



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

28 January 2016  
Trial Day 365

<b>ឯកសារដើម</b>
<b>ORIGINAL/ORIGINAL</b>
ថ្ងៃ ខែ ឆ្នាំ (Date): 20-Mar-2017, 14:32
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I N D E X

Mr. SANN Lorn (2-TCW-1007)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUISSÉ	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. SANN Lorn (2-TCW-1007)	English
Mr. SENG Leang	Khmer

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

2 (Court opens at 0908H)

3 MR. PRESIDENT:

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

5 Per schedule, the Chamber continues to hear testimony of  
6 yesterday's witness, that is, In Yoeung, and commence hearing  
7 testimony of another witness, that is, 2-TCW-1007.

8 However, yesterday we heard testimony of witness, In Yoeung, for  
9 15 minutes and, today, she has emergency in relation to her  
10 health. For that reason, she's not able to testify and the  
11 Chamber decides to hear testimony of the next witness, that is,  
12 2-TCW-1007.

13 Ms. Chea Sivhoang, please report the attendance of the parties  
14 and other individuals to today's proceedings.

15 [09.09.53]

16 THE GREFFIER:

17 Mr. President, for today's proceedings, all parties to this case  
18 are present.

19 Mr. Nuon Chea<, however,> is present in the holding cell  
20 downstairs. He has waived his right to be present in the  
21 courtroom. The waiver has been delivered to the greffier.  
22 The witness who is to testify today, that is, 2-TCW-1007,  
23 confirms that, to the best of his knowledge, he has no  
24 relationship, by blood or by law, to any of the two Accused, that  
25 is, Nuon Chea and Khieu Samphan, or to any of the civil parties

2

1 admitted in this case.

2 The witness took an oath before the Iron Club Statue this morning  
3 and is in the waiting room to be called by the Chamber.

4 Thank you.

5 [09.10.44]

6 MR. PRESIDENT:

7 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the  
8 request by Nuon Chea.

9 The Chamber has received a waiver from Nuon Chea, dated 28  
10 January 2016, which states that, due to his health, headache,  
11 back pain, he cannot sit or concentrate for long. And in order to  
12 effectively participate in future hearings, he requests to waive  
13 his right to participate in and be present at the 28 January 2016  
14 hearing.

15 [09.11.18]

16 Having seen the medical report of Nuon Chea by the duty doctor  
17 for the Accused at ECCC dated 28 January 2016, which notes that  
18 Nuon Chea has chronic back pain when he sits for long and  
19 recommends that the Chamber grant him his request so that he can  
20 follow the proceedings remotely from the holding cell downstairs.  
21 Based on the above information and pursuant to Rule 81.5 of ECCC  
22 Internal Rules, the Chamber grants Nuon Chea his request to  
23 follow today's proceedings remotely from the holding cell  
24 downstairs via audio-visual means.

25 The Chamber instructs the A-V Unit personnel to link the

1 proceedings to the room downstairs so that Nuon Chea can follow.

2 This applies to the whole day.

3 Court officer, please usher Witness 2-TCW-1007 into the  
4 courtroom.

5 (Witness enters the courtroom)

6 [09.13.58]

7 QUESTIONING BY THE PRESIDENT:

8 Q. Good morning, Witness. What is your name?

9 MR. SANN LORN:

10 A. My name is Sann Lorn.

11 Q. Thank you, Mr. Sann Lorn. Do you recall when you were born?

12 A. I cannot recall my date of birth.

13 Q. How old are you this year?

14 A. I am 73 years old.

15 Q. <Where> were you born?

16 A. I was born in Prakeab village, Tram Kak district, Takeo  
17 province.

18 Q. Where do you currently live?

19 A. Presently, I live in <Srah Chhuk> village, Trapeang Prei  
20 commune, Anlong Veang district, Oddar Meanchey province.

21 [09.15.32]

22 Q. What is your current occupation?

23 A. At present, I do not work. I stay with my children.

24 Q. What are the names of your parents?

25 A. My father is Sann Nget, and my mother is Uk Nhem. Both are

1 deceased.

2 Q. What is the name of your wife, and how many children do you  
3 have?

4 A. My wife is Phau Than, and we have five children.

5 Q. Thank you. The greffier made an oral report this morning that  
6 you are not related to any of the two Accused by blood or by law,  
7 that is, to Khieu Samphan and Nuon Chea, or to any of the civil  
8 parties admitted in this case. Is this information correct?

9 A. Yes. I <am not related to> Khieu Samphan or Nuon Chea. I don't  
10 have anything to do with them.

11 [09.17.22]

12 Q. Have you taken an oath before the Iron Club Statue situated to  
13 the east of this Chamber?

14 A. Yes, I have <already taken an oath>.

15 Q. (No microphone)

16 INTERPRETER KHMER-ENGLISH:

17 Please turn on the President's microphone.

18 BY THE PRESIDENT:

19 Q. Mr. Sann Lorn, the Chamber would like to inform you of your  
20 rights and obligations as a witness.

21 Your rights as a witness in the proceedings before the Chamber,  
22 you may refuse to respond to any respond to any question or to  
23 make any comment which might incriminate you. That is your right  
24 against self-incrimination.

25 As for your obligations, as a witness in the proceedings before

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1 the Chamber, you must respond to any questions by the Bench or  
2 relevant parties except where your response or comment to those  
3 questions may incriminate you. You must tell the truth that you  
4 have known, heard, seen, remembered, experienced or observed  
5 directly about an event or occurrence relevant to the questions  
6 the Bench or parties pose to you.

7 [09.18.50]

8 And Mr. Sann Lorn, have you provided any interview to the OCIJ  
9 investigators? If so, how many times, when and where?

10 A. I was interviewed for one time at this Court. As for the date  
11 of that interview, I cannot recall.

12 Q. Thank you. And before you entered the courtroom, have you  
13 read, reviewed or had it read aloud, that is in reference to your  
14 one interview, in order to refresh your memory?

15 A. Yes, I have read the written record of my interview, and I can  
16 recall parts of the interview. Indeed, I read it last night <and  
17 yesterday>.

18 Q. And to your best recollection, does the written record of your  
19 interview reflect the statements that you provided during your  
20 interview with the OCIJ investigators?

21 [09.20.42]

22 A. Yes, it is consistent with my statements.

23 MR. PRESIDENT:

24 Pursuant to Rule 91 bis of the ECCC Internal Rules, the Chamber  
25 gives the floor first to the defence team for Nuon Chea, and the



6

1 allotted time for the two defence teams is two <Court> sessions.

2 And per our current practice, the defence team for Khieu Samphan  
3 will put questions to the witness last.

4 I'd like now to give the floor to the defence team for Nuon Chea.

5 You may proceed, Counsel.

6 MR. KOPPE:

7 Thank you, Mr. President. Good morning. Good morning, Your

8 Honours, counsel. Good morning, Mr. Witness.

9 Mr. President, just a brief remark before I start questioning the  
10 witness. I'm very happy to start questioning this witness.

11 However, I would like to remind the Chamber that we requested  
12 this witness to be summonsed in relation to Tram Kak district,  
13 and not particularly in relation to the segment on the treatment  
14 of the Vietnamese. I think it was your decision to have him  
15 called specifically on that topic.

16 I will ask him questions about the segment on the treatment of  
17 the Vietnamese; however, I think it would only be fair that, if  
18 so needed -- I'm not sure yet -- that I also be in a position to  
19 cross after -- cross-examine after the Prosecution is done.

20 [09.22.44]

21 MR. PRESIDENT:

22 Deputy Co-Prosecutor, you have the floor.

23 MR. LYSAK:

24 I don't think we have any objection should matters arise after  
25 counsel's questioning, that it's appropriate for him to have

7

1 additional time.

2 It's really not that significant which segment this witness is  
3 called in. The Defence wanted to call him on Tram Kak. He can be  
4 examined on all issues, and I don't think there's a lot of  
5 significance to the fact that this witness has been called in  
6 this segment rather than Tram Kak.

7 But to the extent that there's new matters that arise, you know,  
8 we have no objection to counsel having some additional time at  
9 the end.

10 [09.23.41]

11 MR. PRESIDENT:

12 Let me clarify the proceeding. The Chamber observes that the  
13 defence team for Nuon Chea made a separate motion to hear the  
14 witness on the <topics of> Tram Kak <cooperative and Krang Ta  
15 Chan Security Centre> . However, in this particular instance, the  
16 defence team may put questions on that topic, since the topic  
17 <has already been decided as> part of the scope of Case 002/02.  
18 And of course, they may be related to other topics and, for that  
19 reason, the Chamber gives the floor first to the defence team to  
20 put questions to him regarding the current topic. And if other  
21 matters arise after the questions <put> by the Co-Prosecutors and  
22 the Lead Co-Lawyers for civil parties, the Chamber may decide  
23 <according to the practical circumstance>.

24 [09.25.02]

25 QUESTIONING BY MR. KOPPE:

8

1 Thank you, Mr. President. Good morning again, Mr. Witness. Let me  
2 ask you first some questions about your background.

3 Q. Is it correct that you were not only born in Tram Kak district  
4 in Takeo province, but that you also went to school there and  
5 that, up until '75, '76, you spent all your time in that district?

6 MR. SANN LORN:

7 A. Yes, that is correct.

8 Q. Do you recall also spending time not only in Tram Kak  
9 district, but also in Takeo provincial town?

10 [09.26.10]

11 A. No, I can't recall that.

12 Q. I'll get back to that shortly, Mr. Witness. Is it correct that  
13 you have family connections to Ta Mok?

14 A. Please repeat your question.

15 Q. Is it correct that you have, in some way, family connections  
16 to Ta Mok?

17 A. In fact, I am the younger brother-in-law of Ta Mok, and Ta  
18 Mok's wife was my elder sister.

19 Q. So since how long do you know Ta Mok through this family  
20 connection?

21 A. At that time, I was pretty young and, later on, I knew -- I  
22 knew him because he became my elder brother-in-law.

23 Q. I won't ask many questions about Ta Mok. You were -- you,  
24 yourself, were asked some questions by the investigators of the  
25 International Co-Investigating Judge. In this document, E3/9487,

9

1 in question and answer 121 and 123, you called Ta Mok, "the  
2 supreme leader" -- "the supreme Khmer Rouge leader". Is it  
3 correct that you said that to the investigators?

4 A. The top leader was Pol Pot, and Ta Mok was next -- next in  
5 line, that is, after Pol Pot.

6 Q. Do you know whether Ta Mok had a code number? Was he also  
7 addressed as someone with a number?

8 [09.29.28]

9 A. To my knowledge, he was also known through a designated  
10 number, that is, Ta 15. That's how I heard other people <were  
11 referring> to him, by that designated number.

12 Q. Since you were close to him in a family sense, do you know why  
13 he was called Ta 15 but, at the same time, according to you, he  
14 was the supreme Khmer Rouge leader directly after Pol Pot?

15 A. <I did not know. I did not understand that as well.>

16 Q. It's not very important. I will move on. Mr. Witness, did you  
17 have any -- did you hold any positions between 1975 and '79 in  
18 Tram Kak district, any formal leadership positions?

19 [09.31.03]

20 A. No, I did not hold any position. However, at the commune, I  
21 was a messenger and I also was designated a messenger for the  
22 district committee. <I did not hold any significant positions.>  
23 That was the only role that I had.

24 Q. Were you a messenger for someone called Ta Chim?

25 A. No, I wasn't. I was the messenger for Yeay Khom, who was the

10

1 daughter of Ta Mok.

2 Q. Just to be sure, maybe I mispronounced, are you saying that  
3 you were not a messenger for someone called Pech Chim or Ta Chim?

4 MR. PRESIDENT:

5 Mr. Witness, please answer your -- the question because when you  
6 <answered> the question, your microphone was not on yet, so it  
7 means you haven't answered the question yet. So please answer the  
8 question.

9 The question <put to you was whether or not you had been> a  
10 messenger of Pech Chim or Ta Chim<.> Mr. Witness, please wait  
11 until the tip of your microphone turn red because your answer is  
12 spread throughout the courtroom and it is also interpreted into  
13 French and English languages.

14 So please wait until the tip of the microphone turn red, and then  
15 you can give the answer.

16 BY MR. SANN LORN:

17 A. No, I was not the messenger of Ta Chim.

18 [09.33.54]

19 MR. KOPPE:

20 Q. But you do know who Ta Chim is; correct?

21 A. Ta Chim <> also <held the position as> the district committee.

22 Q. You said you didn't hold any formal positions. Were you, at  
23 one point in time, the village chief or chairperson in Prakeab  
24 village? Prakeab village.

25 A. In 1971 and '72, I was the village chief of Prakeab.

11

1 Q. How long did you stay the district's messenger? How long --  
2 from when to when were you messenger for Yeay Khom and possibly  
3 other district committee members? Do you recall?

4 A. I <became a> messenger of <> Khom in 1975, probably in 1974 or  
5 1975. I cannot recall it well.

6 Q. What were you doing in 1976 and early 1977; do you remember?

7 A. I came to study agriculture in -- at Me Chbar in Battambang  
8 province, and I spent one year there. That was in 1976, so I  
9 spent one year studying there.

10 [09.37.02]

11 Q. So are you saying that the whole year, '76, you were in  
12 Battambang to study agriculture or was it, rather, the whole of  
13 1977, or maybe even '78?

14 A. I'm not sure whether it was in 1976 or other year, or whether  
15 it was in 1975. I cannot recall the exact year when I went to  
16 study.

17 Q. Were you in Battambang when the Vietnamese troops invaded  
18 Kampuchea?

19 A. Could you please repeat your question?

20 Q. Were you still at the agricultural school in Battambang -- the  
21 time when the Vietnamese troops in invaded Kampuchea, end of  
22 1978?

23 A. Related to your question, I knew that the Vietnamese came to  
24 invade Cambodia. At the time, all the students at Me Chbar school  
25 fled from the school to -- to outside areas, and we -- and our

12

1 study sessions stopped at that time.

2 Q. You said you were a messenger for the district committee, at  
3 least after 1975 in Tram Kak district; did you have any other  
4 jobs, any other tasks to fulfil while you were in Tram Kak?

5 [09.39.43]

6 A. No, I did not have.

7 Q. Were you involved in transporting people from one location to  
8 another location?

9 A. Yes, I was involved in transporting people from <> each  
10 commune.

11 Q. What kind of people did you transport? Were they Khmer, or  
12 what kind of people were they?

13 A. The district <level> gave the instruction to me to transport  
14 those people, but I did not know <and I did not understand> what  
15 types of people that I transported.

16 Q. Did you hear them speak or did you know their names?

17 A. No, I didn't.

18 [09.41.35]

19 Q. Do you -- do you recall for how many days you were involved in  
20 transporting these people from location A to location B?

21 A. Could you please repeat your question?

22 Q. Do you know how many days or what period you were busy with  
23 transporting these people from one location to another location?

24 A. Concerning this transportation of the people in each commune,  
25 it lasted four days.

13

1 Q. And was it in 1975, that you were involved in this, or '76?  
2 Was it at the beginning of the regime or maybe at the end of the  
3 regime?

4 A. The transporting of the people did not take place at the end  
5 of the year. It took place at the beginning of 1975.

6 Q. I will get back to that topic shortly, Mr. Witness. Let me  
7 know go back in time a little bit.

8 Have you ever been in Takeo provincial town either in 1973, or  
9 before during the time of the Lon Nol regime?

10 A. No, I did not live in Takeo town. I lived <far away> in the  
11 rural area.

12 [09.44.14]

13 Q. What do you recall about the treatment of people of Vietnamese  
14 origin or Vietnamese ethnicity in the period between 1970 and  
15 '75, during the time that Lon Nol was in power?

16 A. No, I cannot recall it.

17 Q. Let me see if I somehow can refresh your memory or jog your  
18 memory, Mr. Witness.

19 Do you know someone with the name Ul Hoeun?

20 A. Ul Hoeun, I did not know him.

21 Q. He knows you. Maybe I mispronounced Ul Hoeun. Someone who did  
22 jobs for Pech Chim in Tram Kak district as well, Ul Hoeun.

23 A. No, I did not know him.

24 [09.46.01]

25 Q. Let me read to you something that he said in this courtroom



14

1 about the period between 1970 and '75. Mr. President, this is  
2 document E1/298.1, it's his testimony in this courtroom on the  
3 7th of May 2015, at about 15.13 in the afternoon. He says the  
4 following, Mr. Witness, and I quote:

5 "Before that" -- he means 1975-'76 -- "the Lon Nol regime also  
6 kills the Yuons. As hundred thousands of Yuon were gathered and  
7 placed in Dai Pram School (phonetic) school in the provincial  
8 town of Takeo. Then the soldiers would gather and surround that  
9 school, and fired and killed all those Yuons; inside the school.  
10 So the Lon Nol regime actually did more killing of the Yuons than  
11 the Pol Pot regime." End of quote.

12 Let me ask you, first, Mr. Witness, have you ever heard of  
13 Vietnamese people being gathered in a school in Takeo provincial  
14 town called the Dai Pram (phonetic) school?

15 A. No, I never heard about this.

16 Q. Let me ask you in more general terms. Have you ever heard of  
17 killings -- mass killings of Vietnamese people before 1975 in  
18 Takeo province?

19 A. No, I did not hear <of> it. <I did not see any of that.>

20 [09.48.20]

21 Q. Let me read to you something from a book of an expert of this  
22 Court. That is, Mr. President, document E3/20, English page 125  
23 of that book, ERN 00237830; 00638397 in French; and in Khmer,  
24 00232166.

25 This expert speaks about various massacres of Vietnamese people

15

1 everywhere in the country, but she also speaks about a massacre  
2 in the town of Takeo, and she says, quote:

3 "The international press witnessed and reported most of these  
4 murders, including another massacre in the town of Takeo, south  
5 of the capital. There was an international outcry, and the U.S.  
6 embassy protested to Lon Nol."

7 I'm using this excerpt from this book, Mr. Witness, to indicate  
8 that apparently there was quite some uproar, at least  
9 internationally, about these massacres. So my question, again,  
10 could you think a little more about this massacre that took place  
11 in Takeo provincial town before 1975?

12 [09.50.05]

13 A. No, I cannot recall it.

14 Q. That's fine. Let me then turn to another event before 1975,  
15 more particularly to 1973. Have you ever heard of clashes between  
16 the forces of the Southwest Zone led by your brother-in-law, Ta  
17 Mok, and Vietcong forces?

18 A. No, I haven't heard <of> it.

19 Q. Yesterday, Mr. Witness, we had in this courtroom a witness who  
20 spoke about these clashes between the Vietcong and the Southwest  
21 Zone forces which lasted about 14 days, and he said that, at the  
22 end of these clashes, it was agreed that all Vietcong troops or  
23 other Communist troops from Vietnam were leaving Takeo province,  
24 the Southwest Zone, and went back to Vietnam.

25 Have you ever heard of that?

16

1 A. Related to what you have just raised, yes, I heard from people  
2 <talking> about it. Yes, there were people <talking> about the  
3 Vietnamese troops <leaving> Cambodia.

4 [09.52.11]

5 Q. I understand. But did you hear as well, maybe from your  
6 brother-in-law, Ta Mok, that all those forces -- those Vietcong  
7 forces left Cambodia and went back to Vietnam? Have you heard  
8 that?

9 A. Yes, I have heard <of> it from <other> people.

10 Q. Would you be in any position to say or maybe to estimate how  
11 many Vietnamese people, how many people of Vietnamese origin,  
12 were still living in Tram Kak district in 1975, let's say, as of  
13 17 April 1975?

14 A. I did not know <of the matter as well. I am telling you the  
15 truth.>

16 [09.53.41]

17 Q. I understand that you are not in a position to give exact  
18 numbers, but were there very few Vietnamese people left in 1975,  
19 or quite a few, or a lot? Is there anything that you can say  
20 about this?

21 A. At that time, I saw a huge number of Vietnamese people <being>  
22 gathered and deported back to Vietnam. <I witnessed that event.>

23 Q. When, exactly, was this?

24 A. Please repeat your question.

25 Q. You just gave testimony that you saw a huge amount of

17

1 Vietnamese people being deported to Vietnam. My question to you  
2 is, do you remember when, exactly, that was. When did you see  
3 this? What year was it?

4 A. I cannot recall the year.

5 Q. Let me be a little more specific. Was it before the liberation  
6 of Phnom Penh on the 17th of April 1975, or was it after that you  
7 saw this mass gathering of Vietnamese people being sent to  
8 Vietnam?

9 A. The deportation of the Vietnamese to Vietnam took place after  
10 1975.

11 Q. And do you--

12 A. That is my answer.

13 [09.56.38]

14 Q. What else do you remember? Let me ask you a question first.  
15 Were you, yourself, involved in the transport of these Vietnamese  
16 people to Vietnam?

17 A. No. No, I did not see. As I told you earlier, I <actually  
18 transported these> Vietnamese <>.

19 Q. How do you know -- how do you know it was a deportation? How  
20 did you know that these people ended up in Vietnam, in South  
21 Vietnam?

22 A. I heard from what people said -- I heard from what people said  
23 at the district level.

24 [09.58.14]

25 Q. Let me go back to this Ul Hoeun person. Maybe you know him

18

1 under a different name, someone who also was called Ek Hoeun.

2 Does the name Ek Hoeun mean anything to you?

3 A. Ek Hoeun. No, I did not know this person.

4 Q. Like I said, he says that he knew you or knows you. And he  
5 says in his -- one of his WRIs that you were involved in the  
6 transportation of about 9,000 Vietnamese families or Vietnamese  
7 people.

8 Is that correct, that the transport of people that you discussed  
9 earlier, referred to earlier, was it a transport of about 9,000  
10 Vietnamese?

11 A. Yes, that is correct. But the transportation <> took place  
12 <on> the order from the district <level>. The district gave the  
13 order to me to transport those people.

14 Q. I understand. But my question earlier was, and again now, did  
15 these 9,000 Vietnamese people or so arrive safely in Vietnam?

16 A. I did not know about that. After I dropped them off, I  
17 returned.

18 Q. And you are sure that this transportation of Vietnamese people  
19 took place at the beginning of the regime. Correct?

20 A. Yes, that is correct.

21 Q. Let me now move quickly to another subject, Mr. Witness.

22 What do you know about the treatment of former soldiers and  
23 officials of the Lon Nol republic in Takeo province or the whole  
24 Southwest Zone? What do you know about them? What happened to  
25 them after 17 April 1975? Did you know at the time?

1 [10.01.47]

2 A. I did not know about that.

3 Q. Were you ever part of the meeting, either before '75 or after  
4 '75, in Takeo provincial town or maybe somewhere else where Ta  
5 Mok or maybe Ta Saom spoke and told the people who attended this  
6 meeting what should be done with Lon Nol military up the ranks  
7 from 2nd Lieutenant to Colonel? Have you ever heard this?

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

9 Q. Have you ever heard that an instruction was given by the  
10 sector or the zone to the various districts in the Southwest Zone  
11 that Lon Nol military all the way up to Colonel were not to be  
12 harmed, were not to be touched?

13 [10.03.35]

14 A. No, I did not know anything regarding the former Lon Nol  
15 soldiers. <I could not grasp the situation.>

16 Q. Is it because that was not within the description of your  
17 tasks that you were -- that were assigned to you?

18 A. Yes, that is true.

19 Q. When you were delivering letters from the district to the  
20 communes or to the villages, were you ever in a position to read  
21 the letters that were sent by the district to the communes?

22 A. No, I never <read them>.

23 Q. Did you ever discuss with Yeay Khom or with Pech Chim or  
24 anyone within the district what was to be done with people who  
25 were considered bad elements or people who were considered as

20

1 opposing or even toppling the revolution?

2 A. No, I did not hear about it.

3 [10.05.42]

4 MR. KOPPE:

5 Mr. President, I am -- I'm not completely done, but I would like  
6 to reserve those five or 10 minutes that I still have for a  
7 possible cross-examination of this witness at the end of the day,  
8 so I'm finishing now, but not necessarily completely.

9 MR. PRESIDENT:

10 Thank you, Counsel. And the Chamber now hands the floor to the  
11 Co-Prosecutors to put questions to this witness. You may proceed.

12 [10.06.35]

13 QUESTIONING BY MR. LYSAK:

14 Thank you, Mr. President. Good morning, Your Honours. Good  
15 morning, Mr. Witness.

16 Q. I want to start by trying to clarify something about your  
17 age. You testified today that you're 73 years old. In your OCIJ  
18 interview, answers 56 and 76, you indicated you were 71 years old  
19 at that time, which was back in September 2014. This would mean  
20 that you would have been born around 1943 in order to be 73, 71  
21 at the time of your interview. Does that refresh your memory? Do  
22 you believe you were born around 1943?

23 MR. SANN LORN:

24 A. Yes, that is probably correct.

25 Q. And you also indicated in answer 77 of your interview that you

21

1 were born in the Year of the Monkey. Are you sure that it was the  
2 Year of the Monkey in which you were born?

3 A. Yes, I was born in the Year of the Monkey.

4 Q. The reason I ask you this is there -- particularly in the  
5 early part of your interview, which was a rather long interview,  
6 you made a number of assertions that you didn't know or couldn't  
7 remember things because you were a young boy during the Khmer  
8 Rouge regime. Let me read to you, for example, in answer 60:

9 Question: "Do you understand the term 'cooperative'?"

10 Answer: "I do not know because I was still a young boy at that  
11 time."

12 Answer 95, you were asked who had fought in the civil war leading  
13 up to the Khmer Rouge taking power, quote:

14 "I do not understand it. I do not know. I was young. I did not  
15 know anything."

16 [10.09.33]

17 And I just wanted to clarify this, Mr. Witness, because if you  
18 were born in 1943, you're 73 years old now, you would have been  
19 approximately 31 to 35 years old during the Khmer Rouge regime.  
20 So you couldn't have been a young boy during the Khmer Rouge  
21 regime.

22 Is that correct? You were not a young boy; you were in your  
23 thirties when the Khmer Rouge were in power.

24 A. Yes, that is correct.

25 [10.10.22]



1 Q. Another thing I wanted to try to understand in the first half  
2 of your interview in English, the first 55 pages of that  
3 interview, you were fairly persistent in saying that you didn't  
4 know anything.

5 For example, despite being -- as you've acknowledged here, being  
6 Ta Mok's cousin and brother-in-law, being from the same village  
7 as him, you claimed in answer 117 of your interview that you  
8 never met Ta Mok.

9 In answer 419, you were asked, "What did you do during the Khmer  
10 Rouge regime between 1975 and 1979?" And your response was,  
11 quote, "I did nothing", end of quote.

12 Can you help us understand, why were you making -- you later  
13 acknowledged in your interview that you did meet and see Ta Mok.  
14 You acknowledged your position.

15 Why, in the first 55 pages of your interview with OCIJ, were you  
16 denying that you knew anything, that you did anything? Can you  
17 explain that?

18 [10.12.05]

19 A. The thing is, at the beginning, I could not recall what <I  
20 stated>. I could not recall those events. <I find it difficult to  
21 describe those events.> And later on, I recalled <that I got to  
22 know> Ta Mok.

23 Q. Are there things that happened during the Khmer Rouge regime  
24 that are difficult to talk about, that you're afraid or would  
25 rather not talk about, Mr. Witness?

1 A. It <was> difficult to say anything during the Khmer Rouge  
2 regime. I was afraid of saying <something that could be related  
3 to politics> at the time. I was afraid of being accused.

4 Q. Afraid of being accused by whom? What were you afraid of being  
5 accused of?

6 [10.14.10]

7 A. I had to be mindful <of> what I said. I was afraid that what I  
8 said would wind up to the <attention> of the leadership  
9 <including> the group chief<,> the village chief or the commune  
10 chief <>. I was afraid that my words would carry negative impact,  
11 and for that reason, I was fearful and I had to be very careful  
12 with what I said.

13 Q. Just to make sure the record is clear, are you talking about  
14 being afraid of talking during the Khmer Rouge regime or are you  
15 talking about being afraid of saying -- talking during your OCIJ  
16 interview?

17 A. I <was referring to the fear I had during> the Khmer Rouge  
18 regime.

19 Q. Okay. Let's move on to clarify some things about your position  
20 during the regime. You said today--

21 MR. PRESIDENT:

22 Thank you, Deputy Co-Prosecutor.

23 It is now appropriate for our short break. We'll take a break now  
24 and resume at <10.30 a.m.>

25 Court officer, please assist the witness at the waiting room

24

1 reserved for witnesses during the break time and invite him back  
2 into the courtroom at <10.30 a.m.>

3 The Court is now in recess.

4 (Court recesses from 1016H to 1034H)

5 MR. PRESIDENT:

6 Please be seated. The Chamber is back in session.

7 And I would like to give the floor to the Deputy Co-Prosecutor to  
8 put more questions to the witness. You may now proceed.

9 BY MR. LYSAK:

10 Thank you, Mr. President.

11 Q. Mr. Witness, I was about to ask you some questions to try to  
12 clarify the positions you held or the work you did and the timing  
13 of your positions during the Khmer Rouge period.

14 You've testified today that you were a messenger for Yeay Khom --  
15 Khom, the daughter of Ta Mok.

16 Did you still work as a messenger in the district office when  
17 Yeay Khom left and Ta Chim was promoted to district chief?

18 [10.36.20]

19 MR. SANN LORN:

20 A. Yes, I remained working as <a> messenger.

21 Q. Let me read to you a couple of excerpts from your OCIJ  
22 interviews. This is E3/9487, first answers 672 through 673. You  
23 said, quote:

24 "I met Ta Chim in 1973, 1974 and 1975."

25 Question: "When did you start working for Pech Chim?"

1 Answer: "I started in 1973."

2 And then at answer 927:

3 Question: "Who replaced Khom?"

4 Answer: "Chim was promoted to replace her."

5 Answer 929:

6 Question: "When Chim was promoted to district secretary, did you  
7 continue working as the messenger of Chim?"

8 Answer: "I was still his messenger." End of quote.

9 [10.37.54]

10 So I just want to clarify, in your OCIJ interview, you talked  
11 more of working for Ta Chim. Are you clarifying today that you  
12 initially worked for Yeay Khom and then, when she left and was  
13 replaced by Ta Chim, did you work for Ta Chim during that period?

14 A. At that time, <after> Yeay Khom <had> left, I was <still>  
15 working in Yeay Khom's office, and I remained working in Yeay  
16 Khom's office. And later on, the office <fell> under the  
17 <leadership> of Ta Chim after Yeay Khom had left. I remained  
18 working as <a> messenger. <However, I worked in an office that  
19 was different from that of Ta Chim.>

20 Q. When you were working as a messenger at the district office,  
21 who did you receive your orders from? Did you receive your orders  
22 from the district chief, whether it was Yeay Khom or Ta Chim, or  
23 did someone else give you orders at that office?

24 [10.39.52]

25 A. <With regard to the issue>, as a messenger, I <worked on> the

1 <orders of> both the district <office> and <> other offices<. So>  
2 they gave <me> the <orders,> and I carried out <those orders>.

3 Q. I'll come back to talk some more about your work at the  
4 district office. I want to try to clear up how long you were in  
5 Tram Kak district and when it was that you went to Battambang.

6 Let me read to you--

7 A. At that -- at that time, <while living> in Tram Kak <district>  
8 in 1975<, it could have been> Ta Mok <himself, or on his order>  
9 to the lower level <through which I was> sent <> to study  
10 agriculture <at> <Me Chbar,> Battambang <province>.

11 Q. You said this morning that you couldn't recall exactly the  
12 year you were in Battambang. I want to read to you something from  
13 your OCIJ interview to see if we can clarify and refresh your  
14 memory. Your interview E3/9487, answers 676 through 678. Question  
15 -- or, I'm sorry, quote. This is part of your testimony:

16 "I studied at agricultural -- agriculture school at Me Chbar in  
17 Battambang province.

18 Question: "How long did you live in Battambang?"

19 Answer: "I lived in Battambang for one year."

20 Question: "Then what did you do?"

21 "After having studied for a year, the Vietnamese soldiers came  
22 into Cambodia." End of quote.

23 Is it correct, Mr. Witness, that you were studying at this  
24 agricultural school for about one year before the Vietnamese  
25 arrived in Cambodia?

1 [10.43.16]

2 A. Yes, that is correct.

3 Q. And is it possible, Mr. Witness, that your memory of exact  
4 years isn't very good at this time?

5 The reason I ask is the Vietnamese invaded and arrived in January  
6 1979. That would mean that, if you were there in Battambang for  
7 about a year, that it would have been some time in the latter  
8 part of 1977 or maybe early '78 that you went to Battambang. Is  
9 it possible that your memory of years isn't very good at this  
10 time and that it was later, 1977 or '78, when you went from Tram  
11 Kak to Battambang?

12 [10.44.25]

13 A. Yes, that is correct.

14 Q. Now, you've talked about an event you've described as lasting  
15 four days where you were involved in transporting people. Do you  
16 remember who was district chief at the time you received that  
17 order and transported the people over those four days? Was that  
18 during the time that Yeay Khom was district chief, or was it  
19 during the time Ta Chim was district chief?

20 A. <I did not really grasp the gist of the issue.>The order to  
21 me, to transport people, came from the office -- came from <a  
22 totally different office, not> the <> office <of the district  
23 secretary or> the district committee. <The order was for> me to  
24 transport those people.

25 Q. And who was district chief at that time? Was that when Yeay

1 Khom was the district chief or when Ta Chim was district chief?

2 A. It was Yeay Khom who was the district chief at that time.

3 [10.46.57]

4 Q. Let me ask you then, about what you said in your OCIJ  
5 interview when you were asked this question, E3/9487, answers 497  
6 through 498. Question -- and you're being asked here about these  
7 events:

8 Question: "Who was the district chairperson?"

9 Answer: "The district chairperson was Khom. Oh, sorry. The  
10 district chairperson was Chim."

11 Question: "Was that Pech Chim?"

12 "Yes, Pech Chim." End of quote.

13 So can you clarify for us, was it -- are you sure it was Yeay  
14 Khom who was district chief at the time you transported these  
15 people, was it Pech Chim, or are you not sure who was district  
16 chief at the time you spent those four days transporting people?

17 [10.48.40]

18 A. <The order in which> I was instructed to transport people <>  
19 came <through Phi who was from the district office; however,> I  
20 did not know whether <the order actually came> from Chim or Yeay  
21 Khom. It's outside my knowledge -- beyond my knowledge.

22 Q. And who -- who was Phi, the person that you received the order  
23 from?

24 A. <Phi was actually someone who> worked at the -- <in another>  
25 office.

1 Q. Was the name of that person Thy (phonetic) or Phi?

2 A. <His> name <was> Phi.

3 Q. And what was -- what was Phi's position at the district  
4 office; what was he responsible for?

5 A. Phi was in charge of <public administration>. He was in charge  
6 of <the management of> various offices <as well>.

7 Q. Let me read what you said in your OCIJ interview at answer  
8 463, quote:

9 Question: "Who was in charge of Tram Kak district? "

10 Answer: "Those in charge included the chairperson, the deputy  
11 chairperson, and the members, and the one who was responsible for  
12 the education office was someone named Phi." End of quote.

13 Is it correct, Mr. Witness, that the person who assigned you to  
14 be involved in transporting these people was responsible for the  
15 education office in Tram Kak district?

16 [10.52.08]

17 A. Yes, you are right.

18 Q. And where -- where was the education office that Phi was  
19 responsible for?

20 A. Phi's office was far away from the <> offices of the secretary  
21 -- district secretary<, deputy secretaries, and district members.  
22 Their offices were far away from one another.>

23 Q. Let -- let me follow up with you on that a little. The  
24 district office where you worked, where was it located; what  
25 village and what commune in Tram Kak district?



30

1 A. <Phi's> office <was> far from the <district> office <but it  
2 was within the same village and district>. Yes, both place --  
3 both places were far from each other.

4 [10.53.54]

5 Q. Okay, I'm asking you right now -- I'm not asking about Phi's  
6 office; I'm asking about the district officer where you worked as  
7 a messenger. What commune and village was that office located in?

8 A. <The district office that was in charge of public  
9 administration> was located in Samraong commune, but I forget the  
10 name of the <village>. It <was> also in Tram Kak district. <As> I  
11 told you, I cannot remember the name of the village where that  
12 office was located.

13 Q. Just to clarify, you said his office was in Samraong; are you  
14 referring to Phi's office, the education office he was  
15 responsible for?

16 A. Please repeat your question.

17 Q. The office you referred to in Samraong, was that Phi's office?

18 A. Yes, it was Phi's office and Phi's birthplace was also in  
19 Samraong<; however,> his office was far from his home. <>

20 Q. And the office where you worked -- where you worked as a  
21 district messenger, where was that office located?

22 A. The office where I worked as <a> district messenger was  
23 located in Angk Roka <Pagoda>, but it was not fixed; it was  
24 <constantly> mobile. Sometime, it was relocated to this <place or  
25 that place>.

31

1 [10.57.06]

2 Q. Thank you. The reason I ask, we've heard testimony about two  
3 different education or security offices in Tram Kak in this  
4 trial; one of them was located on the border of Samraong and Kus  
5 commune, a place that's most commonly referred to as Krang Ta  
6 Chan.

7 We've also heard testimony about an office -- a re-education  
8 office that was located in Angk Roka, not far from the district  
9 office in the market in Angk Roka. Which -- which of these  
10 offices was Phi responsible for or was he responsible for both?  
11 Was Phi responsible for both the security office on the border of  
12 Samraong and Kus commune and did he also have responsibility for  
13 the re-education office that was located in Angk Roka.

14 [10.58.33]

15 A. Phi was in charge of <the> overall <management>. He <> was  
16 <also> in charge of <the office of the district secretary>. He  
17 was next in ranking after <the> district secretary<. So whenever  
18 the district secretary wanted something done, he or she would  
19 order Phi to do it.>

20 Q. And before I move -- move on, the re-education office in Angk  
21 Roka, did you know a person named Meng (phonetic) who was located  
22 at a education office in Angk Roka -- a person named Meng  
23 (phonetic)?

24 A. No, I <did> not know <> this person.<.>

25 Q. You've talked about Phi and his role at the district office.

1 Did you also know -- did you know a person who worked at the  
2 district office named Dorn (phonetic)?

3 A. No, I <didn't>. I cannot recall all of them.

4 Q. So you -- you don't remember a period when a person named Dorn  
5 (phonetic) took over from Phi?

6 A. No, I do not remember it and I -- I did not know this  
7 individual either.

8 [11.01.10]

9 Q. Thank you. Let's go back a little, one more question on the  
10 timing of this event -- this four-day event where you were  
11 involved in transporting people.

12 You talked about in -- during Defence Counsel's questions, you  
13 talked about how you had learned from people at the district  
14 level of the deportation of a huge number of Vietnamese people,  
15 but you said that you were not involved in transporting those  
16 people. And you've talked about a four-day event where you were  
17 involved in transporting a large number of people. I just want to  
18 clarify the timing of these two events.

19 When -- when was it that you were involved in transporting  
20 people; when did that take place in relation to the deportation  
21 that you heard of?

22 [11.02.40]

23 A. <Regarding> this issue, the district committee ordered me to  
24 transport <the Vietnamese> people. That was the case at the time.  
25 Regarding the timing, I <did> not remember when that took place.

1 I indeed went to transport the Vietnamese <on> the order of  
2 <Phi>.

3 Q. And my question is: The four days when you were transporting  
4 people, was it before the deportation that you heard about; was  
5 it around the same time or was it after the deportation of  
6 Vietnamese that you heard about?

7 A. <It was a> four-day process of deportation, it happened almost  
8 close to the day that you described.

9 Q. And the people that you were transporting on those four days,  
10 where were you ordered to take them; where did you transport  
11 those people to?

12 A. Regarding these people who I received order to transport them,  
13 I, indeed, transported them to Tram Kak.

14 Q. And where in Tram Kak -- where -- where specifically was it  
15 that you took these people to?

16 A. <To a> location <on the> west of -- rather south of Angk Ta  
17 Saom in the village of Nhaeng Nhang.

18 Q. What was located in Nhaeng Nhang , at that time; was there an  
19 office there that you transported the people to?

20 A. There was no visible office at that <Nhaeng Nhang commune>. I  
21 was ordered to place them in the commune, that is, Nhaeng Nhang  
22 commune. And after they arrived, they were put in Tram Kak.

23 [11.]

24 Q. What do you mean when you say "after they arrived, they were  
25 put in Tram Kak"; what do you mean by that?

1 A. <I did not know it because I just followed the> order <, that  
2 was> to place them at <the said> location<.> I did not know what  
3 happened next.

4 Q. Let me tell you why I'm -- I'm a -- I'm confused and see if  
5 you can clarify this for us. In your OCIJ interview E3/9487, at  
6 answers 466 to 467, this is what you testified.

7 Question: "From where to where did you transport people?"

8 Answer: "I transported them from the communes to be placed at  
9 Tram Kak."

10 Question: "To Tram Kak district office?"

11 Answer: "Yes." End of quote.

12 Does that refresh your memory, Mr. Witness? Is it correct that  
13 you transported the people to the Tram Kak district office and if  
14 so, was the Tram Kak district office located in Nhaeng Nhang  
15 commune at that time; can you clarify?

16 [11.08.35]

17 A. Let me clarify. Yes, I unloaded them at Tram Kak. There was no  
18 office located within Nhaeng Nhang commune <>.

19 Q. And who -- who received the people that you transported when  
20 you dropped them off; who was it that received those people at --  
21 at the destination you took them to?

22 A. To my recollection, upon arrival, chief of militias came to  
23 receive <all those people>.

24 Q. And when you say the "chief of militia," are you referring to  
25 the district militia or the commune militia?

1 A. <He was chief of the> district militia<>.

2 Q. And who -- who was the district militia chief at that time?

3 A. I cannot recall it. I do not remember what the name was.

4 [11.10.48]

5 Q. I'll come back to -- to that a little later. When you were  
6 transporting people on these four days, what type of vehicle were  
7 you using; can you describe -- describe the vehicle in which you  
8 transported these people?

9 A. Regarding transporting <those people>, <we> used vehicles,  
10 namely, trucks.

11 Q. How many trucks?

12 A. Actually, <> there was <only> one <> truck<, but it was a big  
13 one>.

14 Q. And when you say it was a big truck, can you give us any more  
15 details; how big was it; do you remember what type of truck it  
16 was?

17 A. It was a huge truck. <The truck had a huge boot.> It <> was  
18 known as Hostang (phonetic) with <a huge covered boot>.

19 [11.12.30]

20 Q. And over the course of these four days, Mr. Witness, from how  
21 many different communes did you pick up people and transport  
22 them?

23 A. The office issued an order to me to transport those people and  
24 I collected those people from Angk Ta Saom commune, Leay Bour  
25 commune, Popel commune, and Nhaeng Nhang and Kus communes. <There

1 were five communes.> And there was another commune, Srae Ronoung  
2 commune.

3 Q. And where did you go -- in each of these communes, where did  
4 you go to pick up the people and who was -- who was there that  
5 delivered or -- or gave -- provided you with the people you were  
6 to transport; can you describe how that worked?

7 A. <> I used the big truck to <collect people at> respective  
8 commune <offices>; for instance, Angk Ta Saom commune, to collect  
9 them. When I entered my big truck into Angk Ta Saom commune, it  
10 depended on the commune chief who was the one who responsible for  
11 gathering people <for us and they would tell us> where the  
12 <people were waiting>.

13 And concerning Popel commune, the commune <authority> gathered  
14 people <and placed them next to the main road> at Khmaoh  
15 (phonetic), so usually the commune chief would be responsible for  
16 gathering up the people at the exact location where the vehicle  
17 were to arrive.

18 For some <hard-to-reach->communes <such as> Srae Ronoung, because  
19 of the condition of the road, usually people were gathered at the  
20 main road.

21 [11.15.54]

22 Q. But in -- in each of the communes you went to, was it the  
23 commune chief who was responsible for gathering the people that  
24 you transported?

25 A. Yes, that is true.

1 Q. And you've identified a number of communes where you picked up  
2 these people, were you able to transport -- for each of these  
3 communes, were you able to transport all the people who had been  
4 gathered in one trip or -- or did you have to make multiple trips  
5 in some of these communes to -- to transport all the people?

6 [11.16.44]

7 A. On the issue of transportation of the people, I would have two  
8 trips for one -- for the communes which had many people to be  
9 picked up, but for a small number of people at a specific  
10 commune, I would only <make> one trip.

11 Q. Do -- do you remember which communes had many people and so  
12 that you had to make two trips?

13 A. I cannot recall it.

14 Q. And the big -- the big truck that you've described, how many  
15 people could be transported on that big truck?

16 A. That big vehicle could load 50 or 60 people at one time.

17 Q. Okay, thank you. I'll come back later to ask you some more --  
18 more questions about what happened during this four-day period.

19 I want to first, though, ask you some questions -- more questions  
20 about Ta Mok. Did -- during the time you worked at the district  
21 office, did Ta Mok come to the Tram Kak district office and have  
22 meetings there?

23 [11.19.11]

24 A. He came to the district office, not to attend <any> meeting;  
25 he was there for a brief moment after which he returned back to



1 his place -- to his office.

2 <He> came to see the district committee <for discussion>;

3 however, I <did not know what they were discussing> at the time.

4 Q. And what about the -- the sector secretary, the secretary of  
5 Takeo sector, Sector 13, how often did the sector secretary come  
6 to the Tram Kak district office?

7 A. Regarding <the> sector secretary, I had no idea <how often he  
8 or she> came <>.

9 [11.20.56]

10 Q. You -- in your interview, Mr. Witness, you identified a --  
11 another in-law of yours; a man named Ta Tith, who was married to  
12 one of Ta Mok's sisters, and you testified that he was sector  
13 secretary for a period; do you remember Ta Tith coming to the  
14 Tram Kak district office when he was sector secretary?

15 A. At the time, he <constantly> went from <one> district to  
16 <another to work.>

17 Q. And in terms of the sector secretary, do you remember a person  
18 named Saom -- Saom who was the sector secretary before Ta Tith?

19 A. Yes, I <knew> this -- the person by the name <of> Saom.

20 Q. And did Saom -- did Saom also used to come to the district  
21 office?

22 A. Saom used to come to the district office. He is now deceased.

23 Q. And were there occasions where both Ta Mok and the sector  
24 secretary, whether Ta Saom or Ta Tith, when they came together  
25 and were at the Tram Kak district office at the same time?

1 A. I do not know and do not really understand this particular  
2 issue, how he came and why he came to the district office.

3 [11.23.54]

4 Q. Let me see if I can refresh your memory, Mr. Witness. In your  
5 OCIJ interview, answer 907: Question: "Did Ta Tith come to any  
6 office?"

7 Answer: "He came to visit the district office, the secretary's  
8 place."

9 And continuing in answers 909 to 911:

10 Question: "Did Ta Tith come to Tram Kak district office  
11 regularly?"

12 Answer: "Normally, the leading echelons frequently met, but I did  
13 not know what he came for."

14 Question: "When Ta Tith came to Tram Kak district office, with  
15 whom did he meet?"

16 Answer: "He met with Ta Mok at the district office, not at the  
17 education office where they detained people."

18 Question: "When Ta Tith came to the Tram Kak district secretary's  
19 office, did you see Ta Mok come along with him?"

20 Answer: "Sometimes, Ta Mok was at the office and Ta Tith also  
21 came to the office." End of quote.

22 [11.25.21]

23 Does that refresh your memory that there was periods where both  
24 Ta Mok and Ta Tith were at the Tram Kak office and do you  
25 remember when they were there, did they meet with the district

40

1 secretary?

2 A. Usually, they met <each other when he came.>

3 Q. In answer 913 of your interview, you were asked:

4 Question: "Did Ta Mok and Ta Tith meet with the district  
5 secretary?"

6 Answer: "Yes."

7 Do you remember when you saw Ta Mok and Ta Tith at the district  
8 office, who was the district secretary they met with; was that  
9 when Yeah Khom was district chief or when Pech Chim was district  
10 chief?

11 A. I do not understand it and I do not know about it.

12 [11.27.13]

13 Q. Let me read to you what you told the OCIJ investigators in  
14 your interview, answer 915 through 916.

15 Question: "When Ta Tith and Ta Mok came to Tram Kak district  
16 office, did Pech Chim come to meet Ta Tith and Ta Mok?"

17 Answer: "The leading echelons always met each other."

18 Question: "You mean that Pech Chim also came to meet Ta Mok and  
19 Ta Tith; is that right?"

20 Answer: "Yes." End of quote.

21 Does that refresh your memory, Mr. Witness, that it was during  
22 the time Pech Chim was district chief that Ta Mok and Ta Tith  
23 came to the district office?

24 [11.28.17]

25 A. Yes, that is true. I agree with that statement.

41

1 Q. Do you remember, was it before or after the time that you saw  
2 Ta Mok and Ta Tith come to the Tram Kak district office; was it  
3 before then or after then that you received this assignment to  
4 transport the people for four days?

5 A. I cannot recall it. I <have forgotten> it all.

6 Q. Let me refresh you, again, with another excerpt from your  
7 interview, answers 919 to 920, answer 919 to 920.

8 Question: "You said that they ordered you to transport the people  
9 from the communes; did this transportation of the people happen  
10 before or after Ta Mok and Ta Tith came to Tram Kak district  
11 office?"

12 Answer: "It happened afterwards."

13 Question: "Did it happen after they met the first time or after  
14 they had met many times?"

15 Answer: "It happened after they had met two or three times." End  
16 of quote.

17 Does that refresh your memory, Mr. Witness? Do you remember the  
18 assignment you received to transport the people during those four  
19 days, was it after the meetings of Ta Mok and Ta Tith at the  
20 district office; is that right?

21 [11.30.34]

22 A. I can recall it now. I agree with that statement.

23 Q. And can you tell us, Mr. Witness, what you know -- knew about  
24 Ta Mok's role in providing orders to the district chief in Tram  
25 Kak? Do you know whether it was Ta Mok who provided orders to the

1 district chief, for example, to gather those people who you  
2 transported?

3 A. Regarding the order, it was not Ta Mok who issued an -- a  
4 direct order. The order was <actually> communicated <to> the  
5 district <level through his messenger>.

6 Q. Who was the messenger of Ta Mok who delivered orders to the  
7 district?

8 A. Touch was the messenger of Ta Mok. He was the one who  
9 delivered the <orders> from Ta Mok.

10 [11.32.35]

11 Q. And when you were working at the district office, did --  
12 orders from Ta Mok, did they come directly from him through his  
13 messenger or were they communicated through the sector office?

14 A. It went through the sector <after which it came> down to the  
15 district.

16 Q. And the orders that were received by the district office from  
17 Ta Mok through the sector, did this include orders on people to  
18 be arrested?

19 A. The <> orders were communicated <to people at the district  
20 level through> Touch, the messenger of Ta Mok<. That was how it  
21 worked.>

22 MR. LYSAK:

23 Mr. President, I was going to ask the witness a -- a quote, so  
24 this may be a good time for -- to leave off.

25 [11.34.32]

1 MR. PRESIDENT:

2 Thank you. It is now lunch break. The Chamber will take lunch  
3 break for now until <1.30 p.m.>

4 Court officer, please assist the witness in the waiting room  
5 during the lunch break and please invite him back into the  
6 courtroom at 1.30 in the afternoon.

7 Security personnel are instructed to bring Mr. Khieu Samphan to  
8 the waiting room downstairs and have him returned to the  
9 courtroom before 1.30 in the afternoon.

10 The Court is now in recess.

11 (Court recesses from 1135H to 1333H)

12 MR. PRESIDENT:

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

14 The Chamber now gives the floor to the Co-Prosecutors to resume  
15 the questioning.

16 But first, I would like to know from the defence counsel for Mr.  
17 Khieu Samphan, <in your estimation,> how much time you need to  
18 question this witness; could you clarify the time issue for the  
19 Court, please?

20 [13.34.06]

21 MS. GUISSÉ:

22 Mr. President, a priori for the time being, I can say that I  
23 would need the entire session envisaged for the Defence. If my  
24 colleague of the Nuon Chea team wants to use the minutes allotted  
25 to him, I think I will need all the time <initially> allotted to

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1 me by the Chamber. If I can finish earlier, I will, but it would  
2 depend on the questions that will have been put to the witness.

3 MR. PRESIDENT:

4 The floor is now given to the Co-Prosecutors and let me remind  
5 Co-Prosecutors and Lead Co-Lawyers that please <allocate at  
6 least> 20 minutes <of your remaining time to> the defence counsel  
7 for Mr. <Nuon Chea>.

8 <The> Chamber now <grants> five more minutes to you in addition  
9 to the time lost this morning <so now you have 15 minutes. For  
10 the sake of time,> I would like <to> suggest that <this amount of  
11 time or> 20 minutes <shall be reserved> for the defence counsel  
12 for Mr. <> Nuon Chea, <> to put <final> questions <to this  
13 witness, so that this witness would not be re-invited in the  
14 future>.

15 <Due to the time constraint, it> is not a good image to <the  
16 Chamber if this hearing goes beyond 4.00 p.m. Of course, there  
17 will be reaction from the ECCC personnel who provide support to  
18 the hearing. Moreover, traffic congestion is another challenge  
19 for all of us who need to return home.>

20 [13.36.17]

21 MR. LYSAK:

22 I -- just so I'm clear, the translation was -- was a little  
23 difficult. You -- you want us to -- to finish 15 minutes before  
24 the end of this session; is -- is that correct?

25 MR. PRESIDENT:

1 <Your team> and Lead Co-Lawyers <shall reserve 15 minutes at the  
2 end of this session> for the defence team for Mr. Nuon Chea <>.

3 BY MR. LYSAK:

4 Q. Thank you, Mr. President. We were talking about the issue of  
5 whether there were arrests ordered by Ta Mok and I was -- was  
6 about to read to you an excerpt from your interview; this is  
7 E3/9487, answers 863 through 865. This is -- was your testimony.

8 [13.37.31]

9 Question: "Who issued the order to arrest them or who accused  
10 them of being minor-crime prisoners or serious-crime prisoners?"

11 Answer: "Ta Mok did."

12 Question: "Who were the people that received orders directly from  
13 Ta Mok?"

14 Answer: "Ta Mok ordered via the district and then the commune and  
15 after that the village."

16 Question: "How did Ta Mok determine if a person was a  
17 serious-crime prisoner? How did Ta Mok know the name of the  
18 person who committed severe crimes?"

19 Answer: "He learned that from the commune level." End of quote.

20 Now, before the break, you clarified that the orders came through  
21 the sector office from Ta Mok. My question to you, though, is a  
22 general one; how did you know, during the time you were at the  
23 district office, that the district received orders from Ta Mok  
24 relating to persons to be arrested?

25 MR. SANN LORN:



1 A. Could you please repeat your question?

2 Q. Yes, you -- you testified to the investigators that orders to  
3 arrest serious-crime prisoners came to the district from Ta Mok;  
4 how did you know that?

5 [13.39.41]

6 A. I did not know about this particular issue, particularly, in  
7 relation to these <light> and serious offences.

8 Q. Let me read to you another excerpt, what you told the  
9 investigators, answer 887, 887.

10 Question: "We talked about the fact that Ta Mok ordered the  
11 arrest of serious-crime prisoners. How did you know about these  
12 orders?"

13 Answer: "Ta Mok ordered the arrest of new prisoners. He gave  
14 orders from the sector to the district and from the district to  
15 the commune. So I, who worked at the district, knew about that."  
16 End of quote.

17 [13.40.40]

18 Does that refresh your memory, Mr. Witness? What I'd like you to  
19 try and remember is how you knew that orders came from Ta Mok;  
20 were there written orders that were delivered; did you just hear  
21 people talking about instructions from Ta Mok; how did you know  
22 about this?

23 A. I did not know <> this<. I could not grasp the situation>. <I  
24 did> not know how Ta Mok issued the order.

25 Q. You told us earlier this morning that orders from Ta Mok were

1 sent by a messenger that worked for him named Touch; were those  
2 written orders that this messenger delivered?

3 A. Sometimes, the messenger, Touch, came by himself to deliver  
4 the orders, but on some other occasions, <letters were sent to  
5 us>.

6 Q. And when he came, who did he deliver the orders to; who did he  
7 give the orders to?

8 A. Could you repeat your question, please?

9 Q. Yes, when -- when Touch came to the office, who was it that he  
10 would give the orders to; who would he deliver them to?

11 [13.43.01]

12 A. The orders <> were given to the district secretary. <Touch  
13 came to hand such orders over to the district secretary.>

14 Q. Thank you. Let's go back, now, to the events that you talked  
15 about this morning with defence counsel and myself, the four-day  
16 period where you were involved in transporting people.

17 In your OCIJ interview, as we talked about this morning, the  
18 first 50 pages or so, you didn't seem to remember very much and  
19 about halfway through the interview, you were read the statement  
20 of another witness, Ul or Ek Hoeun, who also worked for the  
21 district, and you were asked about that. This is in your  
22 interview E3 -- interview at answer 454 and this is what you were  
23 asked.

24 Question -- you were -- you were read this excerpt from Ul  
25 Hoeun's testimony.

1 Question: "Did you hear that Vietnamese nationals were arrested  
2 and sent to Krang Ta Chan?"

3 Answer: "It was imperative to sweep the Vietnamese clean from the  
4 villages and from the country."

5 Question: "How many Vietnamese people lived in Tram Kak  
6 district?"

7 Answer: "Lorn, who was Ta Mok's younger brother-in-law, was the  
8 one who collected all the Vietnamese people and took them to be  
9 killed. Lorn collected Vietnamese people from Angk Ta Saom, Leay  
10 Bour, Popel, and Srae Ronoung communes. I do not know how many  
11 Vietnamese people there were in Tram Kak district. I knew only  
12 that there were Vietnamese people in those four communes. Lorn  
13 told me that he used a large, long truck to transport 9,000  
14 Vietnamese families from those four communes." End quote.

15 And after -- Mr. Witness, after you were read this excerpt, you  
16 were asked by the investigator: "Did you do as has been read  
17 aloud to you, during the Khmer Rouge regime?" And this was your  
18 response, quote:

19 "As for transporting people, I did not know. The senior-ranking  
20 cadre used me, so I just did it. They used me. I just obeyed  
21 them." End of quote.

22 Why did you -- you were having trouble remembering a lot of  
23 things in your interview; why did you remember this incident; why  
24 is it that you remembered this incident where you were involved  
25 in transporting people for four days?

1 A. I did answer <to> you <> at the beginning concerning the  
2 transportation of the people <from respective communes>, so I  
3 have told you already about this issue. <However,> as <to> how  
4 many people I had transported, I had no idea.

5 [13.47.27]

6 Q. You said this morning that you delivered the people you picked  
7 up from each commune to the district militia chief; when you  
8 delivered the people, did the district militia chief have other  
9 militiamen who were there with him or was he there by himself?

10 A. I <drove> the truck <to those places alone>.

11 Q. No, I wasn't asking about you; I was asking about the district  
12 militia chief. Did he have some of his subordinates, the  
13 militiamen who worked for him, there when you delivered these  
14 people?

15 A. There was a messenger of the militia chief.

16 [13.48.51]

17 Q. And I asked you this morning about the name of the militia  
18 chief and you couldn't remember him at the time; do you remember  
19 a person named Yorn?

20 A. Yorn, no, I do not remember this person.

21 MR. PRESIDENT:

22 Judge Lavergne, you have the floor now.

23 JUDGE LAVERGNE:

24 Yes, I am sorry. Could you please ask the witness to repeat his  
25 answer to your <previous> question because that answer was not

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1 translated in its entirety into French?

2 The question was whether the chief of the <district> militias was  
3 accompanied by other militiamen. The answer given by the witness  
4 was not translated in its entirety.

5 BY MR. LYSAK:

6 Thank you, Judge Lavergne, I'll -- let me ask that again. Let me  
7 ask it to you a -- a different way.

8 Q. When you transported the people from the communes to the  
9 district militia, how many people from the district militia were  
10 there to receive the people you transported; how many district  
11 militiamen were there?

12 [13.50.43]

13 MR. SANN LORN:

14 A. The <district> militia chief <who was> there to receive the  
15 people <came with a team of about 10 men.>

16 MR. LYSAK:

17 Mr. President, at this time, I'd like to present -- ask the  
18 witness about a document from Tram Kak district. This is E3/2435  
19 -- E3/2435. It's a report from Angk Ta Saom commune regarding  
20 Vietnamese and Khmer Krom people that I would like to ask the  
21 witness about.

22 MR. PRESIDENT:

23 You can proceed now.

24 [13.51.55]

25 BY MR. LYSAK:

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1 Q. Mr. Witness, the document I've handed to you is a -- a letter  
2 from Angk Ta Saom commune dated 26 April 1977. The front side of  
3 -- of the document that you have asks some questions relating to  
4 the registration of Khmer Krom people and asks questions about  
5 how to treat some of the people who were in mixed marriages  
6 indicating that there were some who were married to wives from  
7 "Yuon" country and some others who were "Yuon" husbands who got  
8 married to our Cambodian wives.

9 And in the -- the second paragraph it states: "If all of them  
10 were Yuon, we would send the families to the Angkar  
11 Organization."

12 And if you could also look at the back side of this document,  
13 there is another note that states: "It is confirmed additionally  
14 that for those who have the ranks as first lieutenant or second  
15 lieutenant, I'm going to contact with Comrade Yorn, district  
16 military, in order to take them out this evening right away."

17 I have a couple of question to you about this, but first, the  
18 reference to Comrade Yorn, district military, on the back page of  
19 this document; does that refresh your memory on who the district  
20 military of militia chief was; do you remember Comrade Yorn?

21 [13.54.21]

22 A. I cannot recall <that name>. I do not know whether <or not>  
23 that person <could have been> Yorn<>. I <have> really <forgotten>  
24 it, Counsel.

25 Q. Now, this letter from Angk Ta Saom is dated 26 April 1977.

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1 There are -- in the -- for the next two weeks, there are reports  
2 from at least six communes that we have in which lists of people  
3 in the commune were prepared. Families -- primarily Khmer Krom  
4 families including some of the communes you have identified as  
5 places that you picked up and transported people from. Let me  
6 just refer you to a few of these.

7 [13.55.22]

8 You testified earlier that you went to Angk Ta Saom commune.  
9 Document E3/2049 and E3/4082 constitute a list from Angk Ta Saom  
10 commune dated 30 April 1977, identifying 26 Khmer Krom families.  
11 You said that you went to pick up people in Popel commune.  
12 E3/2262 is a partial copy of a list identifying 64 Khmer Krom  
13 families from that commune. You also mentioned Kus commune. We  
14 have a report dated 29 April 1977, from that commune, E3/2438,  
15 identifying 35 Khmer Krom families. You also mentioned Srae  
16 Ronoung commune and we have a list dated 27 April 1977, of 37  
17 families from that commune, E3/4083.

18 I ask you that, Mr. Witness, for two reasons. First: The timing  
19 of these lists and the timing of the document I just gave to you  
20 is April to May 1977, and does this refresh your memory, at all,  
21 about the time period in which you were involved in transporting  
22 people from the communes to the district militia chief? Might it  
23 have been April or May 1977 when this took place?

24 [13.57.30]

25 MR. KOPPE:

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1 I object to this question, Mr. President. This is a very, very  
2 leading question. Putting documents to the witness he has no  
3 knowledge of, reading out to him -- these documents to the  
4 witness and then trying to put in his mouth that this is, in  
5 fact, coinciding with the moments or the days -- the four days  
6 that he was involved in transporting people, he hasn't said Khmer  
7 Krom people; he just referred to people. So I would object to  
8 this question as it is very, very leading.

9 [13.58.04]

10 MR. LYSAK:

11 Mr. President, we've been asking open questions for this witness.  
12 He's either reluctant or has difficulty remembering. This is  
13 evidence of lists of people from the communes that he indicated  
14 he's testified he transported people. It's an entirely fair  
15 question to ask him whether these -- there's a correlation in the  
16 timing and a correlation in the number of families that are  
17 referenced here to the people he transported.

18 (Judges deliberate)

19 [13.59.05]

20 MR. PRESIDENT:

21 The objection put by the defence counsel for Mr. Nuon Chea,  
22 Koppe, is overruled. There was an open question first to the  
23 witness after which the Co-Prosecutor sought clarification on the  
24 basis of the documents in the case file.

25 Mr. Witness, please respond to the question if you can still



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1 remember it and if not, you can ask the Co-Prosecutor to put the  
2 question again.

3 (Short pause)

4 [14.00.05]

5 MR. PRESIDENT:

6 Can you still recall the question, Mr. Witness?

7 Deputy Co-Prosecutor, please reformulate your question.

8 BY MR. LYSAK:

9 Thank you, Mr. President.

10 Q. Mr. Witness, the documents I've just referenced to you are  
11 lists from various communes including the communes that you have  
12 indicated you went to, to pick up people. They list from -- each  
13 commune lists from between 26 Khmer Krom families to 64 families  
14 in each commune and the dates of these lists correspond to April  
15 or May 1977.

16 So my first question is, do you remember whether it was April or  
17 May 1977 when you received this assignment to pick up people from  
18 the various communes?

19 [14.01.18]

20 MR. KOPPE:

21 It's again, Mr. President, a very leading question and I would  
22 like to remind the Prosecution that he, the witness, gave himself  
23 -- gave testimony himself this morning saying that he believes it  
24 was in the beginning of the regime, meaning May -- April, May  
25 '75. So now even going further, suggesting the date to him, is

1 again a very leading question.

2 MR. LYSAK:

3 It's not a leading question. The dates come from documents in  
4 evidence. They're not -- they're not my words.

5 And second of all, yes, but the witness has indicated confusion  
6 about years. He also testified it was 1975 when he was sent to  
7 Battambang originally. So we are entitled to ask him about this  
8 evidence and see if it helps him remember.

9 MR. KOPPE:

10 If the Prosecution has a theory--

11 THE PRESIDENT:

12 The Chamber already ruled on the objection and this is, you know,  
13 a previous issue that the Chamber ruled upon already. <This is  
14 not a new issue, it is the same one that we already ruled on.> So  
15 you can proceed with your questioning, Co-Prosecutor. What is  
16 <on> your mind, Mr. Kong Sam Onn?

17 [14.02.39]

18 MR. KONG SAM ONN:

19 I am not objecting but I would like the <International>  
20 Co-Prosecutor to identify clearly <> the date <within the  
21 documents that> the Co-Prosecutor made mention.

22 BY MR. LYSAK:

23 I did, but let me repeat it for you, Counsel. E3/2049 and E3/4082  
24 is the list, the 30 April 1977 list from Angk Ta Saom commune;  
25 E3/2262 is the list from Popel commune; E3/2438 is the list from

1 Kus commune dated 29 April 1977; E3/4083 is the list from Srae  
2 Ronoung commune dated 27 April '77.

3 Q. My question, Mr. Witness, having heard of these documents,  
4 does that help your memory as to when it was that you were  
5 assigned to pick up people from these communes?

6 [14.04.37]

7 MR. SANN LORN:

8 A. <I have forgotten> the <date that I was assigned> to transport  
9 the people<>. I cannot recall when the <assignment was made>. I  
10 cannot recall the date, the month and the year. <This does not  
11 mean> I am <> telling lies but <in> fact <> I do not recall the  
12 date.

13 Q. Do you know what happened to the people who you transported to  
14 the district militia chief? Do you know what happened to them  
15 after you transported the people? Did you ever see them again?

16 A. I never saw those people again. No, I did not.

17 Q. Thank you. Let me turn to one last subject that counsel asked  
18 you about this morning. That is the subject of the treatment of  
19 Lon Nol soldiers and officials in your district. Do you remember  
20 a pagoda in Tram Kak called Wat Champa Leu? Did you know Wat  
21 Champa Leu?

22 [14.07.01]

23 THE PRESIDENT:

24 Witness Sann Lorn, please <speaking louder. You haven't responded>  
25 to the <last> question. Actually, you <had answered> before the

1 microphone was operational. Court officer, please move the  
2 microphone closer to the witness.

3 MR. SANN LORN:

4 A. Please repeat your question.

5 BY MR. LYSAK:

6 Q. Did you know a pagoda in Tram Kak district called Wat Champa  
7 Leu?

8 A. No, I did not know that pagoda.

9 [14.08.18]

10 Q. I'd like to ask you about another statement from the same  
11 witness who had testified about your transportation of the  
12 Vietnamese families. This is the cadre Ul Hoeun who also worked  
13 for the district. In his OCIJ interview, E3/9582, at answer 113.  
14 Question: "What do you know about the killing of soldiers,  
15 families of Lon Nol soldiers and--

16 THE PRESIDENT:

17 Deputy Co-Prosecutor, please hold on. Counsel Koppe, you have the  
18 floor.

19 MR. KOPPE:

20 I object to the word "cadre" in relation to Ek Hoeun. He himself  
21 said in court that he is "just a villager" and in his WRI  
22 E3/9594, answer 16, he said, "I was not allowed to hold any  
23 position. They accused me of having tendencies. They did not use  
24 me because I was alleged to have political tendencies." So to  
25 call him a cadre is misrepresenting his position.

1 [14.09.44]

2 BY MR. LYSAK:

3 Mr. President, I will rephrase. Ul Hoeun testified he worked for  
4 the district office but that we can -- that's an argument we can

5 have another day. Ul Hoeun, a person from Tram Kak district  
6 testified as follows in his OCIJ statement, E3/9582, answer 113.

7 Question: "What do you know about the killing of soldiers,  
8 families of Lon Nol soldiers and civilians in Takeo province?"

9 Answer: "At that time the Khmer Rouge announced their victory.  
10 Phnom Penh is defeated. After that people were evacuated from  
11 Phnom Penh to Wat Champa Leu pagoda located 3 kilometres on the  
12 west of Angk Ta Saom, Tram Kak district. For seven days, the  
13 Khmer Rouge made propaganda that they were seeking soldiers with  
14 rank to register their names. Having rounded up these people they  
15 took them away. This was their common practice. Hundreds and  
16 thousands of people were taken away. Having taken all those  
17 soldiers with rank, for example second and first lieutenants,  
18 only ordinary people remained." End of quote.

19 Does that refresh your memory at all, Mr. Witness? Do you  
20 remember any of the events that took place at Wat Champa  
21 following the 17th of April, 1975?

22 [14.11.25]

23 MR. KOPPE:

24 Mr. President, I object to this question. You might recall -- I  
25 will not go into many details because I am referring to the

1 closed session of last week that I was almost permanently  
2 interrupted by this prosecutor because I wasn't giving the full  
3 body of evidence to the witness. So I will now do the same to  
4 this Prosecution in relation to this particular witness. He  
5 should add that three people who were in fact cadres in Sectors  
6 35, 13 and 25 all said that Lon Nol officials -- soldiers as of  
7 all the way up to colonel and the second lieutenant were not to  
8 be harmed and were not to be touched.

9 MR. LYSAK:

10 Mr. President, he has already asked the witness about that. I've  
11 agreed he can ask follow-up questions. He's not even making a  
12 reference to the same witness. He's not saying I'm misreading  
13 this witness's testimony. I am entitled to the reaction of what  
14 this witness has said.

15 [14.12.55]

16 THE PRESIDENT:

17 The objection by the defence team for Nuon Chea, that is, from  
18 Counsel Koppe is overruled.

19 I would like to reiterate that each side of the bar shall not be  
20 in a position to teach the other side how to question the  
21 witness. You have your strategy so, please, use it. <It is not  
22 advisable for one party to take this floor as a forum to instruct  
23 the other party how to put questions.> For that reason, it is <>  
24 advisable for you to <use your own respective strategies. In  
25 fact, one party is responsible for exculpatory works, while the

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1 other one is working on inculpatory tasks.>.

2 BY MR. LYSAK:

3 Thank you, Mr. President.

4 Q. Mr. Witness, does this refresh your memory? Do you remember  
5 people being gathered at Wat Champa pagoda and Lon Nol people  
6 being separated and taken away?

7 [14.14.04]

8 MR. SANN LORN:

9 A. I was not aware of that.

10 Q. I showed you some -- a document relating to the listing of  
11 Khmer Krom or "Yuon" Vietnamese people in April 1977. Mr.  
12 President, with your leave I'd like to show the witness two Tram  
13 Kak documents relating to Lon Nol people. This is document --  
14 pardon me -- E3/2048, E3/2048 and specifically there is a 30  
15 April 1977 report from Cheang Tong commune and the 28 April 1977  
16 report from <Ta Phem> commune. With your leave, if I may present  
17 these to the witness?

18 THE PRESIDENT:

19 Yes, you may proceed.

20 [14.15.30]

21 BY MR. LYSAK:

22 Q. Mr. Witness, you have been handed two documents The first is a  
23 report from Cheang Tong commune dated 30 April 1977. For the  
24 record this is E3/2048, the Khmer ERN, 00079089; English,  
25 00276562 to 63; French, 00611659. And in this report to the

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1 district the commune, Cheang Tong commune states, I quote:

2 "After having received successive instructions from Angkar about  
3 being vigilant about the enemy and purging the enemy officers, we  
4 have tracked, examined and found the following persons."

5 And then there are two former members of the regime identified, a  
6 second lieutenant and someone who was in the social development  
7 ministry.

8 The second document which is two pages later, ERN-wise in  
9 E3/2048, is a 28 April 1977 report from Ta Phem commune which  
10 states:

11 "We, in the Ta Phem sub district cooperative base branch have  
12 examined and purged the enemies who held ranks after having  
13 received the instructions of the Party. Having closely examined  
14 this, we say there are still six more with officer and official  
15 ranks."

16 Then there are six people identified who were six or second  
17 lieutenants.

18 My question first, Mr. Witness, does this refresh your memory in  
19 the same time period that of the Khmer Krom lists that I asked  
20 you about and do you remember communes being asked by the  
21 district to identify and arrest former Lon Nol soldiers who held  
22 ranking positions?

23 [14.18.15]

24 MR. SANN LORN:

25 A. I was not aware of this matter. I did not know anything about



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1 that.

2 Q. Do you know whether any of the people that you picked up in  
3 the communes and transported to the district militia chief, do  
4 you know whether any of them were people related or connected to  
5 the former regime, the Lon Nol regime?

6 A. I did not know.

7 MR. LYSAK:

8 Thank you, Mr. President. My colleague just has a couple of  
9 questions. The civil parties have informed us that they have no  
10 questions so that we can use the remaining time on our side.

11 [14.19.43]

12 QUESTIONING BY MR. SENG LEANG:

13 Good afternoon, Mr. President. Good afternoon, Your Honours. Good  
14 afternoon, Witness. My name is Seng Leang. I am the National  
15 Deputy Co-Prosecutor.

16 Q. In the interests of time I will only put a few questions to  
17 you. From what I heard this morning in your response to Counsel  
18 Koppe, you stated that you were village chief of Prakeab from '71  
19 to '72. Is that correct?

20 MR. SANN LORN:

21 A. Yes, that is correct.

22 Q. Can you tell the Chamber, <between> 1971 and '72, was Prakeab  
23 village under the control of the Khmer Rouge<, or other words>  
24 was it under the control of the Liberation Force?

25 [14.21.05]

1 A. At that time we were living under the control of the Khmer  
2 Rouge.

3 Q. Who actually appointed you to the position of the village  
4 chief?

5 A. I was appointed a village chief by the commune.

6 Q. And can you tell the Chamber how many <families there were> in  
7 your village at the time?

8 A. <There> were about 150 families living <in the village>.

9 Q. Amongst all the villagers in the village, were there any  
10 Vietnamese people or in short were there any Vietnamese living in  
11 your area in terms of in the village, commune or district?

12 A. I was not sure. I did not have a full grasp of the situation.

13 Q. During your tenure as the village chief, were you instructed  
14 by the Khmer Rouge to round up the Vietnamese?

15 A. No, there was no gathering of Vietnamese people<, or having  
16 them live separately yet>. It did not reach that stage yet.

17 Q. So subsequently, was there any instruction for the rounding up  
18 -- for the rounding up of the Vietnamese?

19 A. It happened in 1975. I was instructed to transport those  
20 Vietnamese people. That's the -- that was the time that I  
21 realized about the Vietnamese.

22 [14.24.24]

23 Q. So was it the Khmer Rouge policy for the rounding up of the  
24 Vietnamese, that is, it happened in 1975?

25 A. Yes, that is correct.

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1 Q. Mr. Witness, this morning in your response to Defence Counsel  
2 Koppe, you stated that at one point you were a messenger for the  
3 commune and later on you became a messenger for the district. Am  
4 I correct?

5 [14.25.06]

6 THE PRESIDENT:

7 Witness, please observe the microphone.

8 MR. SANN LORN:

9 A. I agreed that I became a messenger for the district.

10 BY MR. SENG LEANG:

11 Q. My question to you is about the timeframe that you had been a  
12 commune messenger and later on appointed a district messenger,  
13 and if that is the case, can you tell the Chamber the time that  
14 you were a messenger for the commune and the name of that  
15 commune, please?

16 A. No, I never worked as a messenger for any level rather than at  
17 the district level. <I was not a commune messenger.>

18 MR. SENG LEANG:

19 Mr. President, in the interests of time I would like now to  
20 finish my questioning.

21 MR. PRESIDENT:

22 Before I hand the floor to the Defence Counsel, I would like to  
23 hand the floor first to Judge Lavergne.

24 QUESTIONING BY JUDGE LAVERGNE:

25 Yes, thank you, Mr. President. I have very short questions for

1 the witness.

2 Q. Witness, this morning you spoke about <a person> named Phi who  
3 was working at the district level and who was in charge of the  
4 re-education office. So can you tell us if this Phi had specific  
5 physical features and, in particular, was he somebody who limped?

6 [14.27.06]

7 MR. SANN LORN:

8 A. Yes, he limped.

9 Q. My second question I would like to put to you is in relation  
10 to the conditions in which the people were transported. Can you  
11 tell us if the people who were in the trucks, if they were  
12 handcuffed, if their hands were tied or if there was anything  
13 special about the way they were being transported?

14 A. Regarding the transportation of those people, they were  
15 <neither> handcuffed nor tied. They were instructed to board the  
16 <truck>.

17 Q. I understand that there were lists that were drawn up, lists  
18 of people who had to be transported. So you, yourself, did you  
19 have lists that were given to you by the district <on hand>?

20 [14.28.23]

21 THE PRESIDENT:

22 Witness, please hold on. And Counsel Anta Guisse, you have the  
23 floor.

24 MS. GUISSÉ:

25 I know that I cannot object to questions put by the Bench but I

1 do have a question, however. I didn't really understand where  
2 this notion of lists came from. I heard about lists when the  
3 Co-Prosecutor examined the witness but I didn't hear the witness  
4 speak about lists. So I don't know if Judge Lavergne is referring  
5 to a specific document that <> I didn't catch from the witness's  
6 testimony. <But> aside from the Co-Prosecutor, nobody spoke about  
7 lists.

8 BY JUDGE LAVERGNE:

9 Q. Well, indeed, I am referring to the same documents that the  
10 Co-Prosecutor was referring to, which apparently described the  
11 existence of lists, and I was asking the witness if he himself  
12 had received lists from the district.

13 MR. SANN LORN:

14 A. No, I did not receive any list. There were other individuals  
15 who were responsible for that. In fact there were people at the  
16 district office who were in charge of that affair and I, myself,  
17 was not aware of that. My task at the time was <merely> to  
18 transport those people.

19 [14.30.16]

20 Q. You stated that on arrival there was the leader of the  
21 militiamen and, if I understood you correctly, you also said  
22 there could have been, <for example,> 10 militiamen. Were there  
23 10 militiamen or more than 10 militiamen, and were they armed?

24 A. I cannot recall <whether they> were <armed or not>.

25 Q. And to the best of your recollection, when you went into the

1 communes, were there commune militiamen present when the persons  
2 transported were put onboard ?

3 A. No, there wasn't. I didn't see any. I only saw the commune  
4 chiefs who were calling them to board the <truck>.

5 [14.31.44]

6 Q. And what did the commune chiefs tell them?

7 A. They were told that they would be sent back to their home  
8 country, Vietnam. <That was what I heard.>

9 Q. And did those people have their personal effects with them?

10 A. They had their own personal belongings, clothes; cooking  
11 <pots, and eating> utensils with them.

12 Q. Did you see those people speak with one another? <Did you hear  
13 them speak amongst themselves?>

14 A. No. I could not hear them speaking.

15 Q. Did you witness any incidents at the time when the people had  
16 to board the trucks?

17 A. No, I did not notice any incidents happening.

18 Q. Did you see any persons resisting?

19 A. No, I did not.

20 Q. When you brought them to the district office, did you see any  
21 other trucks ready to transport them elsewhere?

22 [14.34.06]

23 A. No. There was only one truck that I used. No other trucks were  
24 visible. After I dropped them off I returned.

25 Q. Did you see those persons being led to a particular location?

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1 A. I have no idea. As I said, after I had dropped them off, I  
2 returned to my location. So I have no idea about what was going  
3 <on> next.

4 JUDGE LAVERGNE:

5 Very well. Given the time constraints I won't put any further  
6 questions to the witness. Thank you, Mr. President.

7 [14.35.10]

8 THE PRESIDENT:

9 Thank you. You have the floor now, Anta Guisse.

10 MS. GUISSSE:

11 Yes, Mr. President. If you don't mind, <> Counsel <Victor> Koppe  
12 <and I have agreed that> I will put <my> questions <first, to  
13 make sure I can put all my questions before he makes use of his  
14 remaining additional time.>

15 Apparently, there <was> a translation error in English. <I'll try  
16 again.> What I am saying is that I will start putting questions  
17 to the witness and Counsel Koppe will wrap up the examination for  
18 us, <making use of the time the Defence has left.>

19 THE PRESIDENT:

20 Thank you, but now it is time for a short break. The Chamber will  
21 take a short break from now until <2.50 p.m.>

22 Court officers, please assist the witness in the waiting room  
23 during the break time and, please, invite him back into the  
24 courtroom at <2.50 p.m.>

25 The Court is now in recess.

1 (Court recesses 1436H to 1452)

2 THE PRESIDENT:

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

4 And I would like to hand the floor again to the defence team for

5 Khieu Samphan to put questions to Sann Lorn.

6 QUESTIONING BY MS. GUISSÉ:

7 Thank you, Mr. President. Good afternoon, Mr. Sann Lorn. My name

8 is Anta Guisse. I am International Co-Counsel for Mr. Khieu

9 Samphan. In this capacity I will put some additional questions to

10 you. I will try to put very specific questions to you and may I

11 ask you to answer them as specifically as possible.

12 Q. I will first of all like us to talk about your life

13 experience. My first question is up until what age did you go to

14 school?

15 [14.54.15]

16 MR. SANN LORN:

17 A. First, I attended a primary school in my village<, and the

18 school was closer to my home; it took me three years for such

19 educational level.> After I passed that exam, I went to study at

20 a school <in> Angk Ta Saom.

21 Q. My question was very precise. I wanted you to tell me up until

22 what age you attended school?

23 A. I attended school until I was 20 years old.

24 Q. You attended school up to <the age of 20-years-old>. <From the

25 time> you were still a <small> child in primary school, between



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1 that time and when you <finished> school at the age of 20, is  
2 there any time when you stopped going to school?

3 A. I stopped going to school when I turned 20 years old.

4 Q. So what you are saying is that from early childhood, that is  
5 six, seven years old, up to 20 you always attended school?

6 [14.56.25]

7 A. Yes.

8 Q. So should I conclude, therefore, that you know how to read and  
9 <count> correctly?

10 A. Yes, that is correct.

11 Q. I will return to that later. I would like you to clarify the  
12 relationship you had with Ta Mok. You have stated that you were  
13 his brother-in-law because he got married to your elder sister,  
14 and if we use 1975 as a point of reference, that is, the date on  
15 which Phnom Penh fell, can you tell us when Ta Mok married your  
16 <> sister?

17 [14.57.26]

18 A. I did not know when <it was>. I did not know the year that he  
19 got married.

20 Q. I know that it is not always easy to remember very precise  
21 dates especially after several decades. That is why I gave you,  
22 as a point of reference, the date of the capture of Phnom Penh.  
23 To the best of your recollection, did that marriage take place  
24 before the capture of Phnom Penh, that is, when Democratic  
25 Kampuchea was established throughout the country, or was it after

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1 that date.

2 A. Ta Mok got married <to> his wife prior to that year, because  
3 the event took place later on.

4 Q. Thank you for this clarification. Still bearing in mind this  
5 point of reference, can you tell us when you started working as a  
6 messenger of Tram Kak district? Was it before or after the fall  
7 of Phnom Penh?

8 A. I became a messenger prior to the fall of Phnom Penh.

9 Q. You spoke about several people who were working at the Tram  
10 Kak district committee and you spoke about Yeay Khom, Ta Mok's  
11 daughter. You also spoke about Pech Chim saying that at one point  
12 in time Pech Chim followed Ta Mok's daughter.

13 So my question is, before becoming a district chief <himself> in  
14 Tram Kak district, was Pech Chim working in the same district but  
15 in another capacity?

16 [15.00.28]

17 A. I did not know about his previous function prior to that, I  
18 only knew <him when> he <started working> at the district level  
19 <along with Yeay> Khom <>.

20 Q. But before he took on Khom's post had you already seen him?

21 A. Yes, I did.

22 Q. And upon which occasions <had> you seen him <already> and  
23 where?

24 A. I saw him when he attended meetings where the commune chiefs  
25 were called.

1 Q. And were these meetings held at the district office or not?

2 A. Yes at the district office. That is, at his office.

3 [15.02.09]

4 Q. Before he became a district chief when he held <that position>  
5 that led him to meet with commune chiefs, did you personally work  
6 for him? You said earlier that when you were Yeay Khom's  
7 <private> messenger, <> other people also gave you work. And was  
8 Ta Chim among these other people who would give you work?

9 A. No, he did not assign to me any task. I <still served as> a  
10 messenger.

11 Q. Maybe I did not express myself quite clearly. When I'm  
12 speaking about tasks, I'm not speaking about tasks different from  
13 your job as a messenger. So what I meant was, did he use you as a  
14 messenger at one point in time or <another> before he became the  
15 district chief?

16 A. No, he didn't assign to me any task.

17 Q. And basing myself again on the <fall> of Phnom Penh as a time  
18 <reference>, do you remember if Pech Chim became a district  
19 leader instead of Yeay Khom before or after the  
20 <fall-->liberation of Phnom Penh?

21 A. It was before the fall of Phnom Penh. And later on, Pech Chim  
22 remained working at the district in his capacity as the district  
23 secretary.

24 Q. At the district level again, I would like to know if the name  
25 Chay, <and for the interpreters,> this is spelled C-H-A-Y, in

1 French at least -- <does it> ring a bell for you? Chay, C-H-A-Y.

2 [15.05.15]

3 A. Is it Chay?

4 MR. KONG SAM ONN:

5 Witness, the name is Chay.

6 MR. SANN LORN:

7 Yes, I <knew> Chay, but I <did> not know <Chav> (phonetic).

8 BY MS. GUISSÉ:

9 Q. Can you tell us which position he held within the district  
10 office?

11 A. While I <was working> for the district office, Ta Chay <was  
12 working> at the commune <level>.

13 [15.06.27]

14 Q. And did you know what he was doing at the commune?

15 A. He was the commune chief or you can say the commune secretary.

16 Q. And of which commune?

17 A. It was Damnak <Trach> (phonetic) commune.

18 Q. Again, regarding Tram Kak district, earlier my colleague,

19 Victor Koppe, spoke to you about a person by the name Ek Hoeun or

20 Ul Hoeun and you said that you did not know this person. So are

21 you sure that this name does not mean anything to you -- Ek Hoeun

22 or Un Hoeun? <He may have either> of these two names.

23 A. No, that name does not ring a bell.

24 Q. So therefore you do not remember this person as being someone

25 who had any kind of position within Tram Kak District. Am I

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1 right?

2 MR. SANN LORN:

3 (No interpretation)

4 [15.08.40]

5 BY MS. GUISSÉ:

6 Q. I did not get the French translation, can you please repeat?

7 Well, let me put that question to you again. I believe there  
8 might be a little issue here.

9 So I was asking you if you are sure that Ek Hoeun or Ul Hoeun is  
10 not someone you remember having held any kind of position within  
11 Tram Kak district <committee>?

12 A. Yes, that is correct.

13 Q. Yes, that's correct. So that name does not ring a bell;  
14 correct?

15 A. <Well>, I did not hear of that name.

16 [15.09.48]

17 Q. You spoke about the presence of Pech Chim at the district  
18 committee in different positions, in particular, district leader,  
19 and he testified before this Chamber.

20 So I'd like to know if you remember an exchange program that was  
21 discussed back then? So it was an exchange program between Khmer  
22 Krom people living in Vietnam and Vietnamese people living in  
23 Cambodia?

24 You spoke about this earlier and you confirmed this to the  
25 National Co-Prosecutor. You spoke about your involvement in the

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1 transportation of Vietnamese people to bring them back to  
2 Vietnam, but did you hear about this exchange program in more  
3 <general> terms?

4 A. No, I did not hear <of> it.

5 Q. And just as a reminder, at the hearing of 24 April 2015,  
6 document E1/292.1, so this was the testimony of Pech Chim. A  
7 little bit after 10.08.23 in the morning, and he said, "Well the  
8 issue of the Vietnamese was solved when the exchange program was  
9 set up so that the Vietnamese may return to Vietnam."

10 So, once again, Witness, was this issue of exchange -- does this  
11 refresh your memory <concerning an exchange>?

12 A. I was not aware of that matter. What I knew is that at the  
13 time I was <only> tasked to transport those people, <but> I did  
14 not know whether they were categorized into different groups.

15 [15.12.51]

16 Q. Now, regarding Pech Chim once again, do you remember how long  
17 he was district leader in Tram Kak? Do you remember if at one  
18 point in time he <> left his position?

19 A. I didn't have a full grasp of that situation.

20 Q. Without having the full picture, do you remember however if,  
21 when you went to undergo training in Battambang, if Pech Chim was  
22 still in Tram Kak or if he had been assigned to another place?

23 A. When I was sent for study in Battambang, I did not know at the  
24 time whether he was still acting in his capacity as the district  
25 secretary <or not> because I had <already> left for my study

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1 session in Battambang <province>.

2 Q. Well, my question is different. My question was, when you left  
3 to Battambang, was Pech Chim still working in Tram Kak?

4 [15.14.49]

5 A. Yes, he was still working at Tram Kak District.

6 Q. Now, for the parties and for the witness, at the hearing of 24  
7 April 2015, that's document E1/292.1 -- well, let me first quote  
8 from <the record>, so it was a little bit before 9.24 in the  
9 morning. The witness, Pech Chim, is confronted with <> a prior  
10 statement in which he said that he arrived in the Central Zone in  
11 February 1976 -- or February 1977, rather.

12 And at the hearing, he confirmed -- <he says: "I would like to  
13 make> an amendment. It was on 14 February 1976."

14 <In both cases,> Witness, does the date of February 1976 or the  
15 date of February 1977, remind you of anything in relation to your  
16 departure for Battambang?

17 A. Please repeat your question.

18 Q. You said that when you went to Battambang, Pech Chim was still  
19 <at his post>, and I read out a part of his testimony before this  
20 Chamber in which he said that he left his job in Tram Kak in  
21 February 1976.

22 So my question was, does this date ring a bell and is this maybe  
23 an element that might refresh your memory in relation to your  
24 departure for Battambang?

25 [15.17.05]

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1 A. I did not understand the situation, the full situation, at the  
2 time since I had gone to study in Battambang at Me Chbar.

3 Q. I understood that you went to Battambang, <in fact> my  
4 question <is to have> you react. Pech Chim testified before this  
5 Chamber and he said that he left Tram Kak in February 1976. And  
6 you said that you left for Battambang when Pech Chim was still  
7 <in office>.

8 So I wanted to know if the date that Pech Chim mentioned  
9 refreshes your memory in relation to the date when you left for  
10 Battambang? <If this rings a bell, that's good.> And if this does  
11 not remind you <of> anything, no problem, just let me know.

12 [15.18.16]

13 A. No, I cannot recall that.

14 Q. A point that I would like you to <clarify>. Well, during that  
15 period, did you have any duties in Tram Kak district and after  
16 the <fall> -- liberation of Phnom Penh, did you use an alias  
17 aside from your real name, Sann Lorn?

18 A. My alias was Maunh <> (phonetic).

19 Q. So now I turn to the four days during which you transported  
20 people by truck, and <> you provided a certain number of elements  
21 of information to Judge Lavergne<, confirming> what you had said  
22 to the OCIJ investigators<, that> in these trucks there were only  
23 the people you were transporting and these people were  
24 transported with their personal belongings.

25 So my question is, do you remember -- and here I'm not speaking



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1 about the exact year, I'm just speaking about the period of the  
2 year -- do you remember the season when this transportation took  
3 place, <as you recall>? Was it during the rainy season? Was it  
4 during another season?

5 [15.20.23]

6 A. The transportation of those people happened during the dry  
7 season.

8 Q. You said that you had a big truck and that this truck could  
9 transport between 50 to 60 people.

10 So did I understand your testimony properly?

11 A. Yes, that is correct.

12 Q. I understood as well that you <would> pick up people in  
13 different communes and that according to the size of the  
14 communes, you would do one or two trips. Did I understand your  
15 testimony properly?

16 A. Yes, that is also correct.

17 [15.21.37]

18 Q. Now, I turn back to the testimony of this person whom you  
19 don't remember. Ul Hoeun, alias Ek Hoeun, and it is he who said  
20 for the first time that apparently you transported 9,000 people  
21 and he said that this number of 9,000 had been provided to him by  
22 you.

23 And you answered me when I put questions to you about your  
24 education, you said to me that you had gone to school until the  
25 age of 20, that you knew how to count.

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1 So is it plausible, based on the figures that you provided  
2 <concerning the amount of people who could be transported on the  
3 truck>, that <one could say that you> were able to transport  
4 9,000 people in a period of four days?

5 A. Regarding the number of people to be transported, I did not  
6 know if the figure was 9,000. The number of the people was at the  
7 hands of the commune and district <levels>. As for me, I did not  
8 know about that figure.

9 Q. Fine. But without knowing the exact figure, do you confirm  
10 that your truck could transport 50 to 60 people and that you  
11 worked for four days? Do we agree upon that?

12 A. Yes.

13 Q. Based on the list that you gave to us this morning, the list  
14 of communes, I saw that there were about six communes in which  
15 you said that you had picked up people.

16 So, do you remember if, in the course of one day, you <ever>  
17 picked up people in several communes?

18 [15.24.47]

19 MR. PRESIDENT:

20 (No interpretation)

21 BY MS. GUISSÉ:

22 Q. Maybe my question was a little bit too convoluted. Let me try  
23 to break it up, it might be easier. So, as far as you remember,  
24 did you pick up people in the morning in <one> commune and other  
25 people during the afternoon in another commune? Does that

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1 correspond to how you had organized the transportation of those  
2 people back then?

3 MR. SANN LORN:

4 A. Yes, that is correct.

5 [15.25.40]

6 Q. So my question is the following. During those four days during  
7 which you worked, did you spend one day in more than two  
8 communes?

9 A. Yes.

10 Q. Can you tell us in how many communes, if you remember, you  
11 went to during that first day?

12 A. I cannot recall which communes I went to. It happened many  
13 years ago and I cannot recall it.

14 Q. No problem, I understand. But do we agree that you only had  
15 one truck and <it was just you when you would - excuse me, when  
16 you had to make round trips, you would always travel> back and  
17 forth <to a commune> with the same truck?

18 A. I was the driver of the truck and, however, there was another  
19 person who went along with me and he was the one who actually  
20 maintained the <truck> and who <lent> me his <helping> hands. So  
21 we worked together, the two of us. <Whenever the truck broke  
22 down, we helped each other.>

23 Q. Fine. But in the same vehicle; correct?

24 A. Yes.

25 [15.28.12]

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1 Q. Now, I would like to -- <> you said when you were answering  
2 <questions earlier, I'm not sure if they were put by> Judge  
3 Lavergne or the Co-Prosecutor<>, but you said that when you had  
4 dropped the people off <with> the district militia chief<,> that  
5 you would go home afterwards. So how far was your home from the  
6 place where you would drop the people off, the people that you  
7 were transporting?

8 A. The trip was from where I lived to the destination where I  
9 dropped them off. The distance was about 10 kilometres.

10 [15.29.11]

11 Q. Now, I would like to focus on your duties as a messenger. You  
12 said that you had been a messenger for Yeay Khom and more  
13 generally speaking, for the district committee. And you spoke  
14 about <several> meetings that took place in the district when you  
15 were answering the International Co-Prosecutor.

16 So I would like first to focus on the meetings you attended as a  
17 messenger. So, as a messenger, which kind of meetings did you  
18 attend and how often, if you remember?

19 A. In my capacity as a messenger, I did not have any authority to  
20 attend meetings at the district <level>.

21 Q. So when you talked of meetings that were held at the level of  
22 the district, those were not meetings you attended. You talked of  
23 meetings between Ta Mok and district officials, and do you agree  
24 with me that you never attended any of those meetings?

25 A. (No interpretation)

1 Q. Witness, could you please repeat your answer, we didn't hear  
2 it in interpretation.

3 A. Please repeat your question.

4 Q. My question was as follows. When you refer to <several>  
5 meetings, in answer to questions by the Co-Prosecutor, between Ta  
6 Mok and district officials, I would like <to be sure that you are  
7 confirming> that you, yourself, never attended those meetings?

8 A. No, I did not -- never attended the meeting.

9 Q. You also referred to meetings <between> Pech Chim -- before he  
10 became district <chief> -- with commune officials, did you attend  
11 any of those meetings?

12 [15.32.35]

13 A. No, I did not. My presence was not required to be in the  
14 meeting with the district.

15 Q. And did you attend any meetings at the level of the commune?

16 A. No.

17 Q. In answer to questions put to you by the National  
18 Co-Prosecutor, you talked of the period prior to 1975. I believe  
19 it was 1971 and 1972 when <-- I can't remember if> you were the  
20 chief of a village or <a> commune.

21 Can you confirm having occupied that position, and as part of  
22 your duties, did you attend any meetings?

23 [15.33.47]

24 A. In 1971 and '72, I became the village chief during which I  
25 attended the meetings on a frequent basis with the commune. As

1 for meetings with the district, I would attend once in a while  
2 those meetings.

3 Q. And as from the time when you became a messenger of the  
4 district committee, did you continue to hold any position at the  
5 level of the village?

6 A. Someone came to replace me after I was out of that position.

7 Q. Is it correct to say that under those circumstances when you  
8 were a messenger, you neither attended meetings at the level of  
9 the village, the commune, nor the district?

10 A. That is true.

11 Q. You referred to a number of points with my colleague Koppe and  
12 subsequently with the International Co-Prosecutor regarding  
13 former Lon Nol soldiers. Do you recall, in general terms, whether  
14 there was a difference in the conception of Lon Nol soldiers  
15 before the liberation of Phnom Penh in 1975 and thereafter?

16 A. I do not know about this issue.

17 Q. Before April 1975, do you recall the armed conflict <that took  
18 place> between Lon Nol soldiers and the liberation army? <Do you  
19 remember?>

20 [15.37.06]

21 A. I do not know about that.

22 Q. As part of your duties as village chief, do you remember  
23 whether any soldiers came to obtain supplies in your village  
24 during the armed conflict, or any armed conflict?

25 A. Those who came to ask for supplies were Lon Nol soldiers. They

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1 came to seek the supplies -- food supplies <>.

2 Q. And <do you remember on> what date was that, if you do recall  
3 that?

4 A. No, I do not.

5 [15.38.34]

6 Q. And during that period, were there any officials who  
7 subsequently became Khmer Rouge officials who were already in  
8 your region?

9 A. I do not know. I cannot get what you said.

10 Q. I would like us to return to Ta Mok and to his duties and  
11 responsibilities vis-à-vis the Tram Kak District. You stated that  
12 he had a messenger called Touch and in answer to a question put  
13 to you by the Co-Prosecutor, you stated that it was through Touch  
14 that Ta Mok handed down his instructions.

15 My first question on this subject is as follows. When Touch  
16 brought messages to deliver at the level of the district, did you  
17 know the contents of those messages <being sent>?

18 A. When Touch brought the letters to the district, I had no idea  
19 what was within those letters.

20 Q. So when you say that Ta Mok <sent orders>, you did not know  
21 the nature of the information contained in those messages?

22 A. That is true.

23 Q. So my question to you is as follows. How then can you say that  
24 it was Ta Mok who issued orders for arrests to be carried out,  
25 since you did not know the contents of the messages sent at the

1 level of the district?

2 [15.41.12]

3 A. The reason that I am courageous enough to say the <orders for  
4 the arrest of people> were from Ta Mok is that <those arrests  
5 could not have taken place> unless <those orders had come from>Ta  
6 Mok<>.

7 Q. That is what you say, but <earlier> when I put questions to  
8 you regarding meetings held, whether at the level of the village,  
9 the commune, or the district as from the time when you were a  
10 messenger, you have stated that you no longer attended meetings.  
11 Under those circumstances, how could you have known the <duties>,  
12 or rather, the roles played by each person since you did not  
13 attend those meetings?

14 A. I did not attend <any of> the meetings that you said, so I had  
15 no idea of roles and position of the leaders.

16 [15.43.01]

17 Q. You stated that you did not remember Ul Hoeun. I would like to  
18 read out to you what he told this Chamber, <when> he said that he  
19 had spoken to you. That was during the hearing of 8 May 2015, and  
20 that was between 11.02 and 11.04. This is what he stated. "I met  
21 Lorn, the <younger> brother-in-law, and I remember Mouy."  
22 To be more precise, he talks about the transportation of persons,  
23 notably Vietnamese, and he says the following:  
24 "I asked how many people were involved and he answered" -- and  
25 <here he means> you -- "saying that there were 9,000 people or



1 9,000 families." End of quote.

2 A while ago, I asked you where you got that figure and you said

3 you didn't know about that figure. My question to you therefore

4 is as follows. Do you remember discussing with a person called Ek

5 Hoeun or Ul Hoeun and do you remember telling him that you

6 transported 9,000 people? <>

7 [15.45.15]

8 A. I'm not quite sure <of> this particular matter. I am not sure

9 whether at the time I did talk to him and had such a discussion.

10 Perhaps I may have forgotten it.

11 MS. GUISSÉ:

12 <This same -->

13 MR. PRESIDENT:

14 So, please, Witness, look at the tip of the microphone. Unless it

15 has the red power, your voice will not go through the system.

16 MR. SANN LORN:

17 A. I do not know about the number of people that I transported.

18 My responsibility was to transport them.

19 [15.46.25]

20 BY MS. GUISSÉ:

21 Q. The same Ek Hoeun, at the hearing of 7 May 2015, <WRI>

22 E1/298.1 talks of the person who <he says> gave you instructions.

23 At the hearing today, you said, as you stated earlier to the

24 Co-Investigating Judges, making mention of a person called Phi,

25 and you said that you received instructions from him. And this is

1 what Ek Hoeun or Ul <Hoeun> said. "He didn't receive instructions  
2 from Ta Mok or the sector but from Ta Chay." As far as you can  
3 remember, Witness, was it Ta Chay or Phi who gave you  
4 instructions at the time?

5 A. It was <only> Phi who issued the orders to me.

6 Q. And Ta Chay, <who you> said <> was commune chief, did he at  
7 any point in time give you any orders as part of your work at the  
8 district office?

9 A. No.

10 Q. To the best of your recollection, did you <have a discussion  
11 with> Ek Hoeun or <Ul> Hoeun or anyone else <in which you said>  
12 you that you received instructions from Ta Chay?

13 A. No.

14 Q. Last point on the issue of your training. You stated that you  
15 left Tram Kak to go to Battambang and you said that it was upon  
16 the orders of Ta Mok that you went to undergo that training.  
17 Do you know who conducted that training session?

18 [15.49.45]

19 A. When Ta Mok sent me to Me Chbar to join a study session, it  
20 was the time when I was trained by the Chinese and there was a  
21 Chinese/Khmer interpreter.

22 Q. And can you tell the Chamber the subject of that training  
23 session?

24 A. <We were taught by the Chinese> on how to work the field and  
25 how to breed the rice seeds.

1 Q. On another matter, you talked about your work as village  
2 chief. Do you remember whether the <so-called> "Khmer Rouge"  
3 arrived in Tram Kak long <before> 17 April 1975, the date <of the  
4 liberation of> Phnom Penh <>, or only shortly before then? Can  
5 you give us a timeframe: one year, two years, three years, before  
6 the <liberation> of Phnom Penh?

7 [15.51.51]

8 A. I cannot answer this point since I forgot it.

9 Q. This is the last <point of clarification that I forgot to  
10 specify>. Do you remember as part of your duties transporting  
11 persons as you pointed out, apart from those four days, do we  
12 agree that you never <> had any other transportation duties?

13 A. That is true.

14 Q. You stated that you didn't remember the exchange program, but  
15 you did say that you remembered the time when the Vietnamese  
16 returned<, or in any case> you heard that they returned to  
17 Vietnam. Without recalling the exchange programs, do you remember  
18 whether any persons arrived in the Tram Kak cooperative from  
19 other places outside of Tram Kak? Do you remember having seen  
20 people arrive after the departure of the persons you transported  
21 in trucks?

22 A. I did not see it.

23 Q. In another matter, I believe on two occasions questions were  
24 put to you as to whether you saw the <people> you transported  
25 again, the <people> you transported in trucks.

1 My question to you now is whether among the <people> you  
2 transported in trucks, you knew some -- did you know some of the  
3 <people> you transported in the trucks that you had already seen  
4 before?

5 [15.54.46]

6 A. No, I do not know them.

7 Q. So when the question was put to you as to whether you <saw>  
8 those people again, you confirmed that you didn't know them. Did  
9 you have a particular reason for seeing again persons you didn't  
10 know?

11 A. I did not see them <anymore because> I had to move to live far  
12 away from them in the district. So I did not know at the time  
13 where they were going to and, particularly, where their  
14 whereabouts.

15 Q. But you do confirm that you didn't know them before <anyway,>  
16 right?

17 [15.56.07]

18 A. No.

19 Q. At the beginning of his examination, the Co-Prosecutor put a  
20 number of questions to you saying that as part of your interview  
21 before the Co-Investigating Judges that <initially> you <did not>  
22 cooperate spontaneously because you said you didn't remember what  
23 had happened.

24 You said you were afraid <at the time>, and I believe that before  
25 the OCIJ investigators, you said that <sometimes your memory was

1 not very good>.

2 So my question to you is as follows. <Today, have> you answered  
3 the questions to the best of your recollection or you have  
4 concealed <anything>?

5 A. I am not hiding any information from the Court. I am now  
6 telling the truth. Nothing but the truth for Your Honours.

7 MS. GUISSÉ:

8 Mr. President, I am done with my cross-examination of the witness  
9 and my colleague, Kong Sam Onn, doesn't have any questions  
10 either.

11 [15.57.02]

12 MR. PRESIDENT:

13 Now, lastly, the floor is given to the defence team for Mr. Nuon  
14 Chea, to put questions to this witness, if any.

15 MR. KOPPE:

16 Mr. President, all my questions have been asked, so I don't have  
17 any more questions. Thank you.

18 MR. PRESIDENT:

19 Thank you. Today's hearing has come to an end, and the hearing  
20 will resume on Monday next week <that is 1 February 2016,  
21 starting from 9.00 a.m.>

22 The Chamber will start to hear 2-TCW-889, and there is a reserve  
23 witness as well, 2-TCW-1008. Please be informed and on time.

24 Thank you, Mr. Sann Lorn, for spending your valuable time before  
25 the Chamber to give your testimony as a witness. Your testimony

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1 will contribute to the truth. You may now be excused to any  
2 places you wish to go. I wish you all the best.

3 [15.59.28]

4 Court Officers, please work with the staff of the WESU to send  
5 Mr. Sann Lorn to his residence or to any places he wishes to go.  
6 Security personnel are instructed to bring Khieu Samphan and Nuon  
7 Chea back to the ECCC detention facility and have them returned  
8 on Monday 1 February 2016, before 9 a.m.

9 The Court is now adjourned.

10 (Court adjourns at 1600H)

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