



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

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

8 November 2016
Trial Day 478

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| ឯកសារដើម |
| ORIGINAL/ORIGINAL |
| ថ្ងៃ ខែ ឆ្នាំ (Date): 28-Dec-2016, 14:35 |
| CMS/CFO: Sann Rada |

Before the Judges: NIL Nonn, Presiding
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Jean-Marc LAVERGNE
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YOU Ottara
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I N D E X

2-TCW-1065

Questioning by Ms. GUISSÉ..... page 3

Mr. SAR Sarin (2-TCCP-237)

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Questioning by Mr. LYSAK page 60

List of Speakers:

Language used unless specified otherwise in the transcript

| Speaker | Language |
|----------------------------|----------|
| 2-TCW-1065 | Khmer |
| Judge FENZ | English |
| The GREFFIER | Khmer |
| Ms. GUISSÉ | French |
| Mr. KONG Sam Onn | Khmer |
| Mr. KOPPE | English |
| Mr. KOUMJIAN | English |
| Mr. LYSAK | English |
| The President (NIL Nonn) | Khmer |
| Mr. PICH Ang | Khmer |
| Mr. SAR Sarin (2-TCCP-237) | Khmer |
| Mr. VEN Pov | Khmer |

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the remaining testimony of

6 2-TCW-1065 and begins hearing testimony of civil party

7 2-TCCP-237.

8 Ms. Chea Sivhoang, please report the attendance of the parties

9 and other individuals to today's proceedings.

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all parties to this case

12 are present, except Mr. Kong Sam Onn, the national counsel for

13 Khieu Samphan, who informs the Chamber that he will be absent for

14 the morning sessions today for personal reasons. And Marie

15 Guiraud, the International Lead Co-Lawyer, is absent without

16 providing any reasons.

17 Mr. Nuon Chea is present in the holding cell downstairs. He has

18 waived his right to be present in the courtroom. The waiver has

19 been delivered to the greffier.

20 The witness who is to conclude his testimony today, namely,

21 2-TCW-1065, and Ms. Sok Socheata, his duty counsel, are present

22 in the courtroom.

23 The upcoming civil party, 2-TCCP-237, is ready to be called.

24 Thank you.

25 [09.04.42]

2

1 MR. PRESIDENT:

2 Is there any issue with the headset?

3 Thank you. And the Chamber now decides on the request by Nuon
4 Chea.

5 The Chamber has received a waiver from Nuon Chea, dated 8th
6 November 2016, which states that, due to his health, that is,
7 headache, back pain, he cannot sit or concentrate for long. And
8 in order to effectively participate in future hearings, he
9 requests to waive his right to be present at the 8 November 2016
10 hearing.

11 Having seen the medical report of Nuon Chea by the duty doctor
12 for the accused at the ECCC, dated 8 November 2016, which notes
13 that, today, Nuon Chea has a back pain and lower back pain when
14 he sits for long and recommends that the Chamber shall grant him
15 his request so that he can follow the proceedings remotely from
16 the holding cell downstairs, based on the above information and
17 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
18 grants Nuon Chea his request to follow today's proceedings
19 remotely from the holding cell downstairs via an audio-visual
20 means.

21 The Chamber instructs the AV Unit personnel to link the
22 proceedings to the room downstairs so that Nuon Chea can follow.
23 That applies for the whole day.

24 Now I hand the floor to the Co-Counsel for Khieu Samphan to put
25 the questions to the witness.

3

1 [09.06.36]

2 QUESTIONING BY MS. GUISSÉ:

3 Thank you, Mr. President. Good morning. Good morning, everyone.

4 Good morning, Mr. Witness. My name is Anta Guisse, and I am the

5 International Co-Lawyer for Mr. Khieu Samphan. And in this

6 capacity, I will be asking you some additional questions.

7 Q. In order to better understand the source of the information

8 that you've given us, I'd like to come back to your <career path

9 and your> functions as a medic.

10 You told the Chamber, and you also said in your WRI, E3/10667 in

11 answer number 2 -- you indicated the following:

12 [09.07.23]

13 "In '75, I was the head of the medical team of the Samraong

14 district, which is currently Svay Teab district. From 1975 to

15 1977, I was the head of hospital E156." End quote.

16 So my first question about this period, 1975 to 1977, is as

17 follows.

18 The place where this hospital was located, was it far from the

19 front? Was it far from the battlefield, which was the operating

20 theatre for clashes <as of '76 and '77>?

21 2-TCW-1065:

22 A. From 1975 to 1976, I was a <chief medic> at a military

23 hospital in Samraong district, which is now known as Svay Teab

24 district. And the location of that hospital is about two

25 kilometres away from the battlefield. However, that hospital was

4

1 a military mobile hospital, so it moved along where the forces
2 moved. And from '76 to '77, I left Samraong district to the East
3 Zone, that is, to attach to Division 4.

4 Q. So if I understand correctly, in the excerpt that I read from
5 your WRI, there's an error. You were in this hospital at Samraong
6 only from '75 to '76. Is that correct?

7 A. Yes, that is correct.

8 [09.09.38]

9 Q. Still in your statement, E3/10667, in answer 3, you said:
10 "I did not participate in any battlefield activities from 1976
11 until December 1977, when I was sent to practise as a medic at
12 the front." End quote.

13 In this answer, you're talking about the period '76 to '77,
14 during which you were not in the battlefield. Can you please
15 clarify where you were, and what were your functions at that
16 time?

17 A. As I have just indicated, it was two kilometres the maximum
18 distance from the <battle>front. It was a mobile military
19 hospital. It did not have a fixed location. Wherever the forces
20 moved, the hospital <would> move along. That's from '75 to '76.
21 And from '76 to '77, I was with 156, that is, under Division <4>.
22 <Since you have put different questions, I'll answer your
23 questions one by one.>

24 [09.11.01]

25 Q. And under Division 156 (sic), I understood that, but you were

5

1 in charge of the E156 hospital at that point?

2 A. That is correct.

3 Q. In the context of your answers, I'm having a hard time
4 understanding the difference you're making between <you
5 activities from> 1975 to 1976 and <from> 1976 to 1977.

6 Was there a difference in the activities you performed, or was
7 there no difference?

8 A. When I was in Svay Rieng, that is, from '75 to '76, I was
9 chief of the <military> hospital in that district. And in '76,
10 our unit was transferred from Svay Rieng province to the East
11 Zone. And <at 156> I was also <>chief of that hospital<>.

12 Q. All right. So your functions were not different, but just
13 <your duty station> was what changed. I understood that.

14 Now I'd like to come back to something that you brought up
15 yesterday with my Co-Counsel, Kong Sam Onn, talking about the
16 fact that when you were a medic, you did not participate in any
17 division meetings but you got information from your unit chief.
18 Did I understand your testimony correctly?

19 [09.12.51]

20 A. That is correct.

21 Q. Now I'd like to look into the type of information that was
22 given to you by your unit chief.

23 My first question, was it your unit chief, directly, who told you
24 where you had to set up your mobile hospital?

25 A. That is correct.

6

1 Q. When he told you where to set up your mobile hospital, did he
2 <provide you with> exact information about where the battle was
3 to be taking place?

4 A. Regarding the unit's plans, then <they> knew about <their>
5 attack plans. And <for the medics,> we only knew about the
6 locations that we had to erect our mobile hospital. <However, we
7 were not aware of the military attack plans.>

8 [09.14.14]

9 Q. Alright. So the places where the people who were actually at
10 the front were to be carrying out the fighting, you didn't have
11 any specific information as to that location. Did I understand
12 that correctly from your answer?

13 A. That is sort of correct.

14 Q. I've understood that you said it several times, I think three
15 or four, that you met So Phim and that you talked to him about
16 family matters. My question is, when you were working in <charge
17 of> the East Zone, did you ever go to the rear? Did you have some
18 type of permission for that, or when you were assigned to the
19 East Zone, did you no longer <go back to the rear>? Were you
20 always near the front?

21 A. Personally, I was stationed at the battlefield. However, when
22 the situation at the front was not that busy, I would come to the
23 zone to visit my family <for a short period of time> since she
24 was with the agriculture and production unit. I would come and
25 stay probably overnight <then> I returned.

7

1 Q. Alright. And my next question is, I'd like to know how
2 frequently you went to the rear?

3 A. I didn't go to the rear frequently because I was assigned to
4 the front battlefield. Only when the situation at front eased,
5 then I visited the rear. And sometimes I visited the rear every
6 two or three months.

7 [09.16.44]

8 Q. Very well. In the context of the information that was given to
9 you by your unit chief, did you ever have information about where
10 the other units were located?

11 I think you talked about Units 154 and 155. Is this information
12 that you received from your unit chief?

13 A. Units were separated <> from one another, and we were aware of
14 only our unit except the regimental commanders who attended the
15 meetings <at the division>. They would know. <But in each
16 regiment,> they would know about individual regiment, and we did
17 not discuss matters concerning other regiments.

18 Q. Without going into the affairs of other regiments, when you
19 were at the rear<, so> every two or three months, did you ever
20 hear information about the places where the other regiments were
21 sent, where they <were deployed>? For example, did you hear about
22 any significant battles, which would have been brought to the
23 rear or in any other way discussed with other soldiers?

24 [09.18.26]

25 A. When I was at the battlefield, I did not care about any

8

1 political situations at the rear, and when I came to the rear,
2 <>my sole purpose was to visit my wife and my family members, and
3 I did not pay attention to other matters. And I would visit for a
4 day, stayed overnight and <then> returned to my work at the
5 battlefield.

6 Q. Just to be certain, to confirm, in the context of your
7 activities, you didn't have access to a telegraph machine and you
8 never had access to any type of telegram that came from the
9 division and was addressed to your unit. Is that correct, that
10 you didn't have any access to these documents?

11 A. That is correct.

12 Q. You indicated that you were in charge of what you called a
13 mobile hospital and that it moved with your unit as needed. This
14 mobile hospital, was it more of a triage centre where you didn't
15 actually treat major injuries? I'd understood from what you said
16 that you sent the severely wounded to another hospital. Did I
17 correctly understand <your statement>?

18 [09.20.11]

19 A. My hospital was divided into two <sections>. There was a
20 segment at the rear for treatment. As for my part, I was at the
21 front. We were there to rescue the wounded people, and that was
22 only for emergency wounds. And then those wounded soldiers would
23 be sent to the rear hospital. We did not treat them at the front.
24 We would send them for further treatment at the rear.

25 Q. With regard to this mobile hospital, do you remember the first

9

1 place where you set up what I assume was a type of tent to be
2 your first hospital? Do you remember the first place where there
3 was a battle with your unit, 156?

4 A. Could you please indicate the year?

5 [09.21.40]

6 Q. More specifically, well, let's start <over>, then, in 1976. Do
7 you remember <whether> your mobile unit was assigned to a
8 particular place -- <so,> the first time where you were assigned
9 to a battlefield in '76?

10 A. For 1976, we did not go to the battlefield yet. And the
11 location of the hospital was at Ponhea Kraek district. And at
12 Maisak (phonetic), there was also another hospital which belonged
13 to the division. However, the situation was different in 1977.

14 Q. All right. To conclude in 1976, with regard to the mobile unit
15 hospital that you were assigned to or <the other hospital you
16 just spoke of, do you know if there> were any soldiers who'd been
17 wounded in battle with Vietnam who were treated in one of those
18 hospitals?

19 A. In 1976, we did not engage in the battle yet. We prepared our
20 units within the division, and only in 1977, did we engage in the
21 combat.

22 We had two hospitals. One was at Ponhea Kraek district and one
23 was at the front for emergency treatment. And I, myself, was at
24 the battlefield for emergency treatment at the battlefield. It
25 was a kind of hospital for emergency treatment only.

10

1 Q. I understood from your testimony that you were assigned to the
2 battlefield at the end of 1977. Did I understand correctly?

3 [09.24.00]

4 A. That is correct.

5 Q. So before this, before the end of 1977, did you hear of any
6 wounded soldiers who were sent to one of the two hospitals you
7 spoke of?

8 A. Before '77, there were no wounded soldiers. After Phnom Penh
9 fell, my unit was transferred from Svay Rieng in order to join
10 and organize Division 4 at National Road 7. So by that time,
11 there were no wounded. We only worked in the rice field, digging
12 canals or building dams.

13 Q. Perhaps my question wasn't clear. I'd understood that you
14 situated the beginning of the battles in 1977 and that you were
15 actually sent to the battlefield at the end of 1977. So I'm
16 asking about the beginning of the year 1977, but still in 1977.
17 Were there battles and were there any people wounded in 1977 but
18 before you <were sent> to the front?

19 [09.25.40]

20 A. At the battlefield, there were always wounded and dead
21 soldiers. I, myself, applied emergencies treatment at the front
22 battlefield, and only after that, those wounded soldiers would be
23 sent for further treatment at the rear hospital. And for that
24 reason, I did not have the figure of the number of wounded
25 soldiers or killed soldiers.

11

1 Q. I would like to see with you a certain number of places that
2 were brought up in the context of the documents that we have at
3 our disposal, and I'd like to know if you've heard of these
4 places and if you remember of any fighting that took place in
5 that context. And I just want you to know I'm still talking about
6 the East Zone.

7 The first document, which is from April 1977, is E3/852. In
8 French, the ERN is 00386227; in English, 00183715; and in Khmer,
9 00021519. And I'd like to ask for the help of the Khmer
10 interpreters to follow the places that I'm quoting given the ERN
11 in Khmer because I'm not sure of the pronunciation.

12 [09.27.31]

13 So in this document from April 1977, there are clashes mentioned
14 along the Svay Rieng district border in the month of April 1977.
15 There are several -- in fact, I'll just read <it to be more
16 precise>. We're talking about <18> April 1977, and it's
17 indicated:

18 "Next, they <fired> several shells <at> M79, onto our border
19 guards. We responded for about 10 minutes <in order to defend
20 ourselves>, and then the enemies returned to their territory."

21 In this same telegram, there's a second incident that's mentioned
22 on the 21st of April 1977, and here's what it said:

23 "The second time, on the 21 April 1977, at 5 o'clock <in> the
24 afternoon, 20 armed Vietnamese <troops who were armed to the
25 teeth> came to invade our territory to the north of Daem Thkov in

12

1 the village of Baraing, Brasak commune, at 200 metres from the
2 border." End quote.

3 Do you know this location, Daem Tknov in Baraing village, Brasac
4 commune?

5 And I hope that the Khmer interpreters have been able to look at
6 the proper spelling in the Khmer version.

7 [09.29.12]

8 A. Regarding the period of late '77, I did not know about the
9 events that took place in Svay Rieng province since, by that
10 time, I had left Svay Rieng province.

11 Q. Maybe to be more certain about this, the moment was April
12 1977. It's not the end of 1977.

13 This telegram is dated April 1977.

14 MR. PRESIDENT:

15 So Counsel, what is your question to the witness?

16 The witness states that, in '77, he was <in> Division 4 stationed
17 along National Road 7, that is, the national road from Kampong
18 Cham to Kratie province, and it is very far from Svay Rieng. It's
19 <hundreds of> kilometres away from Svay Rieng province.

20 [09.30.36]

21 BY MS. GUISSÉ:

22 Well, it's my fault <Mr. President>. Maybe I didn't look at the
23 map properly.

24 Q. Another question, <Mr.> Witness. This is document E3/889;

25 French, ERN 00386262; English, 00183616; and Khmer, 00020877. And

13

1 this time, this is a document dated 26 October 1977, which was
2 signed by Chhon and which describes incidents in Chantrea
3 district, which is next to Sa Thngak. And for the interpreters,
4 in Khmer, I'm speaking about the second paragraph of the
5 telegram. So do you know Chantrea district, which is near Sa
6 Thngak?

7 2-TCW-1065:

8 A. Thank you. I know the Chantrea district, but I was not aware
9 about the event happening in Chantrea district. Regarding the
10 district's name, yes, I know it since I was, back then, also
11 stationed in Svay Rieng.

12 [09.32.30]

13 Q. And don't you know -- or you <didn't> know <the> Chantrea
14 district, you don't know what happened there. But my question is,
15 at one point in time, <was> your mobile unit stationed in --
16 close to that place, whether it be in 1977 or 1978?

17 A. It is very difficult for me to respond <to this question>. <In
18 1976> I had already left Svay Rieng <and stationed at> National
19 Road <> Number 7<>. I went to work at the zone, so I did not know
20 about the event in <Chantrea in> 1977.

21 Q. You -- or Judge Lavergne, rather, spoke about with you and
22 then the Prosecutor as well, an incident that happened at <Fort>
23 27, which is a Vietnamese barrack. And you said that you remember
24 this incident even if you did not partake in the fighting.

25 So, I would like to read out to you an excerpt from this telegram

14

1 that was used by Judge Lavergne, document E3/891; French, ERN
2 00386265; English, 00183617; Khmer, 00020878. And indeed, there
3 is mention in this telegram of an attack on <Fort> 27, but this
4 is what is stated precisely.

5 So this is a telegram from Chhon -- So Phim -- dated 29 October
6 1977, and this is what is stated:

7 [09.34.56]

8 "I would like to inform firstly about the battlefield along Road
9 22 as follows.

10 Road 22 <Sector.> We attacked them tirelessly <from> 27 <to> 28
11 October. Last night, we fiercely fought, defeating the enemies
12 and chasing them beyond Trapeang Phlong. Currently, we have taken
13 full control of our former defence lines."

14 And then he says:

15 "We are in the pursuit of the enemies, storming Fort 27." End of
16 quote.

17 So my first question is -- well, you said that you remember an
18 attack on Fort 27.

19 MR. KOUMJIAN:

20 Your Honours, it may have just been a translation error, but I
21 heard Counsel say this was from Chhon to So Phim, and it's a
22 telegram to Office 870 copied to -- well, I don't need to list
23 all the names; Uncle, Uncle Nuon.

24 [09.36.09]

25 BY MS. GUISSÉ:

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

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1 Indeed, there must have been a slip in the interpretation. I said
2 Chhon, therefore, So Phim. Sorry.

3 Q. So my question remains the same, <Mr.> Witness. You remember
4 this attack on Fort 27, but do you remember that before this
5 attack, there was a prior attack on the part of the Vietnamese,
6 <on the> Trapeang Phlong <side>? And do you know < this place,>
7 Trapeang Phlong?

8 MR. KOUMJIAN:

9 Excuse me. I understand Counsel's saying that this telegram says
10 there was a Vietnamese attack on Trapeang Thlong (sic). He's
11 actually talking -- the telegram is talking about an attack by
12 Chhon's forces on Trapeang Thlong (sic) pushing the enemies.

13 MS. GUISSÉ:

14 Well, this seems purely logical. Of course, if you're pushing an
15 enemy back, it's because the enemy entered our territories. Well,
16 let me put the question differently.

17 Q. So do you know Trapeang Phlong, first of all?

18 [09.37.42]

19 2-TCW-1065:

20 A. Regarding this issue, I have told already the Court about this
21 matter. I made mention about Fort 27 and battlefields on
22 <National> Road 22. At the beginning --

23 MR. PRESIDENT:

24 Hold on, Mr. Witness. Please listen carefully to the question.

25 You did not catch the question very well. That's why you said you

16

1 have already told the Court.

2 In fact, the defence team wants to ask the question for
3 clarification as well since they have different interests from
4 those of other party. Parties usually pick up certain points in
5 order to verify those points with you so that they could have the
6 clearer answers. <It is the strategy of the defense team.>

7 And please answer to the limit of the question. Otherwise, it is
8 useless and it will be time consuming as well. The matters will
9 be also complicated.

10 Counsel, please repeat your question.

11 The question which was put to you earlier is that do you know
12 Trapeang Phlong?

13 [09.39.12]

14 2-TCW-1065:

15 I know it.

16 BY MS. GUISSÉ:

17 Q. Is Trapeang Phlong located in Cambodian territory?

18 2-TCW-1065:

19 A. Yes, it <is> located in Cambodian territory.

20 Q. Do you remember that before the attack on Fort 27, there had
21 been an incursion of Vietnamese troops in Trapeang Phlong as
22 mentioned in this document?

23 A. Before the attack into the Vietnamese territory, there was no
24 incursion by the Vietnamese into Trapeang Phlong, but there were
25 attacks along the border.

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17

1 [09.40.20]

2 Q. Well, let me read to you again what was stated:

3 "Yesterday evening, we attacked and overcame the enemies, and we
4 chased them beyond Trapeang Phlong." End of quote.

5 So did you hear about orders that So Phim might have given to
6 chase Vietnamese troops out of Cambodia that were located in
7 Trapeang Phlong?

8 I understood that you were not informed of everything and that
9 you did not participate in the division meetings, but did you
10 ever hear about this specific incident that is described in this
11 telegram?

12 A. After the fighting, Vietnamese troops broke 155, <they were
13 behind me> and they reached Trapeang Pring and beyond that line.
14 That is why we had to push them back in late 1977.

15 We spent three days and three nights fighting at Trapeang Phlong
16 and, as a result, Vietnamese troop <retreated>.

17 [09.41.51]

18 Q. I would like also to speak about another part of the telegram,
19 which was read out partially by the President<, I believe>. This
20 is document E3/908, in English, ERN 00183638; Khmer, ERN
21 00020923; and French, 00386278. And this is an event here that
22 happened at the factory in Memot, and you said that you remember
23 that Phuong was in charge of that factory. And this is what I
24 would like to read out to you:

25 "On the morning of the 24th, -- so the 24th of December 1977 --

18

1 they entered the sector on the east side of the factory." And
2 "they" is the Vietnamese <here>. "And the enemy seized much of
3 the people's property and captured <the inhabitants> and the
4 mobile unit that was harvesting rice over there. There were
5 <around> 200 people. They were <cruelly abused>. They were
6 stripped naked, both males and females, and put them in front <as
7 human shields> to prevent us from firing." End of quote.

8 And you said that you knew this rubber plantation in Memot, so do
9 you remember having heard that on 24 December 1977, there had
10 been an incident at this rubber plantation and that the people
11 had been used as human shields by the Vietnamese troops?

12 [09.44.04]

13 A. Personally, I know the Memot rubber plantation. However,
14 regarding spearheads and events at Memot, I was not aware of
15 those spearheads. I was at 156, and Memot was within 154, so
16 there were different situation happening in different places.

17 Q. Now, I also would like to get back to another document that
18 was mentioned by Judge Lavergne this time. This is document
19 E3/10669.1; at French, ERN 00611727, and there will also be
20 another segment on page 728; in Khmer, 00020943; and English,
21 00183646.

22 And this document refers -- well, it's a telegram to Brother Pa
23 written by Chhon, dated 27 January 1978. And this telegram refers
24 to the following sectors, and I would like the Khmer interpreters
25 to help me with the pronunciation here.

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19

1 [09.45.50]

2 "So I am reporting on the situation as follows. The areas of
3 Kampong <Kdei> and Kampong Plauv; (2) the area of Kampong Rokar;
4 (3) the area of Kampong Roteh, which is in the direction of
5 Tnaot." End of quote.

6 So first, do you know these places, and are these places which
7 your Unit 156 was assigned to or did you obtain any information
8 about these locations?

9 A. I do not know all those locations.

10 Q. At the following ERN, all languages, and at the Khmer ERN
11 00020944, the telegram describes another place, "On 20 January,
12 we captured Chi Peay and Prek Sla."

13 So do you know both of these locations, and did you obtain any
14 information about what happened in those locations in January
15 1978?

16 [09.47.36]

17 A. I do not know Chi Peay and Prek Sla.

18 Q. In this same telegram, the following is indicated:

19 "In this area, the enemies scattered <large numbers of> mines of
20 all types. We managed to remove the detonators of the
21 anti-personnel mines, and the grenades shaped like lobster's
22 <antennae> and also those mines shaped like a fruit." <And the
23 rest is illegible.> End of quote.

24 So my more general question, of course, I know that you don't
25 know <this> place, but you, as a medic, did you have to treat

20

1 people who had been injured by those mines?

2 A. My soldiers did not step on the mines. We were injured by the
3 attacks or fightings.

4 Q. Another question, even if your soldiers were not injured by
5 these mines, but do you know if there were specialized units in
6 your division that were tasked with demining <operations>?

7 [09.49.19]

8 A. I was not aware of what happened in the zone. There were no
9 special forces to demining <>in <> different places. <We demined
10 when we found land mines. However, there was no special forces on
11 demining.>

12 Q. And a last point that I would like to discuss with you given
13 the amount of time that I have left, you said that on 25 May
14 1978, you took charge of more than 300 soldiers and that <you
15 became a dissident>.

16 And you also said that Vietnamese contacted you at around October
17 or November 1978.

18 So my first question is the following. So I believe I understood
19 from your testimony that you received a letter from these
20 Vietnamese in order to organize a meeting with them.

21 So how did these Vietnamese know who you were and by which means
22 or through whom did they contact you? How did this letter arrive
23 <to> you?

24 A. Let me tell you, regarding these letters, <they did not come
25 through anyone.> Usually <there> were full of vegetables> where I

21

1 was stationed<>, and later on <> I put stuff and vegetable <in
2 the baskets> at the location where I had been stationed. When we
3 came back, we could search for those things <and we found
4 letters. That was the communication. When we met, we did not know
5 what the Vietnamese thought about us. We came to meet them in the
6 name of freedom fighters in the forest. We> defected from the
7 Khmer Rouge. And <they> wanted to make communication with <us>
8 after <we> had defected from Khmer Rouge.

9 [09.51.41]

10 MR. PRESIDENT:

11 Who came to contact you? Could you clarify the point for Counsel?
12 I know that you have repeatedly responded to the questions about
13 the matter, but who came to contact you at the time after you had
14 defected?

15 2-TCW-1065:

16 The Vietnamese people, but I could not recall all their names.
17 But I could recall <only the two Khmer who were with the
18 Vietnamese. They were> Koy Bien and Kao Toek. The events had
19 happened a long time ago. I could not recall all the names.

20 [09.59.20]

21 BY MS. GUISSÉ:

22 Q. Well, my question was a little bit different. I wanted to know
23 how these Vietnamese knew that you had defected<, if you know>.
24 And did they approach you directly as Vietnamese or did they
25 proceed in another way?

22

1 I'm putting this question to you because you said that <after>
2 you <became a dissident> in May 1978, you fought the Khmer Rouge
3 troops as well as the Vietnamese troops. So I'd like to know how
4 these people who were enemies at one point in time came into
5 contact with you.

6 Did they go through someone in particular? So can you kind of
7 clarify this <for the Chamber>, please.

8 2-TCW-1065:

9 A. Let me clarify that. There were Khmer people and Vietnamese
10 people, I meant those secret agents, <who> came <to> approach me
11 and wanted to contact me. I knew that there were people in the
12 jungle who were part of the movement. These people wanted to
13 approach other people who were also in part of the movement <in
14 the jungle to gain more support.>

15 I, at that time, was engaged in the attack against <both> the
16 Khmer Rouge <and the Vietnamese troops. I did not know who were
17 right or wrong>. The Vietnamese troops sent their special agents
18 to approach me and contact those who were struggling <in the
19 jungle> against the Khmer Rouge.

20 [09.54.06]

21 MR. PRESIDENT:

22 Forty-five minutes was granted to you, but now it's <nearly 60>
23 minutes. <You have overused your time, counsel>.

24 MS. GUISSÉ:

25 Well, therefore, I have to <regretfully> put an end to my

23

1 cross-examination, <even if I would have liked to delve deeper
2 into> the last answer of the witness.

3 MR. PRESIDENT:

4 The Chamber is grateful to you, Mr. Witness. The hearing of your
5 testimony has now come to an end.

6 Your testimony will contribute to the ascertainment of the truth.

7 You are; therefore, excused. You may return to your residence or

8 to any place where you want to go. I wish you good luck, good

9 health and prosperity in your life.

10 [09.55.03]

11 The Chamber is grateful to you as well, <>Madam Sok Socheata,

12 <the duty counsel>. You can also take a rest.

13 Court officer, please work with WESU to send the witness back to

14 his residence or to any destination he wishes to go.

15 And next, the Chamber will proceed to hear <the testimony of the

16 civil party> 2-TCCP-237.

17 After the witness has left the room, court officer, please invite

18 the civil party into the courtroom.

19 And Mr. Witness <and the duty counsel>, you may now be allowed to

20 leave the room.

21 (Witness exits the courtroom)

22 [09.57.56]

23 MR. PRESIDENT:

24 Because the civil party is not yet ready, I think it is now the

25 appropriate time for the break.

24

1 And the Chamber will take 20-minute break and will resume at
2 10.20.

3 (Court recesses from 0958H to 1021H)

4 MR. PRESIDENT:

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

6 Court officer, please usher civil party into the courtroom.

7 (Civil party enters the courtroom)

8 [10.23.56]

9 QUESTIONING BY THE PRESIDENT:

10 Q. Good morning, Mr. Civil Party. What is your name?

11 MR. SAR SARIN:

12 A. Good morning, Mr. President. My name is Sar Sarin.

13 Q. Thank you, Mr. Sar Sarin. And when were you born?

14 A. I was born on Tuesday, 7 July 1957.

15 Q. Thank you. And please observe the microphone. You should speak
16 only when you see the red light on the tip of the microphone so
17 that your response goes through the system for all parties, in
18 particular the interpreters. And Mr. Sarin, where were you born?

19 [10.25.06]

20 A. My birthplace is at Trapeang Krapeu village, MOUNG RIEV
21 commune, Tboung Khmum district, Tboung Khmum province. And it is
22 formerly known as Kampong Cham province.

23 Q. Where is your current address and occupation?

24 A. At present, I live at House No. 10, Group 1, Village 5, Veal
25 Vong commune, Kampong Cham district. And previously, I was a

25

1 vehicle driver for the provincial leaders. However, I am now
2 retired.

3 Q. What are the names of your parents?

4 A. My father is Sa Sen. He's deceased. And my mother is San
5 Saroeun. And she <was> a rice farmer. She's also deceased.

6 Q. What is your wife's name, and how many children do you have?

7 [10.26.49]

8 A. My wife is Mam Saron (phonetic). We have five children, <> two
9 sons and three daughters.

10 Q. Thank you, Mr. Sar Sarin.

11 Towards the conclusion of your testimony as a civil party, you
12 will have an opportunity to make your impact statement regarding
13 the harms you suffered during Democratic Kampuchea regime if you
14 wish to do so. And I'll remind you again toward the end of your
15 testimony.

16 And pursuant to Rule 91 bis of the ECCC Internal Rules, the
17 Chamber hands the floor first to the Lead Co-Lawyers for civil
18 parties to put questions before other parties. And the combined
19 time for the Lead Co-Lawyers and the Co-Prosecutors is one court
20 day.

21 You may proceed.

22 [10.28.08]

23 MR. PICH ANG:

24 Good morning, Mr. President, Judges. I seek your permission to
25 allow Counsel Ven Pov to put questions to this civil party.

1 MR. PRESIDENT:

2 Yes. Ven Pov, you may proceed.

3 QUESTIONING BY MR. VEN POV:

4 Good morning, Mr. President, Judges, parties, and everyone in and
5 around the courtroom. And good morning, Mr. Sar Sarin. My name is
6 <Ven Pov>. I am a lawyer for civil party, and I am also a lawyer
7 for this civil party.

8 A few days ago, you said that you have some health issues and
9 that you'd like to propose -- make a proposal to the President of
10 the Chamber. And what is your proposal?

11 [10.29.13]

12 MR. SAR SARIN:

13 A. Mr. President, regarding my health issues, since I relayed the
14 issues to my lawyer that I should be allowed to participate in
15 the testimony for half a day only due to my high blood pressure
16 and that you can take as many days as you wish as long as I
17 testify <half-day session> so that I can accommodate my high
18 blood pressure issue.

19 I do not mind if I can testify for a number of days, three or
20 four days, as long as it is half-day session.

21 MR. PRESIDENT:

22 Thank you. And we'll see how it goes since it is a belated
23 request since the Lead Co-Lawyer failed to inform the Chamber
24 regarding your health issues and we do not schedule another
25 witness or civil party during the scheduled time to hear your

1 testimony.

2 In principle, the Chamber shall expedite the proceedings so that
3 the case could be concluded as early as possible. And for your
4 information, we also have a duty doctor here at the ECCC. This
5 morning, we only have a <short> time for this morning and you can
6 also take a break.

7 And Counsel, you may proceed.

8 [10.31.09]

9 BY MR. VEN POV:

10 Q. And Mr. Sar Sarin, I have some questions to put to you this
11 morning. And my questions are mainly related to your testimony on
12 29 April 2013, in relation to your overall experience during
13 Democratic Kampuchea. And in your previous testimony, you stated
14 that you worked at Office K-13, which is a transport unit.

15 My apology. It's K-12.

16 You also made mention that you participated in transporting of
17 important delegates during the regime. You also saw and met the
18 two accused, in particular Nuon Chea and Khieu Samphan.

19 And I'd like you to recap your previous statement that, during
20 the time that you drove those foreign delegates, can you try to
21 recall as to when it happened and from which countries those
22 delegates were?

23 [10.32.29]

24 MR. PRESIDENT:

25 You summarized the statement of this civil party. It seems that

28

1 you are testifying on behalf of the civil party.

2 Why don't you put those questions first to the civil party in
3 relation to his role during Democratic Kampuchea? So please,
4 rephrase your question and try not to testify yourself.

5 BY MR. VEN POV:

6 Q. Can you inform the Chamber about the experience from 17 April
7 1975 -- from that time onward? What was your position, and where
8 did you work?

9 [10.33.24]

10 MR. SAR SARIN:

11 A. Following the liberation of 17 April, I was in charge of
12 collecting food supplies in order to deliver to soldiers who were
13 ready to fight against Lon Nol forces and another liberation
14 force. I was in charge of collecting food supplies in <the
15 battlefields>.

16 I already testified before the Chamber that, later on, the
17 soldiers were sent for re-education, but re-education at the time
18 meant that those <Lon Nol> soldiers were sent <to be killed>. And
19 later on, the upper echelon wanted <> forces, so they came to
20 recruit soldiers at the base, at sector and zone, and 1,000
21 soldiers were needed from the sector. <There were five sectors in
22 the East Zone:> Sector <20,> 21, 22, 23 and 24, <the> soldiers
23 were sent to <train at> or Sala Sor <> Pir Roy).

24 They were trained for <half a> month before they were further
25 sent to Phnom Penh under the command of commander of 203. His

1 name was <Mon (phonetic)...rather> Kev Samnang (phonetic) , <>,
2 to my recollection. <According to him, there were 5,000 soldiers
3 who were heading to the Centre.>

4 These soldiers were on foot at the time in order to reach the
5 specific locations. <They walked from Svay Romiet to Prey Veng
6 and stayed overnight there, and from Prey Veng to Peam Banam
7 (phonetic) in> Neak Loeang, <then they rested in> Kokir
8 (phonetic) <the wooden board factory in> Dei Edth.

9 [10.36.18]

10 They were moving along the way, and at one point of time they
11 reached Chbar Ampov before we further went to the Royal Palace.
12 Back then, I, myself, did not know the palace. It was my first
13 time in town. When I was young, I saw the independent monument
14 on the cover page of a notebook. And when I was sent to Phnom
15 Penh, I could see the real independent standing.

16 Then I arrived at Kor Pram Pir or K-7, <which was on the left of
17 the Royal Palace>. And at K-7, there were people receiving us.

18 Later on, I learned of their names, Ta Prum, Ta Ky, <Ta Phum>,
19 Pang. These people were at K-7 to recruit us.

20 At first, I was asked whether or not I could drive. I replied
21 that I did not know how to drive, but I know how to ride or drive
22 the ox cart. <I was asked by Ta Phum. He was a political teacher.
23 I was trained by him> at K-15 <the Soviet Technical school>.

24 Later on, many of us, perhaps 300 of us, were recruited.

25 At first, we were not assigned to drive the vehicles right away.

1 We were given knives and axes to clear the forest <at Kbal Chroy.
2 There were no houses for us to stay. We slept under the trees. We
3 cleared the forest in order to plant vegetable>. At the time, the
4 wind blew from the north.
5 After one week or 10 days, Bong Roy (phonetic), <chief of the
6 office> K-12, went to further select some of us. <I observed that
7 he selected> only the hard-working staff. He asked our
8 background, who used to join the revolution before the 17 April.
9 Having been asked about the <> engagement of the revolution
10 before 1975, I, at the time, raised my hand and told that I
11 joined the revolution before that date. I was told at the time to
12 pack my clothes to go with him.
13 [10.39.47]
14 In fact, joining revolution back in the past was like searching
15 for an opportunity. Some people were sent <different zones and
16 sectors> to work in different places like ministry and sewing
17 unit, and some others were sent to language school at Boeng
18 Trabaek. It was later on that I met some of my former colleagues
19 when I already became a driver.
20 In fact, 30 of us had been selected <at K-12>. We went to <stay
21 at> a house in Chamkar Mon, and <there was a house which was
22 damaged by fire in front of the Chamkar Mon palace>. We slept
23 under that house without roof. At that location, we were told to
24 plant vegetables for several days. We were there planting
25 vegetables. I was there and observed the situation.

31

1 [10.41.20]

2 Five and six of us, including me, had been removed from that
3 location first and sent to Kaoh <Thum, S'ang,> Kok Krabei to tow
4 the car -- the vehicles. In fact, during the time when I was sent
5 into the town, there had no people, and there were only abandoned
6 cars <along the streets> in the town.

7 MR. PRESIDENT:

8 Mr. Civil Party, please listen carefully to the question. You are
9 very lengthy in your answers, and it's a bit beyond the limit of
10 the question.

11 I know that you have health issues, so please listen carefully to
12 the question and give directly your response to the question.

13 And Counsel, please cut your <questions> into pieces. I mean <to>
14 put the question briefly to the civil party so that he can
15 answer.

16 [10.42.36]

17 BY MR. VEN POV:

18 Q. Can you tell the Chamber the location of K-12, or Kor Dop Pir
19 (phonetic)? And <who was the chief of> this K-12?

20 MR. SAR SARIN:

21 A. The K-12 <was> located in different locations. The
22 headquarters was at <the current> Mekong Bank<>. And that
23 headquarters was <used> for the parking space of the vehicles for
24 leaders,<Pol Pot, Nuon Chea,> Khieu Samphan, for example. And
25 that headquarters was the venue to receive foreign guests and

1 presidents from other countries and also to receive technical
2 advisors and experts, engineers from other countries.

3 The vehicles were parked at that location, and that location was
4 used to receive foreign guests.

5 [10.44.21]

6 Q. My question is that which upper echelon controlled or
7 commanded that K-12.

8 A. The K-12 was supervised by the <>office committee namely Bong
9 <Miel>, Bong Vuy, Bong Soth, Bong <Hin> (phonetic), Bong On
10 (phonetic), Bong Thon (phonetic), Bong <Huon> (phonetic) and
11 other individuals. And there were unit chiefs in charge of <30 to
12 40> drivers <namely>, Bong Latt, Bong Chhit (phonetic). They were
13 all unit chiefs <including> Bong <Huon (phonetic) and> Bong Ten
14 (phonetic).

15 There were four units. Chhit (phonetic), Latt, Ten (phonetic),
16 Huon (phonetic), they were all chiefs of units in charge of 100
17 staff members. Bong Huon (phonetic) unit was at Chamkar Mon.

18 Q. Who supervised that K-12? I mean which upper level supervised
19 that K-12? I know that you have already counted some of the
20 names.

21 [10.46.27]

22 A. This K-12 was under direct supervision of the Party Centre,
23 870. That office code number was mentioned in my laissez-passer.
24 And the name <>was<> Comrade Khang (phonetic), in the
25 laissez-passer, or a small notebook. And that small notebook or

1 card was <yellow and had> the size of my ID card or my cell
2 phone, <iPhone 5>. And in that card, it said foreigners unit
3 under 870.

4 In another word, that K-12 was under the Party <Centre>.

5 Q. You made mention about a <yellow> card you owned at the time,
6 and that card says <office> 870. And regarding 870, what type of
7 office was it?

8 A. Eight seventy had no specific headquarter. It was only the
9 code name, 870. To my assumption, the headquarters of 870 was at
10 K-1 <or K-3>, the offices for leaders. It was the code <of the
11 Party Centre>.

12 There was no sign boards stating that this particular location
13 was 870, training school, political training school or K-12, so
14 on and so forth. But I could see the sign board of the <National
15 Assembly>, Foreign Affairs <Ministry... There were signs for
16 factories,> but as for other K offices, there were no boards
17 indicating the names.< Only the drivers knew the K offices
18 because we were often asked to go those offices.>.

19 Again, 870 was the code name for the Party Centre.

20 Q. You already indicate to that. There were K-1, K-2, etc. To
21 your recollection, how many K offices were there during the
22 regime?

23 [10.49.55]

24 A. I could partly remember that there were K-1, K-2, K-3. K-1 was
25 the office for <Om> Pol, and K-2 was close to K-12, was used for

34

1 Bong Ieng Sary. <It located in the vicinity of the embassies>.

2 And K-3, perhaps, was the office for Om Nuon.

3 K-3 was adjacent to K-1 located in the vicinity of independence

4 monument to <the former US Embassy and to Tonle Bassac

5 (phonetic)>. And there was also K-18 <for the radio communication

6 system>.

7 There were K-33, K-34. K-33 was the <Democratic Kampuchea> radio

8 station office, and K-34 was the <arts office, there were more

9 than thirty K>, and K-12 was the drivers unit. And there as

10 another K-4 office <was> in charge of sewing clothes <at Boeng

11 Keng Kang. Ta Phum was chief of this office.>

12 K-6 was the political training school at Borei Keila. K-7 was

13 messengers officer to the left of the Royal Palace.

14 I cannot recall well, Counsel. There are more than 30 K offices.

15 Q. Thank you. I would like to ask you about the time when you

16 drove foreign guests. Did you ever drive foreign guests, and

17 where were they from?

18 A. I drove many foreign guests from different countries, from

19 countless countries. They came to visit Kampuchea annually, for

20 example, from Yugoslavia, <>Korea, China. <>Chinese guests came

21 to visit Kampuchea very often, more often than other foreign

22 guests. And there were Presidents of Burma and Laos and also the

23 Secretary of Chinese Party, who came also to visit this country.

24 [10.53.31]

25 President of Burma came to visit this country. His name was U Ne

35

1 Win. He made a state visit at the time. It was Khieu Samphan at
2 the time who welcomed this President.

3 The Ministers under him also in attendance.

4 Q. You stated that when the President of Burma <> made a state
5 visit to this country, Khieu Samphan was there to welcome the
6 President. So my question is, what position did he hold at the
7 time?

8 A. Khieu Samphan was the state presidium of the Democratic
9 Kampuchea and is currently known as the head of state or
10 president. U Ne Win was, back then, the President of Burma, so
11 usually president was welcome by president as well.

12 [10.55.10]

13 Q. Thank you. Besides <> the fact that you saw Khieu Samphan
14 welcome that president, did you ever drive other presidents or
15 foreign guests?

16 A. Every time presidents or delegates came to visit the country,
17 there were letter of credentials presented to <the State
18 Presidium>. During the time, to my recollection, the delegates of
19 the Foreign Affairs, <not the President of Burma who> came to this
20 country, and letter of credential were presented to <the State
21 Presidium. It was held at a place to the north of the Independent
22 Monument. There was a sign "Ministry of Youth Social Affairs"
23 which is the former office of Khieu Samphan>. I witnessed the
24 ceremony of presenting the letter of credentials at the time.

25 [10.56.43]

1 Q. Thank you very much. Regarding this, did you ever drive or see
2 Khieu Samphan <accompanying foreign guests to different places?

3 A. He accompanied the President and other delegates to visit the
4 palace and the <Emerald> temple in the palace. He accompanied Mr.
5 U Ne Win <and his delegates> to the palace. And there was a party
6 after that at Chamkar Mon mansion. And also, they went to see the
7 art performance.

8 And at last, there was a farewell party for the guests, which was
9 held at the government cabinet <which was opposite of> Wat Phnom.

10 Q. To your recollection, when you accompanied those foreign
11 guests and leaders, did you happen to hear any discussion between
12 those people?

13 A. <I did not hear any discussion.> I saw only their gestures. I
14 was driving the 11th vehicle. Usually those guests were in a
15 different vehicle from number 1, 2, 3 up to vehicle number 30,
16 and I was in vehicle number 11. I was in a far distance. I was a
17 driver. I was responsible for taking care of the car. I could not
18 go away from my vehicle. I could only see their gestures at the
19 time.

20 [10.59.29]

21 I could see them from a distance. They were in conversation. I
22 drove Burmese guests and, after they got off the vehicle, they
23 went to see other guests.

24 Khieu Samphan was a very active man. He walked very fast to
25 welcome the guests. And there were Bong Cheam (phonetic) and Bong

1 Chhean (phonetic), who were there already to open the vehicles'
2 doors for Khieu Samphan <at the State Presidium mansion>, and I
3 was very far from them. I did not hear directly what they said.

4 Q. Besides driving the foreign delegates <in Phnom Penh>, did you
5 also drive them to countryside</provinces at that time>?

6 A. After the Burmese delegate went for a visit to Siem Reap, I
7 only drove them to Pochentong. And another vehicle convoy was
8 there ready to take them as long as <>Khieu Samphan, alias Hem,
9 he was there to accompany the guests to visit Angkar. And after
10 that, they left the country.

11 But I, myself, didn't go with them, as I had to return to the
12 garage. And then U Ne Win left for his country.

13 [11.01.46]

14 Q. Regarding Nuon Chea, did you see or meet him, or you drive
15 guest along with him?

16 A. Every time when there was a presidential delegate, all of them
17 would present themselves to greet them at Pochentong, including
18 the ministry level and as well as Uncle Nuon. They would be there
19 to receive a president.

20 Q. In relation to Nuon Chea, did you know or were you told about
21 his position?

22 A. To my knowledge, <> he was the President of the People's
23 Assembly, that is, President of the People's Assembly. At that
24 time, it was not difficult to identify that position because it
25 was published in magazine and broadcasted on the radio.

1 Q. My next point is in relation to the participation of the
2 commemoration of the victory day. Did you ever attend such
3 anniversary? If that is the case, when it happened and which
4 leaders did you see?

5 [11.04.07]

6 A. My apology, Counsel. I'd like to finish off what I stated in
7 my last response in relation to the greeting of the Burmese
8 delegate.

9 After its conclusion, we also received Laotian delegate led by
10 Souphanouvong. Khieu Samphan went to greet this delegate as well.
11 At the time, there were a shortage of vehicles and there was a
12 usual tour to visit the Royal Palace and, later on, there was a
13 reception. Miel instructed me and <another> group <led by Bong
14 Latt to drive more than 10 vehicles to receive them in Siem Reap.
15 They visited Angkor Wat,<> Bayon Temple and, after that, the
16 premier or the Party secretary of China named Chen Yonggui, alias
17 <Ta> Chai (phonetic), visited the country. At the time, Khieu
18 Samphan did not greet them, but Pol Pot did, and they went to
19 visit Cambodia nationwide for a period of two weeks. They went to
20 visit all zones before he returned to his country.

21 [11.05.58]

22 However, as I said, at the time, Khieu Samphan was not there to
23 greet them, nor Nuon Chea. They did not accompany them to visit
24 various zones.

25 And to respond to your question, whether I saw any leader during

1 the 17 April anniversary, I can say that, prior to that, in
2 around mid-April, there was a political study session.

3 Q. In what year was it held, and where was it held?

4 A. The political study session that I attended took place, first
5 of all in 1975, toward the end of that year. I was sent to attend
6 a study session at the Soviet technical school, which belonged to
7 the Centre. So upon my arrival, I studied there under the
8 instruction of Comrade Phum and a year later, probably a bit over
9 a year later, I attended another session instructed by Uncle Nuon
10 and Uncle Khieu Samphan at Borei Keila political study school.

11 Q. My apology, Civil Party. You stated that you attended a study
12 session with Khieu Samphan and Nuon Chea, so please make a
13 differentiation between the session you attended with Nuon Chea
14 and a session you attended with Khieu Samphan. What did you study
15 during those sessions?

16 [11.08.31]

17 A. Uncle Khieu Samphan and Nuon Chea both instructed during that
18 session. They spoke about the history of the resistance of the
19 Communist Party of Kampuchea since <> the 1930s, 1940s, 1950s and
20 1960s until the present time. As for the rest, they spoke about
21 the hardship living in the jungle.

22 Q. And was it Nuon Chea or was it Khieu Samphan speaking about
23 the history of the CPK <in the 1950's and 1960's>?

24 MR. PRESIDENT:

25 Civil Party, please observe the microphone.

1 [11.09.45]

2 MR. SAR SARIN:

3 On the topic of the resistance of the party, they spoke about the
4 initiation or the formation of the Communist Party of Kampuchea
5 since the 1930s, to try to get rid of the French colony,
6 including <Achar Sva> (phonetic) and Pou Kombou (phonetic) and
7 some other <freedom fighters>.

8 Later on, they were mistreated by the French and they were
9 killed. There was suppression of the movement, and that happened
10 until the 1940s when there was another resistant movement called
11 Issarak movement. And by the 1950s, there was another resistance
12 movement by the Khmer people and Viet Minh group. And that
13 happened during the 1940s.

14 And during the 1950s, there was this revolutionary movement under
15 the Indochinese Federation controlled by Vietnam, and the
16 resistant movement by the CPK was not satisfied when they were
17 under the authority of Vietnam and, for that reason, that led to
18 a formation of a new CPK in late 1950s or early 1960s.

19 So they spoke about this hardship and the difficulty faced for
20 the creation of the Communist Party of Kampuchea. That the enemy
21 suppressed them once and again, and there were only seven core
22 individuals who formed the Party.

23 [11.12.06]

24 I also recall that a meeting was held at the railway station, and
25 that coincided with the day of the meeting because at the time,

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1 the enemy did not pay attention to such gathering. And at the
2 time, major Party members came from various zones and sectors
3 throughout the country to attend that meeting.

4 I can recall that the Party designated the day of Pchum Ben, that
5 is, 28 September, as the day of the inception of the Communist
6 Party of Kampuchea. And it continues that the Party kept growing
7 rapidly until that present time.

8 They also made mention that we could not live in Phnom Penh city
9 and that we had to flee to the jungle.

10 Q. Besides Nuon Chea described about the history of the CPK, did
11 he provide any other policies or did he teach you about other
12 policies?

13 [11.13.55]

14 A. Due to the chaotic situation within the Parties, regardless of
15 whether those members joined the Parties during the '40s or the
16 '50s or during the later period of the '60s or '70s, we had to
17 rebuild ourselves anew, that is, during these revolutionary
18 movements. In the Party rank, there were those who were traitors.
19 That's what he said. So those people had to be smashed and
20 cleansed.

21 At the time, while he was talking, he was facing to the north,
22 and there was a slogan hanging there about the smashing of the
23 American spies, CIA and the <Soviet spies,> KGB as well as the
24 <Vietnamese> land-swallowing enemies and the infiltrated enemy.
25 And there was mention about <the smashing and cleansing of the

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1 American spies, CIA, namely Lon Nol, Sirik Matak, In Tam, Cheng
2 Heng, Long Boret, So Stan (phonetic), also known as> the seven
3 traitors, and that they could grasp the enemy situation, that
4 they were about to attack us from behind after the liberation of
5 the country.

6 The Party was aware of the plan and, for that reason, they took
7 advance measures to suppress them so that they would not resist
8 any future attempt. And those people were linked to CIA strings.
9 And that there were remnants of these people amongst the evacuees
10 of the 17 April People and, for that reason, they had to be
11 cleansed so that's those traitorous network could be abolished or
12 eliminated.

13 [11.16.47]

14 As for the police and military personnel, they were the target to
15 be killed, and that also applies to former officials, that is,
16 officials of the Lon Nol regime. They had to be cleansed.

17 And also, those who were part of the CIA network and those who
18 had conflict with the CPK, including those students,
19 intellectuals or group known as "Pandevul" (phonetic) and then he
20 asked the participants about who the Pandevul (phonetic) members
21 were <>. And if we <were its member>, then we should raise our
22 hand. <No one raised their hands at the time.>

23 Q. Besides what he said about the purges of the enemy, did he
24 also speak about various sectors within the country or society?

25 [11.18.42]

1 A. He also spoke about other sectors. He spoke about being
2 vigilant and being secretive in terms of our revolutionary
3 nature, although we received peace, that we had to set up guards
4 at various cooperatives and units and to maintain revolutionary
5 secret and not to want to know about the affairs of other people.
6 For example, when I drove guests to this location or that
7 location or that other drivers did the same, then I should not
8 ask questions to those drivers. Even for members within our group
9 or unit, we had to set up the roster to guard.

10 He also spoke about only one citizen within the nation, that is,
11 to have a Khmer citizenship only.

12 He said that in Kampuchea, there were 16 citizenships. And I
13 cannot recall all of them.

14 There were Cham, Kouy, Samre, Kavet, Stieng, etc. But he said due
15 to the humble and honest nature of Kampuchean people, then there
16 should only be one citizenship for all Khmer people.

17 As for the religion, there should be no religion, including the
18 Cham or the Buddhist religion, or any ethnic tradition because
19 that would not be of any benefit to the construction of the
20 country.

21 [11.21.23]

22 As for the education sector, he said that we should only study up
23 to the level that we could know how to read and write, and it
24 would also be better to learn through practice. For example, for
25 the children living in the countryside, they should study as well

1 as engage in rice production. And for children living in the
2 city, they should study as well as to learn the technical skills.
3 As in my case, I was with the vehicles unit.

4 (Short pause)

5 [11.22.53]

6 So what he said is that wherever we were, we had to study through
7 practice and that we should not wish to attend a diploma or
8 bachelor degree as at present.

9 During the period, I never heard about bachelor or master degree.

10 I only heard about Bak Ang (phonetic) and Bak Doub (phonetic).

11 And if somebody who was the intellectual, <they were the enemies
12 of the revolution.> They were a subject to be under monitor.

13 Q. In relation to the slogans that he presented by Nuon Chea, do
14 you recall the exact wording of those slogans?

15 [11.23.51]

16 A. He did present slogans that we had to be absolute to produce
17 three tonnes of rice per hectare. However, previously, I'd like
18 to touch upon the issue of education and that education should
19 linked to sports activities or sport sector.

20 He said that the Party did not have any sport meant to send for
21 to compete overseas. However, our sport people would mean that we
22 had to engage in farming.

23 As for social sector, we had to endeavour to research and find
24 herbal medicine in each cooperative in a traditional way as our
25 ancestors used, because they only relied upon our herbal

1 medicine.

2 In relation to the slogans that he presented, I recall about
3 being absolute or being determined to produce three to six tonnes
4 of rice yield per hectare and that we had to plant, plant and
5 plant everywhere, not to leave any vacant lot.

6 [11.25.40]

7 Q. Do you recall anything else in relation to the speech made by
8 Nuon Chea before I move on to Khieu Samphan?

9 MR. PRESIDENT:

10 Civil Party, please observe the microphone.

11 BY MR. SAR SARIN:

12 A. He spoke about the enemies, and from what I recalled, there
13 were four kinds of enemies.

14 And I spoke about the CIA agents, the KGB agents. The KGB agents
15 meant those who came from their overseas studies in the former
16 Soviet Union and from northern part of Vietnam. And they were the
17 targets determined by the Party to be purged. During the regime,
18 those who came from the north could not be spared. I meant those
19 from North Vietnam and from the former Soviet Union. They all had
20 been purged.

21 [11.27.20]

22 He also spoke about another type of enemy, that is, the enemies
23 against the 6th moral principle.

24 And he referred to those leaders within the Party, including Koy
25 Thuon, alias Thuch, from the former Central Zone and, later on,

1 North Zone. And later on, he came to take charge of the commerce
2 section. He had a secret love affair with a female art performer
3 and that secret was leaked, maybe leaked by his own messenger.

4 And his name could be Comrade Long (phonetic).

5 Koy Thuon then took Comrade Long (phonetic) away and killed him,
6 and that information was known to the Party. The Party asked him
7 to be questioned, and Koy Thuon said the messenger went to visit
8 his family in his village, but that was not true because Koy
9 Thuon killed him.

10 And Koy Thuon had a secret plan to kill Pol Pot in order to take
11 over his power.

12 And for that reason, anyone who violated the 6th moral principle
13 would be considered a traitor.

14 And usually, those who fell in love secretly with someone and
15 that such individual would later on betray the Party as well.

16 [11.29.34]

17 And he also asked us if any of us was related to these kind of
18 traitors. There were Koy Thuon, there were Comrade Doeun, who was
19 the Office Committee of Office 870, the Centre's office, and
20 there was Comrade Soth, who was in Sector 106 in Siem Reap, Oudor
21 Meanchey.

22 There was Chan Chakrey, who was a military commander in the East
23 Zone.

24 So these people were kind of systematic in their behaviour, and
25 he said if anyone was linked to these traitorous networks, that

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1 person should confess to the Party because the Party was the
2 mother, the Party was the father.

3 [11.30.42]

4 And if anyone who acknowledge his guilt, then the Party would not
5 punish that person, and that person would be forgiven by the
6 Party. And if any comrade concealed that information and, later
7 on, it was found out by the Party, then the Party would take a
8 measure of digging the grass to dig the whole grass and its root.
9 So if anyone was implicated had to raise their hands, then there
10 were many people who raised their hands. And only after a few
11 people wrote down what their mistakes were, he said that since
12 there were too many, then they had to include this information in
13 their biography.

14 I could notice that there were about 10 to 15 <per cent of the>
15 people who <raised their hands in the stadium indicating that
16 they> were linked to the traitorous networks of Koy Thuon or with
17 somebody else.

18 MR. PRESIDENT:

19 Thank you. It is now convenient for our lunch break. We'll take a
20 break now and resume at 1.30 this afternoon to continue our
21 proceedings.

22 Court officer, please assist the civil party at the waiting room
23 reserved for civil parties and witnesses during the break time,
24 and please liaise with WESU and duty doctor to check the health
25 status of this civil party before we proceed to hear his

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1 testimony this afternoon.

2 Security personnel, you are instructed to take Khieu Samphan to
3 the waiting room downstairs and have him return to attend the
4 proceedings this afternoon before 1.30.

5 The Court stands in recess.

6 (Court recesses from 1132H to 1332H)

7 MR. PRESIDENT:

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

9 The Chamber wishes to inform the parties that, based on the
10 reports of the duty doctor concerning civil party, Sar Sarin, he
11 is in good health. However, Mr. Civil Party, if you think that
12 you may have health issue in the course of testimony, then the
13 hearing can be adjourned or the Chamber can assist you so that we
14 can proceed.

15 Now, the floor is given to Lead Co-Lawyers for civil party to
16 resume the questioning to civil party, Sar Sarin. You may now
17 proceed.

18 [13.33.30]

19 BY MR. VEN POV:

20 Thank you, Mr. President.

21 Q. This morning, you already indicated about the study sessions
22 you attended and you made mention about Nuon Chea. Now, I am
23 asking you about Khieu Samphan; what can you recall about Khieu
24 Samphan, particularly, the content of the study session you
25 attended while he was in the session?

1 MR. SAR SARIN:

2 A. Regarding Uncle Khieu Samphan, to my recollection, he made
3 mention about the tragedy caused by the American imperialists
4 which, of course, the tragedy on Cambodia. He made mention about
5 300 days and nights B-52 were dropped on the territory and it was
6 calculated into tonne; it was equal to 56 million tonnes. And if
7 that was to calculate with the population of Cambodia, one
8 individual was suffered by 7 <or 8> tonnes of bombs at the time.
9 He made mention about the Holocaust or tragedy at the time.

10 [13.35.30]

11 He asked all of us to make commitment to defending the air, the
12 land, and the Maritime borders so that our country <could> be
13 maintained and we <could> build our country. He was, at the time,
14 referring to the enemies; the "Yvon", swallowing the land of
15 Kampuchea. <He used the word "Yvon" not "Vietnamese" like what it
16 is used today.> He said that "Yvon" caused destruction from the
17 Dragon Tail to Neang San Tuch (phonetic) up until the coastal
18 lines of Kampuchea and he said that there were continuous
19 defensive and fighting. He also stated about internal conflicts
20 within "Yvon" or Vietnam.

21 After the liberation of 30th April 1975, which left no peace in
22 "Yvon" or Vietnam, he said that the country were claiming of
23 their respective ownerships on properties. He said that Vietnam
24 or "Yvon" were so much in conflict about their own ownership and
25 the "Yvon" government, Pham Van Dong government had no resources

1 to supply in the country and they were appealing to donors to
2 provide supplies.

3 [13.37.47]

4 He also said that "Yuon" enemy was jealous with Kampuchea. He
5 said that "Yuon" was jealous <of us being able to liberate our
6 country before they could, before the 17 April>, even <> during
7 the conference in <Colombo regarding Countries of the Non-Aligned
8 Movement,> when the Kampuchean leaders were appointed to preside
9 over the meetings, at the time, "Yuon" were jealous.

10 In addition to that, he encouraged all of us that we had to be
11 wise and <in early 1973,> there was a ceasefire agreement

12 discussed <between Indochina and America in Paris, but>

13 Kampuchea, at the time, was committed to fighting and did not

14 submit to the discussion <until we got victory on 17 April>. He

15 said that our Party was a clever one. Our Party had evacuated

16 Vietnamese out of Mekong, Tonle Sap, and rubber-plantation areas

17 to their own country.

18 Moreover, he said that "Yuon" enemy were very clever in breeding

19 their own people and "Yuon" were encouraging their own people to

20 marry Kampuchean people historically and he said that we had to

21 sweep clean all "Yuon", <including their children and

22 grandchildren>.

23 He made mention about the grants and donation which the parties

24 had never received from any countries and he said that Kampuchea

25 never raised our hands and asked for grants and donation <like

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1 what the "Yvon" did. We had to have solid stance and had to be
2 independent>; although after the war, we had faced <scarcity of>
3 food supplies. We had to struggle and we did not appeal for
4 donation and grants from foreign countries.

5 [13.41.17]

6 When he made mention about grants and donation, he said that
7 usually the donation and grants came with the CIA written
8 condition; for example, it came with CIA or KGB agents.

9 And not using money was also made mention by him. He said that we
10 stopped using currency; otherwise, enemies could buy our hearts.

11 He raised an example. For example, he raised an example about the
12 expenditure by the accounting staff and cashiers. At the time, I
13 had no idea about the social security scheme. He put a question
14 about the money spent within the year <for the accounting staff
15 and cashiers> and if that money was used for production and
16 development, it would be good for the country. Our Party, as he
17 said, did not use money any longer.

18 [13.42.59]

19 Q. Did he mention about marriages and weddings?

20 MR. PRESIDENT:

21 Please observe the microphone, Mr. Civil Party.

22 MR. SAR SARIN:

23 A. He also discussed about that issue. He said that we had to
24 produce 3 <to 6> tonnes <> of rice per hectare and he made
25 mention about eight <factors:> one is water, <>number two is

1 fertilizer, <third is seed>. We had to innovate materials into
2 fertilizers, materials from land and from water. Within 5 or 10
3 years, we had to transform our country from traditional
4 agriculture to advanced agriculture. That is from<> 15 <to 20>
5 years onward, we had to transform country into an advanced and
6 <industrial> country.

7 He also discussed about human resources. Our Party needed to
8 increase the population from 10 to <15> million <people in 5 to
9 10> years. To achieve this, we had to organise collective wedding
10 and <> to be married, women had to reach <20> years old and as
11 for men, they had to be in the age of 25 and up. Weddings had to
12 be organised collectively. They <> could not go and propose
13 anyone. Party would be the one who organised the wedding and
14 choose partners for them.

15 [13.45.54]

16 And he made mention that Party was afraid of men and women were
17 linked to traitorous lines or were suffering from tuberculosis or
18 TB.

19 He also raised another example, to my recollection; in the
20 previous regime, some people were poor, but they were trying to
21 organize a lucrative wedding for their children, although they
22 understood that they were poor and as a result, they were in
23 debt, selling cattle, land, and property and in our regime, we
24 should avoid that. We should organise the marriage collectively
25 for the people.

1 He made mention about the development of the country, as well,
2 building on the petit bourgeoisie class and we need to continue
3 to build the social revolution and to leap forward.

4 [13.47.44]

5 BY MR. VEN POV:

6 Q. Thank you. Do you recall anything else, particularly in
7 relation to <> the saving and moral <principles>?

8 MR. PRESIDENT:

9 Please hold on and observe the microphone, Mr. Civil Party.

10 MR. SAR SARIN:

11 A. What I can recall about the saving is that we have to save. If
12 each and every one of our comrades can find stuff, although it is
13 small, if we can find old knives, axes, and iron material; we
14 should collect them all and put it one pile. And if you comrade
15 live in a city and can find iron stuff or bar, you collect them
16 all and turn it into a useful stuff and if we go to dig ore and
17 want to produce into another product, we need what kind of input
18 or materials that we use in order that we can produce a certain
19 product. He made mention about all of these things.

20 [13.49.58]

21 Beyond that, he also said in each and every cooperative and
22 union, as well as in military unit, we had to be equipped with
23 the saving principle and innovative idea. For instant, he made
24 mention about a cook. A cook should save everything including the
25 fermented fish. We should not take the whole fermented from a big

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1 pot; we should take from the big pot and put in the small pot
2 before we take a small of it to cook for food.
3 And we should change the dishes. We should cook, for example,
4 "kor ko" or sour soup and the other day, we should try to have a
5 deep fry or stir fry or we should cook only rice and we should
6 use fish sauce, as well, for our serving. He said that we need to
7 have three dishes per meal; namely, for example, rice, fish
8 sauce, and soup.

9 [13.51.56]

10 As far as we are concerned, we, Cambodian population, faced
11 insufficient food. He made mention about the low-middle-class
12 peasant and petit bourgeoisie class were the good people and he
13 said that because of this situation, we faced hunger sometimes.
14 <Even though> I was working at K-12. <In September and October,>
15 I had not enough food to eat, as well, but on a special day that
16 I drove a guest to other locations <such as Kampong Cham, Kampong
17 Som, the house number 5 prepared and packed meal or rice for us.
18 There was no market at that time.>

19 BY MR. VEN POV:

20 Q. You made mention, as well, about the study session. <You said
21 that you joined the> anniversary of the victory and <could you
22 recall the place and the time of the event?>

23 A. Before 17 April, I attended a study session with the two
24 uncles. That was one occasion that I attended. And in late July,
25 I attended another study session.

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1 MR. PRESIDENT:

2 Please listen carefully the question. The counsel wanted to ask
3 about your attendance in the anniversary of the victory of 17
4 April. If you do not listen carefully to the question, <> you may
5 not give the correct answer.

6 [13.54.09]

7 BY MR. VEN POV:

8 Q. My question is like this: You made mention about a study
9 session you attended while Khieu Samphan and Nuon Chea were in
10 attendance. In your document, you made mention about your
11 attendance in anniversary of the victory of 17 April and if you
12 happened to attend that anniversary ceremony, when <and where>
13 was that?

14 MR. SAR SARIN:

15 A. It was at Borei Keila where I attended that anniversary event.

16 Q. When was that; which year, which month?

17 A. It was in 1977.

18 Q. Which leaders attended that anniversary event of 1977?

19 [13.55.05]

20 MR. PRESIDENT:

21 Please observe the microphone, Mr. Civil Party.

22 MR. SAR SARIN:

23 A. The two uncles gave the speeches. I did make mention about
24 that in my document.

25 BY MR. VEN POV:

1 Q. <Were> the same topics discussed in those meetings or events?

2 MR. PRESIDENT:

3 Please make the distinction between the study session and the
4 anniversary celebration of 17 April 1975, which was a victory
5 day. To me it is confusing, the question you put. You asked about
6 the anniversary celebration of 17 April 1975, and please stick to
7 a <date, which> you want to ask.

8 MR. SAR SARIN:

9 A. Concerning the study session, the study session had taken
10 place <about a week> before that anniversary celebration of 17
11 April. That anniversary celebration was held at the stadium. I,
12 myself, did not attend that anniversary celebration. It was the
13 study sessions that I had attended.

14 [13.57.05]

15 MR. PRESIDENT:

16 Counsel may have not <grasped>, well, the testimony of the civil
17 party. <The> civil party made mention that he did not attend the
18 anniversary celebration, but the study session. Please repeat and
19 rephrase your question, Counsel.

20 BY MR. VEN POV:

21 A. This morning, you told us about the study session presided
22 over by Nuon Chea and at the time, biographies were required to
23 write; did you know about that and what were the fates <> of
24 those <> who had told about their biographies?

25 [13.58.09]

1 MR. SAR SARIN:

2 A. A large number of people raised their hands. Only a few of my
3 people from K-12; particularly, some of my chiefs, attended that
4 meeting. The chiefs of small units or unit B or "Kong Khor"
5 (phonetic) attended that meeting. Later on, some people from
6 energy unit raised their hands and registered their names.
7 Later on, when I returned to my office, not less than 20 people
8 disappeared. I did not know if they had gone to work in other
9 locations. < I dared not to ask for detail and I was busy with my
10 task.>

11 Q. What about you? Did you register your name and raise your name
12 to tell about your biography? Were you transferred out of <> K-12
13 or did you work in K-12 until the end <of the regime>?

14 A. I have a very long <> biography. Later on, there was an
15 intensified conflict with Vietnam. The office assigned me to
16 transport ammunition in the warehouse at Kampong Cham. I went in,
17 perhaps, in early-1978, January or February of that year.
18 <At that time> I used to hear Pang (phonetic) <who met with Bong
19 Miel> and <Bong Sam (phonetic)> who, later on, became the
20 <office> chief, <he said that the> comrades with good biographies
21 should be selected to be in charge of ammunition warehouse in
22 Kampong Cham. I heard that while we were having meal.

23 [14.01.00]

24 Later on, we were required to take 10 vehicles to go to Kampong
25 Cham and transport ammunition to supply the East, Central, and

1 Northeast Zones since there were offensives with Vietnam. From
2 that time onward, I no longer transported delegates, but only
3 once in a while that I was assigned to be a driver for those
4 guests.

5 Then in June, there was an event in the East. It was said that Ta
6 Phim committed suicide and conducted a traitorous movement. From
7 that time onward, I was not allowed to go to the East.

8 Accidentally, I became sick and I was hospitalised at 17 April
9 Hospital. There were <many> injured people there; there was no
10 room for me.

11 I met the East Zoners cadres and we started to build relationship
12 after learning that we were from the same zone. I met a person
13 from a village <called Muong Reav (phonetic)> in the East who
14 lived in an adjacent <to my> village. He <whispered> me not to go
15 back to the East because all of people from the East had all been
16 arrested< and I said I would go back to the East because I did
17 nothing wrong.> And because of this news, I was prevented from
18 going to the East. It was a long story, in fact, that I <needed
19 to> tell you.

20 [14.03.22]

21 Q. You spoke about house number 1 and house number 2; can you
22 tell the Chamber what were they for and their locations?

23 A. Regarding house number 1 and house number 2, they belonged to
24 B-1. B-1 was in charge of these houses and they were parts of the
25 Ministry of Foreign Affairs. House number 1 was located to the

1 East of Wat Phnom and they were used for presidential delegates.
2 As for house number 2, it was Hotel Le Royale opposite the
3 Economic University and visitors at the ministry levels were
4 allowed to reside there.

5 Q. Were there only houses number 1 and 2 or were there other
6 houses which subsequent numbers?

7 [14.04.46]

8 A. They belonged to B-1. House number 3 was opposite Wat Phnom;
9 that is, it was near the <Post Office>. For journalists, for
10 example, from Sweden, they were allowed to stay at house number
11 3. I used to drive guests to stay there. And for technical
12 groups, they were allowed to stay there as well.
13 House number 4 was near our K-12; that is behind Vimean Tep
14 (phonetic). It was about 300 metres further in and for Chinese
15 technicians; they were allowed to stay there at house number 4.
16 As house number 5, that was for the anti-drug authority and that
17 was used to house thousands of Chinese workers. They were in
18 Cambodia for the purpose of building refineries, Ream (phonetic)
19 port<>, and to repair some of the sunken ships. During the Lon
20 Nol regime, those ships were resurfaced by the Chinese workers.
21 They also were used in the textile factories and in rubber
22 plantations. There were so many Chinese technicians during the
23 regime and they were housed in house number 5. <There were also
24 houses in the provinces.>
25 As for some of the other guests <for repairing the airport>, they

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1 were housed <near Borei Keila>. <Uncle Son Sen was in charge of
2 the> technicians <who repaired> the airplanes.

3 [14.06.49]

4 MR. VEN POV:

5 Thank you. And Mr. President, I don't have any further question.

6 MR. PRESIDENT:

7 Now, I hand the floor to the Co-Prosecutors to put further
8 questions to the civil party.

9 MR. LYSAK:

10 Thank you, Mr. President.

11 MR. PRESIDENT:

12 <Please proceed.>

13 [14.07.49]

14 QUESTIONING BY MR. LYSAK:

15 Good afternoon, Mr. Civil Party. I will be asking you some
16 questions on behalf of the Prosecution. I'll wait for your paper.

17 Q. I wanted -- I wanted to go back to the period immediately
18 after 17 April 1975, while you were still in your home district,
19 Tboung Khmum. Can you tell the Court what happened to the Lon Nol
20 soldiers and officials in your commune after 17 April 1975?

21 MR. SAR SARIN:

22 A. Once again, good afternoon, Mr. President, Your Honours, and
23 everyone.

24 As I have stated from the outset, regarding what happened to the
25 Lon Nol soldiers, I'd like to say that after the liberation on 17

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1 April, <>I did not know from where they belonged -- they walked
2 those soldiers to a < MOUNG (phonetic)> pagoda in my commune. And
3 I used to observe that food <> was distributed to the
4 battlefield, but after the fighting ceased, rice was given to Lon
5 Nol soldiers. Thank you.

6 [14.09.54]

7 Q. And did you see these soldiers who had been gathered in this
8 pagoda and how many Lon Nol soldiers had been gathered there?

9 A. Yes, I saw them. I even had a conversation with them because
10 when I took the rice to them, we had <> a casual conversation.
11 Then I was warned not to be close to them because they were
12 enemies. Yes, I did see them.

13 Q. And can you give us your best memory as to how many Lon Nol
14 soldiers had been gathered at this pagoda?

15 A. There were over 100 , <almost 200> soldiers.

16 Q. And can you just tell the Court, how -- how did you know that
17 they were Lon Nol soldiers?

18 A. It is not that difficult to identify them because they were
19 sent from the battlefield and <>they were wearing military
20 <uniform>, so it's not difficult to spot them.

21 [14.12.05]

22 Q. Thank you, Mr. Witness. Let me just read to you a short
23 excerpt from your DC-Cam interview to get some clarification.

24 Your Honours, this is document E3/5783; at Khmer, 00482778;

25 English, 00739510; and French, 00746460. This is a statement from

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1 your DC-Cam interview, Mr. Civil Party.

2 "I pitied former Lon Nol soldiers who, after their defeat, were
3 taken from Tonle Bet, Khmuong Pagoda, Pam, and so forth. I was
4 asked to guard around 200 arrested soldiers. I saw them at the
5 time. I did not march them. I arrived there and they were sent to
6 the commune to handle." End of quote.

7 Is it correct; was there a period where you were asked to guard
8 these Lon Nol soldiers and if so, who -- who was it that assigned
9 you to do that?

10 [14.14.02]

11 A. The tower was opposite Kampong Cham and that statement is
12 correct. And they took turn to watch it.

13 Q. Who -- who assigned you to watch over these soldiers; who --
14 who was it that gave you your assignment?

15 A. It was Bong Ngim who was chief of militia in that <Moung Riev>
16 commune.

17 Q. And how long were these soldiers -- Lon Nol soldiers held at
18 this pagoda; how long were they held at the pagoda and what
19 happened to them after that?

20 A. They were held for about two months.

21 Q. And what happened to them at -- at the end of those two
22 months?

23 A. You mean after? After the two-month period, those soldiers
24 were sent and Brother Ngim whispered to me that they were taken
25 away to be killed. And all soldiers throughout the country were

1 killed. We kept them for two months in order to wait for
2 instruction from the upper echelon.

3 In fact, they initially had <> a principle <> to send them <> to
4 various cooperatives, but later on, they were sent to the
5 so-called study sessions.

6 [14.16.51]

7 And initially only captain and majors were taken on horse carts
8 away and I was a lower cadre and I did not know where they were
9 sent to. We only know that they were sent for study sessions.

10 And about a week or 10 days after -- and allow me to say that I
11 was not on guard duty every day; since we were on a roster base,
12 each of us rotated among ourselves for one-day guard. And when
13 those soldiers were removed, I was no longer there; I was at the
14 messengers' unit to deliver messages to villages and other
15 respective units that requested food supply. So I, at the time,
16 worked as a messenger at the base.

17 Q. You indicated that -- you just indicated that during the
18 two-month period, you were holding -- these Lon Nol soldiers were
19 being detained, that you were waiting for orders from the Centre;
20 how did you know that you were waiting -- the commune was waiting
21 for orders from the Centre?

22 [14.18.48]

23 MR. PRESIDENT:

24 Civil Party, please hold on and Counsel Kong Sam Onn, you have
25 the floor.

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1 MR. KONG SAM ONN:

2 Thank you, Mr. President. I object to this question. It is a
3 question dealing with <the treatment to> Lon Nol soldiers and it
4 falls outside the scope of the current proceedings and that fell
5 within Case 002/01 and from what I have heard, so far, the
6 International Deputy Co-Prosecutors asked questions in relation
7 to this fact.

8 And my second objection is that the civil party testified that
9 they were waiting instructions from the upper echelon and not the
10 orders from the Centre. Thank you.

11 MR. LYSAK:

12 Let me just respond first that the treatment of Lon Nol soldiers
13 -- the targeting of them is part of -- within the scope of this
14 case. This objection has been overruled many times.

15 And I'm happy to -- with respect to the issue about the orders, I
16 will rephrase and actually quote from his DC-Cam interview on
17 this point if I may proceed.

18 [14.20.26]

19 MR. PRESIDENT:

20 Your question is permissible and the objection from the Defence
21 Counsel is on the implementation of the policy, so you may
22 proceed. However, you should not ask questions in details in
23 relations to the former Lon Nol soldiers since the facts have
24 been tried.

25 BY MR. LYSAK:

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

1 Thank you, Mr. President.

2 Let me read to you a short excerpt from -- again, from your
3 DC-Cam interview, E3/5783. This is Khmer, 00482778 continuing on
4 from there; English, 00739511 through 512; French, 00746461.

5 And you said to DC-Cam, quote:

6 [14.21.38]

7 "I still remember what my chief said. He educated me and said
8 that those soldiers would not be taken anywhere because they were
9 waiting for orders from the Centre."

10 Question: "Those prisoners of war?"

11 Answer: "Yes, I knew that those prisoners of war were all
12 executed later. It was said that the Centre ordered to have all
13 Lon Nol prisoners of war throughout the country executed. I was
14 asked to join meetings in which they said we had to smash those
15 prisoners of war." End of quote.

16 Q. My first question: You indicate in your DC-Cam interview that
17 you were told you were waiting for orders from the Centre and
18 that later, there were orders from the Centre to kill the Lon Nol
19 soldiers throughout the country; who -- who told you that; how
20 did you learn those things?

21 MR. SAR SARIN:

22 A. It was from my chief name Ngim.

23 Q. And there -- there's a reference in your interview to you
24 having to join a meeting at which this was discussed; is that
25 correct and if so, can you tell us about the meeting where this

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1 -- where Ngim talked about this issue?

2 A. That is correct. The content was discussed. The topic was
3 discussed during the meeting and <after> the conclusion of the
4 meeting <>.

5 [14.23.48]

6 Q. Now, you -- you mentioned that the Lon Nol soldiers who were
7 taken away first were those who had ranks such as majors; do you
8 know whether the Lon Nol soldiers who were executed were just
9 those who had held ranks or whether all soldiers, including
10 ordinary combatants, were executed?

11 A. To my knowledge, the phrase that they used during the regime
12 was that they were sent for study sessions and initially, chiefs
13 were taken away first. They were put on a horse cart and they
14 were not escorted by any armed personnel. So four or five of them
15 was taken on horse cart and later on, they were taken during the
16 night time and I did not see that. They disappeared and I did not
17 know where they were taken to.

18 [14.25.16]

19 I did not ask for any further details regarding these people and
20 we only knew that they were sent for study sessions and we did
21 not dare to discuss the matter because if we were, then we might
22 be taken away as well. If the information that we discussed was
23 leaked, then we might be taken away as those soldiers were.

24 Q. What I'm interested in is -- is the reason, if you know, why
25 it was that the higher -- the ranking soldiers, the majors, why

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1 were they taken away first; do -- do you know why -- why that
2 was?

3 A. I was a subordinate, so I did not know the detail. What I saw
4 was that the chiefs were taken away, first, on horse cart.

5 Q. Your district, Mr. Civil Party, what -- what sector was it
6 located in?

7 A. It was in Sector 21.

8 Q. And did -- did you know who the -- the secretary and deputy
9 secretary of Sector 21 were?

10 A. No, I did not know about that. During the regime, it was
11 secretive. I did not even know who the district committee was.
12 Their role was not public as at the present the roles of
13 officials were broadcast on TV, but during the regime, everything
14 was secretive and we could not know the position of these people
15 because they were wearing the same black uniform.

16 [14.27.50]

17 Q. I understand, Mr. Civil Party. So let me read -- I want to ask
18 you about a statement that was made in -- a person who identified
19 himself as the deputy chairman of Sector 21, Mr. Ouk Bunchhoeun.
20 This is, Your Honours, interview E3/387 -- E3/387; Khmer,
21 00379486; English, 00350205; and French, 00441418. This is what
22 he said on the subject, quote:

23 "In April 1975, Pol Pot issued another secret policy; that was
24 wiping out all elements in the Lon Nol regime. With respect to
25 civilian local administrators, they would be purged from

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1 sub-district level to upper echelon. Regarding soldiers, they
2 would be swept clean from second lieutenants up to generals." End
3 of quote.

4 Does that ring a bell, Mr. Civil Party; do you remember when you
5 heard from the commune militia chief about the orders that had
6 been received, whether there was a difference made based on the
7 rank of the Lon Nol soldier?

8 [14.29.39]

9 MR. PRESIDENT:

10 Civil Party, please hold on and Counsel Koppe, you have the
11 floor.

12 MR. KOPPE:

13 Yes, I object to the very selective use of evidence in order to
14 have this witness testify on Lon Nol policy in the East Zone. We
15 all know, very well, there is also an interview of Heng Samrin
16 who also talks about that famous meeting in May '75 and he uses
17 the words that Lon Nol soldiers -- officials should be taken,
18 "out of the framework." That is an issue that has been discussed
19 over and over and over. By now, selecting only this testimony
20 from this particular East Zone cadre and not also include Heng
21 Samrin's testimony, I think, the Prosecution is misleading this
22 particular witness.

23 [14.30.51]

24 MR. LYSAK:

25 Mr. President, I'm reading from the testimony of the deputy

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1 sector of -- secretary of the sector that the witness was in.
2 Counsel's free to use the evidence he wishes; it certainly is not
3 deceptive. Ben Kiernan interviewed six people; they all said the
4 word used was "komtech", kill. Heng Samrin said "komchat", which
5 as we know there's an issue as to what that means.
6 If Counsel wants to explore that issue with him, he's free to do
7 that during his questioning.

8 MR. PRESIDENT:

9 The objection by the Defence Counsel is overruled and, of course,
10 you will have your turn.

11 As for their questioning methodology, it is different for each
12 party and, of course, the excerpt is used for the best benefit of
13 each party.

14 And Civil Party, please respond to the question if you recall it;
15 if not, you can request for the question to be repeated. And
16 Deputy Co-Prosecutor, please repeat your last question as your
17 party forgets it.

18 [14.32.23]

19 BY MR. LYSAK:

20 Q. I thank you. Yes, Mr. Civil Party, I read to you a -- a quote
21 from the interview of the former deputy chairman of Sector 21. My
22 question was just whether that refreshed your memory, at all,
23 whether you remember when you heard about the orders through
24 Ngim, the commune militia chief, whether you remembered there
25 being a distinction made depending on the rank of the Lon Nol

1 soldiers or officials.

2 MR. SAR SARIN:

3 A. That is correct.

4 Q. And do you remember the soldiers that were detained at the
5 pagoda; how -- how many of them were soldiers who held ranks; do
6 you have any recollection or estimate of that?

7 A. Maybe four or five <people>.

8 [14.33.57]

9 Q. And a while ago, you indicated that -- you used the word
10 "whisper"; you said that the commune militia chief whispered to
11 you that these soldiers had been executed. Am I correct that the
12 information you received as to what had happened to these
13 soldiers came from your commune militia chief, Ngim, and can you
14 tell the Court, as best you remember, exactly what it is that
15 Ngim told you?

16 A. He received the information from the inside. He was close to
17 me and then he disclosed that to me. He told me in the meeting. I
18 told you two times already. He told me about that in the meeting
19 and he whispered that to me while we were walking to work.

20 [14.35.14]

21 As for the arrests, these people, the people who had been
22 arrested, were sent <further. Some said they> were sent to cut
23 the forest at <Thvay Yak (phonetic)> or some other places; that
24 was the <> informal information. Some said that they were sent to
25 <the security centre, Baray Phka Doung (phonetic). The documents

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1 say it is in the Office 100. I have never been there>. I heard
2 that from the elderly, that those people had been sent to Baray
3 Phka Doung (phonetic) and some others said that those people had
4 been sent to <Thvay Yak (phonetic)> to cut forest. And <at that
5 time when they were sent to study session, there was no chance
6 that they would survive.>

7 Q. Let -- let me turn to another question relating, again, to the
8 period while you were still in your home district before you came
9 to Phnom Penh. Can you tell us what happened to the pagodas and
10 to the monks in your commune after the 17th of April 1975?

11 A. After the 17 April 1975, all monks in pagodas from my
12 <commune> had all been defrocked, be they were young or old. Then
13 they were sent to the upper part; I mean to the Centre.
14 Later on, when I became a driver, I met some of them at Kampong
15 Som; they became workers carrying stuff. Some were working at the
16 kerosene unit. Before 1975, monks left the monkhood with their
17 own will, but after 1975; <they were defrocked>. There were no
18 more monks.

19 [14.38.18]

20 Q. And in your DC-Cam interview, you identify two pagodas in your
21 home commune -- and I hope I pronounce them correctly -- Samraong
22 Borei and Muong; can you tell the Court what happened to those
23 two pagodas after 17 April '75; what -- what were they used for
24 during the Khmer Rouge regime?

25 A. One pagoda in my <commune> housed the soldiers. That <> pagoda

1 was located <in the Southwest of> Phsar Suong. <It had a huge
2 temple. It was called Moung (phonetic) pagoda> and there was
3 another pagoda named Samraong Borei, south to Suong and was along
4 the road <from Roka Khnuoch (phonetic) to Ou Reang Ov>. It was 5
5 kilometres away from Suong. Monks from those two pagodas were
6 defrocked. I can say that, at the time, all monks had been
7 defrocked.

8 [14.39.52]

9 During the time, we were not allowed to move freely. Only I could
10 move from villages to villages <> by riding a bicycle delivering
11 messages. I had a small letter or laissez-passer. One who needed
12 to go across a village needed to show a letter. <It required a
13 letter in order to travel from one commune to another.>

14 <In the near by commune, Chub and Suong commune,> there were no
15 monks, even a single one, to engage in the ritual ceremony. Those
16 who died were buried right away without going through any ritual
17 ceremonies. <There was a ceremony for the death of the high
18 ranking people.> <However, for the death of ordinary> people,
19 <they> were buried like animals.

20 Q. Thank you. Let me turn to some questions relating to the
21 period after you arrived in Phnom Penh. You -- you've indicated
22 in your interview that you arrived in Phnom Penh around September
23 or October 1975, and I think you made mention of it this morning,
24 but did you -- did -- were you assigned to some political
25 training after you arrived in Phnom Penh at the end of 1975 or

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1 start of 1976?

2 A. Mr. President, yes, I was sent for political training at K-15
3 or Kor Dop Pram (phonetic), the technical school, the current
4 Russian technical school.

5 Q. Conducted -- who conducted the political training that you
6 received at K-15, the Khmer-Soviet Technical School?

7 [14.42.51]

8 A. It was Ta Phum or Comrade Phum; he was small. He was a small
9 guy. He was about 1.50 or 1.60 metre high, but he had always a
10 smiling face. His voice was soft and very nice to hear. His name
11 was Phum.

12 Q. What -- what was Ta Phum's position, if -- if you knew?

13 A. I was not aware of his position since it was secret. All I
14 know is that he was a trainer at the K-15 school. Again, I had no
15 idea whether or not he held a position in the Party. Thank you.

16 MR. PRESIDENT:

17 Thank you, very much, Mr. Deputy Co-Prosecutor. Let us take a
18 break and we will resume at 3 p.m.

19 Court officer, please assist the witness during the break time
20 and please invite him back into the witness stand at 3 p.m.

21 The Court is now in recess.

22 (Court recesses from 1444H to 1501H)

23 MR. PRESIDENT:

24 Please be seated. The Court is now back in session, and again the
25 floor is given to the Deputy Co-Prosecutor to put further

1 questions to the civil party.

2 MR. KOPPE:

3 Just one small technical issue, Mr. President.

4 Is it correct that the DC-Cam statement that was referred to by
5 prosecution also has a different E3 number? As a matter of fact,
6 that there might be two E3 numbers; E3/4596 and the number
7 mentioned by the Prosecution, which is E3/5783? And if that is
8 indeed the case should we use -- which number should we use?

9 MR. LYSAK:

10 I'm not aware of what --

11 (Short pause)

12 [15.03.20]

13 I'm not aware of whether there is an additional copy of this --
14 that's E3/4596. That is, we put it on the interface under the
15 number that I've been citing, which is E3/5783. I believe that
16 E3/5783 is everything that the civil party filed as part of some
17 of his court papers, and one of the things he filed along with
18 his -- I think it was a complaint at the time, was a copy of this
19 DC-Cam interview.

20 So it is in evidence as 5783 and I don't -- I'm not sure.

21 JUDGE FENZ:

22 The staff is just checking it. So let's go with this number until
23 we have further clarification.

24 BY MR. LYSAK:

25 Q. We were talking about Ta Phum, the person who conducted the

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1 political training at K-15. Did you continue to see Ta Phum,
2 after the political training you received in early 1976, and do
3 you know what happened to Ta Phum later on in the regime in 1977
4 or '78?

5 [15.05.04]

6 MR. SAR SARIN:

7 A. It was not Ta Phim. There was a Ta Phum, so again it's not Ta
8 Phim.

9 Later on he disappeared. He was no longer the instructor and I
10 did not know where he went. I did not dare to ask the questions
11 about him. So that was the only time that I attended the study
12 session where he was the instructor. Later on when I drove a
13 cadres from various provinces to visit the country; that is,
14 after our study sessions held at the Borei Keila, those
15 participants were allowed to go on a study, to exchange
16 experiences from various zones and that was the time that he
17 accompanied them. That is, accompanied the delegation who were
18 leaders around the Centre.

19 Later on he disappeared and maybe he was likely to be purged by
20 the Communist Party of Kampuchea.

21 [15.06.47]

22 Q. The reason I ask you, Mr. Civil Party, in the S-21 list
23 compiled by OCIJ, number 4723 -- 4723 on that list -- is Mao Khem
24 Nueon, alias of Phum, identified as a Deputy Secretary in S-71
25 who entered S-21 on the 5th of April 1977.

1 And, Your Honours, as I also note that his S-21 confession is in
2 evidence; it is E3/1859, and on the cover page he is identified
3 as the Branch Deputy Secretary of the Party School.

4 Two questions about this, Mr. Civil Party. Did you know Ta Phum's
5 full name, first; and, second, was it sometime around April 1977,
6 that Ta Phum disappeared?

7 A. I did not know his full name during the regime. During the
8 regime we did not dare to ask the full names of any person, or
9 whether the person had revolutionary alias.

10 Q. And my second question, the S-21 records record that he
11 entered in April 1977. Do you remember; was it around that time
12 that he disappeared?

13 [15.09.09]

14 A. You spoke about April 1977, and that is likely to be the
15 period <because> I attended my initial study sessions in late
16 1975, and that was the time that he was the instructor at the
17 Soviet Technical School. But the way he provided instructions
18 were different from the two uncles, and I can recall the content
19 of his teaching; it was about the <Dialectical materialism and
20 Dependent Originations>.

21 And the main focus during the time was on the elimination of
22 individual property. In order to continue our revolutionary
23 movement, we all should get rid of our personal property, and
24 that we should only possess a small bag containing two sets of
25 clothes and nothing else.

1 And he provided the reason for that. When we were at countryside,
2 we were not in abundance of materials and that each individual
3 wanted to gather many materials, properties, as they were
4 scattered around by those people who left Phnom Penh city. And
5 usually when Angkar allowed one to visit his or her native
6 village, he or she would bring along those clothing, radio,
7 cookeries, etc.

8 [15.11.37]

9 And during the meeting he said that we should ourselves get rid
10 of all of these, and after we finished our study sessions later
11 on those materials were gathered and stored in a warehouse. And
12 by around October or November that year, it was almost the
13 harvest season, cadres from the lowest <level>; that is, the
14 commune level, attended a study session and the content or the
15 meeting was about feudalism. Those cadres came through to attend
16 their study sessions at the Centre and were representatives of
17 peasants who also came.
18 <After they completed the study session, my K-12 unit> drove
19 those participants to various zones, and the trip lasted for
20 about 16 to 17 days. And he was the one who led the delegation
21 during the visit. I actually drove him for one day with Brother
22 Vuy. He was sitting at the back and Vuy was holding a radio
23 communication equipment. <I drove Jeep A2 at that time. When we
24 reached> the North Zone and <Huon (phonetic)> was sick so Brother
25 Vuy <told me> to drive that GMC truck <instead>.

1 [15.13.32]

2 So by about early 1977, that is when the time I met him, and
3 comparing that to your question about him being arrested in
4 April, I believe that it is a likely period because I never saw
5 him again after my last meeting with him. When I attended
6 subsequent study sessions he was no longer there and <his
7 instruction> were more or less similar in the presentation<> to
8 <Uncle Nuon.>

9 Q. Thank you. Thank you, Mr. Civil Party. You mentioned the next
10 subject that I was going to ask you about now, which is the
11 occasions on which you drove people around the country.

12 You've described already this period at -- in November 1976, when
13 you were part of a group that drove these cadres around the
14 country. Can you tell the Court, which parts of the country you
15 remember travelling to, transporting these zone cadres to, in
16 November 1976?

17 A. First after the participants left the training school; we
18 could not take them all. That is, our K-12 could not accommodate
19 them all in our vehicles. We had to request for additional 10
20 vehicles <from the Land Transportation unit> for the trip, and
21 even with the seven or eight <red> buses, we could not still take
22 them all.

23 When we were at countryside, Vuy asked us to go to various houses
24 to find mattress and mat for them to sit, according to their
25 assigned groups.

1 [15.16.27]

2 First we went to the East Zone; that is, to Svay Rieng after we
3 crossing at Neak Loeang. And upon our arrival in Svay Rieng at
4 that time the rice field was ripe and <their production> during
5 the year was good.

6 We arrived in a district and the Party said an honourable flag
7 was given to a district, and it's likely that it was Prasout
8 district in Sector 23 in the Svay Rieng province.

9 So the district received the honourable flag because initially it
10 was a poor district and all participants were called to observe
11 and to learn from those people in Prasout district. Because,
12 initially, it was a poor district and the rice yield was not
13 good, but now the rice yield was aplenty, so we should learn from
14 them because in other areas our soil was fertile.

15 [15.18.02]

16 And that's what happened in the East Zone, and the East Zone
17 received this flags from the Communist Party of Kampuchea because
18 the district was exemplary in its performance.

19 Then we drove along a canal through Romeas Haek district to
20 Kamchay Mear, and while we were on the dam, we could see a rubber
21 plantation afar at Tboung Khmum district.

22 We then returned to Prey Veng province. We also visited a canal
23 or dam there and we had to stay overnight at the Prey Veng
24 provincial town, and next morning we visited the rice field
25 located to the east of the provincial town. We also visited the

1 canal and dam and the irrigational dyke.

2 And after that, we went to Ou Reang Ov, in order to visit my
3 native district; that is, Tboung Khmum. We visited Sralab commune
4 cooperative in the Tboung Khmum District, Sector 21, to see its
5 progress. And at nighttime, rather we then went to visit a rubber
6 plantation in Chub.

7 Q. I'll stop you for a minute, Mr. Civil Party. Can we start --
8 rather than go into the details of every place, can you give me a
9 list of the different zones that you went to, or provinces, and
10 then I can come back to you to and ask you some specific
11 questions? So can you give us a short recollection of the
12 different sites that you -- different provinces or zones you went
13 to?

14 [15.20.42]

15 A. If you want me to summarize, we actually went through the East
16 Zone, through the Central Zone, and then we went through Siem
17 Reap, Ourdor Meanchey sector. And after we left that sector, we
18 went to visit Angkor Wat. It took us one day to visit Angkor Wat,
19 and then we went to visit the Trapeang Thma reservoir in the
20 Northwest Zone.

21 And then at the time there was another rice wall which was being
22 built; that is Kamping Puoy. Then we went to the West Zone, to
23 the Southwest Zone. We left Takeo to Kampot, then to Kampong Som.
24 Then we boarded a ship that visited the coastal area, then we
25 returned to the West Zone, through Kampong Speu to visit a dam

1 located near Aoral mountain. The Sector 32 committee took us to
2 visit that location. We then returned to Chbar Mon and returned
3 to Phnom Penh to conclude our tour.

4 [15.22.29]

5 Q. Thank you for that overview. Let me ask you a specific
6 question about this trip. Did you meet the Northwest Zone
7 secretary, Ros Nhim, during this trip; and if you did, can you
8 tell the Court what you remember about Nhim, the Northwest Zone
9 secretary?

10 A. While I was driving Ta Phum, I heard him talking about him.
11 But during the time that I was with the convoys there were so
12 many vehicles. He went to receive him in Kralanh, which was the
13 borderline of Northwest and Ourdor Meanchey. He was in his jeep
14 with a few of his bodyguards and driver to receive our convoy.
15 He then greeted the convoy while I was away; I was about 500
16 metres away. I only knew that he came to receive the convoy, then
17 we left for Sisophon (phonetic) and we stayed at Svay Sisophon
18 (phonetic), which is currently known as Banteay Meanchey.

19 [15.24.09]

20 We stayed overnight there and the next morning we continued our
21 trip. I did not hear him speaking or saying anything and I only
22 saw him from afar. And only during subsequent trips I met him
23 when I was assigned to transport materials.

24 Q. Now, you've indicated that in this trip, in late 1976, you
25 took this large group of cadres around the entire country. You've

1 talked this morning about taking some foreign delegations into
2 the provinces. When you travelled into the provinces, did you
3 observe whether the people there were healthy and whether they
4 had sufficient food?

5 A. When I went to <> to greet a guest, I saw them in their active
6 performance, <they were in cheerful mood> and the delegate was
7 not allowed to receive any bad place. So we did not know about
8 the lack of food in the cooperative. We were shown about the way
9 they threshed the rice and the threshing machines, and about the
10 progress and development.

11 [15.26.02]

12 And we were told to observe the practice and the agricultural
13 development, in terms of the threshing machine, which was only
14 newly released at the time. There were automatic and
15 semiautomatic threshing machines used at the time. And they
16 showed us how the machine was operated. There was a fan that was
17 used as well, and that we should copy the model so that we could
18 also develop our respective sections, rather than using our
19 labour to thresh the rice.

20 Q. Let me ask you something about something you said in your
21 DC-Cam interview, Mr. Civil Party. This is E3/5783; Khmer,
22 00482800; English, 00739532; the French, 00746479. You told
23 DC-Cam, quote:

24 "I could know that there would definitely be shortages because
25 when Angkar assigned me to go somewhere alone by car, I stopped

1 along the roads and people frequently came to ask me for food."

2 End of quote.

3 Can you tell us; where was it that this took place, where you
4 would be stopped and people would ask you for food?

5 [15.27.53]

6 A. At that time I was assigned to work in Kampong Cham, and after
7 I returned from Kampong Cham, while I was having a meal at Thnal
8 Kaeng, people saw us and they came to beg for rice from us. And
9 during the time that I drove a guest, we also stopped there for
10 lunch because there were trees and we could have lunch under the
11 shade of those trees.

12 There were people who were working along the road and they were
13 emaciated, from their physical appearance, and young children who
14 were a bit over 10 years old who were used for road construction,
15 although their cheeks were dulled. And <there were adults who
16 were the leaders and> we saw those children digging and repairing
17 the road at Thnal Kaeng <to Praek Kdam (phonetic)>

18 [15.29.10]

19 Q. Thank you, Mr. Civil Party. You talked this morning about
20 transporting, being assigned to take foreign delegations to
21 various places. Before your first assignment, which I think was
22 the Burmese delegation; did you receive training from Ieng Sary
23 on how you should handle things with the foreign delegations? Did
24 you receive training from Ieng Sary?

25 A. Initially when I drove foreign guests, I did not attend those

1 study sessions. Only later on when we received presidential
2 delegates from three countries, Uncle Ieng Sary had a new policy;
3 that is, for us to attend study sessions at B-1 office, which is
4 currently the Minister of Cabinet office. <The> location compound
5 was at a junction of the main road and the road leading to
6 Kampuchea Krom Boulevard. And there was <a medicine production
7 unit which was> also an office of Ieng Thirith belonging to the
8 Social Affairs Ministry.

9 At the time he said that our Party received foreign delegates at
10 the provincial level at state visits, so we all should not dress
11 in black attire and that we had to wear military uniform,
12 assumedly from China, and also we had to wear dark green uniform
13 as the uniform worn by police.

14 And that he said that we should go to Ou Ruessei, that is, the
15 state garment, and that we should go there to have two sets of
16 uniforms made or tailored for us. And that we should no longer
17 wear the car tyre thongs, and that we should have proper
18 clothing, and that for both the drivers and the other group of
19 people. And we had to have these uniforms for all of us.

20 [15.32.38]

21 We were given nice trousers and a long-sleeved shirt and good
22 shoes. And they were distributed to us, the driver unit. <I was
23 very delighted by the uniform. There was a meeting for three
24 units.> Bong Miel was our chief <of the driver unit>, <the unit
25 that guarded the> foreign guests <was> under <Kham Mi>

1 (phonetic). And <there was> food preparation <and catering
2 service> group <which was under> Yeay Sin <>.

3 He advised us to have sufficient <> food and goods at these
4 so-called foreign market at a hotel called "White Hotel" or
5 "Santhakea Sor" (phonetic), which was located to the east of the
6 central market. And the market was mainly to cater for foreign
7 guests and visitors <and diplomats>.

8 [15.34.02]

9 He gave us rather detailed instructions about this matter, as
10 well as about the country situation and <> the shortage faced by
11 our people. He said our country had just ended its war and for
12 that reason we were in shortage of everything, including food
13 supplies and medicine. And we were not plenty as broadcast on the
14 radio and for that reason, "You comrades shall contribute to this
15 matter in order to make it succeed." That's what he said and I
16 can still recall it; he spoke about a shortage.

17 And, of course, at my unit, there was also a shortage, and I was
18 hungry all the time because of insufficient food. And as Khieu
19 Samphan gave us in his speech, he spoke about three dishes per
20 day and that we should have collective eating, that it means that
21 we should eat in our group or unit; that is from smaller
22 cooperative to larger cooperative. And that each unit had to be
23 autonomous and independent in planting vegetables and not to ask
24 for these supply from other cooperatives.

25 Q. Let me stop you there. I think you're getting -- if I

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1 understood, you're getting into the meeting with -- or the
2 sessions with Khieu Samphan. I want to focus first on Ieng Sary.
3 Do I understand correctly -- I understand from your testimony
4 that Ieng Sary was aware and told you that the people in the
5 provinces lacked food and medicine. Did he give you any
6 instructions on what to say if people from the foreign
7 delegations asked you whether there was sufficient food and
8 medicine for the people? Did he give you instructions on what to
9 do if you were asked about that by the foreign delegations?

10 [15.36.53]

11 A. I appear to not remember it well. He did say about the fact
12 that we do not have much to spend and much to eat, as indicated
13 in the radio broadcast. And he made mention that all people
14 voluntarily went to engage in the agricultural production. It was
15 not Om Van who made such a speech, it was my chief at the time.
16 And guests who were in my vehicle usually asked me and discussed
17 different topics with me and I told him that, "I was busy driving
18 you". Those guests usually could speak Khmer, and I in reply told
19 them about some of the issues to those guests in my vehicle.

20 [15.38.16]

21 I sometimes sent my guests to the markets, and <> surrounding the
22 <Central> Market, there were houses but no people, and they asked
23 me <> where the people had gone. <At that time my chief advised
24 me to respond to the guests that people> had <voluntarily> gone
25 to the countryside to engage in the production, and I was

1 instructed, repeatedly, by my chief that I needed not to explain
2 much while I was driving. Usually, my guests in my vehicle asked
3 me this and that. <For example, the Laotian guests. They spoke
4 Khmer very well.>

5 Q. Let me just ask you about a statement in you made in your
6 DC-Cam interview. Again, E3/5783; Khmer, 00428812; English,
7 00739544; and French, 00746487. You said, quote:

8 "In the meeting I was told to answer that people volunteered to
9 work in agricultural production in the countryside, if I was
10 asked these questions."

11 Question: "Who taught you to answer like this?"

12 Answer: "The office chief told us to answer like this when we
13 were asked. We had to tell them good things, although the truth
14 was not." End of Quote.

15 Who was the office chief who gave you this instruction, Mr. Civil
16 Party?

17 [15.40.21]

18 A. Thank you. Bong Miel, my office chief<>. I did not know
19 whether he got such instructions from the above or he initiated
20 those instructions by himself. He advised me to tell that, in
21 order that we could explain and tell the guests. The meetings
22 were held on a daily basis. And if I discussed this matter again,
23 I would dwell on the content of the discussion made by Khieu
24 Samphan in the meetings.

25 I, as I said, have held issue but as you bring the matter up I

1 would like to tell you now. In order to search for infiltrated
2 enemies, we had to base ourselves on the principles of criticism
3 and self-criticism. The title of the speech is in order to sweep
4 away infiltrated enemies, we have to rely ourselves on principles
5 of self-criticism and criticism, and also the principle of solid
6 stance. The meetings were held for a few minutes, 10 or 15
7 minutes. The meetings of the <groups> were held <every> three
8 days, and the small <units'> meetings were held once <every half>
9 a month, <and the meetings of the big units were held once every
10 15 days or a month>. The meetings were to prevent the inside
11 enemy to destroy all of us.

12 [15.43.03]

13 I cannot recall it well, Mr. Co-Prosecutor. I may have mixed up
14 the content of the study session conducted by <> Uncle Ieng Sary,
15 while I'm talking about this. Om Khieu Samphan or Uncle Khieu
16 Samphan made mention about the support to cooperatives. He said
17 that on the 10th, 20th or 30th day -- that is, the holiday; the
18 relaxing day from work, -- <at the time, there was no weekend, we
19 had only three days off per month,> -- workers were still
20 required to go and grow vegetables in order to support each
21 cooperative and each unit. Each unit and each cooperative were
22 required to raise their own cattle and livestock, "You do not
23 need to go and ask for meats from other. You have to be on <your>
24 own master."

25 My apology, Mr. Co-Prosecutor, if I may have mixing up the

1 content of the discussion by Uncle Ieng Sary.

2 [15.44.46]

3 Q. No worries. I'm going to come back and ask you some follow-up
4 questions on that in the morning; I guess Thursday morning when
5 we resume.

6 Let's go back, I want to try to focus on your trips around the
7 provinces, and you've talked about being a driver when a
8 delegation from China came; Chen Yunggui's delegation.

9 Did you drive the Chinese delegation around the entire country;
10 and if so, did you go to the 1st January Dam at the Stung Chinit
11 river, and to the Trapeang Thma Dam in the northwest during your
12 trip with the Chinese delegation?

13 A. Yes, I went there. Regarding the visit of Chen Yunggui and
14 Secretary Pol Pot, that was like, I accompanied other delegates
15 to different provinces, but they did not go to Svay Rieng. <They
16 went straight to Chub.> Last time I accompanied delegates <to>
17 Svay Rieng, but this time I accompanied these two guys <from
18 Tonle Bet to Suong and they also went> to Trapeang Thma and the
19 1st January Dam, <Chinit river,> to my recollection. To my
20 recollection, we had a meal under the palm tree.

21 [15.46.50]

22 Q. Can you tell the Court, as best you -- what you remember about
23 the 1st January Dam worksite and the Trapeang Thma Dam site, and
24 specifically whether you were able to observe the conditions at
25 those sites or the conditions of the workers? Can you tell us

1 what you remember about the trips to those two dam worksites?

2 A. Regarding the 1st January Dam, <> it was not completely built
3 <yet>. We went to observe the construction process of some sites.

4 There were a lot of workers, they were working like <> ants.

5 But as for Trapeang Thma, there were not so many workers since
6 harvesting had already been done. We went to there to observe the
7 farming field. Some <> rice plants were almost ripe but some
8 others were just planted.

9 We went to Phnom Srok as well in the Northwest Zone when Ta Nhim
10 came to accompany us as well. Pol Pot was in attendance but not
11 Uncle Nuon and Uncle Khieu Samphan; they were on duty.

12 There were a lot of vehicles in the convoy, maybe 50, 60, or 70
13 vehicles in that convoy.

14 [15.49.25]

15 Q. And I just want to make sure the record is clear; when you
16 went to the 1st January Dam at the Stung Chinit river, was Pol
17 Pot with the delegation when they went to the 1st January Dam?

18 A. Pol Pot was always with them. Since <> he was representing the
19 <host> country, he was always with the Chinese delegation. He
20 accompanied the delegation all along.

21 Q. I want to just -- to establish the time, and ask you a few
22 follow-ups. I want to read to you a broadcast from the Democratic
23 Kampuchea Radio on the 7th of December 1977.

24 MR. LYSAK:

25 Your Honours, this is document E3/1339; E3/1339. English, ERN

1 00168335 through 36; Khmer, 01169188 through 9189, and there is
2 no French translation yet.

3 This was a DK radiobroadcast titled, "Chen Yunggui visits the
4 Central Region". And it reported as follows, Mr. Civil Party:
5 [15.51.28]

6 "On the morning of 6 December 1977, Comrade Chen Yunggui, a
7 member of the political bureau of the Chinese Communist Party
8 Central Committee, and other Chinese guests visited cotton and
9 rice fields in Veal Spor in the company of Comrades Pol Pot, Vorn
10 Vet, Thiounn Thioeunn, Minister of Public Health, Pauk, secretary
11 of the central region committee, and An, deputy Secretary.

12 In the afternoon our fraternal Chinese guests visited rice fields
13 in the Baray area and the Mucy Makara Dam. Thousands of cadres
14 and people filled with profound revolutionary brotherhood were on
15 hand to warmly welcome the visitors."

16 End of quote.

17 A couple of follow-up questions. Do you remember whether Pol Pot
18 had other party leaders with him, including Vorn Vet and the
19 secretary of the Central Zone, Ke Pauk? Did you see them?

20 A. Yes, I did see them. When we arrived at zones, we would be
21 welcomed by the zone committees since leaders from Phnom Penh
22 were there. That is correct. There were many, many people. It was
23 a very crowded situation.

24 [15.53.31]

25 Q. And during this trip with the Chinese delegation, who is that

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1 you were assigned to drive during that trip?

2 A. Comrade Miel assigned me to drive the vehicle, first for

3 Thiounn Thioeunn, and when I arrived at Suong, <> the vehicle

4 with the filmmakers on it was too slow, so I was assigned <by

5 Comrade Miel> to drive the vehicle transporting film crew. Film

6 crew usually took photos and film of the guests and delegation.

7 <At that time, I could see the guests and delegation closely.>

8 And as I said, the visit was made from the east up to Phnum Srok,

9 and also we were on the fast boat <to Kampong Som> as well to see

10 the maritime border.

11 [15.55.30]

12 Q. Just a last question about the driving assignments. Was it

13 someone from your office, K-12 who drove Chen Yunggui when he was

14 there; and if so, who from your office was assigned to do that?

15 MR. KOPPE:

16 An observation, Mr. President, if I may?

17 This is the first witness in the last segment, the role of the

18 accused. The Prosecution is free to ask questions if he likes,

19 but to be honest I haven't heard one relevant question in regard

20 the second role of the accused.

21 For the information of everyone, we're not disputing the Chinese

22 delegation's visits to the dam; they have been discussed

23 extensively when we were discussing the worksites. I find it a

24 complete waste of time, to be honest. But I don't know what you

25 had in mind when you scheduled this particular segment.

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

1 MR. LYSAK:

2 Mr. President, I'm not really interested in insults from the
3 other side. This witness, the civil party, has described at
4 length his meeting with -- or political education meeting with
5 Nuon Chea and Khieu Samphan. I am going to ask him some
6 follow-ups on that but he's described that at length. But he's a
7 person who has significant knowledge from a lot of areas so I'm
8 trying to develop some additional information on that as well.

9 [15.57.32]

10 MR. PRESIDENT:

11 Continue please.

12 BY MR. LYSAK:

13 Q. Yes. What I was interested in, you've talked about your office
14 being assigned to drive the Burmese President's delegation and
15 this high-ranking delegation from China. Was it someone from your
16 office who would drive -- be assigned to drive the Burmese
17 President, the Lao President, and Chen Yunggui; was it your
18 office entrusted with that?

19 [15.58.21]

20 MR. SAR SARIN:

21 A. Mr. Co-Prosecutor, the drivers' unit -- I mean, modern
22 vehicles <> were parked at K-12. And vehicles used for all uncles
23 were parked there, and <the vehicles> for guests were also
24 <parked> there. <They did not park those cars at their houses as
25 personal properties.> Leaders at the time used only a Lambretta

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1 with a tent roof. <Besides the driver like me, their identities
2 were hardly identified. The> Lambretta was used to travel around
3 different places. Only when the leaders accompanied guests, they
4 would use the modern vehicles. Uncle <Nuon, Uncle> Khieu Samphan,
5 Uncle Vorn Vet, Uncle Prang (phonetic), whose vehicles were
6 parked at my office.

7 The vehicles at my unit were used to drive local and
8 international guests. Wives of leaders never used <Mercedes to go
9 to see the art performance>. Back then we had the principle to
10 save a lot of expenditure unless we could move 15 more years that
11 we could use a lot of stuff and vehicles in a more modern way.

12 Some of those who committed mistakes or who had the car crashed
13 would disappear. <For example Comrade Reth, Comrade Ry, Ta Chhoy,
14 Ta Phuong who> caused some issue and <later on> they disappeared.
15 But I myself did not inquire what happened to them.

16 I <want to> tell you about my sufferings and what happened to me
17 at the time, Mr. Co-Prosecutor<>.

18 [16.01.06]

19 MR. PRESIDENT:

20 It's now time for the adjournment. The Chamber will resume its
21 hearing on Thursday, 10 November 2016 at 9:00 a.m.

22 And the Chamber will continue to hear the testimony of civil
23 party, Sar Sarin, and we have <a reserve of> witness, 2-TCW-913,
24 and we have also a reserve of civil party, 2-TCCP-235, in
25 relation to roles of the accused. Please be informed and please

1 be on time.

2 I thank you very much for your presence here, Mr. Sar Sarin. <The
3 hearing for your testimony as the civil party is not yet
4 concluded.> You are invited, once again, to come and testify on
5 Thursday, 10 November 2016 at 9:00 a.m.

6 [16.02.00]

7 Court officers, please work with the WESU to send this civil
8 party to the place where he is staying, and please invite him
9 back into the courtroom on Thursday, 10 November 2016 at 9:00
10 a.m.

11 Security personnel are instructed to bring Khieu Samphan and Nuon
12 Chea back to the detention facility and have them returned into
13 the courtroom on Thursday, 10 November 2016 before 9:00 a.m.

14 The hearing is now adjourned.

15 (Court adjourned at 1602H)

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