



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

ថ្ងៃ ខែ ឆ្នាំ (Date): 03-Feb-2016, 13:38

CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

28 January 2016

Trial Day 365

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

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KHIEU Samphan

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SENG Leang
SREA Rattanak

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List of Speakers:

Language used unless specified otherwise in the transcript

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

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

2 (Court opens at 0908H)

3 MR. PRESIDENT:

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

5 Per schedule, the Chamber continues to hear testimony of

6 yesterday's witness, that is, In Yoeung, and commence hearing

7 testimony of another witness, that is, 2-TCW-1007.

8 However, yesterday we heard testimony of witness, In Yoeung, for

9 15 minutes and, today, she has emergency in relation to her

10 health. For that reason, she's not able to testify and the

11 Chamber decides to hear testimony of the next witness, that is,

12 2-TCW-1007.

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

14 and other individuals to today's proceedings.

15 [09.09.53]

16 THE GREFFIER:

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

18 are present.

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

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

21 been delivered to the greffier.

22 The witness who is to testify today, that is, 2-TCW-1007,

23 confirms that, to the best of his knowledge, he has no

24 relationship, by blood or by law, to any of the two Accused, that

25 is, Nuon Chea and Khieu Samphan, or to any of the civil parties

1 admitted in this case.

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

4 Thank you.

5 [09.10.44]

6 MR. PRESIDENT:

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

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

15 [09.11.18]

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

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

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

2 This applies to the whole day.

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

5 (Witness enters the courtroom)

6 [09.13.58]

7 QUESTIONING BY THE PRESIDENT:

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

9 MR. SANN LORN:

10 A. My name is Sann Lorn.

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

12 A. I cannot recall my date of birth.

13 Q. How old are you this year?

14 A. I am 73 years old.

15 Q. When (sic) were you born?

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

18 Q. Where do you currently live?

19 A. Presently, I live in Srour Chhok village, Trapeang Prei
20 commune, Anlong Veang district, Oddar Meanchey province.

21 [09.15.32]

22 Q. What is your current occupation?

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

24 Q. What are the names of your parents?

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

1 deceased.

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

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

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

9 A. Yes. I do not have any relationship with Khieu Samphan or Nuon
10 Chea. I don't have anything to do with them.

11 [09.17.22]

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

14 A. Yes, I have.

15 Q. (No microphone)

16 INTERPRETER KHMER-ENGLISH:

17 Please turn on the President's microphone.

18 BY THE PRESIDENT:

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

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

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

5

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

7 [09.18.50]

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

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

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

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

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

20 [09.20.42]

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

22 MR. PRESIDENT:

23 Pursuant to Rule 91 bis of the ECCC Internal Rules, the Chamber
24 gives the floor first to the defence team for Nuon Chea, and the
25 allotted time for the two defence teams is two sessions. And per

6

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

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

4 You may proceed, Counsel.

5 MR. KOPPE:

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

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

8 Mr. President, just a brief remark before I start questioning the

9 witness. I'm very happy to start questioning this witness.

10 However, I would like to remind the Chamber that we requested

11 this witness to be summonsed in relation to Tram Kak district,

12 and not particularly in relation to the segment on the treatment

13 of the Vietnamese. I think it was your decision to have him

14 called specifically on that topic.

15 I will ask him questions about the segment on the treatment of

16 the Vietnamese; however, I think it would only be fair that, if

17 so needed -- I'm not sure yet -- that I also be in a position to

18 cross after -- cross-examine after the Prosecution is done.

19 [09.22.44]

20 MR. PRESIDENT:

21 Deputy Co-Prosecutor, you have the floor.

22 MR. LYSAK:

23 I don't think we have any objection should matters arise after

24 counsel's questioning, that it's appropriate for him to have

25 additional time.

7

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

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

9 [09.23.41]

10 MR. PRESIDENT:

11 Let me clarify the proceeding. The Chamber observes that the
12 defence team for Nuon Chea made a separate motion to hear the
13 witness on the Tram Kak trial topic. However, in this particular
14 instance, the defence team may put questions on that topic since
15 the topic is part of the scope of Case 002/02.

16 And of course, they may be related to other topics and, for that
17 reason, the Chamber gives the floor first to the defence team to
18 put questions to him regarding the current topic. And if other
19 matters arise after the questionings by the Co-Prosecutors and
20 the Lead Co-Lawyers for civil parties, the Chamber may decide to
21 give the -- an extra time or the floor to the defence team to
22 clarify those topics.

23 [09.25.02]

24 QUESTIONING BY MR. KOPPE:

25 Thank you, Mr. President. Good morning again, Mr. Witness. Let me

1 ask you first some questions about your background.

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

5 MR. SANN LORN:

6 A. Yes, that is correct.

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

9 [09.26.10]

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

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

13 A. Please repeat your question.

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

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

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

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

22 Q. I won't ask many questions about Ta Mok. You were -- you,
23 yourself, were asked some questions by the investigators of the
24 International Co-Investigating Judge. In this document, E3/9487,
25 in question and answer 121 and 123, you called Ta Mok, "the

1 supreme leader" -- "the supreme Khmer Rouge leader". Is it
2 correct that you said that to the investigators?

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

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

7 [09.29.28]

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

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

14 A. I do not get your question.

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

18 [09.31.03]

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

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

23 A. No, I wasn't. I was the messenger for Yeay Khom, who was the
24 daughter of Ta Mok.

25 Q. Just to be sure, maybe I mispronounced, are you saying that

10

1 you were not a messenger for someone called Pech Chim or Ta Chim?

2 MR. PRESIDENT:

3 Mr. Witness, please answer your -- the question because when you

4 answer the question, your microphone was not on yet, so it means

5 you haven't answered the question yet. So please answer the

6 question.

7 The question is, was you a messenger of Pech Chim or Ta Chim. And

8 Mr. Witness, please wait until the tip of your microphone turn

9 red because your answer is spread throughout the courtroom and it

10 is also interpreted into French and English languages.

11 So please wait until the tip of the microphone turn red, and then

12 you can give the answer.

13 BY MR. SANN LORN:

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

15 [09.33.54]

16 MR. KOPPE:

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

18 A. Ta Chim was also the district committee.

19 Q. You said you didn't hold any formal positions. Were you, at

20 one point in time, the village chief or chairperson in Prakeab

21 village? Prakeab village.

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

23 Q. How long did you stay the district's messenger? How long --

24 from when to when were you messenger for Yeay Khom and possibly

25 other district committee members? Do you recall?

11

1 A. I was the messenger of Yeay Khom in 1975, probably in 1974 or
2 1975. I cannot recall it well.

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

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

7 [09.37.02]

8 Q. So are you saying that the whole year, '76, you were in
9 Battambang to study agriculture or was it, rather, the whole of
10 1977, or maybe even '78?

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

14 Q. Were you in Battambang when the Vietnamese troops invaded
15 Kampuchea?

16 A. Could you please repeat your question?

17 Q. Were you still at the agricultural school in Battambang -- the
18 time when the Vietnamese troops invaded Kampuchea, end of
19 1978?

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

24 Q. You said you were a messenger for the district committee, at
25 least after 1975 in Tram Kak district; did you have any other

12

1 jobs, any other tasks to fulfil while you were in Tram Kak?

2 [09.39.43]

3 A. No, I did not have.

4 Q. Were you involved in transporting people from one location to
5 another location?

6 A. Yes, I was involved in transporting people from -- in each
7 commune.

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

10 A. The district gave the instruction to me to transport those
11 people, but I did not know or understood what types of people
12 that I transported.

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

14 A. No, I didn't.

15 [09.41.35]

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

18 A. Could you please repeat your question?

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

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

23 Q. And was it in 1975, that you were involved in this, or '76?

24 Was it at the beginning of the regime or maybe at the end of the
25 regime?

13

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

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

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

7 A. No, I did not live in Takeo town. I lived in the rural area.

8 [09.44.14]

9 Q. What do you recall about the treatment of people of Vietnamese
10 origin or Vietnamese ethnicity in the period between 1970 and
11 '75, during the time that Lon Nol was in power?

12 A. No, I cannot recall it.

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

15 Do you know someone with the name Ul Hoeun?

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

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

19 A. No, I did not know him.

20 [09.46.01]

21 Q. Let me read to you something that he said in this courtroom
22 about the period between 1970 and '75. Mr. President, this is
23 document E1/298.1, it's his testimony in this courtroom on the
24 7th of May 2015, at about 15.13 in the afternoon. He says the
25 following, Mr. Witness, and I quote:

14

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

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

11 A. No, I never heard about this.

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

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

16 [09.48.20]

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

21 This expert speaks about various massacres of Vietnamese people
22 everywhere in the country, but she also speaks about a massacre
23 in the town of Takeo, and she says, quote:

24 "The international press witnessed and reported most of these
25 murders, including another massacre in the town of Takeo, south

15

1 of the capital. There was an international outcry, and the U.S.
2 embassy protested to Lon Nol."

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

8 [09.50.05]

9 A. No, I cannot recall it.

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

14 A. No, I haven't heard about it.

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

21 Have you ever heard of that?

22 A. Related to what you have just raised, yes, I heard from people
23 saying about it. Yes, there were people saying about the
24 Vietnamese troops coming into Cambodia.

25 [09.52.11]

16

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

5 A. Yes, I have heard about it from people.

6 Q. Would you be in any position to say or maybe to estimate how
7 many Vietnamese people, how many people of Vietnamese origin,
8 were still living in Tram Kak district in 1975, let's say, as of
9 17 April 1975?

10 A. I did not know about the numbers of the Vietnamese people
11 living there.

12 [09.53.41]

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

17 A. At that time, I saw a huge number of Vietnamese people were
18 gathered and deported back to Vietnam.

19 Q. When, exactly, was this?

20 A. Please repeat your question.

21 Q. You just gave testimony that you saw a huge amount of
22 Vietnamese people being deported to Vietnam. My question to you
23 is, do you remember when, exactly, that was. When did you see
24 this? What year was it?

25 A. I cannot recall the year.

17

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

5 A. The deportation of the Vietnamese to Vietnam took place after
6 1975.

7 Q. And do you--

8 A. That is my answer.

9 [09.56.38]

10 Q. What else do you remember? Let me ask you a question first.

11 Were you, yourself, involved in the transport of these Vietnamese
12 people to Vietnam?

13 A. No. No, I did not see. As I told you earlier, I witnessed the
14 deportation of the Vietnamese, but I was not involved.

15 Q. How do you know -- how do you know it was a deportation? How
16 did you know that these people ended up in Vietnam, in South
17 Vietnam?

18 A. I heard from what people said -- I heard from what people said
19 at the district level.

20 [09.58.14]

21 Q. Let me go back to this Ul Hoeun person. Maybe you know him
22 under a different name, someone who also was called Ek Hoeun.
23 Does the name Ek Hoeun mean anything to you?

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

25 Q. Like I said, he says that he knew you or knows you. And he

1 says in his -- one of his WRIs that you were involved in the
2 transportation of about 9,000 Vietnamese families or Vietnamese
3 people.

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

7 A. Yes, that is correct. But the transportation was -- took place
8 under the order from the district. The district gave the order to
9 me to transport those people.

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

12 A. I did not know about that. After I dropped them off, I
13 returned.

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

16 A. Yes, that is correct.

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

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

22 [10.01.47]

23 A. I did not know about that.

24 Q. Were you ever part of the meeting, either before '75 or after
25 '75, in Takeo provincial town or maybe somewhere else where Ta

1 Mok or maybe Ta Saom spoke and told the people who attended this
2 meeting what should be done with Lon Nol military up the ranks
3 from 2nd Lieutenant to Colonel? Have you ever heard this?

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

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

9 [10.03.35]

10 A. No, I did not know anything regarding the former Lon Nol
11 soldiers.

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

14 A. Yes, that is true.

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

18 A. No, I never did that.

19 Q. Did you ever discuss with Yeay Khom or with Pech Chim or
20 anyone within the district what was to be done with people who
21 were considered bad elements or people who were considered as
22 opposing or even toppling the revolution?

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

24 [10.05.42]

25 MR. KOPPE:

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

5 MR. PRESIDENT:

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

8 [10.06.35]

9 QUESTIONING BY MR. LYSAK:

10 Thank you, Mr. President. Good morning, Your Honours. Good
11 morning, Mr. Witness.

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

19 MR. SANN LORN:

20 A. Yes, that is probably correct.

21 Q. And you also indicated in answer 77 of your interview that you
22 were born in the Year of the Monkey. Are you sure that it was the
23 Year of the Monkey in which you were born?

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

25 Q. The reason I ask you this is there -- particularly in the

21

1 early part of your interview, which was a rather long interview,
2 you made a number of assertions that you didn't know or couldn't
3 remember things because you were a young boy during the Khmer
4 Rouge regime. Let me read to you, for example, in answer 60:

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

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

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

10 "I do not understand it. I do not know. I was young. I did not
11 know anything."

12 [10.09.33]

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

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

20 A. Yes, that is correct.

21 [10.10.22]

22 Q. Another thing I wanted to try to understand in the first half
23 of your interview in English, the first 55 pages of that
24 interview, you were fairly persistent in saying that you didn't
25 know anything.

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

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

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

11 Why, in the first 55 pages of your interview with OCIJ, were you
12 denying that you knew anything, that you did anything? Can you
13 explain that?

14 [10.12.05]

15 A. The thing is, at the beginning, I could not recall what
16 happened. I could not recall those events. And later on, I
17 recalled about the events of me knowing Ta Mok.

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

21 A. It is difficult to say anything during the Khmer Rouge regime.
22 I was afraid of saying anything at the time. I was afraid of
23 being accused.

24 Q. Afraid of being accused by whom? What were you afraid of being
25 accused of?

1 [10.14.10]

2 A. I had to be mindful with what I said. I was afraid that what I
3 said would wind up to the attentions of the leadership at the
4 group chief or the village chief or the commune chief level. I
5 was afraid that my words would carry negative impact, and for
6 that reason, I was fearful and I had to be very careful with what
7 I said.

8 Q. Just to make sure the record is clear, are you talking about
9 being afraid of talking during the Khmer Rouge regime or are you
10 talking about being afraid of saying -- talking during your OCIJ
11 interview?

12 A. I refer to the Khmer Rouge regime.

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

15 MR. PRESIDENT:

16 Thank you, Deputy Co-Prosecutor.

17 It is now appropriate for our short break. We'll take a break now
18 and resume at 10.30.

19 Court officer, please assist the witness at the waiting room
20 reserved for witnesses during the break time and invite him back
21 into the courtroom at 10.30.

22 The Court is now in recess.

23 (Court recesses from 1016H to 1034H)

24 MR. PRESIDENT:

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

24

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

3 BY MR. LYSAK:

4 Thank you, Mr. President.

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

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

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

12 [10.36.20]

13 MR. SANN LORN:

14 A. Yes, I remained working as the messenger.

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

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

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

20 Answer: "I started in 1973."

21 And then at answer 927:

22 Question: "Who replaced Khom?"

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

24 Answer 929:

25 Question: "When Chim was promoted to district secretary, did you

25

1 continue working as the messenger of Chim?

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

3 [10.37.54]

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

8 A. At that time Yeay Khom left, I was working in Yeay Khom's
9 office, and I remained working in Yeay Khom's office. And later
10 on, the office was under the supervision of Ta Chim after Yeay
11 Khom had left. I remained working as the messenger.

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

16 [10.39.52]

17 A. Related to your question, as a messenger, I received the order
18 from both the district and from other offices, so they gave the
19 order to me and I carried out the task.

20 Q. I'll come back to talk some more about your work at the
21 district office. I want to try to clear up how long you were in
22 Tram Kak district and when it was that you went to Battambang.
23 Let me read to you--

24 A. At that -- at that time, I was an in Tram Kak in 1975, and at
25 that time, Ta Mok sent an order to the lower level cadre, and the

1 lower -- the lower level cadre sent me to study agriculture in
2 Battambang.

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

8 "I studied at agricultural -- agriculture school at Me Chbar in
9 Battambang province.

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

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

12 Question: "Then what did you do?"

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

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

18 [10.43.16]

19 A. Yes, that is correct.

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

22 The reason I ask is the Vietnamese invaded and arrived in January
23 1979. That would mean that, if you were there in Battambang for
24 about a year, that it would have been some time in the latter
25 part of 1977 or maybe early '78 that you went to Battambang. Is

1 it possible that your memory of years isn't very good at this
2 time and that it was later, 1977 or '78, when you went from Tram
3 Kak to Battambang?

4 [10.44.25]

5 A. Yes, that is correct.

6 Q. Now, you've talked about an event you've described as lasting
7 four days where you were involved in transporting people. Do you
8 remember who was district chief at the time you received that
9 order and transported the people over those four days? Was that
10 during the time that Yeay Khom was district chief, or was it
11 during the time Ta Chim was district chief?

12 A. The order to me, to transport people, came from the office --
13 came from the district office and from the district committee.
14 They instruct me to transport those people.

15 Q. And who was district chief at that time? Was that when Yeay
16 Khom was the district chief or when Ta Chim was district chief?

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

18 [10.46.57]

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

23 Question: "Who was the district chairperson?"

24 Answer: "The district chairperson was Khom. Oh, sorry. The
25 district chairperson was Chim."

1 Question: "Was that Pech Chim?"

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

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

7 [10.48.40]

8 A. At the time I was instructed to transport people, the order
9 came from the office, from the person named Thy (phonetic). And I
10 -- I did not know whether the person I just told you earlier
11 received the order from Chim or Yeay Khom. It's outside my
12 knowledge -- beyond my knowledge.

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

15 A. Thy (phonetic) worked at the -- at the district office.

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

17 A. The name is Phi.

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

20 A. Phi was in charge of peoples' affairs. He was in charge of
21 various offices.

22 Q. Let me read what you said in your OCIJ interview at answer
23 463, quote:

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

25 Answer: "Those in charge included the chairperson, the deputy

1 chairperson, and the members, and the one who was responsible for
2 the education office was someone named Phi." End of quote.

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

6 [10.52.08]

7 A. Yes, you are right.

8 Q. And where -- where was the education office that Phi was
9 responsible for?

10 A. Phi's office was far away from the -- the district office of
11 the secretary -- district secretary.

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

15 A. Phi office is -- is far from the district's office. Yes, both
16 place -- both places were far from each other.

17 [10.53.54]

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

21 A. His office was located in Samraong commune, but I forget the
22 name of the province. It's also in Tram Kak district. I -- as I
23 told you, I cannot remember the name of the village where that
24 office was located.

25 Q. Just to clarify, you said his office was in Samraong; are you

1 referring to Phi's office, the education office he was
2 responsible for?

3 A. Please repeat your question.

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

5 A. Yes, it was Phi's office and Phi's birthplace was also in
6 Samraong, but his office was far from his home. It was not at his
7 home.

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

10 A. The office where I worked as the district messenger was
11 located in Angk Roka, but it was not fixed; it was mobile.
12 Sometime, it was relocated to this and there.

13 [10.57.06]

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

19 We've also heard testimony about an office -- a re-education
20 office that was located in Angk Roka, not far from the district
21 office in the market in Angk Roka. Which -- which of these
22 offices was Phi responsible for or was he responsible for both?
23 Was Phi responsible for both the security office on the border of
24 Samraong and Kus commune and did he also have responsibility for
25 the re-education office that was located in Angk Roka.

1 [10.58.33]

2 A. Phi was in charge of overall matter. He -- he was in charge of
3 overall matter. He was next in ranking after this district
4 secretary, so the order convey from the district secretary to
5 Phi.

6 Q. And before I move -- move on, the re-education office in Angk
7 Roka, did you know a person named Meng (phonetic) who was located
8 at a education office in Angk Roka -- a person named Meng
9 (phonetic)?

10 A. No, I do not know of this person?

11 Q. You've talked about Phi and his role at the district office.
12 Did you also know -- did you know a person who worked at the
13 district office named Dorn (phonetic)?

14 A. No, I don't. I cannot recall all of them.

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

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

19 [11.01.10]

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

23 You talked about in -- during Defence Counsel's questions, you
24 talked about how you had learned from people at the district
25 level of the deportation of a huge number of Vietnamese people,

1 but you said that you were not involved in transporting those
2 people. And you've talked about a four-day event where you were
3 involved in transporting a large number of people. I just want to
4 clarify the timing of these two events.

5 When -- when was it that you were involved in transporting
6 people; when did that take place in relation to the deportation
7 that you heard of?

8 [11.02.40]

9 A. On this issue, the district committee ordered me to transport
10 people. That was the case at the time. Regarding the timing, I do
11 not remember when that took place. I indeed went to transport the
12 Vietnamese under the order of Thy (phonetic).

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

17 A. In the four-day process of deportation, it happened almost
18 close to the day that you described.

19 Q. And the people that you were transporting on those four days,
20 where were you ordered to take them; where did you transport
21 those people to?

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

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

1 A. In the location west of -- rather south of Angk Ta Saom in the
2 village of Nhaeng Nhang.

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

5 A. There was no visible office at that place. I was ordered to
6 place them in the commune, that is, Nhaeng Nhang commune. And
7 after they arrived, they were put in Tram Kak.

8 [11.]

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

11 A. I was ordered to place them at that location and I did not
12 know what happened next.

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

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

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

19 Question: "To Tram Kak district office?"

20 Answer: "Yes." End of quote.

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

25 [11.08.35]

1 A. Let me clarify. Yes, I unloaded them at Tram Kak. There was no
2 office located within Nhaeng Nhang commune, the place where I
3 arrived.

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

7 A. To my recollection, upon arrival, chief of militia came to
8 receive them.

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

11 A. It was district militia chief.

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

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

14 [11.10.48]

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

19 A. Regarding transporting them, I used vehicles, namely, trucks.

20 Q. How many trucks?

21 A. Actually, it was -- there was one big truck that I used to
22 transport them.

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

1 A. It was a huge truck. It name was known as Hostang (phonetic)
2 with the cover, a big cover.

3 [11.12.30]

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

7 A. The office issued an order to me to transport those people and
8 I collected those people from Angk Ta Saom commune, Leay Bour
9 commune, Popel commune, and Nhaeng Nhang and Kus communes. And
10 there was another commune, Srae Ronoung commune.

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

15 A. I drove -- I used the big truck to respective communes; for
16 instance, Angk Ta Saom commune, to collect them. When I entered
17 my big truck into Angk Ta Saom commune, it depended on the
18 commune chief who was the one who responsible for gathering
19 people to the -- to the place where the vehicle was parked.

20 And concerning Popel commune, the commune gathering -- gathered
21 people at Khmaoh (phonetic), so usually the commune chief would
22 be responsible for gathering up the people at the exact location
23 where the vehicle were to arrive.

24 For some communes -- Srae Ronoung, because of the condition of
25 the road, usually people were gathered at the main road.

1 [11.15.54]

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

5 A. Yes, that is true.

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

11 [11.16.44]

12 A. On the issue of transportation of the people, I would have two
13 trips for one -- for the communes which had many people to be
14 picked up, but for a small number of people at a specific
15 commune, I would only be there for only one trip.

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

18 A. I cannot recall it.

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

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

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

24 I want to first, though, ask you some questions -- more questions
25 about Ta Mok. Did -- during the time you worked at the district

1 office, did Ta Mok come to the Tram Kak district office and have
2 meetings there?

3 [11.19.11]

4 A. He came to the district office, not to attend a meeting; he
5 was there for a brief moment after which he returned back to his
6 place -- to his office.

7 There was one time he came to see the district committee during
8 which there was a discussion; however, I cannot tell you what the
9 content of the discussion at the time.

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

13 A. Regarding sector secretary, I had no idea and cannot recall it
14 whether the secretary came to that location very often.

15 [11.20.56]

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

21 A. At the time, he went from districts to districts to be engaged
22 in the tasks that he had to perform.

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

25 A. Yes, I used to know this -- the person by the name Saom.

1 Q. And did Saom -- did Saom also used to come to the district
2 office?

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

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

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

9 [11.23.54]

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

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

15 And continuing in answers 909 to 911:

16 Question: "Did Ta Tith come to Tram Kak district office
17 regularly?"

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

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

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

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

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

3 [11.25.21]

4 Does that refresh your memory that there was periods where both
5 Ta Mok and Ta Tith were at the Tram Kak office and do you
6 remember when they were there, did they meet with the district
7 secretary?

8 A. Usually, they met.

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

10 Question: "Did Ta Mok and Ta Tith meet with the district
11 secretary?"

12 Answer: "Yes."

13 Do you remember when you saw Ta Mok and Ta Tith at the district
14 office, who was the district secretary they met with; was that
15 when Yeah Khom was district chief or when Pech Chim was district
16 chief?

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

18 [11.27.13]

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

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

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

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

1 Answer: "Yes." End of quote.

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

5 [11.28.17]

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

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

11 A. I cannot recall it. I forget it all.

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

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

18 Answer: "It happened afterwards."

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

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

23 Does that refresh your memory, Mr. Witness? Do you remember the
24 assignment you received to transport the people during those four
25 days, was it after the meetings of Ta Mok and Ta Tith at the

1 district office; is that right?

2 [11.30.34]

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

4 Q. And can you tell us, Mr. Witness, what you know -- knew about

5 Ta Mok's role in providing orders to the district chief in Tram

6 Kak? Do you know whether it was Ta Mok who provided orders to the

7 district chief, for example, to gather those people who you

8 transported?

9 A. Regarding the order, it was not Ta Mok who issued an -- a

10 direct order. The order was communicated by the messenger of Ta

11 Mok who delivered the order to the district.

12 Q. Who was the messenger of Ta Mok who delivered orders to the

13 district?

14 A. Touch was the messenger of Ta Mok. He was the one who

15 delivered the order of Ta Mok.

16 [11.32.35]

17 Q. And when you were working at the district office, did --

18 orders from Ta Mok, did they come directly from him through his

19 messenger or were they communicated through the sector office?

20 A. It went through the sector. I mean the order came from the

21 sector and it went down to the district.

22 Q. And the orders that were received by the district office from

23 Ta Mok through the sector, did this include orders on people to

24 be arrested?

25 A. The order was -- the orders were communicated by Touch, the

1 messenger of Ta Mok. Touch would come to contact with the
2 district in order to get the orders reach the district.

3 MR. LYSAK:

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

6 [11.34.32]

7 MR. PRESIDENT:

8 Thank you. It is now lunch break. The Chamber will take lunch
9 break for now until 1.30.

10 Court officer, please assist the witness in the waiting room
11 during the lunch break and please invite him back into the
12 courtroom at 1.30 in the afternoon.

13 Security personnel are instructed to bring Mr. Khieu Samphan to
14 the waiting room downstairs and have him returned to the
15 courtroom before 1.30 in the afternoon.

16 The Court is now in recess.

17 (Court recesses from 1135H to 1333H)

18 MR. PRESIDENT:

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

20 The Chamber now gives the floor to the Co-Prosecutors to resume
21 the questioning.

22 But first, I would like to know from the defence counsel for Mr.
23 Khieu Samphan, how much time you need to question this witness;
24 could you clarify the time issue for the Court, please?

25 [13.34.06]

1 MS. GUISSÉ:

2 Mr. President, a priori for the time being, I can say that I
3 would need the entire session envisaged for the Defence. If my
4 colleague of the Nuon Chea team wants to use the minutes allotted
5 to him, I think I will need all the time allotted to me by the
6 Chamber. If I can finish earlier, I will, but it would depend on
7 the questions that will have been put to the witness.

8 MR. PRESIDENT:

9 The floor is now given to the Co-Prosecutors and let me remind
10 Co-Prosecutors and Lead Co-Lawyers that please use 10 or 20
11 minutes, at most, during the time that you question this witness
12 -- rather, please reserve 20 minutes for the defence counsel for
13 Mr. Khieu Samphan.
14 And the Chamber now grant you five more minutes to you in
15 addition to the time lost this morning and I would like to remind
16 and suggest that you, too, should reserve 20 minutes, at most,
17 for the defence counsel for Mr. Khieu Samphan -- for Nuon Chea,
18 rather, to put questions.

19 It is not a good image to re-invite the witness to come back
20 again next time since there is needs to coordinate the
21 transportation of the witness and the witness is living far away
22 from the court.

23 [13.36.17]

24 MR. LYSAK:

25 I -- just so I'm clear, the translation was -- was a little

1 difficult. You -- you want us to -- to finish 15 minutes before
2 the end of this session; is -- is that correct?

3 MR. PRESIDENT:

4 The time left for you and Lead Co-Lawyers is to use as well as
5 you can; however, you have to reserve 20 minutes for the defence
6 team for Mr. Nuon Chea for this session.

7 BY MR. LYSAK:

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

12 [13.37.31]

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

15 Answer: "Ta Mok did."

16 Question: "Who were the people that received orders directly from
17 Ta Mok?"

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

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

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

24 Now, before the break, you clarified that the orders came through
25 the sector office from Ta Mok. My question to you, though, is a

1 general one; how did you know, during the time you were at the
2 district office, that the district received orders from Ta Mok
3 relating to persons to be arrested?

4 MR. SANN LORN:

5 A. Could you please repeat your question?

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

9 [13.39.41]

10 A. I do not know about this particular issue, particularly, in
11 relation to these lives and serious offences.

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

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

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

21 [13.40.40]

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

1 about this?

2 A. I do not know about this. I do not -- I do not know how Ta Mok
3 issue the order.

4 Q. You told us earlier this morning that orders from Ta Mok were
5 sent by a messenger that worked for him named Touch; were those
6 written orders that this messenger delivered?

7 A. Sometimes, the messenger, Touch, came by himself to deliver
8 the orders, but on some other occasion, he did not come by
9 himself.

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

12 A. Could you repeat your question, please?

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

15 [13.43.01]

16 A. The orders gave -- were given to the district secretary.

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

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

1 asked.

2 Question -- you were -- you were read this excerpt from Ul
3 Hoeun's testimony.

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

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

8 Question: "How many Vietnamese people lived in Tram Kak
9 district?"

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

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

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

25 Why did you -- you were having trouble remembering a lot of

1 things in your interview; why did you remember this incident; why
2 is it that you remembered this incident where you were involved
3 in transporting people for four days?

4 A. I did answer you the question at the beginning concerning the
5 transportation of the people to the commune, so I have told you
6 already about this issue. And as for how many people I had
7 transported, I had no idea.

8 [13.47.27]

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

13 A. I was on my own in the truck.

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

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

19 [13.48.51]

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

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

24 MR. PRESIDENT:

25 Judge Lavergne, you have the floor now.

1 JUDGE LAVERGNE:

2 Yes, I am sorry. Could you please ask the witness to repeat his
3 answer to your last question because that answer was not
4 translated in its entirety into French?

5 The question was whether the chief of the militias was
6 accompanied by other militiamen. The answer given by the witness
7 was not translated in its entirety.

8 BY MR. LYSAK:

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

11 Q. When you transported the people from the communes to the
12 district militia, how many people from the district militia were
13 there to receive the people you transported; how many district
14 militiamen were there?

15 [13.50.43]

16 MR. SANN LORN:

17 A. The militia chief was -- were there to receive the people and
18 they were with their groups; a group of 10, for instance.

19 MR. LYSAK:

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

25 MR. PRESIDENT:

1 You can proceed now.

2 [13.51.55]

3 BY MR. LYSAK:

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

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

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

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

24 [13.54.21]

25 A. I cannot recall it. I do not know whether that person was Yorn

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1 or someone else. I really forget it, Counsel.

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

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

9 [13.55.22]

10 You testified earlier that you went to Angk Ta Saom commune.

11 Document E3/2049 and E3/4082 constitute a list from Angk Ta Saom
12 commune dated 30 April 1977, identifying 26 Khmer Krom families.

13 You said that you went to pick up people in Popel commune.

14 E3/2262 is a partial copy of a list identifying 64 Khmer Krom
15 families from that commune. You also mentioned Kus commune. We
16 have a report dated 29 April 1977, from that commune, E3/2438,
17 identifying 35 Khmer Krom families. You also mentioned Srae
18 Ronoung commune and we have a list dated 27 April 1977, of 37
19 families from that commune, E3/4083.

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

1 [13.57.30]

2 MR. KOPPE:

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

11 [13.58.04]

12 MR. LYSAK:

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

20 (Judges deliberate)

21 [13.59.05]

22 MR. PRESIDENT:

23 The objection put by the defence counsel for Mr. Nuon Chea,
24 Koppe, is overruled. There was an open question first to the
25 witness after which the Co-Prosecutor sought clarification on the

1 basis of the document in the case file.

2 Mr. Witness, please respond to the question if you can still
3 remember it and if not, you can ask the Co-Prosecutor to put the
4 question again.

5 (Short pause)

6 [14.00.05]

7 MR. PRESIDENT:

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

9 Deputy Co-Prosecutor, please reformulate your question.

10 BY MR. LYSAK:

11 Thank you, Mr. President.

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

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

21 [14.01.18]

22 MR. KOPPE:

23 It's again, Mr. President, a very leading question and I would
24 like to remind the Prosecution that he, the witness, gave himself
25 -- gave testimony himself this morning saying that he believes it

1 was in the beginning of the regime, meaning May -- April, May
2 '75. So now even going further, suggesting the date to him, is
3 again a very leading question.

4 MR. LYSAK:

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

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

11 MR. KOPPE:

12 If the Prosecution has a theory--

13 THE PRESIDENT:

14 The Chamber already ruled on the objection and this is, you know,
15 a previous issue that the Chamber ruled upon already. So you can
16 proceed with your questioning, Co-Prosecutor.

17 What is in your mind, Mr. Kong Sam Onn?

18 [14.02.39]

19 MR. KONG SAM ONN:

20 I am not objecting but I would like the Co-Prosecutor to identify
21 clearly the identity of the document and also the date which the
22 Co-Prosecutor made mention.

23 BY MR. LYSAK:

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

1 E3/2262 is the list from Popel commune; E3/2438 is the list from
2 Kus commune dated 29 April 1977; E3/4083 is the list from Srae
3 Ronoung commune dated 27 April '77.

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

7 [14.04.37]

8 MR. SANN LORN:

9 A. Regarding the assignment to transport the people, I forget it
10 all. I cannot recall when the transportation took place. I cannot
11 recall the date, the month and the year. I am not telling lies
12 but it is the fact that I do not recall the date.

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

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

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

22 [14.07.01]

23 THE PRESIDENT:

24 Witness Sann Lorn, please respond to the question. Actually, you
25 spoke before the microphone was operational. Court officer,

1 please move the microphone closer to the witness.

2 MR. SANN LORN:

3 A. Please repeat your question.

4 BY MR. LYSAK:

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

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

8 [14.08.18]

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

15 THE PRESIDENT:

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

18 MR. KOPPE:

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

25 [14.09.44]

1 BY MR. LYSAK:

2 Mr. President, I will rephrase. Ul Hoeun testified he worked for
3 the district office but that we can -- that's an argument we can
4 have another day. Ul Hoeun, a person from Tram Kak district
5 testified as follows in his OCIJ statement, E3/9582, answer 113.

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

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

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

21 [14.11.25]

22 MR. KOPPE:

23 Mr. President, I object to this question. You might recall -- I
24 will not go into many details because I am referring to the
25 closed session of last week that I was almost permanently

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

8 MR. LYSAK:

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

14 [14.12.55]

15 THE PRESIDENT:

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

18 I would like to reiterate that each side of the bar shall not be
19 in a position to teach the other side how to question the
20 witness. You have your strategy so, please, use it.

21 And for that reason it is not advisable for you to instruct other
22 parties how to use the questions put to the witness as you serve
23 different interests.

24 BY MR. LYSAK:

25 Thank you, Mr. President.

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

4 [14.14.04]

5 MR. SANN LORN:

6 A. I was not aware of that.

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

15 THE PRESIDENT:

16 Yes, you may proceed.

17 [14.15.30]

18 BY MR. LYSAK:

19 Q. Mr. Witness, you have been handed two documents The first is a
20 report from Cheang Tong commune dated 30 April 1977. For the
21 record this is E3/2048, the Khmer ERN, 00079089; English,
22 00276562 to 63; French, 00611659. And in this report to the
23 district the commune, Cheang Tong commune states, I quote:
24 "After having received successive instructions from Angkar about
25 being vigilant about the enemy and purging the enemy officers, we

1 have tracked, examined and found the following persons."

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

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

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

13 Then there are six people identified who were six or second
14 lieutenants.

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

20 [14.18.15]

21 MR. SANN LORN:

22 A. I was not aware of this matter. I did not know anything about
23 that.

24 Q. Do you know whether any of the people that you picked up in
25 the communes and transported to the district militia chief, do

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1 you know whether any of them were people related or connected to
2 the former regime, the Lon Nol regime?

3 A. I did not know.

4 MR. LYSAK:

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

8 [14.19.43]

9 QUESTIONING BY MR. SENG LEANG:

10 Good afternoon, Mr. President. Good afternoon, Your Honours. Good
11 afternoon, Witness. My name is Seng Leang. I am the National
12 Deputy Co-Prosecutor.

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

17 MR. SANN LORN:

18 A. Yes, that is correct.

19 Q. Can you tell the Chamber, during 1971 and '72 was Prakeab
20 village under the control of the Khmer Rouge or was it under the
21 control of the Liberation Force?

22 [14.21.05]

23 A. At that time we were living under the control of the Khmer
24 Rouge.

25 Q. Who actually appointed you to the position of the village

1 chief?

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

3 Q. And can you tell the Chamber how many residents in your
4 village at the time?

5 A. In the village there were about 150 families living there.

6 Q. And amongst all the villagers in the village were there any
7 Vietnamese people or in short were there any Vietnamese living in
8 your area in terms of in the village, commune or district?

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

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

12 A. No, there was no gathering of Vietnamese people. It did not
13 reach that stage yet.

14 Q. So subsequently was there any instruction for the rounding up
15 -- for the rounding up of the Vietnamese?

16 A. It happened in 1975. I was instructed to transport those
17 Vietnamese people. That's the -- that was the time that I
18 realized about the Vietnamese.

19 [14.24.24]

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

22 A. Yes, that is correct.

23 Q. Mr. Witness, this morning in your response to Defence Counsel
24 Koppe, you stated that at one point you were a messenger for the
25 commune and later on you became a messenger for the district. Am

1 I correct?

2 [14.25.06]

3 THE PRESIDENT:

4 Witness, please observe the microphone.

5 MR. SANN LORN:

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

7 BY MR. SENG LEANG:

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

13 A. No, I never worked as a messenger for any level rather than at
14 the district level.

15 MR. SENG LEANG:

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

18 MR. PRESIDENT:

19 Before I hand the floor to the Defence Counsel, I would like to
20 hand the floor first to Judge Lavergne.

21 QUESTIONING BY JUDGE LAVERGNE:

22 Yes, thank you, Mr. President. I have very short questions for
23 the witness.

24 Q. Witness, this morning you spoke about so named Phi who was
25 working at the district level and who was in charge of the

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1 re-education office. So can you tell us if this Phi had specific
2 physical features and, in particular, was he somebody who limped?
3 [14.27.06]

4 MR. SANN LORN:

5 A. Yes, he limped.

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

11 A. Regarding the transportation of those people, they were not
12 handcuffed nor tied. They were instructed to board the vehicles.

13 Q. I understand that there were lists that were drawn up, lists
14 of people who had to be transported. So you, yourself, did you
15 have lists that were given to you by the district?

16 [14.28.23]

17 THE PRESIDENT:

18 Witness, please hold on. And Counsel Anta Guisse, you have the
19 floor.

20 MS. GUISSSE:

21 I know that I cannot object to questions put by the Bench but I
22 do have a question, however. I didn't really understand where
23 this notion of lists came from. I heard about lists when the
24 Co-Prosecutor examined the witness but I didn't hear the witness
25 speak about lists. So I don't know if Judge Lavergne is referring

1 to a specific document that I was not apprised of or that I
2 didn't catch from the witness's testimony. So aside from the
3 Co-Prosecutor, nobody spoke about lists.

4 BY JUDGE LAVERGNE:

5 Q. Well, indeed, I am referring to the same document that the
6 Co-Prosecutor was referring to, which apparently described the
7 existence of lists, and I was asking the witness if he himself
8 had received lists from the district.

9 MR. SANN LORN:

10 A. No, I did not receive any list. There were other individuals
11 who were responsible for that. In fact there were people at the
12 district office who were in charge of that affair and I, myself,
13 was not aware of that. My task at the time was to transport those
14 people.

15 [14.30.16]

16 Q. You stated that on arrival there was the leader of the
17 militiamen and, if I understood you correctly, you also said
18 there could have been 10 militiamen. Were there 10 militiamen or
19 more than 10 militiamen and were they armed?

20 A. I cannot recall if there were any.

21 Q. And to the best of your recollection, when you went into the
22 communes were there commune militiamen present when the persons
23 transported were put onboard the trucks?

24 A. No, there wasn't. I didn't see any. I only saw the commune
25 chiefs who were calling them to board the vehicles.

1 [14.31.44]

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

3 A. They were told that they would be sent back to their home
4 country, Vietnam.

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

6 A. They had their own personal belongings, clothes; cooking
7 utensils with them.

8 Q. Did you see those people speak with one another?

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

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

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

13 Q. Did you see any persons resisting?

14 A. No, I did not.

15 Q. When you brought them to the district office did you see any
16 other trucks ready to transport them elsewhere?

17 [14.34.06]

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

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

21 A. I have no idea. As I said, after I had dropped them off, I
22 returned to my location. So I have no idea about what was going
23 next.

24 JUDGE LAVERGNE:

25 Very well. Given the time constraints I won't put any further

1 questions to the witness. Thank you, Mr. President.

2 [14.35.10]

3 THE PRESIDENT:

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

5 MS. GUISSÉ:

6 Yes, Mr. President. If you don't mind, I've agreed with Counsel

7 Koppe after -- I will put the questions after he would have taken

8 the additional time he would wish to have in order to put

9 questions to witness as well. I'll put my questions to witness

10 after him.

11 Apparently, there is a translation error in English. What I am

12 saying is that I will start putting questions to the witness and

13 Counsel Koppe will wrap up the examination for us, the defence

14 teams.

15 THE PRESIDENT:

16 Thank you, but now it is time for a short break. The Chamber will

17 take a short break from now until 10 to 3.00.

18 Court officers, please assist the witness in the waiting room

19 during the break time and, please, invite him back into the

20 courtroom at 10 to 3.00.

21 The Court is now in recess.

22 (Court recesses 1436H to 1452)

23 THE PRESIDENT:

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

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

1 Khieu Samphan to put questions to Sann Lorn.

2 QUESTIONING BY MS. GUISSÉ:

3 Thank you, Mr. President. Good afternoon, Mr. Sann Lorn. My name
4 is Anta Guisse. I am International Co-Counsel for Mr. Khieu
5 Samphan. In this capacity I will put some additional questions to
6 you. I will try to put very specific questions to you and may I
7 ask you to answer them as specifically as possible.

8 Q. I will first of all like us to talk about your life
9 experiences. My first question is up until what age did you go to
10 school?

11 [14.54.15]

12 MR. SANN LORN:

13 A. First, I attended a primary school in my village and after I
14 passed that exam I went to study at a school near Angk Ta Saom.

15 Q. My question was very precise. I wanted you to tell me up until
16 what age you attended school?

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

18 Q. You attended school up to 20. When you were still a child in
19 primary school, between that time and when you last attended
20 school at the age of 20, is there any time when you stopped going
21 to school?

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

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

25 [14.56.25]

1 A. Yes.

2 Q. So should I conclude, therefore, that you know how to read and
3 write correctly?

4 A. Yes, that is correct.

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

11 [14.57.26]

12 A. I did not know when. I did not know the year that he got
13 married.

14 Q. I know that it is not always easy to remember very precise
15 dates especially after several decades. That is why I gave you,
16 as a point of reference, the date of the capture of Phnom Penh.
17 To the best of your recollection, did that marriage take place
18 before the capture of Phnom Penh, that is, when Democratic
19 Kampuchea was established throughout the country, or was it after
20 that date which I have given you as a point of reference.

21 A. Ta Mok got married with his wife prior to that year, because
22 the event took place later on.

23 Q. Thank you for this clarification. Still bearing in mind this
24 point of reference, can you tell us when you started working as a
25 messenger of Tram Kak district? Was it before or after the fall

1 of Phnom Penh?

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

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

7 So my question is, before becoming a district chief in Tram Kak
8 District, was Pech Chim working in the same district but in
9 another capacity?

10 [15.00.28]

11 A. I did not know about his previous function prior to that, I
12 only knew that he worked at the district level where Khom
13 previously worked.

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

15 A. Yes, I did.

16 Q. And upon which occasions did you see him and where?

17 A. I saw him when he attended meetings where the commune chiefs
18 were called.

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

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

21 [15.02.09]

22 Q. Before he became a district chief when he held his functions
23 that led him to meet with commune chiefs, did you personally work
24 for him? You said earlier that when you were a messenger, when
25 you were Yeay Khom's messenger in particular, you -- other people

71

1 also gave you work. And was Ta Chim among these other people who
2 would give you work sometimes?

3 A. No, he did not assign to me any task. I was a messenger.

4 Q. Maybe I did not express myself quite clearly. When I'm
5 speaking about tasks, I'm not speaking about tasks different from
6 your job as a messenger. So what I meant was, did he use you as a
7 messenger at one point in time or the other before he became the
8 district chief?

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

10 Q. And basing myself again on the capture of Phnom Penh as a time
11 mark, do you remember if Pech Chim became a district leader
12 instead of Yeay Khom before or after the liberation of Phnom
13 Penh?

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

17 Q. At the district level again, I would like to know if the name
18 Chay, and this is spelled C-H-A-Y, in French at least, so I would
19 like to know if the name Chay rings a bell for you? Chay,
20 C-H-A-Y, Chay, in fact.

21 [15.05.15]

22 A. Is it Chay?

23 MR. KONG SAM ONN:

24 Witness, the name is Chay.

25 MR. SANN LORN:

1 Yes, I know Chay, but I do not know Choy (phonetic).

2 BY MS. GUISSÉ:

3 Q. Can you tell us which position he held within the district
4 office?

5 A. While I worked for the district office, Ta Chay worked at the
6 commune.

7 [15.06.27]

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

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

10 Q. And of which commune?

11 A. It was Damnak Krach (phonetic) commune.

12 Q. Again, regarding Tram Kak District, earlier my colleague,
13 Victor Koppe, spoke to you about a person by the name Ek Hoeun or
14 Ul Hoeun and you said that you did not know this person. So are
15 you sure that this name does not mean anything to you -- Ek Hoeun
16 or Un Hoeun? Maybe both of these two names.

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

18 Q. So therefore you do not remember this person as being someone
19 who had any kind of position within Tram Kak District. Am I
20 right?

21 MR. SANN LORN:

22 (No interpretation)

23 [15.08.40]

24 BY MS. GUISSÉ:

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

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

3 So I was asking you if you are sure that Ek Hoeun or UL Hoeun is
4 not someone you remember having held any kind of position within
5 Tram Kak District?

6 A. Yes, that is correct.

7 Q. Yes, that's correct. So that name does not ring a bell;
8 correct? Am I right?

9 A. Yes, I did not hear of that name.

10 [15.09.48]

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

14 So I'd like to know if you remember an exchange program that was
15 discussed back then? So it was an exchange program between Khmer
16 Krom people living in Vietnam and Vietnamese people living in
17 Cambodia?

18 You spoke about this earlier and you confirmed this to the
19 National Co-Prosecutor. You spoke about your involvement in the
20 transportation of Vietnamese people to bring them back to
21 Vietnam, but did you hear about this exchange program in more
22 generic terms?

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

24 Q. And just as a reminder, at the hearing of 24 April 2015,
25 document E1/292.1, so this was the testimony of Pech Chim. A

1 little bit after 10.08.23 in the morning, and he said, "Well the
2 issue of the Vietnamese was solved when the exchange program was
3 set up so that the Vietnamese may return to Vietnam."

4 So, once again, Witness, was this issue of exchange discussed?

5 Does this refresh your memory a little bit?

6 A. I was not aware of that matter. What I knew is that at the
7 time I was tasked to transport those people, and I did not know
8 whether they were categorized into different groups.

9 [15.12.51]

10 Q. Now, regarding Pech Chim once again, do you remember how long
11 he was district leader in Tram Kak? Do you remember if at one
12 point in time he changed -- he left his position?

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

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

17 A. When I was sent for study in Battambang, I did not know at the
18 time whether he was still acting in his capacity as the district
19 secretary because I had left for my study session in Battambang.

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

22 [15.14.49]

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

24 Q. Now, for the parties and for the witness, at the hearing of 24
25 April 2015, that's document E1/292.1 -- well, let me first quote

1 from this transcript, so it was a little bit before 9.24 in the
2 morning. The witness, Pech Chim, is confronted with a statement
3 from -- from a prior statement in which he said that he arrived
4 in the Central Zone in February 1976 -- or February 1977, rather.
5 And at the hearing, he confirmed -- or he makes an amendment. He
6 said in fact it was on 14 February 1976 in both cases.

7 Witness, does the date of February 1976 or the date of February
8 1977 remind you of anything in relation to your departure for
9 Battambang?

10 A. Please repeat your question.

11 Q. You said that when you went to Battambang, Pech Chim was still
12 working in Tram Kak, and I read out a part of his testimony
13 before this Chamber in which he said that he left his job in Tram
14 Kak in February 1976.

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

18 [15.17.05]

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

21 Q. I understood that you went to Battambang, but my question --
22 or I'd like you to react -- and Pech Chim testified before this
23 Chamber and he said that he left Tram Kak in February 1976. And
24 you said that you left for Battambang when Pech Chim was still
25 working in Tram Kak.

1 So I wanted to know if the date that Pech Chim mentioned
2 refreshes your memory in relation to the date when you left for
3 Battambang? And if this does not remind you anything, no problem,
4 just let me know.

5 [15.18.16]

6 A. No, I cannot recall that.

7 Q. A point that I would like you to specify. Well, during that
8 period, did you have any duties in Tram Kak District and after
9 the liberation of Phnom Penh did you use an alias aside from your
10 real name, Sann Lorn?

11 A. My alias was Maunh or Amaunh (phonetic).

12 Q. So now I turn to the four days during which you transported
13 people by truck, and you answered Judge -- you provided a certain
14 number of elements of information to Judge Lavergne and you
15 confirmed what you had said to the OCIJ investigators.

16 And you said that in these trucks there were only the people you
17 were transporting and these people were transported with their
18 personal belongings.

19 So my question is, do you remember -- and here I'm not speaking
20 about the exact year, I'm just speaking about the period of the
21 year. Do you remember the season when this transportation took
22 place? Was it during the rainy season? Was it during another
23 season?

24 [15.20.23]

25 A. The transportation of those people happened during the dry

1 season.

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

4 So did I understand your testimony properly?

5 A. Yes, that is correct.

6 Q. I understood as well that you went to pick up people in
7 different communes and that according to the size of the
8 communes, you would do one or two trips. Did I understand your
9 testimony properly?

10 A. Yes, that is also correct.

11 [15.21.37]

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

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

20 So is it plausible, based on the figures that you provided, that
21 you were able to transport 9,000 people in a period of four days?

22 A. Regarding the number of people to be transported, I did not
23 know if the figure was 9,000. The number of the people was at the
24 hands of the communes and district. As for me, I did not know
25 about that figure.

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

4 A. Yes.

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

8 So, do you remember if, in the course of one day, you picked up
9 people in several communes?

10 [15.24.47]

11 MR. PRESIDENT:

12 (No interpretation)

13 BY MS. GUISSÉ:

14 Q. Maybe my question was a little bit too convoluted. Let me try
15 to break it up, it might be easier. So, as far as you remember,
16 did you pick up people in the morning in the first commune and
17 other people during the afternoon in another commune? Does that
18 correspond to how you had organized the transportation of those
19 people back then?

20 MR. SANN LORN:

21 A. Yes, that is correct.

22 [15.25.40]

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

1 A. Yes.

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

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

6 Q. No problem, I understand. But do we agree that you only had
7 one truck and you would travel about with the same truck; you
8 would go back and forth with the same truck? Do we agree on that?

9 A. I was the driver of the truck and, however, there was another
10 person who went along with me and he was the one who actually
11 maintained the car and who leant me his hands. So we worked
12 together, the two of us.

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

14 A. Yes.

15 [15.28.12]

16 Q. Now, I would like to -- or I'd like you to say, and you said
17 when you were answering Judge Lavergne or the Co-Prosecutor I
18 don't remember, but you said that when you had dropped the people
19 off or when you had brought the people to the district militia
20 chief's location that you would go home afterwards. So how far
21 was your home from the place where you would drop the people off,
22 the people that you were transporting?

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

25 [15.29.11]

1 Q. Now, I would like to focus on your duties as a messenger. You
2 said that you had been a messenger for Yeay Khom and more
3 generally speaking, for the district committee. And you spoke
4 about a certain number of meetings that took place in the
5 district when you were answering the International Co-Prosecutor.
6 So I would like first to focus on the meetings you attended as a
7 messenger. So, as a messenger, which kind of meetings did you
8 attend and how often, if you remember?

9 A. In my capacity as a messenger, I did not have any authority to
10 attend meetings at the district.

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

15 A. (No interpretation)

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

18 A. Please repeat your question.

19 Q. My question was as follows. When you refer to a number of
20 meetings, in answer to questions by the Co-Prosecutor, between Ta
21 Mok and district officials, I would like you to confirm that you,
22 yourself, never attended those meetings?

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

24 Q. You also referred to meetings with Pech Chim before he became
25 district head, that was meetings with commune officials, did you

1 attend any of those meetings?

2 [15.32.35]

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

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

6 A. No.

7 Q. In answer to questions put to you by the National
8 Co-Prosecutor, you talked of the period prior to 1975. I believe
9 it was 1971 and 1972 when you were the chief of a village or
10 commune.

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

13 [15.33.47]

14 A. In 1971 and '72, I became the village chief during which I
15 attended the meetings on a frequent basis with the commune. As
16 for meetings with the district, I would attend once in a while
17 those meetings.

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

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

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

25 A. That is true.

1 Q. You refer to a number of points with my colleague Koppe and
2 subsequently with the International Co-Prosecutor regarding
3 former Lon Nol soldiers. Do you recall, in general terms, whether
4 there was a difference in the conception of Lon Nol soldiers
5 before the liberation of Phnom Penh in 1975 and thereafter?

6 A. I do not know about this issue.

7 Q. Before April 1975, do you recall the armed conflict between
8 Lon Nol soldiers and the liberation army?

9 [15.37.06]

10 A. I do not know about that.

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

14 A. Those who came to ask for supplies were Lon Nol soldiers. They
15 came to seek the supplies -- food supplies specifically.

16 Q. And can you tell the Chamber when that happened. On what date
17 was that, if you do recall that?

18 A. No, I do not.

19 [15.38.34]

20 Q. And during that period, were there any officials who
21 subsequently became Khmer Rouge officials who were already in
22 your region?

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

24 Q. I would like us to return to Ta Mok and to his duties and
25 responsibilities vis-à-vis the Tram Kak District. You stated that

1 he had a messenger called Touch and in answer to a question put
2 to you by the Co-Prosecutor, you stated that it was through Touch
3 that Ta Mok handed down his instructions.

4 My first question on this subject is as follows. When Touch
5 brought messages to deliver at the level of the district, did you
6 know the contents of those messages?

7 A. When Touch brought the letters to the districts, I had no idea
8 what was within those letters.

9 Q. So when you say that Ta Mok handed down messages, you did not
10 know the nature of the information contained in those messages?

11 A. That is true.

12 Q. So my question to you is as follows. How then can you say that
13 it was Ta Mok who issued orders for arrests to be carried out
14 since you did not know the contents of the messages sent at the
15 level of the district?

16 [15.41.12]

17 A. The reason that I am courageous enough to say the messages
18 were from Ta Mok is that unless it was the order of Ta Mok that
19 the implementation of that order could be in operation.

20 Q. That is what you say, but when I put questions to you
21 regarding meetings held, whether at the level of the village, the
22 commune, or the district as from the time when you were a
23 messenger, you have stated that you no longer attended meetings.
24 Under those circumstances, how could you have known the
25 functions, or rather, the roles played by each person since you

1 did not attend those meetings?

2 A. I did not attend the meetings that you said, so I had no idea
3 of roles and position of the leaders.

4 [15.43.01]

5 Q. You stated that you did not remember Ul Hoeun. I would like to
6 read out to you what he told this Chamber, and he said that he
7 had spoken to you. That was during the hearing of 8 May 2015, and
8 that was between 11.02 and 11.04. This is what he stated. "I met
9 Lorn, the junior brother-in-law, and I do remember Louy (sic)."
10 To be more precise, he talks about the transportation of persons,
11 notably Vietnamese, and he says the following:

12 "I asked how many people were involved and he answered" -- and
13 that is you -- "saying that there were 9,000 people or 9,000
14 families." End of quote.

15 A while ago, I asked you where you got that figure and you said
16 you didn't know about that figure. My question to you therefore
17 is as follows. Do you remember discussing with a person called Ek
18 Hoeun or Ul Hoeun and do you remember telling him that you
19 transported 9,000 people. You can answer with a yes or a no.

20 [15.45.15]

21 A. I'm not quite sure on this particular matter. I am not sure
22 whether at the time I did talk to him and had such a discussion.
23 Perhaps I may have forgotten it.

24 MS. GUISSÉ:

25 (No interpretation)

1 MR. PRESIDENT:

2 So, please, Witness, look at the tip of the microphone. Unless it
3 has the red power, your voice will not go through the system.

4 MR. SANN LORN:

5 A. I do not know about the number of people that I transported.
6 My responsibility was to transport them.

7 [15.46.25]

8 BY MS. GUISSÉ:

9 Q. The same Ek Hoeun at the hearing of 7 May 2015, E1/29631 (sic)
10 -- that is the number of the record -- he talks of the persons or
11 the person who gave you instructions.

12 At the hearing today, you said, as you stated earlier to the
13 Co-Investigating Judges, making mention of a certain person
14 called Phi, and you said that you received instructions from him.
15 And this is what Ek Hoeun or Ul said. "He didn't receive
16 instructions from Ta Mok or the sector but from Ta Chay." As far
17 as you can remember, Witness, was it Ta Chay or Phi who gave you
18 instructions at the time?

19 A. It was Phi who issued the orders to me.

20 Q. And Ta Chay, in respect of whom you said he was commune chief,
21 did he at any point in time give you any orders as part of your
22 work at the district office?

23 A. No.

24 Q. To the best of your recollection, did you talk to Ek Hoeun or
25 Hoeun or anyone else who told you that you received instructions

1 from Ta Chay?

2 A. No.

3 Q. Last point on the issue of your training. You stated that you
4 left Tram Kak to go to Battambang and you said that it was upon
5 the orders of Ta Mok that you went to undergo that training.

6 Do you know who conducted that training session?

7 [15.49.45]

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

11 Q. And can you tell the Chamber the subject of that training
12 session?

13 A. The study session was to educate us on how to work the field
14 and how to breed the rice seeds.

15 Q. On another matter, you talked about your work as village
16 chief. Do you remember whether the "Khmer Rouge" arrived in Tram
17 Kak long after the 17 April 1975, the date on which Phnom Penh
18 fell, or only shortly before then? And can you give us a
19 timeframe, one year, two years, three years, before the fall of
20 Phnom Penh?

21 [15.51.51]

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

23 Q. This is the last question. Do you remember as part of your
24 duties transporting persons as you pointed out, apart from those
25 four days do we agree that you never transported any other people

1 or you never had any other transportation duties?

2 A. That is true.

3 Q. You stated that you didn't remember the exchange programs, but
4 you did say that you remembered the time when the Vietnamese
5 returned and you heard that they returned to Vietnam. Without
6 recalling the exchange programs, do you remember whether any
7 persons arrived in the Tram Kak cooperative from other places
8 outside of Tram Kak? Do you remember having seen people arrive
9 after the departure of the persons you transported in trucks?

10 A. I did not see it.

11 Q. In another matter, I believe on two occasions questions were
12 put to you as to whether you saw the persons you transported
13 again, the persons you transported in trucks.

14 My question to you now is whether among the persons you
15 transported in trucks, you knew some -- did you know some of the
16 persons you transported in the trucks that you had already seen
17 before?

18 [15.54.46]

19 A. No, I do not know them.

20 Q. So when the question was put to you as to whether you had seen
21 those people again, you confirmed that you didn't know them. Did
22 you have a particular reason for seeing again persons you didn't
23 know?

24 A. I did not see them. I no longer saw them since I had to move
25 to live far away from them in the district. So I did not know at

1 the time where they were going to and, particularly, where their
2 whereabouts.

3 Q. But you do confirm that you didn't know them before; right?
4 [15.56.07]

5 A. No.

6 Q. At the beginning of his examination, the Co-Prosecutor put a
7 number of questions to you saying that as part of your interview
8 before the Co-Investigating Judges that primarily you hadn't
9 cooperated spontaneously because you said you didn't remember
10 what had happened.

11 At the time you said you were afraid, and I believe that before
12 the OCIJ investigators you sometime said that you could not quite
13 remember because your memory had lapses.

14 So my question to you is as follows. You have answered the
15 questions to the best of your recollection. Have you answered the
16 questions to the best of your recollection or you have concealed
17 any facts?

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

20 MS. GUISSÉ:

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

24 [15.57.02]

25 MR. PRESIDENT:

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

3 MR. KOPPE:

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

6 MR. PRESIDENT:

7 Thank you. Today's hearing has come to an end, and the hearing
8 will resume on Monday next week.

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

11 Thank you, Mr. Sann Lorn, for spending your valuable time before
12 the Chamber to give your testimony as a witness. Your testimony
13 will contribute to the truth. You may now be excused to any
14 places you wish to go. I wish you all the best.

15 [15.59.28]

16 Court Officers, please work with the staff of the WESU to send
17 Mr. Sann Lorn to his residence or to any places he wishes to go.

18 Security personnel are instructed to bring Khieu Samphan and Nuon
19 Chea back to the ECCC detention facility and have them returned
20 on Monday 1 February 2016, before 9 a.m.

21 The Court is now adjourned.

22 (Court adjourns at 1600H)

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