



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

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Case File N° 002/19-09-2007-ECCC/TC

30 July 2012

Trial Day 86

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

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IENG Sary  
KHIEU Samphan

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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. KARNAVAS	English
MR. KONG SAM ONN	Khmer
MR. LOR CHUNTHY	Khmer
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. ROCHOEM TON (TCW-564)	Khmer
MR. SENG BUNKHEANG	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MR. VERCKEN	French

1

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 We continue hearing the testimony of Mr. Rochoem Ton, questions

6 continue to be put by the Co-Prosecutors.

7 Before we proceed to hand over the floor to the prosecutor, Mr.

8 Duch Phary is now invited to report on the current status of the

9 persons of parties to the proceedings.

10 THE GREFFIER:

11 Mr. President, all parties to the proceedings are present.

12 We do not have a reserve witness before us today.

13 MR. PRESIDENT:

14 Thank you.

15 [09.04.37]

16 Today the Chamber is seized of the request by Mr. Nuon Chea (sic)

17 through his counsel, dated on the 30th of July 2012, in which Mr.

18 Ieng Sary has asked that he be excused from the courtroom. The

19 medical doctor who inspects Mr. Ieng Sary's health indicates that

20 Mr. Ieng Sary is fatigued when he makes some movement and he also

21 has some lower back pain when he visits the bathroom very often.

22 And the doctor also indicates that Mr. Ieng Sary can remain in

23 the courtroom for no longer than 30 minutes and he suggests that

24 the Chamber should allow him to observe the proceedings from his

25 holding cell.

2

1 [09.05.45]

2 Since Mr. Ieng Sary has already waived his right to participate  
3 directly in the courtroom and asked the Chamber to allow him to  
4 observe the proceedings from his holding cell, where he can  
5 communicate with his counsel from there, the Chamber, therefore,  
6 grants such request. Now, Mr. Ieng Sary is allowed to observe the  
7 proceedings from his holding cell for the whole day.

8 [09.06.25]

9 AV booth officers are now instructed to ensure that the AV  
10 equipment are well connected to the holding cell so that Mr. Ieng  
11 Sary can observe the proceedings from there.

12 Security personnels are now instructed to bring Mr. Ieng Sary to  
13 his cell so that he can observe the proceedings when being there.

14 Mr. Ieng Sary, we note that you would like to say something. You  
15 may proceed.

16 Counsel Karnavas, you may now proceed.

17 MR. KARNAVAS:

18 Good morning, Mr. President. Good morning, Your Honours. And good  
19 morning to everyone in and around the courtroom. In light of the  
20 Trial Chamber's ruling, Mr. Ieng Sary has nothing to report or to  
21 -- to speak about. I believe, initially, he wanted to address the  
22 Court that he was unable to attend the proceedings. However, you  
23 pre-empted that by your ruling, and we are grateful for it. Thank  
24 you.

25 [09.08.05]

1 MR. PRESIDENT:

2 Security personnels are now instructed to bring him downstairs.

3 Next, the Chamber would like to hand over to the Co-Prosecutor to  
4 proceed with his questions to the witness.

5 Before you pose questions, Mr. Co-Prosecutor, could you also  
6 advise the Chamber as to how much time would you need to put  
7 questions to this and also how time has already been arranged  
8 with the civil party counsels?

9 MR. LYSAK:

10 Good morning, Mr. President. Thank you.

11 [09.08.59]

12 We had discussed this with the civil parties. They had indicated  
13 to me that they needed an hour and a half, perhaps two hours. I  
14 believe that we have the rest of the day between us, so I will  
15 continue until lunch time -- attempt to finish by then, and then  
16 the plan would be that the civil parties will do the questioning  
17 in the afternoon. If I -- if I recall correctly, we had a total  
18 of two and a half days between the prosecutors and the civil  
19 parties, so that would take us through the end of today.

20 [09.09.37]

21 MR. PRESIDENT:

22 Lead Co-Lawyers for the civil parties, would you wish to make any  
23 comment on this?

24 MS. SIMONNEAU-FORT:

25 Good morning, Mr. President. Good morning to all of you. Yes,

4

1 thank you. And to confirm what the prosecutor said, we do need  
2 the afternoon. And since my colleague announced an hour and a  
3 half, well, as far as I'm concerned, I will need one hour at  
4 most. Thank you.

5 MR. PRESIDENT:

6 Thank you very much.

7 Mr. Co-Prosecutor, you may now proceed.

8 QUESTIONING BY MR. LYSAK RESUMES:

9 Thank you, Mr. President, Members of the Bench. Good morning, Mr.  
10 Witness.

11 [09.10.40]

12 Q. When we left off on Friday, we were talking about Khieu  
13 Samphan's role at Office 870, and you had already told us that  
14 Ieng Sary had informed you that Khieu Samphan was replacing Doeun  
15 and that you were then to deal with Khieu Samphan on -- on future  
16 matters.

17 You also told us that one of the matters that you began  
18 communicating with Khieu Samphan is that, when you had letters  
19 that had to be delivered to the zones, you would take them to  
20 Khieu Samphan for delivery.

21 Where I wanted to pick up is, other than contacting Khieu Samphan  
22 when you needed to have letters sent to the zones, what other  
23 matters did you deal with him in his capacity at Office 870?

24 MR. ROCHOEM TON:

25 A. I already testified before the Chamber that I ferried messages

5

1 from Om Ieng Sary to him. However, I did not carry messages from  
2 him to zones. They -- he already arranged at the zones, but when  
3 we were authorized to take guests to those zones, then we would  
4 do so. I didn't send messages to the zone.

5 [09.12.42]

6 Q. And when you would take documents to Khieu Samphan, would you  
7 talk to him? Did you have discussions about his responsibilities  
8 at Office 870?

9 A. No, there was no discussion on his role during our encounters,  
10 but in the letters the content of which were more about how to  
11 receive guests. For example, if we would go to Zone 204, or Zone  
12 203, then we only had to communicate the message through the  
13 letters. And if we received authorization through that, then we  
14 would proceed with taking the guest there.

15 Q. Thank you.

16 Now, we've talked about you taking letters or documents to Office  
17 870. When you would go there, did you sometimes receive documents  
18 from Office 870 that you were to take back to Ieng Sary?

19 A. Yes, sometimes.

20 Q. What types of documents would you bring back from Office 870  
21 to Ieng Sary?

22 A. There were documents relevant to receiving guests. I would not  
23 know other detailed documents other than these because normally,  
24 in the letters, the ministry would inform us through them that we  
25 would proceed with arranging for trip of our guests.



6

1 [09.15.27]

2 Q. When the zones would send in communications to the Party  
3 leaders in Phnom Penh, were you aware of how those communications  
4 were sent from the zones to Phnom Penh and how they were  
5 distributed to the leaders?

6 A. From the zones, they would send some messages or letters, but  
7 that was out of my knowledge.

8 Q. Did you know a office called K-7? And if so, can you tell us  
9 what the K-7 Office was?

10 A. K-7 Office I know. This office was under -- was a branch  
11 office of Office 870.

12 Q. And what was the function of the K-7 Office?

13 A. K-7 Office dealt with all zones. When zones needed something,  
14 they needed to contact K-7 before the message could be relayed to  
15 Office 870. This is the normal daily routines of communication.

16 Q. Do you know whether reports from the zones that were received  
17 by K-7 and Office 870 were sent to Ieng Sary?

18 A. No, I don't know about this.

19 Q. During the time you worked at the Ministry of Foreign Affairs,  
20 were you familiar or aware of an entity called the Standing  
21 Committee of the Party?

22 A. No, I wasn't. I may knew it through radio broadcasts. I may  
23 knew about it through radio broadcasts, but I did not know who  
24 were on the committee as members.

25 [09.19.31]

1 MR. LYSAK:

2 Mr. President, at this time, I'd like to read to the witness an  
3 excerpt from his first interview with the Office of  
4 Co-Investigating Judges and ask him some follow up questions on  
5 that. It is document E3/24 at Khmer ERN 00204072, English ERN  
6 00223584 through 223585, and French ERN 00503925. And I see that  
7 we -- that we've already provided a copy of this. We'd also like  
8 to put the passage on to the screen.

9 MR. PRESIDENT:

10 You may proceed.

11 [09.20.42]

12 BY MR. LYSAK:

13 Q. Mr. Witness, the part of the interview I'd like to ask you  
14 about reads as -- contains a statement from you that reads as  
15 follows -- quote:

16 "These orders mostly came from Pol Pot or Nuon Chea that is, they  
17 came from Office 870 which sent all that information and those  
18 orders from the members of the Centre Standing Committee based  
19 and working in Phnom Penh like Pol Pot, Nuon Chea, Vorn Vet, Ieng  
20 Sary, and Son Sen. Khieu Samphan was close to that committee, as  
21 well, but Khieu Samphan was not a member of the Standing  
22 Committee." End of quote

23 Does that refresh your recollection and can you tell us how it is  
24 that you learned which Party leaders were members of the Standing  
25 Committee?

1 MR. ROCHOEM TON:

2 A. I did already state that Om Pol Pot, Nuon Chea, Vorn Vet, Ieng  
3 Sary, and Son Sen in that statement. Khieu Samphan -- Mr. Khieu  
4 Samphan was close to that -- approximately, but he was not a  
5 member of the Standing Committee.

6 [09.22.30]

7 I learned about his through Om Ieng Sary because he told me that  
8 Khieu Samphan was not yet a member of the Standing Committee  
9 that's what I learned.

10 Q. Thank you.

11 I want to ask you now about -- on a different subject and I want  
12 to ask you a few questions about periods during which Ieng Sary  
13 was outside the country. Did Ieng Sary remain in control of the  
14 Ministry of Foreign Affairs during the time period that he would  
15 travel abroad?

16 A. When Om Ieng Sary was not in the country, the main tasks would  
17 be managed by Office 870. And at the Office of Foreign Affairs or  
18 Department of Foreign Affairs, it was Brother So Hong who would  
19 be the one in charge.

20 [09.24.10]

21 Q. Was Ieng Sary able to communicate with -- with the ministry  
22 during the periods he was outside the country?

23 A. During his trips abroad, he would communicate through Office  
24 870. None of his communication would go directly through B-1.

25 Q. And who -- who at Office 870 was responsible for receiving

1 such communications from Ieng Sary and conveying them to the  
2 ministry?

3 A. At Office 870, if Pol Pot was in place, Pol Pot would be the  
4 one in charge, or Om Nuon Chea or Om Khieu Samphan; the three of  
5 them.

6 Q. And can you tell us, when Ieng Sary was outside the country,  
7 did the ministry send communications to him to keep him informed  
8 of what was going on through Office 870?

9 A. It depends on Brother So Hong. For example, if the matter  
10 relevant to politics or political issues, then he would contact  
11 Office 870 -- Brother So Hong I'm referring to here.

12 Q. Let me ask you about another passage from the interview that  
13 you have in your hands, I believe, which is document E3/24. And  
14 this passage is Khmer -- at Khmer ERN 00204071, English ERN  
15 00223584, and French ERN 00503924.

16 And we'd also like to put that on the screen, Mr. President.

17 [09.27.43]

18 MR. PRESIDENT:

19 You may proceed.

20 BY MR. LYSAK:

21 Q. The part of the statement I'd like to direct you to, Mr.

22 Witness, reads as follows -- quote: "When Ieng Sary was away Hong  
23 replaced him, but Hong could not make decisions. When outside the  
24 country, Ieng Sary contacted 870 and 870 then contacted B-1."

25 My question for you is: In order for decisions to be made at the

10

1 ministry while Ieng Sary was away, was it necessary for So Hong  
2 to get in contact with Ieng Sary through Office 870?

3 MR. ROCHOEM TON:

4 A. Yes, it was.

5 [09.28.58]

6 Q. Did you ever go on any trips with Ieng Sary outside the  
7 country?

8 A. Yes, I did on one occasion in 1976.

9 Q. Where did you go in 1976?

10 A. I went to China.

11 Q. How long were you in China on this trip?

12 A. I was there for about a fortnight.

13 Q. And who was part of the delegation that travelled with you to  
14 China?

15 A. I cannot recall them, but -- them all, but I can recall some:  
16 the first one was Pol Pot; and Ieng Sary; Doeun was also part of  
17 that delegation; Ros Nhim was also one of them.

18 Q. Thank you.

19 Turning back, for a moment, to your appointment to the Ministry  
20 of Foreign Affairs, who -- who was it that appointed you to your  
21 position at the ministry?

22 A. Om Ieng Sary did.

23 [09.31.57]

24 Q. And during the period you worked at the ministry, can you  
25 describe for the Chamber how you reported to Ieng Sary?

11

1 A. On a permanent basis, we met every day from Monday through  
2 Friday, but in the event when I accompany guests to provinces, I  
3 had to report to him at his residence.

4 Q. How long were your daily meetings with Ieng Sary?

5 A. It depended on the nature of the work. Some -- with some task,  
6 I had to meet with him for about 15 minutes, but I would never  
7 meet him longer than half an hour.

8 [09.34.06]

9 Q. Were these meetings just between you and Ieng Sary, or were  
10 there other people who also attended this meeting?

11 A. Again, it depended on the situation. On some occasion I met  
12 with Ieng Sary and Bong So Hong, but in other occasions I met  
13 with other intellectuals as well.

14 [09.34.22]

15 Q. Did you also prepare written reports for Ieng Sary or did you  
16 report only through these daily meetings?

17 A. As far as the report was concerned, if there was a foreign  
18 delegation under visit.

19 (Short pause)

20 Q. Mr. Witness, let me repeat. My question was: In addition to  
21 your daily meetings with Ieng Sary, did you also send him written  
22 reports?

23 A. Sometimes the report was made orally, but on certain occasions  
24 I had to prepare a report in writing.

25 [09.36.47]

12

1 Q. In addition to the daily meeting that you had with Ieng Sary,  
2 did Ieng Sary hold other regular meetings with the staff at the  
3 ministry?

4 A. Generally, there was a monthly meeting with the cadres who was  
5 in charge of respective task. We would convene this regular  
6 meeting in order to draw lesson learned.

7 Q. And these monthly meetings were they held by Ieng Sary?

8 A. Sometimes Om Ieng Sary chaired the meeting, and at other times  
9 Bong Hong was the chair.

10 Q. I'd like to direct you to another passage from your first  
11 interview with the Investigating Judges. This is again document  
12 E3/24, and the passage I'd like to ask you about is at Khmer ERN  
13 00204072, English ERN 00223584 through 223585, and French ERN  
14 00503925.

15 And we'd like to put that on the screen also, with your leave,  
16 Mr. President.

17 [09.39.30]

18 MR. PRESIDENT:

19 Yes, you may proceed.

20 BY MR. LYSAK:

21 Q. The part of your interview that I'd like to ask you about  
22 reads as follows -- quote:

23 Question: "When there were orders from upper echelon, how did  
24 Ieng Sary disseminate them?"

25 Answer: "He called meetings. I was there from the office, Hong

1 from policy, and all of the intellectuals, because each of them  
2 had one country or one region." End of quote.

3 My first question about this is: What types of orders were  
4 disseminated by Ieng Sary at these meetings?

5 MR. ROCHOEM TON:

6 A. On this particular point, through my experience working there,  
7 there was a policy of gathering intellectuals, those intellectual  
8 from overseas and those who were from regions. So there was a  
9 policy of gathering them in order that they could serve various  
10 positions within the Ministry of Foreign Affairs.

11 [09.41.15]

12 I recall that he said that we had to endeavour to collect the  
13 intellectuals. And he wanted intellectuals to come and work with  
14 the Ministry of Foreign Affairs, and we had to have a clear  
15 vision for collecting those intellectuals. We had -- we must not  
16 be narrow minded with those intellectuals. And he tried to  
17 mainstream this concept with the staff of the ministry, because  
18 he emphasize that certain intellectuals had a lot of experience  
19 working as diplomats in different countries. So only when we work  
20 with those intellectuals did we receive good results and  
21 performance in our work.

22 Q. Was there a particular section or department of the ministry  
23 that the intellectuals worked in?

24 A. There were many intellectuals serving in the Ministry of  
25 Foreign Affairs.



14

1 [09.43.02]

2 Q. The monthly meetings at the ministry that we've been  
3 discussing -- did someone keep minutes of those meetings?

4 A. Bong So Hong was tasked to keep minutes of the meetings.

5 Q. Were criticism or self-criticism meetings conducted at the  
6 ministry?

7 A. Yes, generally there were, on a monthly basis or every three  
8 months.

9 Q. Who participated in the criticism meetings that you attended?

10 A. It varied. On some parts there were intellectual and leaders  
11 like Om Ieng Sary or So Hong and those who were involved in  
12 political affairs, and others there were other section, for  
13 example those who work in the kitchens and other sections; they  
14 participated in separate self-criticism and criticism sessions.

15 Q. How often did you participate in criticism sessions with Ieng  
16 Sary?

17 A. Once every three months.

18 [09.46.05]

19 Q. Mr. President, at this time I'd like to show the witness  
20 another document --

21 MR. VERCKEN:

22 Mr. President--

23 MR. PRESIDENT:

24 Counsel, you may proceed.

25 MR. VERCKEN:

15

1 Thank you very much, President. Earlier, the witness was made to  
2 read a document.

3 Can he please indicate which document this is, precisely?

4 MR. PRESIDENT:

5 Document -- this document was given to him, pursuant to the  
6 request by the Prosecution -- document E3/24.

7 [09.47.10]

8 Witness, you do not need to read that document when the question  
9 is being put to you, because your answer may differ from the ones  
10 you made to the Office of Co-Investigating Judges. It is  
11 important that you respond to the question before the Chamber,  
12 because the Chamber will decide whether or not -- which answer is  
13 appropriate and correct.

14 And you should not refer that document or read from that  
15 document. So you should put that document aside and try to  
16 respond to the question to the best of your knowledge, unless  
17 there is a specific indication to any portion of that witness  
18 statement that you want to be recollected. And in that situation you  
19 will be indicated as to which portion is being referred to, and  
20 then that document will be highlighted as well on the screen --  
21 you will locate it with the red box surrounding it.

22 Prosecutor, you may now continue.

23 [09.48.31]

24 MR. LYSAK:

25 Thank you, Mr. President.

16

1 I'd now like to ask the witness -- or show the witness -- a  
2 document which has been admitted as E3/522. We have a hard copy  
3 here, and the particular section that I want to direct the  
4 witness's attention to starts at Khmer page 00427907 and  
5 continues through Khmer 00427922. In the English version -  
6 translation, the corresponding pages start at 00003304, and the  
7 section of the notes continues until 00003316. I have a hard  
8 copy, and I want to have the witness look at that section, and  
9 then I have a few foundational questions for him.

10 MR. PRESIDENT:

11 Yes, you may proceed.

12 Court Officer, please obtain the document from the Prosecution  
13 and present it to the witness.

14 [09.50.04]

15 MR. KARNAVAS:

16 Mr. President, if I may for one second. I have an objection -- or  
17 at least, a concern. Thus far we have not heard any connection  
18 between this document and the gentleman. No foundation has been  
19 laid that this was prepared by the gentleman; he's indicated that  
20 notes were taken.

21 I understand what the Prosecution wants to do, and I think this  
22 is wholly improper.

23 So, before any questioning be done, I believe that at least some  
24 sort of an offer of proof should be made as to how this document  
25 is connected to this particular witness.

17

1 And where is this document coming from? It has a title. Somebody  
2 else placed the title on it, but that does not necessarily mean  
3 that the title reflects the authenticity or reliability of the  
4 document. And now we're trying to use this document to somehow  
5 either refresh or bolster the witness's testimony.

6 MR. LYSAK:

7 I'm happy to respond to that.

8 [09.51.16]

9 The foundation, in fact, was laid in the questions that I've just  
10 asked. And if counsel would look at the section of the notes that  
11 I want to direct to the witness, they are a set of notes relating  
12 to a criticism meeting. It starts with a title "Constructive  
13 Ideas from the Collective", dated 11 December 1976. And then  
14 there's a series of notes of a meeting in which the participants  
15 conclude: Cheam, Nou, Dean, Meoun, Roun, Thy, Hong, and Van. So  
16 the witness is specifically identified by his alias as a  
17 participant in this meeting.

18 So where I plan to start with him is to have him look at these  
19 notes and to tell us whether this -- these are the notes of a  
20 criticism meeting in which he participated. If so, it is  
21 certainly appropriate for him, then, to answer questions based on  
22 the notes of this meeting in which he participated.

23 MR. PRESIDENT:

24 Objection by Counsel Michael Karnavas is not sustained.

25 Witness is instructed to look at the relevant part of the

18

1 document and tell the Court whether or not you are familiar with  
2 this document and thus able to respond to the question.

3 [09.53.07]

4 BY MR. LYSAK:

5 Q. And, Mr. President, I'd also -- within that range of notes,  
6 Mr. Witness, the pages -- ERN pages 00427920 through 427922  
7 appear to particularly relate to Comrade Cheam.

8 So I want you to pay particular attention to that section when  
9 you review the notes.

10 MR. ROCHOEM TON:

11 A. That was the minutes. That it is.

12 Q. Now, you indicated in your -- at the very outset of your  
13 testimony that your revolutionary alias was Vicheam. Were you  
14 also referred to by people as Cheam?

15 A. Yes, yes, I was referred to as Comrade Cheam. But it was in  
16 the short form, Comrade Cheam. But I was never referred to  
17 Vicheam. I did not have that long name. People just addressed me  
18 as Cheam -- Comrade Cheam.

19 [09.55.29]

20 Q. And the group of participants in this criticism meeting -- in  
21 addition to yourself -- is listed as -- at first, there's a  
22 person named Nou, someone named Dean, Meoun, Roun, Thy, Hong, and  
23 Van. Do you recall participating in criticism meetings with a  
24 group including these people?

25 A. Yes, I did. And that minutes was correct.

1 Q. You've talked about Hong already. The person who is identified  
2 as Van in these notes, who is that?

3 A. Van was Om Ieng Sary, because at that time he was referred to  
4 as Brother Van.

5 Q. And the other people who are listed in participating in these  
6 meeting -- Comrades Nou, Dean, Meoun, Roun, and Thy -- can you  
7 tell us who those people were?

8 A. These people were the staff members of the ministry. As I  
9 indicated earlier, some worked in the reception department,  
10 others were in the kitchens and some were responsible for  
11 welcoming guests.

12 [09.58.09]

13 Q. Do you remember who it was who took notes at these criticism  
14 meetings?

15 A. I cannot recollect it well, because it happened long time ago.

16 Q. Now I'd like you to look at the self-criticism section for  
17 you, which is at Khmer ERN 00427920. The English translation for  
18 this is 00003315, and the French translation is 00657885.

19 By way of comment, Mr. President, the -- there is a problem with  
20 the French translation of this document, which we will bring to  
21 the attention of the Translation Unit. It appears that the French  
22 translation is out of order, and it's very hard to find some of  
23 the pages. I was able to find some of the French ERN sites, but  
24 others are -- I was not able to find. So we will make a note of  
25 that and request that the French translation be updated.

20

1 The section -- this section of the notes, Mr. Witness--

2 (Short pause)

3 The section of the notes that I am directing to you right now is  
4 the section that is titled "The Revolutionary Self-Criticism of  
5 Comrade Cheam". And in that section, there's a number of  
6 criticisms relating to not absorbing "the nature of the  
7 proletarian class", and for still desiring the comforts of  
8 private property.

9 [10.00.32]

10 Do you recall criticising yourself for such matters at these  
11 meetings?

12 A. As long as it is recorded in this, yes, because at that time  
13 everyone had to attend such sessions and had to do that.

14 Q. Now, in this part of the notes, there is a section I just  
15 mentioned, titled "Revolutionary Self-Criticism of Comrade  
16 Cheam". And then, following that section, there is another part  
17 that's titled "Van's Comments about Comrade Cheam".

18 Was it standard procedure at these criticism meetings for people  
19 to provide self-criticism, and then for Ieng Sary to comment on  
20 that?

21 A. Yes. When we were conducted as such -- conducting such  
22 criticism sessions -- and later on, he would be the one who had  
23 the final words on us.

24 Q. And in the comments by Ieng Sary, alias Van, relating to you,  
25 the notes list as an advantage that you were -- quote -- "loyal,

1 never secret" -- end of quote.

2 [10.02.50]

3 And then, in the -- numbers -- a number of disadvantages --  
4 numbers 4 and 7 on that list, that you were criticised for being  
5 -- quote -- "too independent minded" -- end of quote. Do you  
6 recall Ieng Sary making comments like this about you at the  
7 self-criticism meetings?

8 A. Yes, I do.

9 Q. And can you explain for the Court why it was considered a  
10 fault in the DK regime to be independent minded?

11 A. Regarding this, it was meant to mean that each and every one  
12 of us had our strength and weakness. The strength was in full  
13 responsibility, but the shortcoming could have been things that  
14 we never thought that they were shortcomings. But we were  
15 criticised or informed by others of the shortcomings so that we  
16 can do something to bridge these gaps.

17 Q. And if you would turn briefly to Khmer ERN page 00427927 --  
18 the English translation for that is 00003320. This appears to be  
19 the last page of notes from the criticism meeting. And there's a  
20 section that I want you to look at titled - quote -- "Statements  
21 at the Closing of the Party Training Course, December 1976".

22 [10.05.51]

23 And what I wanted to ask you was what a Party training course was  
24 and how often these were held.

25 A. During the three-year period, I attended only on one occasion



1 in such session, in 1976. That training was conducted for a  
2 period of about one month, where more than -- over 1,000 people  
3 coming to attend the session.

4 Q. Were these just cadres from the Ministry of Foreign Affairs,  
5 or did it include cadres from other organizations?

6 A. All people from across Cambodia and personnels or staff member  
7 from all the offices in Phnom Penh.

8 Q. And who made the presentations at the Party training course  
9 that you attended in December 1976?

10 A. Om Pol Pot, Om Nuon Chea -- two of them.

11 [10.08.07]

12 Q. Do you recall what subject matters were discussed at the Party  
13 training course in December 1976?

14 A. I do not recollect the details, but as I already said, first  
15 we were taught about the general situation in and outside the  
16 country; secondly, the building of the Party from lower level to  
17 the upper levels; and documents were also handed out to  
18 participants concerning the strength and the weaknesses of the  
19 implementation of the Movement -- what kind of weaknesses we have  
20 had and what experiences have been learned.

21 And everyone had to attend self-criticism sessions where we  
22 criticized ourselves and be criticized by members of the  
23 meetings. And later on the weaknesses and strength would be  
24 compiled and written.

25 [10.09.48]

1 Q. I'd like to turn now to different part of this document to ask  
2 you about, and the section I'd like to show and ask you now  
3 starts at Khmer ERN 00427932 and continues through Khmer ERN  
4 427949. The corresponding English ERN pages are 0003324 through  
5 00003337.

6 And the -- if you look at the first page - Khmer, 427932 -- there  
7 is a title; these are notes from a 18 January 1977 cell congress.  
8 And if you could look at the first page of the notes and also  
9 look at the last page of that section, which is, Khmer, 00427949  
10 -- and that is, English, 00033336 -- on that page there is a list  
11 of the cell committee of the ministry, and the people who are  
12 listed as being on the cell committee are: number 1, Brother Van,  
13 secretary; number 2, Comrade Hong, deputy secretary; and, number  
14 3, Comrade Roeun; member number 4, Comrade Ven, member; and,  
15 number5 , Comrade Cheam, member.

16 My first question is: Can you tell us what the cell committee of  
17 the ministry was?

18 A. It referred to the branch. For example, in the Ministry of  
19 Foreign Affairs, there were branches or internal branches, and it  
20 relates the members of the Party and how they would be managed  
21 and do their work.

22 Q. And the title of these notes indicates this is from an 18  
23 January 1977 cell congress. Can you tell us what a cell congress  
24 was and how often they were held?

25 [10.13.37]

1 A. The meeting was convened only on one occasion during the whole  
2 period of Democratic Kampuchea because the meeting would be  
3 conducted once every four years.

4 Q. And were the participants in this cell congress just the  
5 members of the committee that I just read or were there more  
6 people in addition to the committee members who participated?

7 A. This happened only in the Ministry of Foreign Affairs; that  
8 cell congress was convened only here. At their different  
9 respective ministries, they could have different meetings. As you  
10 already seen on the note, it is the cell congress.

11 Q. Do you recall approximately how many people participated in  
12 the cell congress?

13 A. There were about 30 people within the ministry.

14 Q. And how long did the congress last?

15 A. It last for no more than three days.

16 Q. Who chaired the meeting and made presentations at the cell  
17 congress?

18 [10.16.08]

19 A. Om Ieng Sary and So Hong.

20 Q. And now the notes from the congress start with some opening  
21 remarks. There is a section titled "Report on Cell Activities in  
22 1976", and then there are two sections that follow. One is titled  
23 "The View on the Kampuchean Revolution Situation", and then the  
24 section after that is called "The Cell Plan of 1977".

25 I want to first turn you to the section titled "The View on the

25

1 Kampuchean Revolution Situation", which is at Khmer ERN 00427940  
2 through 427941. And the corresponding English pages are 0003330  
3 through 3332. And if you could look at the notes starting on  
4 Khmer ERN 00427940, there's a paragraph that -- this is a section  
5 that discusses the situation of the enemy in Cambodia. And I'd  
6 like to read -- have this passage read to you.

7 [10.17.53]

8 Mr. President, to make sure that the translation is correct, I'd  
9 like to have my national colleague read this part into the record  
10 for the witness, and then we'll have some follow up questions for  
11 him, if we may.

12 MR. PRESIDENT:

13 You may proceed.

14 MR. SENG BUNKHEANG:

15 Thank you, Mr. President. I would like to read as follows:

16 "1976 is the key year. The enemy is deteriorating. The spy's  
17 network was destroyed. There was no longer a class enemy.

18 However, the American imperialists and the CIA and KGB and  
19 Vietnam still exist. Although they were defeated, but they still  
20 struggle to move on. And the other one is the enemies, the  
21 peasants and the workers who were in our rank. And these -- also  
22 the enemies that needed to be swept clean progressively."

23 [10.19.40]

24 BY MR. LYSAK:

25 Q. The first question I'd like to ask you about this is: Was the

1 situation relating to external and internal enemies a regular  
2 subject item that was discussed at ministry meetings?

3 MR. ROCHOEM TON:

4 A. This congress was not only conducted at the ministry, but it  
5 was also conducted everywhere at the other locations.

6 The enemies were very well identified here. They were the  
7 American imperialists.

8 At that time, we had to fight the American imperialists because  
9 we were conducted the national democratic revolution. We attacked  
10 the regime, and we had to build ourselves internally. Everyone  
11 had to be absolute and determined so that we could not be bought  
12 by the American imperialists. We had to be the very clean and  
13 proper people to achieve this triumph.

14 [10.21.20]

15 Q. Who was it that presented the enemy situation at the cell  
16 congress, who made the presentation on this subject?

17 A. It was Om Ieng Sary who was presenting during the session  
18 because he was the highest person in the ministry.

19 Q. And if you could turn to the next page of the notes, which is  
20 Khmer ERN 00427941 -- and the corresponding English page is  
21 0003331 -- I want to direct you to the section that discusses the  
22 differences -- the difference between adversarial disputes and  
23 internal disputes.

24 And the specific statement that I wanted to ask you about reads  
25 as follows:

1 [10.22.43]

2 "The adversarial disputes are those against the revolution. If  
3 there are such disputes, we must hand over them to the security  
4 sector to deal with that is, to do research to find out its  
5 systematic relation. For this type of dispute, no need to do  
6 things like education. It is to no avail." End of quote.

7 Who was it that provided this instruction at the cell congress on  
8 the distinction between adversarial and internal disputes?

9 A. It was Om Ieng Sary, again, who had to clarify this, in  
10 particular what the antagonistic contradiction could have been.  
11 He also taught us about the ambiguous -- or uncertain political  
12 stance that needed to be corrected through the session.

13 [10.24.23]

14 The term "adversarial contradiction" had to be eradicated  
15 because, when people bore these concepts, we could not live or  
16 get along well together and we have to take some actions. For  
17 example, the actions could be done through way of sending them to  
18 the labour camp to work, do farmings because keeping them alive  
19 means killing the revolution. So each individual's performance  
20 had to be judged accordingly.

21 Q. The next section of the notes from the cell congress record  
22 the cell plan of 1977, and that starts at the next page of the  
23 notes, Khmer 00427942, English page 00003332.

24 Who was it that presented the cell plan for 1977?

25 A. It was Om Ieng Sary again.

1 Q. Was the cell plan just presented orally at the meeting or did  
2 you also receive the plan in writing?

3 A. It was done orally. There was no hand out delivered.

4 [10.27.21]

5 Q. And the very first notes in the first part of the cell -- 1997  
6 cell plan state as follows -- quote: "The special aspects in 1977  
7 which our cells should pay attention to is high revolutionary  
8 vigilance and self-mastery to get rid of the enemies both inside  
9 and outside the country." End of quote.

10 Do you recall receiving directions to be vigilant, to get rid of  
11 internal and external enemies?

12 A. Yes, I do.

13 Q. Do you remember when it was -- what point in the Democratic  
14 Kampuchea regime -- when you first started receiving instructions  
15 like this about the importance of being vigilant against enemies?

16 [10.29.05]

17 A. The term "highly revolutionary vigilance against enemies" was  
18 the kind of instruction that was given to us from the very  
19 beginning.

20 Q. And if you could turn to Khmer ERN pages 00427945 through  
21 427946 -- in English, these are pages 00003334 through 3335 --  
22 there's a section titled "The Functions of the Office" which I'd  
23 like to ask you about. And this is on the Khmer 427945, the  
24 section titled "The Function of the Offices", which contains the  
25 following statement:

1 "We must guarantee security and trace the personal biographies in  
2 the entire ministry and must gather weapons and ammunition and  
3 send them to the military headquarter. We must always investigate  
4 the enemies in the ministry." End of quote.

5 [10.30.52]

6 Do you recall being instructed to trace the biographies of cadres  
7 in the ministry?

8 A. It was the internal affairs and it must be memorized by  
9 members working in the ministry.

10 MR. PRESIDENT:

11 Thank you, the Prosecutor. Thank you, Witness.

12 The time is now appropriate for a break. We will adjourn until 10  
13 to 11.

14 Court officer is instructed to facilitate the witness and his  
15 duty counsel during the break, and please have them back before  
16 us when we come back.

17 (Court recesses from 1032H to 1052H)

18 MR. PRESIDENT:

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

20 I now hand over to the Prosecution to continue his line of  
21 questioning. You may proceed.

22 [10.52.51]

23 BY MR. LYSAK:

24 Thank you, Mr. President.

25 Q. When we broke we were talking about the issue of biographies.



30

1 Can you tell us, were all the cadres who worked at the ministry  
2 required to prepare biographies?

3 MR. ROCHOEM TON:

4 A. Yes, they had to provide their biographies.

5 Q. And we were looking at the section of the notes of the 1977  
6 cell plan, and I want to turn you now to the end of that section,  
7 which is at Khmer page 00427948 and English ERN 0003336. And the  
8 section of the notes I wanted you to look at is titled "The  
9 Leadership Line to complete the 1977 Plan".

10 Again, that's Khmer 00427948. And in the section titled  
11 "Leadership Line to Complete the 1977 plan", there's the  
12 following statement -- quote: "You must not let the masses in the  
13 ministry know all of our plans." End of quote.

14 Who was it that provided this instruction?

15 [10.55.51]

16 A. In that congress, Ieng Sary was the presenter and he outlined  
17 as to what were considered internal matters. So those matters who  
18 were considered internal was to be known by only internal staff.

19 Q. Do you recall, in general, what the matters were that were  
20 considered internal that were to be kept a secret from the other  
21 ministry cadres?

22 A. I cannot recall them because it happened long time ago.

23 Q. The last part of the notebook, this document that I wanted to  
24 ask you about, is a section that starts at Khmer ERN 00427848 and  
25 continues through 427854 the corresponding English pages are

1 00003265 through 3270 and this section of the notes is titled -  
2 quote -- "14 July 1976: Objectives to Direct the Work of the  
3 Ministry of Foreign Affairs from July 1976 to July 1977".  
4 [10.57.54]

5 And if you could look at that part of the notes and then, I  
6 wanted to first direct you to the start of part four, which is on  
7 Khmer ERN 00427849, English ERN 00003267. And on that page -- on  
8 page 427849 -- there is a section titled "All Working Sectors",  
9 which lists seven sections of the ministry. And the seven  
10 sections of the ministry that are identified are: one, Propaganda  
11 and Education Unit; two, Office; three, Farming Sector; fourth,  
12 Political Sector; fifth, The Protocol Office; sixth, the  
13 Governing Secretariat; and, seventh, Civil Aviation.

14 My first question is whether this list accurately reflects the  
15 different sections of the Ministry of Foreign Affairs as of July  
16 1976.

17 A. Yes, the heading is "All Working Sectors". And, yes, it does  
18 reflect the various sections.

19 Q. And the second section that is listed here, "Office", is that  
20 the part of the ministry for which you were responsible?

21 A. Yes.

22 Q. And if you would turn to Khmer page 00427853, which is English  
23 page 00003269, on that page there is a paragraph eight that  
24 describes a unit called the "Secrecy Sector" that I'd like to ask  
25 you about.

1 [11.00.40]

2 Now, on this page, the "Secrecy Sector" is described as follows

3 -- quote:

4 "This sector is under the leadership of the Office. Reports must  
5 be clearly made to the Office. Educate in political and spiritual  
6 standpoints constantly. Assign and push forward the three  
7 movements and get rid of freedom, plan to increase production."

8 Can you tell us what the function of the Secrecy Unit was and who  
9 was in charge of that unit?

10 A. In the Ministry of Foreign Affairs there was a section in  
11 charge of secrecy matter. This matter was not meant to be known,  
12 in general, by others because in that there was secret guests,  
13 visitors and open visitors. So, people who were tasked with  
14 secrecy matters would have to implement their tasks accordingly.

15 [11.02.25]

16 Q. And, if you could briefly turn to the paragraph four of this  
17 section, which relates to the political sector -- and that is on  
18 Khmer page 00427851 English page 00003268, and this is the first  
19 long paragraph in the section that describes the political  
20 sector. And the statement that I wanted to ask you about related  
21 to the political sector reads as follows -- quote: "Grasp tightly  
22 the situation of the Revolutionary Movement inside and outside  
23 the country so that we can be confident in the implementation of  
24 the collective political line of Angkar."

25 My question for you is: Who was it that communicated to ministry

1 cadres the "collective political line of Angkar"?

2 A. Om Ieng Sary was the common -- was a presenter in the session,  
3 and each section would pick up what being lectured during the  
4 sessions to be presented in their each respective unit. For  
5 example, people in the education section would also pick from  
6 what being instructed during the main session chaired by Mr. Ieng  
7 Sary to the session -- this applied to the protocol section and  
8 also to the secrecy section.

9 Q. Who was the head of the ministry's political section?

10 [11.04.56]

11 A. For political section it was Angkar -- Om Ieng Sary who was  
12 overly in charge, and Bong So Hong was his -- the person -- the  
13 second in command from him.

14 Q. On the next page of the notes -- Khmer ERN 00427852, English  
15 ERN 00003269 -- there is a description of the secretariat that  
16 I'd like to ask you about. And that's - it's numbered paragraph  
17 6, and the - what I'd like to ask you about reads -- it's a  
18 description of the governing secretariat, and it describes its  
19 functions -- one of its functions as following - as follows --  
20 quote:

21 "Helping the offices to deal with the compilation of in/out  
22 documents, letters of congratulation, national ceremonies, the  
23 military days of our friendly nations, letters exchanged across  
24 all the embassies and states in preparation for international  
25 conferences."

34

1 Can you tell us who was the person who was in charge of the  
2 secretariat section of the ministry?

3 [11.07.06]

4 A. In the Ministry of Foreign Affairs, Mr. Thiounn Prasith was in  
5 charge of this affair.

6 MR. LYSAK:

7 Okay, thank you. That's all the questions I have from those  
8 notes.

9 I have one other document - a new document that I'd like to give  
10 to the witness at this time, which is E3/857. I have a hard copy  
11 to give to the witness and I'll have some foundational questions  
12 to determine if the witness has knowledge of this matter.

13 MR. PRESIDENT:

14 You may proceed.

15 Court officer is now instructed to bring the hard copy of the  
16 document from the Co-Prosecutor to the witness for examination.

17 BY MR. LYSAK:

18 Q. Mr. Witness, the document that I'm giving to you -- which,  
19 again for the record, is E3/857, is dated the 12th of September  
20 1977 and is titled "Working with the Committees of Every Unit"  
21 and appears to be a report of a ministry conference -- I'd like  
22 you to take a look - look at the document and tell me whether  
23 you're familiar with the ministry conference that is discussed in  
24 the document.

25 [11.09.11]

1 MR. ROCHOEM TON:

2 A. This section also was chaired by Om Ieng Sary. The report was  
3 filed for all units. People from all parts of the country were  
4 invited to attend the session and people who worked in various  
5 sections in Phnom Penh also were part of the session, they were  
6 invited.

7 Q. The first item in the initial section, which is titled  
8 "Summary of the Reports from Every Unit" -- the first item in  
9 that section is titled "Enemy Activities", and it's on Khmer page  
10 00086707, English ERN 00355487, and French ERN 00811327.

11 And the specific reference that I'd like to ask you about reads  
12 as follows: "At our ministry's conference, it was noted that we  
13 have basically smashed and swept cleanly away the enemies who  
14 were CIA, KGB, and Yuon Territory swallowers."

15 [11.12.28]

16 Who was it that reported at the ministry conference that CIA,  
17 KGB, and "Yuon" enemies had been smashed and swept cleanly away?

18 MR. PRESIDENT:

19 Witness, could you please hold on? Wait until we hear from  
20 counsel for Mr. Ieng Sary before you may proceed with your  
21 response.

22 Counsel, you may proceed.

23 MR. ANG UDOM:

24 Thank you, Mr. President, Your Honours. Good morning, everyone in  
25 this courtroom. Witness has not responded to the question

36

1 concerning whether he is familiar or have ever read these  
2 documents before.

3 I have noted that he is reviewing the document, and for the  
4 purpose of acknowledgement of the document we should -- a  
5 question should be put to him to see whether he has seen the  
6 document before so that we are now following the rules as stated.

7 [11.13.42]

8 MR. LYSAK:

9 Mr. President, I heard the witness say "identify the conference  
10 that the document relates to" and say that "the document was  
11 distributed to all the cadres". So I believe he has already  
12 testified to the matters that counsel is asking about.

13 MR. PRESIDENT:

14 Thank you.

15 The objection and ground for the objection by counsel for Mr.  
16 Ieng Sary are not substantiated and therefore, not sustained.  
17 Co Prosecutor may proceed, and Witness is instructed to respond  
18 to questions when put.

19 [11.14.42]

20 MR. ROCHOEM TON:

21 A. As I already stated, this document was done, and it was in the  
22 meeting. And I also am familiar with the document. I received the  
23 document during that session. This document is about the report  
24 on each unit's summary of work, and then the meeting approved the  
25 content of which, including the numbers of CIA or KGB who were

1   smashed and swept clean.

2   MR. PRESIDENT:

3   Thank you, Witness. The last question put to you by the  
4   prosecutor appears to be forgotten by Witness, so you may -- Co  
5   Prosecutor may be now advised to repeat the question so that  
6   Witness can respond directly to that question.

7   BY MR. LYSAK:

8   Thank you, Mr. President.

9   Q. The specific question was -- the very first sentence in this  
10  report states: "At our ministry's conference it was noted that we  
11  have basically smashed and swept cleanly away the enemies who  
12  were CIA, KGB and Yuon."

13  Was it one person in particular who made this statement or report  
14  at the ministry? And if so, who was that?

15  [11.17.01]

16  MR. ROCHOEM TON:

17  A. I do not remember this. I don't remember who, but I already  
18  stated that Om Ieng Sary was the one who made the presentation,  
19  and So Hong was also the person who summarized the report  
20  submitted by each subunit or section. And indeed the summarized  
21  report would be the compilation of reports that are submitted by  
22  each individual representative of each unit. That's why, finally,  
23  there was a conclusion that was inviting.

24  And I would like to confirm that I had -- I have seen the  
25  document before.



1 MR. PRESIDENT:

2 Counsel, you may now proceed. Witness, could you please hold on?

3 [11.18.19]

4 MR. SON ARUN:

5 Good morning, Mr. President. Good morning, Your Honours. My  
6 sincere apologies for being on my feet to cut the question and  
7 answer session by Mr. Co Prosecutor and the witness. My client,  
8 Mr. Nuon Chea, feel dizzy and could not remain in the courtroom.  
9 He asked that he be excused and be allowed to observe the  
10 proceedings from his holding cell.

11 MR. PRESIDENT:

12 The Chamber grants such request. Mr. Nuon Chea can be now taken  
13 to his holding cell where he can observe the proceedings from  
14 there. Counsel for Nuon Chea is advised to submit the waiver  
15 signed or given thumbprint by Mr. Nuon Chea immediately to the  
16 Chamber.

17 AV booth officer are instructed to ensure that his cell is well  
18 connected to the courtroom so that he can observe the proceedings  
19 from there.

20 Security personnels are now instructed to bring Mr. Nuon Chea  
21 down to the holding cell.

22 MR. SON ARUN:

23 I am sorry, Mr. President, may we also ask that a medical doctor  
24 is assigned to check his health condition?

25 [11.19.56]

1 MR. PRESIDENT:

2 Indeed, your request, just now made before the Chamber,  
3 concerning the health status by your client, perhaps is well  
4 informed already to the medical doctor because he's on duty to  
5 make sure that the health condition of each Accused is checked.  
6 And counsel is now advised not to do so amid of the questioning  
7 session -- or cross-examination session unless your health -- the  
8 health condition of your client is very grave and that you need  
9 to interrupt the proceeding.

10 However, we find that it's not very helpful, because everyone got  
11 lost midway, and we're in the middle of nowhere because we don't  
12 know from which point the witness was specifying, and perhaps he  
13 also forgets the question asked to him.

14 [11.21.07]

15 MR. ROCHOEM TON:

16 Mr. President, I would like Mr. Prosecutor to repeat the question  
17 because I have forgotten it.

18 BY MR. LYSAK:

19 Yes, Mr. President, I think we were just about to start a new  
20 question.

21 Q. The same paragraph from the report that I've asked you about  
22 on page -- Khmer page 86707. At the end of the first paragraph  
23 the document states as follows:

24 "We achieved unity that the enemy is not yet completely gone from  
25 our ministry or from any of its units of organization. We must

40

1 therefore continue sweeping cleanly to make our ministry, like  
2 each and every one of its units, immaculate."

3 Who was it that provided the instruction to continue sweeping  
4 cleanly the ministry?

5 MR. ROCHOEM TON:

6 A. Based on the document, it was Om Ieng Sary who made such  
7 statement, because he already indicated that such a sweeping  
8 clean effort was done properly already, and we continued to do  
9 so, and this was a very internal matter because, according to the  
10 reports obtained, some people still were not certain concerning  
11 their position, their stance. Although we have done great so far,  
12 there's still some points that need to be dealt with in the future.

13 [11.23.35]

14 Q. And towards the bottom of the same page, Khmer 00086707, and  
15 this is on English 00355488, and French ERN 00811327, the  
16 document contains the following statement:

17 "The enemy makes it heard that in a little while everybody will  
18 be arrested and only Brother Khieu Samphan will be left. Our  
19 comrades know how to analyze this sort of thing and report it.  
20 Once we have affected the arrests and conducted the  
21 interrogations we can see the enemy links clearly."

22 Do you remember who it was at the ministry conference who made  
23 that statement?

24 A. I think the point is too detailed for me to remember.

25 Q. That's all the questions I have on that document, Mr. Witness.

41

1 Let me now turn to another subject matter. Was there a period of  
2 time, during the Democratic Kampuchea regime, when people were  
3 arrested and disappeared from the ministry?

4 A. Yes, it was. However, I do not remember. Perhaps it was  
5 happening in 1977 and 1978.

6 [11.26.03]

7 Q. And were cadres from the ministry also sent to worksites for  
8 tempering?

9 A. Yes, they were. People were sent to the production site and  
10 also the worksite for tempering.

11 Q. What were the production and worksites to which ministry  
12 personnel were sent for tempering?

13 A. For B-1 Office, people would be sent to Takhmau production  
14 section, which was under the supervision of the ministry.

15 Q. Did the Takhmau production site have a code name or code  
16 number?

17 A. No, there is no code name. It's only known as production site,  
18 Takhmau.

19 Q. Were ministry personnel also sent to the Kampong Chhnang  
20 Airfield construction site?

21 A. People who were sent to the Takhmau production site were not  
22 sent to Kampong Chhnang Airfield. I don't know whether people  
23 were sent there, but none of them were sent from my section.

24 [11.28.50]

25 Q. What type of conduct resulted in ministry personnel being sent

1 for tempering?

2 A. People who committed some minor mistakes. For example, they  
3 did not work actively or failed to perform the tasks given to  
4 them.

5 Q. And who was it that made the decision on whether ministry  
6 personnel should be sent for tempering?

7 A. In the ministry, at the kitchen section we worked with people  
8 in charge of the kitchen, and if you noted that they made some  
9 mistake, then they would be sent to be tempered there.

10 For the guest reception section, people who was in charge of the  
11 section, who spotted the wrongdoings of their subordinates, then  
12 would make the decision to send people out to be tempered.

13 However, whatever decision was made, the final approval had to be  
14 from Om Ieng Sary.

15 [11.30.53]

16 Q. Mr. President, I'd like to read a -- to the witness, a short  
17 excerpt from his second OCIJ interview, which is document E3/63  
18 -- E3/63, and the reference that I'd like to ask him about is at  
19 Khmer ERN 00228846, English ERN 00231411, and French ERN  
20 00376057.

21 We previously provided a copy of that interview. I have another  
22 copy with me if we need that one, and we'd also like to display  
23 the section on the screen.

24 MR. PRESIDENT:

25 Yes, you may proceed.

1 Court Officer, please examine document before the witness and  
2 facilitating so that it save the Court time.

3 (Short pause)

4 [11.32.32]

5 If you cannot locate the document on the screen, please obtain  
6 the hard copy from the Prosecution and present it to him.

7 BY MR. LYSAK:

8 Q. The part of your statement to the Co-Investigating Judges that  
9 I wanted to ask you about again, it's on Khmer page 228846, and  
10 it reads as follows: "Office 870 sent the information to Uncle  
11 Ieng Sary, who was the person who made the decisions on who was  
12 to be sent to be tempered." End of quote.

13 The question I'd like to ask you is: What type of information was  
14 sent by Office 870 to Ieng Sary relating to cadres who were  
15 subject to tempering or arrest?

16 [11.33.57]

17 MR. ROCHOEM TON:

18 A. On this point, as I indicated earlier on, first upon receiving  
19 the information or document from Office 870, Ieng Sary would  
20 advise accordingly, but it was the decision of the Office 870,  
21 but the instruction came through Om Ieng Sary and Om Ieng Sary  
22 would decide on -- would continue to implement that decision or  
23 instruction.

24 Q. Did Ieng Sary receive from Office 870 S 21 confessions  
25 containing the names of ministry cadres who had been implicated?

1 MR. PRESIDENT:

2 Witness, please hold on; there is an objection by the  
3 international defence counsel for Khieu Samphan.

4 [11.35.23]

5 Counsel, you may proceed.

6 MR. VERCKEN:

7 Thank you very much, Mr. President. I have the same objection to  
8 level.

9 I see that the witness stands by his previous statements. I'm not  
10 sure if it's entirely conducive of the prosecutor's questions to  
11 have him repeat his answers; he can answer the questions in order  
12 to confirm what he has said previously.

13 MR. PRESIDENT:

14 Thank you.

15 And I wish to remind the witness that you are testifying before  
16 us without making specific reference to the document, so you may  
17 simply respond to the question posed by each party. There will be  
18 -- there may be variation between the statement you provided in  
19 your earlier interview and the question being asked to you, but  
20 unless you are directed to a specific portion of the document,  
21 then you can refer to that written record of the statement.

22 [11.36.45]

23 And, in addition, you are advised to listen attentively to the  
24 question put by the parties, and you do not have to read the  
25 answer from the statement.

45

1 The Prosecutor, you may -- could you please repeat your last  
2 question?

3 BY MR. LYSAK:

4 Thank you, Mr. President.

5 Q. My question is: Did Ieng Sary receive from Office 870 S 21  
6 confessions that contained the names of ministry cadres who had  
7 been implicated?

8 MR. ROCHOEM TON:

9 A. When there was a written instruction from the upper authority,  
10 then he would relay that information to people involved, and  
11 there was personnel from the ministry who go and fetch the  
12 document from the Office 870.

13 [11.38.10]

14 MR. LYSAK:

15 Mr. President, at this time I'd like to read a section from the  
16 witness's -- the same interview, E3/63, and this is on -- I  
17 believe it's on the same page: Khmer ERN 00228846, French ERN  
18 00376057, and English ERN 00231411. And we'd also like to put  
19 that on the screen.

20 MR. PRESIDENT:

21 Yes, you may proceed.

22 BY MR. LYSAK:

23 Q. In your interview, Mr. Witness, you were asked the question:  
24 "Who made the decisions on who was sent to S 21 or to be  
25 tempered?"



1 And your answer was as follows:

2 [11.39.12]

3 "Cases of the most serious wrongdoing were taken from the  
4 implications in the confessions and reported by Duch to Office  
5 870 then sent to B 1. Office 870 sent the information to Uncle  
6 Ieng Sary, who was the person who made the decisions on who was  
7 to be sent to be tempered. Uncle Ieng Sary told me that those  
8 confessions were sent to him with annotations. Sometimes he  
9 received them during communal mealtimes and sometimes they were  
10 sent to his office via secret letters."

11 My first question -- follow up question on this is: Who was it,  
12 to your knowledge -- who was it from Office 870 that sent these  
13 documents to Ieng Sary?

14 MR. ROCHOEM TON:

15 A. Office 870. And it could have been Om -- the first Uncle or  
16 the second Uncle.

17 Q. Did Ieng Sary tell you what types of annotations were on the  
18 confessions that he received?

19 [11.41.06]

20 A. I did not see the letter or documents, but there was  
21 statements there -- he never revealed it to us. But as for the  
22 specific individuals to be taken away for tampering, was decided  
23 by the Office 870. And I did not see annotation or letters from  
24 anyone myself.

25 Q. Did Ieng Sary tell you what he did with the confessions after

1 he received them?

2 A. He instructed to me that certain confession indicated the  
3 implication of KGB or CIA or other aggressive forces.

4 Q. And when it was determined that ministry personnel were to be  
5 arrested, who conducted the arrests?

6 A. Most of the time, Office 870 conducted the arrest and they  
7 also sent trucks to take people away.

8 Q. Was there a specific unit at Office 870 that was responsible  
9 for conducting these arrests?

10 A. At that time people called that Unit Y-10.

11 Q. And did you know who was in charge of the Y-10 Unit?

12 A. The first person I knew from Y-10 was Hien (phonetic) and Vann  
13 (phonetic); he -- they were military personnel attached to Y-10.

14 [11.44.44]

15 Q. And can you tell us how the military personnel from Y-10 who  
16 came to the ministry to conduct arrests -- how did they know  
17 where to find the person they were arresting?

18 A. For example, a person by the name "A" according to that  
19 document, then the ministry would ask the named individual to  
20 stay in the ministry and they would not allow that person to  
21 leave the ministry until he was taken away.

22 MR. LYSAK:

23 Mr. President, I'd like to read another excerpt from the same  
24 interview, E3/63. This excerpt is at Khmer 00228845, English ERN  
25 00231411, and French ERN 00376056. And we'd also like to put that

1 on the screen with your leave.

2 [11.46.25]

3 MR. PRESIDENT:

4 Yes, you may go ahead.

5 BY MR. LYSAK:

6 Q. In this statement to the Co-Investigating Judges, you made the  
7 following statement -- quote:

8 "If there was any confession, the names of those implicated were  
9 sent to Uncle Ieng Sary for him to clarify and to tell them who  
10 those persons were and in what sections they worked. They were  
11 subsequently arrested by military personnel from Y-10 of Office  
12 870. The arrests were made during the day or during the night and  
13 the prisoners were transported away by vehicle."

14 [11.47.16]

15 The question I have for you is: How - how did you learn -- become  
16 aware that Ieng Sary clarified for Office 870 the people who were  
17 implicated? And how did you become aware that Ieng Sary told --  
18 identified who those people were and the sections they worked in?

19 MR. ROCHOEM TON:

20 A. On certain occasions Ieng Sary -- Om Ieng Sary told me, but at  
21 other times Bong So Hong told me. We worked together at that  
22 time. And then they told us that these individuals were to be  
23 taken away. So we worked there together, Uncle Ieng Sary and  
24 Brother So Hong.

25 Q. I'm glad you mentioned So Hong because I wanted to give you a

1 chance to respond to something that he has testified to in this  
2 trial.

3 [11.48.50]

4 In his testimony, So Hong indicated that there were some  
5 occasions where cadres who were to be arrested were taken outside  
6 the ministry building by you and then picked up there by Office  
7 870 people and taken away.

8 Let me read specifically the testimony that he gave so that you  
9 have an opportunity to respond to that. And the reference is from  
10 trial transcript E1/69.1 at page 16.

11 So Hong was asked: "Do you know where the people who were taken  
12 away from that office went to?"

13 And his response was as follows -- quote:

14 "I knew that Cheam took those people away. I did ask Cheam about  
15 it -- that is, where those people were taken to -- and I said  
16 could it be me next time? I was kidding at the time and he said  
17 to me that he took those people out of the office and then other  
18 people came to take them from him, so he did not know about  
19 that."

20 [11.50.08]

21 Were there occasions where you took the people who were to be  
22 arrested out of the ministry office where they were then picked  
23 up by the personnel from Y-10?

24 A. Yes, there were. As indicated by Bong So Hong -- and I also  
25 indicated earlier that on certain occasion I took those people

50

1 out of the ministry, and then we would meet up with the people  
2 designated by the Office 870 in one of the locations. And then  
3 they would take them away from me, and I did not know where they  
4 took those people to. That was based on the statement I made  
5 earlier, that once there were statement implicated any  
6 individuals from Office 870 and Office 870 instructed Ieng Sary,  
7 then Om Ieng Sary would continue to instruct us to carry out the  
8 instruction, or otherwise Bong So Hong would instruct us.

9 Q. That was the next question I wanted to ask you, which was: On  
10 the occasions when you did take people who were to be arrested  
11 outside the ministry who instructed you to do that?

12 [11.51.56]

13 A. As I said earlier, Om Ieng Sary and Bong So Hong were my  
14 direct superiors. Only the two leaders here instructed me.

15 Q. In the cases of -- when ministry cadres were taken away by  
16 personnel from Office 870, did you ever see those persons again?

17 [11.52.26]

18 A. I did not see them because they were arrested and I did not  
19 see them, I did not know about their fate.

20 Q. Thank you.

21 I want to turn now briefly to another subject, which is the issue  
22 of students or intellectuals who returned from abroad to  
23 Cambodia.

24 Did -- after liberation, are you aware whether Ieng Sary  
25 instructed or encouraged students and intellectuals who were

1 living overseas to return to Cambodia?

2 [11.53.44]

3 A. On this point, as I mentioned subsequently in my statement,  
4 since Uncle Ieng Sary was responsible for Ministry of Foreign  
5 Affairs, he educated the cadres and intellectuals who were  
6 willing and happy to come and serve the nation. Then he would  
7 appeal to them and he was happy to receive those intellectuals.  
8 For example, he would take individuals who were considered to --  
9 or consider intellectuals to serve in the Ministry of Foreign  
10 Affairs.

11 Of course we could not recruit farmers to work in the ministry  
12 because they could not write and read very well. And, in  
13 addition, our work was relating to foreign affairs and diplomatic  
14 communication also, so we needed intellectuals in order to handle  
15 those important tasks.

16 Q. What happened to students or intellectuals who returned from  
17 other countries during the regime? Where were then sent when they  
18 arrived in the country?

19 [11.55.23]

20 A. On this point, following the liberation on the 17th of April  
21 1975, Office 870 managed the work directly. And as for the  
22 ministry with which I worked, we only invited the intellectuals  
23 who were interested in working in the Ministry of Foreign Affairs  
24 to work with us. As for intellectuals in general, it was under  
25 the management of Office 870.

1 Q. And are you aware of the location that was under Office 870  
2 where returning intellectuals and students were sent?

3 A. The location was in Boeng Trabek. It was under Office 870 and  
4 it was -- and another place was Pun Ta Lei. I did not -- its  
5 whereabouts but I heard of these two locations.

6 Q. Was there -- did Boeng Trabek at some point -- was it  
7 transferred from under Office 870 to the Ministry of Foreign  
8 Affairs?

9 A. In late 1978, Pang disappeared, and then Vorn came to take the  
10 place as the Chief of Boeng Trabek. And then Office 870  
11 instructed that it be transferred under the supervision of B-1.  
12 At that time, intellectual Seng Hong was the chief and he was  
13 there as well, and then later on Brother Hor Namhong was also  
14 there.

15 [11.58.26]

16 Q. Prior to the time that Boeng Trabek was transferred to the  
17 ministry, do you know whether or not Ieng Sary in his capacity as  
18 a member of the Standing Committee had any involvement or  
19 responsibility for the students and intellectuals at Boeng  
20 Trabek?

21 A. On this point, I did not know as to how much Ieng Sary was  
22 involved. But when Office 870 transferred the supervision role to  
23 Ministry of Foreign Affairs, Bong -- Uncle Ieng Sary and Bong So  
24 Hong, together with me, met with the intellectuals over there,  
25 and we also conducted training sessions with them as well over

1 there.

2 Q. How many times did you go to Boeng Trabek after it was put  
3 under the control of the ministry?

4 A. From the time when the Centre was transferred under the  
5 supervision of Ministry of Foreign Affairs, I went there rather  
6 frequently but I dealt only with the livelihood and situation of  
7 people over there. I visited there often, sometimes once a week  
8 or sometimes once every 10 days. And -- or in short, whenever  
9 there was any urgent matter to be dealt with, I would visit there  
10 without any scheduling.

11 [12.00.43]

12 Q. And how many times were you aware of that Ieng Sary went to  
13 the Boeng Trabek site?

14 A. We went together -- he, and I, and Hong. It was already in  
15 late 1978. We were there on three occasions only.

16 Q. How many people were located at the Boeng -- Boeng Trabek site  
17 when you went there?

18 A. I saw a lot of people whose names I don't remember. There were  
19 people from various -- from the ministry, people who came along  
20 with their spouses and children, too many people there.

21 Q. You indicated that Ieng Sary provided some instruction or  
22 teaching while you were at Boeng Trabek. Can you tell us a little  
23 more about what subjects were discussed or taught by Ieng Sary at  
24 Boeng Trabek?

25 [12.02.52]



1 A. So far as I remember, during the sessions he presented to us  
2 the update on the global situation and situation within the  
3 country. And he emphasized firmly the roles of intellectuals in  
4 contributing to the socialist revolution – or social revolution  
5 rather. And he said that people with higher education should  
6 partake in the Movement and build one self in accordance with  
7 what the revolution would want us to become. And they also needed  
8 to be in self-criticism sessions as the others.

9 MR. LYSAK:

10 Mr. President, I have – I have about 10 minute further of  
11 questions. I spoke to the civil party lawyers at the break, and  
12 they told me that they do not require the full afternoon, so if I  
13 needed the first 10 minutes of the afternoon session they were  
14 willing to allow me to finish then.

15 [12.04.20]

16 So I can either continue on now or I can use the first 10 minutes  
17 of the afternoon before turning it over to the civil parties.

18 MR. PRESIDENT:

19 Since it is now appropriate time for adjournment, we shall now  
20 adjourn.

21 And indeed, for the time you would like to put questions to the  
22 witness this afternoon, you could do so when we resume for the 10  
23 minutes you asked.

24 And court officer is now instructed to ensure that Mr. Witness  
25 and his duty counsel be properly assisted during the lunch break

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1 and have them returned to the courtroom by 1.30.

2 Security personnels are now instructed to bring Mr. Khieu Samphan  
3 to his holding cell and have him returned to the courtroom by  
4 1.30.

5 (Court recesses from 1205H to 1333H)

6 MR. PRESIDENT:

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

8 Without further ado, we would like to hand over to the  
9 Co-Prosecutor. Please use the appropriate time as requested this  
10 morning. You may now proceed.

11 [13.34.35]

12 BY MR. LYSAK:

13 Thank you, Mr. President. Good afternoon, Mr. Witness. I have  
14 just a few more subjects to ask you about.

15 Q. And I want to go back to an issue we talked about on Friday,  
16 which was Ieng Sary's 1974 trip to Cambodia. Can you tell us how  
17 long in total Ieng Sary was in Cambodia when he returned in 1974?

18 MR. ROCHOEM TON:

19 A. In 1974, so far as I remember -- perhaps early 1974 -- he came  
20 and also he came to attend the General Congress in that same  
21 year. That -- the two occasions.

22 Q. On the trip that -- where he attended the General Congress in  
23 June of 1974 that we discussed on Friday, what else did he do in  
24 Cambodia on that trip, if you recall?

25 [13.36.30]

1 MR. PRESIDENT:

2 Witness, could you please hold on? Wait until the Chamber hears  
3 from counsel for Mr. Khieu Samphan.

4 Counsel Kong Sam Onn, you may now proceed.

5 MR. KONG SAM ONN:

6 Thank you, Mr. President. I may need clarification because I  
7 heard through interpreter that he met with the witness on Friday.  
8 Was that meeting during hearing? But I remember that there was no  
9 hearing on Friday.

10 BY MR. LYSAK:

11 Thank you, Counsel. I misspoke; I was referring to the testimony  
12 on Thursday. Thank you for correcting that.

13 Q. So, other than the meeting we talked about on Thursday, the  
14 Party Congress that Ieng Sary attended, what else did he do on  
15 that trip to Cambodia?

16 [13.37.44]

17 MR. ROCHOEM TON:

18 A. So far as I remember, he went nowhere else apart from  
19 attending the Congress. And I just don't remember where he went  
20 to after that.

21 Q. Do you remember whether there was any discussion of the  
22 evacuation of Phnom Penh at that June 1974 Congress?

23 A. I do not think such a matter was being discussed during that  
24 time.

25 Q. The next subject I wanted to ask you about, during the months

1 leading up to the 17th of April 1975, do you recall hearing about  
2 the seven Lon Nol super traitors? Do you remember that subject?

3 A. No, I don't.

4 Q. And the last area I want to go back to is the April 1975  
5 meeting at B-5 that you talked about on Thursday.

6 Following that meeting at B-5 that related to the evacuation of  
7 Phnom Penh, was the plan to evacuate Phnom Penh well known and  
8 talked about among the cadres who were at the B-5 Office?

9 [13.39.57]

10 A. After the discussions by the leaders, information was  
11 disseminated to others.

12 Q. Thank you.

13 Mr. President, I'd like to end by just playing a 10-second video  
14 clip for the witness. This is an excerpt from case file number  
15 D108/32.2. It is video V00172512 -- that's V00172512. And the  
16 clip is from -- for the record, is from the one hour and  
17 40-minute 21-second point to the one hour 40-minute 34-second  
18 point. Both the full video and the clip are listed in our Annex  
19 16 as Documents 263 and 271.

20 I believe the Audio-Visual Unit has the clip and is ready to play  
21 it for the witness. There's no need for sound. We just want the  
22 witness to look at the pictures and see if he can identify them  
23 for us.

24 Just to clarify, the video is about 10 seconds, not 10 minutes.

25 [13.42.02]

1 MR. PRESIDENT:

2 You may proceed.

3 AV booth officer is now instructed to ensure that the video clip  
4 can be put up on the screens.

5 (Audio-visual presentation, no sound)

6 [13.42.33]

7 BY MR. LYSAK:

8 Q. I recognize it's a short clip, Mr. Witness. If you want us to  
9 play it again, we can.

10 But were you able to recognize the three people that were in the  
11 video?

12 (Short pause)

13 MR. PRESIDENT:

14 AV booth officer is now instructed to display the video footage  
15 again.

16 (Audio-visual presentation, no sound)

17 [13.43.53]

18 BY MR. LYSAK:

19 Q. Were you able to identify the three people who were in the  
20 video clip that we just showed?

21 MR. ROCHOEM TON:

22 A. I saw three people including Pol Pot, Nuon Chea, and Khieu  
23 Samphan.

24 Q. And you can see in this video there is a thatched roof --  
25 thatched roof hut with wooden poles. Is the hut that is shown in

1 this video similar to the hut at B-5 that you told us about on  
2 Thursday, where the meeting held -- took place in April of 1975?  
3 Is that a similar structure to where the April 1975 meeting at  
4 B-5 took place?

5 A. Yes, that's the same hut, but this time we only saw three  
6 people. When I was talking about this the other day, there were  
7 more people in the hut.

8 MR. LYSAK:

9 Thank you very much, Mr. Witness. We appreciate your time and  
10 your detailed responses.

11 [13.45.30]

12 And, Mr. President, Members of the Bench, I have no further  
13 questions at this time.

14 MR. PRESIDENT:

15 Thank you.

16 We would like now to hand over the floor to the Lead Co-Lawyers  
17 for the Civil Parties to proceed with questions to the witness if  
18 they would wish to do so.

19 MR. PICH ANG:

20 Good afternoon, Mr. President. Good afternoon, Your Honours. On  
21 behalf of the Lead Co-Lawyers, I would like to assign this task  
22 of asking questions to Mr. Chunthy and Élisabeth Simonneau-Fort.

23 MR. PRESIDENT:

24 You may now proceed.

25 [13.46.32]

1 QUESTIONING BY MR. LOR CHUNTHY:

2 Thank you, Mr. President. Good afternoon, Your Honours. Good  
3 afternoon, my learned colleagues and everyone who is observing  
4 the Court proceedings. And very good afternoon, Mr. Witness.

5 I am Lor Chunthy. I am from the Legal Aid of Cambodia  
6 representing civil parties. I have a few questions to put to you.  
7 The questions would be classified into different subject matter.

8 Q. The first question is: When did you join the revolution?

9 MR. ROCHOEM TON:

10 A. I did in early 1963, and I left my home in 1966 on the 24th of  
11 August. During 1963, I joined the revolution in my village.

12 Q. Thank you. How old were you when you joined the revolution?

13 A. I was 16 or 17 years old.

14 Q. When you joined the revolution, did you understand the meaning  
15 of "revolution"?

16 [13.49.35]

17 A. I was inspired by my uncle. In 1954, he went to Vietnam. And  
18 my father, during the Issarak Regime, he also took part in the  
19 Movement, so I was told. And my uncle disappeared later on. He  
20 went there to study communism, and it was not yet clear,  
21 concerning the Movement. We noted the North Vietnamese movement  
22 that passed us and we noted the armed soldiers. They wore  
23 military uniforms and hats and I was inspired by that.

24 Q. I may seek a point of clarification. You said about the work  
25 of your uncle and father that inspired you to join the

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1 revolution. But how would you be influenced by the Khmer Rouge to  
2 join the revolution, since you were from the Jarai ethnic  
3 minority group. How were you convinced?

4 [13.52.08]

5 A. I bore witness to this. In my village, I noted that letters  
6 were being ferried from one village to another, and I saw --  
7 witnessed the meetings in the jungle, and I heard my in-law, who  
8 gave -- who educated young people in the jungle that -- we were  
9 the young people, and we were ethnic minority groups, and we were  
10 not educated -- we did not receive any education before.

11 And now we were brought some hope. And we -- I'm not sure whether  
12 it relevant to that or not, but we were told that we had to join  
13 the revolution for the cause of Indochinese revolution. And I did  
14 not speak Khmer very well back then. I learned from my in-law --  
15 my in-law who had been in contact with other people in the  
16 revolution. And I was too young back then.

17 He continued to say that revolution was, indeed, to free us from  
18 being oppressed. And of course, when there is oppression, there  
19 must be struggle. And to free us, we have to jointly join hands  
20 in fighting this, altogether with the Vietnamese and with other  
21 people in the region.

22 [13.54.41]

23 I don't know how he got this idea from, but I believe that he had  
24 been educated on this, and he taught this to us. And young people  
25 in the village were conscious -- they had been conscious and



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1 joined the revolution long before me.

2 And I joined the revolution during the second phase of the  
3 recruitment already, and I did so after consulting with my  
4 parents. They said that as a boy, I could go as far as I wished  
5 to, because they felt that my uncle already could do that, so  
6 that I could already join the revolution. And -- the idea was  
7 supported by member of the family, like my elder brother, and my  
8 elder brother said that I was healthy and I could do that. And my  
9 elder brother said that his health was not that good, so he  
10 allowed me to join the revolution first.

11 [13.56.03]

12 And no one forced me anyway to join the revolution, because it  
13 was done on my own accord. And when people said we should go to  
14 the jungle -- and I just felt that it was the need to join them,  
15 and I went to join them.

16 At the very beginning, I was in the jungle -- exposed to the  
17 jungle for a few months.

18 Q. Thank you.

19 The reason I asked this question -- because when it comes to the  
20 Democratic Kampuchea's revolution, people were influenced by some  
21 ideology before they could be convinced to join the revolution,  
22 and people were led by the Party to win a victory.

23 So my question again is that: Did you realize that when you were  
24 convinced by the management of the Party -- did you know where  
25 you would go after joining the revolution?

1 [13.57.36]

2 A. I may proceed to the year of 1964. In 1964, I heard from my  
3 in-law that there would be a revolution by Khmer people -- by  
4 every Cambodian. So I was even so excited and inspired by that,  
5 because I just -- when I heard the term "revolution", I really  
6 would like to join. Because the more I listened to it, the  
7 pleasant it -- the more pleasant I -- or it took -- or it gave me  
8 pleasure to really listen to that. And I was angry -- very angry,  
9 having heard all about how people who were being oppressed. And  
10 as a male individual, I would be very determined to play a part  
11 in this.

12 And in 1965, the movement in Vietnam was the strongest. We knew  
13 that a lot of people came from Vietnam to the whole jungle.

14 [13.58.58]

15 Indeed, early on in 1962, in my village, in Nhang village, there  
16 was -- there were bombings. Aerial bombardments already started  
17 in 1962. And having recollected the event when we had to escape  
18 from being bombarded, we found that -- we found it very easy to  
19 understand how suffering -- how much pain we suffered from such  
20 aerial bombardment. So any topic about this would convince us  
21 very easily. So people got injured and I just witnessed  
22 everything. So I believed that that was the heinous act by the  
23 imperialist -- American imperialists. These people really  
24 attacked people arbitrarily, so if they attacked us here -- they  
25 invaded us in Cambodia -- so I was witnessing this, and I really

1 hated it, and I was angry.

2 [14.00.12]

3 And I saw -- also saw the movement of -- the Vietnamese movement  
4 -- the war movement in 1965. By that time, I was so much inspired  
5 and I was hopeful that I was making the right decision.

6 And I left my village in 1965. I left for -- I left from my  
7 village to join the revolution and spent a great deal of time  
8 there. And I also met people who gave us some education. I saw  
9 only people from the same ethnic minority groups.

10 But, again, when I attended more meetings, I noted that each  
11 village was led by a leader who also joined the revolution.

12 Before I joined the revolution, I did not know that people could  
13 be enthusiastic in such a revolutionary course, and I was so  
14 excited being educated on the revolution matter.

15 And I understood this even more when I met Om Ieng Sary in 1967.  
16 They brought us with the portraits of Lenin, Marx -- Karl Marx --  
17 and then taught us some more lesson, and this can also enlighten  
18 me more on my understanding of the revolution, and made me love  
19 the revolution even more.

20 Q. So my next question. On the 26th of July 2012, at 11.12, the  
21 Prosecution asked you about three photos, and you said that the  
22 location of photos were adjacent to Trapeang Prei village.

23 [14.02.30]

24 Geographically, where was it located? It was in Boeng Lvea  
25 village, Santuk district, Kampong Thom province. I simply would

1 like to ask your confirmation, whether or not that location was  
2 Trapeang Prei or Trapeang Tuem.

3 A. The office was in between Trapeang Prei and Trapeang Tuem  
4 villages. If we travel from the forest, then we would pass  
5 Trapeang Tuem village. That office was so close to the Trapeang  
6 Prei village, and it sits on the western part of Chinit River.

7 Q. Thank you for your clarification.

8 From 1971 to 1974, did Khieu Samphan and Pol Pot meet frequently?

9 A. From 1971 to 1974, they met rather often. There were some time  
10 when they were separated, because the office were located in  
11 different sides, but later on the offices were moved close to one  
12 another.

13 [14.04.37]

14 Then Khieu Samphan came to work in the office adjacent to Pol  
15 Pot's office. And I also indicated the other day that sometimes  
16 they worked together, among three of them -- Uncle Number One,  
17 Uncle Number Two, and Khieu Samphan. But on certain occasions Pol  
18 Pot wrote -- prepared notes in his house or location. So, on  
19 certain occasions, they prepared their documents separately in  
20 their respective locations.

21 Q. Thank you. So when they met in your observation, did they  
22 often meet in the afternoon -- or late afternoon?

23 A. They met in the morning, when they had breakfast. They had  
24 gruel together, and then they started meetings from say, 8.30 to  
25 11.00. And then, during lunchtime, they also met. And then they

1 had a short break, and then the work would resume in the  
2 afternoon. And then, following the conclusion of the day's work,  
3 they would go back to their respective location and they had  
4 dinner separately.

5 [14.06.37]

6 Q. So is it safe to say that they met frequently? They met  
7 subsequently to discuss matters; is that correct?

8 A. Yes, that is correct.

9 Q. I move on to another point. Prior to liberation of 1975 on the  
10 17th of April, who appealed to the Lon Nol soldiers and people at  
11 that time? My question really is whether or not there was an  
12 appeal on the radio broadcast. Did you, yourself, hear the appeal  
13 on radio station? And if there was such an appeal, who made that  
14 appeal?

15 A. There was a public appeal, and Om Khieu Samphan was the one  
16 who appealed.

17 Q. Thank you. So the appeal was made by Khieu Samphan. What was  
18 the substance of the appeal? Did he encourage people to take arms  
19 and resist or -- what was the substance of the appeal?

20 A. Back then, Khieu Samphan was the commander-in-chief. So he  
21 appealed to people to join the armed forces and he also appealed  
22 to the public at large in order not to fight against Khmer people  
23 -- their own people.

24 [14.09.32]

25 Q. Thank you.

1 I now move to the next point. In the revolution, there were  
2 evacuation of people in certain locations, particularly in the  
3 Liberated Zones. So, after the people were evacuated, did people  
4 -- or were people returned to their own location following the  
5 evacuation?

6 A. Through my observation, following the evacuation, there was no  
7 plan to return them to their previous location.

8 Q. Thank you. When the meeting was convened in order to decide on  
9 the issue of evacuation of people from towns and urban areas,  
10 particularly Phnom Penh city, did the Khmer Rouge follow their  
11 previous practices of evacuation?

12 A. What happened on the ground was that before Phnom Penh was  
13 liberated, I saw, through my experience, people were evacuated in  
14 Udong. But the place under the administration of Son Sen, the  
15 evacuation was also implemented.

16 [14.12.30]

17 People who were evacuated from the downtown areas were supposed  
18 to reside in different Liberated Zones. And it did not raise any  
19 issue at all at the time. And that was the practice, and it was  
20 supposedly good practice.

21 And as far as the soldiers and armies were concerned, once they  
22 have liberated any zone, then they would evacuate people and then  
23 relocated the people. It would be easier from the management  
24 perspective, because the element was not that complicated.

25 And we did not have any problem with the people at all, because

1 in that new location we knew that the people were of -- from the  
2 same elements. So, from management perspective, it was easy. Even  
3 if the enemy wanted to infiltrate, it would not be difficult to  
4 identify or single them out.

5 Q. I would like to extend on that point. You said there were  
6 evacuation in Udong and you were aware of that situation. So did  
7 you observe whether there was any consequences as -- from that  
8 evacuation? Were people terrified of evacuation? Were people  
9 worried that they would not come back to their hometown?

10 [14.14.37]

11 A. I travelled back and forth across that location, and people  
12 who had been evacuated went to reside in a different location.  
13 And there were no -- any difficulties at all. And surrounding  
14 Udong complex, it was considered Liberated Zone. So people did  
15 not have any problems or difficulty at all residing in the  
16 Liberated Zone. And from the people's situation, overall, they  
17 did not encounter any difficulties.

18 And as far as the food supply is concerned, people did not have  
19 problem with the food. And those New People became members of the  
20 Liberated Zone, so they mixed up with people. If people went out  
21 to the field to grow crops, they would do it together. And if  
22 they go -- if they try to get the palm juice or so, they would  
23 join force to do it together in those Liberated Zone. There was  
24 no issue at all.

25 [14.15.54]

1 Q. Thank you.

2 So may I go back a little bit concerning the meeting to discuss  
3 the evacuation of the people, particularly the evacuation of  
4 people from Phnom Penh? Did you happen to know that the leader at  
5 that time consider other risks of evacuating people --- of  
6 people, for example the adverse impact on the livelihood of  
7 people who used to live in Phnom Penh city? Can you tell the  
8 Court about that?

9 A. Following the liberation of Phnom Penh, people were evacuated  
10 out of the city to different directions. I did not receive any  
11 information concerning the difficulties or risk encountered by  
12 those people, but we only saw people leaving the city. Sometimes  
13 -- some of them left the city barefooted.

14 [14.17.30]

15 And when I was travelling along the Western part of Phnom Penh, I  
16 met the people leaving the city. One of the families carried two  
17 bags of bank notes, and they sweat all over their body. And I  
18 asked them what you were carrying. They dare not tell me. And  
19 then I inspected those two bags, and I saw all the bank notes.  
20 And I told them that you did not have to carry the bank notes; it  
21 would be a waste of your time. If you went to the Liberated Zone,  
22 no bank notes were used, so it would be a waste for you. And then  
23 he -- they fell -- they could not hold their tears -- they burst  
24 into tears. And I tried to console them, telling them that that  
25 was the evolution of the situation. He should not be too grieved



1 over that fact.

2 That was the instance I encountered myself. As for other  
3 obstacles or difficulties, I did not really see what people had  
4 any problems because, in the cooperatives, they had sufficient  
5 food supply, even though there were no formal exchange of goods  
6 and -- or so, but they had food to eat. I tried to convince them  
7 that, in the countryside, millions of people could make their  
8 living, and it would not be challenging for just one million  
9 people leaving the city. There would be enough food to feed them.

10 Q. So you are saying that, before the evacuation, there were no  
11 explanation as to how those people would make their living when  
12 they were relocated.

13 [14.19.41]

14 Did you know that the evacuation was a long term plan, or it was  
15 the short term plan with the purpose of sweeping out the enemy,  
16 or it was -- they were evacuated on fears that there would be  
17 enemies infiltrated into them? Or what did the management or the  
18 leadership consider of the serious consequences of the  
19 evacuation?

20 A. To be honest, I did not understand the plan designed by the  
21 upper leadership, but I noted that there were evacuation of  
22 people from the city when I got into the city, it was already  
23 empty. But in terms of securities, nothing could happen with the  
24 people because everything was under the control of the Khmer  
25 Rouge regime.

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1 But later on I heard from the base, as well as from the soldiers,  
2 that people who left Phnom Penh city were enduring a lot of  
3 difficulties. But I also heard from them that, well, Phnom Penh  
4 people -- that served Phnom Penh people well because they had  
5 been living in luxurious life for a long time, so they should  
6 endure the difficulty like what we had done - had come across  
7 ourselves.

8 [14.21.35]

9 Q. Thank you. So you -- you have witnessed the evacuation of  
10 people yourself, and you met people leaving the city.

11 My question is whether or not you saw Khmer Rouge soldier  
12 accompanying those evacuees -- or did any of the Khmer Rouge  
13 soldier abuse them in any way? For example, some evacuee might  
14 have left something or their belongings behind and they wanted to  
15 come and get them and then they met Khmer Rouge soldier who was  
16 guarding over there. Did they use any violence against those  
17 civilians? Did you see this happen during the evacuation period?

18 A. No, I did not -- no, I did not see that happen. Personally, I  
19 did not see that.

20 [14.22.58]

21 Q. Thank you.

22 Did you know that those evacuees were referred to as "New  
23 People", or "17 People" or "the Depositees"? Can you elaborate on  
24 this reference?

25 A. On this point, people who left Phnom Penh following the 17 of

1 April 1975, they would settle in different bases. Some Old People  
2 called them "New People" and some of them called them "17 April  
3 People" because when those people got to the base, they would be  
4 recorded to keep the statistics.

5 So it was the usual practice from management perspective that  
6 they would have to have the exact figures as to how many New  
7 People came in the village allocation. That was part of the  
8 administration purpose. So it was only when we prepared the list  
9 of people could we manage the number of people in the village.  
10 And, in addition, we also wanted to ensure that we could control  
11 the elements in the village.

12 [14.25.38]

13 Q. When the plan to evacuate people from Phnom Penh was carried  
14 out, was there any plan to receive the people from the cities?

15 A. As I have answered subsequently so far, the evacuees from the  
16 city were received by people in the cooperatives and they worked  
17 alongside with the people in the base. In certain locations the  
18 management of the people who came from the city was good, but in  
19 certain location there were problems because in certain  
20 cooperatives there were a so-called "personal revenge". I also  
21 encountered that situation, and people normally were tasked to  
22 carry husk and build dams and they had only rice, watery gruel.

23 [14.27.26]

24 And I encountered this situation as well, and I met people over  
25 there, and I thought to myself -- I actually told him, the chief

1 of that cooperative, that if people had watery gruel, then it  
2 means that the cadres in that cooperative were not good enough.  
3 And then that gentleman was not serious with my questions, and I  
4 told him that he had to be serious about that matter. And then,  
5 actually, the gentleman told me that I had to mind my own  
6 business because, if I was from the upper authority, I had to  
7 mind my own business. But it was my personal character that I  
8 would say what I saw it, and I told him that in the revolution,  
9 we had to ensure equality in our relation. And I told him that if  
10 people had watery gruel, it was not a good sign because we were  
11 human being, we have to be treated properly. So that's what I saw  
12 at that time. I told the chief of that cooperative.

13 Q. Thank you. When you said you went down to the cooperative and  
14 you saw that situation by your own eye, when did you go there?  
15 And did you report to the upper authority upon knowing that there  
16 were such situation in the cooperative?

17 [14.29.22]

18 A. From 1977 to 1978, I had travelled various provinces more  
19 frequently. I went to the provinces and I also noted -- or saw  
20 the situation of the people and I reported to the upper echelon.  
21 I was advised to be a man who calls a spade a spade. So, when I  
22 saw this, I had to really report to the upper echelon on what I  
23 saw. It doesn't matter who cadre he or she belonged to -- or at  
24 what level because I was very honest and I knew that, because of  
25 that, I was about to be purged, but I think I had been doing good

1 to survive.

2 Q. You said, when you saw what happened, you reported to upper  
3 echelon? To whom you reported -- Pol Pot or other people?

4 A. I was conscious I worked at the Standing Committee level with  
5 Uncle -- Om Ieng Sary, whom I could talk to. Mostly I talked to  
6 him. Om Pol Pot would call me to see him every now, and then and  
7 I would never hide anything from him -- what I saw.

8 [14.31.47]

9 On one occasion he said I did not need to tell him about this; I  
10 should do that in the self-criticism sessions, instead. When I  
11 said self-criticism session, it's more like when I talked about  
12 this to Om Ieng Sary. I told him about what I saw, and he said --  
13 he asked me to mind my own business and -- and he also -- when I  
14 met Om Number One, he asked me to wait until the session convenes  
15 so that I could really express or tell the meeting what I saw. I  
16 did not know whether he meant it or he would say it  
17 sarcastically.

18 Q. You said you report to Ieng Sary on this. After such report,  
19 was there any change? Had there been any measures being taken in  
20 the areas where you believed to have problems?

21 [14.33.25]

22 A. None of this idea was taken. I did not know what he said or  
23 did in the Standing Committee's meetings I just reported to him  
24 what I saw at the fields. He normally said that there was a  
25 transition that we had to pass and he explained to me that when

1 it comes to transition, he asked me to be patient. However, I  
2 could really be patient because what I saw was really painful.

3 Q. On the 26th of July, at 2 o'clock and 33 minutes, you said  
4 there was a meeting held at Preah Keo Morakot Pagoda in which the  
5 subject matter of building a progressive cooperative was  
6 discussed. Could you elaborate further on this? What would be the  
7 progressive cooperative?

8 [14.35.20]

9 A. "Cooperative" -- or "progressive cooperatives" referred to the  
10 cooperatives after the victory of 1975. They would like such  
11 cooperatives to be established in all - at all locations and  
12 bases. Cooperatives had to be strengthened so that members of the  
13 cooperatives could be well managed. Because we were told that  
14 national democratic revolution was accomplished, and we had to  
15 move forward to the social revolution. I did not quite understand  
16 the full details of this. However, through my experience, at the  
17 rural areas cooperatives were already in good progress and that  
18 they - they needed to be more enforced, strengthened so that we  
19 could generate some good forces for our national defense.

20 Q. So what kind of activities -- or what needed to be done in the  
21 cooperative to ensure that people could become active member of  
22 the cooperatives to make the cooperatives more progressive?

23 [14.37.28]

24 A. To improve cooperatives, we were told that we needed to do the  
25 -- to join the social revolution, which means everyone shall

1 enjoy equal treatment. It means, if we had to eat three dishes  
2 per day -- three meals per day, for example, each cooperative had  
3 to enjoy having the same amount of meal, and that we are -- we  
4 were doing this social revolution so that we could eventually  
5 reach the communism.

6 Because every member of the cooperative had been very devoted.  
7 They abandoned their big houses and they came to live together in  
8 the cooperatives. People wore the same clothes had the same  
9 ideology, received the same trainings. So they had to abandon the  
10 old bland ideology.

11 So that we are - we were equipped to speed up, to achieve the  
12 socialism and communism and that we had to understand how to  
13 protect our country, how to be self-sufficient, self-mastery.

14 And, indeed, after these complicated phases -- we knew that it's  
15 really painstaking, but we believed that we would be able to  
16 reach that goal.

17 And this is what I witnessed after travelling all around the  
18 rural areas. And I also noted the progress that had been made so  
19 far, during the course of my trip.

20 [14.39.53]

21 Q. With regard to the cooperatives, you already stated that when  
22 it comes to cooperatives, everyone had to have a communal eating.  
23 May I know when exactly when this communal eating concept or idea  
24 was established?

25 A. Communal eating started before Phnom Penh had been liberated.

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1 It was in 1970, the 18th of March, when the coup d'état was  
2 staged. And later on there was an event in 1973, when this  
3 practice was already in place. It happened in Liberated Zone.

4 [14.41.10]

5 In 1974, we would also see that people enjoyed having communal  
6 eating, but it was not commonly practiced in all places, but only  
7 after 1975 that the cooperatives were in great progress. This is  
8 what I witnessed.

9 MR. PRESIDENT:

10 Thank you, Counsel. Thank you, Witness.

11 Since it is now appropriate time for adjournment, we will adjourn  
12 for 20 minutes. The next session will be resumed by 3 o'clock.  
13 Court officer is now instructed to assist witness and his duty  
14 counsel during the adjournment and have them returned to the  
15 courtroom by then.

16 (Court recesses from 1442H to 1504H)

17 MR. PRESIDENT:

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

19 I hand over to the Lead Co-Lawyer for the civil party to continue  
20 the questioning.

21 BY MR. LOR CHUNTHY:

22 Thank you, and good afternoon.

23 In the interest of time, I would suggest that the witness respond  
24 briefly and concisely to the question.

25 [15.05.51]



1 Q. We left off just now with the information about the  
2 cooperatives. You said they were meetings at the Preah Keo Pagoda  
3 to discuss the evacuation of people to different locations,  
4 particularly to impart them in the advanced cooperative.

5 MR. ROCHOEM TON:

6 A. I did respond to that question earlier on concerning the  
7 meeting at Preah Keo Pagoda. The chairman at that time emphasized  
8 that we had to transform from socialism to democratic socialism  
9 and there were discussion in that meeting concerning that  
10 particular topic. He said that everything was over, now what we  
11 had to focus on was the cooperative task, and I could not  
12 elaborate further. But at that time we tried to strengthen the  
13 advanced cooperatives throughout the country because before that  
14 there were only such cooperative in -- only certain region. But  
15 as a measure, we want to strengthen this form of cooperative to  
16 be widespread across the country. And we wanted to be united  
17 internally so that we can strengthen our force.

18 [15.07.56]

19 Q. Thank you.

20 Following the victory of the 17th of April 1975, did the Party  
21 intend to publish or print banknote in order to transect in the  
22 economy?

23 A. As for the banknote, following the liberation of Phnom Penh -  
24 actually, the banknote was printed earlier on until late 1974.  
25 There were separate banknotes of the Democratic Kampuchea, and

1 that banknote was deposited in a building -- in a warehouse close  
2 to Wat Phnom, but it was not in circulation yet and it was not  
3 used as the means of payment. But as for printing, it had already  
4 been printed but it was not put into circulation.

5 Q. Thank you. What was the reason behind not using the printed  
6 banknote? Was there any plan to eliminate banknote entirely?

7 [15.09.44]

8 A. As I said in my statement earlier, the banknotes were printed  
9 but it just was not put in circulation. It -- probably the time  
10 was not right yet to circulate the banknote.

11 Q. But I would like to know whether or not there was a policy  
12 that the banknote were to be abolished and there was no --  
13 private possession were allowed. Was that embodied in the policy?

14 A. Yes, as the plan -- the printed banknotes were not put into  
15 circulation, and the market system was not operational. And it  
16 was the decision of the leadership that the market was not put to  
17 functioning and the money was not put in circulation. That's all  
18 I knew at that time.

19 Q. There was such a decision, but was that decision disseminated?

20 A. No, it was not disseminated; we only learned about it in a  
21 very narrow situation. It was actually made known to only a  
22 select few in making the decision. At that time, people did not  
23 know that the banknote had been printed, because there was a  
24 strong sentiment at that time that we had to eliminate private  
25 ownership and we had to combat against corruption. So we wanted

1 everything to be in collective property, we -- at that time, cows  
2 and buffalos were everywhere and they belonged to the collective.

3 [15.12.07]

4 Q. I move to the next point. You said that you met Khieu Samphan,  
5 and Khieu Samphan told you that you could show the guest around.

6 But I would like to ask you whether or not you knew about the  
7 role and decision making vested with Khieu Samphan back then.

8 A. I knew him since 1971. He was a very well-known intellectual.

9 They -- Pang was the predecessor, and then his successor was  
10 Doeun. And the public at large knew about him and they said that  
11 when Doeun disappear, he was in charge of Office 870.

12 And when there was foreign guest visit to the East Zone, he was  
13 the one to authorize us to accompany the visit of foreign guest  
14 to the East Zone. And I had to go through that administration.

15 So, once I got the approval, then security were ensure, because  
16 whenever there were foreign visit, the issue -- the main issue  
17 before us was security. So security was the top on the agenda of

18 the -- touring the foreign visitors. Because following the  
19 liberation, there were still problems of power struggles in

20 different zones because each zone leader wanted to be the leader  
21 for their respective region. So we had to ask for permission from  
22 Office 870. Unless there was an approval from 870, did we go to  
23 different location where we wanted to introduce to our foreign  
24 guests. So we had to ask for prior approval from Office 870.

25 [15.15.14]

1 Q. My question to you was concerning the role of Khieu Samphan.

2 How much power did he have in Office 870?

3 A. In late 1978 -- it's my own guess, but it may be a close guess

4 -- Om Ieng Sary told me that, even at the central level, there

5 were some complicated matters. And at that time he was also a

6 member of the Central Committee and he was designated to take the

7 place of Doeun. And I thought that he was member of the Standing

8 Committee and he was in charge of welcoming guest and receiving

9 credentials from foreign guest, and also looking at other

10 national administrative matters.

11 [15.16.46]

12 Q. Can you tell the Court about the relationship between Office

13 B-1 with Khieu Samphan's office?

14 A. B-1 related to all offices across the country because -- B-1

15 Ministry and the staff wanted to know any information about the

16 situation in the country, we had to go to Office 870 because 870

17 devised the political plan as well as other administrative affair

18 of the nation. So we had to go there to get information and

19 decision.

20 Q. You said just now that there were difficulties immediately

21 after the liberation because certain leaders in the zones wanted

22 to be -- they wanted to arrange their respective location. But

23 later on, did you know that some of the zone leader disappeared

24 mysteriously? Did you know that?

25 A. I did not know that in detail, but problems persisted, and the

1 security issue in particular posed a problem, particularly in  
2 1977. And then, later on, the leaders of some zones disappeared.  
3 And as I said, only certain -- certain zones did not have -- were  
4 not in good terms with Pol Pot, so it may have been the reason  
5 why they disappear.

6 [15.19.19]

7 Q. How about Koy Thuon? What happened to him?

8 A. As far as I know, Koy Thuon was then appointed to be the  
9 Secretary of Commerce following the liberation, and then he  
10 mysteriously disappear, and I did not know the reason behind his  
11 disappearance.

12 MR. LOR CHUNTHY:

13 Thank you. Thank you very much. I appreciate it, Mr. Witness, and  
14 I thank you.

15 I would to now like to hand over to my international colleague to  
16 continue.

17 QUESTIONING BY MS. SIMONNEAU-FORT:

18 Yes. Good afternoon, Mr. President. Good afternoon to all of you.  
19 And good afternoon, Witness. I am going to finish today's hearing  
20 by putting a few questions to you.

21 [15.20.31]

22 Q. You've already provided us with a lot of clarification. You  
23 have answered many questions already from the Prosecution, from  
24 my colleague, and I would -- as far as I am concerned, I would  
25 like to focus on a few extra details and maybe ask you for a bit

1 of clarification so that I may understand better what happened.  
2 My questions are just follow-up questions that are going to  
3 follow a chronological order based on the events that occurred,  
4 and we will start with this meeting that took place at the  
5 beginning of April 1975, during which the evacuation of Phnom  
6 Penh was planned.

7 [15.21.16]

8 You explained during the proceedings -- and you already said this  
9 to the Investigating Judge -- that you had heard what was being  
10 said during that meeting at the beginning of April 1975, and you  
11 said that you heard the reasons that were provided, which were,  
12 if people were going to remain in the cities, they would be hard  
13 to control. And you also said that you had heard that the example  
14 of Udong was mentioned, and you said that the people approved  
15 strongly this project and that they even applauded.

16 So my question is the following: Since you heard all of this  
17 information, did you also hear that this evacuation was going to  
18 be organized in a very special way because there were too many  
19 people in Phnom Penh? Did they mention any specific form of  
20 organization in order to evacuate all of these people in Phnom  
21 Penh?

22 [15.22.43]

23 MR. ROCHOEM TON:

24 A. On this point, I have already answered. I mentioned that I was  
25 guarding at that time, and the presenter was Pol Pot, and other

1 leaders also agreed with Pol Pot, and the rest agreed with the  
2 three leaders, and then all of them applauded. And that was said  
3 about the evacuation of the city. No minor details were mentioned  
4 in that meeting.

5 Q. Thank you.

6 Let me put to you a more specific question: Did you hear then  
7 about the way the people were going to be fed once they were  
8 evacuated, the way they would be given water to drink, the way  
9 that they were going to be -- the way that the elderly were going  
10 to be taken care of, as well as children, as well as people who  
11 were sick? Did you hear anything about these matters during the  
12 meeting?

13 [15.24.06]

14 A. As I said just now, I did not know the details of the plan.  
15 And I also said that during the meeting, minor details were not  
16 elaborated either.

17 Q. Thank you for having let me know that the minor details were  
18 not considered.

19 Now let me move on to my following question. You arrived in Phnom  
20 Penh on 19 April and you explained what you had seen to us,  
21 during the proceedings, and you had already explained this to the  
22 Investigating Judges. You said that you had seen bodies along the  
23 roads. And you just said to us now that you saw people carrying  
24 currency and people who did not want to get rid of this currency.  
25 Did you also see people who were ill, people who had trouble

1 walking, women carrying children, people who were facing a lot of  
2 hardship?

3 [15.25.19]

4 A. Talking about the evacuation, of course those people who were  
5 evacuated must experience hardship -- that is -- that was  
6 needless to say, because those people got used to living in  
7 luxurious life. For example, they stay in the air-con room or so,  
8 but when they were being evacuated, they sweat all over their  
9 bodies. So of course they endure hardship when they were being  
10 evacuated.

11 But when we tried to fight in order to liberate city, we also  
12 endured a lot of hardship. We risk our life in order to liberate  
13 city. And people who simply left the city, it was not considered  
14 that difficult.

15 [15.26.33]

16 Q. Thank you.

17 Then you entered Phnom Penh. And you told the Investigating Judge  
18 on 5 December 2007, in document E3/24 -- and you said the  
19 following -- maybe I can mention the ERN. Or I can just read the  
20 sentence in order to go faster, and then I can provide the ERNs  
21 in all three languages if this -- if you agree to that. Is that  
22 possible? Thank you.

23 So, in this document E3/24 -- the French ERN 00503921, English  
24 ERN 00223582, Khmer 00204069 -- and you say the following:

25 "To the contrary, at that time, they told us that they feared --



1 or to be careful of the forces -- or that we had to be vigilant  
2 in relation to the forces hiding in the houses even though the  
3 large forces had already been illuminated."

4 Can you tell me what this "forces hiding inside the houses"  
5 meant?

6 [15.28.15]

7 A. The hiding forces. Normally, when the main forces were  
8 defeated, then the hiding forces would probably hide out in  
9 houses and they prepared plots with grenades and other  
10 ammunitions or so. So, if we did not get rid of those forces,  
11 then they would probably resist or rebel against us. Then it  
12 would pose the threat to the revolution.

13 So, when we carried out revolution, we had to be the master of  
14 the situation. If we could not catch up with the evolving  
15 situation, we would fail. So we had to get rid of the hiding  
16 forces. There were hiding forces out there. Even though they were  
17 defeated, but it does not mean that the forces were defeated  
18 entirely, because there were still elements who wanted to uprising  
19 against the regime. That's why there were forces hid out in the  
20 houses.

21 There were that possible scenarios, because even in the Liberated  
22 Zone there were some bad elements over there, and there were  
23 enemies and spies hidden in the Liberated Zone. That's why the  
24 air raids could attack some of the location. That's why we had to  
25 master the situation.

1 [15.30.20]

2 So, as we see, even if we evacuated people from Phnom Penh, we  
3 could control the country for only three years and eight months.  
4 And if we did not get rid of those elements, we did not know as  
5 to how many we could hold on to the power. There were plenty of  
6 people, including the KGB, the CIA agents.

7 Q. Thank you very much, sir. Now, did you, yourself, be able --  
8 were you able to ferret out any enemies who were ensconced in  
9 those houses? And what did you do with them afterwards?

10 A. After the evacuation, I did not see more enemies. I think  
11 there was no more enemies, that's why I could survive and testify  
12 before the Chamber. If they lived, I could have been smashed.

13 [15.31.32]

14 MR. PRESIDENT:

15 Counsel, you are on your feet, I noted. You may proceed, Counsel  
16 for Mr. Ieng Sary. National Counsel, you may now proceed.

17 MR. ANG UDOM:

18 Mr. President, the question that -- put to the witness were more  
19 on a hypothetical nature.

20 MR. PRESIDENT:

21 Counsel, you may proceed.

22 MS. SIMONNEAU-FORT:

23 The only hypothetical aspect was related to the witness's answer.  
24 I do not believe that my question was at all based on  
25 assumptions.

1 BY MS. SIMONNEAU-FORT:

2 Q. My next question is with respect to the treatment of Lon Nol  
3 soldiers. Were there any special instructions with respect to how  
4 former soldiers under the Lon Nol regime were to be treated?

5 [15.32.38]

6 MR. ROCHOEM TON:

7 A. Those soldiers were defeated, they surrendered. The white flag  
8 was hoisted -- or raised, so we did not do anything to harm them.  
9 People were advised strictly not to do any harm to those people  
10 who were defeated.

11 MS. SIMONNEAU-FORT:

12 Mr. President, with your leave, I wish to refer to document  
13 D22/2189. I wish to read a very short passage from this document,  
14 which is on the French ERN pages 00827033. The equivalent ERN  
15 pages in Khmer are 0024567. Unfortunately, I was not able to  
16 obtain the English translation; my apologies to my Anglo-Saxon  
17 colleagues. This is a declaration made by a civil party.

18 [15.33.53]

19 Do I have your leave, Mr. President, to proceed?

20 MR. PRESIDENT:

21 You may proceed.

22 BY MS. SIMONNEAU-FORT:

23 Q. The civil party says the following:

24 "On 17 April 1975, the parents of my spouse Mr. Leng Pheng (who  
25 was a former colonel under the Lon Nol regime) as well as his

1 four elder brothers, Pheng Pros, Pheng Pom, Pheng Pich, Pheng  
2 Peou, were shot at their home, in the vicinity of the Central  
3 (sic) Market in Phnom Penh. On the same day, an uncle of my  
4 spouse (who's also a Lon Nol soldier) as well his wife, Samrang,  
5 and their three children were also shot by the Khmer Rouge at  
6 their homes located near the Central (sic) Market in Phnom Penh."

7 [15.34.55]

8 Mr. Witness, does this refresh your memory with respect to any  
9 specific events?

10 MR. ROCHOEM TON:

11 A. I'm afraid not. I don't know.

12 Q. Thank you. Once again, that was a statement made by a civil  
13 party.

14 Let us now turn to B-1.

15 In your interview, E3/24, on the ninth page of the French version  
16 and on ERN pages 00223585 of the English version -- and in the  
17 Khmer version, 00204071 -- you stated that when there were  
18 disappearances, which you had described this morning, nobody  
19 talked about those disappearances.

20 [15.36.06]

21 Mr. Witness, can you please tell me if you were bound to secrecy?  
22 Can you tell us the reason why you were forbidden from talking  
23 about those disappearances?

24 A. When we were told that we had to keep secrets, then we had to.

25 Q. Were you asked to respect secrecy with respect to those

1 disappearances?

2 A. There was no secrecy concerning people who disappeared. Those  
3 who disappeared had just disappeared.

4 Q. Can I please ask you why you are not elaborating on this?

5 A. It was part of the revolutionary secrecy.

6 [15.37.43]

7 Q. Thank you. Now, witness, did you ever fear for your own  
8 security in light of those disappearances?

9 A. I think I stated in my statement already that I was afraid, in  
10 particular by late 1978. The reason that I had reason to be  
11 concerned -- because I was asked to re-write my personal  
12 biography. By doing so, I felt worried because there was reason  
13 behind this.

14 Om Ieng Sary said that he, himself, was asked to re-write his own  
15 personal biography and that applied to Brother So Hong and to me,  
16 so I felt that if the other two people would disappear, and I too  
17 would disappear. That's why I was very afraid.

18 However, I was very adamant that I was -- I respected and  
19 dedicated my life under the revolutionary flag and I did my best  
20 for the cause of revolution. If I had to die because of that,  
21 there's nothing I could do about it, because I took an oath that  
22 I solemnly determined to serve the Party. We had nothing to fear.  
23 So that's what I had told myself.

24 [15.40.03]

25 Q. Based on what you've just told this Chamber, am I to gather

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1 that to disappear was tantamount do dying?

2 A. I'm not sure whether people who disappeared died or alive; I  
3 don't know.

4 Because a lot of senior people, including So Phim, Koy Thuon, So  
5 Phim (sic), Cheng An, a lot of these senior people disappeared.  
6 In Office 870, the very close people to me, including Pang and  
7 Doeun, also disappeared. So the great number of people in the  
8 whole country in various zones also had disappeared -- Hou Youn,  
9 Hu Nim were nowhere to be found. So, with that in mind, I  
10 couldn't help but being fearful.

11 [15.41.33]

12 Q. Thank you. Now, regarding those disappearances, you indicated  
13 earlier that soldiers from Y-10 came to B-1 and made arrests.  
14 Were you aware of the raison d'être -- or the function of that  
15 office -- Y 10?

16 A. Y-10 Unit was a military unit attached to the Standing of  
17 Central Office to give protection to this particular office of  
18 the Centre.

19 Q. Was Y-10 reporting to Office 870?

20 A. Yes, it was also under the supervision of 870.

21 Q. Thank you.

22 In your interview classified under E3/63 -- English ERN  
23 0023141110; in Khmer, 00228843, and in the French version, ERN  
24 numbers -- pardon me, I seem to have a little problem, I'll only  
25 be in a position to provide you with the English and Khmer ERN

1 numbers -- you were asked the following with respect to a  
2 statement made by Duch.  
3 Duch said that you brought people to S-21. You replied "No".  
4 Are you aware of any other individuals from B-1 who were given  
5 the responsibility of bringing people to S-21, or at least  
6 responsible for taking people beyond the borders of Y-10 to any  
7 other location?

8 [15.44.18]

9 A. This morning I stated that it was Y-10 force that brought  
10 people from B-1 to anywhere I never know. But for me, I also  
11 brought people there.

12 I don't remember -- I don't know - or, rather, I didn't know  
13 S-21. I was told to only take people to a particular house where  
14 they would be housed, and I only remember that people were taken  
15 to 870.

16 I don't know -- or I didn't know S-21, I only took people to  
17 Office 870 where other people would take them further from there.

18 Q. Thank you.

19 I wish now to address the topic of Boeng Trabek, with respect to  
20 which you've already provided this Chamber with some  
21 explanations. And you said most notably in your interview  
22 classified under E3/24, on the 12th page of the French version,  
23 on ERN page in Khmer 00204074, and on the English ERN pages  
24 00224387 -- you said that when B-1 was responsible for Boeng  
25 Trabek, the conditions were not as terrible as they were

1 previously.

2 [15.46.39]

3 Can you please describe some of the conditions that reigned  
4 before B-1 took over and why the conditions were not as bad after  
5 B-1 took over?

6 A. Through what I learned from meeting those intellectuals, at  
7 B-1 there was lack of everything -- food, rice, sometimes they  
8 provided foods once every 10 to 15 days. However, after this unit  
9 was under new control of New People, then there was no such lack  
10 of food. People could grow their own vegetables to feed the  
11 people there, and there was even meat -- pork, fish and beef. So  
12 the life of the people in this new location was much better, and  
13 people had enough to eat. When they had enough to eat, they could  
14 sleep very well. There was less -- there was not -- the situation  
15 was not difficult by the late 1978.

16 Q. What were the intellectuals put to do at Boeng Trabek?

17 [15.49.08]

18 A. I was there to manage the location. I asked people to grow  
19 vegetables. However, I said if it was too difficult to grow the  
20 vegetables, they could then decide not to do so.

21 And at that time people asked if they could listen to radio, so I  
22 brought a radio for them to listen to the news inside and  
23 outside. So I asked them to even just listen to the radio  
24 broadcast if they wished.

25 And I asked them to temper themselves by growing vegetables. I



1 told them that they did not need to grow the vegetables for the  
2 purpose of feeding other people. Instead, they grew the  
3 vegetables to feed themselves, to make sure that they're  
4 self-sustained.

5 [15.50.17]

6 So, as long as they could manage well, then we had enough forces  
7 and people could be refashioned and they could join force to  
8 build the country.

9 At the ministry, they had enough people to -- those who be able  
10 to speak foreign languages, those who had skills in diplomacy,  
11 and other skilled people. So, when -- to correct oneself to be in  
12 line with the Revolutionary Movement would not be difficult. And  
13 I just told them that it was not difficult; you just stay there,  
14 you had enough food to eat, and even coffee, an abundant amount  
15 of coffee. We could really -- the coffee could feed people for 20  
16 years if you like. I just told them so because we got plenty of  
17 available food there.

18 [15.51.41]

19 Q. Thank you very much.

20 Were there any disappearances from Boeng Trabek?

21 A. When I was there for a short while, I did not recall having  
22 seen anyone being disappeared, but I cannot speak for my  
23 predecessors; I did not know what happened during their  
24 supervision. And I don't where people at Boeng Trabek fled.  
25 On the 6th of January, I met Bong Hor Namhong, all the way to

1 Koas Krala location. I met him there, and he said that he was  
2 fleeing the country and fled all the way to France and coming  
3 back to become a senior individual or officer here.

4 Q. I'm sorry, you said that you didn't observe any  
5 disappearances, but did you hear about disappearances from Boeng  
6 Trabek?

7 [15.53.26]

8 A. I did not hear anything about disappearance.

9 MS. SIMONNEAU-FORT:

10 Thank you very much, sir. I have no further questions. I wish to  
11 thank you.

12 That brings me to a conclusion of my examination. Thank you very  
13 much, Mr. President.

14 MR. PRESIDENT:

15 Thank you, Counsel. And thank you, Mr. Witness.

16 The Chamber notes that it is now an appropriate time for today  
17 adjournment already. The testimony of Mr. Rochoem Ton will be  
18 continued tomorrow, by 9 a.m.

19 [15.54.22]

20 For tomorrow's sessions, questions will commence from counsel for  
21 Nuon Chea before the other two defence teams.

22 Mr. Rochoem Ton, your testimony has not yet come to an end. We  
23 would like to invite you to give the testimony again tomorrow,  
24 starting from 9 a.m.

25 Mr. Duty Counsel, you are also advised to come and assist the

1 witness tomorrow.

2 The court officer is now instructed to assist the witness during  
3 the adjournment and have him returned to the courtroom by 9 a.m.

4 Security personnels are now instructed to bring all the three  
5 accused persons back to the detention facility and have them  
6 returned to the courtroom by 9 a.m.

7 The Court is adjourned.

8 (Court adjourns at 1555H)

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