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**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**  
Extraordinary Chambers in the  
Courts of Cambodia

**ការិយាល័យសហចៅក្រមស៊ើបអង្កេត**  
Office of the Co-Investigating Judges  
Bureau des Co-juges d'instruction  
**សំណុំរឿងព្រហ្មទណ្ឌ**  
Criminal Case File /Dossier pénal  
លេខ/No: 002/14-08-2006  
**លេខស៊ើបអង្កេត/Investigation/Instruction**  
លេខ/No: 002/19-09-2007-ECCC-OCIJ

**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**  
Kingdom of Cambodia  
Nation-Religion-King

**ឯកសារបញ្ជាក់ថាបច្ច័យត្រឹមត្រូវតាមច្បាប់ដើម**  
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27 / 01 / 2010  
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé  
du dossier: Uch Arun

**កំណត់ហេតុនៃការស្តាប់បម្លើយសាក្សី**  
Written Record of Witness Interview  
Procès-verbal d'audition de témoin

On the Nineteenth of December two thousand and nine at 8.59 a.m., at the Victims Unit Office of the Extraordinary Chambers in the Courts of Cambodia,

We Thomas KHUEHNEL, Investigator of the Office of the Co-Investigating Judges of the Extraordinary Chambers in the Courts of Cambodia (the "ECCC"), being assigned by the Rogatory Letter of the Co-Investigating Judges, dated 08 July 2009;

Noting the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia, dated 27 October 2004, (the "ECCC Law");

Noting Rules 24, 28 and 60 of the ECCC Internal Rules;

With the presence of Mr. NIL Samorn, as sworn interpreter of the ECCC.

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១  
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**ឯកសារទទួល**  
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du dossier: Uch Arun

Recorded the statement of witness SÂKIM Lmut (សកឹម ល្បុត) mentioned below, who provided the following information regarding his personal identity:

Name: Lmut (ល្បុត)

Given Name: Mi (មី)

Surname: SÂKIM (សកឹម)

Born in the year 1931, in Chhouk district (ស្រុកច្បូក), Kampot province. He is of Cambodian nationality.

Occupation: An advisor to a Micro-Finance Company (located in Phnom Penh)

His father, ROAT Sâkim (រ៉ាត សកឹម) is deceased, and his mother, NHOK Sakun (ញ៉ុក សាកុន), is deceased. His current address is at # 42BEo, Street 244, Sangkat Psa Doerm Kor, Khan Tuol Kauk, Phnom Penh. He is married to UK Samal (អ៊ុក សាមាល់), who is alive, and is father of four children.

Criminal record: Never committed any crime.

- The person declared that he reads, writes and understands Khmer.
- The person declared that he can read and write French and English.

Therefore, the original of this Written Record is written in the Khmer language.

- We advised the witness that an audio recording will be made of this Interview.
- The witness told us that he is not related to either the Charged Persons or to any of the Civil Parties.
- The witness took an oath, in accordance with Rule 24 of the ECCC Internal Rules.
- We notified the witness of his right against self-incrimination, in accordance with Rule 28 of the ECCC Internal Rules.

**Q:** Apart from VORN Vet and Hèm do you know any other people who came to take charge of the commerce after VORN Vet?

**A1:** No, I do not.

**Q:** Can you try to recollect the event in December 1978 to see if you partook in the meeting with Chinese delegation? Who were the senior cadres attending that meeting?

**A2:** Neither do I recollect that meeting as it happened over 30 years ago nor remember whoever was in the attendance. To be honest, I did not take a record of the meeting, and after the meeting.

**Q:** Yesterday during our talk you were mentioning to us that it could be possible that Hèm was in charge of Economics Committee. We are now referring to your statement and want you to look

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at two documents to help your recollection. The first document is with ERN number ERN 00000749-00000750. Have a look at it and share with us what you can tell us from it.

- A3: I do not know because it was the meeting of the Standing Committee.
- Q: Do you agree or disagree concerning the document we presented to you yesterday which contains the names of Hèm and VORN Vet? According to the said document does it correspond with Hèm’s and VORN Vet’s role as indicated in the currently shown document?
- A4: Having looked at the document I agree with its content that Hèm was the person responsible for purchasing, selling, commerce and banking section.
- Q: According to the best of your knowledge, based on what you have known and seen and the current document do you agree that Hèm held a position which was above the Commerce Committee?
- A5: I agree based on the current document I have just read. However, I had not surely known this so far because I had never known if he had such position or not. On top of that he never revealed his role.
- Q: Do you agree or do you not agree that the report in this document which was needed to be sent to Hèm and VORN Vet was meant for them to be able to implement their task according to their respective role?
- A6: I do not grasp it because it was VAN Rith’s work (វ៉ាន់ រិថ). Even though it could have been sent to them I could not have known it. Additionally at that time I had no idea who would be designated to report to whom.
- Q: We presented to you the document with ERN number ERN 00278398 yesterday, now we are presenting to you the same document again. According to what you have read from the document do you agree or disagree that with that designated role Hèm and VORN Vet had significant authority to instruct their subordinates?
- A7: Yes, I do.
- Q: We are now presenting to you another document with ERN number ERN 00019142-00019148 for your reading. According to the document you have read was this organization seen to be applied with other committees?
- A8: I may say that only in commerce section that such organization was followed. I have no idea what kind of arrangement used with other committees.
- Q: In the Industry Committee there was the person named comrade Ân (អ័ន). Is he the person you mentioned about yesterday?
- A9: Yes, he is. I only knew him when I stayed at his place. However, I had not known him before.
- Q: After reading this document, can you tell us who you have known? For those you have known how many of them have disappeared? How many have survived?
- A10: In the Commerce Committee, I know Rith (រិថ). However, I have never met other two people. Not only do I not know anyone in the Energy Committee but also those in Land Transportation Committee. I know Krin (គ្រីន) from the Port Committee. I do not know whether he is deceased or alive. I do not know the other two people. I do not know anyone from the Agriculture Committee. I only know Ân from the Industry Committee. I have no idea what happened to him. I do not know anyone from the Water Transportation Committee. As for the Railway

Committee, I have heard of Prang (ប្រាំង). At my work place located just across from the train station I heard that the person in charge of the railway was Prang. However, I have never met him. I do not know anyone from the Garment and Sewing Committee.

**Q:** Why do you know Krin?

**A11:** When I went to Kampong Som with the Commerce Section I was asked to interpret into French and Khmer. It was then that I heard of his name.

**Q:** Do you know where he worked after he stopped working in Kampong Som?

**A12:** I'm not sure where he worked after that. I heard that he was sent to work in Hong Kong.

**Q:** According to the information in our document 22 people among the 37 people seen on the list were arrested in 1976, 1977, 1978 and 1979 and sent to S-21 where they were executed. They were taken to be interrogated before their being executed. We are not making up this story we just wish to ask you whether people who remained at the workplace were scared after the disappearance of those people.

**A13:** They were scared. I was also fearful.

**Q:** Can you describe the state of mind of the people at that time? How heightened was the fear? Did they feel they were in a life or death situation?

**A14:** The state of mind was difficult to describe. I may say that the level of fear was rather high. It was hard to say. At that time we had no option but to surrender to the circumstances and track the events.

**Q:** Usually in a daily life, one could do things right or wrong. However, in such no-alternative situation could there be any possibility that one made a mistake and got away with it? What do you think?

**A15:** I only did things upon orders. I prepared the documents as I was ordered to do so. Therefore being obedient made me hope that there was no mistake on my side. My work was technical in nature. It was nothing to do with politics.

**Q:** During that time did you ever notice the disappearance of people or people being taken away?

**A16:** In my Bank Unit there were only me and a young male messenger. So, there was no one to be taken away. If it were then it would be I who could have been taken away. In the commerce section, one person was removed to work at another location. I have no idea which location it was.

**Q:** According to the document, did Ân attend the meeting with the Chinese delegation? When he disappeared, did you know where was taken to?

**A17:** I can recall that Doeun (ខឿន) was the chairman of the meeting for the Cambodian side. However, I do not recollect the names of other people who took part in the meeting. I do not know when and why comrade Ân was removed. I met him only once in a meeting. I have never seen him again. I therefore have no idea where he could be taken to.

**Q:** After VORN Vet was arrested in November 1978, who initiated further arrests?

**A18:** I do not know.

**Q:** On page six of document with ERN number ERN 00019142-00019148, at one point, it says about how to meet and negotiate with the Chinese delegation, do you recall whether the persons whose names seen in the document you have just read had attended the meeting?

**A19:** I clearly remember only Doeun who was the chairman. I do not recall if Hok, Krin and Chhoeun attended that meeting.

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- Q:** Early in our interview today, we asked you to recall the meeting in December 1978. You said you couldn't recollect the event for it was very long time ago. Now we are presenting you another document so that you can recall the meeting. The first document is with ERN number ERN 00003539-00003543, and in English ERN 00002709 entitled *The Meeting between the Deputy Prime Minister in charge of the Ministry of Foreign Affairs, IENG Sary and the Deputy Chairman of the Foreign Commerce Delegation of China*. This meeting was held on 02 December 1978 at 5 p.m.
- A20:** I do not remember the date of the first document in English. However it is not disputable. The meeting with Chinese was held not only once. Sometimes there was a big, small or important meeting. After reading the minute of the meeting I think that this minute is not comprehensive.
- Q:** Could you read the handwriting letters at the bottom of the page on the left for record.
- A21:** "Brother with respect! We would like to send to you the form of the minute recorded by Brother Lmut for you to be informed and for instruction." I cannot read the next line. Beneath there is the text which reads "K51 means the code of Office 51 or of an individual." The handwriting notes in the minute are not mine.
- Q:** Based on your knowledge, if it is not your hand writing could it be that of Van's or Rith's?
- A22:** It is neither Van's nor Rith's writing. Having compared it with the writing of Van and Rith in other documents, it is most likely that the writing is not theirs.
- Q:** Do you know whose handwriting it is?
- A23:** No, I do not.
- Q:** Do you not remember having taken the minute of the meeting or were you not the minute taker?
- A24:** I do not remember about the meeting. However there was a meeting. This writing is not mine.
- Q:** Do you agree with us that you used to attend such meeting?
- A25:** Yes, I do. I used to attend high level meeting. That meeting was the high level one because IENG Sary was present.
- Q:** Do you remember having joined with the Chinese delegation during the visit to Angkor Wat on 5, 6 and 7?
- A26:** No, I do not. I did not go. I do not remember having gone elsewhere with the Chinese delegation other than within the vicinity of Phnom Penh.
- Q:** Did you ever see KHIEU Samphan attending any of those meetings?
- A27:** No.
- Q:** Second document bears ERN 00002988-00002991, its English version with ERN number ERN 00002714-00002716. This document is entitled *The Report on the Negotiation between the Democratic Kampuchea and Overseas Commerce Committee of the People Republic of China on 3 December 1978 in the afternoon*. Do you recall having attended this meeting?
- A28:** I am not sure. I may or may not say that I attended the meeting. However, when the meeting was about finance and economy matters I was usually asked to attend, not with the Chinese delegation alone, but perhaps with other delegations since I was a technical person. I do not remember it clearly though.
- Q:** Was it an important meeting?
- A29:** I think the meeting was important because IENG Sary, the Minister of the Ministry of Foreign Affairs attended. However, I'm not sure whether he was holding a position of the Deputy Prime Minister at the time.

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- Q:** Back then, IENG Sary was the Minister of the Ministry of Foreign Affairs and the Deputy Prime Minister. So, who were the Deputy Prime Minister and Minister of Economy?
- A30:** I do not know. During the time when the ministers post was pronounced there were names of the ministers to be appointed. However I do not remember them clearly. I do not know clearly about the government structure either. The only thing I know is within the context of the Commerce Committee.
- Q:** According to our existing document, VORN Vet was arrested on 5 or 6 November 1978. He was then sent to S-21. At that time who was the most responsible person for communication between the Overseas Commercial Companies and the Overseas Chinese Commerce Delegation within the Ministry of Commerce and Economy during the Democratic Kampuchea?
- A31:** As I indicated yesterday, on the above was the Economy Committee overseen by VORN Vet. Subordinate to it was the Commerce Committee under the supervision of Doeun followed by VAN Rith. When VORN Vet disappeared is not know to me. It was VAN Rith who was responsible for reporting to the upper echelon. It is impossible that I could not know about it. As to the communication concerning overseas trade with Hong Kong, it was the VAN Rith's business. I do not know from whom VAN Rith received an order.
- Q:** In a document dated 3 and 2 December 1978, it was sent to Brother Van and Hem who were the senior cadres. Why was it necessary that the document be sent to them?
- A32:** I do not know for sure. However, according to my surmise it was sent to Brother Van for he attended in the meeting with the high level Chinese delegation.
- Q:** Why was it necessary to have it sent to Brother Hem?
- A33:** It is possible that Brother Hem was taking the task over VORN Vet.
- Q:** When you said that he was taking the task over VORN Vet, what do you want to mean?
- A34:** I'm talking about the hierarchical order rationality. It is to say that within the Economy Committee, there were only Hem and VORN Vet. So, in the case when VORN Vet disappeared, it is presumed that the responsibility would be fallen onto Brother Hem.
- Q:** What was VORN Vet's responsibility?
- A35:** I do not know how to respond to your asking for such details on that. However, I know that VORN Vet was in charge of economy section. Underneath him were the Commerce Committee and the Industry Committee. There were other committees which I do not know whether they were under his supervision or not.
- Q:** For clarification, when you use the term economy are you referring to the Ministry of Economy?
- A36:** I have no idea whether it was referred to the Ministry of Economy back then. However, when I first got there the Economy Committee was already in existence. Perhaps that was the revolutionary name for a ministry. VORN Vet was in charge of Economy Committee.
- Q:** So, is the term ministry as used at the present day equivalent to the term committee used during that regime?
- A37:** The term ministry was never used back then. The term committee and sub committee was used everywhere.
- Q:** So, VORN Vet was the Chairperson of the Commerce Committee, while he was the Deputy Prime Minister, being in charge of the Commerce Committee, Industry Committee, and perhaps other committees which you may not know. Is that what you are saying?

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- A38:** Yes, I agree with the entire statement except that I am not sure whether he was holding the post of the Deputy Prime Minister.
- Q:** We want to ask you now if you agree with us that Hem is KHIEU Samphan, after having taken into account the matters which happened during that time and which we already presented to you.
- A:** I agree.
- Q39:** We are now presenting to you another document with ERN number ERN 00076290-00076291. Can you please explain to us what the document is about?
- A40:** This document is about a company which was started up in Hong Kong. I do not remember the name of the company. I do not know how many members it had. However there were individual names Sok and Nat. As for Krin, he was sent to take charge of the company over Sok. To do so, the Nat's company share had to be shifted to Krin. However it was difficult if such procedure was followed. So, the company may have hired Krin to be in charge of the company as it was not illegal to do so. Nat and Sok were joined company's shareholders. There were two options. First, the share had to be transferred from Nat to Krin so that he could become joined shareholders with Sok. If the first scenario was not successful, the second option is that Krin was to be hired to manage the company.
- Q:** According to your expertise and experience in the field of banking, when it comes to that matter why was it necessary to transfer a position before Sok and Nat were called from Hong Kong?
- A41:** It has nothing to do with banking. Perhaps it has something to do with the law in Hong Kong. Sok and Nat were joined shareholders. I do not know whether there both were in Hong Kong or if Nat was to go all the way from Phnom Penh to Hong Kong. However according to this document I can say that Sok was the company manager in Hong Kong. Later on, Krin was sent there to take over the overall supervision task from Sok. In order to do so, Nat had to transfer his share to Krin so that latter could become the joined shareholder and the company manager at the same time.
- Q:** What would happen if Sok and Nat were returned before Krin was positioned there?
- A42:** It was impossible because if Krin had not been positioned there the company would have no one to manage.
- Q:** Was Krin the person we talked about earlier, the one who was responsible for the Port Committee?
- A43:** Yes, perhaps he was. I had not known for sure so far whether he was sent to Hong Kong. Now I understand clearly that he was sent to Hong Kong.
- Q:** Who initiated such transfer?
- A44:** I do not know. However, it indicates here that it was the Commerce Committee though there was no signature.
- Q:** Please, look at the hand writings above and tell us whose writing it was.
- A45:** I cannot tell whose writing it was. The writing reads K51 document.
- Q:** Can you explain to us about the company office in Hong Kong? Who established it? Who managed it? What did it do? You may explain it according to your knowledge and skill.
- A46:** As far as I know VAN Rith organized to have this company set up in Hong Kong. VAN Rith managed it. I do not know how many shareholders it had. However it could have been managed from the above such as Hem and VORN Vet. I do not remember the date when the company

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was established. It was created according the Hong Kong law. I do not know what kind of company it was. The objective of creating this company was for overseas commercial communication with other liberal countries.

**Q:** Why was it necessary to have someone from the Democratic Kampuchea installed as member of the company?

**A47:** This Company belonged to the Democratic Kampuchea. The shareholder, therefore, did not have to be someone else other than those from the DK.

**Q:** It involves finance. How many shares did the company have?

**A48:** Neither do I know how many shares it had nor its capital for I was not involved. Moreover, this document was not disclosed. I do not know how many people made up the shareholders of the company. However I know Krin. As for Nat, I just knew him when I had read this document. I used to hear about Sok. I have known of Krin ever since.

**Q:** Did you know in which bank this company had put its money? At which bank was the company account created? What happened to the company account after 1979?

**A49:** I just wish to tell you in short that I do not know which bank kept the company money and capital. It was a Hong Kong separate issue.

**Q:** Was any money from your bank transferred to Hong Kong?

**A50:** No, it was not.

**Q:** Was the money which was sent to Hong Kong the Chinese 140 millions Yuan and 20 millions dollars reserved money?

**A51:** I do not know.

**Q:** Do you know who the shareholders in this company were? Was an annual company expense report made? Who was the Democratic Kampuchea or the Chinese counterpart the company guarantor when it was created in the first place? Was there any shareholders' meeting? Was there any decisions made the company?

**A52:** I do not know at all. I do not know whether the annual list was made. Perhaps it was made and sent to the upper echelon directly. Information was not sent to me to be informed.

**Q:** What happened to the company after 1979?

**A53:** I do not know.

**Q:** Did Mr. IENG Sary ever tell you about the well being of the company?

**A54:** I was never told about this. I did not dare to ask him about it. Even at a later date when I was at the border with him I never asked him about this.

**Q:** We are now presenting to you another document with ERN number ERN 00066327.

**A55:** I do not know about this story.

**Q:** Another document was dated on 10 November 1978. According to the document was it necessary to make an arrangement for homecoming for those who had worked for the company in Hong Kong?

**A56:** According to this document, that was the arrangement for the homecoming. However, I do not actually know when and where they arrived and what happened to them.

**Q:** We are now presenting to you another document with ERN number ERN 00068149. Have you ever seen this document?

**A57:** No, I have not. The document goes "the Chairman of the Commerce Committee attached to Hong Kong. Spouse's original name was PHAL Va translated as Nat." Perhaps Nat is the same person as seen in the previous document I was presented, though I'm not sure if it is so. After



reading the document, I have noted that there were two sections in commerce, overseas commerce and domestic commerce. I do not know how many children they had. The above title reads the biography of the detained prisoners.

**Q:** Since you have never seen this document, we'd like you to be aware that this document belongs to S-21 office.

**A58:** I had never seen this document.

**Q:** Being a bank worker and having involved in overseas commerce as indicated in the previous two documents you have read, which were sent to Hong Kong before the arrest, do you know what the purpose of the documents were?

**A59:** I do not know. They worked in a different section, the commerce section. I do not know what Mr. VAN Rith's purpose was. I do not know whether he received any orders to do so either. It is impossible for me to know.

**Q:** Do you agree or disagree that the instruction by the Commerce Committee was meant to arrest people?

**A60:** I cannot make any presumption.

**Q:** Within the Democratic Kampuchea regime, was it fair to say that the Commerce Committee was called a corner stone or focal point in supporting the functioning of the regime?

**A61:** I cannot say so. At that time there was no money. I therefore do not know how trades took place. There was no financial section. So I do not know what kind of measure can be used to assess the economic growth all across the country. I have no idea how domestic commerce worked either since I have never seen any lists.

**Q:** How were foods exported?

**A62:** So far as I remember, there were milled and un-milled rice, rubber, cotton from kapok. Agriculture products included beans, soy beans etc. There were not plenty of them, though. I do not know the details.

**Q:** Can you tell us the amount of un-milled rice exported?

**A63:** I cannot tell you on this since there was no statistic. Moreover, it was more than 30 years ago. I have not recorded on paper but in my brain. However, I can presume that un-milled rice was not exported in large quantity.

**Q:** According to your knowledge, was milled or un-milled rice exported through your office?

**A64:** Yes, some of the rice was exported through my office.

**Q:** We are now presenting to you another document with ERN number ERN 00278325-00278326. Do you know William Leon?

**A65:** No, I do not. I think this letter was from FORTRA, the Overseas Commerce. It was sent to Hong Kong to William Leon. This letter was sent to Hong Kong Company asking for a rice model to be sent to another company. It went on to say that we could provide 5 000 tons of milled rice. There were two price options, the FOB price in Kampong Som and CIF price when it reaches Hong Kong. It was allowed to hire a ship from YAKO Company which used to dock at the Kampong Som port. The two price options are as follows: the FOB price (Free on Board) meaning the seller delivers the goods at the Kampong Som port. Insurance and shipping were to be covered by the buyer. Another price is CIF (Cost Insurance Freight) meaning the seller had to ship the goods all the way to Hong Kong. This price includes the price of milled rice, transportation and insurance.

**Q:** You worked at the Overseas Commerce section in which goods were to be exported to a foreign country. From where did FORTRA collect the goods to be exported? Did they contact the Zone directly in order to collect such products?

**A66:** I was not a FORTRA staff. I think FORTRA had to collect the products at the Zones. I just do not know how they were collected.

**Q:** Is it your thinking or your knowledge?

**A67:** It's my thinking. I think it may have been that way.

**Q:** Do you know whose hand writing it is in this document?

**A68:** Yes, I do. It reads, "Attention to Brother Hem. The original copy is to be sent to Hong Kong and a copied one to LĂNG Chhut, a Latin model." It was signed by VAN Rith. It was also like the document we saw yesterday.

**Q:** How much rice do you think was exported or sold each year?

**A69:** I do not know.

**Q:** How the communications were made between the commerce headquarters in Phnom Penh and that in Hong Kong?

**A70:** I do not know.

**Q:** We are now presenting to you another document with ERN number ERN 00278394. Is it a normal document or a telegram?

**A71:** It's the normal letter. Reading this document helps me recollect more. The company in Hong Kong was named REN FUNG Co., LTD., a limited company.

**Q:** Can you explain to us whether FORTRA was a separate company but was under the supervision of the Commerce Committee?

**A72:** According to this document it was the separate unit. However, I do not believe that any individual had the authority to establish a separate company. I think it was the Committee which established it although I do not know who was in charge.

**Q:** When you say the Committee are you referring to the Overseas Commerce Committee?

**A73:** Yes, I am.

**Q:** Who signed beneath the hand writing in this document?

**A74:** VAN Rith was the signatory and the writing was his.

One copy of the Written Record was provided to the witness.

The Written Record was read out to the witness; the witness had no objections and signed it.  
[Signature/Thumbprint]

End of the interview: at 5.25 p.m. on the same date.

Witness

Interpreter

Investigator

[Signature/Thumbprint]

[Signature]

[Signature]

SĂKIM Lmut

NIL Samorn

Thomas KHUEHNEL

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១  
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