering my - the
10 questions of my colleague, "I only saw him once, in a car, in
11 '79"; that is not correct, you saw him also in 1976?

12 A. I saw him two times. Once was during the meeting early and a
13 second time during the time that he was passing through in 1979.
14 [10.56.23]

15 Q. Very well. Let's go back to this one time that you saw him
16 giving a speech during half - during half an hour.

17 Do you remember the amount of people that were present when Nuon
18 Chea was speaking about building dams or digging canals?

19 A. There were a number of participants. It means there were lots
20 of villagers, not - not 10 or 20, but there were between 50 to 60
21 participants during the meeting.

22 Q. Are you - are you now saying that the people who were present
23 listening to him were villagers?

24 A. Besides villagers, there were group chiefs and team leaders.
25 Of course, people came to listen during the meetings and also,

1 the team leaders or the group leaders came to attend the meeting
2 where building dams and raising canals were the main theme of the
3 meeting.

4 Q. When you were saying that villagers were also listening when
5 he spoke, was it a public meeting? Was everybody allowed to come?

6 A. It depends. Sometimes, the meeting was held where a lot of
7 people attended the meeting depending on the locations of the
8 meeting.

9 [10.58.43]

10 Q. I understand, Mr. Witness, but I'm now trying to be specific
11 about this - this meeting at which you say Nuon Chea spoke for a
12 half hour and at which you say villagers attended. Was it a
13 public meeting? Was it possible for everybody to come and to hear
14 what Nuon Chea had to say?

15 A. There were various kinds of meetings. There were mass
16 meetings, for instance, for the opening or the inauguration of
17 something held at the district hall, for instance, and there
18 could be meetings for the people talking about building dams and
19 digging canals. It means about the work. And usually, for this
20 kind of meeting, 50 to 60 people would attend the meetings, and
21 then they would relay the contents of the meeting to other people
22 who did not attend the meeting.

23 Q. Thank you for that answer, Mr. Witness, but I'm referring to
24 this very specific meeting during which you said yesterday that:
25 "Nuon Chea spoke for a half an hour." My question to you is

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1 whether, in respect of this specific meeting, everybody was
2 allowed to come to listen including villagers?

3 [11.00.37]

4 A. Regarding that meeting, it was an open meeting and of course
5 they would appreciate if more people would join the meeting
6 because the meeting talked about the planning and about the work
7 and they would be happy to see villagers or people coming to
8 attend the meeting, then people would understand about the plan
9 or the work plan.

10 Q. You were giving earlier a number about 50-60 participants in
11 this meeting. Do you know - do you remember how many of those 50
12 to 60 people were villagers, people who had just come to listen
13 to what Nuon Chea had to say?

14 A. People came to listen to what was said during the meeting and,
15 as I said, there were about 60 people attending the meeting and,
16 of course, they would be happy if more people could attend the
17 meeting. Unless there were various or separate kinds of meetings,
18 then people were not allowed. There could be meetings where only
19 group or chief of a - the leaders or the groups or chief of the
20 cooperative could attend such a meeting. But the meeting that I
21 refer to was an open meeting, so people could freely join the
22 meeting.

23 [11.02.38]

24 Q. I understand, Mr. Witness, but my question was whether you
25 remember how many of those 50 to 60 people were villagers, how

1 many people were CPK members, or maybe were wearing black
2 clothes, for instance? How many people were villagers and how
3 many people were Khmer Rouge cadre?

4 A. Yes, I said there were people and the group or the team chiefs
5 and, of course, they all – they all wore the same kind of
6 clothing. They were living together in the cooperative and they
7 dressed the same. So for example, for the meeting, some people
8 from the cooperative who did not go to work far away would attend
9 the meeting and as for those who worked far away, they could not
10 attend the meeting.

11 Q. Do you remember if, during that meeting during which Nuon Chea
12 spoke for a half hour, villagers who attended were asking
13 questions, for instance, to Nuon Chea?

14 [11.04.27]

15 A. No, no one. Whatever the plan was relayed through the
16 instruction, nobody said anything against it; they only listened
17 to what was said during the meeting. They only accepted the plan
18 given to them, for example, to dig a canal or to build a dam.

19 They would just listen to it and when they returned, they would
20 implement such instruction.

21 And, of course, they had to follow the instruction and there were
22 no questions raised regarding the instruction. They did not dare
23 say about the lack of facility or the poor livelihood. They had
24 to do what was instructed, no questions asked.

25 Q. So Mr. Witness, when Nuon Chea started speaking for a half

1 hour during that meeting, did he introduce himself? Did he say:
2 "My name is Nuon Chea and I'm here to tell something to you"? Did
3 he say such a thing or was there another way that you found out
4 that it was, in fact, Nuon Chea speaking?

5 [11.06.00]

6 A. It was through the people who attended the meeting. He talked
7 about building dams, digging canals, or raising dikes for
8 instance. That were the main themes of the meeting and I was told
9 by the people who attended the meeting.

10 Q. But did Nuon Chea, for instance, say: "Good morning,
11 everybody. My name is Nuon Chea."?

12 A. I did not attend a meeting and I only heard what was told to
13 me by the people who attended the meeting. I was told about the
14 plans to build dams and dig canals. They did not tell me anything
15 about what you just said. So the meeting was about the work plan
16 and, of course, once the meeting was concluded, the people would
17 return to their places. At that time, people only had gruel to
18 eat.

19 Q. I'm a little confused, Mr. Witness. I thought you just said
20 that you saw Mr. Nuon Chea with your own eyes during that
21 meeting. Is it - are you now saying that you just heard that he
22 was there?

23 A. I did not attend the meeting. Of course I saw him, but it was
24 the people who attended that meeting. I did not.

25 [11.08.15]

1 Q. But could you then, so that I understand, explain again how
2 you knew that the person who was speaking for a half hour was, in
3 fact, Nuon Chea?

4 A. Because I saw him. I saw him with my own eyes, although I did
5 not attend the meeting. As for the work plan, I did not know. I
6 only was told by the people who attended the meeting - that is,
7 regarding building dams and digging canals as I was busy with my
8 own duties.

9 Q. But could you, please, explain to the Chamber how it was
10 possible that you didn't, while not attending the meeting, you
11 could still see, with your own eyes, that the person speaking for
12 a half hour was, in fact, Nuon Chea?

13 A. Because the people told me it was him and, of course, I lived
14 with the people. Those people who lived with me and who worked
15 with me told me about that.

16 [11.09.51]

17 Q. Very well. Did the people who told you it was Nuon Chea
18 speaking for half hour explain to you how they knew it was, in
19 fact, Nuon Chea speaking? Did the people tell you he introduced
20 himself before he went speaking?

21 A. He only presented to the people about the work plan. He did
22 not introduce himself.

23 Q. Then do you know how the people that you spoke to knew it was,
24 in fact, Nuon Chea who addressed them during his half-hour
25 speech?

1 A. The people and the military stayed close to one another and
2 usually the military would station along the road and of course
3 they would know which person would pass through their location.
4 And for that reason, the military usually knew, in advance, of
5 what the people knew.

6 Q. Mr. Witness, early 1976, do you know what the function or the
7 position of Mr. Nuon Chea was?

8 A. No, I did not know because, at that time, I was at the
9 cooperative. I only knew that he was the higher echelon, but I
10 did not know his specific function or role. I only knew of
11 certain functionalities at the sector or the district levels, but
12 he was at the central level, so I could not know.

13 [11.12.57]

14 Q. Mr. Witness, do you remember when you were speaking to the
15 investigators about meetings that you had trouble recollecting
16 the name of Nuon Chea?

17 A. I never spoke about that.

18 Q. Do you remember when you were speaking to the investigator
19 that the investigator was helping you, a little bit, finding the
20 name of Nuon Chea?

21 MR. PRESIDENT:

22 Witness, please wait.

23 The Co-Prosecutor, you may proceed.

24 [11.14.01]

25 MR. LYSAK:

1 Thank you, Mr. President.

2 Mr. Koppe is leading the witness here. If he has a transcript of
3 the interview that he wishes to present, he may do so. They've
4 made this allegation before, but when the transcript was examined
5 it turned out, in fact, that the assertion that the investigator
6 had suggested Nuon Chea's name was, in fact, incorrect. The
7 investigator did not suggest the name of Nuon Chea to the
8 witness, but Mr. Koppe and I shouldn't be arguing about that. If
9 he has a transcript from the interview he wants to present to the
10 witness, he should do that, but he shouldn't be suggesting or
11 leading the witness by characterizing what took place in the
12 interview himself.

13 MR. KOPPE:

14 Mr. President, I wasn't leading at all; I was asking if he
15 remembered something, but the point, because of time, is - is
16 I'll move on.

17 BY MR. KOPPE:

18 Q. My final questions, Mr. Witness: Isn't it, in fact, true that
19 the first time you ever heard of the name Nuon Chea was in 2007
20 when Nuon Chea was arrested?

21 [11.15.31]

22 MR. LIM SAT:

23 A. I heard of his name earlier and later on, he was arrested. And
24 of course, as I said, I heard of his name much earlier.

25 Q. Final question, Mr. Witness: Isn't it true that Mr. Nuon Chea

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1 never attended any meeting in 1976 in Pursat province?

2 A. I did not see him at that time.

3 MR. KOPPE:

4 Thank you very much, Mr. Witness, for answering my questions.

5 Thank you, Mr. President.

6 MR. PRESIDENT:

7 Thank you, Counsel.

8 [11.16.37]

9 The floor is now given to Khieu Samphan's defence to put
10 questions to this witness. You may proceed.

11 QUESTIONING BY MR. KONG SAM ONN:

12 Thank you, Mr. President.

13 Good morning, everyone.

14 Good morning, Mr. Lim Sat. My name is Kong Sam Onn, counsel for
15 Mr. Khieu Samphan. I only have some questions to put to you.

16 Q. Regarding your testimony yesterday - that is, in the morning
17 session at 9.26.08, when you were asked whether you knew the
18 leaders from 1971 to 1975, you responded that:

19 "I knew the senior leadership including Khieu Samphan and the one
20 in charge of the military in Cambodia."

21 Could you try to clarify the person who was in charge of the
22 military? Who was it?

23 [11.18.22]

24 MR. LIM SAT:

25 A. The one who was in charge of the military, of course, control

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1 the military for military planning, for the integration of the
2 soldiers in various ranking and levels, so that person was in
3 charge of the military structure as a whole.

4 Q. Thank you. Do you know the exact title of the person who was
5 in charge of the military under the military structure at that
6 time?

7 A. For example, if there was a planning from him to attack at
8 certain locations -

9 Q. My question is about the role or the rank of Mr. Khieu Samphan
10 in between 1971 to 1975. Based on your testimony yesterday that
11 he was also in charge of the military, what was his specific role
12 and function back then?

13 A. I did not know his specific role or function, but he was in
14 charge of the military for the entire country.

15 [11.19.45]

16 Q. Thank you.

17 Regarding your military role as you work as a soldier prior to
18 1975, for how many years did you work as a soldier before 1975?

19 A. I joined the military in 1971 until 1975.

20 Q. Thank you. In 1975, what was your role?

21 A. I was in charge of a 30-man battalion - rather, platoon.

22 Q. How many soldiers under your command within the platoon? I
23 mean the exact number of soldiers.

24 A. There were 30 soldiers and of course that include all the
25 group and the squad teams.

1 Q. You talk about the team leaders or the squad team; what was
2 the immediate subordinate of yours?

3 [11.21.25]

4 A. For the – the group chief, they would be in charge of 12
5 soldiers and of course under that there would be a group leader
6 and a deputy group leader.

7 And then there was a smaller group; it means the person will be
8 in charge of three soldiers, and usually the – the chief and the
9 deputy would be in charge of the 12-man team. And of course,
10 these three teams would compose a platoon where I was in charge.

11 Q. Thank you for your clarification.

12 What was the immediate – your immediate supervisor or the one
13 level above you?

14 A. That would be a company. A company would compose of 100
15 soldiers and there would be the commander, deputy commander, and
16 a member.

17 Q. Thank you. And above the – your immediate supervisor – that
18 is, the company; what was the level above that, I mean
19 immediately above it?

20 A. I could not grasp it. Of course I told you about the company.

21 [11.23.12]

22 Q. You just stated that your immediate supervisor would be the
23 company commander and what was immediately above the company?

24 A. Now, your question is clear. Above the company there would be
25 a battalion. A battalion would be in charge of 300 soldiers.

1 Q. Thank you. You talk about "vireak" or battalion. Can you be a
2 bit more specific?

3 A. Here I talk about the military structure. The battalion would
4 consist of 300 soldiers.

5 Q. Can you talk more about the military structure?

6 A. Of course the structure was designated by the Upper Echelon or
7 from the Zone Committee.

8 In my sector, 7, there would be two battalions - that is, 202 and
9 201 and 201 was formed earlier.

10 Q. You talk about the battalion and the battalion was above the
11 company; is that correct?

12 A. Yes, a battalion is above a company.

13 Q. And what is above a battalion?

14 A. That would be a brigade. Three battalions formed a brigade.

15 Q. Thank you. What is above a brigade?

16 [11.26.02]

17 A. Of course above the brigade is the division and there would be
18 more soldiers under the division.

19 Q. Thank you. Is there any other level above a division?

20 A. No.

21 Q. So division is the highest level within the military
22 structure?

23 A. Yes.

24 Q. Thank you.

25 Have you ever heard about the military headquarters?

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1 A. I heard about the military commander or headquarters, but I do
2 not know which level it was in charge of. I could only describe
3 what I know.

4 Q. Do you know about the commander-in-chief; for instance, but
5 you would not know which position or which level it was within
6 the military structure; is that correct?

7 A. Yes, that is correct. It is the higher level above what I
8 know.

9 [11.27.17]

10 Q. Thank you.

11 Let me now return to my client. You said that you talk about my
12 client - that is, Mr. Khieu Samphan. When did you hear the name
13 of my client, Khieu Samphan, and where did you hear it?

14 A. I heard of the name from the central level down to the zone
15 level and through the subsequent subordinate levels, so the order
16 would come from him, from the Upper Echelon down to the lower
17 levels.

18 Q. Let me interrupt. My question is: When did you first time hear
19 about my client's names?

20 A. It was the year of the planning to attack Phnom Penh. That was
21 1970 or 1971.

22 Q. So you heard of the name of Khieu Samphan in 19 - either 1970
23 or '71. Can you be a bit more specific?

24 A. I heard of the name in 1971.

25 [11.28.48]

1 Q. Thank you. How did you hear of the name or from whom?

2 A. I heard of the name from the Upper Echelon, so it was from the
3 Centre to the Zone and then to the sector and to the lower
4 levels.

5 Q. Please listen to my question carefully. From whom did you
6 personally hear of the name of my client? Through which means you
7 heard of the name? Were you told in person or did you hear from
8 somebody else?

9 A. It was my military commander who told me because he attended
10 the meeting and he knew about the work plan and of course he then
11 relayed such instruction to us, the lower level.

12 Q. Can you elaborate more further on this point?

13 A. I learned about the plan of 1971 that we started to attack
14 places and that forces were to be gathered to attack these
15 locations.

16 [11.30.24]

17 Q. Is it correct to say that you knew about this in 1971; you
18 knew from your battalion commander?

19 A. Yes, it is.

20 Q. In 1971, immediately when you joined the army, what was your
21 rank?

22 A. I was an ordinary combatant.

23 Q. What made you meet your commander who talked about Khieu
24 Samphan?

25 A. My commander would be with us all the time. Every time we

1 moved places, our commander would be with us. It doesn't matter
2 that he was our commander, he had to have lunch or meals with us
3 every time; otherwise, he would have nothing to eat because this
4 was a communal eating and everyone had to be at the same place at
5 the same time when the mealtime came, so that's why he was close
6 to us at all time.

7 Q. I may have to interrupt.

8 When your commander was talking to you about Khieu Samphan, were
9 you all by yourself or were you joined by other colleagues?

10 [11.32.21]

11 A. Everyone was there. His subordinates, including me, was there
12 in the meeting.

13 Q. In the meeting - was the message relayed in the meeting?

14 Please respond again.

15 A. Yes, it is. In that meeting, the message was relayed to us.

16 Normally, it part of the military strategy when meetings would be
17 convened and then plans would be discussed.

18 Q. How were - how was this meeting conducted and how were you
19 told?

20 A. We were told about how to attack the enemies. That's the main
21 things the military or the soldiers needed to know. I was not
22 informed of how to do farming in the military meeting.

23 Q. So it was in that meeting that you learned the plan to attack
24 the enemies from your commander. Did he tell you anything else?

25 A. Nothing else except he has - he told us to prepare ammunition

1 and foods for the attacks.

2 [11.33.53]

3 Q. Just now you mentioned about Khieu Samphan. What about this;
4 did your commander talk anything about this and why did he have
5 to say something about Khieu Samphan in that military meeting?

6 A. It was the plan rendered from the Upper Echelon and that it
7 was to be rendered to the subordinates to carry out it. For
8 example, if a letter was sent to us requesting us to go to some
9 places or to do some things and we, upon receiving this letter,
10 had to follow the content of the letter.

11 Q. Thank you.

12 I would like to now pinpoint to another specific issue by asking
13 this question. Did you ever attend a meeting where Mr. Khieu
14 Samphan was attending prior to 1975?

15 A. No, I didn't. I never attended such meeting. I never even met
16 him. I had heard of him.

17 Q. Had you ever received any letter or orders issued by Mr. Khieu
18 Samphan during this period of time?

19 [11.35.36]

20 A. No, I said no already. I never met him. I just heard of him.

21 MR. KONG SAM ONN:

22 Thank you, Mr. President, and Your Honours.

23 And thank you, Mr. Lim Sat. I have no further questions.

24 With that, I would like to cede the floor over to my colleague.

25 MR. PRESIDENT:

1 You may proceed, Counsel.

2 QUESTIONING BY MS. GUISSÉ:

3 Q. Thank you, Mr. President.

4 Good morning to everybody in this Chamber.

5 Good morning too to you, Mr. Lim Sat. My name is Anta Guissé. I'm
6 going to be asking you a few additional questions and I won't
7 take up much of the Court's time. I am also a lawyer for Mr.
8 Khieu Samphan.

9 [11.36.31]

10 With my colleague, just now, we've been talking about the '71 to
11 '75 period and now I'd like to turn to the '75 to '76 period
12 which you, yourself, have actually referred to in some of your
13 answers to my learned colleagues who were asking you questions
14 before.

15 My first question is connected to the position you said you held
16 in charge of the population of the commune of Sya in the district
17 of Kandieng. I'm referring to the statement you made to the
18 investigators from the OCIJ in E3/364 - in French, 00282198; the
19 Khmer ERN is 00242422; and in English, 00250760.

20 You said that:

21 "In 1976 the Sot Region Committee and Bakan District Committee
22 had moved me from the military to the mobile unit as the leader
23 of that unit. I was in charge of the Sya commune in Kandieng
24 district that was composed of five cooperatives. My job was to
25 make them work in digging canals and dykes under the orders of

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1 the head of the District Committee and his name was Set."

2 [11.38.27]

3 This was just to remind you of what you told the investigators.

4 And the first question I wish to ask you is if you can tell the

5 Chamber how the West Zone was organized. You said in that

6 statement that you took instructions from the District Committee.

7 Am I to understand that the District Committee was just above the

8 commune?

9 A. Yes, it is correct. District Committee was above the

10 sub-district committee.

11 Q. Was there a level between the Commune and District committees?

12 A. Above the District Committee was the Sector Committee.

13 Q. And above the Sector Committee, what was there?

14 A. Sector Committee was overly in charge of the District

15 Committee and Commune Committee. That's all.

16 [11.40.24]

17 Q. And what about the Region Committee, was that above the

18 Sector?

19 Let me repeat that. In the extract from your statement, which I

20 quoted, you referred to the Region Committee directed by Sot.

21 Now, I'm asking if that is above the Sector Committee.

22 I am going to try and do this in a different way to get the

23 message through. In 1976 what was the position occupied by Sot?

24 A. Ta Sot was the Sector Committee.

25 Q. And Set (phonetic) was on the District Committee; am I

1 correct?

2 A. I think - allow me to now make this clear once and for all.

3 Sot was the Sector Committee and District Committee was chaired

4 by another person because it was not part of the Sector

5 Committee.

6 Q. In 1976 when you were responsible for the commune population

7 of Sya, who issued instructions to you?

8 [11.43.05]

9 A. It was the Sector Committee who was my superior because Sector

10 Committee would render orders to the District Committee who then

11 rendered these orders all the way to cooperatives.

12 Q. All right. If I have this right, then even if the orders came

13 from this Sector Committee, you personally got them from the

14 District Committee; is that right?

15 A. Yes, it is. This is how communication worked.

16 Q. Thank you. What I want to know is how regularly did you meet

17 the District Committee and receive your instructions? Did this

18 happen every day or was it once a week? Could you please make

19 that clear to us?

20 A. Concerning meetings, sometimes I had to go and see them,

21 sometimes they had to come and see me; sometimes we met once a

22 week; sometimes we met once in two weeks. It depends.

23 [11.44.50]

24 Q. You said that you were in charge of Sya commune and that there

25 were five cooperatives. Did each cooperative have a chief?

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1 A. Yes, each cooperative had its own chief and under
2 cooperatives, there would be the unit, head of unit.

3 Q. So what I've understood from what you've told us is that you
4 were appointed as the leader of the Sya commune as the person in
5 charge of your own unit. And within the District and within the
6 Sector, were there also military people who were at the top?

7 A. No, there was no military because it was a different part from
8 ours. They had their own duties in the army, and we were
9 civilians and we had different businesses.

10 Q. And so when you say that you were moved from the military unit
11 to the mobile unit as leader of that unit, you were no longer a
12 military person. Am I right?

13 A. Yes, it is correct because I had already left the military
14 position to become a civilian.

15 [11.47.06]

16 Q. And as a civilian, did you continue to perform your activities
17 within the West Zone?

18 A. I worked only in my cooperatives. I never dealt with the
19 Centre because when it comes to the Centre, it was at another
20 level which was none of my business.

21 Q. So my understanding therefore is that during the whole period
22 you were working, the only people that you were actually in
23 contact with were the person in charge of the District Committee
24 and the person in charge of the Sector Committee. That's it, no
25 more?

1 A. Yes, that's it.

2 Q. And if you didn't see these people every day, is it fair to
3 say that the five cooperatives under your responsibility took
4 instructions from you directly?

5 A. That's correct.

6 [11.49.05]

7 Q. All right, one final point and then I will have completed my
8 questions.

9 In the management of the cooperatives and looking at the ways in
10 which people who worked in these cooperatives were fed, who was
11 in charge of the meals?

12 A. People who were in charge of the meals were those I already
13 told about. For each unit, people would be made to stay in
14 different units, which formed a cooperative, and they worked at
15 different work sites. And the head of the cooperatives and the
16 units would be in charge of the food, transporting the food and
17 supplying the food to the people. They had to transport rice from
18 the sector office to the cooperatives. And people were in charge
19 of different tasks. They were tasked with different roles and
20 responsibilities.

21 MS. GUISSÉ:

22 Thank you very much for those details, Mr. Witness.

23 Mr. President, that brings me to the close of my questions. Thank
24 you.

25 [11.50.58]

1 MR. PRESIDENT:

2 Thank you. With that, the hearing for today now comes to an end.

3 The Chamber will adjourn and the next sessions will be resumed by
4 Monday at 9 a.m.

5 On Monday, we will be hearing the testimony of Mr. Philip Short,
6 questions to be put by Judges of the Bench and then Lead
7 Co-Lawyers for the civil party, and the Co-Prosecutors, and the
8 defence counsels. Both Parties would be allocated three sessions
9 for this.

10 Mr. Lim Sat, your testimony is now complete and you are now
11 excused. The Court is very grateful to your attendance and we
12 note how very difficult this has been for you and we appreciate
13 your patience. Your testimony helps ascertain the truth. We would
14 like to wish you all the very best.

15 Court officer is now directed to assist Mr. Lim Sat in
16 collaboration with the WESU unit, so that he can be returned home
17 safe and sound.

18 [11.52.38]

19 Security personnel are now directed to bring Mr. Khieu Samphan
20 and Nuon Chea back to the detention facility and have them
21 returned to the courtroom by Monday morning, the 6th of May 2013,
22 by 9 a.m.

23 Mr. Nuon Chea is instructed to be returned only to the holding
24 cell downstairs where he can observe the proceedings through
25 audio-visual link.

1 The Court is adjourned.
2 (Court adjourns at 1153H)
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