



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

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

6 June 2012  
Trial Day 70

Before the Judges: NIL Nonn, Presiding  
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YA Sokhan  
Jean-Marc LAVERGNE  
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MR. SAO SARUN (TCW-604)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. KARNAVAS	English
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. SAO SARUN (TCW-604)	Khmer
MR. SENG BUNKHEANG	Khmer

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 The Greffier, Ms. Se Kolvuthy, could you report the attendance of  
6 the parties to the proceeding?

7 [09.02.35]

8 THE GREFFIER:

9 Good morning, Mr. President. All parties to the proceeding are  
10 present except the accused Ieng Sary, who is present in the  
11 holding cell downstairs as he requests to waive his presence,  
12 through his counsel, to directly participate in proceeding. The  
13 letter of waiver from the Accused has been submitted to the  
14 greffier.

15 As for today's proceeding, the witness, TCW -- the reserve  
16 witness is waiting in the room and the witness will take an oath  
17 and ready to be testified. The reserve witness, to his knowledge,  
18 informs the Chamber he has no relation by blood or by law to any  
19 of the civil party or to the Accused.

20 [09.03.37]

21 MR. PRESIDENT:

22 Thank you.

23 The Chamber has now received the letter of waiver of the Accused  
24 through his counsel to waive his personal presence in this  
25 courtroom and requires to follow the proceeding through

2

1 audio-visual means in the room downstairs due to his health, that  
2 he cannot sit for long to follow these proceeding in this  
3 courtroom. As requested by Ieng Sary to waive his presence in  
4 this courtroom and to follow the proceedings through the  
5 audio-visual means, and that he can also communicate with his  
6 counsel from the rooms downstairs, the Chamber agrees to this  
7 request to waive his right and he is allowed to follow the  
8 proceeding from the room downstairs through audio-visual means  
9 for the entire day proceeding.

10 The AV Unit, you are instructed to link the audio-visual to the  
11 room downstairs so that the Accused could follow the proceeding.

12 The floor is now given to the Prosecution to continue questioning  
13 this witness.

14 Before we hand over the floor to the Prosecution, the Prosecution  
15 is reminded that you shall prepare your questions precisely and  
16 short and not to repeat the questions that have been asked  
17 already or any of the leading questions. Please pay attention to  
18 these reminders. You may now proceed.

19 [09.06.09]

20 QUESTIONING BY MR. SENG BUNKHEANG RESUMES:

21 Thank you, Mr. President. I will continue my questioning of the  
22 witness.

23 Q. Good morning, Mr. Sao Sarun. Yesterday we discussed about the  
24 meeting in Kampong Thom province in 1971. I will now touch upon  
25 the same issue, that is, the same meeting, but it was held in

1 1972. The question is the following: Did you participate in the  
2 meeting in Kampong Thom Province in 1972?

3 MR. SAO SARUN:

4 A. No, I did not.

5 [09.07.17]

6 MR. SENG BUNKHEANG:

7 Mr. President, I would like to seek your permission to show a  
8 document which is the written record of interview of this witness  
9 conducted by the OCIJ. The document is E3/167 or D125/167. The  
10 Khmer ERN is 00251437; in English, 00278694, and in French,  
11 00486009210.

12 MR. PRESIDENT:

13 Yes, you may do so. The document can be projected on the screen.  
14 The AV Unit, could you assist with the projection of this  
15 document on screen?

16 [09.08.41]

17 BY MR. SENG BUNKHEANG:

18 Thank you, Mr. President.

19 Q. In that document, the witness states that, in 1972, the  
20 district chiefs included Ky, Svay, Cham, Lork and himself, went  
21 to attend the meeting in Kampong Thom with Pol Pot, Hu Nim, Hou  
22 Youn, and Nuon Chea. Do you stand by this statement, Mr. Witness?

23 MR. SAO SARUN:

24 A. Yes, I attended that meeting.

25 Q. Thank you. Can you recall who were other participants in the

4

1 meeting held in Kampong Thom in that year of 1972?

2 A. I did not know any other people. I knew Pol Pot because he was  
3 the one who made the presentation regarding documents.

4 Q. In that statement you said you also saw Nuon Chea attending  
5 the meeting. Was it the first time that you met Nuon Chea?

6 A. I knew him as the organiser, invited him to go up the stage.

7 [09.10.41]

8 Q. Did you know, then, what was the role of Nuon Chea at the  
9 time?

10 A. No, I did not know what his role was.

11 Q. Can you recall, were there other representatives from other  
12 provinces attending that meeting?

13 A. Yes, there were, but I did not know them.

14 Q. What about other provincial leaders? Did they attend the  
15 meeting?

16 A. Yes, there were.

17 Q. Can you recall how many participants all together in that  
18 meeting?

19 [09.12.08]

20 A. No, I cannot recall how many participants there were.

21 Q. The meeting held in Kampong Thom Province in 1972, was it held  
22 in the same location where it was held in 1971?

23 A. Yes, it was at the same place.

24 Q. How long did the meeting last? How many days?

25 A. It was almost 10 days.

5

1 Q. The 1972 meeting, who were the presenters in that meeting?

2 A. I saw only one person, and it was Pol Pot.

3 Q. Can you recall if there were other presenters?

4 A. I cannot recall that.

5 Q. Thank you.

6 I would like to seek the consent of Mr. President to present  
7 another written record of interview, that is -- it's E3/167. It's  
8 the same document, or D125/167. ERN in Khmer is 00251437; in  
9 English, 00278694 and in French, 00486010.

10 [09.14.34]

11 MR. PRESIDENT:

12 Yes, you can proceed.

13 The assistant and the AV Unit, could you assist with the  
14 projection of that portion of the document on screen?

15 BY MR. SENG BUNKHEANG:

16 Q. In that document you said that in the meeting, Nuon Chea was  
17 the political presenter regarding the fighting against the  
18 American Imperialists to liberate the country and to get rid of  
19 the oppressing classes. Is that correct?

20 MR. SAO SARUN:

21 A. Yes.

22 Q. What other instructions Nuon Chea gave regarding the fighting  
23 against the oppressing class?

24 [09.15.46]

25 A. He made a presentation by presenting the document. That is



1 all.

2 Q. Can you recall what did Nuon Chea refer to when he talked  
3 about the oppressing class?

4 A. I did not know what he meant by using that term.

5 Q. Regarding the liberation of the country, what did he talk  
6 regarding this topic?

7 A. What he said was merely about the liberation of the country.

8 Q. Just then you told the Chamber that there was a document that  
9 he presented. What kind of document was it?

10 A. That document discussed about the fighting against the  
11 American Imperialists.

12 Q. Can you recall the title of that document?

13 A. No, I cannot recall it.

14 Q. During the time that you travelled to attend the meetings in  
15 both 1971 and 1972 in Kampong Thom province, did you see or hear  
16 about the office B-20?

17 [09.18.13]

18 A. No, I did not.

19 Q. Did you see Khieu Samphan attending the meeting in Kampong  
20 Thom province?

21 A. I did not know who Khieu Samphan was.

22 Q. So you did not know who was who at the time. When was the  
23 first time that you met with Khieu Samphan?

24 A. No, I had not met him during that time, only after the  
25 liberation of Phnom Penh that I met him.

1 Q. Now, I move on to another question. Did you know that people  
2 residing in Mondulkiri were ordered to dismantle their house and  
3 to move to the cooperative? I referred to the period prior to  
4 1975.

5 [09.20.09]

6 A. There was difficulty and lack of farmland at the border, so  
7 people were relocated.

8 Q. Did you know the reasons for the relocation of those people?

9 A. No. What I knew was that there was a vast land in -- vast free  
10 land in the Kaoh Nheaek district and that people could engage in  
11 rice farming, so they were moved there.

12 Q. In Mondulkiri province, when was the first time that  
13 cooperatives were created?

14 A. It was around 1977.

15 Q. Were other people relocated from other parts of Mondulkiri to  
16 Kaoh Nheaek district between '73 to '75?

17 A. No, it started in '66 or '67. The Sector Committee moved the  
18 people from other parts of the province to do rice farming in  
19 Kaoh Nheaek district.

20 Q. What about those families living alongside the Vietnamese  
21 border? Were they also ordered to move to Kaoh Nheaek district?

22 A. Yes, they were relocated to Kaoh Nheaek district since they  
23 did not have the lands to farm near the border area. It was a  
24 mountainous land.

25 [09.23.01]

1 Q. Did you know that the families who were ordered to relocate to  
2 Kaoh Nheaek -- what were the tasks that they were ordered to do  
3 in Kaoh Nheaek?

4 A. They were asked to engage in farming and rice farming.

5 Q. At that time, what was the living condition? Were they eating  
6 privately or communally?

7 A. Starting from '71 through '75, people ate separately, but from  
8 '76 to '77 and so on, people ate communally.

9 Q. In general, how many people ate communally?

10 [09.24.33]

11 A. They were put into groups. Sometimes it was a group of 20 or a  
12 group of 30.

13 Q. At that time, was -- was there any establishment of a mutual  
14 assistance group?

15 A. Before 1975, there were kinds of solidarity groups to  
16 assist one another.

17 Q. Regarding the establishment of the solidarity group or the  
18 cooperative, who was the person that ordered the establishment?

19 A. I only knew they came from the sector because the order came  
20 from the sector to the district that the solidarity group or  
21 cooperative shall be established.

22 Q. Thank you.

23 Now I move on to another topic regarding the forced evacuation.

24 My question to you is the following: On the 17th of April 1975,  
25 where were you?

1 A. I was in Pech Chenda district.

2 Q. Were you aware of the Communist Party's plan to evacuate  
3 people from the city or the provincial towns?

4 A. No, I was not aware of it.

5 [09.27.16]

6 Q. Regarding the people who were evacuated from Phnom Penh or  
7 other provincial towns, were any of them sent to the location  
8 where you were living at the time?

9 A. No.

10 Q. Did you ever hear the word that they used, for instance, "New  
11 People"?

12 A. No, I did not.

13 Q. I would like to ask you regarding the administrative structure  
14 and the communication structure at the national level. You  
15 already told the Chamber yesterday that you were the secretary of  
16 the Pech Chenda district from 1971 through 1978. The question is  
17 the following: What did you observe after the 17th of April 1975  
18 regarding your responsibility as the district secretary? Was  
19 there any significant change to your role?

20 [09.29.06]

21 A. There was no change.

22 Q. Now I would like to ask you regarding the reporting regime.  
23 Before that, I will ask you another question: During the DK  
24 period -- that is, when you were a member of the CPK, member and  
25 also Pech Chenda district secretary -- did you ever know about

10

1 the Party statute?

2 A. Yes, I heard about the Party statute as it was read out during  
3 the meeting.

4 Q. Can you recall the main content of the Party statute?

5 A. I cannot recall it.

6 Q. Can you tell the Court, when you were the secretary of Pech  
7 Chenda district, you had to report to secretary or Sector 105  
8 concerning the overall welfare and work at your district. And how  
9 did you report it?

10 A. I only reported to the sector, and the substance of my report  
11 was on the progress made at the rice farming and rice production.

12 [09.31.32]

13 Q. How often did you report to the sector?

14 A. I did not do it often. Normally, it was once a week, and  
15 sometimes it varied as well based on the actual circumstance.

16 Q. Did you have the Telegram Office attached to the District  
17 Office?

18 A. No, we did not have one.

19 Q. Concerning your authority in your capacity as the secretary of  
20 the district, in your capacity as the secretary of the district,  
21 were you empowered with the authority to order the arrest of  
22 someone?

23 A. No, I was not. Ever since I was appointed as the secretary of  
24 Pech Chenda district, never had I ordered an arrest of anyone.

25 [09.33.09]

11

1 Q. How about secretary of Sector 105? Did he have the authority  
2 to order the arrest of someone within his locality or he had to  
3 receive order from his superior before an arrest was carried out?

4 A. That, I did not know. I only knew the tasks within the  
5 framework of the district I administered.

6 Q. When you were the secretary of Pech Chenda district and you  
7 were also a member of the sector in charge of health affairs, did  
8 you ever participate in the sectors' meeting?

9 A. Yes, I did. On behalf of the sector invitation, whenever they  
10 called me to a meeting, then I would attend.

11 Q. Did you know if the Sector Committee met frequently?

12 A. They did not meet frequently. They normally met once a month  
13 or once -- or they met bimonthly.

14 Q. Do you recall the meeting venue? Where was it held?

15 A. The meeting was held at the Sectors Office.

16 [09.35.23]

17 Q. During each meeting, do you remember how many people would  
18 attend meetings each time?

19 A. There were many participants from all the districts.

20 Q. In the sectors' meeting, what were the usual agenda on the  
21 meeting?

22 A. First item on the agenda was the management of the people. The  
23 second item was on the welfare of the people and livelihood of  
24 the people, and we discussed ways in order to lift up poverty of  
25 the people.

12

1 Q. How about secretaries of other districts who attended the  
2 meeting -- the sectors' meeting? Did they individually report  
3 their overall situation of their respective districts in that  
4 meeting?

5 [09.37.06]

6 A. Yes, they did. They normally reported about the cultivation,  
7 the situation of the livelihoods of people and the shelter issue  
8 for the people.

9 Q. Concerning the meeting, did you happen to know who kept the  
10 record of the meeting?

11 A. I did not know. I did not know who was assigned to take  
12 minutes or keep records.

13 Q. In your capacity as the secretary of Pech Chenda district, did  
14 you chair the District Committee meeting?

15 A. Yes, I did. Once there was guidance or instruction from the  
16 sector, then we would convene the meeting at the District  
17 Committee and the task was on organizing people in order to  
18 cultivate rice.

19 Q. How often were such meetings held?

20 A. It was not held frequently. Normally it was once a month or  
21 bimonthly.

22 Q. Who normally attended the District Committee with which you  
23 chaired?

24 A. Normally there were members of the District Committee and the  
25 secretary of communes would be in the district.

1 [09.39.56]

2 Q. How about the deputy secretary of the district? Did he attend  
3 the meeting?

4 A. Yes, he did. He attended the meeting.

5 Q. Who was the deputy secretary?

6 A. Ta Phak. He is deceased.

7 Q. What was his full name?

8 A. No, he did not have a full name. We knew him as Ta Phak.

9 Q. As the secretary of the district, have you received reports  
10 from the Commune Committee?

11 [09.41.22]

12 A. Yes, I received reports regularly. They had to submit reports  
13 on a monthly basis.

14 Q. What was the usual content of the report?

15 A. They reported on the rice production and livestock raising, as  
16 well as the management of their locality.

17 Q. How many days a week did you work?

18 A. It was not regular. Sometimes we worked one day a week or two  
19 days a week. It was not regular.

20 Q. Now I move on to the next part of this question concerning the  
21 sector structure. Can you tell the Court what Office K-20 --  
22 K-11?

23 A. K-11 was not much known to me. People knew it as K-11, and I  
24 knew nothing else about this office.

25 Q. What was K-11 for?



14

1 A. I did not know what this office was for and people called it  
2 K-11.

3 [09.43.56]

4 Q. Do you know where office K-11 located?

5 A. It was located close to the sectors office, somewhere near  
6 Phnom Kraol Mountain.

7 Q. Was office K-11 far from Office K-17?

8 A. It was not far from each other. It was about 100 metres away.

9 Q. Do you know who was in charge of Office K-11?

10 A. Sophea.

11 Q. Besides the -- being the person responsible for Office K-11,  
12 what else did Sophea do?

13 A. He was also in charge of the sector Military Committee.

14 Q. Did you know how many people worked in Office K-11?

15 A. That, I do not know.

16 Q. At Sector 105, was there a commerce office?

17 A. Yes, there was. There was a commerce office.

18 [09.47.16]

19 Q. Do you know the code number for this commerce office?

20 A. I did not know.

21 Q. Do you know Office K-16 and what was this office for?

22 A. Yes, I do. I knew this office, Office K-16. It was the office  
23 dedicated to economic affairs of the sector.

24 Q. Where was Office K-16 located?

25 A. It was close to the sectors' office.

15

1 Q. Do you know who was in charge of Office K-16 during the  
2 Democratic Kampuchea?

3 A. That, I do not know. I only knew the affairs within the  
4 framework of my district.

5 Q. How about the district's subordinate to -- to Sector 105? Did  
6 each district have a correction centre attached to it?

7 A. No, they did not have.

8 [09.49.41]

9 Q. How about at the sector level? Was there a correction centre  
10 or education centre attached to it?

11 A. Yes, there was a correction centre or security centre attached  
12 to the sector.

13 Q. What was that security office called?

14 A. That, I do not know. People call it correction centre.

15 Q. Do you remember its code number?

16 A. No, I don't.

17 Q. Do you know where this re-education centre located?

18 A. It was also located close to the district office or to the  
19 sectors' office near Phnom Kraol.

20 Q. Who was in charge of that re-education centre?

21 A. I do not know because it was the affair of the sector level.

22 Q. Thank you.

23 [09.51.47]

24 Now I move on to the political education training. Can you tell  
25 the Court, during the period of the Democratic Kampuchea from the

1 17 of April 1975 to the 6 of January 1979, the political  
2 training, including the training on Party lines as well as the  
3 Party policy, what were the main substance of these political  
4 trainings?

5 A. To my understanding, the political -- political line of the  
6 Party was to reunite the people, safeguard the sovereignty and  
7 territorial integrity of the nation.

8 Q. During the period when you were the secretary of this Pech  
9 Chenda district, were you ever called to attend political  
10 trainings in Phnom Penh?

11 A. No, I was never called to Phnom Penh. I attended training in  
12 the sector level.

13 MR. SENG BUNKHEANG:

14 With permission from the President, I would like to display the  
15 record of interview by the Office of Co-Investigating Judges,  
16 document E3/367 or D125/167; ERN in Khmer, 00251437 to 38;  
17 English ERN 00278694; ERN in French, 00486010.

18 [09.54.40]

19 MR. PRESIDENT:

20 You may proceed and this document can be now displayed on the  
21 computer screens.

22 BY MR. SENG BUNKHEANG:

23 Thank you, Mr. President.

24 Q. In this particular record of interview, you said that from  
25 1975 through 1978 -- you said you attended training twice: once

17

1 in Borei Keila, and the other time was in a location in between  
2 Borei Keila and Russian Confederation Boulevard. Do you recall  
3 attending those training sessions?

4 MR. SAO SARUN:

5 A. Yes, I do. I did attend those two meetings.

6 Q. Can you recall who conducted the political training session  
7 back then?

8 A. I cannot recall, but I noted that Pol Pot was one of the  
9 presenters.

10 [09.56.31]

11 MR. SENG BUNKHEANG:

12 Next, I would like to seek leave from the Chamber to project this  
13 same document again so that I can put the question, and it is the  
14 same document with the same identity.

15 MR. PRESIDENT:

16 You may proceed.

17 And if you have a question on the same document that -- that is  
18 being displayed, then you can simply put the question; you do not  
19 have to seek permission again.

20 BY MR. SENG BUNKHEANG:

21 Thank you, Mr. President.

22 Q. In your testimony before the Office of Co-Investigating  
23 Judges, you also said that in the course of the two training  
24 session -- you mentioned that Nuon Chea was the presenter on  
25 economic matters and economic concepts; do you recall that?

1 [09.57.38]

2 MR. SAO SARUN:

3 A. Yes, that -- that is correct. He did present about economic  
4 matters.

5 Q. Do you remember the substance of his presentation on economic  
6 matters? What was it all about?

7 A. It was all about leading and encouraging people to do farmings  
8 in order to avoid starvation or famine.

9 Q. In the two training session, were there any other Party  
10 leaders conducted the course?

11 A. I didn't see any other.

12 Q. In your statement before the OCIJ, in that same document, that  
13 is E3/367, you stated that those who participate in the opening  
14 and closing sessions, including Pol Pot, Khieu Samphan, Ieng  
15 Sary, and Ieng Thirith; do you stand by your statement?

16 A. Yes, I did see them when their names were read out by the  
17 organizer.

18 [10.00.00]

19 Q. Were there any other leaders who made the presentation in  
20 those meetings besides Nuon Chea?

21 A. I only saw one person and it was Nuon Chea.

22 Q. You confirm that there were two sessions of the meeting; how  
23 many days did it last for one session?

24 A. For each session, it lasted between 12 and 13 days.

25 Q. In that meeting session, were you given any document?

1 A. No.

2 Q. Now I will ask you regarding the self-criticism meeting. The  
3 question is the following: Were there any self-criticism meetings  
4 in Sector 105 during the DK regime?

5 A. Yes, there were.

6 [10.02.02]

7 Q. Were these types of meeting held frequently?

8 A. No. Sometimes, it was held every six month. We try to make  
9 ourself better in leading the people.

10 Q. Can you recall, during the self-criticism meeting, who were  
11 participating in the meeting?

12 A. At the district level, there would be the district secretary  
13 and the sub-district secretary.

14 Q. What about within the sector level when there were such  
15 self-criticism meetings? Who would led the meetings?

16 A. The self-criticism meetings or sessions were held in groups.

17 Q. Can you recall how many people in each group?

18 A. It was based on the political situation. Sometimes, there were  
19 8, 9, or 10 people in each group.

20 [10.03.57]

21 Q. What about in Pech Chenda district, which was your district?  
22 Who participated in the self-criticism meetings held in your  
23 district?

24 A. There were district secretary and the sub-district secretary.

25 Q. Can you tell us, what was the purpose of the self-criticism

20

1 meeting?

2 A. The purpose was for the cadre to be good, to be loyal to the  
3 people, and not to have any impact on the interest of the people.

4 Q. In those meetings, were there people who confess of their  
5 wrongdoing?

6 A. If someone made a mistake or a wrongdoing, that person would  
7 self-criticize; otherwise, they would not do so.

8 [10.05.39]

9 Q. Regarding those who self-criticize and confess to their  
10 wrongdoing, what happened to them? Were they taken to be  
11 re-education, to be tempered, or to be disciplined?

12 A. No, they would be criticized in that meeting and that was it;  
13 there was no discipline or that sort of thing.

14 Q. Thank you.

15 MR. SENG BUNKHEANG:

16 Mr. President, I now conclude my questioning of this witness and  
17 I'd like to thank Mr. Witness for his detailed response so that  
18 the Chamber will be able to ascertain the truth.

19 I would seek your leave for my colleague to continue questioning  
20 this witness. Thank you, Mr. President.

21 MR. PRESIDENT:

22 Thank you.

23 [10.06.40]

24 The International Prosecutor, you may proceed.

25 QUESTIONING BY MR. LYSAK:

21

1 Thank you, Mr. President, members of the Bench. Good morning, Mr.  
2 Witness. My name is Dale Lysak. I'm one of the prosecutors at the  
3 Court and I will be asking you some more questions today.

4 Q. I'd like to start by asking you a -- a few questions about the  
5 interviews that you gave with the Office of Co-Investigating  
6 Judges that my colleague has -- has pointed out to you on a few  
7 occasions. Do you recall giving those four interviews to Court  
8 representatives in 2008 and 2009?

9 MR. SAO SARUN:

10 A. No, I cannot recall as I already made my statements to the  
11 Investigating Judges.

12 [10.08.14]

13 Q. Yes, I was referring to your statements to the Investigating  
14 Judges. Do you recall doing that on four occasions?

15 A. Yes, I did. I reported to the Judges already and the statement  
16 I made was based on my knowledge and understanding and I was  
17 frank in making that statement.

18 Q. And were -- were you truthful when you made those statements  
19 to the Investigating Judges?

20 A. Yes, it was truthful. I reported everything from the bottom of  
21 my heart to the Judges. I reported of him whatever I knew. What I  
22 knew, what I saw, what I did; I reported to the Judges.

23 Q. Thank you, Mr. Witness. And after each of your interviews with  
24 the Investigating Judges, did you review the written record or  
25 was your statement read to you? And did you confirm its accuracy



22

1 by putting your thumbprint on the document?

2 A. Yes. As I could not read, due to my poor eyesight, then it was  
3 read out to me.

4 [10.10.39]

5 Q. Thank you. Were your statements also read to you recently by  
6 the witness unit after you were brought here to testify?

7 A. Yes, they were read out to me.

8 Q. And when they read those statements to you, did you hear  
9 anything that you believed was wrong that needed to be corrected  
10 or did the statements sound correct to you?

11 A. I did not request for any changes to the statement because the  
12 statement was precise and clear when I made it to the Judges.

13 Q. Thank you very much, Mr. Witness.

14 I wanted just to clarify one thing that came up this morning  
15 about the K-16 office. Was the K-16 office, which you've  
16 described as the office for economic affairs of the sector -- was  
17 that the same as the sector commerce office?

18 A. Yes, it was the economic office for the entire Sector 105.

19 [10.12.54]

20 Q. Let me ask you again, just -- just so we're -- we're clear on  
21 that. My colleague first asked you about a sector commerce  
22 office, and I wanted to make sure that the sector commerce office  
23 was the same as the K-16 office; is that correct?

24 A. The sector commerce office is, indeed, the K-16 office.

25 Q. And you said that the K-16 office was close to the sector

1 office; how close?

2 A. It was about 100 metre away.

3 [10.14.15]

4 Q. Thank you, Mr. Witness.

5 Let me turn to another subject now. During the time that you were  
6 a member of the Party, were you aware of a Party publication  
7 called "Revolutionary Flag"?

8 A. I cannot recall that.

9 Q. Do you remember a Party document called the "Red Flag"?

10 A. No, I cannot recall it.

11 MR. LYSAK:

12 Mr. President, I'd like now to ask the witness about document  
13 E3/1204 -- that's E3/1204 -- and if we could also put that  
14 document on the screen. It is a 27 August 1977 telegram.

15 MR. PRESIDENT:

16 Yes, you may proceed to do so.

17 [10.16.10]

18 BY MR. LYSAK:

19 Q. Mr. Witness, I understand you cannot see or read the document,  
20 so I'm going to read to you the part of this document that I want  
21 to ask you about. And it is, as I said -- it was a 27 August 1977  
22 telegram sent from the Sector 105 secretary, Laing, under the  
23 name Chhorn, to Office 870. And the first part of his telegram  
24 states as follows -- quote:

25 "The magazines of 'Party and Revolutionary Flag' which were

1 published from 1975 to 1976 were collected and properly arranged  
2 for reading."

3 Does this refresh your memory that documents called  
4 "Revolutionary Flag" were provided to Sector 105 and made  
5 available for Party members to read?

6 MR. SAO SARUN:

7 A. No, I cannot recall it.

8 Q. And during the times that you would go to the sector office,  
9 did you ever see any reading material that was available there  
10 for Party members to review?

11 A. No, I did not see any.

12 [10.18.12]

13 Q. Thank you, Mr. Witness. Let me move on to another line of  
14 questioning.

15 Were you present at a large meeting that was held in Phnom Penh  
16 in May of 1975, approximately one month after 17 April 1975?

17 A. After the liberation in Phnom Penh in 1975, I came to attend  
18 the meeting.

19 Q. Where in Phnom Penh did this meeting take place?

20 A. I did not know the location as that was the first time I came  
21 to Phnom Penh after the liberation of Phnom Penh.

22 MR. LYSAK:

23 If I may, Mr. President, I'd like to read and show an excerpt  
24 from the same interview that we've been using before, which is  
25 E3/367 and ask the witness about that. The specific reference

25

1 page is Khmer, ERN 00251437; English, ERN 00278694; and French,  
2 ERN 00486010.

3 [10.20.20]

4 MR. PRESIDENT:

5 Yes, you may proceed.

6 BY MR. LYSAK:

7 Q. Mr. Witness, in your first interview with the Co-Investigating  
8 Judges, you said the following about that meeting -- quote:

9 "About four-ten days after the 17th of April 1975, I went to  
10 attend the meeting at the Cambodian-Soviet friendship school for  
11 three days."

12 Do you confirm the accuracy of that statement?

13 MR. SAO SARUN:

14 A. Yes, that is correct. The meeting lasted for three days.

15 Q. And when you said--

16 MR. PRESIDENT:

17 Defence Counsel, you may proceed.

18 [10.21.39]

19 MR. PAUW:

20 Thank you, Mr. President. I have a few comments to make as to the  
21 way that this witness is being questioned by the International  
22 Co-Prosecutor.

23 What I assume the International Co-Prosecutor is going to do is  
24 to read out this earlier statement and ask the witness to confirm  
25 it.

1 I think that a better way to go about this is to first ask the  
2 witness what he actually remembers, and then, if he does not  
3 remember, to read out the statement to see if it refreshes the  
4 memory. I think the National Co-Prosecutor set a very good  
5 example of doing exactly that. I think that's the way to go about  
6 it.

7 If we just have the witness confirm his earlier statement, I  
8 think it doesn't serve a purpose in the quest for the search of  
9 the truth.

10 MR. PRESIDENT:

11 The International Prosecutor, you may respond.

12 [10.22.49]

13 MR. LYSAK:

14 Yes, Mr. President. Just briefly, that's exactly what I just did.  
15 I asked the witness where the meeting took place. He said he  
16 didn't remember, and then I read him a passage to refresh his  
17 recollection.

18 So I am really -- I'm not sure what the reason for that objection  
19 is. But that is the basis on which we have been preceding, and  
20 how we will continue to proceed.

21 MR. PRESIDENT:

22 The International Prosecutor, actually, the defence counsel did  
23 not object to your line of questioning; he just made some  
24 observations regarding the way you questioned the Accused.  
25 And of course all parties have been reminded by the Chamber to

1 try to be precise in questioning the witness and not to waste any  
2 time.

3 You may proceed.

4 BY MR. LYSAK:

5 Thank you, Mr. President.

6 [10.23.56]

7 Q. Let me ask you a few questions to try to ascertain when this  
8 meeting took place. You said that you -- after the liberation on  
9 17th April 1975 -- that you came to this meeting. Can you tell --  
10 tell us how travelled from Mondulkiri to Phnom Penh to come to  
11 this meeting?

12 MR. SAO SARUN:

13 A. From Mondulkiri, I travelled by a vehicle to Kratie and then  
14 continued on to Phnom Penh.

15 [10.24.50]

16 Q. Do you remember approximately how long it took you to travel  
17 by car from Mondulkiri to Phnom Penh?

18 A. From Mondulkiri to Phnom Penh, it took me quite several days.  
19 The road condition was bad, but it was better from Kratie to  
20 Phnom Penh.

21 Q. Do you remember when you left Mondulkiri in relation to the  
22 17th of April 1975? How long after liberation was it that you  
23 left Mondulkiri to come to Phnom Penh?

24 A. I cannot recall the exact days, but it was not long after the  
25 liberation in Phnom Penh. We were told by the sector that we were

1 required to attend the meeting in Phnom Penh.

2 Q. Who was it that told you that you were required to attend this  
3 meeting?

4 A. It was the sector level.

5 Q. Are you referring to Ta Laing?

6 A. Yes. He was the one who told us to attend the meeting. He left  
7 earlier, and then we left after.

8 [10.27.10]

9 Q. Okay. That leads to my next question, which is: Who -- who  
10 else from Sector 105 travelled with you to Phnom Penh for this  
11 meeting?

12 A. There were three: myself, Lork, and another person whose name  
13 I cannot recall; it's been a long time.

14 Q. Thank you, Mr. Witness. Can you tell us who Lork was?

15 A. I did not know his position because I was at the district, and  
16 we were all called to go the meeting in Phnom Penh.

17 Q. Do you remember whether Lork was a relative of Ta Laing?

18 A. No. He was not, though he lived in the village -- nearby the  
19 village of Ta Laing.

20 [10.29.06]

21 Q. I will get back to the meeting in Phnom Penh shortly.

22 But while we're talking about your trip, on your way to Phnom  
23 Penh, travelling from Mondulkiri, did you see any groups of  
24 evacuees who were travelling across the country, or had the  
25 evacuation that started on the 17th of April 1975 already been

1 completed by the time you drove from Mondulkiri to Phnom Penh?

2 A. No, I did not see it because I actually travelled by river to  
3 Kratie.

4 MR. PRESIDENT:

5 Thank you, Mr. Witness. Thank you, the Prosecutor.

6 The time is now appropriate for a 20-minute break. We shall take  
7 a break for 20 minutes and return at 10 to 11.

8 Court Officer, could you assist the witness and the duty counsel  
9 during the break and have them back in the courtroom at 10 to 11?

10 THE GREFFIER:

11 (No interpretation)

12 (Court recesses from 1030H to 1050H)

13 MR. PRESIDENT:

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

15 I now hand over to the Prosecution to continue his line of  
16 questioning.

17 BY MR. LYSAK:

18 Thank you, Mr. President.

19 Q. Where we left off, you had just made reference to the fact  
20 that you had traveled part of the way to Phnom Penh by boat. Can  
21 you tell us where -- what part of the trip you traveled by boat  
22 -- from where to where?

23 MR. SAO SARUN:

24 A. I took the boat from Kratie province all the way down to Phnom  
25 Penh.



30

1 [10.52.00]

2 Q. So do I understand correctly that you drove from Mondulkiri to  
3 Kratie and then took the boat from Kratie to Phnom Penh? Is that  
4 correct?

5 A. That is correct. I drove from Mondulkiri province to Kratie  
6 province -- Rattanakiri rather, to Kratie province, and from  
7 Kratie, I took the boat to Phnom Penh.

8 Q. Thank you. When you arrived in Phnom Penh for this meeting,  
9 can you tell us how long you were in Phnom Penh before you  
10 returned -- left to go back to Mondulkiri?

11 A. I stayed here for -- I attended the session for three days,  
12 and then I stayed another night after the meeting before I  
13 returned to Mondulkiri.

14 [10.53.32]

15 Q. Where did you stay in Phnom Penh when you were here for that  
16 meeting?

17 A. I stayed in a place on the riverfront.

18 Q. Can you be more specific as to where on the riverfront this  
19 place was -- for example, where in relation to the Royal Palace?

20 A. It was right on the riverbank where the river crossed.

21 Q. And before we start to talk about the meeting, let me ask you  
22 one more question: When you traveled back to Mondulkiri, did you  
23 travel back the same way? That is, by boat to Kratie, and then by  
24 car from Kratie to Mondulkiri?

25 [10.55.14]

1 A. Yes, I went back by the same means. I took the boat from Phnom  
2 Penh back to Kratie, and from Kratie I took the car.

3 Q. And on either trip, either when you came to Phnom Penh or when  
4 you returned to Mondulkiri, did you see people in the country  
5 moving around at that time?

6 A. No, I didn't see them.

7 Q. When you traveled on the roads, were those roads empty?

8 A. From Kratie province to Mondulkiri province, we were basically  
9 in the jungle, and there were no people on the streets -- on the  
10 roads.

11 Q. Okay. Thank you for clarifying that.

12 Let me now go back to some questions about the meeting in Phnom  
13 Penh.

14 I had read to you already a statement you gave in which you said  
15 that the meeting took place - quote -- "about four-ten days after  
16 the 17 April 1975". And I wanted to ask you what you meant by  
17 "four-ten days". Did you mean that this meeting was approximately  
18 40 days after the 17th of April?

19 [10.57.27]

20 A. It was about 10 days. Because I said it was about 10 days or  
21 so because I was not quite sure. It could have been 10 days or 12  
22 days or -- so it was around 10 days.

23 Q. How many people in total were in attendance at this meeting?

24 A. I do not know the exact numbers but there were huge number of  
25 people from all across the country.

1 Q. Were there representatives there from every region of the  
2 country? Do I understand you correctly?

3 [10.58.42]

4 A. Yes, people -- representative from the sectors were present at  
5 the meeting, but as for the representative from the zones, I did  
6 not know because I didn't know them.

7 Q. Do you know whether there were representatives from the  
8 military organizations who were in attendance at this meeting?

9 A. Yes, there were military representatives representing the  
10 divisions, and also those from the sector.

11 Q. Can you tell us who the speakers were at this meeting?

12 A. I saw Pol Pot who was the presenter at the time.

13 Q. Who in addition to Pol Pot made presentations at this meeting?

14 A. I did not see other presenters, I only saw just him.

15 MR. LYSAK:

16 Mr. President, I would like again to read to the witness and  
17 present on the screen an excerpt from the same interview, E3/367,  
18 and this excerpt comes from Khmer ERN 00251437; English ERN  
19 278694; and Khmer ERN 00251437.

20 [11.02.27]

21 MR. PRESIDENT:

22 Yes, you may proceed, but you are reminded that this document and  
23 the ERN number on that particular page has been questioned  
24 already. Please do not repeat the same questions. Otherwise, you  
25 will not be allowed to ask repetitive questions to this witness.

1 You may proceed.

2 BY MR. LYSAK:

3 Thank you, Mr. President.

4 Q. The statement in this interview, Mr. Witness, in the  
5 discussion of this meeting, you said the following: "In that  
6 meeting, the presenters at the opening sessions were Nuon Chea  
7 and Pol Pot."

8 Is it correct that both Nuon Chea and Pol Pot made presentations  
9 at this meeting?

10 [11.02.33]

11 A. Yes, that is correct.

12 Q. Now, you've said that you were present for three days. Can you  
13 tell us how long the meeting lasted each of those days?

14 A. It started from 7 a.m. after the breakfast, and then it  
15 stopped for a lunch break at 11.

16 Q. Did the meeting resume in the afternoon, and if so, can you  
17 tell how late it went until?

18 A. The afternoon session started from 2 p.m. and it lasted at 5  
19 p.m.

20 Q. And was it Pol Pot and Nuon Chea who made presentations the  
21 entire day, each day of that conference, or were there other  
22 presenters in addition to them?

23 A. No.

24 Q. What did you understand the purpose of this meeting to be, Mr.  
25 Witness?

1 [11.04.50]

2 A. I did not clearly understand the purpose of the meeting. What  
3 I understood was that, we liberated the country and we have to  
4 lead the people to do rice farming for them to get rid of famine  
5 or starvation and thus their living condition improves and that  
6 they have sufficient housing to stay in.

7 Q. Well, when you were asked by Laing to go to Phnom Penh for  
8 this meeting, were you told why you were going to Phnom Penh?

9 A. After the liberation of 17th April 1975, I was asked to attend  
10 a meeting to understand the political situations after the  
11 liberation.

12 Q. Can you describe for the Chamber the subjects that were  
13 discussed by Pol Pot and Nuon Chea during the three days that you  
14 were present at this conference?

15 [11.06.24]

16 A. I could not fully grasp. Whatever I understood, I already said  
17 it.

18 Q. I understand, Mr. Witness, you've previously testified about  
19 that, but before I reference your statement again, I'd like you,  
20 to the best of your recollection, to tell the Judges what were  
21 the general subjects that were discussed by Pol Pot and Nuon Chea  
22 during this three-day conference.

23 A. As I understood clearly, it was about the building of the  
24 country. He repeatedly focused on this point.

25 MR. LYSAK:

35

1 Mr. President, I'd like to read another excerpt from the same  
2 document, E3/367; same ERN pages as before, but this is a  
3 different excerpt from that document.

4 MR. PRESIDENT:

5 Yes, you may proceed.

6 [11.08.03]

7 BY MR. LYSAK:

8 Q. Mr. Witness, in your statement to the Investigating Judges  
9 talking about this meeting, you made the following statement:  
10 "Both of them talked about political matters, cooperative  
11 organization, currency prohibition, market and monastery closings  
12 and stated that they would be reopened in the future."  
13 Is that a correct statement of subject matters that were  
14 discussed by Pol Pot and Nuon Chea during this three-day  
15 conference?

16 MR. SAO SARUN:

17 A. Yes, that is correct. Yes, they talked about the closing of  
18 the market, and that in the future the markets would be reopened.  
19 That what was spoken of by them.

20 [11.09.20]

21 Q. Did they also talk at this meeting about getting rid of all  
22 the Vietnamese people from Cambodia, about having them moved out  
23 of the country?

24 MR. PRESIDENT:

25 Mr. Witness, please do not yet respond to the question, awaiting

1 the decision by the Chamber regarding the objection that will be  
2 raised by the defence counsel.

3 Defence Counsel, you may proceed.

4 MR. KARNAVAS:

5 Good morning, Mr. President. Good morning, Your Honours. And good  
6 morning to everyone in and around the courtroom.

7 [11.09.59]

8 I realize the gentleman has some challenges in his memory, but I  
9 think that asking leading questions are improper, and this is  
10 clearly a leading question. Now, if there is something in the  
11 statement that he wishes to direct the witness, that's fine.

12 In my opinion, since the gentleman does not recall a whole lot  
13 today but gave a statement already and has already indicated  
14 that, when he gave the statement, it was truthful, and accurate,  
15 and complete, I believe, given that answer, we could save a lot  
16 of time if the gentleman were to go straight to the - to the  
17 statement.

18 If it is not in the statement, then I do object strongly to the  
19 witness being led in this fashion. Thank you.

20 [11.10.50]

21 MR. LYSAK:

22 Mr. President, I would not ask a question like this if it was not  
23 in the statement.

24 I'm at your disposal here, of course, but the procedure I have  
25 been following is to ask the question first, give the witness an

1 answer -- chance to answer, and then go to the witness statement  
2 after that.

3 And that is the reason that rather than immediately, quoting to  
4 him his statement on this issue, I gave him a chance -- I wanted  
5 to give him a chance to answer first. That's the procedure that  
6 we have been trying to follow, so that's my response to counsel's  
7 objection.

8 (Judges deliberate)

9 [11.14.02]

10 MR. PRESIDENT:

11 Having heard the objection and response by the parties, the  
12 objection is not sustained. However, the Prosecution is reminded  
13 that if the content of the question that he responded to have  
14 already been acknowledged by him, the Prosecution should not  
15 raise that same question again in the same written record of  
16 interview.

17 If you have other complimentary questions, then you may proceed.

18 You may proceed, again, but it's better for you to repeat the  
19 last question so that the witness can recall and respond  
20 accordingly.

21 BY MR. LYSAK:

22 Thank you, Mr. President.

23 Q. The question -- my question, Mr. Witness, is: Do you remember  
24 whether Pol Pot and Nuon Chea, at this three-day conference,  
25 talked about getting rid of all the Vietnamese, having them



1 evacuated from the country?

2 MR. PRESIDENT:

3 Mr. Witness, please respond to the question.

4 The Defence Counsel, this matter has already been ruled by the  
5 Chamber, so you are not allowed to make your objection again. If  
6 you were to make your objection, you should make it before the  
7 Chamber's ruling on the same matter. And after the ruling by the  
8 Chamber, you cannot raise the objection to that matter again.

9 [11.16.14]

10 MR. PAUW:

11 Mr. President--

12 MR. PRESIDENT:

13 Mr. Witness, please respond to the question.

14 Defence Counsel, you have to wait. Now it is time for the witness  
15 to respond. The matter of the objection has been raised by the  
16 counsel, Michael Karnavas, already, and you should have done your  
17 objection at that time, not now.

18 Please be seated.

19 MR. SAO SARUN:

20 A. As I stated earlier and as I already reported to the Judges --  
21 and I don't know what I should say because I said everything to  
22 the Judges. Why I am now again asked the same questions? Please  
23 refer to my statement that I made before the Co Investigating  
24 Judges.

25 [11.17.44]

1 BY MR. LYSAK:

2 Q. Before I do that, Mr. Witness, we need to ask you these  
3 questions in Court first. So I would like you to tell the Judges  
4 whether you remember the subject of the Vietnamese being  
5 discussed by Pol Pot or Nuon Chea at this meeting. Do you  
6 remember that?

7 MR. SAO SARUN:

8 A. No, I did not hear them talking about the Vietnamese matter.  
9 That was the affair of the upper echelon.

10 [11.18.31]

11 MR. LYSAK:

12 Mr. President, at this time, I would like to read an excerpt from  
13 a different interview of this witness, which is E3/384 at ERN  
14 Khmer 00345906; English ERN 00348375; and French ERN 00354239. If  
15 I may ask to submit that to the witness and present it on the  
16 screen?

17 MR. PRESIDENT:

18 Yes, you may proceed.

19 Court Officer, please deliver the document from the Prosecution  
20 for the witness. Let's see whether the witness can read it as he  
21 has poor eyesight and he even claimed that he cannot see the red  
22 light on the microphone.

23 MR. LYSAK:

24 I'm sorry, Mr. President, I may have misspoke or in the  
25 translation. I meant simply to read -- as we have been doing,

40

1 read the document to the witness, not actually give him a hard  
2 copy. If that got translated -- if I misspoke, my intention is to  
3 do what we've been doing, which is just to read to this witness,  
4 unless you would like us to submit a hard copy to see if he can  
5 read.

6 [11.20.24]

7 MR. PRESIDENT:

8 You may do so, the Prosecutor. You can pose your question to the  
9 witness.

10 BY MR. LYSAK:

11 Thank you, Mr. President.

12 Q. In your interviews with the Investigating Judges, you were  
13 asked the following question:

14 Question: "Did they talk about driving all of the Yuon from  
15 Cambodia?"

16 Answer: "That was said, and the speaker was Pol Pot. Later on, I  
17 heard my lower-level cadres say that trucks transported the  
18 Vietnamese from the provinces of Kampong Cham and Kratie back to  
19 their country."

20 Can you confirm that this is a truthful statement, Mr. Witness?

21 [11.21.34]

22 MR. PRESIDENT:

23 Witness, please hold on.

24 Defence Counsel for Nuon Chea, you may proceed.

25 MR. PAUW:

1 Mr. President, thank you. This is exactly the point that I wanted  
2 to make -- comment about earlier: there's nothing in this  
3 interview that indicates that this statement had been made during  
4 that particular meeting in 1975 in Phnom Penh, so that's why I  
5 wanted to object earlier when this question was asked related to  
6 that particular meeting. That made it a leading question, and  
7 that made the objection of my colleague a valid one.

8 I could not make that objection earlier because I was only  
9 responding to what the prosecutor -- was responding to the  
10 objection of Mr. Karnavas. So if you had allowed me to make this  
11 objection earlier, we might not have had this problem.

12 [11.22.30]

13 But I, again, think that it should be clear that nothing in this  
14 particular document, E3/384, indicates that we're talking about  
15 the meeting in Phnom Penh. That was the basis of my earlier  
16 objection that I'd like to make.

17 MR. LYSAK:

18 If I may respond, Mr. President, that is incorrect. I did not  
19 read the prior question because it involves a different subject  
20 that I wanted to ask him about later, but in the immediate  
21 question prior to this, the witness has referred to his prior  
22 testimony with a specific ERN page in Khmer, 00251437, which is  
23 where the discussion of this meeting took place.

24 So it is -- counsel is incorrect that the record does not show  
25 that this was a discussion about that same meeting.

1 [11.23.42]

2 MR. PRESIDENT:

3 The objection raised by the international defence counsel for  
4 Nuon Chea is not sustained.

5 The Chamber needs to hear the response by the witness to the last  
6 question by the Prosecution. Mr. Witness, please respond to the  
7 question, if you still can recall the last question that was put  
8 to you.

9 MR. SAO SARUN:

10 A. I cannot recollect all the statements that I have made.

11 MR. PRESIDENT:

12 The Prosecutor, could you repeat your last question? Maybe he  
13 cannot recall it.

14 BY MR. LYSAK:

15 Thank you, Mr. President.

16 [11.24.43]

17 Q. The testimony that you provided to the Investigating Judges  
18 that I'd like to ask you about is as follows:

19 Question: "Did they talk about driving all of the Yuon from  
20 Cambodia?"

21 And the answer that you gave to the Investigating Judges was --  
22 quote:

23 "That was said, and the speaker was Pol Pot. Later on, I heard my  
24 lower-level cadres say that trucks transported the Vietnamese  
25 from the provinces of Kampong Cham and Kratie back to their

1 country."

2 Was the statement -- this statement that you provided to the  
3 Investigating Judges truthful, Mr. Witness?

4 [11.25.36]

5 MR. SAO SARUN:

6 A. Yes, I did say that. That's what I heard at the time, that the  
7 Vietnamese were sent back to their country.

8 Q. And who was it that described to you the Vietnamese being  
9 transported by trucks from Kampong Cham and Kratie, who was it  
10 that told you about that?

11 A. I cannot recall that, but I heard people talking about that.  
12 It could be those who transported the material to Phnom Penh, and  
13 those people said Vietnamese were loaded into trucks and they  
14 were sent back to their country.

15 Q. Can you tell us whether any of the Vietnamese who were  
16 transported back to their country by truck -- whether they were  
17 transported through Mondulkiri?

18 A. No, I did not see any.

19 [11.27.21]

20 Q. Thank you, Mr. Witness. We'll come back and talk about the  
21 issue of the Vietnamese a little more -- later.

22 I'd now like to go back to the question about the general  
23 subjects that were discussed at the three day meeting with Pol  
24 Pot and Nuon Chea in Phnom Penh.

25 And you've mentioned -- we've identified a number of subjects

1 already. I'm going to ask you some specific questions about each  
2 of those subjects, but before I do that, I have a few other  
3 general questions.

4 Do you remember whether Pol Pot or Nuon Chea talked about enemies  
5 of the Party at this three-day meeting?

6 [11.28.20]

7 A. No, I did not hear it.

8 Q. Do you recall, was there any discussion about plans to build  
9 irrigation dams and canals throughout the country, was that a  
10 subject that was discussed?

11 A. Yes, I heard about that. That the irrigation systems, the  
12 canals had to be built at provinces so that it's going to resolve  
13 the water issue for people to do their rice farming to have  
14 sufficient water in order to resolve the livelihood of those  
15 people.

16 Q. Do you remember who it was that talked about the subject of  
17 building dams and canals?

18 A. It was Pol Pot who focused about the building of canals and  
19 dams.

20 Q. And when you returned to Mondulkiri, after this meeting in  
21 Phnom Penh, did the Mondulkiri sector engage or begin the  
22 construction of dams and canals in your sector?

23 A. Yes, there was construction of dam building and canal for rice  
24 farming. It was both for dry rice farming and for rainy season  
25 rice farming so that we would have sufficient water to resolve

1 the livelihood issues of the people.

2 [11.30.45]

3 Q. Who was responsible for making the plans as to which dams and  
4 canals would be built and how long it would take to build them?

5 Who was responsible for making those plans?

6 A. It was the plan by the sector. The sector would map out the  
7 arable land areas in the district, and then they would propose a  
8 plan in order to build irrigation dams or canals or others.

9 Q. And when you say that the sector would propose a plan, who  
10 would that plan be proposed to?

11 A. They proposed a plan, and in preparing such proposal they  
12 would convene the members from the Communes Committee and the  
13 District Committees. So it was not the sole decision of anyone.  
14 So it was a collective decision for the development plan in the  
15 sector.

16 [11.32.33]

17 Q. Thank you, Mr. Witness. Was there any discussion, at the  
18 three-day meeting with Pol Pot and Nuon Chea, about the division  
19 of population into different groups, such as full rights  
20 citizens, candidate citizens, and depositees (phonetic)? Do you  
21 recall any discussion of that subject?

22 A. In Mondulkiri province, there was no division of population,  
23 and there was no full rights people or depository or so, but  
24 there were only citizens in the province.

25 Q. I'd now like to ask you a little more detail about some of the



1 subject matters that you mentioned were discussed at this  
2 three-day meeting. And the first one is the issue of the closing  
3 of monasteries or pagodas.

4 Can you tell the Chamber in more detail what it was that Nuon  
5 Chea or Pol Pot said about the closing of pagodas at this  
6 three-day conference?

7 [11.34.17]

8 A. I am not sure about this matter, and I only heard that they  
9 would close this and that, but it was the decision of people at  
10 the upper level.

11 Q. Were the cadres, who were present at this meeting, instructed  
12 that they were to close any pagodas in the region?

13 A. No, I never heard of that.

14 Q. Can you tell us a little bit about the religions that were  
15 commonly practiced in Mondulkiri region prior to the Khmer Rouge  
16 taking control on the 17th of April 1975? What religions were  
17 practiced in Mondulkiri?

18 [11.35.46]

19 A. The ethnic minorities in Mondulkiri province believed in their  
20 respective traditional belief. Some of them believe in Buddhism  
21 as well, but others believe in spirits. And it was very important  
22 for the ethnic minorities to perform certain ritual, tribal  
23 ritual, and they believe in the ancestor spirit.

24 Q. Were the ethnic minorities in Mondulkiri allowed to continue  
25 practicing their religion and doing these traditional rituals

1 during the period of Democratic Kampuchea?

2 A. There was no prohibition. Those ethnic minorities could  
3 perform their religious belief, but they must not organize bigger  
4 events or so, and of course, at that time, people were told not  
5 to be wasteful because they had to put more effort on doing  
6 farming rather than performing certain religious belief.

7 Q. Can you tell us approximately what percentage of the  
8 population in Mondulkiri were Buddhists and what percentage were  
9 animists who believed in the traditional spirits that you  
10 described?

11 [11.38.13]

12 A. The tribal people as a customary practice considered animism  
13 as their primary belief. After the harvest season they would, for  
14 example, sacrifice animals or so in order to offer to the  
15 spirits.

16 But some of them also believed in Buddhism. In Mondulkiri  
17 province, before there were no pagodas at all, it was a very  
18 remote and mountainous province, so we did not have pagodas. But  
19 then, when Mondulkiri province administration was established,  
20 then there were some pagodas for people to follow.

21 Q. Thank you. And could you tell us when -- what year it was that  
22 the province was established and that pagodas were first built in  
23 Mondulkiri? When was it that there were first -- that there were  
24 pagodas in Mondulkiri, Mr. Witness?

25 [11.39.53]

1 A. They established Mondulkiri province in 1963, and when that  
2 province was established, then pagodas were also built. And the  
3 first one was in Chi Miet district.

4 Q. And by the time of April 1975, were there pagodas throughout  
5 Mondulkiri province?

6 A. Before 1975 -- well, in 1963, there was a pagoda, Mondulkiri  
7 pagoda, and there was also a pagoda in Chi Miet commune in other  
8 district as well. Actually, there were only three pagodas in  
9 1963.

10 Q. Do you mean that there were only three pagodas in 1975, did I  
11 understand you correctly?

12 A. There were only three pagodas.

13 Q. And after the 17th of April 1975, were people in Mondulkiri  
14 allowed to practice Buddhism at those three pagodas?

15 [11.42.16]

16 A. No, they were not allowed to practice it, because from April  
17 1975, in Mondulkiri province, pagodas were closed, and even the  
18 Mondulkiri province itself were heavily bombarded, and houses and  
19 pagodas were all destroyed by aerial bombardments. Even the  
20 pagoda I used to know in Chi Miet commune was also destroyed by  
21 aerial bombing.

22 Q. Who made the decision that the pagodas in Mondulkiri province  
23 would be closed and that people could not practice Buddhism there  
24 after the 17th of April 1975?

25 A. There was no particular person who decided the closure of

1 pagodas, but in Mondulkiri province back then there was aerial  
2 bombardment by the Americans, so pagodas were destroyed. And in  
3 1975, there were no people living in that province either because  
4 the houses were destroyed.

5 [11.44.04]

6 Q. A few minutes ago you mentioned a traditional practice of  
7 animists, that they would sacrifice animals as offerings to the  
8 spirits after harvests. Can you tell me whether the people, the  
9 ethnic tribes in Mondulkiri, were allowed to do that practice  
10 after the 17th of April 1975?

11 A. They were of course allowed to do it, but it was reduced in  
12 terms of the scale of the function, because people were told to  
13 be economical since it was in time of difficulty, so they had to  
14 save. For example, if they had to sacrifice more buffalos or oxes  
15 or so, they would reduce the numbers of buffalos to be  
16 sacrificed.

17 Q. Who was it that told the people that they should be  
18 economical?

19 A. The leaders, the leaders in the districts or communes, they  
20 told the people to be economical. It does not mean that they told  
21 them not to do it at all, but to reduce the number of buffalo or  
22 oxes to be sacrificed. And they had to be economical in order to  
23 ensure that they have sufficient stuff to eat.

24 [11.46.14]

25 Q. Were there monks who lived in Mondulkiri province as of April

1 1975?

2 A. No, there were no monks. As I said earlier on, that there was  
3 carpet bombardment in the area, so those monks and citizens would  
4 flee the -- their community. Houses, whether they be wooden  
5 houses or brick houses, were all destroyed.

6 Q. When was it that the monks had fled Mondulkiri province?

7 A. Immediately when the country was liberated, and there were  
8 bombardments, so people and monks alike fled their community. And  
9 the aerial bombardment was so heavy that people could not remain  
10 in their village.

11 [11.47.47]

12 Q. What year are you talking about, Mr. Witness?

13 A. The liberation of Mondulkiri was from 1970, and from 1970  
14 onwards there were bombardments. So, almost every day, two  
15 aircrafts would hang over the province and they would drop bombs  
16 on the community, so all the people had to flee their home  
17 village.

18 Q. Just so we're clear, my understanding is you're telling us  
19 that the monks began to flee Mondulkiri in the 1970s, when  
20 bombings began; is that correct?

21 A. Yes, that is correct, as I said earlier.

22 Q. And is it your testimony, Mr. Witness, that by the 17th of  
23 April 1975, there were no monks in Mondulkiri province?

24 A. Yes, that is correct, there were no monks because all had to  
25 flee at that time, and pagodas were destroyed. A pagoda in Chi

1 Miet was completely destroyed, and all monks had to flee for  
2 their life.

3 [11.50.07]

4 Q. Did anyone in Mondulkiri province try to build new pagodas  
5 during the Democratic Kampuchea regime?

6 A. No, they didn't.

7 Q. Why not?

8 MR. PRESIDENT:

9 Witness, please hold on. There is an objection by the defence  
10 counsel for Mr. Ieng Sary.

11 Counsel, you may proceed.

12 [11.50.54]

13 MR. KARNAVAS:

14 Thank you, Mr. President. First and foremost, I don't see  
15 anything in the Closing Order concerning the inability or the  
16 refusal to allow the building of pagodas; that's number 1.

17 Number 2, we're asking this witness to speculate. How would he  
18 possibly know?

19 Unless there is a series of questions that would lay a foundation  
20 that he would be in a position to know if any decisions were made  
21 and so on and so forth, fine; but the way the question is posed,  
22 it's leading, and he's asking the witness to speculate.

23 MR. LYSAK:

24 I don't know. This question cannot be leading.

25 I asked the question; the witness testified that no pagodas were

1 built and I asked him why. The question why cannot be considered  
2 illegal -- I'm sorry, a leading question.

3 (Judges deliberate)

4 [11.55.55]

5 MR. PRESIDENT:

6 Objection by the international defence counsel for Mr. Ieng Sary  
7 is not sustained.

8 The witness is now directed to respond to the question posed by  
9 the Prosecution, and you should respond to the question if you  
10 can still recall the last question posed.

11 MR. SAO SARUN:

12 A. I actually have given my answer to such question. And if you  
13 still have that statement, you should read it out for me. Then I  
14 will confirm or de confirm the statement.

15 MR. PRESIDENT:

16 Mr. Witness, the statement you made during the interview with the  
17 investigator of the Office of Investigating Judges was a separate  
18 matter, and now you are being heard in public, so you should  
19 respond to the question. And your testimony will be the basis for  
20 the decision of the Chamber, so you are advised to respond to the  
21 question by all parties.

22 [11.53.53]

23 If you rely on the statement you made before the Office of Co  
24 Investigating Judges, then there would be no need to ask you to  
25 appear before us again.

1 Again, you are advised to respond to the question. Only when the  
2 question is deemed inappropriate then the Chamber will not allow  
3 that question to be asked, but other than that, you are advised  
4 to respond to all questions put by the parties or member of the  
5 Bench.

6 Secondly, I am of the opinion that you might have forgotten the  
7 question posed by the Prosecution, so I would now suggest that  
8 the Prosecution repeat the last question so that the witness can  
9 respond to it.

10 [11.54.54]

11 BY MR. LYSAK:

12 Thank you, Mr. President.

13 Q. Mr. Witness, you have told us that the pagodas in Mondulkiri  
14 were destroyed during the war. I've asked you, and you said that  
15 there were no pagodas rebuilt during the period of Democratic  
16 Kampuchea.

17 And my question now is: Why -- why was there no effort made to  
18 build any pagodas during the period of Democratic Kampuchea?

19 MR. SAO SARUN:

20 A. That, I did not know because it was under the responsibility  
21 of people at the sector level. It was their decision whether or  
22 not any pagoda or public infrastructure was to be built.

23 [11.56.06]

24 Q. Mr. Witness, you worked -- did you work at the sector level  
25 during part of the Democratic Kampuchea regime?



54

1 A. Yes, I was a member of the sector committee.

2 Q. And can you tell us whether there was ever any discussion by  
3 the sector committee about rebuilding pagodas in Mondulkiri  
4 region?

5 A. No, there was no discussion or decision from the sector level  
6 about that, and there was no specific plan proposed, either.

7 Q. Based on the meeting that you had attended, the three-day  
8 meeting you attended at which Pol Pot and Nuon Chea had spoken,  
9 did you have any understanding as to whether Mondulkiri sector  
10 would have been allowed to rebuild pagodas during the Democratic  
11 Kampuchea period? Is that something you would have been allowed  
12 to do?

13 A. That, I do not understand, because if the decision had to be  
14 made, it would be up to people at the higher level.

15 [11.58.13]

16 MR. LYSAK:

17 Mr. President, I was about to turn now to a different subject. I  
18 can continue, proceed to a new subject, if you wish. I see that  
19 it's -- unless my eyes are wrong, that it's noon, so if you wish,  
20 I will break here. Otherwise, I'm going to start a new subject at  
21 this time.

22 MR. PRESIDENT:

23 Thank you.

24 Since the Prosecution is about to turn to a new topic and the  
25 time is now appropriate for lunch adjournment, the Chamber will

55

1 adjourn for lunch from now until 1.30 this afternoon.

2 And before the adjournment, the Chamber wishes to ask the  
3 witness, Mr. Sarun: Do you think that you are fit enough to  
4 testify before us this afternoon? If you can do, then you -- we  
5 will be able to finish it early so that you can go back home  
6 early as well. But it is up to you to decide whether or not you  
7 -- is fit to do so.

8 [11.59.48]

9 MR. SAO SARUN:

10 Mr. President, thank you. My health is good enough. I can do it  
11 this afternoon.

12 MR. PRESIDENT:

13 Court officer is now instructed to facilitate the place for the  
14 witness and his duty counsel to rest during lunch break and have  
15 them back to this courtroom by 1.30 this afternoon.

16 I note the defence counsel is on his feet. You may proceed.

17 MR. PAUW:

18 Thank you, Mr. President. My client, Mr. Nuon Chea, would like to  
19 follow the proceedings this afternoon from the holding cell, and  
20 we have prepared the waiver as usual.

21 [12.00.38]

22 MR. PRESIDENT:

23 Having noted the request by Mr. Nuon Chea through his counsel  
24 that he follows the proceeding by remote means from the holding  
25 cell and he has expressly waived his right to be present directly

56

1 in this courtroom, the Chamber grants that request by Mr. Nuon  
2 Chea through his defence counsel. So he may follow the proceeding  
3 from the holding cell downstairs where the audio-visual equipment  
4 is linked for him to follow the proceeding for the remainder of  
5 the proceeding today.

6 The Chamber requires that the defence team for Nuon Chea submit  
7 to the Chamber the waiver of Mr. Nuon Chea together with his  
8 thumbprint or signature.

9 And AV assistant, please ensure that the audio-visual equipment  
10 is linked to the holding cell downstairs so that the accused Nuon  
11 Chea can follow the proceeding for the remainder of the day's  
12 proceedings.

13 [12.01.50]

14 And security guards are instructed to bring Mr. Nuon Chea and Mr.  
15 Khieu Samphan to the holding cell downstairs. And Mr. Nuon Chea  
16 is to remain in the holding cell for the remainder of the  
17 proceedings today, and Mr. Khieu Samphan shall be brought to this  
18 courtroom before 1.30 this afternoon.

19 The Court is now adjourned.

20 (Court recesses from 1202H to 1329H)

21 MR. PRESIDENT:

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

23 We hand over again the floor to the Prosecution to continue  
24 questioning the witness. You may proceed.

25 BY MR. LYSAK:

1 Thank you, Mr. President.

2 Q. Good afternoon, Mr. Witness. I had finished asking you  
3 questions about the subject of pagodas and religion in  
4 Mondulkiri, and I wanted now to ask you a few more questions  
5 about the subject of cooperatives, which is one of the subjects  
6 that you testified had been discussed by Pol Pot and Nuon Chea at  
7 the three-day meeting in Phnom Penh you attended.

8 [13.31.33]

9 Can you start by telling us -- telling the Chamber what you  
10 recall Pol Pot or Nuon Chea saying about the organization of  
11 cooperatives at the three-day meeting you attended in Phnom Penh?

12 MR. SAO SARUN:

13 A. Regarding the cooperative, initially he talked about the low  
14 level cooperative encompassing 30 to 40 families per each  
15 cooperative.

16 Q. And who is it that was talking about low level cooperatives?

17 A. Mr. Pol Pot discussed this matter regarding the organization  
18 of the cooperative.

19 [13.33.10]

20 Q. And was Pol Pot providing the cadres who were at this meeting  
21 instructions to set up low level cooperatives? Was that the  
22 purpose of the communication as you understood it?

23 A. He talked about the low level cooperative which were in the  
24 form of 10 or 20 families per each cooperative.

25 Q. Yes. My question is whether Pol Pot was asking you and the

1 other cadres to implement low level cooperatives in your regions.

2 A. Yes, he gave such instructions to organize the low level  
3 cooperatives because it will be difficult to organize a large  
4 cooperative as it will be difficult to manage the food supply for  
5 the cooperative.

6 Q. And was there any discussion or instructions at this meeting  
7 about communal dining?

8 A. Yes, the matter was discussed. For instance, the district, the  
9 commune, and the village levels all discussed and agreed for the  
10 communal dining.

11 [13.35.26]

12 Q. And when you went back to Mondulkiri after this meeting, what  
13 was done to implement the instruction you had received about low  
14 level cooperatives and communal dining?

15 A. Upon my return to Mondulkiri, the chief of the sector convened  
16 a meeting again to provide further details regarding that  
17 instruction because what we learned from the meeting previously  
18 was only a principle. And then more detailed information was  
19 provided by the sector regarding how many families were to be put  
20 in each cooperative.

21 Q. Who else was asked to attend this meeting that was convened by  
22 the sector chief on the issue of establishing cooperatives?

23 A. All the district secretaries or committees had to attend that  
24 meeting.

25 [13.37.04]

1 Q. And what instruction did you receive at that meeting as to the  
2 number of families to put in each cooperative?

3 A. The instruction was clearly given, as I stated earlier,  
4 regarding how many members --people were to be put in each  
5 cooperative because if the number is too large, it's going to be  
6 difficult for food supply. And if people were to live close to  
7 each other, then such a group shall be formed for that  
8 cooperative.

9 Q. Let me ask you this. My colleague -- you told my colleague  
10 that, prior to April 1975, there had been groups -- I believe you  
11 called them consolidatory (phonetic) groups or solidatory  
12 (phonetic) groups that had been established.

13 How were the groups that had been established prior to April 1975  
14 different than the lower level cooperatives that were implemented  
15 after your meeting in Phnom Penh?

16 A. Prior to 1975, the consolidarity (phonetic) groups were  
17 formed. It was a kind of a mutual assistant group to assist each  
18 other in rice farming.

19 [13.39.05]

20 Q. And how were lower level cooperatives different than those  
21 mutual assistant groups? What was different about cooperatives?

22 A. It was different. The mutual assistant group was mainly  
23 focused on the work, but the eating was separate. However, in the  
24 cooperative, it was a communal dining.

25 Q. Who was it that decided the rations of food that were

60

1 allocated to each cooperative?

2 A. In each cooperative, there was a committee which was formed  
3 for the distribution of ration, including food, meat, for  
4 example.

5 [13.40.28]

6 Q. Were there any instructions provided either from the sector  
7 level or a higher level than that as to the amount of food  
8 rations that could be provided to each person?

9 A. The instruction was from the sector to the district, and the  
10 district to the cooperative, respectively.

11 Q. You told us yesterday that there were 3,000 citizens who lived  
12 in your district, Pech Chenda district. How many people in total  
13 lived in Mondulkiri province as of April 1975?

14 A. I could not grasp the figure. I only knew about the figure in  
15 my district, but not in other districts.

16 Q. Let me turn now to the question of -- the subject of currency,  
17 the prohibition on currency and the closing of markets, two other  
18 subjects that you had indicated were discussed at the three-day  
19 meeting you attended in Phnom Penh.

20 Can you tell us in more detail what Nuon Chea or Pol Pot said at  
21 that meeting about the prohibition on currency and the closing of  
22 markets?

23 [13.42.45]

24 A. As I stated already, that was the announcement. And later on  
25 they declared that the people would be brought back into the city

1 and the money would be put back into circulation.

2 Q. What did they say about the reason for closing the markets and  
3 prohibiting the use of currency?

4 A. I did not understand the reason, as that was the matter of the  
5 upper level. I only -- could only tell you what I knew then.

6 Q. And do you recall, was there any discussion about the  
7 elimination of private property?

8 A. Yes, that matter was discussed. Private belongings, properties  
9 shall be put communally, and as for the cattle, the cattle shall  
10 be put communally for common use within the cooperative.

11 [13.44.32]

12 Q. And when you returned to Mondulkiri after this meeting, what  
13 was done to close the markets and to remove currency from the  
14 province?

15 A. I did not know because there had been no market in that area  
16 even before the liberation. Yes, money was circulated before  
17 1970, but there had been no market due to the heavy bombardment,  
18 so people fled and scattered. And some fled into the forest.

19 Q. When was it that the markets had stopped operating in  
20 Mondulkiri province? Can you tell us the year?

21 A. It stopped operating since before the liberation. There was no  
22 market, no exchange of goods, not even in the provincial town.  
23 And that applies to the rural areas as well. The main cause was  
24 due to the heavy bombardment.

25 The bombardments sometimes took place four or five times per day.



1 Q. To the best of your recollection, can you tell us which years  
2 or what time period these bombings took place?

3 A. It started from 1970. That was the date of the liberation of  
4 Mondulkiri, and the bombardment continued until 1975. Bombardment  
5 was almost on a daily basis within this period.

6 [13.47.23]

7 Q. And on the question of currency, after the instruction had  
8 been provided at the meeting in Phnom Penh that currency was  
9 prohibited, was any effort made in Mondulkiri to collect currency  
10 notes from the people?

11 A. No, it was not collected, so people kept their personal  
12 currency notes.

13 Q. Thank you, Mr. Witness. Let me return to the question of the  
14 Vietnamese for a moment.

15 We talked already a little bit about the instruction that had  
16 been -- one of the issues that had been discussed regarding the  
17 evacuation of Vietnamese. What I wanted to ask you is: Did Nuon  
18 Chea or Pol Pot give any explanation during this meeting as to  
19 the reason that the Party wanted to evacuate Vietnamese people  
20 from the country?

21 A. I did not understand that matter clearly, and I am honest  
22 here. That was the matter of the upper echelon, so I could not  
23 understand everything.

24 [13.49.24]

25 Q. Prior to the meeting in Phnom Penh, were there any Vietnamese

1 nationals or persons of Vietnamese ethnicity who were living in  
2 Mondulkiri province?

3 A. No, there wasn't any Vietnamese living in Mondulkiri then.

4 Q. And was there any discussion at this meeting in Phnom Penh  
5 about dispatching troops to the Vietnamese border?

6 A. I did not understand that matter because that was the matter  
7 of the upper echelon.

8 Q. Was there a period of time when a military division was  
9 assigned to the Mondulkiri area?

10 A. Yes, there was. One military division was dispatched to  
11 station in Mondulkiri province.

12 [13.51.06]

13 Q. And which division was that?

14 A. That was Division 920.

15 Q. And when was it that Division 920 was dispatched to -- and  
16 stationed in Mondulkiri?

17 A. It was in late 1975.

18 Q. Where in Mondulkiri was the division based? Were the soldiers  
19 stationed throughout the province, or were they concentrated in  
20 certain areas?

21 A. The division was based in Kaoh Nheaek district and the  
22 deployment of the regiment was in various locations, including  
23 Pech Chenda, Srae Pok, etc.

24 Q. Were the soldiers concentrated in the border regions, or were  
25 they spread throughout the province?

1 A. The deployment was district based. For example, one deployment  
2 at Pech Chenda, one is at Srae Pok and another deployment was at  
3 Ou Reang district.

4 [13.53.36]

5 Q. How many Division 920 soldiers were stationed in your  
6 district, Pech Chenda district?

7 A. I cannot recall it, and I did not know, actually, how many  
8 soldiers were stationed in my district because that was the  
9 decision of the upper echelon.

10 Q. You testified a few moments ago that the division office was  
11 in Kaoh Nheaek district.

12 Where was it located in relation to the sector office?

13 A. The distance from Pech Chenda district to Kaoh Nheaek is one  
14 day travel. As I stated earlier, the deployment of the troop was  
15 at that Pech Chenda district itself.

16 Q. I think you may have misunderstood my question.

17 If I understood you correctly, the headquarters of the division  
18 was that located in Pech Chenda district; or was that in Kaoh  
19 Nheaek district?

20 A. It was at Kaoh Nheaek district. Kaoh Nheaek district was  
21 actually the office of the division, the military division where  
22 they have their main base there.

23 [13.55.59]

24 Q. So my question was: Where -- how close or how far was the  
25 division office in Kaoh Nheaek district from the sector office

1 that you have described for us earlier today? Were they close to  
2 each other?

3 A. Yes. It was about 200 metres away from the sector office.

4 Q. Did the leaders of the sector and the leaders of Division 920  
5 work together and coordinate on common matters related to  
6 Mondulkiri -- the Mondulkiri region?

7 A. I could not grasp that situation. That was the affair of the  
8 division, and I was busy at my district.

9 Q. Let me ask you, then, from -- with regard to your own  
10 district: Did you have any communications or contact with the  
11 cadres from Division 920 who were responsible for the soldiers  
12 located in your district, in Pech Chenda district?

13 A. Yes. They contacted me because they came from far away and  
14 they did not know the geographical area well, so they came for  
15 assistance from the district. And then we explained to them the  
16 geography of the location.

17 [13.58.22]

18 Q. Did you have any regular meetings with them?

19 A. No, there was no meeting when they came to discuss with us  
20 some matters, in particular in regard to geography. However,  
21 meetings took place at the sector office and the division office  
22 there.

23 Q. Are you saying that there was meetings between the sector and  
24 division offices that occurred in Kaoh Nheak district? Is that  
25 what you're saying?

1 A. Yes, the district military usually held the meeting at the  
2 district level. As for the sector military, they would hold their  
3 meeting at the sector level. And of course, instructions --  
4 military instructions were given down from the sector level to  
5 the district level.

6 Q. To complete my questions to you about the three-day meeting in  
7 Phnom Penh, at that meeting did you hear -- was there any  
8 discussion about the importance of identifying or screening  
9 enemies who had infiltrated the ranks of the Party?  
10 Was that a subject that was discussed at all at the meeting,  
11 three-day meeting in Phnom Penh?

12 [14.00.50]

13 A. I did not hear about that subject on screening or identifying  
14 enemies.

15 Q. Did you ever hear the term "enemies burrowing from the  
16 inside"?

17 A. No, I didn't.

18 Q. And at the three-day meeting in Phnom Penh, was there any  
19 discussion of minority peoples such as the Cham or Islamic  
20 people?

21 A. That, I did not hear either because the decision would be made  
22 by those who were at the higher level. I was at the lower level,  
23 so I was not informed of that matter.

24 [14.02.10]

25 Q. Were there any Cham people who lived in Mondulkiri province in

1 April 1975?

2 A. No, there weren't.

3 Q. Thank you, Mr. Witness.

4 I turn now to a new subject, the question about marriage during  
5 the Democratic Kampuchea regime. Can you describe for the Chamber  
6 what the Party's policy on marriage was during the DK regime?

7 A. The organization of the wedding ceremony for the combatants  
8 took place in multiple couples at the time or some other times  
9 they may arrange the marriage one couple at a time. And in most  
10 cases, we also ask their parents whether or not they approve of  
11 the marriage. And we also ask individual bride and groom as well  
12 whether or not they love each other.

13 [14.04.04]

14 Q. You just used the word "combatants". Who were you referring to  
15 by "combatants"?

16 A. Combatants were referred to those who were married.

17 Q. Did you ever attend a meeting with Pol Pot in which he talked  
18 about marriages and the policy on marriages?

19 A. No, I never attended the meeting to discuss on this matter  
20 with him. It was those who were at the upper level who decided to  
21 arrange the meeting -- the marriage for them. And the marriage  
22 may be for many couples at the time or for a single couple. So,  
23 whenever there was a request and there was mutual consent between  
24 the groom and the bride, then we would arrange the wedding for  
25 them. And, again, they had to mutually agree to get married on

1 top of the approval by respective parents.

2 [14.05.52]

3 MR. LYSAK:

4 Mr. President, I would like, at this point, to read an excerpt  
5 from one of the interviews of the witness which is document  
6 E3/384, and the site is at Khmer ERN 00345904 through 345905;  
7 English ERN 00348373; and French ERN 00354237. If I could have  
8 permission to put that on the screen? And then I will read and  
9 ask the witness about it.

10 MR. PRESIDENT:

11 What is the title of this document?

12 MR. LYSAK:

13 It is one of the interviews of the witness; I believe his third  
14 interview by the Co-Investigating Judges and it's document  
15 E3/384.

16 MR. PRESIDENT:

17 Thank you. You may proceed.

18 And, support staff, please put this document up on the screen.

19 BY MR. LYSAK:

20 Q. Mr. Witness, in one of your interviews to the Co-Investigating  
21 Judges, you were asked the question: "What was the policy on  
22 marriage?"

23 [14.08.00]

24 And this is the answer you gave:

25 "I went to a meeting with Pol Pot (I don't remember when), and he

1 said to marry them in couples, two or three couples could be  
2 married, to not make it too difficult. But in actuality, a single  
3 couple could also be married. The relatives – the persons or  
4 relatives that lived in different cooperatives or different  
5 sectors could attend, and the bride and groom had to rise to make  
6 a resolution announcing their biographies and their loyalty to  
7 one another."

8 Do you confirm today that you attended a meeting at which Pol Pot  
9 made these statements regarding marriage?

10 MR. SAO SARUN:

11 A. I confirm this statement, and of course Pol Pot gave that  
12 instruction and then it was handed down to us at the sector level  
13 and district level. And we had to ask for approval from the  
14 couples and then we had to seek approval from their parents, as  
15 well.

16 [14.09.35]

17 So we had to ask for consent from the family members and parents  
18 of the bride and groom, and then, after that, they had to commit  
19 themselves to be husband and wife.

20 Q. Where did this meeting with Pol Pot where he provided  
21 instructions on marriage; where did this meeting take place?

22 A. As I said earlier, it was during the meeting of -- I cannot  
23 recall it on the top of my head, but I said it earlier.

24 Q. Was this one of the meetings that you attended in Phnom Penh?

25 A. Yes, it was a meeting in Phnom Penh.



1 Q. How many other people were present for this meeting?

2 [14.11.05]

3 A. I cannot recall the exact number of people attended that  
4 meeting. And I dare not ask them how many participants  
5 participated, but what I noticed was that there were large number  
6 of people.

7 Q. Was this one of the meetings in which there were  
8 representatives from all regions -- regions present?

9 A. Yes, participants were from all the regions across the  
10 country. Each region sent a number of representatives. They were  
11 from all regions.

12 [14.12.15]

13 Q. You indicated in your statement that, as part of the marriage,  
14 the bride and groom had to rise and make a resolution announcing  
15 their biographies. What was the reason that the people getting  
16 married had to announce their biographies?

17 A. When they were pronounced husband and wife, they had to commit  
18 to one another that they would love each other for the rest of  
19 their life.

20 Q. What was it that they were required to say about their  
21 biographies, though? What information did they have to say about  
22 their personal biographies?

23 A. Before they got married, they had to give their biographies.

24 Q. And what type of information was it that they had to provide  
25 as part of that biography?

1 A. It was nothing, but first they had to mention their name and  
2 family names, as well as their relatives. That was in the  
3 biography, of course, the date of birth and place of birth of  
4 individual person.

5 Q. In the meeting that you attended where Pol Pot talked about  
6 marriages, was there any discussion about the importance of  
7 conducting marriages and increasing the population in the  
8 country? Was that a subject that was discussed at this meeting?

9 [14.14.55]

10 A. He talked about it in general terms. He mentioned the general  
11 principle that in certain locations that he mentioned such thing.

12 Q. Can you recall receiving any instructions from Pol Pot or  
13 other leaders about the need to increase the population in the  
14 country?

15 A. I didn't hear about it except that I got information about  
16 marriage policy, but as for the policy to increase the  
17 population, I did not hear. But it was common sense that when  
18 people got married, they would produce children and population  
19 would increase.

20 Q. Were people who were married by Angkar expected to produce  
21 children?

22 [14.16.29]

23 A. Naturally, when a couple get married, one or two years later  
24 they would bear children. And, of course, some people may not  
25 have children for many years after their marriage because they

1 are infertile or so.

2 Q. Were husbands and wives allowed to live together in the same  
3 room during the Democratic Kampuchea regime?

4 A. Yes, they were allowed to live together. If they stay in any  
5 unit and they would stay together in that unit.

6 Q. Could people be married during the Democratic Kampuchea regime  
7 without the approval and involvement of Angkar?

8 A. Well, there must be approval from their unit and they had to  
9 report it to the upper authority in that unit before the wedding  
10 was organized.

11 Q. What was your understanding as to the reason that the Party  
12 was involved in marriages and that approval had to be attained  
13 from units in order for people to get married? What was your  
14 understanding of why that was?

15 A. Because when people love each other, and if they do, they had  
16 to report to their head of unit. But most important of all, are  
17 the couple had to love each other, and then they reported it to  
18 the respective leader in that unit, and then, after, there was an  
19 approval from the leader of the unit, then the matter was brought  
20 to the parents and subject to the parent's approval, then the  
21 couple would get married.

22 [14.19.51]

23 Q. During the time that you were the secretary of Pech Chenda  
24 district, how often were marriages conducted?

25 A. In my capacity as the secretary of the district, I organized

1 the marriage only once.

2 Q. So, Mr. Witness, we've been talking about – primarily about  
3 the period during which you were the secretary of Pech Chenda  
4 district--

5 [14.20.46]

6 MR. PRESIDENT:

7 It appears that there is a problem with the translation system,  
8 so can you please check, Court Officer, with the translation  
9 team?

10 (Short pause)

11 [14.21.32]

12 Prosecutor, you may continue now.

13 BY MR. LYSAK:

14 Q. Yes, Mr. Witness. I was saying that we've been talking  
15 primarily about the period during you which -- during which you  
16 were the secretary of Pech Chenda district, and I now want to  
17 start moving towards a later part of the regime.

18 Can you tell the Chamber whether, at one point, secretary Laing  
19 died during the Democratic Kampuchea regime? And I don't want you  
20 to tell us about the details of that now because I am going to  
21 come back to that later.

22 So I simply want to ask now was -- Did secretary Laing die at  
23 some point during the Democratic Kampuchea regime?

24 [14.22.43]

25 MR. SAO SARUN:

1 A. He died during the Democratic Kampuchea period in 1978.

2 Q. And, when Laing died, who was asked to replace him?

3 A. I was asked to replace him, following the general meeting,  
4 they designated me to take his place. And this general meeting  
5 was held in mid-September, and there was an election as well, and  
6 I was elected the secretary to replace him. But I assumed that  
7 office for only two months. I assumed that position for two  
8 months from October or so, and then Vietnamese troops came in at  
9 the end of that year.

10 [14.24.17]

11 Q. I understand your testimony about your -- when your formal  
12 appointment came, and we'll come back and talk about that later.  
13 I do want to ask you, though, now-- You just mentioned that, in  
14 September 1978, you were elected to that position. Who - who was  
15 it that elected you to assume -- to formally assume the position  
16 of secretary of Sector 105?

17 A. I did not know who elected me, but in terms of the  
18 designation, Pol Pot designated me to take the place of Laing  
19 after he died. And I assumed that official position for only two  
20 months, as I said earlier.

21 Q. We will talk about 1978 in a little while. But first, I want  
22 to talk about the year 1977 and the events that led up to Laing's  
23 death. Do you recall -- did you recall a person - and one of the  
24 things that I am going to be asking you about from 1977 is what  
25 happened to some of the people who were fellow district

1 secretaries of yours and members of the sector committee during  
2 that year.

3 And I wanted to start by asking you about a -- whether you recall  
4 a person who was named Mala?

5 A. I do not get your question. Can you please repeat it?

6 Q. My question is: Do you remember a person named Mala?

7 A. Yes, I do.

8 Q. And can you tell us who he was? What positions he held?

9 A. He was my predecessor of Pech Chenda district.

10 Q. During what time period was Mala the secretary of Pech Chenda  
11 district?

12 [14.27.34]

13 A. He was the secretary of Pech Chenda district in 1974. He  
14 actually took my place because I was removed to Ou Buon Leu.

15 Q. Okay. Let's talk about that period just for a moment, here.

16 What was it that you were assigned to do in Ou Buon Leu in 1974?

17 [14.28.28]

18 A. I was assigned to that place because they relocated people  
19 from the mountainous areas, and the former official over there  
20 did not speak Phnong. And so I spoke Phnong at that time, so I  
21 was assigned to lead that community. I could communicate with  
22 them in Phnong, so they appointed me to Kaoh Nheaek district.

23 Q. I believe, yesterday, that you testified that 1974 was the  
24 year that you held the position on the Foreign Relations

25 Committee for Sector 105 and that 1975 was the year you held the

1 position as a sector member responsible for health. Were you  
2 performing either of those assignments when you were reassigned  
3 to Kaoh Nheaek district in 1974?

4 A. I was transferred to that location, as I stated earlier, in  
5 order to work with those people coming down from the mountainous  
6 area as the former officers there could not speak the tribal  
7 language. So those people at the Kaoh Nheaek district -- that  
8 means the administrative people -- did not speak Phnong language,  
9 though they spoke Tumpoun or other languages. And of course I  
10 knew Phnong language, and I could communicate with the people  
11 from the mountainous area, and I was assigned to work with them  
12 as they could not speak Khmer language clearly.

13 [14.30.55]

14 Q. Thank you, Mr. Witness.

15 When was it that you resumed your position as Pech Chenda  
16 district secretary?

17 A. I had held that position since 1971 as I said earlier.

18 Q. Unless I misunderstood you, you indicated that Mala assumed  
19 that position for a period of time while - when you had been  
20 transferred to Ou Buon Leu.

21 So my questions is: When did you return from Ou Buon Leu and  
22 resume being secretary of Pech Chenda district?

23 A. Yes, that was correct. Initially, I was relocated or  
24 transferred to work with the people from the mountainous area and  
25 then Mala went to Pech Chenda district. But because Mala could

1 not speak the tribal language, I was banned, sent back to Pech  
2 Chenda district.

3 Q. And do you remember when, in relation to the 17th of April  
4 1975, you went back to Pech Chenda district? When did that  
5 happen?

6 A. In 1974, I was transferred and in '75 Phnom Penh was  
7 liberated. People from the mountainous area were relocated to  
8 Kaoh Nheaek district, although that area was still known as part  
9 of the Pech Chenda district, and I went to manage them in 1975. I  
10 managed those people coming down from the mountainous area.

11 [14.33.25]

12 Q. What happened to Mala when you returned and resumed your  
13 position as secretary of Pech Chenda district?

14 A. I could not grasp this matter because it was the matter of the  
15 upper decision because I myself was reassigned, then assigned  
16 back and then reassigned again. So it was rather confusing. I  
17 only had to follow the instructions that I was given for the  
18 reassignment; that's all.

19 Q. Did Mala disappear in 1977?

20 A. Yes, he was called by the sector and I did not know where he  
21 went. I only knew that he was taken through the sector; that was  
22 all.

23 Q. Where was he working at the time he was called by the sector  
24 and disappeared?

25 A. I didn't know as well. I didn't know where he had worked



1 before he was called. I only focussed on the affairs within my  
2 district.

3 [14.35.17]

4 Q. Was he a member of your district committee?

5 A. Yes, he was within the same district committee, and later on  
6 he was assigned as the district secretary.

7 Q. Did Mala use to reside in Hanoi?

8 A. Yes, he studied in Hanoi.

9 Q. And do you know the reason why he was called by the sector and  
10 disappeared in 1977?

11 A. I did not know the reason because I contemplated only on the  
12 work within my district. I did not know about the removal of any  
13 person.

14 Q. Can you tell us whether there was a period of time when cadres  
15 who had connections to Vietnam were purged by the Party?

16 [14.37.12]

17 A. No, I did not know anything whether there was a purge or not.  
18 My only focus, as I said earlier, was the work within my district  
19 and I did not know about the affairs of the upper echelon.

20 Q. You mentioned yesterday a person named Mey, who was someone  
21 that you went with on one of your trips to Kampong Thom. And you  
22 told us yesterday that Mey was a member of the Sector 105  
23 committee. Did Mey disappear in 1977?

24 A. Mey disappeared around 1977 as well, but I did not know the  
25 reason for his disappearance.

1 Q. Do you recall the exact time period in 1977 when Mey  
2 disappeared?

3 A. No, I cannot recall that. I cannot recall the exact date. As I  
4 said, that was the matters of the sector, and I only focussed on  
5 the work within my district that the situation in my district was  
6 peaceful and that the people in my district had enough to eat.

7 [14.39.22]

8 MR. PRESIDENT:

9 Thank you, Mr. Witness. And thank you, the Prosecutor.

10 We will have a 20-minute break and we shall resume at 3 p.m. to  
11 continue our proceeding.

12 Court Officer, could you assist the witness during the break, as  
13 well as the duty counsel, and have them back in the courtroom at  
14 3 p.m.?

15 (Court recesses from 1439H to 1501H)

16 MR. PRESIDENT:

17 Please be seated. The Chamber is now back in session.

18 Before I hand over the floor to the Prosecution, the Chamber  
19 would like to inquire from the Prosecution: How much time do you  
20 anticipate to take with the remaining portion for this witness?

21 Also, the Chamber once again would like to remind the parties to  
22 use the time allocation effectively, and try to focus more on  
23 potential questions so that it can minimize the time and to speed  
24 up the proceedings.

25 [15.03.10]

1 MR. LYSAK.

2 Thank you, Mr. President. And we will be mindful and move as  
3 quickly as we can through this witness. It is, of course-- We do  
4 need to take our time a little bit with this witness because we  
5 need to use -- seem to be -- have to use the witness statements a  
6 lot, but we will proceed as quickly as we can.

7 We do anticipate using the time that we had requested; we won't  
8 be asking for any additional time. But I think we had asked for  
9 -- combined between us and the civil parties, for three days. So,  
10 assuming that we continue to proceed with full days with this  
11 witness, we would plan to finish tomorrow, and the civil parties  
12 would have a half-day on Monday morning, as I understand it - and  
13 they can confirm that for me. But that - that was our present  
14 estimate in terms of the time.

15 [15.04.20]

16 MR. PRESIDENT:

17 Thank you, the Prosecution.

18 We would also like to remind you that -- please do not just try  
19 to fill in the time allocation. Try your best to raise potential  
20 questions in ascertaining the truth and try to minimize the time.  
21 The Chamber will have to think again regarding a stricter regime  
22 of time allocation so that parties can focus more on potential  
23 questions to be put to the witness and to make it more effective.  
24 Questions shall be potential and important in leading to  
25 ascertaining the truth.

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1 The floor is now given again to the Prosecution to continue  
2 questioning this witness.

3 [15.05.30]

4 BY MR. LYSAK:

5 Thank you, Mr. President.

6 Q. Mr. Witness, we had -- we're talking about some of the events  
7 in 1977, and I wanted to turn now to ask you about arrests of  
8 Division 920 soldiers during that year. Do you recall whether  
9 there were arrests of Division 920 soldiers during the year 1977?

10 MR. SAO SARUN:

11 A. I could not understand the affairs of other people.

12 MR. LYSAK:

13 Mr. President, at this time I'd like to read to the witness a  
14 statement from one of the same documents that we used yesterday,  
15 which was the interview of Ham Ansi, which is E3/366. The  
16 specific site is at Khmer ERN 00242413; the English ERN is  
17 00250750; and the French ERN is 00283165 to 66. And I would -- as  
18 before, I would read this to the witness and ask to be able to  
19 put that on the screen.

20 [15.07.25]

21 MR. PRESIDENT:

22 Yes, you may proceed.

23 BY MR. LYSAK:

24 Q. Yesterday, we had -- you had talked about Ham Ansi, who was a  
25 person that you know very well. I want to read to you a statement

1 from him, that he provided to the Investigating Judges. He said -  
2 quote:

3 "I just know that Chankim, Chhin and Say from Division 920  
4 disappeared. I know that Ta San, Saroeun's former Division 801  
5 deputy came to replace Chhin at Kaev Seima. I personally saw Ta  
6 San arrest many soldiers of Division 920 and send them to the  
7 Center."

8 [15.08.14]

9 Mr. Witness, does that refresh your recollection that there were  
10 many arrests of Division 920 cadres that took place in  
11 Mondulkiri?

12 A. I cannot recall that. I did not know about that matter.

13 Q. Who was Ta San?

14 A. Ta San was the commander of Division 920.

15 Q. And when did he assume his position in Mondulkiri?

16 A. It was in 1978, and it was in early October 1978.

17 Q. What happened to the person who had been the chairman of  
18 Division 920 before Ta San?

19 A. I did not know because I was at my district, so I did not know  
20 much about the military affairs.

21 Q. Did you know the person named Chhin, who was the secretary of  
22 Division 920 before Ta San?

23 A. No, I did not know him. I heard of the name, but I did not  
24 know him.

25 [15.10.37]

1 Q. Okay, thank you.

2 You mentioned yesterday a person named Svay, who was the district  
3 secretary of Kaoh Nheaek district. Can you tell the Chamber what  
4 happened to Svay in June of 1977 or in mid-1977?

5 A. I did not know about that at that time. There was a meeting,  
6 and then, at night, Svay shot two people dead, including my  
7 in-law, and a few other people were injured. And then he was  
8 chased, and later on he was found hanging himself in the rice  
9 field.

10 [15.11.39]

11 Q. Who was the in-law of yours that Svay shot?

12 A. One was Ky, my elder brother-in-law, and, two, Daing. Daing  
13 was also my elder brother-in-law.

14 Q. Was this Ky the same person who you identified as the  
15 secretary of Ou Reang district? Is that the same Ky?

16 A. Yes. That was the same person.

17 Q. And the person named Daing, who was shot -- what was his  
18 position?

19 A. Dan was a member of the Pech Chenda District Committee.

20 Q. And can you tell us about the meeting that was held that led  
21 to Svay shooting these two people?

22 A. The meeting did not raise any main concerns. It was about the  
23 encouragement for increasing of rice product in the rice farming.  
24 And it was about 12 a.m., and it was already quiet. And then  
25 there was a gun shooting from the outside, and my two other

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1 brothers-in-law, who were sleeping in the same room, died, and  
2 other peoples got injured.

3 [15.13.49]

4 So there were actually two people who got injured. So the  
5 situation was rather chaotic inside the house, and people was  
6 trying to flee as they were shooting from the outside.

7 Q. Was this a meeting that was attended by all the members of  
8 each district committee?

9 A. Yes, all the representatives from the five districts came to  
10 that meeting. And we did not know what set him off to shoot at  
11 people.

12 Q. Well, Mr. Witness, was Svay accused of being a -- in a  
13 Vietnamese network -- at this meeting?

14 A. I did not hear any accusations from the centre of -- of this  
15 matter, but he just came down and shoot people.

16 [15.15.23]

17 MR. LYSAK:

18 Mr. President, we'd again like to ask the witness -- direct the  
19 witness to another statement from the same interview of Ham Ansi,  
20 E3/366, at Khmer ERN 00242413, English ERN 00250750, and French  
21 ERN 00283165.

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 BY MR. LYSAK:

25 Q. In his interview with the Co-Investigating Judges, Ham Ansi

1 stated - quote: "...in a meeting, it had been brought up that Svay  
2 had contacted Vietnam."

3 Does that refresh your recollection that what took place at this  
4 meeting that led to the shootings was that Svay was accused of  
5 having contacts with the Vietnamese?

6 MR. SAO SARUN:

7 A. I could not grasp that matter. That meeting did not address  
8 the issue; no, not at all. So people were attending the meeting  
9 as usual as they were representatives from each of the districts.  
10 [15.17.10]

11 Q. So is it your testimony, Mr. Witness, that you have no idea  
12 what led Svay to shoot a district secretary and deputy district  
13 secretary at this meeting? Is that your testimony?

14 A. Yes, because I did not know the matter. There was a shooting,  
15 of course. It was at midnight when the shooting started, and we  
16 heard the shouting. Maybe one person was shot and gasped for air,  
17 and the situation was chaotic, as people was fleeing from the  
18 house. Two cartridges -- two magazines were emptied by Svay when  
19 he shot into the house, and there were 14 rounds altogether.  
20 There -- I did not hear about the allegation or any of the --  
21 such accusation at all at the time.

22 Q. After this event in which Svay shot these two people, was  
23 there another incident in which a group of sector commerce cadres  
24 attempted to flee to Vietnam? Do you recall that incident?

25 A. No, I did not hear about any other people attempting to flee.



1 [15.19.15]

2 MR. LYSAK:

3 Mr. President, at this time we would like to put on the screen  
4 and ask the witness a question related to his interview, E3/384,  
5 which is at Khmer ERN 00345905, English ERN 00348374, and French  
6 ERN 00354238.

7 MR. PRESIDENT:

8 Could you also mention the title of this document?

9 And, yes, you can proceed with the projection of this document.

10 BY MR. LYSAK:

11 Yes, Mr. President. This is the third interview of the witness by  
12 the Co-Investigating Judges.

13 Q. Mr. Witness, in this interview, you made the following  
14 statement to the Co-Investigating Judges -- quote: "In 1977, when  
15 I was working in Pech Chenda district, I heard that personnel of  
16 Office K-16 had fled."

17 [15.21.01]

18 Was that -- do you confirm this statement today, Mr. Witness?

19 MR. SAO SARUN:

20 A. Yes, I stand by that statement. They fled, but I did not know  
21 much about that because at that time I was at the Kaev Seima  
22 district. So the fleeing, that's their business. I heard that  
23 they fled and they brought along the vehicle and some guns.  
24 That's how I learned about that.

25 Q. Was one of the people who fled in this group the chairman of

1 the K-16 office, a person named Ta Nhun?

2 A. I cannot recall the name of the office. It's been a long time.

3 Q. You don't recall Nhun, who was the head of that office, who  
4 fled to Vietnam and returned in 1979 and became the governor of  
5 Kratie? Did you not know that person?

6 A. No, I cannot recall that.

7 Q. Can you tell us what you did hear about the cadres from Office  
8 K-16 who fled in 1977? What did you hear about that incident?

9 A. I did not hear anything else. I heard about them fleeing, and  
10 they were caught up, and then they fled by abandoning the  
11 vehicle.

12 [15.23.25]

13 Q. You mentioned yesterday a person named Kham Phoun, who was  
14 also a member of the Sector Committee. What was Kham Phoun's area  
15 of responsibility in Sector 105?

16 A. As I said earlier, Kham Phoun was in charge of the entire  
17 sector economy.

18 Q. And so was Office K-16 -- the sector commerce office -- one of  
19 the areas that was under Kham Phoun's responsibility?

20 A. Yes.

21 [15.24.35]

22 Q. Did you know the son of Kham Phoun, named Kham?

23 A. Yes, I knew him because his village was just next to my  
24 village, and we grew up together.

25 Q. What position did he hold in 1977 in Mondulkiri?

1 A. You are referring to Kham, right? If so, I did not know about  
2 his position because I was at my district.

3 Q. Did you hear that Kham Phoun's son, Kham, was arrested and  
4 disappeared in 1977?

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

6 Q. You mentioned that Svay, who was the secretary of Kaoh Nheak  
7 district, hung himself after shooting the two other cadres. Can  
8 you tell us who replaced Svay as the secretary of Kaoh Nheak  
9 district in 1977?

10 A. I did not know who the replacement was. I could not grasp the  
11 situation.

12 [15.26.55]

13 Q. Were you aware in 1977 that every other district secretary in  
14 the sector, other than yourself, was either arrested, died, or  
15 disappeared?

16 MR. PRESIDENT:

17 Witness, please do not reply yet. You need to wait to -- for the  
18 ruling by the Chamber regarding the objection raised by the  
19 defence counsel.

20 Defence Counsel, you may proceed.

21 MR. KARNAVAS:

22 Thank you, Mr. President. I apologize for objecting, but  
23 yesterday you did note that one of the defence counsel was  
24 providing testimony and you cautioned defence counsel not to  
25 testify.

1 In this particular question, for instance, we have the prosecutor  
2 now testifying and asking the witness to validate. This is  
3 improper; this is leading.

4 [15.27.55]

5 MR. LYSAK

6 Mr. President, if I may, the question -- I have already asked the  
7 witness about all the other district secretaries. I am attempting  
8 to sum up the information and I would imagine that this witness  
9 will be able to tell us whether or not the other district  
10 secretaries in his sector all disappeared during this year.  
11 So, rather than list all the names again, I think I should be  
12 entitled to ask a summary question to the witness.

13 (Judges deliberate)

14 [15.28.33]

15 MR. PRESIDENT:

16 Mr. Michael Karnavas objection is not sustained.

17 The Chamber wishes to hear the response from the witness to this  
18 question.

19 The Chamber wishes to also inform the Chamber that the question  
20 that sum up by the prosecutor -- just put, is different from the  
21 line of question put by the Defence yesterday. So we hope this is  
22 clear.

23 [15.30.05]

24 Witness is now instructed to respond to the questions put by the  
25 Co-Prosecutor if you remember. If not, Co-Prosecutor is now

1 instructed to repeat the question so that the witness understands  
2 and be able to respond.

3 MR. SAO SARUN:

4 A. Mr. President, Your Honours, I do not understand the question.  
5 It would be good if it is repeated.

6 BY MR. LYSAK:

7 Q. Yes. Mr. Witness, let me -- let me ask you the question in a  
8 slightly different way: Can you identify, for us, any district  
9 secretary, other than yourself, who was not arrested, killed, or  
10 disappeared in 1977?

11 MR. SAO SARUN:

12 A. There is none.

13 Q. Thank you.

14 [15.31.22]

15 I'd like to now move, now, toward the end of 1977 and the events  
16 that led to you being asked to take over as sector chief. Do you  
17 recall whether, as a result of some of the events that we've just  
18 discussed -- whether Kham Phoun himself became under suspicion  
19 and was arrested in Mondulkiri in the latter part of 1977?

20 A. I don't think I understand your question.

21 Q. Was Kham Phoun, the person who was -- we've been discussing,  
22 who was on the sector committee -- was he placed under arrest in  
23 Mondulkiri in the latter part of 1977?

24 A. No, he wasn't. He was not arrested in Mondulkiri.

25 Q. Do you know -- did you know a battalion commander in the

1 sector named Ta Lan -- Ta Laing?

2 A. No, I didn't. I have never remember recalling any person by  
3 the name of Ta Laing as the head of a -- a battalion.

4 [15.33.38]

5 Q. Well, let's step back a second for that. You identified  
6 earlier today the sector military chief as Ta Sophea. Who were  
7 the battalion commanders directly under Ta Sophea in Sector 105?

8 A. There were two people: Ta Lan and Veang (phonetic), because so  
9 far as I remember, there were only two battalions in the  
10 location.

11 Q. So perhaps the problem was I did not pronounce the name  
12 well. The person I wanted to ask you about was the first person  
13 you mentioned, Ta Lan. Do you know -- can you tell us what Ta  
14 Lan's responsibilities were in Sector 105?

15 A. He was overly in charge of the whole battalion.

16 Q. Were you aware, in 1977, that Ta Laing had asked Ta Lan to  
17 place Kham Phoun under arrest? Were you aware of that?

18 A. No, I wasn't. I was in my district and was not aware of some  
19 of these matters.

20 [15.35.54]

21 Q. Did you hear -- were you aware of the time when the sector  
22 secretary, Ta Laing, and Kham Phoun flew off together to Phnom  
23 Penh in the latter part of 1977? Do you recall that?

24 A. Yes, I do. They flew to work in Phnom Penh and I still  
25 remember this.

1 Q. And was it during that trip to Phnom Penh where both these men  
2 were killed?

3 A. I don't know about this. I don't know whether any arrest was  
4 made because I was at the district back then.

5 Q. Why don't you tell the Chamber how you first learned of the  
6 death of secretary -- sector secretary Ta Laing?

7 A. I was told that he died in Phnom Penh, but I did not know the  
8 reason behind his death.

9 Q. Who was it that first told you that he had died?

10 A. His brother-in-law directly told his relatives that Ta Laing  
11 passed away.

12 [15.38.20]

13 Q. And when you refer to his brother-in-law, who -- who are you  
14 referring to?

15 A. I was referring to the person by the name of Chuon, who was  
16 his brother-in-law.

17 Q. And can you tell us whether shortly after the death of Laing  
18 you were asked to go to Phnom Penh?

19 A. Yes, it is correct that, immediately after the death of Ta  
20 Laing, I was called to go to Phnom Penh.

21 Q. Who was it that asked you to go to Phnom Penh?

22 A. He was Chuon, the same brother-in-law of Ta Laing.

23 Q. What was Chuon's position in Sector 105?

24 A. He was in charge of the sector commerce responsible for  
25 transporting commodities from Phnom Penh.

1 [15.40.34]

2 Q. And this person named Chuon, did he have another name?

3 A. I never remember having known him other than Chuon.

4 Q. Let me refresh your recollection.

5 Mr. President, if I could read a short excerpt from E3/384,  
6 which, again, is the third interview of this witness by the  
7 Office of Co-Investigating Judges -- at Khmer, 00345903; English,  
8 00348372; and French ERN 00354236.

9 MR. PRESIDENT:

10 You may proceed.

11 BY MR. LYSAK:

12 Q. Mr. Witness, in this statement of yours to the  
13 Co-Investigating Judges, you made the following statement --  
14 quote: "Chuon, the Chuon in charge of Sector Commerce work, had  
15 another name, Phan Khon."

16 [15.42.00]

17 Does that refresh your recollection that Chuon was also known as  
18 Phan Khon?

19 MR. SAO SARUN:

20 A. Yes, indeed, it helps me to refresh my memory and it is  
21 correct to say so.

22 Q. Now, when Chuon came to tell you that you had been called to  
23 go to Phnom Penh, did he tell you why you had been called to go  
24 there?

25 A. He told me that I was called by the upper echelon to work



1 there and we had to go together to Phnom Penh.

2 Q. And what did he say to you about how secretary Laing had died?

3 A. He told me and as what his -- Ta Laing's relative was also  
4 told, they said Kham Phoun was the one behind the killing of Ta  
5 Laing.

6 [15.43.45]

7 Q. And did he tell you what had happened to Kham Phoun in Phnom  
8 Penh?

9 A. No, I did not know more than that because I was at the  
10 district level and was -- I was not able to be aware of something  
11 at the upper level.

12 MR. LYSAK:

13 And, Mr. President, I would now to read to the witness a  
14 statement of his from his first interview, E3/367, at Khmer ERN  
15 00251438, English ERN 00278695, and French ERN 00486011.

16 MR. PRESIDENT:

17 You may proceed.

18 [15.45.05]

19 BY MR. LYSAK:

20 Q. Mr. Witness, in your first statement to the Co-Investigating  
21 Judges, you said the following -- quote:

22 "In late 1977 or early 1978 after the death of Ta Laing, Chuon  
23 who was the Sector 105 Chairman of Commerce came by car to call  
24 me from Pech Chenda district to go to Kaoh Nheaek and we both  
25 flew to Phnom Penh. He said to me that Laing was beaten to death

1 by Kham Phoun with a car's spring leaf and Kham Phoun also shot  
2 himself to death. He also told me that Angkar called [me] to go  
3 to Phnom Penh."

4 [15.45.51]

5 Is this a correct statement, Mr. Witness?

6 MR. SAO SARUN:

7 A. Yes, it is correct. It was what I was told before I was called  
8 to Phnom Penh.

9 Q. And how quickly after learning that you had been called to  
10 Phnom Penh did you travel there? Did you leave immediately?

11 A. Yes, immediately. I was at the district. He came by car and I  
12 had to go with him on the same day to Phnom Penh.

13 Q. And how did you travel to Phnom Penh?

14 A. When he came from Pech Chenda district, he came by car, but  
15 when we left Kaoh Nheaek, we took an airplane.

16 Q. Was this an airplane that belonged to the sector or was this  
17 an airplane that had been sent from Phnom Penh?

18 A. The airplane was sent from Phnom Penh at the sector. We  
19 couldn't afford to have airplane like that; we only had cars.

20 Q. Who travelled with you to Phnom Penh on this trip?

21 A. I, myself, Chuon, and some nephews who already dead by now.

22 [15.48.33]

23 Q. And could you please tell the Chamber what happened when you  
24 arrived in Phnom Penh?

25 A. I see -- nothing happened. We were told that Ta Laing died. I

1 asked why he died. I was told that Kham Phoun had beaten him to  
2 death and I did not see any other things. I just heard what I was  
3 told.

4 Q. Where did you go after you arrived at the airport in Phnom  
5 Penh?

6 A. I didn't go anywhere other than going all the way to the guest  
7 house where we were led to and we would stay there.

8 Q. Whose guest house was this?

9 A. The guest house was -- was a location prepared by people in  
10 Phnom Penh where we could also unload our luggage.

11 [15.50.21]

12 Q. After you arrived and went to the guest house, did you go to a  
13 meeting in Phnom Penh?

14 A. Yes, I went to the meeting in which we were told that Ta Laing  
15 died because Kham Phoun had beaten him. And, again, I did not  
16 witness the death of Ta Laing.

17 Q. Who did you meet with in Phnom Penh?

18 A. I met with Mr. Pol Pot.

19 Q. What other leaders were present at that meeting other than Pol  
20 Pot?

21 A. I saw no other people other than Pol Pot, himself.

22 MR. LYSAK:

23 And, Mr. President, I'd like to, again, read another excerpt from  
24 the same interview, E3/367, the same pages as the prior thing --  
25 prior one -- excuse me -- the prior excerpt, just a different

1 statement, if I may.

2 [15.52.06]

3 MR. PRESIDENT:

4 You may proceed.

5 BY MR. LYSAK:

6 Q. Mr. Witness, in your statement to the Investigating Judges,  
7 continuing your discussion of this meeting, you said the  
8 following -- quote:

9 "When we arrived in Phnom Penh, Ta Chuon and I went to Pol Pot's  
10 office which was right behind the Royal Palace. Chuon and I met  
11 with Pol Pot, Son Sen, and Nuon Chea and Pol Pot talked about  
12 Laing's story in the same manner as Chuon told me."

13 Do you confirm that this statement is true, Mr. Witness?

14 MR. SAO SARUN:

15 A. Indeed, it is true and the reason that I said I saw only Pol  
16 Pot because my memory is very poor, but with that, I agree; it is  
17 correct.

18 [15.53.20]

19 Q. Do you remember what the office was like where you met with  
20 Pol Pot, Nuon Chea, and Son Sen? Can you describe it for us at  
21 all?

22 A. It was a very long time ago. I'm afraid my memory is too poor  
23 to allow me to recollect this very well for you.

24 Q. And you said in your statement that this was an office located  
25 behind the Royal Palace. In relation to the Royal Palace, was

1 this an office that was located on the riverside or was this an  
2 office located on the other side of the Royal Palace in the city  
3 -- more in the city? Can you tell us that?

4 A. I came to Phnom Penh only on one occasion and I think the  
5 location was -- was behind the Royal Palace, I believe, so it is  
6 -- obviously, it was behind the palace. And, again, I don't think  
7 I can be very certain because it was the first time I came to  
8 Phnom Penh. I had never been to Phnom Penh before.

9 [15.55.11]

10 Q. Was there anyone else present in the room, other than  
11 yourself, Chuon, Pol Pot, Son Sen, and Nuon Chea? Were there any  
12 other people who were present at this meeting?

13 A. No, there was no other people other than these people.

14 Q. Can you tell the Chamber what happened at your meeting with  
15 Pol Pot, Nuon Chea, and Son Sen?

16 A. In that meeting, the information about the death of Mr. -- of  
17 Ta Laing was confirmed, and then I was asked to take over from Ta  
18 Laing. I told him that I was not qualified because I was not  
19 literate enough; I could read and write barely, and the position  
20 was not good for me -- or it didn't suit me at all. I brought  
21 this to Pol Pot.

22 [15.56.41]

23 Q. And how did Pol Pot respond when you protested that you were  
24 not qualified to be sector secretary?

25 A. He said that I could do that. I could learn on the job and I

1 told -- I keep -- I kept telling him that I was not qualified; I  
2 did not read and write very well; I kept protesting, but he kept  
3 insisting that I took the offer. And later on I still worked to  
4 assist them, and again, as I told you, he kept asking me to take  
5 the position, and I kept resisting, protesting, but he said I  
6 could help and he said that I would be of assistance to him. So  
7 that's all I was talking to him about.

8 Q. Did he say anything to you about the secretary of Division  
9 920, Ta San? Did he say anything to you about Ta San?

10 A. He said if I took over or I took the offers, then, I would be  
11 assisted by Ta San from Division 920 and, indeed, I did not know  
12 much about the work and Sa -- rather, San and Chuon were ready to  
13 assist me with my job.

14 [15.59.07]

15 Q. How long was your meeting with Pol Pot, Nuon Chea, and Son  
16 Sen? How long did that meeting last?

17 A. The meeting was held for the whole morning.

18 Q. And how soon after the death of Ta Laing and Kham Phoun was  
19 this meeting?

20 A. After the death of Ta Laing, Chuon came to get me and we came  
21 to Phnom Penh and attended this meeting. I couldn't recall how  
22 many days after the death, but I remember that immediately after  
23 Chuon came to take me, then I came to Phnom Penh to the meeting.

24 MR. PRESIDENT:

25 Thank you, Mr. Co-Prosecutor and the Witness.

100

1 [16.00.28]

2 It is now appropriate time for today adjournment, but before we  
3 adjourn, the Chamber wishes to ask Mr. Witness: How is your  
4 current status of your health? Are you able to assist the Chamber  
5 tomorrow?

6 MR. SAO SARUN:

7 Your Honours, I feel I can come back tomorrow.

8 MR. PRESIDENT:

9 Thank you very much indeed.

10 And it is now, as indicated, appropriate time for the adjournment  
11 of the day, and the Chamber will adjourn. The next sessions will  
12 be resumed tomorrow by 9 a.m.

13 During tomorrow's session, we continue hearing the testimony of  
14 witness Sao Sarun. The questions remain to be put by the  
15 prosecutors.

16 The Chamber also wishes to inform parties to the proceedings that  
17 during tomorrow's sessions and the following sessions, the  
18 Chamber may hear the testimonies of TCW-323, as well; it depends.

19 If health condition of Mr. Witness who is before the Chamber  
20 today is not good, then we may shift to hear the testimonies of  
21 TCW-323.

22 [16.02.07]

23 Mr. Witness, you are now asked to come back tomorrow. And, Duty  
24 Counsel, you are also required tomorrow during the testimonies of  
25 this witness.

101

1 Court officer is now instructed to coordinate with the WESU unit  
2 to ensure that Mr. Witness can be well accommodated and returned  
3 to the courtroom tomorrow, at 9 a.m.

4 Security personnels are now instructed to bring all the three  
5 accused persons to the detention facility and have them returned  
6 to the courtroom by 9 a.m.

7 Mr. Ieng Sary, in particular, if he shows his position clearly  
8 whether he waives his right to be present in the courtroom  
9 through his written waiver before the Chamber before the  
10 commencement of tomorrow's session, the Chamber will consider  
11 this by allowing the security personnels to bring him only to his  
12 holding cell. However, this ruling will have to be made before we  
13 receive the waiver.

14 The Court is adjourned.

15 (Court adjourns at 1603H)

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