



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 07-Mar-2017, 10:43
CMS/CFO: Sann Rada

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
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YOU Ottara
Martin KAROPKIN (Reserve)
THOU Mony (Reserve)

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I N D E X

Mr. SAO Van (2-TCW-989)

Questioning by The President (NIL Nonn) page 3
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Questioning by Mr. PICH Ang..... page 91

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

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,

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

3 On 11 November 2015, the <Co-Prosecutor> made a request to the
4 Chamber to receive <new> documents -- that is, in relation to
5 document E319/36, and the <Co-Prosecutor> requests to use three
6 documents for Witness 2-TCW-989, namely, E319/23.3.42,
7 E319/19.3.125 and 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 <as requested by the Co-Prosecutor>.
11 <A fully> written decision with reasons will be issued in due
12 course.

13 [09.16.20]

14 JUDGE FENZ:

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

17 MR. PRESIDENT:

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

19 (Short pause)

20 (Witness enters the courtroom)

21 [09.17.50]

22 QUESTIONING BY MR. PRESIDENT:

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

24 MR. SAO VAN:

25 A. My name is Sao Van alias Po k.

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

2 A. I was born on 15 April 1941.

3 Q. Thank you.

4 When were you born?

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

7 Q. And where is your current address?

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

10 Q. What is your current occupation?

11 A. I am a rice farmer.

12 [09.19.23]

13 Q. What are the names of your parents?

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

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

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

19 Q. Thank you, Mr. Sao Van.

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

24 Is this information correct?

25 A. Yes, that information is accurate.

5

1 Q. Have you taken an oath before the Iron Club Statue to the east
2 of the Chamber?

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

5 [09.20.58]

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

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

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

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

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

24 [09.22.28]

25 A. I have been interviewed by the group of "Searching for the

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1 Truth", and I was interviewed once by this group at my house.

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

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

8 So this is my fourth trip to this Court.

9 Q. Thank you.

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

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

16 [09.24.25]

17 Q. Thank you, Mr. Sao Van.

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

23 And we would like to inform you of your duty today -- that is,
24 for your testimony before the Trial Chamber. <The Judges in this
25 Chamber are different people from the judges in your testimony in

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1 2015.>

2 You are here before us<, your testimony this time is> separate
3 from your testimony last year before another Chamber, and here,
4 you are requested to testify in another case -- that is, 002/02.
5 And that is the reason you have been summoned to appear before
6 this Chamber. So please be patient with us since you have
7 appeared before another Chamber and that you have been
8 interviewed several times. However, you might have -- you might
9 be asked questions, although you may have responded previously,
10 but the questions are related to Case 002/02.

11 [09.26.10]

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

17 And of course, there are certain statements that you have made
18 thus far and which are related to the proceedings in this case --
19 that is, 002/02, and that is the reason you are summoned to
20 testify before <the Trial Chamber>. Do you understand the
21 proceeding, Mr. Witness?

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

24 [09.27.22]

25 Q. Thank you, Mr. Witness.

8

1 And you have stated that your name is Sao Van alias Pok. And
2 <were> you also known by another alias -- that is, Sao Pok, in
3 particular, when you lived through the Khmer Rouge regime?
4 Were you known by Sao Pok? Because when you said your name is Sao
5 Van alias Pok, the word "Pok" is not a full name. It's only just
6 your given name.

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

8 A. I actually used the Sao Pok based on the registration of my
9 date of birth. And during the DK period, I was known by that
10 name, Sao Pok, and only in 2002 when I became a candidate for the
11 commune <council>, I changed my name to Sao Van. And from that
12 day onward, I am known officially by Sao Van.

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

15 [09.29.17]

16 Q. Thank you.

17 And my next question to you is in relation to the events that
18 took place in Cheang Tong commune on the 30 of <September> 1971
19 <you were appointed as the Chief of the Front of Cheang Tong
20 Commune>-- that is, in reference to transcript of 2nd <July>
21 2015, that is on page 18 in Khmer, 20 -- page 20 in English, and
22 French, page 23.

23 My question to you is: How do you recall the exact date of that
24 event because you said that, on that particular day, you were
25 appointed -- that is, on the 30th of <September> 1971?

1 A. Yes, Mr. President. I'd like to clarify that matter.
2 After 1970, Kampuchea plunged into a chaos due to the coup
3 d'état. <That time,> I was the village chief <of the United Front
4 of Cambodia> in Trapeang Tuek village, Cheang Tong commune, Tram
5 Kak district, Takeo province. Not long after that, Angkar, which
6 was referred to by District 105, which is the Tram Kak district
7 currently, appointed <> me to be part of the committee to provide
8 propaganda to people with Khoeun in Popel commune, <Tram Kak
9 district, Takeo province,>so I was part of that propaganda or
10 education committee for the people living in that commune in
11 Takeo province.

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

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

19 [09.32.38]

20 Q. Thank you.

21 And how long were you chief of the Front of the Cheang Tong
22 commune?

23 A. I was chief of the Front in Cheang Tong commune from 1971 to
24 1975, then Angkar reassigned me to Sector 25.

25 Q. And can you recall the date that you were reassigned to work

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1 in Sector 25? Do you recall the exact date of that reassignment?

2 A. After the victory of 17 April 1975 -- that is, about two
3 months after that victory date, the zone committee reassigned me
4 to work and live in Sector 25. However, I cannot recall the
5 <exact> date.

6 [10.34.26]

7 Q. Thank you.

8 So after 17 April 1975 after the liberation army <occupied> Phnom
9 Penh, so you were assigned to work in Sector 25? Were you still
10 the village chief of Cheang Tong, or did you have any other role?

11 A. At that time, I was no longer the revolutionary leader of
12 Cheang Tong commune. I was transferred to be commune chief of
13 <Kampong> Svay<, Kien Svay district> in Sector 25 in 1976.

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

19 For the period -- that is, between the Victory Day of 17 April
20 1975 until the date you were appointed chief of a commune in Kien
21 Svay, what did you do between this period?

22 [09.36.45]

23 A. After the Victory Day of 17 April 1975 and before I was
24 reassigned to Sector 25, I lived in Cheang Tong commune, and I
25 was tasked to manage the people who were evacuated from Phnom

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1 Penh to <resettle in> Cheang Tong commune. And I would organize
2 them to live in various cooperatives in those villages. And that
3 was my <basic> role at the time.

4 Q. Allow me to clarify what you have just stated, as this is also
5 related to <the content of> your previous statements. I want to
6 clarify that -- certain dates, and that is the reason I put the
7 question to you, to clarify those dates.

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

12 You also stated that, after 17 April 1975, you were tasked to
13 work in Cheang Tong commune to organize people who were evacuated
14 from Phnom Penh and from other cities in order to place them in
15 cooperatives. So please try to recall -- <about your position
16 and> how long did you work in Cheang Tong commune<>?

17 [09.39.05]

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

25 [09.39.58]

1 Q. Thank you.

2 And I want to know the differences between <> your tasks <and
3 that of> Boeun, the commune secretary <Cheang Tong>, and you, so
4 what different tasks you have at the time opposed to those of
5 Yeay Boeun?

6 A. She was -- she had an overall supervision, and I was asked to
7 assist in managing people within the commune. So I was part of
8 the tasks. However, as I said, she had overall supervision in the
9 commune< but it was me who managed people>.

10 Q. Thank you.

11 You were chief of the Front in the commune, and you were also
12 <actively> engaged in the management of people with Yeay Boeun,
13 the former commune secretary. And I have another question about
14 the differences between the Front of the commune and the
15 committee of the commune<?>

16 You stated that you had been part of the Front, and you also
17 stated that there were differences between the tasks of the
18 commune Front and the commune committee.

19 So what were differences of the two?

20 [09.42.01]

21 A. Chief of the Front within the commune as well as the chief of
22 the commune had the same -- had relatively same tasks. All the
23 decisions and all the solution <> had to be agreed among the
24 three, <that was the chief, deputy chief and the standing
25 committee who could make every decision. The three convened the

13

1 meeting with village chiefs, so those village chiefs would
2 receive plans or> instruction <to> be implemented in <their
3 respective> cooperatives <or villages>.

4 So as I said, it is my understanding that they had similar tasks,
5 and we worked based on our conscience and our mental
6 responsibility. <What was different was that the> chief was
7 responsible in overall tasks, <whilst the> deputy were
8 responsible for <military. That time, we also had member of
9 economics as well>.

10 Q. I am not so quite -- I am not quite clear, so I have a
11 follow-up question. So what were your <exact> tasks at the time
12 <as a Cheang Tong commune committee member> among the three <
13 consisted of a chief, a deputy chief and commune committee
14 members>? As you said, you -- were you part of the Cheang Tong
15 commune committee from '71 up to <17 April> '75 before you were
16 transferred to Kien Svay Sector 25?

17 [09.43.58]

18 A. As I said, the chief of the committee had overall
19 responsibility, namely, military, economics and <> other
20 management tasks. The chief would be invited to receive the
21 instruction and decision <from the district level>, after which
22 those decision and instruction had to be conveyed to the
23 subordinates. And after the agreement, the deputy and permanent
24 members would be invited to attend a meeting to be informed of
25 the instruction and decision from the districts.

14

1 Later on, the village <chiefs> would also be invited to the
2 meeting so that they <were> informed of decision and instruction
3 from the above, and the -- those decision and instruction could
4 be implemented within <their respective villages>.

5 Q. I think you are not giving the detail as I want to hear from
6 you, so concerning the commune committee, were you deputy -- were
7 you chief, deputy or members of the commune committee since I
8 heard that there were two different kinds of structures? <Based
9 on what you mentioned, it appears that there is only one
10 structure and> that <someone had been appointed to have a role in
11 the commune committee. At the same time, that individual was
12 responsible for the work of the> Front<>?

13 [09.45.50]

14 A. I was chief of Cheang Tong Front in 1972 and in 1973. There
15 was a Communist Party of Democratic Kampuchea <or the> CPK was --
16 assisted -- CPK assisted the Front from the behind. And what I
17 did was based on the decision of Party branch within the commune.
18 Frankly, I do not really get your question, Mr. President. But
19 what I'm telling you is the tasks of commune committee.

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

22 A. I did not know at the time who assigned -- who reassigned me.
23 When I arrived in Sector 25, I came with three, four or five
24 <people who came from the district level>. I was introduced by
25 Yeay Khom, the daughter of Ta Mok, secretary of Tram Kak, who

15

1 assigned me to come and work in Sector 25.

2 [09.48.02]

3 Q. Thank you.

4 Do you know the reason that you were transferred by Yeay Khom
5 from Cheang Tong commune <or District 105> to Kien Svay, Sector
6 25? Were you provided with the reasons you were transferred from
7 that commune to Sector 25?

8 A. Mr. President, I was not informed of any reasons, but upon the
9 transfer, I stayed in Kantuot (phonetic), currently Kandal Stueng
10 district, where Ta Mok was working. Then, as I said, I stopped at
11 that place for one night, and during which Ta Mok said all of you
12 combatants needed to go and work in Sector 25, Kien Svay
13 district, since it was now part of the Southwest Zone.
14 Ta Mok requested all of us to go and work in that district and
15 sector.

16 Q. Thank you. I want to clarify once again the question that I
17 asked.

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

20 [09.50.16]

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

24 Q. I want to ask you about the meeting which the discussion was
25 about the policies to treat the former Lon Nol<> officials in the

16

1 former regime. <We want to discuss the topic of meetings you gave
2 in your previous statement.> You attended a meeting where the
3 instructions were issued by cadres. Did you ever attend a meeting
4 held at a location named Phnum Trael?

5 A. Mr. President, I used to attend a meeting at Phnum Trael
6 <once>.

7 Q. Thank you.

8 Which location, exactly, was that meeting held, and was that
9 meeting held within a hall or where, exactly? Could you describe
10 the location where the meeting was held at Trael mountain? <For
11 instance, was it held at home or in a larger building?>

12 [09.52.18]

13 A. Concerning the meeting at Trael Phnum <or Trael mountain>, it
14 -- I was surprised at the time. It was -- it appeared to be in a
15 haste to convene that meeting. The <sector committee> invited
16 comrades within the province and military within the province
17 <from the entire Sector 13> to attend a meeting at Trael
18 mountain. Actually, there was no hall installed during the
19 meeting. The meeting was held on the mountain. It lasted for one
20 day, then the meeting was concluded and we went back to our work
21 stations, respectively.

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

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

17

1 [09.53.43]

2 Q. Thank you. Moeng Vet gave an interview to DC-Cam. For
3 reference, the document is E3/9647, Khmer, ERN 00975721; English,
4 00992985; French, 00996561. Moeng Vet mentioned in passing the
5 following venue at Phnum Trael, he stated that Phnum Trael pagoda
6 in Tany was an art office called original <district> conference
7 hall. Is this the venue you are describing at Phnum Trael, or a
8 different venue?

9 A. The venue that I went to join the meeting was known as Trael
10 mountain. I had not known this location before. It was when I
11 invited to the meeting at the place that I started to know it.
12 During the meeting, Ta Chay (phonetic) made mention his
13 biography. He stated that he was engaged in the movement and
14 revolution. He delivered welcoming remarks. He stated about the
15 transportation of food supplies during the movement. He made
16 mention about the difficulty he experienced.
17 At the time, he also stated that he never expected the victory as
18 we had at the time. That was the summary of the content of his
19 remarks.

20 [09.56.00]

21 Q. What was <Ta Chey's> position in District 105?

22 A. He was working within the district. However, he was not the
23 secretary, deputy secretary or member of the district. He was
24 tasked with the responsibility of production units of District
25 105.

18

1 Q. Thank you.

2 To your recollection, who invited <you> to a meeting at Trael
3 mountain?

4 A. It was under an invitation brought to me by <a> messenger. The
5 invitation letter was sent from sector down to district and to
6 the commune.

7 Q. Which sector was Phnum Trael located?

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

10 [09.57.50]

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

13 A. I was on foot at the time. I was invited to a meeting in
14 District 106 together with other people. There were many of us,
15 from <10 communes in District 105 or Tram Kak District>. For
16 instance, one or two chief and deputies from each commune were
17 with me, and we would stay on the night during our journey, so I
18 did not know where Phnum Trael was at that time. I simply
19 followed others to reach Phnum Trael. And upon my arrival, I
20 joined the group in the meeting listening to the remarks and
21 instruction made by speakers.

22 [09.59.18]

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

1 A. To my recollection, it was after 17 April 1975 -- that is, the
2 victory day. I cannot tell you the exact date and month. It was
3 one or two months after the liberation that the cadres were
4 invited to that meeting. The meeting was meant to instruct and
5 advise cadres to be ready to deal with the <livelihood> of <the
6 Base and the New People>.

7 Q. Thank you.

8 How many people were there attending that meeting, and from which
9 level were they from?

10 A. There were hundreds of participants during the meeting. The
11 commune -- the chief of commune, chief of 100 members, and chief
12 of 50 members<, including district and office people> were
13 invited to that meeting. The units chiefs would -- were also
14 invited to the meeting.

15 [10.01.32]

16 Q. Could you tell the Chamber who presided over the meeting at
17 the time?

18 A. Bong Saom was the speaker. He was <the chief of> Sector 13,
19 and I cannot recall who else were there being the speakers.

20 Q. Thank you.

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

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

23 Q. Thank you.

24 You have told the Court already about who presided over the
25 meeting, and you told the Court about the presence of Ta Chay

1 (phonetic), who <held no specific rank in District 105>, at the
2 time, discussed about his experience in the movement supporting
3 the soldiers of the Front, and Ta Chay (phonetic) stated also
4 that he never expected victory would come.

5 Ta Saom, from your <last> statement, was the secretary of Sector
6 13, he was there and presided over the meeting as well. So now I
7 would like to ask you about the content of the discussion.

8 What was discussed at the meeting at Phnum Trael?

9 [10.03.32]

10 A. Allow me to respond to this question.

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

17 He also emphasized that for soldiers ranking from the 2nd
18 lieutenant to colonel should not be mistreated -- should not be
19 touched. And he actually emphasized the point that those ranked
20 soldiers also had their relatives living amongst us and that
21 those people involved in the movement to liberate the country,
22 and for that reason, we had to maintain this force and for us
23 cadres, we had to remember that and had to implement this
24 instruction effectively at our respective bases.

25 These are some of the points that he emphasized and, for that

21

1 reason, I recall <these points very> well. And that's what I
2 tried to implement at the time.

3 [10.05.38]

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

10 A. No, there wasn't any other speaker. And after the presentation
11 by Brother Saom concluded, then Ta Chay (phonetic) had a
12 conversation with us. Ta Chay (phonetic) was friendly. He spoke
13 about his experience in the resistant movement, about the open
14 and covert movements that led to the victory. So we, as the
15 cadres, we tentatively listened to his experience.
16 The meeting lasted <not> the whole day<. It was only a> full
17 morning session and part of the afternoon session. <It finished
18 at 1.00 p.m.> After that, we had to walk back.

19 [10.07.15]

20 Q. Thank you for your detailed response.

21 You have stated about the instruction not to mistreat former Lon
22 Nol ranked soldiers from the 2nd lieutenant to colonel, and my
23 question to you is the following:

24 Regarding the instruction or the policy towards the former Lon
25 Nol soldiers, did he make mention of the civil servants of the

1 <Khmer Republic government> besides former Lon Nol <> soldiers?

2 A. He made mention of the former Lon Nol soldiers and policemen.

3 He did not mention the civil servants, <such as teachers>.

4 However, he stated that we should have a broader perception of

5 both the New and the Old People and that we should try to find

6 the <good> solutions with the masses, that they could be lacking

7 everything, including food supply<,> medicine, <shelter, and

8 other necessities,> and that we had to resolve the practical

9 situations.

10 And for that reason, we had to be humble to the masses to sort

11 out those issues. And that is his emphasis during his

12 presentation. And he actually reiterated these points.

13 [10.09.22]

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

15 I'd like now to refer to your interview with DC-Cam in 2011 so

16 that <we> can fully understand it.

17 You were interviewed by DC-Cam -- that is, document E3/9118. The

18 Khmer ERN is at 00957793 to 94 and ERN in English is at 01098761.

19 You stated the following -- and my apology that I do not have the

20 French ERN. You stated, and I quote:

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

22 rank of colonel or higher would not be killed. However, he didn't

23 state that immediately after the liberation. His statement was

24 made probably in March, April or May. It was like one month after

25 the liberation. After that, Ta Saom, the sector committee, got

1 all cadres, including high-ranking officers, to study at Phnum
2 Trael mountain. It was announced at Tany that soldiers with the
3 rank of colonel or higher would absolutely not be killed. That
4 was exactly the political line at the time."

5 And later in the same interview -- that is, E3/9118 at Khmer, ERN
6 00957819; English is at 01098778; you made the following
7 statement, and I quote:

8 [10.11.47]

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

17 There could be issues with the translation or with the
18 transcript.

19 Can you tell the Chamber whether you referred to one and same
20 location -- that is, Phnum Trael mountain -- because you
21 mentioned two different names -- that is, Phnum Trae (sic) and
22 Phnum Trel (sic) -- or whether you only refer to one same
23 meeting, but there is a problem with the English translation from
24 Trae (sic) to Trel (sic)?

25 [10.13.15]

1 A. Allow me to respond to that question.

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

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

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

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

22 [10.15.20]

23 He also turned to Ta Saom and Ta Muth, <and Ta Phaen (phonetic)>
24 who <were> at the <sector> level, that they should not act in a
25 way that -- to scare the subordinates because people were taking

1 part in the movement to liberate the country from the
2 <imperialist enemies>. And that's the speech made by Ta Mok
3 during the yearly conference, and it was not at Phnum Trael
4 Mountain.

5 Q. Thank you.

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

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

18 [10.17.15]

19 A. That's what I stated during my interview -- that is, from the
20 ranks of the colonel up. <This is what I said in the interview
21 and it was made at the commune.>

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. <Since there are several questions are
4 put to you and you appear tired.>

5 <So> we have a short break now, and resume at 20 to 11.00.

6 Court officer, please assist the witness during the break time
7 and invite him back into the courtroom at 20 to 11.00.

8 The Court is now in recess.

9 (Court recesses from 1018H to 1043H)

10 MR. PRESIDENT:

11 Please be seated.

12 The Court is back in session and I resume my questioning Mr. Sao
13 Van.

14 BY MR. PRESIDENT:

15 Q. My next question is about the former Lon Nol soldiers. From
16 colonels upwards, were they mistreated or harmed after the
17 instruction of Saom, the secretary of Sector 13, after 17 April
18 1975 up on to the time where there were instruction informed in
19 Trael mountain meeting? Were the colonels upward, <such as
20 brigadier general, major general, lieutenant general,> harmed?

21 [10.44.23]

22 MR. SAO VAN:

23 A. I never saw the mistreatments <> of those soldiers. No such
24 incidents happened in Cheang Tong commune.

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

1 colonel <downwards. Between> 17 April 1975 <and the day of a
2 meeting at Trael mountain>, were they harmed and killed?

3 A. Let me clarify and inform the Court as follows: concerning the
4 instruction, there were soldiers at Champa pagoda and those
5 soldiers were gathered up <and taken away. This is all what I
6 know>.

7 [10.45.40]

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

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

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

25 Q. You were told about that circumstance, so were you told how

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1 many of them were sent out of Kien Svay district, Kampong Svay
2 commune?

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

5 [10.48.11]

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

9 I clarified a few points with you already concerning the
10 statements of Ta Mok not to touch some former soldiers within
11 certain ranks, so can you tell the Court, what do you mean when
12 you said what happened during the regime was different to what is
13 mentioned in the documents and what Ta Mok said? <This is the
14 statement you gave to DC-Cam.>

15 A. In relation to my statement in the document given --
16 interviewed by DC-Cam, after the statement of Ta Mok, I received
17 a document in late-1977 and <early>1978. In that document, there
18 were categories of full-rights people, candidate people, and
19 depository. <The problem is at this point.>
20 When I arrived in Tram Kak district, there was a place -- a
21 location named Krang Ta Chan, where I saw skulls and bones remain
22 -- remaining at the place and I have informed the interviewer
23 about what I saw when I arrived at Krang Ta Chan, so my statement
24 was different from that of Ta Mok.

25 [10.50.42]

1 Q. After the meeting at Phnum Trael, <> were the instructions
2 introduced by Ta Saom<, secretary of Sector 13,> implemented <at
3 your area>?

4 A. After I returned to my base location <in Cheang Tong commune>,
5 I disseminated the instruction to the village chiefs<.> Upon my
6 arrival in Kien Svay, I <convened the meeting and> disseminated
7 the instruction to my <village chiefs as well>.

8 Q. Thank you. I want to discuss with you another topic in
9 relation to a different meeting in a different location. This
10 time it's about -- it is about Takeo town's meeting, <which was
11 held in another location>. Did you ever attend a meeting in Takeo
12 town when instructions were given about the treatment of former
13 Lon Nol officials after the 17 April 1975?

14 A. After the 17 April 1975, there was a meeting held in Takeo
15 <town>. I was there in the meeting. The presentation was made by
16 the same person, Saom. It was -- the presentation was meant to
17 advise on production and mobilizing the <labour force>. No
18 discussion was made about the treatment of former Lon Nol
19 soldiers and officials.

20 Before that time, instructions were disseminated already about
21 the treatment of former Lon Nol soldiers and official and once
22 again, there was no discussion about the treatment of former Lon
23 Nol official and soldiers at Takeo town.

24 [10.53.35]

25 Q. Which meeting took place first; I mean the meeting at Phnum

1 Trael and the meeting in Takeo <provincial town>?

2 A. In fact, the meeting at Phnum Trael was held first in Sector
3 13 and later on, there was another meeting in Takeo town after my
4 reassignment to Kampong Svay, Kien Svay, Sector 25 already. Ta
5 Mok was invited me to that meeting in Takeo. Came -- cadres from
6 Takeo and also from Sector 13 were also invited in the meeting at
7 Takeo province.

8 Q. Could you specify the exact location where a meeting in Takeo
9 <town> took place? And as you said, the meeting in Takeo was
10 presided over by Ta Mok when the <important> cadres from the
11 zones -- the Southwest Zone<,> from the communes <,> and from the
12 sector levels,> were there.

13 A. The meeting was held at Phsar Chas or older market <in Takeo
14 province>, the market selling fish. The meeting was held inside
15 that market. Soldiers, cadres from commune, and cadres from
16 district -- districts 25<,> including three sectors, that is,>
17 Kampot<,> Sector 13<> were <also> invited to that meeting.

18 [10.55.45]

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

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

25 Q. To your recollection, when exactly was the meeting held? You

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1 already told the Court that the meeting in Takeo town was held
2 after that at Phnum Trael, so what year and what date and month
3 exactly when the meeting was held<>? <Was it in 1975 or 1976?>

4 A. Concerning the meeting in Takeo, it was held in 1976. Perhaps,
5 it was after the Khmer New Year. It was perhaps in June or July
6 of 1976. <People from Srae Ambel,> Soldiers, cadres from commune
7 and district and also from different offices attended the meeting
8 -- the three-day meeting.

9 [10.57.35]

10 Q. Thank you. You told the Court that the meeting was held right
11 inside the market. Who presided over the meeting; I meant which
12 senior leaders <or cadres> presided over the meeting?

13 A. That meeting was presided over by the military person, Ta Bit
14 and <Bong> Saom. Ta Mok was <only a nominal figure> there in the
15 meeting and after the three-day meeting; <auto-biography> was
16 discussed <among the three>. As I said, there was Ta Mok in the
17 meeting, but he was simply there to listen.

18 Q. You stated that cadres from commune, district, <sectors> and
19 also from Srae Ambel attended the meeting, so to your estimate,
20 how many people attended that meeting?

21 A. There were around 300 participants from regimental level,
22 battalion level, and members of 100 units and 50 units were also
23 there. Production units at Srae Ambel <were> also invited to the
24 meeting, so the total number of the participant -- participants
25 was around 300.

1 [11.00.08]

2 Q. You have told the Court partially about a previous topic, but
3 I want to clarify with you concerning the topics -- the main
4 topics discussed in the meeting -- the three-day meeting. So what
5 were the main topics discussed in the three-day meeting at Takeo
6 province?

7 A. To my recollection, the presentation touched upon the
8 conclusion of the war <within the framework of democratic
9 revolution.> It was said that it was now the time to turn to
10 social revolution<, to build the country within the framework of
11 socialism. Most importantly,> we were told to promote our
12 agricultural production to reach 3 tons per hectare so that we
13 can -- we could defend our country; that was the content of the
14 discussion at the time.

15 [11.01.46]

16 Q. You already told the Court about the discussion of treatment
17 of former Lon Nol soldier <> was not discussed in Takeo town's
18 meeting. <However,> there are a few witnesses who stated -- who
19 have stated that in Takeo town meeting, there was a discussion
20 concerning the treatment of former Lon Nol <> soldiers.

21 So now let me clarify with you once again, <did you confuse in
22 providing your statement or what?> Were policies of Lon Nol
23 soldiers <> treatment were discussed in Takeo town's meeting and
24 what kind of strategies and approaches were asked to apply to
25 those former Lon Nol <> soldiers? <Were the contents in Phsar

1 Chas meeting similar to those of the meeting in Trael Mountain?>

2 As you said, the meeting in Takeo province took place in

3 late-1976, so could you clarify this point for the Court?

4 A. I'm trying to call what happened and the contents of the

5 meeting that was held at the time. It was either Ta Mok or Ta

6 Saom who made mention about the soldiers. He said for us, all the

7 comrades, we had to acknowledge that after the victory, we had to

8 have trust in the people. And also if we were to be defeated, we

9 had to relax and trust the people.

10 He emphasized that for us, the comrades -- the cadres, we had to

11 acknowledge the masses and that's not only about those other

12 bases, but for the soldiers in the areas as well. So in our

13 capacity as cadres, in the platoons, companies or battalions<>,

14 we had to eliminate our personal egos and that we had to be

15 absolute with our stance.

16 [11.04.35]

17 As for the peasants and the cadres at the bases, we all had to

18 have our broader vision that we should not distinguish between

19 the 17 April or the 18 April People or the Old or the New People;

20 we had to gather all the people to engage in the rice productions

21 for building our country, for defending our country so that we

22 can defend our independence and sovereignty and nation.

23 Q. Besides the meeting that you said that happen in about June or

24 July of 1976, did you ever attend any other meetings held in

25 Takeo province where Ta Mok chaired -- that is, prior to the

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1 meeting that you just mentioned that took place in about June or
2 July 1976 where Ta Mok was part of the presenters, but only Saom
3 who makes the presentation.

4 So did you attend any other meeting where there were wider
5 audience where participants came from all the three sectors<,
6 including communes and districts,> under the Southwest Zone where
7 policies were disseminated?

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

10 [11.07.01]

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

15 In that interview, you are recorded as saying as follows at
16 answer number 9: "After 1975, there was another meeting in the
17 provincial town of Takeo in the presence of Ta Mok and Saom, who
18 was in the Sector 13 committee, announced that soldiers with
19 ranks from second lieutenant to colonel were not to be harmed."
20 Can you recall that meeting because what you made mention earlier
21 is rather broad, but you were more specific in your interview in
22 2013 where you said that there was instruction from Saom, the
23 Sector 13 committee, who made an announcement that soldiers with
24 the ranks from second lieutenant to colonel were not to be
25 harmed, which is consistent with his instructions announced at

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1 Phnum Trael mountain? Can you try to recall that?

2 [11.08.49]

3 A. Regarding his presentation, that is my recollection; however,
4 I do not object to the excerpt where you put to me. Maybe I
5 cannot remember that specifically; however, I was already in Kien
6 Svay when I was called for a meeting in Takeo town <,that was in
7 '76> and I heard instruction from Bong Saom when the meeting was
8 held at the Phnum Trael mountain <but it was in '75>.

9 Q. Can you tell the Chamber how do you recall the specific
10 instructions that soldiers with the former Lon Nol regime with
11 the ranks from second lieutenant to colonel were not to be harmed
12 and that was instruction from Saom? What reasons <or
13 circumstances> that led you to recall <> this instruction clearly
14 than the contents of the meeting?

15 [11.10.21]

16 A. I had my personal view of solidarity <> amongst the
17 <Kampuchea> United Front. It is my observation at the time when
18 the entire country was not liberated; there were contradictions
19 between those in the liberated zone and those who were not. <I
20 would like to describe it a bit longer regarding those who were
21 outside the liberated zone.> There were peasants and peasants
22 were categorized into different groups: the poor peasant, the
23 middle-class peasant, and the rich peasants. I was with the
24 masses <under the democratic revolution>, I noticed the
25 solidarity <among> those <peasants> in order to join hands to

1 <serve> the war <effort. I personal was> delighted of our unity
2 as a nation and that led me to recall this instruction that
3 soldiers with the ranks from soldier -- from second lieutenant to
4 colonel were not to be harmed because these soldiers also had
5 their relatives who were with us -- who were with the movement
6 and the Front to take part in our revolution and that is the main
7 reason for me to remember that phrase clearly because I was so
8 happy to hear that statement made by Saom.

9 [11.12.15]

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

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

17 I was in Kien Svay in 1976. I was a commune <secretary> of
18 Kampong Svay and what I recall is that <Uncle> Chea, the Sector
19 25 Committee, told me two phrases that I recall up to today
20 because these two phrases actually perplexed me and I <paid much
21 attention because I> wanted further answers to that. The one term
22 was that the "brand new" and the second phrase is the "special
23 friendship" or "special solidarity" and allow me to broaden these
24 two phrases.

25 [11.14.13]

1 First, the word or the phrase "brand new", Chea, the Sector 25
2 committee, gave us his view on this issue during the yearly
3 conference held in Sector 25. He said within the framework of the
4 popular revolution, the flames of war in Cambodia had <been put
5 out>; however, the ashes were still warm. And at the time,
6 there's the US Mayaguez ship actually <got lost> into the
7 Cambodian territorial waters and the American dropped bombs in
8 Siem Reap and which destroyed the lives of the children -- of the
9 Kampuchean children. And from that we could conclude that the
10 United States wanted to strengthen its remnant forces in
11 Kampuchea.

12 And another point that I wanted a clearer answer is on "the
13 special friendships and special solidarity". He stressed that
14 another challenge for the Party is that, despite the victory on
15 the 17 April 1975, Vietnam actually liberated Prey Nokor on the
16 30 of April and we had our independence stance and at that point
17 in time, we had to acknowledge that they wanted a special
18 relationship or special solidarity that there should be one
19 country and one people without border. However, I still wanted
20 more answers from that phrase and I wanted to see what's going to
21 happen and I wanted to see who's going to step on whose toes.

22 [11.17.01]

23 And he said that now we are at a juncture where the popular
24 revolution ended and that we reached the point where we had to
25 engage in the socialist revolution to defend and to build the

1 country so that you all cadres and comrades had to have a wider
2 vision and do not distinguish between the old and the new forces.
3 Since we all were living together, we had to sanction our
4 solidarity to gather all the forces to engage in the production.
5 That is our target which is to build our country and to defend
6 our country through the building of our <economy> and through the
7 rice production of 3 tons per hectare.

8 And this is my recollection of the content of that meeting. And
9 at that time, I was secretary of Kampong Svay commune when I
10 attended that meeting.

11 [11.18.25]

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

15 A. I actually had an elder brother, Sao Sum, and we came from a
16 poor peasant family. My elder brother came to work as a labourer
17 in Phnom Penh. He worked in a shoe factory, Chin Tan (phonetic),
18 and he was living in Quarter 6 and actually there was a quarter
19 or a commune election for that Quarter 6 and my elder brother
20 stood for that selection. And in fact, the quarter chief or the
21 commune chief was <Sou Him> and my elder brother was elected
22 third <assistant to commune chief in that quarter>. That happened
23 during the Sihanouk regime and he held that position during the
24 Lon Nol regime until the war ended <in '75. That was my elder
25 brother Sao Sum>.

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

3 A. After the war ended in 1975, he said he was transferred to the
4 North -- <whether or not he was sent> to Kampong Thom province.

5 Two months later, he made a trip -- his trip to return to Cheang
6 Tong commune -- that is, our native village, and he's been living
7 there and he is now living in Roka Knong commune in Takeo
8 province.

9 [11.21.13]

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

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

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

22 A. Of course, I did still have my personal family attachment to
23 my elder brother. I was shocked when he was sent to the centre,
24 so I <personally> went to see Yeay Khom who was the district
25 secretary and who was the daughter of Ta Mok. I told her that my

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1 elder brother arrived at home and I had not met him yet and I did
2 not give him any education yet about the living conditions in the
3 cooperatives, but he was sent to the district.

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

9 [11.24.40]

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

14 A. At that time, I did not go to -- actually to see the centre
15 itself, but I went to see the supervisor of the centre -- that
16 is, Cheng (phonetic), and I told Cheng that please look after my
17 elder brother, who was there, and please try to be lenient on
18 him. And I told Cheng (phonetic) that my brother was not
19 physically strong, so I sought his understanding and permission
20 for my elder brother. Then I said goodbye to him and I left. And
21 that's all I said to the supervisor. <I did not stay long.>
22 When I went to see the supervisor, I did not let anyone at the
23 district committees know about it because I went there in my own
24 capacity and at the time<. I just informed the Base People that I
25 was out at that day.> Actually, walked to the centre <to meet him

1 at around 1.00 p.m>. There was no motorcycle, no motorbike, and
2 the centre was about 10 kilometres away.

3 [11.26.46]

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

10 A. Actually, I was assigned to work at Kien Svay and when I
11 returned to the village in 1979, he was just released in 1979, so
12 it means he was in the centre <from> '75 to '79.

13 Q. Besides your elder brother's position as the third assistant
14 of the commune committee <in Quarter 6 in Phnom Penh> at the
15 time, did you know whether he held any other position that led
16 him to be detained in that re-education centre <for the whole
17 duration of the DK>?

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

21 [11.28.17]

22 Q. Thank you, Mr. Witness. I'd like now to touch up on a --
23 another topic in relation to food rations in the Southwest Zone.
24 In your evidence before the Supreme Court Chamber <in July 2015>
25 , you said that in 1976, people in Kampong Svay were given a food

1 ration of two "khams" of rice mixed with cornmeal per meal. And
2 for the benefit of those who might not understand this
3 measurement, could you please explain what two "khams" means? For
4 example, do you know how many "khams" are in a kilogramme?

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

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

11 A. Yes, I think so.

12 [11.30.04]

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

15 A. The food ration of two "khams" for each person <was> to be
16 cooked communally in a large pot; it was not meant to be cooked
17 individually.

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

21 A. That was a general circular and during the wartime, each
22 person would be distributed 25 kilogrammes of unhusk rice, but
23 after that then for husk rice, each person would be given two
24 "khams" of rice and that decision was not decided at the local
25 level. It was from the upper level; namely, it could be from Ta

1 Mok <down to sector, sector to district level and to commune
2 level>. This was a general circular coming down to us and of
3 course, this circular was disseminated to all the people working
4 in the kitchen units.

5 [11.32.02]

6 Q. Allow me to clarify. In your previous statement, you said for
7 each meal, each person would be given two "khams" of husk rice
8 and my question to you is that: was the two "khams" measurement
9 given based on the output of each person? For example, people
10 would be considered in terms of their strength<. For example, the
11 category of labour forces, group 1, group 2, group 3 and group
12 4.> Or whether this measurement was mean separately for children
13 and for adult?

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

18 [11.33.06]

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

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

1 Q. In fact, there were -- there is a minutes of meeting on base
2 work, document E3/232, dated 8 March 1976. I told you the ERN --
3 the relevant ERN numbers already and let me quote:
4 "As for rice, it should be two cans or a little more"; is this
5 same or different to the rations issued in your area?
6 You stated that your area received the same food ration, two
7 "khams" per person and there is a document in the case file which
8 states that a person received <approximately> two cans or a
9 little more of rice. So is this the same or different to the
10 rations issued in your area -- that is, Kampong Svay commune?
11 [11.35.28]
12 A. I would like to respond to the question put by you, Mr.
13 President. Let me clarify.
14 We received two "khams" of rice mixed with corn per person, so
15 everyone received two "khams" of rice with corn since corn was
16 grown in our area.
17 In 1976, we had no sufficient rice; I mean the food supply was
18 not just enough <because the war just ended. There were more
19 people to feed>. Upon -- immediately upon my arrival, Ta Mok
20 suggested and told me that each person should be provided with
21 two "khams" of rice mixed with cornmeal per meal or per day based
22 on practical circumstances.
23 Q. So now I am asking you differently. In your experience, if we
24 use the condensed milk can to measure the two "khams" of rice, so
25 can you tell the Court so how many cans of rice equal to one

1 kilogramme?

2 A. Mr. President, I have never thought of how many cans equal to
3 one kilogramme.

4 [11.37.31]

5 Q. We almost reach the lunch break.

6 In your SCC evidence <in July 2015>, you said that people in
7 Kampong Svay had <two "khams" of> rice to eat <per meal>, so how
8 many meals did <local> people have per day?

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

13 Q. Thank you, Mr. Witness. I understand that you have used much
14 of your energy answering my questions, so now it is lunch break.
15 We will take a break -- lunch break from now until 1.30.

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

18 Security personnel are instructed to bring Mr. Khieu Samphan to
19 the waiting room downstairs and have him returned in the
20 afternoon before 1.30.

21 The Court is now in recess.

22 (Court recesses from 1139H to 1333H)

23 BY MR. PRESIDENT:

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

25 Q. Mr. Witness, I still have four or five questions on food

1 rations at the Southwest Zone. My first question is: How many
2 meals per day did you have when you worked in Sector 105 Cheang
3 Tong commune? <Was the food ration different> when you worked in
4 Kampong Svay, Kien Svay district, Sector 25?

5 MR. SAO VAN:

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

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

17 [13.37.05]

18 Q. Thank you. My question was to focus on the period of 17 April
19 1975 <until you left Cheang Tong commune, District 105 for> Kien
20 Svay district, Sector 25.

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

23 A. After 17 April 1975, immediately after the war ended, the food
24 ration was not enough, particularly for general public. People
25 from Phnom Penh went to live with their relatives in communes and

1 base area. For some who did not have relatives at the base
2 location or some ethnic Chinese, they also made a trip to base
3 location. During the time people had wheat <provided by Angkar>
4 and Base People were requested to share rice to the newcomers.
5 Let me clarify. The food situation at the time was not enough so
6 it depended on the practical situation and circumstances. If one
7 family had three or five members, they would receive the supplies
8 accordingly since the food situation was not good yet.

9 [13.39.34]

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

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

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

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

25 [13.41.44]

1 Q. When you were the commune secretary in Kampong Svay <in that
2 DK period>, did Sector 25 ever have shortages of food supply?

3 A. Let me clarify for the Court. No food shortage happened in
4 Kampong Svay Commune, but let me point out again that people had
5 rice with corn. So the food shortage did not exist in Kampong
6 Svay.

7 Q. You stated that a surplus was given to Angkar. So how many
8 tons of surplus was given to Angkar per year, to your
9 recollection?

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

14 Q. Thank you. I want you to have a look at a document <E3/230>,
15 minutes of the Standing Committee dated 22nd February 1976, ERN
16 in Khmer, 00000712; English, 00182547; French, 00301331. You will
17 be given the minutes of the Standing Committee by the greffier
18 and I instruct the AV Unit to project that minutes on the
19 specific pages in Khmer <> ERN once again is 00000712. In the
20 document it states: "Chinese aid rice was 100 -- was 10,000 bags
21 <and was distributed to Sector 25>." Were you aware of this when
22 you were the commune secretary?

23 [13.45.40]

24 A. In fact, I received the aid rice but I cannot tell you, Mr.
25 President, how many tons of rice were given to me. <But> we

1 received partly the aid since Kampong Svay was considered the
2 rich commune, thanks to the yield of corn. So partial rice aid
3 was given to Kampong Svay; not all aid.

4 MR. PRESIDENT:

5 I do not see the document projected on the screen, so what
6 happened?

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

10 BY MR. PRESIDENT:

11 Q. Mr. Witness, could you try to think once again, did people
12 receive food -- receive the same food as rationed or different --
13 or did different people receive different food rations? Was there
14 any distinction in food rations in your commune according to the
15 ages of them: adults <, like group 1, group 2, group 2, group 3
16 and>, children, and other <senior> people?

17 [13.47.46]

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

22 Q. Another document that I want you to look at as well is
23 document E3/8, ERN in Khmer, 00075909; English, 00104053; French,
24 00301277.

25 This is a long document and is an economic plan for the years

1 1977-1980. I only want you to look at one table in the document.
2 Table 60 is described as the ration system throughout the
3 country.

4 Do you see it, Mr. Witness<, at the highlight section>? I will
5 give you a moment to read it.

6 [13.49.36]

7 <>Table 60 appears to distinguish between four different types of
8 work forces; numbers one, two, three and four with different
9 quantities of rice to be given to each category. Do you recall
10 this happened during the time as indicated in the table?

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

17 Q. Lastly, there is a topic I want to explore with you <which I
18 did not chronologically ask you>. It concerns the treatment of
19 Vietnamese when you worked in Cheang Tong commune after 17 April
20 1975. To your observation, was there any mistreatment against
21 Vietnamese by the cadres after 17 April 1975 in your commune and
22 neighbouring communes <in the same District 105>?

23 [13.51.50]

24 A. I want to give my response in relation to the treatment of
25 Vietnamese. After the 17 April 1975, people were <recently>

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1 evacuated from Phnom Penh <to Cheang Tong Commune>. There were
2 about five Vietnamese families or below 10 Vietnamese families in
3 Cheang Tong commune. There was an instruction from the district
4 that Vietnamese people had to be gathered up in Angk Roka pagoda
5 and they should -- their lives should never be touched or harmed.
6 The same applies to their properties. Their properties should not
7 be deprived due to the foreign policy. That was the instruction
8 from the district <made by Yeay Khom.>

9 Yeay Khom convened a meeting and informed the cadres of Cheang
10 Tong commune about this matter. After the meeting with her, I
11 informed the village chiefs to invite all Vietnamese to Angk Roka
12 pagoda and these Vietnamese people had to be <trucked and> sent
13 back to their home country.

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

20 [13.54.32]

21 MR. PRESIDENT:

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

1 have, please proceed.

2 Perhaps there are no more questions from the Bench. Now, the
3 floor is given to parties to put questions to this witness.
4 First, the floor is given to the Co-Prosecutors and <Lead
5 Co-lawyers for civil parties> at the first round. So the maximum
6 time allocated to you is one session and a half to put questions
7 to this witness, so please be informed. Now, you have the floor,
8 the Deputy Co-Prosecutor.

9 [13.55.30]

10 QUESTIONING BY MR. LYSAK:

11 Thank you, Mr. President.

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

19 MR. SAO VAN:

20 A. At the beginning, I did not know the <> Communist Party of
21 Kampuchea. In 1971 when I became the Front chief of Cheang Tong
22 commune, particularly on the 28th in late 1972, I cannot recall
23 the month. Angkar included <a> chief of Sector 25<, Bong Saom,>
24 in the list and I was asked to make biography so that I could be
25 enlisted <to be the candidate of> the CPK. They introduced -- the

1 one who introduced me into the Party was Om <Khieu>, Yeay Bau
2 <>and Bong <Phaen> (phonetic)<, the chief of Sector 13,> was the
3 one who acknowledged my entry into the Party.

4 [13.58.00]

5 Q. And could you just tell us when it was that you became a
6 member, when you became a candidate of the Party and when you
7 became a full rights member of the Party?

8 A. After I became a member of the Communist Party of Kampuchea,
9 at first I was a candidate member for nine months. I can recall
10 it clearly that I was the candidate member for nine months, after
11 which I was <nominated> to be a full rights member of the Party.

12 Let me emphasize that, at the time, there was a distinction of
13 social class. Although I was originally from a poor peasant
14 family, I was put into <the status of petty middle class student.
15 For that reason, I had to wait> for a period of nine months.

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

19 A. It is correct. She <> was part of the Kien Svay district
20 committee.

21 [14.00.15]

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

1 A. I first lived in Cheang Tong commune, <District> 105. The
2 district Angkar, namely Yeay Khom, introduced me to be the full
3 rights member <at District 105> and after which I was reassigned
4 to work at Kien Svay district.

5 Q. Now, you've testified today and earlier that from 1971 to 1975
6 you were the Front -- the chairman of the Front in Cheang Tong
7 commune, and you've talked about the role of Yeay Boeun. Was Yeay
8 Boeun the Party secretary in Cheang Tong commune or was someone
9 else the secretary of the Party other than Yeay Boeun?

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

14 [14.02.47]

15 Q. Did Yeay Boeun succeed Ta Pon as Party secretary in the
16 commune?

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

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

1 A. At that time when I was chief of the Cheang Tong commune, she
2 was in charge of the women's association of the DK regime. So she
3 led the women in the commune and each month she participated in
4 the meeting invited by Ta Pon. I myself was invited to attend
5 that meeting as well. So allow me to clarify, she did not carry
6 on the role of Ta Pon at the time.

7 [14.04.58]

8 Q. Thank you for clarifying that.

9 Another thing you were asked about by the President was the
10 difference between the functions of the Front and those of the
11 Party committee. I want to read to you an excerpt from an OCIJ
12 interview of Pech Chim who later became the secretary of Tram Kak
13 district who described -- gave a description of the difference
14 between the responsibilities or the function of the Front and the
15 Party as follows -- quote -- this was the testimony of Pech Chim
16 -- quote: "The word 'Front' means mobilizing" -- I'm sorry, and I
17 am reading here from E3/9587, E/9587, answer 21 - quote:

18 "The word 'Front' means mobilizing. Despite its existence, the
19 Front was under control of the Party, led by Pol Pot who was from
20 the forest. The Front was big but it did not have power. For
21 instance, Yeay Khom who was from the Party had more power than
22 the Front."

23 Continuing in answer 23 - quote: "The Party was wholly and
24 completely in charge of all work and everything was decided by
25 the Party." He then -- Pech Chim then continues to give a

1 description of some details and at the end of his answer states:
2 "The structure was the same from the commune level up to the
3 central level." End quote.

4 [14.07.06]

5 My question for you is: Did this type of organizational structure
6 exist in Cheang Tong commune while you were chairman of the
7 Front; that is to say, did the Party make decisions and was the
8 Party in charge of the Front?

9 A. Yes, that is correct. Initially, I did not know about the
10 systems of the Party. I became a part of the Front in order to
11 liberate the country. Later on, in 1972, Brother Saom actually
12 asked me to make a biography so that I could be inducted into the
13 Party and Ta <Phon>, within a framework of Cheang Tong commune,
14 invited me to take part in. <The Party had been existed secretly
15 for quite some time.> At that time Cheang Tong commune involved
16 in the movement -- in the covert movement of resistance. That was
17 the time that I realized Ta <Phon> covertly led the Party within
18 Cheang Tong commune. So you are correct, the Front worked under
19 the leadership of the Party.

20 [14.09.01]

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

1 A. Allow me to clarify that. On a monthly basis, the Party leader
2 initiated a meeting and then chief of the Front had to report
3 about the achievement at the base, about the activities of the
4 people and the propaganda of the Front and how they involved in
5 the movement in the war. So the Front would make such reports to
6 the Party and through the chain of command such a report would
7 reach the upper echelon although I <did not know> how the chain
8 of command was <because I did not intervene>. And as I said, the
9 Front was under the leadership of the Party.

10 [14.10.38]

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

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

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

1 [14.12.35]

2 A. Allow me to respond to your question. I get it now and, in
3 fact, that is the case. In the capacity as chief of the Front of
4 the commune, I <did> not know about the meetings held by the
5 parties because the meetings were held in secret. And only later
6 on <, after the decision made, the> circulars were <disseminated>
7 to the commune, we were in the position to implement those
8 circulars. And that's why I meant that the process was secretive
9 because I, myself, was not invited to such meetings. Only when
10 those meetings concluded at the Party level, then circulars were
11 given to us for implementation. And of course, I <never> asked
12 how many people from the district, etc., participated in those
13 meetings held by the Party.

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

22 A. Allow me to respond to your question. In fact, I was sent to
23 Kien Svay by Angkar before Yeay Bau was sent. From what I <knew>,
24 Yeay Bau <had> worked in Kiri Vong district<.> She was
25 transferred to Kien Svay after I had been transferred there.

1 [14.15.26]

2 Q. How long was it that you were in Kien Svay before Yeay Bau
3 arrived? How many months or how long were you there before Yeay
4 Bau arrived in Kien Svay district?

5 A. I cannot recall how many months exactly. However, I can say
6 that before Yeay Bau arrived, there was Kruey (phonetic) who was
7 the secretary of Kien Svay district. There was also a Meng
8 (phonetic) and <Madam> Sari (phonetic) who were at the district
9 level and several months after Yeay Bau arrived. <After Yeay Bau
10 had arrived, Bong Kruey (phonetic) was transferred to Kandal
11 Stueng.> That is what I can recall.

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

16 A. Yeay Bau and Yeay Boeun were sisters and they came from Cheang
17 Tong commune.

18 [14.17.28]

19 Q. I want to turn to some questions about the meetings that
20 you've talked about this morning with the President. First, I
21 want to try to clarify something. You've talked about a meeting
22 that was held a few months after liberation at Phnum Trael where
23 there was an instruction about Lon Nol soldiers. I wanted to be
24 clear. Was the meeting at Phnum Trael the only time you heard
25 this instruction about Lon Nol soldiers or was that subject also

1 discussed at the meeting in 1976 in Takeo provincial town? Can
2 you clarify that for us?

3 A. Allow me to clarify about the meeting at Phnum Trael mountain
4 on the issue of the Lon Nol soldiers. From my recollection, the
5 meeting took place at Phnum Trael mountain. However, I cannot
6 recall the details that meeting convened at Takeo provincial
7 town. And I cannot recall whether I made any previous statement
8 regarding the content of the meeting in Takeo provincial town
9 although I can recall that the subject of the former Lon Nol
10 soldiers was mentioned during a meeting held at Phnum Trael
11 mountain.

12 [14.19.38]

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

16 A. At that time the main emphasis was on the soldiers, and <Ta>
17 Bit made a presentation about the soldiers, about building and
18 defending the country. So by that time - actually, the focus was
19 on diverting the military forces into building the country <such
20 as railroad construction> and into defending the country <at the
21 borders>. And that would be strengthened at the bases. As for the
22 topic of the Lon Nol soldiers, I recalled that the topic was
23 mentioned at the meeting at Phnum Trael mountain.

24 So for the other meeting, the emphasis was on building and
25 defending the country. And I maintained my position, and this is

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1 consistent with my previous statements that I have made.

2 [14.21.16]

3 Q. And just so we are clear, Mr. Witness, when you say that in
4 the later meeting, the 1976 meeting in Takao provincial town
5 focused on soldiers and building the army, you are talking -- are
6 you talking about the Democratic Kampuchea army, the focus on
7 building soldiers in the Democratic Kampuchea revolutionary army;
8 is that right?

9 A. Yes, I referred to the army of the DK regime as we had to
10 strengthen the force. And allow me to add that from my
11 recollection, in theory, we had to strengthen the forces and Ta
12 Bit was the one who spoke about strengthening the armed forces at
13 various levels -- that is, at platoon, company or battalion or
14 regimental level. And I made mention about that in my morning
15 testimony that we should not just relax with the victory <because
16 they would impose tricks to challenge> us<. The representative
17 of> the company or the battalion or the regiment, <need to
18 acknowledge that> despite our victory on the 17 April 1975, we
19 had to bear in mind about the victory by Vietnam on the 30th of
20 April of the same year<.Thus, we stood independent and
21 self-mastery.> They may force us to be part of this so-called
22 special friendship - special solidarity for one country, for one
23 <people> without borders and that Vietnam had entered into the
24 Warsaw Pact, so we would not be sure as how much pressure we
25 would receive in the future. And for that reason, we had to

1 strengthen our forces militarily in order to defend our
2 territory, defend our nation and build our nation. That is to the
3 best of my recollection.

4 [14.23.53]

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

8 MR. KOPPE:

9 I think it's important, Mr. President, that's why I am rising,
10 that the Prosecution is accurate as to what the testimony of the
11 witness is. He has said one month, possibly two months after
12 liberation. Now, a few months or a couple of months, could be two
13 months, but in his DC-Cam statement he says specifically one
14 month after the liberation. He repeated that this morning, added
15 possibly two months. So that is the actual testimony of this
16 witness.

17 [14.24.47]

18 BY MR. LYSAK:

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

23 Q. I may ask you some more questions about the timing but, for
24 now, I want you to focus on this meeting at Phnum Trael. And this
25 morning you were asked about participants at the meeting and you

1 told the President that the participants included chiefs of the
2 50-member and 100-member units who were invited. Can you explain,
3 who were the chiefs of the 50-member and 100-member units or
4 households? Who were those people?

5 [14.26.00]

6 MR. SAO VAN:

7 A. Allow me to clarify about the 50-man unit and the 100-man
8 unit, although I did not know them all. The situation was rather
9 chaotic after the victory day of 17 April 1975. And for that
10 reason, Saom invited the soldiers and the cadres to attend the
11 urgent meeting at Phnum Trael mountain. <It was in a haste.> At
12 that time evacuees from Phnom Penh and elsewhere were sent to the
13 bases and we were concerned that some people would want to take
14 revenge against the former Lon Nol soldiers<, so he wanted to
15 raise this point to make sure that> peace <was maintained> at the
16 base. So I believe my statement this morning as well as this
17 afternoon should be sufficient for you.

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

23 [14.27.38]

24 A. The term "50-men unit" or "100-men unit", in fact, these were
25 military terms. In fact for the 50-men unit there were about

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1 30-plus members and three 50-men units would comprise a 100-man
2 unit. They were actually called by Angkar for re-education as
3 they were children of the local villagers.

4 There was a concern that information should be provided to all
5 members of the 50 and 100-men units so that they should
6 understand the situation <and disseminate the information to
7 their subordinates> and not to take revenge against other Khmer
8 people, namely the Lon Nol soldiers because Lon Nol soldiers,
9 some of them actually were <children of or> related to the local
10 villagers. And that was the purpose of disseminating such
11 information. And I don't think I have anything else to add to
12 this topic.

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

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

19 [14.29.42]

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

23 A. Allow me to clarify about the meeting held at the Phnum Trael
24 mountain. It was held <only> at Sector 13 in the Southwest Zone.
25 However, Sector 13 was part of the Southwest Zone.

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

5 Do you understand my question?

6 A. The meeting was only for Sector 13. There were no participants
7 from Sector 25 or <33>.

8 [14.31.18]

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

12 You've now testified maybe four times about the meeting at which
13 you heard this instruction not to harm Lon Nol soldiers. In your
14 earliest -- your first interview on the subject to DC-Cam in
15 April 2011, and this is document E3/9118; Khmer, ERN 00957793 to
16 94; English, 01098761; in that interview, you said that the
17 meeting where you heard this instruction took place one month
18 after liberation at Phnum Trael mountain. You said that it was Ta
19 Mok who spoke, and that what he said -- what Ta Mok said was -- I
20 quote: "Soldiers with the rank of colonel or higher [colonel or
21 higher] would not be killed."

22 [14.32.52]

23 In your next interview in February 2013 by OCIJ, document
24 E3/9455, answer 9, you said that the meeting where you heard this
25 instruction was held in Takeo provincial town after 1975, that it

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1 was Secretary Saom who spoke, and that what was announced was
2 that soldiers with the ranks from 2nd lieutenant to colonel would
3 not be -- were not to be harmed.

4 And last year, in July 2015, you testified before the Supreme
5 Court Chamber, document F1/1.1 at 10.21.51 to 10.24.07, and you
6 gave another -- yet another account. You said this time that:
7 "The meeting took place three months after <the> liberation at
8 <Trael> mountain in Angkor Chey; that Ta Mok was not at the
9 meeting, and that the instruction given by Ta Saom was that
10 former soldiers <from 2nd Lieutenant> up to the rank of colonel
11 should not be harmed." End of quote.

12 So we've heard differences in your description of the meeting.
13 Can you tell us why -- why it is that each time you've testified
14 we've heard a different account about the details of this
15 meeting?

16 Why has your testimony changed from time to time about the
17 details of this meeting?

18 [14.35.14]

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

21 You made the distinct point between the level of colonels up and
22 the level of the colonel down <and another different point is
23 about year.> I can say that I stand by my previous statements,
24 and it was not my intention to change anything. However, I'd like
25 to add that I am getting old, and maybe my memory does not serve

1 me well.

2 And honestly, I am delighted to be here to testify before this
3 Chamber, and I try to tell you everything that I can recall. And
4 of course, before I testified, I took an oath to tell the truth.
5 And I stand by that spirit to tell you the truth in order to
6 maintain peace in Cambodia. And I'd like to make that point
7 clear. I will not change what I said earlier because that is the
8 truth. I recall the statement that I made in relation to the
9 former Lon Nol soldiers from the <rank of> 2nd lieutenant up to
10 the colonel. However, he added that if they take any action, then
11 we would take measure, although I did not know what such measure
12 would mean.<After taking an oath here,> I can recall <some, that
13 is,> if they engaged in any action, then we would take action <to
14 counter>.

15 [14.37.10]

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

22 What is your understanding -- how well do you understand the
23 ranks that were used in the Lon Nol military? For example, can
24 you tell us what ranks were above colonel? Can you tell us what
25 ranks were between 2nd lieutenant and colonel? How familiar were

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1 you with the ranks in the Lon Nol military?

2 A. Regarding the military ranking from the 2nd lieutenant to
3 colonel, I, myself, <am> not familiar with such structure. <This
4 is the truth.> However, I heard about the 2nd lieutenant or the
5 colonel or whether that person was a captain, but I, myself, <am>
6 not that familiar with the military structure. Even up to today,
7 I am not that familiar with it.

8 [14.39.05]

9 Q. Let me read to you something you said during your Supreme
10 Court Chamber testimony, document F1/1.1 at 15.13.36 -- 15.13.36.
11 This is what you said.

12 You were asked: "Mr. Witness, would you understand rank to mean
13 officer based upon what was discussed during the study sessions
14 that you intended from 2nd lieutenant up or 1st lieutenant up?

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

19 Mr. Witness, you've acknowledged that your knowledge of military
20 ranks was limited. Is it possible that your memory of the
21 specific ranks of soldiers that you were instructed not to harm
22 is not accurate because of your lack of understanding of the
23 ranks in the Lon Nol military?

24 [14.40.35]

25 MR. KOPPE:

1 Mr. President, I object to this question. It's very repetitive.
2 Answering a question from you in the morning, the witness was
3 very clear. He gave a specification -- clarification saying that
4 all soldiers from the rank from colonel down were not to be
5 harmed. And if he knows whether that is majors or captains or
6 sergeants were involved, doesn't really matter.
7 He was very clear when he was answering your question; everybody
8 from the rank of colonel down was not to be harmed. So I think
9 it's repetitious, and the Prosecution is trying to create some
10 false discrepancy between his various statements.

11 MR. LYSAK:

12 If I may briefly--

13 [14.41.31]

14 MR. KONG SAM ONN:

15 Mr. President, I'd like to object to the conclusion by the Deputy
16 Co-Prosecutor <at this stage> that this witness is not familiar
17 with the military ranking, in particular the Lon Nol army.
18 The witness has stated about the military structure, although
19 he's not that familiar with it. In term of the 2nd lieutenant or
20 the lieutenant or the captain, the witness made mention of these
21 ranks and <if> the Co-Prosecutor <> assumes that this witness is
22 not familiar with the military structure<, his speculation is
23 contradictory against the witness's statement>. And I don't think
24 that is appropriate on the Prosecution's side to make that
25 speculation.

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1 [14.42.28]

2 MR. LYSAK:

3 If I may briefly respond.

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

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

10 My question is simply to find out whether, because of his limited
11 understanding of ranks, that the reason for these discrepancies
12 is that his understanding of specific ranks at the time was
13 limited.

14 I think it's an appropriate question given his different accounts
15 of the instruction.

16 [14.43.30]

17 MR. PRESIDENT:

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

22 Witness, please respond to the last question, if you can recall
23 it.

24 MR. SAO VAN:

25 A. Could you please repeat your last question? Give me some more

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1 details so that I can respond.

2 BY MR. LYSAK:

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

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

8 My question is, given your acknowledged limited understanding of
9 ranks and the Lon Nol military, is it possible the reason for the
10 discrepancies in your statements is that your memory of the
11 specific ranks that were not to be harmed is not that accurate 30
12 or 40 years later?

13 [14.45.16]

14 MR. SAO VAN:

15 A. Allow me to clarify the issue.

16 The thing is that such military rank<, from 2nd Lieutenant to
17 Colonel,> in my base did not exist, and if I were to know about
18 somebody who held a rank, that was told to me by that person. But
19 in my village and commune, no one actually held the rank from the
20 2nd Lieutenant to a Colonel.

21 And as for the specific name of each rank, I, myself, <am> not
22 that familiar with it. And in fact, I do not intend to know any
23 details about the military ranking, and that is my best response
24 to your question.

25 MR. PRESIDENT:

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

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

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

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

5 into the courtroom at five past 3.00.

6 The Court is now in recess.

7 (Court recesses from 1446H to 1506H)

8 MR. PRESIDENT:

9 Please be seated.

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

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

12 You may now proceed.

13 [15.07.00]

14 BY MR. LYSAK:

15 Thank you, Mr. President.

16 Q. Mr. Witness, another matter I would like to follow up on, the

17 President this morning read to you a statement, part of your

18 DC-Cam interview where you had stated - quote: "That what

19 happened during the regime was different to what Ta Mok said."

20 And you gave some examples. I want to direct your attention to

21 something, an example you gave on that same -- the same page of

22 your DC-Cam interview. This is E3/91/18, E3/91/18; Khmer, ERN

23 00957819; English, 01098778. On the same page after you made

24 these statements about what happened during the regime being

25 different than what Ta Mok said, you provided an example of a

1 commune chief named Ta Sokhan and you said -- I quote: "He was
2 not a reactionary person at all. He served as chief of Boeng
3 Srangae committee. However, Ta Mok's cadres took him away." End
4 of quote.

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

7 [15.09.10]

8 MR. SAO VAN:

9 A. I did not know that he was arrested by Ta Mok. What was
10 different from what Ta Mok said was that Ta Mok said that the
11 commune, district, and provincial chief had no rights to kill
12 people.

13 And what I said that it was different from what Ta Mok said when
14 I saw a document in 1975 which categorized people into children,
15 Old People, New People, <Depository People. Another thing is that
16 when I arrived at the district, it was said that in District 105,
17 skulls littered in Krang Ta Chan.> So when I saw the document I
18 was also surprised, and <in the interview with a group of
19 "Searching for the Truth,"> I gave my answer like that. <It was
20 different from what Ta Mok had said.>

21 And related to the commune that you just mentioned earlier about
22 the person who was the chief of that commune, I would like to
23 clarify with you that the commune is called Boeng Srangae commune
24 <in Sector 13>. And the commune chief of that commune's name is
25 Sok Sari (phonetic)<, the former commune chief of Sihanouk

1 regime. And after the liberation he disappeared>.

2 <In the conference,> Ta Mok said at that time that we carried out
3 the revolution we needed to mobilize force, so why Sok Sari
4 (phonetic) was disappeared. <The disappearance of Sari meant that
5 he was killed.> So that was what Ta Mok raised at that time.

6 [15.12.00]

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

10 Why did you say that to DC-Cam?

11 A. Ta Mok was responsible for the zone so the cadres <in the
12 entire Sector 13 were> under responsibility of Ta Mok. So>, those
13 who were engaged of - engaged in the revolutionary movement <were
14 not Ta Mok himself, I referred to those who were under his
15 leadership>.

16 [15.13.18]

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

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

21 A. Concerning Tram Kak district, the office of Tram Kak was in
22 Angk Ta Saom area. I guess the area was liberated before 1973.
23 Some people and soldiers had been transferred to that place later
24 on. I was working in Cheang Tong commune and responsible for the
25 management of people around Angk Ta Saom. I had to mobilize them

1 to be engaged in the production so that we could be part of the
2 <revolutionary> movement. I, at the time, did not see any
3 soldiers, so this is my true statement.

4 [15.15.13]

5 Q. Let me read to you, Mr. Witness, an account from an Angk Ta
6 Saom resident interviewed by Henri Locard. This is in document E2
7 -- E3/3232; English, 00217652; Khmer, 00741580 to 581; French,
8 00753656 through 657. This is from an interview of an Angk Ta
9 Saom resident who was evacuated when the town was captured to
10 Re-education Camp 204 in Prey Kduoch. I quote:

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

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

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

20 "The re-education centre looks like old army barracks which were
21 already full of skinny workers. The newcomers must build
22 temporary shelters in the forest, each for 30 to 40 people.

23 "To the west of her shed, in the barracks, there were men who
24 were arrested for speaking ill of Angkar. They would labour,
25 supervised by Pol Pot cadres. She saw children die around her."

1 End of quote.

2 [15.17.42]

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

7 A. I did not know this -- the assistant of this re-education
8 office in the previous time. It was only when my elder brother
9 was sent to that re-education office that I learned there was a
10 re-education office or Office 204 <located in> Prey Kduoch
11 currently Trapeang Kranhuong (phonetic).

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

17 [15.19.20]

18 MR. PRESIDENT:

19 The name was Chhen (phonetic). The witness made mention of a
20 person by the name Chhen (phonetic), not Chen (phonetic).

21 BY MR. LYSAK:

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

1 MR. SAO VAN:

2 A. Bong Chhen (phonetic) was responsible for receiving people
3 from the wartime. People had been mobilized from the lower part
4 of the country, the location where there was fighting.

5 After those people had been liberated, Chhen (phonetic) had the
6 responsibility of the management of people within the district
7 level <but he had no power>. He was responsible for finding food
8 supplies for people so that they could survive. He was part of
9 the district level, but his main responsibility was to
10 <re-educated> those <New People> within various villages through
11 the commune level. Before he went to re-education office at 204,
12 he was responsible for those tasks which I have just described.

13 [15.21.25]

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

17 A. He was from <> Kus <commune. But I forgot the name of the
18 chief.>, I guess he was not a chief of <Kus commune. He came
19 later,> as I said, <he was> responsible for managing people who
20 had been liberated from the local part of the country.

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

1 [15.22.45]

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

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

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

10 A. After the whole country had been liberated and <>Takeo
11 provincial town had been liberated, Yeay Khom was the Angkar
12 within the committee level and he -- she invited all cadres to be
13 responsible for receiving people and their specific
14 responsibility. <Some received ordinary people whilst others
15 received former soldiers.> I was assigned to solve the food
16 supplies for people within Cheang Tong and Trapeang <Thom> Khang
17 Cheung (phonetic).

18 [15.24.48]

19 We had packaged rice for people, and there were different people
20 responsible for the new arrival - the newcomers in Champa
21 <pagoda> location<. As for former soldiers, people at district
22 military were responsible for receiving those soldiers but I
23 forgot the person who was in charge of this work>. There was no
24 contradiction or conflict at the time. After one day and two
25 nights, we went to live with our respective people, and those

1 newcomers went to different communes, <some went to Ta Phem
2 commune, Trapeang Thum commune, Cheang Tong commune>, and other
3 communes. So this is what I can tell you.

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

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

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

14 [15.27.25]

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

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

25 [15.28.38]

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

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

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

16 [15.30.17]

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

20 A. I was assigned to be in charge of specific units or tasks.
21 Yeay Khom assigned to me to be responsible for dealing with the
22 food supply for <the local> people. I <informed the commune level
23 such as> Trapeang Thum, Cheang Tong, <and> Ta Phem communes < to
24 prepare> package rice <and some rice> to be given to people, and
25 there were people from the district who were responsible for

1 <former soldiers>. <But I knew only one person by the name> Phi,
2 <who> was one among them. There was one time when after I dealt
3 the food supply for people, the next day -- that is the second
4 day -- Bong Chim and perhaps another person asked whether anyone
5 wanted to visit Takeo so I decided to <board a vehicle to go with
6 other cadres>.

7 After I returned to Ta Phem -- after my return from Takeo,
8 <people at Ta Phem commune had been demobilised and they> went to
9 respective communes. People went to their respective shelters
10 after my return from Takeo. <Some of my relatives also went to
11 Cheang Tong commune, to Srae Khvav village and so on.> That was
12 the event taking place at the time and I was responsible for the
13 tasks which I have just described. And whether there were
14 killings or execution at those places, I do not know about those
15 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<, at the foot of the mountain close to a
23 school building>, and there was another occasion when I met him
24 at <Kantuot> after the war ended. I met him -- I saw him one time
25 as well in Takeo provincial town.

1 As he was part of the zone committee, I was not entitled to sit
2 so close to him and had a discussion. I saw him in different
3 meetings where he delivered a <10> minutes the remarks<, and then
4 he left>.

5 No, concerning Ta Mok present at Wat Champa, he was not there.

6 [15.34.57]

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

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

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

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

1 echelon, they provided the names of those people to me, then I
2 ordered the arrests of those people and sent them to the upper
3 echelon. Some were able to return and some could not. Those
4 arrested ones were mostly soldiers and policemen." End of quote.

5 [15.37.40]

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

8 A. I had already left, so the instruction to Yeay Boeun came
9 after I already left to Kien Svay <in Sector 25>. So I was not
10 involved in the making of the biographies.

11 Q. Well, let's talk specifically about your own brother, Mr.
12 Witness.

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

18 A. It was not difficult to identify at that time, especially the
19 identification of my brother name Sao Sum because people in the
20 commune, village, and district knew that my brother was the
21 <third assistant to the Chief of the Quarter Six in Phnom Penh>
22 so that's how they identified my brother's position. So the local
23 inhabitants knew about this and that's how the identification of
24 my brother's position was done.

25 [15.40.18]

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

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

9 A. When they found out about my brother's biography, it was
10 because local people in <Srae Khvav village, Cheang Tong commune,
11 Tram Kak district, Takeo province,> knew about his biography.
12 <The house of the village chief was about 500 metre from our
13 house.> So people in the area were well aware of his position,
14 that he could not hide his biography because at that time I refer
15 to the period before the coup d'état. When anyone held any
16 position, people in the area were well-aware of this. And people
17 were even well-aware of who <were> the children of whom, so we
18 could not hide our own biography.

19 [15.42.18]

20 Q. Thank you.

21 Who was it that ordered your brother to go to Office 204 or that
22 took your brother to Office 204? Who was it that was responsible
23 for that, Mr. Witness?

24 A. Regarding the sending of my brother at that time, <I also
25 tried to observe.> There were people who were jealous of my

1 position, <> Morn (phonetic) who was at the level of the district
2 gave the order to the commune to send my brother and I found out
3 about this later on. So when my brother was sent away, I went to
4 meet Chim and Chim at that time was in charge of the district
5 military, and he asked me who sent your brother to the office.
6 And I said that I did not know, so Chim went to meet <Yeay> Khom
7 and Yeay Khom said she also did not know about this. So Ta Chim
8 told me that the person who sent my brother was the village chief
9 who did it at the advice of Morn (phonetic) who was at the
10 district. So that was how the event of sending my brother to the
11 office took place.

12 15.44.35]

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

17 A. When I attended the meeting at Phnum Trael, my brother was at
18 <Srae> Khvav <village>, but for me I was still at the Front line
19 in the framework of the military, so I had not seen him yet <even
20 though the war ended>. My brother, at that time, lived with my
21 parents. I asked my mother, where is Brother Chrun? In his
22 official biography, his name is Sum. My mother told me that he
23 was taken away by the village chief at the -- following the
24 instruction from the district level. So it took place around the
25 time I was attending the meeting at Phnum Trael because when I

1 came back from the meeting I asked my mother and she told me like
2 that. So, yes -- so that is my answer.

3 [15.46.51]

4 Q. The President asked you this morning about your effort to
5 speak to some of the district leaders about your brother's
6 situation. I'd like to read to you an excerpt from your DC-Cam
7 interview, E3/9118, where you talked about this: first at Khmer,
8 ERN 00957792; English, 01098760. Again, the Khmer, 957792. You
9 said to DC-Cam, I quote.

10 "After he left the city, they took him to Prison 204. I did not
11 meet him. He was taken away. Then I went to my mother. I informed
12 her that I had returned from the study session. She went to
13 inform Ta Chim who informed Ta Saom. Ta Saom informed Yeay Khom,
14 Ta Mok's daughter. My request was then accepted. I took his wife
15 to live with him in Prison 204. Now it is called Wat Prey Kduoch
16 pagoda." End of quote.

17 [15.48.24]

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

1 would affect our tendency." End of quote.

2 Mr. Witness, my question to you, if there had been an
3 announcement that Lon Nol soldiers below certain ranks were not
4 to be harmed, why did you have to intervene with Yeay Khom, Ta
5 Saom and Ta Chim, in order to save your brother's life? Why
6 wasn't your brother simply released after this order you say
7 happened -- not to harm Lon Nol soldiers below certain rank?

8 [15.50.19]

9 A. Regarding my <intervention>, when I received the order from
10 the upper echelon not to harm the lower-ranking officials and
11 when the incident took place <against my relative> and if I did
12 not ask for intervention from Brother Chim and then I would be
13 wrong according to the -- based on the policy from the upper
14 echelon. So I did ask for the intervention from Bong Chim. So
15 Brother Chim told me to keep calm, but I could not stay calm so I
16 went <on> to meet Yeay Khom. I asked Yeay Khom to intervene, to
17 forgive my brother although he held position in the previous
18 regime, but he now came to join our side. <Responding to what you
19 said, I concerned about committing a mistake if I kept silent
20 while the policy of the upper echelon was not to harm former Lon
21 Nol civil servants.> And that was based on the policy that not to
22 harm former Lon Nol regime officials<, they lived peacefully in
23 that Srae Khvav village>. So that's my answer to your question.

24 MR. PRESIDENT:

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

88

1 you and Lead Co-Lawyers two sessions and-a-half, so -- one
2 session and-a-half, so now you still have around 10 minutes.

3 Have you discussed with your colleagues?

4 MR. PICH ANG:

5 I will need only five minutes, Mr. President, to put question to
6 this witness.

7 [15.53.02]

8 MR. PRESIDENT:

9 You can resume your questioning, International Deputy
10 Co-Prosecutor.

11 BY MR. LYSAK:

12 Thank you, Mr. President.

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

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

18 MR. SAO VAN:

19 A. I do not know whether there were changes in policies after
20 those policies were made known following the 17 April 1975.

21 I never received any information regarding the changes in
22 policies, but in 1977 or mid-1978, there was a discussion
23 regarding the distinction of full rights and candidate status in
24 the "Revolutionary Flag" magazine, and I was party of the --
25 Party branch when I was assigned to specific tasks so I had no

1 broad power for some matters. So I did not know later on whether
2 there were changes in policies.

3 [15.55.05]

4 Q. I ask you that, Mr. Witness, because there's substantial
5 evidence in the file about killings of Lon Nol personnel
6 continuing after the time of the meeting you've described.

7 Let me ask you, as I have little time, about just one of these
8 documents, document E3/1539. E3/1539 is a list of -- from S-21 of
9 162 Lon Nol soldiers, officials and family members who were
10 executed or who died at S-21 between 22nd and 30th of March 1976.
11 The list of the soldiers who were killed at S-21 that week, Mr.
12 Witness, includes privates, sergeants, corporals, warrant
13 officers, first lieutenants, second lieutenants, captains,
14 majors, lieutenant-colonels and colonels.

15 In other words, the people that you say were not to be harmed at
16 this meeting that you attended at Phnum Trael were being killed
17 in large numbers in March 1976 at the very top security office
18 that reported to the Party leaders.

19 First, can you confirm, Mr. Witness, the meeting you attended in
20 Takeo provincial town, did it take place before or after March
21 1976?

22 [15.57.15]

23 A. It's beyond my ability to tell you whether the meeting was
24 held after or before the date mentioned by you. I cannot recall
25 it well; I did not pay attention or focus on the disappearances

1 of some specific people.

2 I was responsible for tasks at the base area, so one would mind
3 only one own business at the time. So this means that I only knew
4 what I was assigned to do.

5 Q. One last question, Mr. Witness. The meeting in Takeo
6 provincial town where Ta Mok spoke, did he tell you and the other
7 cadres who were at that meeting in Takeo that former Lon Nol
8 soldiers, including ranking officers, were being interrogated and
9 killed at S-21, or did he conceal that information from you?

10 [15.58.50]

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

13 During the study session, he emphasized the issue of agricultural
14 production and he would pose the question, "You, Comrade, do you
15 understand what the politics is?" The politics to him is to find
16 rice for people to eat. <In order to have> rice, <we should have>
17 people, <in order to have people, we should have> soldiers.

18 So this was the content I could recall during the time that I saw
19 him at Kantuot meeting <before I departed for Kien Svay>.

20 The meeting at Takeo province was to discuss a different issue --
21 that is, the efforts to agricultural production so that <we
22 gained strength, and when we were strong, the neighbouring>
23 countries <could not swallow our> country. And he was in -- he
24 encouraged all of us to try to reach the target of three tons per
25 hectare.

1 MR. LYSAK:

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

3 MR. PRESIDENT:

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

6 [16.00.26]

7 MR. PICH ANG:

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

10 QUESTIONING BY MR. PICH ANG:

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

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

17 [16.01.24]

18 MR. SAO VAN:

19 A. At the time I went to see her to make a report that I had an
20 elder brother who had been sent away. I told her that I did not
21 see him yet. Yeay Khom, in her reply, said it was too late, that
22 he had been sent away already <to Office 204>, and she blamed me
23 not to inform her prior to his transfer. She <> advised me to
24 bring wife and children of my elder brother to live with me and
25 my parents.

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

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

5 A. Office 204 was initially the unit <that> produced equipment
6 <>. <There was a person by the name Ta Yauk (phonetic) who worked
7 there.> That <place> was considered a warehouse to <produce>
8 knives and <hoes>. Later on, this office was to detain those who
9 committed moral offences or those who committed wrongs. <Those
10 people were forced to clear stems for farming.>

11 Initially, I <did not> know <> it was not used as a detention
12 centre. <I thought it was merely a place where people were sent
13 to clear bamboo stumps. Before, there had been some people from
14 Cheang Tong went there.> Chhen (phonetic) was a soldier -- was
15 one of the soldier and this person committed a moral offence and
16 was sent to the base area by the regiment. Since Chhen (phonetic)
17 committed an offence, he was sent to that office, 204, to <farm
18 and to clear land>.

19 [16.04.35]

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

21 You made mention that your elder brother used to be a third
22 <assistant to the chief of the commune at Quarter Six> in Phnom
23 Penh. Later on, he was taken to the re-education office. Can you
24 tell the Court why your elder brother was sent to that office?

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

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

4 What about the soldier who held the rank of -- who held the rank
5 above the colonels? <How> were you advised to <>treat them?

6 [16.05.55]

7 A. We received no instruction regarding the soldier who held the
8 rank above colonels.

9 Q. So you were instructed not to touch ranking soldiers, but you
10 were not advised specifically not to harm the colonel upward. Is
11 that true?

12 A. Yes, it is true, that I was not advised to do anything to
13 those soldiers who held the rank above the colonel.

14 MR. PRESIDENT:

15 <Thank you. It> is now time for the adjournment, and the hearing
16 will resume tomorrow, <Tuesday 2 February 2016, at 9 a.m.>

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

19 [16.07.06]

20 Thank you, Mr. Sao Van, the hearing of your testimony as a
21 witness has not come to an end yet. You are therefore invited to
22 be here again tomorrow <Tuesday 2 February 2016,> at 9 a.m. And
23 it will not take the whole morning to complete the hearing of
24 your testimony. <>

25 Court officer, please work with WESU to send Mr. Sao Van to the

1 place where he is staying at the moment, and please invite him
2 back into the courtroom tomorrow at 9 a.m.

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

6 The Court is now adjourned.

7 (Court adjourns at 1607H)

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