



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

19 June 2012

Trial Day 76

Before the Judges: NIL Nonn, Presiding  
Silvia CARTWRIGHT  
YA Sokhan  
Jean-Marc LAVERGNE  
YOU Ottara  
THOU Mony (Reserve)  
Claudia FENZ (Reserve)

The Accused: NUON Chea  
IENG Sary  
KHIEU Samphan

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MR. YUN KIM (TCW-797)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. ANG UDOM	Khmer
MR. IANUZZI	English
MR. LIM BUNHENG	Khmer
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. SENG BUNKHEANG	Khmer
MR. YUN KIM (TCW-797)	Khmer

1

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 For this week hearing, that is, from today -- and we might hold a

6 hearing for Friday morning -- we will hear the testimony of

7 witness TCW-797 and TCW-321.

8 Ms. Se Kolvuthy, could you report the presence of the parties and

9 individuals summoned by the Court?

10 THE GREFFIER:

11 Mr. President, all parties are present except the international

12 counsel for Ieng Sary, that is, Mr. Karnavas; he hasn't given any

13 reason for his absence. Mr. Ieng Sary is in the holding cell

14 downstairs and he waived his direct presence in this courtroom

15 through his lawyer. The letter of waiver has been submitted to

16 the greffier.

17 [09.03.02]

18 The witnesses summoned by TC, that is, TCW-797 and the reserve

19 witness, TCW-321, are present in the waiting room to be called by

20 the Chamber. The two witnesses already took an oath and ready for

21 their testimony. They confirmed, to their best knowledge, they do

22 not have any relationship by blood or by law to any of the

23 Accused or civil party.

24 It is also observed that Lim Bunheng, the duty counsel appointed

25 by TC and WESU to the witnesses, are -- is present. Thank you.

1 [09.03.59]

2 MR. PRESIDENT:

3 The Chamber has received a request by Ieng Sary dated 19 June  
4 2012, through his counsel, to waive his right to directly  
5 participate in the proceeding; the request to follow the  
6 proceedings through audio-visual means in the holding cell  
7 downstairs, as he cannot sit for long in the courtroom, based on  
8 the opinion of the treating doctor at the detention facility of  
9 the ECCC, who -- whose opinion was provided in the Court that  
10 this Accused shall be allowed to follow the proceedings through  
11 audio-visual means as he is fatigue too easily and quickly and  
12 cannot sit for long in the courtroom.

13 [09.05.19]

14 The Chamber is of the opinion that due to his request for direct  
15 presence in the main courtroom and to follow it in the holding  
16 cell downstairs through audio-visual means and that he is able to  
17 communicate with his counsel in the courtroom, we grant this  
18 request for -- to waive his presence in the courtroom and allow  
19 him to follow the proceeding in the holding cell downstairs  
20 through audio-visual means for the entire day proceeding.

21 The AV Unit, you're instructed to link the proceeding to the  
22 holding cell downstairs for him to follow for the entire day.

23 I notice the defence counsel is on his feet. Please be reminded,  
24 again, that you need first to provide the topic of what you  
25 intend to raise, and the Chamber will then consider whether you

3

1 are allowed to proceed with your request.

2 [09.06.39]

3 MR. IANUZZI:

4 Thank you, Your Honour. Good -- good morning, everyone. I have a  
5 very brief point of order, this morning, related to today's  
6 witness.

7 Yesterday afternoon, we circulated a courtesy copy of a Rule 87  
8 request to put a new document -- new evidence to the witness for  
9 impeachment purposes, and that request has been officially filed  
10 in English and Khmer. It's a very short application, less than  
11 one and a half pages of text, in fact. It's quite clear and  
12 self-explanatory, so I won't belabour the -- the substantive  
13 point this morning.

14 However, I do -- I do request -- I do ask this morning that given  
15 the nature of that application and, in particular, the need for a  
16 rather quick decision on it, perhaps at some point today we could  
17 hear from all of the parties if they -- if they do wish to  
18 respond and we could have an oral decision from the Chamber by  
19 the end of the day so that we're able to proceed, if necessary,  
20 with our cross-examination tomorrow.

21 [09.07.31]

22 I'm aware that the Bench is generally unwilling or, perhaps,  
23 unable to deal with oral requests, but as I've said, it's -- it's  
24 quite a simple, straightforward application, and we would require  
25 a decision prior to proceeding with our cross-examination, if

4

1 any, on witness TCW-797. So I think everyone has seen that  
2 request; I don't think this is a controversial matter. Thank you.  
3 (Judges deliberate)

4 [09.08.00]

5 MR. PRESIDENT:

6 The Chamber has noticed the observation and request made by the  
7 international counsel for Nuon Chea. We haven't yet received the  
8 copy submitted by Nuon Chea's defence. Upon receipt of the  
9 written request, we shall consider it and decide in due course.  
10 We observe that the submission by Nuon Chea's defence is rather  
11 belated pursuant to the practice direction.

12 Court Officer, could you now invite TCW-797 into the courtroom?

13 [09.12.21]

14 Defence Counsel for Nuon Chea, as I said, we already took note of  
15 your oral request and we shall consider your request in due  
16 course and we also made a remark that your submission is belated.  
17 We have given various instructions regarding such a request to  
18 the Trial Chamber and we already gave you our remark regarding  
19 your request.

20 [09.13.05]

21 The Lead Co-Lawyer for civil parties, you may proceed.

22 MR. PICH ANG:

23 Good morning, Mr. President. Good morning, Your Honours,  
24 colleagues. Good morning, everyone. For witness -- for this  
25 witness, the Lead Co-Lawyers delegates the task to Mr. Ven Pov

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1 and Élisabeth to put question to this witness.

2 [09.13.58]

3 And another point that we'd like to make is that the defence  
4 counsel, Ianuzzi, who was on his feet -- and I noticed that there  
5 is a sign on his robe which could mean commercial or something.  
6 I'm not sure whether it's a commercial logo on his robe or not.  
7 Usually, counsel is prohibited to wear such a commercial logo  
8 robe.

9 MR. IANUZZI:

10 Your Honour, it's an ideological logo; it has nothing to do with  
11 commerce.

12 [09.14.45]

13 MR. PRESIDENT:

14 The International Defence Counsel for Nuon Chea, please stand.  
15 Could you please remove the logo on your robe? The robe is to be  
16 worn by the judicial personnel in this courtroom for its  
17 proceeding. Besides the assigned robe, you are not allowed to  
18 wear any logo on your robe, so please remove the logo from your  
19 robe.

20 MR. IANUZZI:

21 Your Honour, I'd rather not remove it voluntarily. If you -- if  
22 you're ordering me to remove it, then I certainly will.

23 [09.16.02]

24 MR. PRESIDENT:

25 Yes, you are ordered to remove it now.



6

1 (Short pause)

2 [09.16.10]

3 QUESTIONING BY THE PRESIDENT:

4 Q. Good morning, Mr. Witness. What is your name?

5 MR. YUN KIM:

6 A. My name is Yun Kim.

7 Q. Besides Yun Kim, have you used any other names or alias?

8 A. My alias is Kham.

9 Q. Thank you, Mr. Yun Kim.

10 [09.16.59]

11 During the proceeding to hear your testimony before this Chamber,  
12 and as three languages are used in this courtroom through the  
13 interpretation system -- namely, into French and English -- and  
14 in order to facilitate the flow of the interpretation and for the  
15 proper record, you need to wait until you see the red light on  
16 the microphone before you -- before you could speak so that your  
17 voice can go through the interpretation system for all the  
18 parties and the public.

19 Mr. Yun Kim, can you tell the Chamber your date of birth?

20 A. I was born on 9th April 1942.

21 Q. Where is your current address?

22 A. My current address is at Voadthonak village, Voadthonak  
23 commune, Sambour district, Kratie province.

24 [09.18.25]

25 Q. What is your occupation?

7

1 A. I am the commune chief of Voadthonak and I am also a rice  
2 farmer.

3 Q. What are the names of your parents?

4 A. My father's name is Yun Hak.

5 Q. And your mother's name?

6 A. My mother's name is Tham Chry.

7 Q. What is your wife's name?

8 A. Her name is Lun Eng Seang.

9 Q. How many children do you have?

10 A. I am the father of seven children; six sons and one daughter.

11 Q. Mr. Yun Kim, as reported by the greffier of the Trial Chamber,  
12 to your best knowledge, you are not related by blood or by law to  
13 any of the civil party or the three Accused -- namely, Nuon Chea,  
14 Ieng Sary, and Khieu Samphan; is that correct?

15 A. Yes, that is the truth.

16 [09.20.13]

17 Q. In the same report, it's stated that you already took an oath  
18 before you enter this courtroom; is that correct?

19 A. Yes, that is correct.

20 Q. Mr. Yun Kim, as a witness to testify before this Trial  
21 Chamber, you are hereby informed of your right and obligation. As  
22 a witness to the proceedings before the Trial Chamber, you can  
23 refuse to respond to any question or refuse to make any comments  
24 that could incriminate yourself; that is, you have the right of  
25 self -- to -- of self-incrimination. If you think that your

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1 response or your comment could lead to your prosecution, as a  
2 witness, you have the responsibility and obligation to testify  
3 before this Trial Chamber by responding to all the questions put  
4 to you by either the Chamber or any other parties except in the  
5 case where you believe your response or comment could incriminate  
6 you.

7 [09.21.41]

8 As a witness, you must tell the truth that you have known, have  
9 heard, have remembered, or have experienced or observed,  
10 personally, in regards to the events or facts related to the  
11 questions put to you by any of the parties or the Chamber.

12 Do you understand that?

13 A. Yes, I have heard what you said.

14 MR. PRESIDENT:

15 Today, we also observe the presence of the duty counsel that WESU  
16 has provided to you. For the proper record, could the duty  
17 counsel state your name or your -- and your ID number?

18 MR. LIM BUNHENG:

19 Good morning, Mr. President. My name is Lim Bunheng. My ID number  
20 is 189.

21 My office is number 39CD in Sen Sok in Sangkat, Sen Sok, Phnom  
22 Penh.

23 BY MR. PRESIDENT:

24 Thank you.

25 [09.23.24]

1 Q. Mr. Yun Kim, during the past few years, have you been  
2 interviewed by investigators of the Office of the  
3 Co-Investigating Judges of the ECCC? If so, how many times have  
4 you been interviewed?

5 MR. YUN KIM:

6 A. I have provided two interviews. The second time is in Chrouy  
7 Banteay village.

8 Q. Thank you. Can you recall the years of your interviews; just  
9 the years would suffice? It would be better if you can recall the  
10 exact date of the two interviews.

11 A. It was around 2009.

12 Q. Thank you. Before you entered the courtroom for your testimony  
13 today, have you reviewed your interviews or have you been reread  
14 the interviews to recall all the statements you made in those  
15 interviews?

16 A. My duty counsel read the interviews to me, that is, the  
17 statements I made.

18 [09.25.01]

19 Q. Thank you.

20 To your best knowledge and recollection, can you tell us whether  
21 the statements that were reread to you recently are consistent  
22 with the statements you made or provided to the investigators  
23 that you said in 2009?

24 A. The content of the document is consistent with my statements.  
25 However, there are some points, namely, 1973 and 19 -- 1974 that

10

1 I participated in the meeting with Nuon Chea. In the document, it  
2 stated that it was in 1974. However, from my recollection, it was  
3 held in 1973.

4 MR. PRESIDENT:

5 Thank you.

6 The Prosecution, you are reminded that for the -- for the  
7 questioning of this testimony, you are allowed to question this  
8 witness first. You may now proceed with the questioning of this  
9 witness.

10 QUESTIONING BY MR. SENG BUNKHEANG:

11 Thank you, Mr. President. Good morning, Mr. President, Your  
12 Honours. And good morning, everyone in and around the courtroom.  
13 [09.26.50]

14 Q. Good morning, Mr. Yun Kim. I have some questions for you. The  
15 first question is the following: During the time that you worked  
16 in Kratie province for the Communist Party of Kampuchea, in  
17 particular, during the Democratic Kampuchea regime, did you know,  
18 hear, or see any of the CPK leaders going to Kratie province?

19 MR. YUN KIM:

20 A. During the time that I worked, I could not grasp the  
21 situation. However, in 1973, Nuon Chea went to convene a meeting  
22 in Dar commune in Kratie district, and all the commune chiefs  
23 were gathered -- that is, all the commune chief of the Kratie  
24 province. At that time, Kratie comprise only of three communes  
25 within a sector called Sector 505. I met Nuon Chea once. The

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1 three communes were Sambour, Kratie, and Snuol, and that was the  
2 first time that I met Nuon Chea, and I did not meet any other  
3 leaders.

4 Q. Thank you. Can you recall, at that time, what did Nuon Chea do  
5 during the meeting? What topics did he raise? Can you tell the  
6 Court?

7 [09.28.47]

8 A. At that time, Nuon Chea convened a meeting giving instructions  
9 regarding the cooperatives. He told the meeting participants to  
10 implement the establishment of the cooperatives, that they should  
11 not be too anxious to create the cooperatives straight away; we  
12 should create a mutual assistance groups and also the low-level  
13 cooperatives, where they understand quite rightly about the  
14 cooperative. And we also were instructed to create the high-level  
15 cooperative where people understood well what it meant.

16 And he also talk about the experiences from drawing the  
17 experience, the pro and con in creating the cooperative, and he  
18 was not -- he gave instruction not to create any community.

19 Q. Thank you. When Nuon Chea gave instruction regarding the  
20 establishment of the cooperative, did he give the reasons for  
21 such establishment of the cooperative?

22 A. At that time, he stated that the current situation in Cambodia  
23 due to the war-torn situation, due to the lack of instruments and  
24 tools, we should gather to collect the forces in the mutual  
25 assistance groups and the cooperatives so that we could survive.

12

1 [09.30.34]

2 Q. Thank you.

3 Do you still remember that in your province -- when was the first  
4 cooperative established?

5 A. In Kratie Province, after Nuon Chea gave some education to the  
6 people at each respective district, the process of establishing  
7 the cooperative was under way. However, in Sambour district, at  
8 that time, the secretary of the Party -- district Party -- had to  
9 conduct a meeting at other districts as well after this meeting  
10 because they said that we should not start with the mutual  
11 assistance group but we should go to establish the cooperatives  
12 directly, and I thought it was against the idea rendered by Nuon  
13 Chea, because this means that not only the cooperative was  
14 established, but communal eating was also introduced.

15 Q. How long had the cooperatives been in place?

16 A. In Kratie province, cooperatives were established gradually  
17 and it came into existence until 1979.

18 [09.32.28]

19 Q. Thank you.

20 Do you still recall the structure of the cooperatives? Was there  
21 any change to its structure after the 17th of April 1975?

22 A. At the beginning, in small sub-districts, the cooperatives  
23 were under the supervision of the sub-districts, but in 1977 --  
24 rather, from 1971 to 1976, I was the commune chief of Voadthonak,  
25 and later on I was promoted -- I was moved to the Sambour

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1 district commune chief, and we have - and then I removed to the  
2 Srae Khoean cooperative. There were two cooperatives in that  
3 commune. At that time, there were no commune -- rather, no  
4 village chiefs, and they created a group of -- the group that  
5 comprised of three people as members.

6 [09.34.06]

7 Q. What kind of people were recruited or were in the  
8 cooperatives?

9 A. Everyone had to remain in the cooperatives and work. For  
10 example, after 1976, in each cooperative, there were mixed -- a  
11 mixture of people, people who were evacuated from various  
12 surrounding districts and villages. The evacuation could be  
13 classified into two. Some people were evacuated from the long  
14 liberated communes who had to be moved to the less populated  
15 communes. And all together, we also had the 17 of April People  
16 who were evacuated into the cooperatives.

17 Q. Thank you.

18 I would like to also refer to document E3/368, in which you  
19 indicated about the Islams or the Chams people who were evacuated  
20 to the cooperative and classified as New People, along with the  
21 17 of April People who were evacuated to the location, about 100  
22 families of them.

23 My question is: Why these Cham people were mixed in the  
24 cooperative with other people?

25 [09.36.04]



14

1 A. With regard to the Cham evacuees who were made to live in the  
2 cooperatives, they had been in the cooperative before the 17 of  
3 April People. There was no classification as New People like  
4 that. They were only regarded as ordinary people. Later on, we  
5 noted that the 17 of April evacuees came and placed in the base.

6 Q. I would like to move to another topic concerning the arrests.  
7 Do you still recollect whether people in the leadership ordered  
8 any arrests when you were still the leader of the respective  
9 position during the Khmer Rouge regime?

10 A. When I was in charge of Sambour district -- or rather,  
11 sub-district, in this commune there was an order from the  
12 district committee, the order to take Ta Chhi. Ta Chhi was a  
13 former commune chief. They did not tell us that the person had to  
14 be arrested, but we were ordered that he should go along with  
15 some tools, including the machete, so that he could help others  
16 with the work. Later on, I learned that he never returned. He  
17 just disappeared. So I believe that he was arrested, and the  
18 order was rendered from the district committee.

19 [09.38.19]

20 Q. Were you aware of any other orders from other levels other  
21 than the district committee concerning the arrest?

22 A. I'm afraid I was not aware of this, and I have no idea who  
23 ordered from any other level other than this. And as I already  
24 indicated, Mr. Nuon Chea ordered that the lower level and upper  
25 level cooperatives were established, but this instruction was not

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1 properly implemented because some people appeared to turn against  
2 him. So we could see that the people at the district level could  
3 order something other than the order from the provincial level.

4 Q. In the same document, E3/368, you stated there that Ta Khin  
5 was in charge of the economic section and he was arrested in  
6 1978. Do you know why he was arrested?

7 [09.39.38]

8 A. I don't know much about the arrest of Ta Khin, but Ta Khin was  
9 at the district's economic section, but later on he was in charge  
10 of the provincial economic section of Kratie. In 1978, there was  
11 a huge arrest being made because in my Sambour sub-district, all  
12 the commune chiefs were arrested, saving only very few. The  
13 police were also arrested and the arrests were made all across  
14 the province. However, I did not know who ordered the arrests,  
15 although I learned at the later date, in my section the military  
16 came to be in charge.

17 Q. Thank you.

18 In the same document, you indicated that Voeun was the secretary  
19 of the district in charge of the economy, when later on Yorn was  
20 in place -- was to replace the former individual.

21 My question is: To your knowledge, do you know why there was such  
22 a reshuffle or replacement time and again?

23 A. After several district secretaries or committees were  
24 arrested, there was a person from the military to take charge of  
25 the position, but later on there were two individuals, Voeun and

16

1 another person named Chhouk, and I think there was no surprise to  
2 these changes because one person could not handle the task alone  
3 and the new people had to be in place to help with the work in  
4 exchange.

5 [09.41.58]

6 Q. During the Democratic Kampuchea regime, do you know who was  
7 the most responsible person with regard to economy?

8 A. I don't understand who he was, the person who in charge of the  
9 national economy as a whole.

10 Q. Before the Co-Investigating Judges, you also stated, when  
11 asked about the head of B-3 -- you said you were the chief, and  
12 Phin was your deputy. At the beginning, there were 450 youth.  
13 Later on, the number reduced to about 200, and people were sent  
14 from Ta Maung district. These 200 people were accused of being  
15 enemies. So why these people were sent to you? And what did you  
16 do with them?

17 A. In April 1978, young people were moved to B-3. B-3 was used to  
18 hold cadres who were arrested. After the cadres were removed from  
19 the location, young people or youth were then transferred. At the  
20 beginning, there were 450 people. They were under the military  
21 supervision. The military were too harsh, and later on I was  
22 called to be in charge of these 450 young people instead.

23 [09.44.16]

24 Later on, there were another group of young people from Ta Maung  
25 to be placed under my supervision at the unit. They were there

17

1 only to assist farming. And on the 1st of June 1978, I was moved  
2 to B-3, and they asked me to ensure that 100 hectares of land had  
3 to be cleared and that farming could begin on that. And it was  
4 really a tough job because, with 100 hectares to plough or to  
5 clear the land for farming, it was a huge task. That's why we  
6 needed assistance.

7 Later on, I don't know what happened to those people who had also  
8 been removed.

9 [09.45.23]

10 Q. Do you know who ordered such removal of these individuals?

11 A. I don't know because the worksite where I was in was under  
12 Sambour, and Chhouk, deputy secretary of the district, first was  
13 in charge. And later on Chhouk said that he had to be also  
14 transferred to another location, perhaps in Kampong Thom  
15 province. I don't know.

16 Q. With regard to the political sessions, had you ever been  
17 attending any political sessions during the Democratic Kampuchea  
18 regime?

19 A. I had attended several sessions with the leaders of the  
20 district and the province because people at the district were  
21 also members of the Provincial Party, so we had to -- and I had  
22 to join the sessions.

23 Q. Had you ever attended sessions in Phnom Penh?

24 [09.47.13]

25 A. No, I never been to Phnom Penh during that time.

1 Q. When you joined the sessions with the district and provincial  
2 committees, were you handed out any course materials?

3 A. During the study sessions I studied the "Revolutionary Flag".

4 Q. At that time, were you aware who was the author of the  
5 "Revolutionary Flag"?

6 A. I know that the Party centre was the one who managed the  
7 publication of the "Flags".

8 Q. With regard to the content of the "Revolutionary Flag", was  
9 part of the content of the "Flag" covered by the comments made by  
10 the leadership of the Communist Party of Kampuchea?

11 A. I think it has been a very long time ago and I may forget.  
12 However, there was an instruction, instruction on how to  
13 establish the cooperatives and other affairs.

14 [09.49.20]

15 Q. Do you know, during the Democratic Kampuchea, whether the --  
16 or how often the "Revolutionary Flags" were issued?

17 A. I don't know clearly about these because we -- I only obtained  
18 the copies when they were handed over to me from the district  
19 committee.

20 Q. Do you know the purpose of the distribution of "Revolutionary  
21 Flags"? Who would be the recipients of the "Revolutionary Flags"?

22 A. The "Revolutionary Flags" were only handed out to the  
23 leadership of the district, for example. Only a copy would be  
24 handed over to the district committee for guidance.

25 Q. Regarding these "Revolutionary Flag" magazines, do you still

19

1 recollect its appearance or look?

2 A. I think -- I don't remember the details, but I remember that  
3 there was a flag on the cover page of the magazine, a small flag.

4 [09.51.21]

5 MR. SENG BUNKHEANG:

6 I have no further questions to put to you.

7 Thank you very much, Mr. President and Your Honours. And thank  
8 you, Witness, for your time.

9 I would like to hand over to my colleague to put further  
10 questions.

11 MR. PRESIDENT:

12 International Co-Prosecutor, you may now proceed.

13 QUESTIONING BY MR. LYSAK:

14 Thank you, Mr. President, Members of the Bench.

15 Q. Good morning, Mr. Yun Kim. I want to go back in time a little  
16 bit. Can you tell us, first of all, were you a member of the  
17 Communist Party of Kampuchea? And if so, when did you become a  
18 member and who introduced you?

19 [09.52.38]

20 MR. YUN KIM:

21 A. I joined -- I was a member of the CPK in 1971, and the person  
22 who introduced me was Chet, the secretary of Party's district of  
23 Sambour.

24 Q. Your witness statement that you provided indicates that you  
25 were born in Krouch Chhmar district, but I gather you joined the

20

1 Party in Kratie district. Can you tell us, when - when did you  
2 move from Krouch Chhmar to Kratie?

3 A. I was born in Krouch Chhmar, Kampong Cham. When I was 10 years  
4 old, in 1950, there was insecurity in the country. In my  
5 location, there were groups, Krou Oum groups, who extorted money  
6 from people, and with that, my father could not bear the pressure  
7 because they extorted money from my father, and when the  
8 information reported to the police, police came and extorted  
9 further money. So we moved to Roka Kandal, location of Kratie  
10 province, where I grew up and went to school.

11 In my youth, I also moved to Voadthonak to do some farming with  
12 the villagers. I was single at that time, and in 1969 I got  
13 married. In 1970, there was a coup d'état and this is how things  
14 happened. This is how my life was going on, or how things  
15 happened in my life.

16 [09.55.08]

17 Q. Thank you for that explanation. Can you tell us; before you  
18 were allowed to join the Party, did you have to be educated or  
19 instructed on the Party lines or Party policies?

20 A. After the coup d'état, the situation was chaotic. There were  
21 opportunists who stayed - who created the nationalist groups.  
22 There were Khut Udom (phonetic) group, and other people who  
23 joined the groups and died. I did not join the gang because I was  
24 afraid. I believed that the Revolutionary Movement was not bad.  
25 So I was educated on this, and later on the district level people

21

1 inducted me and made me join the CPK as a member.

2 Q. You've told us that you were appointed chief of Voadthonak  
3 commune in 1971 and that you continued in that position until  
4 late 1976. I'd like to now ask you just a few further questions  
5 about your role as a commune chief.

6 First of all, can you tell us where Voadthonak commune was  
7 located?

8 [09.57.05]

9 A. Voadthonak commune was part of Sambour district. Before 1971,  
10 Voadthonak commune was in Kampong Cham commune. Kampong Cham was  
11 in Kaoh Khnhaer Island, one of the biggest islands in Cambodia.  
12 In - the location -- I mean, from Kratie province to Voadthonak  
13 commune, it is about 24 kilometres. However, we had to take the  
14 ferry to the other side of the Mekong River to reach that  
15 location.

16 Q. And am I correct that Voadthonak commune was on the west side  
17 of the Mekong River and the Sambour district and Kratie district  
18 -- or Sambour commune and Kratie district were over on the east  
19 side of the Mekong River? Is that correct?

20 [09.58.28]

21 A. Yes, it is. Voadthonak commune is on the west bank of the  
22 Mekong River, adjacent to Preaek Prasab district. Sambour commune  
23 is on the east bank of the Mekong River. Sandan, which is the --  
24 another commune is also bordered Voadthonak commune. And there is  
25 an old road that links Voadthonak to Stung Treng province.



1     However, the new road is built. We can take this new road all the  
2     way to Kratie and Steung Treng.

3     Q. Thank you.

4     Can you describe for us a little bit what your responsibilities  
5     were as a commune chief?

6     A. As a commune chief during the Democratic Kampuchea regime, the  
7     main tasks were economy. We had to work -- to do something with  
8     agriculture. We were advised by the leadership that the  
9     irrigation system had to be in place to ensure proper farming in  
10    the local communities. And as the community, we had to also  
11    maintain orders and also pay a great attention to the health  
12    issues of the people. There were hospitals although they were not  
13    sufficient medicine; people could be admitted to the hospital.  
14    There were trained midwives who could also provide delivery  
15    services to pregnant women who delivered their baby there.

16    [10.00.45]

17    Q. Did the commune have a military section and a security  
18    section?

19    A. Yes. In the commune there was a structure of the commune chief  
20    who was overall in charge and a deputy in charge of the military.  
21    And a member in charge of the economic, and another member in  
22    charge of security, and another member for social affairs in the  
23    cooperative. So there were five people in the committee at that  
24    level.

25    Q. Could you describe for us what the difference was between the

1 role of the person who was responsible for the military section  
2 and the person who was responsible for security? What was the  
3 difference in their responsibilities?

4 [10.01.50]

5 A. For the military section, the task was to be in charge of the  
6 safety in the base. Quite simply, if there is -- if there was an  
7 incident, then the military force, including the militia in the  
8 base, would deal with such an incident. As for the security,  
9 there was only one or two persons in that section. If there was  
10 an incident they would report to the commune level or to the  
11 higher level.

12 Q. And during the period that you were the chief of Voadthonak  
13 commune, who was the superior to whom you reported?

14 A. The high level of the commune is the district, initially that  
15 was Ta Chet, and later on he was replaced as he was transferred  
16 to Kratie and Mr. Phan actually replaced him. And later on, Mr.  
17 Phan was also transferred to Kratie and he was replaced by Mr.  
18 Ny. Later on, in 1978, he was arrested, and after his arrest, Mr.  
19 Voeun took the position until the arrival of the Vietnamese.

20 Q. Thank you for that answer, we'll talk a little more about the  
21 arrests in 1978 later today.

22 In addition to Voadthonak commune, how many other communes were  
23 there in Sambour district?

24 [10.04.15]

25 A. In Sambour district, prior to 1979, there were Voadthonak

1 commune, Sandan, Sambour, Boeng Khnhaer (phonetic), Boeng Knar  
2 (phonetic), Kampong Cham, Kbal Damrei, Ou Traeng (phonetic), and  
3 number 9 is Srae Chis. There were nine communes in Sambour  
4 district. However, currently, the last commune no longer exists.  
5 Ou Tria was the new commune, and Roluos Meanchey was a new  
6 district -- a new commune in the Sambour district currently.

7 Q. Where was the Sambour district office located?

8 A. Sambour district during the Chet position, it was located in  
9 Kampong Leu in Kaoh Khnhaer. It was about 3 kilometres from  
10 Sambour. And later on during the Phan authority, it was relocated  
11 to a location near the provincial district - near the district  
12 town; it was about 5 to 600 metres away from the district town  
13 along the river. It was still in the Sambour district.

14 [10.06.04]

15 Q. You've told us already that there were three districts in  
16 Kratie sector -- sector 505 -- Sambour district, Kratie district,  
17 and Snuol district. Can you identify for us who the district  
18 secretaries were for Kratie and Snuol district during the DK  
19 regime?

20 A. I could not grasp the situation in Kratie and Snuol districts  
21 at the time. I do not know who were the secretaries. As for  
22 Sambour district, initially it was Mr. Chet who was the  
23 secretary, after he was transferred, within that structure,  
24 nobody replaced him, but I believe whoever was the district chief  
25 was the secretary of that district.

25

1 Q. Let's talk just a little bit about the sector level now. In  
2 your statement that you gave to the Co-Investigating Judges, you  
3 stated that the secretary of sector 505 from 1971 to 1976 was Ta  
4 Yem, that Ta Yi was the next sector secretary from 1976 to early  
5 1978, and that the sector chief after that was Moeun.

6 My question to you is: How often did you see Ta Yem and Ta Yi  
7 when they were the chiefs of Kratie sector?

8 [10.08.18]

9 A. Allow me to say that Mr. Yem was the secretary of the  
10 provincial town. Later on, he was transferred, and Mr. Yi  
11 replaced him in that position.

12 I only met the -- this provincial secretary during the conference  
13 held at the provincial town and during the yearly study sessions,  
14 which lasted about 15 to 20 days. That was the yearly study  
15 sessions at the time that I met the provincial secretary.

16 Q. You mentioned conferences at the provincial town and then the  
17 -- and yearly study sessions that lasted 15 days.

18 What I just wanted to clarify was: In addition to those annual  
19 study sessions, were there other conferences that you attended at  
20 the provincial town, or was it just the annual study sessions?

21 A. We did not go regularly for a meeting at the provincial town.  
22 Besides the conference, we did not attend any other meeting. The  
23 meetings were frequently held at the district level.

24 [10.10.11]

25 Q. Who all would go to the annual study sessions that you

1 indicated lasted 15 days?

2 A. The – that study session was participated by the district  
3 committees, the sub-district committees, and sometime it also  
4 went lower to the village committee, and of course the district  
5 committees and those people working in the offices throughout the  
6 province, as well as the military; they all attended that study  
7 session.

8 Q. Earlier this morning, you told my colleague about study  
9 sessions where you studied the "Revolutionary Flag". Were these  
10 the same -- these annual study sessions in the provincial town,  
11 were these the occasions where you studied "Revolutionary Flag"?

12 A. During all the study sessions that I attended, most of the  
13 contents were extracted from the "Revolutionary Flag" magazines,  
14 because that magazine was the core document to provide us  
15 guidelines and instructions.

16 [10.12.03]

17 Q. And did you also study the "Revolutionary Flag" at meetings or  
18 study sessions at the district office?

19 A. During the study sessions, we did not actually take the  
20 "Revolutionary Flag" magazine to read it out during the session,  
21 but they were distributed. However, as I said, the study sessions  
22 were basically based on the magazines.

23 Q. Just so I'm clear, when you say "they were distributed", do  
24 you mean that all the participants received a copy of the  
25 magazine?

1 A. The "Revolutionary Flag" magazine were only given to the  
2 districts -- only two copies were given to the district  
3 committee, and they were not widely distributed at all.

4 Q. So am I correct, then, that if you wanted to see and read the  
5 "Revolutionary Flag" yourself, you needed to go into the district  
6 office? Is that correct?

7 [10.13.38]

8 A. At that time, there was no library for people going to read.  
9 For example, if the magazine was given to me, I would read within  
10 my district committee. It was not open to everyone, not anyone  
11 could read that magazine.

12 Q. Okay. Thank you very much for clarifying that.

13 In your statement that you provided to OCIJ, you also identified  
14 two other members of the Sector 505 Committee: Kuon, who you  
15 stated was responsible for sector military, and Kang, who you  
16 identified as the sector security chief from 1970 to 1977. Do you  
17 remember any other members of the Sector 505 Committee in  
18 addition to the secretaries you've already talked about, Kuon and  
19 Kang? Do you remember any other members?

20 A. I can recall Kuon, but besides, I do not know any others at  
21 the sector level.

22 As Kuon, he was actually involved in the military section at the  
23 district level, not at the provincial level. As for Moeun, he was  
24 at the Kratie provincial level after the arrest of Yi. Moeun and  
25 Kuon came to the Kratie province. However, I do not know them

1 face to face.

2 [10.15.54]

3 Q. Do you know where Moeun came from when he replaced Ta Yi as  
4 the sector secretary?

5 A. I did not grasp hold of whereabouts of the original place of  
6 Moeun or Kuon.

7 Q. During the period of Democratic Kampuchea, was Kratie sector  
8 one of the independent sectors?

9 A. During the DK period, through my understanding at the Sambour  
10 district, that sector was autonomous under the direct control of  
11 the centre. And as I understood, it was in the Northeast Zone  
12 initially, and later on it was separated from the Northeast Zone  
13 to become an autonomous sector.

14 Q. When was it that Kratie's sector was separated from the  
15 Northeast Zone and became an autonomous sector?

16 A. I cannot grasp the year, as I understood it was around 1977  
17 when it became an autonomous sector. It was either in later '76  
18 or early '77, although I am not entirely sure.

19 [10.17.59]

20 Q. And can you tell us what the difference was between a sector  
21 that was part of a zone and an autonomous sector?

22 A. As I understand, if a sector within the zone level -- it had  
23 to liaise directly with the zone. As for the -- an autonomous  
24 sector, it would communicate directly with the Centre -- that is,  
25 the Centre located in Phnom Penh. It did not have to go through

1 the zone.

2 Q. Thank you.

3 My colleague and I have asked you already a number of questions  
4 about "Revolutionary Flag".

5 One more question I wanted to clarify: Do you remember the time  
6 period -- or the years -- when you saw the "Revolutionary Flag"  
7 publications? And specifically, what I'm interested in -- was it  
8 just during the period of Democratic Kampuchea or was it also  
9 before April 1975?

10 [10.19.41]

11 A. My recollection is rather weak regarding this point. However,  
12 I am certain that the "Flag" existed after the 17 April 1975.

13 Q. Let's turn to another subject now. Can you tell us when Kratie  
14 province was liberated by the Khmer Rouge? What year did that  
15 take place?

16 A. The Northeast Zone, in particular the Kratie province -- that  
17 is, after the coup-d'état of the 18 April '70, about two months  
18 after the coup d'état, the Kratie province was liberated. At that  
19 time, the Lon Nol soldiers already fled from the province and the  
20 Khmer Rouge took control of the province since.

21 Q. When the Khmer Rouge initially took control of Kratie  
22 province, were people allowed to continue living in the cities  
23 and towns and having -- operating markets and businesses?

24 [10.21.34]

25 A. After the liberation in 1970, the market was still operational



30

1 and people were still engaging in running their daily business.

2 The only issue was the transportation of goods, sometimes people  
3 had to transport goods by bicycle to Kampong Thom for example. So  
4 it was rather difficult when it comes to goods transportation,  
5 but the market still existed.

6 Q. Do you recall whether there came a time when the Party leaders  
7 became concerned about the markets still being open in Kratie  
8 province?

9 A. I cannot recall that.

10 Q. Mr. President, at this time, I'd like to present an issue of  
11 "Revolutionary Flag". the witness has indicated that he's  
12 familiar with the publication. This is the August 1975 issue of  
13 "Revolutionary Flag", it is Document E3/5, and the excerpt I  
14 would like to ask the witness about is at Khmer ERN 00063316,  
15 English ERN 00401480 to 81, and French ERN 00538956. And we'd  
16 like to put that up on the screen.

17 [10.23.41]

18 Perhaps, before I proceed, Mr. Witness, if I provided you a copy  
19 of this document, would you be able to read it, or do you need me  
20 to read the document to you?

21 A. (No interpretation)

22 MR. PRESIDENT:

23 Yes, you can proceed.

24 Court Officer, could you deliver the document from the  
25 Prosecution for the witness to examine?

1 BY MR. LYSAK:

2 Q. Mr. Witness, the page that I'm going to ask you about is Khmer  
3 page 63316.

4 First, before we go to that page, if you could just take a quick  
5 look at the cover page and tell me whether that looks like the  
6 cover of "Revolutionary Flag" that you described to my national  
7 colleague earlier?

8 [10.25.34]

9 MR. YUN KIM:

10 A. Yes, it is.

11 Q. The portion of this "Revolutionary Flag" that I'd like to ask  
12 you about contains the following statement -- quote: "The Kratie  
13 market was approximately the same as before."

14 And I should start by saying they're describing the year 1971 in  
15 this part of the "Revolutionary Flag".

16 So it says: "The Kratie market was approximately the same as  
17 before. Hondas were circling back and forth. Our militiamen,  
18 pants or not, shirts or not, were walking around, meaning they  
19 were still acting as masters. As for us, we were still acting as  
20 policemen like in the Sihanouk era, the Nol era.

21 "Therefore, this commerce could not serve the lives of the people  
22 and could not serve the war of national liberation.

23 "It was clearly seen by mid-73 that there was no way out for us.  
24 We could not gather up the people. The businessmen were the  
25 masters. They handed out this and handed out that in terms of

1 commercial materials to the people. If we kept going along that  
2 road, there was no way out." End of quote.

3 Does that refresh your recollection that there was -- came a time  
4 when there was a concern within the Party about the markets  
5 continuing to be open in Kratie?

6 [10.27.36]

7 A. Regarding the Kratie markets, I did not receive any  
8 instructions. We were based at a far distance from the market.

9 Q. Do you recall whether there came a time when all the markets  
10 in Kratie, including in your area -- all the markets were closed?

11 A. I cannot recall it well because at our district, there was no  
12 market. However, it is my understanding that the money was no  
13 longer circulated around 1974; the commercial trade was still  
14 ongoing. For example, the district -- the barter system was  
15 operational. For example, the exchange of medicine for other  
16 goods or commodities, but I cannot recall for sure as when the  
17 markets were closed. It is my opinion that when the money was no  
18 longer circulated, the markets would be closed.

19 Q. Do you remember why it was that they stopped -- or that the  
20 circulation of money was stopped in Kratie in 1974?

21 A. I cannot grasp the situation that well. However, it is common  
22 sense when the money was no longer circulated, the market would  
23 have to be closed. Before the money was prohibited from  
24 circulation, there had a communal eating, and when people ate  
25 communally there was no need for the currency circulation at the

1 cooperative.

2 MR. LYSAK:

3 Thank you for your response, Mr. Witness.

4 MR. PRESIDENT:

5 Thank you, Mr. Co-Prosecutor.

6 Since it is now appropriate time for adjournment, we will adjourn

7 for 20 minutes. The next session will be resumed by 10 to 11.

8 Court officer is now instructed to assist Mr. Witness and his

9 duty counsel during the adjournment and have them returned to the

10 courtroom before 11 – or 10 to 11.

11 (Court recesses from 1030H to 1053H)

12 MR. PRESIDENT:

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

14 We would like to now hand over to the Co-Prosecutor to proceed

15 with their questions. You may now proceed.

16 [10.53.56]

17 BY MR. LYSAK:

18 Thank you, Mr. President.

19 Q. Mr. Yun Kim, my colleague has asked you already, this morning,

20 a number of questions about a meeting that you attended in 1973,

21 where Nuon Chea provided instructions on cooperatives. I have

22 just a few additional follow-up questions about that meeting.

23 First of all, can you tell us how long did the meeting with Nuon

24 Chea last? How long was that meeting?

25 MR. YUN KIM:

1 A. The meeting in Phum Dar with Nuon Chea took place for the  
2 whole day, from morning until the afternoon.

3 Q. And in the testimony you gave this morning, you described how  
4 a distinction was made between mutual assistance groups, low  
5 level cooperatives and high level cooperatives. Could you explain  
6 to the Court what the difference was between a mutual assistance  
7 group, a low level cooperative and a high level cooperative?

8 A. The mutual assistance group, lower level and higher level  
9 cooperatives are the three different groups. The mutual  
10 assistance group comprised of five to 10 families to mutually  
11 assist one another.

12 [10.56.12]

13 The product -- or the production happened at each respective land  
14 of each individual. However, with the lower -- in the cooperative  
15 level, people had some lands of cattle and worked together.

16 However, the distribution of production or labour depends on the  
17 number of cattle and tools they have.

18 With regard to the high level cooperative, everything had to be  
19 placed in the cooperative collectively and the division of work  
20 is only divided according to the labour force -- or the labour  
21 itself.

22 [10.57.16]

23 However, in our commune there was no such groups either mutual  
24 assistance group or lower and higher level groups, because Chet,  
25 the guy who inducted me to the revolution, introduced a new idea

1 in which everyone had to really belong to the whole group.

2 Q. This new idea that Chet introduced, did you understand this to  
3 be something that came from the Party Centre or was this an idea  
4 that Chet came up with by himself?

5 A. At that time, I also made some comments because in the meeting  
6 -- Mr. Nuon Chea chaired the meeting in Dar village. Then Mr.  
7 Chet said that we shall not go back to the -- our location -- we  
8 had to also meet at Sambour -- and that there would never be a  
9 mutual assistance group or lower or higher level cooperatives. We  
10 had to join hand working at a community instead, and he said that  
11 he would be the one in charge of introducing this idea, and if  
12 anyone else was fearful or afraid to propagandize or to  
13 disseminate information concerning this new concept, then he  
14 would be willing to act on their behalf to defend his idea.

15 [10.59.26]

16 I really opposed the idea because I knew that such idea was  
17 against the order from the upper echelon. However, as commune  
18 chief, as long as Ta Chet was more superior, we had to listen to  
19 him and we had to unite. And whatever the order rendered from him  
20 we only had to do as what we wished.

21 However, on one occasion, at dawn, Mr. Chet came and he really  
22 gave a speech to the people and he was very angry. However,  
23 everyone noted that he didn't do properly when it comes to the  
24 implementation of the line rendered by the upper level.

25 [11.00.31]

1 Q. What happened to Ta Chet during the Democratic Kampuchea  
2 period?

3 A. Chhim Young was the real name of Ta Chet. As far as I know, he  
4 was transferred by the upper echelon from Sambour to Kratie due  
5 to the morale issue with women. He committed some morale mistakes  
6 with women. He had some special rooms for him to work with women.  
7 And due to the women issues and some women died as a result;  
8 namely, one woman who was a teacher at the district level, she  
9 died in 1971 or '72 as he -- she was strangled by him.

10 And it was rumoured that she was raped by Ta Chet. For that  
11 reason, he was transferred to Kratie and later on, I heard that  
12 he was arrested due to the morale issues. Later on, I heard the  
13 villagers said that they met Ta Chet in Svay Prasab (phonetic)  
14 district but that he was arrested, although I am unclear  
15 regarding this matter.

16 Q. Did you ever see Ta Chet again after he was sent away to  
17 Kratie?

18 A. He was transferred to Kratie. I met him once after that, but  
19 we did not talk to each other. It was before the celebration of  
20 the 17 April '75 victory. And it -- that was the first  
21 anniversary in 1976. During that ceremony, I saw him, but we did  
22 not speak, and actually I saw him on the podium at the time.

23 [11.03.01]

24 Q. When was it that Chet was arrested and disappeared -- what  
25 year?

1 A. I am unclear, but I could say it was around 1976 -- that is,  
2 after the celebration of the victory. He disappeared after that.

3 Q. And going back again to your meeting with Nuon Chea in 1973,  
4 did he provide any instructions at that meeting on how food  
5 should be distributed within cooperatives?

6 A. When I saw him, he gave instructions for the establishment of  
7 the mutual group, the low level and the high level cooperatives  
8 and not to establish a community. And that establishment should  
9 be based on the real situation at each base -- importantly, that  
10 we should discuss amongst each other and to avoid any conflict  
11 regarding the division of the workforce at the base. So that  
12 issue should not be arose at the established cooperative.

13 [11.04.46]

14 Q. And during the one day meeting with Nuon Chea that you  
15 attended, were there any subjects other than cooperatives that  
16 were discussed? For example, was there any discussion about the  
17 ongoing war against the Lon Nol regime?

18 A. Regarding the war against the Lon Nol, he initially told us  
19 about the situation, about the situation of attacking the enemy  
20 and our target, and that we actually progressed in our war, and  
21 that we would liberate the country. And that was all what he  
22 talked regarding the war. However, the main theme of that one day  
23 meeting was the organization of the cooperatives in the  
24 Kampuchean society.

25 Q. When you say that he talked about "attacking the enemy", who



1 was "the enemy"?

2 A. The enemy, at the time, was that he referred to the Lon Nol  
3 forces and that the forces was backed by the American  
4 Imperialists.

5 Q. Do you know whether Nuon Chea came to Kratie province often,  
6 in the years prior to April 1975?

7 [11.06.45]

8 A. Regarding his visit to Kratie province, I did not know his  
9 previous trips. I only knew when I saw him on that one day  
10 meeting. That's all I knew.

11 Q. Did you -- although that was the only time you met with him,  
12 did you hear whether he had come to Kratie on previous occasions?

13 A. I did not know. I was not told by anybody that he made any  
14 previous, occasionally or frequent visit to the province.

15 Q. Thank you, Mr. Yun Kim.

16 I am going to now talk about the issue of movements of  
17 population.

18 Prior to the 17th of April 1975, were there any movements of the  
19 population within Kratie province? And specifically, I have in  
20 mind Kratie provincial town. Was there a time when people were  
21 moved out of Kratie town and moved into, either, mutual  
22 assistance groups or cooperatives in the country?

23 [11.08.26]

24 A. Regarding the movement of people from Kratie province to other  
25 areas, it was beyond my knowledge as I - as, in my commune,

1 people were not moved; they stayed where they were staying.

2 As for the Cham Muslim, while I was at Voadthonak commune, they  
3 were transferred from other region to that area. They could  
4 arrive -- they would come from Svay Kambet area.

5 As for the people in the entire province, I did not know whether  
6 there was any movement of those people.

7 Q. Where were you on the 17th of April 1975?

8 A. On the 17 April 1975, I was living in Voadthonak commune.

9 Q. When did you first hear about the Party's plan to evacuate  
10 Phnom Penh and the other cities in Cambodia? How did you first  
11 learn of that?

12 [11.10.15]

13 A. In regards to the evacuation of people, I only knew when I saw  
14 new people arriving, for example, at Sambour while I was there. I  
15 saw people arriving by boat and by other means and I asked them  
16 where they were going. They told me they were evacuated to come  
17 to that area. So the 17 April People were evacuated by boat to  
18 that area, but I did not know when the evacuation itself  
19 initiated.

20 Q. For now, let's talk about the period in April 1975, when you  
21 were the chief of Voadthonak commune. Were there any new people  
22 or evacuees who arrived in Voadthonak commune after the 17th of  
23 April 1975?

24 [11.11.22]

25 A. As I've just stated, in 1975, I saw the Cham Muslims arriving

1 at the Voadthonak commune, and from my estimation, there were  
2 between 30 to 40 families. When I asked them, they said they came  
3 from Svay Kambet commune or from the Dambae area. And after the  
4 liberation, when I went to Sambour, I saw people already arriving  
5 in Sambour. They were the 17 April People evacuated from Phnom  
6 Penh.

7 And later on, some people coming from Ta Maung, they were  
8 evacuated, and that was in late '77 or early '78. They were from  
9 Ta Maung -- that is, from Memot district.

10 Q. Just so we're clear, the people -- the New People that you saw  
11 evacuated to Sambour commune, was that at the time when you  
12 became the chief of Sambour commune or was that something that  
13 took place prior to you becoming the chief of Sambour commune?

14 A. When I managed to become chief of the Sambour commune, the 17  
15 of April People were already there. They had been evacuated  
16 before I took up my position as the chief of the commune there.  
17 And, of course, I knew the Base People who were living in the  
18 Sambour commune, so I could recognize the 17 of April People.

19 [11.13.53]

20 Q. We'll come back to the year when you became chief of Sambour  
21 commune a little later and I'll ask you some more questions about  
22 that at that time.

23 Right now, I'd like to turn to the subject of communications and  
24 reporting within the sector and district and communes in Kratie.  
25 Can you -- why don't we start -- can you tell us, during the time

1 that you were the secretary of either Voadthonak or Sambour  
2 communes, how did you report to your district secretary on the  
3 situation and work in your commune?

4 [11.14.51]

5 A. During the DK period, we held a meeting weekly, that's meant  
6 for all the commune chief, far or near. We had to report about  
7 the enemy situation in our respective commune. If there were any  
8 conflicts against the revolutions, such conflicts should be  
9 reported. Then we would report about the production, and that was  
10 the most important issue for -- in the report. And, thirdly, we  
11 would report about the health of the people in our respective  
12 commune. And for the culture, there were some reports as well.  
13 However, the classes for the people to study were only up to  
14 level three -- that is, the third year. That's all. And we  
15 reported to the district committee the participants in such a  
16 meeting -- enter a reporting meeting comprised of two  
17 representatives or one representative from each commune. And  
18 usually, once the meeting in this week finished, then we would  
19 plan for the next week meeting. There was no need for a letter or  
20 invitation as it was held regularly on a weekly basis.

21 Q. And in regards to your reporting on the enemy situation, who  
22 were considered enemies during the period of Democratic Kampuchea  
23 when you had these weekly meetings with the district committee?

24 [11.17.01]

25 A. Regarding the weekly reporting, I usually was criticized by

1 the district level, in particular in relation to the reporting  
2 regarding the enemy situation. I found it extremely difficult to  
3 find any enemy in my eyes. I only saw people working, and if a  
4 person was reported that he was lazy in cutting out his or her  
5 work, then the burden would be on me. It would mean that I did  
6 not educate such a person well. So, from this perspective, I  
7 found it very difficult to report anything regarding the enemy  
8 situation.

9 So because I, myself, I could not find any enemy, not unless some  
10 other peoples that they report about people were careless in  
11 transplanting the rice seedling. So, personally, I found it  
12 difficult when it comes to reporting about the enemy situation,  
13 as I did not have any enemy to be reported to.

14 [11.18.31]

15 On one occasion, there was a report that a person was walking  
16 behind the village and eating the tree leaves and I reported  
17 that. But that was not the people from my village. I never  
18 accused any of my villagers to be arrested. People who used to  
19 live with me at that time are still living in Phnom Penh and many  
20 of them know me. Even Mr. Thun Saray, the president of ADHOC  
21 organization, as well as Mr. Huor (phonetic). If they were not  
22 living with me at the time, they would have been gone already.  
23 Even Ta Horm, he was -- he survived but he passed away later, and  
24 except Ta Chhi. Ta Chhi was the father of my friend, and I did  
25 not about - I did not know about his issue. If I knew, I would

1 have helped him and he would have survived.

2 So, frankly, I never reported anything bad about my villagers,  
3 and that is all.

4 Q. Did other commune chiefs report on enemies in their communes  
5 at these meetings with the district?

6 A. Regarding other communes, yes, there were reports about enemy  
7 situations, about people talking about this or that, and as a  
8 result, some people were detained in their communes.

9 [11.20.30]

10 The reporting issue is a death or - or live issue because, in  
11 most of the communes, people had been arrested. For example, in  
12 Voadthonak village, after Mr. Ung Samon replaced me, there were  
13 arrests. At that time, I was transferred to become commune chief  
14 of Sambour. And later on Mr. Ung Samon was arrested and replaced  
15 by Kin Chorn (phonetic) and Chea Chhin (phonetic). And the two,  
16 later on, had been arrested and replaced by Mr. Eang (phonetic),  
17 and Mr. Eang (phonetic) subsequently arrested. And then a person  
18 came from the B 3 worksite replaced him. And that was almost in  
19 1979.

20 As for the other commune, including Kampong Cham or other  
21 commune, many of the -- those people, including the commune  
22 committees, had been arrested and killed.

23 As for the Roluos - rather, Kbal Damrei commune, at least Mr.  
24 Chorn -- he had been arrested and killed. So it was extremely  
25 difficult, as he reported -- that is, the community reported

1 about other people, and other people also reported about him.

2 [11.22.16]

3 Q. And the other commune chiefs who would report and identify  
4 enemies, how did they know who was to be considered an enemy?

5 Were there instructions, for example, in "Revolutionary Flag" as  
6 to who should be considered an enemy?

7 A. Regarding the "Revolutionary Flag", there was some  
8 instructions, but I cannot recall it. Other communes reported in  
9 regard to the enemy situation.

10 Let me give you an example. In 1978, Mr. Yi assigned me to  
11 measure a dam in the Voadthonak commune, that a dam could be  
12 built there. So I was instructed to measure that area, whether a  
13 dam could be constructed in that area. And upon my inspection,  
14 yes, a dam could be constructed with the forces that I would  
15 recommend. Then he would assign the workforce. I would say 500  
16 people work force would take a month and two months. If a  
17 thousand work force, would be -- it would take one month to build  
18 that dam.

19 [11.23.55]

20 After -- during construction of the dam, there was a young youth  
21 who was sick and then went back to the house, and in the  
22 Voadthonak village, that young man was sent back to the worksite,  
23 but he requested to be treated with medicine first. And I  
24 requested him to be treated first, but then Chhin and Chorn  
25 refused, and then that young man went to report to the district

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1 regarding that, and without reasons, Chhin and Chorn were  
2 arrested and executed by the district.

3 Later on, he knew about the false reporting by that young man, so  
4 the young man was later arrested and executed.

5 [11.24.55]

6 Most of the reports talked about the lazy workforce, about the  
7 carelessness in carrying out the work; that were most of the  
8 contents of the reports. Also, foul speech was also reported, for  
9 example, that the revolutionary was too strict.

10 In some communes, for example, people were woken up at 3 a.m.,  
11 and that was strict. And if there is the case, then maybe the  
12 food was not sufficient to provide to the workforce in that  
13 particular commune.

14 [11.25.51]

15 Q. Following up on the last example you just gave, were people  
16 who criticized the Party or opposed the Party considered enemies?

17 A. Regarding the conference, a conference was held every three  
18 months at the cooperative, while I just arrived at Sambour  
19 commune. At the Voadthonak commune, during the conference that  
20 was held every three months, people could raise criticism issue.  
21 However, at the Sambour District I placed myself to be criticized  
22 by the commune, and I was surprised as people said that this is  
23 the first time that such leadership was placed to be criticized  
24 by the villagers.

25 I, myself, I would be glad if I had been criticized so that I



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1 would use that as a tool to improve myself. So I leave it open  
2 for people to criticize me, but in my opinion, this is an  
3 exception because, usually, district-level or commune-level  
4 committee disliked being criticized and they would take revenge  
5 if they were to be criticized, which is against my ideal opinion  
6 -- that is, I would be glad if I had been criticized.

7 [11.27.49]

8 But in other areas, if you are criticized, then you would be  
9 considered the enemy.

10 Q. Thank you for clarifying that.

11 I wasn't asking so much about people who criticized the commune  
12 chief or people who criticized the district chief. What I was  
13 interested in is whether people who criticized or opposed the  
14 revolution, the Party, or goals of the revolution, like  
15 collectivization -- were those people considered enemies and  
16 reported at district meetings?

17 A. As for the criticism or giving comments, nobody dare oppose  
18 the Party's lines. For instance, at the cooperative they would  
19 raise the issues of food, whether the food is sufficient or not.  
20 They would raise the issue of individual criticism. For instance,  
21 if I put myself to be criticized, then I would be criticized on a  
22 particular point regarding the carrying out of my tasks. For  
23 example, that I did not give sufficient advice to a particular  
24 individual.

25 [11.29.39]

1 Frankly speaking, between 1973 to the time that I went to live at  
2 the worksite, I did not eat any porridge or gruel. I always ate  
3 rice because my commune had the ability to sustain by eating rice  
4 because, if people had enough to eat, then our forces will be  
5 strong to carry out the work, so our production would increase in  
6 my commune. Wherever I went, my people would eat rice, not  
7 porridge, so we always self-sustained.

8 I considered myself not as a leader, but a patient or a farmer  
9 amongst them to serve them as well. Not to be a leader to order  
10 them to do this or that, and that is my ideology that I carry out  
11 until the present time, that I ensure that there is a safety in  
12 my commune and there is enough food to eat in my commune.

13 Q. You talked earlier this morning about annual study sessions  
14 that lasted 15 days at the provincial town. During those annual  
15 study sessions, was the issue of enemies, and in particular, the  
16 need to be vigilant to discover internal enemies, was that a  
17 subject that was discussed at those study sessions?

18 [11.31.44]

19 A. During the annual study sessions at Kratie province, the  
20 sessions were conducted at Antong Vien village. There was a  
21 political hall and people would attend the sessions, including  
22 the enemy situation and production, which is -- which was the  
23 main part of the agenda of the study sessions.

24 Q. Who provided the instruction? Who led those study sessions?

25 A. The sector committee was the one who presented the documents

1 and chaired the sessions. Those included Ta Yi, Ta Kuon. Ta Yi  
2 educated us on economy, when Ta Kuon was lecturing on security  
3 matters.

4 [11.33.11]

5 Q. And when you say that they presented documents, what type of  
6 documents did they present at these study sessions?

7 A. There were several documents, as I already indicated, but  
8 since this happened a long time ago, I cannot recollect the  
9 details. However, the documents include those that cover the  
10 enemies and the production.

11 Q. And you said that it was Ta Kuon who made presentations on  
12 security issues. What type of issues or subjects would Ta Kuon  
13 talk about relating to security?

14 A. Regarding security, he mentioned about the tactics employed by  
15 the enemies, because during the time we attacked the enemies we  
16 know who the enemy were. However, people who lived together in  
17 our community, those who created troubles, who incited some  
18 movement opposing the community or the Party by saying that there  
19 would be an outside enemy, these people also regarded as those  
20 who incited the enemy situation or were regarded as enemies.

21 [11.35.11]

22 Some people could have said that the Vietnamese would be coming  
23 very closely and the country would plunge into chaotic situation,  
24 so this part of activity regarded as the activity employed by  
25 enemies.

1 Q. We've talked about weekly meetings that you attended with the  
2 district committee. During the time that you were a commune  
3 chief, did you send written reports to the district secretary or  
4 district office?

5 A. At that time, we rarely wrote to them. We had to do that in  
6 person, reported to them in person. We sat together and shared  
7 the information we had. Sometimes we had to sit on the floor,  
8 sometimes on the chairs.

9 [11.36.30]

10 But after the liberation, the meeting setting was better prepared  
11 because we had proper place where we could meet other than  
12 sitting directly on the floor as we did in the past.

13 Q. During the study sessions or political education meetings that  
14 you attended, were you ever given any instruction on the Party's  
15 policy relating to Buddhism and pagodas?

16 A. Regarding religion, there was education on this. We were told  
17 that the revolution shall not be done twice.

18 First, we were advised to start the Revolution Movement and  
19 educate the people, at the same time not to believe in any  
20 religion; ask them to believe in religion, and that could be  
21 included in our revolution, and we had to try to avoid the  
22 cultural revolution.

23 As we know, that in 1966, there was a cultural revolution in  
24 China where religions were all smashed and oppressed, and we  
25 would not want that to happen in Cambodia, because we would like

1 kind of one thing happen at the same time and we do not want it  
2 to be repeated or to do it twice.

3 [11.38.41]

4 Q. During the period of the Democratic Kampuchea regime, between  
5 April 1975 and January 1979, were people in Kratie province  
6 allowed to practice Buddhism?

7 A. Buddhism came to an end in 1976. Indeed, immediately after the  
8 liberation, there were some monks who still practised Buddhism,  
9 but in July or August there were a few monks who remained  
10 ordained, but later on they were sent to the district of Ou Reang  
11 Ov, Peam Cheang (phonetic) commune.

12 [11.39.49]

13 So I can say that there were a few monks in Kratie province  
14 before 1976, but after 1976, there were no longer any monks, so  
15 there was no more monks by 1976. I think by late 1976, when there  
16 was no more monks.

17 Q. What happened to the monks that you mentioned, who were sent  
18 away back to their district? Were they required to disrobe?

19 A. I learned that when he was sent there, he was not disrobed. He  
20 may have disrobed himself, but after the liberation, then he  
21 became re ordained. He asked that he be not disrobed at Kratie  
22 province. He asked that he be allowed to wait until he moved to  
23 his district to disrobe himself, but now he already passed away  
24 after he re ordained.

25 Q. What happened to the pagodas in Kratie province during the

1 Democratic Kampuchea regime?

2 [11.41.54]

3 A. Pagodas in Kratie province, the majority of them were not  
4 affected because, in the commune where I lived, there were some  
5 forms of pagodas or places where monks could practice Buddhism,  
6 although they were not proper places. But, as I indicated, that  
7 there was not much change to the pagodas, because we could also  
8 see that the pagodas were not destroyed. And when we wanted to  
9 have a meeting in the pagoda, we were not allowed to do so, and I  
10 can say that the pagodas remained intact.

11 Q. When you say that you were not allowed to meet in pagodas, who  
12 was it that instructed you that you were not allowed to meet in  
13 pagodas?

14 A. I think -- it doesn't mean that we were not entirely allowed  
15 to have a meeting at the pagoda, but at one of the pagodas, they  
16 reserved a place for meeting. But in general people were not  
17 allowed to enter the compound of the pagoda.

18 [11.44.00]

19 Q. And just so I'm clear, you've indicated that the majority of  
20 pagodas were not destroyed. Were people allowed to openly  
21 practice Buddhism in pagodas during the period of Democratic  
22 Kampuchea?

23 A. During the Democratic Kampuchea regime, there were no monks,  
24 so no one practised Buddhism. It was an end to Buddhism. No  
25 monks, no religion. So I could say that it was an end to

1 Buddhism, no pagodas.

2 Q. Were there some pagodas in Kratie that were destroyed during  
3 the Democratic Kampuchea period?

4 A. During the DK period, I observed that the pagodas in the  
5 vicinity where I worked and lived were intact. The pagodas  
6 remained pagodas, but they were used for other purposes. For  
7 example, they were used as warehouses or as the kiln where bricks  
8 were made, tiles were made, and in some -- at some pagodas, young  
9 people were made to live in them.

10 [11.46.01]

11 Q. Did you know a pagoda that was called Wat Antong Vien that was  
12 in Kratie district?

13 A. Indeed, yes, Antong Vien Pagoda is in Kratie province. I went  
14 there on several occasions because we had to attend political  
15 sessions there, because we studied at Antong Vien Pagoda.

16 Q. And do you know what happened to Wat Antong Vien during the  
17 Democratic Kampuchea period? Did it remain intact through the  
18 whole period?

19 A. Although I attended sessions at the pagoda, frankly, I never  
20 inspected the whole pagoda building and complex, and I have no  
21 knowledge of what happened to the pagoda. I attended political  
22 sessions at the location behind the pagoda, and I am afraid I  
23 cannot know what happened to the physical or the building itself  
24 of the pagoda.

25 [11.47.51]

1 Q. Did you hear of any pagodas, during the DK period, that were  
2 dismantled, taken apart, and used to build things like dams? Did  
3 you hear any instance in which that happened?

4 A. I don't know, but I know that Sambour pagoda, the 100 Pillars  
5 Pagoda, became decayed, and some of the roof tiles were removed  
6 so that they could be used to build -- to use as the roof of a  
7 hospital.

8 Q. Now, turning to another subject, during the study sessions and  
9 political education meetings that you attended, was there any  
10 discussion or instruction about the Party's policy towards the  
11 Vietnamese people?

12 A. During the political study sessions, it depends on the  
13 situation. During the time when we fought the enemies, the Lon  
14 Nol, we were talking about the Lon Nol soldiers and the  
15 Americans. After the liberation, we had conflict with the  
16 Vietnamese, so we had to study the Vietnamese tactics.

17 [11.49.56]

18 So I can say that the content of the study sessions varied  
19 according to different circumstance, social circumstance.

20 Q. Were there any Vietnamese people who lived in Kratie province  
21 prior to the 17th of April 1975?

22 A. Before that, before the 17th of April 1975, I am not aware,  
23 because there had been a lot of Vietnamese people living in  
24 Kratie province in communes all across the province. But in 1974,  
25 when the Vietnamese troops had withdrawn, the Vietnamese people



1 had to move back to their country, along with the troops or after  
2 the troops had withdrawn. And also, some Vietnamese people had  
3 entered marriages, they got married with Cambodian people and  
4 they lived there.

5 [11.51.41]

6 Q. Do you recall whether after the liberation, on the 17th of  
7 April 1975, whether the remaining Vietnamese people in Kratie  
8 province were deported to Vietnam following the liberation?

9 A. I don't know much about this. I don't know what happened to  
10 the Vietnamese after the liberation, but in my cooperatives in  
11 Sambour commune, after the liberation, there were two Vietnamese  
12 people who got married to Cambodians, but they had been living in  
13 the community all along without any problem. Later on, they  
14 passed away, but their children still live there.

15 Q. And also, during the study sessions or political education  
16 meetings that you attended, do you recall there being any  
17 discussion or instructions about the Party's policy towards the  
18 Cham or Muslim people?

19 [11.53.18]

20 A. During the study sessions, I had never learned anything about  
21 the Cham or Muslim people, because these people were regarded as  
22 Khmer or Cambodians and they were never regarded as another race  
23 or national in any document taught to us.

24 Q. During the Democratic Kampuchea period, were the Cham people  
25 in Kratie, including the people who were in your commune, were

1 they allowed to practice their religion?

2 A. With regard to religion, it doesn't matter Buddhism or Islam,  
3 no one was allowed to practice these religions. They could have  
4 been doing so, but only in secret, but in general, they were not  
5 allowed to do so. In some cases, these Cham or Muslim people were  
6 forced to eat pork.

7 [11.54.58]

8 Q. Who was it that forced them to eat pork?

9 A. So far as I know, it happened everywhere, almost, I say, every  
10 -- at every cooperative. At some places, there was a very strict  
11 policy where the Cham people were denied of food, including  
12 "prahok", for example. Even they wanted to have some "prahok",  
13 but they were not allowed to have them.

14 Q. And during the Democratic Kampuchea period in Kratie, were the  
15 Cham people allowed to wear their traditional clothing?

16 A. During the DK period, when it comes to clothing or dressing,  
17 we noted that the Islam - or Islam people or Cham's arrived at  
18 the location at a later date. However, I had observed that there  
19 was no change to the clothing. I mean, everyone was seen wearing  
20 the same black shirts and pants or trousers. So they -- the  
21 Cham's people -- wore the same clothing as we did.

22 Q. Were the Cham people allowed to speak their own traditional  
23 language?

24 [11.57.20]

25 A. With regard to the language, there was no problem with that.

1 People could speak their own language at home, but when they came  
2 to work they had to speak Cambodian, but at home, with their  
3 peers who spoke Cham language, they would communicate with one  
4 another in their own language. No one stopped them.

5 Q. And were the Cham people allowed to continue to live together  
6 in their traditional villages, or were they dispersed amongst the  
7 Khmer population?

8 A. When they were evacuated to a village, they would be made to  
9 live in a big mansion where they shared the house, because they  
10 would not be allowed to ask to live in a traditional village.

11 Because, for example, if a person named A had a big house, then  
12 these people would be asked to live together with that person.

13 [11.58.57]

14 Q. And you said that some cooperatives had a strict policy to  
15 deny giving "prahok" to the Cham people. Can you explain why that  
16 was?

17 A. I cannot respond to this precisely because sometimes in some  
18 cooperatives they had their firm position on what kind of food to  
19 be offered to the people in cooperative, but in some cooperatives  
20 this rule would be not as strict as in other places that they  
21 would be allowed to have "prahok".

22 [11.59.55]

23 Chams or Islam people had a culture of killing animals. For  
24 example, every now and then, they would ask that cattle be  
25 slaughtered -- and in my location, this was allowed -- because

1 they claimed that if they had to really slaughter the cattle by  
2 themselves, they felt good. And that we allowed them to do it.

3 MR. PRESIDENT:

4 Thank you, Mr. Co-Prosecutor. And thank you, the Witness.

5 Since it is now appropriate time for lunch adjournment, the  
6 Chamber will adjourn for lunch, and the next session will be  
7 resumed by 1.30.

8 Court officer is now instructed to ensure that Mr. Witness and  
9 his duty counsel be well coordinated and accommodated during the  
10 adjournment and have them return to the courtroom by 1.30.

11 Counsel, you may now proceed.

12 [12.01.12]

13 MR. IANUZZI:

14 Thank you, Mr. President. I'm just on my feet to make our  
15 habitual request that Nuon Chea be permitted to retire to the  
16 holding cell for the afternoon session, and just to clarify, for  
17 the record, that "Dada" refers to Dadaism, and that, of course,  
18 is the early 20th century movement that rejected logic and reason  
19 in favour of nonsense, irrationality, and chaos. It is not, as  
20 was suggested to me over the break -- it does not refer to "don't  
21 ask, don't answer", although I would say that that seems to  
22 encapsulate this Chamber's approach to our defence team quite  
23 well. Thank you.

24 MR. PRESIDENT:

25 The Chamber has noted the request by Mr. Nuon Chea through his

1 counsel. He asked that he be allowed to retire to the holding  
2 cell to observe the proceedings from there and that he would like  
3 to be excused.

4 [12.02.35]

5 The Chamber, therefore, grants the request -- the request that he  
6 be allowed to observe the proceedings from his holding cell for  
7 the remainder of the day. Mr. Nuon Chea has already waived his  
8 right to be present in the courtroom, and the Chamber asks that  
9 counsel submit the written waiver signed or given thumbprint by  
10 Mr. Nuon Chea.

11 The AV booth officers are now instructed to ensure that the  
12 audio-visual equipments are well linked to the holding cell so  
13 that Mr. Nuon Chea can observe the proceedings from there when we  
14 resume in the afternoon.

15 Security personnels are now instructed to bring Mr. Nuon Chea and  
16 Khieu Samphan to the holding cells and have Mr. Khieu Samphan  
17 returned to the courtroom in the afternoon session when the Court  
18 resumes. Mr. Nuon Chea can remain in the holding cell.

19 The Court is adjourned.

20 (Court recesses from 1203H to 1330H)

21 MR. PRESIDENT:

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

23 The floor is again given to the Prosecution to continue their  
24 questioning of this witness. You may proceed.

25 I notice the defence counsel for Ieng Sary is on his feet. You

1 may proceed.

2 [13.31.55]

3 MR. ANG UDOM:

4 Good afternoon, Your Honours, Mr. President, colleagues, and  
5 everyone in and around the courtroom. I'd like to raise an  
6 observation and a request for Your Honours to consider.

7 This morning, I observed that the witness, in his response, made  
8 a long answer to each question. As we do not have the principle  
9 of objecting twice to the same question, I would like to seek  
10 Your Honours to direct the witness to respond only to the limit  
11 of the question being asked to him so that we can save time.

12 Because every time when the witness finishes his response, the  
13 Prosecution says that he will ask some more questions regarding  
14 to his response.

15 This is just my observation and request, Mr. President.

16 [13.33.10]

17 MR. PRESIDENT:

18 Thank you, Counsel.

19 Regarding the criminal procedure of the Kingdom of Cambodia and  
20 the Internal Rule of the ECCC regarding hearing the testimony of  
21 a witness, parties to the proceeding pursuant to the Internal  
22 Rule as well as the Code of the Criminal Procedure have the right  
23 to object to the questions being put to a witness by a party.  
24 However, you are reminded that the objection that you raised  
25 shall be precise and short and you need to raise whether the

60

1 question is repetitive or irrelevant to the facts being before us  
2 so that the Chamber would have the base to consider and rule on  
3 that matter.

4 These are the provisions in the Code of the Criminal Procedure as  
5 well as in the Internal Rules-- that is, the proceeding of  
6 questioning a witness or an expert. And, of course, the Chamber  
7 has the discretion to rule on this matter and we will try our  
8 best to administer the proceeding so that it is expeditious and  
9 effective without allowing any party to delay the proceeding or  
10 to make a comment or statement which is irrelevant.

11 The Prosecution, you may continue.

12 [13.35.07]

13 BY MR. LYSAK:

14 Thank you, Mr. President, Members of the Bench.

15 Q. Good afternoon, Mr. Yun Kim. I wanted to turn now to a new  
16 subject, and I'd like to ask you whether, during the period of  
17 Democratic Kampuchea -- whether you were aware of marriages that  
18 were arranged for soldiers.

19 MR. YUN KIM:

20 A. Regarding marriage, either in the cooperative or in the  
21 military unit, however, I do not know well about this matter in  
22 the military unit. Sometimes the military propose to the  
23 cooperative, requesting, for example, 30 women to be married to  
24 soldiers. During such occasion, of course, we would not  
25 subjectively decide who should go. We sought permission from the

1 individual woman.

2 [13.36.37]

3 In one occasion, at my place, 25 women volunteered to go to get  
4 married at Division 920 military base. So, when they volunteered,  
5 then we would agree to the proposal.

6 As for the organizations of the marriage, I've heard that the  
7 women wore a number each and then they would be arranged to marry  
8 a soldier. However, some soldiers whom I knew told me that  
9 sometime the soldiers themselves proposed particular women that  
10 they wanted to get married to their superior, but because of the  
11 mass marriage, the couples had to wear a number each for easier  
12 identification.

13 Q. Now, when you indicate that requests for brides were made by  
14 the army to your cooperative, who -- who communicated that  
15 request to you?

16 [13.38.05]

17 A. Usually, the military unit would put a request to the  
18 district, and the district would relay it to us. For example, the  
19 district would tell us that the military requested 30 women, and  
20 then I would seek the opinions from the female youths in my unit.  
21 And if they agreed, then they would be allowed to go to get  
22 married. And the representative of the military would come and  
23 fetch them from the base.

24 Q. And you indicated that one of the instances in which this  
25 occurred was a request from Division 920, which was a centre



1 division.

2 My question for you is: Did these requests come from the sector  
3 military as well as divisions of the centre?

4 [13.39.22]

5 A. Regarding this matter, I did not know well. I only knew that  
6 the request was relayed through the district level. As how they  
7 communicated at the upper level, it was beyond my knowledge.

8 Q. I want to turn now to the period where you became the chief of  
9 Sambour commune. And you stated in your interview with the  
10 Investigating Judges that in January and February 1977, you  
11 underwent treatment in a hospital in Phnom Penh and that, when  
12 you returned to Kratie in late February 1977, you were appointed  
13 the chief of Sambour commune. I want to follow up with a few  
14 questions about that.

15 First of all, what was the hospital that you were treated at in  
16 Phnom Penh?

17 A. In January, I went to stay at the Kratie hospital because of  
18 my breathing problem through my nose. I used to have my nose  
19 treated in 1966, but due to the difficult breathing, I went to  
20 stay at the Kratie hospital. But then that hospital sent me to a  
21 hospital in Phnom Penh, the Soviet hospital in Phnom Penh. I  
22 stayed in that hospital for almost -- more than one month, but  
23 because I was not treated by a doctor -- for example, I supposed  
24 to be treated on a Tuesday with three other patients but he never  
25 turned up. And about more than one month later, I asked one of

1 the doctors. He examined me that I had a swollen nostril, so he  
2 gave me an injection and then it became better since until now.  
3 So that because of my nose problem, I went to stay at the Soviet  
4 hospital in Phnom Penh.

5 [13.42.12]

6 Q. And when you returned from the Soviet hospital in Phnom Penh,  
7 what was the reason that you were assigned to Sambour commune  
8 instead of Voadthonak commune where you had previously been the  
9 chief?

10 A. I actually was appointed before my admittance to the hospital,  
11 so after the appointment, I requested that I would go to be  
12 treated at hospital. At that time, Mr. Phan, who was the district  
13 committee, asked me to assist him in the Sambour commune due to  
14 the rather chaotic situation, and of course, I was appointed  
15 before I went to the hospital. That's all.

16 [13.43.10]

17 Q. And when you say that there was a chaotic situation in Sambour  
18 commune, can you be more specific and tell us what was going on  
19 there?

20 A. The situation at that time was rather chaotic. Of course,  
21 there was no rebellion of any sort, but the committee -- the  
22 commune committee had been arrested, and later on Mr. Samphoan,  
23 who had a moral issue or so, was arrested so Phin was by himself  
24 and then he requested my assistance to work at the Sambour  
25 commune. That's all.

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1 Q. You indicated that one of the people had been arrested for a  
2 moral offence. Did you understand why the other members of the  
3 commune committee had been arrested?

4 [13.44.27]

5 A. Samphoan was implicated in the moral offence. However, as for  
6 other commune committee, like Krin, who was also arrested -- but  
7 I did not know the reason for his arrest.

8 Q. Now, you've just told us that the district chief who appointed  
9 you to Sambour commune was Phan. Was Phan the district chief  
10 during the entire time you served as the chief of Sambour  
11 commune?

12 A. Phan was the Sambour district chief. So, when I initially went  
13 to the Sambour commune, he was the district chief, but a little  
14 bit after my arrival, he was transferred to be the Kratie  
15 district chief, and later on, he was arrested.

16 Q. And you made reference to -- this morning to the fact that  
17 when you came to Sambour commune that there had -- were a number  
18 of families of 17 April People who were located there. Did you  
19 receive any instructions on what to do with these 17 April People  
20 who were in Sambour commune?

21 [13.46.34]

22 A. Upon my arrival at the Sambour commune, I was instructed by  
23 the district to classify the people into three groups.

24 One is the Base People. They were members of the cooperatives.

25 And the second group was also the Base People. However, they

1 would be the -- in the sort of the well-off family who do not  
2 really certify much with the revolution. And they were called  
3 candidate based people.

4 As for the 17 April People, they were in the third group. They  
5 were called the depositees. However, in the Sambour commune, I  
6 did not classify them as instructed because I referred to them  
7 all as members of the cooperative because if I declared that they  
8 were classified into different groups, then those who were the  
9 Base People would look down on the depositees. So, then, there  
10 would be no agreement in the cooperative, and for that reason I  
11 did not declare the categories of the people at my commune. So  
12 they, themselves, were not aware of the classification of their  
13 group in the commune where I was the chief.

14 [13.48.13]

15 Q. Were you instructed to obtain biographies from the 17 April  
16 People to determine if they had any connections to the Lon Nol  
17 regime?

18 A. Regarding the biography of the New People, they were not  
19 instructed to do at my commune. However, the old or Base People  
20 who were suspicious were instructed to write their biography. For  
21 example, Mr. A had to write a biography, and in the biography, he  
22 had to write about the parents, the siblings, and the children of  
23 the siblings and their professions. But not everybody had to  
24 write a biography. Only an individual who was suspicious would be  
25 called to make a biography. But for the 17 April People, there

1 was no general principle of having them making a biography each.

2 [13.49.34]

3 Q. And we -- when you say that it was individuals who were  
4 suspicious who had to do biographies, what led to them being  
5 suspicious? Why were these people considered suspicious?

6 A. It means chiefly for the Base People who had the background  
7 like the former chief of the commune or the former officials of  
8 the previous regime. So, usually, when we were instructed to get  
9 a biography of a particular individual, we would proceed to do so  
10 base on the instructions that we were given to.

11 Q. And when you arrived in Sambour commune, did you learn what  
12 your predecessor had done when people who had associations with  
13 the former regime were discovered?

14 A. I did not grasp the situation before my arrival at the Sambour  
15 commune.

16 [13.51.21]

17 Q. When you took over Sambour commune, did you become aware that  
18 there were people in your commune who did have connections to the  
19 former regime or who had been soldiers in the former regime?

20 A. When I arrived at the Sambour commune, I knew something about  
21 that. I knew the previous backgrounds of some people. For  
22 instance, Om Chhi, he was the former commune chief, and Om Horm  
23 was the principal of the primary school since I knew him. And  
24 there were some of my former teachers there, and they're still  
25 living today. So I knew their backgrounds.

1 Q. And did you help these people and make false reports that  
2 concealed the fact that they had connections to the prior regime?

3 A. As I stated this morning, as for Ta Chhi, the district gave  
4 instruction for him to go to a system and he should bring along  
5 his own tools, including knives. And then he disappeared. And  
6 later on, Ta Horm, who was the former director of the primary  
7 school, it was reported to the district that during a meeting he  
8 was asked about his opinion, and at that time, Ta Voeun was in  
9 charge of the military, knew about that and then requested him to  
10 be sent.

11 [13.53.31]

12 Upon hearing that, I really dissatisfied with that and I told him  
13 -- told him that he could not be brought properly unless he  
14 should be brought in horse cart and also said that he had his  
15 children working at the rubber plantation and elsewhere and that  
16 he should not be brought to the district because he would not  
17 live for long due to his sickness. And he survived, and he had  
18 lived for three -- three decades after, for another 30 years.  
19 So I assisted some of the people to survive.

20 And another mother of a gentleman, I rescued her as well. She  
21 came to the office and asked: Why did she come? And she told me  
22 that she was called to come, and then I sent her off back home,  
23 and she survived, but she passed away a few years ago.

24 So I actually assisted some of the people there, although I had  
25 the authority, but I never arrested any person, anyone at all. I

1 only did good things.

2 [13.55.14]

3 MR. PRESIDENT:

4 Thank you, Mr. Witness, but please respond precisely to the  
5 question, and short.

6 And you seem to use the word which is inconsistent with the facts  
7 in the Closing Order. You use the word "provincial commerce".  
8 Probably you refer to the commerce in the sector, because during  
9 the DK regime, the word "provincial" was not used, only the word  
10 "sector" was used. So, if it is the -- for example, the sector's  
11 commerce, please refer to that specific wording so that it can be  
12 distinct between the terms they use in that regime and in other  
13 periods of the time. Thank you.

14 Also, as for the prosecutor, please try to be specific for the  
15 terms -- terminology used in the DK regime by complying with the  
16 terms used in the Closing Order. And that area was a sector, and  
17 it was later on known as the autonomous sector, not the  
18 provincial.

19 [13.56.50]

20 MR. LYSAK:

21 Thank you, Mr. President.

22 At this point, I'd like to ask the witness about a brief excerpt  
23 from his prior interview, which is document E3/368, which was the  
24 first interview conducted originally in the case file as  
25 D125/184.

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1 And the excerpt I'd like to read from is on Khmer ERN 00340154,  
2 English ERN 00345195, and French ERN 00404181. I have a copy of  
3 that statement for the witness and request we also put it on the  
4 screen.

5 MR. PRESIDENT:

6 Yes, you can proceed.

7 Court Officer, could you deliver the document from the prosecutor  
8 for the witness to view it?

9 (Short pause)

10 [13.58.36]

11 BY MR. LYSAK:

12 Q. Mr. Witness, the section that I'd like to read to you and then  
13 ask a few follow-up questions is at the very end of this  
14 interview, and in the -- starting with the following. You're  
15 describing how you came to Sambour district and saw approximately  
16 100 families of 17 April People who had been evacuated from Phnom  
17 Penh. And then there were the following two questions and answers  
18 that I would like to read -- quote:

19 Question: "What were you instructed to do with the New People?"

20 Answer: "We were instructed to make their biography in order to  
21 get hold of each individual's background. The people for whom I  
22 made their biography included Lon Nol soldiers, civil servants,  
23 intellectuals, and ordinary business people."

24 Question: "What were you instructed to do against these people  
25 after they had been identified through their biography?"



1 [13.59.46]

2 Answer: "I knew that whenever my predecessor found out that a  
3 person was an ex-soldier, he ordered that the person be killed.  
4 When I became in charge, knowing that they would be killed, I  
5 made false reports to cover up their background and instructed  
6 those people to keep their biographies confidential amongst  
7 themselves for the sake of their personal safety. I also warned  
8 them not to report on one another."

9 So my first question to you is: How was it that you had learned  
10 that former Lon Nol soldiers had been killed by your predecessor  
11 in Sambour commune?

12 MR. YUN KIM:

13 A. Regarding the former Sambour Commune Committee who ordered  
14 people to make biographies and then they were arrested, I did not  
15 grasp hold of the situation well, but through what I was told,  
16 there were some killings. During the time, Samphoan was the  
17 secretary of the Sambour commune. That's all.

18 [14.01.20]

19 Q. And when you told the Co-Investigating Judges that you made  
20 false reports to cover up their background, what did you mean by  
21 that? What did you do, exactly, to help these people?

22 A. When I lived in Sambour as the commune chief, there were ill  
23 reports on, for example, the implication concerning former Lon  
24 Nol soldiers, their past and so on and so forth. And I was trying  
25 to calm this down and I stopped people from reporting on one

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1 another because, after all, everyone would end up being killed.

2 It didn't do any good.

3 And this phenomenon didn't happen again, and there was no more  
4 problem because when I was there at the beginning, people could

5 approach me and report it on somebody else that they could --

6 that person was the, for example, lieutenant - or, rather, the

7 major during the Pol Pot regime -- rather, the Lon Nol regime.

8 [14.03.03]

9 Q. Do you remember the names of any of the people that you  
10 protected this way by helping to cover up or conceal their past  
11 connections to the Lon Nol regime?

12 A. I do not remember those people because it was a very long time  
13 ago.

14 Q. What would have happened to you, Mr. Yun Kim, if the upper  
15 echelon had discovered that you had made false reports covering  
16 up those people's connections to the Lon Nol regime?

17 MR. PRESIDENT:

18 Witness, please hold on.

19 Counsel Ang Udom, you may proceed.

20 MR. YUN KIM:

21 (Microphone not activated)

22 MR. PRESIDENT:

23 Witness, please hold on because counsel for Mr. Ieng Sary is on  
24 his feet. He may have something to say, and the Chamber will have  
25 to hear him before we proceed to your response.

1 Counsel, you may proceed.

2 [14.04.23]

3 MR. ANG UDOM:

4 Thank you, Mr. President. This question is of a hypothetical  
5 nature because the question were about if the upper echelon would  
6 find out about this.

7 MR. PRESIDENT:

8 The objection is sustained.

9 The witness is now instructed not to respond to the question.

10 And the Co-Prosecutor may rephrase the question.

11 [14.05.06]

12 BY MR. LYSAK:

13 Q. Mr. Witness, as a person who was a commune chief, were you  
14 expected to follow the orders and instructions that were provided  
15 by the upper echelon?

16 MR. YUN KIM:

17 A. In principle, as the commune committee, I had to listen to the  
18 orders rendered from the upper echelon. However, I noted that if  
19 parts of the order was too harsh to be implemented, I would try  
20 to ease this burden because the upper echelon was not the one who  
21 was close to the local community as I was. And I was able to know  
22 the real situation on the spot.

23 Q. When you did things like that, did you fear for your safety  
24 and wellbeing?

25 A. I think it was normal to me because normally, when I worked

1 anywhere, I had to have meals there and whatever criticism I  
2 received from the upper echelon, I would have to shoulder them  
3 because I knew that I had to -- I had to do something against  
4 this as well.

5 You know, if I were the leader of a commune, I had to really  
6 allow people to eat rice rather than porridge. And if they would  
7 like people to eat porridge under my supervision, then I would  
8 not be installed in the first place or I would just be removed  
9 because I would not be the person who can implement such order.

10 [14.07.31]

11 Q. And just one more question on this subject so that I'm  
12 perfectly clear: When you indicated to the Investigating Judges  
13 that you made false reports to cover up backgrounds of such  
14 people, is it correct that you did not -- the false reports were  
15 reports that would have gone to the district chief -- in other  
16 words, that you concealed from the district chief that there were  
17 people in the commune who had these connections to the former  
18 regime? Is that correct?

19 A. Concerning this biography, biographies were made before I took  
20 office at Sambour. When I was there, a few Base People whose  
21 biographies were needed would be picked up to write or renew  
22 their biographies. And concerning the false reports, these  
23 reports had been done before as well. And we felt that the  
24 district committee keep -- kept disappearing. And without making  
25 false report, it wouldn't help us. So I did not write to the

1 upper echelon concerning the real biographies of these -- these  
2 villagers.

3 [14.09.33]

4 Q. Thank you.

5 You stated in your interview that in late 1977 Sambour commune  
6 was divided into two cooperatives, Sambour and Srae Khoean, and  
7 that at that time you became the chief of the Srae Khoean  
8 cooperative from late 1977 until the 11th of June 1978.

9 The first follow-up question on that is: What was the reason that  
10 Sambour commune was divided into two cooperatives in late 1977?

11 A. Sambour was the biggest commune in Sambour district. There  
12 were eight villages in that commune, so the four villages were  
13 divided into a Sambour cooperative. And another group is -- was  
14 for the Srae Khoean cooperative, so in each cooperative there  
15 were four villages. It was only to facilitate our work and  
16 administration because that's my observation, the reason why the  
17 commune was divided into two cooperatives.

18 [14.11.14]

19 Q. How many people were you responsible for in Srae Khoean  
20 cooperative?

21 A. I guess there were about three people in Srae Khoean  
22 cooperative -- 3 -- 3,000 people.

23 Q. During the period that you were the chief of Srae Khoean  
24 cooperative, did you continue to report to the district secretary  
25 of Sambour district?

1 A. As already stated, when it was a common commune, we would meet  
2 once a week. And the report regime was done directly without  
3 going through the written form.

4 [14.12.34]

5 Q. And you have stated that you stopped being the Srae Khoean  
6 cooperative chief on the 11th of June 1978, and at that time were  
7 appointed the chief of a youth group at the B-3 worksite. I  
8 wanted to ask you, is there a reason that you remember the  
9 specific date of 11 June 1978?

10 A. On the 11 of June 1978, I attended a meeting in which I was  
11 told to move from that cooperative to the worksite where young  
12 people had already been gathered at the B-3. The B-3 was the  
13 formal location to detain cadres, so all cadres of the whole  
14 district would be held in that B-3 location. When the cadres were  
15 all removed, the youth were then placed in that location under  
16 the military supervision.

17 The military was too harsh on them. They were removed, and I was  
18 called to take charge. It was on the 11 of June 1978. The  
19 military people were removed at lunch time, and I had to take the  
20 office in the afternoon.

21 [14.14.33]

22 Q. Who was it at this meeting that told you to move -- that you  
23 were to move to B-3?

24 A. Mr. Voeun, the new secretary of the district who, from the  
25 military or from the army, was the one who ordered my transfer.

1 Q. And when you say that the military had previously been in  
2 control of the B-3 site, are you referring to the sector military  
3 or was this a military division that came from outside Kratie?

4 A. I'm not sure whether this person was from the sector army or  
5 from any other division or part, but I am sure that the person  
6 was a soldier. And he was the head of a company before.

7 [14.16.03]

8 Q. And the new secretary of the district, Mr. Voeun, do you know  
9 where he came from?

10 A. No, I don't know his biography. Mr. Voeun and Chhouk came to  
11 be in charge of Sambour, but I just don't know where they could  
12 have been from.

13 Q. I'd like to now turn to -- ask you a few questions about the  
14 subject of security or re-education offices in Kratie.  
15 Can you tell me whether each district in Kratie sector had its  
16 own re-education or security office?

17 A. Concerning the security offices, I'm afraid I cannot  
18 understand what happened in other districts. However, in Sambour  
19 district there were two security offices, one in Kok Kduoch and  
20 Prasral.

21 In Prasral location, the vicinity was for light offence people,  
22 and people who were detained there would be made to grow -- to do  
23 farming.

24 And there was another security centre, as I indicated, at Kok  
25 Kduoch, but I don't know what kind of prisoners were held there,

1    though I know that those prisoners would never be allowed to get  
2    out alive. Ung Samon was also purged or executed at Kok Kduoch  
3    Security Office.

4    [14.18.46]

5    Q. And who was Ung Samon? And when was he arrested and sent to  
6    Kok Kduoch Security Centre?

7    A. Ung Samon was in charge of security in Sambour district.  
8    Before I moved in, he was the commune chief of Voadthonak. Later  
9    on, he was arrested, and I believe that he was arrested in late  
10   1977, because he disappeared. In 1978, early 1978, when I went  
11   there to inspect the location for an irrigation or a canal, I  
12   spotted another person instead of him, so I believe that he could  
13   have been arrested by late 1977. And Chhin was later on  
14   reinstalled to replace him. And there was another person, Chorn,  
15   who later on became the commune chief of Voadthonak. In mid-1978,  
16   both of them also were arrested.

17   Q. Did you hear why Ung Samon had been arrested and sent to Kok  
18   Kduoch?

19   A. I have no idea as to why he was arrested, but I believe that  
20   he was arrested because of his affiliation with another network,  
21   because when the former secretary of the district, Mr. Chet, was  
22   arrested, Mr. Ung Samon was also later arrested because of this  
23   association.

24   [14.21.14]

25   I don't know where he would be sent, whether to Kok Kduoch or to



1 other -- rather, whether Mr. Chhin was sent elsewhere, but Ung  
2 Samon was indeed sent to Kok Kduoch Security Office. Chorn --  
3 Chin was implicated and accused of being a traitor by a person  
4 and he, also, was arrested and executed. Later on, the person who  
5 implicated him was found out to make a false statement; he, also,  
6 was arrested and executed.

7 Q. We'll talk a little bit more, later, about some of the arrests  
8 and purges.

9 Can you tell me where -- where was the Kok Kduoch Security Office  
10 located?

11 A. Kok Kduoch is in Kaeng Prasat village, south of Sambour  
12 provincial -- downtown district. This location is 1 kilometre  
13 from the downtown of the district, so I can say that it is about  
14 2 kilometres from the riverbank to the Kok Kduoch location.

15 [14.23.13]

16 Q. And what about the Prasral site or prison? Where was that  
17 located?

18 A. Prasral is the name of a stream. It's located about 5  
19 kilometres from downtown of Sambour district. To the west of the  
20 stream, there was a former security office and on the other side  
21 of the stream, there was another village where people would also  
22 be sent there.

23 Q. Do you know how many people typically were held at -- at the  
24 Kok Kduoch Security Office and the Prasral worksite or tempering  
25 site?

1 A. I have never been to those locations and I don't know how many  
2 people were held at Kok Kduoch and how many people were detained  
3 at Prasral.

4 Q. Do you know who the cadres were who were responsible for the  
5 operation of those security offices?

6 [14.25.23]

7 A. Kok Kduoch Security Office was under supervision of Ung Samon.  
8 When he had to work as the chief of Voadthonak commune, Chorn was  
9 -- Kin Chorn (phonetic) was the head of the security office.

10 Then, later on, Mr. Chorn was the head of Voadthonak commune  
11 again, and I don't know who else would be in charge of Kok Kduoch  
12 Security Office, although I know a person who worked with me in  
13 my location was installed as the head of the security office and  
14 a person by the name of Saroeun was also stationed at Kok Kduoch.

15 Q. Do you know whether the sector level had its own re-education  
16 or security office?

17 A. I'm afraid I don't know much about the security office of the  
18 sector and I don't know where it could have been located.

19 Q. Can you tell us, when people were arrested in Kratie, during  
20 the Democratic Kampuchea period, how were they usually arrested?

21 Can you tell us a little bit about that?

22 [14.27.28]

23 A. I don't know about the arrest of the ordinary people, but when  
24 it comes to the arrest of cadres, a meeting would be convened.  
25 So, if the persons were not allowed to leave the meeting after

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1 it's concluded, then it's just that they would be arrested.

2 And there was another villager who worked in the -- the -- in my  
3 location was asked by -- or a person from the district were asked  
4 to take him or to arrest him.

5 Q. And to clarify, when you said that for cadres a meeting would  
6 be convened, do you mean that they were called to the district  
7 office for a meeting and arrested there?

8 A. Yes, it is correct. People who would be arrested would be  
9 called to the meeting.

10 Q. And you've already told us this morning the incident involving  
11 Ta Chhi, but I just want to confirm that. In that case, am I  
12 correct that you were asked to give Ta Chhi a letter that called  
13 him to go to the district office?

14 A. Yes, it is correct.

15 [14.29.24]

16 Q. And did you ever see Ta Chhi again, after he was called to the  
17 district office?

18 A. No, I never saw him again.

19 Q. I want to turn now to the period of late 1977 and early 1978.  
20 In your interview with the Investigating Judges, you identified a  
21 number of cadres who were arrested and disappeared during that  
22 period, and I want to go through and ask you some specifics about  
23 those incidents, and I'd like to start with the sector level, the  
24 people who were on the sector committee.

25 Can you tell us what happened to the sector secretary, Yi, in

1 early 1978?

2 A. The situation in Kratie province was chaotic in early 1978.

3 Yi was the secretary of the sector, and in 1978, when the

4 military came to make the arrest, they arrested many people, and

5 maybe Yi was also arrested, but it was -- I heard that he was on

6 a boat on the trip to Phnom Penh and he was arrested along the

7 way.

8 [14.31.36]

9 And I could not grasp hold of the arrest of other people.

10 However, as in Sambour, Phoeun and Ny were arrested at the

11 district. That is all.

12 Q. Now, when you say that the situation "was chaotic in early

13 1978", what do you mean by that?

14 A. The chaotic situation in early 1978 was that the military

15 controlled the area and arrested the former district and

16 provincial committee so some of those committee members fled and

17 concealed themselves and it -- then it was rather quiet after the

18 arrest.

19 At my location, my deputy and the person in charge of the

20 hospital had been arrested. Somehow, I was not arrested;

21 otherwise, I would not be here today.

22 Q. Were many people arrested during that time period?

23 A. Most of the people who were arrested were at the leadership

24 level. Most of the district committee were arrested, the

25 provincial committee. Most of them were arrested, and some from

1 the commune levels were arrested.

2 [14.33.30]

3 In my commune, the physician in -- that is, the head of the  
4 hospital, was arrested. I did not know the reason for the arrest  
5 of the hospital head. So after the situation quiet down, some  
6 people from my commune also disappeared.

7 Q. When -- when you say that the military came in and controlled  
8 the area and conducted these arrests, who are you referring to by  
9 the military? Was this a -- a division from another region of the  
10 country that came in to Kratie?

11 A. At that time, the military wore a green uniform. I did not  
12 know which zone they came from -- or I cannot recall. They used  
13 the word "Nhom" (phonetic) to speak to the people; it's like the  
14 word the man used to speak to the lay -- to the ordinary person.  
15 Even some soldiers were also arrested, and some of the soldier  
16 leaders at the province were also arrested at the time.

17 [14.35.05]

18 Q. You identified for us, earlier, a person, who was at the  
19 sector level, named Kuon, who was responsible for the military.  
20 What happened to him in -- during this time period?

21 A. During the purge, Kuon was arrested, as I heard, so he was  
22 also purged and he disappeared since. As for Phoeun, who was the  
23 district soldier, he was also arrested.

24 Q. I'll ask you about the -- the district people in a sec -- in a  
25 short moment. I want to, now, just focus on the people who were

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1 at the sector level. And another person who you had identified at  
2 the -- on the sector committee was Kang, who was the sector  
3 security chief. What happened to him during this time period?

4 A. Kang was in charge of the provincial security. Yes, I knew he  
5 had been arrested before Kuon was arrested so they, subsequently,  
6 disappeared, but he was arrested, probably, at the time that Chet  
7 was arrested around 1976.

8 [14.37.04]

9 Q. To try to refresh and confirm your memory of the time period  
10 of these arrests, I can tell you that we have a -- in the case  
11 file, a S-21 confession from a Ban Saroeun alias Kang, who was  
12 the Sector 505 security chief -- that is, from February of 1978.  
13 We have a S-21 prisoner list for Kuon, the secretary -- deputy  
14 secretary who's responsible for the military that indicates that  
15 he entered S-21 on the 21st of March 1978. And we have a record  
16 indicating that secretary Yi entered S-21 on the 15th of March  
17 1978 and signed a confession in April of 1978.

18 What I wanted to ask you is: The dates that I've just mentioned,  
19 which range from February to March of 1978, is this consistent  
20 with your memory of the time period during which the sector  
21 leaders were arrested and disappeared?

22 A. Regarding this matter and based on this document, I agree.  
23 Because I was not clear, but I knew that it was in early 1978, so  
24 it is consistent with what you just read out.

25 [14.39.04]

1 MR. LYSAK:

2 Before we break, Mr. President, I'll just read, for the record,  
3 the case file document numbers for the S-21 records that I just  
4 referenced.

5 For Kang, the sector security chief, there is a S-21  
6 interrogation log dated the 2nd of February 1978, which is  
7 document D108/26.147, and an S-21 confession from him from the  
8 23rd of February 1978-- that is, document D159/5.3.

9 For the deputy secretary, Kuon, we have a S-21 prisoner list that  
10 indicates he entered on the 21st of March 1978, which is IS  
11 16.71, and, also, an S-21 confession from him, dated 4th of June  
12 1978, which is document D366/7.1.116.

13 And for the sector secretary, Yi, we have an S-21 confession that  
14 is document D159/5.6. And also he appears on the OCP revised S-21  
15 list, which is E3/342, at page 00329602, and he is number 151 on  
16 that list.

17 [14.41.12]

18 I can continue questioning or we -- or if you -- if this is an  
19 appropriate time for the break, this is a good stopping point.

20 MR. PRESIDENT:

21 The time is now appropriate for a break. We will take a 20-minute  
22 break and reconvene at 10 -- at 3 p.m.

23 Court Officer, could you assist the witness and the duty counsel  
24 during the break and have them back in the courtroom at 3 p.m.?

25 (Court recesses from 1441H to 1503H)

1 MR. PRESIDENT:

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

3 [15.04.05]

4 Before we proceed to the Co-Prosecutor, the Chamber thanks

5 Witness very much for responding to all the questions put to him

6 ,and he helps a great deal when he is very mindful of the use of

7 the mic. However, it would be very good and when Witness slow

8 down a little bit, for the interpreters.

9 Without further ado, the Chamber would like to hand over to the  
10 prosecutor.

11 And the Chamber would like, also, piece of advice from the

12 counsel concerning the time Co-Prosecutor need to put questions

13 to this witness.

14 MR. LYSAK:

15 Thank you, Mr. President. I will finish -- finish today, this

16 afternoon.

17 MR. PRESIDENT:

18 Thank you. You may now proceed.

19 [15.05.38]

20 BY MR. LYSAK RESUMES:

21 Thank you, Mr. President, Members of the Bench.

22 Q. Mr. Yun Kim, we were talking about the arrests of the members

23 of the Sector 505 committee, and the next issue I wanted to ask

24 you about was whether you knew the wives, the spouses of sector

25 secretary Yi and his deputy, Kuon? Did you know their wives?



1 MR. YUN KIM:

2 A. Regarding the spouses of the arrested cadres of the sector  
3 level, I don't know whether they were arrested or not and I don't  
4 know what their fate could have been.

5 [15.06.46]

6 Q. Let me see if I can refresh your recollection.

7 There is a S-21 prisoner list, which is document D108/26.296--  
8 that is, a list of female prisoners -- and there are two people  
9 who are listed on there that I want to ask you about. One, her  
10 name is Hun Yoeun alias Khen, who is identified as a member of  
11 the sewing unit committee and wife of contemptible Yi. And the  
12 list also records the presence at S-21 of Bun Lay alias Vun, who  
13 is identified as a textile squad chief and the wife of the  
14 contemptible Kuon, deputy secretary of Sector 505.

15 Do you recognize those names as being the spouses of Yi and Kuon?

16 A. Yi and Kuon's spouses were not someone I have known clearly. I  
17 -- that's all I can tell.

18 Q. Can you tell us whether it was common when cadres were purged  
19 that their spouses and family members were sometimes also  
20 arrested?

21 A. There were some cadres who were purged and that their family  
22 and spouses were also disappeared. Ung Samon, who was the former  
23 of the security cadre in Sambour, was arrested, but his wife was  
24 not arrested. Like Chorn and Chhin, they were arrested, but their  
25 spouses were not arrested. In some cases, I indicated the whole

1 family -- the husband and wife were arrested, but in some cases,  
2 only the -- the husbands and wife -- husbands were arrested, but  
3 wives were not arrested.

4 [15.09.43]

5 Q. During the Democratic Kampuchea regime, did you ever hear the  
6 revolutionary slogan, "When pulling out weeds, remove them roots  
7 and all"? Did you ever hear that slogan?

8 A. I heard people at the district talked about this slogan.

9 Q. What did you understand that to mean?

10 A. At that time, I believed that the slogan was serious in  
11 nature; for example, if -- if a cadre was arrested, anyone who  
12 affiliated in the Revolutionary Movement, people would be  
13 inducted one after another so if the person who initially  
14 inducted the first person and he was arrested, any persons who  
15 were inducted by him would also be arrested and it's part of the  
16 association, so this is the way it happened.

17 [15.11.20]

18 Q. Thank you, Mr. Yun Kim.

19 We've talked about people who were arrested at the sector level  
20 in early 1978. Now, I want to turn to some of the names that  
21 you've mentioned from Sambour district.

22 And the first person that I want to ask you about -- or first two  
23 people--

24 You identified a person named Ny, who was a district security  
25 chief but then went on to be secretary or acting secretary, and

1 you also have identified a person named Phoeun, who was the  
2 district security chief. Do you recall what happened to Ny and  
3 Phoeun in early 1978?

4 A. Ny was not in charge of social action -- section; he was in  
5 charge of the economic section. Later on, he was the chief of the  
6 district and, at the same time, in charge of economic section  
7 when Phan had been transferred. Later on, Mok also came to be in  
8 charge.

9 Ny and Phoeun were both in charge of both military and security  
10 because there was shortage of forces and these people were  
11 arrested in early 1978 when Yi and Kuon were arrested. Ny and  
12 Phoeun were eventually arrested.

13 [15.13.27]

14 These two individuals escaped but, after the appeal was made,  
15 they happened to come back but, later on, disappeared, but their  
16 spouses -- one of their spouses still survive and I never met  
17 them anyway.

18 Q. I'd like to show you a couple of entries from some S-21  
19 prisoner lists to see if you can identify these -- the people on  
20 this list as either Ny or Phoeun.

21 And, Mr. President, the first document I'd like to show to the  
22 witness is IS 16.116, at Khmer ERN 00039750, and it is English  
23 ERN 00233693. And to save us some time, I'd also like to give the  
24 witness -- question the witness about a page in document  
25 D108/26.202, at the Khmer pages 00088655 -- but we can't see the

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1 ERN number, so it's page 3 of that document -- and it is English  
2 ERN 00767743. I have copies of both of those for the witness and  
3 would like to put them on -- put them on the screen to ask if the  
4 witness can identify two of the people who are on this list.

5 [15.15.43]

6 MR. PRESIDENT:

7 You may proceed.

8 Court officer is now instructed to bring the hard copy from the  
9 prosecutor and hand it over to the witness.

10 MR. LYSAK:

11 And, Mr. President, while -- while they're doing that, the first  
12 document we'd like to put up on the screen is IS 16.116 and Khmer  
13 page 00039750. If we may put that on the screen?

14 MR. PRESIDENT:

15 You may proceed.

16 [15.16.50]

17 BY MR. LYSAK:

18 Q. Mr. Yun Kim, in the document that is identified as IS 16.116,  
19 which is a S-21 list of prisoners interrogated on the 27th of  
20 April 1978, on page 00039750, one of the people who's identified  
21 is a Phang Ny, who's identified as the member of Sambour district  
22 and it indicates that he entered S-21 on the 9th of April 1978.  
23 Do you recognize this as the Ny who you have referred to in your  
24 testimony here today?

25 MR. YUN KIM:

1 A. Yes, it is the Ny we are now referring to.

2 Q. And in the other document that I provided to you, which is  
3 D108/26.202 -- and you'll want to look at the third page of this  
4 document. This is a S-21 list of prisoners interrogated on the  
5 7th of May 1978, and one of the people who is listed on page 3 is  
6 an Ea Saray alias Phoeun, who is identified as a member of  
7 Sambour district who entered S-21 on the 11th of April 1978. Do  
8 you recognize that as the Phoeun who you have referred to in your  
9 testimony today?

10 A. Yes, this is Phoeun that I am referring to.

11 [15.19.20]

12 Q. You told the Investigating Judges that Ny and Phoeun were  
13 arrested and disappeared around the same time, and the lists that  
14 I've just shown you indicate that Ny entered S-21 on the 9th of  
15 April 1978 and Phoeun entered on the 11th of April 1978. Is that  
16 consistent with the time period that you remember when these two  
17 individuals were arrested?

18 A. Yes, it is. It is consistent because after 505 Sector  
19 Committee was arrested, Ny and Phoeun were eventually arrested.

20 Q. How did you learn of the arrest of Ny and Phoeun?

21 A. The arrest was made when I was at the meeting at the district  
22 committee. Phoeun and Ny were present. Actually, they had been on  
23 the run for -- prior to that meeting but, after an appeal was  
24 made by the committee of the district to ask them to come back,  
25 they returned and then attended the meeting.

1 [15.21.15]

2 Q. And were they arrested at this meeting?

3 A. Well, during the time when the meeting was convened, they were  
4 placed or allowed to sit in a hall or a shed and the meeting was  
5 conducted without their presence. Later on, when the meeting was  
6 concluded, they were arrested.

7 Q. And who was it that arrested them and took them away?

8 A. I don't know who arrested them but, at that time, Voeun was  
9 the chief and Chhouk was the deputy chief of the district  
10 military who were in charge.

11 Q. Thank you, Mr. Witness.

12 You've also talked today about a individual named Phan, who was  
13 at one point the district chairman of Sambour district and,  
14 you've said, later went to become the district chief in Kratie  
15 district.

16 [15.23.11]

17 And, Mr. President, I'd like, at this time, to show the witness a  
18 -- another document, which is IS 16.104. And the Khmer reference  
19 is 00039737, English 00802413. And as before, I have a copy for  
20 the witness and we'd like to put that on the screen.

21 MR. PRESIDENT:

22 You may proceed.

23 Court officer is now instructed to bring the document from Mr.  
24 Co-Prosecutor and hand it over to the witness for examination.

25 BY MR. LYSAK:

1 Q. The document I've handed you is a S-21 list of prisoners, who  
2 were interrogated on the 11th of April 1978, and on the Khmer ERN  
3 page 00039737, there is an individual listed who is named Chhy  
4 Hor alias Phan, member of Kratie district, who entered S-21 on  
5 the 17th of March 1978. Can you tell us whether that is the Phan  
6 who you told us about today?

7 [15.25.21]

8 A. Yes, this is Phan, and his first name is Hor. His father was  
9 Chinese, when his mother was a Kouy ethnic minority. He worked as  
10 the committee of the Sambour district and later on arrested.

11 Q. What can you tell us -- what do you recall about the time when  
12 he was arrested and disappeared?

13 A. Phan was arrested after Yi, Kuon, had been arrested. Phan was  
14 the chief of Sambour district and then Kratie district. Later on,  
15 they were accused of being bad cadres and placed under B-3. And  
16 some of my friends told me that the cadres of the sector were  
17 arrested. Later on, Phan had also been re-arrest -- or -- or  
18 arrested at the -- the B-3 where he had been installed to look  
19 after the prisoners.

20 [15.27.21]

21 Q. Thank you, Mr. Witness. Can you tell us, after all the cadres  
22 that we've been discussing were arrested in Kratie sector in  
23 early 1978, who -- who came to replace them?

24 A. After the sector and district committee members were arrested  
25 at Kratie, I heard that Moeun, who was from the province, became

1 the chief, and then Yeng, from the military, who came to take the  
2 position.

3 At Sambour, there were only two people, Ta Voeun and Chhouk, but  
4 I don't know what happened to other districts.

5 Q. You've indicated that the people who -- many of the people who  
6 came to replace the arrested cadres came from the military; can  
7 you tell us, at all, which division -- whether -- were you aware  
8 of whether these cadres came from a certain division of the  
9 Revolutionary Army of Kampuchea?

10 [15.29.13]

11 A. I don't know. I don't know where these people were from;  
12 whether from any particular sector or zone. But I could feel the  
13 accent in their language; they speak -- they spoke in dialect.

14 Q. Based on their accent, did you have some understanding of  
15 where they were from, what part of Cambodia?

16 [15.29.57]

17 A. I could not really understand that well. I knew that they  
18 referred to people as "Nhom" (phonetic).

19 Q. What was your understanding as to why so many cadres from  
20 Kratie sector were arrested in the first part of 1978?

21 MR. PRESIDENT:

22 Witness, you do not need to respond to this question.

23 You put a question to ask for a guess or a conclusion by the  
24 witness. Your question will not be allowed.

25 BY MR. LYSAK:



1 Q. Were you aware of fighting that took place between the  
2 Vietnamese and Democratic Kampuchea military forces in late 1977  
3 in Kratie?

4 MR. YUN KIM:

5 A. I heard about that. I heard that there was fighting between  
6 the Kampuchean and the Vietnamese forces. The military and the  
7 militia from the cooperatives were gathered, and after the  
8 fighting was over, they did not demobilize the forces yet, as in  
9 my Sambour commune, the forces were asked to assist in building  
10 the dam with the villagers there.

11 [15.32.04]

12 Q. Were you aware of any problems that occurred with the sector  
13 military forces during that fighting with Vietnam in late 1977?

14 A. I could not grasp hold of the situation well.

15 MR. LYSAK:

16 Mr. President, I would like at this time to show the witness and  
17 ask him about some excerpts from the May to June 1978

18 "Revolutionary Flag", which is document E3/727, originally IS  
19 11.14. And I have two excerpts that I'm going to ask him about.

20 The first is at Khmer ERN 00064559; English, 00185326; and  
21 French, ERN 00524453.

22 The second excerpt from the same document is Khmer ERN 00064577,  
23 English ERN 00185341, and French ERN 00524468.

24 I have a copy of the document for the witness and would also  
25 request to put the document on the screen.

1 [15.34.00]

2 MR. PRESIDENT:

3 You may proceed.

4 Court Officer, could you take the document from the prosecutor  
5 and deliver it to the witness for him to examine?

6 [15.34.49]

7 BY MR. LYSAK:

8 Q. There are two parts of this document that I would like to read  
9 to you and ask you questions about.

10 The first part is at Khmer page 64559 and it is in a part of the  
11 "Revolutionary Flag" issue where they are describing treason  
12 among the Democratic Kampuchea military forces that was believed  
13 to have taken place during the military encounters with Vietnam.  
14 And the quote I would like to read from that page reads as  
15 follows -- quote:

16 "Among the units of organization of the East, one battalion in  
17 every regiment was assigned to attack us from behind. And in each  
18 district, a company was assigned to attack us from behind, too.  
19 It was the same over in Kratie."

20 And later in this same issue of "Revolutionary Flag", if we turn  
21 to Khmer page 64577, the "Revolutionary Flag" contains the  
22 following statement. On page, again, 64577, the "Revolutionary  
23 Flag" stated as follows -- quote:

24 "We have smashed the traitorous leading apparati throughout the  
25 country together with their faction, concretely, the traitorous

1 forces in the East, Northwest and West Zones in Phnom Penh, in  
2 103, in Kratie and in Sector 25."

3 [15.37.02]

4 MR. PRESIDENT:

5 Could you slow down and repeat the last segment that you quoted  
6 for the interpretation?

7 BY MR. LYSAK:

8 Q. Yes, the second excerpt from this "Revolutionary Flag" reads  
9 as follows -- quote:

10 "We have smashed the traitorous leading apparati throughout the  
11 country together with their faction; concretely, the traitorous  
12 forces in the East, Northwest and West Zones in Phnom Penh, in  
13 103, in Kratie and in Sector 25."

14 The question I have for you, Mr. Yun Kim: Do you recall hearing,  
15 at any point, that the reason for the purges of cadres in Kratie  
16 in early 1978 was that, as a result of the military conflict that  
17 occurred with Vietnam, the Party leaders had concluded that there  
18 were traitorous networks in the sector who were connected to the  
19 Vietnamese? Did you ever hear that from anyone?

20 MR. PRESIDENT:

21 Mr. Witness, please hold; the Chamber will hear the objection by  
22 the defence counsel first.

23 Defence Counsel, you may proceed.

24 [15.38.40]

25 MR. ANG UDOM:

1 Thank you, Mr. President. The prosecutor just delivered a  
2 document to the witness. I would like the President to reinforce  
3 the practice in assistance -- that is, whether -- to enquire  
4 first with the witness if he has seen such a document.

5 MR. PRESIDENT:

6 Overruled.

7 Mr. Witness, you can respond to the question.

8 This is not in a similar situation in the past. There are some  
9 facts related to the Kratie sector and also in relation to the  
10 armed conflict occurred between the forces of the DK regime and  
11 Vietnam.

12 MR. YUN KIM:

13 A. Regarding the above matter -- that is, the armed conflict in  
14 Sector 505, because Sambour district -- that is, Sambour commune  
15 is far away from the provincial town, so I could not grab hold of  
16 the situation occurring there. And that is all.

17 [15.40.15]

18 BY MR. LYSAK:

19 Q. One last question on this subject before I turn to the final  
20 areas I'm going to talk to you about. Did you ever hear the  
21 cadres and new leaders who came in to replace the sector cadres  
22 and district cadres who had been arrested -- did they ever say  
23 anything about why their predecessors had been arrested?

24 MR. YUN KIM:

25 A. The common situation during the DK regime is that, after the

1 arrests, the new ones would come to replace and the ones who were  
2 arrested will be accused of being traitors. And then the new one  
3 will be replaced by another new group, and that group would also  
4 accuse the old one of being traitorous.

5 Q. You knew many of the people who were arrested. Did you believe  
6 that any of them were actually traitors?

7 A. I understand that not everyone was a traitor because I used to  
8 live with them. For example, with Mr. Phan, Mr. Ny. From my  
9 observation, they were very good people. In particular, Mr. Phan,  
10 he was exemplary in carrying out his tasks in the community area.  
11 So not everyone was a traitor. The accusation of them being a  
12 traitor was difficult for me to comprehend because I, myself, was  
13 also concerned about my safety and I was vigilant and careful,  
14 but I don't believe that everyone was a traitor. I refer to those  
15 who were arrested. There could be some mistakes made.

16 [15.42.45]

17 Q. I'd like to turn now to the period where you were at the B-3  
18 worksite, which you've indicated you were transferred to become  
19 the chief of a youth group at the B-3 site in June 1978.

20 Now, you've told us already that the B-3 site had previously been  
21 used to detain cadre prisoners. How is it that you had learned  
22 that the B-3 site was used as a detention place for cadre  
23 prisoners?

24 A. Regarding B-3, I could not fully grasp the situation. However,  
25 cadres who were accused of being traitors were gathered up and

1 classed at B-3. I did not know the plan for them being gathered  
2 up there and I did not know when they were sent there. Initially,  
3 I did not know the existence of B-3. Only at the time that I was  
4 called that I was told I will be appointed to be chief of B-3,  
5 then I realized the existence of B-3, and I was told that some  
6 cadres from the commune, the district levels, were gathered up  
7 and placed at B-3. So I was not clear of the existence of B-3  
8 before my arrival there.

9 [15.44.31]

10 Q. And you've told us that when you were asked to take over B-3,  
11 that it had been under the control of the military. What I wanted  
12 to ask you is: Was B-3 under the control of the military the  
13 entire time that it was used as a detention office for cadre  
14 prisoners?

15 A. Regarding B-3, for the cadres who were regarded as prisoners,  
16 they were under the management of another group. However, later  
17 on, when they were removed and youth were brought in and they  
18 were under the control of the military and Saroeun, but Saroeun  
19 could not administer and manage the male and female youths  
20 because he was of a military nature, the production was stalled.  
21 For that reason, I was transferred from the cooperative to  
22 replace Saroeun. And when I arrived at that place, Saroeun was  
23 not there. I did not know what Saroeun looked like. I only knew  
24 that Saroeun was a former military who was managing the area  
25 before my arrival.

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1 [15.46.13]

2 Q. And when you arrived at the B-3 site, can you describe the  
3 site for us a little bit? Was this a large site?

4 A. Let me tell you a little bit about B-3. Upon my arrival at  
5 B-3, there were four hectares of rice field plots and I was  
6 instructed to make 100 hectares by June '78, so to clear 100  
7 hectares of farmland by June '78 and we did not have sufficient  
8 tools. We only had axes and hoes, and I was very concerned that I  
9 could not fulfil the quota as the land had not been cleared. So I  
10 requested that ironsmiths to be brought in -- three ironsmiths be  
11 brought in to make tools for us. And after 10 days, with their  
12 help, we started to work. And I also requested for elephants,  
13 either 30 or 40 elephants to clear the land, and then they gave  
14 me 12 elephants. And then we cleared more than 40 hectares of  
15 land. And actually, I asked the villagers to assist in clearing  
16 the land, and then the elephants would help throw away the stumps  
17 of the trees, for instance. So that was the first time that we  
18 worked closely with a group of elephants to clear the land.

19 15.48.15]

20 So the thing is that, if we required some tools or something, we  
21 put a request and then they will provide it to us. And in 1978,  
22 due to heavy flooding, a lot of youth were requested to help and  
23 there were less forces with us, including the sick, and that I  
24 could not clear the land as I was instructed to. So, then, I  
25 requested for additional forces to clear the land because all the

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1 youth on the youth forces from the commune and cooperatives were  
2 gathered out.

3 [15.49.03]

4 Q. Now, my colleague has already asked you earlier today, and  
5 you've testified about how a group of around 200 youths were  
6 transferred from Ta Maung sub-district at one point to B-3 and  
7 then later taken away.

8 What I wanted to ask you is: The youths that came from Ta Maung  
9 sub-district, where was that located? What district and what zone  
10 was Ta Maung in?

11 A. Regarding Ta Maung commune, it was located in Memot district,  
12 Kampong Cham province. It was near the Vietnamese border. I did  
13 not know the commune myself, but when I was on the road, driving  
14 past it, I noticed the sign indicating that it was the Ta Maung  
15 commune.

16 [15.50.19]

17 Q. And was that part of the East Zone?

18 A. Yes, Ta Maung was in the East Zone.

19 Q. And could you tell us when this large group of youths were  
20 transferred to the B-3 site from the East Zone, what were you  
21 told as to the reason they had been sent there?

22 A. Regarding the sending of the youth, many of them were female  
23 youth to B-3 from Ta Maung commune. I did not know the clear  
24 reason, but to me, as I observed, they were skinny. They were  
25 malnourished. Many of the parents of the youth were also sent



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1 to live in Sambour district. Initially, the parents arrived first  
2 and then the male and female youth arrived and the youth stayed  
3 with my group. I was told that the youth from the Ta Maung  
4 commune; that is, from the East Zone, were to come and stay at my  
5 site, and later on they were requested to be sent away, but I did  
6 not know where they were sent to.

7 [15.52.09]

8 Q. You stated in your OCIJ interview, and I believe this morning,  
9 that it was alleged that those youth had allied themselves with  
10 the Vietnamese. Who was it that told you that they had allied  
11 themselves with the Vietnamese?

12 A. The information was from the districts that because the youths  
13 stay close to the Vietnamese, then they allied themselves with  
14 the Vietnamese.

15 Q. And how long were they at the B-3 worksite before they were  
16 taken away?

17 A. The youths who came to stay at the B-3 worksite, they stayed  
18 there for not longer than three months. They arrived in probably  
19 August, and by October, they all left.

20 Q. Thank you, Mr. Yun Kim.

21 I have one final area that I would like to ask you about, and  
22 that is relating to another S-21 document that records 22  
23 prisoners from Sector 505, mostly the commune and cooperative  
24 chiefs who entered S-21 late in the regime, all on the same date,  
25 on the 27th of December 1978, just a little more than a week from

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1 the fall of the regime.

2 Mr. President, this is document D108/26.280. The pages that  
3 contain this list of 22 prisoners from Sector 505 is at Khmer  
4 00086833 through 86834, and English ERN 00789508 through 510. I  
5 would like to provide a copy of the document to the witness. We  
6 can show it on the screen also, but I would like the witness to  
7 look at the names of these people and tell us whether he  
8 recognizes any of the people on this list.

9 [15.53.23]

10 MR. PRESIDENT:

11 You may proceed.

12 Court Officer, could you take the hardcopy from the prosecutor  
13 for the witness to examine?

14 BY MR. LYSAK:

15 Q. Mr. Yun Kim, what I would like you to do -- maybe you've  
16 already started -- is just to read through that list of 22 names  
17 of people from Sector 505 and then tell us whether you recognize  
18 any of the names on that list.

19 [15.57.46]

20 MR. YUN KIM:

21 A. Amongst all the names, I know one person, Sambat from Sambok  
22 commune.

23 Q. Do you recall hearing, in late 1978, that a number of commune  
24 and cooperative chiefs in Kratie had been arrested? Do you recall  
25 that?

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1 A. I heard about the arrest of the Sector Committee. Then many  
2 people were also arrested at Thma Kreae village, at the Sambok  
3 commune, and at other communes as well. As at my Sambour commune,  
4 after the -- that event, nothing really happened. That is all.

5 [15.59.01]

6 Q. And in that same document on an earlier page, if you would  
7 turn to 00086832, which is English page 789507, the S-21 list  
8 identifies the following two people, a Huon Yeng, who is  
9 identified as the secretary of Kratie district, who entered on  
10 the 12th of December 1978, and a person named Chhum Chin alias  
11 Phaon, the secretary of Snuol district who entered on the same --  
12 entered S-21 on the same date, the 12th of December 1978. Did you  
13 know either of these two persons?

14 [16.00.03]

15 A. I do not know these two individuals, but heard of the name of  
16 the individual by the name of Yeng.

17 MR. LYSAK:

18 Thank you very much, Mr. Yun Kim. I have no further questions.

19 I know these are difficult matters to talk about and I appreciate  
20 your answering our questions today. Thank you very much.

21 Mr. President, Members of the Bench, we have no further  
22 questions.

23 MR. PRESIDENT:

24 Thank you very much. Thank you, Witness, also.

25 Mr. Yun Kim, your testimony is not yet complete. The Chamber

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1 would like to hear your testimonies tomorrow, starting from 9  
2 o'clock.

3 Duty counsel for the witness is also invited to come back again  
4 during tomorrow's session and the following day.

5 [16.01.19]

6 Court officer is now instructed to coordinate with WESU unit to  
7 ensure that Mr. Witness is well accommodated and have him return  
8 to the courtroom tomorrow, before 9 a.m.

9 The hearing session today comes to an end. The Court will adjourn  
10 and the next session will be resumed tomorrow, commencing at 9  
11 a.m.

12 During tomorrow's session, the questions will be put to Mr. Yun  
13 Kim by counsels for the civil parties and perhaps other questions  
14 will also be put by the defence counsels.

15 Security personnels are now instructed to bring all the three  
16 accused persons to the detention facility and have them return to  
17 the courtroom by 9 a.m., except Mr. Ieng Sary if he shows the  
18 same position as he does in waiving his right to participate  
19 directly in the courtroom through his waiver before the  
20 commencement of tomorrow's session, when the Chamber will  
21 instruct the security personnel to communicate with the greffier  
22 of the Trial Chamber to only bring the accused person Ieng Sary  
23 to the holding cell, where he can observe the proceedings from  
24 there. The waiver will be examined before the commencement of  
25 that hearing.

1 The Court is adjourned.  
2 (Court adjourns at 1603H)  
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