



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

ឯកសារដើម

ORIGINAL/ORIGINAL

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

1 February 2016

Trial Day 366

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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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SAO Van (2-TCW-989)	Khmer

1

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

2 (Court opens at 0910H)

3 MR. PRESIDENT:

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

5 Today, the Chamber hears testimony of Witness 2-TCW-989.

6 Ms. Chea Sivhoang, please report the attendance of the parties
7 and other individuals to today's proceedings.

8 THE GREFFIER:

9 Mr. President, for today's proceedings, all parties to this case
10 are present.

11 Mr. Nuon Chea is present in the holding cell downstairs. He has
12 waived his right to be present in the courtroom. The waiver has
13 been delivered to the greffier.

14 The witness who is to testify today, namely, 2-TCW-989, confirms
15 to his best knowledge that he has no relationship, by blood or by
16 law, to any of the two Accused -- that is, Nuon Chea and Khieu
17 Samphan, or any of the civil parties admitted in this case.

18 The witness took an oath before the Iron Club Statue this morning
19 and is ready to be called by the Chamber.

20 We also have a reserve witness today -- that is, 2-TCW-1008.

21 [09.13.00]

22 MR. PRESIDENT:

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

25 The Chamber has received a waiver from Nuon Chea, dated 1st

2

1 February 2016 which states that, due to his health, headache,
2 back pain, he cannot sit or concentrate for long. And in order to
3 effectively participate in future hearings, he requests to waive
4 his right to participate in and be present at the 1st February
5 2016 hearing.

6 He affirms that his counsel has advised him about the
7 consequences of this waiver, that it cannot in any account be
8 construed as a waiver of his rights to be tried fairly or to
9 challenge evidence presented to or admitted by this Court at any
10 time during this Trial.

11 Having seen the medical report of Nuon Chea by the duty doctor
12 for the Accused at ECCC, dated 1st February 2016, which notes
13 that Nuon Chea has back pain and dizziness when he sits for long
14 and recommends that the Chamber grant him his request so that he
15 can follow the proceedings remotely from the holding cell
16 downstairs.

17 Based on the above information and pursuant to Rule 81.5 of the
18 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
19 follow today's proceedings remotely from the holding cell
20 downstairs via audio-visual means.

21 [09.14.38]

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

25 And before we commence hearing testimony of Witness 2-TCW-989,

3

1 the Chamber now issues its oral ruling on the request by the
2 Co-Prosecutors.

3 On 11 November 2015, the Chamber (sic) made a request to the
4 Chamber to receive documents -- that is, in relation to document
5 E319/36, and the Chamber (sic) requests to use three documents
6 for Witness 2-TCW-989, namely, E319/23.3.42, E319/19.3.125 and
7 E319/13.3.20.

8 The Chamber also heard responses and submissions from other
9 parties and, for that reason, the Chamber decides to admit the
10 use of these three documents. Written decision with reasons will
11 be issued in due course.

12 [09.16.20]

13 JUDGE FENZ:

14 To clarify the English translation, that's a ruling on the
15 Prosecution request.

16 MR. PRESIDENT:

17 Court officer, please usher the witness into the courtroom.

18 (Short pause)

19 (Witness enters the courtroom)

20 [09.17.50]

21 QUESTIONING BY MR. PRESIDENT:

22 Q. Good morning, witness. What is your name?

23 MR. SAO VAN:

24 A. My name is Sao Van alias Pok.

25 Q. Thank you, Mr. Sao Van. And do you recall when you were born?

1 A. I was born on 15 April 1941.

2 Q. Thank you.

3 When were you born?

4 A. I was born in Srae Khvav village, Cheang Tong commune, Tram
5 Kak district, Takeo province.

6 Q. And where is your current address?

7 A. At present, I live in Srae Khvav village, Cheang Tong commune,
8 Tram Kak district, Takeo province.

9 Q. What is your current occupation?

10 A. I am a rice farmer.

11 [09.19.23]

12 Q. What are the names of your parents?

13 A. My father is Sao Mi, deceased; and my mother is Sok Ken. She
14 is also deceased.

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

17 A. My wife's name is Nhoem Eun. We have nine children.

18 Q. Thank you, Mr. Sao Van.

19 The greffier made an oral report that, to your best knowledge,
20 you are not related -- you are not related, by blood or by law,
21 to any of the two Accused -- that is, Nuon Chea and Khieu
22 Samphan, or to any of the civil parties admitted in Case 002.
23 Is this information correct?

24 A. Yes, that information is accurate.

25 Q. Have you taken an oath before the Iron Club Statue to the east

1 of the Chamber?

2 A. I have taken an oath at the Iron Club -- before the Iron Club
3 Statue before I appeared in the Chamber.

4 [09.20.58]

5 Q. Thank you, Mr. Sao Van. And the Chamber would like now to
6 inform you of your rights and obligations as a witness.

7 Mr. Sao Van, as a witness in the proceedings before the Chamber,
8 you may refuse to respond to any question or to make any comment
9 which may incriminate you. That is your right against
10 self-incrimination.

11 As for your obligations, Mr. Sao Van, as a witness in the
12 proceedings before the Chamber, you must respond to any questions
13 by the Bench or relevant parties except where your response or
14 comment to those questions may incriminate you, as the Chamber
15 has just informed you of your right as a witness.

16 You must tell the truth that you have known, heard, seen,
17 remembered, experienced or observed directly in relation to an
18 event or occurrence relevant to the questions that the Bench or
19 Parties pose to you.

20 Mr. Sao Van, have you been interviewed by the investigators of
21 the Office of the Co-Investigating Judges? If so, how many times,
22 when and where?

23 [09.22.28]

24 A. I have been interviewed by the group of "Searching for the
25 Truth", and I was interviewed once by this group at my house.

6

1 Later on, representatives from this Court interviewed me at the
2 commune office of Cheang Tong. However, I cannot recall the date
3 of that interview.

4 And the third interview actually took place at this Court, and I
5 also appeared before the Supreme Court Chamber in the Courts of
6 Cambodia in 2015.

7 So this is my fourth trip to this Court.

8 Q. Thank you.

9 And do you recall when you last appeared to testify before the
10 Trial Chamber?

11 A. I cannot recall the date, and this is in addition to my old
12 age, so my memory does not serve me well. However, if you see the
13 date on the written record or something, you can put the question
14 to me and it may jog my memory.

15 [09.24.25]

16 Q. Thank you, Mr. Sao Van.

17 Before you are asked questions, we have heard that you have been
18 interviewed several times before your appearance, and you also
19 stated that you were -- you testified before the Supreme Court
20 Chamber in February 2015 -- that is, during the Appeal
21 proceedings in Case 002/01.

22 And we would like to inform you of your duty today -- that is,
23 for your testimony before the Trial Chamber.

24 You are here before us which is separate from your testimony last
25 year before another Chamber, and here, you are requested to

7

1 testify in another case -- that is, 002/02. And that is the
2 reason you have been summoned to appear before this Chamber. So
3 please be patient with us since you have appeared before another
4 Chamber and that you have been interviewed several times.
5 However, you might have -- you might be asked questions, although
6 you may have responded previously, but the questions are related
7 to Case 002/02.

8 [09.26.10]

9 So although you believe that you responded to those questions,
10 you may be asked the same questions in this particular case, and
11 your presence here is separate from your previous presence before
12 the Supreme Court Chamber in February 2015 where the appeal
13 hearing was conducted for Case 002/01.

14 And of course, there are certain statements that you have made
15 thus far and which are related to the proceedings in this case --
16 that is, 002/02, and that is the reason you are summoned to
17 testify before us.

18 Do you understand the proceeding, Mr. Witness?

19 A. Yes, I do. And I will respond to all the questions put to me
20 based on my recollection.

21 [09.27.22]

22 Q. Thank you, Mr. Witness.

23 And you have stated that your name is Sao Van alias Pok. And are
24 you also known by another alias -- that is, Sao Pok, in
25 particular, when you live through the Khmer Rouge regime?

8

1 Were you known by Sao Pok? Because when you said your name is Sao
2 Van alias Pok, the word "Pok" is not a full name. It's only just
3 your given name.

4 Did you ever use a full name or full alias as Sao Pok?

5 A. I actually use the Sao Pok based on the registration of my
6 date of birth. And during the DK period, I was known by that
7 name, Sao Pok, and only in 2002 when I became a candidate for the
8 commune committee, I changed my name to Sao Van. And from that
9 day onward, I am known officially by Sao Van.

10 And I also changed the names for my birth registration from Sao
11 Pok to Sao Van.

12 [09.29.17]

13 Q. Thank you.

14 And my next question to you is in relation to the events that
15 took place in Cheang Tong commune on the 30 of fourth (sic) 1971
16 -- that is, in reference to transcript of 2nd February 2015, that
17 is on page 18 in Khmer, 20 -- page 20 in English, and French,
18 page 23.

19 My question to you is: How do you recall the exact date of that
20 event because you said that, on that particular day, you was
21 appointed -- that is, on the 30th of April 1971?

22 A. Yes, Mr. President. I'd like to clarify that matter.

23 After 1970, Kampuchea plunged into a chaos due to the coup
24 d'état. I was the village chief in Trapeang Tuek village, Cheang
25 Tong commune, Tram Kak district, Takeo province. Not long after

1 that, Angkar, which was referred to by District 105, which is the
2 Tram Kak district currently, appoint with me to be part of the
3 committee to provide propaganda to people with Khoeun in Popel
4 commune, so I was part of that propaganda or education committee
5 for the people living in that commune in Takeo province.

6 And by 30 September 1971, the Angkar of District 105 made me --
7 provided me an appointment or to promote me, and that happened
8 during the night time in order to avoid aerial bombardment.

9 So, on the 30 of that month in 1971, Ta Keav and Ta Nhev
10 appointed me to be the commune chief of Cheang Tong of the Front.
11 And that is how it happened in relation to my appointment and the
12 clear date that I recall.

13 [09.32.38]

14 Q. Thank you.

15 And how long were you chief of the Front of the Cheang Tong
16 commune?

17 A. I was chief of the Front in Cheang Tong commune from 1971 to
18 1975, then Angkar reassigned me to Sector 25.

19 Q. And can you recall the date that you were reassigned to work
20 in Sector 25? Do you recall the exact date of that reassignment?

21 A. After the victory of 17 April 1975 -- that is, about two
22 months after that victory date, the zone committee reassigned me
23 to work and live in Sector 25. However, I cannot recall the date.

24 [10.34.26]

25 Q. Thank you.

10

1 So after 17 April 1975 after the liberation army occupy Phnom
2 Penh, so you were assigned to work in Sector 25? Were you still
3 the village chief of Cheang Tong, or did you have any other role?

4 A. At that time, I was no longer the revolutionary leader of
5 Cheang Tong commune. I was transferred to be commune chief of
6 Svay in Sector 25 in 1976.

7 Q. You have stated that you were reassigned to work in Sector 25
8 -- that is, two months after the victory date of 17 April. So it
9 seems that it happened in around June or July 1975. And then, in
10 1976, you were appointed chief of Kampong Svay commune in Kien
11 Svay in Sector 25.

12 For the period -- that is, between the victory day of 17 April
13 1975 until the date you were appointed chief of a commune in Kien
14 Svay, what did you do between this period?

15 [09.36.45]

16 A. After the victory day of 17 April 1975 and before I was
17 reassigned to Sector 25, I lived in Cheang Tong commune, and I
18 was tasked to manage the people who were evacuated from Phnom
19 Penh to Cheang Tong commune. And I would organize them to live in
20 various cooperatives in those villages. And that was my role at
21 the time.

22 Q. Allow me to clarify what you have just stated, as this is also
23 related to your previous statements.

24 I want to clarify that -- certain dates, and that is the reason I
25 put the question to you, to clarify those dates.

11

1 You have just testified that you were appointed a commune chief
2 in Kien Svay -- that is, in Sector 25, and that appointment was
3 made two months after the liberation day of 17 April 1975. And
4 you also stated that you were reassigned there in 1976.

5 You also stated that, after 17 April 1975, you were tasked to
6 work in Cheang Tong commune to organize people who were evacuated
7 from Phnom Penh and from other cities in order to place them in
8 cooperatives.

9 So please try to recall -- that is, how long did you work in
10 Cheang Tong commune after the 17 April 1975?

11 [09.39.05]

12 A. I'd like to clarify that point. After 17 April 1975, I was
13 part of the movement in Cheang Tong commune and, actually, Boeun
14 was a female who was in charge and who was the secretary of
15 Cheang Tong commune. At that time, Angkar did not send me to
16 Sector 25, and I was still working in the commune of Cheang Tong.
17 And my tasks were to organize people to live into various
18 cooperatives.

19 [09.39.58]

20 Q. Thank you.

21 And I want to know the differences between your -- of your tasks
22 between Boeun, the commune secretary, and you, so what different
23 tasks you have at the time opposed to those of Yeay Boeun?

24 A. She was -- she had an overall supervision, and I was asked to
25 assist in managing people within the commune. So I was part of

12

1 the tasks. However, as I said, she had overall supervision in the
2 commune.

3 Q. Thank you.

4 You were chief of the Front in the commune, and you were also
5 engaged in the management of people with Yeay Boeun, the former
6 commune secretary. And I have another question about the
7 differences between the Front of the commune and the committee of
8 the commune.

9 You stated that you had been part of the Front, and you also
10 stated that there were differences between the tasks of the
11 commune Front and the commune committee.

12 So what were differences of the two?

13 [09.42.01]

14 A. Chief of the Front within the commune as well as the chief of
15 the commune had the same -- had relatively same tasks. All the
16 decisions and all the solution has to agree -- had to be agreed
17 among the three, after which the commune chief would be invited
18 to the meeting so that the decision and instruction could be
19 implemented in cooperatives.

20 So as I said, it is my understanding that they had similar tasks,
21 and we worked based on our conscience and our mental
22 responsibility.

23 Chief was responsible in overall tasks, and the deputy were
24 responsible for other tasks.

25 Q. I am not so quite -- I am not quite clear, so I have a

13

1 follow-up question.

2 So what were your tasks at the time in the commune among the
3 three?

4 As you said, you -- were you part of the Cheang Tong commune
5 committee from '71 up to '75 before you were transferred to Kien
6 Svay Sector 25?

7 [09.43.58]

8 A. As I said, the chief of the committee had overall
9 responsibility, namely, military, economics and other (inaudible)
10 -- other management tasks. The chief would be invited to receive
11 the instruction and decision, after which those decision and
12 instruction had to be conveyed to the subordinates. And after the
13 agreement, the deputy and permanent members would be invited to
14 attend a meeting to be informed of the instruction and decision
15 from the districts.

16 Later on, the villages would also be invited to the meeting so
17 that they be informed of decision and instruction from the above,
18 and the -- those decision and instruction could be implemented
19 within the cooperatives.

20 Q. I think you are not giving the detail as I want to hear from
21 you, so concerning the commune committee, were you deputy -- were
22 you chief, deputy or members of the commune committee since I
23 heard that there were two different kind of structure? And you
24 stated that you were responsible for front house. Is that true?

25 [09.45.50]

14

1 A. I was chief of Cheang Tong Front in 1972 and in 1973. There
2 was a Communist Party of Democratic Kampuchea, and the CPK was --
3 assisted -- CPK assisted the Front from the behind. And what I
4 did was based on the decision of Party branch within the commune.
5 Frankly, I do not really get your question, Mr. President. But
6 what I'm telling you is the tasks of commune committee.

7 Q. Fine. Who decided to transfer you from Cheang Tong commune to
8 Kien Svay district -- that is, Sector 25?

9 A. I did not know at the time who assigned -- who reassigned me.
10 When I arrived in Sector 25, I came with three, four or five
11 others. I was introduced by Yeay Khom, the daughter of Ta Mok,
12 secretary of Tram Kak, who assigned me to come and work in Sector
13 25.

14 [09.48.02]

15 Q. Thank you.

16 Do you know the reason that you were transferred by Yeay Khom
17 from Cheang Tong commune to Kien Svay, Sector 25? Were you
18 provided with the reasons you were transferred from that commune
19 to Sector 25?

20 A. Mr. President, I was not informed of any reasons, but upon the
21 transfer, I stayed in Kantuot (phonetic), currently Kandal Stueng
22 district, where Ta Mok was working. Then, as I said, I stopped at
23 that place for one night, and during which Ta Mok said all of you
24 combatant needed to go and work in Sector 25, Kien Svay district,
25 since it was now part of the Southwest Zone.

15

1 Ta Mok requested all of us to go and work in that district and
2 sector.

3 Q. Thank you. I want to clarify once again the question that I
4 asked.

5 You arrived in Kien Svay, Sector 25. I wanted to know when did
6 you -- when, exactly, did you arrive in Kien Svay, Sector 25?

7 [09.50.16]

8 A. To my recollection, it was in 1976 when I started to be
9 engaged in the tasks in Kien Svay, and I was there for a period
10 of one year.

11 Q. I want to ask you about the meeting which the discussion was
12 about the policies to treat the former Lon Nol and official in
13 the former regime.

14 You attended a meeting where the instructions were issued by
15 cadres. Did you ever attend a meeting held at a location named
16 Phnum Trael?

17 A. Mr. President, I used to attend a meeting at Phnum Trael.

18 Q. Thank you.

19 Which location, exactly, was that meeting held, and was that
20 meeting held within a hall or where, exactly? Could you describe
21 the location where the meeting was held at Trael mountain?

22 [09.52.18]

23 A. Concerning the meeting at Trael Phnum, it -- I was surprised
24 at the time. It was -- it appeared to be in a haste to convene
25 that meeting. The district invited comrades within the province

1 and military within the province to attend a meeting at Trael
2 mountain. Actually, there was no hall installed during the
3 meeting. The meeting was held on the mountain. It lasted for one
4 day, then the meeting was concluded and we went back to our work
5 stations, respectively.

6 Q. Mr. Witness, did you know anybody called Moeng Vet from your
7 time in Cheang Tong commune?

8 A. Let me inform the Court, I did not know a person by the name
9 Moeng Vet.

10 [09.53.43]

11 Q. Thank you. Moeng Vet gave an interview to DC-Cam. For
12 reference, the document is E3/9647, Khmer, ERN 00975721; English,
13 00992985; French, 00996561. Moeng Vet mentioned in passing the
14 following venue at Phnum Trael, he stated that Phnum Trael pagoda
15 in Tany was an art office called original conference hall. Is
16 this the venue you are describing at Phnum Trael, or a different
17 venue?

18 A. The venue that I went to join the meeting was known as Trael
19 mountain. I had not known this location before. It was when I
20 invited to the meeting at the place that I started to know it.
21 During the meeting, Ta Chay (phonetic) made mention his
22 biography. He stated that he was engaged in the movement and
23 revolution. He delivered welcoming remarks. He stated about the
24 transportation of food supplies during the movement. He made
25 mention about the difficulty he experienced.

17

1 At the time, he also stated that he never expected the victory as
2 we had at the time. That was the summary of the content of his
3 remarks.

4 [09.56.00]

5 Q. What was his position in District 105?

6 A. He was working within the district. However, he was not the
7 secretary, deputy secretary or member of the district. He was
8 tasked with the responsibility of production units of District
9 105.

10 Q. Thank you.

11 To your recollection, who invited to a meeting at Trael mountain?

12 A. It was under an invitation brought to me by the messenger. The
13 invitation letter was sent from sector down to district and to
14 the commune.

15 Q. Which sector was Phnum Trael located?

16 A. Phnum Trael was located in District 106, Sector 13, currently
17 known as Kampot province.

18 [09.57.50]

19 Q. How did you travel to Phnum Trael? Did you walk or take a
20 motorbike or some other mode of transport?

21 A. I was on foot at the time. I was invited to a meeting in
22 District 106 together with other people. There were many of us,
23 from 10 communes. For instance, one or two chief and deputies
24 from each commune were with me, and we would stay on the night
25 during our journey, so I did not know where Phnum Trael was at

18

1 that time. I simply followed others to reach Phnum Trael. And
2 upon my arrival, I joined the group in the meeting listening to
3 the remarks and instruction made by speakers.

4 [09.59.18]

5 Q. As best you can remember, when did the meeting at Phnum Trael
6 take place? Are you able to provide any assistance with the
7 dates?

8 A. To my recollection, it was after 17 April 1975 -- that is, the
9 victory day. I cannot tell you the exact date and month. It was
10 one or two months after the liberation that the cadres were
11 invited to that meeting. The meeting was meant to instruct and
12 advise cadres to be ready to deal with the situation of people.

13 Q. Thank you.

14 How many people were there attending that meeting, and from which
15 level were they from?

16 A. There were hundreds of participants during the meeting. The
17 commune -- the chief of commune, chief of 100 members, and chief
18 of 50 members were invited to that meeting. The units chiefs
19 would -- were also invited to the meeting.

20 [10.01.32]

21 Q. Could you tell the Chamber who presided over the meeting at
22 the time?

23 A. Bong Saom was the speaker. He was from Sector 13, and I cannot
24 recall who else were there being the speakers.

25 Q. Thank you.

1 What about Ta Mok? Was Ta Mok present in the meeting?

2 A. Ta Mok was not there in the meeting.

3 Q. Thank you.

4 You have told the Court already about who presided over the
5 meeting, and you told the Court about the presence of Ta Chay
6 (phonetic), who, at the time, discussed about his experience in
7 the movement supporting the soldiers of the Front, and Ta Chay
8 (phonetic) stated also that he never expected victory would come.
9 Ta Saom, from your statement, was the secretary of Sector 13, he
10 was there and presided over the meeting as well. So now I would
11 like to ask you about the content of the discussion.

12 What was discussed at the meeting at Phnum Trael?

13 [10.03.32]

14 A. Allow me to respond to this question.

15 At that time, Brother Saom discussed about possible solutions to
16 the living conditions of the people since the war ended. We had
17 to acknowledge our grand victory, and for both the Old and the
18 New People, that's the exact phrase he used or referred to, that
19 we had to have a broader perception of these people in order to
20 hold solidarity between the Old and the New People.

21 He also emphasized that for soldiers ranking from the 2nd
22 lieutenant to colonel should not be mistreated -- should not be
23 touched. And he actually emphasized the point that those ranked
24 soldiers also had their relatives living amongst us and that
25 those people involved in the movement to liberate the country,

20

1 and for that reason, we had to maintain this force and for us
2 cadres, we had to remember that and had to implement this
3 instruction effectively at our respective bases.

4 These are some of the points that he emphasized and, for that
5 reason, I recall them rather well. And that's what I tried to
6 implement at the time.

7 [10.05.38]

8 Q. And besides Ta Saom, the secretary of Sector 13 who made the
9 presentation during the meeting to cadres under his subordination
10 -- that is, from all the levels of communes and districts, were
11 there other speakers? Since you said the meeting lasted a day,
12 were there any other speakers who were presented different
13 topics?

14 A. No, there wasn't any other speaker. And after the presentation
15 by Brother Saom concluded, then Ta Chay (phonetic) had a
16 conversation with us. Ta Chay (phonetic) was friendly. He spoke
17 about his experience in the resistant movement, about the open
18 and covert movements that led to the victory. So we, as the
19 cadres, we tentatively listened to his experience.

20 The meeting lasted the whole day -- that is, full -- for the full
21 morning session and part of the afternoon session. And after
22 that, we had to walk back.

23 [10.07.15]

24 Q. Thank you for your detailed response.

25 You have stated about the instruction not to mistreat former Lon

21

1 Nol ranked soldiers from the 2nd lieutenant to colonel, and my
2 question to you is the following:

3 Regarding the instruction or the policy towards the former Lon
4 Nol soldiers, did he make mention of the civil servants of the
5 former Lon Nol soldiers besides -- former Lon Nol regime beside
6 the soldiers?

7 A. He made mention of the former Lon Nol soldiers and policemen.
8 He did not mention the civil servants. However, he stated that we
9 should have a broader perception of both the New and the Old
10 People and that we should try to find the solutions with the
11 masses, that they could be lacking everything, including food
12 supply and medicine, and that we had to resolve the practical
13 situations.

14 And for that reason, we had to be humble to the masses to sort
15 out those issues. And that is his emphasis during his
16 presentation. And he actually reiterated these points.

17 [10.09.22]

18 Q. Thank you, Mr. Sao Van, for your detailed explanation.

19 I'd like now to refer to your interview with DC-Cam in 2011 so
20 that I can fully understand it.

21 You were interviewed by DC-Cam -- that is, document E3/9118. The
22 Khmer ERN is at 00957793 to 94 and ERN in English is at 01098761.
23 You stated the following -- and my apology that I do not have the
24 French ERN. You stated, and I quote:

25 "At Phnum Trael mountain, Ta Mok announced that soldiers with the

1 rank of colonel or higher would not be killed. However, he didn't
2 state that immediately after the liberation. His statement was
3 made probably in March, April or May. It was like one month after
4 the liberation. After that, Ta Saom, the sector committee, got
5 all cadres, including high-ranking officers, to study at Phnum
6 Trael mountain. It was announced at Tany that soldiers with the
7 rank of colonel or higher would absolutely not be killed. That
8 was exactly the political line at the time."

9 And later in the same interview -- that is, E3/9118 at Khmer, ERN
10 00957819; English is at 01098778; you made the following
11 statement, and I quote:

12 [10.11.47]

13 "What happened during the regime was different to what is
14 mentioned in the documents and what Ta Mok said. After the war
15 was over, the cadres attended meetings at Phnum Trael mountain
16 and Ta 15 mentioned it. Ta Saom was one of the members of the
17 sector. However, his rights were taken away because he was an
18 educated person. They said that nothing would happen to former
19 colonels or those who had higher positions. All cadres were told
20 not to keep an eye on those people." End of quote.

21 There could be issues with the translation or with the
22 transcript.

23 Can you tell the Chamber whether you referred to one and same
24 location -- that is, Phnum Trael mountain -- because you
25 mentioned two different names -- that is, Phnum Trae (sic) and

1 Phnum Trel (sic) -- or whether you only refer to one same
2 meeting, but there is a problem with the English translation from
3 Trae (sic) to Trel (sic)?
4 [10.13.15]

5 A. Allow me to respond to that question.

6 I have heard the excerpt of the statements, and allow me to
7 clarify. I actually referred to Phnum Trael mountain, and the
8 statement made by Ta Saom at Phnum Trael mountain about the
9 ranked soldiers from colonels up. It was not Ta Mok who made
10 mention about the ranked soldiers.

11 Q. You were interviewed by DC-Cam staff at -- in 2011, and you
12 said that the announcement was made by Ta Mok and that it took
13 place at Phnum Trael mountain. So my question to you is: Did you
14 have a separate meeting with Ta Mok at a separate location?

15 A. I'm delighted to respond to that question.

16 I actually listened to Ta Mok when he attended the yearly
17 conference while we were still a part of the resistant movement,
18 and that happened in late 1973 or early 1974.
19 During the meeting, he said cadres at the village, commune,
20 district and provincial levels as well as the sector level did
21 not have the authority to kill anyone. The decision on the life
22 of the people was at the hand of the zone and the centre levels,
23 so those at the sector, at the district or the commune levels did
24 not have the authority.

25 [10.15.20]

24

1 He also turned to Ta Saom and Ta Muth, who was at the provincial
2 level, that they should not act in a way that -- to scare the
3 subordinates because people were taking part in the movement to
4 liberate the country from the enemy. And that's the speech made
5 by Ta Mok during the yearly conference, and it was not at Phnum
6 Trael Mountain.

7 Q. Thank you.

8 Allow me to clarify the point that you made regarding the meeting
9 at Phnum Trael mountain where Ta Saom, as you said, said about
10 colonels and higher. However, I refer to the transcript where the
11 -- where they only mention from -- in this particular transcript,
12 you said about the colonels and higher -- that is, could be a
13 general, and that they should not be touched or should not be
14 killed. But in your previous statement, you refer to the ranked
15 soldiers from the 2nd lieutenant to the colonel.

16 Can you clarify about these two categories of soldiers? Was it
17 colonel -- from the colonel downward, or from the colonel rank
18 upward?

19 [10.17.15]

20 A. That's what I stated during my interview -- that is, from the
21 ranks of the colonel up.

22 Q. And did that -- your statement that you made correct, is it
23 from the colonels and higher that they should not be touched, or
24 was it from the colonel down to the lower rank?

25 A. After I tried to recall, then, actually, the instruction was

1 from the colonel down to the lower level.

2 MR. PRESIDENT:

3 Thank you, Mr. Witness.

4 And we have a short break now, and resume at 20 to 11.00.

5 Court officer, please assist the witness during the break time

6 and invite him back into the courtroom at 20 to 11.00.

7 The Court is now in recess.

8 (Court recesses from 1018H to 1043H)

9 MR. PRESIDENT:

10 Please be seated.

11 The Court is back in session and I resume my questioning Mr. Sao

12 Van.

13 BY MR. PRESIDENT:

14 Q. My next question is about the former Lon Nol soldiers. From

15 colonels upwards, were they mistreated or harmed after the

16 instruction of Saom, the secretary of Sector 13, after 17 April

17 1975 up on to the time where there were instruction informed in

18 Trael mountain meeting? Were the colonels upward harmed?

19 [10.44.23]

20 MR. SAO VAN:

21 A. I never saw the mistreatments -- treatment of those soldiers.

22 No such incidents happened in Cheang Tong commune.

23 Q. Well, what about the former Lon Nol soldiers ranking from

24 colonel down to rank-and-file soldiers, after 17 April 1975, were

25 they harmed and killed?

1 A. Let me clarify and inform the Court as follows: concerning the
2 instruction, there were soldiers at Champa pagoda and those
3 soldiers were gathered up.

4 [10.45.40]

5 Q. Thank you, Mr. Witness. And I have a similar question to the
6 previous one.

7 To your recollection and to your observation, as you stated, you
8 were engaged in the tasks in Cheang Tong commune and later on,
9 you went to work in Kien Svay, Sector 25 in Kampong Svay commune.
10 You were in that position at Kien Svay for a long period of time.
11 And concerning the policies in relation to the treatment of
12 former Lon Nol -- Lon Nol soldier ranking from colonel down to
13 rank-and-file soldiers, so what was your observation in relation
14 to the treatment of the colonel down to the rank-and-file soldier
15 and colonel up to generals? So were there any policies to arrest
16 and mistreat those former Lon Nol soldiers?

17 A. Upon my arrival at Kampong Svay commune, from the report I
18 received, there were some soldiers -- former soldier held the
19 rank of colonel. They had been sent away already before my
20 arrival and I did not know, at the time, where they were sent to.

21 Q. You were told about that circumstance, so were you told how
22 many of them were sent out of Kien Svay district, Kampong Svay
23 commune?

24 A. I do not know how many of them were sent out of Kampong Svay
25 commune, Kien Svay district, Mr. President.

1 [10.48.11]

2 Q. Thank you, Mr. Witness. What do you mean when you said what
3 happened during the regime was different to what is mentioned in
4 the documents and what Ta Mok said?

5 I clarified a few points with you already concerning the
6 statements of Ta Mok not to touch some former soldiers within
7 certain ranks, so can you tell the Court, what do you mean when
8 you said what happened during the regime was different to what is
9 mentioned in the documents and what Ta Mok said?

10 A. In relation to my statement in the document given --
11 interviewed by DC-Cam, after the statement of Ta Mok, I received
12 a document in late-1977 and mid-1978. In that document, there
13 were categories of full-rights people, candidate people, and
14 depository.
15 When I arrived in Tram Kak district, there was a place -- a
16 location named Krang Ta Chan, where I saw skulls and bones remain
17 -- remaining at the place and I have informed the interviewer
18 about what I saw when I arrived at Krang Ta Chan, so my statement
19 was different from that of Ta Mok.

20 [10.50.42]

21 Q. After the meeting at Phnum Trael, were the instruction
22 introduced by Sao Pao (phonetic) -- were the instruction
23 introduced by Ta Saom implemented?

24 A. After I returned to my base location, I disseminated the
25 instruction to the village chiefs and upon my arrival in Kien

1 Svay, I also disseminated the instruction to my subordinates.

2 Q. Thank you. I want to discuss with you another topic in
3 relation to a different meeting in a different location. This
4 time it's about -- it is about Takeo town's meeting. Did you ever
5 attend a meeting in Takeo town when instructions were given about
6 the treatment of former Lon Nol officials after the 17 April
7 1975?

8 A. After the 17 April 1975, there was a meeting held in Takeo. I
9 was there in the meeting. The presentation was made by the same
10 person, Saom. It was -- the presentation was meant to advise on
11 production and mobilizing the masses. No discussion was made
12 about the treatment of former Lon Nol soldiers and officials.
13 Before that time, instructions were disseminated already about
14 the treatment of former Lon Nol soldiers and official and once
15 again, there was no discussion about the treatment of former Lon
16 Nol official and soldiers at Takeo town.

17 [10.53.35]

18 Q. Which meeting took place first; I mean the meeting at Phnum
19 Trael and the meeting in Takeo province?

20 A. In fact, the meeting at Phnum Trael was held first in Sector
21 13 and later on, there was another meeting in Takeo town after my
22 reassignment to Kampong Svay, Kien Svay, Sector 25 already. Ta
23 Mok was invited me to that meeting in Takeo. Came -- cadres from
24 Takeo and also from Sector 13 were also invited in the meeting at
25 Takeo province.

1 Q. Could you specify the exact location where a meeting in Takeo
2 took place? And as you said, the meeting in Takeo was presided
3 over by Ta Mok when the cadres from the zones -- the Southwest
4 Zone and also from the communes were there.

5 A. The meeting was held at Phsar Chas or older market, the market
6 selling fish. The meeting was held inside that market. Soldiers,
7 cadres from commune, and cadres from district -- districts 25 and
8 from Kampot and Sector 13 were invited to that meeting.

9 [10.55.45]

10 Q. Thank you. How did you travel to the meeting in Takeo? As you
11 -- as far as you were concerned and the distance from Kien Svay
12 to Takeo was far, so how long did it take to travel and arrive in
13 Takeo?

14 A. We went to Takeo by vehicle -- by a vehicle or vehicles and we
15 were there in the meeting for three days.

16 Q. To your recollection, when exactly was the meeting held? You
17 already told the Court that the meeting in Takeo town was held
18 after that at Phnum Trael, so what year and what date and month
19 exactly when the meeting was held in Takeo town?

20 A. Concerning the meeting in Takeo, it was held in 1976. Perhaps,
21 it was after the Khmer New Year. It was perhaps in June or July
22 of 1976. Soldiers, cadres from commune and district and also from
23 different offices attended the meeting -- the three-day meeting.

24 [10.57.35]

25 Q. Thank you. You told the Court that the meeting was held right

1 inside the market. Who presided over the meeting; I meant which
2 senior leaders presided over the meeting?

3 A. That meeting was presided over by the military person, Ta Bit
4 and Ta Saom. Ta Mok was there in the meeting and after the
5 three-day meeting, livelihoods was discussed. As I said, there
6 was Ta Mok in the meeting, but he was simply there to listen.

7 Q. You stated that cadres from commune, district, and also from
8 Srae Ambel attended the meeting, so to your estimate, how many
9 people attended that meeting?

10 A. There were around 300 participants from regimental level,
11 battalion level, and members of 100 units and 50 units were also
12 there. Production units at Srae Ambel was also invited to the
13 meeting, so the total number of the participant -- participants
14 was around 300.

15 [11.00.08]

16 Q. You have told the Court partially about a previous topic, but
17 I want to clarify with you concerning the topics -- the main
18 topics discussed in the meeting -- the three-day meeting. So what
19 were the main topics discussed in the three-day meeting at Takeo
20 province?

21 A. To my recollection, the presentation touched upon the
22 conclusion of the war and the furthering of democratic revolution
23 and it was said that it was now the time to turn to social
24 revolution and we were told to promote our agricultural
25 production to reach 3 tons per hectare so that we can -- we could

1 defend our country; that was the content of the discussion at the
2 time.

3 [11.01.46]

4 Q. You already told the Court about the discussion of treatment
5 of former Lon Nol soldier which was not discussed in Takeo town's
6 meeting. There are a few witnesses who stated -- who have stated
7 that in Takeo town meeting, there was a discussion concerning the
8 treatment of former Lon Nol officials -- officials and soldiers.
9 So now let me clarified with you once again, were policies of Lon
10 Nol soldiers and official treatment were discussed in Takeo
11 town's meeting and what kind of strategies and approaches were
12 asked to apply to those former Lon Nol officials and soldiers? As
13 you said, the meeting in Takeo province took place in late-1976,
14 so could you clarify this point for the Court?

15 A. I'm trying to call what happened and the contents of the
16 meeting that was held at the time. It was either Ta Mok or Ta
17 Saom who made mention about the soldiers. He said for us, all the
18 comrades, we had to acknowledge that after the victory, we had to
19 have trust in the people. And also if we were to be defeated, we
20 had to relax and trust the people.

21 He emphasized that for us, the comrades -- the cadres, we had to
22 acknowledge the masses and that's not only about those other
23 bases, but for the soldiers in the areas as well. So in our
24 capacity as cadres, in the platoon company or battalion or
25 regimental unit, we had to eliminate our personal egos and that

1 we had to be absolute with our stance.

2 [11.04.35]

3 As for the peasants and the cadres at the bases, we all had to
4 have our broader vision that we should not distinguish between
5 the 17 April or the 18 April People or the Old or the New People;
6 we had to gather all the people to engage in the rice productions
7 for building our country, for defending our country so that we
8 can defend our independence and sovereignty and nation.

9 Q. Besides the meeting that you said that happen in about June or
10 July of 1976, did you ever attend any other meeting held in Takeo
11 province where Ta Mok chaired -- that is, prior to the meeting
12 that you just mentioned that took place in about June or July
13 1976 where Ta Mok was part of the presenters, but only Saom who
14 makes the presentation.

15 So did you attend any other meeting where there were wider
16 audience where participants came from all the three sectors under
17 the Southwest Zone where policies were disseminated?

18 A. That was the only meeting where I personally attended in Takeo
19 province and there was no other meeting that I attended.

20 [11.07.01]

21 Q. You were interviewed in 2013 by an investigator from the
22 Office of the Co-Investigating Judges -- that is, document
23 E3/9455; Khmer ERN at 00893277, English is at 00901570, and I do
24 not have the French ERN number.

25 In that interview, you are recorded as saying as follows at

1 answer number 9: "After 1975, there was another meeting in the
2 provincial town of Takeo in the presence of Ta Mok and Saom, who
3 was in the Sector 13 committee, announced that soldiers with
4 ranks from second lieutenant to colonel were not to be harmed."
5 Can you recall that meeting because what you made mention earlier
6 is rather broad, but you were more specific in your interview in
7 2013 where you said that there was instruction from Saom, the
8 Sector 13 committee, who made an announcement that soldiers with
9 the ranks from second lieutenant to colonel were not to be
10 harmed, which is consistent with his instructions announced at
11 Phnum Trael mountain? Can you try to recall that?

12 [11.08.49]

13 A. Regarding his presentation, that is my recollection; however,
14 I do not object to the excerpt where you put to me. Maybe I
15 cannot remember that specifically; however, I was already in Kien
16 Svay when I was called for a meeting in Takeo town and I heard
17 instruction from Bong Saom when the meeting was held at the Phnum
18 Trael mountain.

19 Q. Can you tell the Chamber how do you recall the specific
20 instructions that soldiers with the former Lon Nol regime with
21 the ranks from second lieutenant to colonel were not to be harmed
22 and that was instruction from Saom? What reasons that led you to
23 recall these -- this instruction clearly than the contents of the
24 meeting?

25 [11.10.21]

1 A. I had my personal view of solidarity (sic) amongst the
2 United Front. It is my observation at the time when the entire
3 country was not liberated; there were contradictions between
4 those in the liberated zone and those who were not.
5 There were peasants and peasants were categorized into different
6 groups: the poor peasant, the middle-class peasant, and the rich
7 peasants. I was with the masses and after the popular revolution,
8 I noticed the solidarity (sic) between those people in order
9 to join hands to defeat the war and that made me delighted of our
10 unity as a nation and that led me to recall this instruction that
11 soldiers with the ranks from soldier -- from second lieutenant to
12 colonel were not to be harmed because these soldiers also had
13 their relatives who were with us -- who were with the movement
14 and the Front to take part in our revolution and that is the main
15 reason for me to remember that phrase clearly because I was so
16 happy to hear that statement made by Saom.

17 [11.12.15]

18 Q. Thank you, Mr. Witness. And what about the Lon Nol civilian
19 officials, were these people mentioned in your -- in the meeting
20 in about June or July 1976; were there such a policy for the
21 treatment of these people?

22 A. I would like to respond to you in relation to the events that
23 happened in 1976 and allow me to apologize if my response does
24 not fit within your question.

25 I was in Kien Svay in 1976. I was a commune chief of Kampong Svay

1 and what I recall is that Chea, the Sector 25 Committee, told me
2 two phrases that I recall up to today because these two phrases
3 actually perplexed me and I wanted further answers to that.
4 The one term was that the "brand new" and the second phrase is
5 the "special friendship" or "special solidarity" and allow me to
6 broaden these two phrases.

7 [11.14.13]

8 First, the word or the phrase "brand new", Chea, the Sector 25
9 committee, gave us his view on this issue during the yearly
10 conference held in Sector 25. He said within the framework of the
11 popular revolution, the flames of war in Cambodia had
12 distinguished (sic); however, the ashes were still warm. And at
13 the time, there's the US Mayaguez ship actually encroached into
14 the Cambodian territorial waters and the American dropped bombs
15 in Siem Reap and which destroys the lives of the children -- of
16 the Kampuchean children. And from that we could conclude that the
17 United States wanted to strengthen its remnant forces in
18 Kampuchea.

19 And another point that I wanted a clearer answer is on the
20 special friendships and special solidarity. He stressed that
21 another challenge for the Party is that, despite the victory on
22 the 17 April 1975, Vietnam actually liberated Prey Nokor on the
23 30 of April and we had our independence stance and at that point
24 in time, we had to acknowledge that they wanted a special
25 relationship or special solidarity that there should be one

1 country and one people without border. However, I still wanted
2 more answers from that phrase and I wanted to see what's going to
3 happen and I wanted to see who's going to step on whose toes.

4 [11.17.01]

5 And he said that now we are at a juncture where the popular
6 revolution ended and that we reached the point where we had to
7 engage in the socialist revolution to defend and to build the
8 country so that you all cadres and comrades had to have a wider
9 vision and do not distinguish between the old and the new forces.
10 Since we all were living together, we had to sanction our
11 solidarity to gather all the forces to engage in the production.
12 That is our target which is to build our country and to defend
13 our country through the building of our production and through
14 the rice production of 3 tons per hectare.

15 And this is my recollection of the content of that meeting. And
16 at that time, I was secretary of Kampong Svay commune when I
17 attended that meeting.

18 [11.18.25]

19 Q. This is my last question in relation to this topic. Did you
20 have any relative who was part of the former Lon Nol officials
21 and if so, what was the rank?

22 A. I actually had an elder brother, Sao Sum, and we came from a
23 poor peasant family. My elder brother came to work as a labourer
24 in Phnom Penh. He worked in a shoe factory, Chin Tan (phonetic),
25 and he was living in Quarter 6 and actually there was a quarter

1 or a commune election for that Quarter 6 and my elder brother
2 stood for that selection. And in fact, the quarter chief or the
3 commune chief was So Phim and my elder brother was elected third
4 on the list. That happened during the Sihanouk regime and he held
5 that position during the Lon Nol regime until the war ended.

6 Q. And where did he live -- that is, your elder brother, Sao Sum,
7 after 17 April 1975?

8 A. After the war ended in 1975, he said he was transferred to the
9 North -- that is, to Kampong Thom province. Two months later, he
10 made a trip -- his trip to return to Cheang Tong commune -- that
11 is, our native village, and he's been living there and he is now
12 living in Roka Knong commune in Takeo province.

13 [11.21.13]

14 Q. After your elder brother returned to Takeo province, what
15 happened to him -- that is, I refer to the period of Democratic
16 Kampuchea regime when he returned to Cheang Tong commune?

17 A. After he returned to Cheang Tong commune, he went to our
18 house, but I did not meet him at the time. The village chief sent
19 him to the district because they learned that he was a former
20 official and he came from Phnom Penh, so he was sent to live in
21 an education area in Sector 24. Then I went to see him for one
22 time before I was transferred to Kien Svay.

23 Q. What did you do to assist your elder brother so that he
24 survive? Did you seek any assistance to help him, at the time, so
25 that he could be released from the re-education centre?

1 A. Of course, I did still have my personal family attachment to
2 my elder brother. I was shocked when he was sent to the centre,
3 so I went to see Yeay Khom who was the district secretary and who
4 was the daughter of Ta Mok. I told her that my elder brother
5 arrived at home and I had not met him yet and I did not give him
6 any education yet about the living conditions in the
7 cooperatives, but he was sent to the district.

8 And Yeay Khom said I should return back to work because she was
9 aware of the matter and she instructed me to bring the wife and
10 the children of my elder brother to go and live with my elder
11 brother in Sector 24. So that was the intervention that I made
12 for my elder brother.

13 [11.24.40]

14 Q. You said that you went to meet your elder brother at the
15 re-education centre; can you tell the Chamber if there were
16 people who were in the similar situation as your elder brother --
17 that is, those who were sent there for re-education purposes?

18 A. At that time, I did not go to -- actually to see the centre
19 itself, but I went to see the supervisor of the centre -- that
20 is, Cheng (phonetic), and I told Cheng that please look after my
21 elder brother, who was there, and please try to be lenient on
22 him. And I told Cheng (phonetic) that my brother was not
23 physically strong, so I sought his understanding and permission
24 for my elder brother. Then I said goodbye to him and I left. And
25 that's all I said to the supervisor.

1 When I went to see the supervisor, I did not let anyone at the
2 district committees know about it because I went there in my own
3 capacity and at the time, actually, walked to the centre. There
4 was no motorcycle, no motorbike, and the centre was about 10
5 kilometres away.

6 [11.26.46]

7 Q. You said you went to seek help from Yeay Khom and that Yeay
8 Khom would look into the matter and allow your brother to live in
9 a certain location, so my question is: After your elder brother
10 was sent to the re-education centre in Sector 24 and the time
11 that he was released with the intervention by Yeay Khom, how long
12 had he been detained?

13 A. Actually, I was assigned to work at Kien Svay and when I
14 returned to the village in 1979, he was just released in 1979, so
15 it means he was in the centre between '75 to '79.

16 Q. Besides your elder brother's position as the third assistant
17 of the commune committee at the time, did you know whether he
18 held any other position that led him to be detained in that
19 re-education centre?

20 A. No, I was not aware of any other positions he might have held.
21 I only knew that he was the third assistant to the commune or
22 quarter committee.

23 [11.28.17]

24 Q. Thank you, Mr. Witness. I'd like now to touch up on a --
25 another topic in relation to food rations in the Southwest Zone.

1 In your evidence before the Supreme Court Chamber, you said that
2 in 1976, people in Kampong Svay were given a food ration of two
3 kham of rice mixed with cornmeal per meal. And for the benefit of
4 those who might not understand this measurement, could you please
5 explain what two kham means? For example, do you know how many
6 kham are in a kilogramme?

7 A. In general, I spoke about the measurement of rice and corn and
8 I heard about this food ration from Yeay Bau, the Kien Svay
9 District Committee. To my understanding, one kilogramme consists
10 of 10 khams.

11 Q. So one kilogram equals to 10 khams and two khams means one
12 fifth of a kilogramme; is that correct?

13 A. Yes, I think so.

14 [11.30.04]

15 Q. Is this food ration rice -- that is, uncooked rice or was it
16 gruel or was it cooked rice for each person?

17 A. The food ration of two kham for each person is to be cooked
18 communally in a large pot; it was not meant to be cooked
19 individually.

20 Q. And can you tell the Chamber, in your area, who actually had
21 the authority to decide this level of ration -- that is, two
22 khams of food ration for each person?

23 A. That was a general circular and during the wartime, each
24 person would be distributed 25 kilogrammes of unhusk rice, but
25 after that then for husk rice, each person would be given two

41

1 kham of rice and that decision was not decide at the local level.
2 It was from the upper level; namely, it could be from Ta Mok.
3 This was a general circular coming down to us and of course, this
4 circular was disseminated to all the people working in the
5 kitchen units.

6 [11.32.02]

7 Q. Allow me to clarify. In your previous statement, you said for
8 each meal, each person would be given two khams of husk rice and
9 my question to you is that: was the two khams measurement given
10 based on the output of each person? For example, people would be
11 considered in terms of their strength or whether this measurement
12 was mean separately for children and for adult?

13 A. That food ration was a general practice and a measurement for
14 everyone because at the cooperative, we all ate communally. There
15 was no distinction of a food ration for the senior cadres or for
16 the villagers.

17 [11.33.06]

18 Q. In the record of document E3/232, dated 8 March 1976, which
19 was the minutes of a meeting on base work, at Khmer, ERN
20 00017122; English, 00182633; French, 00323935; where it says as
21 follows: "As for rice, it should be two cans or a little more."
22 Is this the same or different to the rations issued in your area?

23 A. I do not understand this question and it seems that I did not
24 make this statement.

25 Q. In fact, there were -- there is a minutes of meeting on base

1 work, document E3/232, dated 8 March 1976. I told you the ERN --

2 the relevant ERN numbers already and let me quote:

3 "As for rice, it should be two cans or a little more"; is this

4 same or different to the rations issued in your area?

5 You stated that your area received the same food ration, two kham

6 per person and there is a document in the case file which states

7 that a person receive two cans or a little more of rice. So is

8 this the same or different to the rations issued in your area --

9 that is, Kampong Svay commune?

10 [11.35.28]

11 A. I would like to respond to the question put by you, Mr.

12 President. Let me clarify.

13 We received two kham of rice mixed with corn per person, so

14 everyone received two kham of rice with corn since corn was grown

15 in our area.

16 In 1976, we had no sufficient rice; I mean the food supply was

17 not just enough. Upon -- immediately upon my arrival, Ta Mok

18 suggested and told me that each person should be provided with

19 two kham of rice mixed with cornmeal per meal or per day based on

20 practical circumstances.

21 Q. So now I am asking you differently. In your experience, if we

22 use the condensed milk can to measure the 2 khams of rice, so can

23 you tell the Court so how many cans of rice equal to one

24 kilogramme?

25 A. Mr. President, I have never thought of how many cans equal to

1 one kilogramme.

2 [11.37.31]

3 Q. We almost reach the lunch break.

4 In your SCC evidence, you said that people in Kampong Svay had
5 rice to eat, so how many meals did your people have per day?

6 A. We had two meals per day; however, since Kampong Svay was rich
7 in lamut and sweet yam, I told the cooperatives to be lenient and
8 gave fruits to workers during the mealtime. That was my
9 suggestion to unit chiefs and cooperatives at the time.

10 Q. Thank you, Mr. Witness. I understand that you have used much
11 of your energy answering my questions, so now it is lunch break.

12 We will take a break -- lunch break from now until 1.30.

13 Court officer, please assist the witness during the lunch break
14 and please invite him back into the courtroom at 1.30.

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

18 The Court is now in recess.

19 (Court recesses from 1139H to 1333H)

20 BY MR. PRESIDENT:

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

22 Q. Mr. Witness, I still have four or five questions on food
23 rations at the Southwest Zone. My first question is: How many
24 meals per day did you have when you worked in Sector 105 Cheang
25 Tong commune? And I would like also to know how many meals you

1 had per day when you worked in Kampong Svay, Kien Svay district,
2 Sector 25?

3 MR. SAO VAN:

4 A. When I was the chief of commune Front at Cheang Tong, it was
5 during the wartime. So the food ration was not limited. The
6 livelihood of people was based on respective communes. For
7 instance, some communes suffered from insufficient food to eat
8 but some others did not. During that time, there was usual work
9 group and we helped each other. During the wartime, as I said, it
10 depended on respective communes to support one self.

11 As war food ration at Kampong Svay, New People and Base People
12 had meals within cooperatives so they had communal meals. In 1976
13 the food was not sufficient. That is what I can tell the Court.

14 [13.37.05]

15 Q. Thank you. My question was to focus on the period of 17 April
16 1975 and particularly I wanted to know about the time when you
17 worked in Kien Svay district, Sector 25.

18 During the period after 1975 up to the period when you worked in
19 Cheang Tong commune, how many meals per day did people have?

20 A. After 17 April 1975, immediately after the war ended, the food
21 ration was not enough, particularly for general public. People
22 from Phnom Penh went to live with their relatives in communes and
23 base area. For some who did not have relatives at the base
24 location or some ethnic Chinese, they also made a trip to base
25 location. During the time people had wheat and Base People were

1 requested to share rice to the newcomers. Let me clarify. The
2 food situation at the time was not enough so it depended on the
3 practical situation and circumstances. If one family had three or
4 five members, they would receive the supplies accordingly since
5 the food situation was not good yet.

6 [13.39.34]

7 Q. In your SCC evidence on 2nd July 2015, you said that people in
8 Kampong Svay had sufficient food and even in '77 and '78, a
9 surplus given to Angkar.

10 What about the time when you were in Cheang Tong commune, did you
11 have sufficient food to eat?

12 A. I would like -- I am trying to answer your question but it may
13 not to your satisfaction.

14 After 17 April 1975, the food situation in Cheang Tong commune
15 was not sufficient. In 1976, I was reassigned to Kampong Svay and
16 I was there for one year. The food was not in surplus. However,
17 we had corn as the supplementary food to eat. Later on there was
18 a decision to give two tons of rice with corn for people to eat
19 and, as I said, people ate communally. Since Kampong Svay was
20 rich -- was productive in corn, people had enough to eat,
21 particularly rice and corn.

22 [13.41.44]

23 Q. When you were the commune secretary in Kampong Svay, did
24 Sector 25 ever have shortages of food supply?

25 A. Let me clarify for the Court. No food shortage happened in

1 Kampong Svay Commune, but let me point out again that people had
2 rice with corn. So the food shortage did not exist in Kampong
3 Svay.

4 Q. You stated that a surplus was given to Angkar. So how many
5 tons of surplus was given to Angkar per year, to your
6 recollection?

7 A. No surplus was given to Angkar in 1976. But I want to tell
8 Your Honours that I was in Kampong Svay for one year and in 1977,
9 Angkar reassigned me to live in Boeng Khyang commune, Kandal
10 Stueng district, Sector 25.

11 Q. Thank you. I want you to have a look at a document E3/330
12 (sic), minutes of the Standing Committee dated 22nd February
13 1976, ERN in Khmer, 00000712; English, 00182547; French,
14 00301331. You will be given the minutes of the Standing Committee
15 by the greffier and I instruct the AV Unit to project that
16 minutes on the specific pages in Khmer and English and -- in
17 Khmer, rather, on the screen. The Khmer ERN once again is
18 00000712. In the document it states: "Chinese aid rice was 100 --
19 was 10,000 bags."

20 Were you aware of this when you were the commune secretary?
21 [13.45.40]

22 A. In fact, I received the aid rice but I cannot tell you, Mr.
23 President, how many tons of rice were given to me. We received
24 partly the aid since Kampong Svay was considered the rich
25 commune, thanks to the yield of corn. So partial rice aid was

1 given to Kampong Svay; not all aid.

2 MR. PRESIDENT:

3 I do not see the document projected on the screen, so what
4 happened?

5 My apologies; the legal officers did not send the specific page
6 of document to the AV Unit. That is why there was no projection
7 on the screen. My apologies, once again.

8 BY MR. PRESIDENT:

9 Q. Mr. Witness, could you try to think once again, did people
10 receive food -- receive the same food as rationed or different --
11 or did different people receive different food rations? Was there
12 any distinction in food rations in your commune according to the
13 ages of them: adults, children, and other groups of people?

14 [13.47.46]

15 A. I may forget about that, but in general there was no
16 distinction. People were guaranteed with sufficient food to eat
17 for the benefit of their health. In Kampong Svay commune, people
18 were given equally in terms of food within the cooperatives.

19 Q. Another document that I want you to look at as well is
20 document E3/8, ERN in Khmer, 00075909; English, 00104053; French,
21 00301277.

22 This is a long document and is an economic plan for the years
23 1977-1980. I only want you to look at one table in the document.
24 Table 60 is described as the ration system throughout the
25 country.

1 Do you see it, Mr. Witness?

2 I will give you a moment to read it.

3 [13.49.36]

4 A. Table 60 appears to distinguish between four different types
5 of work forces; numbers one, two, three and four with different
6 quantities of rice to be given to each category.

7 Do you recall this happened during the time as indicated in the
8 table?

9 Q. Let me answer this way. In 1977, I was reassigned to work in
10 Boeng Khyang commune so the food situation was enough for people,
11 two meals per day. I, at the time, worked at Boeng Khyang and the
12 surplus was given to Angkar in terms of unhusked rice. Plainly
13 speaking, Boeng Khyang commune had rice, cooked rice to eat, so
14 no problem of food shortage in Boeng Khyang Commune.

15 Q. Lastly, there is a topic I want to explore with you. It
16 concerns the treatment of Vietnamese when you worked in Cheang
17 Tong commune after 17 April 1975.

18 To your observation, was there any mistreatment against
19 Vietnamese by the cadres after 17 April 1975 in your commune and
20 neighbouring communes?

21 [13.51.50]

22 A. I want to give my response in relation to the treatment of
23 Vietnamese. After the 17 April 1975, people were evacuated from
24 Phnom Penh. There were about five Vietnamese families or below 10
25 Vietnamese families in Cheang Tong commune. There was an

1 instruction from the district that Vietnamese people had to be
2 gathered up in Angk Roka pagoda and they should -- their lives
3 should never be touched or harmed. The same applies to their
4 properties. Their properties should not be deprived due to the
5 foreign policy. That was the instruction from the district.
6 Yeay Khom convened a meeting and informed the cadres of Cheang
7 Tong commune about this matter. After the meeting with her, I
8 informed the village chiefs to invite all Vietnamese to Angk Roka
9 pagoda and these Vietnamese people had to be sent back to their
10 home country.

11 There was a point made by the regiment at the time that there was
12 no benefits to hate those Vietnamese people and, once again, the
13 instruction was not to harm lives of Vietnamese people and their
14 properties. But there was one point made very clearly that if
15 those Vietnamese possessed of arms, those arms should be
16 confiscated but not their properties.

17 [13.54.32]

18 MR. PRESIDENT:

19 Thank you very much, Mr. Witness, for trying your best to give
20 your responses to my questions. So I am done with my questioning,
21 but I first would like to know whether my colleagues on the Bench
22 would like to put some further questions to this witness. If you
23 have, please proceed.

24 Perhaps there are no more questions from the Bench. Now, the
25 floor is given to parties to put questions to this witness.

1 First, the floor is given to the Co-Prosecutors and civil parties
2 at the first round. So the maximum time allocated to you is one
3 session and a half to put questions to this witness, so please be
4 informed. Now, you have the floor, the Deputy Co-Prosecutor.

5 [13.55.30]

6 QUESTIONING BY MR. LYSAK:

7 Thank you, Mr. President.

8 Q. Good afternoon, Mr. Witness. I want to follow up on a subject
9 that the President asked you a little bit this morning. You've
10 testified that you, in your interviews about joining the
11 Revolution, becoming the chairman of the Front in your commune. I
12 want to ask you about your membership in the Party. Were you a
13 member of the Communist Party of Kampuchea and, if so, when was
14 it that you were introduced and became a member of the Party?

15 MR. SAO VAN:

16 A. At the beginning, I did not know the assistant of Communist
17 Party of Kampuchea. In 1971 when I became the Front chief of
18 Cheang Tong commune, particularly on the 28th in late 1972, I
19 cannot recall the month. Angkar included some chiefs of Sector 25
20 in the list and I was asked to make biography so that I could be
21 enlisted into the CPK. They introduced -- the one who introduced
22 me into the Party was Om Khieu, Yeay Bau, and my -- and Bong Kaem
23 (phonetic) was the one who acknowledged my entry into the Party.

24 [13.58.00]

25 Q. And could you just tell us when it was that you became a

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1 member, when you became a candidate of the Party and when you
2 became a full rights member of the Party?

3 A. After I became a member of the Communist Party of Kampuchea,
4 at first I was a candidate member for nine months. I can recall
5 it clearly that I was the candidate member for nine months, after
6 which I was -- agreed to be a full rights member of the Party.
7 Let me emphasize that, at the time, there was a distinction of
8 social class. Although I was originally from a poor peasant
9 family, I was put into the status of candidate member for a
10 period of nine months.

11 Q. You said you were introduced to the Party and that one of the
12 people was Yeay Bau. Was this the same woman -- Yeay Bau -- that
13 was the district secretary in Kien Svay district?

14 A. It is correct. She was the Kien Svay district -- she was part
15 of the Kien Svay district committee.

16 [14.00.15]

17 Q. So I want to just clarify something. Did you become a member
18 of the Party? Were you introduced by Yeay Bau while you were
19 still living in Cheang Tong commune or did that not happen until
20 when you moved to Kien Svay district?

21 A. I first lived in Cheang Tong commune, Sector 105. The district
22 Angkar, namely Yeay Khom, introduced me to be the full rights
23 member and after which I was reassigned to work at Kien Svay
24 district.

25 Q. Now, you've testified today and earlier that from 1971 to 1975

1 you were the Front -- the chairman of the Front in Cheang Tong
2 commune, and you've talked about the role of Yeay Boeun. Was Yeay
3 Boeun the Party secretary in Cheang Tong commune or was someone
4 else the secretary of the Party other than Yeay Boeun?

5 A. When I was chief of the Cheang Tong commune Front, the Party
6 secretary of Cheang Tong commune was Ta Pon. That was the only
7 role he had on the Party's side and he was referred to as the
8 Party secretary for Cheang Tong commune. However, he passed away.

9 [14.02.47]

10 Q. Did Yeay Boeun succeed Ta Pon as Party secretary in the
11 commune?

12 A. At the time I was there, she didn't carry the role of the
13 Party secretary and I could not say whether she carried that role
14 after I left.

15 Q. Okay. And just -- a couple more questions about Yeay Boeun's
16 position. Was she a member of the Front, the side that you were
17 involved in or was Yeay Boeun a member of the Party committee?
18 Can you clarify whether Yeay Boeun worked for the Front, like
19 yourself, or whether she was part of the Party committee in your
20 commune?

21 A. At that time when I was chief of the Cheang Tong commune, she
22 was in charge of the women's association of the DK regime. So she
23 led the women in the commune and each month she participated in
24 the meeting invited by Ta Pon. I myself was invited to attend
25 that meeting as well. So allow me to clarify, she did not carry

1 on the role of Ta Pon at the time.

2 [14.04.58]

3 Q. Thank you for clarifying that.

4 Another thing you were asked about by the President was the

5 difference between the functions of the Front and those of the

6 Party committee. I want to read to you an excerpt from an OCIJ

7 interview of Pech Chim who later became the secretary of Tram Kak

8 district who described -- gave a description of the difference

9 between the responsibilities or the function of the Front and the

10 Party as follows -- quote -- this was the testimony of Pech Chim

11 -- quote: "The word 'Front' means mobilizing" -- I'm sorry, and I

12 am reading here from E3/9587, E/9587, answer 21 - quote:

13 "The word 'Front' means mobilizing. Despite its existence, the

14 Front was under control of the Party, led by Pol Pot who was from

15 the forest. The Front was big but it did not have power. For

16 instance, Yeay Khom who was from the Party had more power than

17 the Front."

18 Continuing in answer 23 - quote: "The Party was wholly and

19 completely in charge of all work and everything was decided by

20 the Party." He then -- Pech Chim then continues to give a

21 description of some details and at the end of his answer states:

22 "The structure was the same from the commune level up to the

23 central level." End quote.

24 [14.07.06]

25 My question for you is: Did this type of organizational structure

1 exist in Cheang Tong commune while you were chairman of the
2 Front; that is to say, did the Party make decisions and was the
3 Party in charge of the Front?

4 A. Yes, that is correct. Initially, I did not know about the
5 systems of the Party. I became a part of the Front in order to
6 liberate the country. Later on, in 1972, Brother Saom actually
7 asked me to make a biography so that I could be inducted into the
8 Party and Ta Pon, within a framework of Cheang Tong commune,
9 invited me to take part in. At that time Cheang Tong commune
10 involved in the movement -- in the covert movement of resistance.
11 That was the time that I realized Ta Pon covertly led the Party
12 within Cheang Tong commune. So you are correct, the Front worked
13 under the leadership of the Party.

14 [14.09.01]

15 Q. And a follow-up to that, did the people who were the Party
16 secretaries, like Ta Pon, who was secretary -- Party secretary in
17 your commune, Yeay Khom who was Party secretary for the district,
18 did they have separate meetings, meetings that only members of
19 the Party committee could attend?

20 A. Allow me to clarify that. On a monthly basis, the Party leader
21 initiated a meeting and then chief of the Front had to report
22 about the achievement at the base, about the activities of the
23 people and the propaganda of the Front and how they involved in
24 the movement in the war. So the Front would make such reports to
25 the Party and through the chain of command such a report would

1 reach the upper echelon although I was not clear of how the chain
2 of command was. And as I said, the Front was under the leadership
3 of the Party.

4 [14.10.38]

5 Q. Thank you, Mr. Witness. Let me read to you a short excerpt
6 from your DC-Cam interview, document E3/9118; Khmer, ERN 00957780
7 through 781; English, ERN 01098752; this was what you said to
8 DC-Cam - quote: "I did not know the district committee because
9 they worked and kept a low profile. They did their work secretly.
10 I saw Ta Mok's daughter. Her name was Yeay Khom." End of quote.
11 But what did you mean in this interview when you said that the
12 district committee did their work secretly?

13 A. I do not fully understand your question. Please repeat it.

14 Q. Yes, you made a statement in your DC-Cam interview about the
15 district committee led by Yeay Khom and you said that you didn't
16 know exactly what they did because they worked secretly. My
17 question: What did you mean by that? Did the district committee
18 have meetings that you, as a member of the Front were not -- did
19 not attend?

20 [14.12.35]

21 A. Allow me to respond to your question. I get it now and, in
22 fact, that is the case. In the capacity as chief of the Front of
23 the commune, I would not know about the meetings held by the
24 parties because the meetings were held in secret. And only later
25 on when circulars were assimilated (sic) to the commune, we were

1 in the position to implement those circulars. And that's why I
2 meant that the process was secretive because I, myself, was not
3 invited to such meetings. Only when those meetings concluded at
4 the Party level, then circulars were given to us for
5 implementation. And of course, I did not dare to ask how many
6 people from the district, etc., participated in those meetings
7 held by the Party.

8 Q. You were also asked by the President about being relocated to
9 Sector 25. You stated that it was in 1976 that you arrived in
10 Kien Svay district. I want to ask you just a couple of follow ups
11 about Yeay Bau. You identified her as the secretary of Kien Svay
12 district. My question, was she also sent from the Southwest Zone
13 from Takeo to Kien Svay like yourself? And can you tell us, were
14 you sent to Kien Svay at the same time as Yeay Bau or did you
15 arrive earlier or later than her?

16 A. Allow me to respond to your question. In fact, I was sent to
17 Kien Svay by Angkar before Yeay Bau was sent. From what I
18 understood, Yeay Bau worked in Kirivong district and she was
19 transferred to Kien Svay after I had been transferred there.

20 [14.15.26]

21 Q. How long was it that you were in Kien Svay before Yeay Bau
22 arrived? How many months or how long were you there before Yeay
23 Bau arrived in Kien Svay district?

24 A. I cannot recall how many months exactly. However, I can say
25 that before Yeay Bau arrived, there was Kruey (phonetic) who was

1 the secretary of Kien Svay district. There was also a Meng
2 (phonetic) and female Sari (phonetic) who were at the district
3 level and several months after Yeay Bau arrived. And that is what
4 I can recall.

5 Q. Yeay Bau, the woman who came after you and took over as
6 district secretary in Kien Svay, was she related to Yeay Boeun,
7 the woman that you had worked with that also held a position in
8 Cheang Tong commune? Were they related?

9 A. Yeay Bau and Yeay Boeun were sisters and they came from Cheang
10 Tong commune.

11 [14.17.28]

12 Q. I want to turn to some questions about the meetings that
13 you've talked about this morning with the President. First, I
14 want to try to clarify something. You've talked about a meeting
15 that was held a few months after liberation at Phnum Trael where
16 there was an instruction about Lon Nol soldiers. I wanted to be
17 clear. Was the meeting at Phnum Trael the only time you heard
18 this instruction about Lon Nol soldiers or was that subject also
19 discussed at the meeting in 1976 in Takeo provincial town? Can
20 you clarify that for us?

21 A. Allow me to clarify about the meeting at Phnum Trael mountain
22 on the issue of the Lon Nol soldiers. From my recollection, the
23 meeting took place at Phnum Trael mountain. However, I cannot
24 recall the details that meeting convened at Takeo provincial
25 town. And I cannot recall whether I made any previous statement

1 regarding the content of the meeting in Takeo provincial town
2 although I can recall that the subject of the former Lon Nol
3 soldiers was mentioned during a meeting held at Phnum Trael
4 mountain.

5 [14.19.38]

6 Q. Is it accurate to say then that you are not sure at this time
7 whether or not the issue about Lon Nol soldiers was discussed at
8 the 1976 meeting in Takeo provincial town? Is that accurate?

9 A. At that time the main emphasis was on the soldiers, and Bit
10 made a presentation about the soldiers, about building and
11 defending the country. So by that time - actually, the focus was
12 on diverting the military forces into building the country and
13 into defending the country. And that would be strengthened at the
14 bases. As for the topic of the Lon Nol soldiers, I recalled that
15 the topic was mentioned at the meeting at Phnum Trael mountain.
16 So for the other meeting, the emphasis was on building and
17 defending the country. And I maintained my position, and this is
18 consistent with my previous statements that I have made.

19 [14.21.16]

20 Q. And just so we are clear, Mr. Witness, when you say that in
21 the later meeting, the 1976 meeting in Takao provincial town
22 focused on soldiers and building the army, you are talking -- are
23 you talking about the Democratic Kampuchea army, the focus on
24 building soldiers in the Democratic Kampuchea revolutionary army;
25 is that right?

1 A. Yes, I referred to the army of the DK regime as we had to
2 strengthen the force. And allow me to add that from my
3 recollection, in theory, we had to strengthen the forces and Ta
4 Bit was the one who spoke about strengthening the armed forces at
5 various levels -- that is, at platoon, company or battalion or
6 regimental level. And I made mention about that in my morning
7 testimony that we should not just relax with the victory but, for
8 us, representing the company or the battalion or the regiment,
9 despite our victory on the 17 April 1975, we had to bear in mind
10 about the victory by Vietnam on the 30th of April of the same
11 year and that they may force us to be part of this so-called
12 special friendship - special solidarity for one country, for one
13 person without borders and that Vietnam had entered into the
14 Warsaw Pact, so we would not be sure as how much pressure we
15 would receive in the future. And for that reason we had to
16 strengthen our forces militarily in order to defend our
17 territory, defend our nation and build our nation. That is to the
18 best of my recollection.

19 [14.23.53]

20 Q. So I want to ask you a few questions specifically about the
21 meeting at Phnum Trael, the meeting that took place a couple of
22 months after liberation.

23 MR. KOPPE:

24 I think it's important, Mr. President, that's why I am rising,
25 that the Prosecution is accurate as to what the testimony of the

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1 witness is. He has said one month, possibly two months after
2 liberation. Now, a few months or a couple of months, could be two
3 months, but in his DC-Cam statement he says specifically one
4 month after the liberation. He repeated that this morning, added
5 possibly two months. So that is the actual testimony of this
6 witness.

7 [14.24.47]

8 BY MR. LYSAK:

9 And just to clarify, when he testified before the Supreme Court
10 Chamber last year, he testified it was three months after
11 liberation. So we've heard one month, two months and three months
12 after liberation in terms of the timing of this meeting.

13 Q. I may ask you some more questions about the timing but, for
14 now, I want you to focus on this meeting at Phnum Trael. And this
15 morning you were asked about participants at the meeting and you
16 told the President that the participants included chiefs of the
17 50-member and 100-member units who were invited. Can you explain,
18 who were the chiefs of the 50-member and 100-member units or
19 households? Who were those people?

20 [14.26.00]

21 MR. SAO VAN:

22 A. Allow me to clarify about the 50-man unit and the 100-man
23 unit, although I did not know them all. The situation was rather
24 chaotic after the victory day of 17 April 1975. And for that
25 reason, Saom invited the soldiers and the cadres to attend the

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1 urgent meeting at Phnum Trael mountain. At that time evacuees
2 from Phnom Penh and elsewhere were sent to the bases and we were
3 concerned that some people would want to take revenge against the
4 former Lon Nol soldiers and we wanted to maintain peace at the
5 base. So I believe my statement this morning as well as this
6 afternoon should be sufficient for you.

7 Q. Well, the reason I asked you, Mr. Witness, is what the people
8 who were chiefs of 50-member, 100-member households, these were
9 people who were -- had these positions in the prior regime; isn't
10 that right? Wasn't this a term used for the people who were
11 leaders in villages in the prior regime?

12 [14.27.38]

13 A. The term "50-men unit" or "100-men unit", in fact, these were
14 military terms. In fact for the 50-men unit there were about
15 30-plus members and three 50-men units would comprise a 100-man
16 unit. They were actually called by Angkar for re-education as
17 they were children of the local villagers.

18 There was a concern that information should be provided to all
19 members of the 50 and 100-men units so that they should
20 understand the situation and not to take revenge against other
21 Khmer people, namely the Lon Nol soldiers because Lon Nol
22 soldiers, some of them actually were related to the local
23 villagers. And that was the purpose of disseminating such
24 information. And I don't think I have anything else to add to
25 this topic.

1 Q. Just to make sure I understand, when you refer to -- when you
2 referred to 50-member and 100-member units you were actually
3 referring to platoons and companies that were part of the Khmer
4 Rouge military; do I understand correctly?

5 A. Yes, that is correct. I refer to the structure of the Khmer
6 Rouge army.

7 [14.29.42]

8 Q. And this meeting at Phnum Trael, was it a meeting just of
9 Sector 13 cadres, or was this a meeting that included other
10 sectors in the Southwest Zone?

11 A. Allow me to clarify about the meeting held at the Phnum Trael
12 mountain. It was held at Sector 13 in the Southwest Zone.
13 However, Sector 13 was part of the Southwest Zone.

14 Q. Yes, I understand that. The question is: was this a meeting
15 that was limited to cadres from Sector 13, or did it include
16 cadres from other sectors of the Southwest Zone, for example,
17 Sector 25, Sector 35?

18 Do you understand my question?

19 A. The meeting was only for Sector 13. There were no participants
20 from Sector 25 or 35.

21 [14.31.18]

22 Q. Okay. I want to now ask you about some of the differences in
23 the way you've described this meeting in your various statements
24 and testimony.

25 You've now testified maybe four times about the meeting at which

1 you heard this instruction not to harm Lon Nol soldiers. In your
2 earliest -- your first interview on the subject to DC-Cam in
3 April 2011, and this is document E3/9118; Khmer, ERN 00957793 to
4 94; English, 01098761; in that interview, you said that the
5 meeting where you heard this instruction took place one month
6 after liberation at Phnum Trael mountain. You said that it was Ta
7 Mok who spoke, and that what he said -- what Ta Mok said was -- I
8 quote: "Soldiers with the rank of colonel or higher [colonel or
9 higher] would not be killed."
10 [14.32.52]
11 In your next interview in February 2013 by OCIJ, document
12 E3/9455, answer 9, you said that the meeting where you heard this
13 instruction was held in Takeo provincial town after 1975, that it
14 was Secretary Saom who spoke, and that what was announced was
15 that soldiers with the ranks from 2nd lieutenant to colonel would
16 not be -- were not to be harmed.
17 And last year, in July 2015, you testified before the Supreme
18 Court Chamber, document F1/1.1 at 10.21.51 to 10.24.07, and you
19 gave another -- yet another account. You said this time that:
20 "The meeting took place three months after liberation at the
21 phnum mountain in Angkor Chey; that Ta Mok was not at the
22 meeting, and that the instruction given by Ta Saom was that
23 former soldiers up to the rank of colonel should not be harmed."
24 End of quote.
25 So we've heard differences in your description of the meeting.

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1 Can you tell us why -- why it is that each time you've testified
2 we've heard a different account about the details of this
3 meeting?

4 Why has your testimony changed from time to time about the
5 details of this meeting?

6 [14.35.14]

7 A. Allow me to clarify the issue. It was not my intention to make
8 different statements from my recollection.

9 You made the distinct point between the level of colonels up and
10 the level of the colonel down.

11 I can say that I stand by my previous statements, and it was not
12 my intention to change anything. However, I'd like to add that I
13 am getting old, and maybe my memory does not serve me well.

14 And honestly, I am delighted to be here to testify before this
15 Chamber, and I try to tell you everything that I can recall. And
16 of course, before I testified, I took an oath to tell the truth.

17 And I stand by that spirit to tell you the truth in order to
18 maintain peace in Cambodia. And I'd like to make that point
19 clear. I will not change what I said earlier because that is the

20 truth. I recall the statement that I made in relation to the
21 former Lon Nol soldiers from the 2nd lieutenant up to the
22 colonel. However, he added that if they take any action, then we
23 would take measure, although I did not know what such measure
24 would mean.

25 And that's what I can recall. If they engaged in any action, then

1 we would take action.

2 [14.37.10]

3 Q. Let me ask you this way. You, in your first -- your DC-Cam
4 interview, you said the announcement was that soldiers with the
5 rank of colonel or higher would not be killed. Then, in your next
6 interview, it was soldiers with the ranks from 2nd lieutenant to
7 colonel. And then, at the Supreme Court, it was soldiers all the
8 way up to colonel.

9 What is your understanding -- how well do you understand the
10 ranks that were used in the Lon Nol military? For example, can
11 you tell us what ranks were above colonel? Can you tell us what
12 ranks were between 2nd lieutenant and colonel? How familiar were
13 you with the ranks in the Lon Nol military?

14 A. Regarding the military ranking from the 2nd lieutenant to
15 colonel, I, myself, is not familiar with such structure. However,
16 I heard about the 2nd lieutenant or the colonel or whether that
17 person was a captain, but I, myself, is not that familiar with
18 the military structure. Even up to today, I am not that familiar
19 with it.

20 [14.39.05]

21 Q. Let me read to you something you said during your Supreme
22 Court Chamber testimony, document F1/1.1 at 15.13.36 -- 15.13.36.
23 This is what you said.
24 You were asked: "Mr. Witness, would you understand rank to mean
25 officer based upon what was discussed during the study sessions

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1 that you intended from 2nd lieutenant up or 1st lieutenant up?

2 Answer: "The word 'rank', to my understanding, though I am really
3 unclear on the definition and I have never sought clarification
4 from any expert on the term, so I won't confuse you by giving an
5 unclear answer." End of quote.

6 Mr. Witness, you've acknowledged that your knowledge of military
7 ranks was limited. Is it possible that your memory of the
8 specific ranks of soldiers that you were instructed not to harm
9 is not accurate because of your lack of understanding of the
10 ranks in the Lon Nol military?

11 [14.40.35]

12 MR. KOPPE:

13 Mr. President, I object to this question. It's very repetitive.
14 Answering a question from you in the morning, the witness was
15 very clear. He gave a specification -- clarification saying that
16 all soldiers from the rank from colonel down were not to be
17 harmed. And if he knows whether that is majors or captains or
18 sergeants were involved, doesn't really matter.
19 He was very clear when he was answering your question; everybody
20 from the rank of colonel down was not to be harmed. So I think
21 it's repetitious, and the Prosecution is trying to create some
22 false discrepancy between his various statements.

23 MR. LYSAK:

24 If I may briefly--

25 [14.41.31]

1 MR. KONG SAM ONN:

2 Mr. President, I'd like to object to the conclusion by the Deputy
3 Co-Prosecutor that this witness is not familiar with the military
4 ranking, in particular the Lon Nol army.

5 The witness has stated about the military structure, although
6 he's not that familiar with it. In term of the 2nd lieutenant or
7 the lieutenant or the captain, the witness made mention of these
8 ranks and it is wrong on the Co-Prosecutor's side to assume that
9 this witness is not familiar with the military structure. And I
10 don't think that is appropriate on the Prosecution's side to make
11 that speculation.

12 [14.42.28]

13 MR. LYSAK:

14 If I may briefly respond.

15 It was the witness himself who has said both in his prior
16 testimony to the Supreme Court and just here a few minutes ago
17 that his familiarity with the ranks is not good.

18 He's -- he gave diametrically-opposed statements in his past
19 interviews, one saying it was people from the rank of colonel and
20 above; other times saying it was colonel and below.

21 My question is simply to find out whether, because of his limited
22 understanding of ranks, that the reason for these discrepancies
23 is that his understanding of specific ranks at the time was
24 limited.

25 I think it's an appropriate question given his different accounts

1 of the instruction.

2 [14.43.30]

3 MR. PRESIDENT:

4 The objections by the two defence teams are overruled, as the
5 Chamber needs to hear the response from the witness to the last
6 question by the Deputy Co-Prosecutor so that he may clarify the
7 matter once and for all.

8 Witness, please respond to the last question, if you can recall
9 it.

10 MR. SAO VAN:

11 A. Could you please repeat your last question? Give me some more
12 details so that I can respond.

13 BY MR. LYSAK:

14 Q. I'm happy to, Mr. Witness.

15 I've read to you some of your different ways in which you have
16 described the instruction in your past statements, and I
17 certainly don't mean to say that you're not trying your best to
18 remember.

19 My question is, given your acknowledged limited understanding of
20 ranks and the Lon Nol military, is it possible the reason for the
21 discrepancies in your statements is that your memory of the
22 specific ranks that were not to be harmed is not that accurate 30
23 or 40 years later?

24 [14.45.16]

25 MR. SAO VAN:

1 A. Allow me to clarify the issue.

2 The thing is that such military rank in my base did not exist,

3 and if I were to know about somebody who held a rank, that was

4 told to me by that person. But in my village and commune, no one

5 actually held the rank from the 2nd Lieutenant to A Colonel.

6 And as for the specific name of each rank, I, myself, is not that

7 familiar with it. And in fact, I do not intend to know any

8 details about the military ranking, and that is my best response

9 to your question.

10 MR. PRESIDENT:

11 Thank you, witness. It is now appropriate for a short break.

12 We'll take a break now and resume at five past 3.00.

13 Court officer, please assist the witness at the waiting room

14 reserved for witnesses during the break time and invite him back

15 into the courtroom at five past 3.00.

16 The Court is now in recess.

17 (Court recesses from 1446H to 1506H)

18 MR. PRESIDENT:

19 Please be seated.

20 The Chamber is back in session and the floor is given to the

21 Deputy Co-Prosecutor to resume your questioning to the witness.

22 You may now proceed.

23 [15.07.00]

24 BY MR. LYSAK:

25 Thank you, Mr. President.

1 Q. Mr. Witness, another matter I would like to follow up on, the
2 President this morning read to you a statement, part of your
3 DC-Cam interview where you had stated - quote: "That what
4 happened during the regime was different to what Ta Mok said."
5 And you gave some examples. I want to direct your attention to
6 something, an example you gave on that same -- the same page of
7 your DC-Cam interview. This is E3/91/18, E3/91/18; Khmer, ERN
8 00957819; English, 01098778. On the same page after you made
9 these statements about what happened during the regime being
10 different than what Ta Mok said, you provided an example of a
11 commune chief named Ta Sokhan and you said -- I quote: "He was
12 not a reactionary person at all. He served as chief of Boeng
13 Srangae committee. However, Ta Mok's cadres took him away." End
14 of quote.

15 Can you tell us when did this incident take place involving Ta
16 Sokhan and who are the cadres of Ta Mok who took him away?

17 [15.09.10]

18 MR. SAO VAN:

19 A. I did not know that he was arrested by Ta Mok. What was
20 different from what Ta Mok said was that Ta Mok said that the
21 commune, district, and provincial chief had no rights to kill
22 people.

23 And what I said that it was different from what Ta Mok said when
24 I saw a document in 1975 which categorized people into children,
25 Old People, New People, so when I saw the document I was also

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1 surprised, and when the investigators from this Court asked me
2 and then I gave my answer like that.

3 And related to the commune that you just mentioned earlier about
4 the person who was the chief of that commune, I would like to
5 clarify with you that the commune is called Boeng Srangae
6 commune. And the commune chief of that commune's name is Sok Sari
7 (phonetic).

8 Ta Mok said at that time that we carried out the revolution we
9 needed to mobilize force, so why Sok Sari (phonetic) was
10 disappeared. So that was what Ta Mok raised at that time.

11 [15.12.00]

12 Q. You said in your DC-Cam interview, Mr. Witness, that this
13 person -- whether his name was Sok Sari (phonetic) or Ta Sokhan
14 -- you said Ta Mok's cadres took him away.

15 Why did you say that to DC-Cam?

16 A. Ta Mok was responsible for the zone so the cadres was under
17 responsibility of Ta Mok.

18 Actually, those who were engaged of - engaged in the
19 revolutionary movement made mention about that issue. It is true
20 from my statement.

21 [15.13.18]

22 Q. Thank you. Let me move on to another subject.

23 Can you tell us, Mr. Witness, when Angk Ta Saom -- the town, Angk
24 Ta Saom was captured by Khmer Rouge forces in 1973, what happened
25 to the residents of Angk Ta Saom?

1 A. Concerning Tram Kak district, the office of Tram Kak was in
2 Angk Ta Saom area. I guess the area was liberated before 1973.
3 Some people and soldiers had been transferred to that place later
4 on. I was working in Cheang Tong commune and responsible for the
5 management of people around Angk Ta Saom. I had to mobilize them
6 to be engaged in the production so that we could be part of the
7 movement.

8 I, at the time, did not see any soldiers, so this is my true
9 statement.

10 [15.15.13]

11 Q. Let me read to you, Mr. Witness, an account from an Angk Ta
12 Saom resident interviewed by Henri Locard. This is in document E2
13 -- E3/3232; English, 00217652; Khmer, 00741580 to 581; French,
14 00753656 through 657. This is from an interview of an Angk Ta
15 Saom resident who was evacuated when the town was captured to
16 Re-education Camp 204 in Prey Kduoch. I quote:

17 "This was in operation from 1973, during the civil war and after
18 the evacuation of Angk Ta Saom by the Khmer Rouge. It was
19 situated in Tram Kak district near the village of Prey Kduoch.

20 "She was arrested at the end of February 1973, not far from Angk
21 Ta Saom, after the area had been overrun by the Khmer Rouge and
22 the town forcibly evacuated.

23 "Up to 3,000 Lon Nol soldiers were captured and their hands tied
24 behind their backs, in groups of 50 to 100. They had a bamboo
25 stick under their armpit. Most were massacred.

1 "The re-education centre looks like old army barracks which were
2 already full of skinny workers. The newcomers must build
3 temporary shelters in the forest, each for 30 to 40 people.
4 "To the west of her shed, in the barracks, there were men who
5 were arrested for speaking ill of Angkar. They would labour,
6 supervised by Pol Pot cadres. She saw children die around her."
7 End of quote.

8 [15.17.42]

9 My first question, Mr. Witness: The Re-education Camp 204 or
10 Office 204 described by this witness, that was located near Prey
11 Kduoch, was this the same place that your elder brother was sent
12 to in 1975?

13 A. I did not know this -- the assistant of this re-education
14 office in the previous time. It was only when my elder brother
15 was sent to that re-education office that I learned there was a
16 re-education office or Office 204 near Prey Kduoch currently
17 Trapeang Kranhung (phonetic).

18 Q. And in your testimony this morning, you talked about after
19 your brother was arrested, going there and speaking to the
20 supervisor of Office 204 who you identified as Chen (phonetic).
21 Can you tell us who Ta Chen (phonetic) was and what was his
22 position in Tram Kak before he was head of Office 204?

23 [15.19.20]

24 MR. PRESIDENT:

25 The name was Chhen (phonetic). The witness made mention of a

1 person by the name Chhen (phonetic), not Chen (phonetic).

2 BY MR. LYSAK:

3 Q. The person you identified as the head of -- supervisor of
4 Office 204, Chhen (phonetic), can you tell us who was this
5 person? What did he do in Tram Kak district before he became in
6 charge of Office 204?

7 MR. SAO VAN:

8 A. Bong Chhen (phonetic) was responsible for receiving people
9 from the wartime. People had been mobilized from the lower part
10 of the country, the location where there was fighting.
11 After those people had been liberated, Chhen (phonetic) had the
12 responsibility of the management of people within the district
13 level. He was responsible for finding food supplies for people so
14 that they could survive. He was part of the district level, but
15 his main responsibility was to manage those people within various
16 villages through the commune level.

17 Before he went to re-education office at 204 he was responsible
18 for those tasks which I have just described.

19 [15.21.25]

20 Q. One more question about Bong Chhen (phonetic). Do you know,
21 did he come from Kus commune? Do you remember whether before
22 going to Office 204 he was the chief of Kus commune?

23 A. He was from -- whether he was from Kus or not, I guess he was
24 not a chief of Kru (phonetic) but he was, as I said, responsible
25 for managing people who had been liberated from the local part of

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1 the country.

2 My memory was perhaps not correct, but I could tell you that he
3 was working with Ta Kit (phonetic) who held no specific position
4 within the district. Ta Kit (phonetic) was working with Ta Chhen
5 (phonetic) -- or Bong Chhen (phonetic) to receive people and to
6 deal with food supply situation within villages.

7 [15.22.45]

8 Q. Let me move on now to 17 April 1975. You've testified that you
9 were in Cheang Tong commune, then and in the weeks following, and
10 that you were responsible for organizing evacuees who arrived
11 there.

12 You also told the President this morning that during that period,
13 Lon Nol soldiers were gathered at the Champa pagoda.

14 Can you tell us what took place at the Champa pagoda in the days
15 and weeks following 17 April 1975?

16 A. After the whole country had been liberated and outside Takeo
17 provincial town had been liberated, Yeay Khom was the Angkar
18 within the committee level and he -- she invited all cadres to be
19 responsible for receiving people and their specific
20 responsibility.

21 I was assigned to solve the food supplies for people within
22 Cheang Tong and Trapeang Chong Khang Cheung (phonetic).

23 [15.24.48]

24 We had packaged rice for people, and there were different people
25 responsible for the new arrival - the newcomers in Champa

1 location and the framework of their function.

2 There was no contradiction or conflict at the time. After one day
3 and two nights, we went to live with our respective people, and
4 those newcomers went to different commune, Peam, Cheang Tong, and
5 other communes. So this is what I can tell you.

6 Q. Mr. Witness, you said this morning that Lon Nol soldiers were
7 gathered at the Champa pagoda. How was it that the Lon Nol
8 soldiers were gathered at Wat Champa, and what happened to them?

9 A. Regarding Lon Nol soldiers, they were invited to settle in one
10 particular location and I do not recall how many of them had been
11 invited to that location.

12 It was said that Angkar invited them to be re-educated or to join
13 in the study sessions. I did not know where those soldiers were
14 sent to, but I knew that they were gathered up in Sector 105 near
15 the foot of the mountain.

16 [15.27.25]

17 Q. Mr. Witness, we've heard from a number of people in this Trial
18 about what took place at Wat Champa. Let me read to you a couple
19 of excerpts to see if that refreshes your memory.

20 Oem Saroeurn, in Trial testimony on the 26 March 2015; document
21 E1/283.1 at 10.01.32 through 10.06.27, she described how at the
22 Wat Champa Leu pagoda people were asked what jobs they had done
23 previously and stated that former teachers, soldiers, police and
24 custom officers were then -- I quote: "Taken away under the
25 pretext that they would be sent back to their previous offices.

1 They have disappeared since." End of quote.

2 [15.28.38]

3 And another witness who worked at the district office, Ul Hoeun,
4 in his OCIJ statement, E3/9582, answer 113, gave the following
5 testimony:

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 three kilometres on
11 the 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,
14 they 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 lieutenants and first
17 lieutenants, only ordinary people remained." End of quote.

18 [15.30.17]

19 Does that refresh your memory, Mr. Witness? Do you remember these
20 events taking place at Wat Champa in the period following 17
21 April 1975?

22 A. I was assigned to be in charge of specific units or tasks.
23 Yeay Khom assigned to me to be responsible for dealing with the
24 food supply for people. I was responsible for Trapeang Thum,
25 Cheang Tong, Ta Phem communes. I was tasked with asking for

1 package rice to be given to people, and there were people from
2 the district who were responsible for people as well. Phi was one
3 among them.

4 There was one time when after I dealt the food supply for people,
5 the next day -- that is the second day -- Bong Chim and perhaps
6 another person asked whether anyone wanted to visit Takeo so I
7 decided to go with them.

8 After I returned to Ta Phem -- after my return from Takeo, I
9 arrived at Ta Phem and some -- and those, the people who had been
10 there went to respective communes. People went to their
11 respective shelters after my return from Takeo. That was the
12 event taking place at the time and I was responsible for the
13 tasks which I have just described.

14 And whether there were killings or execution at those places, I
15 do not know about those issues.

16 [15.33.00]

17 Q. Do you remember whether Ta Mok was present in Tram Kak
18 district, and specifically present at Wat Champa at any time in
19 the days or weeks following 17 April 1975?

20 A. No, no presence of Ta Mok at Champa Leu pagoda. I rarely saw
21 him. Most of the time I saw him at the yearly conferences at
22 Damrei Romeal mountain, and there was another occasion when I met
23 him at Kratuot (phonetic) after the war ended. I met him -- I saw
24 him one time as well in Takeo provincial town.

25 As he was part of the zone committee, I was not entitled to sit

1 so close to him and had a discussion. I saw him in different
2 meetings where he delivered a few minutes the remarks.

3 No, concerning Ta Mok present at Wat Champa, he was not there.
4 [15.34.57]

5 Q. Let me ask you this, Mr. Witness. When evacuees arrived in
6 Tram Kak district, how did the CPK identify which of those
7 evacuees had been, or were former Lon Nol soldiers or officials?
8 How were those people identified?

9 A. Regarding how to identify the former Lon Nol soldier, it was
10 identified through the family origin. Some former soldiers went
11 to their respective birth villages where their parents had been
12 living for long. So this one of the way we could identify whether
13 or not they were former Lon Nol soldiers.

14 Q. Let me read to you what -- the testimony that was given by
15 Yeay Boeun, the woman who you identified as working in Cheang
16 Tong commune with you. In her OCIJ statement E3/9480, E3/9480 at
17 answer 254 to answer 255, 254 to 255, Yeay Boeun gave the
18 following testimony - quote:

19 "Immediately when the Khmer Rouge regime began, they commenced
20 making biographies of people who used to be teachers, policemen,
21 or civil servants in the Lon Nol regime. Then they sent all of
22 those biographies to the upper echelon. That was an order from
23 the upper echelon. After the biographies were sent to the upper
24 echelon, they provided the names of those people to me, then I
25 ordered the arrests of those people and sent them to the upper

1 echelon. Some were able to return and some could not. Those
2 arrested ones were mostly soldiers and policemen." End of quote.

3 [15.37.40]

4 Mr. Witness, were you aware, and did you help Yeay Boeun, in
5 preparing biographies of individuals after 17 April 1975?

6 A. I had already left, so the instruction to Yeay Boeun came
7 after I already left to Kien Svay. So I was not involved in the
8 making of the biographies.

9 Q. Well, let's talk specifically about your own brother, Mr.
10 Witness.

11 How was your brother identified as a Lon Nol commune official
12 when he arrived in Tram Kak district? You've testified that took
13 place -- you've testified that he arrived a couple of months
14 after 17 April because he initially went north. When he arrived
15 in Tram Kak, how was he identified as a Lon Nol commune official?

16 A. It was not difficult to identify at that time, especially the
17 identification of my brother name Sao Sum because people in the
18 commune, village, and district knew that my brother was the
19 commune chief so that's how they identified my brother's
20 position. So the local inhabitants knew about this and that's how
21 the identification of my brother's position was done.

22 [15.40.18]

23 Q. In your testimony before the Supreme Court Chamber, F1/1.1,
24 around 14.44.06, you said -- I quote: "The biography of my elder
25 brother was found out. The district found out about the

1 biography." End of quote.

2 What biography were you referring to? Was your brother required
3 to prepare a biography or was this the biography of yourself or
4 other family members which identified him as a Lon Nol commune
5 official?

6 A. When they found out about my brother's biography, it was
7 because local people in the area knew about his biography. So
8 people in the area were well aware of his position, that he could
9 not hide his biography because at that time I refer to the period
10 before the coup d'état. When anyone held any position, people in
11 the area were well-aware of this. And people were even well-aware
12 of who was the children of whom, so we could not hide our own
13 biography.

14 [15.42.18]

15 Q. Thank you.

16 Who was it that ordered your brother to go to Office 204 or that
17 took your brother to Office 204? Who was it that was responsible
18 for that, Mr. Witness?

19 A. Regarding the sending of my brother at that time, there were
20 people who were jealous of my position, so the -- so Moeurn
21 (phonetic) who was at the level of the district gave the order to
22 the commune to send my brother and I found out about this later
23 on. So when my brother was sent away, I went to meet Chim and
24 Chim at that time was in charge of the district military, and he
25 asked me who sent your brother to the office. And I said that I

1 did not know, so Chim went to meet Khom and Yeay Khom said she
2 also did not know about this. So Ta Chim told me that the person
3 who sent my brother was the village chief who did it at the
4 advice of Moeurn (phonetic) who was at the district. So that was
5 how the event of sending my brother to the office took place.

6 15.44.35]

7 Q. Now, you've talked about this meeting you attended at Phnum
8 Trael where you heard an instruction not to harm Lon Nol soldiers
9 of a certain rank. The meeting at Phnum Trael, did it take place
10 before or after the time your brother was sent to Office 204?

11 A. When I attended the meeting at Phnum Trael, my brother was at
12 Khvav (phonetic) district, but for me I was still at the Front
13 line in the framework of the military, so I had not seen him yet.
14 My brother, at that time, lived with my parents. I asked my
15 mother, where is Brother Chrun? In his official biography, his
16 name is Sum. My mother told me that he was taken away by the
17 village chief at the -- following the instruction from the
18 district level. So it took place around the time I was attending
19 the meeting at Phnum Trael because when I came back from the
20 meeting I asked my mother and she told me like that. So, yes --
21 so that is my answer.

22 [15.46.51]

23 Q. The President asked you this morning about your effort to
24 speak to some of the district leaders about your brother's
25 situation. I'd like to read to you an excerpt from your DC-Cam

1 interview, E3/9118, where you talked about this: first at Khmer,
2 ERN 00957792; English, 01098760. Again, the Khmer, 957792. You
3 said to DC-Cam, I quote.
4 "After he left the city, they took him to Prison 204. I did not
5 meet him. He was taken away. Then I went to my mother. I informed
6 her that I had returned from the study session. She went to
7 inform Ta Chim who informed Ta Saom. Ta Saom informed Yeay Khom,
8 Ta Mok's daughter. My request was then accepted. I took his wife
9 to live with him in Prison 204. Now it is called Wat Prey Kduoch
10 pagoda." End of quote.

11 [15.48.24]

12 And in the same interview -- later in the same interview, Mr.
13 Witness, Khmer page 00957808; English, 01098770 through 71:
14 Question: "What about your elder brother who was detained?"
15 Answer: "He was detained at 204. He made it alive. The upper
16 level thought that if they killed him it would affect me. I
17 served their movement and my second-youngest sister and my
18 brother also joined the Revolution in the liberated zones. They
19 decided to keep him alive because if they pull them out, that
20 would affect our tendency." End of quote.

21 Mr. Witness, my question to you, if there had been an
22 announcement that Lon Nol soldiers below certain ranks were not
23 to be harmed, why did you have to intervene with Yeay Khom, Ta
24 Saom and Ta Chim, in order to save your brother's life? Why
25 wasn't your brother simply released after this order you say

1 happened -- not to harm Lon Nol soldiers below certain rank?

2 [15.50.19]

3 A. Regarding my intervening (sic), when I received the order from

4 the upper echelon not to harm the lower-ranking officials and

5 when the incident took place and if I did not ask for

6 intervention from Brother Chim and then I would be wrong

7 according to the -- based on the policy from the upper echelon.

8 So I did ask for the intervention from Bong Chim. So Brother Chim

9 told me to keep calm, but I could not stay calm so I went to meet

10 Yeay Khom. I asked Yeay Khom to intervene, to forgive my brother

11 although he held position in the previous regime, but he now came

12 to join our side. And that was based on the policy that not to

13 harm former Lon Nol regime officials. So that's my answer to your

14 question.

15 MR. PRESIDENT:

16 International Deputy Co-Prosecutor, the Chamber gives the time to

17 you and Lead Co-Lawyers two sessions and-a-half, so -- one

18 session and-a-half, so now you still have around 10 minutes.

19 Have you discussed with your colleagues?

20 MR. PICH ANG:

21 I will need only five minutes, Mr. President, to put question to

22 this witness.

23 [15.53.02]

24 MR. PRESIDENT:

25 You can resume your questioning, International Deputy

1 Co-Prosecutor.

2 BY MR. LYSAK:

3 Thank you, Mr. President.

4 Q. Mr. Witness, I want to ask you about one last subject before I
5 turn the floor.

6 Do you know whether the policy that you say you heard at this
7 meeting, not to harm Lon Nol soldiers below a certain rank, do
8 you know whether this policy was subsequently changed?

9 MR. SAO VAN:

10 A. I do not know whether there were changes in policies after
11 those policies were made known following the 17 April 1975.
12 I never received any information regarding the changes in
13 policies, but in 1977 or mid-1978, there was a discussion
14 regarding the distinction of full rights and candidate status in
15 the "Revolutionary Flag" magazine, and I was party of the --
16 Party branch when I was assigned to specific tasks so I had no
17 broad power for some matters. So I did not know later on whether
18 there were changes in policies.

19 [15.55.05]

20 Q. I ask you that, Mr. Witness, because there's substantial
21 evidence in the file about killings of Lon Nol personnel
22 continuing after the time of the meeting you've described.
23 Let me ask you, as I have little time, about just one of these
24 documents, document E3/1539. E3/1539 is a list of -- from S-21 of
25 162 Lon Nol soldiers, officials and family members who were

1 executed or who died at S-21 between 22nd and 30th of March 1976.

2 The list of the soldiers who were killed at S-21 that week, Mr.

3 Witness, includes privates, sergeants, corporals, warrant

4 officers, first lieutenants, second lieutenants, captains,

5 majors, lieutenant-colonels and colonels.

6 In other words, the people that you say were not to be harmed at

7 this meeting that you attended at Phnum Trael were being killed

8 in large numbers in March 1976 at the very top security office

9 that reported to the Party leaders.

10 First, can you confirm, Mr. Witness, the meeting you attended in

11 Takeo provincial town, did it take place before or after March

12 1976?

13 [15.57.15]

14 A. It's beyond my ability to tell you whether the meeting was

15 held after or before the date mentioned by you. I cannot recall

16 it well; I did not pay attention or focus on the disappearances

17 of some specific people.

18 I was responsible for tasks at the base area, so one would mind

19 only one own business at the time. So this means that I only knew

20 what I was assigned to do.

21 Q. One last question, Mr. Witness. The meeting in Takeo

22 provincial town where Ta Mok spoke, did he tell you and the other

23 cadres who were at that meeting in Takeo that former Lon Nol

24 soldiers, including ranking officers, were being interrogated and

25 killed at S-21, or did he conceal that information from you?

1 [15.58.50]

2 A. I never heard about that, so I do not know whether it was Ta
3 Mok who said about this issue.

4 During the study session, he emphasized the issue of agricultural
5 production and he would pose the question, "You, Comrade, do you
6 understand what the politics is?" The politics to him is to find
7 rice for people to eat. When there is rice, there are people, and
8 soldiers.

9 So this was the content I could recall during the time that I saw
10 him at Kantuot meeting.

11 The meeting at Takeo province was to discuss a different issue --
12 that is, the efforts to agricultural production so that the
13 country would not be annexed by the bigger country. And he was in
14 -- he encouraged all of us to try to reach the target of three
15 tons per hectare.

16 MR. LYSAK:

17 I thank you for the time, Mr. President.

18 MR. PRESIDENT:

19 The floor is now given to Lead Co-Lawyer -- Lead Co-Lawyers for
20 Civil Parties, Pich Ang.

21 [16.00.26]

22 MR. PICH ANG:

23 Good afternoon, Mr. President, and parties. I have only a few
24 questions to put to this witness, Mr. President.

25 QUESTIONING BY MR. PICH ANG:

1 Q. Good afternoon, Mr. Witness. A while ago, you stated that your
2 elder brother, Sao Sum, came to join your parents in your home
3 commune and district. And then you went to seek help from a Yeay
4 Khom, not to kill him.

5 My question is: why did you go to seek help from Yeay Khom in
6 order that your elder brother would not be killed?

7 [16.01.24]

8 MR. SAO VAN:

9 A. At the time I went to see her to make a report that I had an
10 elder brother who had been sent away. I told her that I did not
11 see him yet. Yeay Khom, in her reply, said it was too late, that
12 he had been sent away already, and she blamed me not to inform
13 her prior to his transfer. She suggests -- she advised me to
14 bring wife and children of my elder brother to live with me and
15 my parents.

16 During the time, I went to inform her of the issue. I did not
17 talk to her about the request not to kill him. I respected her in
18 her capacity as the secretary. She was powerful at the time.

19 Q. Thank you. What was the Office 204 as you mentioned?

20 A. Office 204 was initially the unit who produce equipment or
21 explosives. That was considered a warehouse to mold knives and
22 weapons, as well as explosive. Later on, this office was to
23 detain those who committed moral offences or those who committed
24 wrongs.

25 As I said initially, I knew that this office was a warehouse to

1 produce weapons and explosives. It was not used as a detention
2 centre. Chhen (phonetic) was a soldier -- was one of the soldier
3 and this person committed a moral offence and was sent to the
4 base area by the regiment. Since Chhen (phonetic) committed an
5 offence, he was sent to that office, 204, to produce some
6 weapons, to help produce some weapons.

7 [16.04.35]

8 Q. I do not have much time, Mr. Witness.

9 You made mention that your elder brother used to be a third
10 deputy chief in Phnom Penh. Later on, he was taken to the
11 re-education office. Can you tell the Court why your elder
12 brother was sent to that office?

13 A. I have no idea why he was sent there.

14 Q. My last question, Mr. Witness. You stated that you attended a
15 meeting at Trael mountain and you were advised not to touch the
16 colonels down to the second lieutenant.

17 What about the soldier who held the rank of -- who held the rank
18 above the colonels? Were you advised to mistreat them?

19 [16.05.55]

20 A. We received no instruction regarding the soldier who held the
21 rank above colonels.

22 Q. So you were instructed not to touch ranking soldiers, but you
23 were not advised specifically not to harm the colonel upward. Is
24 that true?

25 A. Yes, it is true, that I was not advised to do anything to

1 those soldiers who held the rank above the colonel.

2 MR. PRESIDENT:

3 The Court is now -- the hearing is now in -- it is now time for
4 the adjournment, and the hearing will resume tomorrow.

5 Tomorrow, the Chamber will continue hearing Witness Sao Van, and
6 then 2-TCW-1008. Please be informed and be on time.

7 [16.07.06]

8 Thank you, Mr. Sao Van, the hearing of your testimony as a
9 witness has not come to an end yet. You are therefore invited to
10 be here again tomorrow at 9 a.m. And it will not take the whole
11 morning to complete the hearing of your testimony. Please be
12 patient.

13 Court officer, please work with WESU to send Mr. Sao Van to the
14 place where he is staying at the moment, and please invite him
15 back into the courtroom tomorrow at 9 a.m.

16 Security personnel are instructed to bring Mr. Nuon Chea and
17 Khieu Samphan back to the ECCC detention facility, and please
18 have them returned tomorrow before 9 a.m.

19 The Court is now adjourned.

20 (Court adjourns at 1607H)

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